

Mariano Aguirre, Francisco Ferrándiz, José Manuel Pureza

# Before Emergency: Conflict Prevention and the Media



**HumanitarianNet**

Thematic Network on Humanitarian  
Development Studies



# Before Emergency: Conflict Prevention and the Media



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Edited by

**Mariano Aguirre**  
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# International Law, Conflict Prevention and the Media

José Manuel Pureza

The modern international system is presently subject to a second phase of structural change. The first one consisted of the worldwide expansion of the nation-state as a pattern of political and social organization. From the ancient, narrow club of so-called “civilized states” we have passed to a situation of almost 200 states that emerged from the identification between self-determination and state building. East Timor is perhaps the latest and most symptomatic expression of this vision.

The second wave of structural change of the international system is producing a dramatic intensification of cross-border interactions and giving place to a new concept and experiment in political and social community (new communities of fate). Territorial primacy is being replaced by functional and thematic identities and, within this framework, national communities have ceased to be the central references for both regulation and loyalties.

What international law is supposed to rule is no longer inter-state anarchy. James Rosenau, for example, suggests that the present international system is founded on a bifurcation between a state-centric world, of which sovereignty is the cornerstone, and a multi-centric, non-hierarchical world, formed of several non-territorial networks of different international actors (writers, intellectuals, criminals, workers, sportsmen, ecologists, etc.).

Therefore, these radical sociological changes —synthesised in the word “globalisation”— involve a new construction and understanding of international law. Several legal scholars have studied this paradigmatic shift that globalisation is causing in international law. Most of them analyse this phenomenon as a move from the classic inter-state law towards a sort of law of all mankind. For example, Wolfgang Friedman announces two opposite logics of international regulation: on one side,

the traditional law of co-existence, with a mere procedural scope, and centred around the question of “how to keep them peacefully apart”; on the other side, the modern law of co-operation, whose main concern is “how to bring them actively together”. Whatever the accent may be, the fact is that we are witnessing a recovery of a non-positivist and a non-state-centric way of explaining and understanding international law. Contemporary common sense concerning the constitutive and regulatory functions of the international legal order underlines the need to take into due account not only the efficiency of international rules (i.e., the proximity between international rules and the actual behaviour of states) but also their capacity to express, on a worldwide scale, some crucial values of humankind as a whole.

Therefore, this paradigmatic shift operating within international law can be read as a process of rediscovering the potential of bringing together legal and ethical categories, in the same way that some of the founding fathers of international law have done. They were wise enough to incorporate the novelty of a plurality of values and of political units (the nation-states), without permitting a lapse into pure relativism. This was the main importance of the notion of *totus orbis* (the whole world), in Francisco de Vitoria, or of the centrality of the *bonum commune generis humanis* (the good of all humankind), in Francisco Suarez. Given the risks of negative utopianism that political globalisation today carries with it, international law is once again called upon to incorporate the new, while limiting its potential for perversion.

So, the question is: in what measure does contemporary international law, understood as a law of all humankind, permit new forms of a *bonum commune humanitatis*? In my view, there are two main legal areas in which this tendency is found. The first is regimes based upon an alternative logic to that of territorial sovereignty over natural resources and spaces, like the “common heritage of humankind” regime. The second is the international regime of human rights through which the exclusive monopoly of States in the regulation of the legal status of individuals, established since Westphalia, is abandoned and replaced by a general international accountability of states concerning individuals under their jurisdiction.

Dramatically contrasting with these developments that occurred in international legal discourse during the last five decades, the 20<sup>th</sup> century has been the most violent in all history. In fact, there have been as many casualties from mass violence in our century as in the rest of human history combined. Robert Manoff, president of the Centre for War, Peace and the News Media, stresses that “the human race has seen fit to engage in something like 250 significant armed conflicts in the course of

this century, during which over 110 million people have been killed, and many times that number wounded, crippled and mutilated.”

This diffusion of mass violence and the dramatic increase of every form of ethno-political conflict demand a refreshment of some crucial concepts. The concept of security is obviously one of them. The traditional state-centric and militarised view of security must give place to a multi-level understanding that embraces individuals, groups, peoples and humankind as simultaneous subjects of security.

But what are the precise and consistent basis of a commitment “beyond our tribe, beyond our nation, family, intimate network?” (M. Ignatieff). If the concept of *bonum commune humanitatis* has a significant presence in contemporary international law, “what scripts and narratives of involvement get some of us to commit ourselves to people we had no connection to until some chance encounter with televised images of atrocity galvanized us into action”? (ibid).

Michael Ignatieff answers his own questions: “There is no narrative of imperial rivalry or ideological struggle that compels the zones of safety to make the zones of danger their business. What is left is a narrative of compassion.” And he goes on: “Television has become the privileged medium through which moral relations between strangers are mediated in the modern world”. Ignatieff then denounces the deep ambivalence of the moral relations formed on a media base: “On the one hand, television has contributed to the breakdown of the barriers of citizenship, religion, race and geography that once divided our moral space into those we were responsible for and those who were beyond our ken. On the other hand, it makes us voyeurs of the suffering of others, tourists amid their landscapes of anguish.” The greatest danger of this ambivalence of media-based ethics is misanthropy: “the ethics of victimhood generate empathy only where victims are obviously blameless (...). Where empathy fails to find the blameless victim, the conscience finds comfort in shallow misanthropy. For the reaction — “they’re all crazy!” — reproduces the reassuring imperial dichotomy between the virtue, moderation and reasonableness held to exist in the West and the fanaticism and unreason of the East”.

Summing up my argument until now:

- Contemporary international law evidences some openness to value-centred strategies, in which the notions of common good and unity of all humankind are crucial;
- Notwithstanding this, the 20<sup>th</sup> century has been the most violent of all history, imposing a renewal of conceptual constructions like “security” in a cosmopolitan worldwide scale.

—This renewal faces a crucial obstacle: the fragility of media-based ethics, whose ambivalence may result in mere voyeurism and even misanthropy.

Is media language able to overcome these ambivalent results and serve as an operational support for peace and a fair international order? Despite being aware of the potential that journalism has for conflict management and prevention (deobjectifying the conflict actors for each other, counteracting misinterpretations, identifying the core interests), some of my journalist friends would immediately raise the question of objectivity as an obstacle to any sort of partisan journalism. Peace, in this view, is not a cause for media because media, by definition, have no causes. They are supposed to be attached only to seeking the truth.

Let me state very honestly that, not being a journalist myself, I follow Robert Manoff when he qualifies objectivity as a “vital illusion and perhaps even a tragic one”. The epistemological and deontological strength of “objectivity-as-neutrality” is also its moral weakness: it stops its followers from intervening in the events they are covering and voids them of any kind of responsibility for the consequences of maintaining their distance towards the facts.

Now, I suggest that the paradigmatic shift operating in international law demands a new journalistic paradigm. As a particular form of social practice, journalism must be thought of within the framework of the human combat against genocidal culture. This means that journalism as a social practice must be reconfigured as a major contribution to the prevention and resolution of conflict. Let me finish by quoting Robert Manoff once again: “instead of starting with the media’s understanding of their own possibilities, as determined by current paradigms, we have decided to begin by establishing the desiderata for media action based on the work of negotiators, diplomats, ‘track two’ practitioners and protagonists who have participated in the resolution of conflict or who have studied the process. This shift of perspective makes it possible first and foremost to address the question of what conflict prevention and management require of the media, putting aside for the moment the question of under what circumstances the media may be able to provide it”.