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# Global Peace and Security

*Edited by Norman Chivasa*





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# Meet the editor



Norman Chivasa holds a master's degree and Ph.D. in Conflict Resolution and Peace Studies from the University of KwaZulu-Natal, South Africa. He is a post-doctoral research fellow at the Faculty of Public Management, Peacebuilding Program, International Centre of Nonviolence, Durban University of Technology, South Africa. He is a senior lecturer in the Department of History, War and Strategic Studies Unit, University of Zimbabwe. Dr. Chivasa is interested in community-based peacebuilding initiatives and informal infrastructures for peace and development. He has facilitated the creation of a ward-level peace committee and village peace committees in Ward 8 of Seke District, Province Mashonaland East, Zimbabwe.





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# Preface

Since the beginning of human civilization, people have looked for peace and security. The outbreak of World Wars I and II, however, heightened the yearning for peace since peace researchers, policymakers, practitioners, and the human race at large began to view violence as a threat. Since then, societies have begun concentrating more on peace and security as values that sustain human survival. Even though people's conceptions of peace and security vary, the common thread is that peace enables development and collaboration among individuals and communities, whilst security offers a conducive atmosphere for peace to flourish.

This book is concerned with global peace and security. Many interventions have been explored and evaluated, with mixed outcomes. The establishment of organizations such as the United Nations (UN), regional institutions, and local community institutions are initiatives by societies at various levels to promote and sustain peace and security. The UN's Sustainable Development Goal 16 calls on communities, states, and the international community to foster peaceful and inclusive societies through the development of strong institutions to ensure peace and justice in the modern world. Wherever there is justice, there is security and peace. These values are critical for the survival of our societies.

To sustain peace and security, communities, nations, regions, and the international community have set up architectures. These peace and security architectures vary from community to community, country to country, and region to region. For example, at the community level, some communities have set up village development committees to address development challenges. Others have set up peace committees to address peace and security challenges, with Afghanistan, Uganda, and Kenya as good examples. Countries, particularly those that emerged from armed conflict or wars, have set truth reconciliation commissions to address human rights violations, with South Africa and Argentina as good examples. Kenya and Zimbabwe in the aftermath of violent elections in 2007 and 2008, respectively, have engaged in constitution-making processes to ensure security and safety are guaranteed during elections. Countries alleged to have militarized societies are encouraged to embrace security sector reforms to help create an enabling environment for peace and security. While these peace and security architectures cannot be limited to a certain number, it is important to highlight that at the international level, the UN Security Council serves as the high-profile peace and security architecture whose primary goal is to promote global peace and security. The promulgation of Sustainable Development Goal 16 is testimony to the fact that peace and security are important values in the contemporary world.

Conflict is not a threat to both peace and security in the sense that all progressive communities experience conflict. Conflict is part of human societies. We live with conflict, and we should accept conflict as a normal aspect of human society. However, it is how conflict is handled that is important. The fundamental concern in

the contemporary world is violence, which manifests in different shapes and sizes. Typically, armed conflict, war, gender-based violence, elder violence, interpersonal violence, terrorism, climate change, environmental degradation, and discrimination against people living with disabilities are some of the threats to both peace and security. This is because violence is increasing in various parts of the world because of climate change-induced insecurity, power dynamics, and resource scarcity, among other factors. The contributions in this collection present solutions that align with Sustainable Development Goal 16 to spark further debates in the broader domains of peace and security.

The authors of this volume believe that the current approaches to peace and security confronting our globe necessitate a comprehensive, synergistic, and international response that acknowledges the limitations of using war to address conflict in individual countries, regions, and the global world. Violence has an effect on long-term development, peace, and security. Peace, on the other hand, is a dynamic and adaptable tool for violent conflict resolution and peacebuilding that develops and preserves societies for long-term development. To assure a brighter future for future generations, the authors universally believe that governments, civic society, industry, the international community, individuals, and social and political parties should all use nonviolent means. At the heart of peace and security is the need for all societies to adopt nonviolent methods of conflict in order to develop peaceful societies. The desire to eliminate violence pervades all the chapters in this volume, which is written at a critical point in human history when terrorism, conventional wars, and all other forms of violence are still causing havoc on our globe. Even though practitioners, the international community, civic and political organizations, and governments continue to propose policies, the threat of violence to peace, security, and sustainable development does not appear to be abating.

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## Chapter 1

# A Different Approach to the Reincorporation of Ex-Combatants: The Case of PASO Colombia

*Juan Fernando Lucio López*

### Abstract

The process of reincorporation of ex combatants of the former FARC EP guerrilla adopted a collective approach, different from the one applied since 2006 by the Government of Colombia which was mainly individualistic and urban. The new approach however was jeopardized by extreme centralization and bureaucracy, making the finance and execution of productive projects of former combatants slow and in many cases unsuccessful. In this context, PASO Colombia program of the One Earth Future Foundation developed an alternative model of collective reincorporation adaptable to the specific necessities of each territory incorporating to this model of work important social, economic, educational and governance features. This article analyzes this experience and narrates the strategies undertaken in order to assure appropriate adaptation to different scenarios. The article also addresses the main components of the model as well as the outcomes it has generated in terms of creating dialog and conflict resolution spaces where common goals are developed ex coms and communities working together. Finally this experience of collective reincorporation is made available to new peace initiatives underway in Colombia and, hopefully in the world.

**Keywords:** peace-building, economic reincorporation, Colombia, collective reincorporation, market creation

### 1. Introduction

Reincorporation of ex-combatants into Colombian society was conceived as a process where an individual, former guerrilla or paramilitary would walk along a path that should take over six years to cross, provided by the State with key stations: psychosocial counseling, technical training, family reunion, and economic reincorporation. Upon completion of each station, the individual would receive an incentive mostly pecuniary and during the duration of the process the Agency for Reintegration would monitor the conduct of this individual in terms of compliance with the law. The path to reincorporation, as well as the messages in their communication campaigns, evidence the role of former combatants in terms of being passive receivers of reincorporation services, especially training, provided by the State offices in cities.

The Colombian Agency for Reincorporation saw this as the “transition of demobilized persons to civilian life with an emphasis on access to jobs and legal incomes”.

With the Havana Peace Agreement between the State of Colombia and the then Colombian Revolutionary Armed Force FARC EP, the Colombian Agency for Reintegration ACR, became the Colombian Agency for Reincorporation and Normalization ARN, modifying many of its functions in order to assist the process of reincorporation of FARC EP’s former members. This transformation included a collective approach and a new concept called “Reincorporation”. This turn was key in the application of lessons learned in the former processes with other demobilized armed groups and the incorporation of new elements that appeared in the Havana Agreement like community involvement in the construction of peace. In the new vision not only transformations are expected of excoms but of all other related stakeholders.

The call to civil society and other institutions to transform to accompany differently the implementation phase of the Agreement inspired the program, Sustainable Peace for Colombia, PASO Colombia of the One Earth Future Foundation to design and implement a peace-building and rural development model that incorporated the collective approach to productive and commercial projects that combined excoms community participation and economic opportunity and commercialization associated to each territory. PASO understood the “Collective” concept as something that goes beyond the interest of excoms and creates a network of trust and collaboration with the local communities and stakeholders.

This model, with proven adaptability to different geographic contexts, is at the base of successful productive projects, stronger local organizations, and a broad participation of local communities and businesses and is being applied in the development of alternative economies to coca and in the integration of migrants to Colombia’s agricultural value chains. By the same token, the positive outcomes of the model are inspiring dialogs and conflict resolution initiatives that help the current peace processes underway in Colombia.

## **2. Methodology**

Since 2016, Sustainable Peace for Colombia, PASO Colombia that peace is not only the responsibility of the negotiating parties but comes as a result of collaboration of vast sectors of society willing to turn the page on decades of armed conflict.

PASO started its work through dialogs with former combatants at the middle and low ranks of their former armed organizations in order to understand their existing individual and collective capacities; PASO also connected with government institutions and the private sector and realized that creating a common vision among these actors required a space. The program named that space ERA, or Alternative Rural School, to harness collaborative projects where former combatants and local farmers would partner around the development of common projects.

Throughout these years of implementation of Alternative Rural Schools, PASO has performed annual independent surveys about the perception and satisfaction levels of excoms and farmers. These studies were conducted by the Company Cifras y Conceptos specialized in opinion polls. Information about financial, management, and sustainability variables have been collected since the beginning of the program by the Impact, Learning and Accountability (ILA) team at the One Earth Future Foundation.

The data collected has enabled the PASO program to monitor the impact of the ERA model from the point of view of (a) social and territorial Integration, (b) business creation and capital formation, (c) resilience, and (d) perspectives about the process of reincorporation process. The results were analyzed and yearly comparisons were made. The findings have been contrasted with other studies like the ones performed by the Observatorio de la Democracia at Los Andes University [1] and studies by the United Nations Development Program (UNDP) [2].

In this paper, I will try to make the following point. Collective reincorporation is the act of allowing groups and organizations of excoms to be part of the economic and social tissue of their surrounding communities [3]. The contention is that collective reincorporation in Colombia is not the result of a plan but of a living plan that engages excoms collectively as partners in the process.

### **3. The concept of reincorporation in the Havana Agreement**

Only three pages of the Havana Agreement were dedicated to reincorporation [3]. The main instrument for reincorporation would be a cooperative called ECOMUN that excoms would adhere to voluntarily. The government would be responsible for facilitating its creation and would provide the necessary technical and legal assistance for its rapid creation. ECOMUN was finally created 9 months after the Agreement to End the conflict was signed (and it can be argued that today six years into the agreement the organization does not have a classic strategic plan).

The idea is for ECOMUN to be a very large, nationwide cooperative, the center of all productive collective projects. Since all projects had to be approved by the National Council for Reincorporation [4], the sum of ex-FARC party power and influence, the collaboration of the middle-rank guerrillas and the authority to approve projects would at least in principle guarantee that FARC would maintain control of its own reincorporation project. Was to maintain the unity of the extinct FARC members controlling the approval of the productive projects presented by excoms. All projects, individual as well as collective would need to require the approval of the National Council of Reincorporation, composed of two members of FARC and two members of the Government.

The Government of Colombia had been addressing reincorporation as something controlled by the State and the style of reincorporation being individual and not collective reincorporation, since the Ralito negotiations ended in July 2003. The then-called Colombian Agency for Reintegration [5], designed a model of individual reincorporation, containing eight elements: CODA certification (a military certificate assigned to demobilized people), Health, Psychological Attention, Education, Training for Work, Economic Reintegration, Social Service, and Legal Assistance (**Figure 1**) [6].

Each of these components is comparable to stations where the excom receives a given amount of services such as tuition, workshop, personalized psychological attention, etc. As the Peresson reaches the so-called limestones within the program, he/she receives a stipend from the Government.

It is easy to imagine an individual going on a path, being considered by the state “like a newborn to society” and along the path having received a series of services that over a process of six and half years turn a person into a citizen. This is like the image of an individual going through an assembly: imagine a very industrial, and little by little the person becomes equipped little by little, that person is equipped with social, psychological and income competencies to live as a “normal human being” in society.



**Figure 1.** Colombian Agency for Reintegration. The route of reintegration.

FARC-EP was against that form of reincorporation because it was considered an instrument that was used against it to get at the time of war by the Colombian army as a source of intelligence, and could be used during the post-agreement to create division between excoms and FARC leadership.

The resources allocated to each ex-combatant to start a productive project was COP 8 million, USD 2540. I imagined that ECOMUN would start with a capital of COP 100 billion ie. USD 31.7 million. ECOMUN would set up a fund with the approval of the National Council of Reincorporation. The transfer of the funds would be made once after the feasibility analysis of the project. During that time the money would be kept by the Government.

The resources of the international community would add to the existing resources.

Excoms would receive for a period of 24 months a stipend equivalent to 90 percent of the minimum wage and have access to health insurance, paid by the State. In addition, the State would provide educational and training programs for housing, environmental protection, psychological assistance, etc.

Examining the text, it is possible to see that collective reincorporation as it is implied in the context of the Havana Agreement is crucially associated to:

- ECOMUN working correctly, and in the context of the agreement it implies that it manages the support of the state for its creation and technical assistance;
- Approval process and coordination between FARC and the State operating;
- If the projects presented to the Government pass a feasibility test,
- If what excoms want is identifies with a survey;
- If the Government provides the resources.

With resources from the state and the international community, the first projects that followed closely this model all went bankrupt:

- The pineapple project of Romana, people realized these pineapples needed markets when the pineapples were ripe,



- The red pepper project in Guaviare, tons of peppers come out of the greenhouse and the distribution channel was a few motorbikes to go around and sell them.

Today we know that: stipend to excoms, and the health insurance component were extended from two to seven additional years. In fact, two years into the process it was evident that thousands of excoms had not found a stable and an independent source of income.

The initial results regarding implementation of the agreement were disappointing and peace was losing space. On the side of the Government, important supporters of Santos like his former Vice President German Vargas and his Ambassador Juan Carlos Pinzon were becoming more distant from the Agreement. Government spent the final year of the administration making sure Congress would vote for the Agreement to have a near Constitutional status. For the rest, new challenges such as the wave of Venezuelan migration and the fall in oil prices became more urgent matters.

In the FARC ranks conflicts also broke out. A group of excoms, especially those who were closer to Ivan Marquez and Jesus Santrich defected from the peace process and created the Nueva Marquetalia [7]. In 2019 the board of directors of ECOMUN was changed, in some kind of a hostile takeover, and an important fraction of FARC leaders separated from the authority to Rodrigo Timoshenko.

In spite of the original model devised in Havana not working, today it is acknowledged by the Kroc Institute that probably among the achievements of the accords, reincorporation and transitional justice components have been successful [8]. What happened?

- The Havana Agreement was not working: The growing feeling that neither the government nor the newly created institutions to support the agreement would successfully carry out the agreement in the expected time and quality.
- Pessimism was rampant among excoms: poor living conditions in the territorial spaces, overcrowding, rudimentary sanitation systems, lack of privacy, among others associated with the construction materials with which the rooms in these spaces had been built.
- Limited options for excoms at ETCRs, lack of land and a minimum of cash liquidity to start any work, like no land and capital to start up productive projects. Excoms were leaving the encampment zones and becoming dispersed.

The lack of resources for ex-combatants, delays in the disbursement of resources, and the absence of a road map for reincorporation inspired our program, PASO Colombia, on a very original way of working.

We started at the last mile and we began to work in a jazz orchestra. We started partnering directly in the field with excoms associations and local organizations based in the territories. As in a jazz orchestra, one of us would start a tune, like, us providing some capital, then another organization would provide the land, then excoms would contribute labor and a local organization would provide technical assistance in agriculture.

Teamwork and a practical problem solving approach allowed us to co-design in the field common plans. The process was facilitated by spaces where people could spend time and work together. We called these spaces ERAs (Rural Alternative Schools). This strategy made a difference between PASO Colombia's capacity to get things done

at the local level vis a vis other organizations that came first to the territories but had great difficulties delivering benefits to the communities.

What made the difference between PASO's coming into the territories is that we were not seeking information we were seeking relationships [9]. In fact, the field was crowded with universities, international institutions, and government agencies. However, most of them were only asking questions but had no money or a mentality to establish productive projects in the territories. They would introduce themselves by saying: I am (name) but please do not make any expectations about our visit. "We have this amazing back office in our institution and we will not be ready to do anything in the territories before six months when we will have selected our suppliers and will have most of our procedures in place."

#### **4. Key pieces for a user-friendly peace**

In PASO we thought peace has to be user-friendly to the excom. The main guiding question was, how can we make the everyday life of the excom different?

1. The excom needed to be able to work, to rise from his or her bed and have somewhere to go in order to have something different than his/her current condition of uncertainty.
2. Excoms felt that all the courses they were being offered were only theoretical and boring. A waste of time (interesting that the census) did not ask how they felt about the future.
3. Excoms want to feel that they are reincorporating themselves. They are not looking for charity, they want partners.

Then the question became very simple: what needs to happen so that the day of the ex-combatant is different and meaningful?

##### **4.1 Land**

Without land, there is no paradise. "This conflict that began 50 years ago over land will end over land." Excoms believed reincorporation and peace were haunted by the land problem. For the Colombian government, it was a matter of principle not to provide land to the FARC: they were seen as one of the biggest landowners in Colombia. Only four years into the agreement, did the Government find a way to provide land to excoms.

Regarding land, PASO Colombia varied its approach from a maximalist (ownership) to a possibilist approach (access). We suggested ex-combatants to be the ones searching for the land, because they knew the zone better and the neighboring farmers would probably provide, lease, or sell the land to them at a lower price. Finally, one community of farmers in Miranda, State of North Cauca, ASPROZONAC, provided the first plot of 5 hectares, for a period of seven years.

Access to land meant excoms had a place to go and work, have the expectation of an income, learn new things, and meet other people. The following elements of a classical reincorporation program were addressed simultaneously by simply having a space to work.

- Education
- Incomes
- Community
- Well being

This shows the power of collective reincorporation: with one single action the most needed expectations of excoms and surrounding communities could be addressed. In addition, it was more fun, open-air, and spontaneous. It was at a fraction of the price and it added economic value to the land, and allowed the surrounding community to prosper.

The first test of the relational model came when excom cooperatives in the West of the country partnered with Illy Caffè [10]. The illy cafe deal was an agreement between Illy Cafe and the former FARC cooperatives for USD 11.6 million for the cooperatives to sell Illy 5 million kilograms of coffee for a period of five years. This provided us with a new definition of peace: peace is about doing the things you did not do because you were at war, including partnering with old rivals, like the Federation of Coffee Growers. This model can be as successful in dealing with production as with activities of conservation and ecotourism and communication.

By the end of the Santos Administration, the Government of Colombia had approved only two collective productive projects while PASO was already working on 42 such projects. Within a year it had opened 9 ERAs and the year after it was working in 17 places throughout the country. In addition, the Illy Caffè agreement amounted to one-third of the total funding assigned to excoms. We were over one-third of the total amount of money that excoms should receive from the establishment of productive projects.

## 4.2 Capital

There was much talk about money but excoms were not seeing any and large organizations like the Food and Agriculture Organization (FAO), the UN Verification Mission, the International Office for Migration, and Mondragón have impossible back and middle offices (planning, selection of local suppliers, contracts and legal, etc).

PASO was agile in starting productive projects through a team of regional coordinators and extension workers. Most of the help allowed excoms and communities to have tools, tractor time, meals and logistics.

We also learned that the second thing about capital is that in the countryside, depending on the technology in use, investments can be very expensive or not expensive at all. Because capital was the scarcest resource, we learned to work at a fraction of the price of any other organization in the field.

Capital was attracted to success: Paradoxically the more successful undertakings in the field, like the fisheries in Mutata or coffee in Ituango, attracted greater help from international organizations than more precarious ones.

## 4.3 Labor

Top, middle rank and base excoms would have to learn many skills from scratch. Being part of a new activity sends the excom a tremendous psychological signal that his/her life is changing. Middle ranked commanders were proud of the cooperatives

they had helped create and were now managing. “I am the Vice President of Cooperative,” many of them would proudly say: problems were changing and so were the solutions, and they were proud to participate actively in those solutions.

Labor was the most important part of the production costs but excoms were happy to provide their time and effort because they knew they were investing in an activity that would strengthen their income. They could do this because of the Government stipend that gave them the possibility to find additional income sources and not have even greater income pressure. Labor was used for the construction of warehouses and storage centers, work stations, cleaning of the fields to adapt them to the crops, etc. People have remained motivated even today five years into the establishment of the first productive units.

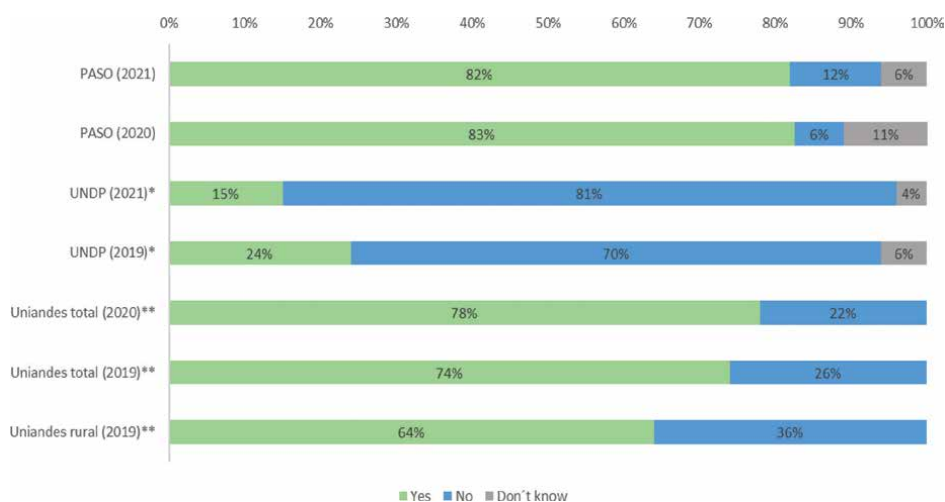
Productive projects allowed excoms to autonomously figure out paths towards their own reincorporation. Productive activities increase cognitive and relational abilities creating harmony between excoms and the surrounding social and natural environment. Such projects accelerated the narrowing of the gap in knowledge, income and social capital that had been created between the ex-combatants and the community over the years during the armed conflict. It also improved trust between excoms and communities (Figure 2).

Communities of excoms with capable leaders flourished. Good leaders inspired and guided the work and enthusiasm of ex-combatants. Collective reincorporation allowed for greater interaction among old partners and that constitutes an advantage. It is also an opportunity to discover new entrepreneurs that will play an important role in rural development of their territories.

#### 4.4 Knowledge

PASO concentrated on providing a better understanding of the following key components of sustainable agriculture:

- Water, Soil, Forest, Seeds

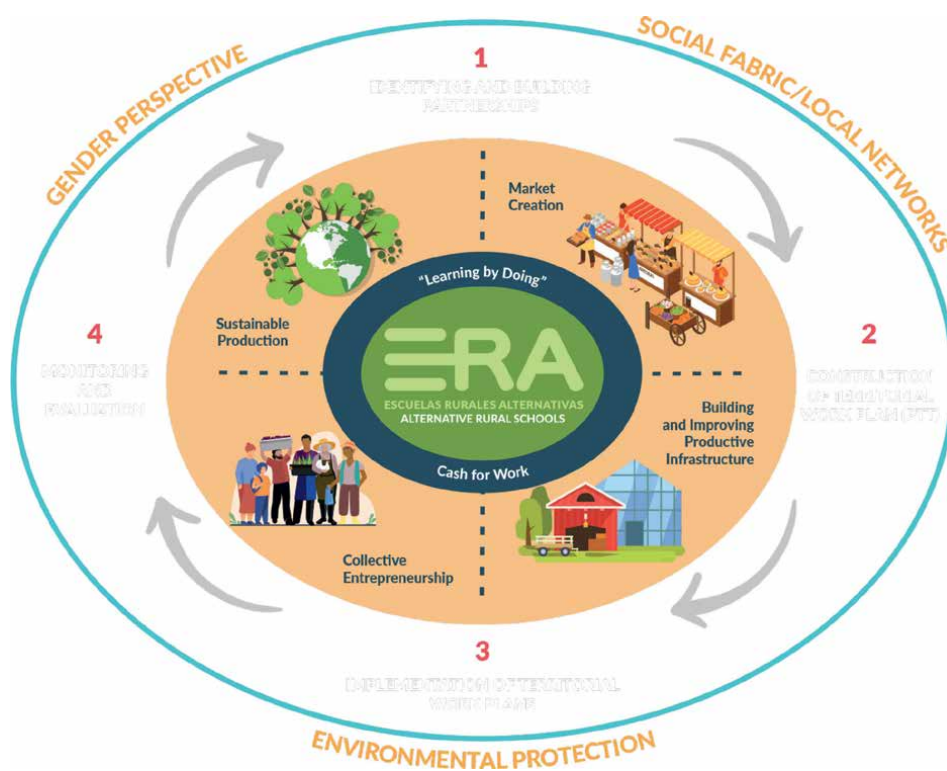


**Figure 2.** Do you feel comfortable having an excom as your neighbor? Figure Source: Impact, Learning & Accountability (ILA) department of One Earth Future Foundation [11].

- Plants
- Animals
- Processing and technologies
- Market making

Collective reincorporation enhances the capacity to discover technologies in the social as well as the productive domains that are more successful than existing ones. They are also a reminder that peace is an opportunity to develop new forms of Governance.

We can never forget that society as a whole is the main beneficiary of peace. Collective reincorporation is about turning the page of violence and about addressing its structural causes. Thus developing core competencies that are applicable to rural development is necessary for peace. What we learned about collective reincorporation was an aspiration to address challenges in other programs, especially in the field of coca substitution [12]. Coca can be peacefully substituted so long as we manage to develop a common vision with coca farmers, and we manage to increase incomes from the legal crops, by either going into niche markets or by adding greater value to existing ones (**Figure 3**).



**Figure 3.** Elements of a new vision. Figure Source: PASO Colombia, a program of One Earth Future Foundation.

Beyond learning by doing and the challenge of “situational intelligence”. How can we know that excoms are developing the skills not only to do better in their productive projects but to have a better understanding of the many challenges they have as excoms, in particular the problems associated to security and the relationship with the community- To know how to be and to know how to do, given that excoms could sometimes be at an advantage vis a vis some of their neighboring farmers.

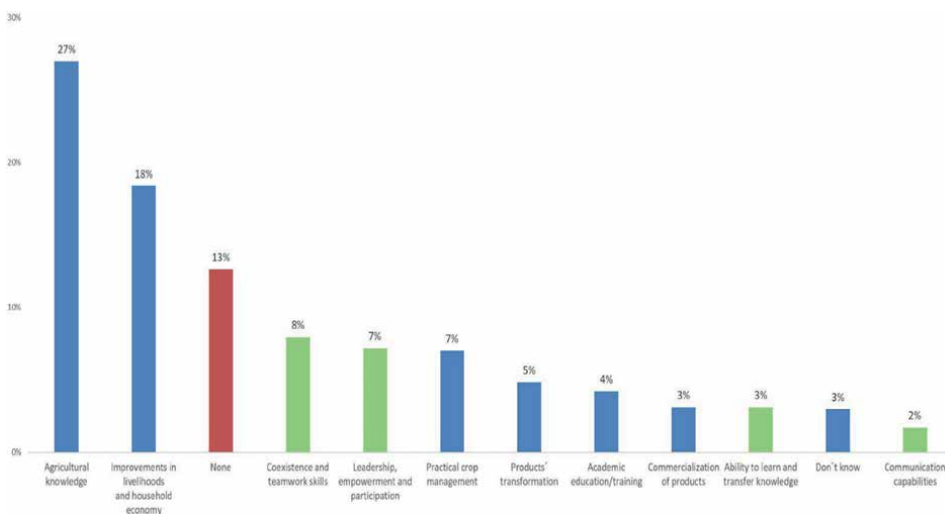
In collective productive environments, we saw that the relational experience not only allowed people to learn empirically about production, organization and management issues, among others. This intelligence also generated a peripheral awareness of what was happening in the community and the services it could provide, such as access to fertilizers and more knowledge about agriculture (Figure 4).

Teamwork and the relationship with the communities stimulate by themselves skills that are different from production.

#### 4.5 Market creation

There is a misleading element behind the studies of the theory of competitive advantage. When we reviewed the studies provided by the local governments about competitive advancement, they all mentioned cattle, cacao, coffee, and tourism. That does not necessarily reflect a true competitive advantage or things that are attractive to the youth. For instance, young entrepreneurs are experimenting with Amazonian fruits. These products are at a disadvantage vis a vis the studies because these products are new and have no data.

The necessity to open up new spaces so that people with very low incomes can significantly increase their income requires a process of market discovery or market creation. Colombia has the potential to develop high-value products like biofuels, medicinal products and create a strong incentive to grow products that compete in terms of the economic, environmental and social value vis a vis coca. We need to find valued products that beat the limitations of transport and other costs as coca does.



**Figure 4.** What capabilities have you developed through ERA processes? Source: Impact, Learning & Accountability (ILA) department of One Earth Future Foundation [11].

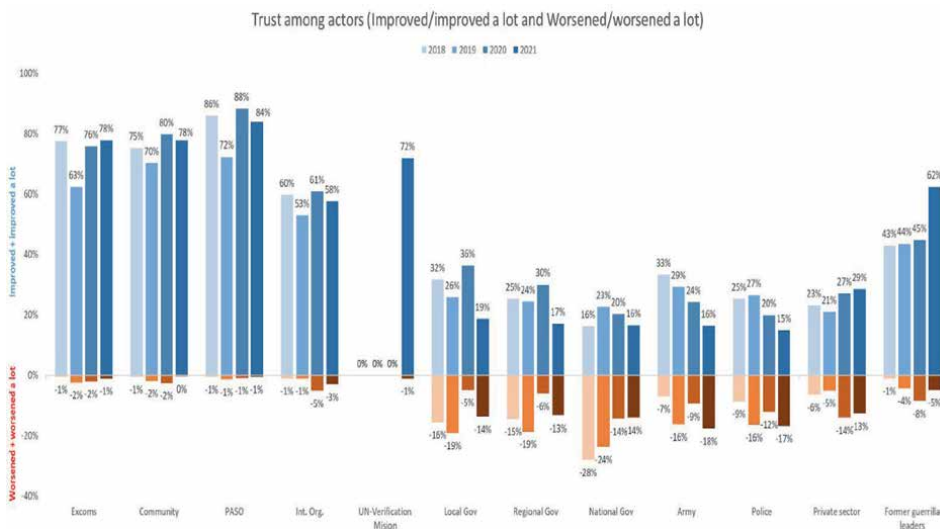
## 5. Conclusions

### 5.1 Lessons for Paz Total (Total Peace)

Community involvement is critical to the success of Total Peace. PASO Colombia has developed strategies that increase ex-combatants and community participation and at the same time strengthen incomes, knowledge, collective infrastructures and investment in territories. Important stakeholders in Total Peace, including ELN, see the participation of the entire society as a necessary condition for the negotiation with the government. The agenda designed with the ELN at the end of the Santos administration has important elements for which the experience of collective reincorporation led by base ex-combatants and communities is applicable [13].

Not only is it important to allow civil society to participate, but to apply successful models of community participation like the one developed by PASO Colombia. These models can help address many of the present expectations about Paz Total:

1. Participation of the civil society in the peace negotiation: The spaces created where communities gather together to develop productive projects reduce existing tensions, and allow communities to appropriate new productive techniques and access markets, which in turn furthers relationship building.
2. Democracy for peace: Strengthening local organizations, including productive organizations, are conducted not only to improve political awareness but to raise the standard of living in rural areas by increasing the productivity of agriculture and market access for existing and new products and services.
3. Transformations necessary for peace: The experience with ERAs shows that is not sufficient to consider land, but the input mex, which includes, capital, labor, knowledge and market access.



**Figure 5.** Trust levels among ex-combatants. Source: Impact, Learning & Accountability (ILA) department of One Earth Future Foundation [11].

4. Victims: To listen to the rights of the victims, by also creating scenarios where victims, former combatants and other members of society can work together.
5. The end of the armed conflict is a transition stage that will be strengthened by a successful process of reincorporation and rural development (**Figure 5**).


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## References

- [1] Dugand A, Calderón JA, García M. COLOMBIA, UN PAÍS MÁS ALLÁ DEL CONFLICTO. | Observatorio de la Democracia [Internet]. 2019. Available from: [https://obsdemocracia.org/wp-content/uploads/2021/06/03\\_Digital\\_Paz\\_2019\\_USAID\\_jrH9raT.pdf](https://obsdemocracia.org/wp-content/uploads/2021/06/03_Digital_Paz_2019_USAID_jrH9raT.pdf) [Accessed: March 2, 2023]
- [2] Havard MN, Pablo RH. Luces y sombras de la implementación del Acuerdo de Paz en Colombia. PRIO & United Nations Development Program (UNDP) [Internet]. 2020. Available from: <https://www.undp.org/es/colombia/publications/luces-y-sombras-de-la-implementacion-del-acuerdo-de-paz-en-colombia-actitudes-y-percepciones-en-los-territorios-pdet>
- [3] The Agency for Reincorporation and Normalization published the “Social and Economic Reincorporation” handbook compelling the new approach to this concept and its practical development
- [4] Agencia para la Reincorporación y la Normalización (ARN). Reincorporation. Páginas - Consejo Nacional de Reincorporación. 2017. Available from: <https://www.reincorporacion.gov.co/en/reincorporation/Pages/default.aspx> [Accessed: March 2, 2023]
- [5] The Colombian Agency for Reintegration (ACR) changed its name to Colombian Agency for Reincorporation and Normalization (ARN) in May 2017
- [6] Colombian Agency for Reintegration. The route of reintegration. Agencia para la Reincorporación y la Normalización (ARN) Activos del sitio - All Documents. n.d.. Available from: <https://www.reincorporacion.gov.co/es/SiteAssets/Ruta%20de%20Reintegraci%C3%B3n.jpg> [Accessed: March 2, 2023]
- [7] InSight Crime. Second Marquetalia. InSight Crime. 2022. Available from: <https://insightcrime.org/colombia-organized-crime-news/segunda-marquetalia> [Accessed: May 02, 2023]
- [8] Echavarría Álvarez J et al. Executive Summary, Five Years after the Signing of the Colombian Final Agreement: Reflections from Implementation Monitoring. Notre Dame, IN: Kroc Institute for International Peace Studies/Keough School of Global Affairs; 2022. DOI: 10.7274/0z708w35p43
- [9] For more information on this topic, see the systematization report of the Miranda ERA experience, carried out by researchers from the Universidad del Valle
- [10] PASO Colombia. Partnership with Illy Caffè [Internet]. 2018. Available from: <https://pasocolombia.org/en/partnership-illy-caffe>
- [11] This graphic was made by the Impact, Learning & Accountability (ILA), department of OEF (the incubating foundation of the PASO Colombia program), based on annual surveys that have been conducted and overseen by the independent firm Cifras y Conceptos
- [12] Mendoza College of Business. Illicit crop reduction in Colombia. Business on the Frontlines. 2020. Available from: [https://botfl.nd.edu/assets/396227/botfl\\_colombia\\_report\\_brochure\\_low\\_res.pdf](https://botfl.nd.edu/assets/396227/botfl_colombia_report_brochure_low_res.pdf)
- [13] International Crisis Group. Protecting Colombia’s Most Vulnerable on the Road to “Total Peace” - Latin America Report N°98 | 24 February 2023 - Colombia. ReliefWeb. 2023. Available from: <https://reliefweb.int/report/colombia/protecting-colombias-most-vulnerable-road-total-peace-latin-america-report-ndeg98-24-february-2023>



## Chapter 2

# Transitional Justice and the Question of Ethnic Crises in Nigeria

*Olakunle Folami*

### Abstract

British colonialism forced different ethnic groups together to form a nation called Nigeria. Since independence in 1960, the country has witnessed series of ethnic conflict. Various factors have contributed to this, such as political manipulation, marginalisation, corruption, favouritism, census manipulation, exploitation, inequality and others. These extraneous factors have affected the unity, peace, development and progress of the country. The question is whether wholesale transitional justice mechanisms should be employed to resolve myriads of ethnic crises in the country. What are the other forms of transitional justice mechanism to be adopted? While acknowledging the relative peace and stability recorded, adopted peacebuilding methods have not led to effective and enduring peace in Nigeria. Additional peacebuilding mechanisms should be considered such as reparations, institutional reforms and prosecution. To ensure peaceful coexistence is strengthened, transitional justice mechanisms must be holistic. Therefore, this Chapter concluded that peacebuilding methods could be complemented by justice, reparations, security, vetting, prosecution, development and guarantees of non-repetition of conflicts.

**Keywords:** ethnicity, peacebuilding, transitional justice, conflict, amnesty

### 1. Introduction

British came to Nigeria as explorers, missionaries and colonialists. They created Lagos colony between 1862 and 1885. In 1885, scramble and partition of African continent by the Europeans took place at Berlin Conference in Germany. Nigeria became British colony as a result of the conference. British divided Nigeria into two protectorates: the Southern protectorate; and the Northern protectorate for administrative purposes. On January 1, 1901 Nigeria became a full-fledged British empire with three distinctive administrative units such as Lagos colony, Southern protectorate and Northern protectorate. In 1906, Southern protectorates and Lagos colony were merged by the British authorities. In 1914, Southern and Northern protectorates were amalgamated. The amalgamation of the protectorates gave birth to a geographical expression called Nigeria. Before independence in 1960, a federation of three regions had evolved. It was Governor Arthur Richard that introduced regionalism to Nigeria by creating three regions in 1946, namely: the Western, Eastern and Northern region. The three regions represented by the three major ethnic groups in the county namely, Yoruba, Ibo and Hausa.

British pronounced Nigeria as an independent country on October 1st, 1960. The country was divided into three regions of the North, East and West. In 1963, Nigeria became a republic, excised from the control of the Queen of England. Military boys ceased the rein of government from the civilian government in January, 1966. There was a counter coup in June 1966, which led to the creation of an additional region, the Mid-western region. In 1976, the three regions were developed into twelve States by the military government of General Yakubu Gowon. It was General Muritala Muhammed that further divided the country into nineteen States in 1976. In 1987, another States creation exercise took place, General Ibrahim Badamosi Babangida increased the number of Nigerian States to twenty-one. In 1983, General Babangida, a Hausa / Fulani man from the North annulled the general election won by Chief Moshood Kashimawo Abiola, a Yoruba man from the Southwest. The annulment created ethnic and political tension. The annulment brought interim government of Chief Ernest Shonekan to power. Chief Shonekan, a Yoruba man from the Southwest was removed from power through a palace coup led by General Sani Abacha, another Hausa/Fulani man from the North who ruled with the iron fist.

It was General Sani Abacha that further divided the country into thirty-six States and categorised them into six geo-political regions, namely: Southwest, Southeast; South-South; Northeast; Northwest and North-Central. 1999 marks the dawn of democracy after military occupied power for thirty years out of thirty-nine years of the country independence. The election produced Chief Olusegun Obasanjo, a Yoruba man from the Southwest of the country. He was replaced through election woby Dr. Musa Umaru Yar' ardua, a Northerner who died on power in 2010. Being the Vice-President, Dr. Ebele Jonathan Goodluck was constitutionally promoted to replace late President Umaru Yar'ardua. The ascension of President Jonathan to power in 2010 paved way for his success in 2011 presidential election. In 2015, President Johnathan was removed from office by general Muhammed Buhari, a Northerner, on the promises of fighting corruption, tackling terrorism and revamping the economy. The processes of removing President Johnathan were coloured with ethnic hatred, regional chauvinism, regional bigotry and "born to rule syndrome" of the Northerners. Ethnicity reflects in everything among Nigerians. The country is divided between majorly Muslims North and Christians dominated South. Ethnicity determines political appointments, job allocations, contract awards, economic empowerment, military service, internal security arrangements, education, and political participation. Ethnicity often led to crisis of a great magnitude that always shook the foundation of the country. Majority of people do not consider Nigeria as a nation but a country because of ethnicity.

Nigeria had attempted to resolve crises emanated from ethnicity. Various transitional justice mechanisms have been adopted such as truth commission, memorization, acknowledgement and others. It is important to note that these mechanisms have not brought enduring peace because they were piecemeal arrangements that failed to address ethnic questions such as equity, equality, justice and nationalism. The question is whether wholesale transitional justice mechanisms should be employed to resolve myriad of ethnic crises in the country. What are the other forms of transitional justice mechanism to be adopted? While acknowledging the relative peace in the country, it can be argued that adopted transitional justice methods have not led to effective and enduring peace in Nigeria.

This Chapter is divided into sections and subsections. Section one presents introduction while section two examines contexts of the study. Section three reviews method of conflict resolution while section four provides research method adopted

in this study. Section five discusses major findings while the last section addresses the conclusion of the study.

## **2. Contexts**

Contexts of the study were discussed under various subsections such as ethnic conflict, the Niger Delta conflict, farmers/herders conflict, civil war and elections.

### **2.1 Ethnic conflict**

There are over two hundred and fifty ethnic tribes in Nigeria. The three major tribes are Yoruba, Igbo and Hausa / Fulani. The three major ethnic groups dominated the socio-political landscape of the country. The Hausa/Fulani which occupied the north of Nigeria had produced nine out of fourteen Head of States in Nigeria. The Southern Nigeria dominated the economic terrain of the country. The three major ethnic groups had a fair share of the new States. It should be noted that until 1996 when General Sani Abacha created another six States in addition to the existing thirty States, no single State was created for the Ijaw, the fourth largest ethnic in the country. The new six States included Bayelsa State, which is the only State occupied mainly by the Ijaws. Also, exclusion of the Igbo, a major ethnic group in the country's political arrangement at the federal level often created tension in the country. Protracted political crises, ethnicity, corruption, terrorism, kidnapping, banditry and religious divisions make peace unavoidable thus create further divisions in Nigeria. The question is what can be done to bring peace to the country? It should be kept in mind that this Chapter attempts to examine transitional justice mechanisms as way of addressing questions of ethnic crises in Nigeria.

### **2.2 The Niger Delta conflict**

The Niger Delta is oil producing region of Nigeria. It produces one fifth of the world's oil and gas, making Nigeria the largest oil producer in Africa and the sixty largest oil producing country in the world. Nigeria cannot adequately account for the proceeds of the crude oil production because of corruption, mismanagement and maladministration. A few aristocrats, military, police, cabal and political office holders corner oil proceeds. Majority of Nigerians live in abject poverty. The oil wealth does not translate to development and growth. The country lives with the narratives of insecurity, inadequate infrastructure, wanton ecological damage, oil theft, corruption, embezzlement, election crises and misrule. For example, the Niger Delta conflict is a result of environmental degradation by the multinational oil companies, human rights abuses and apathy by the Federal Government, multinational oil and gas companies when it comes to the development of the region.

The most prominent among the ethnic groups in the Niger Delta are Ijaw, Urhobo, Itsekiri, Isoko, and Ilaje. The inter-tribal conflicts have redefined internal interactions, solidarity, integration and relations, and have received international attention. The following ethnic groups' conflict are discussed in this Chapter: (1) Ijaw/Ilaje conflict - Aroibo-Ijaw and Ugbo-Ilaje inter-ethnic conflict has a long history. It started as a gradual process over decades, which later developed into a full-blown conflict with the attendant destruction of lives and property. While creating more States, the Administration of General Sani Abacha created Bayelsa State in 1996.

Warri Southwest Local Government Areas (LGA) with headquarters in Ogbe-Ijoh was also created around the same period. The Ijaw in Ondo State also benefited, a LGA was created for them with headquarters at Igbekebo. The creation of LGAs in Ondo and Delta State for the Ijaw by General Abacha led to violent conflict between the Ilaje and the Ijaw in Ondo State on one hand and the Ilaje and the Itsekiri in Delta State on the other hand. Controversies over land ownership led to crisis between the Ijaw and the Ilaje. The Ilaje argued that the Ijaw are tenant therefore, they should not enjoy a political self-rule. Creation, location and relocation of LGA headquarters led to protracted conflict between the Ijaw and the Ilaje in Ondo State, the Ijaw and the Itsekiri in Delta State. Warri, "the oil city" as popularly called hosted the three ethnic rivalry groups: the Ijaw; the Itsekiri; and the Ijaw. Ethnic rivalry among the three groups existed before the 1960s Nigeria independence. The Itsekiri hosted the largest portion of oil in the region.

The political struggle in the region has been centered on Warri because of the believe that the Itsekiri is favoured by the Yoruba in political and socio-economic arrangements. The conflict between the Ijaw and the Urhobo was a product of mistrust, apprehension and resource control. In a nutshell, the Niger Delta conflict is about land ownership, oil location control, access to oil wealth, divide and rule. As a result of the Niger Delta conflict, Nigeria could not meet the Organisation of Petroleum Exporting Countries' (OPEC) production quota. Nigeria, with its abundant oil resources has the capacity to produce about 3.2 million barrels of oil per day. The country's production level dropped below 2 million barrels per day, OPEC's production target of 2.1 million barrels per day (mbpd) owing to frequent shut-ins due to renewed attacks on oil facilities in the Niger Delta region. It was reported that prior to the escalation of violent attacks on oil installations, Nigeria produced between 1.4 and 1.8 million barrels of crude oil per day see [1]. Between October, 2013 and January, 2014, Nigeria's crude production was appreciated following a directive by the Federal Government of Nigeria that oil companies operating in the country should increase output from the deep offshore fields. As a result of the increase in crude production, Nigeria was able to meet its daily production quota of 2.1 million barrels per day allocated to her by OPEC.

### **2.3 Farmers/herders conflict**

Nigeria is predominantly agrarian society. After oil exploration and exploitation, farming is the main stay of Nigerian economy. There are different forms of farming across the country such as crop farming, cash farming, poultry farming and animal husbandry. There are a group of people whose primary job is herding. They are nomad. They occupied the Northern part of the country. They are called the Fulani. The Fulani herders often migrate from one place to the other in search of water and food for the animals. In the cause of movement of animals, they destroyed farms and also engaged in conflict with farmers. Farmers / herders conflict were prominent in the North central of Nigeria particularly in the Benue, Taraba, Adawama and Plateau State. Farmers/herders conflict has been extended to the Southeast and the Southwest of the country. It is important to know that banditry, kidnapping, boko haram and other terrorist group have disguised as Fulani herders to terrorise people of Southern Nigeria. The activities of Fulani herders have divided the country further along the line of ethnicity.

Destruction of farmland by the Fulani herders. The inability of government to curb the Fulani herders' activities has led to agitations among different ethnic groups in

the country. There is a continuous call for the resurrection of Biafra Movement in the Southeast, emergence of Yoruba Nation in the Southwest and other self-determination groups across the country.

## **2.4 Civil war**

Civil war took place in Nigeria between 1967 and 1970. Millions of people were killed. January, 1966 coup and June 1966 counter-coup led to the war. The crises between military echelons from the East and the North extractions led to the civil war. Problems in the military extended to the civilians. Many people from the Igbo ethnic groups were massacred in the North. The exodus of the Igbo from the North and rivalry among the military echelons led to the declaration of the Republic of Biafra in 1967. The declaration led to thirty months of civil war between the Nigerian Army and Biafra war lords led by Odumegwu Ojukwu. It was recorded that 5 million Igbo people were killed during the civil war. Agitations for separate country for the people of Igbo ethnic extraction still rages on in Nigeria. The civil war created mistrust between the Northerners and the Easterners. Since the end of the civil war, the Igbo has not been allowed to produce the nation president.

The civil war also created mistrust between the Yoruba and the Igbo. The Igbo believed that their secession from Nigeria will be supported by the Yoruba. It was noted that the Yoruba backed out when the Igbo warlords were advancing toward the Lagos, the former Federal Capital of Nigeria. The extension of the civil war affected some Yoruba towns and cities such as Ore and Odigbo. The modern-day politics has not recorded cordiality between the Igbo and the Yoruba. The Hausa and the Yoruba have refused to recognise the Igbo in the country's political arrangement. This has led to a cry of marginalisation from the Igbo and renew of a call for a separate Biafra country by the Igbo.

## **2.5 Elections**

Lack of credible election occasioned by the manipulation of election results have led to a number of crises in Nigeria. Litany of electoral frauds and crises dotted the political landscape since voting commenced in the country in 1923. There have been electoral crises due to rigging, manipulation, ethnic chauvinism, religion bigotry and domination. The following electoral crises have created divisions and almost end the life of the country such as the 1964 Federal Election, 1965 Western Nigeria Election, 1979 General Election, 1993 General Election and 2015 General Election. The annulment of 1993 general election won by Chief Moshood Kasimawo Olawale Abiola, a Yoruba from the Southwest by the Northerners led by general Ibrahim Babangida created tension between the North and the West. Lack of trust and unity among the three different ethnic dominated regions led to rotation presidency, which has produced inept, corruption, kidnapping, banditry and atmosphere of agitations and separation.

## **3. Methods of conflict resolution**

Various attempts at resolution of conflict have been undertaken by the Federal Government of Nigeria including accountability; memorialisation; amnesty and DDR. First, commission and panels of inquiry were created to promote accountability. People are interested to know the truth about political, religious and ethnic crises. Families

that lost their relations want to know what happen to them, reason for disappearance and asking for compensation. Attempts at redress of crises by the Nigerian government specifically have included the establishment of various commissions, specifically the Henry Willink Commission of Inquiry in 1958. Taken together, however, reports of various commission and panels of inquiry have no semblance of a purposeful peace agreement. The documents do not address issues affecting the country directly such as the environment, resource control, ethnic divisions, marginalisation, religion intolerance and socio-economic transformation. Peace agreements between warring factions is often powerful. It can serve as constitution or some aspects of it constitutes or contains constitution. Issues contained in the peace agreement may include transition timetable, complex agreements for new democratic institutions, human rights, reparations, security sector reform and empowerment see [2].

Second, human rights violations investigation committee is another method of conflict resolution. It is worrisome to note that peace still eludes the country. The dawn of democracy in Nigeria in 1999 ushered in the establishment of Human Rights Violations Investigation Committee on 14 June 1999 by former Nigerian President Olusegun Obasanjo. The Human Rights Violations Investigation Commission was a large-scale attempt to address the various forms of human rights violations in Nigeria immediately after the independence. The seven-person commission was headed by Justice Chukwudifu Oputa and sought to investigate human rights abuses back to the military coup of 15 January 1966 until 28 May 1999, the day before the last military handover to civilians in Nigeria. The report of the commission was submitted to the Federal Government of Nigeria but its findings were not initially made public by the government. It took the combined efforts of human rights groups and civil society groups to publish the document in the United States of America.

Forth, the Constitution of the Federal Republic of Nigeria makes a provision for a prerogative of mercy. The President of Nigeria usually derives his power from this section of the constitution to make amnesty proclamation. Amnesty is described as “prerogative of mercy” under the 1979 and 1999 Constitution. The President’s Amnesty Proclamation culminated in disarmament, demobilisation and reintegration (DDR) programme in the Niger Delta and repentant Boko Haram terrorists. It was created to achieve peace and quickly return the affected regions to the path of development through a series of community-centered reintegration processes. DDR has been criticised for adverse planning and implementation, technical and administrative problems, large-scale corruption and the non-involvement of large segments of society. Most of the ex-militants were rehabilitated in the first phase of the programme. There were many others waiting endlessly for the second and the third phases of reintegration programme. Furthermore, post-amnesty reintegration made no provision for the employment of ex-militants who had completed their rehabilitation vocational and educational training and those that were sent abroad for training. Some were trained but had no jobs to take up afterwards. Proper reconciliation/reinsertion of ex-militants into the community did not take place. The post-amnesty DDR programme is criticised for its inability to reflect local needs and aspirations.

#### **4. Methodology**

This study used secondary data collected by visiting National Achieve at the University of Ibadan, Nigeria. Secondary data were also collected from a study carried



out by the author which was sponsored by the Tertiary Education Fund (Tetfund), Abuja, Nigeria. Various textbooks, magazines, newspapers and internet sources were consulted.

Data collected through the secondary methods were subjected to thematic analysis. The following themes were used to present the findings of the study such as transitional justice, prosecutions, truth-telling, institutional reform, vetting and reparations.

## **5. Findings**

This section presents various findings based on thematic analysis of review of literature. The following findings were discussed such as transitional justice, prosecutions, truth-telling, institutional reform, vetting and reparations.

### **5.1 Transitional justice**

Emergence of transitional justice as a mechanism for addressing human rights abuses in post-conflict society or authoritarian rule could be traced to the mid-1980s. Transitional justice mechanisms include accountability, truth-telling, vetting, reparations for victims and institutional reform. Transitional Justice consists both judicial and non-judicial approaches and mechanisms such prosecution, truth commission and findings, awarding of reparation, protecting and restoring of human rights, security sector reform, social and economic resuscitation. “Transitional justice is linked to the four pillars of international law: international human rights law, international humanitarian law, international criminal law, and international refugee law. The term transitional justice has been increasingly used to refer to the approach toward peace-building by governments in countries emerging from deeply rooted conflict to address the legacy of past human rights violations See [3]. The core of the transitional justice approach is that moving forward can only genuinely occur through coming to terms with the past. To build a future free from human rights violations, society must move beyond criminal justice mechanisms to engage in truth recovery, testimony, storytelling, memorialisation, reparations, and institutional reform. Transitional justice as dealing with the rule of law across a range of issues, including constitutional law and administrative law, as well as the traditional transitional justice areas of criminal law, history, and reparations. Reparations are methods of transitional justice focused on victims in post conflict peace building processes.

Generally, for a successful transitional process, recognition of victims of conflict or authoritarian regime must be based on their rights to criminal prosecution, truth telling, reparations and institutional reform. “It is when the victims’ rights recognised this way that their human dignities would be guaranteed. Transitional justice measures as “forms of recognition” and the researcher explained above how non-recognition of victims may lead to resentment in a post-conflict society. This Chapter is not going to discuss various transitional justice measures in detail but will demonstrate the complementary nature of transitional justice measures, such as prosecutions, truth telling, institutional reform and reparations.

### **5.2 Prosecution**

First, prosecution must recognise the rights of victims to reparations and recommend reparations for victims suffering violations of rights. Prosecution of violators

of gross human rights, crimes against humanity including terrorism and any other forms of impunity are recognised under the international laws. International human rights law spells out the responsibilities of governments to ensure post-conflict prosecution takes place, these include initiate proper, prompt, thorough, independent and incorrigible investigation of human rights abuses and ensure that international humanitarian law and take adequate measures in respect of violent entrepreneurs, most importantly as related to criminal justice, by quarantining that those involved in serious crimes under international law did not escape justice and duly punished See [4]. The aim of prosecution is to recognise the victims and ensure victims' rights are guaranteed and protected by recognising offenders and victims as bearers of equal rights. There are many factors that can hinder prosecution of human rights offenders in a post-conflict society including, the corrupt judicial sector and perceptions of victor's justice, inadequate resources and the challenges of sheer numbers when the pool of potential victims and perpetrators is in the hundreds, thousands, or hundreds of thousands.

### **5.3 Truth-telling**

Second, truth-telling needs to reveal and recognise victims' rights to reparations. Truth-telling provides recognition in a way that is perfectly familiar by acknowledging the significance and value of persons, as individuals, as citizens, as victims. Truth commissions, according to United Nations Office of the Special Adviser on Africa use investigations and hearings to identify and compile the list of individuals and institutions responsible for abuses, the patterns of human rights abuses, as well as the enabling conditions for abuse. State has a role of including measures necessary to ensure the independent and effective operation of the judiciary, accountability and effective communication. The UN's set of principles stated that everyone has the alienated right to know the truth about what happened in the past about heinous crime committed, circumstances and the reason for perpetration see [5]. Truth investigations face challenges that range from avoidance by ex-combatants, and the cooperation and political will of actors in peace processes. In Sierra Leone, for example, the concurrence of a tribunal and a truth commission created a lot of misunderstanding, the fighters saw it a plot to trap and make them face consequences.

### **5.4 Institutional reforms**

Third, institutional reforms must recognise the rights of marginalised whose rights were violated by forcing them to participate in conflict. The reparation may be symbolic by allowing the opposing fighters to join the national army. Institutional reforms recognise conditions which enable citizens to relate with one another as equal, re-legitimising the State's authorities, and preventing the occurrence of conflict. It involves restructuring and occurs within the state security forces, or non-state armed groups to eliminate violent conflict and human rights abuses. Measures necessary to address impunity should include legislative and administrative reforms, to guarantee that public institutions respect the rule of law. Military, security, police, intelligence and judicial sectors who engaged in gross violations of human rights shall not continue to serve the State. Due process of law and principles of nondiscrimination must be followed in their disengagement, Persons found guilty

of serious crimes under international law must be removed from official duties during trial or criminal proceeding. The Organisation for Economic Co-operation and Development/Development Assistance Committee's guidelines on Security Sector Reforms highlighted that it is the duty of all actors, their roles, responsibilities and actions- working together to manage and operate the system in a way that is line with democratic norms and principles of good governance see [5]. Government unwillingness, favouritism, nepotism and lack of funds can undermine efforts at security sector reforms. For example, in Uganda, Taban Amin, the son of the former dictator, Idi Amin, was accused of human rights abuses. He was given an amnesty under the Ugandan Amnesty Act, and shielded from prosecutions. He later became a member of the Ugandan security force. In this vein, recognition of human rights abuses for victims suffered a defeat.

## 5.5 Vetting

Fourth, vetting establishes trust sometimes through investigation and accountability. Vetting could be delivered by the human right commission and the government security agencies. This is a process of performing a background check on a person and ascertain whether he/she has involved in series of human rights abuses identified with political office holders, military, war lords and economic criminals. Vetting is necessary to ensure that doubts are casting off from issues such as reliability, credibility, or judgement of the individual in question, and which could impacted trustworthiness and credentials. Vetting is a integrity testing process including adherence to relevant human rights standards to determine their suitability for public employment. Post conflict society or country in transition from authoritarian rule to democracy often use vetting to exorcise abusive, incompetent, corrupt or conflict entrepreneurs from holding public offices see [6]. It should be noted that vetting process has received little or no systematic attention in Nigeria. Political processes are dotted with people that had involved in extra-judicial killings, human rights abuses, ethnic wars, corruption, fraud and other unwholesome attitudes such as former military generals, warlords, ethnic jingoists, and political manipulators. There are good examples of countries that have adopted vetting in the process of advancing peacebuilding in the world such as Argentina, Hungary, South Africa, Poland, El Salvador, Bosnia and Herzegovina and others.

## 5.6 Reparations

Fifty, reparations can be briefly introduced as a method of providing material and a symbolic form of recognition by State and offenders to victims whose fundamental rights have been violated. Transitional justice measures provide complementary roles in post conflict societies. The measures have composite relationships. This Chapter, therefore, looks at the complementary roles played by reparations and other measures of transitional justice. Reparations without truth telling are like awarding cash payment to silence or placate the victims. It forecloses any effort to unearth the facts of the conflict and makes accountability unachievable. Conversely, truth-telling without reparations could be regarded by the victims as cheap or empty talk. Reparations also recognise the importance of effective criminal justice to provide victims with satisfaction and to ensure equality and strengthening the trust of victims in judicial process. Criminal prosecution could serve as a form of symbolic reparation to victims that

demand justice and demonstrate to the fighters that their action has consequences and nobody is above the law. In another way, reparations without criminal justice could be regarded by the victims as a payment of a 'crime insurance scheme', with no responsibility claims on anyone, even the State. In a similar vein, institutional reforms without reparations are like a deliberate attempt not to dignify the victims who were victimised by the State security agencies or militia groups. Also, reparations without institutional reforms can look like offering cash whose legitimacy can have little impact.

## **6. Conclusion**

There is no linear relationship in transitional justice measures; they are only mutually inclusive, as it is not mandatory or possible for any country in transition to adopt all forms of transitional justice. The adoption of an approach depends largely on the peculiar characteristics of a given country. The most important thing is that transitional justice should be considered in post-conflict societies to recognise the interests and provide remedy to the vulnerable whose rights have been violated. To do this, transitional societies must recognise the interdependent links between measures like prosecution, truth-telling, institutional reforms and reparations as important and useful to the recognition of victims' rights.

Transitional justice mechanisms such as accountability and security sector reform need to be given adequate consideration in the Nigeria. The way conflicts affected individuals and their expectations in the peacebuilding processes are different. For many reintegration and reparations would satisfy them. Many want accountability, memorialisation, truth and investigation. The above responses also suggest the expected role that transitional justice mechanisms could play in the resolution of conflict such as ensuring accountability and ending impunity, fostering reconciliation and socio-political reconstruction, establishing an historical record and countering denial. For example, transitional justice mechanisms have helped to provide justice and satisfaction to victims and relatives of human rights abuses in countries such as Argentina, Chile, Paraguay, Bosnia and others.

In summary, looking generally at the conflict resolution methods adopted, it is clear that the methods have limitations as a peacebuilding process in Nigeria. While acknowledging the relative peace and stability recorded, the peacebuilding methods have not led to effective and enduring peace in Nigeria; additional peacebuilding mechanisms should be considered. One such peacebuilding mechanism is "wholesome" transitional justice. To ensure peaceful coexistence is strengthened, it has to be combined with transitional justice in holism. Therefore, this Chapter reveals that peacebuilding could be complemented by justice, peace, security, institutional reforms, vetting, development and guarantees of non-repetition of conflicts.


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## **References**

[1] UNSecretary-General. What is DDR? Unddr.org. 2005. Retrieved 17 June 2015, from [http://www.unddr.org/what-is-ddr/introduction\\_1.aspx](http://www.unddr.org/what-is-ddr/introduction_1.aspx)

[2] Bell C, O'Rourke C. Peace agreements or pieces of paper? The impact of UNSC resolution 1325 on peace processes and their agreements. *International and Comparative Law Quarterly*. 2010;**59**(04):941-980. DOI: 10.1017/s002058931000062x

[3] Bell C. Dealing with the past in Northern Ireland. *Fordham International Law Journal*. 2003;**26**(4):1095-1147

[4] De Greiff P. A normative conception of transitional justice. *Politorbis*. 2010;**50**(3):17-30

[5] Ohchr.org. Transitional Justice and Economic, Social and Cultural Rights. 2014. Retrieved 7 August 2015, from <http://www.ohchr.org/Documents/Publications/HR-PUB-13-05.pdf>

[6] The International Center for Transitional Justice. Retrieved 19 October 2022, from [www.ictj.org/our-work/research/vetting](http://www.ictj.org/our-work/research/vetting)

## Chapter 3

# Narrative Change at the Roots: Imagining Peace in Modern Nigeria

*Oluwagbemiga Dasylva and Solon Simmons*

### Abstract

This paper brings the literature on “narrative change” and “narrative transformation” to bear on post-independence Nigeria, applying an interpretative framework called Root Narrative Theory (RNT) to 1960s Nigeria; In this paper, we analyze selected memoirs of leaders who were key players in the country’s critical political junctures in the first decade of independence, when combatting poverty and economic development on a distinctive African model still seemed viable: Obafemi Awolowo, a Yoruba from the West, Nnamdi Azikiwe, an Igbo from the East, and Tafawa Balewa and Ahmadu Bello, two representatives of the North. This sample of memoirs reflects the discursive post-independence Nigeria in a decisive moment, revealing how these representative visionaries reflected on and responded to the daunting challenges that the newly independent Nigerian State had to contend with after almost a century of colonial rule. The analysis reveals how the clash of visions between these four indigenous perspectives and those of the key members of the international community plunged the nascent Nigerian project into contradiction; these then contingent gaps in the ramifying operational imaginations of key actors have remained almost unchanged, demonstrating how the narratives of that time set the parameters for the possibilities of development and peacebuilding in Nigeria today.

**Keywords:** narrative, moral imagination, imagining peace, Nigeria, radical disagreement

### 1. Introduction

On July 6, 1967, the Nigerian civil war started, and it was to last for another 3 years. Less than a decade earlier, in October 1960, the country got its independence from British colonial imperialism, agitation for which had started about 3 years before. This independence was widely celebrated since Nigeria was Africa’s most populous country and could serve as a model of African liberation, but only 10 years later, it all seemed like a tragic failure. And yet this apparent failure may well have been little more than an excuse made by powerful interests in a broader effort to keep the status quo—that is, to maintain a new kind of Nigerian colony. This was noted at the time.

Obafemi Awolowo, the influential voice of the Yoruba, accused Britain of promoting institutional incompatibility to preserve a space for them in all future governance

(in fact the very word governance was coined in this era). He wrote, “every time we talk about self-government for this country the British people turn around and say if we depart from your country there will be civil strife there will be war, there will be all sorts of things.” As it happened, “all sorts of things” did come to pass in the first short decade of independence and many of them not good for the Nigerian people, including one of the most brutal civil wars in global history. This paper attempts to provide a novel perspective on the sources of civil war and to explain the trajectory of conflict dynamics over time, themselves anchored in purposes—master narratives of a new Nigeria—drawing on evidence from the personal memoirs of critical leaders of rival contemporary perspectives and relying on analytical categories drawn from a new morphological-performative theory of the imagination called Root Narrative Theory (RNT).

We rely on RNT, in part, because it helps to understand how to bridge rival interpretations of abusive power, which are taken to lie at the root of any moral-political stance: “all stories can be classified in terms of their depiction of abusive social power” Solon Simmons [1]. And for most Nigerians at the time, the most salient mechanisms of abusive power were in the hands the British and the abuses of the colonial oppressor were close to mind. Awolowo’s address to British representatives at one of the Parliamentary sessions inveighed in cadences of righteous indignation for the violation of his people’s dignity: “they came to buy slaves and they supplied gunpowder and relations and other things to our people and said to them, go into the interior and bring slaves...same now today they are claiming that they brought peace to this country.” Of course, the British and their allies had quite different concerns about what sort of social power would be abused in post-British Nigeria, and these early postcolonial concerns shaped the moral imaginations of rival visionaries of a new Nigeria. They continue to shape them today.

## **2. Narrative, moral imagination, and the root narrative theory**

A narrative is among other things, a tool; a medium for expressing our experiences. We perceive external expressions that we internalize from our emotional core and respond accordingly. We use narratives to describe and express emotion and what in our universe is considered acceptable or not. Solon Simmons describes narrative as “a general mode of thought that unites the two aspects of human nature, the angelic and the bestial, the comic with the psychological, then it will be a great advance if we could find a way to reduce the complexity of the narrative we encounter into political data” ([1], p. 7). This is consequently intended to address the concept of moral imagination on which most of these thoughts were drawn. The paper contributes to the literature on imagining peace since the exercise is not for developing just literature but also offers recommendations that would be useful for donor and government agencies that are currently committed to interventions in the Global South.

The methodology and the ‘tooling’ of the Root Narrative Theory contribute to the science of conflict analysis in a way that draws from and yet departs from Lederach’s ideation of the ‘moral imagination.’ In his *Art and Soul of Building Peace*, [2] states that moral imagination is “our capacity to recognize turning points and possibilities in order to venture down unknown paths” to create something new. Lederach’s suggestion situates peace somewhere in our moral imagination and is likely the starting point for this paper’s recommendations. In effect, root narrative is one way of representing the natural categories of the moral imagination.



Before we narrow the scope of our thoughts to Nigeria, scholars have engaged the notion of moral imagination in the sphere of policy and social engineering; [3] in art, [4], in business [4, 5] taking these into account Lederach suggests “we could without stretching the truth or the metaphor, propose that the capacity of the moral imagination dates to time immemorial” (p. 26) that we have the capacity to reach the turning point.

Mark Johnson [3] likewise challenged the view that “morality is simply a system of universal laws dictated by reason.” He argues that what is missing “is any fundamental role of imagination in our moral reasoning.” (p. ix). About the complexities of the nature of the conversations on moral imagination, especially from the angle of experience Edmund Burke [6] assumes that we all possess a sense of what is right and wrong. One can draw from this the idea that what is conceived as right or wrong is tied to the overarching universal conception of what is right or wrong in an interpretive community. That itself could still be relative to space and time and context.

Experience contributes to the process of our evolution, as such part of evolving is, for instance, an individual who has thought that his village is where the world starts, and ends must have that notion about his cosmos because that is just how far the individual’s experience could carry. If he steps out to an urban space where everything moves fast, that orientation about the other worlds then helps him to see things differently. For instance, at what point was colonialism unacceptable? or any other forms of oppression? One cannot assume that the ‘universal’ code of morality was okay with slavery at the time. This only demonstrates the complexities of Lederach’s notion of moral imagination. Simmons on the other hand depicts moral imagination as a filter or a strainer, of some sort that determines responses for even seemingly similar scenarios. Thus, the response to an external factor by an individual might vary depending on the context and personality of the individual involved. One of the ways to interpreting Lederach is that we all possess certain moral ideations which we activate whenever we get to the critical point of decision-making, however, Simmons ideate it as a filter because even the idea of what is moral is still relative to every possible condition.

Thus, moral imagination is relative if Lederach assumes that we all possess it, and with the capacity to activate it when we want would There was a time that slavery was acceptable when humans were part of the ‘spoils of war’ as it was with the Danish Vikings is known to be politically organized so was it in precolonial Africa, where the value of a warrior at the time was in the numbers of his slaves and kills. That was a moral value, in fact, the notion of protectorates in the colonial era was indicative of the society at the time. The colonies were being protected from those with greater firepower. Communities in the continent were being protected from the vices of civilization at the time, the unquenchable thirst for empire expansion. Samuel Huntington [7] does not suggest that there is a convergence of civilizations into one but that they operate concurrently, and the power dynamics determine the civilization that the world adopts.

*Powerful societies are universalistic; weak societies are particularistic. The mounting self-confidence of East Asia has given rise to an emerging Asian universalism comparable to that which has been characteristic of the West. ‘Asian values are universal values. European values are European values,’ declaimed Prime Minister Mahathir [of Malaysia] to the heads of European governments in 1996. Along with this also comes an Asian ‘Occidentalism’ portraying the West in much the same uniform and negative way in which Western Orientalism allegedly once portrayed the East. (p. 132.)*

Similarly, Huntington succinctly captures this clash of civilizations with western civilization stating “alone among civilizations the West has had a major and at times devastating impact on every other civilization. The relation between the power and culture of the West and the power and cultures of other civilizations is, as a result, the most pervasive characteristic of the world of civilizations” (p. 224).

Emerging literature in the field of peacebuilding has suggested ways to rethink peace by the likes of [8, 9] to mention a few. The ideation of Lederach’s turning point moment that yields constructive change, suggests Zartman’s hurting stalemate; [10]. He states, “the concept is based on the notion that when the parties find themselves locked in conflict from which they cannot escalate to victory and this deadlock is painful to both of them, they seek an alternative or a way out.” (p. 8). It is not all conflict situation that requires that level of moral imagination to function. How about cases of disparate opinions that have nothing to do with violent conflict where morality seems neutral? Colonial Nigeria experienced disagreements at every critical moment in its history, during the colonial era, into the post-colonial era, from the type of economic system. Disagreements like the one captured here; “Government has not succeeded in producing a bold development program for the prosperity and happiness of our people, with the result that economically we just drift and become more and more dependent on foreign aid times, it is not likely to be in the long-term interest of Nigeria” does not require a moral imagination in the thoughts of Lederach. Therefore, one would assume that the limit of our moral imagination is informed by the civilizing culture. And as such that “the heart and soul of social change should inform peacebuilding.” ([2], p. ix). That rings social engineering, which evokes the ‘organic’ nature of a peace process.

### **3. The spectrum of moral imagination**

Let us assume that humans act with a sense of purpose even when that *purpose* is not generally acceptable. For instance, there is a purpose to truancy in the mind of a teenager that should be in school, but rather chose to hang out with his friends. He is inexperienced, has no idea about what skipping school can cause over time. That idea of purpose contradicts the assumed universally acceptable behavior that could propel toward academic success. But there is another idea of success on the *street* where loyalties are defined by the rules of the street, where trust is identified in the language of the street. That is a form of moral imagination that dictates its core. A narrative presents us with the dilemma that moral imagination eases us into. The question of what morality is however universal the concept, in reality, is relative to individuals and societies alike.

To further illustrate, let us assume that morality is universal, then it is from the pool of morality that we decide how we want to ‘script our actions’, to whom and where for what purpose. Deliberate calibration of our actions in the order of how we interpret or what signifies morality. Our thoughts and actions are aligned in a way that reflects what the core emotion stems from as part of the ongoing social process. It was the disagreements that led to the violent conflicts because they were fundamental. In relation to Nigeria, it is the capacity to recognize the various Root Narrative Imaginations as a form of abuse of social power. It neutralizes the effect of thinking of morality as positives and negatives. The Root Narrative Theory recognizes these turning points with the notion that there is a general understanding of where the ‘other’ operates from, and consequently, generates ideas that push the union

forward. That will be toward peace reimagined since ‘turning points must always transcend the cycles of destructive violence while living with being relevant the context that produces those cycles.’ ([2], p. 29). Contrary to the idea that amalgamation was forced on both the North and Southern protectorates, Awolowo noted that when other communities realized that there were benefits to the in-direct rule, they willingly agreed to the indirect rule. He states, “realizing from the Benin example the accretion of his power and prestige which the application of the ‘indirect rule’ to his domain will import, voluntarily requested the Governor General to apply this system to his area.” These were turning points that really never yielded peace, and the actions were informed by their moral imagination at the time. For Lugard, it was the best way to save his country and concentrate on the war while the colonies are given the ‘Greek gift’ of ‘self-governing’ under imperial supervision. In light, of the RNT, that makes sense. One can represent every action from the point of view of abusive social power. “The story structure of a root narrative is quite primitive, incorporating a protagonist and an antagonist function, both with plot and character elements. The simple form or grammar of a root narrative is as follows: *the antagonist used abusive power to cause injustice to the protagonist* [1].

By using Root Narrative Theory, we hope to show how devastating it can be when rival visions come into conflict and the parties fail to even really see the imagined world that the other so clearly see. In the course of Nigeria’s development, social power and its abuses have been subject to wild gaps in interpretation. History has made clear that the supposedly benevolent leadership of the developed world dealt a devastating blow to equitable development in the Global South, [11–13] but there were a variety of interpretations of what the specific ills of colonialism were and what remedy they required. It is the task of this paper to attempt to link these distinctive stories to their imaginative worldviews—their root narratives—in order to provide a systematic way to represent the sources of the perennial violence that continuously rippled from the North of the country where the Hausa dominate.

Take the example of a well-known warning that Awolowo made about the gap in education between the North and the rest of the country. He spoke of economic inequality as a central challenge in Nigeria and spoke about it in a way that is called an equality narrative in root narrative theory, a narrative form favored by socialists but often detested by industrial interests in the West. Awolowo’s idea was not simply to borrow western idea but to chart a different course, an indigenously African course. He advocated for a specifically African Socialism, one that was “a kind of socialism which is native and indigenous to Africa, this is the so-called African socialism which... is more suited to Africa than the so-called Russian or Chinese socialism” ([14], p. 151).

Of course, the objective problem of economic deprivation was not resolved on either a western or an African template, and when a deep concern is ignored or explained away with a different and less apt narrative form, over the decades, the problem fester, expressing itself in an entirely different vocabulary of power. For example, Boko Haram (Western education is heresy) is a movement in Northern Nigeria that appeals to those who are economically exploited and deprived. But to blame Western education is not to tell a class story about economic inequality, but instead, a status story (following what is here called a dignitarian logic) that ignores economic arrangements unless they can be reduced to the fault lines of group difference—economic differences between Christian vs. Muslim groups. Narrative gaps of this kind produce collective action problems. People do not know how to align their activities against what kind of antagonist, and the presence of such a gap can help to

explain the political instability that a country like Nigeria has grappled with since its independence.

In the North, the dignitarian logic was dominant but it had morphed from an aspiration for outgroup liberation into a defensive crouch in support of the ingroup. A famous statement by the Sardauna of Sokoto, a powerful Muslim leader, and the Premier at the time in support of what would be called “Northernization” in the 1960s reveals his own analysis of abusive power that is primarily directed against the cultural other, an ethnic outgroup with no interest in the well-being of the broader or non-sectarian community. His worldview, described in root narrative theory as a “securitarian imagination” justified a policy of explicit exclusion against the groups that lived in the western, and eastern regions. He stated, “all important posts are being held by Northerners...if we can’t take a Northerner, we take an expatriate like you [British] or put a Nigerian on contract Bello ([15], p. 226).” The Sardauna’s worldview, securitarian to the point of outright dismissing the legitimate rights of all but the northerner, revealed the state of that union in the 60s, and little has changed since then. The Sardauna’s narrow and sectarian view of Nigerian possibilities has failed to unlock its potential.

But there was potential. The Global South has recorded a few success stories of development propelled by home-grown ideologies. One example is Malaysia where the World Bank reported that “since gaining independence in 1957, Malaysia has successfully diversified its economy from one that was initially agriculture and commodity-based to one that now plays host to robust manufacturing and service” [16]. Could something like that have happened in Nigeria as well? Perhaps. At inception, Awolowo noted in his memoir that “at the very moment, and for a long time to come, the base of our wealth is agriculture. In my view, therefore, the priority should be the bold and rapid development of the agricultural economy in this country.” The South did indeed develop its agricultural capabilities, but the leaders in the north mounted a project of national security that privileged the northerner over the others and left agricultural development to meander on an uncertain path. As Awolowo wrote, “there is no scope for overseas investment directly in agriculture, yet investment in agriculture is inadequate and is rarely in the public eye.”

We can see in the memoirs that a brief moment of hope for Nigerian unity after independence was short-lived, and the implicit agreement of the regions to subject themselves to the unity of a new Nigerian state looks more in retrospect like concessions to individual ambition. This was clear right away as this quote from Azikiwe in 1965 reveals, “it is true that we have trouble in the TIV division [a more marginalized minority in the Northern region that later became Middle-Belt region] and since the election in Western Nigeria last October, we had series of violent outburst, riots so that it could lead to anything...we are five years old ....and so anything could lead to the breakup of the Federation but there are some of us that have made up our minds to preserve the unity of this country.”

The once-promising project of national unification was sacrificed to another project that we might call the “invention of the North.” Sanusi Lamido Sanusi reiterates that “before colonialism, there was nothing like Northern Nigeria. Before the Sokoto Jihad, there was nothing like the Sokoto caliphate. The man from Kano regarded himself as Bakane the man from Zaria was Bazazzage. The man from Katsina was Bakatsine. The kingdoms were at war with each other. They were Hausas, they were Muslims, and they were killing each other.” ([17]:n.d).

This sectarian focus on Northern concerns at the expense of national unity was clear from even the days before independence, and the fears of the British and their political theory of the case only compounded the problem. And once these British

visions of dysfunction were internalized by those in the North, they were projected onto the other regions as well. The result was mistrust, stagnation, and ultimately war. We can see the logic of an alternative in Awolowo's memoir.

*It has been suggested by my Northern friends and I'm very sorry that they have fallen victim to the evil propaganda of the British that they are not fit to govern themselves... it shows the extent to which this evil propaganda has gone in this country and we all ought to really weep that people who are as advanced and as civilized as the Northern people can come here and say we are not fit for self-government.*

There is nothing fixed in the future of a people, and economic and political development in Nigeria could have traveled a very different path. We see these alternate futures in the memoirs of the leaders of the early days of independence, many of whom anticipated problems that were never addressed. What Nigerians lacked at the time was the curiosity that was required to see the world in a different way, the inclination to respect the irreducible differences among its peoples, and the will to include their novel ideas about the proper parameters of their own futures into its plans for national development and statebuilding. We hope to begin to reconstruct those forgotten futures here.

#### **4. The narrator, the society and the audience: sample selection**

The selected memoirs are well-known texts in Nigeria, and some have been recommended texts in local colleges and higher institutions. The methodology anticipates critiques on text selection or the objectivity of memoirs as a data source. As such, the chapter is not interested in the veracity of the claims—the truths or the untruths—but in the types and nature of conversations that occurred, and the progress of their corresponding narrative imaginations, triggered and influential in critical junctures in Nigerian history. The texts are purposively selected by names and region: each represents Northern, Western and Eastern regions; there were only two colonial protectorates; Northern and Southern protectorates. The 1914 amalgamation, of the existing two protectorates, was what produced Nigeria. Nigeria was divided into three regions: North, East, and West; later, Mid-West was carved out of the West, making four regions. Therefore, the texts reflect the thoughts and ideas of the time, the consequential purposes, as a reflection of the narrator. The selections reflect the three geopolitical terrains as well as represent their regional consciousness as objectively as possible: three narrators, one from each of the three regions. Objectivity in this regard is conceived with to an influential author's purposes, which are assumed to be reflective of a much larger community and influential on subsequent influential actors. The analysis will not address every concern contained in the memoirs but will focus on local perspectives on governance, and local knowledge of power and politics. In this sense, the use of root narrative theory participates in the larger turn to the local than is currently popular in peace research [18]. Stability, development, and peacebuilding the bedrock of the liberal peace model stand on these three principles.

The crux of this method is to identify areas of departure and determine ideologically informed development and peacebuilding processes in a post-colonial country like Nigeria. Because the purposes of influential actors are consequential for future states of the world, this method can help determine the various paths of departure in national development from their distinctive points of view. Locals are the only ones

capable of knowing when trouble brewing will be devastating. So, what were Nigeria's alternative indigenous perspectives on developments?

*The Selected texts:*

- i. *Selected Speeches of Chief Obafemi Awolowo*; Obafemi Awolowo, Fagbamigbe Publishers, Akure, Nigeria, 1981.
- ii. Nnamdi Azikiwe: *Respect for Human Dignity: October 1960*.
- iii. *Nigeria Speaks* Speeches made between 1957 and 1964; Sir Tafawa Balewa, Longmans of Nigeria, 1964.
- iv. Ahmadu Bello; *My Life*, Cambridge University Press, 1962.
- v. Paden ([19], p. 225).

The selected texts and visuals address colonial issues, independence, post-independence, governance, and other areas that have been responsible for the present narratives that permeate the Nigerian space. It is important to note that, it is almost impossible to separate religion, ethnicism, and politics in any serious discourse in Nigeria.

Each narrator locates specific critical junctures within the stories at various points in Nigerian history. For instance, the civil war of the late 1960s was a critical juncture in the memoirs for the Nigerians at the time, pitting one defense root narrative against another. "Ojukwu was all out for secession, needed more time for his preparations and a few more constitutional powers for the furtherance of his designs under the cloak of legality." It is important to add that this narrative resonates with the rest of the country. The Eastern region members would not have agreed to this. Hence, while it can be assumed that this was the general tone in the country toward the civil war, it is because at this juncture, the Federal Government, through its minister of Finance, decided to change, control, or even "own" the country's narrative; it was now Biafra against Nigeria; the North will side with the rest of the country on this subject matter. On another case like the famous election of June 12, 1993, that might not be the case because the North hardly recognized that date as significant. The selected memoirs reflect age, experience, prevailing thoughts, conflicts, and ideas within the scope of this study. The provided narrative data are sorted into their appropriate space using RNT, to address the following:

1. The scope of the conversations or narratives around development.
2. In the case of development, to assess development and its strides as locally perceived.
3. The discursive temperament at the time against the realities of lived experiences of the people. Are they reactive or proactive? Or what issues or areas?

The texts are not intended to explain the root causes of conflict, per se, but to help us understand the premises, purposes, and the state of the narrative imagination on which and from which influential individuals or groups were operating from.

To maximize comparability, we focus on individual accounts of similar events; For instance, Obafemi Awolowo, Ladoke Akintola, and Herbert McCauley to mention a few, were among Yoruba leaders from the Southern protectorate that later became the Western Region a few years into independence. Their Eastern counterparts were Michael Okpara (who became the first Premier of the Eastern region,) Nnamdi Azikiwe, Ozumba Mbadiwe and Akanu Ibiam to mention a few. Their Northern counterparts were Ahmadu Bello and Tafawa Balewa. They have other memoirs, but the ones selected for this chapter specifically addresses the rhetoric of the period; colonialism, education, and globalization to cite a few. They informed the current curiosity to understand 1960 Nigeria's experience with independence and during self-rule who became the 'villain.'

The coalition of the union to negotiate independence from the British imperialists evoked narratives that portrayed Britain as the villain. Awolowo opines "political independence is the inelible right of man. It is therefore not subject to negotiation or even debate" the presentation of what we call a "dignitarian narrative" extends further here, "the mere fact that we Nigerians stand up here today to debate this question is evidence and at once of our national humiliation and degradation." One cannot lose sight of the collective choice of ascribing Nigeria as his. Awolowo embodies the pain that the experience brought upon the union in statements like the following "it might be said that we did not rule ourselves well enough but foreign rule however benevolent is not as good as self-rule".

Some of the texts were referred to by other memoirs in the study while they were being studied. Certain individuals in the narration were referenced at some point, and the referents have related stories to the narration, but from their narrative lens at the time. This triangulation or intertextuality and intratextuality of statements and events are helpful possible validation of data for the present study.

## **5. Layers of meaning and the root narrative profile**

In a previous work, one of us has made the claim that "Narrative theory, and in particular Root Narrative theory, has the great advantage that it draws its solutions from data hidden in plain sight, namely ritualized and relevant public discourse, which provides us with answers that we could have always known if we were just willing to accept what we can plainly hear" [1]. Of the Igbos, Sardauna of Sokoto opines in 1962 that "the Igbos are the type of people whose desire is mainly to dominate everybody. If they go to a village, they want to monopolize everything in that area. If you'll put them in a labor camp as a laborer, they would try to emerge as head man of that camp Bello ([15], p. 161)." Let us note the positioning of the narrator there and his views about the "other," also a Nigerian, but from a different region, whom he describes as less cohesive. This is what is called a Securitarian logic or narrative imagination because it puts the blame on his group's experience as a direct responsibility of a dangerous outsider.' This is the perception of one group about the other and many like that abound in the memoirs that were chosen for this study, thus giving insight into the aspects of globalization that seem to have set the Global South on its present trajectory.

If the villain of the north was the Igbo, that of the southerner was more likely to be the colonist. The horrors of colonial rule are obvious enough. Shashi Tharoor, [11] describes British colonialism in India as "over 200 years of exploitation, depredation," that "reduced it to a poster child for poverty. Ninety percent of the population were living below the poverty line when the British left in 1947." British rule in Nigeria left

the North in a similarly unfortunate position. Lamido Sanusi Lamido a former Emir of Kano similarly stated that “the British came for 60 years, and Sir Ajayi talked about few numbers of graduates in the North (two at independence). What he did not say was that there was a documented policy of the British when they came that the Northerners should not be educated. It was documented. It was British colonial policy” [17].

The two narratives are similar, however, with two different villains. The Northerners’ story had its villain as the Igbos. They were a ready-made internal foreigner for those in the north. The southerner says the villain was colonialism and the division that imperialism thrived on. Consequently, the work here is in mapping rhetoric like this in the narratives that influenced or informed policy decisions on development initiatives as a nascent democracy at the time. Root Narrative and the state of the imagination is important to note to determine where on the spectrum of root narratives the representatives of the regions are and to track this with respect to development milestones, briefly comparing these patterns and their trajectory in narrative space.

## **6. Areas of radical disagreement**

Root narrative theory classifies political arguments in relation to the abuse of social power that is implied in the structure of the story—who the protagonist is and *what they have suffered*, and who the antagonist is and *how they caused* the protagonist to suffer. It assumes that all political arguments follow one or some combination of a small number of schematic narrative templates. The protagonist is the person or group who has suffered abuse of social power and/or the person or group who will rectify it, and the antagonist is the person or group who was the source of the suffering. The antagonist or villain is very important here; The person or system that wields social power determines the root narrative imagination.

We use the memoirs of the four representative leaders of the early Nigerian Republic to explore divergences in fundamental ways of imagining how the political world works. If these leaders from the three regions which appear distinctive to us in worldview even today saw their world through different lenses, it might help to explain how those who improvised on the models they presented still find themselves unable to understand one another.

For example, to see Nigerian problems primarily as the result of imperialism follows a dignitarian root narrative logic. Those who are colonized (the outgroup) are subject to the abusive power of the colonist (the ingroup). This schematic template influences everything about the narrative orientation of the person who opposes imperialism, per se. The focus on human dignity denied because people are members of a minoritized outgroup explains why this worldview is called a dignitarian orientation. It is about resorting basic human dignity. Another example, is the libertarian root narrative imagination, valorizing individual human rights, rational citizens, and the rule of law. Here the villain of the story is an abusive state or state-like apparatus—some entity that makes the rules of the game. Its abuse lies in rigging the rules to its advantage, making any game played by unconnected individuals unfair. Both of these moral orientations to Nigerian politics were prevalent in the early days of the First Republic.

The structure of root narrative theory is fairly technical. The best way to see how it works is to consider all combinations of antagonists and protagonists together in a single table. In the table, we can see the big four root narratives (security, liberty, equality,



Primary Root Narrative	Secondary Combinations	Antagonist		Protagonist	
Security	as Defense	Dangerous	Enemy	Innocent	Civilians
	as Unity	Selfish	Elites	Innocent	Civilians
	as Stability	Ignorant	Masses	Innocent	Civilians
Liberty	as Consent	Bad	King	Rational	Citizens
	as Property	Ignorant	Masses	Rational	Citizens
	as Merit	Dangerous	Enemy	Rational	Citizens
Equality	as Reciprocity	Selfish	Elites	Virtuous	People
	as Nation	Dangerous	Enemy	Virtuous	People
	as Accountability	Bad	King	Virtuous	People
Dignity	as Recognition	Ignorant	Masses	Undaunted	Outgroup
	as Liberation	Bad	King	Undaunted	Outgroup
	as Inclusion	Selfish	Elites	Undaunted	Outgroup

**Table 1.**  
*Basic root narrative cognate concepts.*

and dignity) arrayed in the first column. These are the primary root narratives, which can be thought of in terms of a metaphor like primary colors. When these primary colors overlap, protagonists maintain their definition as victims of a certain type, but the villain is substituted from one of the other primary narratives. This results in 12 secondary root narratives, which all fall into four major categories. For simplicity, in this analysis, we will restrict our attention to the big four categories (**Table 1**).

Root narrative theory becomes useful for conflict analysis because of the leverage it provides in the analysis of divergence in worldviews. The same data will appear as different facts for two people looking at the world through the lenses of two root narratives. And because the root narratives are such expansive and morally resonant points of view, the parties with different worldviews will see each other as villains in their respective story, each one abusing power and deserving punishment.

In **Table 2** we present our analysis of the memoir data. The profiles developed here are only the most basic, but we can already see the way in which various regional stories might have developed into the distinctive worldviews that anchor protracted conflict in Nigeria today. Keep in mind that we are trying to provide a basic characterization of where the features of the worldviews from those in the western region and eastern region) might diverge from those in the north (largely Hausa political leaders today). Our claim is that we can find these divergences already in the early reflections of the representative characters of the First Nigerian Republic. In this, we follow Tocqueville's analysis of American democratic nationalism.

*Step back in time; look closely at the child in the very arms of his mother; see the external world reflected for the first time in the yet unclear mirror of his understanding; study the first examples which strike his eyes; listen to the first words which arouse within him the slumbering power of thought; watch the first struggles which he has to undergo; only then will you comprehend the source of his prejudices, the habits, and the passions which are to rule his life. The entire man, so to speak, comes fully formed in the wrappings of his cradle Tocqueville [20] (DiA VI.C1).*

Representative Figure	Securitarian Worldview	Libertarian Worldview	Egalitarian Worldview	Dignitarian Worldview
Obafemi Awolowo (Premier Western Region)	<p>“Politically the independence of the country can be viewed from two angles the corporate and the individual. A country is said to be free only when it has unqualified control over its internal affairs.”</p>			
	<p>“in the times of national crisis or emergency, it is legitimate for the government to call upon the citizens to surrender, for the duration, some measure of their independent individual freedom in order for the freedom of the country and its citizens to be preserved.”</p>		<p>We have these groups (GO, G8, AU) all of which seek not to promote the overall common interests but to advance their sectional, economic greed... and supremacy... the virus and evils of capitalism cannot be cured by adopting a capitalist approach to them...as long as greed or self-interest remains the prime and main motivation of any social system.</p>	
Sardauna of Sokoto (Premier Northern Region)				<p>“The Igbos are the type of people whose desire is mainly to dominate everybody. If they go to a village where town, they want to monopolize everything in that area. If you’ll put them in a made by camp as a laborer. More than a year they would try to emerge as head man of that camp.”</p>

Representative Figure	Securitarian Worldview	Libertarian Worldview	Egalitarian Worldview	Dignitarian Worldview
				“How many Northerners are employed in other regions? In fact, maybe ten”
	“In actual fact, what it is, is, a Northerner first! If not, we employ an expatriate temporarily or a Nigerian. It will be rather dangerous to see all our boys coming out of colleges not knowing what to do.”			
Abubakar Tafawa Balewa (Prime Minister, Northerner)		“it is the desire of Nigeria to remain on friendly terms with all nations and to participate in the work of the UN.		
		““We do not intend to align ourselves with any of the power blocs.”		
		“We in Nigeria feels for Congo, Africa must not be allowed to be a battleground in ideological struggle, the Congo situation should be allowed to be dealt with by African States in the political level”		
Nnamdi Azikiwe (President, Easterner)				“in the checkered history of our nation, this is the second time that a person of African descent has had the distinction to assuming the gubernatorial post.”

Representative Figure	Securitarian Worldview	Libertarian Worldview	Egalitarian Worldview	Dignitarian Worldview
				“have analyzed insofar as a kennel of the two oaths taken by me today, relate can be summed up in Word in four words: Respect for human dignity.”
				There are many states who deny their citizens equality of opportunity and deprive them of fundamental human rights for the simple reason that the color of their skin is black or that they are natives of Africa.”

**Table 2.**  
*Root narrative analysis of select memoirs.*

What do the data in **Table 2** teach us? First, we see that the two northerners, Sardauna of Sokoto and Abubakar Tafawa Balewa have gross root narrative profiles that are quite different from the two southerners.

The Sardauna (Premier of the Northern region) of Sokoto’s worldview is largely securitarian, which reflects the fact that the Northern oligarchy was left to take charge of the country in the aftermath of independence. Their problems concerned national unity, the probability of chaos, and threats from military sources of all kinds. And yet, his primary point of orientation was not general criminality or disorder; it focused on the threat of the Igbo, and was therefore as much a “dignitarian” claim about an intergroup grievance as security per se. The Sardauna views the challenges of policing his territory in terms of the threat of a supremacist ingroup from the south. The Igbos are a cultural oppressor as much as the lawless elements of the territory are security threats.

Here is an example of Sardauna’s rhetoric about Nigerians in the Eastern region;

*The Igbos are the type of people whose desire is mainly to dominate everybody. If they go to a village where town, they want to monopolize everything in that area. If you’ll put them in a made by camp as a laborer. More than a year they would try to emerge as head man of that camp (Paden ([19], p. 225), Bello ([15], p. 162)).*

It is not unlike a populist narrative of immigrants ‘taking our jobs,’ but it has a special locus in historical grievance. The Igbos are presented here as people who are supremacists. They want to be better than everyone else. They are almost as bad as the British racists who have just been kicked out of the country and for the same reason. If they are allowed to play a key role, they will dominate the country and impose their folkways on it at the northerners’ expense. He worries about the chances of northerners to compete in a level fight—what in root narrative theory is called a “security as inclusion” narrative: “How

many Northerners are employed in other regions? In fact, maybe ten” Bello ([15], p. 162). The Sardauna’s overall orientation here is Securitarian because he focuses on military and criminal threats, but it is dignitarian in its exclusion of the cultural oppressor, the Igbo. The villain of the story is a domineering cultural oppressor. This view is still resonant in the north today, irrespective of all the history that has worked against Igbo independence (and hence also potential dominance) since those early days.

The Sardauna would rather employ all else but Nigerians until they have a right Northern fit. “The North would rather take an expatriate first than take Nigerians.” The North was a relatively closed community to which the Yoruba southerner Awolowo thought should have been broken into regions: “I strongly advocated the breaking up of the north into more states to have true federalism in Nigeria and to preclude the permanence of servants of the people of Nigeria to the aristocratic ruling caste in the north.” What is widely known a securitization of policy followed a securitarian worldview flavored by ethnic suspicion.

Abubakar Tafawa Balewa, the Prime Minister from the North, had a different point of view from the Sardauna. He too had a dignitarian suspicion of the southerner, but he channeled his worldview into a point of focus on peaceful relations with other African states and with the international community as a whole. In essence, he was a libertarian who viewed international issues from the perspective of reason, respect and compromise. Balewa’s narrative orientation was in stark contrast with the Sardauna’s, suggesting that northern leadership could have taken a very different course. While the former operated at what can be described as a macro level, the latter saw only the regional interest. Balewa tended to refer to Nigerians and Nigeria as a whole, while the grievance-laden securitarian lens of the Sardauna could only reveal people from the north versus people from the east. Where Balewa sought peace, individual freedom and reasoned interaction with other African states, the Sardauna pursued a policy of what he himself called “northerners first.”

We can see this northern complexity in Balewa’s comments. He was supportive of the concept of the United Nations and of working within its confines.

*It is the desire of Nigeria to remain on friendly terms with all nations and to participate in the work of the UN ([21], p. 89).*

He was opposed to using state or supra-state power to coerce other actors to support policies and agendas that were not in their interests.

*We do not intend to align ourselves with any of the power blocs ([21], p. 89).*

Finally, he was willing to walk the walk in the sense that he did not want impose Nigerian state influence on other emerging African nations, even if it might serve Nigerian interests. He did not want to engage in the ideological power struggle of the cold warriors on either side.

*We in Nigeria feels for Congo, Africa must not be allowed to be a battleground in ideological struggle, the Congo situation should be allowed to be dealt with by African States in the political level ([21], p. 89).*

This more inclusive libertarian (classical liberal) influence is clear as well in Balewa’s internal actions. It was on the recommendation of Abubakar Tafawa Balewa, that Nnamdi Azikiwe had the opportunity to advance to the presidency of Nigeria.

Nnamdi Azikiwe acknowledged this in the spirit of unity, stating “I was appointed to this post of high honor by Her Majesty Queen Elizabeth II, on the advice of the Prime Minister of Nigeria to succeed my predecessor in office” ([22], p. 1).

Colonel Emmanuel Nworah Nwobosi, the Igbo general famous for his role in Biafra and the civil war, opined that the first military intervention was a result of the political instability in the country and the failures and violence of the politicians [23]. Nwobosi stated that the military “acted because of the Saudana’s carelessness and statements, on planning to Islamize Nigeria.” Awolowo’s view aligns with this, he reiterated his antagonism to this view at the General Assembly in 1968 where he stated that “we proclaim neutrality and yet you refrain from participating in the Belgrade Conference non-aligned-nations, we proclaim neutrality and yet the Sardauna of Sokoto, with the express consent of Balewa moving heaven and earth to drag Nigeria into a commonwealth of Muslim states” ([24], p. 9). Whatever Balewa’s desire for liberal governance, in the north, security and ethnic chauvanism would win out. Northerners told the same old independence story, but swapped out the British and put in the Igbo. They would wage a war for independence but with the very apparatus of state power in their control. The tragic results are clear enough.

If events in the north would follow a line of securitized ethnic grievance, in the south things were a good deal more complex. We can see this in the dynamic between Obafemi Awolowo’s root narrative orientation and Tafawa Balewa’s. This calls for a closer look.

Balewa was a classical liberal thinker. He believed in reason, international cooperation, and compromise. At Nigeria’s acceptance into the United Nations, he downplayed any hint of nationalist expansionism:

*I wish to make our position clear, beyond any measure of doubt that regards the African continent, we Nigeria have no aggressive intentions. We shall never impose ourselves upon any other country and will treat every African territory, big or small, as our equal.*

Awolowo was a securitarian not unlike the Sardauna in some respects, but a securitarian in support of the idea of Nigeria not his own region.

*The first major act of the government took place on the very day of our independence. It is an act which, in my considered judgment, detracts very seriously from the sovereignty which was that day conferred upon us...a country is only said to be free ([24], p. 9).*

Independent of its root narrative schema, Awolowo’s narrative often projects Balewa as an antagonist on some specific point of policy. This is reflected in positions on education policy of the Western region which had been pitted against the North and also on positions on infrastructural development. In Awolowo’s stories, there is an overarching narrative orientation that the Sardauna holds sway as a divisive villain. Usman Suleiman, a curator at the Arewa House, the center for historical documentation and research of the Ahmadu Bello University, supports that interpretation but from the perspective of a northerner.

*Sardauna realized that the North was backward in every area, it was his way of trying to ensure that the North could catch up, so he came up with several policies including the unpopular Northernization policy. It only allows Northern public service to employ only Northerners.*

Suleiman's perspective reveals the nagging sense of being behind that haunted the north, one that would overwhelm the liberal tendencies of leaders like Balewa. The Northernization policy suggests a recurring theme in a north's securitarian root narrative, threats to civil peace arise from an internal other in the south. If the north is to thrive, it must be by protecting itself from the supremacist tendencies of the Igbo. If we are sympathetic to the worldview of Awolowo, the Sardauna's rhetoric about the Igbos was not only consistent but also unfair, careless, even as antithetical to the idea of Nigerian independence as a whole. When the Sardauna and Prime Minister Balewa were killed with other key military and political leaders in the coup of 1966, it was described as the 'Igbo' coup. The divisions had taken hold, and the very concept of a unified Nigeria was in jeopardy.

The Sardauna's root narrative imagination was amplified by his actions on the days leading to his assassination, even when he was aware that the military (mostly Igbos) were planning a coup, he was not going to try to escape: "I won't leave my people in their hour of need to run away and take shelter somewhere else." The two leaders at the Federal level (President Azikwe the Igbo and Prime Minister Balewa the northerner) were from two different ethnic groups. The Sardauna's rhetoric about the Igbos relentlessly emphasized this distinction and projected a dignitarian agenda onto northern leadership. His *Northernization* agenda would become unpopular and would be his undoing, but it was the result of his conception that other regions were biased in favor of themselves, that these other regions were better positioned than the north, and therefore that a policy agenda was needed to redress the imbalance. His agenda was never truly Nigerian but northern. Like Awolowo, the Sardauna was a dignitarian but the colonial/cultural oppressor for him was the Igbo in the place of the British. The truth or untruth of the assertion is not as important as the master narrative that fed that narrative loop. North turned against east. The Igbo officers would be demonized. It was a counter-coup from the Northern military leaders and its eventually led to the, civil war that would paralyze the country. The outline for this sad story is already contained in the root narrative templates of these critical leaders.

But what was the worldview in the South? How did it differ in the east and west? If we begin in the East with Azikwe, we witness a quite different view of Nigerian independence and what it meant in that era. Today we take the trajectory of African independence for granted, but in 1960, very few countries had attained it. As the most populous African country and one with obvious natural resources and potential for future economic development, Nigeria was an important symbol of what was possible. Its plight was indicative of that of other colonies and its success was a marker for their aspirations. In this context, Nnamdi Azikiwe spokesperson for the African 'protagonist,' a symbol of hope for every Black nation seeking freedom from imperialism.

Make no mistake; he was a dignitarian. His stories always emphasized respect for human dignity and opposition to the colonial oppressor. He had the resolve to identify human actions that had perpetually robbed the 'black race' of its honor. But he was an African universalist but also a humanist full stop. One can see this in his memoir and select speeches, in which he constantly impresses on this audience the need to be tolerant of others within and outside the country. Nnamdi's position as Nigeria's Governor-General at the time was significant and still is today, especially in the wake of a new election season in Nigeria. The villain in Azikiwe's narrative imagination is Western imperialism and as such, he sees in him and his country the duty to serve as the voice, the representative of that population of Africans in his homeland and abroad facing all kinds of injustice.

*But we must jealously guard our new freedom to live like free men and free women in a free republic and we must defend with all our might any attempt, no matter how subtle or from any source it may emanate (p. 3.)*

His worldview touched on problems of economic inequality as well, especially as it might be abused to imprison whole nations to one another. He emphasized his resolve to not align with any world power at the time stating that there was no gain in doing that hence “to no person, no matter how wealthy, should we sell our soul. To no nation, no matter how powerful we should mortgage our conscience” (ibid.) ...that is how Azikiwe defined ‘true national freedom.’

Although an Igbo from the south, he consistently defined himself as an African as presented that as something to be proud of.

*“in the checkered history of our nation, this is the second time that a person of African descent has had the distinction to assuming the gubernatorial post.”*

As he assumed the office of president, he recognized the stakes of his rise and the values which it represented.

*“I have analyzed insofar as a kernel of the two oaths taken by me today, relate can be summed up in four words: Respect for human dignity.”*

But as wide as his vision extended, he never lost sight of the source of social power that defined his root narrative: race prejudice on a global scale.

*There are many states who deny their citizens equality of opportunity and deprive them of fundamental human rights for the simple reason that the color of their skin is black or that they are natives of Africa.”*

This is a dignitarian worldview with very broad dimensions and one quite different from the narrower view that would emanate from the beleaguered north.

Unlike Azikiwe who was charged as president on the recommendation of Tafawa Balewa with overseeing the affairs of Nigeria as a whole in 1960, Obafemi Awolowo’s narrative worldview was more pragmatic and concrete. Where Azikiwe was the president of all of Nigeria, Awolowo was the Premier of the Western region, and although Nigeria adopted a parliamentary system in which the regional heads were like governors, they served in a largely independent role, running the affairs of their regions in broad brush. These regional governors had quite fundamental duties to protect their societies, almost like sovereign entities in themselves. These broad responsibilities produced in Awolowo a broad worldview as well.

For Awolowo, the first step for Nigeria was to secure the nation as a whole, and this would require action and investment in a wide range of areas, from education to infrastructure, to defense. In a word, you could summarize Awolowo’s worldview as “development.” His passion for development reflected his pragmatic interest in African liberation and his concrete sense of what this new contraption, Nigeria, needed to survive, as he wrote.

*We must strive to transform this land of ours into a modern, prosperous, and self-supporting developed state within the next decades. ([14], p. 15)*



His commitment to development would also rub up against the individualist premises of classical liberalism. In the language of root narrative theory, he was securitarian.

*In the times of national crisis or emergency, it is legitimate for the government to call upon the citizens to surrender, for the duration, some measure of their independent individual freedom in order for the freedom of the country and its citizens to be preserved.*

And tellingly, Awolowo was not a regional chauvinist like his counterparts in the north. He challenged the rest of the regions to close the wide education gap between the Western region and the remaining two regions.

*In the Western region, 1.2 million are attending school, in the Northern region only a quarter of a million...that is a dangerous gap...the government attaches very little importance to things that matter...that Federal government must take the step to close the gap.*

This story resonates with what was quoted above from the former Emir of Kano that it was a deliberate policy of Britain to not educate the Northern region. Education and economic development went hand in hand. Awolowo argued that independence from Britain's imperialism was a political move, but to achieve true independence economic independence. Most important for this story, Awolowo dreamed of this concrete independence not just for the west for the rest of Nigeria as well.

*The sooner the people in the House realize that I am not here to represent the western region, but to represent the country as a whole, the better for them and for all concerned.*

Unlike Azikiwe, who saw his duty as one that affects the black community globally, Awolowo was more streamlined, he picked his battles first, as the part of the people, he fought colonialism the foreign villain in Britain, "we are debating it today simply because we want to be realistic in the sense that we have not got the guns, the planes not the atomic bomb to force British out of this country." For him, independence was not something to be negotiated but something to be won. As the north began to assert its dominance, Awolowo shifted his attention to them, even as his root narrative stayed the same. He was critical of the orientation to British capitalism that the northerners accepted as necessary. He argued that capitalism infused into the Nigerian system at the time was a poison that was inconstant with Nigerian antecedents.

*We have these groups (G0, G8, AU) all of which seek not to promote the overall common interests but to advance their sectional, economic greed...and supremacy... the virus and evils of capitalism cannot be cured by adopting a capitalist approach to them...as long as greed or self-interest remains the prime and main motivation of any social system.*

Little wonder that in the context of the Cold War, Awolowo would be seen as a threat to global stability and to the national interests of Anglophone countries.

The understanding of root narrative imagination in a conflictual situation is only consequential toward imagined peace. Where Lederach thrives is in his operational analysis of moral imagination. There is no classification, he assumes we all have a moral core where desires and decisions emerge. However, the application of the root narrative theory stems from the acknowledgment of these various accounts; to consider them all as variables in understanding the emotional core. So the Root Narrative Theory (RNT) is designed as a tool to diagnose “conditions of radical disagreement.” There is no imagining peace without figuring out these areas of disagreements and conditions for them. The reason that factor is critical to analysis is that moral imagination is not exclusive of exposure, experience, and values. In fact, Lederach asserts that peacebuilding requires a process based on “specific situations and context.” ([2], p. x).

One of the authors in a previous work have described morality as a “complex phenomenon that builds on our biological capacities as well as our social experience (p. 23). As a social experience it is established within the visible and invisible group boundary. Likewise, the universe where that is established determines what the value of an action or inaction is. Initially, we established that the RNT is one such tool that aids the analysis of our very emotional core. The Root Narrative Theory establishes the link between the experience of abusive power and how this informs the structure of our moral intuition. With the RNT you both understand yourself by the reason of the experience of abusive power and more importantly; you understand that of the ‘other’ party in a conflict. The utility in that is the ability for one of the parties to have a deeper understanding of the workings of that ‘other mind.’ How within the four quadrants identified, the ‘other’ party in the conflict is able to navigate the peace initiative fairly well. That is where the thesis of this paper locates the place of imagining peace. It agrees with Lederach in a way that suggests that we do not necessarily have to wait till when everyone has come to the ‘turning point’ and in cases where there is no need for a turning point, before we assess, it is capable of unlocking the potential of our moral imagination.

The moral imagination of the Northern leader was indicative of the limitations that their experience created. It informed the policy that Lugard chose to run in the region and the reason it was replicated in the Southern regions, influenced by the conditions of things at the time. It brings to mind what Lederach described as the ‘moments of surprise’ unplanned but consequential except Lederach posits a positive turn of events at the turning point. “He suggests that violence and the moral imagination point in opposite directions” then it foregrounds the inherent complexities but before violence, there are pointers. The moral imagination suggested by Lederach does not factor this in, hence the application of the Root Narrative Theory (RNT).

In reference to our “capacity to imagine something rooted in the challenges of the real world yet capable of giving birth to threat which does not yet exist” (Lederach, p. 29). Nigeria has been described as a unique example of one of the countries in the Global South, reeling in the consequences of Britain’s colonizing policies and act. We have attempted to address the nuances of the amalgamation of the Southern and Northern protectorates, for ease of colonial administration and economic exploitation. We gave the context that gave rise to the governing model.

In effect this paper has engaged the early history of the Nigerian state with a view to critically examine the narrative data drawn from memoirs of representative leaders of the period of independence. They were drawn from the three original regions, the north, the west and the east. It uses a new theoretical perspective, the root narrative theory (RNT) to tease out areas of radical disagreement among these early leaders to argue that the narrative premises of these leaders are reflected in the popular politics of our own time. The narrative trajectory of leaders from the north focused narrowly

on security but did so in a way that emphasized inter-ethnic grievances, encouraging national fragmentation and contributing to political instability, overwhelming a demonstrated commitment to principles of liberal internationalism. In the south, the stories diverged with Igbos in the east placing broad emphasis on cultural and racial liberation and stories in the west that balanced concerns with Nigerian national development with a critique of British capitalism. Even though the stories from the north came to dominate the Nigerian narrative ecology, traces of these early divergences in worldview are still evident in the regions, which can help to explain the broad patterns of misunderstanding and serve as a recipe for conflict flash points that lie at the heart of Nigeria's plight to this very day.

The Root Narrative Theory is not a method for the Nigerian people to understand or implement, rather we propose it as a framework that could guide the decisions of stakeholders that are already working in the Global South.


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## References

- [1] Simmons S. Struggle and Martyrdom: Abusive power and root narrative in the aftermath of the eritrean revolution. *Peace and Conflict Studies*. 2020;27(3):1-39. DOI: 10.46743/1082-7307/2020.1686
- [2] Lederach J. *The moral imagination: The art and soul of building peace*. MA: Oxford University Press; 2005. p. 26
- [3] Johnson M. *Moral imagination: Implications of cognitive science for Ethics*. Chicago: University of Chicago Press; 1993
- [4] Clausen C. *The moral imagination: essays on literature and ethics*. Iowa City: University of Iowa Press; 1986
- [5] Tivnan E. *The moral imagination: Confronting the ethical issues of our Day*. New York: Simon and Schuster; 1995
- [6] Burke E. Reflections on the revolution in France. In: *The works of the right honorable Edmund Burke*. London: Henry G. Bohn; 1864:2
- [7] Huntington S. *Clash of civilizations and the remaking of world order*. New York: Simon & Schuster Paperbacks; 2011
- [8] Joan G. Imagining global democracy. *Development and Change*. 2004;35:5. DOI: 10.1111/j.1467-7660.2004.00395.x
- [9] Fontan V. *Decolonizing Peace*. Lake Oswego, OR: World Dignity University Press; 2012.
- [10] Zartman W. The timing of peace initiatives: Hurting stalemates and ripe moments. *The Global Review of Ethnopolitics*. 2001;1:8-18
- [11] Tharoor S. *The Great Indian Novel*. NC: Viking Press; 1989
- [12] Mark L. Let's talk about neo-colonialism in Africa. *Global Policy Journal*. 16 Nov 2017 [Accessed: 28 December 2022]
- [13] Rodney W. *How Europe underdeveloped Africa*. London: Bogle-L'Ouverture Publications; 1972
- [14] Awolowo O. *Voice of Courage*. Akure, Nigeria: Fagbamiye Publishers; 1982b
- [15] Bello A. *My Life*, Cambridge University Press Awolowo. *Voice of Courage*. 1982. Ondo State, Akure: Fagbamiye Publishers; 1962
- [16] World Bank Report. n.d. Retrieved from: <https://www.worldbank.org/en/country/malaysia/overview> Accessed: [2022-10-26]
- [17] Ogun D. Sanusi Lamido Sanusi's Question: Are we truly ready to develop and unite Nigeria? Retrieved from Modern Ghana: [03-9-2011]. Available from: <https://www.modernghana.com/news/322396/sanusi-lamido-sanusi-question-are-we-truly-ready-to-devel.html>.
- [18] MacGinty R, Richmond O. The local turn in peace building: A critical agenda for peace. *Third World Quarterly*. 2013;34:5
- [19] Paden J, Bello A. *Sardauna of Sokoto: Values and Leadership in Nigeria*. London: Hodder and Stoughton; 1986.
- [20] de Alexis T. *Alexis de Tocqueville on Democracy, Revolution, and Society*. United Kingdom: University of Chicago Press; 1980
- [21] Balewa T. *Nigeria Speaks Speeches made between 1957 and 1964*. Ikeja: Longmans of Nigeria; 1964

[22] Azikiwe N. Respect for Human Dignity: an Inaugural Address. Enugu: Enugu State Govt; 1960

[23] Heritage TV. Youtube. An Insider Speaks on the January 15 1966 Coup. Heritage Multimedia Television. 31 August 2019

[24] Awolowo O. Voice of Reason. Akure, Nigeria: Fagbamiye Publishers; 1982a



## Chapter 4

# Ukraine War: Toward a New Global Security Order

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### Abstract

The current conflict in Ukraine has had tremendous repercussions both on the individuals living in the affected territory and around the world. The Ukraine crisis is the latest example of the centuries-old conflict between democracies and autocracies, and the outcome of this war will have a significant impact in determining the future of global politics. From this point of view, one should look at the Ukraine crisis as an important turning point that will determine whether democracies or autocracies will have the upper hand in determining the international order and should think if, in the long term, the effectiveness of the post-cold War global security order is a solid basis for maintaining peace and international order.

**Keywords:** Ukraine, armed conflict, United Nations, UNSC, crisis prevention, United Nations charter, Russia, international security, international politics

### 1. Introduction

On February 24, 2022, the relations between the Russian Federation and Ukraine reached a new level of violence and intensity. The beginning of high-intensity operations conducted by the Russian armed forces has shifted the continuum of the low-intensity conflict started in 2014 by Russia into the proper phase of the full-fledged war.

The war in Ukraine has caused serious shocks to the international system. As it will be discussed, the conflict has unveiled that the landscape of international relations is experiencing serious competition between blocs of states that are related to the United States, China, and Russia. Furthermore, this scenario could also be looked through the lens of a pending, but seemingly inevitable, confrontation between democracies and autocracies in taking the leading role in global affairs.

The conflict in Ukraine has also tested the effectiveness of the current system on international relations in preventing major conflicts even near the decades-long safe area of Europe.

### 2. Understanding the scenario of the ongoing conflict between Russia and Ukraine

The nefarious actions of Russia against Ukraine come from a distant past. The illegal annexation of Crimea from Ukraine in 2014, the complicity in the creation of

the Lugansk and Donetsk People's Republic, and the actual high-intensity war against Ukraine are only the last remnants of a past of oppression toward Ukraine. Beyond this, the targeted poisoning of journalist or political opponents has made Russia strongly criticized for its conduct undermining international peace and security [1].

In order to understand the ongoing Russian aggression against Ukraine, it is important to look at how Russia perceives the post-soviet space. To this end, the heritages of the old Tsarist Empire and the Soviet Union play a key role. These two heritages have a strong significance when looking at Russian-Ukrainian relations. Indeed, Russia considers Ukraine a satellite state part of its exclusive zone of influence [2].

From the point of view of Ukraine, many Ukrainians look at the European Union as a model to aspire and want to shift away from Russian hegemony. Indeed, a relevant number of post-communist states joined the European Union and NATO, and this move was beneficial in terms of improved security, economy, and governance.

When Ukraine signed the EU Eastern Partnership, Putin became alarmed that his plan to restore the image of Russia as a model for the post-communist states was fading [3]. Putin pressured the then Ukrainian President, Yanukovich, to reorientate Ukrainian policies toward rapprochement with Russia. This was not new; Ukraine was a regular target of economic sanctions by Russia. For example, as early as 1993, when Russia discussed with Ukraine to retain most of the black sea naval fleet, the energy sector has been widely used to force and influence Ukraine. This was an instrument used every time Ukraine's policies were drifting away from Russia's influence. In 2013, just before the Euromaidan revolution, Russia imposed tariffs and restrictions on goods from Ukraine. This caused a deep economic crisis since a quarter of Ukraine's exports were directed to Russia. When Russia imposed the then-president of Ukraine, Yanukovich, to choose the new-born Eurasiatic Custom Union (ECU), instead of the association agreement with the EU, provoking the Euromaidan revolution, gave the picture of how Russia intended and still intends its relations with Ukraine: a hegemony of Russia over Ukraine.

### **3. The global dimension of the regional Ukraine conflict**

The conflict in Ukraine followed by the Russian aggression has been deplored by most part of the states represented in the United Nations General Assembly (UNGA) on 2nd March 2022 [4]. Indeed, 141 states voted in favor of the resolution condemning Russia's aggression, 5 states voted against it (including Russia), and 35 states abstained.

Besides the overwhelming numbers in favor of the UNGA resolution, it is relevant to note that the Asiatic superpowers of China and India, together with most parts of the post-soviet states, abstained from the vote. While the resolution is not legally binding, it gave an overview of the standing of the major powers in front of a high-intensity war taking place in Europe, involving tens of thousands of regular and irregular soldiers, potentially undermining the security of the entire European continent.

This fact is vastly important, and it is reminiscent of how international peace and security could become subordinate to the preservation of commercial, political, or diplomatic ties between states. In fact, the economic globalization that followed the end of the cold war is not intrinsically chained to bring international peace. On the contrary, the strife over the impact of globalization on traditional forms of societal organization [4] and the geography of isolation versus globalization [5] produced



a moment of intensified international anarchy. When the cold war ended, there has been a new emergence of lurking geopolitical crises, such as conflicts between ethnic groups, clashes between civilizations [6], and conflicts over access to strategic resources.

In fact, the post-cold war has seen a lot of submerged conflicts being unveiled. Russia has experienced a decline in its role of dominance in the post-soviet space and in its sphere of influence [7] in the area of the former Soviet Union and began to conquer the so-called “near abroad” territories along its borders (parts of Georgia, Crimea, and Eastern Ukraine). The actions of Russia in Ukraine have seriously undermined international peace while being in breach of the Budapest memorandum on security Assurances. Indeed, under the terms of this treaty, signed in 1994, Ukraine obtained assurances of territorial integrity from cosignatory powers, the Russian Federation, the United States, and the United Kingdom, in exchange for giving up its nuclear arsenal and signing the nonproliferation treaty.

Looking at the far east, China not only remained committed to pursuing economic growth but started to engage in great power politics, asserting territorial control over its maritime domain (the South and East China Seas), claiming contested territory from US allies, developing advanced anti-access/area denial (A2/AD) weapons, and enhancing its strike and power projection capabilities in the area [8]. The US role as one of the main strategic actors of maritime Asia, one of the world’s most economically dynamic regions, could be threatened. India, Pakistan, and North Korea have all expanded or modernized their nuclear arsenals and Iran could join the “nuclear club.”

Within the scenario of near-international anarchy, the aggression to Ukraine by Russia is an attempt to maintain, by military force, its political ends of expansion and influence in the so-called Eurasian region. Despite this, as has been discussed above, the level of unacceptability of this move seems to be an inherent element of the European democracies and overseas allies but the far-east powers of China, India together with the post-soviet states have maintained relatively normal relations with Russia, depicting very different ways of understanding international peace and security.

#### **4. Is the war of a superpower in decline?**

The war against Ukraine has been presented in different ways, one sees it as a reaction to the approaching of Ukraine to western-centric models of the EU and NATO, or as a civil war between Ukrainian and Russian speakers [8], for example, the Azov National Guard regiment, which is often criticized as a far-right nationalist unit, is mainly composed of Russian speaking eastern Ukrainians, including people from areas of the Donbas, controlled by Russian proxies [9].

Surely, Ukraine looked with favor to the EU as a model (being also the main cause of the Euromaidan revolution) and to NATO as a security provider after the seizure of Crimea and the creation of the Russian-supported Donetsk and Lugansk Peoples Republic, these are not the main reason of the ongoing aggression.

Indeed, analysts should be aware of Russia’s expansionist ideology inspired by the idea that its territory is intended as a platform pointed toward the European peninsula, especially looking to control large coastal areas of the Baltic and Black Seas, from which naval power might be projected into the Mediterranean and North Sea [10].

These political ends, together with the idea of Ukraine as a failed state [11], pushed his administration to think that Ukraine would easily disintegrate, and a Russian invasion was to be supported by Russian speakers.

In fact, by looking at the core of Russian aggression, one could appreciate its pure nature of territorial conquest; Putin is seeking a territorial link from Russia to Crimea, forming a new region called “Novorossiya” stretched from Kharkiv in the north, through the Donbas in the east and along southern Ukraine [12].

The attempt to rely on a war of conquest, creating new quasi-state entities, in order to forcibly retain its influence on the frontier territory of Ukraine smacks of desperation.

Also, the move of Putin to engage in a high-intensity war, specifically to carry out a large-scale invasion rather than undertaking limited warfare, such as the one conducted by Russian forces in Georgia (2008) and Donbas (2014–2015), constitutes a real gamble. Calculating that the West was too divided and distracted to respond forcefully, Putin relied on an all-out invasion of Ukraine even though they reported almost 200,000 troops massed on the Ukrainian border when the invasion began were not sufficient to maintain Ukraine’s occupation, especially with the eventual insurgencies sustained by foreign support, which Moscow seems to have underrated.

It is relevant to note how much Putin’s Russia is risking in order to retain power over Ukraine. In fact, the same idea purported by Putin about a supposed unity among the eastern Slavs, Russians, Ukrainians, and Belarusians, who all trace their origins to the medieval Kyivan Rus commonwealth has been compromised by the aggression against Ukraine and the enormous life losses of the civilian population [13]. These last elements represent how Russia understands its role in the post-soviet space and it is a signal to all the states in its neighborhood. Furthermore, the fact that Russia is struggling against the Ukrainian forces (supported by western armaments) weakens its leading role as a security provider of the regions of Caucasus and central Asia that could be eroded by China, which has now a deep economic penetration on the countries of the two regions.

The extent to which Russia is committed to not leaving behind its expansionist ends, and its willingness to dominate Ukraine politically, militarily, and economically should be compared with the advantages that Russia could enjoy in becoming a modern state and a reliable partner. This course seems to be so far away from the thinking of the Putin administration that Russia seems to be open to the idea of engaging in a new system of international relations together with China and presumably open to non-western powers [14].

The seriousness of this attempt, coming from a country that is involved in a high-intensity years-long war, could be highly debated, but if one has to draw first impressions, it could be noted that Russia would not have convenience in engaging in such a project as its far-east regions are already economically dependent over China, and this dependency would exponentially grow in a new world order economically led by China to levels that could spark conflict. Furthermore, the adherence of Russia’s historic allies in this project could not be so obvious. For example, the key state of Kazakhstan seems to not be aligned with Moscow in its struggle against Ukraine, Kazakh President Kassym-Jomart Tokayev has openly refused to support Russia. Furthermore, Kazakhstan has not recognized the self-proclaimed republics in Ukraine’s Donbas region and the recent annexation of four of Ukraine’s regions by Russia (Kherson, Donetsk, Luhansk, and Zaporizhzhia). In addition, Kazakhstan is not helping Russia to circumvent economic sanctions. Domestically, Kazakhstan has fought any signs of support for Russian President Vladimir Putin’s war on Ukraine among Kazakh society by banning Russian military propaganda symbols and canceling the May 9 victory day parade. In fact, the effort of giving the impression of the existence of the basis for two different world orders reflects the dangerous relations

between the global powers, which are actually divided between democracies and autocracies. Indeed, the willingness to show the incompatibility of these two systems could lead to intolerance of their standing together on the world stage, sparking dangerous preconditions for conflict.

## **5. The role of the UNSC: between failure and reform?**

The aggravation of contemporary international security issues is particularly manifest in the actual scenario brought by the Russian invasion of Ukraine. The function of guaranteeing peace and stability is demanded by the United Nations Security Council (UNSC), whose composition and instruments are challenged by the fast-paced changing political scenario.

Indeed, the ongoing aggression toward the independent and sovereign Ukrainian state carried out by Russia poses a hard challenge to one of the core duties of the UNSC, which is to maintain international peace and security in accordance with the principles and purposes of the United Nations. In the words of the U.N. Charter, the U.N. is supposed to “save succeeding generations from the scourge of war;” Article 2, Section 4 of the Charter, states that all member states “shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state,” the enforcement of this prohibition and others is delegated to the UNSC.

The situation in Ukraine is profoundly troubling. The conflict has already reached an unacceptable level of destruction. The scenario would require a strong response from the international institutions deputed to international peace and stability. Although the UNSC is the U.N. organ that could adopt the relevant resolutions to set out effective measures to guarantee international security, it is nowadays crippled to take action in the Ukrainian context, due to the conflicting interests of the underlying power competition, between its five permanent members (P5) U.S., France, the U.K. on one side, and, on the other one, Russia and China [15].

In fact, the present conflict in Ukraine is a reason for worrying about the effectiveness of the international institutions in case of a conflict directly or indirectly involving P5 members. The Russian government is deeply engaged in the Ukrainian war and seems committed to gaining victory at any cost, ignoring repeated calls by the United Nations General Assembly to cease its military operations, engaging in widespread war crimes against civilians, and openly threatening nuclear war. Furthermore, the Russian government shows no respect for Ukraine’s right to exist as an independent and sovereign nation. The direct or indirect involvement of P5 members in a major high-intensity war depicts the worst-case scenario in which the duty of the UNSC cannot effectively be carried out. This last trend has become prominent in the conflict in Ukraine, where the veto of Russia has substantially blocked every initiative that could be taken within the UNSC to arrest the ongoing war [16].

Of course, on the one hand, today the UNSC is an indispensable organ in which the major powers can engage together in challenging global threats, for example, climate change, human security, environmental security, and access to resources. On the other hand, the structure of the UNSC has been overcome by the fast-changing political relations between the P5, which are shifting from soft-power competition in the field, as an example, of economics and technology to hard-power competition for the control of strategic lands and seas.

Indeed, the structure of the UNSC dates back to the end of World War II, when they then USSR, the U.S., France, China, and the United Kingdom, the great powers that had emerged as the victors, had a key role in determining future world affairs. Therefore, when they set up the security council, they provided themselves with five permanent seats in this body. They also gave each of the permanent members the veto in connection with any international security action it deemed objectionable. As a result, in front of the inaction of the UNSC, the action that the United Nations has been able to do toward ending the current conflict in Ukraine has been to issue non-legally binding statements. In fact, the war in Ukraine has highlighted the importance of the UNGA (United Nations General Assembly) as a more moral suasion body on peace and security matters, relative to the inaction of the UNSC. In fact, UNGA voted on three resolutions: a procedural vote and two substantive resolutions on Ukraine (aggression against Ukraine on 2 March and humanitarian consequences of aggression on 24 March). It further adopted a historic resolution on 7 April suspending Russia from the UN Human Rights Council (UNHRC), the first permanent member of the UNSC [17].

For these reasons, the UNSC cannot provide a reliable basis for peace and stability in case of a conflict that touches P5 strategic interests. Of course, as has been said, a high-intensity armed conflict, directly or indirectly, including P5 members is an extreme scenario. Despite this, the eventuality of such a conflict cannot be overruled by the supposed low probability with which such a scenario would happen. Even if there would be a very low probability of a direct or indirect armed conflict between the P5, this issue should be taken seriously since it would imply a potential conflict between the major nuclear powers. Notably, this scenario has evidently manifested in the context of the Ukraine war, where the UNSC structure and veto power have crippled its action.

Furthermore, from a political perspective, the relations of western and eastern powers represented in the UNSC reflect a situation in which political compromise is becoming harder to achieve. In effect, the current international political situation is near to a system in which states form groups with a leading power in it [18], where a minor conflict could easily extend to involve major powers. The UNSC has been created at a time when the emerging bipolar international system was more ordered than now. The same institution must find a way to reform itself and to be capable of preventing or taking action in major and minor conflicts that will eventually come in the future.

## **6. Conclusions**

The high-intensity war in Ukraine has seen Russia's full-fledged offensive strokes descend into a war of attrition. Ukraine's determination to resist, flawed Russian planning and execution, and the rapid delivery of arms to the Ukrainian armed forces have ensured Kyiv's survival. The west support that has enabled Ukraine to survive, however, will not deliver an end to the conflict.

The conflict has compromised the long-supported idea by Putin of a bond between eastern Slavs and its attempt to seek dominance in the post-soviet space. Indeed, by breaking the 1994 Budapest memorandum on security assurances, Russia has shown its determination to use military force in order to retain influence in the post-soviet space, and this signal should sound an alarm for all the nearby states, especially the one with Russian speaking minorities.

The conflict from the Ukrainian point of view is an existential threat. The Ukrainians are fighting for the survival of their state while the Russians are fighting a war that is peripheral and fundamental only to Putin's view of Russia's political ends of dominance. This feature will make eventual future peace talks difficult as Ukraine will not easily make concessions to Russia. Furthermore, the annexation through a highly questionable referendum under military pressure of Ukraine's regions of Kherson, Donetsk, Luhansk, and Zaporizhzhia into Russia poses a fundamental obstacle to negotiation attempts. The western states which are militarily and economically providing key support to Ukraine have strong leverage and could broker a deal but after the recent partial mobilization set out by Russia and the above-mentioned annexation the possibilities of a deal are increasingly eroded. Despite this, even if the war ends, the conflict has shown the submerged political incompatibility between the western states and Russia, which was until now covered by convenience of interests in commerce, especially in the energy sector. Indeed, economic interdependency, as was stated above, is not intrinsically capable to cancel the possibility of conflict between states; conflicts that are now dormant will not necessarily remain in this state. The magnitude of Russia's political ends linked to Ukraine's war, and, most importantly, how it will end, symbolizes both the end of Russia and the foundations of future Russia, whose characteristics are yet to be discerned. The annexations, partial mobilization of Russian man, and, most importantly, the questionable declarations by Russia's officials to the resort of the use of low-yield nuclear weapons could be the nefarious traits of the future Russian statecraft or the elements on which this state could start a new era for itself by refusing this way of conduct in the international scenario.

The vicious circle, in which Putin's Russia's poor military performance is well represented by how superior powers manage peripheral wars, indeed, superior powers do not lose peripheral wars, they simply fail to win them [15, 19].

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## References

- [1] Kappeler A. Ukraine and Russia, legacies of the imperial past and competing memories. *Journal of Eurasian Studies*. 2014;5(2):107-115. DOI: 10.1016/j.euras.2014.05.005
- [2] Lewis S. Russia's continued aggression against Ukraine. *The RUSI Journal*. 2019;164(1):18-26. DOI: 10.1080/03071847.2019.1605012
- [3] Freedman L. *Ukraine and the Art of Strategy*. Oxford: Oxford University Press; 2019. pp. 66-70. ISBN: 9780190902896 (updf) | ISBN: 9780190902902 (epub)
- [4] Friedman TL. *The Lexus and the Olive Tree*. New York: Farrar, Straus and Giroux; 1999. pp. 349-378
- [5] Barnett TPM. *The Pentagon's New Map: War and Peace in the Twenty-First Century*. New York: Penguin Group; 2004. pp. 174-179
- [6] Huntington SP. *The Clash of Civilizations and the Remaking of World Order*. New York: Simon & Schuster; 1996
- [7] Kroenig M, Reality F. Getting NATO ready for a new cold war. *Survival: Global Politics and Strategy*. 2015;57(1):52-57
- [8] Elbridge C. Asia goes nuclear. *National Interest*. 2015;135:28-37
- [9] de Ploeg CK. *Ukraine in the Crossfire*. Atlanta: Clarity Press; 2017. ISBN: 099789654X, 9780997896541
- [10] Kuzio T. Russia-Ukraine crisis: The blame game, geopolitics and national identity. *Europe-Asia Studies*. 2008;70:462-473. DOI: 10.1080/09668136.2018.1443643
- [11] Clover C. The unlikely origins of Russia's manifest Destiny. *Foreign Policy*. 2016. Available from: <https://foreignpolicy.com/2016/07/27/geopolitics-russia-mackinder-eurasia-heartland-dugin-ukraine-eurasianism-manifest-destiny-putin/>
- [12] Text of Putin's speech at NATO Summit. 2008. <https://www.unian.info/world/111033-text-of-putin-s-speech-at-nato-summit-bucharest-april-2-2008.html>
- [13] Shevtsova L. Russia's Ukraine Obsession. *Journal of Democracy*. Jan 2020;31(1):138-147
- [14] Derek Saul. Russia and China are Leading a New 'World Order,' Russian Foreign Minister Says. 2022. <https://www.forbes.com/sites/dereksaul/2022/03/30/russia-and-china-are-leading-a-new-world-order-russian-foreign-minister-says/?sh=513169dd2756>
- [15] Lakshi PM. The Russia-Ukraine war: The last crisis to break the UN Camel's Back? *OBF Special Report*. 2022;190:1-24
- [16] Russia Vetoes Security Council Resolution Condemning Attempted Annexation of Ukraine Regions. 2022. Available at: <https://news.un.org/en/story/2022/09/1129102>
- [17] See General Assembly Overwhelmingly Adopts Resolution Demanding Russian Federation Immediately End Illegal Use of Force in Ukraine, Withdraw All Troops, available at: <https://press.un.org/en/2022/ga12407.doc.htm>; Ukraine: General Assembly Passes Resolution Demanding Aid Access, by Large Majority <https://news.un.org/en/story/2022/03/1114632>; UN General Assembly votes to suspend

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Russia from the Human Rights  
Council [https://news.un.org/en/  
story/2022/04/1115782](https://news.un.org/en/story/2022/04/1115782)

[18] Diesen G. Europe as the Western  
peninsula of greater Eurasia:  
Goeconomic regions in a multipolar  
world. Rowman & Littlefield. 2021:1-18

[19] Robert Cassody. Why Great Powers  
fight Small Wars Badlt, Military  
Review. 2000. p. 41. [https://www.  
forbes.com/sites/dereksaul/2022/03/30/  
russia-and-china-are-leading-a-new-  
world-order-russian-foreign-minister-  
says/?sh=513169dd2756](https://www.forbes.com/sites/dereksaul/2022/03/30/russia-and-china-are-leading-a-new-world-order-russian-foreign-minister-says/?sh=513169dd2756)





# Perspective Chapter: COVID-19 and Cyber Threats – Aggression, Frauds, and Infodemic in Cyberspace during the Pandemic

*Vida Vilić*

## Abstract

The COVID-19 pandemic made both individuals and the whole society extremely vulnerable in all respects. Technology has become even more important in both our working and personal lives. The social distancing made significant consequences in developing different types of cyber criminality, because it made possible for the perpetrators to become invisible during the constant harassing their victims and to turn over current vulnerability of the society in general to their own advantage. Crime and violence have shifted from real life to cyberspace, leaving visible consequences in our reality as well. This chapter will present new types of cyber criminality, as well as some new forms of classic types of crime, the occurrence of which was, directly or indirectly, conditioned by the pandemic and the new way of life imposed on us all around the world. Also, practical recommendations will be given about the possibilities of avoiding possible victimization, which occurs as a secondary victimization due to a pandemic.

**Keywords:** COVID-19, cyber criminality, cyber fraud, infodemic, victimization

## 1. Introduction

The COVID-19 pandemic made both individuals and the whole society extremely vulnerable in all respects. Due to corona virus pandemic and the fact that most of the globe is quarantined, the percentage of the population that turned to the Internet as a place to find information or work from home has increased dramatically. Computer systems, mobile devices, and the cyberspace became during the pandemic the main way of work, communication, shopping, purchasing and supplying, information, but also for the impression of aggression of many different types. Technology has become even more important in both our working and personal lives. The social distancing made significant consequences in developing different types of cyber criminality, because it made possible for the perpetrators to become invisible during the constant harassing their victims, and to turn over current vulnerability of the society in general to their own advantage.

The coronavirus pandemic has created new challenges in all spheres of everyday life, making the cyberspace place for every daily activity by creating an operating

model in which cyber activities took over “new normal” and became our reality, whether we talk about the personal daily activities, working from home, healthcare and educational systems, or even state stakeholders, state security, and terrorism. Cyberspace allows much easier access for a greater number of people, especially young people, even to the propaganda of terrorist organizations and illegal activities [1]. Cyberattacks have become more common and have started happening in all aspects of life, shifting literally all types of crime into the cyber dimension of our lives. Crime and violence have shifted from real life to cyberspace, leaving visible consequences in our reality as well. Even though the benefits of the Internet in modern society are numerous, the same technology that facilitates modern life can also be exploited by terrorists and terrorist organizations, making the cyberspace a perfect place for the glorification of aggression, different kinds of terrorist acts such as motivation for committing the acts of terrorism and recruitment, broadcasting the illegal and violent content, and for facilitation of illegal communication, with anonymity and much less cost. The pandemic became infodemic.

It must be noticed that we must track the increase of cyber threats as they have emerged from the infodemic throughout the COVID-19 pandemic and to give much efforts to examine its implications for cybersecurity and its effect on the security of internet users in cyberspace. This chapter will present new types of cyber criminality, as well as some new forms of classic types of crime, the occurrence of which was, directly or indirectly, conditioned by the pandemic and the new way of life imposed on us all around the world. Speaking about the outbreak of global “infodemic,” some of the most common phishing problems and phishing scams that occurred worldwide as a result of cyber security breaches during the COVID-19 pandemic will be presented. It is necessary to point out to the cyber threats posed by the infodemic and what it means for the broader network of cybersecurity and the protection of users when it comes to phishing scams as a result of different types of cyberattacks, particularly in light of COVID-19. Also, practical recommendations will be given about the possibilities of avoiding possible victimization, which occurs as a secondary victimization due to a pandemic.

## **2. Infodemic during the pandemic**

During the time of pandemic, a large amount of news about the topic that occupies us all—including the coronavirus—reaches us through the World Wide Web. Disinformation referred to false information that was intentionally created for the purpose of deceiving others. The official and legitimate data became violated in order to create fake versions that contain various malicious programs in it, so the experts were often warning the internet users that we are not only facing a pandemic, but also a cyber “infodemic” [2]. It became impossible to determine the exact percentage of false news and semi-information that reaches us daily through social networks or through various “informative” portals, especially during the period of lockdown and self-isolation, when the contacts were restricted and many people start to work from home. We all were often exposed to a disturbing data, shocking scenes, rumors, stories about a miracle cure, false testimonies of the cured that were not even sick, inaccurate information about preventive measures and protection, but the worst impact is caused to people who are frightened by the virus or who were in the search for a cure for their dearest. Internet users became primary target of cyberattacks as the infodemic spread to the cyber space, making the introduction for cyber criminals to launch attacks. The infodemic became a phenomenon that has “fueled

the spread of cyber threats by malicious actors who capitalize on the confusion provoked by certain events to disseminate false information to the general public” [3].

The pandemic outbreak of COVID-19 has led to one of the consequences that the communities are relying on online resources in order to be informed. According to the World Health Organization’s situation report of February 2nd, “COVID-19 outbreak and response has been accompanied by a massive ‘infodemic’—an overabundance of information—some accurate and some not—that makes it hard for people to find trustworthy sources and reliable guidance when they need it” [4].

The term “Infodemic” was used by World Health Organization in 2020, is an over-abundance of information—some accurate and some not—that makes it hard for people to find trustworthy sources and reliable guidance [5]. It was also noted that the infodemic is not a byproduct of the COVID-19 pandemic, but rather a “recurring epidemic that has been witnessed on previous occasions” [5] such as during the Ebola crisis in 2014 and 2018, as well as the Zika virus in 2015. The vast nature of the infodemic and its ability to affect human behavior culminated with the 2016 US presidential election, “where state actors were accused of launching disinformation to sway public opinion, thereby interfering with the democratic rights of voters in the US” [6]. Thus, COVID-19 “has served to merely accentuate the underlying digital illness that has been running rampant in cyberspace in recent times” [3]. Infodemic became a tool for facilitation the exploitation of weaknesses in digital networks, by launching different kind of cyberattacks against vulnerable communities and critical services.

The higher level of Internet use and users, as well as the growing application of the social distancing measure, made the World Wide Web more vulnerable to cyber operations, which are blended in the flow of disinformation. Electronic mailboxes around the world receive a large number of fake emails on the subject of COVID-19, which offer drugs, vaccines, or incredibly important information about the pandemic [7]. Most often, three primary objectives for COVID-related phishing emails were identified as fraudulent donations often hidden behind fake World Health Organization website, credential harvesting and malware delivery, in order to steal users’ passwords and data from the personal computers and to exploit it further [7].

Cyberattacks during the pandemic that are using infodemic as a powerful weapon were in the past 2 years performed by different malicious actors, but also state and non-state institutions, which were weaponizing legitimate online communication services from email, website, and blogs to social media and videos as vectors for cyberattacks. Together, they produced a large scale of disinformation, aiming to spread fear and confusion among the internet users and the society in general, in order to facilitate different type of cyberattack campaigns. By doing so, they are abusing the COVID-19 crisis to demand ransom for users’ files, to infect devices, to steal financial credentials and personal information, and to disrupt ordinary and essential services. The global healthcare situation in the whole world has worsened in this manner, but also many human lives were put at risk. From phishing and spear-phishing campaigns to online scams, the Infodemic turned out to be an incredibly effective attack vector used by malicious actors and criminal gangs to launch cyberattacks [5].

The United Nations Department of Global Communications (DGC) also warned that cyber criminals are exploiting the COVID-19 crisis by spreading the false information about the virus, because this information “spreads faster and more easily than this virus” [8]. The UN warned that misinformation, disinformation, and rumors are shared during a health emergency, and that the infodemics can hamper an effective public health response and create confusion and distrust among people. The UN has

monitored that the World Health Organization (WHO) teams were working with search and media companies, such as Facebook, Google, Pinterest, Tencent, Twitter, TikTok, YouTube and others, in order to counter the spread of rumors, which include misinformation like that the virus cannot survive in the hot weather, that taking a high dose of chloroquine medication can protect you, and that consuming large quantities of ginger and garlic can prevent the virus [8].

The CyberPeace Institute is also one of the organizations that recognized this problem and tried to increase awareness on how this unstoppable Infodemic of online disinformation is facilitating and accelerating cyberattacks.<sup>1</sup> With a series of CyberPeace Labs called “*Infodemic: A Threat to Cyberpeace*,” the Institute brings together field experts from academia, the public, and private sector, international organizations, and civil society to create actionable insights and best practices, which can be leveraged by civil society, government, and the private sector to counteract the Infodemic.

A typology of cyberattacks reveals the same tactics generally used by cyber criminals, but this time using the pandemic and coronavirus theme, in order to lure victims to access malicious websites or open contaminated files. The use of malware includes “remote access Trojans, info stealers, spyware and banking Trojans to compromise networks, harvest data, divert money and build botnets.”

In the context of the coronavirus, cybercriminals have adopted various means of deception in order to inveigle public opinion. At the same time of the pandemic outbreak, social networks and tabloid magazines have become flooded with fake news and propaganda spreading false news and making the additional pressure at the state institutions, which tried to keep up with this new reality. Turkey, Serbia, Hungary, and Montenegro imposed large fines, but also arrested citizens for posting on social networks because, according to the authorities, they caused panic and endangered security [9].

The unit for cybercrime security of the Hungarian police has arrested several people for spreading false news since the beginning of February 2020, when the raid was at first been carried out. The sites that wrote about the coronavirus were closed by the police when they started writing about the presence of the coronavirus in Hungary before the official confirmation, [10] and after that, the police started to monitor the Hungarian online media due to false news related to the coronavirus. After these media reported about the state of the health system in Hungary, a package of pandemic-related laws passed by the Hungarian Parliament on March 30 gave the government power “to rule by decree indefinitely, bypassing normal parliamentary procedures: the act allows prison terms of one to five years for those who ‘spread falsehoods or distorted facts’ that could alarm the public. These measures were temporary” [11].

On March 19, 2020, the Government of the Republika Srpska decided to ban panic and riots (including presenting and transmitting false news in the media and on social networks) during an emergency situation [12]. This decision was repealed on April 14, 2020 [13].

In March 2020, the UK National Cyber Security Center (NCSC) observed an email campaign where cybercriminals impersonated the Director-General of the WHO in an attempt to infect devices with malware [14]. Cybercrime groups have also advertised fake medication, provided links to malicious websites imitating government portals offering fiscal packages and sent phishing emails impersonating disability

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<sup>1</sup> See more: CyberPeace Institute, <https://cyberpeaceinstitute.org/>

welfare service providers [15]. Some of the most important infodemic news were related to the tax refund situation, fake coronavirus relief funds, and the misuse of unemployment benefits.

The infodemic attack named “We refunded your tax to help protect you from Covid-19” or “Little measure that saves [16] happened in the UK, as hackers devised an email sent on behalf of the UK tax authorities with a false promise that citizens who go to the site given in a sent message, entering personal data and their bank account details, will be able to recover taxes due to COVID-19”.

Infodemic also included the news about the fake coronavirus relief funds: [17] the users were getting an email that looks to be sent from Joe Simons, the Chairman of the Federal Trade Commission, in which it is stated that the user who gets an email will get coronavirus relief money upon receiving this email. One of the similar disinformation was targeting USA users, by promising to the grieving survivors of people who died of COVID-19 and offering them help paying for their loved one’s funeral expenses [18]. The truth is that the “real” government relief program pays up to \$9,000 for funeral expenses since January 20, 2020 for loved ones who died of COVID-19, but the truth is that the government will not contact you first, but you need to file a request for the cost to be refund [18].

Many people all over the world who lost their jobs due to the pandemic, lockdowns, and new imposed lifestyle that year 2020 brought to all of us were also targeted by the false information. Most of the texts from these emails are referred to the unemployment status, to department of labor, insurance, and driving license benefits, etc. People learn about the inaccuracy of this news the very moment that get a notice from their state unemployment benefits office or their employer about their supposed application for benefits, when the unemployment payments usually are deposited to accounts in the scammers' control [18]

Cyber criminals are also providing numerous articles about COVID-19 with a link to malicious and fraudulent company website, where victims are encouraged to click on a malicious link to subscribe to their daily newsletter for further updates on COVID-19 [16].

### **3. Phishing scams as fraudulent side of infodemic**

During the pandemic, most of the companies worldwide had to allow employees to work from their homes, although this resulted in an inadequate level of cyber security, security loopholes, and a mass of deviant behaviors, which made businesses vulnerable, since privacy issue remains ignored in the wake of COVID-19 [19]. Working from home furthers the reliance on email for communication, creating perfect conditions for email fraud schemes.

When it comes to phishing emails related to COVID-19, one of the reasons for sending them may be to collect fake donations related to the fake World Health Organization website, but also to collect letters of credit and deliver malicious software in order to steal passwords and data from users' personal computers that will be further exploited.

“Phishing” campaigns and online identity theft in such conditions, which rely on current news situations, are not new, but dissemination of false and panic-spreading information increased in attacks related to COVID-19. Identity theft using email phishing consists of sending an email to the user, indicating that the message is sent by a legitimate legal entity or an authorized person, seeking personal, confidential,

and private information [20]. Most of the attackers intentionally use some branded names or government or healthcare organizations' names in their email addresses of their phishing sites, because then their claims look more convincing. From 2020 to date, almost 52% of phishing sites have used target brand names and identities, mostly hiding behind famous brands such as Paypal, Apple, WhatsApp, Microsoft Office, Netflix, and Instagram [21]. Some researchers found that of the 1.2 million newly registered domains containing COVID-related keywords between March and April 2020, at least 86,600 domains were classified as risky or malicious [22]. Some of the messages sound urgent or try to spread fear. The fraudulent sites appear as genuine as the "real" ones, making the victim believe that she/he is doing the right thing by contributing to the humanitarian goal stated in the message. Malicious email messages that supposedly contain pertinent information regarding the coronavirus are likely to download malicious software onto the device, by clicking the attached link or the attachment, allowing the cybercriminals to take control of the computer and stored personal data, to log or access personal information and financial data, which could lead to identity theft.

OpenText™ released a report "COVID-19 Clicks: How Phishing Capitalized on a Global Crisis," investigated the attitudes of computer users concerning their knowledge about phishing attacks, potentially malicious links, cybersecurity, and cyber resilience habits in the time of COVID-19 [23]. "Nearly all respondents worldwide (95%) recognize that phishing remains a problem for companies and consumers, yet more than three quarters (76%) admit to opening emails from unknown senders, with over half (59%) blaming it on the fact that phishing emails look more realistic than ever before. ... Just 59% believe they know what to do to keep their data safe, with nearly one third (29%) admitting they've clicked on a phishing scam in the last year and one in five (19%) confirming receipt of a phishing scam related to COVID-19" [23].

According to the data of National Center for Prevention of Security Risks in ICT Systems of the Republic of Serbia (CERT), the first phishing campaign was registered in March 2020, misusing the information related to the COVID-19 virus. During May and October 2020, phishing campaigns targeted the clients of several banks in Serbia as well as the Institute of Public Health "Dr Milan Jovanovic Batut." All of these phishing campaigns contained emails that required the user/recipient to either enter user data or to download an attachment that contained malicious code running in the background [24].

COVID-19 continues to "significantly embolden cybercriminals' phishing and fraud efforts," [21] resulting in increase of phishing incidents for 220% comparing to the yearly average [25]. Email phishing attacks have since the end of February 2020 spiked over 600% due to Coronavirus pandemic, and in April 2020, CGI's Security Operations Centers published the 30,000% increase in threats related to COVID-19, including malware, malicious websites, and phishing emails [26]. Google published that in just 1 week during April 2020, Gmail scanners blocked about 18 million fake emails and emails containing malware that used COVID-19 theme as bait [27]. Digital Shadows reports that dark web markets are advertising COVID-19 phishing kits using a malicious email attachment for prices ranging from \$200 to \$700 [28].

Since the outbreak of the pandemic, healthcare, government, and education systems became new main targets of the hackers since the crisis began. Fraudsters are exploiting the opportunity to steal personal information, financial information, as well as the medical information of the internet users who believe that the hackers' emails are true and who are looking for knowledge, protection, and possible

treatment for COVID-19 infection [7]. The COVID-19 pandemic creates “the perfect storm of hopes and fears that dishonest business try to exploit with fake promises of protection and healing, but when these promises are not backed by science, the consequences can often cost you money and your good health” [29].

According to a Kaspersky report “Spam and phishing in Q1 2021,” the hackers continue to exploit this epidemiological challenge—this time, the focus is on the vaccination process. During the first quarter of 2021, Kaspersky Anti-Phishing system prevented 79,608,185 attempted redirects to fraudulent websites, 5.87% of Kaspersky users encountered phishing, and 695,167 new masks were added to the anti-phishing databases [30]. It is impossible to determine the true scale of the fraudulent email pandemic; here are some of the most frequent.

From February 2020, internet users began to receive various emails with the text that it is possible to receive coronavirus vaccines with one click. The email is named “Click here for a cure” [16]. The message was sent by a mysterious medical expert, claiming to have exclusive news concerning the vaccine against corona virus, and that this news is provided by the Chinese and British governments. A user who clicks on the link provided in the message would be redirected to a website that looks convincing and credible, but it is actually designed to steal the user's personal information and to retrieve all users' login details, such as account names and passwords. This way, the user who is trying to get informed about the medicine against coronavirus becomes a victim of identity theft, giving hackers access to all documents and other sites to which the user previously logged in using the same email and password.

Since COVID-19 vaccination was one of the hottest global topics, cyber criminals took advantage of people's desire to get vaccinated as quickly as possible, so they devised similar type of phishing attack. “COVID-19 vaccine-themed phishing emails may include subject lines that make reference to vaccine registration, information about vaccine coverage, locations to receive the vaccine, ways to reserve a vaccine, and vaccine requirements” [31]. The vaccine became cyber threat [32]. Kaspersky experts have discovered different types of phishing sites distributed around the world: as in the case of spam emails, recipients are invited to be vaccinated, to participate in research, or to diagnose COVID-19. For example, some users from the United Kingdom received an email that appeared to have been sent by the country's National Health Service [32]. The attackers have after that focused on age, contacting people over 65 years old, asking them to contact a clinic to receive a vaccine. In order to schedule a vaccination date, the user had to fill out a form with his/her personal data, including bank card or credit card details, giving out personal and financial data to the attackers. Another way to gain access to users' personal data and purse strings was through fake vaccination surveys about the Pfizer, Moderna, or AstraZeneca vaccine, when the hackers were sending out emails on behalf of the large pharmaceutical companies producing COVID-19 vaccines, tricking internet users to take a part in a short survey, by promising them a gift or cash reward for their help [31] or to give them away bank or credit card account [33]. After answering the questions, the users are redirected to a page with the “gift,” filling out a detailed form with personal and financial information in order to get “the delivery.” Needless to say, no gift materialized.

Pandemic has caused that there are many clinical trials started by medical companies in the race to find effective vaccines and treatments for COVID-19. Some of these research studies are legitimate, true, and helpful, but some of them are another phishing scam. “If you're thinking about volunteering for a COVID-19 trial, it's important to know how to spot the real trials advancing medicine for everyone, versus the fake

ones trying to steal your money and personal information” [34]. Someone who is interested in participating in a COVID-19 or other research study must know that he/she would never have to pay to take a part in a clinical trial or to give away personal information such as social security number or credit card number. For those who are interested in participating in the trial for real, there is a free searchable database of clinical studies on a wide range of diseases, as well as COVID-19, including the fact whether they’re recruiting participants and their contact information.

Since the beginning of the pandemic, many people worldwide had to be quarantined, no matter whether is because of their age (older people, in Serbia people over 65 years of age) [35] or because they got infected by the coronavirus. The scammers have found the way to earn profit and to trick people, even in this situation. If you’re an older adult or a caregiver for one, you may need help picking up groceries, prescriptions, or other necessary supplies. Some scammers offer to buy supplies but never come back with the goods or your money [36].

It is even risky when purchasing online, because online sellers may claim to have in-demand products, such as cleaning, household, and medical supplies when, in fact, they don’t, so it is always the best solution to buy online from a grocery store or a pharmacy, who are offering contactless delivery. At the beginning of the pandemic, most of the pharmacies and local stores ran out of the supplies needed to manage the virus, so the people in panic turned to online shopping in order to prevent the infection. At the same time, the media has reported that there are new specific scams related to online shopping, “selling” people protective face masks, hand sanitizers, thermometers, gloves, and other essential items from questionable and malicious sites, which have never been delivered to the buyers [16].

In Serbia, many state organizations are trying to raise awareness about phishing scams used by hackers to commit various frauds using the pandemic and panic that prevails among the population. One of the first was the National Center for the Prevention of Security Risks in the ICT Systems of the Republic of Serbia – CERT,<sup>2</sup> which pointed out the connection between the risk of a pandemic and the spread of panic among citizens who use the Internet. The Government of the Republic of Serbia warned the citizens that an active “phishing campaign” is being directed toward public institutions and private companies from Serbia, and that the official email addresses of public institutions and companies in Serbia receive emails from the allegedly address of the Institute of Public Health of the Republic of Serbia [37]. This fake message states that the protective health equipment for COVID-19 (such as gloves, hats, coats) will be distributed free of charge, if the internet user clicks the link in the message and fills in the document form attached to the email.<sup>3</sup> The Ministry of Internal Affairs – The Department for High-Tech Crime of the Ministry of Internal Affairs of the Government of the Republic of Serbia also warns the citizens about this phishing attack [38].

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<sup>2</sup> National Center for the Prevention of Security Risks in the ICT Systems of the Republic of Serbia (CERT) was established within the Regulatory Agency for Electronic Communications and Postal Services, in accordance with the Law on Information Security (“Official Gazette of the Republic of Serbia”, No. 6/2016, 94/2017 and 77 / 2019). See more: Nacionalni CERT Republike Srbije, <https://www.cert.rs/stranica/57-O+Nacionalnom+CERT-u.html>.

<sup>3</sup> The citizens and companies are warned not to open such email attachments, but if they receive such a message, they need to report the event to the email address [vtk@mup.gov.rs](mailto:vtk@mup.gov.rs), to The Department for High-Tech Crime of the Ministry of Internal Affairs of the Government of the Republic of Serbia.



#### **4. Cyber threats against the healthcare systems**

Healthcare systems and hospitals were prone to (cyber)terrorism, as shown by other COVID-19-related institutions, such as pharmaceuticals involved in developing vaccines and healthcare facilities involved in swab testing and contact tracing [39]. Healthcare institutions worldwide have introduced the practice of sharing medical information, in order to coordinate the health strategic response to prevent the spreading and improve the control of coronavirus. These procedures must be in full compliance with national laws, which are protecting the privacy of patients and infected persons, as well as protection of their right to the confidentiality of personal medical data and health status.

The World Health Organization declared COVID-19 a global pandemic on March 11, 2020, so the governments had an obligation to take immediate measures to prevent the spreading of the virus and to protect the population. As countries around the world declared the state of emergency due to the pandemic, emergency rules of conduct transferred the responsibility on the citizens as individuals, since the government has imposed restrictions that often endanger some of their human rights.

The governments of Montenegro and Moldova exposed the medical data of people infected with the COVID-19 virus, while Croatia and Romania suffered from cyber-attack carried out on official websites and hospital computer systems [9].

With a population of 640,000 inhabitants, the Government of Montenegro has taken drastic measures. Namely, the Government published a list of citizens who, according to the authorities, should have been isolated, since some did not respect the movement restriction order given to them. The government announced that they have received approval for this from the Agency for Personal Data Protection of Montenegro. After the Government of Montenegro published a list of all citizens in self-isolation, unknown authors created a web application that can locate all persons in self-isolation, as well as their possible movement [40]. From the human rights violations point of view, there are two reasons why this application is dangerous and humiliating: people who are in self-isolation are being practically hunted and stigmatized, but there is also a problem related to providing data and geo-location to unauthorized persons who want to see who is, in their close environment, in self-isolation. It remained unknown who is the owner of this application. These kinds of coronavirus tracking applications may pose personal security risks as deanonymization of people who are in self-isolation or under observation, unreasonable control over specific people through tracking their geolocation and usage of personal data outside the official purpose for which it is legitimately collected.

The right to data protection of the patient's health condition was also violated in Moldova, when the President himself on March 9, 2020 publicly named the first woman patient infected with COVID-19, who was in the hospital in Chişinău. This action clearly violated the Moldova law [41].

Human Rights Watch (HRW) published on March 19, 2020 the document points out that “health data are particularly sensitive and that publishing data online can pose a significant risk, especially for people who are already in a specific situation or on the margins of society” [42]. Moreover, “the scale and severity of the COVID-19 pandemic clearly rises to the level of a public health threat that could justify restrictions on certain rights, such as those that result from the imposition of quarantine or isolation limiting freedom of movement” [26] but “at the same time, careful attention to human rights such as non-discrimination and human rights principles such as transparency and respect for human dignity can foster an effective response amidst

the turmoil and disruption that inevitably results in times of crisis and limit the harms that can come from the imposition of overly broad measures that do not meet the above criteria.” HRW stated in this document that “even during previous health crises in the world, people with infection or disease and their families often faced discrimination and stigma, as was the case, for example, with HIV infection. Since the coronavirus outbreak, news reports from a number of countries have documented bias, racism, xenophobia, and discrimination against people of Asian descent” [43]. This kind of data clearly incites discrimination and stigmatization and has been targeted by internet attackers.

Romanian antivirus company Bitdefender<sup>4</sup> has issued a statement that during March 2020, the number of web attacks associated with the COVID-19 increased by 475% compared with the February 2020, and that this number is expected to continue to grow. It is worrying that almost one-third of all attacks related to COVID-19 are targeted government authorities, retail, hospitals and health system institutions, transportation, and field of education and research [44].

## **5. Recommendations for maintaining cybersecurity during the pandemic**

As the whole world struggles globally both to stop the spreading of COVID-19 infection and raising panic for one’s own health and the health of others, cyber attackers and hackers are profiting from people’s fears and panic. However, it is obvious that we are witnessing major changes in the way that the world today operates—changes have been made “that will most likely have an impact long after this situation is over and we all return to our normal lives” [45]. In just over a year of the pandemic, only some of the problems threatening the cyber security and privacy of each individual in cyberspace have crystallized. Cybercriminals are still actively using the COVID-19 theme to entice potential victims.

The Hague Program for Cyber Norms<sup>5</sup> introduces the collection of National countermeasures against information influence in Europe [46], which, besides the general recommendations, includes six papers exploring and investigating European responses to COVID-related disinformation, specifically the responses of France, Sweden, Germany, the United Kingdom, Serbia, and Hungary. Four main recommendations referred to the new measures to counter disinformation, legal frameworks, and institutional setups, regulating social media platforms and implications for democracy and freedom of expression. New measures to counter disinformation are mainly focused on the fact that “domestic individuals and groups have vastly relayed conspiracy theories and dubious health advice, whether they intended to harm their audience or not” [46]. These disinformation infomedia supposedly have deep political, racial, and economic causes [46]. Republic of Serbia is mentioned in the context of necessity of social media platforms regulation, “where the authorities have increasingly used counter-disinformation arguments to cloak efforts to intentionally stifle free speech themselves” [46].

Spread of panic and disinformation at the very beginning of the pandemic had as one of the consequences the necessity of convincing the citizens that the best way to

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<sup>4</sup> Bitdefender. <https://www.bitdefender.com>

<sup>5</sup> The Hague Program for Cyber Norms focuses on the development and implementation of cyber norms, supporting cyber security, stability, and peace. See more at: The Hague Program for Cyber Norms, <https://www.thehaguecybern timer norms.nl>

handle fake news is to warn the users to use only reliable sources of information, not just social media posts and suspicious emails.

Cyberspace has also become flooded with fraudulent products. Internet users should purchase only from reliable sellers and companies, only when they are totally sure that the website is legitimate. At the time of the pandemic, hackers were frequent with phishing attacks, and the number has the tendency in rising even after the pandemic ends. In order to protect users from such attacks, it is necessary that Internet users pay attention when opening emails and to review emails carefully with grammar and spell checking or any other suspicious language signs, as well as to beware when opening links or attachments from unknown sender. Malware, often used in the process of cyber phishing attacks, can be handled with cyber defense tools, such as various antivirus programs.

## **6. Conclusion**

During the time of pandemic, cybersecurity is of great importance, especially having in mind that a huge number of people under lockdown or movement restrictions are now working and studying online, making them susceptible to cybercrime. The discussion of cyber threats in the context of the infodemic and its impact on society. Limiting the spread of disinformation and ensuring a secure cyber infrastructure must be a one of the primary goals.

The infodemic has during the past 2 years become a means to facilitate the exploitation of weaknesses in digital networks, to show new type of cyber aggression by launching subtle cyberattacks against vulnerable networks, communities, and vital services, highlighting a lack of cybersecurity in critical infrastructure. Many malicious cyber actors have spread disinformation about the pandemic in order to and deceive individuals, producing physical and financial harm.

The aim of this chapter was to present some of the most common problems that infodemia, phishing problems and phishing scams caused in cyberspace worldwide as a result of COVID-19 pandemic, as well as to offer some practical advises how to behave in time of cyber infodemia, preventing the fact that every internet user could be a victim of disinformation, aggression, and identity theft in meaning of misuse of personal data, the use of another's identity, and the violation of the privacy on the Internet and within social network users [20].

In order to reduce the number of such computer system abuses and privacy violations during the pandemic, it is necessary to create appropriate legal mechanisms and regulations for the detection and sanctioning of such socially unacceptable criminal behavior. It is also very important that criminal offenses of computer crime and identity theft in general are reported to the competent authorities, in order to reduce the "dark crime rate" and to achieve better preventive action, recognition, and monitoring of such acts.

Besides the worldwide actions from legal state authorities and international organizations, each of the internet users should be aware that, despite the pandemic and virus panic, which has taken over the world last 2 years, there are some rules that can keep us safe from cyber criminals' attack and preventing the theft of our data using the phishing scams. The right information is everything in time of crises. The user must, upon receiving the suspicious mail, check the email from which the message is sent as well as the legitimate website of the allegedly sender of the mail and always to be careful when providing personal information online.

Nowadays, the pandemic of COVID-19 has affected millions of people around the world, while its long-term impact remains to be seen. However, protecting ourselves against coronavirus-related disinformation, aggressive online behavior, and phishing scams is both a feasible and essential step. Every email of this kind should immediately be reported to the authorized agency or body by forwarding it as an attachment; delete the mail and then notify the organization that has been spoofed by this email message in order to prevent other people from being victimized. If any of internet users are in need to get updated to the pandemic news, refer to the official websites for updates on COVID-19. Fraudulent emails can look like they come from a real organization but legitimate government agencies will never call you or email you directly for this information.

The most effective way to stem the growth of the infodemic is by actively engaging victims of cyberattacks and states to ensure global representation, which must be followed with a differing level of cybersecurity infrastructure worldwide. At the same time, there must also be an effort to streamline information and ensure sufficient fact-checking bodies are in place to combat the spread of disinformation in cyberspace, because the cybercriminals since the beginning of the pandemic tried in many ways to capitalize on various weaknesses to generate false information.

The multifaceted nature by which disinformation permeates the ranks of global society and misleads internet users to believe in placed disinformation and scams exposing them to cyber threats is a key concern that if not addressed now will resurface in the future. The international community must be prepared to respond to the infodemic with effective measures that also counter cyber threats and hold actors accountable for their behavior in cyberspace.

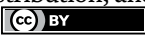
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## References

- [1] Vilić V. Dark web, cyber terrorism and cyber warfare: dark side of the cyberspace. *Balkan Social Science Review*. 2017;**10**(10):7-25
- [2] Milutinović D. Lažne vesti i hakerske pretnje tokom pandemije koronavirusa. [Internet] 2020. Domen RS. 2020-03-21
- [3] Smith T. The infodemic as a threat to cybersecurity. *Infodemiology and Infodemic Management*. 2021;**2021**:180-196. DOI: 10.1080/23800992.2021.1969140
- [4] The World Health Organization. Novel Coronavirus (2019-nCov) Situation Report – 13. [Internet] 2020-02-02. 2020. Available from: [https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200202-sitrep-13-ncov-v3.pdf?sfvrsn=195f4010\\_6](https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200202-sitrep-13-ncov-v3.pdf?sfvrsn=195f4010_6) [Accessed: May 28, 2022]
- [5] CyberPeace Institute. The Covid-19 Infodemic. [Internet]. 2022, Available from: <https://cyberpeaceinstitute.org/covid19-infodemic/> [Accessed: May 24, 2022]
- [6] Mueller R. Report on the Investigation into Russian Interference in the 2016 Presidential election. 2019. Vol. I: 448. U.S. Department of Justice. Available from: <https://www.justice.gov/archives/sco/file/1373816/download>. [Accessed: June 09, 2022]
- [7] Vilić V. Phishing in a pandemic: hidden danger of COVID-19. In: Clary TS, editor. *Horizons in Computer Science Research*. Nova Science Publishers; 2022. pp. 79-116
- [8] United Nations. Covid 19 Response, UN tackles infodemic of misinformation and cybercrime in COVID-19 crisis, [Internet] 2020-03-31. 2020. Available from: <https://www.un.org/en/un-coronavirus-communications-team/un-tackling-%E2%80%99infodemic%E2%80%99-misinformation-and-cybercrime-covid-19> [Accessed: May 22, 2022]
- [9] Ristić M, Stojanović M, German SM, Keller-Alant A, Firat BB, Vladislavljević A, et al. Pravo na informaciju i privatnost: Drugačije žrtve koronavirusa. [Internet] 2020-03-24. 2020. Available from: <https://balkaninsight.com/2020/03/24/pravo-na-informaciju-i-privatnost-drugacije-zrtve-koronavirusa/?lang=sr> [Accessed: May 22, 2022]
- [10] International Press Institute. Hungary seeks power to jail journalists for ‘false’ COVID-19 coverage. [Internet] 2020-03-23. 2020. Available from: <https://ipi.media/hungary-seeks-power-to-jail-journalists-for-false-covid-19-coverage/>. [Accessed: June 02, 2022]
- [11] Spike J. Press Freedom: COVID Pandemic Adds to Pressure on Hungarian Media. [Internet] 2020-06-01. 2020. Available from: <https://www.voanews.com/press-freedom/covid-pandemic-adds-pressure-hungarian-media>. [Accessed: May 26, 2022]
- [12] Odluka o zabrani izazivanja panike i nereda za vrijeme vanredne situacije na teritoriji Republike Srpske. Sl. Glasnik RS br. 26/2020
- [13] Dnevni list DANAS. [Internet] 2020-04-14. 2020. Available from: <https://www.danas.rs/svet/vlada-rs-stavila-van-snage-uredbu-o-izazivanju-panike/>. [Accessed: May 22, 2022]
- [14] National Centre for Cyber Security. Final joint advisory COVID-19 exploited by malicious cyber actors [Internet]

2020-04-08. 2020. Available from: <https://www.ncsc.gov.uk/files/Final%20Joint%20Advisory%20COVID-19%20exploited%20by%20malicious%20cyber%20actors%20v3.pdf> [Accessed: May 25, 2022]

[15] Cybercrime: COVID-19 Impact. [Internet] INTERPOL. 2020. Available from: <https://www.interpol.int/en/content/download/15526/file/COVID-19%20Cybercrime%20Analysis%20Report-%20August%202020.pdf> [Accessed: May 30, 2022]

[16] Police Digital Security Centre. The whole world knows where you're working right now - Don't leave your home office open to cyber criminals. [Internet]. 2020. Available from: [https://www.policedsc.com/images/PDSC\\_TOP\\_TIPS\\_WORKING\\_FROM\\_HOMEv2.pdf](https://www.policedsc.com/images/PDSC_TOP_TIPS_WORKING_FROM_HOMEv2.pdf) [Accessed: May 24, 2022]

[17] Puig A. Coronavirus relief scam impersonates Joe Simons from the Federal Trade Commission. [Internet] 2021-01-15. 2021. Available from: <https://www.consumer.ftc.gov/blog/2021/01/coronavirus-relief-scam-impersonates-joe-simons-federal-trade-commission> [Accessed: May 25, 2022]

[18] Gressin S. Scammers target loved ones of COVID-19 victims. [Internet] 2021-04-13. 2021. Available from: <https://www.consumer.ftc.gov/blog/2021/04/scammers-target-loved-ones-covid-19-victims>. [Accessed: May 24, 2022]

[19] Vilić V. Cyber security and privacy protection during Coronavirus pandemic. In: Stanišić M, editor. Book of Proceedings / International Scientific Conference on Informational Technology and Data Related Research Sinteza, Belgrade 2021-06-25. Belgrade: Singidunum University; 2021

[20] Vilić V. Phishing and pharming as forms of identity theft and identity abuse. *Balkan Social Science Review*. 2019;13(13):43-57

[21] Warburton D. Phishing Attacks Soar 220% During COVID-19 Peak as Cybercriminal Opportunism Intensifies. F5 Lab. 2020. [Internet] Available from: <https://www.f5.com/company/news/features/phishing-attacks-soar-220--during-covid-19-peak-as-cybercriminal>. [Accessed: May 26, 2022]

[22] Swinhoe D. 8 ways attackers are exploiting the COVID-19 crisis. CSO online [Internet] 2020-05-15. 2022. Available from: <https://www.csoonline.com/article/3532825/6-ways-attackers-are-exploiting-the-covid-19-crisis.html> [Accessed: May 24, 2022]

[23] Covid-19 Clicks. How Phishing Capitalized on a Global Crisis? [Internet]. 2020. Available from: <https://mypage.webroot.com/rs/557-FSI-195/images/21Q1%20COVID-19%20Clicks%20Report.pdf> [Accessed: May 29, 2022]

[24] Mihajlović I. Šta su fishing mejlovi i kako da se zaštitite od njih? [Internet]. 2021. Available from: <https://mint.rs/blog/bezbednost/sta-su-phishing-mejlovi-i-kako-da-se-zastitite-od-njih/> [Accessed: May 28, 2022]

[25] ENISA. European Union Agency for Cybersecurity: Understanding and dealing with phishing during the COVID-19 pandemic. [Internet]. 2020. Available from: <https://www.enisa.europa.eu/news/enisa-news/understanding-and-dealing-with-phishing-during-the-covid-19-pandemic>. [Accessed: May 31, 2022]

[26] CGI Blog. Helping defend against a 30,000% increase in phishing attacks related to COVID-19 scams. [Internet].

2020. Available from: <https://www.cgi.com/uk/en-gb/blog/cyber-security/helping-defend-against-a-30000-increase-in-phishing-attacks-related-to-covid-19-scams>. [Accessed: May 30, 2022]

[27] Informacija. Gmail dnevno blokira 18 miliona lažnih emailova u kojima se COVID-19 koristi kao mamac za korisnike. [Internet]. 2020. Available from: <https://www.informacija.rs/Vesti/Gmail-dnevno-blokira-18-miliona-laznih-emailova-u-kojima-se-COVID-19-koristi-kao-mamac-za-korisnike.html>. [Accessed: May 24, 2022]

[28] Swinhoe D. 8 ways attackers are exploiting the COVID-19 crisis. CSO online [Internet]. 2020. Available from: <https://www.csoonline.com/article/3532825/6-ways-attackers-are-exploiting-the-covid-19-crisis.html>. [Accessed: May 24, 2022]

[29] Tressler C. FTC: Coronavirus scams, Part 2. [Internet] 2020-03-19. 2020. Available from: <https://www.consumer.ftc.gov/blog/2020/03/ftc-coronavirus-scams-part-2> [Accessed: May 24, 2022]

[30] SECURELIST by Kaspersky. Statistics: phishing. [Internet] 2021-05-03. 2021. Available from: <https://securelist.com/spam-and-phishing-in-q1-2021/102018/> [Accessed: May 30, 2022]

[31] Phishing Attack Messaging Targets COVID-19 Vaccine. [Internet] 2020-12-22. 2020. Available from: <https://www.jdsupra.com/legalnews/phishing-attack-messaging-targets-covid-19658/> [Accessed: May 31, 2022]

[32] Personal Magazin. Internet prevare vezane za COVID-19 vakcine (Internet scams related to Covid-19). [Internet] 2021-05-13. 2021. Available from: <https://www.personalmag.rs/>

[internet-prevare-vezane-za-covid-19-vakcine/](https://www.personalmag.rs/internet-prevare-vezane-za-covid-19-vakcine/) [Accessed: May 26, 2022]

[33] Waggoner J, Markowitz A. Beware of Robocalls, Texts and Emails Promising COVID-19 Cures or Stimulus Payments. [Internet] 2021-05-18. 2021. Available from: <https://www.aarp.org/money/scams-fraud/info-2020/coronavirus.html> [Accessed: May 31, 2022]

[34] Kreidler J. COVID-19 clinical trial: real or fake? Learn how to tell the difference. [Internet] 2020-10-23. 2020. Available from: <https://www.consumer.ftc.gov/blog/2020/10/covid-19-clinical-trial-real-or-fake-learn-how-tell-difference>. [Accessed: June 02, 2022]

[35] Leach J. 60 and over in the time of COVID-19? [Internet] 2020-03-30. 2020. Available from: <https://www.consumer.ftc.gov/blog/2020/03/60-and-over-time-covid-19-read> [Accessed: May 30, 2022]

[36] Greisman L, Herndon M. Avoid scams while finding help during quarantine. [Internet] 2020-04-07. 2020. Available from: <https://www.consumer.ftc.gov/blog/2020/04/avoid-scams-while-finding-help-during-quarantine> [Accessed: May 24, 2022]

[37] Vlada Republike Srbije. Upozorenje javnim ustanovama i firmama na pojavu nove „fišing kampanje“ [Internet] 2020-06-01. 2020. Available from: <https://www.srbija.gov.rs/vest/469095/upozorenje-javnim-ustanovama-i-firmama-na-pojavu-nove-fising-kampanje.php>. [Accessed: May 26, 2022]

[38] Ministarstvo unutrašnjih poslova Republike Srbije. Upozorenje javnim ustanovama i firmama na pojavu nove „fišing kampanje“. [Internet] 2020-06-01. 2020. Available from: <http://www.mup.gov.rs/wps/portal/sr/aktuelno/saopstenja/3047d34f-b3dc-429f-8ecf-6ece818a7cdf!/!ut/p/>

z1/hY9RC4IwHMQ\_Sx9g7O-m23wca  
atMKoSyvcSazoRSCemhT59ET0J2bw  
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d5/LOIDUmlTUSEhL3dHa0F  
KRnNBLzROV3FpQSEhL3NyX1JTXy  
NMYXRu/ [Accessed: May 26, 2022]

[39] De Cauwer HG, Somville F. Health care organizations: Soft target during COVID-19 pandemic. *Prehospital Disaster Medicine*. 2021;24:1-4. DOI: 10.1017/S1049023X2100025X

[40] Janković S, Durović A. Aplikacija za 'lov na izolovane' i dalje aktivna. [Internet] 2020-03-27. 2020. Available from: <https://www.slobodnaevropa.org/a/aplikacija-za-lov-na-izolovane-ali-i-dalje-aktivne/30513232.html> [Accessed: May 30, 2022]

[41] Garda World. Moldova: First case of COVID-19 confirmed March 8. [Internet] 2020-03-08. 2020. Available from: <https://www.garda.com/crisis24/news-alerts/320631/moldova-first-case-of-covid-19-confirmed-march-8> [Accessed: May 22, 2022]

[42] Human Rights Watch. Human Rights Dimensions of COVID-19 Response - Root out discrimination and stigma, protect patient confidentiality. [Internet] 2020-03-19. 2020. Available from: [https://www.hrw.org/news/2020/03/19/human-rights-dimensions-covid-19-response#\\_Toc35446585](https://www.hrw.org/news/2020/03/19/human-rights-dimensions-covid-19-response#_Toc35446585) [Accessed: May 24, 2022]

[43] Bitdefender. Anti-malware Research: 5 Times More Coronavirus-themed Malware Reports during March. [Internet] 2020-03-20. 2020.

Available from: <https://labs.bitdefender.com/2020/03/5-times-more-coronavirus-themed-malware-reports-during-march/> [Accessed: May 24, 2022]

[44] BBC. Coronavirus: Will our day-to-day ever be the same? [Internet] 2021. 2021. Available from: <https://www.bbc.com/worklife/article/2021109-coronavirus-how-cities-travel-and-family-life-will-change>. [Accessed: May 24, 2022]

[45] Vériter S, Kaminska M, Broeders D, Koops J, editors. Responding to the COVID-19 'infodemic': National Countermeasures against Information Influence in Europe. The Hague Program for Cyber Norms/Leiden University; 2021

[46] FraudWatch International. COVID-19 has long term effects on cyber security. [Internet] 2020-03-27. 2020. Available from: <https://fraudwatchinternational.com/active-scams/covid-19-has-long-term-effects-on-cyber-security> [Accessed: May 29, 2022]



## Chapter 6

# The Hague Convention of 2019 on Foreign Judgments: Operation and Refusals

*Marcelo De Nardi*

### Abstract

This chapter is intended to focus on the practical operation of The Hague Conference on Private International Law Convention of 2019 on Recognition and Enforcement of Foreign Judgments that intends to enhance international juridical cooperation through the facilitation of recognition and enforcement of foreign judgments, establishing good litigation planning parameters and simplifying judgments circulation among Contracting States. The text addresses the structure and logical operation of the convention, including grounds for refusal. The 2019 Convention was not in force at the time this article was prepared; thus, direct case law was not available. The text runs a speculative exercise, suggesting model assessment of the 2019 Convention provisions from the view of a practitioner.

**Keywords:** international, foreign, judgment, recognition, enforcement, convention

### 1. Introduction

The Convention on Recognition and Enforcement of Foreign Judgments (the “Convention”) was adopted by the Member States of The Hague Conference on Private International Law (the “HCCH”) at the end of its Twenty Second Diplomatic Session, on July 2, 2019. Coronating 8 years’ work of governmental and expert delegates, the Convention is intended to be an international treaty-driven framework “to promote effective access to justice for all and to facilitate rule-based multilateral trade and investment, and mobility, through judicial cooperation, providing for greater predictability and certainty in relation to the global circulation of foreign judgments” [1].

Convention’s goal is to offer private persons connected through transnational relationships a predictable system of foreign judgments’ recognition and enforcement, granting to it widespread effectiveness not dependent on complex and non-standardized procedures. Although simplicity was a major driver to construe the Convention, its operation in actual cases demands careful step-by-step gait, advancing through the thresholds sequence provided by its rules.

This chapter is intended to present those steps through rules’ thresholds and the issues that should be addressed to surpass the hurdles in the path to have a foreign judgment able to be recognized and enforced by a Contracting State to the

Convention. Little reference to specialized literature will be presented, due to the novelty of the Convention; the author's personal experience as an expert advisor for the Brazilian Delegation and chair of certain discussion groups to the HCCH's works through the adoption of the Convention, and his academic work on the subject, are the sources applied. The explanatory report from Professors Francisco Garcimartín and Geneviève Saumier provided by the HCCH [2] is the main source of information.

The model situation applied to the foregoing commentaries depicts one person entitled to a credit awarded by a judgment delivered by a judicial court in one country, found with the need to enforce it in a different country for the purpose of recovering one's credit from the debtor.

At the time of this article's preparation, the Convention was not yet in force.

This exercise is not intended to exhaust the interpretation possibilities to the Convention, but to serve as a guide evidencing practical steps for its enforcement.

## **2. Contracting states and treaty relations**

From the beginning, the Convention expressly states in Article 1.2 that it applies "to the recognition and enforcement in one Contracting State of a judgment given by a court of another Contracting State" [1]. Although the relationships addressed by the convention are modeled between private parties, involving private persons, and subject to dispute resolution through State judicial services, the territorial reference used to define the applicability of the Convention is where the judgment was rendered (the "State of origin") and where recognition and enforcement is sought (the "requested State"). The concept inferred from that may be depicted as a Contracting State's commitment to apply its sovereign power to recognize and enforce a foreign judgment that comes from some certain other States, the ones that are also Contracting States to the Convention, in a specialized facilitated manner.

Previous paragraph's last sentence shall not be taken as true in its entirety. Not all Contracting States to the Convention will develop treaty relations established through the Convention's rules upon accession: there is an exception to that effect, depending on the interests of Contracting States to reject the automatic and general establishment of treaty relations by the accession of a new State, and that new State may also prevent establishment of treaty relations to existing Contracting States. Article 29 of the Convention provides that it will "not have effect between two Contracting States only if either of them has notified the depositary regarding the other [...] that the ratification, acceptance, approval or accession of" the other "State shall not have the effect of establishing relations between the two States pursuant to" the Convention.

Refusal to establish treaty relations goes deeply into international politics, resulting in raising friction between the Contracting States involved or, on the other hand, allowing for another opportunity to call the other Contracting State to negotiate yet another issue in the international table of relationships. It is relevant to note that the opportunity to refuse establishment of treaty relations appears only at the time of a new Contracting State accession. As long as the time frame to produce the refusal of Article 29 reaches its term of 12 months after notification of accession, the only means to end treaty relations is through denunciation of the whole of the Convention (Article 31), but this act would end treaty relations with all other Contracting Parties.

HCCH's previous conventions also hold systems to add extra steps for the establishment of treaty relations between acceding States and Contracting States, such as the "positive" treaty relations establishment clause provided in Article 38 of the

1980 Child Abduction Convention [3], models sometimes being intuitively blamed to institute unsurmountable hurdles to the general accession of States around the world. The Convention's novelty is that instead of demanding positive extra steps to establish treaty relations with each other Contracting State, it offers the opportunity to refuse that situation, transferring the political burden to the one State that does not want to connect to the others.

As a final remark to this topic, the "Convention must have effect between the requested State and the State of origin at the date proceedings are instituted in the State of origin" [2], meaning that accession or other changes to the Contracting States to the Convention after the initiation of proceedings do not affect the expectation of recognition and enforcement. The upside is that eventual termination of treaty relations between two Contracting States do not affect the commitment to recognize and enforce a certain judgment granted by a Court of one of them in the other if proceedings are instituted before the termination of the treaty relations albeit that situation extinguishes future State's obligations. The downside, however, is that establishment of treaty relations after initiation of proceedings will not enable the Conventions' facilitated recognition and enforcement system [2].

Being in force the Convention between the State of origin of the judgment and the requested State is the first test to be applied to a practical situation.

### **3. Scope: civil or commercial matters**

The general scope of the Convention is defined in Article 1, referring "civil or commercial matters" as the main substantive matters dealt with. The claim and, consequently, the judgment rendered shall contain substantive provision that would be compared to provisions on the substantive scope of the Convention [2]. Along the HCCH's preparatory works for the Convention, the issue of understanding the extension of "civil or commercial matters" was addressed through active discussion and an informative paper prepared by the Permanent Bureau [4]. The general understanding is that the expression holds an autonomous interpretation, derived mainly from the HCCH's previous conventions. The Brazilian Delegation presented a proposal [5] for the Twenty Second Diplomatic Session suggesting amendments to the Garcimartín-Saumier Report [2], sustaining that the main interpretative issue would be to focus on situations where there is no exercise of a State's sovereign power; the suggestion was incorporated to the report in paragraph 35.

A first limit introduced by the expression "civil or commercial matters" is that "criminal or penal matters" are clearly excluded from scope [2], but the participation of a State to a certain relationship does not exclude the Conventions' rules. A direct provision on that is present in Article 2.4, leading to the understating that "civil or commercial matters" refer to the subject matter of a judgment and not to the parties involved in the dispute ascertained by the decision granted. Thus, where a State acts in a particular situation as a private person, like when it is buying paper or electricity services for its offices' operational purposes, the judgment rendered can be submitted to the Convention's rules, pursuing Article 2.4. If "neither party is exercising public powers, the Convention applies" [2]; the statement encompasses the powers exercised by sovereign entities along relationships where those powers define its nature.

Following these ideas, the Convention expressly excludes "revenue, customs, or administrative matters" (Article 1.1, second statement) from its scope, evidencing that the treaty is informed by model relationships involving private parties that

engage to it mostly by voluntary means. A “contractual,” so to speak, model of relationships is prominent, added by the “tort” model of relationships in a few provisions, like the one in Article 5.1.j of the Convention.

The “civil or commercial matters” test is the second tier of assessment for a certain judgment to circulate under the Convention’s facilitated system.

#### **4. Judgment and the obligation to recognize and enforce**

The Convention provides for a definition of judgment, pursuant Article 3.1.b. A decision rendered by a Contracting State’s Court on the merits of a judicial proceeding is the prominent object referred to as “judgment” subject to recognition and enforcement. Interim measures are expressly excluded. The judgment is required to have “effect in the State of origin” and there be enforceable to circulate under the facilitated system for recognition and enforcement (Article 4.3).

Arbitral awards fall out of the Convention’s scope, since “arbitration and related proceedings” are expressly excluded (Article 2.3). The exclusion’s rationale derives from the understanding that the Convention, although regarding the success of the New York Convention on Arbitral Awards [6], shall be “prevented from interfering with arbitration and international conventions on” the subject [2]. Other kinds of alternative dispute resolution outcomes can fall within the Convention’s scope through the “judicial settlement” provision from Article 11, as long as they “are enforceable in the same manner as a judgment in the State of origin”. There is a possibility of overlapping provisions with the “Singapore Convention on Mediation” [7].

It became clear along the negotiations and from the final text that the Convention holds as its main driver the exercise of State of origin’s sovereign power through a judicial final decision on the merits called judgment, and the comity to create an environment for mutual confidence and facilitation for generating effects of that judgment within all Contracting States’ cooperative sovereign influence.

The Convention’s core provision, the one that generates requested State’s obligation to recognize and enforce, is announced in Article 4.1, prevented any “review on the merits other than “necessary for the application” of the Convention (Article 4.2).

#### **5. Exclusions from scope**

The Convention provides for an extensive list of matters to be considered out of scope (Article 2.1). Derived from the similar list adopted for the 2005 HCCH Convention on Choice of Court Agreements’ Article 2.1 and Article 2.2 [8], it collects situations that, although adjustable to the concept of “civil or commercial matters”, do not enable the requested State’s obligation to recognize and enforce a judgment on those matters.

Four main groups of matters may be identified in that list: 1) family and succession; 2) matters related to public registration; 3) exercise of State’s sovereign powers connected matters; and 4) some other specialized matters.

On family and succession group, the exclusions of (a), (b), (c), and (d) limbs to Article 2.1 could be joined. The grouping rationale is that those kinds of relationships do not fit the “contractual” or “tort” model and that those matters are subject to other HCCH conventions. Those relationships and consequent subject matters to judgments encompass situations where one or all parties involved need to be specially protected

by State power due to the nature of the situation. Considering that the Convention's general framework is based on voluntary or accidental relationships, involving self-determined persons capable of full negotiation on money issues, the exclusion leaves room to less protective intervention from States and its Judges over the relevant issues.

Public registration may encompass (i), (j), and (m) limbs to Article 2.1. Those provisions are related to situations where a private person demands for rights derived from specialized granting or registration under State's authority, thus connecting the issue to State's sovereignty. Public services that provide for legal ascertainment or granting through certain formal acts shall not be subject to the Convention's provisions, due to the model relationship over those situations getting closer to the sovereign State v. private person relationship. The (m) limb exclusion of "intellectual property" is tricky and was subject to intense work and discussion. The exclusion is not absolute: contractual matters involving intellectual property may fall within the scope of the Convention, if granting or registration of that right is not the determination of the judgment subject to recognition and enforcement, pursuant Article 2.2 provision on "preliminary questions" [2].

Exercise of State's sovereign powers group rejoin (n), (o), (p), and (q) limbs to Article 2.1. Although the labeling here attributed to the group may suggest the prevalence of the State's sovereign power, the actual concern on those exclusions from scope is to specify sovereign State's protection, enhancing provisions in Article 2.5 to cases derived from actual experiences in recent years. Those limbs need to be read with eyes to various situations where private persons, individually or grouped, intent to collect damages from a sovereign State due to certain situations where the traditional concept of "acta iure imperii" has been challenged. The issue on "anti-trust (competition) matters" out of limb (p) is also tricky. Judgments on anti-trust matters may be regarded through the eyes of State control over market competition, thus connecting to the general principle to exclude from scope situations where sovereign State's powers play relevant role. Political discussion on the issue, raised only along the Twentieth Second Diplomatic Session, is how to balance the need to favor international circulation of a judgment rendered against an anti-trust infringement as a general acknowledged good solution and the exclusion of the sovereign State's power situation. Other predominantly private situations may arise, also. The outcome of discussions is registered in the actual text that along the general exclusion grants an exception challenging the general "administrative matters" exclusion out of Article 1.1. Being it a specific provision, it shall be interpreted as granting an express exception to the general exclusion from scope, thus prevailing in favor of those judgments for recognition and enforcement facilitated system.

Other specialized matters are listed in (e), (f), (g), (h), (k), and (l) limbs to Article 2.1. Limb (e) excludes insolvency solution judgments, traditionally an issue that expresses State intervention over private person operations on the benefit of its creditors and society. The particularities to those cases, that may result in dissolution of a company, falls in the gray zone between full private and sovereign powers realms, and the complexity associated with them led to the political decision to exclude, something inherited from the Choice of Court Convention [8]. Limbs (f), (g), and (h), also inherited from the Choice of Court Convention [8] with amendments, exclude from Convention's scope some issues that are subject to regulation by other international instruments, outside HCCH mandate. Those tort issues fall within specialized rules and limitations for liability, composing each of them a microsystem full of particularities; the Convention's framers did not dare to mess with them. "Defamation" (k) and "privacy" (l) exclusions, also liability cases, were intensively

discussed. The issues were raised in the later stages of the Special Commission work and reached final format only after long debate in the Twenty-Second Diplomatic Session. There was an intent to keep some parts of those tort cases within the facilitated system for circulation of foreign judgments, but the full exclusion prevailed.

Article 2.2 provides for an enhancement of the scope, limiting the exclusions effect. Only if the main provision of a judgment falls within a certain exclusion clause, that judgment would not be able to circulate under the Convention. If those special matters are present at the proceedings and even were relevant part of the findings, the judgment rendered can circulate if its final provision is not directly within the exclusions list Preliminary questions listed as exclusions do not prevent the facilitated system of recognition and enforcement.

On a more complex step, it is relevant to check on declarations that Contracting States to the Convention may rise, establishing other restrictions as exclusions from scope that would operate in relation to that Contracting State. The provision in Article 18 allows for specific declarations and requires them to be “no broader than necessary and that the specific matter excluded is clearly and precisely defined”. The HCCH Secretariat keeps updated public information on those declarations, but the official depositary of the documents is the Ministry of Foreign Affairs of the Kingdom of the Netherlands, pursuant to Article 24.

States interests are protected from the enforcement of the Convention through Article 2.4 and Article 2.5, by stating that they are not excluded if a State “was a party to the proceedings”, but it shall not “affect privileges and immunities of States or of international organizations, in respect of themselves and of their property”. The restriction for recognition and enforcement of a judgment relating to a State must be read with the declaration provided by Article 19, under which a Contracting State can declare “it shall not apply” the “Convention to judgments arising from proceedings to which” a State “is a party”. Again, a precise assessment of the updated HCCH’s information on declarations is recommended.

The third tier of assessment for the Convention’s enforcement demands a good understanding of the subject matter resolved and the rights granted by the judgment and seeking for updated information on the particularities of the declarations that Contracting States can express on controlling the limits to which they agree to establish treaty relations.

## **6. Bases for recognition and enforcement**

Passed the three initial hurdles, the practitioner faces the connecting factors list that enable the requested State’s obligation to recognize and enforce. The rationale is that once at least one basis for recognition and enforcement is acknowledged by the requested State, it raises an assumption that the State of origin’s Court has provided jurisdiction in a fair and legitimate way, thus enabling the propagation of effects to other Contracting States.

Articles 5 and 6 compound need to be read as a list of contact factors constituting indirect jurisdictional bases (jurisdictional filters), a legal technology not well known in Brazil, a country largely open to admit foreign judgments. The way that the list is composed attempts to merge civil law and common law traditions in a statute that could be generally understood, but most civil law lawyers will regard at it with some indulgence on precision or specificity, while common law lawyers will delve into thorough examination of every and each detail. The Convention framers’ initiative

to merge the traditions shall be followed by practitioners' "uniform interpretation" efforts, regarding the Convention's "international character" and the need "to promote uniformity in its application" (Article 20).

An indirect jurisdictional basis operates as a requested State's test on the fairness of jurisdictional operation in the State of origin, for purposes of accepting the judgment there derived for recognition and enforcement within its sovereign influence. The Convention's mechanism lists harmonized contents to that test, thus providing a standard floor for facilitated circulation of judgments [9].

Article 5 is written along three paragraphs, being the first one the list of requirements from what at least one shall be met. Articles 5.2, 5.3, and 6 present limitations to the list of indirect jurisdictional bases that apply to certain specialized situations.

The list provided by Articles 5 and 6 allows for classification in three different initial categories, based on the nature of the legal situations they address, here listed from the exceptions to the remaining general situations: 1) consumers and employees situations (Article 5.2); 2) immovable property rights (Articles 5.1.j, 5.3, and 6); and 3) general remaining situations. If the judgment is rendered in favor of consumer or employee, the Convention allows for the full list of jurisdictional filters to apply. When the judgment is rendered against the consumer or employee, Convention's rules limit the jurisdictional filters that enable facilitated circulation, thus establishing an instrumental protection "consistent with the protection accorded to consumers or employees within the contractual sphere by many legal systems, whether in domestic or private international law" [2]. The selected jurisdictional filters that apply under those circumstances are the ones that favor consumer or employee defense along proceedings in the State of origin. Immovable property situations follow the rationale that such cases shall be better resolved by the Court of the State where the property is located, "for reasons of proximity" [2] but not discarding the fundamental relevance of a State's sovereign power to control its territory. Those situations, although some exceptions apply, mainly the contractual issues connected with immovable property, will enable the Convention's obligation to the requested State "if the property is situated in the State of origin" (Article 6), excluding other indirect jurisdictional basis. The remaining situations are issues that do not fall within those two first specialized subjects.

Similar to the exclusions of scope, the indirect jurisdictional basis can be grouped through "three traditional categories of connections to the State of origin: connections between the State of origin and the defendant, connections established by consent, and connections between the claim and the State of origin" [2].

On the defendant contacts group, encompassing limbs (a), (b), (c), (d), and (l) to Article 5.1, indirect jurisdictional bases round situations derived from the model of fairness of the judgment rendered by a Court situated at the debtor's habitual residence. Consent group rejoins limbs (e), (f), and (m) to Article 5.1, with the special limiting provision from Article 5.2 where consumer or employee situations are relevant [9].

The group for "connections between the claim and the State of origin" must be understood on a territorial reading basis, deriving the fairness of jurisdictional exercise from the physical contact of the Court authorities with the relevant location. Article 5.1 limbs (g), (h), (i), and (k), Article 5.3, and Article 6 provisions list the requirements that refer the location of the objects or relevant facts to generate sufficient contact with Courts to enable the Convention's rules. Both Article 5.3 and Article 6 shall be read as excluding all the other requirements listed in Article 5; in those situations, only those specialized requirements operate.

Article 6 also provides for a negative obligation by Contracting States: despite the general provision in favor of recognition and enforcement under more receptive national law (Article 15), “a judgment that ruled on rights in rem in immovable property shall be recognized and enforced if and only if the property is situated in the State of origin”. This particular provision of Article 6 was sustained along works by the Brazilian Delegation, coming to a very intense debate along the Twenty-Second Diplomatic Session resolved through negotiation and rhetoric along the meeting. Several Delegations wanted to transfer the provision to Article 5 in a model similar to current Article 5.3, but the disconnection, the negative obligation to Contracting States, created by the conjunction of Articles 6 and 15, prevailed.

Facing the fourth tier of assessment, the practitioner shall find within the judgments reasoning or connected documents the indication of what basis legitimated State of origin’s jurisdiction and try to find it listed in Articles 5 and 6 provisions. Being successful in that conjunction, the practitioner will find the requested State’s obligation to recognize and enforce the judgment.

## **7. Refusal clauses**

Established the requested State’s obligation to recognize and enforce the judgment, after surpassing the previous tiers, the practitioner may find a reasonable expectation of initiative’s success. There are a few reasons for refusal, however, provided by Article 7, that grants the requested State the ability to refuse recognition or enforcement under its own law but limited to the declared hypotheses there listed. The issues that allow for refusal are derived from the general public policy protection clause and certain issues related to the fairness of proceedings.

Incompatibility of the judgment “with the public policy of the requested State” (Article 7.1.c) attempts to prevent the enhancement of the application of the discretionary public policy protection clause, thus limiting the easy way that some jurisdictions follow to refuse recognition and enforcement without precise reasoning, an effect sometimes seen in Brazilian experience. Although the limiting intention is present from the text, some clarification of public policy concept pushes to the fields of incompatibility “with fundamental principles of procedural fairness of that State and situations involving infringements of security or sovereignty”.

Procedural failures are listed as permissions to refuse under limb (a) and the “fundamental principles” of limb (c), as judgments obtained by fraud, are also a permission to refuse (limb (b)). Being the judgment originated from a Contracting State, other than the one indicated in an agreement or designated in a trust allows the requested State to refuse recognition and enforcement based on the rationale to enforce such choices of court.

“Res judicata” and “lis pendens” refusal principles are established by provisions from limbs (e) and (f) to Article 5.1 and Article 5.2. Under those provisions, the requested State’s and other Contracting State’s jurisdictional authority previously established may be protected.

This final fifth tier of the Convention’s hurdles to the practitioner demands the assessment of national law, the source from which every permission to hinder the requested State’s obligation to recognize and enforce passes through the harmonized framework intended to erect by the treaty. Being them restrictions to the general obligation to recognize and enforce, those refusal clauses shall be interpreted in a restrictive manner.



## 8. Conclusion

Convention's objective is to provide for a harmonized facilitated system for recognition and enforcement of foreign judgments. Achieving that goal is not easy, due to the different views of potential Contracting States on how open their jurisdiction shall be to foreign judgments. As a floor to the recognition and enforcement, the Convention sets a minimum expected from the group of countries that dare to cooperate with eyes to the benefit of private people, establishing a standard of trust among them.

This exercise shall not be understood as a definitive guide to the operation of the convention, but rather a proposed step-by-step method to prevent refusal of a judgment based on not compliance to the details. Practitioners' discretion is recommended to the precise definitions and contents, and also a full reading of the Convention itself and the Garcimartín-Saumier Report is a must.

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## References

- [1] The Hague Conference on Private International Law Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters. Available from: <https://www.hcch.net/en/instruments/conventions/specialised-sections/judgments>. [Accessed: August 8, 2022]
- [2] Garcimartín F, Saumier G. Explanatory Report on the Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters (the Garcimartín-Saumier Report). Available from: <https://www.hcch.net/pt/publications-and-studies/details4/?pid=6797>. [Accessed: August 29, 2022]
- [3] The Hague Conference on Private International Law Convention of 25 October 1980 on the Civil Aspects of International Child Abduction. Available from: <https://assets.hcch.net/docs/e86d9f72-dc8d-46f3-b3bf-e102911c8532.pdf>. [Accessed: August 29, 2022]
- [4] The Hague Conference on Private International Law Secretariat, Information Document no 4 of June 2016 on “civil or commercial matters/acta iure imperii” for the Special Commission to the Judgments Project. The document is not publicly accessible, kept by HCCH. [Accessed: 8 Sep 2022]
- [5] The Hague Conference on Private International Law, Brazilian Delegation for the Twenty-Second Diplomatic Session. Working Document no 26 of 17 May 2019. The document is not publicly accessible, kept by HCCH. [Accessed: 8 Sep 2022]
- [6] The United Nations Commission on International Trade Law Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 20 May - 10 June 1958. Available from: [https://uncitral.un.org/en/texts/arbitration/conventions/foreign\\_arbitral\\_awards](https://uncitral.un.org/en/texts/arbitration/conventions/foreign_arbitral_awards). [Accessed: September 8, 2022]
- [7] The United Nations Commission on International Trade Law Convention on International Settlement Agreements Resulting from Mediation of 20 December 2018. Available from: <https://uncitral.un.org/en/texts/mediation>. [Accessed: September 8, 2022]
- [8] The Hague Conference on Private International Law Convention of 30 June 2005 on Choice of Court Agreements. Available from: <https://www.hcch.net/en/instruments/conventions/specialised-sections/choice-of-court>. [Accessed: August 30, 2022]
- [9] Spitz L. Homologação de decisões estrangeiras no Brasil: a Convenção de Sentenças da Conferência da Haia de 2019 e o controle indireto da jurisdição estrangeira. Belo Horizonte: Arraes Editores; 2021. p. 469. ISBN 978-85-8238-685-9

## Chapter 7

# Decolonized Human, Gender, and Environmental: HUGE Security and Peace

*Úrsula Oswald-Spring*

### Abstract

This article explores diverse peace paradigms from negative and realist to liberal, structural, and cosmopolitan peace. The liberal focus in a multi-diverse world with an occidental cosmopolitan pathway did not prevent global and regional wars, such as the present between Russia and Ukraine. The text focuses on a methodology of an open, dissipative, and self-regulating system on a decolonized bottom-up approach, where indigenous communities, representing 5% of the world population, conserve 80% of the remaining biodiversity. Women produce also half the food for their families and communities. Ethnic, economic, and gender discrimination are related to patriarchy that has devastated societies and the environment. Alternative HUGE (human, gender, and environmental) security is caring for vulnerable social groups and destroyed environments. Women's care economy, subsistence production, sorority, and social solidarity from the bottom up are transforming violence inside society and families, centering on well-being and not capital accumulation. Reinforcing regional autonomy, gender, and indigenous equity also reduces the impacts of environmental footprints. This decolonized understanding represents an alternative model of the way of life in the Global South, based on engendered and sustainable peacebuilding for a sustainable future.

**Keywords:** decolonized peace, HUGE: human, gender, and environmental security and peace, indigenous, engendered peace, bottom-up approach, women's care economy

### 1. Introduction

The present unipolar world order is shaking [1] the neoliberal economy, the Occidental model of development, the well-being of more than half of the population in the Global South, and increasingly also more poverty in the industrialized countries. Further, the management of extraction of minerals and land use change toward livestock, tourism, and urbanization is destroying ecosystems and its services. An alternative model for vulnerable people from the Global South should start not from the imperialist dominance of any country, but from a vision based on regional and culturally diverse interconnectedness, where minorities are included. Regional wars, particularly in Africa, the pandemic of COVID-19, and the high inflation of food

and energy, due to the conflict between Russia and Ukraine, are aggravated by the speculation of commercial multinational enterprises. All these processes are blocking an unachieved energy transition and are creating multiple instabilities, which are deepened by a severe climate crisis [2]. Hunger [3], water or food scarcity, and climate disasters [4] are fueling conflicts at the local and regional levels in the Global South, some of them with global repercussions due to international migration.

Revising the different approaches to peace, most of the irenology is based on occidental paradigms and patriarchal worldviews, mostly developed by Western academic men (Galtung; Boulding; Czempel; Young; Oren; Paris). They did not understand the underlying patriarchal mindset of power, war [5], conquest, exploitation, discrimination, and environmental destruction [6], where women lost visibility inside their houses and were dominated by men [7].

The present chapter is first presenting a short methodological overview of interconnected, complex, and dissipative system processes [8], which are increasing multiple conflictive arenas, especially in the Global South. It is followed up with a synthetic review of the dominant peace approaches (realist, negative, positive, liberal or democratic, environmental, and cosmopolitan peace). The critics from the Global South are related to its colonial past, the extraction of natural resources, and the exploitation of human labor, including women and children [9]. These regions, especially Africa, are increasingly confronted with resource wars due to water and food scarcity, high indebtedness, and a lack of money for governments to satisfy public services for their fast-growing population [10]. Thus the chapter will also review the dominant food system by corporate enterprises, which are destroying in multiple regions the food sovereignty of poor people with unhealthy food or sweetened soft drinks.

Confronted with these complexities, Oswald & Brauch [9] proposed a decolonized peace approach. Oswald [11] further explored human, gender, and environmental security, an alternative HUGE security and peace. This approach explores a bottom-up indigenous polity within their telluric Cosmovision, able to save Earth and humanity. The conclusions integrate this alternative decolonized peace paradigm with a woman' care economy [12], centered on equity, humankind support, and nature, overcoming the accumulation of wealth for a small corporate elite at the cost of the destruction of Earth and human well-being [13].

Far from the dominant vision of peace of the dominant androgenic conceptualization, southern women [14], and institutions [12] have proposed a care or gift economy [15], taking into account the female unpaid labor force in the households and caring activities. Environmental concerns were absent in the realist political and peace sciences community until impacts of the Orange Agent did produce mutagenicity not only in direct affected Vietnamese people but also in the American soldiers [16]. Further, increasing climate disasters, pollution [2], and the loss of vital ecosystem services are forcing an alternative understanding of the change in the Earth era from the Holocene to the Anthropocene [17]. During this new Earth period unknown, dangerous, and complex interactions between human activities and environment are creating new risks for humanity and nature.

At the same time, as the NATO–United States management of the Russian–Ukraine war indicates, new arms, more destructive warfare and investments in the military sector are not only killing an increasing number of humans on both sides but also displacing one-third of the Ukrainians internally and outside their country. The destruction of the Ukrainian infrastructure is estimated to cost 600 billion dollars [18]. The imposed sanctions on Russia are further producing global inflation, economic recession, and new threats of a nuclear confrontation [19]. Unknown global

long-term risks, such as the potential destruction of a nuclear plant with radioactive clouds, can affect globally [20]. As a direct consequence, militarization has increased globally and armed expenditures have reached over two trillion dollars [21].

Before starting with some methodological reflections, the research questions guiding this article are: Why have the many theories of peace and security developed by Western men failed to create a world of cooperation for the well-being of people and the care of nature? How can poor people survive with limited government support and in regions highly exposed to destructive climatic events? How can poor women and girls in the Global South cope with these conditions of adversity, not lose their lives and livelihood, and get prepared for an even more complex future?

## **2. Some methodological reflections**

Analyzing these complex interrelations of multiple interrelated subsystems (hunger, disasters, poverty among women and girls, wars, resource conflicts, and environmental destruction), often interacting in a chaotic and unpredictable way, a methodological approach based on open, dissipative, and self-regulating systems is proposed [22]. Piaget formed interdisciplinary teams to analyze transformational processes in a processual way [23]. Physics brought in research not only the generality of potential laws but helped also to understand the underlying reasons for the dynamics of change. Transdisciplinary teams systematized a dual movement between assimilation and adaptation of new knowledge [24]. When the goal became more complex, processes of gradual integration and differentiation became more clearly structured in empirical research, allowing abstractions and then reflective dialogs [25] that helped to conceptualize a higher level of knowledge. From negative peace, concepts were replaced by positive, structural, liberal, environmental, and cosmopolitan peace and security [26]. The exploration of integrated boundary conditions and obstacles generated violence from the outside (socioeconomic growth or decline, public policies, crisis, violence, etc.) and from the inside (fear, coercion, corruption, exploitation, discrimination, etc.).

With this methodological system approach, the integration of different disciplines using their own methodologies was able to develop common research objectives. These are gradually deepened by an interdisciplinary dialog and dynamics between antagonistic systems and potential tipping points of rupture were detected [27]. Ulrich Beck [28] has shown in his theory of the global risk society that threats are no longer linear and predictable, but acquire complex, chaotic interactions, and unexpected tipping points. The analytical understanding of complexity is therefore related to systemic interactions: "A working definition of a complex system is that of an entity which is coherent in some recognizable way but whose elements, interactions, and dynamics generates structures admitting surprise and novelty which cannot be defined" ([29], p. 2–4). These authors insisted that each complex system differs from the other and the coherence or persistence depends on the multiple interactions among various elements, mostly far away from the equilibrium.

With these short explanations of an open, dissipative, and self-regulating system approach, feminists have analyzed the patriarchal worldview imposed by Occident [6] and also in the peace and security theories. In the Global South, multiple anticolonial and anti-white feminist approaches were developed, including analyses of (post-) colonialism, corporate abuse, unjust payment of corrupt debts on the cost of hunger of people, and occidental power relations [30]. With these short methodological

reflections, it is crucial to understand in the present violent global world order how peace and security theories evolved and justified the existing conflicts instead of promoting negotiation processes.

### **3. Conceptualization of dominant peace approaches within an occidental patriarchal worldview and a decolonizing alternative**

Realist peace understanding continues to be the dominant peace approach until today. It promoted warfare, violence, and conquest and was unable to reduce the tensions at the global and local levels. It was wasting scarce natural and financial resources by concentrating wealth by a small Occidental elite on the costs of the well-being of poor people [31]. Military budgets have few limits and have increased by 0.7% in 2022, exceeding for the first time the 2.113 trillion expenditure. Together, the United States, China, India, the United Kingdom, and Russia account for 62% of the total military spending [21]. In Africa, multiple negative peace proposals [32] were applied by the former colonial powers and corporate enterprises, but could not stop the massacres among opposed warlords, ethnic groups, and power struggles among the local political elite.

After World War II, Galtung proposed positive peace efforts, [33], which were also unable to reduce the rate of homicides and violence, including in regions without a formal war such as [34] Latin America.<sup>1</sup> The violence and high homicide rate are related to the imposed drug war by North America, protecting the massive consumption of illegal substances among their citizens. This massive consumption of drugs in the United States, the illegal sale of weapons, and the related money laundering in the financial heavens are avoiding an efficient reduction of organized crime, enabling to reduce the high homicide rate in Latin America.

Confronted with increasing violence, Murshed [35] explored a liberal peace for development and democracy. He included Kant's eternal peace with a soft power method including culture and human well-being. Oren [36] returned also to the Kantian liberal peace approach within a European peace understanding. These ideologies were helping to increase the potential of the US after the dissolution of the Soviet Union to promote democratic globalization. However, the predominance of their transnational enterprises in production, commerce, and finance with few legal controls increased the conflicts, especially in the Global South, and produced global economic crises. The postcolonial Africa was exposed to multiple negative peace proposals [37] and military interventions, which could not stop the massacres among opposed warlords (Angola), ethnic groups (Ruanda), and power struggle between political elite (Kenya and elsewhere).

Webel and Galtung, understanding the growing inequity between North and South and inside each society, proposed a structural peace [38]. They insisted in equal access to natural, socioeconomic, cultural [39], and natural resources in the world, however corporate interests transformed this approach into a utopia. Small economic elite and financial tycoons were able to extract the surplus of economy, limiting the increase of wealth in most countries and among the lower social classes [13]. The high concentration of wealth in the United States among this corporate elite has produced greater inequity and limited the opportunities for equity and sustainable global

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<sup>1</sup> Latin America has the highest homicide rate and violence in a region without a formal war (World Bank 2022).

development. Globally, these transnational enterprises and financial holdings own and control world wealth, where speculation, induced economic crises, and extraction of natural resources are appropriating the profit of workers and peasants from the world and especially, from the Global South.

Environmental peace [40] failed due to the high volatile prices of natural resources. IPCC [2] indicated potential tipping points on the stability of Earth's climate, affecting especially the Global South due to its location in the tropics. In this region, also increasing autocratic governments, often highly corrupt, are additionally extracting wealth from their citizens, limiting a potential increase in well-being for poor people.

Unequal access to health services prolonged the crisis of the coronavirus disease (COVID-19) and produced varied mutations of the virus, due to the lack of vaccines. Multinational pharmaceutical firms insisted on high prices and lack of medical tools for everybody, which increased the number of diseases in the whole world and converted SARS CoV-2 into the deadliest pandemic [41]. Poor educational systems in the Global South have further enlarged inequality and limited the development of modern technologies in poor countries required for their economic development. As the sole scapegoat for improving the livelihood of poor people from the Global South exists a high emigration rate to industrialized countries, where militarized borders are increasing the risks of these migrants.

Cosmopolitan peace [42] is often criticized by realists as a utopian ideal with multiple failures from the Kantian liberal peace approach to the inefficiency of the United Nations. All these peace understandings were unable to prevent the Russian invasion of Ukraine and today to negotiate a dignified outcome for everybody. The lack of food and fertilizers has increased global inflation, affecting again poor countries in the Global South, where hunger hotspots are appearing [3]. The destructiveness of modern warfare, but also the pressures from the Bretton Wood organizations for repayment of debts of highly indebted countries, inefficient and corrupt governments, and the increasing climate impacts in the Global South are creating conditions of permanent risks. The multiple economic crises [43] and recent high inflation with economic crises are further limiting the prosperity, development, and well-being of the global population.

Reviewing all these peace analyses, created by Western men, who did not deepen on the root causes of violence and exploitation, were unable to offer alternative paradigms for different world orders. None of these peace concepts deepened nor in the origin of violence. Patriarchy was created thousands of years ago. Violence, conquest, and slavery were able to develop big empires in the past and present, always at the cost of people and the environment. Today, modern slavery in sweatshops, exploitation of human beings with low salaries, and abuse of nature have concentrated wealth into a limited occidental elite [13]. Thus, these Western male researchers have not understood that survival means a daily practice of a "democratic, multiracial, multilingual, and multicultural society" ([44], p. 49).

Confronted with these theoretical limits, Oswald [8] proposed an engendered-sustainable peace to end patriarchal violence and environmental destruction within a framework of diverse and multicultural efforts from the bottom up. This HUGE security includes different objects of reference: instead of the state, it prioritizes humans, women, and vulnerable people, together with natural, agricultural, and urban ecosystems. The values of risk go further than sovereignty and territory by the military security and analyze national unity, gender relations, and sustainability. The threats are not only related to other countries, but to internal terrorism, migrants,

patriarchal relations of elites, governments, and churches, poverty, economic crises, and more severe disasters related to climate change. This approach allows the prevention of potential threats and establishes processes of adaptation and resilience not only from the top down but especially at the local level from the bottom up.

#### **4. HUGE-security and the women's care economy**

The concept of HUGE-security or grand-security responds to a double function: a) as a tool of scientific analysis to study global problems, and b) as a guide for action for governments, social movements, humanitarian organizations, and poor or exposed people. The concept integrates human, gender, and environmental security, in order to eradicate poverty, guarantee food aid in times of crisis, combat gender discrimination, promote equity, care for refugees and forced climate migrants, as well as restore environmental balance to improve free ecosystem services [45].

Each of these securities had developed its own conceptual understanding. The analysis of human security is based on five pillars. (1) Absence of fear related to the lack of physical threat to life and livelihood; (2) absence of needs, enabling people to cover their basic needs in food, shelter, education, and health; (3) absence of disasters, where adaptation and resilience allow people to survive during extreme events and recover fast, avoiding that the event may transform into a disaster; (4) living in a state with rules of law, where human rights are respected and the state is reinforcing a transparent legal system [46]; (5) living in a multicultural world with full respect for cultural diversity, where ethnic, religious, and racial minorities obtain the same rights without any discrimination. Gender security [8] was inspired by the currents of empirical, epistemic, standpoint, and postmodern feminism [47], where the object of reference is the equity of genders. The values of risk are related to the loss of equity, equality, identity, social representations, and empowerment of women and the vulnerable [48]. The threats are coming from the patriarchal violent mindset in society and work, where totalitarian institutions, churches, elites, and intolerance are the main sources of risk.

Environmental security initially analyzed the prevention and repair of military damage caused to the environment, where the damage in mutagenicity among the Vietnamese population and American soldiers indicated the damage in future generations by the use of defoliants such as Orange Agent [16]. In the second phase, studies on the generation of conflicts, due to natural resource scarcity were scrutinized, and water continues to play a crucial role in violence [49–51]. A third pillar analyzes the capitalist development linked to environmental deterioration and conflicts generated by pollution and abuse of natural resources, where climate change disasters [20] and global environmental change [52] have allowed a systemic analysis of the complexity of the intervening socioenvironmental factors, going beyond environmental care and restoration. In a fourth phase, Dalby et al. [53] evaluated the emerging factors of conflict and reconciliation, where social and environmental vulnerabilities are limiting the adaptation processes in the face of increasing and more adverse socioenvironmental conditions of risks, and where dominant interests in mining and land use change have accelerated the destruction of natural resources, especially water for human consumption. Crutzen [17] has proposed a new era of Earth's history, the Anthropocene, where no more natural phenomena (Holocene), but human activities are producing environmental destruction, the loss of ecosystem services, and the pollution of air, soil, and water.



Based on the intersection between human, gender, and environmental security, an integrated HUGE-security and peace, Oswald [8] suggested conceptually to reduce threats from poverty, patriarchal institutions, and extreme natural events [2], often aggravated by failed human interventions and the dominance of the financial system [24]. These complex feedbacks were worsened during the last seven decades of capitalist acceleration, where Moore [54] insisted that it was not the environmental change [52], but the capitalist system that has produced human destruction of natural resources and the concentration of wealth by a small elite. He called the new phase Capitalocene.

Confronted globally with a process of social and environmental destruction, critical social groups, indigenous, and environmentalists have explored alternatives to the maelstrom of capitalism with 'good living' [55]. These changes should be able to reduce emissions of greenhouse gases, eliminate waste, and restore polluted water and soils in a natural way, often also called the Principle of Subsidiarity. It is the application of solidarity and gift economy [15] with humans and nature, in this complex physical-psychological reality, where a Concordia economy may build "bridges to unify the work of physicists, ecologists, and economists" ([56], p. 4). Indigenous people, with a telluric understanding of the interrelation of nature and humankind, have developed during thousands of years of sustainable management of their resources for granting food and livelihood, often in highly complex environmental regions such as the Atacama Desert or the high mountains of the Andeans or the Himalaya. The next part looks at bottom-up alternatives for people who do not have adequate support from their governments and whose lives are at risk by increasingly more severe climate events.

## **5. Bottom-up indigenous livelihood with a telluric cosmovision**

The dominant exploitive management of the environment and humankind, related to the realist peace approach [31] is based on a patriarchal worldview [6]. This policy did not include indigenous people or when they are taken into account. It only took away their territory by exploiting mines, land, and water resources. Today, indigenous groups represent globally 5% of the world's population, and they continue to conserve about 80% of the biodiversity in the world [57].

The Aymara and Quechua indigenous in Bolivia and Ecuador have systematized a process of complementarity between human activities and nature, called '*sumak qamaña*' (living well) or '*suamk kaway*' (good living) [55]. Their good living includes happiness as a guiding principle of life and encompasses the personal, family, and community spheres, as well as work and care or restoration for nature. Social integration, dancing, and moderation in food intake, drinking, and work have created a life of happiness and social solidarity at the local level. Emphasis is placed on respect and cares for the elderly and children [48], as well as the protection of nature and its mineral resources. Living well also represents a telluric approach to socio-political and ecological content, where Bolivia has included the right of nature and environmental care in their national constitutions. This constitutional change implies political, economic, judicial, cultural, and linguistic pluralism to integrate different ethnic, racial, and social groups within one nation.

Living well represents a complementary relation between Mother Earth, the agricultural cycles, and the cosmic cycles, where the cosmos has historically its own course enabling to produce in just time the food crops in complex environmental

conditions [58]. The history of Earth and humans with periods of rising and fall, including patriarchal violence [59] had phases of activities and other times of moderation are reflected in working periods and relaxation. The concept of living well [55] implies not only violence but also food sovereignty, solidarity, nonviolent conflict resolution, and working together, helping the most vulnerable, where women played a crucial role to help affected people. These indigenous people are protesting or trying to limit the destruction of the natural resource by multinational enterprises and local landlords with cattle growing. They reinforce regionally and globally human solidarity and care about nature and humankind by creating associations of indigenous people, in order to strengthen globally the protests against the dominant exploitation of mines, water, mountains, and soils [60].

Another radical model of indigenous disengagement from the capitalist system occurred on January 1, 1994, when the Mexican government signed the North American Free Trade Agreement (NAFTA) with the United States and Canada. “Command by obeying” was the key call of the Zapatistas, when the indigenous uprising occurred in the mountains of Chiapas as a protest against the “disease called capitalism.” They addressed their request to all the families of the world, who suffered from capitalist exploitation. “We only want to live in peace and without exploitation of man by man, with equality between men and women, with respect for what is different, and to decide together what we want in the countryside and in the city” [61].

The empirical examples of how these indigenous groups have reorganized their life and livelihood are related to the Mayan indigenous cosmovision, organized in the EZLN (Zapatista Army of National Liberation). In 1994, the EZLN declared first to the Mexican government the war against capitalism, exploitation of humans and nature, and proposed an alternative way to understand the sociopolitical organization of indigenous people. With creative management of communication networks and the internet, indigenous were able to document globally the violence, abandonment, and exploitation they have been submitted by local landlords, national government, and multinational enterprises [62].

After a few days of armed struggle, the Mexican government was internationally forced to propose a cease-fire and on February 16, 1996, the government and EZLN negotiated and agreed on a peace negotiation in San Andrés Larrainzer, which included the recognition of indigenous collective rights on land and their independent local political administration. The Mexican government did not respect the agreement and on December 22, 1997, over 100 armed men from Máscara Roja, a paramilitary group, massacred 45 Tzotzil (Mayan) indigenous women, children, and some few men inside a chapel, while they were praying for peace in the region. The army did not intervene despite the fact that it was next door and the shooting with heavy arms lasted for more than seven hours [63]. The lack of respect for this indigenous agreement indicates that the government from 1992 to 2018 was not interested in the well-being of these poorest people in the country, but has authorized about one-fifth of the national territory for mining activities, destroying sacred mountains, polluting water streams, and preventing the local population from the access to their basic needs and their religious beliefs.

Based on the war on low intensity in the Chiapas region for almost three decades, the EZLN decided to delink from the Mexican government, when they did not respect the signed agreements. They dismissed the negotiated constitutional change for an alternative indigenous legal system and allowed armed groups in the region to maintain unequal access to land and water, killing indigenous defending their territory. Given the extreme poverty and abandonment of these indigenous populations,

they developed a proper local policy of “work, land, shelter, health, food, education, independence, freedom, democracy, justice and peace” [64].

Politically, the EZLN created Caracoles (shells) and Good Government Councils at the local level, where the principle of “ruling by obeying” was reinforced with participatory governance among women and men. Their decision-making processes were taken in a consensual way and agreements were reached through large and inclusive debates, where women, men, young and old are equally elected as leaders for one year of leadership without payment, where the community cares about their family [61].

“Women are exploited by the government, they are poor, but also in the community, by men” ([65], p. 44) was the understanding of gender discrimination among women globally and also from the EZLN. To eradicate this patriarchal mindset, the Zapatista communities trained women and young girls in equity and empowerment. During the last three decades, no femicide has occurred among the Zapatista, while in Mexico every day at least ten women are murdered, mainly by their intimate partners [66]. The Zapatistas have also converted extensive cattle ranching into staple crops and vegetables for improving their food security and nutrition. Transparent health, education, and justice systems are allowing access to all people in the region, independent of being members of the EZLN.

To achieve food security, they developed subsistence agriculture and are producing their own food. They developed a transparent judicial system, and an inclusive educational model with gender equity. They are raising awareness among the global population in the face of the ongoing disastrous and exclusive globalization processes. In June 2021, five women and two men arrived on a raft trip of a 47-day journey to the Azores Islands in Portugal. They symbolized ‘a reverse crossing’ through the Atlantic, exposing with visibility the culture of conquest and exploitation in the minds of people, which the Spaniards had imposed 500 years ago when they invaded the American continent [67]. Their effort against exclusive globalization did not bring great wealth to their associates, but each member obtains enough food, safe education, a transparent judicial system with conflict prevention, and basic health services, where everybody is treated with dignity and respect. Thus, the basic services of the Zapatistas are granted and during a climate disaster or violence from paramilitary groups, they get solidarity from the rest of the members and often from abroad. They have also helped with food, water, and medical support to the indigenous community during the severe earthquake in Juchitan, Oaxaca in 2017 [61].

In other countries in Latin America, Africa, and Asia with numerous indigenous groups and elsewhere with an important number of poor people, the consciousness-raising against the dominant model of economic exploitation and climate disasters has produced changes. Their understanding of development and globalization suffered daily from low salaries, lack of social security, and missing governmental support, which has increased the opposition globally against the exploitive and patriarchal model of globalization [68]. Especially, the pandemic of COVID-19, with a lack of solidarity from the transnational pharmaceutical enterprises, has not only increased the death rate in the Global South and North but has also produced the emergency of mutagenic new versions of the virus SARS COV-2. The propagation globally of new varieties have increased death rate and diseases, only because these multinational enterprises did not open their patents and copyrights on vaccines for the whole world [41].

Further, the exploitation and discrimination of women and young people are creating alternative ways of restoring social relations, self-respect, and an environmental understanding of life. Globally, women’s movements emerge and protest against gender violence, discrimination, the disappearance of women, and femicides [69].

Their protests include the telluric understanding of indigenous communities, who have integrated nature with sustainable human activities [70].

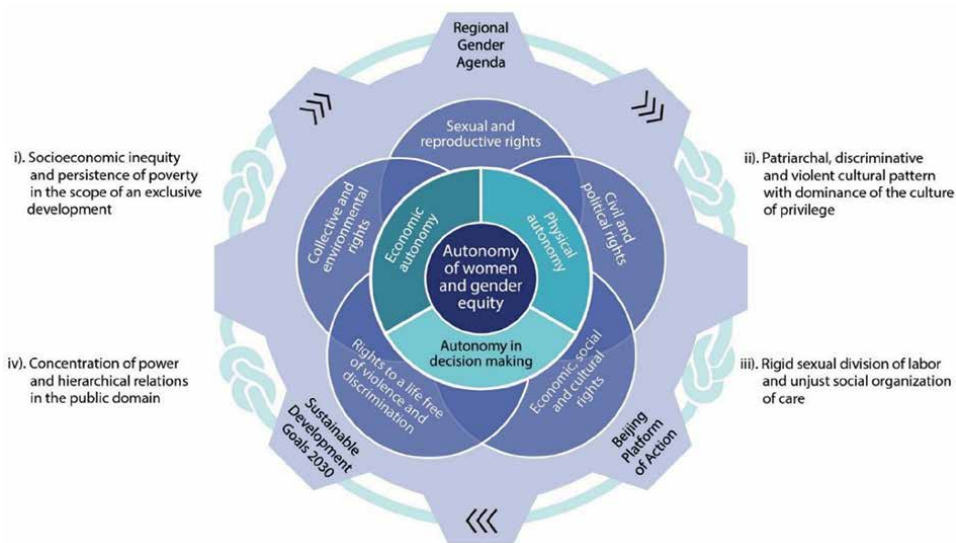
Nature and ecosystem services are part of our life cycle and cannot be exploited, polluted, and destroyed, but requires an alternative approach to extraction [71] with care and redistribution of profits for all humans and the restoration of nature. Precisely, the complex emergency of COVID-19, as a zoonotic disease, indicates that new pandemics may soon emerge, affecting further humans, as SARS COV-2 has proven in the past [72]. Without any doubt, we need to care about nature, understanding its free ecosystem services to humans and nature. They provide us food, fibers, and water, and additionally, they protect humans and animals from excess heat and cold, restore and disintegrate waste, and offer cultural services for everybody [73]. A new understanding within this alternative approach put in the center of human activities a care economy, where women have historically done the major unpaid domestic labor globally and continue to care about babies, ill people, and the elderly.

## **6. Women's care economy**

To return to the research questions, climate change, greater inequity, inequality, discrimination, raising poverty, hunger, and violence were not addressed within the existing theories of positive [74], liberal [35], democratic [36], environmental [53, 75] and cosmopolitical peace [26], because they were developed by Western men. None of these theories has deepened in the root causes of patriarchy, which has produced violence, original accumulation of wealth, dominant power relations, and exploitation of people and nature. All these theories are maintaining the occidental understanding of dominance, power relations, and control, forgetting the exploitation in Global South, especially the vulnerable and poor women, girls, and old people [8]. After more than 500 years of colonialism and seven decades of neoliberal capitalism with an acceleration of the destruction of nature, climate change in the Anthropocene is again affecting highly the Global South. Poor indigenous, women and girls do not account for efficient governmental support. These social groups have learned that in conditions of adversity, they must get better prepared alone to deal efficiently to survive in a complex future. Resilience and resistance were their tools in the past to care about their lives and livelihoods.

These vulnerable groups are finding radical alternatives to the ongoing social and environmental destructive processes with an increasing concentration of wealth among a small elite. Taking into account the traditional survival strategies of these exposed social groups, CEPAL [12] proposed a women's care economy for the discriminated people globally (**Figure 1**). In the world and also in Mexican society, discrimination, racism [76], and external and internal colonialism [77] are fighting for the preservation of ecosystem services. The present crises of pandemic, war, and inflation are especially affecting the middle class and their acquired, but often also unachievable desired privileges.

This middle class does not take into account the structural mechanisms of the rampant existing inequality, where the Gini Index in Mexico got reduced marginally during the COVID-19 pandemic from 0.512 to 0.503, thanks to governmental support between 2000 and 2021 [13]. The inequality index is still very high, due to the limited increase in salaries and the governmental support to needy and poor people. On the contrary, "the world's ten richest men have more than doubled their fortunes from \$700 billion to \$1.5 trillion—at a rate of \$15,000 per second or



**Figure 1.**  
*Women’s care economy. Source: CEPAL ([7], p. 3) (translated by the author).*

\$1.3 billion a day—during the first two years of a pandemic that has seen the incomes of 99 percent of humanity fall and over 160 million more people forced into poverty” [47]. American billionaires have gotten 12 trillion richer during the pandemic and in his night address to Congress, President John Biden remarked “Twenty million Americans lost their job in the pandemic. At the same time, roughly 650 billionaires in America saw their net worth increase by more than \$1 trillion [.. .] and they’re now worth more than \$4 trillion” [78].

Thus, to find an alternative model of development and humans’ living together, to overcome the ravages of the pandemic of COVID-19 and climate change disasters, where gender discrimination and now inflation with the invasion of Russia to Ukraine have increased inflation and poverty, alternative models of economy are emerging. They should improve the living conditions of poor women, men, children, and indigenous peoples and empower them. Care economy starts with the physical, economic, and decision-making autonomy for everybody to achieve civil, political, economic, social, cultural, reproductive, sexual, and environmental rights in social life without violence. These rights were developed in the past by women in the Beijing Platform for Action, reinforced by the Sustainable Development Goals of the Agenda 2030, and by Belem do Parra in Latin America. National and regional gender agendas, policies of equity in political and executive jobs, and laws against gender violence are basic political tools to limit the patriarchal and violent behavior against women, elderly, and youth, deeply embedded in the cultural patriarchal understanding and reproduced inside the families by men and women. Particularly, the so-called ‘machismo’ or patriarchal behavior in Latin America and elsewhere has reinforced in crisis moments the social discrimination against women. Judicial persecution is still traditionally under-emphasized and politically gender violence is dramatically underestimated. During the pandemic, the help calls related to gender violence in Mexico, due to the down lock inside the houses, have increased by 300% [66]. Thus, in this precise moment of economic, social, and cultural crisis, an alternative paradigm of women’s care economy should increase the recognition [7] and the empowerment of women [79].

This women's care economy in the most remote mountainous areas is nothing new for indigenous women and men, who have been able to resist capitalist extermination by keeping alive their traditions and their civilizing vocation. By freely associating women and socializing with the coming generations, it was possible to transform locally the deeply rooted neoliberal processes of capitalist accumulation imposed over the last 500 years. Understanding the present model of exploitation by multinational enterprises and their financial system, which is highly sophisticated and complex, it is impossible for the poorest people to create alternatives within the capitalistic system. Promoting local empowerment of women is crucial to avoiding future food crises. Women grant half of the food supply to their families in small orchards and corals [80]. They use environmental protective methods in only 4% of the land, where they recycle organic waste and gray water. Expanding this model, it may be possible to reduce hunger and undernourishment among people without access to imported food or no money to buy it, especially when climate change is increasing drought in all continents.

On the contrary, the multinational food companies (Nestlé, Archer Daniels Midland Company, Cargill, Sysco Corporation, JBS, George Weston, Tyson Foods, Danone, PepsiCo, Mondelez, Kraft Foods, Unilever, Mars, Danone, Cadbury, Kellogg, General Mills, and Ferrero) are using the basic food for biofuel, animal feed, and industrial processes, but are destroying water resources, polluting soils with toxic agrochemicals, and destroying the native seeds diversity with genetically modified organisms. Lowder et al. [81] asked who is producing the world's food and found the high concentrated large territories for unsustainable production. The Foundation of Bill and Melanie Gates and other multinational enterprises are supporting this unsustainable food production at the cost of environmental destruction and hunger for the poorest people.

Only understanding of the profit hunger of multinational enterprises and additional efforts from the bottom-up experimented with the indigenous EZLN or Aymara have increased food and educational security with livelihood. Conscious raising is crucial in the present crises to understand the complex interrelations of ideological mass media, propaganda of junk food, bottled soft drinks, and transformed food rich in sugar and calories. These industrialized food items are increasing weight and combined with lack of exercise, are producing obesity or high malnutrition among the poorest people, who prefer to buy this rapid junk food, instead of cooking their own traditional food. Cardiovascular diseases, diabetes mellitus, and cancer are the most frequent outcome of this unhealthy food culture, where only education and public policy may limit the promotion of junk food. Further, the labels of nutrition content explain the damaging food intake on human health and well-being.

As **Figure 1** exposes, there is an intimate relationship between economic autonomy and human rights, where precisely an alternative education and health care may limit poverty, diseases, and lack of income. Integrated management of education, gender equity, health, food intake, and political autonomy is crucial to understand how the present model of capitalism is promoting an unhealthy development process. Official Bretton Wood organizations are actively involved in the promotion of transnational junk food.

To avoid that the poorest people can get healthy food and overcome the extreme misery, models from the Aymara, EZLN indigenous people, and critical social groups may help to understand the complex interrelations of economic, political, and cultural exploitative processes. Instead of accepting the global model of economy and policy, which is also promoted by most national government, the analyses indicate that their so-called model of development is producing globally, greater underdevelopment or development toward underdevelopment [82].

The reinforcement of internal normative systems, the capacity for analysis, training in critical understanding, and overcoming gender discrimination and exploitation, not only these indigenous societies and women organizations, but globally societies may survive in the Anthropocene. The organization of smaller and bigger groups may prioritize a post-capitalist model based on the right of people for safe food, care about natural resources in their territories, and cultural autonomy with self-determination for their life and cosmovision related to deep an indigenous and telluric culture [83]. All these activities are allowing to integrate the most vulnerable, especially small children, girls, and fragile elderly. This model of care economy could facilitate a sustainable transition of the Earth and the human society, eliminating the present exploitation, violence, and discrimination. On the contrary, it is oriented toward an alternative model of well-being. There will be no accumulation of capital, due that the exploitation of other humans and nature is eradicated and solidarity and sorority<sup>2</sup> are caring about the most necessitated and younger girls, children, and old people.

## 7. Conclusions

In the present geopolitical and climate conjuncture, research for peace should overcome the occidental patriarchal approach and promote HUGE security and peace [8], based on women's and men's care economy. This global approach may be able to weave new alliances in favor of human welfare and the recovery of Mother Earth in critical moments of negative impacts of climate change. New alliances among local and regional social organizations are forcing governments to reduce the concentration of wealth among the elite by charging progressive taxes and redistributing this income to the neediest, whenever the opposition of multinational enterprises and financial tycoons is dramatic. Transparency in the present corrupt world financial system with the eradication of tax havens, especially dominant in the United States, may generate the resources to overcome globally the COVID-19 pandemic and limit the related rising poverty and forced migration. Paying decent salaries to workers, granting them social security, and the improvement of healthy and natural food for everybody may generate alternatives for the present and the next generation. Environmental restoration and limiting the exploitation of natural resources –especially open-pit mining- allow the recovery of the necessary and free ecosystem services. Time is pressing and we have only three decades left to reverse the ravages caused by the acceleration of the Capitolicene [54] of the last 70 years of corporate exploitation, where uncontrolled market forces of small elites have destroyed the bases of survival of humanity and the environment. The negative feedback processes produced by the pandemic has shown clearly, that the destructive model of corporate capitalism is affecting the whole planet and destroying justice and well-being all over [54]. It destroys especially the abundant natural resources in the Global South, where their governments account for limited resources to deal with basic services such as health care, access to vaccines, food production, and education. Without a care economy, the full involvement

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<sup>2</sup> Sorority helps women to care about other women within a highly discriminative environment. It promotes their leadership skills, produces solidarity in case of disasters or losses, and promotes greater social identity inside women groups. Women learn to detect discrimination and exploitation and how to limit it. Sorority helps young women and girls to empower by cultivating leadership skills inside a protected environment by older and experienced women. They learn to distinguish between false promises and unsustainable solutions. Sorority promotes intellectual and personal development, solidarity, leadership, friendship, human rights, knowledge, and cooperation.

of women [84], and a HUGE-security and peace, the planet may turn into irreversible tipping points [27]. New pandemics [85] and unknown risks may involve the disappearance of the entire humanity on Earth. In the longer turn, nature will recover from the present destructive processes as it has occurred during the past five great extinctions [86]. However, there exist less destructive alternatives. The Global South is exploring multiple examples of care [12] or gift economy [15] and sorority. The Global North, especially poor people, should follow these efforts, transforming the violent patriarchal behavior of multinational enterprises and allied governments into a HUGE security and peace before it is too late. Timeframe remaining is less than four decades before irreversible processes can eliminate important groups of people and valuable ecosystems with unpredictable loops of global destruction.

## Acronyms

CEPAL	Economic Association for Latina America and the Caribbean
COVID-19	SARS COV-2 pandemic
EZLN	Zapatista Army of National Liberation
Gini	Index or Gini index
HUGE	Human, Gender, and Environmental Security and Peace
INMUJER	National Institute of Women
IPCC	Intergovernmental Panel on Climate Change
NAFTA	North American Free Trade Agreement
OECD	Organization of Economic Cooperation and Development
SIPRI	Stockholm International Peace Institute
<i>suamk kaway</i>	good living
<i>sumak qamaña</i>	living well


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## References

- [1] Zanzoni A, Montecchi-Palazzi L, Quondam MX. Mint: A molecular interaction database. *FEBS Letters*. 2002;**513**:135-140. DOI: 10.1016/S0014-5793(01)03293-8
- [2] IPCC. Sixth Assessment Report, Climate Change. The Physical Science Basis, the Working Group I, 2021. Cambridge: Cambridge University Press; 2021. p. 2021
- [3] FAO & WFP. Hunger Hotspots. FAO-WFP Early Warnings on Acute Food Insecurity. Rome: FAO; 2022
- [4] UNU-EHS. Interconnected Disaster-Risks. Bonn: UNU-EHS; 2022
- [5] Reardon BA. Sexism and the War System, 1985. New York: Syracuse University Press; 1985
- [6] Mies, Maria. Patriarchy & Accumulation on a World Scale. Women in the International Division of Labour. London: Zed Books; 1985
- [7] Fraser N. *New Left Review*. 2005;**36**:1-19
- [8] Oswald-Spring Ú. Reconceptualizar la seguridad y la paz. Una antología de estudios sobre género, seguridad, paz, agua, alimentos, cambio climático y alternativas. Cuernavaca: CRIM-UNAM; 2020
- [9] Oswald-Spring Ú, Brauch HG. Decolonising Conflicts, Security, Peace, Gender, Environment and Development in the Anthropocene. Cham: Springer; 2021
- [10] ACCRA. African Economic Outlook 2022 Supporting Climate Resilience and a Just Energy Transition in Africa
- [11] Oswald-Spring Ú. Earth at Risk in the 21<sup>st</sup> Century. Rethinking Peace, Environment, Gender, and Human Water, Health, Food, Energy Security, and Migration. Cham: Springer Nature; 2020
- [12] CEPAL. Economía del Cuidado. Santiago: CEPAL; 2021
- [13] Oxfam. Inequity Kills. London: Oxfam; 2022
- [14] Collin L. Economía Solidaria: local y diversa. Tlaxcala: Coltlax; 2014
- [15] Vaughan G. The Gift; Il Dono. Rome: Meltemi, University of Bari, New Series 8; 2004
- [16] Westing A, Westing AH. Pioneer on the Environmental Impact of War. Berlin: Springer; 2013
- [17] Crutzen PJ. Geology of mankind. *Nature*. 2002;**415**(6,867):23
- [18] The Economist. Seizing Opportunities. *The Economist*. 2022. pp. 69-70
- [19] Edmonds J. Potential US responses to the Russian use of Non-Strategic Nuclear Weapons in Ukraine. 2022 [https://thebulletin.org/2022/05/five-reasons-that-russias-nuclear-exports-will-continue-despite-sanctions-and-the-ukraine-invasion-but-for-how-long/?utm\\_source=Newsletter&utm\\_medium=Email&utm\\_campaign=ThursdayNewsletter05192022&utm\\_content=NuclearRisk\\_RussiaNuclearExports\\_05172022#post-heading](https://thebulletin.org/2022/05/five-reasons-that-russias-nuclear-exports-will-continue-despite-sanctions-and-the-ukraine-invasion-but-for-how-long/?utm_source=Newsletter&utm_medium=Email&utm_campaign=ThursdayNewsletter05192022&utm_content=NuclearRisk_RussiaNuclearExports_05172022#post-heading).
- [20] Mc Kenzie J. A Ukrainian Climate expert on the Zaporizhzhia Situation and the Winter Energy Outlook. 2022 [https://thebulletin.org/2022/08/a-ukrainian-climate-expert-on-the-zaporizhzhia-situation-and-the-winter-energy-outlook/?utm\\_source=Newsletter&utm\\_](https://thebulletin.org/2022/08/a-ukrainian-climate-expert-on-the-zaporizhzhia-situation-and-the-winter-energy-outlook/?utm_source=Newsletter&utm_)

medium=Email&utm\_campaign=ThursdayNewsletter082022&utm\_content=ClimateChange\_Zaporizhia\_08242022#post-heading.

[21] SIPRI. World-Military-Expenditure-Passes-2-Trillion-First-Time. 2022 <https://www.sipri.org/media/press-release/2022/world-military-expenditure-passes-2-trillion-first-time>.

[22] Prigogine I. Una exploración del caos al orden. Barcelona: Tusquets Eds; 1983

[23] Piaget J. Psychology and Epistemology: Towards a Theory of Knowledge. Harmondsworth: Penguin Press; 1972

[24] Piaget J. The Equilibration of Cognitive Structures: The Central Problem of Intellectual Development. Chicago: University of Chicago Press; 1985

[25] Piaget J, García R. Psicogénesis e Historia de la Ciencia. Mexico City: Siglo XXI Eds; 1982

[26] Kulnazarova A, Popovskii V. The Palgrave Handbook of Global Approaches to Peace. Cham: Palgrave & Springer Nature. 2019

[27] Steffen W et al. Trajectories of the earth system in the Anthropocene. PNAS. 6 August 2018;15(33): 8252-8259. DOI: 10.1073/pnas.181014111

[28] Beck U. Risikogesellschaft, auf dem Weg in eine andere Moderne. Frankfurt a.M.: Suhrkamp; 2007

[29] Batty M, Torrens PM. Modelling complexity: The limits to prediction. Cybergeography, European Journal of Geography. 2001. DOI: 10.4000/cybergeography.1035

[30] Byrne DC, Imma Z. Why 'southern feminisms'? Agenda. 2019;33(3):2-7. DOI: 10.1080/10130950.2019.1697043

[31] Mäki U. Realisms and their opponents: Philosophical aspects. In: Smelser I, Neil J, Baltes PB, editors. International Encyclopedia of the Social & Behavioral Sciences. Pergamon: Elsevier; 2001. pp. 12815-12821

[32] Paris R. At War's End-Building Peace after Civil Conflict. Cambridge: CUP; 2004

[33] Galtung J. Peace research: Science of politics in disguise. International Spectator. 1997;21(19):1573-1603

[34] World Bank. Intentional Homicides (Over 100,000 people) –Latin America & Caribbean. 2022 <https://data.worldbank.org/indicator/VC.IHR.PSRC.P5?locations=ZJ>.

[35] Murshed MS. The Liberal peace: Challenges to development, democracy, and soft power. In: Kulnazarova A, Popovskii V, editors. The Palgrave Handbook of Global Approaches to Peace. Cham: Springer Nature; 2019. pp. 109-128

[36] Oren I. The subjectivity of the 'democratic peace'. Changing U.S. perception of Imperial Germany. International Security. 1995;20(2): 147-184

[37] United Nations Security Council. Peace and Security in Africa: Capacity-Building for Sustaining Peace-Security Council. 9106th Resumed Meeting. African Union; 2022. <https://media.un.org/en/asset/k1u/k1u6ez329t>

[38] Webel C, Galtung J. Handbook of Peace and Conflict Studies. New York: Routledge; 2007

[39] Arizpe L. Los retos culturales de México. D.F., Miguel Ángel Porrúa, CRIM/UNAM: Mexico; 2004

[40] Conca K. The case for environmental peacemaking. In: Conca K, Dalbey G, editors. Environmental Peace Making.

Washington: Woodrow Wilson Center Press; 2002

- [41] CEPAL. Los Impactos Socioeconómicos de la Pandemia COVID-19 en América Latina y El Caribe. Santiago: CEPAL; 2022
- [42] Falk, Richard. Cosmopolitan paths to peace. In Kulnazarova, Aigul & Popovski, Vesselin. The Palgrave Handbook of Global Approaches to Peace. Cham: Palgrave & Springer Nature, pp. 29-46; 2019.
- [43] Stiglitz J. Globalisation and its Discontent. New York: W.W. Norton; 2007
- [44] Chan HC. Singapore: The Politics of Survival 1965-1967. Singapore: Oxford University Press; 1971
- [45] UNEP. Becoming #Generation Restoration. Ecosystem Restoration for People, Nature and Climate. Nairobi: UNEP & FAO; 2021
- [46] Brauch HG. Environment and Human Security. InterSecTions. Vol. 2. UNU-EHS: Bonn; 2015
- [47] Butler J. Gender Trouble: Feminism and the Subversion of Identity. New York: Routledge; 1990
- [48] Oswald-Spring Ú. Dual vulnerability among female household heads. *Acta Colombiana de Psicología*. 2013;16(2):19-30. DOI: 10.41718/ACP.2013.16.2.2
- [49] Bächler G. Violence through Environmental Discrimination. Dordrecht: Springer; 1999
- [50] Gleick PH. The myth and reality of bottled water. In: The world's Water 2004-2005: The biennial report on Freshwater Resources. 2004. pp. 17-43.
- [51] Homer-Dixon T. Environment, Scarcity and Violence. Princeton: Princeton University Press; 1999

[52] Brauch HG. et al. Facing Global Environmental Change. Environmental, Human, Energy, Food, Health and Water Security Concepts. Berlin: Springer; 2009

[53] Dalby, Simon et al. "Environmental security concept revisited during the first three phases (1983-2006)". In Brauch, H.G. et al. Facing Global Environmental Change. Environmental, Human, Energy, Food, Health and Water Security Concepts. Berlin: Springer; 2009. pp. 781-790

[54] Moore JW. Anthropocene or Capitalocene? Nature, History, and the Crisis of Capitalism. Oakland: PM Press; 2016

[55] Ceceña AE. Del desarrollo al 'vivir bien': la subversión epistémica. In: Girón A, editor. Del "vivir bien" al "buen vivir", entre la economía feminista, la filantropía y la migración: hacia la búsqueda de alternativas. Mexico City: IIEc-UNAM; 2014. pp. 11-22

[56] Gorga C. Toward Economic, Ecological, and Human Interdependence. *Concordian Economics*. OpEdNews, 11<sup>th</sup> May, republished in <http://www.pelicanweb.org/solisustv18n07page20.html>; 2022

[57] Raygorodetsky G. Indigenous Peoples defend Earth's Biodiversity—but They're in Danger. 2018 [https://www.nationalgeographic.com/environment/article/can-indigenous-land-stewardship-protect-biodiversity-.National\\_Geographic,#:~:text=Recent%20research%20demonstrates%20that%20while,percent%20of%20the%20global%20biodiversity](https://www.nationalgeographic.com/environment/article/can-indigenous-land-stewardship-protect-biodiversity-.National_Geographic,#:~:text=Recent%20research%20demonstrates%20that%20while,percent%20of%20the%20global%20biodiversity)

[58] Anaya RB et al. Food and medicinal uses of ancestral Andean grains in the districts of Quinua and Acos Vinchos (Ayacucho-Peru). *Agronomy*. 2022;12:1014. DOI: 10.3390/agronomy120510142022

- [59] Diamond J. *Guns, Germs & Steel. The Fates of Human Societies*. New York: Norton; 2005
- [60] Gardiner SM, Thompson A. *The Oxford Handbook of Environmental Ethics*. New York: Oxford University Press; 2017
- [61] EZLN: Ejército Zapatista de Liberación Nacional (EZLN). <http://www.ezln.org.mx/>; from 1994 until 2022
- [62] Bryan E, Behrman J. Community-Based Adaptation to Climate Change. A Theoretical Framework, Overview of Key Issues and Discussion of Gender Differentiated Priorities and Participation. CAPRI Working Paper No. 109; 2013. Available from: <https://ideas.repec.org/p/fpr/worpps/109.html>
- [63] Navarro H, Luis. Acteal: impunidad y memoria. *El Cotidiano*. 2012;172(March–April):99-115
- [64] Gómez M. La pluralidad jurídica y los pueblos indígenas en tiempos de la globalización. Mexico City: Instituto de Investigaciones Sociales-UNAM; 2012
- [65] Bonavitta P. Mujeres en situación de pobreza y acciones colectivas. *Revista de Ciencias Sociales*. 2016;36:35-54
- [66] INMUJER. *El INMUJERES en 2021*. Mexico City: INMUJER; 2022
- [67] Zapatistas. Una Montaña en Alta Mar. 2020. <http://enlacezapatista.ezln.org.mx/2020/10/05/sexta-parte-una-montana-en-alta-mar/>
- [68] Stanford Encyclopedia of Philosophy. *Feminist Perspectives on Globalization*. 2022. <https://plato.stanford.edu/entries/feminism-globalization/>; 2020 substantive revisions
- [69] UNWOMEN. *La violencia feminicida en México: Aproximaciones y tendencias*. 2022. Available from: <https://mexico.unwomen.org>
- [70] de Souza NMF, Selis R, Martim L. Gender violence and feminist resistance in Latin America. *International Feminist Journal of Politics*. 2022;24(1):5-15. DOI: 10.1080/14616742.2021.2019483
- [71] Arach, Omar. “Like an Army in enemy territory’ Epistemic violence in Megaextractivist expansion”. In Oswald-Spring, Úrsula & S. Eréndira Serrano-Oswald. *Risks, Violence, Security and Peace in Latin America*. Cham: Springer; 2018. pp. 101-112
- [72] Haider N et al. Covid-19-zoonosis or emerging infectious disease? *Frontiers in Public Health*. 2020. Sec. Public Health Education and Promotion. 26 November 2020. Vol. 8. DOI: 10.3389/fpubh.2020.596944
- [73] MA [Millenium Ecosystem Assessment]. *Ecosystems and Human Well-Being*. Washington: Island Press; 2005
- [74] Galtung J. Peace. In *International Encyclopaedia of the Social Sciences*. London: Mcmillan; 1968. pp. 487-496
- [75] Dabelko G et al. *Environmental Peacebuilding*. Baltimore: John Hopkins University Press; 2019
- [76] CONAPRED. *Reporte sobre la Discriminación en México 2012*. Mexico City: CONAPRED; 2012
- [77] Casanova G. Pablo. *Colonialismo Interno. Una Redefinición*. Mexico City: IIS-UNAM; 2003
- [78] Forbes. *How Much Money America’s Billionaires have Made during the Covid-19 Pandemic*. 2021. <https://www.forbes.com/sites/chasewithorn/2021/04/30/american-billionaires-have-gotten-12-trillion-richer-during-the-pandemic/?sh=32b2d972f557>

[79] OECD. How Fragile Contexts Affect the Well-Being and Potential of Women and Girls”. OECD Development Co-operation Directorate. Paris: OECD Publishing; 2022. p. 2022

[80] IPCC [Intergovernmental Panel on Climate Change]. Special Report on the Ocean and Cryosphere in a Changing Climate (SROCC). Cambridge: CUP; 2019

[81] Lowder SK et al. Which Farms Feed the World and Has Farmland Become more Concentrated? Washington: World Development; 2021

[82] Strahm RH, Oswald-Spring Ú. Por esto somos tan pobres. Cuernavaca: CRIM-UNAM; 1990

[83] Bonfil G. México Profundo: Una Civilización Negada. Mexico City: Gandhi; 1987

[84] Rawls J. A Theory of Justice. Berkeley: Harvard University Press; 1999. p. 1999

[85] Women UN. Beyond COVID-19: A Feminist Plan for Sustainability and Social Justice. New York: UN Women; 2021

[86] Barnosky AD et al. Has the Earth's sixth mass extinction already arrived? Nature. 2011;471:51-57



# The Duped Tigray People's Liberation Front (TPLF) as Actor for Genocide and Causes of Conflict

*Agenagn Kebede*

## Abstract

The Tigray Peoples Liberation Front (TPLF) was established in 1975 and came to power in 1991. With its establishment, this political group prepared a manifesto in 1976 for how to stay in power until the accomplishment of its mission. In this manifesto, the TPLF outlined strategies to marginalize and cleanse the Amhara ethnicity, citing the Amharas' strong positions in Ethiopian unity as a threat to the TPLF's long journey in Ethiopian politics until the Tigray Sovereign State is established. In connection with this, the author revealed how the TPLF acted as a stooge in the genocide against the Amhara ethnic group and was responsible for the root causes of conflict throughout Ethiopia.

**Keywords:** Amhara, conflict, dupe, ethnicity, genocide, Tigray peoples liberation front

## 1. Introduction

Around 1960, in the name of freedom and equality, various political organizations were established. However, because of their unwise political practices, they were easily shackled by colonial interests. Without understanding the then-Ethiopian political order, political forces such as the Oromo Liberation Front (OLF), the Ethiopian People's Revolutionary Party (EPRP), and others drugged Ethiopian political culture into hell. Those who were secessionists, those who did not have the desire to be isolated, and those who were conspired by foreign enemies were raised together to overthrow Emperor Haile Selassie I's (1930–1974) regime. The king, who could not defend the politics of unwise elites and cowards, came down from power (**Figure 1**) [1, 2].

Unexpectedly, well organized, but the left-wing military force from the king regime held the political power. Following this, diplomats, ministers, and military leaders were assassinated. Ethiopia had lost knowledge and skills for the coming generations. The military force, which was called Derg, killed individuals who thought positively of their country. Ethiopia was covered in bloodshed. All thought that after the king, a better government would continue. So it was, but it was not. After the fall



**Figure 1.**  
*Emperor Haile Selassie I.*

of Haile Selassie I, there was no competent force to govern the country. The entire country and its people have drunk political drinks they do not understand, and they have denied understanding the country's politics. Military officials were fed up with imposing socialism and Marxism on the poor and illiterate. For more than 14 years, the military ruled the country by wearing a fez of power but without a constitution (**Figure 2**) [1, 3].

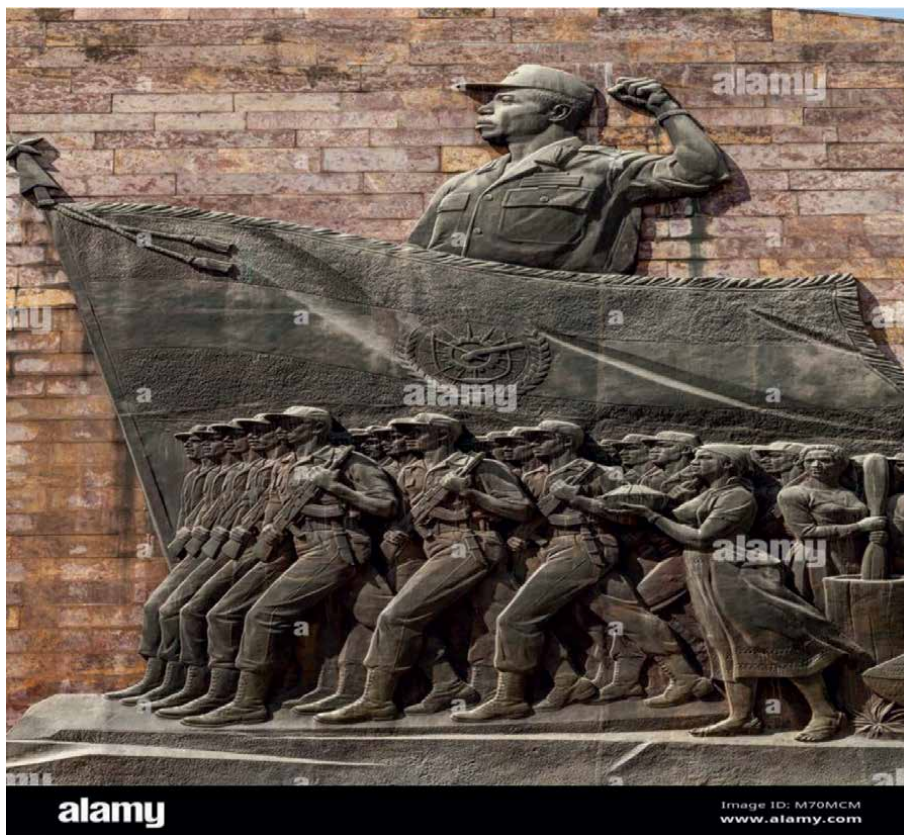
Albeit after 1990, things changed. In every corner of the country, armed groups had fought for the sake of freedom, as they (the rebel groups) said. In 1991, Derg avoided from power. The rebel group TPLF came to power (**Figure 3**) [2].

This rebel group was militarily strong and came from the Tigray ethnic minority. To stay in power until the great Tigray sovereign state in the Horn of Africa became a reality, this group killed and tormented Amharas in visible and hidden ways, as Amharas have had a strong position in Ethiopia's sovereign existence. It adopted anti-Ethiopian and anti-Amharan ethnic ideologies. The suffering of the Amhara continued for 27 years. This mafia, in particular, astounded white leaders by drafting the constitution, which appeared to be constitutional but resulted in the massacre of Amhara. Amhara had been the target of genocide, and the TPLF was the primary catalyst of conflict and genocide [2].

## **2. Discussion**

TPLF was the utmost terrorist in the description. It was heathen. It did not give value to religion, morality, and culture, which are bedrock for progressive and





**Figure 2.**  
*The image shows the military regime of Derg with its socialist leader, colonel Mengistu Hailemariam (this image is taken from alamy).*



**Figure 3.**  
*Members of TPLF (this image is taken from Africa news).*

favorable socio-political structure of a given country. Ethiopia, my wretched country, was governed by this moral nihilist. Look at my country! Nowadays, brotherhood killing is common. Conflict, which is caused by ethnic issues, has been seen here and there. Everybody is in an identity conundrum. Faith is encircled by religious fundamentalists. These things have occurred in a country as a result of the TPLF opening Pandora's Box [4].

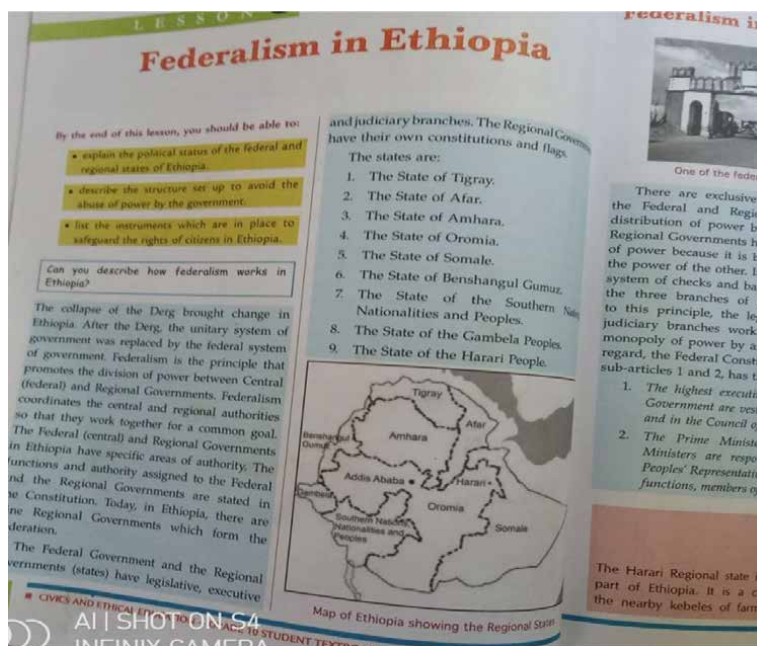
TPLF created a state of fragility, regionalism, and clans; however, it diverted Ethiopians' thinking and acting as the primary actors of unity and development for more than 27 years. This political organization was formed by Tigrayan minorities with the goal of remaining in power by marginalizing Ethiopians. In the end, they achieved their goals through the "Minor Agenda," distorted education policy, and the ridiculous, untheoretical, and historical political doctrine of "developmental democracy" (coined by Meles Zenawi). I can name this ideology as "Melesizim."). What a mental torture that was! (Figure 4) [3].

Hearing about the TPLF is more interesting than Hitler! Its genocide against the Amhara people is far greater than Nazi Germany's genocide against Jews. We will never find a terrorist group in East Africa that has done everything anti-human in the world. All injustices in education, law, history, and ideologies that result in poverty, inequalities, ill health, lack of access to services, premature death, unequal life chances, moral harm, psychological harm, and physical harm for Amhara were built by the TPLF (Figure 5) [5, 6].

Millions of Amharas were marginalized and exterminated without reason. During the TPLF's administration, the Amhara nation was among the highest in terms of overall mortality rate, infant mortality rate, and maternal mortality rate. The Amhara was also ranked first in terms of stunted child growth [7]. As per the 2017 World Bank report, absolute poverty, which stands at 24% at the national level, was moderately higher among the Amhara at 26.1%. The development of road infrastructure seems to have skipped the Amhara region, which is now one of the worst-connected regions in the country. The Amhara region is one of the most remote and economically



**Figure 4.** This image shows that the red-colored countries are going to fail. Ethiopia is one of them. TPLF will take a primal charge (this image is taken from Borkena).



**Figure 5.** This image depicts how the TPLF narrated new history with a new map in the education curriculum to tell the tribal story against the Amahara ethnic group.

disadvantaged regions in the country, with the lowest road density. In the region, there has been a slow expansion of healthcare coverage. Now a day, the region is among the highest in terms of overall mortality rate, infant mortality rate, and maternal mortality rate [5, 6, 8–10].

The Amhara nation has lost more than 2 million people since 1997. Later in 1997, every notable ethnic group showed an increase of an average of 2.6%, whereas the Amhara showed only a 1.9% annual growth. When Tedros Adhanom was the leading officer of the health sector, more than a million Amhara women were injected to be infertile. Right now, it is common to observe Amhara women who cannot deliver birth. Furthermore, during the TPLF administration, Amhara received the worst health coverage in the country. It did not access the health services that the country provided for other nations. Accordingly, it had been common to see infant and maternal mortality in the areas in which Amhara live. Amhara was purposefully architected as an illiterate nation during the TPLF's administration. In the Amhara region, there is an ever-widening gap between the number of schools available for various levels of education. This nation had a low standard of education. As far as this goes, as the 2017 World Bank report shows, absolute poverty, which stands at 24% at the national level, was moderately higher among the Amhara at 26.1%. Amhara is the owner of plenty of natural resources and tourist areas, but it has been unbeneficial in its resources. On the reverse of this, the resources were looted by TPLF. Amhara was getting mal living with few resources and lowest infrastructures [5, 6, 8].

In Benishangul-Gumez, Raya, Welkait-Tsegede, Gondar, Bahir-Dar, Woldia, Metekel, Gurafarda, Chilga, Kemise, Arbagugu, Bedno, Jima, Harar, and Nazrit Amharas had targeted for genocide. There, children, women, youths, and elders of Amhara were killed in the mob. In the recent past, the TPLF and its organized youths

committed genocide against the Amhara nation in Mayikadra, the province of the Amhara regional state [10–12].

For instance, Amhara has been the target of genocide in Benishangul-Gumuz for 20 and plus years. More than 10,000 Amharas have been slaughtered in this area since 1991, when the TPLF came to power. I think the toll is expected to rise. Gumuz represents an uncivilized society and an easy tool to use as a killer machine. TPLF invested more for politics in Gumuz. The elites of Tegar, the Tigray politicians, and scholars of Tigray have tortured the Gumuz mind. They taught Gumuzes about Amhara. They portrayed a fabricated history. They said Amhara was an imperialist, killer, and barbarous society. Gumuz was duped into believing that killing Amhara and eating Amhara flesh were holy acts. Because of this, Gumuzes are eating, firing, shooting, and stabbing Amhara's body. In addition to that, in October 2020, more than 2000 Amhara were slaughtered in Mayikadra (**Figure 6**) [8].

Correspondingly, more than thousands of Kunama, Andarta, Agew, Erob, Afar, Somali, Gedio, and Oromo were the victims of ethnic cleansing and genocide for no justification. Further, Human Rights Watch and humanitarian institutions have witnessed that more than a million Amharas have been the target of genocide in Oromia regional state of Ethiopia. This genocide was facilitated by the TPLF and implemented by Oromo fundamentalists and the Oromo Liberation Front (OLF) (**Figure 7**) [12, 13].

In addition to this, the TPLF was in charge of the seesawing politics and economy of Ethiopia and East Africa. It was TPLF that defaced East Africa's economy. It was the TPLF that provided logistical support for terrorists in East Africa. TPLF was a menace to East Africa's security. The rebellion and the government of South Sudan were not assuredly coming around a table for negotiation because of the TPLF's intrigue. After hearing all of the TPLF's false accusations about Eritrea, Europe, and the US imposed an economic embargo on the country for 10 years. More than anything, this group betrayed the country that it administered for 27 years by carrying out an atrocious attack on the Ethiopian Defense Force, which provided security for this group and the Tigray Society (in which the terrorist group originated) (**Figure 8**) [4, 10].

Whence some were daring to support this scapegoat. Shame on them! Except for a man who had a variety of mental illnesses and emotional breakdowns that he suffered



**Figure 6.** *Funeral service delivered at the Church of Abune Argawi for the victim of genocide (this image is taken from Amhara Association of America (AAA)).*



**Figure 7.**  
*Ex-TPLF members and current prosperity party officials with Amahara's dead bodies.*



**Figure 8.**  
*The image that memorized the betrayed northern command force of Ethiopia.*

from, no one would give a hand for TPLF. TPLF was an amoral, ethnic-based, and anti-human dictator! It had been observed that a few foreign elites tried to interfere in Ethiopian politics with their anti-Ethiopian and anti-African thinking. Why did they not abandon Ethiopian politics for Ethiopian? Dealing with this, here was my question: What if the terrorists committed genocide in Europe? What if the terrorists attacked British military forces? They never give out rewards for terrorists! In fact, they will eliminate those fanatics from the earth [3, 4].

### **3. Conclusion remarks**

The world community and international media must be aware that the TPLF was a key player in the destruction of Ethiopia and East Africa. TPLF was known for his gainsay. However, its work and words were dissimilar, and as a result, you were duped. You unknowingly helped and supported the TPLF. As a result of your assistance, TPLF became a competent slayer. Owing to TPLF, the matter at hand had become knotty. Everybody was worn out and treated as a plaything except the Tigray clan.

Please, live for truth and humanity! First, check facts, then hear the bogus information of TPLF's paid journalists and agents. It is not rational to cry when TPLF kicked into hell after you preferred silence for 27 years of TPLF's anti-humanities and anti-democracy manipulation.


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## References

- [1] Kebede A. Review on the book of Tiruneh Gammata: Party politics in Ethiopia (trans.). Journal of Afro-asiatic Languages, History and Culture Institute of Semitic Studies. USA: Harvard University; 2020;9(1):123-132
- [2] Report C. Dynamics of Political Power on Ethiopia: Past and Present. Perpetuating Power: Ethiopia's Political Settlement and the Organization of Security, Clingendael Institute. Netherlands: The Netherlands Institute of International Relations; 2016. pp. 11-26
- [3] Andargachew T. The Ethiopian Revolution (1974-1984) [Thesis]. London: School of Economics; 1990
- [4] Kebede A. Shorthand about the Evil Deeds of TPLF and Disapproval on the Reluctance. South Sudan: Nyamilepedia; 2020
- [5] APU. Genocide on Amhara Nation. USA: APU; 2016
- [6] APU. Genocide on Amhara Nation. USA: APU; 2017
- [7] Nuru Ethiopia. Report on Health Care. Ethiopia: Nuru Ethiopia; 2020
- [8] Amhara Association of America. Amhara Massacre in Mai-Kadra: A Report on the Deadliest Civilian Massacre under the Context of the War in Northern Ethiopia. USA: Amhara Association of America; 2021
- [9] Sara K. Ethnic Cleansing in Ethiopia. USA: Harvard Political Review; 2021
- [10] Shlom M. The United Genocide by the Insurgent in Ethiopia TPLF. Ethiopia: Borkena; 2022
- [11] International, A. At Least 100 Dead in Latest Surge Violence against Ethnic Minorities. United Kingdom: International, A; 2020
- [12] International, A. Ethiopia: Over 50 Ethnic Amhara Killed in Attack Group Village by Armed. London: Simon and Schuster; 2020
- [13] Watch HR. Ethiopia Civilians in Western Oromia Left Unprotected. Ethiopia: Human Rights Commission of Ethiopia; 2022





## Chapter 9

# Piracy in Modern International Law

*Ekaterina Anyanova*

### Abstract

This chapter scrutinizes practical implications of the current issues of piracy in the international law as well as the efforts of the coastal states and international navies in addressing this crime. The lowest number in reported piracy and armed robbery incidents since 1994 was registered in first half of 2022. It was reached by means of the armed guards, increased naval presence and proper application by ship owners of the Best Management Practices to Deter Piracy and Enhance Maritime Security. The chapter also examines the geographical and conceptual limitations of the definition of the piracy, what results in the use of more broad terms: the concept of ‘maritime violence’ in theory, a broad definition of piracy in commercial contracts. The practice of ransom payment is considered in the absence of the ransom-related rule of international law as well as such negative effect of the ransoms payment as further supporting of pirate activity. The chapter also demonstrates the negative impact of the regional tensions on the number of the piratical and robbery attacks (for example, the case of South China Sea and the Gulf of Aden) and the need of the further inter-state cooperation in the area of combatting piracy.

**Keywords:** piracy, armed robber against ships, United Nations convention on the law of the sea (UNCLOS) 1982, law of the sea, maritime security

### 1. Introduction

This paper examines the legal concept of piracy within the framework of international law. The article scrutinizes the existing rules of international customary and treaty law applicable to the repression of piracy and contains an executive summary of arising problems. The ways and methods that were employed for overcoming piracy were analyzed.

Although the framework for the repression of piracy under international law is provided in the 1982 United Nations Convention on the Law of the Sea (UNCLOS), the authority of this convention and international law was undermined by the tensions between the Philippines and China over the South China Sea and resulted in refusal of China to comply with the decision of the Arbitration court. Since the concerns arise that such strong disagreements between the parties can negatively impact the maritime security, states have to improve the dialog on the management of the sea regarding the piracy.

In first half of 2022, the reduction in reported piracy and armed robbery incidents was registered (58 against 68 in first half of 2021) due to the efforts of the coastal states and international navies in addressing this crime. This number is the lowest

since 1994. The drop in the number of incidents was reached by means of the armed guards, increased naval presence and proper application by ship owners of the Best Management Practices to Deter Piracy and Enhance Maritime Security.

The definition of piracy is scrutinized in this article. However, it should be noted that current numbers are likely under-reported.

The geographical and conceptual limitations of the definition of piracy exclude from the UNCLOS definition of piracy the attacks in the territorial sea or in the internal waters of a coastal state, committed by stowaways or crew members, ship hijacking, attacks of criminals onboard and so on for political ends and national interests. As a result, in international law, the concept of 'maritime violence' was developed. In commercial contracts, piracy is defined more broadly.

The practice of the ransom's payment is considered in framework of available international law rules.

This paper discusses some legal gaps in the anti-piracy regime as well as the need of the states to develop further cooperation to combat maritime piracy in order to make anti-piracy regime more effective.

This article is divided into six parts. After short introduction in Part I, Part II provides a general overview of international law of the sea. Part III contains contemporary piracy data. Part IV explores international and regional piracy law as well as the concepts of maritime violence and non-legal definitions of piracy. Part V provides an overview of impact of modern piracy on international commerce. It identifies a number of deficiencies in the international legal framework. Part VI considers a number of legal and practical proposals to suppress piracy.

The article ends with an appropriate conclusion and references.

## **2. General overview**

Maritime transportation ([1], p. 73) accounts for about 90% of world trade, and therefore, anti-piracy legal measures play a crucial role in ensuring the stability of maritime transportation and modern trade in general. The contemporary law of the sea as well as law of the piracy was codified in the 1982 UNCLOS ([2], p. 298). This convention is binding on the states that have signed and duly ratified the document. The United States, Turkey, Iran did not ratify UNCLOS.

Although UNCLOS is a universally accepted convention, some states in their territorial claims do not align with UNCLOS. For example, these are the East China Sea disputes between Japan and Korea, between China and Japan and between Japan and Russia, the South China Sea's disputed islands claimed by China, Vietnam, Malaysia, the Philippines, Brunei and Taiwan, the Paracel Islands claimed by China and Vietnam [3].

In 2013, the Philippines even initiated the case before the UNCLOS Arbitral Tribunal in The Hague [4] on territorial claims in the South China Sea, the legality of China's alleged harassment of Philippines vessels and damage to the marine environment [5].

China claims sovereignty and historic rights over these territories based on the exercising authority and control over the entire South China Sea prior to and during the period of its colonization and occupation by Japan. China confirms its title over the islands of the South China Sea by means of the historic documents beginning with X-XIII century.

The Philippines contested Chinese claims for 'historic rights' over the islands and other maritime features in the South China Sea based on the rules of the UNCLOS ([2], pp. 265–267).

On 12 July 2016, the Arbitral Tribunal in the South China Sea Arbitration (*The Republic of the Philippines v. The People's Republic of China*) [6] issued a ruling in a case between the Philippines and the People's Republic of China (PRC or China) [5].

The tribunal concluded that China's claims to historic rights within the 'nine-dash line' were contrary to UNCLOS. The tribunal also ruled that China breached the provisions of UNCLOS by prohibiting fishing in areas of the South China Sea and construction of artificial islands, installations and structures at Mischief Reef as well as its obligations concerning the protection and preservation of the marine environment in the South China Sea (harvesting endangered species, construction of artificial islands, installations and structures damaging the coral reef ecosystem [6]).

Herewith the tribunal upheld the Philippines' sovereign rights and jurisdiction within 200-nautical-mile exclusive economic zone and affirmed that the maritime claims of China were expansive and had no basis in international law [7], undermining the rule of international law in the oceans and the UNCLOS ([8], p. 30).

Based on the 2006 Declaration, which excludes any of the procedures provided for in Section 2 of Part XV of the Convention ([2], p. 269) from the compulsory dispute settlement procedure of the Convention in accordance with Art. 298 UNCLOS ([9], p. 42), China rejected this ruling. The whole week before the announcement of the decision the military training of the People's Liberation Army of China was carried out [10].

Since the UNCLOS does not have any enforcement mechanism for such cases, the Philippines just continues to insist on this decision by means of diplomacy and particularly in negotiations [6].

Refusing to comply with the decision, China not only undermines the authority of UNCLOS and international law, but also deepens regional tensions [5]. The concerns arise that such strong disagreements between the parties can negatively impact the maritime security in the region and the number of the piratical and robbery attacks (the acts of violence not in the disputed territories, but in the area in their vicinity). This is also illustrated by the case of the Gulf of Aden, when the territorial conflicts resulted in the piracy and armed robbery at sea attacks in this area.

The territorial dispute results in the active counteraction from regional coastal states, the United States and their allies having their own interests in this region attracting the Navy forces of different states. As a result of the tensions in the disputed territories of the South China Sea pirates from Malaysia, Vietnam, Indonesia and Philippines received the morally legitimated right to act against the Chinese trade and fishing vessels in the South Chinese Sea. The similar 'legitimization' has already resulted in the increase of the Somali piracy in the beginning of the 2000s ([11], pp. 123–124).

Several gangs work in the South China Sea with their own control zones and capture ships in order to receive ransoms (Singapore's and Jakarta's piracy syndicates Southern part of the South China Sea, Hong Kong syndicate in northern part of the South China Sea. At present, the situation with piracy in the South China Sea is comparatively quite ([11], pp. 1160), according to the statistics there is no piracy attacks and armed robbery at sea attack in the South China Sea since 2014, although there were 31 incidents in 2010, 13 in 2011, 2 in 2012, 4 in 2013, 1 in 2014 in South China Sea ([12], p. 6). Although the piracy and armed robbery incidents stopped, nevertheless, the vessels are advised to continue to remain vigilant, especially during the night ([13], p. 20).

Generally, there are few incidents in the Chinese waters and a lot of incidents in the Philippines waters. On the maritime spaces of the Philippines in 2010, five incidents were registered, 2011–5, 2012–3, 2013–3, 2014–6, 2015–11, 2016–10,

2017–22, 2018–10 ([12], p. 6), in 2019–3, 2020–4, 2021–5, 2022–2, on the Chinese waters – 1 incident in 2010, 2 in 2011, 1 in 2012, 4 in 2015, 7 in 2016, 2 in 2017, 3 incidents in 2018, 3 in 2019, no reported incidents in 2020–2022 ([13], p. 6). On the territory of the Philippines, some ships were robbed and their crews were kidnapped for ransom ([13], p. 20). A conclusion could be made that the Philippines is not capable to exercise a control over the South China Sea in the proper manner combatting enough piracy and armed robbery in the South China Sea. The historic document shows that the Chinese government exercising its jurisdiction took care on combating banditry and piracy in South China Sea from the middle of the sixteenth century, strengthening defense at sea and punishing piracy and banditry in the South China Sea, conducting naval patrols ([14], pp. 458–468).

In order to improve the situation with the piracy, it is necessary to stop the political disputes and to prevent the U.S. intervention in the local problems that have to be solved directly between the coastal states [10]. Both the states have to improve the dialog on the management of the sea also regarding the piracy [5].

The concentration of Navy vessels in the disputed areas also causes the increase of the piratical attacks in the areas with main trade routes.

The legal definition of ‘warship’ in art. 29 UNCLOS implies a ship belonging to the armed forces of a State bearing the external marks distinguishing such ships of its nationality, under the command of an officer duly commissioned by the government of the State and whose name appears in the appropriate service list or its equivalent and manned by a crew which is under regular armed forces discipline.

The status of warships in the Law of the Sea ([15], p. 144) enjoys the innocent passage, transit passage and archipelagic sea lanes passage, however, with certain limitations. According to Art. 236 UNCLOS, the provisions of this Convention regarding the protection and preservation of the marine environment do not apply to any warship; however, each State shall ensure, by the adoption of appropriate measures, that such vessels or aircraft acts in a manner consistent, so far as is reasonable and practicable, with this Convention.

Warships enjoy the right to innocent passage in territorial waters. The coastal state may not hinder the innocent passage of the foreign vessel in its territorial sea without proper reasons. If any warship does not comply with the laws and regulations of the coastal State concerning passage through the territorial sea and disregards any request for compliance therewith which is made to it, the coastal State may require it to leave the territorial sea immediately (Art. 30 UNCLOS).

Submarines are also allowed to transit submerged. According to Art. 19 UNCLOS, passage shall not be prejudicial to the peace, good order or security of the coastal State and be aimed at collecting information to the prejudice of the defense or security of the coastal State.

Warships enjoy the right to transit passage through straits used for international navigation. In 1949, the International Court of Justice (ICJ) in the Corfu Channel case declared that the right to innocent passage through international straits for warships goes without the previous authorization of a coastal State and could not be suspended by the coastal state. In transit passage, warships must refrain from any threat or use of force against the States bordering the straits and activities that might violate the principles of international law. If warships or military aircraft constitutes a threat or use force, the coastal state can hamper passage.

Transit passage may not be suspended by the coastal State, whereas innocent passage may be temporarily suspended.

Archipelagic sea lanes passage also has to be exercised by the warship solely for the purpose of continuous, expeditious and unobstructed transit.

One of the examples of the passage of naval vessels raising a lot of disputes in the international law is the passage of warships through the Black Sea.

The UNCLOS did not govern the passage of warships through the Black Sea, the maritime traffic in which is regulated in the Montreux Convention. Since 28 February 2022, Türkiye blocked the Bosphorus and the Dardanelles in accordance with Article 19 of the Montreux Convention for Russian naval vessels, since the Russia and Ukraine were considered to have a war. However, some Russian merchant vessels with military equipment navigated via the Bosphorus Strait after this closure causing disputes in the international community.

*Another examples concern* US warships sailing in Taiwan Strait in the end of the August 2022. The US warships navigated in the territory, which is considered by China not international waters, but a part of Taiwan, a province to be reunited, by force if necessary, launched military exercises in the area and raised concerns about the US attempt to interfere in China's internal affairs. In summer 2022, the US Navy destroyers insisting on their right on innocent passage in this area also sailed in disputed South China Sea area without permission or prior notification, causing the use of force against it from the China side.

This incident with the U.S. Navy (submarines underwater) entering the territorial sea of other states, not complying with the requirements of the Convention, clearly demonstrates the existence of the different concepts to the innocent passage and territorial sea in the international law.

The United States does not see the violation of the international law in this case, because they consider that military vessels were situated on the territory of the rayon of the 'international waters', but not the territorial sea according to the UNCLOS. This Convention was not signed by the United States due to including the reasons of insufficient consideration of military strategic interests of the United States in the data collection ([16], p. 27), including the intelligence ([17], p. 26) during the innocent passage of the submarines through the territorial sea of the other states precisely in the underwater position and the possibility to move the Navy unimpeded ([18], p. 60–68). The representatives of the United States even acknowledge that the submarines periodically enter the territorial sea of the other states.

It seems that the rules of the international law do not provide to the warships the right to enter the territorial sea and international straits with violation of innocent or transit passage. These disputes shall be regulated with the assistance of the international legal mechanisms and increasing of the maritime security.

As the maritime industry continues to recover from the effects of the pandemic, we are now faced with the challenges caused by the ongoing crisis in the Ukraine and Black Sea region.

The 2022 International Chamber of Commerce (ICC) International Maritime Bureau (IMB) piracy report mentions inter-state territorial dispute between Ukraine and Russia. However, the report indicates that this conflict is not piracy-related. Nevertheless, the report advises to stay clear of Ukrainian coast, since that mines are reported in the Black sea ([13], p. 22).

The situation in Ukraine could not be characterized as piracy. Nevertheless, a number of commercial issues including insurance scenario in respect of both vessels and crew of vessels caught in Ukrainian ports, crew repatriation from vessels, the prolonged detention of the ship arise.

In the year 2022, the Joint War Committee added into its usual list of piracy hotspots inland waters of Russia within the Crimean Peninsula, part of River Don, part of River Donets and the Sea of Azov and Black Sea waters, all inland waters of Ukraine, inland waters in south of Belarus. These listed areas will be incorporated into all war risk policies. Although in Russia this war can only be referred to as a 'special military operation', war exclusion clauses will apply. Since usual marine insurance policies exclude war or hostile actions, additional war insurance shall be purchased for these high-risk areas. However, claims covered by sanctions will not be paid at present.

### **3. Modern piracy data**

The piracy causes a significant harm on the global economy amounting to several million US dollars annually ([19], p. 318) due to increasingly high ransom demands, property theft, damage to vessels and the general insurance costs in the maritime shipping industry. The maritime shipping needs protection, since even international humanitarian aid vessels from the United Nations (UN) World Food Programme and other international programs addressing poverty and instability are being attacked by pirates' acts ([20], p. 234).

The efforts of the coastal states and international navies in addressing this crime seem to be successful. In first half of 2022, the reduction in reported piracy and armed robbery incidents was registered (58 against 68 in first half of 2021) ([13], p. 25). This number is the lowest since 1994: in 1996, 228 attacks were reported in the world, in 1997–252, 439 incidents in 2011, 297 in 2012, 264 in 2013, 245 in 2014, 246 in 2015, 191 in 2016, 180 in 2017, 201 in 2018, 162 in 2019, 195 in 2020, 132 in 2021. The drop in the number of incidents was reached by means of the armed guards, increased naval presence and proper application by ship owners of the Best Management Practices to Deter Piracy and Enhance Maritime Security. However, it should be noted that current numbers are likely under-reported.

Some unreported incidents took place in the Malacca Straits. Over 25% of all incidents reported globally in first half 2022 have been occurred in the Singapore Straits ([13], p. 25): 11 in 2020, 16 in 2021, 16 in 2022.

According to the statistics the *Gulf of Guinea, Indonesia and Peru* continue to be *dangerous* for seafarers; however, there is a significant reduction in the number of incidents of piracy and armed robbery in the Gulf of Guinea (includes the coastal lines of Benin, Cameroon, Equatorial Guinea, the Republic of the Congo, Togo, the Republic of Côte d'Ivoire, Ghana, Nigeria and the Democratic Republic of the Congo, Liberia, Gabon, Angola, São Tomé and Príncipe): 12 incidents were reported in the first half of 2022 in the Gulf of Guinea: 10 incidents as armed robbery, 2 as piracy ([13], p. 25).

The Gulf of Guinea by 2011 was threatening international maritime shipping and seafaring off the coast of Nigeria, according to ICC IMB's data. In 2012, 43 attacks on vessels were reported in the Gulf. Beginning in 2013, the rate of pirate acts in the region showed a tendency to decline (see **Table 1**).

In its last Resolution 2634 (2022) adopted on the Gulf of Guinea by the UN Security Council (SC) on 31 May 2022, the coastal states of the Gulf of Guinea were called to criminalize piracy and armed robbery at sea under their domestic laws and to investigate and to prosecute or extradite, in accordance with applicable international law, perpetrators of piracy and armed robbery at sea.

Seven incidents were registered in the Indonesian archipelagic waters in the first half of 2022 compared with five incidents in the first half of 2021.

Year	The number of pirate attacks		
	in the Gulf of Guinea	near Nigerian coast	in the world (totally)
2014	40	18	245
2015	31	14	246
2016	55	36	191
2017	40	33	180
2018	82	48	201
2019	35	21	162
2020	35	14	195
2021	22	4	132
2022	12	0	58

**Table 1.**  
*The total number of pirate attacks in the region [12, 13, 21, 22].*

Only one reported attack in 2021 was attributed to Somali pirates, no incidents were reported for the area of Gulf of Aden from 1 January to 30 June 2022 to the IMB ([13], p. 17). The successful solution for the long piracy crisis in Somalia region is based on the common actions of the world community.

The piracy off the coast of Somali first became a threat to international maritime shipping and seafaring in general during the civil war in the country. Then the piracy reached the level of the organized crime ([23], p. 551). The number of pirate attacks grew slowly but inevitably: according to the ICC IMB's data, there were 10 pirate acts in 2006, 78 attacks in 2007, 44 attacks in 2009, 51 attacks in 2010, and in 2011, there were reported 125 pirate acts of various kinds, all off the coast of Somali. In 2009, in the Gulf of Aden, 100 assaults were reported, in 2010, there were 33 attacks, and in 2011, 20 pirate acts ([24], p. 223). However, after a distinct surge in 2011, the number of pirate attacks off the coast of Somali dropped in 2013 to only 20 cases (by very nearly 90% as against figures of 2012). By the end of 2013, the situation off the coast of Somali had calmed down so obviously that the region ceased to be regarded as the 'flash point' of maritime piracy [21]. In 2014, 11 attacks took place, in 2015, 2019, 2020, 2022 no incidents, in 2016–2 incidents took place, in 2017 - 9 incidents took place, 3 incidents took place in 2018, 1 incident in 2021 ([12], p. 6).

Although there were no reported incidents in the Gulf of Aden in 2022, the vessels transiting the area were advised to apply the necessary security measures.

In Malacca Straits, the number of incidents has dropped substantially due to the increased patrols by the littoral states since 2005. Nevertheless, vessels are advised to continue maintaining strict anti-piracy/robbery watches when transiting the Straits ([13], p. 20).

It should be noted here, however, that many pirate acts are never reported, so we actually can find no exact statistical data on the issue. Most vessel owners do not officially report piracy to the law enforcement and even to insurers, because procedures involved are long and awkward: the vessels are being delayed in ports during investigations. Also, this information could have a negative impact on the image of their company as well as loss of clients.

Such reports may result in increment of insurance rates ([25], p. 94) by as much as 30%; that is why, most carriers do not report piracy incidents.

## **4. International piracy law**

The crime of piracy was mentioned in Ancient Greek writings and in a treaty between the Romans and the Carthaginians in around 509 B.C. Later the acts of piracy took place since 1500s in the areas of the Caribbean, South America, the Mediterranean Sea and the Indian Ocean ([26], p. 718).

The act of piracy makes the perpetrators *hostes humani generis*, that is, common enemies of mankind. Piracy is a universal crime, so any state can detain and arrest pirates and take appropriate repressive measures against them ([27], p. 161), capture and punish the pirate ([28], p.184). The universal jurisdiction does not apply to acts committed within national jurisdictions. In addition to this, no chase or pursue of pirates can be done by one state's vessels in the waters of another state until made legal.

In 1926, the League of Nations examined the first draft of the Convention on the combat with piracy ([29], p. 1159). The draft was not approved ([30], p. 354).

During the first UN Conference on the Law of the Sea, the 1958 Convention on the High Seas was adopted with the obligations of all States to cooperate to the fullest possible extent in the repression of piracy (art. 14). The conventional definition of piracy in art. 15 of the 1958 Convention on the High Seas was limited to the high seas and the economic exclusive zone. A crime may be qualified as piracy being committed only in this area. The rules on liability for the seizure of a ship or aircraft on suspicion of piracy without reasonable grounds ([31], p. 159] are also set in the 1958 Convention.

### **4.1 The UNCLOS framework**

The definition of piracy is contained in articles 100–107 of the 1982 UNCLOS.

Article 101 defines piracy as any illegal act of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed on the high seas or in a place outside the jurisdiction of any State against another ship or aircraft or against persons or property on board such ship or aircraft. Participation in such acts, inciting or intentionally facilitating such acts, also constitutes an international crime 'piracy'.

This definition of piracy has limitations, since it applies only to attacks committed in the high seas (as well as exclusive economic zone or to another place outside jurisdiction of any State) for private purposes, the involvement of two ships is necessary. In such a way, the attacks in the territorial sea or in the internal waters of a coastal state, committed by stowaways or crew members, ship hijacking, attacks of criminals onboard and so on for political ends and national interests are excluded from the UNCLOS definition of piracy.

This is considered as a gap in the international law, since 80% of all attacks are committed by pirates within jurisdiction and the territorial sovereignty of a coastal state ([32], p. 3; [33], p. 94).

The 'private ends' requirement in the UNCLOS definition of piracy has a historical basis: in the past, some states employed pirates and used them against their enemy states ([34], p. 104). Such privateers were given permission by their governments to pillage foreign ships in order to supplement their resources ([26], p. 718).

However, these geographical and conceptual limitations of piracy definition contained in the UNCLOS do not disturb efficiency and sufficiency of the rules of international law applicable to combat against piracy ([35], pp. 3–4), since UNCLOS is complemented through other legal instruments.



## 4.2 Anti-piracy provisions of Rome conventions, 1988

Since the UNCLOS limits the concept of piracy by the ‘two-ships’ requirement of UNCLOS, ‘internal hijackings’ or the forceful taking of control of a ship by members of its crew or passengers ([36], p. 21), holding a ship’s crew and other passengers by a group of passengers for ransom purposes, the commitment of military action against a ship by warships or other authorized vessels on government service are excluded from the UNCLOS.

The 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA) and the 1988 Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (SUA PROT) also do not apply to territorial waters. Nevertheless, these documents cover the acts irrespective the motivation and without the ‘two-ships’ requirements.

The development of the SUA documents resulted after attack on the Italian ship ‘Achille Lauro’ in 1985, when some passengers demanded release of Palestinian prisoners ([37], p. 860). The SUA documents were developed and adopted with the purpose to ensure that appropriate action is taken against persons committing unlawful acts against ships.

Both documents entered into force on 1 March 1992. As of 31 August 2022, 166 Contracting States ratified the SUA (approximately 95.16% of the gross tonnage of the world’s merchant fleet), 156 states (approximately 94.84% of the gross tonnage of the world’s merchant fleet) – the SUA PROT.

It is likewise significant that SUA has not been ratified by states such as Eritrea, Somalia, Indonesia or Thailand, Malaysia, Butane, Indonesia, Nepal, Papua New Guinea, Thailand, Macao. The non-ratification of these agreements for these countries is dangerous, since namely in this region the main source of the piracy threat is situated.

The 1988 SUA Convention contains the obligation of Contracting Governments whether to extradite or prosecute alleged offenders. This principle “aut dedere, aut judicare” is unknown for the law of piracy. This mechanism guarantees the punishment of the perpetrators of the acts of piracy and other attacks.

The Convention obliges Contracting State to either extradite or prosecute alleged offenders (Art.7), if an offense is committed against a ship flying its flag or in its territory or by a national of this State (Art. 6). This is an additional guarantee that the perpetrators of such acts will be punished.

The Convention considers as unlawful acts the unlawful and intentional seizure of ships by force; acts of violence against persons on board ships; and the placing of devices on board a ship which are likely to destroy or damage it; damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship etc. (Art. 3).

Protocol of 2005 to the SUA (SUA 2005) was adopted in 2005, entered into force in 2010 and ratified by 52 states. Protocol of 2005 to the SUA PROT (SUA PROT 2005) was adopted in 2005, entered into force in 2010 and ratified by 45 states.

This Protocols 2005 add to the unlawful acts against the safety of maritime navigation covered by SUA documents the following acts: intimidation of a population or compelling of a Government or an international organization to do or abstain from doing any act, a) using explosive, radioactive material or biological, chemical, nuclear (BCN) weapon/discharging oil, liquefied natural gas or other hazardous and noxious substances (HNS) from a ship/using a ship to cause death or injury, b) transporting on board a ship any explosive, radioactive material, any BCN weapons or any source material, etc. (Art. 3bis).

The Protocols 2005 also consider a vessel as a destroying instrument, causing damage or harm to people or property ([38], p. 165).

The Protocols 2005 also contain new provisions to board a ship flying the flag of another Contracting State if there are reasonable grounds to suspect that the ship or a person on board the ship is involved in committing an offense prosecuted by the Convention (Art. 8bis). The mechanism of stopping and seizure of the vessels in the high seas is elaborated in details.

These Protocols are the legal basis for activity on stopping and boarding the vessel on the high seas.

### **4.3 Concept of maritime violence and non-legal definitions of piracy**

The geographical and conceptual limitations of the definition of the piracy result in the use of more broad terms.

In international law, the concept of 'maritime violence' was developed, covering the common elements of all crimes committed at sea and not only piracy ([39], p. 45). A new concept of maritime violence comprises all crimes at sea such as piracy, terrorist attacks, illegal transportation of weapons and drugs, armed robbery, slave trade, illegal migration, transnational organized crimes and illegal waste dumping at sea.

The concept of maritime violence is not finally formulated in international law ([40], p. 26).

The 'private ends' requirement in the international law concept of the piracy excludes politically motivated acts. However, in the case law acts of violence committed by environmental activists are also qualified as 'piracy' by national courts. For example, in 1986, the Belgic Court of Cassation ruled in *Castle John v. NV Mabeco* (*Castle John and Nederlandse Stichting Sirius v. NV Mabeco and NV Parfin*) against a vessel of Greenpeace accused of committing 'an act of piracy' against a vessel of Holland for polluting, according to Greenpeace, the environment. Such qualification of the acts of violence committed by environmental activists as 'piracy' is not legally accurate and contradicts the rules of the international law on UNCLOS 'for private ends' for piracy definition ([29], p. 1172).

The IMB developed its own definition of piracy including criminal acts committed not only on the high seas or in EEZ, but also unlawful acts against vessels in internal waters and territorial seas.

Acts of violence in internal waters and territorial seas, committed not 'for private ends', are also covered by journalistic use of the term 'piracy' when referring to such examples as acts of seizure by Iran of a British tanker 'Stena Impero' in the Iranian territorial sea and by Great Britain of an Iranian tanker in the Strait of Gibraltar 'Grace 1' in 2019.

Another example of such classification of an incident as an act of piracy is a seizure of Navy Ukrainian ships the *Nikopol*, the *Berdyansk* and *Yany Kapu* in the Azov sea on 25 November 2018 [41]. The statements supporting Ukraine classified this act as piracy violating the UNCLOS, although the Ukrainian vessels violated the borders of the Russian territorial sea. However, Russia considered the navigation of these ships as violating its state borders in accordance with articles 19 and 21 UNCLOS by the illegitimate entry into the temporarily closed sea area of the territorial sea of the Russian Federation. Only after a series of international proceedings, the conflict was settled.

The attempt of the Greenpeace activists on 18 September 2013 to scale the *Prirazlomnaya* drilling platform as a protest against oil production in Arctic was charged first as an act of piracy. This incident raised a discussion around the broad

interpretation of the term piracy, since the Greenpeace icebreaker under the Dutch flag 'Arctic Sunrise' was seized by Russian security forces. Although the Netherlands instituted arbitral proceedings against Russia in the ITLOS in Hamburg, Russia did not participate in the ITLOS proceedings, ignored the tribunal's ruling [42]. First, the protests of the environmental activists were considered as a piracy, later the condemned actions were reclassified to Part 2 Section 213 of the Criminal Code (fraud) in hooliganism. The detained persons were afterwards released on bail and granted amnesty, the arrest of the vessel was lifted.

## 5. Piracy in commercial contract

Although UNCLOS restricts piracy to the high seas, piracy is defined more broadly in commercial contracts and covers all violent theft or attempted theft committed in any part of the sea. In such a way, term of piracy in the contracts of carriage diverges from rules of the international public law.

A special insurance coverage is provided for against the risk of piracy for the shipping industry ([43], pp. 432–433). Insurance premium levels depend on the current situation in the area of navigation.

For example, during the piracy crises in the area of the Gulf of Aden, the cost of kidnap and ransom insurance premium for this area has risen almost 10 times. In 2008, the area of the Gulf of Aden and Western part of the Indian ocean were classified as a 'war risk area' with special insurance premiums. Insurance of risk of piracy for navigation during several days in the dangerous waters cost up to 30,000 US dollars; however, such insurance covered the ransom payment up to 2–3,000,000 US dollars, pirate's negotiation services, even the medical services if it is necessary. It should be noted that the ransom payments reached huge amounts. In 2013, the ransom for release of the Greek tanker 'Smyrni' with the crew of 26 people was paid in amount of 9,500,000 US dollars. Another example is the seizure of the new Saudi tanker 'Sirius Star' in the coastal waters of Kenya in 2008, when 8,000,000 US dollars were paid as a ransom for the release of this vessel.

However, the negative effect of the ransom's payment is a further supporting of further pirate activity. It is difficult to combat this practice, since it is often cheaper for a ship-owner to accept the demands of pirates and to pay ransom rather than to leave it to the law enforcement bodies to take a decision on the release of the vessel and its crew from pirates.

In any case, there is no ransom-related rule of international law ([44], p. 59).

Sometimes the payment of a ransom to the pirates is considered although not illegal, but contrary to public policy. Consequently, a contract of insurance may be rendered invalid or unenforceable on public policy grounds.

In the case *Masefield AG v Amlin Corporate Member Ltd.* – one of the insurance claims for the losses resulting from piracy dealt in the English courts ([26], p. 719), the ransom payment was declared as not contrary to public policy, since it is not illegal, and it had to be paid in order to rescue the vessel crews. The *Masefield* decision confirmed that ransom payments are not unlawful under the English law ([26], p. 732), since there is no legislation against the payment of ransoms, no other option, but to pay the ransom, when the crews of the vessels are taken as hostages.

Since kidnap and ransom cover (for both people and property) are applied for a long time in the insurance practices, ransom payments shall be recoverable as a sue ([45], p. 64). After paying a ransom in order to secure the release of a vessel, cargo

and crew, the owners often seek to recover it and associated release expenses. In the *Masefield* decision, it was ruled by the court that seizure by pirates would not constitute actual total loss or constructive total loss ([46], p. 138).

However, the payment of ransom is prohibited and illegal, when the link to terrorism exists (United Kingdom (UK) Terrorism Act 2000, UK Counter Terrorism and Security Act 2015, 18 United States Code (U.S.C.) § 2339 A(a)).

In such a way, owners paying a ransom must carry out due diligence to ensure that they have no reasonable cause to suspect terrorist involvement.

In 2013, the Baltic and International Maritime Council (BIMCO) Piracy Clause for Time Charter Parties (2013 BIMCO Piracy Clauses for Consecutive Voyage Charter Parties and Contracts of Affreightments (COAs), for Single Voyage Charter Parties, for Time Charter Parties) setting rights and obligations of a party in response to piracy risk was amended by London Arbitration, since kidnap and ransom and loss of hire insurance were not reimbursed by charterers to the owners as not mentioned in the 2009 Piracy Clause. By 2013, amendments of the Piracy Clause these costs were placed on charterers. The danger-based test for determining whether or not to proceed to or through an area exposed to piracy risks was introduced.

In order to receive recovery and bring pirates to justice, it is necessary to obtain evidence of the occurred piracy attack. Immediately after the release of a vessel and crew, it is necessary to debrief the crew and collect other relevant evidence in the correct manner. After the attack, it is important to provide a detailed report of the incident to Flag State, IMB, the International Criminal Police Organization (INTERPOL), etc. in order to assist the prosecuting authorities.

## **6. Anti-piracy measures taken by the international community**

### **6.1 Need for cooperation**

Each state has the obligation under international law to act against pirate ships ([44], p. 17). Art. 14 of the Convention on the High Seas [47] stipulates that states are obliged to cooperate in combating the piracy in the high seas and in other marine regions outside any jurisdiction. Art. 100 of UNCLOS obliges every State-party to cooperate with other states 'to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any state'.

It is fundamental to enhance the regional cooperation to combat piracy ([43], p. 447) in order to make anti-piracy policy effective. Some states participate in coordinated regional anti-piracy initiatives. Naval patrols in the Horn of Africa and in the Gulf of Aden have reduced the number of piracy attacks ([43], p. 409). Further efforts from neighboring coastal countries themselves, with the aim of providing financial support, exchanging technology and information and carrying out supervisory activities and taking monitoring measures in the waters of the region, are required ([48] p. 2178).

Particularly, Art. 100 UNCLOS 1982, is not sufficient to oblige every state to engage in a direct pursuit and chase of pirates at sea. This appears to be a legal gap and a general weakness of the anti-piracy regime [49] and requires further specification in regional documents on cooperation.

Especially cooperation needs to be developed in the fields of piracy investigations, constabulary enforcement and prosecution and sentencing of pirates.

## 6.2 Preventive measures

In order to combat criminality at sea, it is necessary not only to develop cooperation in the repression of piracy, but also to strengthen the preventive measures. Before pirates attack and hijack vessels, they assess their vulnerability and identify their weak operational security. Consequently, additional anti-piracy measures should include a more accurate identification of the personality of people getting onboard (and their luggage); development of security plans; alternative shipping routes; higher speed of vessels combating piracy; 'security dogs' on board the ship; etc. Furthermore, better organization of day-and-night watching is suggested, especially regarding the approaching small boats and also better technical devices making possible quick requests for assistance ([50], p. 147).

In case of the pirate's attack, following devices could be used: water cannons, non-lethal electric secure fences, tasers (electric shocks). Long-range acoustic device (LRAD) is a sound beam with high-pitched noise that is higher than the tolerance level of an average human being. It drives away the pirates. The anti-piracy laser device uses non-lethal laser beam as a visual warning for pirates. Boat traps (nets) dysfunctions propellers of pirates' boats. Anti-piracy curtain consists of a series of water whirling hoses. Slippery foam is used at all access points making the deck or sides of a ship slippery to prevent pirates from climbing it.

Changing of the route of the freight vessel as an alternative anti-piracy measure could be applied. However, it means for a ship-owner additional costs and a waste of time. For example, an alternative route for the Strait of Malacca may be the Lombok Strait and the Sunda Strait, but that means for a ship-owner three additional days of transportation ([33], p. 91). In such a way, many ship-owners prefer to go through 'pirate zones' paying additional insurance, resulting even in increasing transport costs and insurance premiums ([51], p. 408).

## 6.3 Naval operations

The piracy may be combatted not only by a series of the preventive and prosecuting measures stipulated in the international and regional conventions specially elaborated and adopted for these purposes. The military naval operations may also be conducted to fight piracy.

Such efforts to combat piracy are especially significant in the area of Somalia. Success in the struggle against Somali piracy came from a number of collaborative operations by the international community. The UN SC intervention in the problem of Somali piracy was based upon certain UN SC resolutions granting ad hoc authorization to combat piracy with the use of military force. For example, the UN SC resolutions authorized states to enter Somali territorial waters and to use military force there (UN SC Resolution 1816 of 2 June 2008; Resolution 1846 of December 2, 2008).

In UN SC Resolution 1838 of 7 October 2008, UN SC Resolution 1851 of 16 December 2008, etc. the UN SC emphasizes that such regulations are applicable solely to the Somali situation and not to the territory of other neighboring countries ([48], p. 2175). These resolutions do not establish new general norms of the customary international law. However, this anti-piracy resolution was highly successful and demonstrated the efficiency of international concerted efforts.

In 2011, in the waters off the coasts of the Gulf of Guinea, located along the coasts of Benin, Cameroon, Equatorial Guinea, Congo, Togo, Cote d'Ivoire, Ghana,

Nigeria and Democratic Republic of Congo, another international piracy crisis was triggered, especially off the coast of Nigeria [21, 22]. Although piracy situation in the Gulf of Guinea was not considered to be serious enough for international interference, coastal states were forced to combat piracy at the regional level. Such cooperation was necessary, among other things, in financial issues. For instance, joint patrolling of territorial waters between Nigeria and Equatorial Guinea was 90% financed by Nigeria. In this region, satellite technologies are also used for tracking and searching for consignments of oil and petroleum products stolen. The Shell Corporation, for example, added unique synthetic detector substances to their petroleum products to allow identification of stolen oil when it enters the legal market.

Measures adopted by the UN and coastal states brought positive results; while more than 40 attacks were committed in Gulf of Guinea in 2012 (31 – off the coast of Nigeria), the number of attacks in the Gulf has been decreasing gradually since 2013. In 2014, 40 attacks were committed in the Gulf of Guinea; and, again 31, 55, 40, 82, 35, 35, 22 and 12 were registered there in 2015, 2016, 2017, 2018, 2019, 2020, 2021 and 2022 respectively [12, 13, 22].

There are some notable examples of combat with piracy, starting with the situation in the Strait of Malacca, a global strategic waterway in the contemporary trade system. Although coordinated patrols have been conducted in the Straits of Malacca and Singapore since July 2004, the piracy problem still exists in the area.

The successful experience of combating piracy in some areas, such as waters of the coasts of Somalia, Malacca strait and South-Eastern Asia, may be applied to other problematic regions of the world, including Eastern African and Latin American coasts ([40], p. 40).

Naval patrolling is widely recognized as the most effective means of combatting piracy. Elaborate bilateral agreements between coastal countries on military coast-guard patrolling along their respective maritime boundaries were recommended.

#### **6.4 Naval operations**

One of the effective anti-piracy measures is an armed guards on board, although in many states it is prohibited for merchant vessels to carry weapons aboard (also prohibited by the SUA Protocols and by the IMO ([52], p. 73)).

Besides, the private security vessels such as Blackwater do not have the authority to intervene, as opposed to authorized by Art. 107 UNCLOS warships or military aircraft, or other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect to seize on account of piracy.

Security companies exercise only the on-board protection of individual ships.

Professional private security firms involved in anti-piracy legal policy charge ship-owners approximately USD \$30,000–60,000 per trip through 'troubled waters'. The IMO supports such projects, and ship-owners often use the services of major private security firms such as Blackwater ([53], p. 89).

In order to combat piracy, it is necessary to increase a number of international anti-piracy funds and financing of programs at sea combating piracy and other maritime crimes. Such additional financing is needed in order to finance the anti-piracy patrolling by warships, for example. The patrolling of Somalian waters demonstrated the effectiveness of the armed naval vessels for the protection of the merchant and fishing ships ([54], p. 152).

## 6.5 International jurisdiction

No specialized international court was established for piracy as opposed to international war crimes (the International Criminal Court, specialized regional courts such as the International Criminal Tribunal for Rwanda) ([43], p. 429), although according to Art. 19 of the Convention on the High Seas 1958 and art. 105 of UNCLOS, every State may seize a pirate ship. This rule includes seizing pirate ships and arresting persons and seizing property on board ([55], p. 170).

Since piracy is a universal crime, the courts of every state may initiate the procedure against pirates. However, it would be more effective to prosecute piracy in a specialized international forum, which could be established specially for these purposes.

## 7. Conclusions

Piracy activity on specific maritime routes leads to increasing transport costs and insurance premiums and even undermines the authority of UNCLOS and international law.

In the article, the deficiencies of international anti-piracy legal instruments were scrutinized.

The definition of piracy in international law has limitations, since it applies only to attacks committed in the high seas (as well as exclusive economic zone or to another place outside jurisdiction of any State) for private purposes, the involvement of two ships is necessary. In such a way, the attacks in the territorial sea or in the internal waters of a coastal state, committed by stowaways or crew members, ship hijacking, attacks of criminals onboard and so on for political ends and national interests are excluded from the UNCLOS definition of piracy.

The geographical and conceptual limitations of the definition of the piracy result in the use of more broad terms.

The proposals to improve the regulation of piracy resulted in the development by the IMB of its own practical definition of piracy including criminal acts committed not only on the high seas or in EEZ, but also unlawful acts against vessels in internal waters and territorial seas. The contracts of carriage also widely use the term of piracy, diverging from rules of the international public law.

In international law, the concept of 'maritime violence' was developed, covering the common elements of all crimes committed at sea and not only piracy.

The efforts of the coastal states and international navies in addressing this crime seem to be successful. In first half of 2022, the reduction in reported piracy and armed robbery incidents was registered (58 against 68 in first half of 2021) – the lowest number since 1994. The drop in the number of incidents was reached by means of the armed guards, increased naval presence and proper application by ship owners of the Best Management Practices to Deter Piracy and Enhance Maritime Security. However, it should be noted that current numbers are likely under-reported, so there are no exact statistical data on the issue. Vessel owners are reluctant to officially report piracy to the law-enforcement and even to insurers, because procedures involved are long and awkward. The vessels are being delayed in ports during investigations as well as for loss of clients. Also, this information could have a negative impact on the image of their company.

It remains difficult to combat the practice of ransom payment, since it is often cheaper for a ship-owner to accept the demands of pirates and to pay ransom rather

than to leave it to the law enforcement bodies to take a decision on the release of the vessel and its crew from pirates. However, ransoms payment further supports pirate activity.

Art. 100 of the UN Convention on the Law of Sea, 1982 shall be considered as not sufficient to bind a state upon engaging in a direct pursuit and chase of pirates at sea. This legal gap appears to be a general weakness of the anti-piracy regime, which must be specified in much greater detail in regional documents regulating cooperation, especially for the areas of piracy investigations, constabulary enforcement and prosecution and sentencing of pirates.

In order to avoid the moral 'legitimization' of the actions against the trade and fishing vessels in the disputed maritime areas, it is necessary to escape strong disagreements between the coastal states, since the territorial conflicts and the concentration of Navy vessels in the controlled areas result in the piracy and armed robbery at sea attacks in such areas. It seems possible to make a conclusion on the necessity to regulate such disputes not only by means of the mechanisms of the international law, but also by means of the regional instruments.


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## References

- [1] Graham C. Maritime security and seafarers' welfare: Towards harmonization. *WMU Journal of Maritime Affairs*. 2009;8(1):71-87
- [2] Pemmaraju SR. The South China Sea arbitration (the Philippines v. China): Assessment of the award on jurisdiction and admissibility. *Chinese Journal of International Law*. 2016;15(2):265-307
- [3] Ho A. Interview. Professor Robert Beckman on the Role of UNCLOS in Maritime Disputes May 6, 2021 [Internet]. 2021. Available from: <https://gja.georgetown.edu/2021/05/06/professor-robert-beckman-on-the-role-of-unclos-in-maritime-disputes/> [Accessed: September 3, 2022]
- [4] Permanent Court of Arbitration. Press Release June 29, 2016. The Tribunal Sets Date for Issuance of Final Award [Internet]. 2016. Available from: <http://www.pcacases.com/web/sendAttach/1782> [Accessed: September 3, 2022]
- [5] Congressional Research Service. Arbitration Case Between the Philippines and China Under the United Nations Convention on the Law of the Sea (UNCLOS) July 6, 2016 [Internet]. 2016. Available from: <https://crsreports.congress.gov> [Accessed: September 3, 2022]
- [6] Pichel Medina C. Legal Victory for the Philippines against China: A Case Study. *Global Challenges*. Issue no. 1 [Internet]. 2017. Available from: <https://globalchallenges.ch/issue/1/legal-victory-for-the-philippines-against-china-a-case-study/> [Accessed: September 3, 2022]
- [7] Blinken A. Press statement. Sixth Anniversary of the Philippines-China South China Sea Arbitral Tribunal Ruling. July 11, 2022 [Internet]. 2022. Available from: <https://www.state.gov/sixth-anniversary-of-the-philippines-china-south-china-sea-arbitral-tribunal-ruling/> [Accessed: September 3, 2022]
- [8] U.S. Department of State. Limits in the seas: Office of Ocean and Polar Affairs Bureau of Oceans and International Environmental and Scientific Affairs. No. 150. People's Republic of China: Maritime Claims in the South China Sea [Internet]. 2022. Available from: <https://www.state.gov/limits-in-the-seas/> [Accessed: September 3, 2022]
- [9] Lo L. Voprosy otvetstvennosti Kitaja po zashhite i sohraneniju morskoy sredy Juzhno-Kitajskogo morja. [Issues of the responsibility of China on the protection and maintenance of the maritime environment in the South China Sea]. *Mezhdunarodnyj pravovoj kur'er*. [International legal courier]. 2019;4-5(33-34):42-50
- [10] Shhepin K. Tigr bumazhnyj, arbitrazhnyj. [The paper arbitrage tiger]. *Rossijskaja gazeta*. *Dyhanie Kitaja*. [The Russian newspaper. The breath of China.]. 2016;2:7037
- [11] Ragunshtejn A, Ragunshtejn O. Vlijanie morskogo piratstva na stabil'nost' v jugo-Vostochnoj Azii. [The impact of the maritime piracy for the stability in the South East Asia]. *Puti k miru i bezopasnosti*. [The ways to the peace and security]. 2016;2(51):114-127
- [12] International Chamber of Commerce International Maritime Bureau: Piracy and Armed Robbery Against Ships. Report for the period 1 January – 31 December 2018. [Internet]. 2019.

Available from: <http://www.icc-ccs.org/>  
[Accessed: September 3, 2022]

[13] International Chamber of Commerce International Maritime Bureau: Piracy and Armed Robbery Against Ships. Report for the period 1 January-30 June 2022 [Internet]. 2022. Available from: <http://www.icc-ccs.org/> [Accessed: September 3, 2022]

[14] Chinese Society of International Law. The South China Sea arbitration awards: A critical study. *Chinese Journal of International Law*. 2018;17(2):207-748. DOI: 10.1093/chinesejil/jmy012

[15] Handeland I. Navigational rights for warships in the northwest and northeast passages. *Arctic Review on Law and Politics*. 2022;13:143-159

[16] Biden J. Report. Convention on the law of the sea. December 19, 2007. Senate. 110th Congress. 1st session [Internet]. 2007. Available from: <https://www.gc.noaa.gov/documents/UNCLOS-Sen-Exec-Rpt-110-9.pdf> [Accessed: October 3, 2022]

[17] The United Nation's Convention on the Law of the Sea (Treaty doc. 103-39): hearings before the Committee on Foreign Relations, United States Senate, One Hundred Tenth Congress, first session, September 27 and October 4, 2007 [Internet]. 2007. Available from: [https://irp.fas.org/congress/2007\\_hr/lots.pdf](https://irp.fas.org/congress/2007_hr/lots.pdf) [Accessed: October 9, 2022]

[18] Gudev P. Konvencija OON po morskemu pravu 1982 g.: strategicheskie riski i vozmozhnosti dlja Rossii. *Puti k miru i bezopasnosti*. 2019;1(56):55-73

[19] Mejia M, Mukherjee P. Selected issues of law and ergonomics in maritime security. *The journal of International Maritime law*. 2004;10(4):316-326

[20] Dutton Y. Bringing pirates to justice: A case for including piracy within the jurisdiction of the international criminal court. *Chicago Journal of International Law* 2010-2011;11:197-241

[21] International Chamber of Commerce International Maritime Bureau: Piracy and Armed Robbery Against Ships. Report for the period 1 January – 31 December 2011 [Internet]. 2012. Available from: <http://www.icc-ccs.org/> [Accessed: September 3, 2022]

[22] International Chamber of Commerce International Maritime Bureau: Piracy and Armed Robbery Against Ships. Report for the period 1 January – 31 December 2015 [Internet]. 2016. Available from: <http://www.icc-ccs.org/> [Accessed: September 3, 2022]

[23] Sterio M. Transnational piracy: To pay or to prosecute? *American Society of International Law Proceedings*. 2011;105:543-554

[24] Geiss R, Petrig A. Piracy and Armed Robbery at Sea: The Legal Framework for Counter-Piracy Operations in Somalia and the Gulf of Aden. Oxford: Oxford University Press; 2011. p. 321

[25] Pirates BM, then and now. How piracy was defeated in the past and can be again. *Foreign Affairs*. 2009;88:94-107

[26] Lewins K, Merkin R. *Masefield AG v Amlin corporate member ltd; the Bunga Melati Dua — Piracy, ransom and marine insurance*. *Melbourne University Law Review*. 2011;35:717-734

[27] Piracy ÖZ. Part II. *The Journal of International Maritime Law*. 2010;16(2):161-168

[28] Nordquist M, editor. *UN Convention on the Law of the Sea 1982. A Commentary*. Vol. III. Leiden, Boston:

Martinus Nijhoff Publishers; 1995.  
xlv. p. 687

[29] Golitsyn V. Maritime security (case of piracy). In: Hestermeyer H et al., editors. *Coexistence, Cooperation and Solidarity*. Lieber Amoricum Rüdiger Wolfrum. Vol. II. Leiden: Martinus Nijhoff Publishers; 2012. 2211 p. pp. 1157-1176

[30] Sidorchenko V. Morskoe piratstvo. St. Petersburg: Izdatel'skij Dom S.-Peterburgskogo gosudarstvennogo universiteta, Izdatel'stvo juridicheskogo fakul'teta S.-Peterburgskogo gosudarstvennogo universiteta; 2004. p. 400

[31] Jacobsson M. Terrorism at sea. In: Mukherjee P et al., editors. *Maritime Violence and Other Security Issues at Sea: The Proceedings of the Symposium on Maritime Violence and Other Security Issues at Sea*. Sweden, Malmö: WMU; 2002. X, 270 p. pp. 157-163

[32] Todd P. *Maritime Fraud and Piracy*. 2nd ed. London: Lloyd's List; 2010. p. 329

[33] Talley W, Rule E. Piracy in shipping. In: Talley W, editor. *Maritime Safety, Security and Piracy*. London: Informa; 2008. 344 p. pp. 89-101

[34] Qureshi W. The prosecution of Pirates and the enforcement of counter-Piracy Laws are virtually incapacitated by law itself. 19 *San Diego Int'l L.J.* 2017;19:95-126

[35] Konte J. Morskoe piratstvo i mezhdunarodnoe parvo [thesis abstract]. Moscow: MGU im. M.V. Lomonosova; 1990. p. 27

[36] Ehrhart H-G, Petretto K, Schneider P. *Security Governance Als Rahmenkonzept Fuer Die Analyse von Piraterie Und Maritimem*

*Terrorismus*. Hamburg: Institut fuer Friedensforschung und Sicherheitspolitik an der Universitaet Hamburg; 2011. p. 69

[37] Guilfoyle D. Piracy prosecutions and international law. *BIMCO Bulletin*. 2011;106(2):86-88

[38] Bordahandy P-J. Maritime security and maritime law in Australia. *The Journal of International Maritime Law*. 2008;14(2):162-179

[39] Murphy M. *Small Boats, Weak States, Dirty Money: The Challenge of Piracy*. New York: Columbia University Press; 2009. p. 539

[40] Vylegzhanin A, Anyanova E. International law versus Piracy: Issues in legal theory. *International Journal of Psychosocial Rehabilitation*. 2020;24(1):25-42. DOI: 10.37200/IJPR/V24I1/PR200104

[41] U.S. EMBASSY in Ukraine. Ambassador Yovanovitch's Remarks at Maritime Security Conference November 29, 2018 [Internet]. 2018. Available from: <https://ua.usembassy.gov/ambassador-yovanovitch-remarks-at-maritime-security-conference/> [Accessed: September 3, 2022]

[42] ITLOS. The "Arctic Sunrise" case (Kingdom of the Netherlands v. Russian Federation). Public hearing on 6 November 2013 [Internet]. 2013. Available from: [http://www.itlos.org/fileadmin/itlos/documents/press\\_releases\\_english/PR\\_202\\_E.pdf](http://www.itlos.org/fileadmin/itlos/documents/press_releases_english/PR_202_E.pdf) [Accessed: September 3, 2022]

[43] Bento L. Toward an international law of piracy sui generis: How the dual nature of maritime piracy law enables piracy to flourish. *Berkeley Journal of International Law*. 2011;29(2):399-455

[44] König D, Salomon T, Neumann T, Kolb A. *Piraterie und maritimer*

Terrorismus als Herausforderungen für die Seesicherheit: Objektive Rechtsunsicherheit im Völker-, Europa- und deutschen Recht [Internet]. 2011. Available from: <https://d-nb.info/1013880013/34> [Accessed: September 3, 2022]

[45] Underdown M. Masefield AG v Amlin corporate member ltd. Insurance Law Journal. 2010;21:62-65

[46] Nair A. Masefield AG v Amlin corporate member ltd [2010] 1 LLOYD'S LAW REPORTS 509. Australian and New Zealand Maritime Law Journal. 2010;24(2):138-143

[47] Sohn L, Juras K, Noyes J, Francx E. Law of the Sea in a Nutshell. 2nd ed. St. Paul, Minn: West Publishing; 2010. p. 613

[48] Anyanova Y. International legal regime concerning Piracy in the Gulf of Guinea. Journal of Advanced Research in Law and Economics. 2016;7(8):2173-2179

[49] Sharma O. The International Law of the Sea: India and UN Convention of 1982. New Delhi: Oxford University Press; 2009. p. 357. DOI: 10.1177/097492841006600309

[50] Shapiro A. Multiple approaches must be taken to manage the piracy problem. In: Miller D, editor. Modern-day Piracy. Detroit: Greenhaven Press; 2012. 219 p. pp. 137-147

[51] Azubuike L. International law regime against Piracy. Annual Survey of International and Comparative Law. 2009;15,1,4:43-59

[52] Mineau M. Pirates, Blackwater and maritime security: The rise of private navies in response to modern piracy. Journal of International Business & Law. 2010;9:63-78

[53] Joyner C. Navigating troubled waters. Somalia, piracy and maritime terrorism. The Georgetown of international Affairs. 2009;10:83-91

[54] Romashev J. Bor'ba s piratstvom i vooruzhennym razboem na more (pravovye osnovy i praktika). Moscow: Izdatel'stvo «TransLit»; 2012. p. 336

[55] Münchau M. Terrorismus auf See aus völkerrechtlicher Sicht. Frankfurt am Main: Lang; 1994. p. 251

# Decision-Making in War: Iranian Commanders' Decision-Making in the War between Iraq and Iran, a Case Study of Walfajr Operation 8

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## Abstract

Decisions include a set of techniques, principles, and rules providing the context for overcoming problems and crises, the use of which in times of war is far more vital than in normal times. In one of the greatest operations, that is, the First Battle of al-Faw, the Iranian commanders took decisions unique of their kind in the Iran-Iraq War. A number of commanders were interviewed, whose decision-making model was extracted by qualitative methodology and the underlying theory of their decision-making pattern with six main categories and one core category were extracted through coding: Military and strategic thinking, operation maneuver plan, reconnaissance operation, combat information circuit, dialectic formulation of consultation, decision-making, synthesis of indigenous decision-making as a victorious event are some of the extractive categories. Looking at the categories of the research, it can be said that commanders' decision-making is influenced by platforms such experience operations, winning thinking, detailed information, and analysis of ideas.

**Keywords:** decision-making, war, decision-making in war, commanders, First Battle of al-Faw (Wal-Fajr) Operation

## 1. Introduction

Now that we are spending the first days of new 2023 year, the importance of revising the most important evolutions of this century increases. Twentieth century has been a period of fundamental transformations in all human life domains such as security. We observed the occurrence of wars with a similar objective and lots of heavy human life and financial losses. Among the big and small evolutions of this century, wars have been the main evolution that not only governments but also most people have reacted to. Several big wars have occurred in this century, such as First Chechen War, Yugoslav Wars, and two Gulf Wars, that the first Gulf War has been the longest twentieth century war after Vietnam War. On the other hand, some of the texts related to war have been written biasedly; some authors have also showed off their role in wars instead of narrating truths and facts inside wars and have only

confirmed and highlighted their military knowledge (which is undeniable) and have faded the basic elements. Therefore, some of these texts do not reflect war truths and facts. Defects and shortcomings existing in wars texts and literature and inaccessibility to firsthand sources in past wars made one of the longest wars of the century, that is Iran-Iraq War, be analyzed considering accessibility to its commanders and “decision-making in war” by commanders and methods and strategies have been applied in war be also investigated. The writer believes that Iran-Iraq War is worth studying considering thought, political sociology, military sociology, strategy, decision-making, crisis management, national security and also investigating the role of different classes in it, social culture evolution, worldview and ideology, war and defensive politics and economics and thing like that and scientific studies are possible about it. The current study has military-political view (mostly descriptive) of war prioritizing military issues in decision-making and measure. The difference between this text with other ones published about war; far from historical aspect, is its instructional features. Also, lots of sources have been studied due to wideness and diversity of subjects that consequently much more untold things have been considered in it about war. In this section, firstly, decision-making and its process, types of decisions, and decision-making styles are briefly explained, and then the characteristics of commanders’ decision-making in war are mentioned, and at the end, decision-making about Wal-Fajr 8 operation is discussed to be.

## **2. Decision-making process in war**

One of the processes that all managers constantly deal with is “decision-making.” The inseparability of decision-making from management is such that they are considered synonymous with each other. Two important points regarding decision-making and policy-making (at the level of public organizations) are that “most managers are unable to analyze how they make decisions” and the other is that “most managers consider decision-making as a point activity and do not have a process approach to it”. In order to analyze and explain these two issues, we explain the stages and process of decision-making and review how to make decisions through models.

For managers, there are duties and responsibilities and roles, some of which are specific to managers and some of which are more intense than other employees. Duties such as planning, organizing, leadership, control, and resource management are among the duties that the manager is ultimately responsible for. In all management duties, a basic, continuous, and inseparable role, regardless of the levels, type, scope of management, accompanies the manager and from the strategic manager to the operational manager, from the main body of the organization to the supervisors and executive managers, from line and mission managers. Up to the support and staff managers, etc. All of them are constantly involved in directing and choosing the right path in order to solve problems or to achieve opportunities and development. Due to the importance of this role and its inseparable and challenging presence in the organizational life of all managers, the following principle has been proposed:

$$\text{Management}=\text{decision-making} \quad (1)$$

In general, a manager plays different roles in the execution of daily tasks with his overall duties. Some of these roles are less important and some are more important and fundamental. The most important role that the manager plays in the range of

his administrative, financial, or political duties is the role of decision-making. From another point of view and according to the definitions and interpretations expressed by experts about the nature of decision-making, decision-making is like the spirit of organization, equipping resources and facilities, and directing and controlling in order to achieve the goals of the organization in line with the value system of the society and the organization, which is in a relationship complement forms the manager's managerial personality [1]. To better understand the organization's decision-making, it can be seen in the form of a process that includes all of the organization's activities, and organizations will not survive without this process and mechanism. Here are some definitions of decision-making:

- Decision-making is a process through which an efficient and effective solution to a problem is selected and applied, and in a very simple definition, decision-making is: choosing one way from among different ways according to elements and parameters.
- Decision-making is defined as a way of acting and moving in a specific path that has been chosen with reflection and awareness, among different ways and methods to achieve a desired goal.
- Decision-making is the process of choosing the most desirable or logical solution in solving a problem or in achieving a goal.
- Decision-making means choice, when we are faced with multiple paths, the issue of decision-making arises [2].

## **2.1 Scientific concept of decision-making**

If you consider the various activities and aspects of management and command, it is clearly seen that the essence of all management activities is “decision-making”. Decision-making is one of the integral parts of management and it is manifested in each of the management tasks. “Decision-making” is considered the main component and basic pillar in setting policies, setting goals, organization design, selection, evaluation, and in all actions and actions of management. Managers are always faced with cases that require them to make a decision. Therefore, it is the quality and manner of implementation of these decisions that determine the degree of success and achievement of goals.

Therefore, it is very important for commanders and managers to be familiar with decision-making methods and methods and to be aware of decision-making techniques, and it is by using these methods and tools that their ability to make effective decisions becomes more efficient.

## **2.2 Scientific process of decision-making**

In a very simple definition, decision-making is “choosing one way from among different ways”. Therefore, as it follows from this definition, the main task of the decision-maker is to receive the possible ways and the results resulting from them and choose the best among them; and if the manager can make this choice in a correct and favorable way, his decisions will be effective and productive. The decision-maker may make the decision by resorting to supernatural powers, experience, nobles, chance or accident, etc.

In general, the decision-making process can be considered to include “six stages” as follows:

- First step: Recognizing and determining the problem that has created an obstacle in the way of achieving the goal.
- At this stage, efforts should be made to identify the main and real problem and define it correctly. Sometimes we cannot distinguish between the problem and the effects of the problem. For example, fever in humans is a symptom of the disease and not the disease itself; if we take painkillers, the fever will stop temporarily, but it will return after a few hours, so this is a sign that we should look for the disease and the source of infection. Now, if the center of infection is found through careful examination and the appropriate medicine is taken, it can be stopped and the patient’s condition will improve. So, there is a difference between the problem itself and its effect and symptom.
- Second step: Finding possible solutions to solve the problem.
- Of course, the statistics of the solutions are done according to the scientific and practical experience of the manager and commander, as well as the amount and accuracy of the information and statistics available to them. The more solutions are found and determined to solve the problem; the better choice will be made in decision-making.
- Third step: Choosing criteria to measure and evaluate possible solutions.
- In order for the solutions to be measured against each other; it is necessary to evaluate these solutions by a criterion. For example, it is possible to base the cost (losses) or profit on the evaluation of possible splits, and then measure which of these solutions will result in lower cost or higher profit.
- Fourth step: Determining the results of implementing each of the possible solutions.
- At this stage, for example, the costs that arise from the use of each of the solutions are calculated and are the basis of subsequent evaluations; and based on the selected criteria, the positive and negative results of each of the solutions are determined at this stage.
- Fifth step: Evaluating the solutions, through examining the results obtained from them.
- Each solution is checked with other solutions and determining their priority according to the results that will be obtained from it. Because based on a criterion, a specific solution is prioritized. While on the other hand, the selected criterion will not have that priority. In such situations, the manager or commander should try to create a unified standard and make evaluations based on it.
- Sixth step: Choosing one way among different ways and presenting the final statement of the decision.



- This part, as the final step in the decision-making process, is fulfilled by itself at the end of the evaluation and setting of priorities, and the solution that produces the best result and has the highest degree of priority will be the “selected solution”. But here, the mentioned solution is meant as a decision taken by the manager; which can be considered as an independent step in the decision-making process [3].
- But it is important to pay attention to this important point in crisis and especially wartime and during operations, obstacles and problems occur that are unpredictable and the manager or commander must make a decision at the moment and choose the final solution personally and take action that this situation will be raised and investigated in its own place.

### *2.2.1 Logical approach*

From a rational point of view, the organization is a tool designed to achieve specific goals, and these specific goals guide decisions and lead to choosing the optimal solution. It is assumed that managers' decision-making is logical and they constantly choose the best solution that has the highest value among various solutions according to specific limitations. A completely logical decision-maker first identifies and defines the problem well, and while he has a specific and clear goal, the various stages of the decision-making process lead him to choose the best solution and maximum efficiency and reach the goals. In logical decision-making, the problem is clear and the decision-maker has complete information on the issue he wants to decide. In this approach, there is no challenge regarding the goal and the decision-maker has a defined goal that he is trying to achieve. The decision-maker extracts all the options and is aware of the possible results for each option.

Logical model is a classic orientation in the field of decision-making theory. This model is the basis of quantitative principles in economics, mathematics, and statistics. This model works in a closed environment with a certain number of variables, so it is useful for planned, constructed, and normal decisions.

### *2.2.2 Garbage model*

When there is no agreement on the goals or controversial issues and the means to reach them, the decision-makers are faced with both uncertainty and ambiguity, it seems that under these conditions, the trash can model is the best way to describe the organizational decision-making process. It describes what happens in the organization. This model is particularly suited to situations where the environment or technology is not fully understood, or where key actors move in and out of the decision-making process, other activities occupying their time and attention. The reason for naming the model as a trash can is to emphasize the randomness of the decision-making process. Although no organization operates in this mode all the time, every organization will find itself in this situation from time to time.

In the trash can model, issues, solutions, participants, and selection opportunities are independent options, flows, and events that exist within and throughout the organization, which are combined with each other in a trash can, and whenever some solutions, participants, and selection opportunities The option is linked, a problem may be identified or solved [4].

### **2.3 Effective factors in decision-making**

One of the factors influencing the manager's decision-making is his personality and psychological characteristics. His intelligence, emotions, prudence, and views on various issues are all among the things that are effective in his decision-making. In equal conditions with the same factors, two managers cannot be expected to make the same decision. Their different opinions are due to the unique characteristics of each one, which ultimately leads to a decision. Therefore, in studying the decision-making process in the organization, it is essential to know and examine his personality traits. Individual differences between people derived from genetic factors or their experiences cause them to have different perceptions in determining and interpreting information, and the effect of these differences can be seen in their decisions. Here are some influential factors in decision-making:

1. The role of social position in decisions: depending on the social time and place, a person makes different judgments and makes different decisions. The manager's social position in the organization is very effective in shaping and directing his thoughts. How to think, interpret the obtained information, and apply the existing knowledge are all affected by factors such as society and nationality, social position, and finally the atmosphere of the organization in which it operates.
2. Influence of the manager from external groups: only the internal environment of the organization and internal groups do not influence the behavior of the manager. Rather, external norms and behavioral patterns outside the organization also interfere with the manager's decisions. The realism of the manager in this regard is positive and desirable as long as it is reasonable and as long as this modeling is for the benefit of the organization. Because sometimes incompetent people are considered role models by the manager and this can have bad effects. Experience and expertise cannot always be the basis of modeling.
3. Limited temporal and spatial vision: One of the distinctive features of a manager is his foresight to the extent that he can go beyond appearances and not just be satisfied with tangible issues. Managers who only consider the present in terms of time and place, ignore many variables and make quick decisions without thinking about issues, except in cases where certain situations are critical and exceptional. In long-term decision-making, the manager's point of view must be beyond the time, place, and situation in which he is in order to be able to make the right decision.
4. The important point in decision-making is that decision-making does not always mean a positive and favorable answer. In decisions, there are situations that must be opposed. Giving a negative answer should not scare the manager. Quick approval may give a person a pleasant feeling temporarily, but this pleasant feeling at the beginning of the work may prevent the prediction of the consequences of the work. In other words, the principle of realism should be taken into account in decisions and decisions should be made with reflection in every case. Behind all the sudden and thoughtless decisions lies the feeling of regret. The positive and negative consequences of each decision must be evaluated in advance, and this is the art of management. Of course, stating this does not mean unnecessary opposition to all suggestions, because there are managers who see the face of management in saying "no" and consider giving a positive answer a management bane [5].

## 2.4 The role of “Governing Values” on decision-making

In all managerial actions, duties, and roles, what is the limit, the strength and the guide of the manager will be the “Governing Values”. For all the followers of religions, a central rule has been drawn in the circle of Governing values: “God’s power is the highest power, whoever supports anyone, no one can win over him, he has trust in him in success or problems, and that is because he is sent to man in the divine book, he puts a light on his way. Among these divine guidelines is “trust and consultation”. “Consult with them in matters. But when you have decided, put your trust in God, because God loves those who trust. If God helps you, no one will be victorious over you, and if he stops helping you, who will help you after him, and the believers should only trust in God.” (Al-Imran).

[Efficient decision-making=possibility+consultation with others+trust in God] (2)

## 2.5 Types of decisions

Decisions are presented at three levels: 1. Individual decisions, 2. Group decisions, and 3. Organizational decisions. In individual decisions, a person in the organization makes decision and personally assumes all of its results and consequences. However, in group decisions, the leader discusses the issue in a group meeting and the decision is made through consensus, while organizational decisions are defined as the process of identifying and solving the problem, including two main steps. The problem is identified when the information about the organizational situation and environmental conditions are under control in order to determine whether the performance is satisfactory or not so as to find out the deficiencies’ cause. The problem-solving step occurs when different solutions are considered, one of them is chosen and then applied. Organizational decisions vary in terms of complexity and they may be classified into planned and unplanned decisions formed under different situations: 1. Certainty/reliable situation, 2. Risk situation, and 3. Uncertainty/unreliable situation. In the reliable situation, what will happen in the future can be predicted. In this situation, the available information is precise, correct, sufficient, and reliable. In the risk situation, the probability of occurrence of each of the results is certain; that is, full information is not available and predictability is less; but making a decision is possible according to the possible results. In the unreliable situation, the probability of each possible outcome, and how and even the number of possible results are all unknown; that is, we have very little information about the issue; that is, a situation with unknown aspects is ahead [6].

## 2.6 Decision-making styles

Individuals’ decision-making style indicates the habitual pattern used by them when making decisions. In other words, each individual’s decision-making style represents his/her personality approach in understanding and reacting to his/her decision-making duty. Scott and Bruce present the following five styles as general decision-making styles:

Rational decision-making style: This style indicates the decision-maker’s will to identify all possible solutions, assessment of each solution’s results from all different aspects, and eventually choosing the optimal and ideal solution by the decision-maker when faced with decision-making conditions [7].

**Intuitive decision-making style:** Intuitive decision-making refers to an unconscious process obtained in the light of inferred experiences. In this decision-making style, the decision-maker does not have a clear logic/reason for his/her decision's correctness but just does what he/she thinks is right through relying on his/her insight and inner wisdom.

**Dependent decision-making style:** This style represents the decision-maker's lack of practical and intellectual independence and his/her reliance on others' support and guidance when making a decision. When faced with a problem or opportunity, managers following this style need to have someone by their side to do completely based on what he/she says.

**Immediate decision-making style:** This style indicates the decision-makers anxiety and his/her will to make the final decision in the shortest and fastest time possible. In other words, when faced with a decision-making situation, these managers immediately make their main decision.

**Avoidance decision-making style:** Managers using this style postpone decision-making as much as possible, avoiding any reaction to the problem when faced with an issue (problem/opportunity).

Perhaps some criticize adapting the war achievements to the management field (not just military management, but the common field of management, that is, business and production). In response, it should be noted that many management fields and specializations are rooted in wars and their related research, among which the strategy of the theory of quality control operation research organization, etc. may be mentioned. Furthermore, scientists and experts in the field of war have greatly affected management; for example, the martial art of Sun Tzu can be mentioned, which is about the defeating methods in different battles as well as the use of trickery in wars, with many books written in its management description. Undoubtedly, for military commanders, particularly in difficult battlefields, the decision-making's significance and position are manifold, and it can be claimed that timely, appropriate, and efficient decision-making is the foundation of all the commanders' duties on the battlefields. Besides, the military strategies' effectiveness and efficiency on the battlefield depends on their measured and calculated decisions. Moreover, the quality of the battlefield results (victory/defeat) generally follows the quality of the decisions made by the commanders at the decisive moments of the war. In the following, some parameters and their definitions are presented, and subsequently, the decision-making method used by Iranian military commanders in the Iran-Iraq war will be discussed.

1. **Strategic decision-making:** It is the highest decision-making level, adopted by the decision-maker during a particular process and given the environmental conditions, capacities, and powers for selecting the best solution to a strategic problem through taking advantage of a chance and relying on rational and intuitive power based on culture and values to achieve specific goals.
2. **Decision-maker:** It is the main decision-building and decision-making factor, deciding based on faith and knowledge of personality traits and leadership feature in order to solve problems or use environmental opportunities. In the present study, the decision-makers refer to the Iranian commanders present in the Iraq war against Iran.

3. Decision-making process: It is the chain of systematic activities of problem-finding, solution-finding, implementation, assessment, and decision control.
4. Decision-making environment: It is the container and context for decision-making with strengths, weaknesses, threats, and opportunities, having social, cultural, political, military-security, and economic aspects [8].

The Iranian commanders' management style and type of command was one of the enduring dimensions of the Iraq war against Iran, who took unprecedented and unique decisions in their kind in the face of a fully equipped and classic enemy. In this war, where the nature, the essence, the reason, and even the management and command method were fundamentally different from other world wars, decision-making at the level of operational bases as well as the implementation of decisions at the level of armies were the key factors in war management and victory in various operations. Many decisions, command management, and its implementation in war and defense opened the Gordian knots of the battlefields, bringing great victories. The excellent command method in defense exhibited a new type of military command very different from the common command methods in classical armies. Lacking dynamism and mobility, the relationship between the commander and the force in military customs and rituals is indeed a dry, mechanical, and orderly relationship under the essential influence of the bureaucratic factor. The downstream elements in this type of ritual are moved like a piece (in chess); hence, in many cases in the third world, there is no necessary efficiency in the armies. In short, in this command style, the only link between the downstream and the upstream is the organizational factor. Naturally, he/she can advance the assigned tasks up to a certain limit, and from then on, just the spiritual and religious elements may be the facilitator, the same thing considered as the main soul of the excellent command in the Iran-Iraq war. The Iranian commanders and generals' morality and leadership style were such that they participated in the front line of the enemy just like other warriors. They never forced their forces to conquer a peak or take one of the enemy's positions; rather, the warriors volunteered to invade the enemy's fortifications after seeing their advanced commanders. The Iranian command's management style has played a very valuable role in recruiting and employing human forces. Their ability to motivate their forces to achieve group goals is of paramount importance. Correct use of individuals, ethical and intimate and at the same time military and calculated treatment, encouragement, justification and training, promotion, understanding their feelings and emotions, using their thoughts and initiatives, and helping solve their personal or family problems, etc. are among the cases considered by the commanders.

Iraq's imposed war against Iran is not an exception and like other wars, particularly in terms of the type of beliefs and behaviors, as well as all-round cultural, social, and military consequences, etc., it has its unique and noteworthy achievements. The command management service in war and at the level of armies is one of the significant matters, and in a sense synonymous with it. The chests of our commanders with the experience of war are full of valuable experiences, including management and the command type at that time. Hence, one of our key duties in this field is passing on such values to the present and future generations for use in command, general management of the country, war, and defense.

As the main decision-makers in the field of operations, Iranian commanders and their presence in the scene of action and consequently, their creativity and initiatives,

as well as the type of their encounter on the battlefield, gradually developed the mental school of each of them and in practice, it established the type of macro defense-security policies.

The Iranian commanders and generals' way of management and command in leading the war, as well as their style and decision-making have unique and noteworthy achievements in terms of the type of beliefs, behaviors, and military and cultural consequences that should be transferred to others.

## **2.7 Some features of Iranian commanders' decisions in the war**

1. Decision-making based on sufficient information: Information refers to one of the foundations of effective decision-making; since when making a decision, you may make the required predictions about future events by means of precise information. When making any decision, its various aspects and angles should be investigated well and sufficient knowledge from the results of the decision should be obtained so that the decision-maker will not experience remorse due to not examining and lack of knowledge. Hence, obtaining sufficient and correct information is the prerequisite for making a correct and wise decision. To make effective decisions on the battlefield, it is of paramount importance to get to know the enemy, and collect sufficient information about his situation, besides understanding one's own situation and natural and unnatural conditions. With a quick look at the methods of decision-making, designing, and implementing small and large operations by Iranian commanders, it is realized that considering the category of information and examining the enemy's most detailed news and information is one of the key factors in most operational decisions of Iranian commanders in the war.
2. Foresight and caution: Another feature of effective decision-making is that the decision should be combined with foresight and caution; that is, making a decision with foresight and caution refers to a prerequisite and basic measure for a reasonable logical decision, and everyone, when making decision on an issue, should carefully investigate its various aspects and angles and forecast its possible consequences. Foresight and caution are essential for any kind of decision and its necessity and importance in the battlefield is greater since dealing with human lives. The commanders' decisions and their foresight on the battlefield were such that they altered the battle scene's fate and provided the bed for future operations.
3. Using experience: The use of experiences is one of the key issues in decision-making. Proper use of experiences may provide valuable information to decision-makers. If the experiences are properly and appropriately employed, the amount of errors and mistakes in decision-making will be declined and the decisions will be of more value and credibility. Just as the proper use of experiences plays a role in the managers' success as well as their decisions' effectiveness besides helping them achieve their goals, not using experiences may be followed by adverse consequences. During the war, Iranian commanders always paid attention to their experiences when deciding, making their decisions mature and effective. For instance, deciding on implementing the First Battle of al-Faw (Val-fajr 8) operation in The Grand FAW port in Iraq is among the history-making decisions of the Iranian commanders. This decision was made based on complex, specific, and various factors and conditions. There was a very complicated and

ambiguous political, military, regional, and international situation at the time when the decision to implement the FAW operation was made. The battle was at a critical dead-end and irreparable events could happen.

4. At that certain time, just the courage to decide and implement an important and successful operation could take the war out of the abovementioned dead-end. Deciding on implementing a large, complex, and unequal operation was a great political-military feat/masterwork at that certain time. A bunch of factors was involved in making this extraordinary decision, the commanders' special attention to experiences in operational areas may be mentioned among whose contexts. The commanders' decisive decision, proper planning, collecting precise information, and maintaining information, as well as taking the experiences into account resulted in the Iraqi army's defeat and this strategic port's capture in the FAW operation, surprising the world once again and imposing their own will on the enemy. The Iranian commanders' decision-making on this operation has been published by the author in a paper with Engeström's activity theory.
5. Using the benefits of group decision-making: Management experts discuss decision-making in both individual and group forms, each having advantages and disadvantages. The strengths of group decisions include collecting more comprehensive and complete information, faster acceptance of the decision, and more legitimacy, as well as enhancing the diversity of views. With this approach, attention to group decision-making is observed in Iranian commanders' most operational decisions, so that a new decision-making type emerged among commanders over the war. The term "persuasion decision-making" was mentioned a lot by the commanders during the war. According to this type of decision, the discussion and exchange of opinions for the design of an operation were continued until all the involved ones became acquainted with all the aspects and were convinced about its implementation. Sometimes the commanders discussed the points determined for the implementation of the operation for a long time, so that all the involved, expert, and experienced people's opinions were used.
6. Decisiveness in decision-making: Decisiveness and stability in decision-making stand as one of the features of effective and successful decision-making. Decision-making will be effective and efficient when having the required decisiveness and stability levels. When all the angles of an issue are measured and its various aspects are precisely investigated, there is no room for doubt and hesitation anymore, and decisive action regarding decision-making and implementing it must be taken. After examining the issue's various aspects, reasonable decisiveness and stability play a significant role in resolving matters and achieving goals, and in case of excessive laxity, hesitation, and caution, things will not be carried out at the right time and irreplaceable damages may occur.<sup>1</sup>

Obviously, decisiveness does not refer to being careless in decision-making, not examining the problem's various aspects, making hasty decisions, tyranny, and harshness and inflexibility in decision-making, but decisiveness means that when the required information about a problem is collected, various opinions and suggestions

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<sup>1</sup> This type of consultation is called dialectical consultation, including thesis, synthesis, and antithesis, as well as presenting a new idea.

are made, the best solution was determined, and the bed for the taking action was provided, the suitable decision should be taken with complete decisiveness and necessary stability, and implemented seriously. Examining the decision-making methods and the commanders' decision-making features in war reveals that, besides taking advantage of the capacities required for decision-making, after making a decision, they implemented it with complete decisiveness. There are many examples of commanders' decisiveness in decision-making (mostly reaching positive results). The victory of the two major operations, First Battle of al-Faw8 (Valfajr 8) and Siege of Basra (Karbala 5), each considered as one of the rarest Iran–Iraq War operations of their kind, was achieved in the shadow of the commander's decisiveness in decision-making at that very time [9].

This research has used qualitative methodology and grounded theory method according to the topic of its investigation. The participants of this study were a number of Iranian commanders. Penetrating and in-depth examination of the conditions and their decision-making methods necessitated the need for a qualitative examination for the researchers of this research, and to select the participants, a purposeful sampling method was used. Giri is used with maximum variety. The main method for data collection was in-depth interview. It is especially suited to the methods of contextual theory. In this research, at the beginning of the work, an informal dialog approach was used to obtain the concepts and categories. After the initial concepts and categories were revealed, using the general interview guide approach, the categories and concepts were followed up in the interview process. This work is also done in the direction of theoretical sampling and is highly compatible with the nature of the grounded theory method. After the outlines of the interviews were formed by concepts and categories, the design of the set of open questions was discussed. And this process continued until the stage of theoretical saturation. The main structure of data analysis in contextual theory is based on three coding methods: 1. open coding, 2. axial coding, and 3. selective coding. In qualitative functions, such as quantitative works, it requires the evaluation of findings, analysis methods, used tools, and the researcher's work in general. Here, several methods were used to ensure the accuracy of the data, its sources and the method of data collection: 1. audit, 2. review by members, and 3. analytical comparisons. Considering the focus on one of the most special operations, that is, Wal-Fajr 8 operation and review of the previous operations, that is, Khyber and Badr, this research shows the researcher's theoretical sensitivity toward the subject from the perspective of experience, the concerns of the participants, and the research surrounding this operation in the form of it shows an innovation that has not been carried out, so the present section seeks to represent a decision-making result resulting from the platforms that facilitate it in the scene of action and war, the result of which is a decisive victory in Wal-Fajr operation.

The context and backgrounds of the commanders and generals' local decision-making in the 41st Tharallah Division regarding FAW operation<sup>2</sup> through reviewing the previous operations (Kheibar and Badr), their shortcomings, and disadvantages, the reasons for low success in achieving the predicted goals were considered among the valid and effective reasons for the commanders' decision-making regarding this operation. Interviews with the commanders about making decision on this operation revealed important issues, which were briefly discussed; besides, the native and final models of the commanders' decision-making in this operation are presented.

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<sup>2</sup> This operation was implemented in Al-Faw Peninsula in 1986.



### *2.7.1 Commanders' political, military, and strategic thinking*

In the postmodernism era, the motto of managers is the quality of 100% and error of zero. Studying and checking prior to taking any action is necessary for decision-making. There is no gap/difference between the managers and their subordinates. Everyone has to work and produce the best products [10]. According to some of the participating commanders, the commanders' military, political, and strategic thinking was the thought of victory and being able and beyond time and space. They were aimed at being better than before and overcome the enemy's equipment by means of their thoughts. The commanders' thought was the thought of victory, that is, defeating the enemy; or spiritual thinking, that is, protecting the homeland and defending their own religious beliefs.

### *2.7.2 Planning the Maneuver and Division's Operation*

Two factors were very effective in planning Al-Faw 8 operational maneuver: 1. The experiences of operation Badr and 2. The complexities and special features of this operation in this context [11]. Based on one of the commanders: "To carry out the operation, the division's operation and maneuver were both planned and announced by the headquarter. After receiving the plan, it should be implemented at the division level to do the operation." Another participant says, "A special schedule was made for the implementation of the plan; the time was divided into three from the notification of the operation plan to the start of the operation; one-third for the battalion's preparation, two-thirds for the company and platoons/squads' preparation."<sup>3</sup> The maneuver is planned according to the required information and the general agreement of the commanders.

### *2.7.3 Reconnaissance of the operational zone and the enemy*

The commanders took measures to plan the preparation Al-Faw 8 8 months before starting it. In this operation, the principle of surprise should be used; to this end, the reconnaissance was secretly started. Reconnaissance forces penetrated deep into the enemy's sequels and collected the required information. Regarding reconnaissance operations, a commander says that obtaining the following information is very important in reconnaissance, 1. Atmosphere, 2. Operational zone or land, 3. Enemy, and 4. Ally/Friend. In reconnaissance work, the safe routes for troops to move and break the enemy's line are found to reach the goals; that is, finding the main axis to implement the operation and determining the current axis to deceive the enemy [12].

### *2.7.4 Combat information circuit*

The information circuit provides a simplified model of how intelligence operations are directed and creates a basis for the terminology of tactics, common intelligence techniques, and processes [13]. About the information collection, one of the commanders says, "Information was received by overt and covert intelligence agents, placed in their information circuit, refined, and analyzed to provide commanders with precise relevant and timely decision-making information for the operation management." Thus, by identifying the zone and collecting and analyzing information,

<sup>3</sup> In military classifications, the order is: brigade, battalion, company, platoon/squad.

the necessary information was prepared for the division commanders to make decision on Al-Faw 8 operation.

### *2.7.5 Dialectic formulation of consultation*

Investigation of the method used and decisions made on successful operations shows that the decision-making process of the ally forces against the enemy has changed through using some factors and factors previously ignored were included in the decision-making process. In short, it can be said that given these factors, a local software was prepared for decision-making and management of Iran-Iraq War. This software could resolve the arisen problem, that is, the expulsion of the enemy from the occupied zones. Dialectic is one of the words that entered the philosophical literature simultaneous with the beginning of philosophy and used by most philosophers, of course with different meanings. Literally, dialectic refers to the art of discussion and debate. What is of paramount importance in dialectics is the presence of two opposite things, that is, considering the opposition of affairs in the dialectical perspective, that is, one thing (entity) against another thing (anti-entity), is of interest in the dialectical perspective. Through this opposition or because of this opposition, the third thing (co-entity/homologous) is reached. Hegel's philosophy has expressed its ideas in a three-part set including "thesis," "antithesis," and "synthesis". Everything creates its opposite in its course. The first one is called "thesis" (the state of the entity) and the second one is called "antithesis" (the opposite state, anti-entity). "Synthesis" (the state of the homologous/co-entity) is created from the combination of these two, at the same time containing both of them. The synthesis itself becomes a new thesis, and so on. The commanders explained in brief concerning the dialectic of consultation that is the main point of the story as well as the main thesis of the present section directly related to the central phenomenon and closely related to the fundamental phenomenon [14]. One of the commanders of special and shock trooper battalions says, "The commanders' art is to make decisions under difficult and crisis conditions. The constructive and decisive role of commanders was specified in decision-making since the political conditions of the combat zone and the conditions of operations were very difficult." Another commander says, "There was always a difference of opinion, anyone with an opposing opinion only disagreed out of his compassion. Everyone thought again regarding the difference of opinions in the previous meetings, looking for new and better solutions to the issue or problem with the help of other forces. Everyone consulted to resolve differences or opposing opinions, ideas were strengthened and better ones were given." What the commanders expressed was the introduction of the plan and *thesis*, its confrontation with *antithesis*, and consensus co-thinking in the analysis of success (synthesis) that automatically paved the way for new thoughts, new ideas (new thesis), and its evolution course was repeated until it reached what was accepted by everyone in terms of rationality. Thus, the category "Dialectic of Consultation" indicates the basis of a scientific, philosophical, and experimental viewpoint among the commanders of the 41st Tharallah Division, trying to achieve the most detailed investigation and the most precise way to make a decision in a fully critical situation, that is, war.

### *2.7.6 The outcome of decision-making*

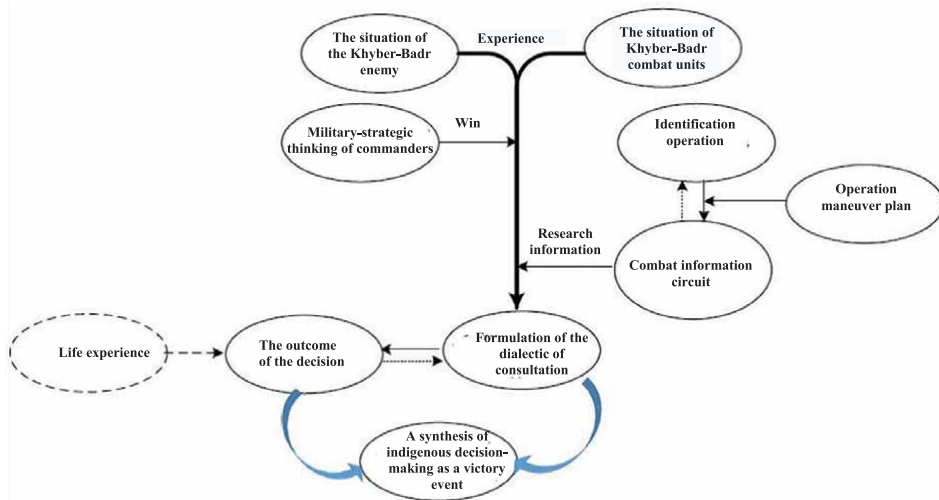
Using experiences is one of the key issues in decision-making. Taking advantage of experiences may provide valuable information to decision-makers. Hence,

investigating the experiences of this operation led the 41st Tharallah Division commanders to follow the decision-making about this operation in a special and innovative way different from before. The commander of the marine unit says, "The weak points and problems of the operations Kheibar and Badr made us to specially pay attention to the smallest issues and nothing was hidden from our eyes." Upon receiving the operational plan and maneuver, the division started reconnoitering and preparing the operational zone in compliance with the full protection principles. The commanders observed all the work and participated in reconnaissance operations in order to obtain the most accurate and correct information about the enemy and the atmosphere of the zone by analyzing and placing the information in the information circuit.

### 3. Conclusion

The decision-making process of the 41st Tharallah Division commanders was formed in a circle resulting from their interaction and fraternal communication, consulting, presenting ideas (thesis) and opposing opinions (antithesis), analyzing opposing opinions, reaching a consensus resulting from their collective wisdom (synthesis) and using accurate information and their war experiences to achieve a decisive victory. Through a deep look at the dialectic category of consultation, which is the outcome of new ideas, taking the opposing opinions into account, and ultimately synthesizing the positive and negative opinions, it can be considered as the most influential type of learning. In the conducted discussions and controversies, the commanders learned how to propose new ideas and how to encourage each other to present plans and opinions (Figure 1) [15].

From the participants' statements about this operation, it can be generally inferred that using consultations, accurate information, and their military experiences, contexts were provided, the output of which was one of the most accurate decisions about Al-Faw 8 operation in the 41st Tharallah Division and a lasting event in the history of



**Figure 1.** *The paradigmatic model of the local decision-making synthesis to the victory event.*

the war took place. It is possible to look at the decision-making method of the Iranian commanders in the Wal-Fajr 8 operation from this angle that with the implementation of this operation, the war process became closer toward the acceptance of bilateral peace and the end of the war, and the lessons learned from it lay the groundwork for the creation of regional and geographical security and it is to help the peace of warring countries. Faw, in general, the differences and variations of the present study with the conducted research can be considered as the result of the analysis type as well as how the effective aspects played a role in revealing and describing the deep and hidden layers of this decision-making pattern among the 41st Tharallah Division commanders. Entering into the research with such a qualitative approach claims this difference and asserts that entering into an event besides discovering its deep layers and describing its way, differentiates this research from other research [16].

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## References

- [1] Alwani SM. Public Management. Iran: Ney Publishing; 2011
- [2] Rezaian A. Fundamentals of Organization and Management. Iran: Samt Publications; 2008
- [3] Nikjo E. Principles and Bases of Military Management. Iran: Naqsh Bayan Publishing House; 2006
- [4] Alwani SM. Public Management. Iran: Nei Publishing; 2016
- [5] Amiri AN. Islamic Management. Iran: Fajr Publishing House; 2008
- [6] Daft R. Fundamentals of Organization Theory and Design. Iran: Cultural Research Publications; 1998
- [7] Shkoghi M. Familiarity with Decision-Making Skills. Iran: Broadcasting Research Center; 2009
- [8] Khairabadi H. Designing a strategic decision-making model for commanders in the successful operations of the second year of the Iran war. Defense Studies Quarterly. 2001;**10**(40):98-95
- [9] Amiri M, Mansor NH. Designing a strategic decision-making model for Iranian commanders in the regiment. Journal of Defense Policy. 2014;**22**(87):91-93
- [10] Heydari G. A New Approach to the Theories of Organization and Management in Today's World. Iran: Andisheh Publishing House; 2002
- [11] Ardestani H. Punishment of the Aggressor. Iran: Center for War Research Documents; 2011
- [12] Chegini H. Strategic Defense Management System. Iran: Acha; 2005
- [13] Abadi H. Information Support Doctrine. Iran: Sayadi Training Center; 2011
- [14] Fathi H. Hegel's dialectic, a synthesis of Kant's dialectic against Plato. History of Philosophy Magazine. 2011;**2**(1):51-50
- [15] Molaei MR. Designing the decision-making model of the commanders of the 41st Tharullah division in the Wal-Fajr 8 operation and its application to the concepts of activity theory. Islamic Management Journal. 2020;**28**(2):106-177
- [16] Molaei MR. Representation of platforms that facilitate commanders' decision-making in Wal-Fajr 8 operation. Sepehr Tishat Quarterly. 2020;**7**(25):116-137



## Chapter 11

# A Theoretical and Action-Oriented Vindication of Peace

*Dora Elvira García-González*

### Abstract

With the idea of restoring the analytical relevance and the real viability of peace, as the process *par excellence* for the institution of a dignifying communal order, this contribution seeks to reflect on the dimensions identified as essential or foundational for its social viability. Some actions and values as dialogue, listening and care lead to obtain possibilities on peace and justice. There have prevailed the studies about the structurality of violence, and the idea of violence as a natural practice, so the this chapter proposes to give some frameworks for thinking on the structural dimensions of peace. It is a thoughtful search for alternatives that overcome the schemes of inequality and injustice that have been based as structures of violence, to vindicate the presence of peaceful structures in societies. Understanding and denaturation of violence is intended to carry out an endorsement of peace. The methodology used in the text is based on the study and qualitative analysis of the structures of violence in general both in the world and in Mexico. To eradicate them it through certain alternatives, finally, the reflective proposal arises to bet on the structurality of peace through imagination by emphasizing the importance of hope.

**Keywords:** violence, inequality, transformation, injustice, pacific structures, dialog, listening, hope, imagination

### 1. Introduction: reflections on peace: pending matters in the face of injustice and inequality

*“What happens is that in a past marked by violence and trauma, the links to a peaceful life disappear from the surface. But a pair of loose threads always remain in the apparently torn fabric.” ([1], p. 1)*

Discussing the reasons for peace reveals all of our pending matters: what humanity must do, and what remains unfinished and undone. That is where we must search for what is lacking and determine what we need as human beings in a country like Mexico, in a country like Mexico, where violence has taken over all social spaces. The presence of drug trafficking has been devastating for citizens, and institutions have

been dominated by injustice and violence. In this context, our mission is to face the demand for necessary peace: a resounding peace for all, peace that is alive and edifying. Peace that simultaneously permits the poetic configuration of those who construct it, and that takes effect in a dialectical manner: we become peaceful by making peace, and we make peace by becoming peaceful. In this manner, we can provide an example through our communal actions, disclosing the virtues of peace and the concealed vices of violence.

By de-individualizing actions, we can ensure that peace—in human plurality—will lead to an edifying, humanizing attitude that in turn will shape and cultivate individuals and their communities. Based on these assumptions, we must aim for the vindication of peace from theoretical, action-based positions, renovating the viable analytical relevance of peace as a *sine qua non* for organizing institutions with a dignifying communal order. The fundamental dimensions of such peace promote its social viability, since it is in peaceful scenarios where basic needs are met, and where human flourishing is evident in light of established possibilities, resulting in situations of peace.

Inequalities block human possibilities and open the door to situations of structural violence, such as poverty and precarity experienced by a majority of the members of the Mexican society. This has been proven in studies carried out by government entities like CONEVAL (“National Council of Evaluation of Policies of Social Development”). General poverty and extreme poverty are present in 17.2 and 52%, respectively, of the total Mexican population [2]. Social inequalities annihilate the hopefulness of life and give rise to mental illness, delinquency, and academic failure (15.2% of the student population) [3]. These numbers have been significantly exacerbated by the COVID-19 pandemic.

The situations experienced in are an example of the intensification of various forms of violence against citizens. Such violence, whether structural such as the poverty just mentioned, cultural such as racial, gender, and class exclusion, or direct such as aggressions to physical integrity and the modalities of generalized delinquency-, all of them are evidence of a country in full crisis of violence. These effects corroborates the immense level of inequality that we live in Mexico, from the structural frameworks that translate into violence, and that are legitimized through classist and racist discourses as cultural violence. All of them justify the direct violence that is expressed in the actions of both the State itself and organized crime.

Thus, in a country like Mexico, structural violence has a particular role to play, given that, due to the abysmal gap between the poor and the wealthy, these differences translate into various forms of direct violence, such as those brought upon by organized crime groups. Due to the inefficient role the State plays, we could almost talk about a failed State, in the sense that there are many areas which are out of its reach. Structural violence, therefore (and together with cultural violence expressed in classism and racism), increases the unequal access to social opportunities and primary goods, which is key to understand why direct violence has such a strong presence in Mexican society.

The greater the inequality (and not exclusively poverty), the greater the intensity of problems and the probability of democratic failure, due to the destruction of the social conditions of a just society ([4], p. 7). Social polarization is a sign of deteriorated social cohesion as inequalities eliminate the possibilities for interaction and cancel societal benefits. In such a situation, social competition heightens, becoming a struggle among the members of society that destroys common bonds and annuls the possible search for common good. The effects are disintegrated social links and



social precarity. In addition, a degraded institutional setting provokes political conflicts because of social desperation and the frustration of individual life projects. Deprivation in terms of personal fulfillment and the horizons of meaning in social settings severely limit the expansion of peaceful structures.

It is fundamental to explain the passage from the dream of Kant's perpetual peace to the latent nightmares that cause such painful awakenings. The responses do not reveal candor; quite the opposite, they search to define peace as a demand and as a moral ideal that is truly feasible, as Kant points out in *Groundwork of the Metaphysic of Morals*. There the German philosopher affirms that we should react to peace as if it were real ([5], pp. 190–191), since moral reason contains the ideals of reason. As a result, in *Perpetual Peace* he states that peace can be established even in a place of demons ([6], p. 166) and defends peace not as an empty idea but as a task that is slowly completed ([6], p. 187). These are the ideas that motivate prognosis and a search for therapy, according to ([7], pp. 19–21), and allow us to seek solutions within existing structural injustice. A theoretical defense of peace, oriented at all times to action, is the objective of this text. We must recognize the structurality of peace to overcome the prevailing preconceptions in our societies of the preeminent structurality of violence.

Only by recognizing the structurality of violence—located primarily in institutions—we can overcome the violence of broken societies, like that of Mexico. The structures that we have experienced in Mexico have involved violence and injustice and have become established in social frameworks. For this reason, we find it complicated to visualize other forms of existence. We know, however, that transforming violence and injustice into peace implies processes of social rebuilding and a return to the elements of human communality. These processes permit rethinking the situations that people must construct, restituting and converting violent structures into structures of peace. Such structures must predominate and become manifest so that the social construction can visualize other courses of action that are shared, collective, and dignifying. The structural conditions and provisions of society must be deconstructed in global and local scenarios affected by savage capitalism ([8], p. 4). Their characteristics reveal inequality, which Grieg et al. describe as “the gap between unprecedented opulence and remarkable deprivation [that] confirms a sharpening of inequality” ([8], pp. 3–4). Many forms of violence are not addressed, remaining “so far off the political agenda” ([8], p. 1) that they are not to be found in a common location.

Structural violence generates vulnerability ([9], p. 5) as well as insecurity, as Roberts sustains in line with Caroline Thomas, and results “directly from existing power structures that determine who enjoys the entitlement to security and who does not” ([8], p. 1). Violent situations, like many other situations of human insecurity, by failing to satisfy fundamental needs make us question the ways “that could be changed” ([8], p. 1). Unfair, biased distribution generates death and profound inequalities that marginalize many, while others live in absurd opulence. “It involves asymmetries of power that are routinely fixed against weaker groupings by powerful states that prioritize electoral self-preservation and inefficient and often corrupt arms industries” ([8], p. 4). Much has been written about capitalism that constitutes “structural genocide” ([9], p. 4). We know that States cannot withdraw from certain global processes, including fierce capitalism. However, States and governments are key in processes that transform inequality into well-being. “Then the central issue concerns how this should be done” ([8], p. 15). Capitalistic systems are genocidal, because violence is inherent to the logic of capital and is a permanent characteristic

of the system. Such violence takes on a structural shape and is aimed at the poor, especially those in the global South ([9], p. 4).

The focus of this text is to recognize the structural violence that Johan Galtung defined in 1969. This Norwegian thinker saw structural violence as an academic tool, rather than exclusively an East–West or North–South conflict ([10], p. 148). The attempt to transcend and transform such violence is based on an understanding of structural violence that can be of a political, economic, repressive, and exploitive nature, supported by structural penetration, segmentation, fragmentation, and marginalization ([7], p. 59): ideas developed by many of the scholars of peace considered in this paper. Galtung affirmed that social injustice and inequality, both in power and in wealth, lie at the core of structural violence when they result from social structures that disproportionately benefit one group of people while preventing others from meeting their fundamental needs. Therefore, social structures that cause human suffering and death constitute structural violence ([9], p. 4).

As a result, structural violence falls on those individuals who are the most disadvantaged, whether in terms of income, basic living conditions, food, health services, or protection from criminal aggression: realities that can lead to excessive vulnerability ([11], p. 59ff). No less important is the structural violence against women, as when Galtung identified patriarchy as a form of violence in [12] ([7], p. 69ff), an incipient, incomplete concept at that time ([10], p. 153).

We thus have the urgent task of denaturalizing and transforming such violence through a revolutionary combination of theory and practice ([9], p. 153).

The methodology used in this paper is based on the study and qualitative analysis of the structures of violence in general both in the world and in Mexico, from specialized bibliography on the subject. It is then a documentary research from which data and information are obtained. From these data achieved, the discussion was organized from a hermeneutic approach and many claims are based on data obtained from government offices. The arguments put forward are supported by all information and data obtained from the sources cited. In this way, research is based on several published researches from different political, sociological and philosophical perspectives.

The current paper is divided into four sections, which hope to contribute to an understanding and denaturalization of violence, in a return to peace and its establishment in the structure of society. The focus of the first section will be the construction of peace through the modification of institutional actions, centering on the categories of hospitality, solidarity, compassion, and care, which generate hopes for the modification of reality. In the second section, consideration is given to the possible alternatives for establishing peace in structures, along with the need for dialog in overcoming the injustice of violence; the institutions that will carry out such actions are the foundation. The third section proposes alternatives for placing peace in social structures, based on values and actions that are shown to be lacking, as in the empirical example of migration. The paper's fourth and final section suggests the possibility of promoting the structurality of peace through imagination, emphasizing the importance of hope related to the values of hospitality, solidarity, and care in constructing peace, without neglecting the importance of institutional action. These goals can be attained through projects to increase awareness of the proposed categories and through processes of creative imagination to affect possible change. Specific forms will not be addressed and developed in this paper. They remain as open possibilities, strands of peace for weaving social fabrics, replicating through future actions to transform the world. Yet in spite of the prevailing dogmas in our

society, possibilities exist for constructing a healthier peace with greater justice, by de-normalizing structures of violence and normalizing structures of peace.

## **2. Understanding and denaturalizing violence in the endorsement of peace**

Situations of war, violence, and conflict have prevailed throughout human existence, and most of these conflicts have been poorly resolved or not transformed ([13], p. 10), thus becoming violent situations ([7], p. 160) that are considered normal. This situation will be the focus of this section, as we search for possibilities to de-normalize structures of violence in order to establish those of peace. We shall focus on transformative resources in institutions that provide justice, and economic and political frameworks that threaten personal dignity and must be modified. To attain solutions, a peaceful society must be established.

We must believe that at the interpersonal level, transforming persons by definition also involves changing “the parties,” and hence having a major effect on the conflict. Even with conflicts at the inter-group, intercommunity, and international level, however, conflict transformation is held to involve a variety of major changes in the individuals involved ([14], p. 10).

As long as individual actions are not modified, structural and naturalized violence will be difficult to change.

The concept of peace has been discussed in specific studies on peace for more than 50 years. Many specialists have addressed the topics of conflict and structural violence from perspectives of peace and have researched empirical patterns, as seen in the initial 49 volumes of *Journal of Peace Research* ([10], p. 145). This journal reveals situations that threaten societies and must be deconstructed and reconstructed with peaceful paradigms. Thinkers have reflected profoundly on peace: Kant, as well as more contemporary theorists, who all contribute to our understanding of the concept of peace.

In specific terms, the absence of dialog, agreement, and honest listening has canceled the options for overcoming conflicts. As a result, conflicts remain unresolved, whether because they are denied or congealed. Certain mechanisms are installed and constituted as structural and cultural violence. We must rethink the ways of delineating other possibilities for human existence, denaturalizing violent situations that have become encrusted in the heart of society. The importance of understanding that peace is possible and human—and that it must be constructed as basic social scaffolding—obligates us to maintain the primacy of ethical discourse that must prevail in our thinking. This emanates from the affirmation of structures that imply peaceful living with others out of respect for dignity.

The history of violence in general and of structural and cultural violence in particular has been studied in a systematic, recurrent manner in the limited views of the existing structures of peace. The structurality of violence has left us untouched and impervious to injustice and the prevalence of the inhumane in indignity. Naturalizing violent actions or looking the other way—also a form of violence—are expressions of pervasive injustice in societies like Mexico's. The prevalence of such injustice generates devastating effects among all of a society's members, principally among the weakest, as indicated above. One of the aftereffects of injustice takes the form of poverty, which is violence added to the injustices of exclusion, classicism, racism, and sexism. All have reached a degree of naturalization that is structural and

seldom protested. This normalizing scenario of violence has eroded humanity at the deepest level, has undermined and weakened the comprehension of peace, and has established in generalized form, in the social imaginary, the impossible existence of structures of peace. The proposed alternatives are plausible on a daily basis, as well as at local, national, and international levels.

Although experiences of precarious existence prevail in all locations, they do so with greater strength in places like Mexico, where structural violence is now explicit. As a result, we must base our position on situations of injustice, in line with Luis Villoro, within a framework of Mexican communities in general and ethnic groups in particular (2007, p. 142). Such approaches support some of the reflections on peace that we make in this text, yet do not ignore the influence of peace studies for at least five decades. Studies have alluded to the normalization of violence in our systems, meaning that systems must be transformed, as well as their institutions, in order to construct peaceful situations that agree with the structures and actions of society. “Starting with dissensus, differences, and situations of radical evil—in other words, injustice—and which imply the systematic, recurrent denial of what is common” ([15], p. 212) is the first step of the negative path of no peace. Starting with real injustice allows us to project the remedy ([16], p. 16).

When the exclusion of social and political benefits becomes everyday, injustice and violence prevail and reality must be faced in another manner. “When justice is reached, peace is attained, and when both are obtained, humanity is built” ([15], p. 213). This statement underlies the importance of making those changes—both epistemological and social—that enable structures of peace. Paradigmatic criticism and reflective challenges directed to institutions are necessary in violent settings in a Westphalian state in the international economic system. The lack of criticism ([17], pp. i-ii) leads to the normalization of violence in our systems. As a result, we must devise more revolutionary and less repetitive actions than those of the past, in an attempt to challenge and produce new international orders that “are more adept at responding to issues of environmental degradation and social justice” ([17], pp. i-ii).

Gnoth points out that the task of constructing peace “is a critical discipline which seeks to challenge the status quo, recognizing that while conflict can transform and bring positive social change, violence need not be considered inevitable to this endeavor” (2019, p. 2). In addition, the analyses and proposals for constructing peace must be addressed critically, with an awareness of limits and scope, in order to analyze the barriers to critical knowledge in the prevailing frameworks of neoliberal academic thought ([17], p. 4). “It is a call to arms for academics to push the boundaries of their critique and to let the political scientists and international relation theorists worry about what is possible, and instead concern themselves with what is desirable” ([17], p. 4). Such ideas support the proposals made in this paper.

The deconstruction of violent structures is important because they are institutionalized. Violence is mentally internalized and expressed in conducts, norms, and expressions in language, as well as in many constructs of a system that has validated such situations. Language discloses the violent concepts that hide in the normalized imaginary, thus justifying the status quo. In short, institutions justify hidden violence and ensure its acceptance. In such a situation, direct violence is legitimated and converted into a repetitive ritual. Structures must be based on associative, equitably symbiotic relationships and acts of cooperation, solidarity, and friendship that express the recognition of others. Strategies and procedures that have been used to attain peace represent a theoretical position and a doctrine identified with historic experiences, such as the independence process in India, the fall of the Berlin Wall, the separation of

the former Republic of Czechoslovakia, and the end of Apartheid. Associations also exist with historical figures, including Mahatma Gandhi, Martin Luther King, and Nelson Mandela: theoretical/political, social, and economic models of emancipation who attempted to reduce human suffering. Their typologies range from boycotts and noncooperation to civil disobedience, with the broadest forms of resistance: proposals aimed at the humanization of policy ([18], pp. 783–795).

It is evident that processes of constructing peace are built from dialog and listening, with foundations in consideration and otherness, where the opinions of others are always taken into account. The credibility of what the other says implies ethical benevolence that allows the recognized presence of others. Dialog and listening are the principles of communicative solidarity and the basis of mutual recognition ([18], p. 783), which appreciate shared dignity and involvement in the stories of others and plural wealth. Believing in a sole history implies exclusion, oppression, contempt, and plunder, with all of the violence that they contain.

Since new situations are rooted in processes, their settings and actions will become positioned in the social imaginary and its basic structures. Attempts will be made to promote a culture of transparency, in a culture of legality within a system of laws and the rule of law that will guarantee fair actions for all members of society. Promoting a culture that seeks peace is obligatory if we want to transform violence. Otherwise, violence will gain strength, along with its elements of corruption, poverty, and marginalization.

Collective and cultural imaginaries serve as supports for justifying the bellicose behaviors of structural violence. They are manifested in direct violence and legitimated in cultural violence. Proposals based on cultural hegemony invalidate the excluded and define them as dominated, delegitimized, and silenced, thus undermining their dignity. Yet dignity is the foundation for constructing peaceful situations. Entrenching, strengthening, and protecting dignity will permit the introduction of peace in all situations, since collective imaginaries operate as new supports for peaceful actions. Such actions must be sustained by the structural concepts that imply peace, including agreements, equity, justice, difference, the possibility of dignifying individuals, and the possibility of speaking courageously, even in situations of risk ([19], p. 12). Courageous discourse points at situations of abuse and injury from injustice. “Only those who are under the control of others can embark on parrhesia” ([19], p. 12). For this reason, it is important to construct plural spaces and assemblies that support discourse through collective resistance, common agreement, and solidarity, in an attempt to disrupt situations of violence and injustice in peaceful scenarios. Resistance and denouncement are fundamental in modifying the structural violence of behaviors, norms, institutions, and language. The objective is to reform political agendas ([8], p. 1) and create change.

Our desire for peace requires attaching new meaning to reality in order to recover and delve into trust and hope; not having to act through force, but through good reasons that are both real and imagined in comprehending the spaces of ethical, political action.

### **3. Alternatives for establishing peace in social structures and proposals for support**

Throughout history, humanity has proven that to attain peace, conflicts must be overcome and transcended since the cancelation of conflict is impossible. Transcendence can satisfy and benefit all involved parties. The current of this section

of this text describes the importance of creating peace with the values of solidarity, hospitality, care, and compassion that accompany justice. An underlying resource is imagination, along with the shared, common values that permit societal cohesion, as the struggle to minimize inequalities attaches new meaning to human conduct. The implication is analytical work on the meaning of peace in order to emphasize its pertinence by constructing horizons of meaning in the framework of socially significant peace and common implications.

Comprehending human conduct and action allows us to address implications based on joint responsibility, as we recognize others even amidst inequalities. Understanding otherness as valuable promotes overcoming inequality of all types. Piety and compassion imply “knowing how to treat that which is different, that which is the radical other [...], the desire to find ways to treat and understand each other” ([20], p. 113, 114). It is the way to promote situations of harmony and facilitate peaceful relations based on praxis that cultivates mutual relations with others, in an inclusive and shared manner.

The configuration and analysis of peace as a socially significant category imply certain values—values that express a consistently integrated conformation of individuals in the framework of social communality. Such values include solidarity, hospitality, care, and compassion: notions that have become hidden, silent, and often wasted through excessive use, trivialization, and manipulation ([21], p. 22). The ethical assumption of solidary ties is protected in order to attain peace and reconstruct damaged social associations among individuals; the result is the reinforced structurality of peace in our societies.

The presence of violence hinders human interrelations [22], threatens personal dignity, and generates a situation of strong disagreement; according to utilitarian logic, such disagreement leads to serious conflicts. Equilibrium is separated from profits, hierarchies, and markets that are unhelpful in constructing community and peace. The cohesive community value of moral elements is dismantled, yet such elements open the door to a compassionate, hospitable society and represent the values that guarantee communal agreement. In the absence of hospitality and compassion, defined as a virtue ([23], p. 17), violent situations will continue to exist. Compassion, a “feeling of pain at an apparent evil” as defined by Aristotle (*Retórica*, II, 8, 1385b), means that a person who pities another is saddened. The other’s disgrace, however, promotes an appreciation of what we have avoided, as the person who witnesses the suffering of others “enjoys both the pity he has for their ills and the happiness that exempts him from those ills” ([24], *Emilio* IV, p. 296). Active benevolence implies an awareness of what can be remedied or at least alleviated—the other’s pain—as well as the simple idea that doing good must result in something good. It appeals to the human value of compassion because it assumes the underlying ethos of being human. Thus, Aristotle states that someone who is compassionate believes in the existence of honorable people, because “otherwise, that person will consider all worthy of suffering injury” ([25, 26], II, 8, 1385b). In principle, we can all be the object of compassion because compassion is supported by the equal relationship between the compassionate person and the receiver of that compassion ([25, 26], III, 12, 1413a).

The sole way to assume responsibility for how others feel and how we would feel in a similar situation is through imagination. Only imagination will allow us to conceive of the experiences of others, by putting us in their place. Knowing the other’s pain means experimenting it in one’s own flesh. In that sense, compassion obligates us to come outside of ourselves and become the other: to appropriate imaginatively the other’s suffering and identify with the other not only through knowledge, but also

through feeling and intuiting the other's responsibility to vulnerability. It is about feeling the same as the other—"as if"—and experiencing in a similar manner the painful event, through imagination and the ideas of dignity and human finiteness. Thus, we can speak of the powerful ethical content of compassion as the basis or source of all virtues ([23], p. 282). Compassion is not simply good will without practical consequences. With compassion, bridges are built, discord is resolved, difference is relativized, and common elements are created to attain harmonious situations among the members of a society. Inserted into the sentiment of a person who seeks to repair, soften, or compensate for human pain is justice—justice that hopes to guarantee the dignity that is the basis of compassion: "the pain that evil people cause other people, the reaction that emanates from the spectacle of poverty, inequality, or the lack of freedom" ([23], p. 312). According to Aristotle, such ideas can promote a movement toward justice. In this sense, compassion is an initial, intuitive form of justice since evil is not convenient for our dignity and all pain is unfair. Compassion appeals to injustice and solidarity by extending "our" circle as widely as possible. Attached to that solidarity is the compassion that leads to greater justice, to the detriment of poverty or situations of diverse social and cultural violence. That other justice, which is greater because of the love it gives others, is compassion.

Compassion and hospitality are based on another central resource, which is solidarity. Solidarity is a virtue, woven in the community, that is fundamental for human relations and the resolution of violent situations. Solidarity must be factually supported by social assurance. If assurance does not appear or is weakened—as in societies affected by neoliberal proposals—solidarity fades and the implicit principles of justice underlying governmental benefactors are erased. All solidarity is pulverized. We can state that solidarity reveals the full meaning of justice and promotes justice ([27], p. 97); in other words, solidarity incites the obtainment of justice. Benevolence is the name for solidarity; it refers to fundamental mutual support for attaining a balanced society; it remedies shortages to overcome violence and achieve cordial, peaceful situations. And such solidarity is linked in turn to hospitality, since it attaches importance to the life of others upon imagining existence in the other's shoes.

Hospitality is related to an invitation and a promise [28] and is linked to occasions of support and shelter in a framework of humanity. Such situations motivate the common willingness to help others for mutual benefit, to construct situations of healthy, peaceful interaction in public and community spaces.

In general, actions related to solidarity, hospitality, and care have been left systematically at the margin of public and political spheres and are limited fundamentally to the private sphere. The split demonstrates the age-old, constant rupture between justice and good living [29], while separating private and public settings. As a result, care is associated with others, with their recognition, and with the enlargement of spheres of concern and mutual action in constructing cultures to make peace.

The perspective of compassion, care, and hospitality expresses a society concerned about otherness, well-being, and community justice. It encourages us to put ourselves in the place of others and to learn to see the world from others' viewpoints. For this reason, hospitality means opening to otherness based on the recognition of the dignity and identity of others. Hospitality is not received anonymously because unknown people do not have a birthplace, a history, an inheritance, or any reference whatsoever; identity and subjectivity are thus required [30], as others' requirements and needs are addressed.

The tasks of care are important because they permit satisfying basic needs for the survival and well-being of a society's members. They reveal the attainment of

social justice ([31], p. 87). In addition to sustaining life, the tasks of care contribute to developing values and capacities in the individuals who perform them ([32], p. 19). Therefore, the procedure of care is practices that are ethical in nature but limited to spaces that are almost exclusively private and not highly esteemed. The struggles and processes of feminism have revealed the importance of activities of care that are so relevant for people; they are of an ethical nature because of their central dimensions in human life but must be generalized rather than limited to the province of women or laborers [33]. In this sense, it is important to relocate care to a new social infrastructure, in the face of vulnerability, finiteness, and dependence, while searching to attain social justice and participation in good living ([34], p. 191). A good life in an integrated life of well-being and a peaceful spirit, as various authors have indicated. First, we can quote Aristotle, the most paradigmatic in the topic, who points out that a good life is a valuable life that attains *eudaimonia*: the supreme goal of happiness that is an honest life of just, honest actions ([26]: 1097a/1098b). For Socrates, a good life is a coherent life, while Kant states that a worthy life is a life in which action aligns with moral duty ([5], p. 197). Marx expresses his theory in his first manuscript of 1844, referring to a good life as unalienated in society, not attached to private property and therefore free from alienation ([35], p. 594). Closer to us is Paul Goodman, who observed in *Growing Up Absurd* the perversion of US education, since a perverted society left a world that was insufficiently human, with corrupted institutions, undermined personal development ([36], p. xv), and no sense of the community of a humanized, good life. All of these thinkers coincide in defining a good life of shared, just actions.

A search for common elements implies being solidary, compassionate, and caregiving. Hospitality is a way to confront violent conflicts, since hospitality seeks open-mindedness and helps others as a form of ethical behavior. The prevalence of violence and the cancelation of hospitality are embodied in migration in today's world, and Mexico is no exception [37]. This issue is an empirical example of the absence of possibilities: scenarios of poverty-stricken migrants who are the victims of structural violence. Therefore, it is fundamental to assume a perspective in which hospitality is possible for all, and peace is attainable. In migration, violence ignores concerns for others, implying a cancelation of responsibility for others [38]. Accepting that responsibility means taking charge of and caring for immigrants, giving sufficient relevance to them and to their history of suffering; hospitality toward them is also oriented to the future ([39], p. 146). The pain and suffering that others undergo in frameworks of injustice cannot be disregarded, and in that sense, hospitality must look at both the past and future.

It is important to hope for change, and to look at the past as well as the future, since "no future and no progress are possible if built on the foundations of a past plagued by death and useless suffering" ([39], p. 146). In the case of migrants—who flee from their countries because they are fleeing from poverty and death—the right of foreigners not to be treated with hostility and rejection upon entering the other's territory, as stated by Kant [6] does not function with closed nation-states, as we now can prove. The right of hospitality as defended by Kant establishes that relations between foreigners and citizens can occur only in the form of peaceful relations or legal, public relations. The second part of this definition is not easily followed, since foreigners who migrate to other countries are now in an illegal situation. The proposals of absolute hospitality, based on law and not conditioned by the specifications of norms, are more illuminating ([30], p. 31). Such hospitality does not question the legal identity of individuals who cross borders, given that



borders are artificial. To cross those borders, policies would have to be elaborated to attain an open-door hospitality that does not take individual origins into account. Today, this topic is of extreme importance in understanding the enormous problems of migratory flows and border areas that incite so much violence. Revealing these problems obligates countries to establish binational migratory policies that function at the federal, rather than the local level. It eliminates abuse by police who have the authority to detain anyone in the street who appears to be a migrant and to demand that person's documents or to sanction companies that hire undocumented immigrants, backed by anti-immigrant laws. All of these actions contradict the unconditional law of hospitality referred to by Derrida, since detentions and deportations are carried out in the name of national security. This occurs in Mexico with Central Americans, as it occurs in the United States with Mexicans and migrants who filter through Mexico. Rights are violated, and the dignity of undocumented individuals is violated.

States assume the right to control, supervise, prohibit, or carry out exchanges that actors consider private but that the state can intercept; in this manner, all elements of hospitality are altered ([30], p. 53–55). Communities that receive migrants must consider hospitality as an experience, as well as a moral and social obligation. Hospitality must be a cultural form traversed by an ethos, because “ethics is hospitality; ethics is thoroughly coextensive with the experience of hospitality” ([30], p. 24–25).

Hospitality goes hand in hand with restitution, openness to compromise, communication, and recognition: categories that demand reciprocity, listening to others, and being open to others and their needs in an attempt to neutralize inequalities. Such actions promote a logic of reciprocity, which strengthens personal ties and structures societal processes in a more communal manner, with greater cooperation and agreement. Social recognition seeks reciprocity, which serves as a linking element but can cause violent situations if unheeded.

Peace is a dynamic entity that is based on considering individuals from a positive perspective, with possibilities for obtaining agreement and cooperation. The reduction of all types of violence is necessary yet insufficient, since it requires peaceful actions for the creative transformation of conflict. Positive and negative peace ([7], p. 31) in joint form imply noninterference with basic needs on one hand, and on the other hand, the presence of freedom. It is necessary to point out that in this text, peace is not considered as abstract, ethereal, and perfect, but as grounded and therefore imperfect (Francisco [40, 41]): peace in the plural. Therefore, the action that implies making peace is always a process, an explanation of the role that we are required to play. It is the only way to denaturalize and prevent a perpetuation of the violence that has become established as common currency in our societies—violence that disrupts intersubjective solidarity, compassion, hospitality, and as a result, justice.

Peace is expressed as equity instead of inequality, dialog instead of domination, integration instead of segmentation, solidarity instead of selfish individualism, and participation instead of exclusion. Peace implies the realization of justice that accompanies equality and dignity as social principles. Placing peace in social and mental structures implies defending that “if we want peace, we must make peace,” *si vis pacem para pacem*. In other words, the idea of emulating peace replaces the old adage that has justified war and violence by insisting that a desire for peace requires preparation for war: *si vis pacem para bellum*. If peace is the goal, it must be conceived as an end that is present in the means, in the processes of human action that are used to attain it. And if attaining peace is not absolute because it is in process, forms of peace

appear along the way to confirm that the objective has not yet been reached although progressive steps are underway.

The structural traits of peace are part of the process and are conditions of worthy interaction for social groups. Their high desirability and moral force imply their usefulness as a moral ideal, a demand that is made in a collective manner with and by others in a framework of common sense ([42], p. 153), with community-based actions ([43], p. 47). The result is joint moral responsibility in our societies. Protection of equality and justice is generated, since viewing peace as a moral ideal consolidates public spaces that satisfy fundamental needs, which must be met in a fair manner.

#### **4. Structurality of peace through imagination and nonconformity with experience: the impulse of hope**

Thinking about peace as possible and rooted in social structures is significantly hopeful, because it opens broad horizons of meaning for personal development, autonomy, self-respect, and progress in the frameworks of justice. The current section focuses on those topics, with an emphasis on imagination to facilitate hope. That which is worthy and desirable is to be accepted, and that which is not, should be rejected. If we want to influence decisions that promote fair and equal societies, based on peaceful proposals versus structural and cultural violence, we must defend a conception of structural peace. Such peace cannot accept justification or tolerance of decisions impregnated with violence in our private and public spaces. If we continue to experience violence as the sole horizon in our society, we shall be unable to affirm the fullness of our human condition. Viewing and imagining the future does not imply ignoring our reality; on the contrary, we must face reality, look it in the eye, and strive constantly to expand the scope of possibility for world peace. The underlying motivation for peace is linked to the imaginative possibilities for constructing reality and projecting viable alternatives. Reason can vacillate due to a lack of imagination and cause the cancellation of any project ([44], p. 29), yet we must be “as wise as serpents and as harmless as doves” ([6], p. 170) to be able to distinguish the universal ethic of peace. Rashness causes ruptures and violations; it generates violent conflicts impossible to resolve. Imagination helps us to see the hidden possibilities of social situations and enables us to modify structures of violence and support peaceful categories. Many of these possibilities serve to modify situations of violence, especially in the presence of mediators: the reason why educational processes are so important in peace and mediation, as demonstrated by Johan Galtung [45]. Modifying structures of violence will allow us to transform the naturalized conceptions of our vital reality that block change in our perceptions and actions. Resisting change provokes an immobilizing paralysis of imaginative possibility and prevents the creation of diverse, kind, and inclusive scenarios. We must decipher the possibilities of constructing a peaceful world in order to build a society that is healthier, fairer, and less unequal, in order to normalize the structure of peace.

Hope is linked to imagination, since imagination is a resource that seeks to arrange worldly things as people hope for improvement. Being imaginative implies a fertile imagination that finds solutions. Creative imagination pushes us to distance ourselves from an unjust and violent world and proposes possibilities for better realities. Refusing to accept situations of human degradation—due to inequality, violence, exclusion, and indignity, as well as other human aggressions—offers us possibilities for other situations. Injury and evil can be relieved through imagination, which clears

the way for improvement. In the face of damage, the “no” that some thinkers have considered to be the motor and basis of freedom uses indignation as a limit and as an act of rebellion.

Imagination is reforming and revolutionary since it liberates us from the real, due to indignity and degradation, and takes us to what is possible and will dignify human life. Through imagination, we can put ourselves in others’ shoes since it is freedom itself, the potential of starting from the “here and now,” that is expressed as resistance. And it is active resistance that implies the moral courage described by Socrates, so necessary to replace violent reality with another reality that is better and possible.

The same question about how to overcome cycles of violence is asked by John P. Lederach [46]. Cycles of violence underlie our human community, leading to the destruction of presumptions and entrenched structures of violence in societies. A response is required to take charge of these situations and establish peace as a structural element. Creative, real possibilities emanate from the imagination, which suggests the ability to imagine other, more humanizing alternatives that are based on memory and experience. The preservation of memories and the generation of possibilities locate the “strands of living peace” [1]. Referring to these strands leads us to think about the weaving of common elements that can mend social fabrics torn by violence. These attitudes represent new support and shelter for those who have suffered and continue to suffer from violence while seeking peace, which Galtung described as the attitudes that determine proposals for establishing situations and structures of peace [47, 48]. These structures are the yarns used to knit a reconstructive pattern that is conformed and expressed through storytelling. They are insubordinate actions considered necessary by those who perform them [49]. They are strands of living peace, because they serve as bridges for establishing the structures of peace in a silent process that restitutes and repairs the social fabric. They are the element that changes all structure and support, located in living peace. The bridges of life or fabrics of peace constitute the interstices of action and become visible through the desire to replicate them ([15], p. 262). Remembering has a dynamic of memory when it is based on justice, and in this way, memory is transformed into a future project. Transforming and reconciling memories ([50], p. 119) enable a reversion of impunity, with the past we hold and the future our imagination projects. In a certain way, it is about going beyond what exists ([51], p. 209), through action that reactivates and results in a better world, creating possibilities to help others. Hope is a valid alternative and a key factor that contains desires for the future, unknown yet suspected. It is an ethical imperative that is inserted into an ethos of hope. Such presumptions lead to considerations that structural transformation is possible for establishing peace at the center, in place of prevailing structures of violence. Transformation is carried out through collegiate actions aimed at structures of peace, and the desire for peace is realized through active resistance that generates fundamental changes in social frameworks—frameworks that seek through peace to guarantee justice, freedom, and harmony. Even in the darkest scenarios, as those of prisoners or migrants, a glimmer of hope remains. Elise Boulding expressed this idea in a workshop: “How could prisoners imagine a more caring world, let alone see themselves as agents to bring those changes about?” ([52], p. 3).

Hope is one way of disrupting cycles of violence. It is the possibility of devising multiple forms of future actions in a transformation from the possible to the real ([53], p. 13). We must therefore create infinite possibilities that embody potential, although difficulties will remain as “emerging possibilities are in conflict with the dominant paradigm” ([53], p. 26). Awareness will intervene in the selection of

possibilities. We can consider infinite possibilities in constructing peace, even knowing, as stated by Garry Leech, that the prevailing economic dogma does not facilitate that construction Garry Leech.

Nonetheless, I believe that keeping hope alive is vital since desperation is a form of silencing, of rejecting the world, and of fleeing from it. Dehumanization that results from the “unjust order” cannot be the reason for losing hope; on the contrary, it must motivate greater hope ([54], p. 111).

## **5. Conclusions**

Throughout this paper, an investigation of the existing realities for the implementation of peace was made, and it was intended to rescue the analytical relevance of theoretical studies on this subject as well as the ability to access in reality to situations of peace. This theoretical-practical process implies the establishment of a dignified community order, and for this purpose the text reflected on fundamental issues for its realization in society. Some relevant theoretical proposals were analyzed that help to modify and cancel the various forms of violence as long as the densaturalization of the structures of violence is achieved. This will make it possible to build a healthier, more just and less unequal society and to normalize the structures of peace. This will be the way to obtain the peaceful coexistence with collective mechanisms that transform the schemes of inequality and injustice. We can say then that the identification of the structural features of peace—as a process and as a condition of dignified coexistence of a social group—erect the goal par excellence to be pursued through action by means of processes that modify social and political structures from the grassroots. This can be achieved through humanizing imagination and awareness that opens up possibilities and possible futures in terms of peace building. By modifying the actions of institutions with the defense and realization of theoretical and practical resources such as hospitality, solidarity, compassion, and care, hope is instilled in the spirit of modifying reality. Hence, the relevance of dialog and listening supported by institutions to overcome injustice and violence through the options mentioned above, so that with them the presence of peaceful situations in social structures is promoted. It will be these values and actions that will prevail throughout the Mexican and global socio-political space; they are fundamental to eradicate the naturalization of violence in order to establish the naturalization of peace. Evidently, this will be a long, complex, and very difficult process in which all actors in society will have to participate. With all this, the epochal darkness that we have had to live through will be able to gradually ease in a constructive and harmonious way for human fulfillment, in possible and potential frameworks of peace.


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## References

- [1] Gutiérrez J. El poder de la violencia es un mito, la paz de vida es más fuerte [The Power of Violence is a Myth, the Peace of Life is Stronger]. *El Diario*; 2012 page visited on march 1°, 2020
- [2] CONEVAL. Consejo Nacional de Evaluación de la Política de Desarrollo Social [National Council for the Evaluation of Social Development Policy]. México: Mexican Government; 2020. Available from: [https://www.coneval.org.mx/Medicion/PublishingImages/Pobreza\\_2020/Pobreza\\_2016-2020.jpg](https://www.coneval.org.mx/Medicion/PublishingImages/Pobreza_2020/Pobreza_2016-2020.jpg); Available from: [https://www.coneval.org.mx/Medicion/MP/Paginas/Pobreza\\_2020.aspx](https://www.coneval.org.mx/Medicion/MP/Paginas/Pobreza_2020.aspx) (pages visited on november 1°, 2021)
- [3] INEE. (Instituto Nacional para la Evaluación Educativa) [National Institute for the Educative Evaluation] México. 2019. Available from: [https://www.inee.edu.mx/medios/informe2019/stage\\_01/cap\\_0103.html#:~:text=Al%20inicio%20del%20ciclo%20escolar,en%20EMS%20\(tabla%201.6\).&text=En%20educaci%C3%B3n%20primaria%20a%20nivel,64.4%25%20\(tabla%201.6\)](https://www.inee.edu.mx/medios/informe2019/stage_01/cap_0103.html#:~:text=Al%20inicio%20del%20ciclo%20escolar,en%20EMS%20(tabla%201.6).&text=En%20educaci%C3%B3n%20primaria%20a%20nivel,64.4%25%20(tabla%201.6)) (page visited on november 1°, 2021)
- [4] Tourliere M. Pobreza y violencia: la suma mortal [Poverty and Violence: The Deadly Sum] in *Revista Proceso*, 26 de diciembre. 2021. p. 7
- [5] Kant I. *Metafísica de las costumbres*, [On Methapysics of Morals]. Madrid: Tecnos; 2018
- [6] Kant I. *Sobre la paz perpetua* [On Perpetual Peace]. Madrid: Cátedra.; 2005
- [7] Galtung J. Paz por medios pacíficos. Paz y conflicto, desarrollo y civilización [Peace by Peaceful Means. Peace and Conflict, Development and Civilization]. Bilbao: Bakeaz; 2003
- [8] Roberts D. *Human Isecurity: Global Structures of Violence*. London/New York: Zed Books Ltd.; 2008
- [9] Leech G. *Capitalism. A Structural Genocide*. London/New York: Zed Books Ltd; 2012
- [10] Gleditsch NP, Nordkvelle J, Strand H. Peace research-Just the study of war? *Journal of Peace Research*. 2014;5(12):145-158
- [11] Cavarero A. *Horrorismo. Nombrando la Violencia Contemporánea* [Horrorism. Naming Contemporary Violence]. México: Anthropos/Universidad Autónoma Metropolitana; 2009
- [12] Galtung J. Peace by peaceful means. In: *Peace and Conflict, Development and Civilization*. Oslo: International Peace Research Institute. 1996
- [13] Jackson R. Post-liberal peacebuilding and the pacifist state. *Peacebuilding*. 2018;6(1):1-16. DOI: 10.1080/21647259.2017.1303871
- [14] Mitchell C. Beyond resolution: What does conflict transformation actually transform? *Peace and Conflict Studies*. 2002;9(1):1-26. Article 1. Available at: <https://nsuworks.nova.edu/pcs/vol9/iss1/1>
- [15] García-González DE. La paz como ideal moral. Una reconfiguración de la filosofía de la paz para la acción común [Peace as a Moral Ideal. A Reconfiguration of the Philosophy of Peace for Common Action]. Madrid: Ed. Dykinson; 2019
- [16] Villoro L. Los retos de la sociedad por venir, [The Challenges of Society to

- Come]. Fondo de Cultura Económica: México; 2007
- [17] Gnoth A. A Crisis of Criticality? Reimagining Academia in International Peacebuilding. National Centre for Peace and Conflict Studies: University of Otago; 2019
- [18] López-Martínez M. Enciclopedia de paz y conflictos [Encyclopedia of Peace and Conflicts]. Vol. I & II. Granada: Junta de Andalucía/Editorial Universidad de Granada; 2004
- [19] Butler J. Sin miedo. Formas de Resistencia a la violencia de hoy, [Without fear. Forms of Resistance to Violence Today]. Barcelona/México: Taurus; 2020
- [20] Zambrano M. Islas [Islands]. Madrid: Ed. Verbum; 2009
- [21] Žižek S. Violence, Six Sideaways Reflections. New York: Big Ideas Picador; 2008
- [22] Esposito R. Categorías de lo impolítico [Categories of the impolitic]. Buenos Aires: Katz; 2006
- [23] Arteta A. La compasión. Apología de una virtud bajo sospecha [The Compassion. Apology of a Virtue under Suspicion]. España: Libros de Frontera, Paidós; 2019
- [24] Rousseau JJ. Emilio, [Emilio]. Madrid: Alianza; 1990
- [25] Aristóteles. Retórica in Obras [Works]. Madrid: Ed. Aguilar; 1973
- [26] Aristóteles. Ética Nicomaquea in Obras [Works]. Madrid: Ed. Aguilar; 1973
- [27] Etxeberría X. Virtudes para convivir [Virtues to Coexist]. Madrid: PPC, Editorial; 2012
- [28] Benhabib S. Critique, Norm and Utopía, A Study of the Foundations of Critical Theory. New York: University of Columbia; 1986
- [29] Benhabib S. Dignity in Adversity, Human Rights in Trubled Times. Cambridge: Polity Press. 2011 (page visited on July 23, 2017). Available from: [https://books.google.com.mx/books?id=fvTvrio7baEC&pg=PT2&dq=Seyla+Benhabib,+Dignity+in+adversity&source=gbs\\_selected\\_pages&cad=2#v=onepage&q=Seyla%20Benhabib%2C%20Dignity%20in%20adversity&f=false](https://books.google.com.mx/books?id=fvTvrio7baEC&pg=PT2&dq=Seyla+Benhabib,+Dignity+in+adversity&source=gbs_selected_pages&cad=2#v=onepage&q=Seyla%20Benhabib%2C%20Dignity%20in%20adversity&f=false)
- [30] Derrida J. La hospitalidad [Hospitality]. Buenos Aires: Ed. La Flor; 2000
- [31] Comins-Mingol I. Filosofía del cuidar. Una propuesta coeducativa para la paz, [Philosophy of Caring. A Coeducational Proposal for Peace]. España: Icaria; 2009
- [32] Comins-Mingol I, Paris-Albert S. Reconocimiento y cuidado: filosofía para la paz y paz imperfecta en diálogo [Recognition and Care: Philosophy for Peace and Imperfect Peace in Dialogue]. En: Convergencia. Revista de Ciencias Sociales, México: Universidad Autónoma del Estado de México, Vol. 29. 2020. Available from: [http://www.scielo.org.mx/scielo.php?script=sci\\_arttext&pid=S1405-14352020000100109&lng=es&nrm=iso](http://www.scielo.org.mx/scielo.php?script=sci_arttext&pid=S1405-14352020000100109&lng=es&nrm=iso)
- [33] Tronto J. Beyond gender difference to a theory of care, signs. Journal of Women in Culture and Society. 1987;12(4):644-663
- [34] Sevenhuijsen S. The place of care. The relevance of the feminist ethic of care for social policy. Feminist Theory. 2003;4(2):179-197

- [35] Marx, C. (1987). Manuscritos económico-filosóficos de 1844, [Economic-Political Manuscripts of 1844] En: Marx, C. y Engels, F. Marx. Escritos de juventud, [Marx, Writings of Jouth]. México: Fondo de Cultura Económica
- [36] Goodman P. *Growing Up Absurd*. Nueva York: Random House; 1960
- [37] Fernández de la Reguera A. *Detención migratoria. Prácticas de humillación, asco y desprecio* [Immigration Detention. Practices of Humiliation, Disgust and Contempt]. México: Universidad Nacional Autónoma de México; 2020
- [38] Gandini L, Fernández de la Reguera A, Narváez JC. *Caravanas* [Caravans]. México: Universidad Nacional Autónoma de México; 2020
- [39] Bárcena F, Mèlich JC. *La educación como acontecimiento ético. Natalidad, narración y hospitalidad* [Education as an Ethical Event. Natality, Storytelling and Hospitality]. Barcelona/Buenos Aires/ México: Paidós; 2000
- [40] Muñoz F. *La paz Imperfecta*, [Imperfect Peace]. España: Universidad de Granada; 2001
- [41] Muñoz F. *Paz imperfecta* [Imperfect peace]. In: Mario LM, editor. *Enciclopedia de paz y conflictos* [Encyclopedia of Peace and Conflicts]. Vol. 2. España: Universidad de Granada; 2004
- [42] García-González DE. *El sentido común. Reflexiones ético-políticas* [Common Sense. Ethical Political Reflections]. México: Plaza y Valdes/ Cátedra UNESCO de Ética y Derechos humanos; 2014
- [43] Gadamer HG. *Verdad y Método II*. [Truth and Method II] Sígueme, Salamanca; 1994
- [44] Nuusbaum MC. *Justicia Poética* [Poetic Justice]. Santiago de Chile: Ed. Andrés Bello; 1997
- [45] Galtung J, Montiel F. *Manual de mediación. Método Transcend. Hacer paz: mediación, diálogo y creatividad* [Mediation Manual. Transcend Method. Make Peace: Mediation, Dialogue and Creativity]. México: Tecnológico de Monterrey/Cátedra UNESCO de Ética, cultura de paz y derechos humanos/ Universidad Transcend/CECUPA; 2017
- [46] Lederach JP. *La imaginación moral. El arte y el alma de la construcción de la paz*, [Moral Imagination. The Art and Soul of Peace Building]. Bilbao: Bakeaz/ Guernica Gogoratzuz; 2007
- [47] Galtung J. *Reconciliation: Clearing the Past, Building a Future*. Grenzach-Whylen, Germany: Transcend University Press; 2012. Available from: <https://www.transcend.org/tup/>
- [48] Galtung J. *Tras la violencia 3R's: Reconstrucción, reconciliación, resolución*, [After Violence 3R: Reconstruction, Reconciliation, Resolution]. Bilbao: Gernika-Gogoratzuz; 1999
- [49] Gutiérrez J. *Hebras de paz para conjuntar el dolor y los conflictos con testimonios y libros* [Strands of peace to combine pain and conflicts with testimonies and books] [Entrevista con Camila Pinzón Mendoza] [Interview with Camila Pinzón Mendoza] [en línea] [online] W Magazin. 2017. Available from: <https://wmagazin.com/hebras-de-paz-para-conjuntar-el-dolor-de-los-conflictos-en-la-vida-real-y-en-los-libros/> [page visited on January 20th. 2021)
- [50] Ricoeur P. *La memoria, la historia, el olvido* [Memory, History, Oblivion]. México: Fondo de Cultura Económica; 2004



[51] Bloch E. Puede frustrarse la esperanza? [Can Hope be Frustrated?]. En: Gómez, Carlos editor. *Ética. Doce textos fundamentales del siglo XX* [Ethics: Twelve Fundamental Texts of the 20th Century]. Madrid: Alianza Editorial. 2014. pp. 165-173

[52] Boulding E. A Journey into the Future: Imagining a Nonviolent World, *Peace and Conflict Studies*. Vol. 9: 2002. No. 1, Article 4. Available from: <https://nsuworks.nova.edu/pcs/vol9/iss1/4>

[53] Berardi F. *Futurabilidad. La era de la impotencia y el horizonte de la posibilidad* [The Age of Helplessness and Horizon of Possibility]. Buenos Aires: Ed. Caja Negra; 2019

[54] Freire P. *Pedagogía del oprimido* [Pedagogy of the Oppressed]. México: Siglo XXI; 2005

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This book, *Global Peace and Security*, is a collection of reviewed and relevant research chapters offering a comprehensive overview of recent developments in the social sciences. It is written by various researchers and edited by an expert active in global peace and security research. All chapters are complete in themselves but united under a common research study topic. The book provides a thorough overview of the latest research efforts by international authors on global peace and security, opening new possible research paths for further novel developments.

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