

Global Peace Services USA

...an idea whose time has come

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Greetings from John Eriksson, President, GPS USA.

This issue of the GPS Newsletter includes updates on two topics that have commanded considerable GPS attention this year, as well as a reflection on progress and reversals toward the wide-ranging goal of universal peace.

First is a review of a forum sponsored by GPS on September 14, 2022, on “Diversity of State Energy Policies in the US.” The article is by GPS Board Member, Dr. Ronald Ridker, who designed and moderated the forum. The issue addressed by the forum is that notwithstanding the significant step forward in efforts to control climate change by passing the Inflation Reduction Act (IRA) devoted to curbing greenhouse gas emissions, implementation takes place at state, county, and city levels where there is considerable diversity, so much so that the administration’s goals may not be met. As the Announcement for the forum notes, what the US does or does not do in this field affects not only the US, but the whole world.

Dr. Ridker examines the challenge as described by three expert forum speakers who shared their experience in dealing with aspects of the problem in West Virginia, Illinois and the recent Supreme Court decision in West Virginia vs EPA. The article explains the reasons for selection of these cases and concludes by drawing from them and the forum discussion five ways in which energy policy at the state level might be influenced and consequently result in greater harmony with national policy.

In the second article, GPS Board Member, Dr. Robert Muscat, updates his pioneering work recently published as a Policy Brief of the Toda Peace Institute, “Official Apology: Cementing Peace, Disavowing Injustice” (No. 136, August 2022). The Policy Brief distills Dr. Muscat’s previous papers on aspects of Official Apology, several of which appeared in past issues of the GPS Newsletter. As Dr. Muscat notes in the introduction:

Before the war, there were few cases of official apology in all recorded history; thus, the wave of recent apologizing is a remarkable development in human governance. It should be pursued as a new and major instrument for domestic and international social repair.

But the author also notes: “The whole subject of apologizing, making amends, and moving toward reconciliation, is complex.” The Policy Brief discusses some of the main complexities and

explains how apology can provide cement for a peace settlement. The article indicates how the Policy Brief can be accessed through the GPS website, and it updates information on recent official apologies and related developments since publication of the Brief.

*The third article, “Universal Peace: Progress and Retrogression,” by Dr. Robert Muscat, takes as its point of departure a broad ranging stock-taking by John Gittings, a prominent advocate in the cause of peace, of the strengths and weaknesses of the world’s peace efforts in his 2012 book, *The Glorious Art of Peace* (Oxford Univ. Press).*

The balance of the article is devoted to an update on the state of the peace “movement” since the publication of the Gittings book in 2012. Gittings identified six areas, about which Dr. Muscat concludes that the experience of the last decade provides at least some reason for encouragement. He observes that a” full attempt to take renewed stock of the progress toward universal peace, or retrogression, would obviously require another book.”

Such a book would have to reckon with such factors as the bellicose foreign policies of some countries, the destabilizing effects of climate change, the rise in many countries of populist nationalism and resistance to globalization and the return of religion as a conflict intensifier (e.g. the violence of Islamic extremism). The book, however, would also “highlight the world-wide wave of governments (and various institutions) confronting their own injustices, both domestic and international, telling the truth and offering apologies and reparations to make amends.”

Dr. Muscat sees this as “a historic turn, seen only in the past seven or so decades. It is a major growing affirmation of humanity and the desire for a more civil society. In sum, the book would reinforce Gittings’ call for renewed determination in the pursuit of a non-violent world.”

In order to continue and expand our current work, such as the GPS Newsletter, so that we can continue putting out our newsletter, with essays and articles readers are unlikely to find elsewhere and hold special events, such as the September 2022 forum, we do need greater resources. Please consider making as generous a tax-deductible contribution as you can to GPS. This may be done by mailing a check to the postal address shown above or through our website www.globalpeaceservices.org. Phone: 301-681-6968.

GPS Forum on Diversity of State Energy Policies in the US; a Report with Comments

This essay provides a brief and condensed review and commentary on a forum that Global Peace Services (GPS) sponsored on September 14, 2022.¹ GPS' purpose in conducting a forum focused on the diversity of state energy policies is provided in the following Announcement.

The Biden administration took a big step forward in efforts to control climate change by passing the Inflation Reduction Act (IRA) with \$369 billion devoted to curbing greenhouse gas emissions. But implementation takes place at state, county, and city levels where there is considerable diversity, so much so that the administration's goals, may not be met. GPS views this situation as especially serious because of the outsized role that the United States plays. What the US does or does not do in this field affects not only the US but the whole world.

The first step towards finding a solution to this problem is to understand how this diversity manifests itself. In the forum we did this by focusing on three situations, presented by three speakers, that are emblematic of the overall problem: West Virginia, which seems determined to maintain the dominant position of coal in its economic and political life, Illinois, which is also a major producer of coal but whose legislature has recently passed a very progressive bill that aligns the state with national climate change goals, and the recent Supreme Court decision in *West Virginia vs EPA*, which restricts the Environmental Protection Agency's regulatory power.

James Van Nostrand, Executive Director of the Center for Energy & Sustainable Development, West

Virginia University College of Law, used his recently published book, *The Coal Trap*, as a basis for his presentation.

Coal has been king in West Virginia for a long time. Even today, West Virginia is the second largest producer in the USA and a major exporter. Prior to 2010, it was the largest employer in the industrial sector of the state. Nearly all electricity was, and still is, produced using coal. The coal barons have ensured that they or their friends hold all positions of administration and political power in the state; and they have won over large segments of the population through sophisticated advertising and gifts to community organizations.

During the 2009-2019 period, the use of coal to produce electricity became uneconomic. This was due to the fracking revolution that produced abundant and cheap natural gas and to continued declines in the cost of solar and wind technologies. But instead of taking advantage of these trends, West Virginia policy makers (Democrats as well as Republicans) blamed this situation on Obama and his EPA regulators, claiming that the coal industry would be able to manage these technological changes if only the anti-coal regulations would disappear. West Virginia's Public Service Commission made matters worse in a variety of ways, for example, discouraging diversification of energy sources and subsidizing coal producers by raising electricity rates so that power companies could pay coal companies more for their coal.

In the last chapter of his book, Van Nostrand offers several recommendations, the primary one being that someone in a leadership position must step forward

¹ A recording of the hour and a half session is available at https://us02web.zoom.us/rec/share/YBb4m5-uX6Y3PQHBS_YCLYd6C4kiO4ydx/CetiZit_c5r3aXRJlnVhWKCgq6aNpsjh.w8Lt_0BhEF0a

[tHw2](#) and entering the passcode, 480+!kMe, when asked.

and provide “true leadership.” The suggestions he makes under that heading are detailed and would certainly be effective. But without outside pressure, it is doubtful if this top-down approach would work. A good example of this roadblock to change is the promotion by West Virginia Senator Manchin of research on carbon capture and sequestration which would make it possible to continue using coal, but to date has never been proved profitable. Perhaps some technological breakthrough will come along, but as of now there is a low probability of this happening.

Van Nostrand says that in the last few years glimmers of hope have emerged. Large employers, like Toyota, Walmart and Proctor and Gamble, have offered to invest in West Virginia if they can gain access to clean energy sources. Recently, Berkshire Hathaway announced its intention to establish a renewable energy micro-grid that will provide power for startups if the Public Service Commission has no authority over their activities. It remains to be seen whether these initiatives will be sufficient to counter these more entrenched powers.

Jennifer Willens, who, for 17 years has been Executive Director of the Illinois Environmental Center that was a major player in the design and passage of the state’s major environmental legislation, presented the Illinois case.

Illinois is also a major coal producing state, the fourth largest in the country, but exports most of it. Its electricity is produced primarily with nuclear power, natural gas, and solar and wind.

The effort in Illinois to transform the energy sector has been going on for a long time. The state legislature established a renewable portfolio standard in 2007 and passed a “smart grid” act two years later. In 2016, even with a Republican Governor in office, it passed The Future Clean Jobs Act, which provided subsidies to keep the nuclear plants open and increased investments in renewables by a factor of five. In 2021, with bipartisan support, the state

legislature passed the Clean Energy Jobs Act (CEJA), an omnibus bill that established targets for the state to achieve 100% renewable energy by 2050, a carbon-free power sector, a million electric vehicles on the road by 2030, and the closure of most coal plants by 2030 (except for a few new ones that are permitted to remain in operation until 2045 or earlier if securitization measures could be worked out). The rest of the bill focused on how to accomplish these goals and includes subsidies and retraining for workers laid off from fossil fuel jobs and support for groups such as the environmental justice community.

The impetus to accomplish all this came in large part from the Illinois Clean Jobs Coalition, established in 2015/16. Over time, the coalition enlisted labor groups, faith communities, and others by supporting their top priorities, which often had little to do with clean energy but made it clear through education programs that the two sets of goals supported each other. Importantly, the coalition also established education programs for new state legislators and supported candidates who were amenable to their principles. Over time, the group became an organization to be reckoned with by politicians, especially new ones seeking office for the first time. A great deal of demanding work and trial and error was devoted to these tasks.

Howard Learner, Executive Director of the Environmental Law and Policy Center (ELPC), which was one of the parties in the Supreme Court case, *West Virginia vs EPA*, explained the Court’s decision and its implications.

This case was brought to the Supreme Court by a number of fossil fuel producing states and coal companies who want to restrict, if not eliminate, the authority of the federal government to regulate their emissions of greenhouse gases. In a 6 to 3 decision, the Court concluded that EPA had exceeded its regulatory authority and would have to scale back its regulatory plans (or get more authority from Congress).

The ELPC along with a half dozen other environmental and health groups that had argued in court against this ruling all came to the same conclusion, that the Supreme Court's decision in this case was, according to Learner, "unprincipled, extreme judicial activism, and weakened the EPA's ability to control pollutants at a time when their impacts were getting worse and the need for cleaner and healthier air was even more acute."

Learner explained that the Court was dealing with an EPA regulation that came out of the Obama era Clean Power Plan that was never implemented. The Court stayed the regulation five years ago, the Trump administration withdrew the Clean Power Plan altogether, and the EPA under Biden has not decided what if anything will replace it. The Court should have refused to take this case. The fact that they did was unprecedented.

Then too, because of concern that some agencies may be inclined to expand the regulatory scope of their operation beyond what Congress has authorized, the Court has announced that it will not authorize any important expansion of regulatory authority without evidence that Congress is OK with it. To apply this principle to a case that did not exist, but might at a future date, was an extreme form of over-activism. Apart from that, this Court ruling has at least two problems. First, the Court is implicitly making itself the arbiter of what is important. But the Court can claim only legal competence; typically, the main source of technical competence for judging importance is the regulatory agency itself. More important, this rule opens the door to what may be an

extensive delay in getting any additional regulations approved. Every lawyer with a client who objects to a regulation will argue that his case is important, forcing adjudication of that issue before dealing with the regulation itself. Congress may have anticipated this in the Inflation Reduction Act by inserting language that made it clear that carbon dioxide is a pollutant covered under the Clean Air Act and that it is to be regulated.

Conclusion

The three case studies in this forum and the related discussions have exposed ways that energy policy at the state level might be influenced. One can attempt to persuade those in power that they, their state and the country would be better off leading the parade rather than trying to stop it, that big business will come to the state if concessions are provided, that hard work at the grass roots level can succeed in bringing about political change, that the legal system can be effectively used by both parties, and that monetary incentives if large enough might work in changing people's behavior. Bits and pieces of each of these approaches have been or are in the process of being used. But the speakers in this forum have not argued the case for one approach over another. Indeed, it could be that what works depends on the circumstances of each potential application. To get a better feel for this, we need a larger number of case studies, more time for the speakers to interact with each other, and possibly, a few social scientists along with lawyers, although the lawyers did a remarkably good job covering non-legal issues in this case.

✧ Ronald Ridker

Official Apology: Cementing Peace, Disavowing Injustice

Drawing partly on my past Newsletter articles on the subject of official apologies, I have written a more comprehensive paper on the subject which was recently published as a Policy Brief by the Japan-based Toda Peace Institute, entitled *Official Apology: Cementing Peace, Disavowing Injustice*.² The Brief cites and categorizes the numerous cases of governmental (and other institutional) apology for injustices and injuries for which they bear responsibility. The past seven-decades wave of official contrition, of admission of governmental domestic and international wrongdoing, in many cases having caused horrific death and destruction, represents a major departure in human history. In many of these cases, some reaching far back in time, the offending society has offered substantial reparations as atonement for the disavowed injustices. The Brief considers some of the complexities surrounding the quality and acceptability of the language of apology and of the appropriateness of reparations.

The Brief also notes the positive contribution to domestic and international reconciliation and peace that may flow from this increasing wave of apologies. As the Norwegian Nobel Committee said in awarding one of its 2022 Peace Prizes to Memorial, the Russian human rights organization, “confronting past crimes is essential in preventing new ones.” The Brief concludes with a call for encouraging more countries (and institutions) to engage in truth-telling apologies

and to make appropriate amends. It proposes that the General Assembly of the United Nations declare an annual Day of Apology and Reconciliation to further that atonement process. Global Peace Services is attempting to promote such a UN declaration.

Finally, it is worth noting that significant new official apologies have been made since the Brief was first written. In March of this year, Scottish First Minister Sturgeon apologized for the executions of thousands of women who were convicted of witchcraft under the 1653 Witchcraft Act. In April, Pope Francis apologized to a group of First Nation Canadians for 100 years of “deplorable” abuse of children; they had been forcibly taken from their families and kept in church-run schools for cultural assimilation. The Pope asked for “forgiveness of God.” In August, a South Korean Truth and Reconciliation Commission called on the Korean government to apologize for years of forcibly detaining homeless and disabled people in overcrowded prison-like facilities. In May, the Archbishop of Canterbury apologized for the extensive restrictions imposed on Jews by a church synod in the year 1222. In September of this year, Italian universities apologized for expelling over one thousand Jewish students in 1938. Each admission of guilt stands as a moral marker and a guide for future more righteous conduct.

* Robert Muscat

² The Policy Brief is available on the GPS Website under “Our Work - Publications - Essays and Related

Documents” Link to GPS website is (Internet browser must be open): <https://www.globalpeaceservices.org>

Universal Peace: Progress and Retrogression

Ten years ago John Gittings, prominent advocate in the cause of peace, took stock of the strengths and weaknesses of the world's peace efforts in his book *The Glorious Art of Peace* (Oxford Univ. Press, 2012). He chronicled mankind's long search for legal, moral, and institutional restraints or controls over warfare — early Christian pacifism; the “just war” concept; thinkers like Erasmus, Kant, Tolstoy, Gandhi; the Hague conventions and the laws of war; the anti-war movement and its organizations; the League of Nations and the United Nations; the efforts at disarmament — all culminating in the vast UN peacekeeping operations and formal adoption, in 2005 by the General Assembly of the UN, of the Responsibility to Protect (R2P), which legitimates intervention to halt genocide and other atrocities occurring within sovereign borders. The many failures of the “great powers” to support other measures that would have strengthened the UN's capabilities are also chronicled. The book is a must-read for anyone concerned with non-violence and universal peace.

Ten years later, especially in the wake of Russia's invasion of Ukraine and its disruptive world-wide effects, it is time to take stock again. Are the protections and advocates gaining or losing ground? What new lessons might be drawn from the conflicts of the past decade? How do Gittings' most consequential pros and cons stand up a decade on?

The maintenance of peace has three stages 1) conflict prevention; 2) failing that, conflict resolution; 3) if that succeeds, preventing conflict renewal, i.e. *peacekeeping*. The problems, relevant international laws and institutions, and scope for intervention at each stage are very different between civil war (or any conflicts within countries) and international war (or cross-border conflicts). The focus of international conflict prevention efforts has shifted back and forth from broad anti-war aims to specific disarmament objectives, including nuclear weapons. There is much

scholarship, many organizations (national and international) and mass movements, and a unique profession of trained practitioners devoted to each stage and each type of conflict. What has been accomplished?

On the positive side, Gittings found several encouraging factors. 1) War has become largely “deglamorized.” The “awfulness” of war has become a truism in contrast to the glorification of warriors in past ages. The low morale reported in Russian ranks in Ukraine and the large draft evasion of Russian men, are current instances of war aversion (at least, to *this* war). On the other hand, the support accorded to Ukraine's troops, and their high morale, attests to a martial enthusiasm, but that is defensive and not “glamorized.” The praise heaped on terrorists and suicide “martyrs” by Islamic extremists and sympathizers is an important exception to “deglamorization.”

2) The UN is “universally acknowledged” as the international institution empowered to keep the peace. Its peacekeeping record is “mixed but considerable.” But it has achieved “little” in its task of promoting disarmament. Regarding the latter, it can be argued that the logic of disarmament has been undercut by the West's fortunate ability to supply arms that Ukraine has needed to defend itself. The (renewed) lesson: as long as the world has armed attackers, the defenders need armaments.

On the special problem of nuclear disarmament, there was progress with the test ban and non-proliferation treaties. But the momentum has been lost, as Gittings noted. If anything, the nuclear threat has grown. The constraints on Iran are in jeopardy, North Korea has upped its nuclear saber-rattling, and Putin's Russia is making threatening hints. The nuclear powers show no sign of reduction intent. The anti-nuclear movement must persist, but remains impotent for now.

Regarding the UN's peacekeeping, Gittings' "mixed but considerable" judgment remains. The UN has fielded 71 peacekeeping missions in the past; at present it maintains missions in 12 fragile locations. But the limitations of the peacekeeping function are all too obvious in places like Myanmar, Syria, Yemen, and Ethiopia, not to mention Ukraine, where there is no peace to keep, and where neither the UN nor individual countries resolution efforts have been successful.

3) The growth of international law, operational in the International Court of Justice and the International Criminal Court, represents mankind's best chance for "learning to live together amicably and abandoning the resort to force and violence to resolve disputes." Although these two courts' operations have been limited to the most blatant violators (due to reservations on the courts' scope by some countries, including the U.S.), they clearly threaten the impunity and immunity of future violators. Yet, it cannot be demonstrated that such jeopardy has deterred some potential violators, while in fact blatant cases of war crimes and crimes against humanity have continued to occur.

4) Citizen action, based on the principles of non-violence, has become a major force demanding political reform, justice and rule of law. Non-violent action has become widespread, and despite failures as in the Arab Spring, it remains a vital new force, as currently seen in the protests of Iranian women. Gittings cautions that when met with repressive force, such movements can turn to violence in return.

5) Peace studies has become a major academic discipline, closely linked with conflict resolution organizations, and drawing increasing numbers of students. This scholarship has greatly enhanced the understanding of civil war, inter-ethnic violence, and the dynamics of "peace process." In addition, scholarship has extended beyond the intricacies of conflict resolution to take account of underlying economic and social roots of civil discord and the

importance of addressing fundamental inequalities and inequities, if a stable society is to be achieved, a so-called "positive peace." This is a large, complex subject, especially given the growth (since Gittings' summary of the pros and cons of progress) of climate change intensification, world health threats, and the rising politics of racism and democratic erosion.

It is worth noting that Michael Lund, also an important author in this field, in his 2006 review of the state of the art and practice of (primarily intra-state) conflict prevention, reached the sober conclusion that prevention was still "a relatively marginal international concern....a plurality of possible instruments and agents....lack of conceptual closure about types and stages of interventions....disbursed activism globally and in a country.... scattered research agenda and findings....little usable guidance." It is not likely that these substantial deficits have been overcome yet.

6) Finally, Gittings drew comfort that despite "huge threats to its existence, the world has continued to survive." Ten years later, with climate change effects becoming increasingly dire and immediate, and the destabilizing effects of the Russian disregard of national sovereignty grinding on, mere continuation of survival looks less comforting.

On the downside, he recognized that the chances are low for implementing the reforms required for strengthening the UN's peacekeeping muscle — particularly the "dilution of the veto power of the Permanent Five." He noted that while war has become "deglamorized," new technology has enabled it to be fought remotely, and media coverage has been increasingly manipulated to mischaracterize the facts of conflict on the ground. The dense coverage by independent media of the detailed, mile by mile, atrocity-marked, progress of the Ukraine conflict is clearly exceptional to Gittings' observation; the reporting on Russian media is not.

The violence of Islamic extremism – both terrorism and conventional warfare — poses intractable problems for the peace community. The return of religion as a conflict intensifier, if not an independent motivator, prompts calls for forceful response. Gittings suggested no alternatives except the standard plea for development aid to address “underlying” social and economic causes. The breadth of such an analytic framework dilutes attention from more focused understanding and potential remedies. It also can lead to shifting the “blame” for Islamic extremism to errors and “misperceptions” of the West, as Gittings appears to do. The threat to peace, a decade later, remains substantial in the Middle East (where the extremism also confronts fellow Muslims) and in parts of Africa.

A full attempt to take renewed stock of the progress toward universal peace, or retrogression, would obviously require another book. It would have to reckon with the increasing bellicosity of Chinese foreign policy, the (hopefully positive) resolutions of

the ongoing wars, the destabilizing effects of climate change, and the rise in many countries of populist nationalism and resistance to globalization. On the positive side, it would highlight the world-wide wave of governments (and various institutions) confronting their own injustices, both domestic and international, telling the truth and offering apologies and reparations to make amends. This is a historic turn, seen only in the past seven or so decades. It is a major growing affirmation of humanity and the desire for a more civil society. In sum, the book would reinforce Gittings’ call for renewed determination in the pursuit of a non-violent world.

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* Robert Muscat



Global Peace Services USA

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