

ICAR News

A Publication of the Institute for
Conflict Analysis and Resolution

GEORGE MASON UNIVERSITY

Holder v. Humanitarian Law Project

ICAR Joins the Carter Center and Others in Opposing Use of the Homeland Security Act to Criminalize Conflict Resolution Activities

By Richard E. Rubenstein, Ph.D., ICAR University Professor of Conflict Resolution and Public Affairs, rrubens@gmu.edu

In June of this year, the Obama administration teamed up with the conservative majority of the U.S. Supreme Court to deliver a serious blow to efforts by organizations like ICAR to train groups denominated “terrorist” to use the methods of peaceful advocacy and conflict resolution rather than resorting to violence.

The case, called *Holder v. Humanitarian Law Project*, grew out of activities by several organizations to assist members of the Kurdish PKK and the Sri Lankan LTTE to learn and use the methods of dispute resolution, international



President Bill Clinton With Prime Minister Yitzhak Rabin and PLO leader Yasser Arafat agreeing the Oslo Accords 1993. Photo: Wikimedia.

law, and public advocacy. Both groups are listed as terrorist organizations by the Secretary of State, along with Hezbollah, Hamas, al Shabaab, and several dozen others. The issue was whether a section of the Homeland Security Act making it illegal to provide “material sup-

port” to such groups in the form of “training, expert advice, personnel, and services” was an unconstitutionally vague and improper limitation on the peace advocates’ freedom of speech and association, or whether it was a justifiable exercise of Congress’s power to pursue the “war on terrorism.”

Arguing for the government, Solicitor General (now Supreme Court Justice) Elena Kagan argued that Congress had the right to declare any sort of aid to terrorist organizations illegal. “Hezbollah builds bombs,” she stated. “Hezbollah also builds homes...

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Commentary

Eighth ICAR-OAS Summer Workshop: Building a Community of Practice in Latin America

By Janet Murdock, ICAR-OAS Summer Workshop Planning Team Leader, jdock@gmail.com

This past Spring, ICAR held the resoundingly successful eighth ICAR-OAS Summer Course; bringing top level scholar-practitioners, NGO leaders, and government officials from Latin America to ICAR. The workshop focused on the application of reflective practice to social conflict resolution, and sought to assist in strengthening higher-education programs in conflict management. The two-week program was designed and organized by Professors Wallace Warfield and Christopher Mitchell,

students, alumni, and friends of ICAR, a small community that has collectively been working to strengthen conflict resolution/transformation in Latin America and the Caribbean for the past ten years.

network

The project was run on a miniscule budget (less than \$3,000), and financial assistance from the OAS's Professional Development Scholarship Program that provided airline tickets. Participants were housed in the homes of the workshops' planning team, who also donated time, translation services, and personal resources to make this program a very unique experience. The success of this project also stemmed from the quality of the invited speakers. "It helps that ICAR faculty are always ready to support this initiative, and that ICAR

alumni are now scattered throughout the key institutions in the Washington D.C. area and are willing to donate their time and share their knowledge and experience," said planning team leader Janet Murdock.

The project has had a significant impact on the development of conflict resolution/transformation in the Latin American region. The planning team has been able to track the development and maturation of the



Workshop participants, translators and Prof. Wallace Warfield.
Photo: J. Murdock.

field in Latin America, and to follow the different trends, perspectives, and approaches that have emerged. This year's group reached an unprecedented level of reflection on their practice and even advanced some very new and interesting conceptual frameworks that help explain the complexities of working in environments of great power asymmetry and little governance.

The program has also filled an increasing demand for people with highly sophisticated skills for engaging with social conflicts in complex environments, but few credible institutions to prepare people for the challenges they face. The initiative has contributed to the professional development of over one hundred and fifty of Latin America's top conflict resolution practitioners, helping to build a critical mass of people well positioned to foster the development of quality higher education programs in conflict resolution/transformation throughout the region.

Participants from these workshops networked into a regional community serves as a catalyst for new collaborative initiatives. Not only has the program been an important source of jobs and internships for ICAR students interested in working in Latin America, but it has also contributed to ICAR's name recognition and reputation as the premier U.S. university in the study and practice of conflict analysis and resolution in Latin America.

A ninth ICAR-OAS course is being planned for May 2011. Due to the growing demand for the course, organizers believe that they will be able to make the course economically viable for more paying participants. The project testifies to the fact that ICAR's influence and impact extends far beyond what budget figures show. ■



Workshop Participants. Photo: J. Murdock.

Field Research in Aceh, Indonesia: "Don't Disturb the Peace"

By Leslie Dwyer, Ph.D., ICAR Assistant Professor of Conflict Analysis and Anthropology, ldwyer2@gmu.edu

This past August, thanks to a collaborative research grant from the Center for Consciousness and Transformation at George Mason University, I found myself sitting in a bamboo shelter on the edge of a small Acehese village. During armed conflict between the Indonesian military and the Free Aceh Movement, this village became a place of violence and trauma, with men and boys “disappeared” and women and girls subject to military interrogation and sexual abuse. Women told me of watching their daughters raped, nursing the wounds of their sons, and struggling to make a living when access to fields and markets was blocked by combat. Peace came to their village in 2005, after the Indian Ocean tsunami disaster made it impossible for the government to continue to bar outside access to the province. But the hope of these women that the violations inflicted upon them would be addressed, and that their needs as widows, mothers, and economic actors would be fulfilled, had not come to fruition. They said they had not been touched by the waves of aid that flooded tsunami-affected communities with reconstruction projects, and they had been told by their government that speaking about what happened to them during armed conflict, and how the effects of war still constrained their lives, would be disloyal to their communities and dangerous for a fragile peace process. The elite parties to the conflict – including former rebels now in power – preferred to move on from the past, attracting outside investors to Aceh’s new political stability. “‘Don’t disturb the peace,’ that’s what they tell us,” one woman said to me. “‘Just don’t think about that anymore.’ But we cannot forget, especially when our lives are still filled with struggle.”

When teaching theory, I tell my students how very much our analytical frameworks matter. They are not just abstract “academic” constructions, but models – implicit and explicit – for action in the world. Positive peace, gender sensitivity, structural violence, transitional justice: how one imagines and enacts such ideas has intense mate-



ICAR Professor Leslie Dwyer. Photo: L. Dwyer.

rial impacts. After the tsunami, which led to 110,000 deaths, 700,000 displacements, and an estimated US\$4.4 billion in property damage, Aceh became a kind of laboratory for humanitarianism, with hundreds of organizations at work in the area. Most Acehese acknowledge that this international attention was in large part responsible for the signing of an historic peace agreement bringing an end to decades of combat. However, donors overwhelmingly failed to focus on the fact that Acehese were suffering not only the effects of natural disaster but the “unnatural disaster” of military occupation. Less than 10% of donor aid was allocated for post-conflict projects, exacerbating social imbalances. Grievances about histories of human rights abuses, continuing structural inequalities, and questions about whose definitions of “development” prevail have often been dismissed by political elites by making references to the fragile status and future promise of “peace.” The stories of those whose needs have been forgotten help remind me to listen, to question, and to commit to research as the link that spans theory and practice. ■

initiatives



Memorial to victims of the tsunami covers a mass grave in Banda Aceh. Photo: L. Dwyer.

Director's Breakfast-Book Launch

ICAR Host's Dr. Adekeye Adebajo

By Tom Richardson, ICAR Newsletter Editor and M.S. Student, trichar7@gmu.edu

EVENTS

On October 29, 2010, ICAR hosted Dr. Adekeye Adebajo, Executive Director of the Centre for Conflict Resolution, South Africa. The event, coordinated through the Office of the Director, gave Dr. Adebajo an opportunity to present his recently published book "The Curse of Berlin: Africa After the Cold War" and created an informal and collegial atmosphere for staff and students to interact with one of Africa's leading conflict resolution scholar-practitioners. ICAR Director Andrea Bartoli hopes that this event will be just the first step towards a stronger engagement with Africa's conflict resolution community.

Dr. Adebajo's academic career began in East Germany, where he witnessed the fall of the Berlin Wall. Following this, he took up residence as a Rhodes Scholar at Oxford University, later going on to act as United Nations observer to the historic 1994 elections in South Africa. Dr. Adebajo then spent two years at Tuft's Fletcher School and a year at the Brookings institute. Since then, his professional career has taken him from "the Cape to Cairo" in a constant fusion of African and global international relations. Dr. Adebajo humorously compared his relationship with the historic events of modern African international relations to the life of Forrest Gump. Jokes aside, it cannot be denied that Dr. Adebajo has played a considerable role as both an academic witness and active participant in the evolution of Africa.

The title of Dr. Adebajo's book is a cryptic



ICAR Director Andrea Bartoli with Dr. Adekeye Adebajo.
Photo: ICAR

reference to two key events that have shaped the identity of the African Continent; the 1885 Berlin Conference that saw Europe's colonial powers divide up the kingdoms of Africa for their personal gain, and the 1990 fall of the Berlin Wall that freed the world from the shackles of Cold War bi-polarization. Dr. Adebajo seeks to explore the future of Africa, prescribing that the continent take advantage of the new multi-polar world to build domestic capacity for resolving conflict.

Central to Dr. Adebajo's understanding of '*Pax Africana*' is the quest for "three magical kingdoms"; security, hegemony, and unity. Dr. Adebajo believes that security within Africa cannot be constrained by the simplistic narrative of hermetically sealed sovereign states. Instead, peace and security should be achieved by giving prominence to the role of development in the human security paradigm and confronting the embedded inequalities of the world system. Although a provocative term, Dr. Adebajo believes that Africa is in need of domestic *hegemony* that will provide leadership, capacity and values in a similar manner to the way that the US assisted Europe's recovery from the Second World War. Underlying these efforts Dr. Adebajo espouses a unifying spirit of Pan-Africanism, that moves the continent beyond the rhetoric of decolonization, focusing on socio-economic decolonization enabled by interstate cooperation and regional structures.

If past is prologue, then Dr. Adebajo suggests that Africa must return to the future and recognize the important role it has already played in shaping the world. Mahatma Gandhi's development of non-violent protest in South Africa in turn inspired Martin Luther King's strategy of direct action. Without the civil rights movement it is hard to imagine that an African-American could possibly have become President of the United States. Dr. Adebajo hopes that through creative engagement with the international system Africa will move from "pawn to player" on the world stage. ■

Upcoming ICAR Community Events

Wednesday, November 10, 2010
"Emerging Nations & Separatist Movements"
2:30 - 4:00 pm, SUB I, Rooms A, B, C, Fairfax Campus

Thursday, November 11, 2010
ICAR Open House
7:00 pm, 555 Truland Building, Arlington Campus

Monday, November 15, 2010
Career Intensive: Environmental Conflict Resolution
All Day, 555 Truland Building, Arlington Campus, RSVF

Tuesday, November 16, 2010
Brown Bag - Reflections from Liberia and the Philippines
12:00 - 1:30 pm, Johnson Center, Meeting Room C, Fairfax Campus

Tuesday, November 16, 2010
CRDC - "From Revenge to Reconciliation"
6:00 - 9:00 pm, 325 Original Building, Arlington Campus

Thursday, December 2, 2010
John Burton Remembrance
7:00 - 9:00 pm, 555 Truland Building, Arlington Campus

<http://icar.gmu.edu/events-roster>

Reflections from Fall for the Book

Emir El-Kader and the Universality of Humanitarian Norms

By Tom Richardson, ICAR Newsletter Editor and M.S. Student, trichar7@gmu.edu

This Fall, George Mason University hosted a series of literary seminars entitled “Fall for the Book.” On September 21st John Kiser presented his bibliography of Emir Abd El-Kader, described by Mr. Kiser as a combination of “a Benedictine monk and a Marine, with a good liberal arts education.” Mr. Kiser went on to explain that his motivations for writing the book came from a desire for “more stories about *good Muslims*,” to counter the popular image of irrationally violent Muslims. He hoped to achieve this by reviving the memory of one of the greatest men of the nineteenth century, at the time known across Europe and North America as well as the Middle East. Although not explicitly discussed in the book itself, the seminar brought about interesting questions regarding Islam and humanitarian norms.

In his book Mr. Kiser not only brings us a perspective of a ‘good Muslim’ but also a demonstration of the strong bond between humanitarian and Islamic values. A highly respected religious scholar and military leader, Emir El-Kader conducted his opposition to the French occupation of his homeland according to strict humanitarian principles. Citing Quranic verses, El-Kader forbade decapitation, the mutilation of the dead, the targeting of non-Muslim religious figures, and the gratuitous destruction of nature. Similarly, El-Kader ensured that prisoners were well cared for even when facing limited supplies and a ‘scorched earth’ counter-insurgency campaign. Ultimately, El-Kader ended his resistance by voluntary surrender, as a military stalemate simply inflicted unnecessary suffering on the civilian populace.

During El-Kader’s exile in Damascus the local conflict between Druze and Marionites led to a pogrom against Christians in 1860. Guided by his faith, he publicly defied Muslim fanatics by offering sanctuary to Christians within his own home. For his actions, El-Kader was honored by President George Washington and Queen Victoria, and bestowed the Grand Cross of the Légion d’honneur by the French. In 1863, motivated by a European battle that took place one year prior to the Damascus pogrom, Henri Dunant formed the organization that would become the International Committee of the Red Cross. Although Dunant and El-Kader never crossed paths their examples as individuals reflect parallel aspirations that sought to promote universal humanitarian principles.

In the ‘post-9/11’ environment, some have come to call into question the absolute nature of humanitarian principles. With the denial of prisoner of war rights to “enemy combatants,” the pervasive use of

Recent ICAR Articles, Op-Eds, Letters to the Editor, and Media Appearances

Shaping Social Identities: The Role of History Education in Conflict and Post-Conflict Societies

By Karina Korostelina, ICAR Professor
Advances in Psychology Research 11/01/10

Overstating the ‘crime gun’ data

By Kristen Maccubin
Washington Post 10/30/10

Analysis of NPR - Juan Williams Firing

With Solon Simmons, ICAR Professor
Fox 5 News, 10/22/10

Cyprus and the 2010 OSCE Mediterranean Conference

By Alfred A. Farrugia, Ph.D. Candidate
The Malta Independent, 10/10/10

Persistent Challenges to Long-Term Peace in Côte d’Ivoire

By Andrea Bartoli, ICAR Director
Peace Brief - United States Institute for Peace, 10/6/10

Promotion and Training of Voluntary Service

By Andrea Bartoli, ICAR Director
Dehoniane, 10/01/10

Antropologia, Immaginazione Morale E Pratica Eticay

By Mark Goodale, ICAR Professor
Annuario di Antropologia, 9/30/10

Akhtamar Reopening: Deficient but Powerful Seed

By Phil Gamaghelyan, Ph.D. Candidate
The Armenian Weekly, 9/29/10

indiscriminate violence that has killed innocent civilians, and the deliberate targeting of humanitarian actors by insurgents, the challenges to humanitarian norms have never been greater. However, within this context Mr. Kiser presents us with an historic example that directly confronts those that claim humanitarianism to be a luxury and weakness of the West. He also provides a role model whose faith in Islam was guided by discernment and self-restraint. “Commander of the Faithful: The Life and Times of Emir Abd El-Kader” offers both hope and insight in an often bleak world. ■

PRESS

Gretchen Reynolds, ICAR Liaison Librarian

By Molly Tepper, Ph.D. Candidate, and John Burton Librarian, mtepper@gmu.edu

As ICAR's Liaison Librarian from the Arlington Campus Library, Gretchen Reynolds contributes not only to our own work but also to the growth of the conflict analysis and resolution field. Welcoming and proficient, Gretchen is active in supporting and promoting student and faculty research at both the individual and group levels.

With a Master of Science of Information from the University of Michigan, Gretchen is a subject specialist, navigating information and library systems to locate the various, and often remote, data ICAR scholars are continuously in search of. Research questions in hand, students and faculty are now noting and appreciating the benefits of Gretchen's skills.

Joining the University two years ago, Gretchen promptly partnered with the John Burton Library and Resource Center to offer workshops and individualized research strategies. She now runs multiple workshops throughout the year on research methods for conflict studies, for both general audiences and specific in-class presentations tailored to Faculty requests. Several Zotero (a free bibliographic software package) trainings were also held at ICAR this year, co-facilitated by Gretchen's colleagues, April Kelley and Michael English, an ICAR PhD student working at the Arlington Campus Library.

In addition to being an invaluable resource for ICAR scholars, Gretchen works on developing resources for the CAR field by adding

to the GMU Library collection and by developing the new Conflict Resolution Research Portal (<http://gmutant.gmu.edu/resolve>), a collection of digital resources and forums to support an online community of research. She also furthers the work of the ICAR community and University Libraries by attending external conferences within both fields.

In her role as a liaison librarian and a member of the University Libraries Scholarly Communication Team, Gretchen has linked ICAR with other GMU resources, including University Dissertation and Thesis Services, Mason Archival Repository Service, and Open Access initiatives.

ICAR is fortunate to have Gretchen Reynolds as a member of our community. Her ability to advance CAR research strengthens us all. Gretchen can be reached during office hours (Mondays 3:30-4:30 pm; John Burton Library 6th Fl Truland, Wednesday 3:30-4:30 pm; Lobby 2nd Fl Original Bldg) and by appointment in her office at the Arlington Campus Library. Email: greynol3@gmu.edu, Phone: 703-993-8267. ■



Gretchen Reynolds, ICAR Liaison Librarian. Photo: GMU Creative Services.

Unrest Magazine: A Return to Critical Theory

By Michael English, Member of the Editorial Cell, unrestmag@gmail.com, www.unrestmag.com



Unrest Magazine is the product of certain historical conditions and institutional constraints. The project began in October of 2009 as a reaction to what was perceived

as a lack of attention to critical theory in the field of peace and conflict studies. We felt a proper critique of capitalist society was necessary to understand contemporary conflict and the field needed a venue for this discussion to take place. While Unrest is unique in its birth at ICAR, the magazine is part of a rich tradi-

tion of philosophical questioning and praxis aimed at liberation. The magazine envisions itself as a vehicle for reestablishing the radical foundations of the conflict resolution project through the use of critical conflict analysis and critical conflict engagement. Since its inception, Unrest has received unwavering support and encouragement from Professor Richard E. Rubenstein. His guidance provided Unrest with the confidence to pursue a line of inquiry that we recognized from the start might not be met with flowers and chocolates. Unrest is currently hard at work on its third issue due out in January of 2011. Those interested in working with Unrest, either as a contributor or collaborator, are encouraged to contact the Editorial Cell. ■

Material Support

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Richard Rubenstein, ICAR Professor. Photo: GMU Creative Services.

What Congress decided was when you help Hezbollah build homes, you are also helping Hezbollah build bombs.”

Five members of the Court agreed, with Chief Justice Roberts authoring the majority opinion. The most important ground of decision, said Roberts, was

the deference due to Congress’s judgment in matters concerning national security. (This judgment counts for very little, in the view of the same majority, where Congress’s power to regulate business or to restrain campaign financing is concerned.)

Associate Justice Stephen Breyer read his dissenting opinion from the bench – an unusual gesture indicating strong disagreement with the majority. He argued that while the government could lawfully prohibit many types of assistance – for example, financial aid – on the ground that such help could free up other resources for violence, it could not prevent human rights or peace organizations from teaching groups labeled terrorist human rights law or showing them how to petition the United Nations. There must be some relationship between the prohibited aid and terrorist activity to justify this use of the government’s power to criminalize otherwise legal behavior.

Breyer also jumped on a key argument made by Kagan and accepted by the majority – perhaps, in a deeply political sense, the most important point of all – that training in nonviolent processes might legitimize terrorist organizations. The government wants to make certain organizations “radioactive,” as



Anwar Sadat, Jimmy Carter, and Menachem Begin agree the Egypt-Israeli Peace Treaty, 1979 Photo: Wikimedia.

a former Justice Department official said, and thus to make any contact with them taboo. (One recalls the South African apartheid regime’s attempts to ban contacts of any kind with the African National Congress.)

Breyer’s response was crisp and to the point. Clearly, the law does not, and could not constitutionally, make it illegal per se to join an organization on the Secretary of State’s list or to advocate its cause nonviolently. The “legitimacy” justification, said the justice, “cannot by itself warrant suppression of political speech, advocacy, and association.” If so, how could it possibly justify criminalizing training the members of such groups to use peaceful methods of advocacy and dispute resolution?

ICAR, represented by director Andrea Bartoli,



Frederik De Klerk and Nelson Mandela, World Economic Forum 1992. Photo: Wikimedia.

joined the Carter Center, Human Rights Watch, the International Crisis Group, the Kroc Institute at Notre Dame, and other peace organizations in filing an amicus curiae brief arguing that the law, as interpreted by the government, would interfere with its conflict resolution work. The adverse decision provoked Jimmy Carter to remark that the statute, whose violation carries a fifteen year prison term, “actually threatens our work and the work of many other peacemaking organizations that must interact directly with groups that have engaged in violence.” David Cole, who argued the case for the plaintiffs, put it even more strongly. “The Supreme Court has ruled that human rights advocates, providing training and assistance in the nonviolent resolution of disputes, can be prosecuted as terrorists,” he stated.

The question is what comes next. Some of those who filed amicus briefs have already said that we must now call on President Obama and Congress to amend the law to exempt the work of humanitarians and

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conflict resolvers from its ambit. Is this a viable strategy when dealing with an administration that has outdone the George W. Bush administration in restricting individual liberties in order to fight the “war on terrorism”? Perhaps it is worth the effort, if for no other reason than to seize the opportunity to explain that conflict resolution, properly understood and practiced, is a practical alternative to violent methods of dealing with violent activists. To put it simply, the official methods of combating terrorism don’t work. Ours have a better chance of reducing the appeal of violence to aggrieved peoples around the world.

Clearly, this is not a principle yet accepted by the leaders of either political party, although there are members of Congress who would give us the opportunity to present our views on the Hill if we pursued that option. Tying such presentations to the Humanitarian Law Project Case would establish their relevance, and might induce other members

of the peace and conflict studies community to join us as presenters.

A further question, of course, is whether conflict resolution professionals should obey the law as interpreted in Holder v. Humanitarian Law Project or disobey it on the ground that laws contrary to peace are immoral and non-binding on conscientious citizens. If one has the chance to facilitate a workshop involving members of a group officially designated “terrorist,” should she refuse to do so on the ground that five members of the Supreme Court have spoken on the issue? We know how Henry David Thoreau would have answered the question. (Pardon the sexist language of 1849.) “I think that we should be men first, and subjects afterward. It is not desirable to cultivate a respect for the law, so much as for the right.” But each of us will have to answer it for herself. ■



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