Cosmopolitan Democracy as a Method for Addressing Controversies*

Daniele Archibugi

A Journey to Montenegro

I visited Montenegro once. It was in August 1995, the most politically torrid summer of the Balkans. The Yugoslavian civil war was at its peak and the investigation of the Srebrenica slaughter that occurred just the month before was ongoing. The occasion to undertake such a journey was very challenging: I was invited to lecture in a summer school, funded by the Soros Foundation, devoted to discussing conflict resolution in ethnically mixed areas. Montenegro was spared by the civil war but, as part of the Yugoslavian Federation, it was seriously affected by economic sanctions and drugs; food and oil were scarce.

The only route to Montenegro was by boat, from Bari to Bar. It took a full night to reach my destination even though the two shores of the Adriatic Sea are just 200 kilometers apart. The boat was full of angry and frustrated Balkan folks: most of them tried to reach the Italian side to escape the war. They carried dubious papers and were implacably rejected by the Italian border police. When we reached the Bar port, I was picked up by a bus, although I was the only passenger. They explained that they had a smaller car, but because of the sanctions, no gasoline was available, and they therefore had to use a diesel fuel vehicle.

The summer school was held in what appeared to have once been a luxury hotel. It was a building with several floors, the only tall building in the landscape. There were rumors that Marshall Tito himself used to spend his summer holidays there. The hotel desperately needed maintenance, but at least all the lifts worked properly. There were no tourists in that dark season; the hotel was open but only occupied by the school's participants. The waiters were mostly young men from nearby Albania, and still, in 1995, I could not spot any sign of ethnic animosity between the Serbs and the Albanians. The waiters were delighted to have some guests, even if they were less affluent than those of the past. They served abundant and tasty food, but every day it was the same soup: a clear indication that the area was not starving, but that they could rely on local supplies only.

The participants were the most noteworthy aspect of the school. The Soros Foundation selected them from young men and women who had already experienced some forms of activism in non-governmental organizations. About half of them originated from the territories of the former Yugoslavia. The other half came from all over Europe, and a few from North America. Many of them were selected from areas with ethnic or religious conflicts: Protestants and Catholics from Northern Ireland, Greeks and Turks from Cyprus, Spanish activists from the Basque countries and Cataluña, Palestinians and Israelis, Rom minorities from several countries.

At the time, the book I co-edited with David Held on cosmopolitan democracy was just published.[1] We cultivated major hopes that the end of the Cold War could lead to more international cooperation and that international organizations could be reformed to become more authoritative. Many hoped that the Yugoslav civil war would be the first example showing that with the end of the East-West rivalry, local conflicts could be easily managed through negotiation and arbitration. I prepared my class presentations and I was ready to give a typical top-down lecture on the principles and practice of self-determination.

When I finally met the participants, I could not speak for more than one minute at a time. I was interrupted by students asking for definitions and clarifications, complaining that the ideas illustrated in my slides were daydreams. In a while, the situation degenerated, and the students started to quarrel among themselves. While the class was held in English, the quarrels were conducted in a variety of idioms and there was no evidence that what somebody was shouting at everybody was actually understood by anybody.

---

* Address at *IAJLJ Rome Conference*: CONTROVERSIAL MULTICULTURALISM (Nov. 8, 2018).

1. Daniele Archibugi & David Held (eds.), COSMOPOLITAN DEMOCRACY: AN AGENDA FOR A NEW WORLD ORDER (Polity Press, 1995).

I had a fresh vision of the Tower of Babel. The concept of "self-determination" itself erupted passion and anger in the room and one and all believed to be victims, avengers and prophets. I still remember a lady in her mid-20s with a fresh Serbian degree in architecture who said in broken English: "My younger brother was conscripted in the army and has died," but not even such an emotional fact managed to silence the audience. I still wonder what she wanted to add. Another student from Cyprus recalled that his first life memories were the Turkish planes bombing his native town, and that he never returned there.

The only sensible thing I managed to do was to stop the conversation and send the students to the beach: no young person could resist such an invitation on a hot summer day in the Mediterranean seashore. Before dissolving the session, I opened my briefcase, where I had the viewfoils about a few contested cases of self-determination claims I had prepared at home. I divided the class in groups and distributed the homework: hand-outs with data for each area and, above all, with the claims made. These claims included linguistic minority rights, religious tolerance, quotas reserved for population groups, re-drawing of borders to repair abuses of power of the past, and so on. I asked each group to prepare a self-determination plan for one of the contested areas. I recommended that they think in terms of solutions rather than problems. The guiding principles were rather elementary: any peace plan to sort out self-determination conflicts could be acceptable under two conditions:

1) It should minimize political violence;
2) It should guarantee and protect human rights and minority rights.

I urged students to look at a possible future rather than at the wrongdoings of the past. Each team should also explain why its proposal was fair and plausible. Students were quite eager to undertake the task, but before dismissing them, I added another relevant requirement: "Nobody should be part of the group discussing his or her own nation." Many students complained and said that they were there to discuss their homeland. However, with the prospect of gaining access to the beach, they accepted the requirement. Later in the afternoon, the groups started to work in the hotel hall, the garden, and the beach and they continued their discussions until late. I could eventually relax, and listened to what the various groups were discussing.

The class met again the following day. The members of each group presented their proposal, and what they suggested made sense. It was rather easy for me to intervene and ask "can this principle be generalized and could you do the same for your own nation?" The recurrent answer for the latter question was "our case is different," and this allowed me to ask why it was different and if everybody else agreed with it. It was now possible to start a decent conversation.

Learned Lessons about Conflict and Conflict-Resolution

This experience taught me three lessons. The first is that people who are directly involved in a conflict lose their critical understanding. Their wisdom becomes distorted and partisan and they are no longer able to judge objectively. The participants in a conflict involving self-determination are more like football fans who do not even try to be objective since they are anxious to defeat the other side and win, rather than just play well. To recover a balanced perspective, it is useful to induce the individuals involved to look at the same problem from the opposite perspective or even to force them to wear the other side's shoes.

This does not guarantee that everybody will then become more inclined to accept a fair deal. Conflicts and their resolutions are related inextricably to the power in the hands of the contenders. Irrational feelings certainly do not help, but the fact that one side has enough power to impose an unjust settlement is often a sufficient condition to induce the strong side to impose its arrangements, even if unjust. If we think about apartheid in South Africa, for example, the supporters of the regime did not even try to justify their rule on the grounds of principles of justice. There is not much that can be done to persuade individuals and groups that they should voluntarily renounce a privileged position if they have the power to get away with it. Looking at the problem from another perspective may help remove some of the emotional components from the agenda. Whenever opponents are obliged to look at the same dispute from a reverse angle, they are more likely to reach conciliation and accept a third party's assessment of their case (see the following section).

The second lesson is that even if it is useful to engage in a conversation with opponents, this does not imply that the two sides are equally responsible for the outbreak of the conflict in the first instance or for the crimes committed. In most conflicts, both sides violate basic human rights norms, and this is one of the very reasons why conflicts should be prevented in advance. However, it is likely that the stronger contender is in a position to infringe on the human rights of the weaker side. This is

often overlooked since the winner is also "the owner of truth,"[2] but this should not impede a critical reading of the abuses committed by both sides. The willingness to engage in conflict resolution should not hide the fact that there are oppressors and oppressed and that they cannot be put on the same level. In South Africa, both supporters and groups opposing apartheid committed crimes, but they cannot be placed on the same level.

The third lesson is that oppressed communities or minorities should not be idealized. The fact that their human rights are violated, and generally violated more than those of the oppressing political community, does not necessarily imply that they have superior ethical standards. There are many historical cases where factions that were long oppressed have proven even more ferocious toward their previous oppressors once they gain power. Already in high school, I supported the rights of the Cambodian people against the American invaders and I still believe that it was justified to demand the withdrawal of U.S. troops from Cambodia. Still, the Khmer Rouge regime proved to be much more genocidal than the American army. This is not always the case and we do find cases where the previously oppressed evolve into reliable rulers after their victory. The case of South Africa under the leadership of Nelson Mandela shows that these transitions are sometimes possible.

These three lessons can be synthesized into three proverbs: a) no-one can be a judge in his own case; b) the wrongs of the oppressed are not equal to those of the oppressors; c) the weak side is not necessarily the good side. These three lessons cry out for better ways to manage conflict, namely the call for external parties able to assess conflict and to provide long-lasting settlements that are satisfactory for all parties involved.

The Third Party: Can an External Institution Help in Conflict Resolution?

Legal theorists have often discussed the relevance of a third party in conflict resolution. The third party is an institutional entity with the purpose of facilitating a dialogue among belligerents. Most conflicts end because there are third parties that are instrumental in acting as negotiators and mediators. Following Norberto Bobbio,[3] we can distinguish three different third party categories.

The first category is simple mediation. The mediator acts as a conciliator among different sides. The mediator is limited to the role that the contenders are willing to entrust to him or her. The mediator generally does not invest his or her own resources (either military or economic) in the conflict resolution. The effectiveness of the mediator is associated with the moral and political authority that the mediator has accumulated and is able to spend in a conflict. A mediator can listen to the parties, identify the potential concessions that the contenders are willing to make, and provide suggestions that can broker a deal. In this context, the mediator is neutral, considers the force available to the contenders, and then makes suggestions that can limit the use of violence. A mediator who moves beyond this role and takes the side of one of the contenders has become an ally of one of the fighting factions and often loses the authority to broker a deal.

There is a lot to be learned from attorneys in family or corporate law since they often are excellent mediators in very emotional cases (think, for example, of the emotions emitted during divorce negotiations). There is, of course, a basic difference between these mediators and those who act in cases involving international disputes. Family and corporate mediators try to find shortcuts that avoid going to court but operate in a context in which courts are available. Mediators in international conflicts cannot rely on courts or must deal with courts, such as the International Court of Justice, that have no power.

The second category is the referee. A referee should apply a common code of conduct that the parties have shared *ex-ante*. He or she is not neutral but impartial.[4] Regardless of the power in the hands of the contenders, his or her decisions should be taken on the grounds of what is dictated by the agreed upon code of conduct. The more the code of conduct is widely shared, also across other parties not involved in a specific context, the more the work of the referee is likely to be recognized. The referee does not have the resources to impose his or her decisions and the parties may be reluctant to acquiesce. Still, the rulings of the referee are there even if not enforced and they provide a warning to the belligerents who have accepted both the code of conduct and the referee. When the rulings of the referee are not accepted, the negligent

2. Expression by Primo Levi, I Sommersi e i Salvati [The Drowned and the Saved] 5 (Einaudi, 1986).
3. Norberto Bobbio, Il Terzo Assente. Saggi e Discorsi Sulla Pace e La Guerra [The Third Absent: Sayings and Speeches on Peace and War] (Torino, 1988); *See* also Pierpaolo Portinaro, Il Terzo. Una Figura Del Politico [The Third: The Figure of a Politician] (Milano, 1986) for a broader analysis.
4. *See* Mary Kaldor, New and Old Wars (Polity Press, 2012) for the difference between neutrality and impartiality.

party loses authority and legitimacy in international affairs.

The third category is the judge. He or she has not only a code of conduct that is either shared by or imposed on the members of a community, but also has the power to enforce the ruling. The parties to the dispute can like or dislike the verdict but they are forced to accept it. In principle, the judge should be even more impartial than a referee. The rulings of a judge, however, are often even more controversial than those of a referee. This might be because the contenders have less of an exit possibility. A contender who is unhappy about the decisions taken by a referee may withdraw from the procedure. The International Court of Justice, for example, is closer to being a referee than a judge, and it sometimes happens that states decide to abandon the hearings when they perceive a pending unfavorable ruling. The existence of a proper judge does not contemplate that a party may withdraw from the case: such a case would imply a proper secession or a civil war. Both options have very high costs, which generally lead to the acceptance of a ruling even by the proponent for whom it is unfavorable.

Is there a trend to turn from mediators to referees, and from referees to judges? In the international arena, this has often been the case, but we have also seen cases of total failures in which massive attempts of third parties to sort out controversies have ended in failure. In other cases, the solution for long-standing conflicts has been paved by enlightened third parties. Within states, the evolution has been more controversial, and most states were created as forms of imposition of one side over the others.[5] Only after executive power was firmly established, was it possible to slowly generate independent judicial institutions. Regardless of what has happened within states, in international relations a different path is desirable, where progressively the third party becomes more authoritative, more daring, and also more powerful.

Cosmopolitan Democracy as an Alternative to *Realpolitik*

The hope that conflicts can be mitigated and perhaps even solved through the recourse of the good offices of third parties, of course, is very much against the idea that power is the decisive element in international relations. Cosmopolitans understand that power and interest do shape political outcomes and often mince justice. It is sufficient to watch television news to get ample evidence about it. However, claiming that power and force are the sole sources of authority and the only factors that shape conflict resolutions is misleading.[6] World politics are also influenced by a business community willing to enlarge its scope as well as by a civil society active in media, social networks, tourism and religion. These business and social groups have vested and explicit interests in peaceful relations among communities and, as Immanuel Kant already indicated more than two centuries ago, more and more persons perceive the violations of human rights in remote parts of the world as violations of their own rights.

Cosmopolitan democracy is an attempt to enlarge the number of players that take part and inform global decisions. Governments alone are no longer the appropriate representatives of a more complex and more integrated community. What is needed, therefore, is to provide these groups with the possibility of having an institutional representation that will hopefully manage to enlarge the number of players generating pressure groups that will naturally act as moderators.

Cosmopolitan democracy has made bold proposals, including the enlargement of the UN Security Council, the limitation of the veto power, the strengthening of international judicial institutions such as the International Court of Justice and the International Criminal Court, and the creation of a Parliamentary Assembly within the United Nations.[7] Some of these institutions, such as the UN General Assembly and the UN Security Council, reflect the so-called international community and give voice to governments only. Others, such as the International Court of Justice and the International Criminal Court, should in principle be the voice of independent judicial review,

---

5. Charles Tilly, Coercion, Capital, and European States: AD 990-1990 (Blackwell, 1990).
6. *See* Joseph S. Nye Jr., Soft Power: The means to Success in World Politics (Public Affairs, 2004), which highlights that power has many different faces.
7. The literature on these proposals is growing despite the rather meager policy success that has been achieved so far. *See* Daniele Archibugi, The Global Commonwealth of Citizens. Toward Cosmopolitan Democracy (Princeton Univ. Press, 2008); Daniele Archibugi and Alice Pease, Crime and Global Justice. The Dynamics of International Punishment (Polity Press, 2019), Jo Leinen & Andreas Bummel, A World Parliament. Governance and Democracy in the 21ST Century (Democracy without Borders, 2018); Luis Cabrera (eds.), Institutional Cosmopolitanism (Oxford Univ. Press, 2018); Lucio Levi, Giovanni Finizio & Nicola Vallinoto (eds.), The Democratization of International Institutions: First International Democracy Report (Routledge, 2014).

although they are often pressured by national governments, and this affects their autonomy and impartiality. Cosmopolitan democracy calls for the creation of institutions that could be the expression of the people, such as an elected Parliamentary Assembly within the United Nations.

Most international institutions have tried to solve conflicts through non-violent means, thus providing an alternative to war and sectarian violence. The history of warfare since the end of World War II and the building of the United Nations indicate that these institutions have been only partially successful. It is therefore legitimate to search for additional methods and institutions that could be more effective.

Cosmopolitan democracy argues that most of the international institutions are inter-governmental. They have often reinforced separation between communities, especially in conflicts generated by self-determination claims. Cosmopolitan democracy hopes that giving voice to a plurality of players in international affairs – including minority groups, civil society associations, trade unions and business community representatives – will facilitate the emergence of larger political options and therefore expedite conflict resolution.

It is a standard assumption that to make peaceful conflict resolution possible, we need two different types of consensus: global and local.[8] The pressure of a global and cohesive international community is often the decisive way to open new political opportunities; again, the end of apartheid was possible thanks, in part, to a large international front keen on isolating and putting pressure on the incumbent South African government. This is not always the case, and we have seen that the Yugoslav conflict in the 1990s ended not only when the international community supported a common view, but also when there were sufficient territorial concessions that appeased the Croatian and the Serbian factions.

One of the distinctive tenets of cosmopolitan democracy is to refute the idea that any political community can be identified by a single voice. There are hawks and doves in each conflict area, as well as political parties and groups more or less willing to engage in dialogue and to make concessions. A peaceful outcome is often the consequence of the doves gaining ground and authority, and of their ability to engage in constructive dialogue with likeminded groups in the opposite faction. One of the decisive factors that ended the Cold War in Europe was the ability of the Western peace movement to link with Eastern human rights groups.[9] These attempts showed that the view popularized by sectarian governments, both in the West and in the East, according to which the only possible outcome was conflict between the two blocs, was wrong and misleading.

Northern Ireland as a Success Story

An important case where mediation has proven to be successful is Northern Ireland. For several decades, if not centuries, Catholic and Protestant communities have been fighting in Ireland. After the Irish partition of 1921, the contestation continued for decades, despite the very strong cultural, social and economic integration between the United Kingdom and the Republic of Ireland. On the one hand, the UK considered whatever happened in Northern Ireland to be an internal problem and it was reluctant to negotiate with armed groups such as the IRA. On the other hand, Irish resistant groups did not consider the electoral process, widely guaranteed in Northern Ireland as in other parts of the UK, sufficient to deal with their claims. This led to continuous sectarian violence by both sides.

Alternative perspectives to peacefully resolve the disputes, such as those advocated already in the 1970s by Betty Williams and Mairead Corrigan (one Catholic, the other Protestant), co-founders of the Community of Peace People, were shot down by both the British government and by the Irish Republican Army. Not even the joint Nobel Peace Prize that the two women received in 1977 helped these groups to settle the conflict. The change occurred when UK Prime Minister John Major switched strategy in the 1990s, which led his successor Tony Blair to sign the Good Friday Agreement of April 1998. A conflict that looked endemic and never-ending was in less than a decade taken to a political, rather than military, dimension. In 1998, two of the top negotiators, John Hume and David Trimble, received a joint Nobel Peace Prize "for their efforts to find a peaceful solution to the conflict in Northern Ireland."

Can the same good-practice be generalized to other conflict areas? We are well aware that, so far, positive adjustment conflict resolutions have met more failure than success, especially when issues of self-determination are at stake. However the alternative, namely to persist with conflict, is not producing solutions and it is much costlier,

8. Oliver Ramsbotham, Tom Woodhouse & Hugh Miall, Contemporary Conflict Resolution (Polity Press, 4th ed., 2016).
9. Mary Kaldor (ed.), Europe From Below: An East-West Dialogue (Verso, 1991).

besides being ethically devastating.

My hope is that other endemic conflicts, including the Israeli-Palestinian conflict, will be able to learn from the Northern Ireland case. I do hope that ventures such as the West Eastern Divan Orchestra, founded in 1999 with the aim "to promote understanding between Israelis and Palestinians and pave the way for a peaceful and fair solution of the Arab–Israeli conflict" will have hundreds of imitators across universities, media, factories, schools and neighborhoods. I also hope that their founders, Daniel Barenboim and Edward Said, will soon be considered to be forerunners of a peaceful, cooperative and long-term political reality, like Betty Williams and Mairead Corrigan, rather than mere daydreamers. ■

Daniele Archibugi is Director of the Institute for Research on Population and Social Policy at the Italian National Research Council and Professor of Innovation, Governance and Public Policy at Birkbeck College, University of London.