

THE CENTRE FOR THE STUDY OF  
FORGIVENESS AND RECONCILIATION  
COVENTRY UNIVERSITY

"A GREEN PAPER"

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*Dear Colleagues of the Centre's Steering and Management Committee,*

As you know, our Centre is now established, and Dr. Hartley has invited me to be its Associate Director. First of all, I would like to take this opportunity to thank you all for all your support, collegueship and friendship that you gave me to get this venture off the ground. Without you it would not have been possible and without you it will not achieve its objectives.

In order to make our task easier, I have written this - what I call - "A Green Paper" for our initial discussions. Please feel free to contribute to its further development, as we need to focus our mind to see how best we can take our Centre forward.

In this paper, I will attempt to cover, briefly, the following points, amongst others:

- 1 The Introduction, to include some definitions of Forgiveness and Reconciliation (henceforth F&R).
- 2 The Centre's possible objectives/activities, both in the short term and the long term.

## **Introduction**

### **The Need to Understand Forgiveness and Reconciliation**

In the wars and conflicts of the 20th century, it is estimated that over 130,000,000 humans have perished. Though dead, they yet speak. As we are approaching the 21st century, the greatest challenge facing the human family is the realisation of world peace. Today, it seems, more than ever before we need peace. Peace with ourselves, peace with others, peace between nations, peoples, cultures, races and religions.

But what exactly is peace and is it achievable, or is it simply a noble idea envisioned only by poets, writers and prophets. In the study of peace and conflict, there are two notions of peace: positive and negative. Negative peace is the absence of violence, and an end to the bloodshed. It is not an end to prejudice and hate. It is a settlement as exemplified by the agreement signed by the leaders of the former Yugoslavia or what has become to be known as the Middle East and the Irish Peace Process. Positive peace on the other hand is more than an absence of war; it is the elimination of the deep-rooted structural divisions which lead to conflict and violence. It is an end to hatred, prejudice, racism, economic and political injustice etc.

In order to achieve positive peace, we must study how human enemies can come together in harmony once again. If people are not to be derailed from that goal, they must start practicing a collective form of forgiveness and reconciliation leading to permanent peace.

If the 'New Global Order' is not going to be a slogan only, then we must start to apply the principle of forgiveness and reconciliation to the conduct of international relations and indeed to make it a fundamental part of any peace negotiation. Peace-making between governments, leaders and countries is very honourable and often deeply moving, but it cannot be profound or lasting, unless it includes genuine forgiveness and reconciliation between the ordinary people who have suffered on both sides. Accepting responsibility for one's actions, apologising and asking forgiveness are not common tasks in statecraft or instruments of policy these days. However, as we are entertaining the notion of 'New Global Order' then, if we are true to our ideas, we must therefore begin to introduce the above principles into our negotiations.

When addressing "forgiveness and reconciliation" two distinct but related issues are involved, with global consequences. One, the fact that people need to take responsibility for their actions and two, the importance of remorse, apology, forgiveness and reconciliation as vital elements of peace-making and peace-keeping. In the areas of conflict resolution and war prevention, it is becoming more clear than ever that public apologies leading to a healing process and forgiveness are often a critically important seal on any peace-making/peace-keeping effort, whether it is domestic or international. This act reaffirms the humanity of people that were often denied or brutalised during a past conflict. In the long run, accepting responsibility for one's action in the past, and expressing remorse and regret for them, may prove to be the most important element in the process of healing that will be the first condition for genuine peace and stability worldwide.

Forgiveness and reconciliation are grossly under-explored themes, vitally important to our development as individuals and societies. To forgive and to reconcile between nations and peoples (as well as individuals) must be through greater understanding and sympathy won by psychological, cultural and historical insight and knowledge. This can be a very dynamic process.

But what is forgiveness? These are a few definitions which will assist us in a better understanding of the concept and the significance of forgiveness.

"Forgiveness in a political context, then, is an act that joins moral truth, forbearance, empathy and commitment to repair a fractured human relation. Such a combination call for a collective turning from the past that neither ignores past evils nor excuses it, that neither overlooks justice nor reduces justice to revenge, that insists on the humanity of enemies even in their commission of dehumanising deeds, and that values the justice that restores political community above the injustice that destroys it".

"So defined, forgiveness links realism to hope. It aims at delivering the human future from repeating the atrocities of the past. Given the scale of politically engineered atrocities in the 20th century, nothing could be a more practical or more urgent gift to our neighbours of the 21st century."

"It is not always possible or just simply to 'forgive and forget', but is a sign of both grace and wisdom to remember, to seek justice, and still to seek reconciliation".

"Forgiveness is the most powerful psychological means of restoring relationships between individuals, groups, communities and nations. Forgiveness is the answer to aggression and through it human beings rise to their most noble moments and become God-like".

## **Reconciliation: Definition and Overview**

Reconciliation as means of settling disputes has again aroused great hopes. Its conception was the result of disenchantment with other methods, which had proved both unsatisfactory and unacceptable to resolve conflicts.

There is no general agreement about the origins of the idea of conciliation. The Latin American States claim that it was invented by Bolivar. The Treaty of 6 July 1822 between Colombia and Peru provided for the creation of an American General Assembly which would act as a "super-Arbitrator and Conciliator" between the States of America. Article 16 of the Treaty of Union, Alliance and Perpetual Confederation of 15 July 1826 drawn up by the Congress of Panama laid down that: "The Contracting Parties solemnly undertake and bind themselves to find a pacific settlement for all existing disputes or others that might arise between certain States; should the Powers at variance be unable to reach agreement they must submit their difference to the judgment of the Assembly in order to achieve a settlement through conciliation rather than the said Powers have agreed that it shall be."

The text adopted is noteworthy on several grounds. It prescribes a procedure for the peaceful settlement of disputes within a regional framework by means of an international organisation - the Assembly. It is based on the principle of negotiations before attempting a settlement, and also stresses that the suggested conciliation procedure is not compulsory unless the States have decided otherwise. Furthermore, it is inspired by the Congress of Panama which was the first step towards creating an organisation of American States, and the precursor of the whole Pan-American movement.

The Treaty of Panama establishes on a permanent basis and in a new form the old-established practice of collective mediation. The same may be said of the treaties concluded in Europe before the 19th century and often quoted in refutation of the American claim to have invented conciliation - e.g. The Armistice Treaty between Denmark and Sweden of 23 April 1552, or the Czech proposal for the organisation of peace formulated by the King George Podiebrad in 1454.

Conciliation is a method of settling disputes which appears in history at a definite date: in the Bryan Treaties of 1913, and the European Treaties of 1920. Preceded by arbitration, mediation and inquiry, it has been influenced by all these classic methods.

Arbitration, brought to perfection in the 19th century, seems at first sight to have contributed certain features to conciliation; many of the characteristic features of arbitration are to be found in conciliation Commissions: e.g. intervention in a dispute by a body composed of independent personalities; a procedure governed by certain rules; a draft award embodying the Commission's conclusions. But these are features which have been taken over from the International Commissions of Inquiry, and not all of them are consistent with the true spirit of conciliation. Then again, certain arbitration procedures contain anomalies which are characteristic of conciliation - e.g. the collaboration of the parties in drafting the arbitral award; a decision *ex aequo et bona*; and an award that is not binding on the parties. These solutions are of the greatest interest for the theory of conciliation, but they had no influence on the origin of the concept. The defects in the actual machinery of arbitration, of which they were the result, were for the most part remedied before international conciliation came into being. The failings of arbitration in the 19th century are not responsible for the modern conception of conciliation.

On the other hand, the history of mediation throws light on the origins of conciliation, both on account of the problems encountered and the solutions proposed. The International Commissions of inquiry, for their part, have been a model for international conciliation. Combining as it does the methods of mediation and inquiry, conciliation derives its characteristic features from these two procedures.

### **The Contribution of Mediation to Reconciliation**

Mediation provides the principle on which conciliation is based: intervention in a dispute by a third party who proposes a solution to the disputants. It is the oldest method devised for the peaceful settlement of disputes through the intervention of a body independent of the disputants. The method has features which can be traced back to the earliest times.

Originally however, little or no distinction was made between the functions of mediator and arbitrator. Philippe de Valois, intervening in 1334 in the dispute between the King of Bohemia and the German princes on the one hand and the Duke of Brabant on the other, declared himself to be "appointed and elected judge, negotiator and friendly peacemaker between men of high degree being our dear friends." Although a distinction was made fairly early between mediation and arbitration, the former has been confused with the notion of "good offices" right up to the present day. For a long time writers on the subject tried to draw a distinction between the two procedures, but the attempt has been abandoned, and in practice both terms are used indiscriminately. Even so, it could be argued that there is a difference of degree: the State in offering its "good offices" merely advises the parties, whereas the mediator

proposes a solution. From a legal point of view, it is hazardous to attempt to draw a dividing line, and the Hague Conventions, which made no distinction between mediation and "good offices", set a wise example. The theoretical debate does, however, have a bearing on conciliation: it demonstrates the extreme flexibility of the mediation procedure, which appears under so many different aspects as to suggest the existence of separate institutions. This flexibility is confirmed by the Hague Conventions which are careful to avoid giving mediation a rigid framework, or even assigning to it a definite purpose.

Inspired as they are by the same underlying principle, mediation and conciliation both operate in the same sphere. This, at last, was the opinion of the original advocates of conciliation.

Finally, it should be noted that reconciliation includes an open and mutual commitment to truth towards the past and to common destiny in the future. It is an encounter that gives rise to positive peace. The quest for this encounter in the mutual commitment to the past and the future is made in what it has been called the reconciliation horizon. It has been said that peace is built on three pillars: reconstruction, through actions to repair what was damaged or destroyed, resolution, through a transformation of the structure which frames the conflict, and reconciliation, which crosses the frontier between the culture of man and peace. Reconstruction refers to actions, resolution to structures and reconciliation to cultures.

Peace is thus sustained by a triad of three elements which only work if they are closely linked and mutually supportive. Reconciliation without reconstruction and resolution is empty and even false. Reconstruction and resolution without reconciliation are short-sighted, misguided and always insufficient.

Of the three, reconciliation is the element of life, empathy and open commitment which guides the other two.

UNESCO's founding statement sets forth "...that since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed." Peace is born in the mind when a reconciliation horizon opens, and commitment to reconstruction and resolution is created.

Reconstruction, resolution and reconciliation have to go together, but reconciliation must go both behind and in front of the other two.

Behind, because reconciliation is not finished until a more just structural framework has come out of the resolution process and until the destruction has ceased and the reparation has compensated for damages. , Thus, reconciliation is usually considered "post-conflict".

Reconciliation should go in front of, but not separate from, because if it is separated from reconstruction and resolution it becomes nothing but empty words without deeds, prone to manipulation and perhaps laden with deceit and hypocrisy. Peace should emerge from the triangle between reconciliation, resolution and reconstruction. If any of these components is absent, the outcomes can be false and manipulative thereby generating hostilities, domination, submission and war.

The above was an attempt to provide you with a brief note on (F & R), their different meanings, significance and application. This will hopefully focus our minds to some extent, enabling us to decide our own course of action.

## **What Can We Do?**

The main topic is (F & R), not taken alone, but as a key to positive peace at all levels, personal, national and international. This is a dynamic process and has many elements (see below).

At this very initial stage, it is too early for us to earmark specific subjects/areas on which our work should focus. This ultimately depends on our interests, as well as those who we would like to see to be associated with the Centre externally. What can best be decided now is to list possible subject areas for research as well as to identify our tasks/activities, both in the short and long term.

## **Possible Research Areas**

(F & R) in the context of the transformation of conflicts.

The relationship between different types of (F & R): individual, social, institutional, cultural etc.

Theological, anthropological, sociological, historical, political and economic approaches to (F & R).

The theory of the dynamics of (F & R).

Experiences of groups committed to (F & R). The approaches that have guided them and how they applied those principles.

Orientations, education and training models of groups involved in facilitating and empowering (F & R) process.

(F & R) in peace education.

## **Possible Activities**

Although the Centre is already established, it is still very much at its infant stage. At this point we do not know what means of support the Centre will obtain or when it will be able to access them. This obviously makes our tasks more difficult and more unpredictable. However, at least we can endeavour to establish some objectives.

## **Possible Short Term Objectives**

To start fund-raising activities.

To produce a prestigious brochure about the Centre.

To identify our research activities.

To establish research fellows/associates.

To produce a "Working Paper Series".

To produce a newsletter.