

Treating Peace as Knowledge: UNHCR's Peace Education as a Controlling Process

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This article reads the manual used by facilitators of the United Nation's High Commissioner for Refugees' Community Peace Education Programme (PEP) to explore the controlling process of which this programme is a part. It argues that the manual encapsulates the many tensions and difficulties related to the protection of refugees' safety in camps. It finds that PEP is not merely a peace education programme, but a reflection of both the problem of refugee protection and UNHCR's effort to contend with it by deflecting responsibility for security in camps to the refugees and making refugees accept their conditions by attributing conflicts both in the home country and in camps to their personal attitudes.

Keywords: UNHCR, peace education, alternative dispute resolution, human rights

[M]ost people, most of the time, think they are doing good. A humane anthropology explores that delusion, and compares, with as much compassion as possible in the circumstances, those often noble or at any rate benevolent aspirations, and their usual ramshackle and pain creating outcomes (Davis 1992: 159).

Introduction

This article is intended as a first step in producing an account of a controlling process by which refugees in camps (mainly in Africa) are 'encouraged' by the United Nations High Commissioner for Refugees (UNHCR) to convert their identities and behaviours, and to use individualism-based forms of alternative dispute resolution mechanisms as part of an internalization of harmony ideology (a term coined by Nader (1997)). This article uses the text of the manual written for facilitators of UNHCR's Peace Education Programmes to explore UNHCR's perceptions of proper legal ideas (dispute resolution) and problem solving in refugee camps. In addition to the text of the manual itself I refer to documents in which UNHCR officials explain the programme. I follow Moore's view that 'when governments explain what they are doing

“for the record” the regnant cultural logic of control is available for inspection’ (1992: 11).

The argument put forward is threefold. First, the Peace Education Programme is an attempt by UNHCR to deflect responsibility for keeping order in camps to the refugees who inhabit them. Second, the self-ordering technology UNHCR promotes is the use of a specific methodology of Alternative Dispute Resolution that elevates harmony over justice and is a form of pacification. Third, UNHCR’s ideas about peace and proper approaches to dispute management in camps are tainted by a strong individualistic bias, verging on cultural imperialism.¹

UNHCR’s Peace Education Programme

Since 1997, UNHCR has been operating Peace Education Programmes (PEP) in refugee camps in Africa. In the framework of PEP, UNHCR conducts Peace Education Workshops (PEW) in schools and at the community level. The latter are called Peace Education Community Workshops (PECW). The programme was initiated and originally operated in Africa. Later on, it was extended to camps in Pakistan, Sri Lanka, and Kosovo (UNHCR n.d.a).

This paper is concerned with the *Peace Education Community Workshop Manual* (UNHCR 2000a, hereinafter cited as *Manual*), designed to train and be used by workshop facilitators. The *Manual* was produced by UNHCR’s Regional Service Centre in Nairobi in 2000. The copy I analyse is the third version of the manual, which was revised based on internal evaluations (*Manual*: 3). In the acknowledgments portion, the then Regional Peace Education Co-ordinator writes: ‘[t]his course has been designed in response to the requests of the refugees of Dadaab and Kakuma, (Kenya) who, while helping me design a Peace Education course for school children in the camps, asked for an adult version for themselves’ (*Manual*: 2).

The *Manual* constructs a twelve session course (intended as a 36 hours programme), designed to be administered by adults (refugees) for adults (refugees). It is divided into nine units. The introductory unit includes an overview of conflict management; Unit 1 deals with definitions (Who are you? Similarities and differences, inclusion and exclusion); Unit 2 is concerned with trust; Unit 3 aims to develop communication skills (active listening); Unit 4 focuses on perceptions, emotions, bias, and empathy; Unit 5 deals with co-operation; Unit 6 with assertiveness; Unit 7 with problem solving; in Unit 8 the participants are taught about negotiation, mediation, and reconciliation; Unit 9 is concerned with human rights and is followed by general conclusions, ‘hints for the facilitators’, and appendices.

Aims and Rationale

As concepts, peace and ‘peace education’ lend themselves to multiple interpretations. Therefore, an exploration of UNHCR’s activities in this field ought to begin with an attempt to unpack its use and understanding of

these terms. Because the *Manual* does not offer definitions, I try to distil them from its content and from exploring the motivations for UNHCR's engagement in peace education. For this purpose I use other texts in which UNHCR personnel explain the programme, as well as an evaluation of the programme (made for UNHCR).

Encourage Individual Responsibility for Peace

It is implicit in the *Manual* that UNHCR's PEP wishes to promote peace in the simple sense of 'no war' as well as what Wiberg termed positive and negative peace. Following Wiberg, Brock-Utne defines peace as 'the absence of personal, physical and direct violence' (Brock-Utne 2000: 6). She too distinguishes between negative peace, which is the existence of equal life chances on the individual and structural levels, and positive peace, which is absence of oppression (again, both on the personal and structural levels). In aiming to 'make human rights practice' PEP is intended to transform attitudes and practices that prevent equal life chances and to eradicate intra-group oppression.

As Vick Ikobwa, who was the Regional Peace Education Advisor of UNHCR in Nairobi, put it, 'peace is everyone's responsibility within any given community' (Baxter and Ikobwa 2005: 29) and PEP therefore tries to create a situation in which the community takes responsibility for promoting positive and negative peace within it (make a reality of human rights). In Obura's evaluation of the programme, one of the six questions the interviewees were asked was '[w]hose responsibility is it to maintain peace in the camps?' (Obura 2002: 14). Two thirds of the interviewees 'recognised individual responsibility for maintaining peace in the camps' (*ibid.*). Obura writes that '[r]espondents reiterated the importance of containing disputes and dealing with them at an appropriate low level' (*ibid.*). Another related question was '[w]hat do you do and what does the community do to keep peace in the camp?' Obura found that people were more proactive in their attitudes compared with 'the more visionary and vague approach of 1998 [']s need assessment in the same camps]' (Obura 2002: 15).

Make a Reality of Human Rights

The January 2005 edition of *Forced Migration Review* featured an interview with Pamela Baxter, the creator of PEP. Baxter explains that peace education in refugee camps is a priority because 'a good peace education programme can enable people to think constructively about issues, both physical and social, that need solutions and to develop constructive attitudes of living in community' (Baxter and Ikobwa 2005: 28). She further explains that '[p]eace education is an attempt to change people's behaviours' and that, like peace building, it tries 'to make a reality of human rights' (Baxter and Ikobwa

2005: 28). It is implicit in her explanation that the programme's target population is not equipped with attitudes that are constructive for living in community and that their behaviours do not manifest regard for human rights. Accordingly, the four stated key targets for change set by the programme are the refugees' behaviours, skills, concepts, and values (Baxter and Ikobwa 2005: 28; 'skills' is broadly interpreted here to include such things as 'the skill of controlling emotions' (Obura 2002: 4)). The concept is to transform existing behaviours, skills, concepts, and values into ones that are more peace conducive for the purpose of 'peace and conflict prevention and minimization' (Baxter and Ikobwa 2005: 28).

In 2002 Anna P. Obura conducted an evaluation of PEP for UNHCR in the camps in which PEP was developed. Noting methodological limitations and challenges, Obura states that 'assessment of behaviour change was to be based on secondary sources, that is, on *crime reports* and on a variety of oral evidence on peace building behaviour gathered from a range of observers' (Obura 2002: 4; my emphasis). In the evaluation of PEP the structural reform Baxter describes as 'making human rights a reality' was measured for impact through 'camp crime statistics, security reports, gender-related security reports, interviews with witnesses to events' and 'impact evidence from the Kenya police' (Obura 2002: 4). From the methodology used to assess the programme's impact we learn that crime reduction, and particularly prevention of violence, were an important target of the programme.

PEP is designed with the hope to reduce crime and bring order to camps that lack state institutions by promoting human rights consciousness and the individualism in which they are rooted. The question whether in the absence of a legitimate political authority there will be endless warfare or order based on 'natural law' has been debated by social contract theories and remains mainly hypothetical. In a sense UNHCR is taking a Lockean approach in thinking that refugees can live in peace in the absence of political authority. However, they wish to replace the refugees' 'natural law' (i.e., their definition of the rights of persons in their community) with their own. Nonetheless, peace (in the sense of human rights) and order are often very different things: human rights consciousness and practice are, in essence, different from social harmony. Human rights are part of a democratic regime that is not built on harmony as much as on participation in the state and protection of human rights (by the state). This means that in the absence of a state, rights consciousness could translate into a (normatively) positive disorder. The other side of that coin is that order is sometimes produced by suppression of human rights and equal opportunities. On the other end of the spectrum, private mediation produces order in specific contexts, which are not necessarily peaceful in the sense that UNHCR talks of (i.e., the aspiration to 'make a reality of human rights'); see e.g. Nader (1993).

To illustrate a small-scale tension between peace and order within PEP, an incident Obura describes in her evaluation is given below. It takes place in

the water queue (a hotbed for disputes around a scarce resource) and describes a UNHCR trained peacemaker's implementation of PEP:

There was an incident at the tap-stand that could have turned ugly. People were waiting patiently in the queue for their turn at the water tap, with their jerry cans placed one behind the other in a very long line. Out of nowhere a man appeared and rudely pushed to the head of the queue to get his water before all the others. The people were all Congolese. And the man was Congolese.

– Why can't you wait like everyone else? The people called out stridently.

The man paid no heed but threw the lined up jerry cans out of line, one after the other. Men and woman alike started to rough him up and push him around. Then they started to beat him viciously.

A peacemaker was passing by at the time. What is the problem? He asked. And he was told. He asked for calm. Then he put the jerry cans back, one behind the other in line. He picked up the troublemaker's jerry can and he addressed the people.

– Now, he said, there is water enough here in this tap for everyone. If this man takes his water first it will not deprive anyone else of water. Is this not so?

The people agreed. It is so, they said.

– You see, went on the peacemaker, everyone has his problems here. We cannot know what is in the head of this man or what problems he has. We can't know whether he brought these problems with him, wherever he comes from, or whether he found new problems waiting for him in this camp. Let this man go first and take his water. Then you can all go quietly to take your water. Perhaps you would allow me to draw water first for him so that he can be satisfied and leave us?

– Let it be so, said the people wearily. And they watched the peacemaker fill the troublemaker's jerry can, and give it to him (Obura 2002: 6).

In this 'success story', the UNHCR trained 'peacemaker' brought about order by telling the weary people standing in line to achieve peace by letting 'the troublemaker' get his way. He did not ask 'the troublemaker' if he indeed had a particular reason for wanting to get in line before the other people. Therefore, the question of whether this was a case of aggression getting its way or compassion towards someone with special circumstances (that could be framed as substantive justice) remained unanswered. This silence locates this case in the realm of procedural injustice: if we don't know of a reason to let the man cut in line (that would be considered an excuse by the other people in the line), then it was his aggression and the harmony-oriented approach taken by the peacemaker that allowed him to violate the right to equal treatment of the rest of the people in the queue.

Another democratic idea or value that is being compromised in this story is the rule of law (in the sense of equality before the law). Of course, this is a minor incident, and framing it in terms of justice or its absence and an injury to the rule of law is an obvious dramatization. But the episode is

a microcosm of the tension between rights and harmony. In this instance, protecting the rule of law and the right of the people who were standing in line (surely, each having their own set of concerns troubling their minds) for equal treatment, would have led to a different result from the one which a harmony-oriented approach brought about.

Beyond the tension between peace and rights/rule of law that the water queue episode reveals, it is also not clear what is the lesson learned from it. Should people who act aggressively generally be accommodated, no questions asked? If so, wouldn't that create a certain level of frustration for those standing in line (despite their attempt to consider the most generous interpretation possible for the aggressive person's behaviour)? Would it not, in the longer run, lead to more conflicts in the camp? UNHCR seems to suggest that tensions around scarce resources in refugee camps should be 'solved' by the promotion of apparent 'harmony' which (at least in the success story) is a form of pacification, rather than through the realization of some form of justice.

It is important to note that order and peace are not necessarily coupled in the way PEP's designers hope for, because this distinction can shed light on the programme's priorities and intentions. Is the programme intended to reduce crime in the camp and achieve order? Or is it aimed to promote human rights and equal opportunities? What is the balance between these aspirations? What is the power given to 'peacemakers' because of their perceived connection to UNHCR? And to what extent do they promote peace in the sense of order through what Bourdieu termed 'double reality of domination' (Bourdieu 1977: 179, 192)? These questions are of importance because there is a real possibility that encouraging the refugees to achieve 'private' order would result in an oppressive environment in which human rights are violated and suppressed.

If the evaluation of the programme by Obura was an indication of UNHCR's priorities (and I am not suggesting it is a conclusive one), most of the materials that were collected to assess the programme's impact (what Obura defined and divided into documentary evidence, observations, and interviews) are concerned with levels of crime in the camp. It could well be that these are simply the most measurable effects, but it is also important to keep in mind that less crime is not an indication of respect for human rights and sometimes is an indication of oppression and repression.

Facilitating Post-conflict Reconstruction

In a UNHCR piece about the programme the refugees' attitudes are linked to the conflict in the home country and the situation in the camp, suggesting that the same attitudes that brought about the war in the home country stand in the refugees' way of living peacefully in the camp: '[m]any of the attitudes and behaviours that created conflict in the refugees' home countries come with them and create problems in refugee camp situations'

(UNHCR n.d.b: 1). More specifically, it is argued that the refugees have 'a tendency to solve problems by violence or by postponing the problem. The responsibility to solve problems belongs to the elders or the leaders' (*ibid.*). A similar approach is implied in the Head of UNHCR Regional Service Center Shelly Pitterman's foreword to the manual. Pitterman writes that '[r]efugee movements are the products of violent conflict and disrespect for human rights. Peace Education aims to teach people the attitudes and skills necessary to resolve conflicts non-violently and to live peacefully with others' (*Manual*: 2). In other words, PEP was created with the assumption that conflict in the home country was the result of the population's non-peace conducive attitudes and behaviours and that the same attitudes and behaviours prevent the refugees from living a peaceful community life while in the camp.

A 'success story' titled 'The Day the Fighting Stopped' is mentioned in most publications about the PEP (e.g. Obura 2002: 19; Obura and Sinclair n.d.; UNHCR n.d.b: 2) and can perhaps help illustrate my argument that PEP links conflict in the home country (and, in particular, collectivist attitudes and values) with violence in the camp:

Two rival groups of Dinkas [tribes of south Sudan] stood on the ridges of Kakuma Camp [in Kenya] one day, summoned there to fight. Theirs was not to wonder why. Their role was to obey the elders, unquestioningly, to fight. A variety of weapons had been collected, unearthed from their hideaways. Some of the young men had eyes flashing, spoiling for the fight. Others were more hesitant.

But something strange was happening. What was it? What was happening? Slowly, imperceptibly, one by one, some were drawing away from the larger groups. Silently, one by one, they just turned aside, and slowly separated out from the others. More followed. One by one.

They looked over to the opposite ridge. To their amazement, the same thing seemed to be happening over there, quite independently of what was happening on their own ridge. They even recognized from a distance one or two of their peace education friends walking away.

It was true! The peacemakers were moving! One by one, the peacemakers were leaving! Something new was afoot. For sure! More and more followed, on both sides, peacemakers and friends, drawing away from the main fighting groups. One by one, they dropped their weapons, turned and left the scene.

Those who remained could see the futility in standing their grounds. They left too.

This day is known as the first time peacemakers ever stopped a large fight. And it is interesting to see how they did it, almost unconsciously, spontaneously, silently, one by one. There had been no plan, no planning, no talk at all.

Later, when they looked back on that day, some said: 'well, there on that ridge, I began to wonder why I always obey the elders and fought. I wondered why I have to put myself in danger and get hurt. I wondered why I should risk my resettlement plans which are almost through.' Another said: 'And last time this happened, many of my friends were injured and several of them were left dead on the field. I began to ask myself, there on the ridge, why me?'

Why jeopardize everything I have been working for? I just couldn't do it. I just couldn't fight that time. Something inside me was saying: "No, don't do it". So I left the ridge! I just left!

'Yes,' said another, 'I felt the same. And when I saw my peace education friends on the other ridge walking away just like we were doing, I knew we had to be right. I knew we shouldn't just blindly follow those orders to fight.' 'What does peace mean, after all?' said a fourth. 'Are we to fight just because someone tells us to fight? Who is telling me to fight? For what? For whom? I won't do it again. I shall listen to my own head!' (UNHCR n.d.b: 2).²

I choose to bring this 'success story' in its entirety despite its length and the fact that it is not actually part of the *Manual* because this rich text encapsulates many of the messages, values, and prescriptions offered by the PEP. Moreover, it is a story of the process, the very cultural transformation PEP hopes to inspire. As a story of transformation it includes the pre-change state (the object of conversion) and the post-conversion state. That it re-appears in meta-programme publications is an indication of its importance to the people behind the programme and that they too see it as central and representative of the change they wish to prompt.

The opening scene builds up tension towards a fight that was about to occur: the young people, like the readers, are not sure why were they about to fight and we cannot but develop some resentment towards a situation in which young people are ordered to fight (almost sacrificed) and are not allowed to ask why: 'their role was to obey the elders, unquestioningly, to fight.' But then there is a moment of change. It is a very gentle change (slowly, imperceptibly, silently), constructed in contrast to the violent weapons and flashing eyes of the pre-fight scene. It is also a moment of individualism,³ contrasted with the aggressive collective of the first scene. The phrase 'one by one' appears three times in the short second paragraph to indicate the separation from the group.

The transition is a departure from the smothering, oppressive ready-to-fight collective towards a gentle individualism. It is important that the conversion will not be tainted by the unquestioning obedience of the original (collectivist) state. Therefore, the personal nature of the decision to depart from previous affiliations is highlighted with the repetition of 'one by one'. But for the collective oriented persons that gathered for the fighting, a complete sharp separation could be threatening and feel insecure. As noted by Nader and Grande '[i]n many "traditional" legal systems, the individual can find in his group the protection he needs; the more powerful his group, the more protection he gets' (Nader and Grande 2002: 589). The third paragraph contends with such possible anxiety by suggesting that the peacemakers are not alone after they leave their group. They join another group: a group of individuals (to substitute the original collective) with whom they *chose* to associate based on shared beliefs: '[t]hey even recognized from a distance one or two of their peace education friends walking away.'⁴ As the separation

process continues in the next paragraph, the phrase ‘one by one’ continues to be the symbol of the new group’s formation.

From her third person omniscient perspective, the narrator summarizes that the ‘moment of salvation’ was almost unconscious, spontaneous, and silent. She further adds that ‘[t]here had been no plan, no planning, no talk at all.’ The chosen adjectives portray a revelation: a realization that comes from within; a transformation that occurs after an almost religious insight of a truth. To stress the personal nature of the decision the narrator also emphasizes the lack of communication—which ordinarily is not associated with peace.

The first person narratives that appear in the following paragraphs could not have been the source of inspiration for the determination that the moment of salvation was almost unconscious. To the contrary. They are modelled like classic conversion texts. William James writes that to be converted is a ‘process, gradual or sudden, by which a self hitherto divided, and consciously wrong, inferior and unhappy, became unified and consciously right, superior and happy, in consequence of its firmer hold upon religious realities’ (James 1906: 160). Similarly, the narratives recount a past of danger, harm, dying, jeopardizing one’s work, jeopardizing one’s resettlement process; the future, in contrast, is marked by truth and salvation: ‘I knew we had to be right.’

The reference to resettlement (to a Western country) is an important one. In some refugee camps, like the one in which I did my field work (Buduburam refugee camp in Ghana), hopes for resettlement are the organizing principle of people’s lives. Given that UNHCR is in charge of resettlement, a text that situates peacemakers among the ones who are in resettlement process and posits collectivist affiliations as a danger to resettlement is a powerful persuading mechanism.

To summarize, the point I make in the close textual analysis of the ‘success story’ is that PEP’s aim is to transform collectivist identities (culture and affiliations), which are associated in this text with arbitrary, dangerous, futile fighting, into individualist identities that are associated in the text with refusal to fight and to blindly follow the elders who have ordered the fighting for unknown reasons. It is these collectivist attitudes that PEP’s creators identify as ones that ‘created conflict in refugees’ home countries’ and later ‘come with them and create problems in refugee camp situations.’ Moreover, changing the attitudes and behaviours of refugees is supposed to facilitate the creation of a peaceful society in their home country once they repatriate (UNHCR n.d.b: 1). In her paper about the international children’s rights regime, Vanessa Pupavac argues that a ‘cycle of violence thesis’, like the one that seems to guide PEP’s developers, is not uncommon in the context of international organizations (Pupavac 2001: 108). She contends that

despite the dearth of evidence for a conclusive causal relationship between the experience of violent conflict and future anti-social behaviour, these links are

taken as given by international policymakers with their deterministic models of human behaviour (Pupavac 2001: 108).

In the same vein, Obura's evaluation of the programme tries to assess progress regarding 'the cycle of violence' possibility in asking '[w]hat can you do to keep peace in the future? (a) in the camp? (b) in your country? (c) in the world?' (Obura 2002: 16).

One critique of the *Manual* I offer here is concerned with the binding together of conflict in home country and individual non-peace-conducive attitudes. Often the conflict in the home country was the result of human rights consciousness or of a desire for peace in the structural sense of equal opportunities. While collectivist mentality and tribal affiliations did play a determining role in the creation of factions in the context of some wars in Africa and elsewhere, and while collectivist attitudes do influence 'civilians' 'transformation' into soldiers (much like in the 'success story'), the basic sentiments that guided rebels in many civil wars are not unrelated to peace in the sense that they aim to promote a structure of equal opportunities and eradicate discrimination.

In their introduction to *Law and Disorder in the Postcolony*, John and Jean Comaroff write that '[i]t has long been argued that social disorder, expressed in elevated rates of criminality, is in the nature of transition itself, that it inevitably follows changes in the order of things' (Comaroff and Comaroff 2006: 2). This thesis would suggest that criminality or violence do not result from attitudes of persons but can rather be explained in terms of social processes and structures. Moreover, they refer to other scholars that connect transformation and violence, suggesting that transition from the authoritarian regimes that characterized many African countries before the civil wars erupted, into more egalitarian regimes, is often violent: '[a]s Hannah Arendt reminds us, Marx long ago saw a *generic* connection between transformation and violence, which, he insisted, "is the midwife of every old society pregnant with a new one"; even more, of "all changes in history and politics"' (Comaroff and Comaroff 2006: 2). Seeing transition in this light puts into question the connections made by PEP creators between civil wars and individual capacity to live in peace.

I offer this elaborated critique of the apparent link in UNHCR's PEP between conflict in the home country and in the camp (or of conflict in the camp and the refugees' attitudes) for two reasons. One is that if the reasons for the conflicts in the camp are not personal attitudes, then trying to transform these attitudes is not going to lead to peace and has a flair of cultural imperialism or evangelism. Two, attributing conflict in the home country and in the camp to persons' attitudes obscures structural and other root causes of these conflicts. On the national level it excludes politics and history and on the camp level it ignores resource problems.

The data Obura provides about the types of disputes in the camp supports the hypothesis that resources (and not personal attitudes) are an important

catalyst for camp disputes. According to her, ethnic or clan based conflicts did not seem to be dominant in the camps in which the programme was developed (Dadaab and Kakuma) (Obura 2002: 18). Ahead of them in quantitative terms were six other types of conflicts: domestic, fights between children that spread into families and communities, disputes between neighbours, property disputes, fights over scarce resources, and political tensions during elections (Obura 2002: 18). Moreover, Obura writes that '[t]ension among the refugees in the camp is created by fear. These fears include: fear of crime and insecurity, fear of domestic violence, fear of lack of water, fear of lack of food, fear of lack of shelter' (Obura 2002: 17).

Locating disputes in persons' outlooks is perhaps, on some level, a practical approach that takes into consideration refugees' marginality in the host country and the world in general, and the possibility that, realistically, of all the possible things that influence disputes in the camp the only one that can probably be altered is their own attitudes and behaviours. However, placing responsibility to prevent violence and crime in spaces characterized by material scarcity and minimal state intervention on the refugees themselves, and atomizing disputes by divorcing them from their structural context, seems to be an act of pacification and disempowerment of the blaming-the-victim kind.

Complement Traditional Problem-Solving Approach

In addition to the ambition to make human rights (and the peace that is assumed to come with them) a reality by transforming behaviours, skills, concepts, and values, UNHCR's PEP is designed to 'complement the traditional problem-solving approaches which are breaking down' (*Manual*: 2). The rather vague term 'problem solving approaches' becomes clearer when looking at the *Manual*, which teaches the refugees Alternative Dispute Resolution (ADR). When traditional mechanisms for handling disputes are breaking down there could be further use of the state's mechanisms for dispute resolution. Nevertheless, UNHCR finds a need to provide the refugees with an alternative other than the state. The explanation for this effort is, again, located outside the text of the manual.

Articles 2 and 16 of the 1951 Refugee Convention state the relationship between refugees and the host state's legal system. Generally speaking, the law of the host country applies in the refugee camp, and refugees have the right to access justice and legal assistance, as well as the duty to obey the law and measures taken for the maintenance of public order. The convention does not, however, regulate the responsibility of the host country to maintain order and protect the refugees' physical integrity in the refugee camp. The 1967 protocol for that convention neglects this issue as well.

Access to justice is a resource. As with other resources, host countries of refugee camps, which are, for the most part, developing countries, find it hard to provide the refugees with the resource of access to justice and protection from crime within camps. Mariano-Florentino Cuellar describes

the dynamic around protection of refugees while they are in camps, noting that international law 'does not precisely allocate responsibilities for the protection of refugees' physical security' (Cuellar 2006: 25). Thus, he identifies four actors who could conceivably be considered somewhat responsible for keeping camps safe: the host country governments, combatants and their supporters, the refugees themselves, and UNHCR. He also rightly argues that while host countries cannot be expected to carry the entire burden involved in contending with refugee security problems, UNHCR, the international body in charge of protecting refugees and advocating for them, can be expected to do so.⁵ Nonetheless, in UNHCR's Handbook on Emergencies, it is stated that '[t]he authorities of the country of asylum must be made aware of the fact that they retain primary responsibility for security and must ensure the safety and well-being of refugees' (UNHCR 2000b quoted in Cuellar 2006 fn. 375). UNHCR and the non-industrialized host countries in which refugee camps are located typically try to deflect responsibility to each other.

Against this backdrop, UNHCR's PEP, that encourages refugees to take responsibility for maintaining peace (i.e., lack of violence) in camps, can be interpreted as an attempt to deflect responsibility for security in the camps to the refugees themselves, encouraging them to deal with it internally without involving the state or UNHCR. The idea seems to be that in combining the promotion of negative and positive peace (i.e., raising human rights consciousness that has the potential of eradicating violence and oppression) and Alternative Dispute Resolution, security concerns in camps can, at large, be dealt with without involving the host state and UNHCR.

The question why UNHCR is not taking responsibility for protection in camps and instead resorts to measures such as PEP is a matter for a debate that is beyond the scope of this paper. I would briefly note, for purpose of contextualization, that some argue UNHCR is constrained by host state sovereignty (which prevents it from, for example, forming a police force in the camp without the host state's permission) on the one hand, and by Western donor countries on the other hand. It seems to me, however, that Cuellar's institutional analysis offers a more convincing account for UNHCR's current low prioritization of security concerns in camps.

Chosen Strategy

PEP takes a three-pronged approach to achieving the aims identified in the previous section. First, it aims to change existing, non-peace conducive concepts and values, namely by promoting human rights consciousness. Next, it suggests the implementation of the newly acquired attitudes in different contexts (such as economic behaviours) (Sagy 2007). Third, it encourages the use of alternative dispute resolution techniques. This section focuses on the third step, keeping in mind the rights-order balance and my intention to show how this controlling process works to construct an ideology or culture of harmony in refugee camps.

Promoting Self-Interest Based Mediation

Recognizing that adjudication ‘is only really an option where there is a stable society with a police and legal system operating’ (*Manual*: 9), and that arbitration requires enforcement ‘through the pressures of society to make the two parties conform to the decision made by them and the arbitrator’ (*ibid.*), PEP attempts to promote ‘proactive’ approaches to dispute resolution. Three proactive mechanisms for dispute processing are identified: mediation, resolution (‘a mutual attempt to resolve the problem in such a way that relationships are constructively changed through the resolution of the problem’, *ibid.*), and transformation (‘the highest level of mutual participation . . . where there is a conscious decision by both parties to build new and better relationship’, *ibid.* (i.e., it impacts on the affective domain as much as on the cognitive domain)). Mediation is described as ‘facilitated negotiation’. In the *Manual* mediation is set apart from negotiation by the parties’ decision to resolve rather than merely manage the problem and by having a mediator who facilitates the resolution. The main difference is that negotiation ‘leaves either party able to withdraw’ while in mediation the parties commit to the decision. In contrast to Nader’s thesis that in ADR ‘the goal [is] to prevent not the causes of discord but the expression of it’ (Nader 2002: 141), the *Manual* puts forth the claim that it is force, adjudication, arbitration, and negotiation that ‘do not attempt to resolve the underlying causes of the conflict’ (*Manual*: 9).

ADR is a form of dispute processing that has been in wide use in Africa. Gibbs and Severeid, to name but two examples, documented dispute processing in pre-war Liberia (see e.g. Gibbs 1963, 1986; Severeid 1993). In the Liberian context, one form of arbitration—House Palavers—was highly informal and deeply embedded in the community. The community provided both enforcement for the decision (in the form of public opinion) and the shared value system that served as a frame of reference for the mediator’s decisions. The *Manual* encourages the use of dispute resolution mechanisms that are similar to the House Palaver in the sense that they are ‘private’ (non-state) while transforming both disputing style and the (legal) culture within which they function.

Because the *Manual* tries to transform collectivist attitudes, it wishes to replace community enforcement with self enforcement. Therefore, arbitration, which relies on community enforcement, is rejected as oppressive and mediation, which (allegedly) relies on self-enforcement is espoused.⁶ Self enforcement requires that the parties would be motivated to abide by the decision. The *Manual* explains that there are three kinds of solutions to disputes: win/lose; lose/lose; and win/win (*Manual*: 56). It asks the facilitators to explain to the participants that ‘[w]hen a problem does not end in a win/win solution, then [sic] there is no durable solution as there is often resentment, a desire for revenge and a hatred for the person who “won” if you “lost”’ (*Manual*: 57). The concept of ‘win win’ is therefore central to the mediation promoted by the *Manual* because it is its enforcement mechanism.

I now turn to demonstrate that UNHCR's PEP is a part of a controlling process aimed to transform the refugees' legal culture and ideas by using the *Manual's* notion of a 'win win' solution. I use Sevaried's depiction of a case decided by a House Palaver in pre-war Liberia to demonstrate that a 'win win' solution can be achieved by community based arbitration. I then explore UNHCR's approach to community based conflict resolution and the attempt to convince the refugees to reject it in favour of individualism-based conflict management. The Liberian case demonstrates that the *Manual's* individualistic bias is not a necessary one.

In the 1970s, Sevaried researched dispute processing mechanisms used by the Mano in Liberia. A case from 1971 he named 'I know money, I don't know human beings' displays the type of 'win win' solutions reached by the researched House Palavers.⁷ In the preliminary conversation between the plaintiff and the mediator in this case, there was an apparent gap between what the plaintiff said the defendant owed him and what the plaintiff requested as compensation. Instead of dismissing the inflated request as unreasonable, the mediator identified that 'there is a message' behind the demand. Therefore, he told the plaintiff that 'he would have to get people in the quarter together and "talk it" meaning that they would have to hold a house palaver and discuss the matter' (Sevaried 1992: 108).

In the evening, the mediator invited the parties and other people from the quarter to participate in the house palaver. The plaintiff was from another quarter and so he brought relatives for support. Sevaried notes that traditionally house palavers opened with blessings but in the case he described, it did not, which indicated 'extreme informality' (Sevaried 1992: 117). Instead, the mediator asked the plaintiff to explain his claim. It turned out, that the reason for the inflated compensation demanded was that five months earlier the defendant insulted the plaintiff, and the inflated request was symbolic and indeed meant to draw attention to the insult.

The plaintiff owed money to a group the defendant was a part of, and asked for deferral of the payment because his son was sick. In response, the person who was now the defendant told him 'I know money, I don't know human beings' (Sevaried 1992: 108). Sevaried explains: '[t]his was considered a bad insult. What it meant was that he, Zennegban, did not care about Tokpah's child being sick [...] he wanted his money now' (Sevaried 1992: 108). The reason this saying was considered such a severe insult was that the attitude it expressed 'violates the strong extended family loyalties of the Mano, not to mention Africans' (Sevaried 1992: 108).

Recognizing that the insult was severe, the defendant did not admit to saying it. Some of those present tried to pressure him to admit, knowing that this was not the first time he had expressed such sentiments, and when he remained constant in his silence an elder in the community said 'It is too difficult to judge such a case. The only thing to do is for Zennegban [the defendant] to bring kola nuts and give them to Tokpah [the plaintiff]' (Sevaried 1992: 109). Sevaried explains this comment, which ended up being

the decision in the case, in the following way: 'Tension had risen, the matter had been aired, and it was necessary now to restore harmony in the group. Whether Zennegban was telling the truth ceased to be important' (Sevareid 1992: 109).

The defendant went home and brought kola nuts and the original sum he owed. The plaintiff refused to take the nuts. He said, 'I don't accept kola nuts. When somebody does something to me I just say it [discuss the problem] and I am finished with it. I accept the decision' (Sevareid 1992: 110). Everyone present then shook the plaintiff's hand and the mediator told the defendant 'You must always remember anything you say among a group' (Sevareid 1992: 110). Chants by the defendant's brother and wife concluded the proceedings.

The dispute Sevareid described had a 'win win' solution: the plaintiff got the group's affirmation and support and he had a chance to air his grievances. The defendant did not admit to an offence he did. The group's values were re-affirmed and the defendant understood his actions were objectionable (he had to bring kola nuts) but he didn't lose face. In this story, the community's presence and the shared values facilitated the 'win win' solution. It allowed the plaintiff to get satisfaction without having the defendant humiliated.

The 'win win' solutions PEP promotes are of a different nature. Because PEP discourages reliance on community enforcement it specifically instructs the facilitators to '[d]iscuss with the participants that a solution that is acceptable culturally is not necessarily "win win". It is "win win" when both parties feel happy with the solution and when that solution is "real"' (*Manual*: 57). A 'real' 'win win' solution in PEP formulation is realistic ('applicable not only in theory but also in practice'), effective ('the solution is an answer to the problem'), acceptable ('accepted by all those involved') and logical ('not based on emotions but is fair'). That being 'logical' or 'fair' is a requirement is an interesting element. It implies that a cultural standard of reasonableness contours the 'real' 'win win' solutions. Though not stated explicitly, we already know that the logical solution is 'not based on emotions.'

The chapter in the *Manual* about mediation distinguishes between the mediation it teaches (referred to as 'textbook' mediation) and 'traditional' African mediation which 'does not always involve durable resolution and conciliation' (*Manual*: 63). African mediation, explains the *Manual*, is done by 'people who have status in their society' (*ibid.*), who, unlike 'textbook' mediators, give advice, reach 'conciliation by proxy' and pass judgment (*ibid.*). Moreover, the community plays the role of recompensing the victim.

The section about mediation continues from this description into a discussion, with the facilitator instructed to ask the participants why it is that African mediation 'does not always involve durable resolution and reconciliation' (*ibid.*). The *Manual* offers its own answer to this question, and it is twofold. One, '[t]hose involved do not have to accept responsibility as the

responsibility belongs to the mediator.' Two, '[t]he two sides do not have ownership of the solution' (*ibid.*). These explanations are not disconnected from themes I mentioned earlier, and embody an entire world view (a Western, individualistic one). First, again the power of elders and the collectivist, hierarchical nature of communities is at focus—this time serving to explain why African mediation is ineffective. The *Manual* assumes that for the mediation to be durable it has to be atomized and separated from the community. The dispute is conceptualized as occurring between the parties and they are to take responsibility for it if it is to be solved. However, this understanding of disputes is not the only possible one. Disputes could be conceived as a community event, that the community has a responsibility to solve. If a value held by the community is contested by a party to a dispute, it is not unreasonable that the community would consider this dispute its own affair. In a way, this is the idea behind the judicial system in general and criminal justice systems in particular: when one person assaults another, we do not frame it as a dispute between two parties, but rather as a violation of a community (state) norm that has to be dealt with by the community, to such an extent that the victim's involvement and rights in the adjudication process can be very limited. If we considered every dispute as occurring between parties and as their responsibility and theirs alone, we would miss many structural elements in disputes (and the ability to prevent disputes by addressing them) and would deny the community its ability to maintain the value system that keeps it operating. The second part of the explanation, concerning ownership, invites a similar discussion.

The attempt to replace community-based private dispute processing mechanisms with ones based in individual interests is problematic in a few ways. First, as I mentioned above, individualizing disputes in such a way obscures their structural and root causes, shifting the focus from conditions in camps, history, and politics to individual interests and attitudes. This shift also places more responsibility for security and dispute resolution on the refugees while removing it from UNHCR and the host country. Second, a focus on the parties' self interest renders irrelevant standards of justice. This could be problematic in any context, but it is particularly so in the absence of a functioning political authority and given power disparities between individuals in camps. Privatized dispute resolution that disregards justice is not, put mildly, an ideal way to protect the refugees' human rights. Nader's discontent with American ADR is related, to a large extent, to its pacification of 'a discourse concerned with justice and root causes, and with debates over right and wrong' (Nader 1993: 3). UNHCR's self-interest-based concept of 'win win' has a similar discursive tendency and the resulting flaws. Third, there is no real conclusive evidence that self interest oriented mediation is more sustainable than collectivist mediation. In the absence of such 'evidence', using the power of UNHCR in camps to transform or re-form dispute processing mechanisms and the value systems in which they are embedded has, again, a flair of cultural control or imperialism.

Conclusions

This paper reads UNHCR's PEP facilitator's manual as a part of a controlling process by which UNHCR attempts to transform refugees' culture and legal culture. The argument put forth is that UNHCR uses its power in camps to convert the refugees from collective oriented persons who lack the constructive attitudes for living in a community and respect for human rights that are necessary for achieving 'peace', into individuals with human rights consciousness who conceptualize conflicts in terms of self interest. It also puts forth the argument that UNHCR binds together order and peace (or human rights) even though the two often stand in opposition (especially in the absence of a political authority). Considering the international refugee protection system's failures in providing for refugees' physical integrity while in camps and UNHCR's evaluation of the PEP, this paper expresses the concern that the tension between human rights and order leads UNHCR to promote the latter over the former, using the PEP.

This paper reads the *Manual* to encapsulate the many tensions and difficulties related to the protection of refugees' safety in camps. It finds that PEP is not merely a peace education programme, but a reflection of both the problem of refugee protection and UNHCR's effort to contend with it by deflecting responsibility to the refugees, and making refugees accept their conditions by attributing conflicts, both in the home country and in camps, to their personal attitudes.

Acknowledgements

I wish to thank George Bisharat, Byron Bland, Jason Hart, Allen Weiner, and the two anonymous readers for their insightful comments on earlier versions of this paper. Special gratitude goes to Liisa Malkki for her eye opening reading of previous versions of this paper and for endless encouragement. The usual disclaimers apply.

1. This paper is a part of a larger dissertation project which uses my ethnographic research in Buduburam refugee camp in Ghana to argue that the camp is in a state of 'private disorder', and that refugees are not offered protection and are not in a position to protect themselves 'privately'. My view is that UNHCR should assume responsibility for refugees' safety in camps, and take the necessary steps including re-defining its mandate to include both protection from persecution and protection of physical safety. I am therefore not of the view that programmes such as PEP, that aim to place more responsibility on the refugees for dispute processing, are a positive thing. I do not think that refugees are necessarily in need of peace education or lack skills and attitudes to solve personal disputes. I do think conditions in camps and lack of a political authority are the causes of disorders in camps and that they should be addressed at the appropriate international level. However, as a separate issue from the merits of peace education in camps in general, this paper

- offers a critical analysis of UNHCR's PEP. I believe that to the extent that PEP is a useful idea, its current form is problematic in the ways I suggest in this paper.
2. The author comments 'This story was contributed by at least seven people, peace-makers and Peace Education Programme managers who remembered the occasion. The peace warriors in this story had only recently graduated from their PEP school and community course.'
 3. I use Triandis's definition of individualism: 'a social pattern that consists of loosely linked individuals who view themselves as independent of collectives; are primarily motivated by their own preferences, needs, rights, and the contracts they have established with others; give priority to their personal goals over the goals of others; and emphasize the rational analyses of the advantages and disadvantages to associating with others' (1995: 2).
 4. Austin-Brooks writes that '[r]ather than a simple cultural breach, the voiding of the past social self, the language of converts expresses new forms of relatedness' (2003: 2).
 5. According to Cuellar '[n]early any plausible reading of UNHCR's Statute, together with the myriad General Assembly resolutions that further fill in the scope of UNHCR's mandate, implies that the agency should concern itself with the physical well being of refugees—concerns which would themselves be empty if they did not encompass refugees' own worries about their physical safety' (2006: 25).
 6. Laying out a continuum of conflict management mechanisms, the *Manual* describes arbitration as a mechanism that relies for enforcement on 'the pressure of society to make the two parties conform to the decision made by them and the arbitrator.' It is then denounced as ineffective (along with force and adjudication) because it does 'not attempt to resolve the underlying causes of the conflict' (p.9). Nader suggest in several essays and books that in fact ADR is a privatization of the legal system which is suggested as a pacifying solution to a problem of lack of access to justice of the have-nots (see Nader 2002: 139). She further contends that in promoting ADR 'the goal was to prevent not the *causes* of discord but the *expression* of it' (2002: 141).
 7. Gibbs describes the operation of House Palaver in Liberia in the 1950s. House palavers, or 'moots', were 'informal airing of a dispute which takes place before an assembled group which includes kinsmen of the litigants and neighbors from the quarter where the case is being heard. It is a completely *ad hoc* group, varying greatly in composition from case to case. The matter to be settled is usually a domestic problem: alleged mistreatment or neglect by a spouse, an attempt to collect money paid to a kinsman for a job which was not completed, or a quarrel among brothers over the inheritance of their father's wives' (Gibbs 1963: 3). House palavers often took place on the day of rest—Sunday. The plaintiff, who selected the mediator, also hosted the meeting. According to Gibbs, the mediator was usually 'a kinsman who also holds an office such as town chief or quarter elder, and therefore has some skill in dispute settlement' (*ibid.*). Nonetheless, family ties and not the formal office guided plaintiff in their choice of mediator (*ibid.*). The moot process opened with blessings 'to unite those attending in common action before the hearing begins. The blessing focuses attention on the concern with maintaining harmony and the well-being of the group as a whole' (Gibbs 1963: 4). Another demonstration of both informality and group orientation was that those present (elders, litigants, and spectators) sat in a mixed fashion, 'pressed closely upon each other' (*ibid.*). In the same vein, when the complainant introduced

his grievances, the mediator, or any of the people present could interrupt to quiz him. The same was true when the accused gave his side of the story. The community was dominant in the decision as much as it was in the process. 'The mediator and the others present will point out the various faults committed by both the parties. After everyone has been heard, the mediator expresses the consensus of the group' (*ibid.*). That the decision was an expression of the group's consensus can explain why the choice of mediator was so flexible.

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MS received August 2007; revised MS received July 2008