

## **MANAGING ETHNIC CONFLICT: THE KONA STATEMENT**

### **Preface**

Ethnic conflict is one of the greatest impediments to the development of democratic institutions in eastern Europe and the former USSR. It threatens the security of the region and the peace and prosperity of the larger Euro-Atlantic world. Indeed, as the new century approaches, the question of how groups with different cultures, languages, and traditions shall live together in an increasingly crowded and interdependent world will be at the top of the agenda in almost every part of the globe.

In November 1993, the Project on Ethnic Relations (PER) brought together several members of its Council for Ethnic Accord who are engaged in various hands-on efforts to understand and to reduce ethnic conflicts. They were: Nicolae Gheorghe, Institute of Sociology of the Romanian Academy; Donald Horowitz, Duke University Law School; Allen Kassof and Livia Plaks, Project on Ethnic Relations; William Pfaff, International Herald Tribune; Attila Pok, Hungarian Academy of Sciences Institute of History; Vojislav Stanovcic, Belgrade University; and Valery Tishkov, Institute of Ethnography and Anthropology, Russian Academy of Sciences. Larry Watts of PER also participated.

At PER's request, the members of this group presented a panel on ethnopolitics in eastern Europe and the former Soviet Union at the annual meeting of the American Association for the Advancement of Slavic Studies, which met in Honolulu, Hawaii. Immediately preceding that presentation, they spent three days at Kona, on the island of Hawaii, in intensive and far-ranging discussions of ethnic conflict. The purpose of these discussions was to compare experiences in observing and dealing with ethnic conflicts and to search for generalizations about ways to mitigate them.

Donald Horowitz led the discussions. Afterward, William Pfaff wrote a distillation of the content of the discussions, to which Valery Tishkov made additional contributions. Their texts were subsequently combined by PER's senior editorial consultant, Robert Feldmesser, and the result is the Kona Statement.

The phenomenon of ethnic conflict is old, but its current manifestations have taken on new dimensions that we are only beginning to recognize--for example, the widening availability of destructive weaponry and the changing (and often inconsistent) role of the international community. Moreover, as the introduction by Professor Horowitz rightly emphasizes, it is easier to state desiderata than it is to devise realistic measures to accomplish them. Hence, the reader should think of this statement as a work in progress. We intend to make further efforts to expand on this modest beginning, and we hope that others will be stimulated to join. Comments addressed to PER will be welcomed and will be shared with members of the discussion group.

No single individual can be held accountable for a collective product. PER therefore assumes full responsibility for the content of this document.

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### **INTRODUCTION**

In the face of massive ethnic warfare, usually accompanied by unspeakable brutality, it is easy to become cynical and complacent, to conclude that the world is prey to beastly behavior and that nothing much can be done about it. The document that was drafted at Kona, on the island of Hawaii, in November 1993, makes clear that such attitudes are unjustified. There are many measures that can and should be taken at all stages of ethnic conflict. The Kona statement enumerates constructive steps to avert and alleviate such conflict before it breaks out into open warfare and other steps to be taken while warfare is ongoing and when it is concluded.

However, it is necessary to enter an important caveat. Adoption of these measures will never be easy or even likely. If it were, many states would already have adopted them, and the Kona Statement would be superfluous. More often than not, ethnic group leaders and politicians find it more advantageous to pursue intergroup conflict than intergroup accommodation. Those who are interested in peace must continue to search for opportunities for the pursuit of conciliation, for those fortunate moments when leaders do find it advantageous to reduce ethnic hostility.

The specific measures that are recommended should be those that leaders will find it rewarding to adopt and to pursue once adopted. In all too many cases, policies born of noble impulses have been pressed upon leaders who had no incentive to carry them out and who therefore abandoned the policies as soon as the international community was no longer watching. It is not always easy to identify policies that leaders will find both conciliatory and at the same time rewarding to political leaders, and we make no pretense that everything recommended in the Kona declaration is of that character. Rather, we issue the statement to break an intellectual impasse and to generate momentum toward interethnic accord.

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## **THE KONA STATEMENT**

### **Preamble**

Members of the Council for Ethnic Accord of the Project on Ethnic Relations met in Kona on the island of Hawaii in November 1993 with the aim of drawing up a set of considerations that would be useful to those involved in dealing with the problems of ethnic conflict, which is surely the most pervasive and probably the most important source of human suffering in the world today. This document is the result of the council's deliberations on that occasion. It is presented in all humility, as a basis for reflection and comment by others, and in the hope that it will deepen understanding of the problems and eventually lead to the development of rational policies for dealing with them.

Ethnic or "national" identity is usually a product of a community's political, cultural, religious, and linguistic history, traditions, and conventions--and sometimes inventions--rather than a product of "common origin" in a scientifically valid anthropological sense. The eminent British commentator on nationalism, Hugh Seton-Watson, has written that, after a lifetime of study, he was driven to the conclusion that it was not possible to devise a scientific definition of a nation. "All I can find to say is that a nation exists when a significant number of people in a community consider themselves to form a nation, or behave as if they formed one."

However it may be defined, ethnic identity and the struggle for ethnic self-determination that has often accompanied it have played two quite different roles in modern history. On the one hand, they have been a major force in the decline of imperialism, totalitarianism, and enforced ideology and thus in the expansion of human rights and freedoms, and they have been the basis for the recovery and strengthening of individual dignity. On the other hand, they have been the source of corrosive tensions and destructive conflicts, leading to the deaths of millions of people and to huge material losses, blocking economic and political reform, and serving as a justification for violations of human rights and the imposition of oppressive regimes.

The Council for Ethnic Accord neither advocates nor challenges the principle of ethnic or national self-determination, although it acknowledges, and indeed emphasizes, the immense complexity of the consequences of applying that principle or even seeking to apply it. Similarly, the council takes no position on the question of the collective rights of a people as distinct from (or in addition to) the rights of individuals, but it takes note of the facts that this is an issue of passionate dispute and that the existence of the dispute is itself an element that must be taken into account in the search for solutions to the problems that ethnic identification presents.

For centuries, these problems arose particularly in places where patterns of migration and political change made certain communities minorities in societies in which the majority was of a different ethnic identity or national tradition and the minority and majority communities clashed over their relative access to natural resources or national wealth, to social, political, and economic positions, and to educational opportunities. Ancient forms of discrimination or persecution were often present, as in the cases of the scheduled castes or "untouchables" of India, the class of people traditionally engaged in "unclean" occupations in Japan, and the Roma (Gypsies) and Jews in many countries.

More recently, another dimension has been added to the problems, when a minority community within one nation and the majority group in a neighboring nation identify with each other, giving rise to fears--or ambitions--of national expansion or partition. National frontiers established in eastern Europe and the Middle East by the settlements following the World War, and in the former Soviet Union by tsarist or Soviet authority, have in some cases been changed in response to (among other factors) demands from ethnic groups--sometimes creating new demands from other ethnic groups--and in many other cases are being contested as never before, sometimes with the use of armed force, threatening to engulf whole regions. Thus, international intervention in ethnic conflicts is being proposed with increasing frequency, although there is little agreement on the criteria or forms of such intervention, and the limited experience with it to date, as in the former Yugoslavia, is not promising.

It is useful to view the development of ethnic conflict in four stages: latency, manifestation, actualization, and aftermath. The needs and possibilities for action differ from one stage to the next.

### **Stage 1: Latency**

For greater or lesser periods of time in the life of a multiethnic national state, relations among its constituent communities may seem normal, and little or nothing is done to deal with the possibility of future conflict. Yet there are constructive measures that can be taken at this stage to prevent the eruption of such conflict. This is especially true when significant institutional changes are taking place, as in the former Communist countries since 1989.

The objective of government action at this stage should be to foster inclusion and full citizenship for all. It is not enough to enact legislation that defines the rights of ethnic groups or prohibits discrimination. There should be an attempt to enlarge the participation of ethnic minorities in public decision-making so as to enhance their confidence that their rights are being respected and that they can rely on fair treatment by public authorities. Newly independent states should accept the "zero" variant of citizenship: All persons living on the territory of the state at the moment of its establishment are entitled to be full citizens. Electoral systems and political parties should be organized in ways that encourage ethnic coalitions. Social and economic policies should seek to improve the conditions and status of groups that have been the victims of discrimination and to enlarge their opportunities, although experience in the United States and India suggests that "reverse discrimination" may be counterproductive.

These policies should take into account the fact that disparities among ethnic groups are often associated with differences between urban and rural areas or between historical rates of participation in various forms of enterprise.

In some cases, a federal structure may help reassure ethnic minorities that their rights will be maintained and their culture protected. Federalism can provoke fears of separatism and national dismemberment among the majority group, but the experience of Switzerland, India, post-Franco Spain, and the European Union demonstrates that, on the contrary, federalism can provide political stability and weaken separatist impulses. De jure or de facto exclusion from participation in national affairs may well spark demands for self-determination. One provision that may be useful in a federal system is that election to national office require a specified fraction of the vote in a majority of the federated units. At the least, a "functional federalism" should be encouraged. The

European Union's "distributive" principle is a useful model, in which political and economic powers are devolved to the lowest level of government or administration at which they can be competently exercised. This principle can also be applied in matters of education. However, it should not be overlooked that ethnic identification can also be nonterritorial, binding together communities living in different areas of a national state; hence, opportunities should be provided for communication (including the use of ethnically distinct languages) and association across the borders of federated units.

The educational system should be encouraged to include instruction about the fallacies and perils of ethnic prejudice and the duty of individuals to be alert to their own tendencies to engage in ethnic stereotyping. Special educational efforts should be directed to traditionally disadvantaged ethnic groups, in order to improve their ability to define their own interests, responsibilities, and possibilities in the larger society and to assume positions of political and economic leadership at both local and national levels. Individuals and organizations in the mass media should be encouraged to assume responsibility for carefully investigating and verifying accounts of ethnic threats or confrontations before publicizing them. But efforts to outlaw the public expression of ethnic prejudice are not always effective; indeed, the trial of those charged with violating such statutes can sometimes give rise to heightened tensions. However, it may be useful to act against the deliberate dissemination of ethnically hostile views or the instigation of ethnic hatred. At the very least, national and regional networks should be established to monitor and publicize such developments.

Intellectual elites bear a particular responsibility for articulating ethnic interests in a nonthreatening manner; unnecessarily aggressive intellectual formulations have in a number of cases been the trigger for conflict (e.g., the struggle between Georgians and Abkhazians began as a "war of the philologists"). Intellectual leaders should also play a positive role in developing new concepts of the nature of the state, moving away from the idea that a particular ethnic group, perhaps claiming descent from a common ancestor, is the only legitimate holder of state power--"one ethnic group, one state"--and toward ideas of nations as multicultural entities, though with distinctive cultural profiles.

Every national government should recognize that other national governments will inevitably interest themselves in the status and conditions of their coethnics living within its borders. Both sides must approach this matter as objectively as possible, but frankly and realistically, constantly aware that questions of secession and national honor and sovereignty are nearly always just below the surface in such cases. The goal should be to achieve noninvidious and nonthreatening relationships between ethnic minorities and their coethnics abroad. Experience suggests that problems of this kind are more constructively discussed in specific terms than at the level of general principles. It may be helpful to draw on professional expertise, knowledge of comparable experience, and the international community's assistance in mediating disputes and perhaps offering specific kinds of guarantees. By the same token, international organizations, both governmental and nongovernmental, need to reexamine their responsibilities and their practical possibilities for action. There is much they can do to promote the values of equal citizenship under the law, respect for human rights, and ethnic and national understanding and cooperation, and also to prepare themselves to offer mediation and conflict-resolution services and to enforce international law or impose certain rules of international conduct. A permanent war-crimes or human-rights court might serve as a deterrent to conflict.

### **Stage 2: Manifestation**

There is no reason to assume that ethnic tensions will inevitably develop into overt hostilities, but it is all too common that they do, often as the result of neglect of the measures that could have been taken during the latency stage. The more obvious warning signs of this shift are increased accusations of wrongdoing by ethnic groups and references to ethnic stereotypes in public discussion and political discourse, the appearance of rumors of atrocities supposedly perpetrated

by one ethnic group or another, and demands for extraordinary steps to benefit or "protect" the majority or minority groups or to restrict the liberties of those believed to threaten them.

Sometimes, a more subtle but nonetheless discernible sign is a spontaneous regrouping of populations along ethnic lines; such a movement was apparent in census statistics in Yugoslavia following Tito's death, and it could have been recognized as a silent signal of popular expectation of the conflict that eventually broke out. In addition, these regroupings themselves can be a source of problems when they bring competition for jobs and housing or are believed to be the cause of increased criminal activity. Even when the newcomers are of the same ethnic identity as those among whom they settle, they may be the bearers of different cultural values or life styles as well as strongly negative feelings toward the ethnic group from which they have "escaped." All of those problems are of course exacerbated when the population movements are carried out as forced resettlements.

Privatization of the economies of the former Communist countries has often contributed to ethnic tensions, because groups that make their living (or find a new means of survival) through trading can readily be perceived as profiting "illegitimately" from the market system and other aspects of economic reform. This has happened to Transcaucasians in Moscow and to Roma and Jews there and in eastern Europe.

These processes may then erupt in sporadic incidents of ethnic violence. At that point, the government must move promptly to maintain order and authority, and it must make unequivocally clear its rejection of violence as a mode of political action, including violence instigated by elements in the national majority or in a politically dominant minority.

Once violent incidents have occurred, various groups may begin to acquire arms and to arrange for the training and organization of paramilitary forces or for the recruitment of those already trained and experienced in the nation's military ventures. "Ethnic entrepreneurs" appear, making narrow, nonnegotiable demands in emotionally laden terms, and they may succeed in intimidating politicians into incorporating these demands into official declarations and legal documents. Even political leaders who want to resist these demands and to resolve disputes in peaceful ways may not know how to go about it; simply ignoring the manifestations of hostility may seem to them to be the only option. Such reactions may be interpreted as a green light for launching large-scale, systematic violence against ethnic foes.

The steps that can be taken to deal with the dangers at this stage include all of those already discussed as preventive measures appropriate to the latency stage, but they will be much more difficult to implement in the conditions of manifestation, because they are apt to be perceived as "taking sides" in a situation of acute controversy. Major resource transfers to victimized groups, for example, may produce resentment and backlash. Moreover, these measures may not be effective quickly enough to avert further conflict. Hence, additional steps are called for.

The most immediate need is for strengthened measures to maintain public order. It is of course essential that these be, and be seen as, free of ethnic bias. An impartially commanded, highly disciplined, and ethnically mixed police force trained in techniques of crowd and riot control is vital. Foreign assistance from such specialized forces as France's *Compagnies Republicaines de Securite* can be useful. The police and customs authorities should also closely monitor and control the movement of arms within the country and from abroad, and they should do what is possible to interdict the circulation of incendiary propaganda.

The courts--particularly the lower courts--must be given clear guidance on handling ethnically charged issues, and they must be closely supervised to prevent bias in the administration of justice. Incitement to and participation in riot should be promptly prosecuted, and whatever sentences are handed down should be carried out. There is a tendency to dismiss charges or to suspend sentences in these cases once the violence is over; this is conducive to the recurrence of conflict, since those who have promoted the violence perceive that the personal risk to them in doing so is minimal. Failure to prosecute and punish also inflates the reputation of riot leaders and promotes a popular

belief that the violence is condoned or even connived at by the public authorities. New legislation to define or strengthen the state's role in preventing ethnic discrimination and violence may be necessary.

It is extremely important to foster accurate, unbiased information and communication, particularly in the mass media. A program should be in place to systematically expose and discredit rumors. Journalists and editors should be made aware of their ethical and professional responsibilities. Instant and severe legal reaction to calls for violence, to ethnic libel, and to other acts breaching the proper limits of free expression is essential, not only in order to do justice but to make it evident to the public that justice is being done. Inflammatory or libelous statements or claims should be promptly answered by public authorities.

Specialized foreign assistance may be useful in such areas as conflict resolution, allowing the experience acquired elsewhere and techniques developed abroad to be brought to bear. The resources of social science may be enlisted in efforts to contain or rechannel hostilities and to reestablish constructive communications between groups. One principle of communication that has been found valuable in these circumstances is that of "second-order agreement," which is agreement as to what a disagreement is about. The parties to a dispute have achieved second-order agreement when each of them is able to explain his opponent's argument to a third party in terms acceptable to the opponent. Subsequent argument is then more likely to take place around real differences, rather than around a polemical interpretation of the other side's position.

At this stage, too, governments need to understand the international implications of their actions. Their countries' ability to control if not prevent ethnic violence fundamentally affects the treatment they receive from international institutions and from the foreign investment community.

### **Stage 3: Actualization**

If the steps taken in the first two stages fail to have the desired effects, large-scale conflict between ethnic groups may break out. It can take the form of a minority's insurrection against the national government or of war between ethnic groups within the national borders, which may be supported to greater or lesser degree and in more or less overt ways by coethnics abroad.

In some of these cases, the interests of the national government may lie in maintaining its own "national" character and in obtaining an eventual reconciliation of the warring parties (although in others the central authorities may see an advantage in suppressing one side). The alternatives are national partition--possibly as a consequence of foreign intervention--or, more rarely, a "victory" by the majority over a minority that is sustainable in the long run only by permanent measures of political and military repression corrupting to state and society.

The first imperative is to stop the fighting, or at least to control it in a politically sensitive way, with a view toward the ultimate achievement of a constructive outcome. This requires:

- (a) Strong statements from the public authorities in opposition to the violence, accompanied by firm actions on the part of the armed forces and the police. The instigators and executors of violent acts should be detained or arrested or at any rate removed from the sites of conflict.
- (b) Avoidance of ethnic division within the forces of order (which is more likely if the steps described in stages 1 and 2 have been taken). These forces must be well disciplined and under effective political control. If the local police are suspected of harboring ethnically biased sentiments, it may be useful to bring in nonlocal police forces.
- (c) Responsible control of communications, and objectivity in the mass media. Supplementary equipment may be needed to enhance communication capacity and to document events.
- (d) Establishment of mechanisms for obtaining cease-fires and initiating negotiations. International mediation may be crucial toward this end. A cease-fire agreement should include sanctions for its violation, and care must be taken that a cease-fire does not allow one side or the other to accumulate fresh resources for the renewal of hostilities. Agreements should include not only the immediate hostile parties, but also other parties who have not yet been involved but who

possess arms and recruits and have the potential for interjecting themselves into the conflict. Measures may have to be taken to disarm all civilians in the area.

(e) Minimization of casualties and material damage. Arrangements should be made for armed participants and their weapons to be withdrawn from front-line positions. It may be helpful to set up neutral or protected zones, perhaps under international authority, to declare open cities, or to take other steps available to belligerent parties under international law.

(f) Prevention of atrocities and war crimes. As mentioned before, the existence of international tribunals to try such crimes may have a deterrent effect. (If, in the aftermath of the current struggles in the former Yugoslavia and the states of the former Soviet Union, war crimes are diligently and soberly prosecuted, there may be fewer recurrences.) Facts should be collected for the future prosecution of war crimes, and the process of collection should be widely publicized.

The international community inevitably becomes involved at this stage, because of the risk that the conflict will be transformed into regional or even global war. Direct intervention is an option, though obviously a dangerous one, since it may itself widen the war instead of ending it. Intervention may also complicate the conflict, make it more difficult to end, and preclude other forms of action. Hence, it should be undertaken only after serious analysis of previous experiences and of the possible consequences. If intervention is to take place, it is apt to be most effective as early as possible after the outbreak of hostilities--e.g., in the Yugoslav case, at the first military violation of the borders of the newly recognized Bosnian, Croatian, and Slovenian nations--and it is most likely to be successful when undertaken with the consent of all the belligerents.

## **Part Two:**

But the international community has a variety of options available to it short of intervention. It can restrain the movement of arms from abroad and, to some extent, unilateral political or military acts and the propagation of inflammatory statements. It can impose sanctions, enact embargoes, and exert moral pressures in efforts to obtain cease-fires, protect human life, and promote negotiations. It can prepare trials for crimes against humanity and violations of international conventions on the conduct of war and the treatment of prisoners and refugees. It (or individual states on its behalf) can provide objective information about the conflict, by financing and otherwise supporting responsible journalistic agencies inside the country and through radio and television broadcasts from outside. It can contribute to the strength of moderate forces in the country and help them avoid being marginalized by extremists, furnishing material support (when that does not compromise them) and giving them international exposure. Groups in the country that support principles of democracy and ethnic inclusion should receive privileged participation in the international dialogue on their country's crisis. The international community should make it clear to those in the country who are responsible for instigating ethnic violence or who are committed to ethnic exclusion that, even if they are successful in asserting their power, their government will face continuing international opprobrium and isolation. Finally, the influence of international business in supporting moderate forces should not be neglected, for the economy of any country is affected by the goodwill and the investment decisions of actors in the international business community.

It is important, however, that international organizations and individual nations, even when acting to render humanitarian assistance or to bring about negotiations for a peaceful settlement, not confirm or rationalize the gains of one or another side in the conflict or collaborate or acquiesce in measures of "ethnic cleansing."

## **Stage 4: Aftermath**

Sooner or later, the conflict must end, and it will then be necessary to reconstruct a civil order from the wreckage left by the ethnic struggle. The parties to the struggle must be reconciled, and the claims of the "victors" must be adjusted to the realities of continued national functioning and the necessities of continued ethnic coexistence.

In some fortunate cases--as in Nigeria after the ethnically based civil war of 1967-70--there may be a general acknowledgment of the losses that the society has suffered and a concomitant recognition of the need to reconstruct civil and political society on a new foundation. It may then be possible to proceed directly to the rebuilding of institutions in terms of a national reunion. In this process, there should be a conscious attempt to turn disaster to good purpose; institutional reconstruction must scrupulously be kept ethnically neutral, and all parties should commit themselves to ethnic inclusion.

In any event, hostages must be released, prisoners exchanged, the dead properly buried; a period of national mourning may be an appropriate gesture, provided that measures are taken to prevent it from becoming an occasion for glorifying the conflict. The victims of the war should be compensated, and people should be helped to return to their homes if this is at all possible, actions that will be facilitated if laws and international pronouncements are in place declaring it illegal to seize individual property under conditions of mass unrest or armed internal conflict. Medical treatment must be provided for injured and displaced persons. Special attention needs to be given to children left without their parents and to women who have been the victims of rape (and who are sometimes further victimized by their own communities as well).

Unfortunately, it is often true that the militants responsible for the violence are made into heroes and so reap political benefits. Wherever possible, international pressure should be exerted to prevent them from assuming national leadership in the postconflict situation. Public debate should be encouraged with the aim of promoting positive change. The conflict should be de-dramatized, its events should not be allowed to become the stuff of sacred memory, and any concept of "blood revenge" should be denounced, in order that the conflict not be passed on to successor generations (as in the case of Armenian genocide, among many others). In all of these respects, the schools and the mass media will play a vital role. Finally, war crimes and other violations of human rights should be impartially prosecuted and punished, preferably under national law.

The goal of the measures undertaken in this stage should be to return the nation to the first stage, when conflict is contained and the possibility again exists that, with the proper steps--vigorously carried out and informed by experience--durable, universally beneficial, peaceful relationships can be established among the nation's diverse ethnic groups.