



## **Confronting Violence within and between Communities: A Case for the Creation and Strengthening of more Peace and Justice Mechanisms in India and Mali**

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### **Abstract**

Violence is defined as “the use of physical force, usually with the purpose of injuring or damaging [a] target.” (Bartos & Wehr, 2002; Beer & Packard, 2012; Holbrook & Cook, 2013; Holbrook, 2015; Danziger & Lupo, 2020 ). Many analysts have broadened the definition of violence, not only by using it interchangeably with the word “conflict”, but also by including in its definition the threats of physical force whether made in person or online, as long as those threats are likely to cause injury or damage to the target. In countries like India and Mali, violence is seen through a wide range of forms. In this study, authors look at the two countries of India and Mali and attempt to answer the following questions:

1-Why is it that despite an increasing number of democracies, legal experts, and mediators, violence/conflict continues to rise in countries like India and Mali?

2-What is missing in the laws and processes that address conflict/violence in the countries under investigation?

3-What kinds of mechanisms might be needed in those two countries in order to empower their institutions and position them to better confront conflict/violence in all their forms?

This work is done with an eye toward the United Nations’ Sustainable Development Goal 16 (SDG 16) which is Peace, Justice and Strong Institutions which means an emphasis is put on why it matters if these two countries get new paradigms or strong institutions for conflict resolutions.

**Keywords:** Gender violence, mediation, law, conflict resolutions, rebellion, violence against women, public outreach forums.

### **Purpose of this Paper**

This paper aims at examining some major forms of violence against women in India and the recurrence of a violent rebellion in the northern part of Mali. Addressing and resolving these forms of violence by creating and strengthening peace and justice mechanisms or institutions is one of the main goals of SDG 16. In its aspects discussing forms of violence against women, the paper also reveals the relevance, the importance as well as the necessity to work toward of Gender

Equality and the empowerment of all women and girls which are encapsulated under the United Nations Sustainable Development Goal 5 (SDG 5). In each of these two countries, the forms of violence identified have not only been taking place for a long time, but they have also developed into more complicated issues. The results are that entire groups of the population are negatively affected with sexual harassment, assaults, rapes, killings, displaced population, and many other forms of violence.

### **Design, Methodology, and Approach**

First, we start by analyzing the major forms of violence in each of the two countries under examination. In that examination we look at forms of violence that almost take place regularly and their implications for communities in the two countries. We also look at ways in which the forms of violence have directly and negatively affected populations. We look at major and worldwide known cases (India) and a peace agreement (Mali) and their implications for the countries, the impacted populations and for the world. While doing all those, we examine which institutions are currently in place to address those forms of violence or even which ones are missing. Finally, we make suggestions of what needs to be done to address the violence whether it is in terms of creating new institutions or strengthening the ones already in place.

Given the major differences in the nature of the forms of violence under investigation in the two countries of India and Mali, we have found it useful to address each country separately. In that sense, though we have used the five suggested headings through the paper, we have occasionally used some smaller additional ones. The purpose of those smaller additional headings is to guide the reader through the paper and also to account for the specificity of our study. For all the reasons above, given that this is a qualitative study, instead of a “findings” subheading, we have used “Needed changes of paradigms and institutions for more Peace, Justice and Stronger Institutions” in order to keep our recommendations in line with the United Nations SDG 16.

Finally, we position this paper in the context of the United Nations SDG 16 that the organization is working to reach by 2030, which also explains why this topic matters. The main goal of SDG 16 which is Peace, Justice and Strong Institutions while identifying its targets and indicators, clearly states: “conflict [violence], insecurity, weak institutions and limited access to justice remain a great threat to sustainable development.” We agree with this statement and make the case through this paper that by creating new institutions or strengthening the ones already in place to efficiently address the forms of violence discussed in this paper, the countries of India and Mali will not only be more just and peaceful themselves, but will also contribute to the United Nations reaching its SDG 16 by 2030. In other words these two countries will also contribute by the same token to their own sustainable development. Our study makes the case that there is no sustainable development in any country without peace, justice and strong institutions.

## **Originality and Value of this Paper**

Many earlier studies have looked at the forms of violence under investigation in this study with regard to the two countries of India and Mali. However, none of those looked at them in the context of the United Nations SDG 16. United Nations' Sustainable Development Goal 16 centers around promoting peaceful and inclusive societies, providing access to justice for all and building effective, accountable and inclusive institutions at all levels. This paper concurs with the idea that meeting the criteria and targets of peacefulness, inclusivity, access to justice for all as well as accountability, all together, create in countries the necessary conditions for sustainable development.

Finally, we anticipated this study to be an original one and our investigations revealed it to be one in the sense that not much has been done under the angle we took. In many cases, we found people who live these forms of violence to be oblivious of the conditions and the need for institutional or paradigm change to address the violence. An important part of that oblivion comes from some local beliefs and practices that communities buy in and which make addressing issues more complex than it appears.

## **Analyzing Forms of Violence in India**

### **Introduction**

Right from the time of her birth or even before birth a woman could become a victim or target of a crime. Millions of women around the world face abuse and inhumane treatment just because they are women. Human Rights Violence is the major Problem in India. It is rendered complex by the country's large size and population, widespread poverty, the lack of proper education, as well as its diverse culture. Despite its status as one of the world's largest and oldest sovereign, secular, democratic republics, violence against women is one of the biggest problems across the country and it affects women regardless of race, ethnicity, class, and religion.

Violence against women in India refers to physical or sexual violence committed against Indian women, typically by a man. The person may be the husband, father, lover, guardian etc. Common forms of violence against women in India include acts such as child marriage, domestic abuse since childhood till marriage (after marriage), sexual assault, sexual harassment, eve teasing, acid attack, Rape, Gang Rape and murder. Crime against women such as rape, acid throwing, dowry killings, honor killings, and the forced prostitution of young girls and women has been reported in India since very long.

### **Major Cases of Violence against Women in India**

Our analysis of cases of violence against women in India centers around three main ones. It is true that there are many more such cases, but for the purpose of this paper we have limited our work to the ones below. First, we start with some statistics and then we move to the cases themselves. The discussion and analysis of the different cases that follow is important because it

not only helps understand the issues in-depth, but also make a context for the changes and strengthening of institutions that we recommend.

According to the National Crime Records Bureau of India, reported incidents of crime against women increased 6.4% during 2012, and a crime against a woman is committed every three minutes. In 2011, there were greater than 228,650 reported incidents of crime against women, while in 2015, there were over 300,000 reported incidents, therefore a 44% increase in four years. Of the women living in India. The 2012 NCRB report of India states a reported crime rate of 46 per 100,000, rape rate of 2 per 100,000, dowry homicide rate of 0.7 per 100,000 and the rate of domestic cruelty by husband or his relatives as 5.9 per 100,000. A 2014 study in the Lancet states, "Whereas an 8.5% prevalence of sexual violence in the country [India] is among the lowest in the world, it is estimated to affect 27.5 million women in India [given India's large population]. The 2006 survey found that 85% of women who suffered sexual violence, in or outside of marriage, never sought help, and only 1% report it to the police."

To understand the status of Indian women, it is important to understand the history of gender violence in the country. In India's history, Hinduism had a significant role in the state regarding women status and inequality which is visible in its traditions. Sati is an inhumane form of violence against women which is the practice of the immolation of the widow on her dead husband's funeral pyre performed by Hindus of superior class in society. The birth of a girl child is considered a curse for the family even now within some educated and modernized community. In the Indian community women are not conceived as complete citizens because they are considered as men's sexual property (Dobhal, 2011, p.598).

The UN High Commissioner for Human Rights (OHCHR), Navi Pillay, once described rape in India as a 'national problem' and suggested the state to "widen the definition of rape in its Penal Code to reflect the realities of sexual abuse experienced by women" (UN News Centre, 2012). The new law included certain recommendations made by a committee named Justice Verma Committee, which was formed after the 2012-Delhi gang rape case. It provides life imprisonment and even death sentence for rape convicts (Section 376 A) besides stringent punishment for other related offences (Criminal Law Amendment Act, 2013: 02). Nevertheless, India with a high rate of rape cases rejected the United Nations Human Rights Council's (UNHRC) recommendation to enact comprehensive reforms to address sexual violence and all acts of violence against women.

## **Gang Rape Case**

### **Nirbhaya Case/ Jyoti Singh/ Delhi Gang Rape Case 2012**

The most notorious of all rape cases has to be the Delhi gang rape of 2012. The girl named Jyoti Singh was raped by six men while she was travelling in a bus with her friend in New Delhi the National Capital Region. The girl was brutally violated by an iron rod and later died due to her horrific injuries.

### **Hyderabad Gang Rape/ Priyanka Reddy Case 2019**

In the gang rape case of 2019, a horrific incident, a 26-year-old veterinary doctor from Hyderabad was brutally gang raped, murdered and later dumped on the side of a road. According to the Telangana Police, the victim had stopped at a toll plaza at Shamshabad, near Hyderabad with her scooter. Two lorry drivers, along with their assistants, deliberately punctured her vehicle and pretending to help her, took her to the side of a road and pushed her into the bushes. She was later brutally gang raped by the rapists and later murdered.

### **Kathua Gang Rape & Murder (Child Gang Rape) 2018**

The Kathua rape case involved the abduction, gang rape, and murder of an 8-year-old Muslim girl, Asifa Bano, by six Hindu men and a juvenile, in January 2018 in the Rasana village near Kathua in Jammu and Kashmir, India. This case is as horrifying as it can be. Sanji Ram was found to be the main accused in the case. He is the priest of the family temple, where the incident allegedly took place. The post-mortem revealed the presence of clonazepam in the body of the dead girl. The examination by the doctors found that the girl had been drugged with a sedative before she was raped and murdered.

Forensic evidence suggested that she had been held for several days by Sanji Ram, one of the individuals accused of the crime. Strands of hair recovered from the temple matched those taken from the girl. The forensic examination stated that Bano had been raped multiple times by different men, and that she had been strangled to death, as well as hit in the head with a heavy stone. The Delhi Forensic Science Laboratory analyzed 14 packets of evidence containing vaginal swabs, hair strands, blood samples of four accused, viscera of the deceased girl, the girl's frock and salwar, simple clay, and blood stained clay. Vaginal swabs matched with the DNA of the accused as did some other samples. Hair strands found in the temple where Asifa was raped matched that of the girl and the accused.

### **Dowry, Dowry Death, Murders as Acts of Violence against Women**

In India, it is estimated that on average five women face dowry related torture and cruelty every hour. A study conducted in 2010 shows that an Indian woman is burned to death every 90 minutes. This number does not account for the other methods used to murder women whose families fail to meet dowry demands. There were 8,391 reported incidents of dowry-motivated murders in 2010 alone. This is a substantial increase from the 7,000 cases reported in 2003. The transformation of the dowry practice into this current phenomenon has largely been shaped by the low status of women within Indian society. Traditional inheritance laws, for example, prohibit the transfer of property and material assets to women.

As a result, women are often viewed as a burden because valuable family resources, which would otherwise be inherited by the males, are used on their upbringing and dowry. Dowry deaths relate to a bride's suicide or killing committed by her husband and his family soon after the marriage because of their dissatisfaction with the dowry. It is typically the raise of a series of prior domestic

abuses by the husband's family. Most dowry deaths occur when the young woman, unable to bear the harassment and torture, commits suicide. Most of these suicides are by hanging, poisoning or by fire. Sometimes the woman is killed by being set on fire by her husband or in-laws; this is known in the country as "bride burning", and is sometimes disguised as suicide or accident. Death by burning of Indian women has been more frequently attributed to dowry conflicts. In dowry deaths, the groom's family is the perpetrator of murder or suicide.

On that note, it is important to add that a major increase in domestic violence cases was observed during the COVID 19 period as compared to the previous years. The effect of the COVID 19 pandemic on women was unprecedented and worse than before. Between April 2020 and June 2021, a total of 3,748 cases of domestic violence were received. In India, 30 percent of women have experienced domestic violence at least once around age 15, and about 4 percent of pregnant women have experienced spousal violence during a pregnancy.

### **Needed Changes of Paradigms and Institutions in India for more Peace, Justice, and Stronger Institutions**

Peace and Justice are complementary to each other, they go hand in hand. We can't have one without the other. Peace is defined as a social connection. Where physical violence is a tool to achieve political objectives there is no peace or justice. Justice is defined as a state of affairs, a system or systems of law in which every person receives his/her due from the system, including all rights, both natural and legal. Without strong institutions, Peace and Justice are meaningless and they cannot be achieved. In this research paper we are focusing on ways in which addressing this violence as described above can contribute to the United Nations reaching its SDG 16, which is Peace, Justice and Strong Institutions.

In the specific case of India, based on the issues we are discussing in this paper, we believe the ways to address these forms of violence is to engage in reforms or improvements around the following institutions: Reforming the police system, police mentality and redefining what should be the role of Judiciary to make peace and justice. We may contribute to justice systems by improving accessibility, facilitating communication, and assisting government, administration etc. by reforming the police, the judiciary, the legislature as well as some other institutions. We should promote peaceful and conscious societies for sustainable development goals, provide access to justice for all and build effective, accountable and inclusive institutions in India. Being a lawyer, a judge, an educator, an intellectual, a mediator, a law specialist and a law-abiding citizen should mean that people have to work toward safeguarding equal access to justice for women in our society, protecting their fundamental rights, freedoms, and shielding them against torture, abuse, exploitation, discrimination, human trafficking, corruption, and organized crime. This will significantly reduce all forms of violence while promoting peace through strong and accountable institutions.



## **Police Reform**

In India custodial rape has been a major focus of women's rights organizations so much so that it has been codified as an official category of rape defined under law since 1983. Indian law says this type of rape takes advantage of the rapist's position of authority and is therefore subject to extra penalty. Custodial rape primarily means the rape of women committed by a police officer in the premises of the police station.

Under the Constitution, police are governed by states. The primary role of police forces is to uphold and enforce laws, investigate crimes and ensure people's security. In a large and populous country like India, police forces need to be well-equipped, in terms of training, personnel, weaponry, forensic, communication and transport support, to perform their role well.

In 1996, a petition was filed before the Supreme which stated that the police abuse and misuse their powers. The petition alleged non-enforcement, unjust and discriminating application of laws in favor of accused, and it also raised instances of unauthorized detentions, torture, and harassment against ordinary citizens. For example, it might be more helpful if female police officers or social workers would be assigned to deal with women's complaints of dowry harassment, domestic violence, abandonment, rape etc. A major current need is that state governments in India should submit a time-bound plan in which they should undertake and implement the police reforms to protect women from violence and crime.

## **Judicial Reforms**

An analysis of current practices in India's judicial system indicates that there is a need to guarantee speedy justice and a strong judicial system. The terribly low conviction rates for crimes against women is not satisfactory. Apart from implementing police reforms, we also need to ensure that there are adequate number of judges to hear the rape cases and other cases involving crimes against women. Thus, the need is to augment the number of judges to make sure that justice is delivered in a prompt manner. India also needs to establish fast-track courts to ensure speedy justice in rape and cases of sexual harassment and domestic violence. We also need a time-bound action plan by states to deal with pending cases of crimes against women.

## **Alternative Dispute Resolution**

Cases related to other forms of violence like dowry, domestic violence, stalking and eve teasing have undeniably risen in the last couple of years. Section 498-A of the Indian Penal Code, 1860 (IPC) addresses domestic abuse. Domestic Violence is a non-compoundable offense according to section 320 of the Indian Criminal Procedure Code (CrPC). In 2013, the Supreme Court sanctioned all criminal courts for adopting Mediation with regard to specific cases under section 498-A of the IPC, but still no ground level implementation has been done. Thus, it is highly recommended that Alternative Dispute Resolution (ADR) approaches be adopted and the initiative of effective and strong mediation centers will be developed and increased in India to protect the rights of women against the human rights violations.

## **Lawyer's Professional Training Programs to Deal with Crime against Women**

India is a country that has many lawyers. It is, however, surprising to see that their positive impact remains low in terms of protecting women against violence. Fighting gender violence requires the full commitment of lawyers and advocates. This is because violence will nearly always involve a criminal or civil claim, and a lawyer is an essential tool to achieve a successful result with that. Lawyers are very frequently the first point of contact for women who suffer gender violence and lawyers are in a perfect position to identify possible future cases of gender violence, crimes against women, which can arise through family disputes. India needs professionally trained lawyers to give legal support to a victim. Lawyers' professional training by strong mediation centers must be developed.

## **Need for Strong and Unbiased Media and Enforcement of Media Law and Ethics**

Indian media has not been playing effective and positive roles in minimizing violence against women where everyone recognizes that the can and should play a leading role. Given the place they have in society, they could help a great deal in mitigating violence against women. Media's role should be to expose and generate awareness against society's ills and evils, therefore their role should be more effective. Media must be more aware of violence against women. For example, many women have complained that media coverage of rapes, eve teasings, acid attacks and other forms of violence has itself been like a second assault all over again. This was mentioned because of their insensitivity in using pictures, publishing names, and other violations of privacy. In order for the media to play that role, they should be independent and better trained and also ethically informed.

## **Analyzing Forms of Violence in Mali**

### **Introduction and Contextual Background**

Since its political independence from French colonial rule in 1960, the West African country of Mali has experienced multiple periods of political instability: Military coups, internal rebellion and violence (1963-64; 1968; 1990-96; 2006; and in between), as well as a foreign terrorist and narco-criminal invasion (2012-to date). These violent conflicts have, not only built upon one another, but also resulted in thousands of deaths, injuries, rapes, assaults, and displacement of more than 412,000 civilians (UN 2012 report on Mali). In addition to the aforementioned violence, various land conflicts fueled by a hugely corrupt judicial system have regularly occurred between farmers and cattle raisers all over the country with a bigger frequency in central Mali. Nevertheless, among all the conflicts mentioned here, the current one (from 2012 to date) has undoubtedly been the most violent with far more devastating effects than any other one in Mali's history. And the country has yet to pull itself out of it.

The 2012 conflict in Mali started as a joint rebellion of Alqaida and other islamist narco-terrorist affiliated groups combined with a group of Tuareg rebels who, after the collapse of the Libyan regime of M. Gadhafi and based on their internal intelligence about the weakness of the then



Malian regime of President Amadou Toumani Touré (A.T.T.), decided to move their fighting ground to northern Mali. Historically, this has been a geographic area that witnessed earlier Tuareg rebellions, which each one of them somehow connected to Libya. During his four decades in power, it is well known that late Colonel M. Gadhafi, regularly hired Tuareg groups from Mali and other countries into his army. Malians, as well as the international community, remember during the early 1990s Tuareg rebellion in northern Mali Gadhafi's appeal to that community (the Tuaregs) to move to Libya in a bogus claim which alleged that Libya was the motherland of all Tuaregs. For all these reasons, Gadhafi's attempts to open a Libyan consulate in Kidal (the nexus of Malian Tuareg rebellions) years ago was met in Mali with suspicion and outright rejection. Some Malians even saw in those attempts his constant desire to create trouble in that geographic area.

The 2012 invasion by the groups mentioned above resulted in the occupation of almost 2/3<sup>rd</sup> of the country of Mali. This included the entire administrative regions of Tombouctou, Gao and Kidal, as well as parts of administrative regions of Mopti and Segou. During that occupation, communities witnessed a very harsh degree of violence never reached before in the country: women were raped in wide numbers and forced into marriages with invaders; several people were killed and some others, according to newspapers accounts, got their hands or feet chopped away. Public forms of humiliations and extrajudicial executions regularly took place; children were recruited as soldiers by armed groups; cultural shrines and historical vestiges were destroyed (UN 2012 report on Mali).

During that occupation, some local residents were also used as informants to spy on their neighbors and their communities, thereby creating and maintaining more mistrust within community members on top of the violence described above. The degree to which that violence occurred during the occupation and the recruitment of other locals as informants have left many more people and communities more suspicious than ever of one another. For instance, even though Kidal was the first geographic region to fall under the control of rebel and terrorist groups combined, there has not been any records of rape, hand-chopping, extrajudicial killing, any form of public humiliation or whatsoever in that entire geographic region. Having lived through that kind of environment, people seem to have now learned and discussed (as a survival skill) not to automatically trust their neighbors or other members of their communities anymore. Communities in northern Mali and elsewhere in the country have therefore been deeply fractured and divided.

In addition to the newer forms of the violent conflict described above, Mali has also had traditional conflicts, such as land conflicts between farmers and cattle raisers, which have most of the times been submitted to either some inappropriate traditional ways of conflict resolution (sinankuya [cousinry], cadis, local chiefs, elders or religious leaders, etc.) or to corrupt judges who, unfortunately, end up making those conflicts worse.

Historically, in order to address conflicts, people and communities in Mali have used some local mechanisms like the concept of sinankuya, the involvement of griots, cadis, chiefs, elders and religious leaders). However, these mechanisms, in spite of their many strengths, have also shown serious limitations. As a result of those limitations, most tensions and conflicts they attempted to solve have, instead, continued to linger around and, even often times, as discussed above, risen

up to become bigger and more violent conflicts resulting in numerous injuries, assaults, rapes, deaths and displacement of civilians and thereby adding to the mistrust between communities (Rapport Frederich Ebert Malimètre 2015; UN reports on Mali 2012, 2013).

We recognize, however, that the limitations of traditional mechanisms of mediation and conflict resolution in Mali are not always inherent to those mechanisms themselves, but rather could be related to the interferences of a corrupt judicial system and public administration. Due to the corrupt judicial system in Mali and public administration, many parties who may or may not be connected to judges or officials at a higher administrative level may not have any vested interest in solving the issue through those traditional mechanisms (or forms) of mediation. As a result, those parties may look down on the traditional mechanisms as they may believe that their acquaintances at the higher level will make them win their cases anyway. In such cases, the whole process, therefore, lacks good faith from some parties, which makes it impossible to come to long-lasting mediated agreements. As discussed above, the distrust now unfortunately exists, not only between different communities/ethnic groups, but also within communities, which is made even more complicated by the fact that some of those communities do not even trust the Malian government.

Another limitation of traditional ways of conflict resolution in Mali is related to the fact that, under certain circumstances, traditional forms of conflict resolution/mediation in Mali do not allow enough uninterrupted time for parties to share their concerns before the issue is resolved. This may be due to the amount of respect owed to elders, religious leaders, griots, cadis and other community leaders. The entrenched gerontocracy and religious implications attached to the traditional process allow most of the talk to be done by the mediator usually a griot, a community elder, chief, cadis, or a religious leader, of whom it would be inappropriate for parties to question the insights, suggestions or decisions. So, through those traditional mechanisms of mediation and conflict resolution, in the name of community interest, the terms of agreement may end up being imposed instead allowing parties to fully express their grievances and come to a mediated agreement as a good mediation requires.

Lastly, traditional ways of conflict resolution in Mali are also problematic in the sense that they seem to reproduce the status quo by not supporting women and youth when disputes occur. This is due to the high existence of gerontocracy and patriarchal inclinations within Malian society. This study offers us an opportunity to deeply analyze those aspects.

For all the reasons discussed above, we believe that the nature, scope, duration and recurrence of the conflicts all over Mali, especially in its central and northern parts call for multiple major changes in some institutions as well as ways of supplementing and strengthening some of the ones already in place. This will imply the use of deep and serious (at least medium term) conflict resolution processes which, in addition to tapping into both traditional Malian and western techniques, will also combine all together “transformative”, “performative”, “integrative” and “distributive” strategies in order to address the lingering issues discussed above for a better peace building and reinforcement in the country, mostly in the country’s central and northern parts (Holbrook & Cook, 2013, p55-107; Beer & Packard, 2013). It appears needless to say that

institutions in place in Mali since its political independence in 1960, have failed to prevent and resolve these rebellions and other forms of conflicts which have caused multiple deaths and displaced communities on all sides. The regular recurrence of these rebellions and other forms of conflicts from political independence times to now points to the necessity to address the issues using newer perspectives different from those previously used. United Nations SDG 16 speaks to the need to address such issues in order to promote peaceful and inclusive societies by providing access to justice for all and building effective, accountable and inclusive institutions at all levels.

### **Needed Changes of Paradigms and Institutions in Mali for more Peace, Justice, and Stronger Institutions**

Mediation is a process in which a third person, the mediator, helps parties work together to resolve a conflict or a dispute. Mediation works because it offers a context that takes seriously the issues that are key to parties. Those are mostly issues of "relationships, fairness, emotions, justice, recognition, respect, inclusion, fixing a problem" (Beer & Packard, 2012, p.5). Mediation also works because it provides parties with a structure in which to have very difficult conversations, which may not be available otherwise.

Mali is a very community-oriented country. It is a country in which communities view conflicts as a failure within their structure, their identity, and everyone will work toward the common goal of resolving it. The way mediation works in Mali is well summarized by Holbrook (2015) in his description of traditional techniques of mediation. In traditional Malian mediation, two villagers who have a dispute they cannot resolve may be required to submit to village mediation. This makes total sense in the context given the community-oriented way of life in traditional Malian villages. The community-oriented way of life justifies and strengthens the vested interest of the entire village to end the conflict. In this view, the incapacity of villagers to resolve the conflict or dispute via village mediators is perceived as a lack in or weakness of leadership by not only the villagers, but also the neighboring communities. Neighboring communities also may have some vested interest in the solution of the conflict or dispute, as they know that, traditionally, unresolved conflicts/disputes always possess the ability to spill over to other geographic areas. And indeed, recent developments in the country's current conflict inform us of ways in which unresolved disputes and conflicts, whether related to land, water, youth unemployment, cattle or rebellions can easily spill over to other geographic areas.

During the proceedings of a traditional mediation in Mali, the entire village may attend the mediation, which therefore is not confidential. The mediation is conducted by a traditional mediator – often a village or tribal chief, religious leader, cadis or a griot – who knows the disputants and all the other villagers. This village mediator may not be impartial or neutral by western mediation standards, but he remains, nevertheless committed to finding a mediated agreement: because the dispute is a threat to the stability and harmony of the entire village or community, it is not just between the disputants. The village mediator is motivated to achieve an outcome in mediation that restores and maintains the village's stability and harmony. Therefore, the mediation may not privilege the self-determination of the disputants. They may be required to

accept an outcome imposed on them by the village mediator, or else they will face social sanctions by all other villagers for their refusal to comply with the imposed outcome (Holbrook, 2015).

As one can see this type of mediation, while it may offer many advantages, can also be a source of many other lingering problems. Parties are not necessarily given enough time to speak and discuss their problems. As a consequence, community elders might oftentimes think they have resolved the issue while parties are still feeling hurt. We identified this as the reason why many conflicts which were thought to have been resolved reappear again and again, and in most cases with more frustration and anger. The accumulation of the frustration and anger, sometimes during generations, have resulted in periodic recurrences. This is the case of the rebellion in the country's northern part.

Similarly, the mediation of disputes between former rebels and the Malian government, beyond the political performance, requires concepts and skills that must be adapted from both libertarian and communitarian mediation. This, in other words, calls for a type of mediation coupled with public education and outreach programs or activities (Beierle, 1999). Such a mediation coupled with public outreach programs will offer spaces for communities to speak up, share their pains about disputes and conflicts and find common grounds moving forward. It will also offer them opportunities to have their own local mediators trained with appropriate tools and techniques, which will, in the end, give the communities a stronger sense of ownership and appropriation of the peace building and reinforcement process on the one hand, and the efficient resolution of other forms of conflict within the community.

Given the proportion, the duration and the layers of the violence described above, it is crucial to expand peacebuilding and reinforcement activities to the entire geographic areas affected, i. e. beyond the capital city of Bamako. These will require a crucial involvement of all community members like women and youth who were traditionally excluded from the process in addition to those who have always been at the center of it.

The strategy of involving all these parties and tapping into the local resources in the peace-building/conflict resolution process will have an important advantage in the sense that, while acknowledging the complexities of the challenges to be addressed, it leaves no stakeholder behind in the new process of moving forward. To summarize, the major things that need to happen in Mali to bring more peace and justice in the country and strengthen its institutions are:

- 1-The institutionalization of public outreach forums and activities. Public outreach programs will be places where free speech will be encouraged. The forums will be in public places and participants from villages and cities will freely discuss things that, in their eyes, might result in conflicts if not properly addressed. These will have a preventative value in the sense that they will address the problems within the communities before they escalate. These forums will be led by elders, leaders, women, youth, or respected people in the community who will have been trained in mediation and conflict resolution skills. Many of those leaders and respected people might already have those skills as lay mediators whose families might have conducted mediations in the community for generations.

2- The Institutionalization of mediation and training of community mediators: The community-oriented nature of life in Mali calls for an institutionalization of mediation followed by a robust training of mediators. In every village, county, and city there should be trained mediators who will be ready to mediate issues before they get out of control. In order to have these mediators as part of the conflict resolution institutions, Mali must tap into its cultural resources in order to identify mediators to be trained. Currently in the country, mediation is not a well-developed area and by training more mediators, the judicial system which is mostly seen as corrupt could be strengthened.

Mediators and public outreach forums are meant to supplement and strengthen current institutions and peace-building processes in Mali. By creating and strengthening them, Mali will have better and more powerful institutions to address not only the recurrent rebellions in its northern part, but also all the other forms of conflicts all over the country. These new mechanisms and institutions will not only tap into the local traditions but also be informed by modern conflict resolution techniques with the goal of creating and reinforcing peace, justice and strong institutions in the country. Finally, by doing so Mali will become a more peaceful and just nation which will, in turn, contribute to the United Nations reaching its SDG 16 by 2030.

### **Research Limitations and Implications**

There are many other forms of violence in India beyond the ones discussed here. Issues like custodial rape, dowry, dowry death and murder could have been largely discussed here. For the purpose and the length of this paper we have limited our study to the ones listed here. The other forms of violence faced by women in India could be discussed in subsequent papers coming after this one. We also discussed dispute resolution mechanisms and institutions that will help the country address the forms of violence identified.

Additionally, the forms of conflicts related to Mali discussed in this paper have also been analyzed under many different angles by previous researchers. As we discussed earlier in this paper, the recurrence of rebellions in its northern part and the lingering of other forms of conflicts all over the country point to the relevance and significance of our study. They also constitute an invitation to other researchers to investigate the issues and possibly uncover the multiple layers that might be involved in understanding them. Our study specifically analyzed the issues and made suggestions of new institutions and new paradigms as well as ways to strengthen the institutions and mechanisms that are currently in place. By addressing the identified forms of violence, India and Mali will contribute to the United Nations reaching its SDG 16 which is Peace, Justice and Strong Institutions.

### **Conclusion**

The cases of violence discussed in this paper do not exhaustively describe all the forms of violence in the countries under our investigation. They, however, offered us the opportunity to discuss them and suggest ways in which current institutions in the two countries can either be

strengthened to improve their work of delivering peace and justice or, where necessary, supplemented with additional ones that would work toward the same goals.

Finally, there is a crucial need for both India and Mali to deliver justice and peace in all the areas discussed through this paper. The solutions and recommendations provided are things that either create new institutions and paradigms or strengthen the ones already in place. Those additional institutions might review, support, improve, and even reduce the hurdles for a better delivery of peace and justice. By strengthening their institutions of peace and justice, the countries of India and Mali will substantially contribute to the United Nations reaching its SDG 16 by 2030.

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