

TRANSFORMING INTERNATIONAL CONFLICT  
RESOLUTION TO CATCH UP WITH THE TWENTY-FIRST  
CENTURY (PROMOTING COLLECTIVE INNOVATION)

NANCY D. ERBE\*

ABSTRACT

International conflict resolution has not advanced significantly in almost a century despite a highly connected global world, emerging powers like Brazil and India, and emerging interdisciplinary fields of study in negotiation and conflict resolution. This article encourages Norway, the world’s most trusted and seasoned nation mediator, to coin a peace equivalent of the BRICS, recognizing the nations seeking to join Norway as trusted mediators, as well as field tested mediation and conflict resolution skill in the Global South. While the most powerful of the world’s emerging multicultural democracies, Brazil and India, are not likely to be trusted as impartial mediators, their cultural heroes and legacies can contribute potently to international conflict resolution. India’s recent citizen movement for independent investigation of all government and political corruption is one example (the classical ombuds originating in Sweden). Brazil’s Paulo Friere is revered throughout the West and Global South. His vision as well as Gandhi’s nonviolence are highly relevant today.

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\* The author would like to acknowledge and thank colleagues who assisted with this article: Colonel Swaranjit Singh and Jackie Nolan Haley, Professor of Law and International Conflict Resolution, Fordham University School of Law. This article is dedicated to the memory, spirit, and civility of Roger Fisher, who cared deeply about international relations. When I wrote him and other esteemed global negotiators/mediators asking why none of them were speaking out against the invasion of Iraq, he was the only one who wrote back. His focus at the time was North Korea. His words, “We must pick our battles.” Later I met a colonel in the US military (a woman) and others who tried to speak out against the invasion. I learned how many had been silenced by US authorities and media. I grew up at a time when my Wisconsin state senator would not even accept a quarter for coffee. He was proud of not being corrupt. I, along with many Americans, am fighting to preserve the best of US democracy that we are in danger of losing. As the granddaughter of a Norwegian born immigrant, I am looking to the rest of the world’s democracies to help us.

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## INTRODUCTION

The traditional approach to international conflict resolution is studied and documented. A reliance on superior state force is used again and again to end civil war.<sup>1</sup> With game theory explaining their effectiveness, “carrots (inducements) and sticks . . . threats (punishment)” negotiate the interests of the mediator states.<sup>2</sup> With the end of the Cold

<sup>1</sup> See generally Marie Olson & Frederic S. Pearson, *Civil War Characteristics, Mediators, and Resolution*, 19 CONFLICT RESOL. Q. 421–45 (2002).

<sup>2</sup> *Id.*

War, international conflict resolution has been dominated by the United States and other members of the United Nations Security Council. This article will focus on changes emerging in international relations due to the rising influence and prosperity of the states referred to as the BRICS: Brazil, Russia, India, China, and South Africa.<sup>3</sup> Since the author is concerned with the question of transforming the dominant approach to a more inclusive and participatory one (actual rather than pseudo mediation) for the purpose of advancing global democracy, her focus will be on the emerging influence of the democratic BRICS.

International relations is arguably stuck in a paradigm that has not shifted in years: multilateral negotiations with the most prosperous and powerful states generously gifting or threatening to withdraw development aid and foreign assistance in return for serving their interests through cease fires and alliance building.<sup>4</sup> The results have been critiqued for decades.<sup>5</sup> Enormous wealth has flowed to relatively few states in all war zones.<sup>6</sup> With minimal transparency and accountability, corruption flourishes.<sup>7</sup> So much money is involved that lucrative contracts incite competition. Scholars of international conflict resolution describe how peace donors (those who provide funds for peace process) discourage the long-term engagement critical for sustainable peace.<sup>8</sup> If Cyprus is a solid example of international funding, peace “contractors” and Ivy League celebrities are the primary recipients of the largest available contracts. Without oversight, it is often difficult to discern what actual impact and contribution they have made with their “conflict parachuting.”<sup>9</sup> The masses continue to suffer and be sacrificed. Incentives for continuing conflict build interest in preserving the status quo or disrupting it further rather than building peace. Simultaneously, crippling dependencies are

<sup>3</sup> KWANG HO CHUN, *THE BRICS SUPERPOWER CHALLENGE* 3 (2013).

<sup>4</sup> Olson & Pearson, *supra* note 1, at 424–25.

<sup>5</sup> See, e.g., Cecilia Milesi, *Innovation and Citizens Participation in Peacebuilding Processes: Necessary Reconfigurations for Conflict Resolution*, 5 BPC POL’Y BRIEF 4, *passim* (2014); Fred Tanner, *Conflict Prevention and Conflict Resolution: Limits of Multilateralism*, INT’L COMM. OF THE RED CROSS (Sept. 30, 2000), <https://www.icrc.org/eng/resources/documents/article/other/57jqj2.htm>.

<sup>6</sup> See, e.g., Joel Brinkley, *Money Pit: The Monstrous Failure of Afghanistan*, WORLD AFFAIRS (Jan./Feb. 2013), <http://www.worldaffairsjournal.org/article/money-pit-monstrous-failure-us-aid-afghanistan> (last visited Feb. 8, 2016).

<sup>7</sup> See, e.g., *id.*

<sup>8</sup> Laurie Nathan, *What is the Essence of International Mediation in Civil Wars? The Challenge of Managing Complexity*, 2 BPC POL’Y BRIEF 4, 7 (2014).

<sup>9</sup> JAY ROTHMAN, *FROM IDENTITY-BASED CONFLICT TO IDENTITY-BASED COOPERATION* 203 (2012).

fostered.<sup>10</sup> Coining the BRICS states and thus, once again stressing economic and political power rather than capacity for building sustainable peace, is not likely to transform this approach. Instead, the most powerful of emerging multicultural democracies, Brazil and India, must find ways to transfer their most promising cultural legacies to the international stage. Norway, the Global South's most trusted mediator, is trying to encourage this by establishing and funding a global south unit for mediation<sup>11</sup> and holding regular mediation forums in Africa and Asia.<sup>12</sup> This article analyzes the unlikelihood of an emerging industrial and military power following Norway's lead as a mediating nation but identifies other promising possibilities. Two years ago, the author spent several months in Brazil as a Distinguished Fulbright Chair in American Studies (international relations, urban studies, and social inequalities). Before that, she took sabbatical in India, lecturing at the Delhi High Court, Institute for Advanced Studies, and several universities in Delhi and Rajasthan. She can speak to both countries in contemporary ways and devotes substantial sections to considering how Brazil and India could conceivably transform the international conflict process. This article concludes that Norway is more likely to succeed in nurturing other state mediators if it coins a peace equivalent to BRICS. Finland is indicating strong interest in becoming a state mediator like Norway.<sup>13</sup> If Norway is determined to nurture mediating states within the Global South, it should consistently exercise the criteria by which Global South nations have chosen to trust Norway as their mediator: true neutrality (with no hidden agenda), domestic social equality, and sincere concern.

This article further introduces the emerging and promising interest of diplomats in the United States and elsewhere in seeking extensive and in-depth conflict resolution and mediation education to enhance their contributions. They join gifted mediators who have

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<sup>10</sup> See, e.g., Pierre Perrin, *The Impact of Humanitarian Aid on Conflict Development*, INT'L COMM. OF THE RED CROSS, <https://www.icrc.org/eng/resources/documents/article/other/57jpcj.htm> (last visited Feb. 22, 2016).

<sup>11</sup> See, e.g., *GSUM Seminar Report*, BRICSpolicycenter.org/homolog/projetos/Index.12 (last visited Mar. 12, 2017).

<sup>12</sup> See *Oslo Forum*, CTR. FOR HUMANITARIAN DIALOGUE, <https://www.hdcentre.org/what-we-do/oslo-forum/> (last visited Feb. 22, 2016).

<sup>13</sup> See, e.g., *States as Peacemakers – Different Approaches to Mediation and Mediation Support*, THE FINNISH INST. OF INT'L AFFAIRS, [http://www.fiia.fi/en/event/370/states\\_as\\_peacemakers\\_-\\_different\\_approaches\\_to\\_mediation\\_and\\_mediation\\_support/](http://www.fiia.fi/en/event/370/states_as_peacemakers_-_different_approaches_to_mediation_and_mediation_support/) (last visited Feb. 22, 2016).

intervened in the most violent of insurgency and protest domestically.<sup>14</sup> Both groups can join Norway and other trusted mediating states in offering true mediation skill, even mastery, rather than the ineffectual mixing and confusing of multilateral negotiations and conciliation, which is being inaccurately labeled as neutral mediation. This collective commitment to bringing both mediation skill and genuine trusted impartiality<sup>15</sup> to the international table has the potential to advance international conflict resolution in many potent ways. Combined with rapid reaction forces, like those also found in Norway,<sup>16</sup> these efforts could completely transform international relations and strongly advance global well-being.

Most of those who know war intimately acknowledge its incredible destruction and cost.<sup>17</sup> The United Nations was formed after World War II with the purpose of promoting international cooperation and specifically preventing conflict and genocide.<sup>18</sup> Ironically, the nature of membership in the UN Security Council appears to reward military force and expenditure.<sup>19</sup> Its permanent members for the last seventy years were victors in World War II and for much of the last seventy years have built the world's most powerful militaries at great expense.<sup>20</sup> Consequently, little has been accomplished to prohibit tragic conflict.<sup>21</sup> As a mediator or the coordinating body of mediators, the UN has also failed to fulfill its promise.<sup>22</sup> Instead, mediating states, like Norway, are

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<sup>14</sup> See, e.g., Nancy Erbe, *The Global Popularity and Promise of Facilitative ADR*, 18 TEMP. INT'L & COMP. L.J. 343, 344 (2004).

<sup>15</sup> Impartiality can be defined as commitment to a quality process first and foremost with equal treatment of all parties. See, e.g., NANCY ERBE, *NEGOTIATION ALCHEMY: GLOBAL SKILLS INSPIRING AND TRANSFORMING DIVERGING WORLDS* (2011).

<sup>16</sup> Nina Graeger & Halvard Leira, *Norwegian Strategic Culture after World War II*, 40 COOPERATION & CONFLICT: J. NORDIC INT'L STUD. ASS'N 45–66 (2005).

<sup>17</sup> MICHAEL S. LUND, *Conflict Prevention: Theory in Pursuit of Policy and Practice*, in THE SAGE HANDBOOK OF CONFLICT RESOLUTION 287, 287 (2009); see, e.g., *Costs of War: Environmental Costs*, WATSON INST. BROWN U., <http://watson.brown.edu/costsofwar/costs/social/environment> (last updated Apr. 2015).

<sup>18</sup> See, e.g., UN Charter preamble, arts. 1–2, [www.undocuments.net/ch-ppp.htm](http://www.undocuments.net/ch-ppp.htm) (last visited June 16, 2017).

<sup>19</sup> See, e.g., Ilyana Kuziemko & Eric Werker, *How Much is a Seat on the Security Council Worth? Foreign Aid and Bribery at the United Nations*, 114 J. POL. ECON. 905, 905–30 (2006).

<sup>20</sup> Based on these criteria, India should now be a permanent member rather than France.

<sup>21</sup> See, e.g., Raimo Väyrynen, *Towards Effective Conflict Prevention: A Comparison of Different Instruments*, 2 INT'L J. PEACE STUD. 1, 1 (1997).

<sup>22</sup> See, e.g., JACOB BERCOVITCH & SCOTT S. GARTNER, *INTERNATIONAL CONFLICT MEDIATION: NEW APPROACHES AND FINDINGS* 1 (2009).

more likely to be trusted and invited by other states.<sup>23</sup> This could be due to the history the UN has suffered with actual and perceived corruption and power abuse.<sup>24</sup> Like other government bureaucracies, the trust needed for effective conflict resolution is lacking.

It is arguable, though, that the existence of the UN alone, along with its representatives' interactions, debates, and relationships, has reduced the wars in the world. For the last several years, except for US invasions, internal, domestic, and interethnic conflicts have been the primary concern of peace researchers.<sup>25</sup> Currently, peace researchers at renowned and long-standing organizations, like the Peace Research Organization of Oslo, are asserting that domestic insurgency and group conflict, including drug wars and organized crime related to widespread and massive urbanization throughout the Global South, will be their primary concerns in the future.<sup>26</sup> Thus, negotiations like the ones between the Revolutionary Armed Forces of Colombia ("FARC") and the Colombian government and the peace process in Northern Ireland exemplify the challenges to be faced.<sup>27</sup> Traditional military operations have shown themselves to be ill-suited to such tasks.<sup>28</sup> Likewise, customary international conflict resolution, or "carrots and sticks" to motivate ceasefire,<sup>29</sup> is also not likely to be effective with rogue groups.

Norway's model deserves serious consideration for other states wishing to be mediators. Norway is the only state mediator to be consistently sought by state and rogue-group representatives.<sup>30</sup> It has "unmatched legitimacy."<sup>31</sup> This article analyzes the variables explaining Norway's trustworthiness and credibility as a mediator around the world. It then explores whether and how the three multicultural and democratic countries within BRICS, Brazil, India, and South Africa, particularly the

<sup>23</sup> See, e.g., Erbe, *supra* note 14.

<sup>24</sup> See, e.g., Tom Sebok & Nancy Erbe, *Shared Global Interest in Skillfully Applying IOA Standards of Practice*, 1 J. INT'L OMBUDSMAN ASS'N. 28, 28–41 (2008).

<sup>25</sup> See, e.g., Erbe, *supra* note 14.

<sup>26</sup> Nancy Erbe, Fulbright Distinguished Chair, American Studies (international relations, urban studies, social inequalities), Pontifical Catholic University of Rio De Janeiro, Keynote Address at PUC-RIO (2015).

<sup>27</sup> Diogo Monteiro Dario, *Peace Talks Between the FARC and Santos Government in Colombia*, 4 BPC POL'Y BRIEF 4, 4–14 (2014).

<sup>28</sup> See, e.g., Hwiram Park's culminating portfolio (on file with author).

<sup>29</sup> Olson & Pearson, *supra* note 1.

<sup>30</sup> See, e.g., Dario, *supra* note 27.

<sup>31</sup> See, e.g., John Stephen Moolakkattu, *Peace Facilitation by Small States: Norway in Sri Lanka*, 40 COOPERATION & CONFLICT: J. NORDIC INT'L STUD. ASS'N 385–402 (2005).

first two, might draw upon their cultural richness to transform international conflict resolution.<sup>32</sup> It concludes that two highly competitive emerging global economies are not likely to deviate from the Western “carrot and stick” approach to serving their own state interests. Brazil is an industrial and agricultural giant and India the fourth strongest military in the world as well as the global source of IT/technology person power. Nevertheless, all countries have rich and important cultural legacies with heroes that they can rely on and share to begin transforming international conflict resolution.

When readers examine the UN’s stand-by team of mediation experts, they find a list of topics, including process design, social embodiment, and gender inclusion.<sup>33</sup> This article will focus on all three: conflict resolution process design (or architecture), greater inclusion/participation, and power balancing. While the world may think first of Carnival and music when they think of Brazil, the author is impressed with its spacious and haunting visual design that somehow blends with nature as well as invites coexistence. The Brazilian legacy that will be stressed most is that of exiled educator, Paulo Freire.<sup>34</sup> How could a country and culture that created a man inspired to engage with the poorest of the poor not play a pioneering role in engaging the poor of the Global South with the rest of the world? Likewise, India, with its Gandhian legacy of liberation, still alive in its recent movement against corruption,<sup>35</sup> has much to offer. South Africa has the example and lives of Nelson Mandela and Desmond Tutu as well as participatory conflict resolution processes to share, especially the negotiation of its constitution post-apartheid.<sup>36</sup> This article asserts that today’s conflicts, particularly its most troubling, cannot be resolved with traditional top-down military, state, or international government approaches. Civil society must be engaged for several reasons: 1) to motivate and otherwise prepare the conditions for international conflict resolution,<sup>37</sup> 2) support the

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<sup>32</sup> The author challenges every country and culture to identify their own strongest, most unique cultural assets and contribute them to the world community. Germany has exemplified what a critical difference this can make in times of crisis. Progress is possible if the global community prioritizes creative leadership.

<sup>33</sup> See, e.g., UNITED NATIONS PEACEMAKER STANDBY TEAM available at [peacemaker.un.org/mediation-support/stand-by-team](http://peacemaker.un.org/mediation-support/stand-by-team) (last visited June 17, 2017).

<sup>34</sup> See, e.g., PAULO FRIERE, *EDUCATION FOR CRITICAL CONSCIOUSNESS* (1989).

<sup>35</sup> See, e.g., Aalok Khandekar & Deepa S. Reddy, *An Indian Summer: Corruption, Class, and the Lokpal Protests*, 15 J. CONSUMER CULTURE 221, 221–47 (2013).

<sup>36</sup> See, e.g., Erbe, *supra* note 14.

<sup>37</sup> See, e.g., ERBE, *supra* note 15.

resolutions themselves and ensure sustainability, or peace,<sup>38</sup> and 3) creatively engage in the peace processes as has been occurring in Colombia with FARC negotiations.<sup>39</sup> Ironically, Norway might be partially responsible for the widespread failure to engage citizenry with its Oslo Accords and Sri Lankan examples.<sup>40</sup> Yet, Norway is still in a rare position today to rectify its image and influence through demonstrating effective mediation with ratification engaging citizenry.<sup>41</sup>

### I. THE QUALITIES OF A TRUSTED STATE MEDIATOR: THE TEST OF A MASTERFUL MEDIATOR IS THE TRUST OF THE PEOPLE

The qualities of a trusted state mediator have already been introduced but are important enough, for the purposes of this article, to review and emphasize. Norway is a rare state that is trusted again and again by not only other state representatives, but also rogue and insurgency groups.<sup>42</sup> Why? Scholars have attempted to analyze and answer this question, though the author has found no actual evaluative research and case study analysis substantiating scholarly conclusions. Such future research would be invaluable for advancing international conflict resolution.

The author has asked her students from around the world to share their thoughts about Norway's peacebuilding status. One, a graduate from Cameroon, immediately pointed out Norway's relative lack of colonialism compared to other Western states.<sup>43</sup>

Norway is referred to as a champion for peace.<sup>44</sup> Those who have invited Norway and its representatives to mediate their conflicts describe Norway as a rare and true impartial state "with no ulterior or

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<sup>38</sup> JENNIFER MCCOY & FRANCISCO DIEZ, INTERNATIONAL MEDIATION IN VENEZUELA (2011).

<sup>39</sup> See Milesi, *supra* note 5, at 20–21, 25; Dario, *supra* note 27.

<sup>40</sup> See, e.g., Oren Barak, *The Failure of the Israeli-Palestinian Peace Process 1993-2000*, 42 J. PEACE RES. 719–36 (2005); Moolakkattu, *supra* note 31.

<sup>41</sup> See, e.g., NANCY ERBE, HOLDING THESE TRUTHS: EMPOWERMENT AND RECOGNITION IN ACTION (AN INTERACTIVE CASE STUDY CURRICULUM FOR MULTICULTURAL CONFLICT RESOLUTION) (2003).

<sup>42</sup> See, e.g., Dario, *supra* note 27; Moolakkattu, *supra* note 31.

<sup>43</sup> See, e.g., BENJAMIN DE CARVALHO & IVER B. NEUMANN, SMALL STATE SEEKING STATUS: NORWAY'S QUEST FOR INTERNATIONAL STANDING (2014).

<sup>44</sup> See, e.g., VIKRAM SINGH, NORWAY: THE CHAMPION OF WORLD PEACE (2015).



hidden agenda” to serve Norway’s self-interest through mediating.<sup>45</sup> Thus, a foundation for trust building begins. It further contributes a higher percentage of its gross national income to foreign assistance than most states.<sup>46</sup> This supports the perspective that it is a more caring state than most.<sup>47</sup> Some attribute this to its Lutheran heritage.<sup>48</sup> While understanding the linkage between Lutheran heritage and visible global concern is beyond the scope of this article, curious readers may enjoy studying Dietrich Bonhoeffer’s life and readings.<sup>49</sup>

Norway actively engages in global peacebuilding—not only mediating in response to crisis and escalated conflict, but also establishing early-warning-sign-preventative efforts and selecting twenty parts of the world in which it invests in peacebuilding.<sup>50</sup> Sri Lanka, for example, is just one contemporary case study of its efforts (While these efforts unraveled, like the Oslo Accords, in the face of military force, learning from such case studies stresses the importance of relationship-building).<sup>51</sup> Thus, Norway builds relationships and serves communities well before and after being asked to intervene as mediator.

## II. BRAZIL’S ROLE TO DATE WITH INTERNATIONAL RELATIONS

Brazil is recognized globally on several fronts. It has led an anti-nuclear proliferation campaign that distinguishes it as a rare state peacebuilder.<sup>52</sup> Combined with its peaceful borders and history relatively free of civil war, it is truly unique in an analysis of peace capacity.<sup>53</sup>

<sup>45</sup> See, e.g., CHESTER A. CROCKER ET AL., *HERDING CATS: MULTIPARTY MEDIATION IN A COMPLEX WORLD* (1999); CHANAKA TALPAHEWA, *PEACEFUL INTERVENTION IN INTRA-STATE CONFLICTS: NORWEGIAN INVOLVEMENT IN THE SRI LANKAN PEACE PROCESS* (2015).

<sup>46</sup> See, e.g., Joshua Keating, *Rich Countries Got More Generous Last Year*, SLATE (Apr. 9, 2014, 4:21 PM), [www.slate.com/blogs/the\\_world\\_2014/04/09/new\\_oecd\\_figures\\_the\\_surprising\\_country\\_that\\_gives\\_the\\_most\\_foreign\\_aid](http://www.slate.com/blogs/the_world_2014/04/09/new_oecd_figures_the_surprising_country_that_gives_the_most_foreign_aid).

<sup>47</sup> See, e.g., Riveria, J.H. *Assessing the Culture of Peace in the United States*, 10 PEACE & CONFLICT: J. PEACE PSYCHOL. 125–46 (2004).

<sup>48</sup> See, e.g., Robert H. Nelson, *Following the Path of Deidre McCloskey: The Lutheran Ethic and the Nordic Spirit of Social Democracy*, HUMANISM CONFRONTS MATERIALISM (2015).

<sup>49</sup> See, e.g., JANET BENGE & GEOFF BENGE, *DIETRICH BONHOEFFER: IN THE MIDST OF WICKEDNESS* (2012); DIETRICH BONHOEFFER, *THE COST OF DISCIPLESHIP* (1966).

<sup>50</sup> See, e.g., TORE ERIKSEN, *NORWAY AND NATIONAL LIBERATION IN SOUTH AFRICA* 4, 9 (2000); Moolakkattu, *supra* note 31.

<sup>51</sup> See, e.g., TALPAHEWA, *supra* note 45.

<sup>52</sup> See, e.g., CHUN, *supra* note 3.

<sup>53</sup> *Id.* at 63.

Brazil joins its track record of peaceful co-existence with a globally recognized and predictable voice that includes less developed nations in international processes and decisions.<sup>54</sup> With current climate change concerns, it is one of the emerging global and industrial powers that has distinguished itself through the widespread use of alternative fuel.<sup>55</sup> Thus, from several perspectives, Brazil is a state providing important leadership and influence for future generations of international relations.

Because it has a relatively weak military presence, traditional scholars of international relations, particularly realists who advocate hard power, tend to discount Brazil.<sup>56</sup> It also faces the challenge of participating in international conflict resolution beyond its global network of weaker, often Portuguese speaking, nations and its advocacy role. Since Brazil tends to reach out to and align with states, such as Libya and Iran,<sup>57</sup> who are being boycotted and otherwise ostracized by Western powers, it is hard to imagine that it would ever find a way to bridge powerful states with less powerful, or bring them together as equals as a mediator. As one example, Brazil quite publicly advocates for Palestinian people rather than Israeli.<sup>58</sup> As a result, Israel is not likely to invite Brazil to mediate its concerns.

Nevertheless, Brazil finds itself in a rare global position. It is widely acknowledged as diplomatic and connected with more states than most emerging and powerful states.<sup>59</sup> It has been acknowledged for quite some time as a regional leader in maintaining peaceful relationships with its neighbors and as an ally of Portuguese-speaking states.<sup>60</sup> In recent years, it has established itself as a force to encourage development and economic partnering in African states.<sup>61</sup> It is likely to continue to develop its role in not only advocating for developing, particularly voiceless, nations, but also mediating between states throughout the Global South.

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<sup>54</sup> *Id.*

<sup>55</sup> *See, e.g.*, LARRY ROHTER, *BRAZIL OF THE RISE: THE STORY OF A COUNTRY TRANSFORMED* (1st ed. 2012).

<sup>56</sup> *See, e.g.*, CHUN, *supra* note 3.

<sup>57</sup> *See, e.g.*, DAVID REED, *IN PURSUIT OF PROSPERITY: U.S. FOREIGN POLICY IN AN ERA OF RESOURCE SCARCITY* (2015).

<sup>58</sup> *Id.*

<sup>59</sup> *See, e.g.*, Charles Call & Adriana Abdenur, A “Brazilian Way”? *Brazil’s Approach to Peacebuilding*, 5 *GEOECONOMICS & GLOBAL ISSUES* 1–3 (Feb. 2017); Harold Trinkunas, *Brazil’s Rise: Seeking Influence on Global Governance*, *LATIN AMERICA INITIATIVE, FOREIGN POLICY AT BROOKINGS* 1–5, 12–25 (Apr. 2014).

<sup>60</sup> Call & Abdenur, *supra* note 59, at 2.

<sup>61</sup> *See, e.g.*, Esther D. Brimmer, *Is Brazil A Responsible Stakeholder or a Naysayer?*, 37 *WASH. Q.* 135–151 (Nov. 2014).

Brazil has an intriguing, and from some perspectives disturbing, habit of aligning with what the West would characterize as rogue states like Iran and Libya.<sup>62</sup> From another perspective, however, this can be viewed as part of Brazil's agenda to balance power with the United States and other Western powers; perhaps to strengthen its relationships with other BRICS nations, particularly China<sup>63</sup> and Russia. All can be viewed as attempts to create a truly inclusive, fully participatory international process. This article proposes that diplomacy, when practiced in its purest form, prioritizes sustainable relationships and rapport with all concerned. A facilitative mediator does not take a stand on issues, unlike multilateral negotiators, but instead attempts to encourage and empower those being supported in asserting and negotiating their interests.<sup>64</sup>

#### A. RECOGNIZED GLOBAL STRENGTHS OF BRAZILIAN CULTURE

Years ago, *New York Time's* reporter Larry Rohter asked then President Clinton's US trade representative in charge of negotiating accords which country had the most skilled negotiators. He was surprised by her answer: Brazil.<sup>65</sup> Charlene Barshefsky stated, "[Brazil] always sends negotiators who are polished, urbane, warm, sophisticated and skillful."<sup>66</sup> Brazilians recognize that everyone has interests they need to defend and are able to be charming no matter how contentious the conflict is. They look for mutually agreeable solutions—or at least compromise.<sup>67</sup> Brazilians would describe this as cordiality.<sup>68</sup> If soccer qualifies as a negotiation without compromise, or win-lose advocacy, the global community certainly recognizes Brazilian talent for skilled teamwork and gifted, even magical, improvisation in the heat of conflict.<sup>69</sup>

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<sup>62</sup> See, e.g., Celso Amorim, *Brazil & the Middle East*, 2 CAIRO REV. 48–63 (2011).

<sup>63</sup> See, e.g., Shaheli Das, *China-Brazil Strategic Partnership: Demystifying the Relationship*, BRICS POST 1 (Jan. 23, 2017).

<sup>64</sup> Erbe, *supra* note 14.

<sup>65</sup> ROHTER, *supra* note 55.

<sup>66</sup> *Id.*

<sup>67</sup> *Id.*

<sup>68</sup> Interview with a PhD Candidate, Pontifical Catholic University, in Rio de Janeiro Brazil (Apr. 27, 2015).

<sup>69</sup> MICHAEL REID, *BRAZIL: THE TROUBLED RISE OF A GLOBAL POWER* 16 (2016).

B. FREIRE'S EMPOWERING AND TRANSFORMATIONAL DIALOGUE,  
CREATIVE DESIGN, AND IMPROVISATIONAL INNOVATION

At Pontifical Catholic University of Rio de Janeiro (PUC-Rio), the mediation unit for the Global South (supported by Norway) is already promoting more creative participatory models and case studies of international conflict resolution. In one of its recent policy papers, for example, it shares how Colombia's government has solicited ideas from a wide base of concerned parties and citizens in negotiating with FARC.<sup>70</sup> Citizens have been negotiating for more participation and influence in policy making within Brazil through inclusion in decision-making bodies and notice-and-comment processes.<sup>71</sup> Citizens throughout Latin America have been re-conceptualizing conflict resolution and mediation.<sup>72</sup>

Of course, as just mentioned, Brazil's ability to improvise beautifully under fire is most evident on the soccer field with players who have devoted their lives to its mastery. Sadly, international conflict resolution rarely, if ever, sees such devotion. While the author sees soccer as an inspiring metaphor for optimal Brazil participation in international conflict resolution, the current participants are more likely to prioritize membership in an elite diplomatic circle. Learning skills and processes that make a difference and build sustainable peace is rare. Still, Brazil has seen some noteworthy and creative performances and leadership off the soccer field, particularly in the environmental realm. After Chico Mendes, an internationally renowned environmentalist, was assassinated, his ally and associate pioneered new policies, projects, incentives, and markets to preserve the Amazon forest in economically sustainable ways.<sup>73</sup> Eduardo Braga, governor of the state of Amazonas, pioneered a Green Free Trade Zone program and an innovative climate change law.<sup>74</sup> After studying Costa Rica's environmental programs, Brazil's law linked Amazon deforestation to payment for reduced carbon emissions; thus protecting the deep Amazon with its indigenous lands and facilitating sustainable development with its communities.

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<sup>70</sup> See, e.g., Milesi, *supra* note 5.

<sup>71</sup> See, e.g., JOHN GASTIL & PETER LEVINE, *THE DELIBERATIVE DEMOCRACY HANDBOOK* 174 (1st ed. 2005).

<sup>72</sup> See, e.g., Claudia Fuentes Julio, *Bridging Human Rights and Conflict Resolution: Experiences from Latin America*, BPC POLICY BRIEF 1, 7–8 (Feb. 23, 2015).

<sup>73</sup> ROHTER, *supra* note 55.

<sup>74</sup> *Id.*

Paulo Freire, arguably Brazil's most famous and influential scholar, argued that the oppressed of Brazil (and the world) must transform their own identity to reject internalized oppressors and then do the same with the oppressors.<sup>75</sup> In so doing, they would facilitate the oppressors' humanization (after having dehumanized themselves through learning to use other human beings as means to the end of the oppressors' profit).<sup>76</sup> If Freire were alive today, he would likely argue that the Global South must be prepared to engage the West, particularly its most oppressive actors, and transform oppression through human to human dialogue (mediation). Otherwise, the Global South states, like Brazil and India, risk being and further becoming oppressors themselves.

### C. UNBROKEN, FIERCE SPIRIT TRANSCENDING THE ODDS

If the reader is familiar with Brazil's troubled history of slavery and dictatorship, including horrific torture, they cannot fail to be impressed when studying its democracy and other modern achievements. Simply viewing Brazilians' tremendous talent, grace, and spirit on the soccer field, including the passionate emotion and pride of those cheering Brazilian players, gives an outsider an exciting experience of Brazilian strength and resilience.<sup>77</sup> Particularly meaningful is the study of Brazilian struggles for liberation, inclusion and progress: past and present.<sup>78</sup> Two fascinating examples include: Samba, a joyous, beloved, and festive dance which was used to communicate coded messages, and Capoeira, a military strategy.

The author would like to imagine that in future years the world will see this same "grace and spirit under fire" emerge within international conflict resolution. Brazilian diplomats, political leaders, civil society, NGOs, and professionals must not only show their sensitive, warm and considerate diplomacy.<sup>79</sup> Optimally, Brazilians will surprise and delight the world with their voice under pressure and creative, visionary, and improvised resolutions. Perhaps, they can demonstrate

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<sup>75</sup> See, e.g., FREIRE, *supra* note 34.

<sup>76</sup> *Id.*

<sup>77</sup> See, e.g., SOCIAL RESILIENCE IN THE NEOLIBERAL ERA (Peter Hall & Michele Lamont eds., 2013).

<sup>78</sup> See, e.g., Mala Htun, *From Racial Democracy to Affirmative Action: Changing State Policy on Race in Brazil*, 30-1 LATIN AMER. RES. REV. 60-89 (2004).

<sup>79</sup> ROHTER, *supra* note 55.

how, in some instances, historic weakness can be embraced and transformed into gifts and strengths.<sup>80</sup>

### III. PEACE IN THE MIDST OF VIOLENCE?

From a traditional state perspective, Brazil is recognized as relatively peaceful and as a global advocate for such important conflict resolution causes as nuclear disarmament.<sup>81</sup> Peace researchers, however, are starting to recognize that the wave of global urbanization, social inequalities, and violence involving intrastate groups, like organized crime and insurgency, may become the focus of future peace research.<sup>82</sup> From this perspective, Brazil becomes one of the more violent states rather than peaceful. Its urban violence is some of the worst in the world.<sup>83</sup> Brazil, along with many Latin states, has a world reputation for internal violence.<sup>84</sup> While Brazil can attempt to present itself as a rare peaceful state in terms of traditional state to state war, it cannot ignore the rising horrific violence within many of its urban centers. In fact, if Norway is the best example of a state mediator that is trusted and sought by other states as a mediator, it may be that how a state treats its own citizens in terms of social equality plays a potent role in trust building and credibility. Norway, along with other Scandinavian states, like Sweden, leads the world in social equality.<sup>85</sup> South Africa, sadly, is the opposite: the state who leads the world in social inequality.<sup>86</sup> Brazilian and Latin American domestic violence may likewise correlate with vast social inequality.

As mentioned earlier, it does not appear that Brazil is attempting to position itself as a global mediator that has the trust of both more and less powerful states. Instead, it is explicitly aligning itself with the

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<sup>80</sup> See, e.g., MALCOLM GLADWELL, *DAVID AND GOLIATH: UNDERDOGS, MISFITS AND THE ART OF BATTLING GIANTS* (2013).

<sup>81</sup> CHUN, *supra* note 3; see, e.g., Maria Rost Ruble, *The Nuclear Threshold States: Challenges and Opportunities*, 17 NONPROLIFERATION REV. 49–70 (March 2010).

<sup>82</sup> See, e.g., Nils Petter Gleditsch, Jonas Nordkvelle & Havard Strand, *Peace Research—Just the study of war?*, 51(2) J. PEACE RES. 145, 155 (2014).

<sup>83</sup> See, e.g., SUKETU MEHTA, *IN THE VIOLENT FAVELAS OF BRAZIL*, N.Y. REV. OF BOOKS (Aug. 15, 2013).

<sup>84</sup> *Id.*

<sup>85</sup> See, e.g., RICHARD WILKINSON & KATE PICKETT, *THE SPIRIT LEVEL: WHY MORE EQUAL SOCIETIES ALMOST ALWAYS DO BETTER* (2009).

<sup>86</sup> See, e.g., Jean D. Triegaardt, *Poverty and Inequality in South Africa: Policy Considerations in an Emerging Democracy*, presented at Annual Association of South African Social Work Education Conference (Sept 18, 2006).

Global South. Brazil has mediated with only a few of its neighbors.<sup>87</sup> If the global mediation unit for the South at PUC-Rio is a good indicator, then Brazil is more interested in critiquing international conflict resolution from a Global South perspective than actually mediating.<sup>88</sup>

This fact is unfortunate given the need for more mediator skill and dynamic engagement (effective persuasion and influence) in international conflict resolution. As the world is given more details about what actually occurs at international tables and in international dialogue,<sup>89</sup> the need for mediation skill is seen and acknowledged by international facilitators and mediators themselves.<sup>90</sup> For example, when asked to mediate in Venezuela, former President Jimmy Carter describes how important party interests are.<sup>91</sup> Yet none of the mediators ever demonstrated the ability to reframe positional and contentious language and complaints to help the parties see and recognize their own and the others' underlying needs.<sup>92</sup> Jimmy Carter himself made a point of listening to all of the opposition's complaints, but nowhere in the case study does the reader see how the mediators responded to the most important messages and concerns implicit in these complaints.<sup>93</sup> Showing parties how mediators can help them satisfy their needs is vital to confidence building.<sup>94</sup> Furthermore, there is no case study detail describing the careful listening and translating role that skilled facilitators and mediators play with angry polarized parties.<sup>95</sup> Those who have mediated community riots, protests, and other violent conflict within the United States describe empathetic listening as possibly their most potent and important skill, enabling them to accurately understand those who are angry, communicate their most important concerns in diplomatic ways to the other side, and influence progressive conflict resolution.<sup>96</sup>

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<sup>87</sup> See, e.g., MANUALA NILSSON & JAN GUSTAFSSON, *LATIN AMERICAN RESPONSE TO GLOBALIZATION IN THE 21ST CENTURY* (2012).

<sup>88</sup> See Pontifical Catholic University, Rio De Janeiro Brazil, BRICSpolicycenter.org/homolog/projetos/Index/12 (last visited Apr. 28, 2016).

<sup>89</sup> MCCOY & DIAZ, *supra* note 38.

<sup>90</sup> *Id.*

<sup>91</sup> *Id.*

<sup>92</sup> *Id.*; see, e.g., ERBE, *supra* note 41, at 117–18.

<sup>93</sup> MCCOY & DIAZ, *supra* note 38.

<sup>94</sup> See, e.g., ERBE, *supra* note 41.

<sup>95</sup> MCCOY & DIAZ, *supra* note 38.

<sup>96</sup> See, e.g., Erbe, *supra* note 14.

Six of the most violent countries in the world are in Latin America and the Caribbean.<sup>97</sup> Some of the scholars in and of Latin America have a perspective regarding negotiating with violent criminals and other non- state actors that may be challenging to spread throughout international conflict resolution.<sup>98</sup> As one example, rather than attempt to discern between the various members of violent groups in advocating for direct dialogue and negotiation, some Brazilian scholars are simply advocating for engaging with violent non-state actors.<sup>99</sup>

Adding to this are mixed messages regarding Brazil's relationship to nuclear weapons and the arms industry. Brazil's role with Iran as it was negotiating nuclear weapons with Western powers raises questions.<sup>100</sup> It also has one of the arms industries' most significant companies supplying military aircraft to several nations.<sup>101</sup>

Brazil is sometimes described as an emerging global power that lacks positions on the toughest, most contentious conflicts.<sup>102</sup> It may be time for Brazil to lead on one of the international conflicts that join many states like organized crime, human trafficking, or social inequality. If Brazil demonstrates a truly global reach by rallying world support, it could exercise its international influence and intent to be a force for global democracy. It could do this with a highly participatory and inclusive process while simultaneously showing its capacity to take a strong moral stance where such a stance matters on an international scale, going far beyond real political self-interest. Brazil is beautifully positioned at the moment to be an empowering ally at international tables or a consultant "behind" to ensure a just, inclusive process with power balancing.

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<sup>97</sup> See, e.g., Roberto Briceno-Leon, Andres Villaveces & Alberto Concha-Eastman, *Understanding the Uneven Distribution of the Incidence of Homicide in Latin America*, 37 INT'L J. EPIDEMIOLOGY 751–53 (2008).

<sup>98</sup> See, e.g., DCAF & Geneva Call, *Armed Non-State Actors: Current Trends and Future Challenges*, 6, 13–14 (Democratic Control of Armed Forces Horizon, Working Paper No. 5, 2015).

<sup>99</sup> *Id.*

<sup>100</sup> See Amorim, *supra* note 62.

<sup>101</sup> *Id.*

<sup>102</sup> See, e.g., Andrés Malamud, *A Leader Without Followers? The Growing Divergence Between the Regional and Global Performance of Brazilian Foreign Policy*, 53:3 LATIN AM. POL. & SOC'Y., Aug. 2011 at 1–24.



#### IV.      ENVISIONING BRAZIL'S INFLUENCE WITH AND CONTRIBUTION TO INTERNATIONAL CONFLICT RESOLUTION: INCLUSIVE PROCESS DESIGN WITH POWER BALANCING

Brazil will certainly continue its advocacy role for the inclusion and participation of less powerful states.<sup>103</sup> As part of this role, it will provide an important voice and critique of dominant international conflict resolution. Optimally, it will also envision, propose, and design alternatives to tradition that are more inclusive, participatory, and actively balance power.

At times, though, the scholars affiliated with the unit for mediation in the Global South appear to be advocating for a different form of the dominant approach to international conflict resolution.<sup>104</sup> Instead of introducing ideas for further engaging state citizenry and promoting wider reaching self-determination, they advocate for authoritarian, outside expert- lead methods (persuasion, leverage), but with experts and authorities from different states than the Western.<sup>105</sup> Negotiating states are still pressured or manipulated, but by a new diverse group of state representatives.<sup>106</sup> The rationale is that donors for the peace processes and other members of the international community simply do not have the patience or support for more extended, in-depth, impartial process.<sup>107</sup> Since the leaders and governments of states demonstrate a similar lack of prioritizing engagement with citizenry, it may be NGOs and citizens themselves who must advocate for impartial self-determined conflict resolution.<sup>108</sup>

##### A. A DEMOCRACY THAT LEADS BY EXAMPLE?

Brazil is acknowledged globally as a multicultural democracy that leads with some impressive examples of domestic response to social

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<sup>103</sup> See, e.g., Roberta de Freitas Santos & Mateus Rodrigues Cerqueira, *South-South Cooperation: Brazilian Experiences in South America and Africa*, HIST. CIENC. SAUDE-MANGUINHOS, Jan.-Mar. 2015 at 1, 3, [www.scielo.br/scielo.php?script=sci\\_arttext&pid=S0104-59702015000100023](http://www.scielo.br/scielo.php?script=sci_arttext&pid=S0104-59702015000100023) (last visited June 21, 2017).

<sup>104</sup> Nathan, *supra* note 8; Brimmer, *supra* note 61.

<sup>105</sup> Brimmer, *supra* note 61.

<sup>106</sup> Nathan, *supra* note 8.

<sup>107</sup> *Id.*

<sup>108</sup> See Erbe, *supra* note 14; ERBE, *supra* note 15.

inequalities.<sup>109</sup> Its Bolsa Familia program is one shining example.<sup>110</sup> Bolsa Familia lifted up approximately twenty million families from poverty between 2003 and 2009 through the use of incentives promoting prosocial behavior, such as education.<sup>111</sup> It illustrates much of the best of what happens with international development and conflict resolution today. As another example, while peacemaking between Ecuador and Peru in the late 1990s is attributed to the Rio protocol of 1942,<sup>112</sup> particularly the designation of guarantor countries, the mutual benefits of cooperation and joint development were stressed by these mediators with a three-million-dollar program coordinated with the Inter-American Development Bank to address several common needs.<sup>113</sup> Brazil, along with several Latin American countries, is likewise renowned for its citizenry's embrace of social protest as a vehicle for expressing diverse needs and perspectives and otherwise participating in democracy.<sup>114</sup>

Since this paper is focused on international conflict resolution, a critical question emerges: how credible can a state be in mediating or facilitating inclusive conflict resolution outside of its state if within corruption abounds<sup>115</sup> and at the very least mixed messages are sent? While eradicating poverty and improving the urban conditions of the poorest residents has occurred, particularly in preparation for hosting the World Cup and Summer Olympics, Rio de Janeiro as one Brazilian example, is still known for the extreme distance between its wealthy and poor. It has received human rights scrutiny for its forced evictions of many.<sup>116</sup> Can Brazil credibly advocate for developing nations on a global scale while maintaining such discrepancies within its own borders?

<sup>109</sup> See, e.g., C. Reade et al., *Poverty and the Multiple Stakeholder Challenge for Global Leaders*, J. MGMT. EDUC. 820–40 (2008).

<sup>110</sup> See, e.g., K. Lindert et al., *The Nuts and Bolts of Brazil's Bolsa Familia Program* 1, 6–7 (Soc. Protection Discussion Paper No. 0709, 2007), [worldbank.org/SOCIALPROTECTION/Resources/SP-Discussion-papers/Safety-Nets-DP/0709](http://worldbank.org/SOCIALPROTECTION/Resources/SP-Discussion-papers/Safety-Nets-DP/0709) (last visited May 2, 2016).

<sup>111</sup> *Id.*

<sup>112</sup> MONICA HERZ & JOAO PONTES NOGUEIRA, *ECUADOR VS. PERU: PEACEMAKING AMID RIVALRY* 14 (2002).

<sup>113</sup> *Id.*

<sup>114</sup> See, e.g., VINCENT C. PELOSO, *WORK, PROTEST AND IDENTITY IN TWENTIETH CENTURY LATIN AMERICA* (2003).

<sup>115</sup> See e.g., Toke S. Aidt, *Corruption, Institutions and Economic Development*, 25 OXFORD REV. ECON. POL'Y 271–91 (2009).

<sup>116</sup> See, e.g., ALAIN DURAND-LASSERVE & LAUREN ROYSTON, *HOLDING THEIR GROUND: SECURE LAND TENURE IN DEVELOPING COUNTRIES* 138–47 (2002).

The answers to this question have been unnecessary with the dominant “carrot-stick” approach to international conflict resolution.<sup>117</sup> If Brazil wishes to interrupt this dominant approach, it will need to explore and seek answers that are foundational to confidence building that do not involve generous gifts of development and other aid. The earlier analysis of Ecuador and Peru provides some insight despite its reliance on extensive aid. As one instance, providing alternatives at critical junctures to help overcome impasses built motivation.<sup>118</sup>

Providing consistent messages about what Brazil truly stands for is particularly important as the world struggles with understanding Brazil’s global position. At times, for example, when it becomes unusually friendly with states like Iran and Libya,<sup>119</sup> it appears that despite its current democracy, it is drawn to authoritarian states and even those who torture their citizens. The United States and other Western States have been harshly criticized for decades of doing the same in pursuit of state self-interest.<sup>120</sup>

It is possible, as introduced earlier, that Brazil is attempting to balance power with the United States by aligning with the most ruthless of the BRICS nations: China and Russia. If this is what it is prioritizing, its alliances will not advance international conflict resolution or global democracy. As a country whose citizens demand and desire more socialism,<sup>121</sup> it may also be attempting to align with and support the world’s communist regimes. Such mixed messages leave the world wondering about Brazil’s agenda and aspirations. It is possible, though, as recognized several times in this analysis, that such subtlety is essential to Brazil’s true intent: to build rapport and relationships with all states, appreciating that trustworthy relationships facilitate systemic change. In short, Brazil may be consistently carrying and exercising a comprehensive vision of complete participatory global democracy—one that includes all states, not just democratic ones. Whether Brazil is willing to practice such an inclusive participatory process as a mediator of international

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<sup>117</sup> Olson & Pearson, *supra* note 1.

<sup>118</sup> HERZ & NOGUEIRA, *supra* note 112.

<sup>119</sup> See, e.g., Caitlin A. Buckley, *Learning from Libya in Syria*, Summer J. STRATEGIC SEC. 81–104 (2012).

<sup>120</sup> See, e.g., Marcelo Bucheli, *Good Dictator, Bad Dictator: United Fruit Company and Economic Nationalism in Central America in the Twentieth Century* (Coll. of Bus. Working Papers, No. 0115, 2006), <http://www.business.vivc.edu/WorkingPapers/papers/06-0115.pdf> (last visited May 2, 2016).

<sup>121</sup> See, e.g., Margaret Keck, *Brazil’s PT: Socialism as Radical Democracy*, NACLA, [http://nacla.or/article/brazils\\_pt\\_socialism\\_radicaldemocracy](http://nacla.or/article/brazils_pt_socialism_radicaldemocracy) (last visited June 22, 2017).

conflict resolution, however, is an open question. At times, such as when Argentina and Uruguay requested Brazil's mediation in recent years, Brazil has refused.<sup>122</sup> Perhaps, it is only comfortable as an advocate and a critic of others' mediation and not yet prepared to mediate (and be subject to criticism) itself.

**V. INDIA'S GANDHIAN LEGACY, NON-VIOLENT SOCIAL PROTEST, AND CONTEMPORARY CONFLICT RESOLUTION: PASSIONATE EFFORTS TO COMBAT CORRUPTION WITH IMPARTIAL ACCOUNTABILITY**

For the last several years, much of the world has not known that Anna Hazare, an admirer of Gandhi, was organizing India's youth into a social movement to tackle domestic corruption.<sup>123</sup> Born poor in India, Anna Hazare received his opportunity to become middle class when he obtained a job as a driver in India's army.<sup>124</sup> After a lifetime of service, he retired and devoted himself to this cause.<sup>125</sup> Using fasting and other Gandhian methods of resistance, he inspired India's youth to become a movement of millions, strongly advocating that they lacked the future they deserved unless Indians cleaned up corruption.<sup>126</sup> They specifically advocated for an office called the Lokpal, essentially a classical ombuds, or independent fact finder, who would investigate the complaints of any citizen against any member of the government, including the most powerful and privileged politicians.<sup>127</sup>

While India and others' non-violent traditions and strategies, as well as contemporary conflict resolution, may not appear initially relevant to an article on international conflict resolution, the author asserts that international conflict resolution, to be effective and sustainable, must go far beyond the negotiation and mediation table. Given current struggles with insurgency, organized crime, and widespread urban violence, international conflict resolution must embrace grassroots peacebuilding. It must advance conflict resolution tools that

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<sup>122</sup> ROHTER, *supra* note 55.

<sup>123</sup> See, e.g., C. RAJ KUMAR, CORRUPTION AND HUMAN RIGHTS IN INDIA: COMPARATIVE PERSPECTIVE ON TRANSPARENCY AND GOOD GOVERNANCE 180 (2011).

<sup>124</sup> See, e.g., Mitu Sengupta, *Anna Hazare's Anti-Corruption Movement and the Limits of Mass Mobilization in India*, 13 SOC. MOVEMENTS STUD. (2014).

<sup>125</sup> *Id.*

<sup>126</sup> *Id.*

<sup>127</sup> Khandekar & Reddy, *supra* note 35.

effectively address and transform the corruption and incompetence of state and international bureaucracies and leadership.<sup>128</sup> The Lokpal described above, like the classical ombuds, can be a robust means to catalyzing justice.<sup>129</sup>

What do contemporary activists care about enough to “go the distance?” To persist against all odds with moral courage and conviction in the face of criticism and attack? To transform others’ apathy and resistance? Part of the answer was seen globally with the Arab Spring. More recently, lifelong activist Bernie Sanders catalyzed the youth of the United States.<sup>130</sup>

Effective civil resistance must constantly strategize practical techniques that succeed in response to whatever challenges present themselves.<sup>131</sup> Many look to Gandhi’s success and teachings as inspiration and guidance. After spending several months on sabbatical in India and being asked to speak about Gandhi in reference to ethics and conflict resolution at the Institute for Advanced Studies Winter School on Gandhi and various universities in Delhi and Rajasthan, it is easy to imagine that if Gandhi were asked to summarize his teaching and wisdom, he would respond simply “Truth and Love.”<sup>132</sup> His friend, Leo Tolstoy, said as much:

For us to struggle, the forces being so unequal, must appear insane. But if we consider our opponent’s means of strife and our own, it is not our intention to fight what will seem absurd, but that the thing we mean to fight will still exist. They have millions of money and millions of obedient soldiers; we have only one thing and that is the most powerful thing in the world—Truth.<sup>133</sup>

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<sup>128</sup> See, e.g., Nancy Erbe & Brian Bloch, *The Organizational Ombuds as Change Agent for Organizational and Social Capital*, 3 J. INT’L OMBUDSMAN ASS’N 72, 73 (2010); Sebok & Erbe, *supra* note 24, at 28–38; Nancy Erbe, Judy Guillermo-Newton & Michael Reddy, *Recommendations for Responding to Ombuds’ Challenges in Conflicts & Controversies*, 9 J. CAL. CAUCUS C. U. OMBUDS 15, 15–20 (2008).

<sup>129</sup> See, e.g., Tori Daharb, *Aadhaar: Bridging Cultural Gaps in a Developing India*, 2 COLO. J. ASIAN STUD. 12, 19 (2013).

<sup>130</sup> See, e.g., Zachary Karabell, *Why America’s Youth Loves Bernie*, POLITICO MAGAZINE (Feb. 10, 2016), <http://www.politico.com/magazine/story/2016/02/why-americas-youth-loves-bernie-213615>.

<sup>131</sup> See, e.g., PETER ACKERMAN & JACK DUVALL, *A FORCE MORE POWERFUL: A CENTURY OF NONVIOLENT CONFLICT* (2000).

<sup>132</sup> LOUIS FISCHER & MAHATMA GANDHI, *THE ESSENTIAL GANDHI: AN ANTHOLOGY (HIS LIFE, WORK & IDEAS)* 14–15 (1962).

<sup>133</sup> ACKERMAN & DUVALL, *supra* note 131.

Those who closely study Gandhi's success describe the following practical ideas, which have proven themselves, again and again, all over the world. First, non-violent protest movements must strategize and persist against all odds in non-cooperation with the dominant power(s) being protested.<sup>134</sup> If their military-like strategy is effective, that dominant power base is eroded.<sup>135</sup> In the United States, Gandhi's devoted student Dr. Martin Luther King Jr. exemplified this many times in the struggle for civil rights (African American journals and intellectual leaders closely watched and visited Gandhi and India).<sup>136</sup> At the time of the 1921-1922 non-cooperation campaign in India, an African American journalist foresaw African American boycotts of public transportation to erode its power base and coffers.<sup>137</sup> African Americans organized means of transportation within their own control and constantly supported each other in not cooperating with the government funded transportation.<sup>138</sup> This non-cooperation worked well where transportation was heavily dependent on African American patronage and money.

Once again following Gandhi and India's example, Dr. King and his activist community used their national and international networks to expose and publicize the injustices practiced by those in power.<sup>139</sup> Being under the protection of the U.S. Constitution, providing equal protection under the law, they also used lawsuits to force government compliance.<sup>140</sup>

While debates persist in regard to the roles and influence of non-violence and violence with various campaigns, Desmond Tutu's quote seems to capture the essence of non-violent protest movements' power. He said

I suppose that human beings looking at it would say that arms are the most dangerous things a dictator, a tyrant needs to fear. But in fact, no—it is when people decide that they want to be free. Once they have made up their minds to that, there is nothing that will stop them.<sup>141</sup>

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<sup>134</sup> *Id.*

<sup>135</sup> *Id.*

<sup>136</sup> *Id.*

<sup>137</sup> *Id.* at 306.

<sup>138</sup> *Id.*

<sup>139</sup> *Id.*

<sup>140</sup> See, e.g., Tomiko Brown-Nagin, *The Civil Rights Candon: Above and Below*, 123 YALE L. J. 2698–705 (2008).

<sup>141</sup> ACKERMAN & DUVALL, *supra* note 131.

The author, as a professor of negotiation, conflict resolution, and peacebuilding, with students from warring, oppressed, and about eighty countries to date, is fortunate to meet and know many contemporary examples of non-violent protest activism at its best: an Armenian colleague who devotes his lifetime to building peace and prosperity, declares he has hatred for none, and quietly visits Turkey, again and again, searching for opportunities to act on behalf of future generations of Armenian youth;<sup>142</sup> a Kenyan pastor and theologian aspiring to engage contemporary British citizens in restorative justice regarding Kenya's past—not only for justice, but to heal the internal divides tearing Kenya apart today;<sup>143</sup> and Balkans professionals (journalists, psychologists, etc.) committed to cross ethnic dialogue and inclusive democracy during their war.<sup>144</sup> Contemporary scholarship shows that their efforts, non-violent protest, and civil resistance, are likely to be more successful than armed struggle, even with the most repressive regimes.<sup>145</sup> Chenoweth and Stephan present 323 case studies showing the success of non-violent protest movements since 1900.<sup>146</sup> They elaborate that non-violent movements result in greater freedoms and lower risk of civil war. Other studies confirm these findings.<sup>147</sup> A 2005 Freedom House study of sixty-seven political transitions in recent decades, from previously closed or authoritarian governments, found that non-violent civic resistance was a driving force in fifty of those transitions.<sup>148</sup> It also found that the stronger the non-violent movement, the deeper the transformation toward true democracy in the societies involved.<sup>149</sup>

Based on their studies, Chenoweth and Stephan explain the success of non-violence with the following factors. First, the legitimacy of non-violent protest persuades and engages the greatest possible participation across a society and societies.<sup>150</sup> Societal members are much less likely to be persuaded to take up armed struggle.<sup>151</sup> Their

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<sup>142</sup> ERBE, *supra* note 15.

<sup>143</sup> ELAVIE NDURA-QUEDRAOGO ET AL., SEEDS BEARING FRUIT: PAN-AFRICAN PEACE ACTION FOR THE TWENTY-FIRST CENTURY 233–38 (2011).

<sup>144</sup> ERBE, *supra* note 15.

<sup>145</sup> ERICA CHENOWETH & MARIA J STEPHAN, WHY CIVIL RESISTANCE WORKS: THE STRATEGIC LOGIC OF NONVIOLENT CONFLICT 7–13 (2011).

<sup>146</sup> *Id.*

<sup>147</sup> DAVID CORTRIGHT, GANDHI AND BEYOND: NONVIOLENCE FOR A NEW POLITICAL AGE (2009).

<sup>148</sup> *Id.*

<sup>149</sup> CHENOWETH & STEPHAN, *supra* note 145.

<sup>150</sup> *Id.*

<sup>151</sup> *Id.*

participation includes critical power alliances, such as security forces (law and military) if possible: those who shift their loyalty away from unjust power. This shifting loyalty was seen in Egypt during the Arab Spring when the army aligned with the non-violent protest movement.<sup>152</sup> Second, by recruiting and engaging a vastly diverse group of people, non-violent protest movement organizers welcome the skills, ideas, and networks needed for effective and innovative strategy.<sup>153</sup> As one prominent activist has said, “running a campaign from central headquarters with fixed ideology is not promising . . . encouraging diversity and experimentation is.”<sup>154</sup> Likewise, in the field of negotiation, conflict resolution, and peacebuilding, the ability to engage the moral imagination in order to envision, create, and evaluate alternative courses of action is quite important. “The difference between self-determination and witless submission lies in the ability to [accurately] predict the consequences of alternative courses of action.”<sup>155</sup> This is named reflective or applied practice and prioritizes brainstorming and researching options that prove themselves in practice.<sup>156</sup> If the alternatives tried do not succeed, they must be refined and tried again until they do, or new alternatives tried. Chenoweth and Stephan refer to this as strategizing step-by-step in response to the opposition’s strategy.<sup>157</sup>

Activist Martin reiterates that all non-violent movements must respond wisely to opponent’s moves and countermoves.<sup>158</sup> Regimes strategize in unpredictable ways. There is no formula to guarantee success.<sup>159</sup> In short, to be effective, non-violent protest movements must have staying power and intelligence—the resilience and savvy necessary to succeed.

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<sup>152</sup> See, e.g., Ahmed A. Ahmed, *Back to Square One: Understanding the Role of the Egyptian Armed Forces* (June 2, 2017) (unpublished M.A. thesis, City of University of New York), [http://academicworks.cuny.edu/gc\\_etds/2069/](http://academicworks.cuny.edu/gc_etds/2069/) (last visited June 23, 2017).

<sup>153</sup> CHENOWETH & STEPHAN, *supra* note 145.

<sup>154</sup> Nancy Erbe, *Non Violent Protest Movement: Forms, Techniques and Relevance*, Indian Council of Social Science Research and the University Grants Commission of India, Jaipur India (Jan. 2013).

<sup>155</sup> ERBE, *supra* note 41.

<sup>156</sup> ERBE, *supra* note 15.

<sup>157</sup> CHENOWETH & STEPHAN, *supra* note 145.

<sup>158</sup> Erbe, *supra* note 154.

<sup>159</sup> *Id.*



Sadly, many, if not most, of the world's repressed people appear to not appreciate the power of non-violent protest.<sup>160</sup> They do not understand their power and the importance of not cooperating with oppressive powers. They must be empowered to take control of their lives and exercise initiative instead of remaining trapped in passive victimhood or ineffectively lashing out in anger. "Resignation learned under oppressive circumstances must be reversed in any way possible. Otherwise . . . learned helplessness prevails."<sup>161</sup>

The emerging disciplines of negotiation, conflict resolution/transformation, and peacebuilding provide several tools to empower communities and assist non-violent movements. Mediation has played an important role in the transformation and progress of countries around the world. Cameroon, Nepal, and Ukraine provide examples worthy of further study.<sup>162</sup> Those familiar with Gandhi and non-violence will observe remarkable parallels between Gandhi's teaching and facilitative mediation practiced at its ethical best. For example, Gandhi, a student of Jesus Christ and Christian scriptures, promoted the principles of "hating the sin, not the sinner" and love for one's enemy.<sup>163</sup> Contemporary integrative negotiation, practiced according to Harvard Negotiation Project principles, counsels "separating people from the problem" and "attacking the problem, not people."<sup>164</sup> One even wonders if Harvard faculty are inspired by Gandhi! Facilitative mediation reframes "toxic language" and calmly and insightfully identifies the most important human need expressed by an angry person, and re-expresses that interest in positive terms so all concerned will hear and understand what matters most.<sup>165</sup> Gandhi exemplified and encouraged such service to others. Contemporary negotiation practices do as well when they include what is called generous tit-for-tat or forgiveness math.<sup>166</sup> The person attacked is cautioned against reciprocating in kind and is coached

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<sup>160</sup> Syria's quick transition from the nonviolence of the Arab Spring to civil war is just one tragic example. Too many of the world's men, even religious leaders, appear enamored with the violent heroes of fiction rather than real world heroes like Gandhi, Dr. King, Nelson Mandela and Desmond Tutu.

<sup>161</sup> ERBE, *supra* note 41.

<sup>162</sup> ERBE, *supra* note 15.

<sup>163</sup> See generally MOHANDAS K. GANDHI & MAHADEV H. DESAI, *THE STORY OF MY EXPERIMENTS WITH TRUTH* (1993).

<sup>164</sup> ROGER FISHER & WILLIAM URY, *GETTING TO YES* 19 (2011).

<sup>165</sup> ERBE, *supra* note 41.

<sup>166</sup> See, e.g., Alexander J. Stewart & Joshua B. Plotkin, *From Extortion to Generosity, Evolution in the Iterated Prisoner's Dilemma*, 110 PNAS 15348-53 (2013).

to extend “the olive branch” of higher moral ground and an opportunity to collaborate for mutual gain.<sup>167</sup>

The author views Gandhi as a rare impartial figure, treating all concerned with respect and equal consideration. He joins other exceptional leaders like former US President Lincoln.<sup>168</sup>

Lincoln’s role with slavery models requisite impartiality in regards to stakeholder and institutional alliances and pressure. If political fraternity had been a priority, Lincoln may have allowed states to spread slavery without interference. If he had revered the judicial system as sacred, slavery would have prevailed . . . Lincoln’s ability to act with independent integrity under pressure from powerful interests provides inspiration for mediators.<sup>169</sup>

Such impartiality is necessary for mediation to perform its miracles. True impartiality balances power amongst conflicting parties, including those engaged in non-violent protest, and ensures a trustworthy good faith process.

India is beautifully prepared to scrutinize and investigate the purported impartial third parties of international mediation and other conflict resolution process to expose corruption, conflicts of interests, and hidden agendas on a global scale. India’s proposed Lokpals would aspire to critical and rare independence.<sup>170</sup> This is the optimal role for all human rights and corruption investigators. They must be able to independently expose injustice just like non-violent protest movement campaigns.<sup>171</sup>

In gratitude to Gandhi, India, and all non-violent protest movements to date, the author would like to offer her assistance and support to all classical ombuds (Lokpal), anti-corruption efforts, and non-violent movements of the world. As Dr. King eloquently said from his prison cell, “injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny.”<sup>172</sup>

<sup>167</sup> ERBE, *supra* note 15.

<sup>168</sup> *Id.*

<sup>169</sup> *Id.*

<sup>170</sup> See, e.g., Raj Kumar, *Corruption in India: A Violation of Human Rights*, 49 UC DAVIS L.R. 741–92 (2015).

<sup>171</sup> See generally Aalok Khandekar & Deepa S. Reddy, *An Indian Summer: Corruption, Class and Lokpal Protest*, J. CONSUMER CULTURE 221–247 (2015), [joc.sagepub.com/content/1512/22/29](http://joc.sagepub.com/content/1512/22/29) (last visited Sept. 06, 2016).

<sup>172</sup> MARTIN LUTHER KING JR., A TESTAMENT OF HOPE 290 (2003).

India, of all states, with its majority Hindu population, as well as Jains and Buddhists, is arguably the one most suited to do global peace work. All these groups, at least in principle, espouse non-violence.<sup>173</sup> Together with the world's majority Buddhist nations, like Bhutan, Nepal, Thailand, and Vietnam, along with the displaced Tibetan community, one would expect to see stronger voice and presence for community to community as well as personal, or intrapersonal, peace. In actuality, two are embroiled in border and internal religious conflict,<sup>174</sup> one suffered a brutal war,<sup>175</sup> and one is displaced.<sup>176</sup> In the world today, juggling domestic concerns with global contribution is expected.<sup>177</sup> Many possibilities can be imagined and explored. Renowned leaders like the Dali Lama (Tibet/India) and Thich Nhat Hanh (Vietnam), as compelling examples, could lead international non-violent movements that serve the world rather than only their own celebrity and communities.

## VI. SOUTH AFRICA: A FLARE FOR THE CONTEMPORARY WORLD

While only the eldest among us remember Gandhi and India's nonviolent struggle against British colonial forces, many of us remember and even participated in South Africa's fight against apartheid. Most of the living world remembers and reveres Nelson Mandela. Those of us who have stayed in contact with South Africa since apartheid ended know that it still struggles with many internal problems: economic, resistant segregation, and corrupt governance.<sup>178</sup> While the world

<sup>173</sup> See, e.g., Brett Evans, *Ideologies of the Shri Meenahshi Gorishala: Hindu and Jain Motivations for a Madurai Cow Home*, Spring ASIANETWORK EXCHANGE 1–10 (2013).

<sup>174</sup> See, e.g., Duncan McCargo, *The Politics of Buddhist Identity in Thailand's Deep South: The Demise of Civil Religion?*, 406 J. SE. ASIAN STUD. 1–32 (2009); SUMIT GANGULY, CONFLICT UNENDING (2002).

<sup>175</sup> See, e.g., T. BONIA, THE UNITED STATES' VIETNAM WAR (2002).

<sup>176</sup> See, e.g., Mark Kernan, *The Displacement of Tibetan Nomads, International Law and the Loss of Global Indigenous Culture* (March 2013) (Global Policy Essay, University College Cork).

<sup>177</sup> See, e.g., Guido Bertucci & Adriana Alberti, *Globalization and the Role of the State*, unpan.1.un.org/intradoc/groups/public/documents/un/unpan006225.pdf (last visited at June 25, 2017).

<sup>178</sup> See, e.g., Thanti Mthanti, *Systemic Racism Behind South Africa's Failure to Transform its Economy*, CONVERSATION (Feb. 2, 2017, 10:55 AM), <https://theconversation.com/systemic-racism-behind-south-africas-failure-to-transform-its-economy-71499>.

celebrated and saw the best of South Africa when it hosted the Olympics, South Africans know their growing violence.<sup>179</sup>

Still, South Africa, as the world's newest multicultural democracy, has much to share. Many of us were privy to seeing Desmond Tutu lead the most public Truth and Reconciliation process the world has arguably ever seen.<sup>180</sup> Desmond Tutu still courageously rallies for Palestinians and other communities suffering injustice, oppression, and apartheid around the globe and encourages the nonviolence of Gandhi and Dr. King Jr.<sup>181</sup> The constitution that was negotiated and created post-apartheid was arguably the most inclusive process ever seen in a multicultural and multi-religious, spiritual community.<sup>182</sup>

The author would like to ask readers to consider South Africa for the peace equivalent of BRICS that she is suggesting Norway create. It is important to have a mediating state that deeply understands and resonates with the struggles of the Global South. Alternatively, one of the author's former students, Mike Bugason who is from Uganda, is currently working for the African Union where he hires mediators. African students and practitioners of mediation are well suited to help Norway determine its African state mediator: Ghana or another progressive state. The author recommends one of her former students from Cameroon. While Cameroon as a nation struggles for fair elections and governance, Richard Ndi Tanto has mediated impressively with warring violent tribes for years with the Ecumenical Service for Peace.<sup>183</sup> He is a rare master of mediation skills who continues to live in Cameroon with his family and friends.<sup>184</sup>

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<sup>179</sup> See, e.g., Maake Masango, *Aggression, Anger and Violence in South Africa*, 60 HTS THEOLOGIESE STUDIES 993–1006 (2004).

<sup>180</sup> See, e.g., Tristan A. Borer, *Reconciling South Africa or South Africans*, 8 AFR. STUD. Q. 19, 19–38 (2004).

<sup>181</sup> See, e.g., Meghan E. Zibby, *Legitimizing Struggle: The Rhetoric Of Nonviolence and the Palestinian And International Boycott, Divestment and Sanctions Movement*, (Jan. 1, 2015) (unpublished thesis, University of Colorado Boulder), scholar.colorado.edu/cgi/viewcontent.cgi?article=1036&context=rlist\_gradetds (last visited June 06, 2017).

<sup>182</sup> Erbe, *supra* note 14.

<sup>183</sup> *Id.*

<sup>184</sup> *Id.*

**VII.      BEYOND REAL POLITICS TO INCLUSIVE MEDIATION AND  
MULTILATERALISM: REJECTING PSEUDO NEUTRALITY SO  
IMPARTIALITY, INCLUSIVENESS, AND POWER BALANCING  
CAN PROGRESS**

True and positive neutrality does not exist in the real world apart from the International Red Cross, Norway, the best of classical ombuds investigators, and law within the United States when practiced ethically. First, it is difficult to define.<sup>185</sup> Some assert that it is “value free;” an empty vessel; perhaps representing the objectivity and logic of science (though science has its values).<sup>186</sup> One can understand why it has been emphasized in the West, domestic dispute resolution context, particularly in the US, as the result of its evolution in response to escalating and unmanageable court cases.<sup>187</sup> Unfortunately, harmful confusion results. A judge is explicitly expected to make independent fair decisions (through interpreting law that is also potently moral; laden with collective values) for parties in conflict while a mediator is not.<sup>188</sup> At the same time, judges, classical ombuds, and mediators share moral principles. Conflicts of interest are ethically prohibited.<sup>189</sup> If a judge, neutral investigator like a human rights ombuds, or mediator has a preexisting relationship with one of the parties, that relationship must be disclosed.<sup>190</sup>

International conflict resolution, however, explicitly rejects the above code of conduct.<sup>191</sup> It is understood and widely practiced that state mediators are free to serve their country’s self-interest as they mediate.<sup>192</sup> Purported neutrality is a sham. The international conflict resolution community appears to confuse mediation with advocacy. With negotiation advocacy, many advocate that the end justifies the means.<sup>193</sup> No one would dare say, however, that negotiation is value free.

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<sup>185</sup> BERNARD MAYER, BEYOND NEUTRALITY 153 (2004). Judges “renting themselves out” post retirement have contributed to this mess and misunderstanding, along with “evaluative” mediators who are essentially arbitrators and generally lack mediation skill. *Id.*

<sup>186</sup> See, e.g., JACOB BRONOWSKI, SCIENCE AND HUMAN VALUES (1990).

<sup>187</sup> See, e.g., CHRIS GUTHRIE AND LEONARD RISKIN, DISPUTE RESOLUTION AND LAWYERS (2009).

<sup>188</sup> ERBE, *supra* note 41.

<sup>189</sup> *Id.*

<sup>190</sup> *Id.*

<sup>191</sup> See, e.g., Nathan, *supra* note 8.

<sup>192</sup> See, e.g., Olson & Pearson, *supra* note 1.

<sup>193</sup> See, e.g., John Wade, *Persuasion in Negotiation and Mediation*, 25 DISPUTE RESOLUTION CENTRE NEWSLETTER 5–34 (2007).

Law, in contrast, is like pure neutrality: rare independence when interpreted and applied in impartial, just ways.<sup>194</sup> In cultures where loyalty to tribes, families, and communities sharing language or religion is supreme, understanding impartiality in practice is quite challenging. International human rights lawyer Jonathan Kuttab describes a *constant* community and political (bureaucratic, judicial, etc.) education role.<sup>195</sup> As one example, he may educate a local police officer that the law prescribes that he simply apprehends a suspected criminal.<sup>196</sup> The suspect is actually tried by a judicial process; not by group interests. What lawyer Kuttab is effectively doing is constantly educating people who use group loyalties to make decisions to learn to rely on independent processes like law and impartial conflict resolution.

Despite the scholarly discussion of tensions between activists and lawyers for justice and conflict practitioners,<sup>197</sup> in real world practice, conflict resolution regularly addresses important legal questions, particularly when the process is occurring in the midst of litigation. There is no need to polarize this relationship. Skillful mediators and other conflict resolution practitioners facilitate the parties raising their most important justice concerns. Often, lawyers are actively involved with mediation.<sup>198</sup> Parties are not bound to follow the law, but they are also not prohibited from doing so. This represents another value difference within the conflict resolution community. Along with many Western conservative politicians, some mediators (international?) are anti-law, anti-authority, and anti-government. This type of bias, however, is exactly what might hinder a mediator from conducting an inclusive and impartial process where parties are supported in self-determination. If it is strong enough, ethically the mediator must withdraw from the process.<sup>199</sup>

Of course, in parts of the world where the judicial system is corrupt so that the law is not applied independently at all, it is a different

<sup>194</sup> See, e.g., William Lucy, *The Possibility of Impartiality*, 25 OXFORD J. LEGAL STUD. 3–31 (2005).

<sup>195</sup> Interview with Jonathan Kuttab, Human Rights Lawyer, Bethlehem Bible College, in Bethlehem, West Bank (Feb. 2015).

<sup>196</sup> *Id.*

<sup>197</sup> See, e.g., Laura Nader, *Coercive Harmony: The Political Economy of Legal Models*, 29 REVISTA BRASILEIRA DE CIEN. SOC. 1, 18–29 (1994).

<sup>198</sup> See generally Leonard L. Riskin, *Mediation and Lawyers*, 4 OH. ST. L. J. 29–60 (1982).

<sup>199</sup> Andrew Kydd, *Which Side Are You On? Bias and Mediation Credibility*, 47 AMER. J. POL. SCI. 597–611 (2003).

discussion.<sup>200</sup> Such societies cannot rely on just administration of the rule of law. Impartial conflict resolution becomes even more critical.<sup>201</sup>

What does purported neutrality actually mean in the practice of mediation? If a male mediator ignored the voices and discouraged the participation of all women present could he simply claim to be neutral?<sup>202</sup> Neutrality, in practice, often appears at first glance to mean partnership or concurrence with the status quo, particularly its power and even its injustice: agreeing to look the other way and otherwise not see, hear, or speak about injustice (if Switzerland and its approach to finances is the model that is exactly what is occurring most of the time).<sup>203</sup> This becomes particularly troubling if one imagines the ways that mediators and arbitrators benefit from tolerating the status quo. Anyone familiar with the most prosperous of arbitrators in the United States and Europe sees the upper-class world of affluent white men.<sup>204</sup> They receive perks and privileges in supporting the wealthy and powerful of the status quo.<sup>205</sup>

Of course, scholars of mediation ethics debate this critical issue. Christopher Moore, whose book on mediation introduced the process to many, advocates that mediators be obliged to ensure a just and fair process for all parties.<sup>206</sup> In short, mediators must work to balance power to ensure an inclusive participatory process. Others advocate the opposite: that the power present simply be accepted.<sup>207</sup> With such a view, it is not surprising that corporations embrace mediation as their first choice for resolving conflict.<sup>208</sup> The rest of us risk playing fools.

Without attempting to tackle the full debate here, if neutrality aspires to be value free,<sup>209</sup> or empty, this illustrates an even more serious

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<sup>200</sup> See, e.g., Thomas J. Moyer & Emily Stewart Haynes, *Mediation as a Catalyst for Judicial Reform in Latin America*, 18 OH. ST. J. DISP. RESOL. 619–67 (2003).

<sup>201</sup> *Id.*

<sup>202</sup> See, e.g., Trina Grillo, *The Mediation Alternative: Process Dangers for Women*, 6 YALE L. J. 1545–610 (1991).

<sup>203</sup> See, e.g., Dietrich Schindler, *Neutrality and Morality: Developments in Switzerland and in the International Community*, 14 AMER. U. INT'L. L. R. 155, 155–70 (2014); William Samuelson & Richard Zeckhauser, *Status Quo Bias in Decision Making*, J. RISK & UNCERTAINTY 7–59 (1988).

<sup>204</sup> See, e.g., Sergio Puig, *Social Capital in Arbitration Market*, 25 EUR. J. INT'L. L. 387, 387–424 (2014).

<sup>205</sup> *Id.*

<sup>206</sup> CHRISTOPHER MOORE, *THE MEDIATION PROCESS* 301–02 (2014).

<sup>207</sup> ERBE, *supra* note 41.

<sup>208</sup> See, e.g., Nancy Erbe, *Appreciating mediation's global role with good governance*, 11 HARV. NEGOT. L. REV. 355, 376–77 (2006).

<sup>209</sup> See, e.g., OXFORD STUDIES IN POLITICAL PHILOSOPHY (David Sobel, Peter Vallentyne & Steven Wall eds., 2015).

problem for international conflict resolution. All human beings are vessels of a myriad biases, many, if not most, unconscious.<sup>210</sup> Research shows human beings constantly distort reality with self-serving and harming bias.<sup>211</sup> The challenge for serious students and practitioners of mediation and other conflict practice is to become increasingly aware of bias so it does not hinder them from understanding others accurately.<sup>212</sup> Without evolving consciousness, the practitioner of international conflict resolution is not equipped to facilitate inclusive, participatory, or impartial process no matter how well intentioned.

When the United States mediates to elevate its own interests before others, this dominant approach encourages blatant self-interest, bias, prejudice, and directly hinders an inclusive, participatory process. No attempts are made to balance power. If Brazil, India, and South Africa are to interrupt the dominant approach, they must begin a critical dialogue and optimally start to emulate and encourage true democracy on the world stage. While they struggle to grow and strengthen their domestic institutions, they can simultaneously model democracy at the international conflict resolution table.

Years ago, in his preface to a new printing of Paulo Freire's *Pedagogy of the Oppressed*, Richard Shaull said the following about education. The same can be said about international conflict resolution.

There is no such thing as a neutral educational process. Education either functions as an instrument that is used to facilitate the integration of the younger generation into the logic of the present system and bring about conformity to it, or it becomes "the practice of freedom" the means by which men and women deal critically and creatively with reality and discover how to participate in the transformation of their world.<sup>213</sup>

Now the truth is that no state expects another state to neglect or sacrifice its needs and interests.<sup>214</sup> In fact, most are happy to negotiate with another state's elites simply to pragmatically advance in some

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<sup>210</sup> See, e.g., Howard Ross, Exploring Unconscious Bias, 2 CDO Insights Aug. 2008, at 1–3.

<sup>211</sup> ERBE, *supra* note 41.

<sup>212</sup> *Id.*

<sup>213</sup> PAULO FREIRE, *PEDAGOGY OF THE OPPRESSED* (1996).

<sup>214</sup> See, e.g., Miriam Doran, Essay, *Realist and Constructivist Approaches to Anarchy*, E-IR ¶14–15 (Aug. 29, 2011), [www.e-irinfo/2011/08/29/realist-and-constructivist-approaches-to-anarchy/](http://www.e-irinfo/2011/08/29/realist-and-constructivist-approaches-to-anarchy/) (last visited June 27, 2017).



way.<sup>215</sup> Skilled mediation and integrative bargaining create true “win-wins” where all are able to creatively advance their interests further than they could without cooperation. The potential for transforming and advancing our global world exists in myriad ways.

### VIII. EMBRACING AND CREATING OPPORTUNITIES FOR DIALOGUE WITH COURAGEOUS SYSTEMS ANALYSIS OF QUESTIONS LIKE WHO BENEFITS FROM THE STATUS QUO

Few would dispute that international relations as it is practiced and has been practiced for years is primarily crisis driven and reactive rather than proactive and preventative.<sup>216</sup> Many missed opportunities for peacebuilding and conflict resolution occur because nation- state governments do not respond to signs.<sup>217</sup> As one example, when the author helped facilitate cross-ethnic dialogue in the Balkans during its war, professional participants described failure to respond to the signs of impending war.<sup>218</sup> Oftentimes leadership profits as they manipulate escalating conflict.<sup>219</sup> Other times response to citizen discontent and suffering is simply not a government priority.<sup>220</sup>

Brazil’s think tanks, like PUC-Rio’s unit for mediation in the Global South, would do the world a great service if in addition to critiquing international conflict resolution, they would demonstrate complex conflict systems analysis rather than traditional critique of conflict resolution efforts.<sup>221</sup> This would facilitate many, including activists, mediators, and parties, embracing greater complexity. Palestinians and others embroiled in entrenched conflict know systems

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<sup>215</sup> See generally Hail Gardner, *International Negotiation and Conflict Resolution*, OXFORD BIBLIOGRAPHIES, [www.oxfordbibliographies.com/view/document/obo-9780199743292/obo-9780199743292-0006.xml](http://www.oxfordbibliographies.com/view/document/obo-9780199743292/obo-9780199743292-0006.xml) (last visited June 27, 2017).

<sup>216</sup> See, e.g., Robert J. McMahon, *Credibility and World Power: Exploring the Psychological Dimension in Postwar American Diplomacy*, 15 OXFORD J. DIPLOMATIC HIST. 455, 468 (1991).

<sup>217</sup> See, e.g., CARSTEN WIELAND, SYRIA: A DECADE OF LOST CHANCES (2012).

<sup>218</sup> Erbe, *supra* note 14.

<sup>219</sup> See, e.g., WILLIAM URY, THE THIRD SIDE 72 (2000) (describing the research of anthropologists of war).

<sup>220</sup> See, e.g., David Mechanic & Jennifer Tanner, *Vulnerable People, Groups and Populations: A Societal View*, 26 HEALTH AFF. 1220, 1228 (2007).

<sup>221</sup> See, e.g., Nathan, *supra* note 8, *passim* (offering a general critique of international conflict resolution); Eduardo Uziel, *War, Peace and Mediation in the Middle East*, BPC POLICY BRIEF, Feb./Mar. 2015, at 4, 15.

and other in-depth analysis is vital.<sup>222</sup> The Palestinian conflict has been polluted with massive development aid and systemic corruption on all sides to the benefit of a few leaders who do not seem to mind tragically sacrificing their own people.<sup>223</sup> Analyzing the lack of international accountability and oversight that has allowed this to occur would be a significant contribution, along with envisioning and strategizing an adequate future for all without dependence on external funds. Exploring alternatives is critical. Doing an in-depth analysis of how donor aid has complicated resolution efforts in the Middle East, particularly between Israeli and Palestinian communities, would be invaluable.<sup>224</sup> When elite leaders on all sides benefit materially from continuing conflict, their communities are stuck and suffer.<sup>225</sup>

While the Norway supported mediation unit for the Global South may not be interested in acting as more than an academic think tank, other NGOs within the Global South are envisioning and preparing themselves to play a more engaged role with international conflict resolution.<sup>226</sup> They propose conflict and violence monitoring as well as organizing a cohort of skillful and respected regional mediators.<sup>227</sup>

The Vatican is an intriguing case study under the leadership of Pope Francis as he attempts to reform the vast inequality between internal wealth and the poor it purports to serve.<sup>228</sup> It is not easy to gain information about its efforts to lay the groundwork for mediation with economically poor countries like Cuba and pave the way for

<sup>222</sup> See, e.g., Nancy Erbe et al., *Mediating and Negotiating Peace in Africa*, 9 PEPP. DISP. RESOLUT. L. J. 457, 470 (2009) (with description of constant analysis done while peacebuilding between warring tribes in Cameroon).

<sup>223</sup> See, e.g., Ziva Dahl, Opinion, *Palestinian Kleptocracy: West Accepts Corruption, People Suffer*, HILL (Nov. 15, 2016, 5:25 PM), <https://www.thehill.com/blogs/congress-blog/foreignpolicy/206179> (last visited Feb. 15, 2017).

<sup>224</sup> See, e.g., John Mearsheimer & Stephen Walt, *The Israel Lobby and U.S. Foreign Policy*, 28 LONDON REV. BOOKS 3, 3–5 (Mar. 23, 2006), <https://www.lrb.co.uk/v28/n06/john-mearsheimer/the-israel-lobby>.

<sup>225</sup> See, e.g., Farah Abuzeid, *Foreign Aid and the Big Push Theory: Lessons from Sub-Saharan Africa*, 11 STAN. J. INT'L REL. 16, 19 (2009).

<sup>226</sup> See, e.g., Stine Lehmann-Larsen, *Effectively Supporting Mediation: Development Challenges and Requirements*, 3 OSLO FORUM PAPERS 2, 4 (2014).

<sup>227</sup> Interview with Mike Bugason, Senior Advisor, African Union, 2015); see, e.g., Ndung'u Wainaina, *Role of NGOs in Conflict Prevention*, KENYA TIMES (May 2, 2006), <https://www.globalpolicy.org/component/content/article/176/31296.html>.

<sup>228</sup> See, e.g., Francis Schussler Florenza, *Reflections on Pope Francis (Is He a Reformer, Traditionalist or Both)*, 42 HARV. DIVINITY BULL. Winter/Spring 2014, <https://bulletin.hds.harvard.edu/articles/winter/spring2014/reflections-on-pope-francis> (last visited July 19, 2017).

reconciliation with powerful and privileged countries like the United States.<sup>229</sup> While the Catholic hierarchy is definitely not an example of social equality, it is acting as a facilitator, (perhaps) mediator, between the West and Global South and deserves further study, especially given the role religion is playing in some of the world's most entrenched conflicts.<sup>230</sup> If the Vatican could somehow find a way to dialogue with the more open-minded of Evangelical leaders about the destructive roles they are playing in the Middle East, they would be paving a way to a peace prize.

Other ideas for peacebuilding that NGOs may be best able to actualize include the following. Poor states like Nepal have embraced mediation to respond to insurgency and transform their society from monarchy to democracy.<sup>231</sup> Certainly their experience and strategies deserve more consideration.

The BRICS to date do not appear to be aligning with each other on significant shared concerns except for starting the New Development Bank.<sup>232</sup> Their potential for aligning with each other to advance the international system needs to be acknowledged and encouraged.<sup>233</sup> Asking them to follow Norway's example as a mediator, however, looks quite unrealistic. These states wrestle with daunting domestic problems. While they continue to compete for permanent seats on the Security Council, the world community will be better served by considering which of the developing societies with less influence but more equality within are positioned to serve as global mediators.

### **IX. DIPLOMATS AND GIFTED DOMESTIC MEDIATORS MAY HOLD THE KEY TO ADVANCING INTERNATIONAL CONFLICT RESOLUTION**

The author has been educating diplomats in mediation, its ethics and skills, as well as other conflict resolution skills, like facilitated

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<sup>229</sup> See, e.g., Emma Dwight, *Dissecting a Miracle: Pope Francis the Peacemaker*, 36 HARV. INT'L REV. 1 (Spring 2015).

<sup>230</sup> See generally C. Marlene Fiol et al., *Managing Intractable Identity Conflicts*, 34 ACAD. MGT. REV. 32 (2009) (discussing how identity broadly serves as the center of many intractable conflicts).

<sup>231</sup> See Amy J. Cohen, *Debating the Globalization of U.S. Mediation: Politics, Power and Practice in Nepal*, 11 HARV. NEGOT. L. REV. 295, 320–21 (2006).

<sup>232</sup> CHUN, *supra* note 3.

<sup>233</sup> *Id.*; Progressive India, Brazil & US-IBUS, FACEBOOK, <http://www.facebook.com/progressiveIBUS/> (last visited July 26, 2017).

dialogue, for years. One of her former graduate students currently serves Zambia's diplomat to Sweden. She has lectured on mediation to India's former diplomat to Cuba, Iran, and Malaysia. Years ago, the US diplomat in residence at the University of California Los Angeles visited her conflict resolution classrooms for two reasons: one, to recruit more diverse and culturally sensitive diplomats and US State Department employees, and two, to explore how conflict resolution education could help empower diplomats to be more effective in their service. Other diplomats around the world are starting to concur. Switzerland, as one example, is promoting mediation education for its diplomats.<sup>234</sup>

Since domestic insurgency, protest, and other group conflicts are priority problems that have existed in many countries for years, often the most masterful and gifted mediators are found in urban settings and environments where volatile and challenging conflict is regularly experienced.<sup>235</sup> While describing the myriad of skills involved in the most masterful of mediation is beyond the scope of this article, those who teach and practice facilitative mediation appreciate that skill mastery requires practice and continuous improvement over a lifetime.<sup>236</sup> Human and community relations mediators receive regular opportunities in the fire of group conflict to practice and hone their skills.<sup>237</sup> Richard Salem, who spent his career as a US community relations mediator (mediating the Wounded Knee and Skokie protest conflicts as two examples) described empathy as perhaps the most important skill he learned<sup>238</sup>:

The ability to listen with empathy may be the most important attribute of intervenors who gain the trust and cooperation of parties to intractable conflicts and other disputes with emotional content. Empathic listening enables the listener to receive and accurately interpret the speaker's message. [I]t 1) builds trust and respect, 2) enables disputants to release their emotions, 3) reduces tensions, 4) encourages the surfacing of information, and 5) creates a safe environment that is conducive to collaborative problem solving.

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<sup>234</sup> See generally DAVID LANZ ET AL., EVALUATING PEACE MEDIATION, INITIATIVE FOR PEACEBUILDING (Nov. 2008), <https://www.oecd.org/derec/ec/Swiss%20Peace%20-%20evaluating%20peace%negotiations.pdf> (last visited Feb. 20, 2017) (discussing the desirability of mediation to the EU).

<sup>235</sup> See generally Marta-laura Suska, *Recommendations for Two Violence Policing Programs in Brazil*, 5 BPC POL'Y BRIEF Apr./May 2015, at 5 (describing the long running conflict in Brazil over drug-trafficking and its effect on the communities); ERBE, *supra* note 15.

<sup>236</sup> See, e.g., ERBE, *supra* notes 15 and 41.

<sup>237</sup> *Id.*

<sup>238</sup> *Id.*

Empathic listening is often what sets the mediator apart from others in the conflict.<sup>239</sup>

Rarely, if ever, does one hear such empathy practiced or promoted with international conflict resolution.<sup>240</sup> This may help explain its frequent failure.<sup>241</sup> Serving as a Fulbright Specialist in Peace and Conflict Resolution in Bethlehem West Bank two years ago, the author worked with a Palestinian lawyer who confided that “Western” mediation and conflict resolution would never work with Palestinians because “we have emotions!”<sup>242</sup> She studied integrative negotiation (the Harvard model) and mediation at the University of Tel Aviv and somehow learned that rational discussions and analysis were required. Emotions were not welcome. I tried to reassure her that many Western parties to mediation have emotions as well. Skillful, educated, and seasoned mediators are prepared to invite emotions into their mediations. In fact, they have several tools, in addition to empathetic listening, to assist parties with expressing and insightfully understanding their emotions.<sup>243</sup> While some scholars may argue that emotions are inappropriate in international conflict resolution or simply disregard them,<sup>244</sup> having helped facilitate cross-ethnic dialogue during the Balkans war and in Cyprus with the bi-communal community, I would argue that these scholars are far removed from the raw realities of war and ethnic conflict.<sup>245</sup> Emotions run high and deep, often crossing generations.<sup>246</sup> Bureaucratic and diplomatic protocol cannot be expected of those immersed in the most horrific of conflict. In fact, it is likely that parties will need to be fully and deeply heard and understood<sup>247</sup> before their minds will be capable of hearing rational argument. The African peacebuilder I taught, who I most admire for effectively building peace and facilitating sustainable conflict

<sup>239</sup> ERBE, *supra* note 15, at 62 (quoting Richard Salem).

<sup>240</sup> See, e.g., Juan Camilo Munevar, *A New Framework for the Evaluation of Mediation Success*, 2 BRUSSELS J. INT’L STUD. 70, 86–87 (2005) (discussing the ideal types of mediation without mentioning empathy).

<sup>241</sup> *Id.* at 70.

<sup>242</sup> Interview with a Lawyer, Bethlehem Bible College, Bethlehem, Palestine (Jan. 2015).

<sup>243</sup> See, e.g., ERBE, *supra* notes 15 and 41.

<sup>244</sup> See, e.g., Tereza Capelos & Joshua Smilovitz, *As A Matter of Feeling: Emotions and the Choice of Mediator Tactics in International Mediation*, 3 HAGUE J. DIPL. 63, 84–85 (2008).

<sup>245</sup> See, e.g., Erbe *supra* note 14; ERBE, *supra* note 15.

<sup>246</sup> See, e.g., Joseph H. Albeck et al., *Dialogue Groups: TRT’s Guidelines for Working Through Intractable Conflict*, 8 PEACE & CONFLICT J. PEACE PSYCHOL. 301, 310 (2002); Julia Chaitin, “I Need You to Listen to What Happened to Me”: *Personal Narratives of Social Trauma in Research and Peacebuilding*, 84 AMER. J. ORTHOPSYCHIATRY 475, 477 (2014).

<sup>247</sup> See, e.g., ERBE, *supra* notes 15 and 41.

resolution between violent and warring groups, is a sincere and empathetic (as well as intelligent and insightful) mediator.<sup>248</sup>

Common among new conflict resolution practitioners is a monthly or even weekly debriefing of conflict challenges, mediation successes and failures, or reflective practice.<sup>249</sup> If this is needed domestically, it would seem even more important at the international level. Yet, to date, there appears to be no gathering or grouping of international mediators who regularly share mediation challenges, successes, and failures in order to learn from and support each other's mastery and improvement.<sup>250</sup> Such field proven success must and should be the UN and states' basis for selecting and esteeming mediators rather than choosing mediators based on Ivy League and other celebrity status or ethnicity and gender. Certainly, the UN practice of asking international security and relations scholars to be mediation experts is not advancing international conflict resolution from the dominant "carrot stick" approach. Most know little, if anything, about effective mediation and even confuse multilateral negotiations and conciliation with mediation.<sup>251</sup>

As a Fulbright Distinguished Chair in American Studies (international relations, urban studies, and social inequalities), the author had a rare opportunity to learn about gifted mediators and mediation within Brazil. Of particular interest was an academic-journalist mediation between favela (slum) residents (including the parents of a ten-year-old shot by military police during a drug bust) and the military police themselves.<sup>252</sup> This was part of an ongoing reform effort within the military police to simultaneously pacify favelas dominated historically by drug cartels and clean up a force entrenched in corruption.<sup>253</sup> Since urbanization and resultant violence involving drug gangs and other dissident groups is emerging as the peace priority of the future, such

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<sup>248</sup> See, e.g., Erbe et al., *supra* note 222.

<sup>249</sup> See, e.g., Samantha Hardy, *Teaching Mediation as Reflective Practice*, 25 NEGOT. J. 385–400 (2007).

<sup>250</sup> See, e.g., Arghavan Gerani, *Bridging the Theory and Practice Gap: Mediator Power in Practice*, 26 CONFLICT RESOL. Q. 433, 449 (2009).

<sup>251</sup> This is sadly also true with esteemed international experts in peacebuilding.

<sup>252</sup> Interview with Ana, Pontifical Catholic University, Rio de Janeiro, Brazil (Apr. 20, 2015); see Suska, *supra* note 235.

<sup>253</sup> Interview with Ana, *supra* note 252.

mediators could be a rich (skilled and effective) group for international mediations.<sup>254</sup>

The author proposes the following for advancing international mediation: that the diplomats of trusted countries like Norway and Finland as well as any other countries aspiring to become state mediators invest in more substantial conflict resolution and mediation education and then devote themselves, as the most masterful mediators do, to a lifetime of case-study analysis and reflective practice.<sup>255</sup> If the most skilled and effective mediators proving their ability to bridge culture in the heat of conflict are recognized and promoted by their countries, an international pool of mediators would be created who can actually build the deep trust needed to mediate the greatest challenges the world faces. This field-proven community could then create case study scholarship analyzing the myriad variables involved in sustainable and effective international conflict resolution. “Against all odds” progress involving insurgency, organized crime, and even terrorist groups should be prioritized.

While international scholars often argue that their elite and exclusive international relations cannot be equated with domestic conflict resolution and mediation, this author argues that their reliance on abstract theories like conflict ripeness too often rationalizes and justifies the lack of skill and moral courage/conviction of those who could and should intervene.<sup>256</sup> Allowing thousands and millions to die to reach ripeness rather than being open to developing conflict skill and process mastery is criminal. The author also believes that the elite exclusive circles of international relations (including the UN) are increasingly less prepared to engage with the most alienated, angry, and violent groups in the world today.<sup>257</sup> Elite exclusivity as well as growing distance between

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<sup>254</sup> See, e.g., Kok-Yee Ng et al., *From Experience to Experiential Learning: Cultural Intelligence as a Learning Capability for Global Leadership*, 8 ACAD. MGMT. LEARNING & EDUC. 511, 512 (2009) (discussing how to train an effective cohort of international leaders).

<sup>255</sup> See, e.g., ERBE, *supra* note 15.

<sup>256</sup> See, e.g., Marieke Kleiboer, *Ripeness of Conflict: A Fruitful Notion?*, 31 J. PEACE RESOL. 109–16 (1994).

<sup>257</sup> See, e.g., Ruden Andersson & Florian Weigand, *Intervention at Risk: The Vicious Cycle of Distance and Danger in Mali and Afghanistan*, 9 J. INTERVENTION & STATEBUILDING 519, 522 (2015).

the wealthiest and poor are arguably fueling rather than deescalating the world's conflicts.<sup>258</sup>

**X. THE PEACE AND MEDIATING EQUIVALENT OF BRICS:  
NICS (NORWAY-IRELAND-CAMEROON-SWITZERLAND)  
OR FINS (FINLAND-ICELAND-NORWAY-SWITZERLAND)**

The author suggested earlier in this article that the time is right for Norway to create the peace and state mediator equivalent of BRICS. The BRICS conception was ridiculous: grouping the world's largest and most ruthless dictatorships together with emerging multicultural democracies.

Norway is the best possible leader and shaper of this vision and alliance for all the reasons noted in this article. It is also being recognized as the world's best democracy.<sup>259</sup> If any state is recognized as the home of bold and independent adventurers, it is Norway. At the very least, it could be planting more seeds to nurture Nobel Peace Prize winners by encouraging collective innovation against all odds.

Who else would be part of this grouping? As described earlier, both Finland and Switzerland appear to be showing the most interest in the mediating role while preparing their diplomats and others to mediate. A state like Ghana, or perhaps one like Cameroon, with world renowned and masterful mediators, would add a Global South presence to this grouping. Iceland, along with Norway, Finland, and Switzerland, is recognized as among the world's best democracies.<sup>260</sup> The author suggests Ireland as a possible member as it is not only recognized as one of the world's strongest democracies, but also has a history of oppression and tragedy that would add important perspective and credibility. So, what is being proposed here is NICS (Norway, Ireland, Cameroon, Switzerland) or some other effective partnering like FINS (Finland, Iceland, Norway, Switzerland). Most important must be the sincere desire and capacity to mediate peace in the most intractable conflicts.

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<sup>258</sup> *Contra* Carol F. Karpinski & Catherine A. Lugg, *Social Justice and Educational Administration: Mutually Exclusive*, 44 J. EDUC. ADMIN. 278, 281 (2006) (citing examples where leaders stood for social justice rather than status quo).

<sup>259</sup> *See, e.g.*, Andrea Willige, *Which Are the World's Strongest Democracies*, WORLD ECONOMIC FORUM, <https://www.weforum.org/agenda/2017/02/which-are-the-worlds-strongest-democracies> (last visited Apr. 11, 2017).

<sup>260</sup> *Id.*



Norway has shown this devotion and ability more than once.<sup>261</sup> Perhaps it is best suited to decide its partners so that this collaboration becomes a flood rather than a stream, not a rare miracle, but a common and expected occurrence.

## XI. CONCLUSION

The world seems tragically stuck in the Realpolitik approach to international relations since World War II. Despite the Geneva Convention, Declaration of Human Rights, and amazing globalized connection and activity of all kinds, the most progressive and giving states seem at a loss. Like deer caught in headlights, too many are fixated, even paralyzed, by unending tragedy, expanding criminality, and shocking events. We cannot afford to suffer a third world war before pioneering new advances. Yet, as Western nations struggle with the unanticipated challenges of massive and continuing immigration from the Afghan, Iraqi, and Syrian wars, traditional military warfare seems the predominant fallback approach, again and again, despite its horrific costs.

The time is ripe for the peacebuilding and mediating state leaders to progress in dramatic and visible ways, optimally through collective innovation. The greatest inspirations of history (leaders, artists, composers, etc.) have demonstrated that beauty and greatness are inspired by unspeakable circumstance. This article began by examining the realities and potentials of the BRICS. The multicultural democracies have much to contribute if they embrace their cultural and recognized strengths. Other states, however, are emerging as the most likely to join Norway in its peacebuilding and mediation efforts. The article proposes that Norway coin a peace equivalent to BRICS: FINS or NICS are two rich possibilities.

While terrorism has consumed the attention of the Western world along with struggling economies, a “PEACE BRICS” would identify myriad situations ripe for monitoring, early intervention, and mediation that truly emulates and demonstrates the best of democracy. Obscene material wealth and security are not a shared obsession of most of the world’s middle and working classes. They prioritize education,

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<sup>261</sup> See, e.g., Chester A. Crocker et al., *The Practitioner’s Perspective*, in HERDING CATS: MULTIPARTY MEDIATION IN A COMPLEX WORLD at 47, 60 (Chester A. Crocker et. al. eds., 1999).

science, intelligence, family, and even caring for the long-term sustainability of our natural environment and its species. They join the rare elite and wealthy who likewise champion these causes. If we can imagine and create possibilities for emerging collective innovation, there is much room for hope and progress.

Norway, however, must first restore the world's faith in mediation and demonstrate its full potential. It cannot leave the Oslo Accords as its most memorable legacy even while being celebrated on Broadway. Instead, it must show that it has learned from its failure and show how smart effective mediation engages and consults the most troubled citizenry as well as citizen peacebuilders. It emulates and is true global democracy. Mediation's most skillful practitioners are schooled in power balancing, party/citizen ratification, and other means of creating sustainable process.<sup>262</sup> When masterful, parties to mediation should experience it as nothing less than miraculous.

As retired colonel Swaranjit Singh eloquently prophesied:

Sooner or later we will have to move to a leadership level where we as nation states are less important and relevant vis-à-vis the group of nations of the whole planet. We have lived and seen all types of leadership resulting in more personal gain, greed, and lack of trust in others. This has degraded the human faith in human nature affecting its current direction of evolution. We have to adopt a leadership style which works as a team with the aim to benefit most (if not all) at all levels. As several nations try to get ahold of all the military resources and power; thus aiming to dominate over other nations, we create and escalate a gloomy situation which may eventually lead to total destruction. This puts a big question mark on the future, the very existence of the human race and the Earth we depend on for sustenance. Future leaders have to take a quantum leap and move to a level where all nations conduct business as equal partners ensuring overall wellbeing of all and securing our planet for future generations. Leaders have to function as seeing all nations and their people as connected, interdependent . . . as one unit.<sup>263</sup>

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<sup>262</sup> ERBE, *supra* note 15.

<sup>263</sup> Swaranjit Singh, *Foreword* to COLLECTIVE EFFICACY: INTERDISCIPLINARY PERSPECTIVES ON INTL. LEADERSHIP, at xiii, xv–xvi (Anthony H. Normore & Nancy Erbe eds., 2013).