



DisTerrMem
Disputed territories & memory

Literature Review

The role of regional organisations in managing memories of disputed territories

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Part 5 of 6: Looking for Solutions: The application of deliberation in disputes on territories and memory management

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Looking for Solutions: The application of deliberation in disputes on territories and memory management

This final section considers the possibilities for meaningful deliberation within different political systems and the importance of facilitating opportunities for dialogue and engagement. This discussion also argues for regional organisations, nation states and NGOs, to foster a culture of deliberation in their peace building efforts to encourage spaces for meaningful, diverse and open dialogue.

The models of deliberation and deliberative democracy have had a prominent position in the past twenty to thirty years, respectively, in communication studies and political sciences, inspiring democratic innovations (Goodin, 2008; Held, 2006). Both models have developed in response to problems diagnosed in democratic communication at micro and macro levels. At first, they were discussed in reference to liberal democracies of Western states and cultures. However, it seems that the discussion on the applicability of these two concepts in politics, including peace processes, has broadened the scope and scale, including, for example, peace processes in various parts of the world.

Deliberation can be defined as ‘mutual communication that involves weighing and reflecting on preferences, values, and interests regarding matters of common concern’ (Bächtiger, Dryzek, Mansbridge, & Warren 2018: vi). Deliberative democracy institutionalizes deliberation through the legal means and procedures. It creates opportunities and framework for communicative actions which demand equal recognition, respect, reciprocity, and an equal power to influence opinions based on the force of arguments (Bächtiger, Dryzek, Mansbridge, & Warren 2018).

An attempt to implement the norms of deliberation in decision-making in complex societies and multi-level governance as well as within various communicative contexts leads to consideration of a deliberative system. According to Parkinson and Mansbridge, a deliberative

system means ‘one that encompasses a talk-based approach to political conflict and problem-solving through arguing, demonstrating, expressing, and persuading’ (2012: 4-5). Depending on the focus on a particular problem, the system may involve various sets of institutions, organizations and formal or informal networks of citizens. It may concern local communities as well as international or global relations (Dryzek, 2006).

Those who conceptualize introducing deliberation into global politics, cannot ignore the local conditions for its harnessing for at least two reasons. Firstly, it is in communities where citizens have most opportunities of getting involved in the public what may contribute to the culture of deliberation. Secondly, ethnic and other divisions within state borders are sometimes politically used to disable collaboration and strengthen conflicts. In the literature on divided societies, one can find an observation that as politicians might not be keen on supporting peace processes, there is a need for encouraging deliberation in communities, or more generally, ‘from the bottom-up’ (Levy et al., 2018; Steiner, & Jaramillo, 2019).

Institutions of formal education, and in particular schools in societies divided by conflict, can assist the youth with learning norms of deliberation and embed them in practice. In group discussions, young people can experience how deliberation differs from communicative situation defined by antagonism. Even if these bottom-up initiatives do not easily translate into the state policies in countries in conflict, the applied studies in various cultural settings demonstrate positive effects of interventions (Steiner et al., 2017).

In the scholarship on deliberation, there are subtle differences regarding core norms and their meaning. Also, the concept has evolved along the lines of discussions where deliberation has become associated not only with the model of representative, but also participatory democracy. The merger of both models, and the focus on communicative aspects of governance, have given the rise to the model of deliberative democracy. The change has stirred discussions on elitist versus egalitarian forms and forums of deliberation, and necessarily, the conditions to attain deliberation, especially among non-experts. Certainly, the concept of deliberation has also been modified in result of the dialogue between its supporters and critics.

To give an illustration of the evolution in the outlook on deliberation in academia, one can refer to the norm of reflexivity and its operationalization. The requirement of the use of arguments and their justification in the communicative exchange still holds, however, the reason-giving can be understood broadly as providing relevant considerations with the use of various narrative formats. Further, as for now, consensus is not the ultimate and only aim of deliberation as clarifying conflicts or coming to conclusions with the use of voting following deliberation has been legitimized by some scholars. Finally, it is worth stating that while previously it was expected that the discussion would be oriented towards the common good, now it is oriented rather towards the self-interest constrained by fairness. (Bächtiger, Dryzek, Mansbridge, & Warren 2018).

The last shift in the standpoint is of particular relevance to the situation of conflicts over territories and conflicting memories of the past. In our view, it is reasonable as people cannot ignore their own interest, but under good conditions, they may look beyond it and shift their initial positions. By good conditions we understand the situation where they listen to justified arguments of other members of the community, and reflect on needs of various groups in the context of common values (Fishkin 2018). One might expect that the solution to the problem resulting from the careful reflection on needs and situations of different group can bring in a more sustainable solution as compared to the situation when deliberation does not take place

The application of deliberation in politics in general, and in the situation of conflict, in particular, depends on the development of the culture of deliberation which is supported by the institutional framework. Jürg Steiner and Maria Clara Jaramillo (2019) demonstrate this through the example of Switzerland and how the gradual change of the institutional setting, as well as the approach to communication into the one of listening to 'the other side', have strengthened each other. Within 100 years it has led to building power sharing institutions and a culture integrating deliberation.

Putting forward an argument about the need of deliberation for a sustainable peace, they write 'if members of the deeply divided groups are beginning to listen to each other with respect

and to take seriously the arguments of the other sides, mutual trust will increase, which in turn, may increase the willingness to engage in common projects' (Steiner, & Jaramillo 2019). Without trust, and the culture of dialogue that contributes to it, upholding democratic institutions in the post-conflict territories is difficult. In result, it is challenging to sustain peace.

However, trust-building depends on procedural context in which deliberation takes place. Here comes the requirement of transparency in decision-making which is particularly essential in societies deeply divided by conflicts. Procedural transparency is important to legitimize the process and create the ambiance for the sincere exchange of arguments among participants joining deliberation in their various roles and bringing forward different interests. It refers to rights and responsibilities of involved parties as well as their impact on the results of decision-making processes. Evoking shared values while presenting procedures of participations is possible even in the situation of conflict, and it is especially valuable in such instances.

It is worth mentioning that poorly designed participatory processes can turn against their initial goal, and, subsequently, against democracy. They may facilitate defining the common good or further divide people and exacerbate conflicts. As regards participatory mechanisms, deliberation is most commonly discussed in reference to consultations over policy issues or legal acts (Gastil 2008). However, deliberation may also intervene in the situation where post-conflict consent is unreliable, brought about by external pressure, or open-ended (Johnston, 2011: 140).

In the context of agreement-seeking over disputed territories, the role of deliberation in improving the quality of peace referenda has been highlighted. Ron Leavy writes that although referenda have a relatively high legitimacy, the popular discourse leading to the vote should be improved, not the least to resist disinformation. He argues that 'the objective of deliberative democracy here is to increase the likelihood that decisions will be based on a free and open exchange of reasons rather than on mere numerical superiority or the threat of force' (Levy et al., 2018: 8). In turn, Ian Johnston while describing the relation between voting and deliberation writes that 'The quality of deliberations — the exchange of good arguments — that precede and follow votes is a measure of legitimacy' (Johnston, 2011: 200).

Deliberation is the communication process which is legitimate only if it includes all concerned parties on an equal platform. Ron Levy proposes that the information directed to the general public who are going to vote to support one out of two or more usually mutually exclusive proposals, should be formulated in the language of shared values. He argues that 'Reasons cast in terms of private values are likely to exacerbate conflict rather than reduce it. By contrast, reasons cast in terms of public values proceed from common ground' (Levy et al., 2018: 9). Thus, defining values which could connect otherwise divided groups, and make them listen to 'the other side' before voting, is an investment into the peace process by those who supervise it.

Ian Johnston writes that the relevance of deliberation to activities undertaken by the European Union goes beyond its internal policy. The European Union and the United Nations as international organizations are 'conducive to principled, impartial deliberation' and 'serve as *public spheres* where states and, increasingly, non-state actors discuss, debate, and generate shared understandings about the terms of international life' (Johnston, 2011: 5). These 'nascent forms of deliberative democracy' serve as 'interpretative communities', which are 'open, inclusive, and penetrable by perspectives other than those of the hegemon or technocrats'. They provide space for the consideration of claims justifying interventions including humanitarian actions, observation missions or military actions as well as impact the interpretation and application of law. Johnson explains that 'to the extent that political struggle takes place discursively, through the exchange of arguments, it reduces inequalities in power (Johnston, 2011: 9).

Alongside research on the role of regional actors in the management of disputed territories, DisTerrMem provides an opportunity to explore how institutions and organizations may support deliberation. The network of (international) governmental or non-governmental organizations might substantially contribute to culture of deliberation and peace by connecting law and decision-making with norms of deliberation. Jürg Steiner and Maria Clara Jarmillo (2019) argue that the norms of deliberation laying the ground for particular procedures of communication are not Western-culture-specific, and as such can resonate in different cultures.

Deliberation is an educational project, one which enhances learning about the views of ‘the other side’, and rationales behind them. By relying on meaningful, conclusive and influential exchange of information and opinions it is intrinsic to public trust. In turn, trust is the resource which enhances collaboration within and across borders and prevents conflicts.