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Burnout Agent in Physician Group

The Strategic Importance of RFID Data

Highlights

Research in the Senate of Argentina

Traffic Violation Procedure in Colombia

Discovering Thoughts, Inventing Future

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By Clarence St. Hilaire

Saybrook University College of Integrative Medicine and Health Sciences

Abstract- Physicians as leaders of change and burnout agents face constant challenges of leadership within their group practices. The importance of skills, knowledge, and competencies necessitates that the rapidly changing and volatile healthcare environment needs to be reassessed. Seeing physicians as burnout individuals in hospital systems, having limited effectiveness, only seems to evade the need to wield effective leadership in private practice. This paper aims to offer a lens to approach leadership changes and physician burnout from a mindfulness, selflessness, and compassionate (MSC) framework. An MSC culture relying on foundational human drivers is important to adopt.

The most current literature on physicians as leaders of change and burnout agents is not exhaustive but offers steps to reduce factors that hinder well-being. Measuring them with the Maslach Burnout Inventory (MBI), the most used tool in scientific literature only offers a glimpse of the solution. It is paramount to examine the daily life exposure to the stress of practicing physicians to understand other dimensional drivers behind the phenomenon.

Keywords: physicians, leaders of change, burnout agents, leadership, mindfulness, selflessness, compassion (MSC), maslach burnout inventory (MBI).

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Abstract- Physicians as leaders of change and burnout agents face constant challenges of leadership within their group practices. The importance of skills, knowledge, and competencies necessitates that the rapidly changing and volatile healthcare environment needs to be reassessed. Seeing physicians as burnout individuals in hospital systems, having limited effectiveness, only seems to evade the need to wield effective leadership in private practice. This paper aims to offer a lens to approach leadership changes and physician burnout from a mindfulness, selflessness, and compassionate (MSC) framework. An MSC culture relying on foundational human drivers is important to adopt.

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Keywords: physicians, leaders of change, burnout agents, leadership, mindfulness, selflessness, compassion (MSC), maslach burnout inventory (MBI).

I. Introduction

The evolution of physicians' role as independent caregivers and leaders in effective teams, has reshaped the opportunity pathways for those seeking new platforms to exert leadership influences and professional satisfaction in healthcare settings that experience unparalleled changes (Shanafelt et al., 2017; Wolper, 2013). However, the notion of engagement is crucial to leadership development for physicians seeking mobility within organizations with high-stress levels or planning to join group practices because of one key factor expressed as burnout (Romani & Ashkar, 2014; Verweij et al., 2016). Burnout, defined by Verweij et al. (2016) is a "syndrome of emotional exhaustion, depersonalization, and a diminished sense of personal accomplishment (p. e99). Shanafelt et al. (2017) equate burnout to cynicism and diminished effectiveness. Hougaard and Carter (2018) added that seeking a leadership position requires selflessness and courage with constant introspection of behavior, strategies to excel, and leading people by engaging them to succeed. For Hougaard and Carter (2018) it requires an ego-free mentality, humility, "a realistic perspective on individual worth, a sense of self and a healthy self-confidence" (pp.72-73).

It is noteworthy to consider a physician leader as a change agent when there are key principles of new roles learning, new skills development, and acquisition that the physician has not acquired during medical training that can yield to a position of power and are critical to the success of institutional and group practices (Wolper, 2013). Wasylkiw et al. (2015, as cited in Jamieson, 2021) defined, in this context, leadership as a relational process relying on trust, empathy, and inspiring others. Physicians must become learners of change in organizations to survive and grasp the tenets of a VUCA environment [volatile, uncertain, complex, and ambiguous] (Kinsinger & Walch, 2012). Hougaard and Carter (2018) see a sensible dimension of leadership prioritizing human values, meaning, and connection for optimal change within organizations. Do the expressed considerations suggest that it is not asinine to ask what are the driving factors causing physician leadership challenges and burnout in group practices?

To better answer this question, it is reasonable to dig into the literature search about physicians as change and burnout agents in group practice settings, lifestyle interventions, and burnout strategies. Additionally, this article presents an MSC outlook to balance the root causes of physician burnout and highlight the changing dynamics of efficient leadership. A short critique of the proposed solution will follow.

II. Literature Review

a) Physician as a Change Agent in Group Practices

Medical group practices in the United States started in the early 1930s when the American Medical Association recognized approximately three hundred medical practice groups that evolved to become the dispensary, academic medical center, industrial medical program, and private clinic (Wolper, 2013, p, 12). The noticeable rapid growth paved the way for the creation of the Medical Group Management Association (MGMA), which morphed into the health maintenance organization (HMO), accountable care organizations (ACO), and employers' preferred provider organizations (PPOs). With the passage of the Patient Protection and

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Accountable Care Act (PPACA) of 2010, the healthcare organizations grew to create the integrated health delivery systems (IDS), multispecialty group practices (MSGPS), physician-hospital organizations (PHOs), independent practice associations (IPAs), and the virtual physician organizations (VPOs) (Wolper, 2013).

Within this healthcare network, physician leadership in medical group practices grew until hospitals started to acquire physician groups in different markets to properly align hospitals with physician group practices. The rationale was due to the concept of managed care under former President Clinton's quality healthcare reform allowing hospitals and physicians to assume risks, increase bed placements with admissions, and capitalize on revenue streams, but the cost was exaggerated (IMO, 2001, as cited in Wolper, 1013).

The physician is a change agent because of his or her ability to survive internal and external challenges, meet strategic priorities, recruit, and retain quality physicians for the group practice. Nonetheless, because of the competition, it is a challenge to retain them. Kotter (1996, 1990, as cited in Wolper, 2013) explained that allowing physicians to depart from their traditional roles required comprehensive management skills to control large organizational structures and changes in the group practice. Physicians who planned the best approaches to implement and lead changes grasped important challenges and excelled. Wolper (2013, pp. 90-93) articulated the following internal leadership challenges that the physician, as a change agent should tackle:

- Price control efficiency to reduce rising costs and boost revenues.
- Planned direction to meet current setting with clear strategic goals.
- Honesty and effectiveness are due to the physician's apparent trustworthiness and clinical success.
- Exhibit appropriate behavior as an essential leadership trait to utilize physicians as colleagues of the clinical teams.

Cochran et al. (2014) looking at physician leadership postulated that physicians must be accountable for changes occurring in the healthcare systems, as well as in their private or group practices. To this end, they must acquire the necessary skills to manage larger or group practices and avoid isolation. Cochran et al. (2014) referred to an "expanded paradigm of physician leadership" (p.19). The development of physicians as change agents in group practices also presupposes the ability to generate a vision and enthuse physicians to change because of engagement, and a clear comprehension of why issues must change, Cochran et al. (2014) contended.

Furthermore, since hospitals constantly buy physician group practices, they create an employer-employee framework, with the physician as an employee, and a way to prepare for revision in payment reforms holding the provider accountable for services. According to Cochran et al. (2014), there is an enormous need for physician leadership and engagement in hospital systems, and hospitals reason how to create better physician leaders. By doing so, the emphasis is to foster a group of physicians as change leaders, not solely employees. Cocharan et al. (2014) further expressed the industry's opinion about leadership development as a key component of health systems performance but reported that integrated group practices should prioritize leadership before contemplating a merger agreement. Hospitals are not willing to absorb the cost of leadership development.

b) Physician as Burnout Agent in Group Practices

One of the ideas behind the creation of physician group practices to minimize stress endured in hospital settings was to foster sustainability in healthcare through efficient allocation of services with an evidenced-based approach valuing patients at the center of the system (Harris et al., 2017; Wolper, 2013). Today, the currents of changes push physicians in group practices and in hospital settings to share greater accountability. These changes became real stressors to physicians dealing with demanding stakeholders: purchasers, policymakers, and patients holding them accountable more than ever before (Cochran et al., 2014). A physician is expected to assume a great leadership role in patient care. There are also constraints in the payment systems: providing market-competitive compensations to physicians within the group, from insurers and hospitals acquiring physician practices, which engender tremendous stress, anxiety, and distress leading to burnout (Cochran et al., 2014; Wolpert, 2013). The American Medical Association (Berg, 2021) reported that physician burnout impacts all specialties and practice locations, and drivers are feeding this trend. The American Medical Association reported that in a 2020 Medscape online survey with more than 20,000 physicians who responded from 20 specialties, the overall physician burnout rate was down to 42% compared to five years from 46% (Berg, 2021). "The highest percentage of physician burnout occurred across these specialties (p.1)":

Urology: 54%

Neurology 50%

Nephrology 49%

Diabetes and endocrinology: 46%

Family medicine: 46%

Radiology: 46%

To date, the best research found was a controlled mixed-methods pilot study by Verweij et al.

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(2016) about a mindfulness-based stress reduction (MBSR) for 50 general practitioners with longstanding experience in primary care and private practice at two Dutch hospitals. Using the quantitative realm, the research revealed that during pre-post ratings, the between-group differences at baseline, the MBSR group reported significantly more depersonalization and less work engagement. At the end of the training, controlled for baseline scores, the MBSR group experienced a decrease in depersonalization than the control group (p.101). The trainers consisted of a general practitioner (GP) with private medical practice, a consultant psychiatrist, a psychotherapist, and a psychologist. Looking at the same mindfulness parameters, Hofert et al. (2020) conducted a pilot study at a community hospital that provided mindfulness-based stress reduction (MBSR) to determine if MBSR leads to burnout reduction and improved patient care as identified by clinicians. The findings indicated that MBSR decreased burnout and apparent stress. Romani & Ashkar (2014) stated that the burnout rate is more pronounced among practicing physicians.

c) Maslach Burnout Inventory (MBI)

The Maslach Burnout Inventory consists of a 22-item questionnaire considered the standard document to assess burnout (Tawfik et al., 2018, p.3). Physicians with a high score of depersonalization (DP) or emotional exhaustion (EE) subscale of the MBI had at least one indication of professional burnout. Consistent with the cross-sectional study of 6,695 currently practicing responding physicians in the U.S., Tawfik et al. (2018) pursued to describe burnout, fatigue and depressive symptoms, patient safety, and physician wellbeing, to medical errors (p.2). The study conclusion was physician burnout, fatigue, and work safety measures were independently associated with medical errors and unit safety. Burnout and poor well-being were determined as having negative effects on healthcare professionals and patients.

d) Lifestyle Interventions for General Practice Physicians

While the literature on burnout in physician practice is scant, one can argue that physicians exhibiting this syndrome from work-related stress: emotional exhaustion, depersonalization, withdrawal, and feelings of ineffectiveness (WHO, 2019, as cited in Wolper, 2013) may put their patients at risk and expose them to inadequate wellbeing or support (Hofmeyer et al., 2020). Derman et al. (2008) reported, in a study generated from a 2003 world survey in South Africa, that a healthy lifestyle intervention or modification is required from general practice physicians for their patients. Taking into consideration the burnout notion of physicians' poor wellbeing, such an approach would not be attenable in the U.S.

e) Mindfulness- Selflessness-Compassion (MSC)

As proposed by Hougaard and Carter (2018), the MSC framework emphasized the need for healthcare leaders to embrace mindfulness, selflessness, and compassion, as essential practices to enhance their organization's mission and values in a changing world. The framework is captured in figure 1.0 below from Hougaard and Carter's (2018) book: *The mind of the leader: How to lead yourself, your people, and your organization for extraordinary results*. What is paramount is a leader's ability to embrace leadership skills needed to focus on awareness, about what he or she, and the organization are doing, and where they are going. The benefits of mindfulness, selflessness, and compassion can be assessed within an organizational context, Hougaard and Carter (2018) posited. The mindfulness leadership model consists of three essential qualities:

1) The mindfulness leader exhibits a focused quality, which is the ability to concentrate on a particular task with deliberate ease. A focused strategy leads to awareness.
2) The selflessness leader finds ways to get out of his or her comfort zone to reach and empower people. Selflessness promotes humility, and self-confidence by keeping the ego at bay to see others doing their best.
3) The compassionate leader embraces compassion defined as holding positive intentions towards others, being of service to them, and being able to understand their perspective. It encourages strength and courage and fosters good decision-making for the good of the organization (Hougaard & Carter, 2018).

These enunciated pillars (Hougaard & Carter, 2018, pp.12-19) rely on three matrices:

(a) A mindfulness matrix showing focus versus distraction. In the first spectrum, the leader is focused and aware, able to bypass distraction since there is a task to accomplish. Mindfulness implies awareness.
(b) In the selflessness matrix, the selflessness leader exhibits a selfless attitude with confidence. In the lower spectrum, lacking such confidence leads to egoism and strong narcissist traits.
(c) In the compassion spectrum the combination of compassion with wisdom creates a benevolent attitude. A lack of wisdom and compassion leads to ignorance and indifference. The leader exhibits incompetence.

Putting together, the model proposed by Hougaard and Carter (2018) and Conversano et al.'s (2020) arguments against burnout and compassion fatigue, which associate compassion fatigue with burnout are paramount and needed. One can argue that

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attentional ability, defined as focus sustained attention: a key indicator encompassing awareness in mindfulness, which is paying attention to the present moment, is a prerequisite. The practice of mindfulness and MSC supports the mindfulness and compassion-related qualities that physicians need to exert after embracing mindfulness. It is advanced that compassion-based interventions lead to improvement in self-compassion for self may lead to compassion towards others. One can further add that it clarifies both the compassion and selflessness matrices presented by Hougaard and Carter (2018). Using the MSC strategy with mindfulness-based stress reduction (MBSR) training is a viable option when dealing with physician burnout in group practices.

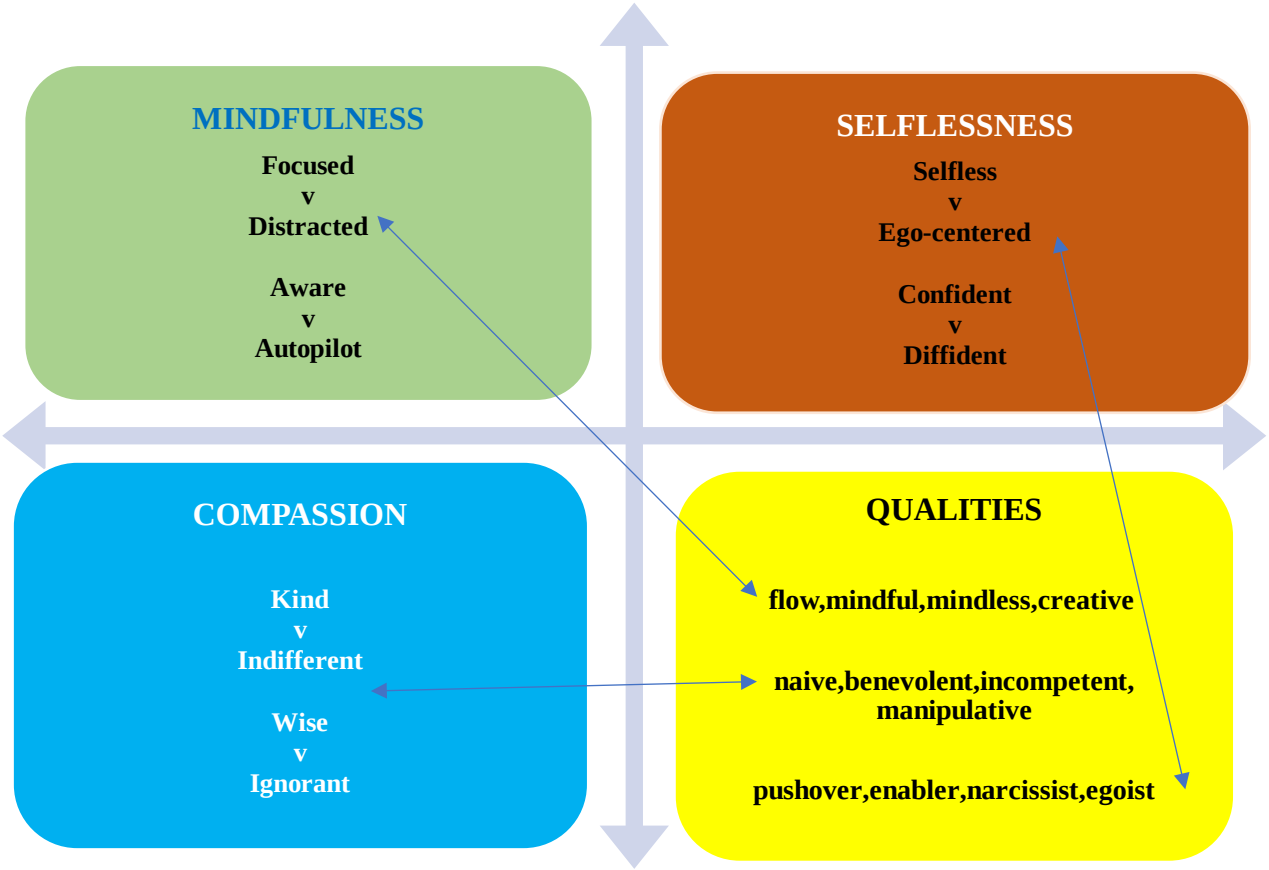

Figure 1.0: MSC Leadership (Based on Hougaard & Carter, 2018)

f) The Jamieson's Review and other Interventions Looking at the Physician as a Change or Burnout Agent

There are several considerations and interventions explored within a context that promotes individual and organizational health. Jamieson (2021) brilliantly looked at the domains of "self" and "others" using quantitative and qualitative studies. The domain of self entails the leader's mindful approach to self-care, self-awareness, and emotional regulation in conjunction with decision-making (p.44). The assertion that a leader's expression of competence, a self-construct only makes sense when it reaches others within an organization by generating positive influences, and broader organizational development, is powerful. Rupprecht et al. (2019) embraced the "self" concept as a leader's improvements in self-leadership, self-care, and self-reflection toward effective management. It seems to correlate with the principles of selflessness which can be practiced by making others better participants in an organizational setting. Hougaard and Carter (2018) explained this process as influencing organizational culture. In that culture, it is important to connect one's advocated values to agency experiences (Hougaard & Carter, 2018). Putting this into the proper context of burnout, a physician has the option to approach self-care about others if he/she realizes that it can impact others in a wider organizational context (healthcare institutions, group practices, etc.). The caveat is the physician's ability to recognize the need for help and adopt a care-seeking attitude, I contend. Shanafelt et al. (2017) used the *strategy of harnessing the power of leadership* for organizational success and its impact on professional satisfaction. The necessary construct, in this case, is a compassionate organization where each person is valued, and takes an active part in organizational success, Hougaard and Carter (2018) explained.

Dealing with the problem of physician burnout, Patel et al. (2019) presented strategies adopted by

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Mayo clinic to manage physician burnout in hospital settings. They consist of managing physician burnout through measuring well-being by assessing the regulatory tentacles serving as a burden on them, annual measures comparing their data against the national database, enabling them to assess workloads and satisfaction levels per departments originating the burnout.

g) Benefits and Disadvantages of the MSC Strategy

Physician group practices can rely on an MSC strategy to foster mindfulness interest, as a transparent option focusing on the present moment. From an organizational standpoint, it requires time, and the recruitment of qualified individuals to foster a culture of positive change. MSC, utilized as a new leadership practice, can be a positive tool in a VUCA (volatile, uncertain, complex, ambiguous) business environment. It is not the only remedy, but a much-needed one. However, it is not clear how physician group practices will embrace the MSC strategy since it has been applied in larger organizations (Hougaard & Carter, 2018). There are other areas such as quality assessment for the effectiveness of the group practice responding to the changes in payment systems that are problematic to implement, which can slow the implementation of an MSC framework. What are the costs involved in MSC and MBSR training? Is it affordable? can MSC help grow small group practices? and what are the implications?

h) Alignment of Group Practice's Vision and Mission With MSC

There is a real concern that bringing an MSC leadership style to organizations can be a threat to the corporate work ethos. In a dog-eat-dog corporate world, is there a plausible way, how can this be possible? What is key is the idea that physician leaders or executives need to develop the MSC (mindfulness, selflessness, and compassion) qualities after being exposed and trained. There is a constant need to develop new paradigms. Kuhn (1971) enunciated that out of a crisis, new paradigms emerge. Since MSC leadership rightfully questions a failed conventional leadership paradigm neglecting the relational aspects of organizations' goals, and societal responsibilities, physician leaders with the potential to change themselves can transform their organizations by focusing on the well-being of the people at the workplace. Similarly, a mindfulness training framework and adherence to a compassionate leadership style may generate immense benefits.

i) Ethical Concerns

The concept of *McMindfulness* best exemplifies the ethical question. The *McMindfulness* approach implies a lack of groundwork for mindfulness-selflessness-and-compassion to flourish. It is associated with the *McDonaldization* notion that mindfulness departs from its original Buddhist tradition and has been marketed or capitalized as a MacDonald (Hyland, 2017). *McDonaldization* lacks educational and transformative values and is concerned about the bottom line or profit maximization. The idea is that a McDonald is a McDonald everywhere, meaning mindfulness interventions are the same everywhere from a marketing and financial standpoint. *McMindfulness* can be associated with unethical interpersonal leadership behavior (Reb et al., 2019) posited. *McMindfulness* offers a decontextualized setting for mindfulness in small and larger venues. It is prudent to ensure that adhering to MSC is not simply a practice lacking ethical concerns from leaders' interpersonal communication.

III. Conclusion

This article taps into a broad field of organizational leadership using individual mindfulness towards a collective application to deal with physician burnout. The literature covers the span of burnout from internal and external threats to physicians in hospitals, such as excessive demands to provide quality care to patients, insurmountable paperwork, and not well-defined goals by management. A physician's scope of practice in this volatile, uncertain, complex, and ambiguous environment (VUCA) is changing. Physicians' group practices are not exempt. Stress reduction is a prominent issue to consider within the VUCA environment. Leaders embracing the concept of mindfulness-selflessness-compassionate (MSC) leadership can add mindfulness stress reduction (MBSR) experiences to highlight the benefits of applying individual mindfulness in a collective sphere. However, it is not enough. Physicians in group practices may have a greater latitude to implement the MSC leadership vision from the individual to the organization to strive for efficient successes, reach higher heights in providing care to their patients, and even change their practices' mission, vision, and value statements. There is a wide-open door for them to enter. Further research is needed.

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Asymmetric Warfare in Contemporary Africa: The Case of the Anglophone Secessionist Struggle in Cameroon

By Ekah Robert Ekah

Abstract- The use of asymmetric warfare has become a common phenomenon in 21st century African conflicts. The Anglophone secessionist struggle in Cameroon which poses a security threat in the Lake Chad Basin appears to be a perfect footprint of a new wave of Asymmetric warfare in recent times. Since 2016, the resistance against the state of Cameroon by Anglophone separatists has taken a more violent twist especially with the emergence of localized armed militia groups and rebel leaders. This paper brings to the lamplight, and upholds the fact that the separatist militia groups operate as an asymmetric army or insurgents, through the use of unconventional means, and in total disregard to the international rules of war outlined in the Geneva Convention. Their struggle is related to the desire to create an independent country called "Ambazonia". The struggle has metamorphosed into a full-blown asymmetric warfare, fought using guerilla tactics and operations including: ambush on government security forces, acts of sabotage against the state, assassinations, abductions, beheading of soldiers, body mutilations, damaging of infrastructure, civil disobedience, among other asymmetric features. The findings in this paper reveal that for long lasting peace to be achieved in Cameroon, military option needs to be abandoned for a peaceful resolution, and international mediation remains necessary.

Keywords: *anglophone crisis, ambazonia, asymmetric warfare, separatists, militia groups.*

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Abstract- The use of asymmetric warfare has become a common phenomenon in 21st century African conflicts. The Anglophone secessionist struggle in Cameroon which poses a security threat in the Lake Chad Basin appears to be a perfect footprint of a new wave of Asymmetric warfare in recent times. Since 2016, the resistance against the state of Cameroon by Anglophone separatists has taken a more violent twist especially with the emergence of localized armed militia groups and rebel leaders. This paper brings to the lamplight, and upholds the fact that the separatist militia groups operate as an asymmetric army or insurgents, through the use of unconventional means, and in total disregard to the international rules of war outlined in the Geneva Convention. Their struggle is related to the desire to create an independent country called "Ambazonia". The struggle has metamorphosed into a full-blown asymmetric warfare, fought using guerilla tactics and operations including: ambush on government security forces, acts of sabotage against the state, assassinations, abductions, beheading of soldiers, body mutilations, damaging of infrastructure, civil disobedience, among other asymmetric features. The findings in this paper reveal that for long lasting peace to be achieved in Cameroon, military option needs to be abandoned for a peaceful resolution, and international mediation remains necessary.

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Introduction

This article seeks to illuminate a new wave of asymmetric warfare in contemporary Africa, with the case of the on-going Anglophone secessionist struggle in Cameroon. Although armed conflicts have been a part of the international landscape, the modes of occurrence or manifestations of the conflicts usually varied (Muscato, n.d.). There is growing evidence that asymmetrical warfare has become a strategy of choice among terrorist organizations, extremist political groups and other sub-national and national groupings that are most likely threats to national and international security in the 21st century. A succinct clarification of what is meant by asymmetric warfare is vital for a proper comprehension of this paper.

The use of the term "Asymmetric" dates back to a 1975 article in *world Politics* by Andrew J.R. Mark in which it refers to as "a significant disparity in power between opposition actors in conflict" (Ferreira, 2010). The term became more widely used after the Cold War era. The 1999 Joint Strategy Review specifically defines "asymmetry as something done to military forces to undermine their conventional military strength." Asymmetric approaches are attempts to circumvent or undermine military strength while exploiting their weaknesses, using methods that differ significantly from the expected method of operations. Such approaches generally seek a major psychological impact, such as shock or confusion that affects an opponent's initiative, freedom of action, or will (Sudhir, 2008). As quoted by David L. Buffaloe (2006), John F. Kennedy describes asymmetric warfare as "another type of war, new in its origin – war by guerrillas, subversives, insurgents, assassins, war by ambush instead of by combat; by infiltration instead of aggression, seeking victory by eroding and exhausting the enemy instead of engaging him… it preys on economic unrest and ethnic conflicts". It could also be defined as warfare that is between opposing forces which differ in military power and that typically involve the use of unconventional weapons and tactics (Webster, n.d.). Asymmetric warfare is a war between belligerents whose relative military power differs significantly, or whose strategy / tactics differ significantly. It might be explained as a willingness and ability of an inferior (weaker) adversary to apply all its strength against softest points of a superior (stronger) adversary for the sake of accomplishment of the desired strategic ends by delivering any physical, political, economic and mass psychological damage or disruption possible to a latter side (Winter, 2011).

Asymmetric warfare which is mostly fought using Guerrilla tactics is not a recent phenomenon. In Africa, during the Algerian war of independence in the 1950's the Algerian FLN applied guerrilla tactics against the French. In Angola in the 1970's, UNITA applied guerrilla tactics against the MPLA's forces (Hanafi, n.d.). Similarly, in the Niger Delta Secessionist Struggle in the 1990's and early 2000's, guerrilla militia groups emerged such as Movement for the Survival of the Ijaw Ethnic Nationality in the Niger Delta (MOSIEND), Movement for Reparation to Ogbia (MORETO) (Courson, 2009), just to mention these. Guerilla warfare is generally considered as a war motivated by politics - a desperate struggle of a common people to right the wrongs done to them by an oppressive regime that rules

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by military force or intimidation (Longley, 2019). As a result of this feeling of oppression, asymmetric groups do not share a larger vision for the future of the state they inhabit; instead, they adopt guerrilla strategy as a natural form of fighting for their liberation (Allan and Stahel, 1983, p.593). Generally, the Anglophone crisis in Cameroon is the manifestation of accumulated feelings of marginalization of the Anglophones by the Frencophone-dominated government in Cameroon. The poor handling of the crisis by the government led to the insurgence of armed separatist groups in the two Anglophone regions of the country since January 2018, which has been demanding for the independence of the Anglophone regions (named "Ambazonia").

Although there exist substantial publications on this subject especially by sociologists, anthropologists, historians, political scientists, linguists, lawyers and journalists (Konings and Nyamnjoh, 1997; Fonchingong, 2011; Chereji & Lohkoko, 2012; Lohkoko, 2013; Lunn & Brooke-Holland, 2019; Ngoh, 2019), these studies focus on the diverse causes, international interventions, resolution efforts and impact. This paper is a paradigm shift from the existing literatures on the topic, as it props into the degeneration of the crisis into an armed conflict, and its inherent asymmetric features including; guerrilla attacks, ambush, sabotage, assassinations and the use of unconventional tactics such as: kidnaping and ransom taking, the use of locally fabricated bombs/weapons, body mutilations, ignoring the international rules of war outlined in the Geneva Convention. Before delving into the asymmetric nature of the conflict, it suffices to have a glimpse of what the Anglophone crisis is all about.

I. Background to the Anglophone Secessionist Struggle

a) *Historical Dynamics/Synopsis of the Anglophone Problem*

Several scholars have accorded almost similar definitions to what can be termed the "Anglophone Problem" in Cameroon. Konings & Nyamnjoh (1997) present it as the expression of Anglophone consciousness: the feeling of being 'marginalised', "exploited," and "assimilated" by the francophone-dominated state, and even by the francophone population as a whole; the feeling of oppression by the Anglophone minority, whose territory had been "annexed" by the francophone-dominated state. As presented by DeLancey, Mbuh & DeLancey (2011) in the "Historical Dictionary of the Republic of Cameroon", the Anglophone problem stems from the quest for the cultural identity of English-speaking (Anglophone) Cameroonians, who form a minority in the Republic of Cameroon, who argue that they deserve the right to be treated equally with their French-speaking counterparts (Francophones), and many of them see themselves as being marginalised in national life since reunification. According to Victor Julious Ngoh (2019), the Anglophone Problem in Cameroon was/is a "clash" between the majority 'Gaullic' (French) cultures and values and the minority Anglo-Saxon (British/English) cultures and values. It is a problem of not allowing the Anglo-Saxon culture, values, norms and system to operate, blossom and flower in areas where they operated in 1961.

The two entities emanated from the 1916 partition of former German Kamerun by Britain and France. The British section became known as British Cameroons while the French Section was known as French Cameroon. On 1 January 1960, France granted independence to its section of Cameroon under the name the "Republic of Cameroon" (La République du Cameroun). In British Southern Cameroon, the UN-imposed plebiscite offered only the options of joining Nigeria (integration) or the Republic of Cameroon (reunification), without the right of gaining independence as a separate political entity. Following the 11 February 1961 plebiscite, British Southern Cameroonians overwhelmingly voted to gain independence by reunifying with the Republic of Cameroon under a federation. Thus, the outcome of the plebiscite established the basis of the Union between the two Cameroons (Chereji & Lohkoko, 2012, p.4; Fonchingong, 2011).

Following a national referendum organized in 1972, the Federal Republic was dissolved in favour of a United Republic. The territory then became known as the United Republic of Cameroon (Ngoh, 2019). Meanwhile, in 1984, the name of the country was again changed from the United Republic of Cameroon to the "Republic of Cameroon" ("La République du Cameroun"), the pre-reunification appellation of the French section of Cameroon (Fonchingong, 2011). The new name appeared to deny that the Cameroonian state was composed of two distinct entities. This was considered by the Anglophone Cameroonians as a complete assimilation [of "their territory"] by former La République du Cameroun, compounded by the perceived feelings of marginalisation (Nkwi, 2004) - despite the absence of a 'Union Treaty' binding the two Cameroons as argued by the separatists. This therefore fuelled Anglophone agitations in Cameroon, providing a strong case to the separatist agenda. This falls in line with Corbin's (2001, p.2) assertion that "guerrilla warfare waged by non-state actors (or sub-state actors, micro territorial groups) is motivated by ideology, revenge, ethnicity, or some unifying bond". Guevara (2010) complimented this view by asserting that guerilla warfare is a struggle by a people to redeem itself […] the guerilla fighter is a social reformer, fighting against oppression, aiming to change the reigning institutions that keeps the people in ignominy and misery – akin to the claims of the Anglophone separatist in Republic of

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Cameroon. The manifestation of the Anglophone grievances however evolved over time; passing through requests to the government for reforms and reintroduction of the federal system, to international diplomacy, then quest for the restoration of independence and pronouncement of the new country which the Anglophone separatists called "Ambazonia".

b) Contemporary Trends of Anglophone Crisis: From Failed Negotiations to Warfare

Between October and December 2016, English-speaking lawyers, teachers, and students took to the streets to protest the perceived "francization" of the educational and judicial systems of the Anglophone Regions by the central government (Human Rights Watch, 2018). After a military crackdown on the protesting lawyers and teachers (who had constituted what became known as the "Anglophone Civil Society Consortium"), negotiations were opened between the government and the consortium leadership between December 2016 and early 2017 in a bid to resolve their grievances. Government's decision to negotiate with the disgruntled Anglophone teachers and lawyers raised hopes that their grievances would be resolved peacefully. But within a brief period, such hopes gave way to frustration, anger and the drift towards violence. The negotiations turned sour when the consortium tabled a request for the return to the federal system of government as the framework to solve the Anglophone grievances (Tembon, 2018) which was blatantly rejected by the government.

The government subsequent measures to appease the embittered masses, including the creation of a National Commission for Bilingualism and Multiculturalism and the recruitment of bilingual magistrates and teachers did little to deescalate the crisis. The government's repression and arrest of prominent Anglophone negotiators (consortium leaders) on 17 January 2017 emboldened more extremist leaders who began to demand, increasingly violently, independence for Cameroon's Anglophone North-West and South-West Regions – a territory they call "Ambazonia" (Human Rights Watch 2018). Meanwhile, Anglophones in the diaspora began to mobilize and tried to get Western governments to take a stand (Lunn & Brooke-Holland, 2019:8). In the subsequent demand for independence, the separatists were fully aware that it could only be achieved through violence and unconstitutional means, supporting the views of the great Prussian Strategist - Carl Von Clausewitz, who intimated that war is a continuation of "politics through another means" (Long, n.d.).

In Asymmetric warfare, the contenders are sometimes called "terrorists" by those wishing to deny their political aims, exploiting the negative connotations of the word (Sudhir, 2008, p.59). Also, from the asymmetric warfare dictionary, the elusive non-state actor is also labeled "terrorist" (Grange 2000:3). After failing to appease the disgruntled Anglophones whose demands switched from teachers/lawyers reforms to the quest for federation, and later the desire for separation (by some diaspora-led Anglophones), President Paul Biya brandished the Anglophone separatists as "terrorists" and enemies to the Cameroonian nation, and hence declared war on them 30 November 2017 (The Sun Newspaper, 2017). Confident of the military sophistication of government forces, the president counted on a quick victory over the separatist fighters. The declaration of war on the separatists however turned out to be a monumental blunder, as it plunged the country into a state of perpetual violence which lasted for over half a decade. In response to the declaration of war by the president of Cameroon, the Ambazonia Governing Council (AGovC) formally deployed the Ambazonia Defence Forces (ADF) in the Anglophone regions. Benedict Kuah, the Chief of Staff of the AGovC under Ayaba Cho Lucas, also declared war on the Government of Cameroon and the launching of combat operations to achieve the independence of Ambazonia. The AGovC declared;

> The state of war has been declared on the state of Ambazonia by the illegitimate and brutal colonial government of La Republique du Cameroun. We hereby engage in self-defense and for the liberation of the Federal Republic of Ambazonia from systemic human rights abuses and illegal annexation without a union treaty (Benedict Kuah, 2017).

Following this declaration, Ambazonian separatist fighters began to take up arms against the government (Walle, 2017). On the same day of the declaration, the ADF carried out their first military operation, attacking a military base in Besongabang, Manyu division in the South West Region. This operation led to the dead of three Cameroonian soldiers (News Daily Cameroon, 2017). The months and years that followed witnessed the escalation of gun battles between the separatist fighters and the government forces, leading to the collapse of the state of Cameroon's monopoly on the use of arms/violence.

By the end of 2018, the government still believed in military victory over the separatist fighters and discarded every avenue for international mediation and dialogue with separatist leadership. On 31 December 2018, both President Paul Biya and Samuel Ikome Sako (the then Interim president of Amazonia) presented their End-of-Years speeches to Cameroonians and "Ambazonians" respectively. While President Biya promised to "neutralize" all separatist fighters who refused to disarm, Ikome Sako of Ambazonia indicated that the separatists would switch from a defensive to an offensive strategy in the war (Cameroon News Agency, 2018,). This strong determination to engage in what the separatists called the "Right to self-defense" resulted to the formation of

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armed militia groups with the main objective of protecting and defending 'their' territory, with asymmetric tactics predominantly employed.

c) *The Formation of Armed Militia Groups and the Guerrilla Command Chain*

Generally, the launching of asymmetric/guerrilla warfare is usually under a laid down command chain which is divided into subordinate units, traditionally referred to in U.S. Special Forces doctrine as area/sector commands (Grdovic, 2009). These commands control all forces of the resistance within their areas of responsibility, and are subsequently responsible for all functions of the organization. In addition to the regional commands, the whole of the insurgency may receive guidance from a single body of leadership. If this body exists within the resistance area, it is referred to as the shadow government. If the leadership resides outside the country, it is referred to as the government-in-exile (Grdovic, 2009). In the Ambazonia war efforts, there exist both the shadow government and Government in exile. The correlation between both governments is that, the shadow government is "literally subordinated" to the exile government, though there exist several militia groups operating within the conflict zones either as spoilers or bandits. The special military units/armed militias operating within the restive zone are under different diaspora affiliations who supply them with finances and weapons (Ekah, 2019).

Guerrilla organizations run small armed and localized groups to regionally dispersed regiments of thousands of well-trained fighters. The groups' leaders typically express clear political goals (Longley, 2019). After 2017, almost all the divisions and sub-divisions in the Anglophone regions of Cameroon formed a defense group (otherwise referred to as "Restoration Forces") with no clear hideout or base, with their main aim being to fight for "the restoration of the independence of Ambazonia". As reported by the International Crisis Group (ICG) and Human Rights Watch – quoted in Ngoh, the secessionist fighters consist of two main groups or militias. The first group comprised the Tigers, Vipers, and Ambaland forces. The second group made up of several rebel militia groups with commanders, including; The Ambazoniaan Defence Force (ADF) led by Lucas Ayaba Cho and Benedict Nwana (operated in the South west Region), The Southern Cameroons Defence Forces (SOCADEF) led by Ebenezer Akwanga (operated in the South West Region), The Lebialem Red Dragons reportedly led by Ivo Tapang (operated in Lebialem Division in the South West Region), The Manyu Ghost Worriors (operated in Manyu Division in the South West region) (Ngoh, 2019), the Seven Karta militia group operating in the Bafut su-division etc, and by 2021, more of such militia groups had emerged. These militias and their leaders show a high attachment to the contested territory and strong determination to claim it at the expense of their lives. In order to achieve their objective, warfare became inevitable, and by 2019, the separatist militia groups had become well-armed (Voice of America, 2019), with local leadership.

The Ambazonia units of armed militias operating in the territory have been awarded with ranks, up to the title of "General" (as was in the case of the Charles Taylor's Liberian forces (Alex de Waal, 1996)) on the basis of their effectiveness in combat. Some "Generals" included; General Ivo, General Chacha, General Kora Man, General No Pity, General Die Man, General Nyambere, Field Marshal, etc. The formation of such militia groups led to the heightening of armed confrontations with the Cameroon military. These groups established secret hideouts (camps), recruited fighter from within the restive zones, and employed the use of asymmetric operations, strategies and tactics.

II. The Ambazonian Asymmetric Strategies and Tactics

According to Grange (2000, p.1), "Asymmetric warfare is best understood as a strategy, a tactic or a method of warfare and conflict". In a bid to weaken the government forces, the separatist militia groups made use of guerilla tactics. In military language, tactics are the practical methods of achieving the grand strategic objectives. 'It is the use of an engagement for the purpose of the war', a series of actions intended to achieve the purpose of the war (Clausewitz, 1984). Asymmetric warfare is most often fought using Guerilla tactics, which are aimed at harassing the enemy (Muscato, n.d). Guerilla warfare is used by smaller forces to weaken a larger army. The aim of a guerilla fighter is to erode the enemy's will to sustain the cost of continuing the war. Guerilla tactics include: ambush, avoiding open battle, cutting communication lines, and generally harassing the enemy (Asprey, 2019), damaging infrastructure, conducting small scale raids, assassination, deception, sabotage and espionage (Muscato, n.d.), 'civil disobedience, social, cultural and economic strategies, as well as disinformation to attack the opponent's political will directly in order to maximise influence' (Jackson, 2007, p.4). As subsequently expounded, the Anglophone secessionist struggle in Cameroon clearly showcases an undisputed footprint of asymmetry in the history of contemporary Africa, with the main features of such a warfare highly manifested.

a) *Separatists' Surprised Attacks (Ambush) on the Cameroon Military and Government Personalities*

According to Clausewitz et al (1984), surprise attacks lies at the root of all war operations without exception, though in widely varying degrees depending on the nature and circumstances of the operation. Surprise and uncertainty are therefore the key elements of an asymmetric Modus Operandi (Alex de Waal,

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1996). The main strategy used by the Ambazonian militias is surprised guerrilla attacks and not direct confrontation, due to unbalanced strength in terms of weaponry. Just like Mao Zedong summarized basic guerrilla tactics at the beginning of the Chinese Second Revolutionary war as: "The enemy advances, we retreat; the enemy camps, we attack; the enemy retreats, we pursue" (Tse-tung, 1965), the separatist fighters make use of hit-and-run tactics and frequently organized ambush by attacking small units of the Cameroon military and convoys of government personalities.

A basic character of the separatist asymmetry has been their persistent swift and unpredictable attacks on government troops, leading to severe casualties. In carrying out ambush on government forces, the Ambazonian fighters lay in bushes besides main roads. When the government soldiers draw close, they quickly gallop out of the bushes shooting and yelling, and then disappear. On 7 February 2019, separatists ambushed a military truck in Ndawara in the North West region, injuring six Cameroonian soldiers (Xinhua News, 2019). On 11 November 2019, in Widikum, separatist fighters ambushed gendarmes who were guarding the Divisional Officer's house, killing one and wounding another. The fighters decapitated the dead gendarme before leaving (Cameroon News, 2019). As expressed by Kramer (2004, p.19), "insurgents applying a guerrilla strategy are often proficient in looting weapons, equipment and other supplies from the incumbent". During such guerilla attacks, separatist fighters loot military weapons when they are able to, thereby getting themselves more sophisticated for subsequent operations in terms of weaponry, creating more shock impact on government forces.

Shock action is as much a psychological function of tactics as a physical one, and can significantly be enhanced by the use of surprise (Longley, 2019). Also, as Clausewitz (1984; 198) indicated, "Surprise attack is a means to gain superiority, and is also a great psychological effect on the enemy. Whenever it is achieved on a grand scale, it confuses the enemy and lowers his morale; it is indeed a major weapon of the tactical defense". The psychological effect of separatists' surprise attacks on the government forces became glaring; as declared by Col. Didier Badjeck, Cameroon's defense spokesman in 2018, "*Every day, there are more bad news"* (The New York Times, 2018). In fact, in 2018, the government reported that 84 security forces were killed within a short period of time (Ngoh, 2019). Meanwhile, the separatist fighters and their leadership resort to jubilation and readiness to engage in more of such attacks on government forces until the attainment of their objectives. Ambazonian armed militias did not limit their attacks on government forces, as top government authorities representing the state of Cameroon in the Anglophone regions equally remained targets to the separatist forces.

In Asymmetric warfare, the Guerilla fighters intercept government convoys, especially if the convoys are relatively small, the guerrillas move in and fire on the troops' vehicles relentlessly for 5-15 minutes, using all types of weapons, and swiftly disappear into the thickets of the surrounding mountains and forests' (Kramer, 2004, p.19). As part of their strategy, the separatist fighters resorted to the ambush and surprised attacks on the convoys of top government personalities in the restive regions. Government administrative personnel remained targets in a bid to destabilize and illegitimize government presence within the restive zones. In December 2018 and January 2019, separatist fighters attacked the convoy of the Governor of the Northwest Region. In both attacks, government soldiers were injured (Journal du Cameroun, 2019). In February 2019, the military escort of the governor of North West region on his way to the ceremonial ground in celebration of the National Youth Day on 11 February came under attack by separatists. As a result, the event was highly boycotted (Journal du Cameroun, 2019).

On 12 February 2019, on his way to Kumba to visit the Government General Hospital that was allegedly burnt by separatists, the convoy of the Governor of South West region came under attack by separatist fighters, leaving four soldiers wounded. On 18 February 2019, the convoy of the Secretary General at the Presidency – Paul Elung Che, came under attack in Bangem in the South West Region (Journal du Cameroun, 2019). Similarly, 21 October 2019, separatists attacked the convoy of the Governor of the North West Region, in Kumbo. Following this attack, two civilians were injured by a roadside bomb that was meant for the Governor's convoy (Journal du Cameroun, 2019). On 25 October 2019, separatist fighters attacked the convoy that was transporting the Senior Divisional Officer of Meme Division. The fighters caused serious damage to some of the vehicles, but were eventually repelled (Journal du Cameroun, 2019). Such attacks only went to support the separatists rejection of the government of Cameroon's administrative presence in what they term "their territory", akin to the case of the Niger Delta where the Movement for the Emancipation of the Niger Delta (MEND) militants viewed most of the government officials as external impositions on the region and were in a state of constant friction with them (Courson, 2009).

b) Strong Surprised Attacks on Transportation Routes and Roadblocks

Guerilla operations usually include a variety of strong surprised attacks on transportation routes (Alex de Waal, 1996). Also, Guerrilla fighters often attempt to limit the movement of enemy troops, weapons, and supplies by attacking enemy supply line facilities like

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bridges, railroads and airfields. In Rwanda and Somalia in 1994, roadblocks consisting of sticks and stones were put up by fighters, wielding AK- 47s or handmade guns (Rana, 1995). The Ambazonian separatist fighters employed roadblocks as a strategy in order to achieve the following objectives: to hamper military encroachment into their respective areas of control; to facilitate the interception of vehicles in order to collect money from passengers; as a strategy to enforce imposed ghost town and lockdown operations; to ease ambush on military and government convoys; to prevent government's access and control over "their territory and population"; to demarcate areas of control by the different militia groups, in line with Lockyer's (2008) assertion that in guerilla warfare, a single city may be divided between several belligerents, each asserting its control over different suburbs.

In early 2018, separatist militia groups took control of major roads within the restive regions. From time-to-time, they mounted road blocks and controlled certain stretches of the Muyuka-Kumba-Konye-Mamfe-Bamenda road, forcing passengers to contribute money to support their "war efforts" (Ngoh, 2019). Similarly, in June 2018, Ambazonian fighters blocked the Kumba-Buea highway at Ekona for several days, preventing passengers from using the stretch of the road (Ajumane, 2018). During this period, separatist fighters circulated videos of themselves chanting songs of patriotism to their Ambazonia homeland, claiming to be in control of the area, mocking at, and inviting government forces for combat if they could dare. In the Mile 16 neighborhood, separatist fighters carried out several raids on government forces with the use of roadblocks and around speed breaks on the highway. On 22 March 2019, the Seven Karta militia mounted a barricade across the Bafut-Bamenda Highway in the villages of Agyati and Chum in the North West Region, collecting money from passengers (Journal du Cameroun, 2019). In the course of such roadblocks, the separatist militia groups mostly made of Youths under the age of twenty five years, and in possession of local guns carry out effective control on transport buses. They destroy Cameroonian National Identity Cards confiscated from passengers, while assuring them of an Ambazonian ID Card after the restoration of their independence. Also, they compel passengers to make financial contributions as their support to the struggle. Meanwhile, passengers who fail to cooperate are severely beaten (Interview with an anonymous passenger/victim, 20 April 2019, *Yaounde*).

c) Existential Differentiation and Separatists' Recourse to Violence to Ensure Obedience

The concept of asymmetry, in other words, entails a claim about difference between "self" and "other", "us" and "them", and about the limits to which "we" can go without becoming like "them". The difference marked by asymmetry is radical and existential: it indicates the absence of a common basis of comparison (Meigs, 2003). The separatists see themselves as different from the rest [Francophone part] of Cameroon, and by extension popularise such feelings in order to generate a sense of "Ambazonian National Sentiment". As a result, the separatists refer to themselves (and by extension the Anglophone Cameroonians) as "Us" (Ambazonians), while referring to those from the French speaking parts as "Them" (La République). To support this view, following an interview with the post Newspaper (25 July 2019), when asked of his nationality, Sisiku Ayuk Tabe declared: *"I was very clear about this in the military court: We are Ambazonians; We have nothing in common with the Republic of Cameroon, which has cunningly and forcefully annexed us since 1961"*. Also, leader of the Ambazonia Governing Council (AGovC) - Ayaba Cho Lucas, intimated: "*…we* [Ambazonians] *are not a geographical region of the occupying state* [Cameroon]…" (Ayaba Cho Lucas, 31 July 2019).

The view of the Ambazonia leadership on their non-membership to the Cameroonian nation has become a widely spread notion among the pro-separatists across the board (both at home and abroad). It remains a duty of the militia groups to ensure that every Anglophone Cameroonian especially those residing in the restive zones share such a feeling of 'national sentiment' by adhering to every measure geared towards achieving statehood. As such, those who act in non-compliance are considered as enemies. A fundamental part of guerrilla tactics is the treatment accorded to the people of the zone. Since statehood is backed by the control over one's own people and territory (Akehurst, 1992), guerilla armed forces always involve implicit terror as a means of guaranteeing compliance from the population and to achieve positive results. As such, the guerillas place the population under constant threats of physical damage (Tayac, n.d.). In the parlance of the separatists, Anglophone Cameroonians who are perceived as being against the quest for the restoration of independence are tagged as "Black Legs" or "Enablers of the Yaounde Regime" or "Enemies of the Revolution", hence, considered to be worse than the "actual enemy" (the Cameroon government), and therefore brutally treated to ensure obedience.

Generally, the following categories of Anglophone civilians are considered 'Black Legs' and constantly targeted by the separatist fighters: those accused of acting as spies to the government, young girls in love relationships with military men, business persons who supply foodstuffs to the military, ex-militias who dropped their weapons and accepted government amnesty/reintegration scheme, students who violated calls for school boycott by attending school, teachers and school personnel who either encouraged students

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to attend school or suspected of dispensing lectures, those promoting government activities and events like elections and other national celebrations considered illegal by the separatists, those who violated separatists' calls for lockdown and ghost town operations, among others. It became more common to recognize that coercion and brutal treatment of such categories of civilians considered as enemies of the revolution was the order of the day. Those who failed to succumb to the instructions of the separatists became subjected to torture and violent treatments, 'as studies have shown that discriminate violence is more effective in gaining the compliance of the population' (Kalyvas, n.d.). Also, the dreadful measures were implemented to style the life of the population in accordance to the whims and caprices of the separatist agenda. On 10 March 2019, separatist militias beheaded a man they accused of being closed to the Cameroonian army officers in the town of Kumba. His body was left in the streets, together with a warning note to "black legs" (Journal du Cameroun, 2019). On 6 May 2019, a video emerged online wherein three women were tortured by separatist fighters in Bamenda, for partaking in the International Labour Day celebrations on 1 May, against separatists' calls for the total boycott of the event. In the video, the women were made to swear never to violate separatist instructions in the future (Journal du Cameroun, 2019). In October 2019 an Ambazonian fighter named General Ekeom Polycarp publicly dropped his weapons and submitted before the Governor of the North West Region. The next day, he was assassinated by his former colleagues (XinhuaNet, 2019).

In the same light, Traditional rulers pledging loyalty to the government equally became the victims of separatists' brutality. Without minding the sacrosanctity of traditional authorities/institutions, the separatist fighters initiated violence against traditional rulers who refused to support their course. Also, some chiefs were suspected of acting as 'sell-outs' to the military or the administration, while others were being intimidated by the armed separatists to support them financially (Amnesty International, 2018). After the kidnap of about eight chiefs of the Bakweri village in Fako Division in July 2018, one of whom died in captivity, in the month of August, the paramount chief of Balondo village in Ndin Division was brutally assassinated. On Sunday, 12 August 2018, His Royal Highness Chief Dr. Ofonde Esoh Itoh was dragged out of the Baptist Church where he was attending service (in the full glare of the entire congregation), and was brutally assassinated some minutes later, few kilometers away from the church premises (Ngoh, 2019). Chief Itoh was accused of collaborating with the government despite countless threats from the separatists.

III. Ambazonian War Operations

a) The Emergence of Local Arms Industries and the use of Explosives

Asymmetric combatants are highly adaptable to a rapidly changing operational environment, countermeasures and pressure; they operate in the "learning by- fighting" mode. They use simple, cheap, but still effective solutions or weapons (Arasli, 2011), and as the warfare evolves, guerrillas acquire, store and distribute large quantities of supplies (Grdovic, 2009, p.16). The ineptitude of the government forces in effectively crushing the separatists gave them the opportunity to grow in strength, gain more recruits, re-strategize and improve on their rudimentary technology via local arms production. The separatist fighters operate secret arms manufacturing laboratories within the restive zone. They manufactured local bombs and mines, rocket launchers etc. As reported by International Crisis Group (21 December 2017), at least seven home-made bombs exploded by December 2017. Similarly, as reported by the Voice of America, on 15 June 2019, four policemen were killed and six wounded in a bomb explosion in Eyumodjock, Manyu in the South West Region. This came after indications by the separatists of the production of their own weapons (Voice of America, 2019).

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Ambazonia 'Warlord' (Field Marshall) displaying locally fabricated weapon (Rocket Launcher) from his hideout on December 15, 2019





Source: https://www.theirearmlog.com, https://youtu.be/uxBf-QnJdCA

As part of war propaganda, a separatist warlord popularly referred to as Field Marshall (operating in the Lebialem sub-division in the North West Region) in December 2019, displayed locally fabricated weapons (Rocket Launcher) from his camp (https://youtu.be/uxBf-QnJdCA), Meanwhile, by the end of December 2019, another video in circulation over the social media displayed locally produced rocket launcher, together with iron bullets, from an undisclosed separatist hideout (http://www.facebook.com/100022079473585/post/614285612650749/). The display of such weapons was followed by more sophisticated attacks from the separatist militias. Within the month of December 2019, a passenger plane belonging to the Cameroon Airline (Camair-Co) was fired at while landing at Bamenda Airport. This was the first attack on an aircraft since the crisis started. The AGoC quickly endorsed the attack, with its leader Ayaba Cho Lucas stating that the airplane in question often transported soldiers, and that the separatists consider all incoming aircraft to be a security risk by default (Cameroon News Agency, 2019).

By 2021, there was increasing use of locally fabricated explosives by the separatist fighters. January 6, 2021, separatist fighters ambushed the convoy of the Senior Divisional Officer of Momo near Njikwa, using Improvised Explosive Devices (IEDs). Five soldiers and one civilian were killed. On February 18, seven Cameroonian soldiers were killed by an IED in Babessi (*International Crisis Group*, 2021). On April 10, three BIR soldiers were wounded when their vehicle struck an IED between Kumbo and Ndop (Cameroon News Agency, 2021). On April 24, a military convoy struck an IED at Alou in the South West Region and they were subsequently fired at from the surrounding bushes. A similar attack was carried out in Bafut, where the Seven Karta militia blew up a military vehicle with an IED (Cameroon News Agency, 2021). On May 30, a Cameroonian Army armored vehicle hit an IED and fell into a valley in Oku, Bui division. The "Ambazonia Intelligence Forces", loyal to the Ambazonia Self-Defence Council, claimed responsibility (Cameroon News Agency, 2021). In the month of June, several military convoys were attacked in Lebialem by the ''Red Dragon'' militia, with the use of IEDs. Therefore, as the conflict prolongs, the use of explosives increasingly becomes a major component of the separatist war operations. The use of IEDs by the separatist fighters has been a great source of frustration to the Cameroon military in their anti-separatist war efforts for two reasons; firstly, they lack the technological knowhow to detect the IEDs from distance away. Secondly, the IEDs are mostly used in bushy/forest environments with meandering roads which are not mastered by the Cameroon soldiers. Versed with their local environments of war operations, the separatist militias easily hide in the bushes and ambush government forces.

b) The Separatist Resource Mobilization and Sabotage

In the history of African conflicts, an important component of asymmetric warfare is the ability of the militia groups to control local commerce. Rebel groups gain control of specific resources and then use it to prolong the conflict, e.g. 'in Angola, the rebels under Jonas Savimbi had control over oil and "blood"

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diamonds (initially also ivory), which prolonged the conflict for years' (Jackson, 2007, p.9). In Liberia, Charles Taylor financed his forces through commercial logging. In Somalia, control over the trade in the narcotic leaf qat was an essential component of General Aidid's ability to maintain his militia (Alex de Waal, 1996). Armed criminals in the Sahel Desert continue to expand their drug trade, exploiting the conflict in Mali. Likewise, in Congo, armed groups exploited villages to keep their operations sustainable (Feller, 2013). With the case of the Anglophone secessionist struggle, the armed militias have no direct control over any viable economic venture in the restive zones. Rather, since the beginning of the crisis, separatists in the diaspora and militia groups operating on the ground adopted several strategies to raise funds to buy weapons and to finance the war. As such, they resorted to kidnapping and ransom taking, with millions of Francs CFA demanded from the families of their captives. The groups mounted roadblocks on major highways and extracted money and other valuables from passengers; looting of shops and houses of those tagged as 'Black Legs'; threats of abduction- through phone calls and text messages to wealthy Anglophones, compelling them to financially 'support the struggle'; and financial support from abroad gotten through fund-raising by diaspora separatist leaders and sympathizers. -From the 18 to 19 August 2018 the sum US$50,000 was raised by the diaspora separatists in a fund-raising event at Washington DC' (Ngoh, 2019, p.428). Also, the "National AK47 Campaign (NAK47)" was launched in Washington DC in March 2019 to raise funds for the purchase of guns. While the separatists used ransom taking as a strategy to raise funds, many other groups emerged within the restive zone (some being local bandits) evidently with no political agenda, but equally engaged in kidnapping and collecting ransom from the families of their victims as a way out of poverty following the stagnation of the economy as a consequence of the war.

Guerrilla strategy aims to magnify the impact of a small, mobile force on a larger, more cumbersome one (Martin, 2000). This is usually achieved through economic sabotage as the aim of the guerilla fighter is erosion of the enemy's will to sustain the cost of continuing the war (Asprey, 2019). In Angola, while the MPLA attempted to hunt down the remaining UNITA guerrilla fighters by conducting large, multi-brigade, conventional sweeps through central and southern Angola, on the other hand, UNITA evaded contact with the MPLA's forces while striking at its economic base (Lockyer, 2008). In early 1977, Savimbi declared that his military objective was to bring "the Angolan economy to its knees." (George, 1976) Also, in 1995, in an attempt to stop food harvest, Sierra Leonean guerrillas introduced the practice of hacking the hands of village women who they found in the fields. When the news of rebel amputations spread in central Sierra Leone (the rice granary of the affected region), the harvest ceased (Kalyvas, 2004). In the course of the Anglophone secessionist struggle, the Amazonian militias remained resolute in carrying out acts of sabotage on government sources of endogenous inputs within the restive zones. As such, in order to cripple the government economically, the separatists ensured the permanent closure of Cameroon's biggest Para-state Agro-Industrial enterprise -The Cameroon Development Corporation (CDC) situated in the restive South West Region, through persistent attacks and disruptions of business operations. In fact, as Waal puts it; "a variety of strong surprised attacks on economic enterprises are a hallmark of guerrilla operations" (Alex de Waal, 1996). As reported by the International Crisis Group (2019), in July 2018, the Cameroon Employers Association (GICAM) estimated the value of losses incurred by the CDC at FCFA2, 69 billion (€410 million). This was achieved via brutal treatment of the plantation workers. Between November 2018 and February 2019, CDC workers saw their fingers chopped off in Tiko and as a result, plantation work had to be abandoned (The National Times, 2019). In July 2019, a General Manager of CDC- Edinau branch (Benjamin Ndifor) was abducted from his home in Edinau few weeks after the CDC mill under his management resumed production despite threats from the separatist militias (Journal du Cameroun, 2019). In reaction to the downward shoot of the CDC, Ayaba Cho Lucas intimated; *"… we have stopped one of the greatest corporations* [CDC] *they* [the government of Cameroon] *have been generating money from to feed their army against Ambazonia…"* (Ekah, 2019). Such a declaration by the separatist leadership is based on the belief that as the incumbent's relative resources decline, its ability to project influence over the contested areas also decreases (Klare, 2004, p.177).

Asymmetric warfare is usually characterized by the desire of militia groups to make the territory ungovernable (Grange, 2000) through several acts of political sabotage. As intimated by Winter (2011), asymmetric armies continuously distort public events organized by the enemy. The Ambazonian separatist militia groups ensured the disruption of government-organized events within the restive zones. Among other events, elections have been highly considered by the separatists as illegal in Ambazonia as they see it as a way of "legitimising" government presence in "their territory". A key event which was highly sabotaged was the 7 October 2018 presidential elections. The separatists launched aggressive calls for the boycott of the campaigns and elections, followed by sporadic gunshots in the restive zones on the day of the elections (The Guardian Post Newspaper, 2018).

The separatists equally sabotaged the February 9 2020 Municipal and Parliamentary elections scheduled

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for 9 February 2020 by promising devastating consequences on Anglophones who tendered their candidature. As a result of such threats, many prospective Anglophone candidates (both of the ruling and opposition parties) had to denounce their candidature for fear of victimization (BBC News, 09 January 2020). As an instance, in November 2019, Honorable Dr. Awudu Mbaya Cyprain- SDF Member of Parliament for the Donga-Mantung Center constituency in the North West Region tendered his resignation in a televised speech over a private TV station. Meanwhile, those who refused to withdraw their candidature faced the wroth of the separatists as they either saw their houses and property burnt (the case of Hon. Mbah Ndam whose house was set ablaze in Batibo in December 2019), or subjected to kidnap and other forms of victimization and intimidation. Prior to the elections, separatist militias had abducted at least 120 candidates, half of whom were still in captivity on the Election Day (The New York Times, 2020). The February 9 2020, parliamentary election witnessed a very low turnout in the Anglophone regions due to the persistent threats from the separatists, which caused many civilians to flee days in advance, a development that was highly applauded by the separatists as a sign of victory over the government (Xinhua, 2020). Since 2017, the government of Cameroon has resorted to the launching of intensive military offensives against the Ambzonia militias, as a solution to the conflict, and with the hope of recording military victory.

IV. Military Offensives/Operations by Government Forces

A key feature in the counter asymmetry is the launching of military offensives. Operationally, in conventional warfare, offensive actions/strategies generally involve massive coordinated "pushes" into enemy held territory. The key aim is to decisively engage the opposition's forces (Mearsheimer, 1983). The strategic objective of this counter-guerrilla strategy is to locate the enemy and destroy it through superior military manoeuvre and firepower (Strachan, 1983). In a bid to counter the separatist fighters, government forces resorted to the launching of offensive military operations, targeting separatist strongholds. Such operations are usually characterized by targeted execution of separatist leaders/commanders, massive arrests of both separatist fighters and unarmed civilians, the burning of houses in villages hosting separatist fighters, bullet spray in the air and on buildings leading to material and human casualties, ambush on separatist camps and the confiscation of weapons and other supplies, the freeing of captives among others. Between the years 2020 and 2022, several military offensives were launched by government forces within the restive zone. For example the 'Operation Free Bafut' launched in April 2020, the 'Operation Ngoke-Bui' in July 2020, the 'Operation Boyo I' in August 2020, 'Operation Bui 1' in March 2021, 'Operation Bui Clean' in May 2021, etc.

In order to weaken the operations of separatist fighters, government forces embarked on the targeted killings of their commanders, many of whom assume the title of 'General'. Between 2020 and 2022, government military operations led to the killing of separatist commanders like 'General Chacha' of the 'Southern Cameroons Restoration Forces' who was captured and summarily executed when Cameroonian soldiers raided his base in Kikaikom, Kumbo (Journal du Cameroun, 2020). In February 2020, Cameroonian soldiers attacked Small Babanki, a village in Mezam Division, storming the home of separatist commander Richard Nformumbang Ndango, known as "General Fire", killing him and his wife (Cameroon News Agency, 2020). In October 2020 Cameroon soldiers initiated a three-day offensive against separatists in Wabane, Lebialem and killed the dreaded "General Ayeke", commander of the militia operating area (Cameroon News Agency, 2020), while separatist commander "General Obi" was killed during a military raid in Mamfe in June 2020 and commander Luca Fonteh, known as 'General Mad Dog', was killed in Bamenda in September 2020 (Journal du Cameroun, 2020). More military offensives have been carried out in the year 2021. In February 2021, separatist commanders - Augustine Ambe ("General Above the Law") and Celestine Wanche ("T-Boy") were killed in a raid on their camp around Kumba. In April 2021, separatist commanders; "General Blink" (operating in Bambelle) and "General Idi Amin Dada" (operating in Guneko) were killed by government forces while "General Cobra" and four of his fighters were captured in Bamenda (International Crisis Group, 2021), and the noyorious Lekeaka Oliver, popularly known as "Field Mashall" of the Red Dragon operating in Lebialem Division was killed in a military ambush on 12 July 2022 at Menji (Cameroon News Agency, 2022). Such military operations usually led to the freeing of hostages hostages from the separatist camps and the recuperation of weapons, locally fabricated explosives and other supplies.

Notably is the fact that the military operations usually recorded severe human and material casualties with civilians most affected. Unsuccessful military operations left the military with acts of vengeance on the civilian population for not identifying the separatist fighters or for failing to disclose their hideouts. This was the case in villages and towns in the South West Region like in Ndoh (in January 2020), Bangem and Babubock (in February 2020), in Muyuka, Limbe, Buea and Tiko (in january 2021), where government forces carried out indiscriminate shooting, burning of houses, mass arrest and imprisonment of civilians etc after misfired attempts to capture the separatist fighters (Amnesty International, 2020, International Crisis Group, 2021). Similarly, In May

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2021, during the "Operation Bui Clean" (also "Operation Kumbo Clean") to neutralize separatists in Bui in the North West Region, separatists launched an offensive against the Cameroonian military and a military convoy hit an IED in Meluf. The Cameroonian troops retaliated by burning down civilian houses in the villages of Tadu, Vekovi and Buh. Also, about 50 civilian houses were set ablaze in Kumbo in the North West Region (International Crisis Group, 2021).

From the beginning of the crisis in 2016, the government has continuously engaged in the use of the military as a means of crushing the separatist fighters. New military camps have been erected in different parts of the Anglophone regions with the aim of ensuring rapid intervention in repelling separatist activities, military presence had been beefed up by increasing the number of soldiers in the regions. Also, sophisticated ammunitions have been dispatched to the regions to ensure superiority over the separatists in terms of weaponry. A good number of separatist commanders and fighters have either been killed or arrested and imprisoned. However, despite all these measures, the restoration of the much anticipated peace in the restive regions remains a mirage. Therefore, military solutions to the conflict have proven unsuccessful from 2017 to 2022.

V. The Unfruitfulness of Continuous Military Solution

This paper upholds that a long-lasting solution to the Anglophone crisis in Cameroon cannot be possibly attained through military means especially with the separatist fighter employing asymmetric strategies and tactics. It has been a farfetched possibility for the state of Cameroon to record a military victory over the Ambazonian militias. The fact that the separatist militias have been able to resist government forces from 2017-2022 (and without any prospect of government military victory) is a glaring indication that the solution to the crisis does not lie in the use of a military approach. As Henri Kessinger observed; “the guerrilla wins if he does not lose. The conventional army losses if it does not win” (Asprey, n.d.). Furthermore, as opined by Guevara (1961), it is important to emphasize that guerrilla warfare is a war of the masses, a war of the people. It draws its great force from the mass of the people themselves. The guerrilla band is not to be considered inferior to the army against which it fights simply because it is inferior in firepower”. At the beginning of the crisis, government forces hoped on achieving a quick military victory which has not been the case. The ability of the separatist fighters to withstand government forces (with military sophistication) over the years could be attributed the following factors;

- Throughout the period of the crisis, the government has suffered several accusations from the international community especially human rights groups for violating human rights. Thus, the government forces are reluctant to escalate violent actions in order to evade accountability for human rights violations. This further weakens the government security structure.
- As the crisis prolongs, the Separatist militias break away from the control of their foreign sponsors and engage in individual and unguided violence and income generating activities to sustain their struggle. It therefore remains difficult to clearly identify where the loyalty of the separatist groups actually lies. Individual motivations have become the order of the day.
- The separatist fighters have been able to acquire more sophisticated weapons over time. At the beginning of the conflict, the separatist fighters were relying on hunting rifles and other rudimentary weapons. By 2020, they had gained access to more sophisticated weapons, mostly captured from government forces after successful ambush on military personnel. The proliferation of arms within the different separatist camps in the restive zones remains a morale booster to separatist forces to pursue war operations. Additionally, the existence of localized arms production units assures the availability of arms, leading to the production of IED. Thus, by 2021, the separatist forces have become well-armed to the point of extending overt attacks to military check points and police stations. Also, since the beginning of 2021, the use of explosives became common, causing the Cameroonian army heavy casualties (Al Jazeera, 2021).
- Increasing number of separatist recruits. At the beginning of the conflict, separatist fighters were fewer in number. By 2019, there existed between 2,000 to 4,000 separatist fighters spread across the two regions, consisting of youths aged 18 to 35, including female combatants (Crisis Group, 2029), with the number increasing over time. Continuous military approach facilitates the availability of new recruits into the separatist camps. That is, victims of military raids easily volunteer conscription into separatist camps in order to carry out revenge. Increase in the number of separatist recruits favour massive sporadic guerrilla attacks. For instance, in August 2021, over 80 separatist fighters invaded Oku in the North West region and destroyed the council building, the mayor’s residence and set ablaze vehicles and over 58 market sheds in broad daylight and without intervention from the military (The Guardian Post, 2021).
- Separatist mastery of the conflict terrain compared to government forces, especially the rural areas. Members of the separatist militia groups are locals who are more familiar with the war terrain than the government forces.

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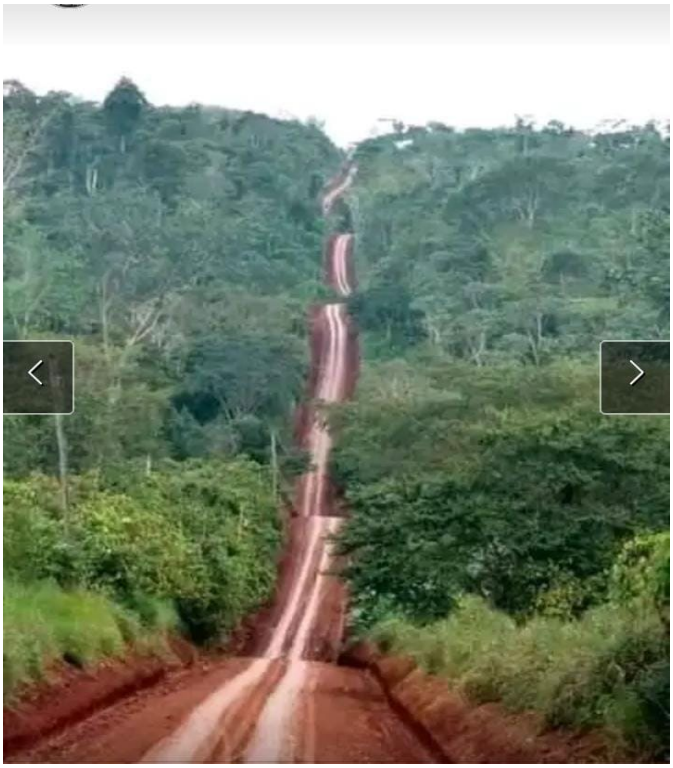
Sample survey of road network in part of the restive North West Region of Cameroon



Source: https://freewheely.com

Ekondo Titi D.O ambushed and killed by the separatists



Source: https://panafricanvisions.com

The most excruciating casualties recorded by the Cameroon forces are in the rural communities that had long been abandoned by the government in terms of good roads and other infrastructural developments. For instance, the Lebialem division where heavy military casualties have been recorded is characterized by poor transport network, thick forests and valleys which are not easily penetrable by the government forces, making it easy for separatist forces to carry out successful ambush. With the poor state of the roads, it remains difficult for government forces to have full control over the security situations outside the cities, to the advantage of separatists. Therefore with the prolongation of the conflict, there is the possibility of separatist forces gaining full control over certain rural areas, from where an organized take-over of the major towns could be planned. Learning from developments elsewhere in Africa, after a decade of the Somali conflict, the militia groups have been able to gain full control over the Southern and Central parts of the country (BBC, 2021).

- Cooperation and cohabitation between Anglophone civilians and separatist fighters, making it difficult for the government forces to distinguish between civilians and combatants. This is further compounded by the absence of clearly identifiable separatist uniforms and separatist camps. This makes it difficult for the separatist forces to be easily identified especially considering that they carry out guerilla attacks and mingle within the civilian population. Therefore, it is difficult for government forces to anticipate the Separatist unconventional and asymmetric actions.
- Most importantly, the resilience of the separatists: The separatist remain highly determined and willing to fight, suffer more or bear higher cost while hoping for future freedom. The AGovC had declared, *"…No one can stop the war. Not even a combine air-force of the US army and British Navy. There will be no coexistence with Cameroon…"* (Ayaba Cho Lucas, 2019, August 10). The resilience of the separatist fighters despite the targeted killing of some of their 'Generals' (who are almost immediately replaced) is indicative of the fact that with the passage of time, they remain determined in achieving their goals. As such, despite the arrest and imprisonment of separatist leaders, the targeted killing of separatist warlords, and other anti-separatist tactics employed by the government, the separatists remain resolute in achieving their goals.

Continuous military solution to the crisis provides a possible coalition between the 'Ambazonian' and the Biafran separatists. It is statistically proven that if a country is bordered by a belligerent neighbor, the

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probability of that country being drawn into a conflict is three times higher than for other countries. This is particularly common in the case of nations with complex mosaic structures of ethnicity (Sevastianov, Laine, & Kireev, 2019) as the case of Nigeria and Cameroon. Both the Biafrans in Nigeria and Anglophones in Cameroon have a common history of secessionist tendencies. Coincidentally, they are geographically situated at both sides of the borders between Cameroon and Nigeria. This poses a risk factor as one can influence the other, such as the use of the border territories as a corridor for the supply of weapons or as a refuge for the separatist fighters or as a proxy zones for sporadic guerrilla attacks. Despite the trans-border security measures put in place by the governments of Cameroon and Nigeria, an alliance between the separatists of both countries remains a possibility. After about half a decade in conflict, with excruciating human and material losses, there is need for a peaceful resolution through dialogue.

VI. The Need for Peaceful Resolution through Dialogue

Judging from the aforementioned, this paper upholds that there is need for the government to exploit a more pacific method in resolving the crisis, without the exclusion of the separatist leadership. As the security situation in the two Anglophone regions deteriorates, government forces are unable to challenge the growing threats posed by the separatists. Research on some of the bloodiest African conflicts in the recent past has proven the pacific method of conflict resolution via third party mediation is relatively reliable. The conflict in Sierra Leone which lasted from 1991 to 1999 ended with the Lomé Peace Agreement which took place in a neutral ground- in Togo (Ero, 1999, p.64). Following the resurgence of armed conflict in the Democratic Republic of Congo in 1997, a French-led intervention took place in the Zambian city of Lusaka in June 1999, leading to the signing of the Lusaka Ceasefire Agreement (Institute for Security Studies Briefing, 2008). Additionally, the long-standing ethnic conflict in Burundi ended 2000 with the signing of the Arusha Accord for Burundi. The accord was signed in Tanzania, mediated by President Nelson Mandela (Ferreira, 2010). Despite the institutional changes put in place, and the military measure employed by the Cameroon government between 2016 and 2022, the restoration of peace in the restive zone remains a mirage. The atrocious acts of the separatists and government forces remain unabated, with innocent civilians trapped in the web of continuous violence and with heavy casualties recorded on the sides of both the government and separatist forces. There is therefore urgent need for the military approach to be abandoned, and pacific method of resolving the conflict be adopted. The 'war' against the separatists was declared by the President of the Republic in 2017. To avert further atrocities, it is incumbent on the government of Cameroon to officially call for a cease-fire, after which the path for dialogue could be initiated. Thus, genuine dialogue between the government and representatives of the separatists, through international meditation, and on a neutral ground is strongly recommended. Equally, for a meaningful outcome to be achieved, such a third party, will not only mediate, but should command some authority to coerce both parties to a peaceful resolution.

VII. Conclusion

In this paper the warfare components of the Anglophone secessionist struggle have been analyzed, with the conclusion that the separatist fighters make use of asymmetric tactics and operations such as guerilla attacks, abductions, assassinations, sabotage, roadblocks, lockdown and ghost town operations, and other unconventional means. The warfare has however brought untold suffering to millions of Anglophone Cameroonians, with no prospect of de-escalation in the nearest future. This already precarious situation is compounded by the fact that both parties to the conflict (the separatists and the Cameroon government) have parallel objectives. While the separatists want nothing short of the "restoration of their independence", the government of Cameroon is bent at maintaining the territorial integrity of the nation within the framework of a "one and indivisible Cameroon". It is therefore the conclusion of this paper that for peace to be restored there is need for the declaration of a cease-fire, followed by genuine dialogue between both parties to the conflict, in the presence of a neutral international mediator.

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Parliamentary Ethnography: The Challenges to Research in the Senate of Argentina for a Member of Staff

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Abstract- The purpose of this paper is to reflect on the advantages, obstacles, limitations and, mainly, the challenges to conduct research about an institution, in this case Senate of Argentina, that is the workplace of the scholar. As the researcher was a clerk at the Senate, which meant that carrying out an ethnography of parliamentary activities or of the senators was not straightforward, because could have genered suspicions among my colleagues. Parliamentary investigations require institutional approval, which is not always obtained. This investigation was carried out along 6 years without any formal authorization, despite the fact that the clerks, officials and authorities of the Senate were aware of it.

Ethnography in the Argentina Senate, i.e., observation, participant observation, interviews and text analysis of a vast range of materials including, among others, staff attendance sheets, decrees and internal regulations, all proved to be a very accurate methodology to study the daily life of a political institution and to think about the gap between two types of narratives: the written and the "oral-traditional" of the staff members and the authorities.

Keywords: parliamentary ethnography; argentina senate; casa política; clerk-researcher.

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Parliamentary Ethnography: The Challenges to Research in the Senate of Argentina for a Member of Staff

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The characteristics of political institutions make parliamentary ethnography complex. This research focuses on the staff of the Argentina Senate, the informal ways of access to employment and to career progress of the clerks while opening an alternative way to understand the nature of the chamber that the actors call in their daily jargon the *casa política* (political house).

Keywords: parliamentary ethnography; argentina senate; casa política; clerk-researcher.

I. Introduction

The institutional System of the Argentine took shape slowly during the 19th century. In 1853, the National Constitution established the representative, republican and federal form of government[1]. The country has currently 24 provincial states represented in the two Chambers of the National Congress (NC): The Chamber of *Diputados* (Representatives), with 257 representatives of the people elected proportionally, according to the population of each province, with a 4 years' mandate) and the Senate, 72 legislators (three for each state) with 6 years' mandate. The Senate (HSN) is the federal Chamber where the senators represent the interests of the provinces and perform important tasks such as trying people accused by the Chamber of *Diputados* (impeachment trial), authorizing the President to declare the state of siege if there is a foreign attack; the distribution of the income result of taxes between the federal states and the laws promoting policies in favour of the growth of the Nation. The Chamber approves the nomination of the ministers of the Supreme Court of Justice proposed by the Executive (President), as well as those of the law magistrates, plenipotentiary ministers and top ranks of the Armed Forces.

Although the Argentine political system is presidential, the Senate is a sounding board for projects that affect territorial interests. The citizens are attentive to the vote of their senators, particularly in the most sparsely populated provinces where the ties to legislators are close because they need a positive public opinion in order to be able to sustain a political career.

The HSN is the most prestigious Chamber due to the low number of members: Former and future presidents and vice-presidents of the nation, governors, ministers and the most prominent politicians dispute their seats. The vice-president is also the president of the Senate; its provisional president is the second in the line of succession of the nation's authorities. The prestige extends also to the staff because, until about 20 years ago, its numbers were small.

The HSN became, during the past decades, a sounding board and the battlefield of the most important political and social issues, power struggles between the President and the Vice-president of the country, social mobilization during the legislative discussions of controversial laws such as taxing the agricultural sector or pregnancy termination. In 1999 and 2000, the president of the Senate revealed to the press two irregular illegal situations in the Senate: the first one about members of staff in the payroll who were receiving their wages but did not go to work and, the second, about senators receiving payments in exchange for passing laws. Due to these revelations, staff of the Senate were summoned to declare at the courts, their work was discredited, discrediting at the same time senators and the House. I started working in the Senate in 2003, in the midst of this convulsed institutional environment.

This article describes the underlying tension faced by a member of staff conducting doctoral

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[1] In Argentina, provinces are the federal states that have their own executive, legislative and judiciary powers.

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research at the HSN: on one hand, there were scarce anthropological studies of the institution; on the other hand, the Senate was the workplace (2003-2018) of the scholar while conducting research (2010-2016). This text is a reflexion on the challenges of the dual condition, clerk, and researcher, and on the decisions made to be able to carry out the study.

During the exploratory phase, the researcher reflected about the early days working in the Senate in June 2003. It was then when the memory of the everyday usage of the word *casa*[2] (house) emerged: "Are you from the *casa*?" was the first question asked by the security officer the first working day when the researcher tried to gain access to the building of the Senate. The initial puzzlement was followed by wondering about the meaning of "being from the *casa*". Later, it became apparent that *casa* was the colloquial name to refer to the Chamber, but that, in turn, acquired a symbolic dimension: it was a metaphor, a work and institutional space, where the Senate was the father and the members of staff their children, who had to be protected from external dangers, but also had to be subordinates. This protection marked the difference between the "*inside*" staff who *belonged to* the *casa* (members of staff) and the "*outside*" staff that *were in* the casa (with fixed term contracts). The expression *casa* was the symbolic border between the actors, who had party, legislators or administrative procedures ties that masked that most powerful identity trait i.e., institutional belonging.

The actors syncretize the predominance of customs and practices over regulations in the Senate with the euphemism *casa política*, referring both to a way of "*doing politics*" in the *casa* and to the "political characteristics" assumed by its operation and administration.

The research took place within this microcosm.

II. Approach

The first challenge was to study a *casa* política while working there. The research proposal was, originally, an idea of the PhD professor but other lecturers and colleagues warned that taking distance from the object of study was difficult and that the clerk-researcher position underlined the partiality towards the observed Other and the difficulty, as anthropologist, to objectivize. The first hurdle was the fact that, from the academic field, the researcher was classified as *insider* or *native*. In the academic literature "insider" is the researcher who is doing investigation in an organization where, at the same time, they are employees or where they have an affiliation or they are sponsored by it; their position is a grey zone (Bruskin, 2018), because the lines between being an insider and an outsider to the organization become fuzzy. Kirin Narayan (1993) wondered "how 'native' is a native anthropologist?" (p.671). Narayan argued against dyads such as "native" and "non-native", outsider/insider or observer/observed anthropologists and proposed that at each historical moment "we might more profitably view each anthropologist in terms of shifting identifications amid a field of interpenetrating communities and power relations" (p.671).

Lila Abu-Lughod (1991) characterized those people as herself and Narayan as halfies "people whose national or cultural identity is mixed by virtue of migration, overseas education, or parentage" (p.137). When the clerk in the Senate of the Argentine became researcher, she had the same problems of a halfie (although according to the definition of Abu-Lughod she was not), "dilemmas that strongly highlight the problems of the cultural anthropology's assumption of a fundamental distinction between self and other" (p. 137). Abu-Lughod asked "what happens when the 'other' studied by the anthropologist is simultaneously constructed as, at least partially, a self?" (p.140), and she answered with words that remind of Narayan "what we call the outsider is a position *within* a larger political-historical complex" (p.141). The supposed bias of the anthropologists halfies —unlike their non-native colleagues— confronted them with the actions and ethics of an Other to which they belonged, constructed from academic research, an Other modeled by the anthropologists from the place that the natives had positioned him in the field.

At the beginning of the research, the answers to these doubts remained blurred. The questions were relevant because they made reference to the methodology and because they expressed the role that the various senatorial actors were expected to play during the whole research.

In order to explore possible answers to these questions, it was necessary to start a survey of the literature on parliamentary studies in Latin America, with special focus in Argentina. This survey revealed, on the one hand, that the problem had been studied almost exclusively with quantitative approaches from the point of view of the Political Sciences and, on the other hand, that the Latin-American democratic System had a peculiarity, namely, the *plurality-led congress* (Calvo, 2014), or parliaments made of changing political coalitions. The extensive production and the diversity of topics studied from this perspective, focus mainly on two lines[3]. The first one, that makes reference to the

[2] It is important to note that the Spanish word for house, *casa*, means both house and home. In this paper the Spanish italicized word is used to identify the native *casa*.

[3] The references represent only a minimal part of the Parliamentary Studies. In Argentina, some organizations of the civil society such as Transparency International (http://poderciudadano.org/comunicados-reportes-y-articulos/), Directorio Legislativo (https://directoriolegislativo.org/publicaciones/), CIPPEC (https://www.cippec.org/programas/instituciones-politicas/) or Universo Ágora (http://universoagora.web

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mechanisms that build the legislative politics, studies mainly questions such as the impact of the political parties system and the electoral system on the recruitment of the legislators, (Cabrera, 1991; Jones, Saiegh, Spiller & Tommasi 2002; Kikuchi & Lodola 2014); the relations between parties and members of the executive and the legislative, both at national and subnational levels, (Calvo & Leiras, 2012; Mustapic, 2000; Gervasoni & Nazareno, 2017); the gender quota in the legislative representation (Archenti & Tula, 2014); and the public opinion on NC (Hortiguera, 2003; Calvo, 2007). The second line has its focus on the NC in itself, particularly on the Chamber of *Diputados* or representatives: its characterization and operation (Mustapic, Bonvecchi & Zelaznik, 2012; Gentile, 2008); the design of public policies, parliamentary control and legislative production (Bieda, 2015; Llanos & Mustapic, 2006); power delegation of the NC (Eaton, 2003); discussion of projects and /or specific topics (Calvo & Tow, 2009); the role of the legislators, parties and coalitions within the NC (Calvo, 2014); party discipline when voting (Jones, 2001); professions, rotation, political-legislative careers and political capital of the Senators (Canelo, 2011; Rossi & Tommasi, 2012; Gastron, 2004). But neither of the two lines focuses its gaze from the perspective of the parliamentary bureaucracy.

Parliaments have been studied from the Anthropology point of view also. Even though in Latin America this point of view was less developed tan the Political Science one, it offered the opportunity to study almost unexplored aspects. Ethnography proposed an approach and a method. The approach focused in the perspective of the "natives", favouring new findings through linking theory and research. The method favoured was the fieldwork, and the researcher was supposed to perform activities such non deeply led interviews of key informants, observation and participative observation that form the evidence foundation the results of the research. Finally, it resulted in a "product", i.e. the textual description (written or audio-visual) of the behaviour of the actors involved. The majority of the parliament ethnographies analysed the legislative dynamics, Marc Abélès in his studies on the European Parliament (1992) and the French Assembly (2001); Emma Crewe on the UK Parliament (2010, 2018); Marcos Bezerra (1999) Maria Cecília Solheid da Costa (1980), André Marenco Dos Santos (1997) and Carla Costa Teixeira (1998) on the National Congress of Brazil. These investigations concentrated on the "visible" parliamentary actors (deputies, senators, and parliamentary authorities) for society; therefore, also from the anthropological perspective, the focus on bureaucracies is infrequent. On the other hand, in Argentina Laura Colabella (2012) studied the personnel of Afro descent from the NC and Laura Ebenau (2012) the bureaucracy of the Parliament of Misiones (province of Northeast Argentina). Publications of both Chambers of the Argentinian Parliament contributed with Studies of the History of the parliament (*Cámara de Diputados de la Nación*, 1948) and approaches both academic and technical (Saettone, 2014; Battaleme et al., 2017; Pitt Villegas, 2006 and 2008; Thwaites Rey, 1991). With regards to the parliamentary actors, they made very heterogeneous contributions, ranging from testimonial analyses carried out by authorities (Álvarez & Morales Solá, 2002; Pontaquarto, 2005) or by the HSN staff (Columba, 1988); the doctoral thesis on parliamentary law of a senator with a completed mandate (Menem, 2012); union leadership studies (Nanni, 2013); even academic research (Creppy, 2011; Ferreño, 2012; Tow, 2016). The latter rightly highlighted that despite the various methodologies and problems, little attention had been paid to the "informal" practices and procedures that guide the ways of choosing and exercising parliamentary positions, both of authorities and senatorial officials (Saettone, 2015; Ferreño, 2016). These data were relevant because, to date, a detailed analysis of the NC describing the organization chart, operation, characterization of human resources and daily life in parliament, such as that carried out in the UK by Robert Rogers and Rhodri Walters (2015), or comprehensive studies such as that of Marc Geddes (2016) who incorporates the role of the staff in his doctoral thesis, has not been carried out in Argentina.

These readings allowed to gradually delimit the object of study. The clerk-researcher noted that the central rules of the legislative process were informal and became central to understanding political practices. These behaviours –observed also by Susan Franceschet (2010) in the Chilean Congress– determined how the parties interacted and how the political actors behaved. Shirin Rai (2010) highlighted the specificity of legislative powers and the need to focus on the relationship between formal and informal power structures. Part of Parliament's power and influence came from these informal resources "invisible" to outsiders. The HSN research in Argentina found out that the routines crystallized in customs and habits tended to be more resistant to change because their informality made them less visible. It discovered as well that informal practices were reproduced in the relationships developed by the members of staff with those senatorial actors who favoured their access to the parliament and their parliamentary careers (authorities, senators, union leaders, who were sometimes also often linked by kinship or friendship relationships). Similar ties of consanguinity or instrumentality were also found in

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the Peruvian Congress (Mujica, 2010), in the National Congress of Brazil[4] (da Costa, 1980) and in the Legislative Assembly and the Municipal Chamber (Legislative Power respectively of the state and of the city) from Rio de Janeiro (Brazil) by Karina Kuschnir (2000a, 2000b).

III. The Dilemmas of the Clerk-Researcher and their Key Informants

The fieldwork started in parallel with the bibliography review. The exploratory phase was started by contacting senators, and their advisors, who requested information about the investigation in order to grant an interview they did not intend to do; the dates were postponed once and again until the clerk-researcher understood that the interviews would never take place, and that, on the contrary, the purpose had been to be clear about the information the researcher had and how she intended to use it. From this point of view, the condition of clerk was not conducive. Luiz Abreu (1999) in his ethnography of the Brazilian National Congress admitted that he only obtained "useful" data in the interviews with deputies when he turned off the recorder and started conversations in "off". In the HSN, the mixed feelings aroused by the presence of a clerk investigating the *casa* were understandable. During this stage, the few informants provided "off" testimonies similar to those offered to the press about the parliamentary everyday gossip, data that did not amount to any particular finding for a clerk-researcher because it was information available to any member of staff from different "sources" by word of mouth in the corridor small talk.

The focus shifted then to the HSN "invisible" actors. The research focused on the administrative dynamics, routines and daily life of the staff of the Senate of Argentina, topic which had been scarcely investigated and that was made invisible in the parliamentary studies. The clerks, i.e. the only parliamentary permanent actors, were an institutional memory whose importance cannot be understated and, at the same time, for whom invisibility constitutes their greatest value, an objective so well achieved, that they were rarely object of study in academic research, unlike the staff of other state institutions.

However, the staff expressed fears, because they thought the publication of the results may have had an impact in their future careers. A frequent question was: "Do you think that changing my name ensures my anonymity when we have spent years working together?". Geddes (2016) mentioned the extreme caution exercised by the clerks and that in the conversations in "off", "the guarded or cautious culture in the House of Commons administration was striking from the beginning of fieldwork and noticeable throughout my studies" (p.144).

As a clerk herself, the researcher was well aware of these fears. Ana Creppy (2011), HR clerk at the Senate, who wrote her undergraduate dissertation about it, said that the proposed interviews had been approved by the public officers of the HSN only after an "infinite number" of revisions and that the people from the unions monitored "informally" the survey. These "surveillances" often determine the object (what) and the method (how) of study because the inquiry of areas that are close either from a work or an emotional point of view, make the clerk-researcher feel that their hybrid and dual position is an obstacle for the fieldwork.

At this stage of the research, she questioned what her category, as researcher, was. Was she a "native", considering the years she had been working in the Senate prior to her research, her knowledge of the organizational culture and the role of costumes and habits? Or was she an "insider", because during the research she was a clerk? Or was she even a "halfie" due to her hybrid and dual role as clerk-researcher? She was aware that hers was the "native" point of view, no matter the perception of her academic colleagues of her as native, insider or halfie. The self/other dissociation merged in her and she then realized that this position gave her a perspective that, although partial (she wondered whether anthropologists believe that they apprehend the whole of the multiple dimensions of a culture when they are not native or insiders?) was privileged since it offered the possibility of reflecting on daily practices that explained ways of conceiving the administrative career of the staff and of doing politics, in the Senate in particular, and in Argentina in general. Ethnography became the way to get out of the naturalized stereotypes of sociology and political science that linked party and union godfathering with public employment, but it also represented a challenge to the hegemonic construction of prevailing knowledge in Argentine parliamentary studies.

The investigation proved (as Creppy's did) that the questions about the career paths produced fear among the personnel. The life project of the majority of the staff was a job not based on meritocracy. The Statute of the Legislative Staff (*Estatuto del Personal Legislativo,* Law 24600) established the procedures for the work promotions. However, in practice, these were determined by the "requests" that each agent made to senators, authorities and trade unions leaders. In an environment where "merit" is based on the personal contacts and links developed by each worker, the members of staff became very careful about the information that they gave and whom they gave it to. The fear of future possible leakages of confidences given during the research could have an impact on their

[4] The reform of the Constitution in 1988 established job stability for the members of staff working in the National Congress, and the public competition for those who aspired in the future to become public servants of the federal powers: Executive, Judicial and Legislative.

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careers both in the chamber or whenever trying to help a relative accessing employment, and this became apparent during the research. The people in a position to "granting" stability, professional promotion or employment for their relatives or friends should trust them.

Another problematic issue for the staff was fear as a clerk would be identified as "leaking" information to the press. After the denunciation of the payment of bribes to approve the Labor Flexibility Law sanctioned in the year 2000 (Álvarez & Morales Solá, 2002; Pontaquarto, 2005) many employees were summoned to testify in court, since then all the precautions seemed insufficient it implied. The clerks feared the application of the subparagraph c) of article 43 of the Statute of Legislative Staff (Law 24600) stated "To keep secret the service matters that for their nature or legal provision so require, even after having ceased in office "[5]. The mere mention of the word "secrets" in the law created dilemmas. The first, non-explicit one, is the legal dimension and the question whether collaborating with the research would put the informant at risk of formal or informal sanctions. Geddes (2016) described staff as "'clerkliness' an overarching performance style, and it is made up of three aspects… being hidden, unparalleled service, and passionate impartiality" (p.144), and the first two are present in the HSN. This issue was sorted through a careful reading of the decrees. The public documents (decrees and decisions appointing or promoting personnel) constituted a methodological option that built the informants' trust in me, within an institutional context marked by a climate of tension in the Chamber during the first two years of the research (2010-2011). At the same time, the decrees and decisions were a choice that pointed the subsequent course of the investigation. Then, another dilemma, this time of moral order, emerged: were the informers and the researcher betraying the secrets of the institution? The fact that whoever requested the nomination (the authority or trade union leader) was mentioned in the decrees, meant that no "sensitive" information revealed. The mention of the requesting person highlighted the naturalization of an institutional practice that did not fully meet the normative: for instance, with reference to the qualifications needed, the staff selection mechanisms or the positions assigned to the new staff (Law 24600, article 5, paragraphs d, e and f), because even though the senators and the authorities were allowed to request the nomination of their own staff, this possibility was extended to the officers and trade unionists. The research focused in this trait of the Human Resources policy of the Senate. The reason for this decision was twofold: firstly, the gift giving person (in Mauss's sense)[6] was considered, in the senatorial jargon, godfather or godmother; secondly, these anomalies together with others found during the research, described the *casa política*, the colloquial denomination characterizing the institution.

The research focused on keeping the daily work links with the staff, allowing the clerks to become informants while avoiding the possibility of future questioning of informant co-workers, authorities and public officers of the HSN and the unions. The public access official documents available in the institutional webpage (https://www.senado.gov.ar/), as well as the presidential decrees, the resolutions of the Administrative Secretary and the joint resolutions of the Chambers offered the opportunity to investigate a little explored aspect: the staff nomination and the career progression of the senate staff. This delimitation of the research helped to reduce the peers' fears and, at the same time, allowed her to "take distance" from the object of study. The "papers" gave the novel employee-researcher a position in the field and offered the possibility of carrying out an ethnography less questioned by her colleagues in the academic field. The conversations with the senatorial co-workers—key informants were, at the beginning, the "skeleton" of the investigation. These dialogues took the form of talks during informal meetings, because they were reluctant to accept set interviews and to the use of the recorder (this kind of resistance is usual in this type of institutions where the recorder is an instrument that often provides scanty and inconsequential findings because it intimidates). It was gradually confirmed that the collaboration of the Senate staff would become essential throughout the process of fieldwork and analysis of the data collected. In the first place, because they questioned some topics while pointing out at some others and, little by little, they helped to delimit the scope of the study. Secondly, because they provided prior information about imminent news and gave clues to track information and documents; and thirdly, because they suggested possible thematic approaches. In most cases, they were interlocutors with whom, on the one hand, it was possible to analyse and confront their own ideas with their perceptions, and on the other, to reflect on the distance between institutional practices and the data provided by the documents.

At this stage of the quest, the researcher had doubts whether it was correct to use as an observer the same methods used in the capacity of clerk. Was the fact of focusing on everyday aspects, such as the forms

[5] It should be mentioned that in Argentina the concepts of privacy and confidentiality are much looser than in other areas of the world.

[6] Mauss identified three obligations associated with "gift" exchange: giving, the first step in building a social relationship; the second step, receiving, which signifies acceptance of the social relationship; and the third step, reciprocating, which demonstrates the recipient's integrity.

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assumed by the relations of domination in the Senate towards clerks, a betrayal of the "secrets" of the institution or was it a mechanism to make them visible? From where should the "natives" be interrogated if the researcher was a "native" or "insider" as well? The answers to each of these questions were gradual and involved a long process of theoretical analysis. The answer to the last question allowed to start the investigation from the certainty that the self a person knows, is partial and situated in all its facets (Haraway, 1988). The "dual and hybrid position", conjunction of the self and the other allowed to think about the partiality and the positioning of knowledge that was developing both from the researcher and the key informant's point of view. The "secrets" thus became an instrument in the influences traffic where the make believe was more important than the truth —for instance— making believe how much one knew about the union negotiations about promotions. The situated partial and changing positioning of the clerk-researcher and the senatorial others, constituted selves favouring the study of the human resources policies of the HSN, shedding light on the peculiarities of the historical institutional context of the investigation.

The narrative and daily practices of the Senate staff showed that their life projects and concerns revolved around their work in the Senate and that the analysis of their stories facilitated the understanding of the logics of the institution inscribed in the official speeches. The use of *casa* to name the institution, instead of Chamber or Senate, is an example of these feelings of belonging.

The findings allowed the clerk-researcher, to share data with the workers who officiated as informants and even analyze material restricted to the public (for instance there were no written records of the negotiations for the appointment of staff or for the promotions in the presidential decrees). This twofold perspective clerk-researcher on these issues allowed the staff to discuss these naturalized practices, of the senatorial operatives; the position meant that while as clerk brought and took information, was informant and researcher. This initial fieldwork phase highlighted that the clerks' everyday words and actions ceased to be "neutral" as soon as they waivered in their responses during interviews. The changing relationships between informants and researcher in this first stage evidenced the challenges of ethnographic "control" and the effects that the objectification of the parliamentary microcosm produced in the researcher. Signe Bruskin (2018) characterized these investigators immerse in a frontier insider-outsider changing, fluid and diffuse, but this description would seem self-referential, i.e., your case, because during the investigation he was sponsored and employed as a researcher in IT department although before he was working for five years in the bank's human resources department (p.162). Is this so throughout and in all fieldwork? Not necessarily: the universes of insider investigators are very wide and, in this case, the condition senatorial clerk-researcher led to the status of being member of staff situated early at the start of the study.

However, obtaining the trust of the co-workers was not easy. Some of the questions or statements that received as insider were: "Why are you asking me things that you already know?", "We think the same, my opinion about the union is not new for you". On the contrary, if the question posed was perceived as threatening for their interests such as questions about strategies and negotiations to get promotions or other scopes, the condition of member of staff, was perceived as potential competence and had outsiders' challenges. In the HSN, the greatest difficulty for the outsider is the mistrust and reluctance of the informants to provide information because it is an institution exposed to the leaking of sensitive information to the press. The exploratory proposal of trying to reflect on insights that arose during occasional conversations at work generated tensions because it unmasked naturalized practices. The colleagues understood the researcher's position in the field as that of a clerk and she was treated as such, she then explored together with them the convenience of making certain naturalized practices visible.

During the investigation, the clerk position allowed the questioning of the study of the State from the political spaces and identities only. This perspective "from above" had to be complemented, according to Marc Abélès (2005, 2012), with a view *of* and *from the point of view of* the experiential worlds of the actors due to the multiple meanings that they give to their experiences. It considered the ethnography of the HSN "from below", from the naturalized actions of the staff and from the narrative, both the written documents and that orality present in the daily actions of people. When looking "from below" it unveiled that for the actors (personnel, authorities, senators, unionists) the Senate was a *casa* whose main characteristic was that it was "political". It was the answer to *what* to study. The purpose of the research was to unveil that invisible world that enabled the "*casa* to function" but that remained always in the shadows, the world of the staff who are the blood and flesh of the institution, day in day out. The scope was to move from the representations built by the academics and the society to offer a *natural* portrait of the legislative staff. The centrality of the ways in which institutional practices arise, are reproduced and naturalized, emerged during long conversations. Another issue that become apparent is that these practices are related to the staff's perception of themselves, the microcosm where they work and the national context, that, in the period studied, was characterized by the exponential increase of the human resources in all the public bodies including the Senate.

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Colabella (2012) characterized the informal transmission built behind "closed doors" in the NC as a *tradition* present in both Chambers. From the point of view of this study, *casa* -that invisible face of Argentinian Senate- embodied that *tradition* sustained on the uses and customs that functioned as an umbrella that validated the actions that the actors could not justify in terms of the norms in force such as those for the appointment and promotion of the personnel.

The answer to the question how to conduct the investigation, that is, the approach or method, was gradual, and the conformation of the theoretical framework was gradual also. Donna Haraway (1988) questioned the paradigm of objectivity in the social sciences and proposed "not giving in to the tempting myths of vision" (p.582). This author argued that knowledge is situated and that this is supported both by the recognition of the impossibility of scientific neutrality and by the personal, political and ideological perspectives of the researchers themselves. Situated knowledge is based on a fragmented one, and focused on certain aspects of reality, which refutes the vision of a universal view. This perspective offered the possibility of reflecting on the object increasing the clerk side of the researcher. It confirmed that "only the partial perspective promises an objective view... The 'eyes' made available in modern technological sciences shatter any idea of passive vision; these prosthetic devices show us that all eyes, including our own organic ones, are active perceptual systems, building on translations and specific *ways* of seeing, that is, ways of life". (Haraway, 1988: 583, italics of the author). This partial look from below required new skills and points of view and no look is innocent, even those of the groups within the elites that become invisible. The partial knowledge approach focuses on certain aspects of reality in order to decode the perceptual systems, the translations and the specific ways on which the actors base their actions (Haraway, 1988). By deconstructing the notion of truth to demonstrate its historical specificity, Haraway unmasked the bias of science and corroborated that objectivity is situated, even if it does not seem so. Narayan (1993) for her part, positioned in the dilemmas of the insider anthropologist, described the hybridity of the knowledge generated by these investigators that belong "simultaneously to the world of engaged scholarship and the world of everyday life" (p. 672). The research of the HSN was situated in the double belonging to both worlds, i.e. the world of the daily life of the Senate staff and the world of the research for a doctoral Dissertation. This investigation involved both the analysis of the rules, decrees and parliamentary decisions and the links of the staff with senators, political and trade unions people through their union or political activity, or personal relationships.

These studies are complex because as David Mosse (2006) revealed "this kind of ethnography, where field/desk, self/other, subject/object, here/there distinctions do not apply in the same way" (p.938) that the traditional ethnography. Mosse rightly warned that access to closed institutions (as in this case parliaments), was facilitated because working "there" often reversed the challenges for these researchers, who unlike most ethnographers had easier access to the field and to privileged information and at the same time created problems to quit: how to "get out of the field" when this is the researcher's workplace?

The research in the HSN made it possible to relativize some observations by Bruskin and Mosse. In this case, the work/research boundaries could become blurred, but they did not disappear. When work and research do not imply the same interest, that is, when the researcher as an employee must fulfil the tasks assigned to receive his salary, she is not always doing field in her field's he had to first perform the job duties. However, it is true that so many days, months and years sharpen the "ethnographic" eye.

The situation to which Mosse (2006) alludes differed in some respects from the clerk-researcher's dilemmas, when he worked as anthropologist-consultant for the UK government's Department for International Development (DFID) between 1990 and 2001. As all research has conditioning factors that make the knowledge of the object of study partial and, as Mosse recognized, the outcome was "a critical analysis of policy and administrative rationality and modes of expertise in aid and development — including those of social anthropology itself. It was based on the best available evidence, but was still an interested interpretation, a personal analytical account; an ethnography in which I was myself a key informant" (p.938). There is no doubt that the researcher also became a key informant of her research, but unlike Mosse, she had been working at the HSN for 7 years when she started her doctoral thesis, she continued performing her work in in the Senate while she studied it and after her PhD was over. Leaving the field was gradual because she was "caught" in the interstices of her research during the two years she continued working at the HSN after her thesis was completed. The naturalization of the clerk-researcher duality in which she was inserted became a continuous reception of comments and information from her colleagues, since there was a need in them to maintain her as an interlocutor of senatorial daily life. Even if they knew that the study had ended, the situation due to a question of camaraderie was very difficult to overcome; As a corollary, observation of daily routines was inescapable.

IV. Some Considerations about being a Clerk-Researcher

The choice to research the Senate and to use *casa política* as main category for the analysis faced the

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member of the parliamentary staff with several challenges. The first, the criticisms regarding the problems of distancing from the object of study raised by some professors and fellow doctoral students which were more difficult to overcome than the initial fears of the peers in the Senate. However, gradually, and thanks to the contributions of colleagues, it was possible to elaborate the theoretical framework that would make up the research, based on knowledge located from the perspective of a clerk who investigated the parliamentary work environment of which she was a part. During that journey, a finding that surprised her as a researcher was that in Argentina there were antecedents of investigations carried out by staff members in work contexts, but this situation was left aside (as in the mentioned work of the parliament of Misiones of Laura Ebenau), or just vaguely mentioned in ethnographies. The topic deserved a deep debate but, since these researchers did not clarify their contexts, their experiences remained invisible.

A second challenge was to preserve the identity of the fellow staff members who collaborated as key informants. Although this is a basic premise of all scientific research, in this case it became particularly relevant because some of these people they would continue to be part of her daily work world once the research was over, and the researcher remained "there". Parliaments are microcosms where staff interact permanently, and she did not want to affect the pleasant working environment where she worked daily.

There were three different presidential administrations while this research was conducted but, despite the fact that the three of them were aware of the investigation, none of them was interested in it, neither in its reach, nor in its findings, not even when it was concluded. This lack of interest constituted an advantage for the scholar, who did not have any trouble as clerk-researcher but, at the same time, confirmed that the reference to the *casa política*, that the actors assumed as a characteristic of the HSN, referred to a way the Chamber worked, beyond the parliamentary administrations of the various political parties. This organizational particularity prevented the study and its finding from becoming a joint work-dissertation experience, favouring the transfer of knowledge and a deepening of the findings from applied anthropology.

Despite the fact that during an initial phase the clerk was treated as an outsider, gradually the clerk condition started taking over. This position of clerk-researcher- revealed a new way to investigate the HSN and enhanced the possibility of conducting a critical analysis of the institutional processes.

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Violation of the due Process or Traffic Violation Procedure in Colombia: Impossibility of a Double Institution against Penalties of Less than 20 Legal Minimum Wages in Effect (LMWE)

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Abstract- The contravention procedure in transit and land transport matters is not expressed in the specific regulations that refer to Law 769 of 2002, nor in subsequent laws. Such procedure is subject to the General Code of the Process (Law 1564 of 2012), and to the Administrative Litigation (Law 1437 of 2011), as well as to other diverse norms, so then, in the absence of an own compilation, you must go to different procedural requirements to clarify the regulation of the contravention procedure in transit matters in our country. The foregoing allows us to infer, the difficulties faced by the citizen in exercising his right of defense before the competent authorities, which may result in the unconstitutionality of said procedure by violating the fundamental rights to due process, while preventing the double instance in those contraventions where the amount does not exceed the 20 legal minimum wages in force. In general terms, this article is based on a qualitative methodology, based on the study of existing legal and theoretical literature, reconstructing the context and legal structure of the phenomenon.

Keywords: contravention, due process, second instance, contravention procedures and fundamental rights.

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Violation of the due Process or Traffic Violation Procedure in Colombia: Impossibility of a Double Institution against Penalties of Less than 20 Legal Minimum Wages in Effect (LMWE)

La Violación del Debido Proceso en el Procedimiento de Infracción de Tránsito en Colombia: La Imposibilidad de Una Doble Instancia Contra Sanciones Por Debajo de 20 Salarios Mínimos Diarios Legales Vigentes (SMDLV)

A Violação do Devido Processo no Procedimento de Infração de Trânsito Na Colômbia: A Impossibilidade de Dupla Instância Contra Sanções Inferiores a 20 Salários Minimos Diários Legais Vigentes (SMDLV)

Juan Carlos Cardona Londoño [α], Karina Lopera Graciano [σ] & Leidy Cristina Mejía Cadavid [ρ]

Resumen- El procedimiento de infracción por tránsito y transporte terrestre no se expresa en la normativa específica que se refiere a la Ley 769 de 2002, ni en leyes posteriores. Dicho procedimiento se encuentra sujeto al Código General de Procesos (Ley 1564 de 2012), y al Contencioso Administrativo (Ley 1437 de 2011), así como a otras normas diversas, por lo que, al no existir compilación propia, es necesario Recurrimos a varios preceptos procesales para aclarar la regulación del procedimiento de infracción de tránsito en nuestro país. Lo anterior permite inferir las dificultades que enfrentan los ciudadanos en el ejercicio de su derecho de defensa ante las autoridades competentes, lo que puede conducir a la inconstitucionalidad de dicho procedimiento por violación de los derechos fundamentales al debido proceso, ya que evita la doble instancia en faltas. en que el monto no exceda los 20 salarios mínimos legales vigentes. En general, este artículo se basa en una metodología cualitativa, basada en el estudio de la literatura jurídica y teórica existente, reconstruyendo el contexto y la estructura jurídica del fenómeno. Esto último, con el objetivo de atender la vulneración del debido proceso en las infracciones de tránsito, que marcan la negación de la segunda instancia a la ciudadanía. Para ello, el lector cuenta con las definiciones necesarias para comprender el referido procedimiento, además de los preceptos constitucionales y las consecuencias de la inaplicabilidad constitucional en garantías al asociado, todo ello bajo el enfoque hermenéutico que interpreta los textos normativos frente a la realidad fáctica. realidad.

Palabras clave: violación de tráfico, debido proceso, segunda instancia, procedimiento de infracción, derechos fundamentales.

Resumo- O procedimento de infração em matéria de trânsito e transporte terrestre não está expresso na regulamentação específica que se refere à Lei 769 de 2002, nem em leis posteriores. Tal procedimento está sujeito ao Código Geral do Processo (Lei 1564 de 2012), e ao Contencioso Administrativo (Lei 1437 de 2011), bem como a outras normas diversas, portanto, uma vez que não há compilação própria, é preciso recorrer a diversos preceitos processuais para esclarecer a regulamentação do procedimento de infração em matéria de trânsito em nosso país. O que antecede permite inferir as dificuldades que os cidadãos enfrentam no exercício do seu direito de defesa perante as autoridades competentes, o que pode levar à inconstitucionalidade do referido procedimento por violação dos direitos fundamentais ao devido processo, visto que evita a dupla instância nas Contravenções em que o valor não excede os 20 salários mínimos legais em vigor. Em linhas gerais, este artigo baseia-se em uma metodologia qualitativa, partindo do estudo da literatura jurídica e teórica existente, reconstruindo o contexto e a estrutura jurídica do fenômeno. Esta, com o objetivo de abordar a violação do devido processo nas infrações de trânsito, que marcam a negação da segunda instância aos cidadãos. Para tanto, são fornecidas ao leitor as definições necessárias à compreensão do referido procedimento, além dos preceitos constitucionais e consequências da inaplicabilidade constitucional nas garantias ao associado, tudo sob o enfoque hermenêutico que interpreta os textos normativos frente à realidade factual.

Palavras-chave: infração de trânsito, devido processo, segunda instância, procedimento de infração, direitos fundamentais.

Abstract- The contravention procedure in transit and land transport matters is not expressed in the specific regulations that refer to Law 769 of 2002, nor in subsequent laws. Such procedure is subject to the General Code of the Process (Law 1564 of 2012), and to the Administrative Litigation (Law 1437 of 2011), as well as to other diverse norms, so then, in the absence of an own compilation, you must go to different procedural requirements to clarify the regulation of the contravention procedure in transit matters in our country. The foregoing allows us to infer, the difficulties faced by the citizen in exercising his right of defense before the competent authorities, which may result in the unconstitutionality of said procedure by violating the fundamental rights to due process, while preventing the double instance in those contraventions

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where the amount does not exceed the 20 legal minimum wages in force. In general terms, this article is based on a qualitative methodology, based on the study of existing legal and theoretical literature, reconstructing the context and legal structure of the phenomenon. This, with the objective of addressing the violation of due process in transitory traffic matters, which mark the denial of the second instance to citizens. For this, the reader is provided with the definitions required to understand the aforementioned procedure, in addition to constitutional requirements and consequences of the constitutional inapplication in the guarantees to the associate, all this under the hermeneutical approach that interprets the normative texts against the factual reality.

Keywords: contravention, due process, second instance, contravention procedures and fundamental rights.

I. Introducción

La Organización Mundial de la Salud (*en adelante OMS*) ha mostrado su preocupación por el aumento de los índices de mortalidad vial ocasionados por las muertes tempranas en accidentes de tránsito, en este sentido, advierte que dicho aumento durante los últimos años, se ha convertido en un asunto de salud pública al que hay que prestarle mucha atención, puesto que:

> Cada año, cerca de 1,3 millones de personas fallecen a raíz de un accidente de tránsito —más de 3000 defunciones diarias— y más de la mitad de ellas no viajaban en automóvil. Entre 20 millones y 50 millones de personas más sufren traumatismos no mortales provocados por accidentes de tránsito, y tales traumatismos constituyen una causa importante de discapacidad en todo el mundo. El 90% de las defunciones por accidentes de tránsito tienen lugar en los países de ingresos bajos y medianos, donde se halla menos de la mitad de los vehículos matriculados en todo el mundo. Entre las tres causas principales de defunciones de personas de 5 a 44 años figuran los traumatismos causados por el tránsito. (OMS, 2011, p. 3)

De acuerdo con las estadísticas arrojadas por la Agencia Nacional de Seguridad Vial, en Antioquia, de acuerdo con la información preliminar del Observatorio Nacional de Seguridad Vial (ONSV), entre enero y diciembre de 2017 se registraron un total de 939 personas fallecidas reportados por el Instituto Nacional de Medicina Legal y Ciencias Forenses (INMLCF). Estas cifras reflejan un aumento del 9,3% en el número de fallecidos, en comparación con el mismo periodo del año 2016 (Agencia Nacional de Seguridad Vial, 2017, p. 2).

Ante dicho aumento, la OMS sugiere que los países en los cuales se identifique dicho crecimiento, deben implementar una política pública en seguridad vial, la cual establezca la ruta para mitigar riesgos y prevenir este tipo de muertes. En este sentido, Colombia ha adoptado las recomendaciones de la OMS a partir de cinco pilares implementados mediante el Plan Nacional de Seguridad Vial 2011 -2020; dichos pilares son: "1) Gestión de la seguridad vial, 2) Vías y movilidad más seguras, 3) Vehículos más seguros, 4) Usuarios de vías de tránsito más seguros y 5) Respuesta tras los accidentes". (Ministerio de Transporte, 2014, p. 172)

Ante este contexto, el presente artículo se concentró en el abordaje del primer pilar de la política pública en seguridad vial, el cual se denomina gestión institucional y desde el cual se establecen los siguientes elementos: implementación, socialización y seguimiento del Plan Nacional de Seguridad Vial, fortalecimiento institucional, nueva institucionalidad para la seguridad vial y formulación y ajuste de políticas para la seguridad vial, a grandes rasgos esta política tiene como objetivo: "definir e implementar lineamientos de políticas públicas que impulsen y faciliten la coordinación institucional e intersectorial de acciones en seguridad vial, para la consecución de objetivos comunes que prevengan, reduzcan y/o mitiguen el impacto de los accidentes asociados al tránsito" (Ministerio de Transporte, 2014, p. 54).

Como deja ver los preceptos de la OMS y las actuaciones legales de nuestro país, el considerable aumento de situaciones que ponen en riesgo la seguridad vial, más allá de las muertes, lo cual ha obligado a avanzar en procesos de fortalecimiento institucional, que permitan una mayor regulación y arbitramiento por parte de las instituciones públicas. Se debe recordar que si bien todos actores sociales somos protagonistas de la gestión efectiva en asuntos de movilidad, la institucionalidad se configura como referente que sirve de columna vertebral en el desarrollo de la política pública.

Sin embargo, atendiendo a la problemática expuesta por la OMS y verificando el procedimiento estricto en asuntos de tránsito, se hace importante establecer los alcances de instituciones y procesos tales como el debido proceso, la doble instancia, la motivación del legislador, el criterio de la Corte Constitucional y avistar el Bloque de Constitucionalidad, ello para dar respuesta al problema de investigación referido a la vulneración del debido proceso en contexto de las contravenciones que no tiene la doble instancia para oponerse cuando no exceden de 20 SMLMV.

En definitiva, el presente escrito indaga por las condiciones actuales que impiden que los ciudadanos puedan contar con mecanismos procesales claros y coherentes en el ejercicio de garantías procesales, donde la institucionalidad establezca un marco procesal más estable que verdaderamente ofrezca la seguridad jurídica para lograr la aplicación correcta de la justicia.

Es importante recordar que la doctrina, en especial de Robert Alexy (2005), indica que los derechos no son inaplicables per se, pues necesitan una herramienta para su efectividad. La norma que va ligada a un derecho es aquella que se aplica en tanto que los derechos fundamentales como tal son

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abstractos. De manera que nuestro sistema, dotado del principio que otorga una norma de aplicación de un derecho que depende en exclusiva de la realidad fáctica y jurídica de cada caso, persigue el cumplimiento optimizado de los derechos fundamentales.

Según lo anterior, y desde el modelo de Alexy, el sistema colombiano es uno perfecto que cuenta con un catálogo de derechos fundamentales (no taxativo), con fuerza obligatoria y con un tribunal constitucional que vela por el cumplimiento de los derechos. Mientras tanto, el sistema imperfecto será aquel que no reúna dichas condiciones; en tal sentido, lo anterior fortalece la relación directa entre el orden constitucional y la realidad fáctica de los asuntos contravencionales de tránsito, aquellos precisamente que se oponen a la aplicación de la doble instancia aun cuando constitucionalmente le asiste el derecho.

Para alcanzar tal objetivo, es necesario remitirnos al artículo 29 de la Constitución Política vigente en nuestro país, a fin de precisar desde la literalidad e interpretación natural el principio al debido proceso; entendiéndolo como principio direccionador de rumbos procesales en cualquier clase de actuación judicial o administrativa, con el cual el legislador determina que si bien no es un derecho absoluto en tanto se refiere a la doble instancia y le deja la posibilidad a algunos sectores de decidir acerca de la aplicación o no, atendiendo a la celeridad, economía procesal y a las políticas de descongestión; es importante también aclarar que el legislador exigió que, aunque le permita la excepción constitucional de la garantía de la doble instancia, deberá en todo caso motivar su inaplicación.

En este orden de ideas, y atendiendo a la realidad del escenario contravencional, y tras observar la cantidad de accidentes que se presentan a diario en las vías colombianas, se puede evidenciar como los intereses pecuniarios y los derechos del presunto contraventor se ven afectados; esto con fundamento en la vivencia propia, desde la experiencia de aproximadamente dos años como abogada litigante representando a los conductores involucrados en accidentes de tránsito, con lo cual se puede indicar que se adelantan un promedio de cinco audiencias por día y en el mes un promedio de cien aproximadamente; situación que arroja información suficiente para aseverar que existen ocasiones en las que se haría justicia si no existiera limitante en la posibilidad de apelar.

> En el mismo sentido, en palabras de Robert Alexy, según la teoría estrecha y rigurosa,
>
> Las normas que garantizan los derechos fundamentales no se distinguen esencialmente de otras del sistema jurídico. Por supuesto, como normas del derecho constitucional tienen su lugar en el nivel más alto del mismo sistema, y su objeto son derechos de elevadísima abstracción y la más grande importancia; pero todo esto no es —según la teoría de las reglas— base alguna para cualquier diferencia fundamental de índole estructural: ellas son normas jurídicas, y como tales son aplicables exactamente de la misma manera que todas las demás; su peculiaridad solamente consiste en que protegen frente al Estado determinadas posiciones del ciudadano descritas en abstracto" (Alexy, 2009, p. 4).

Este tratadista impone irremediablemente la primacía constitucional en la aplicación procedimental en asuntos donde el ciudadano requiera protección inminente frente a una posible vulneración. Por otro lado, es importante observar la perspectiva ofrecida por Agudelo (2004), en relación con la legalidad de las formas, se dirá que:

> La ley procesal traza el derrotero de los actos procesales en atención a su fin, no dependiente del mero capricho de los sujetos partícipes. Este principio no reivindica el procedimentalismo y el ritualismo exagerado, sino la observancia de la forma fundamental, aunque elástica y no rígida, como garantía medio para obtención de una decisión correcta. Exige oír a las personas bajo la condición de la observancia de la plenitud de las formas propias de cada juicio, sin abusar de las mismas. (Agudelo 2004, p. 97).

De esta forma, este principio sirve para comprender la importancia que tiene dentro del proceso el estricto cumplimiento de las garantías constitucionales tales como el acceso a la justicia, el debido proceso, la doble instancia dentro del marco de legalidad que orienta el procedimiento en comento.

II. Metodología

(Autores. Es interesante detallar mejor la cuestión metodológica ya que tenemos lectores de varias otras áreas del conocimiento. Sugerimos que digan cuál es la metodología: ¿es investigación exploratoria? ¿Es un estudio de caso? ¿Es investigación etnográfica? ¿Es netnográfica? ¿Es investigación de campo? ¿Es investigación de laboratorio? ¿Es investigación de revisión bibliográfica (de ser así, cuál es el período cubierto, cuáles son los criterios de investigación y cuáles son las bases o fuentes utilizadas?) ¿Cuál es la naturaleza del trabajo si es cualitativo, cuantitativo o cuali-cuanti y, principalmente qué autores brindan apoyo metodológico al tipo de trabajo que realizan. Sugerimos que utilicen:, (Autores. Si tiene otro autor o libro de metodología de preferencia, tenga la seguridad de utilizarlo, sin dificultades):

Pereira AS y col. (2018) Metodología de la investigación científica. [libro electronico]. Santa María. Ed. UAB/NTE/UFSM. Disponible en: https://repositorio.ufsm.br/bitstream/handle/1/15824/Lic_Computacao_Metodologia-Pesquisa-Cientifica.pdf?sequence=1.

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haciendo. Cita y referencia de acuerdo a los estándares APA. Muchas gracias).

El presente artículo se fundamenta en la metodología cualitativa, con la cual se abordó la vulneración al debido proceso en asuntos contravencionales de tránsito, a través del estudio de la literatura jurídica existente, indagando fuentes las secundarias, observando información teórica y legal, a través de la cual se construyó el contexto y una lectura legal del fenómeno, elementos indispensables para abordar la comprensión a la negación de la segunda instancia en asuntos contravencionales de tránsito que sufren los colombianos.

En este entendido, el presente estudio se desarrolló con fundamento en un proceso de indagación documental y hermenéutico, en el cual se consolidó un ejercicio de investigación que permitió identificar el contexto y naturaleza jurídica del fenómeno de estudio. Lo anterior, permitió la construcción de alternativas para intervenir el medio en el que aparece el fenómeno, ello a partir del estudio y análisis que presentan las normas y los doctrinantes, concretamente a partir de los textos, de historias de vida, de los contenidos y sus significados en el contexto del mundo histórico del que procede.

De igual forma, se reconoce la hermenéutica como disciplina central, a través de la cual se pudo realizar la interpretación de textos, en los cuales el objeto y el sujeto son analizados e interpretados desde el mismo ámbito de aplicación, donde se pueda establecer su relación y extraer conclusiones en horizontes de comprensión más amplios. Por ende, a través de esta disciplina se buscan respuestas a preguntas que se centran en el desarrollo del tema a indagar y en la experiencia social, pero, sobre todo, en la comprensión de cómo aportan significado a la vida.

Finalmente, la interpretación de textos jurídicos, normas procedimentales y sustanciales, especialmente lo que respecta a la Constitución Política de Colombia y la Ley 769 de 2002, sirvieron de ruta para el análisis acucioso pretendido, esto, articulado con la experiencia litigiosa en asuntos contravencionales, experiencia que se ha adquirido laborando en el sector asegurador, por tanto, el presente escrito presenta aportes que favorecen la compresión final del tema abordado.

III. Resultados y Discusión

El procedimiento establecido por el legislador para las contravenciones de tránsito, intenta dar respuesta a las necesidades de las partes, con el objetivo de finalizar en el mejor de los terminos un conflicto. Si bien, existe un procedimiento establecido para debatir una pugna contravencional, lo cierto es que dicho procedimiento y las normas propias de éste, deja en libertad algunos asuntos que contrarían la finalidad de este. En este sentido, es necesario remitirnos a Prieto (2003), quien realiza una aproximación a los conceptos de proceso y procedimiento:

> El proceso, entonces, es una actividad, es decir, un conjunto de actos cuya finalidad es resolver un conflicto con incidencia jurídica a través de una providencia, la sentencia, en la cual se manifiesta la soberanía al aplicar el derecho. Esta actividad implica una relación jurídica-procesal, En la que participan unos sujetos —el juez, las partes—, cuyo objeto es una relación jurídica "sustancial", cuyo devenir se haya en conflicto, cuya finalidad es la de impartir justicia (Prieto, 2003, p. 813).

En este caso, si bien los aportes teóricos de Pietro nos permiten observar la naturaleza y los componentes del proceso, en necesario remitirnos a lo que sostiene la Corte Constitucional frente al tema:

> En cuanto a la formación y ejecución de los actos, a las peticiones que realicen los particulares, a los procesos que por motivo y con ocasión de sus funciones cada entidad administrativa debe desarrollar y desde luego, garantiza la defensa ciudadana al señalarle los medios de impugnación previstos respecto de las providencias administrativas, cuando crea el particular, que a través de ellas se hayan afectado sus intereses (Corte Constitucional, 1992).

Es importante entonces estudiar cómo el legislador ha regulado el procedimiento, destacando las etapas correspondientes.

a) Estructura del procedimiento contravencional

Una vez el ciudadano participa de un evento en donde se surta un accidente de tránsito y éste no acepta la responsabilidad - *la cual puede ser aceptada de manera tácita si el asociado paga la sanción* - pero en el evento contrario, donde la persona está en desacuerdo con la posterior sanción, podrá someterse al procedimiento establecido en los términos dados por el legislador. Este sería el esquema general de dicho procedimiento.

i. *Orden de comparendo*

Cuando un ciudadano aparentemente incurre en una infracción contendida en la Ley 769 de 2002, con la cual se expidió el Código Nacional de Tránsito Terrestre (en adelante CNTT) y es identificado por un agente de tránsito, éste último le deberá entregar una orden de comparendo que no es más que una citación formal, la cual debe estar firmada por el agente de tránsito y el ciudadano, sin embargo, bajo el entendido de que el infractor no quiera firmarla, el agente la hará firmar por un testigo de los hechos. (Autores. Llame al Gráfico 1 en el texto antes de su inserción).

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Fuente: Elaboración Propia

Gráfico 1: Audiencia Contravencional de Tránsito

Ahora bien, es importante recordar que la orden de comparendo en sí misma no es una sanción, sino una notificación y, por ende, goza de presunción legal, pudiendo ser controvertida en todo momento; debate que deberá surtirse dentro de los cinco (5) días hábiles a partir de la comisión de la presunta infracción de acuerdo con el artículo 135 del CNTT, el cual plantea el procedimiento de impugnación, a saber:

> *Artículo 135. Procedimiento.* Modificado por el art. 22, Ley 1383 de 2010. Ante la comisión de una contravención, la autoridad de tránsito debe seguir el procedimiento siguiente para imponer el comparendo: Ordenará detener la marcha del vehículo y le extenderá al conductor la orden de comparendo en la que ordenará al infractor presentarse ante la autoridad de tránsito competente dentro de los tres (3) días hábiles siguientes. Al conductor se le entregará copia de la orden de comparendo. Si el contraventor no compareciere sin justa causa comprobada en este tiempo, la multa será aumentada hasta por el doble de su valor, en cuyo caso deberá presentarse dentro de los diez (10) días siguientes a la fecha de la infracción.
>
> La orden de comparendo deberá estar firmada por el conductor, siempre y cuando ello sea posible. Si el conductor se niega a firmar o a presentar la licencia, firmará por él un testigo. Contra el informe del agente de tránsito firmado por un testigo solamente procede la tacha de falsedad.
>
> El Ministerio de Transporte determinará las características del formulario de comparendo único nacional, así como su sistema de reparto. En éste se indicará al conductor que tendrá derecho a nombrar un apoderado si así lo desea y que, en la audiencia, para la que se le cite, se decretarán o practicarán las pruebas que solicite. El comparendo deberá además proveer el espacio para consignar la dirección del inculpado o del testigo que lo haya suscrito por éste. (Congreso de la República, 2002).

En terminos generales, la orden de comparento se configura como un primer material provatorio al describir y referrir la ocurrencia de una conducta querellable, iniciando un proceso en el cual el ciudadano debe contar con todas las garantias procesales para su defensa.

ii. *La audiencia de impugnación*

La audiencia de impugnación consiste en la posibilidad que tiene el presunto infractor de debatir la orden de comparendo si considera que no es responsable de ésta, situación que lo obliga a acudir frente a las autoridades a fin de esgrimir los argumentos que considera necesarios para salvar su responsabilidad, además deberá aportar elementos materiales probatorios que sustente las circunstancias de tiempo, modo y lugar que fortalezcan su defensa, de igual forma podrá solicitar practica de pruebas que conduzcan al esclarecimiento de los hechos.

Por consiguiente, si el ciudadano no tiene elementos para impugnar, esto es, si no cuenta con herramientas para controvertir los hechos, la decisión impartida por el funcionario será materializada en los términos de dicha decisión sin más consecuencias que la resultante de dicha manifestación legal.

a. *Actividad probatoria*

En relación con la actividad probatoria, se debe afirmar que las normas que guían dichas prácticas obedecen a las establecidas en el derecho probatorio, igualmente guardan relación con las disposiciones contenidas en algunas de las diversas legislaciones que integran nuestro ordenamiento jurídico (*civil, procesal civil, penal, procesal penal, administrativa y contencioso administrativo*), situación que le da la naturaleza hibrida al proceso contravencional.

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En este sentido, y teniendo en cuenta lo expresado anteriormente, se debe afirmar que frente a este procedimiento se deben observar en todo momento, las máximas establecidas para los medios cognoscitivos. En efecto, se debe entender por medios cognoscitivos aquellos elementos mediante los cuales el actor podrá probar la realidad de los hechos (Congreso de la Republica, 2004), en otras palabras, estas herramientas hacen referencia a los elementos materiales probatorios o evidencias físicas, tales como medios documentales, testimoniales, análisis periciales, registros fotográficos, fílmicos, entre otros, que se deben allegar a fin de aportar a dicho proceso.

En consecuencia, en este proceso contravencional el traslado de las pruebas implica dejar que el impugnante se pronuncie sobre estas con el objetivo de que pueda contradecirlas, sin embargo, respecto a los testimonios, tiene derecho a pronunciarse sobre lo declarado y sobre todo a realizar el contrainterrogatorio, ello debido a que, si no se realiza este ejercicio, el proceso será nulo ya que está sometido al principio constitucional del debido proceso.

iii. *Audiencia de fallo*

Surtida la etapa probatoria, la autoridad de tránsito o el inspector de tránsito, debe constituirse en audiencia pública para emitir una decisión de fondo, allí este funcionario debe considerar todos los elementos materiales probatorios recaudados para decidir sobre la responsabilidad contravencional o absolución de esta.

Para materializar la decisión se debe emitir una resolución motivada y en caso de endilgar responsabilidad al inculpado, donde se le asignará el título de imputación y la imposición de la multa a que haya lugar.

Seguidamente, se debe recordar que es en esta etapa del proceso en donde se pueden interponer los recursos que contiene el CNTT, ello de acuerdo con la cuantía de la multa, por tanto, si es de veinte (20) salarios mínimos diarios legales vigentes o menor, será susceptible del recurso de reposición, entre tanto, si supera esta cuantía o la sanción a imponer es suspensión o cancelación de licencia de conducción, se podrá formular el recurso de apelación, de acuerdo al artículo 142 del código en comento.

Contra las providencias que se dicten dentro del proceso procederán los recursos de reposición y apelación. El recurso de reposición procede contra los autos ante el mismo funcionario y deberá interponerse y sustentarse en la propia audiencia en la que se pronuncie. El recurso de apelación procede sólo contra las resoluciones que pongan fin a la primera instancia y deberá interponerse oralmente y sustentarse en la audiencia en que se profiera. Toda providencia queda en firme cuando vencido el término de su ejecutoria, no se ha interpuesto recurso alguno o éste ha sido negado. (Congreso de la República, 2002).

Finalmente, clarificando el punto anterior, se puede afirmar que si el ciudadano es declarado culpable y se hace acreedor a una sanción menor de veinte (20) SMMLV, y desea y tiene con que oponerse en primera instancia, tendrá derecho a recurso de reposición y no de apelación, caso en el cual será resuelto por el mismo funcionario que lo declaró culpable inicialmente, sin embargo, se debe aclarar que no podrá poner en consideración de un inmediato superior de quien en primera instancia lo declaró culpable; así las cosas, su inconformismo quedará sin resolución.

b) El debido proceso

La institución del debido proceso debe enfocarse desde varias aristas, esto es, desde una óptica constitucional y legal, igualmente desde la naturaleza internacional y finalmente desde una mirada que recoge la intención del legislador, ello toda vez que su criterio debe servir de orientación en la afirmación afianzada del presente estudio.

Ahora bien, en atención a las posiciones antedichas, se comenzará por recorrer los enfoques constitucional y legal del debido proceso en la aplicación genérica en los asuntos procesales. Al respecto, Agudelo (2004) manifiesta que:

> El debido proceso es un derecho fundamental contentivo de principios y garantías que son indispensables de observar en diversos procedimientos para que se obtenga una solución sustancialmente justa, requerida siempre dentro del marco del estado social, democrático y de derecho (Agudelo, 2004, p. 89).

En este orden de ideas, se considera que el derecho constitucional tiene evidente vocación garantista y protectora, y si bien las definiciones que se presentan de este son limitadas en aspectos puntuales que remiten a considerar la estructura del Estado Social de Derecho respecto de la democracia y la aprehensión de los principios, se debe aclarar que la lectura genérica que se debe hacer de este debe redundar en beneficio para el ciudadano y las instituciones, de tal suerte que sirvan de orientación o guía y cimienten en positivo la intención estatal.

En efecto, se debe insistir que el debido proceso constituye un derecho de toda persona a participar en un procedimiento dirigido por unos sujetos con unas cualidades y funciones concretas, pues se trata de un derecho que se encuentra desarrollado de conformidad con las normas preestablecidas en el ordenamiento jurídico, en las que se debe decidir conforme al derecho sustancial preexistente, siempre y cuando se dé la oportunidad de oír o escuchar a todos los sujetos que puedan ser afectados con las resoluciones que allí se adopten.

En consecuencia con lo anterior, se debe considerar que el debido proceso deberá estar encuadrado en una estructura garantista y conciliadora

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dentro del establecimiento constitucional, sin mayor profundidad inicial pero respetando el escenario primario en el que debe ajustarse el debido proceso, esto es, en un ambiente procesal en donde los sujetos tienen pleno derecho a intervenir en todos los asuntos que les perjudique, actuando de manera directa e indirecta en el pronunciamiento del injusto, interponiéndose a las decisiones que le son desfavorables de las cuales tengan justificación en su oposición y consideren no se ajustan a derecho, esperando sean escuchado y tenido en cuenta su posición (Agudelo, 2005, p. 100).

Asimismo, la Constitución Política establece en su artículo 29 que:

> El debido proceso se aplicará a toda clase de actuaciones judiciales y administrativas. Nadie podrá ser juzgado sino conforme a leyes preexistentes al acto que se le imputa, ante juez o tribunal competente y con observancia de la plenitud de las formas propias de cada juicio. En materia penal, la ley permisiva o favorable, aun cuando sea posterior, se aplicará de preferencia a la restrictiva o desfavorable. Toda persona se presume inocente mientras no se la haya declarado judicialmente culpable. Quien sea sindicado tiene derecho a la defensa y a la asistencia de un abogado escogido por él, o de oficio, durante la investigación y el juzgamiento; a un debido proceso público sin dilaciones injustificadas; a presentar pruebas y a controvertir las que se alleguen en su contra; a impugnar la sentencia condenatoria, y a no ser juzgado dos veces por el mismo hecho. Es nula, de pleno derecho, la prueba obtenida con violación del debido proceso (Congreso de la República de Colombia, 1991).

Seguidamente, téngase en cuenta que, si bien el artículo anterior habla de sindicado, aparentemente limitando el actor en lo relativo a los asuntos penales, vale resaltar que el artículo 29 Superior se aplica a toda clase de actuaciones y en cada una de estas los actores adquieren diversas denominaciones, a saber: *demandante, demandado, imputado, indiciado, querellante, quejosos, contraventor, etc.* (Congreso de la República de Colombia, 1991), aspecto con el cual no se quiere decir que dichos actores no son benefactores del mandamiento constitucional, sino todo lo contrario, es decir, que se les debe garantizar este derecho fundamental sin importar la consideración que adquieren dentro del proceso.

De igual forma, el artículo 29 Superior indica de manera clara y sin límites el derecho a la controversia de las pruebas o elementos materiales probatorios que le alleguen en su contra e igualmente el derecho a impugnar la sentencia condenatoria, por tanto, se debe recordar que:

> Dentro del campo de las actuaciones administrativas el debido proceso es exigente en materia de legalidad, ya que no solamente pretende que el servidor público cumpla las funciones asignadas, sino además que lo haga en la forma como determina el ordenamiento jurídico". Efectivamente, las actuaciones de la Administración son esencialmente regladas y están sujetas a dicho principio de legalidad. El poder de actuación y decisión con que ella cuenta no puede utilizarse sin que exista una expresa atribución competencial; de no ser así, se atentaría contra el interés general, los fines esenciales del Estado y el respeto a los derechos y las libertades públicas de los ciudadanos vinculados con una decisión no ajustada a derecho (Corte Constitucional. Sentencia, 2001).

Renglón seguido, afianza esta consideración de la Corte Constitucional tanto la sujeción del funcionario a la legalidad misma imperante y manifiesta del legislador, como la irregularidad que se comete al negar la doble instancia y la tensión entre el debido proceso y el proceso contravencional mencionado en el primer aparte del presente estudio, donde se explica el procedimiento especial regulado en la ley 769 de 2002, artículos 135 y siguientes.

Por otro lado, se debe aceptar que la doble instancia contenida en el artículo 29 Superior no es absoluta, ello toda vez que el artículo 31 de la Constitución establece que: (…). "Toda sentencia judicial podrá ser apelada o consultada, salvo las excepciones que consagre la ley". (Asamblea Nacional Constituyente, 1991). Excepciones claramente definidas así:

- El Presidente de la República, los magistrados de la Corte Constitucional, de la Corte Suprema de Justicia, del Consejo de Estado, del Consejo Superior de la Judicatura y el Fiscal General gozan de un fuero especial, según el cual, por delitos comunes, delitos en ejercicio de funciones públicas o indignidad por mala conducta, pueden ser acusados por la Cámara de Representantes ante el Senado.
- El juez penal de los congresistas es la Corte Suprema de Justicia. Así lo contempla el artículo 186 de la Constitución. Por su parte, el artículo 235 en su numeral 3, confía a esta Corte la investigación y juzgamiento de los miembros del Congreso.
- Es de única instancia el fallo del Consejo de Estado sobre pérdida de investidura de un congresista.

En este caso, también es necesario remitirnos las atribuciones de la Corte Suprema de Justicia, la cual corresponde, según el artículo 235, numeral 4:

> (…). Juzgar, previa acusación del Fiscal General de la Nación, a los Ministros del Despacho, al Procurador General, al Defensor del Pueblo, a los Agentes del Ministerio Público ante la Corte, ante el Consejo de Estado y ante los Tribunales; a los Directores de los Departamentos Administrativos, al Contralor General de la República, a los Embajadores y jefes de misión diplomática o consular, a los Gobernadores, a los Magistrados de Tribunales y a los Generales y Almirantes de la Fuerza Pública, por los hechos punibles que se les imputen. (…). (Asamblea Nacional Constituyente, 1991)

Igualmente, el congreso tiene la facultad para indicar en qué casos no hay segunda instancia;

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apreciación que debe sujetarse a la finalidad del constitucionalismo, en donde la negación a la doble instancia resulta incoherente bajo la óptica de la extensión del garantísmo que cada vez es más creciente y necesaria en Colombia, máxime cuando es claro que la base axiológica del ordenamiento jurídico son los principios constitucionales.

De esta forma, y en relación estricta con la doble instancia y la vulneración al debido proceso, según Jiménez y Yáñez (2016):

> (…), como una forma de descongestionar el aparato de administración de justicia, y de no brindar mayores tratamientos jurídicos a asuntos que se estiman como de menor importancia por parte del legislador. Puede ser esta situación discriminatoria, y violatoria del derecho a la igualdad, máxime cuando estos asuntos son los de mayor ocurrencia en la población menos favorecida. Además, la figura de la única instancia en la ley 1564/2012 puede estar vulnerando la garantía procesal y constitucional del debido proceso y la doble instancia. (Jiménez y Yáñez, 2016, p. 90)

En efecto, con esta consideración que se ha mencionado se indicaría que los derechos de los ciudadanos están sujetos a políticas de descongestión y celeridad y no necesariamente a medidas que garanticen los derechos fundamentales, razón por la cual se estaría convirtiendo en un asunto mecánico por el solo hecho de ser emitido por el legislador contrariando los principios que soportan la Constitución.

Con relación a lo anterior, se debe afirmar, como lo señalan Marinoni, Morales y Ovalles, que:

> (…), la configuración normativa que el pueblo delega en la rama legislativa no puede establecer procesos de única instancia para el conocimiento de determinados temas; pues esto estaría vulnerando los derechos fundamentales de las personas que consideren apelar la sentencia desfavorable. Sobre el particular, Miguel Rojas (2011) argumenta que (…) la situación de la justicia en Colombia muestra un inocultable estado de cosas inconstitucional. La tutela judicial efectiva, el respeto del debido proceso y la garantía de un proceso de duración razonable y sin dilaciones injustificadas contempladas en los instrumentos internacionales de derechos humanos que integran el bloque de constitucionalidad (CP, art. 93) no han pasado de ser un discurso estéril (Jiménez y Yáñez, 2016, p. 96).

Así las cosas, se debe resaltar que el procedimiento contravencional está vulnerando ciertos mandatos internacionales, debilitando la tutela efectiva y aumentando el desconcierto social; elemento último que en presunto declive favorece la auto tutela y aminora la función ciudadana de velar por los actos del administrativo en procura de un control social y una evidente mejora en la resolución de conflictos.

De esta forma recuerda Jiménez y Yáñez (2016):

> En la normativa internacional se registra el artículo 8 de la Convención Americana sobre Derechos Humanos (Pacto de San José de Costa Rica, 1969) y el artículo 14 del Pacto Internacional de Derechos Civiles y Políticos (1966), los cuales incluyen el principio de la doble instancia como parte del debido proceso. (Jiménez y Yáñez, 2016, p. 96)

En virtud del artículo 8 del Pacto de San José toda persona tiene derecho a ser oída, con las debidas garantías y dentro de un plazo razonable, por un juez o tribunal competente, independiente e imparcial, establecido con anterioridad por la ley, en la sustanciación de cualquier acusación penal formulada contra ella, o para la determinación de sus derechos y obligaciones de orden civil, laboral, fiscal o de cualquier otro carácter.

Así, el impedimento expreso de acudir a segunda instancia, sin justificación aparente, colisiona de pleno con la directriz innegable de protección civil y política.

Conforme lo anterior, es importante resaltar de la referencia anterior, la intención manifiesta del organismo internacional por velar por las garantías al interior de los países; esto, con la finalidad de evitar monopolios o extralimitaciones de los administradores y recordar que los derechos humanos son de aplicación general, indistintamente del tipo de procesos o procedimientos internos de cada país; así, la observancia de los principios se garantizaran a la luz de los mandatos internacionales y cobraran mayor arraigo y compromiso estatal.

En definitiva, se debe recordar que:

> El Estado de Colombia suscribió ambos tratados y está en la obligación de cumplirlos en virtud del principio del Derecho Internacional Público *pacta sunt servanda*. Así pues, a partir de la expedición de la Constitución de 1991 se hizo posible integrar el Derecho Internacional con el derecho interno, sin encontrarse obstáculos políticos como el concepto de la soberanía nacional, ni jurídicos, como el concepto de la supremacía de la Carta Magna (…). Es de anotar, que el derecho sufrió fuertes transformaciones después de la Segunda Guerra Mundial, coyuntura en la cual la comunidad internacional comprendió que las Constituciones no podían seguir siendo simples acuerdos políticos para establecer la estructura del Estado, sino un catálogo de derechos fundamentales que debía respetarse en cualquier circunstancia. (Jiménez y Yáñez, 2016, p. 96)

Así el Estado colombiano se compromete en materia de defensa y protección de derechos humanos y principios supraestatales, a través de instrumentos internacionales de obligatorio cumplimiento debido al bloque de constitucionalidad.

c) Vulneración del derecho al debido proceso y a la doble instancia

Con el objeto de fortalecer la tesis propuesta a cerca de la vulneración al debido proceso en asuntos contravencionales de tránsito y transporte terrestre, se edificarán elementos que afiancen las conclusiones teniendo en consideración la motivación del legislador al limitar la doble instancia en algunos asuntos y el contenido constitucional implícito en el debido proceso.

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En este sentido, se hace indispensable aclarar que lo que se busca es ilustrar acerca de la necesidad de ampliar el ámbito de aplicación de la doble instancia en aquellos asuntos cuya sanción resulte ser menor de 20 SMMLV; conforme este supuesto, dista esta tesis de la contradicción con el legislador, pues lo que se pretende es mostrar las deficiencias en la aplicación de la doble instancia, exigir la motivación satisfactoria de la imposibilidad de presentarse o crear necesidades desde la academia que resulten en posibles complementos normativos en nuestra legislación.

Ahora bien, sea lo primero afirmar que el legislador a su vez también tiene limitantes que impiden que sus posturas sean absolutas, por ende, ha reiterado la Corte Constitucional que:

> (…), el legislador en ejercicio de su facultad constitucional de hacer las leyes y expedir códigos en las distintas ramas del Derecho a que alude el artículo 150 superior, cuenta con una amplia potestad de configuración, dicha potestad no es absoluta pues ella encuentra sus límites en los principios y valores consagrados en el ordenamiento constitucional, que en materia de procedimientos particularmente imponen el respeto de los derechos de acceso a la administración de justicia, debido proceso e igualdad (Corte Constitucional, 2012).

Igualmente, los motivos que tuvo el legislador para establecer la figura de la única instancia se orientan en concebirla como un instrumento para descongestionar la justicia (Corte Suprema de Justicia, 2017). Así pues, el legislador colombiano en el marco de su poder de libre configuración determinó la única instancia restringiendo los principios del debido proceso y de la doble instancia; decisión que puede aparecer como la más gravosa para los derechos procesales y constitucionales de los litigantes; litigantes y demandantes que buscan precisamente la efectividad del acceso a la justicia y que a todas luces bajo el presupuesto anteriormente planteado carece de dicha efectividad.

En este caso, la negativa a la doble instancia impediría cuantitativamente realizar una estadística de satisfacción, ello toda vez que sería imposible medir una actividad que jurídicamente no se puede presentar; sin olvidar que la imposibilidad nace de una apreciación meramente técnica del legislador y no de un análisis juicioso en relación con la aplicación de principios y valores constitucionales. En este orden de ideas, afirma Alexy (2003) que:

> En el primer paso es preciso definir el grado de la no satisfacción o de afectación de uno de los principios. Luego, en un segundo paso, se define la importancia de la satisfacción del principio que juega en sentido contrario. Finalmente, en un tercer paso, debe definirse si la importancia de la satisfacción del principio contrario justifica la restricción o la no satisfacción del otro. (p. 13)

En este sentido, la negativa de la doble instancia en los casos de contravenciones de transito, si bien permite una mayor celeridad en el tratamiento de los procesos, lo hace en detrimento de los derechos y las garantias procesales de los ciudadanos.

Ahora bien, la literalidad de la Ley 769 de 2002 nos refiere en su artículo 134 que:

> Los organismos de tránsito conocerán de las faltas ocurridas dentro del territorio de su jurisdicción, así: Las inspecciones de tránsito o quienes hagan sus veces en única instancia de las infracciones sancionadas con multas de hasta veinte (20) salarios, y en primera instancia de las infracciones sancionadas con multas superiores a veinte (20) salarios mínimos diarios legales vigentes o las sancionadas con suspensión o cancelación de la licencia para conducir, siendo la segunda instancia su superior jerárquico. (Congreso de la República, 2002)

Carece pues de evidente motivación la negativa a la doble instancia en estos casos, y por ello se presentan situaciones que perjudican el derecho de defensa del ciudadano, impidiendo la oportunidad para recurrir y oponerse a la decisión adversa. En este sentido, es posible que existan elementos documentales tales como fotografías, videos y testigos que no se tienen a disposición en la audiencia de impugnación de primera instancia, como consecuencia no pueden exhibirse creando una situación de indefensión.

IV. Conclusiones

La inexistencia de un proceso específico contravencional o norma especial, dedicado exclusivamente la delimitación y control de los procederes procesales cuando se presentan litigios entre el presunto infractor y las autoridades de tránsito, obligan al operador y al ciudadano a remitirse a diversas normativas, las cuales se encuentran diseminadas por todo el ordenamiento jurídico nacional, lo que genera inseguridad jurídica y evidente afectación a la celeridad procesal.

Así entonces, el procedimiento de impugnación o doble instancia a las infracciones de tránsito y transporte terrestre está regulado en el 136 del CNTT, debiendo entonces acudirse a normas procedimentales tanto del derecho penal, civil y administrativo, incluso de derecho procesal constitucional, supliendo vacíos o lagunas en cuanto las normas consideradas para el tratamiento de los procedimientos, poseen elementos incompatibles, abriendo posibilidades a la interpretación y generando condiciones de falta de garantias procesas.

La naturaleza del procedimiento es especial abreviado, por virtud se desarrolla en estrados y por ende, se debe manifestar que se asemeja a las audiencias concentradas preliminares de la ley 906 de 2004, con la diferencia que allí se resuelve en la mayoría de las veces en un solo escenario y momento; exigiendo al ciudadano la preparación inmediata para interposición de recursos en los casos que aplique,

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situación que resulta poco garante, volviendo al parecer a la prevalencia de la forma por la forma y no la sustancia benefactora para el asociado. En suma, los elementos contemplados en dicho proceso, parecen ir dirigidos a la economía procesal y a ejercicios de descongestión, antes que a salvaguardar los derechos de los ciudadanos.

En consecuencia, si bien todos los procesos requieren formalidades, en particular, el proceso en asuntos contravencionales al no contar con una norma específica que determine el ejercicio procesal en estricto sentido, obliga a acudir a las garantías constitucionales que emanan d ellos derechos fundamentales, principalmente el debido proceso.

De esta forma, se concluye con claridad que el procedimiento para interposición de recursos está vedado para sanciones que no excedan los 20 salarios mínimos mensuales legales vigentes, así establecido en el artículo 134 de la Ley 769 de 2002. En este caso, es importante anotar que no existe motivación del legislador que explique satisfactoriamente la razón para excluir del derecho constitucional a la doble instancia a los ciudadanos que son responsables de infracción de tránsito cuya sanción pecuniaria no exceda dichos límites.

Ahora bien, la constitución establece que la doble instancia contenida en el debido proceso no gozaba de aplicación absoluta para todas las áreas del derecho, aunque para asuntos del Derecho Penal resulta imperante la aplicación; es comprensible dada la implicación del derecho inalienable a la libertad del ciudadano que resulta involucrada en dichos asuntos; seguidamente el mismo legislador insta a dar claridad en cuales asuntos debe permitirse la doble instancia y en cuales la única instancia es viable, esto, sin dejar de lado la justificación que fuera suficiente y ajustada a derecho para los casos en que no proceda.

Acorde a lo establecido por el legislador, la Ley 769 de 2002 establece para cuales asuntos se permite la interposición de recursos y para cuales no; precisamente la inquietud que motiva este escrito y la conclusión que desentrañamos es si con la taxativa imposibilidad de acceder a recursos por cuestiones meramente económicas, a todas luces se está desconociendo el carácter garantista del debido proceso en tanto que asume posturas para el beneficio no económico del ciudadano sino que expone la voluntad constitucional y la seguridad jurídica tan pregonada por los padres de la patria.

Complemento de lo anterior, en relación con el interés económico del ciudadano y la seguridad jurídica, se puede sostener que, frente a la inexistencia de razones que justifique la negativa al recurso en sanciones menores de 20 salarios mínimos mensuales legales vigentes, podría interpretarse que el legislador pretende lograr una descongestión de los procesos sin tener en cuenta los derechos fundamentales de los presuntos contraventores de normas de tránsito.

Como bien se entiende en proceso contravencional de transito se alimenta de diversas legislaciones para aplicarse, aplicandi las reglas del derecho probatorio contenidas en el Código General del Proceso y en el Código Procesal Penal, así, estas resultan diezmadas en su finalidad frente a la imposibilidad de aplicarse por parte del ciudadano que aun teniendo los elementos cognoscitivos que desvirtuarían una decisión desfavorable en suma no puedan exhibirse.

En defensa de la afirmación realizada en el artículo, se concluye que el debido proceso se vulnera al impedir la segunda instancia en ciertos eventos contenidos en la Ley 769 de 2002, afirmación que se soporta en la poca claridad incorporada en el ordenamiento que justifiquen su inaplicación, en el interés económico, en la economía y celeridad procesal, en políticas de descongestión que a *grosso modo* distan de los preceptos constitucionales e internacionales, preceptos que están nutridos de garantías y libertades que no pueden permitir que sus cimientos sean movidos por políticas de paso o estrategias que se diluyen en el tiempo perdiendo eficacia.

Se recomienda entonces una revisión normativa por parte del legislador que motive la modificación o complemento a la norma especial de procedimiento, con la finalidad de procurar satisfacer y garantizar los derechos fundamentales del ciudadano.

(Autores. Por favor, escriba un párrafo final en el que nos diga la sugerencia o sugerencias para trabajos futuros. Esta forma de escribir enriquece y mejora su artículo. Gracias).

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Women's Role and Responsibility in the Family: A Manipuri Perspective

By Dr. Oinam Sareeta Devi
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Abstract- A home is a unique place with a 'woman', which gives happiness to all the members of the family. In every home, the woman the mother- the homemaker- is the beacon light. Her special functions are: bringing up children, inculcating proper value in their minds, looking after the comforts of the husband, children, and relatives, and helping them to find fulfilment in the family life. In Indian philosophy, the home is identified with the woman as *'Greeha Laxmi'* of the house. Home is another name for the woman who is mother and wife. In Manipuri society, women are regarded as '*Yumburembi*' (female head of the house) and also *'Emma'* means mother. The various roles of mother, sister, daughters, and wives, played by women in the family and the society for upholding die elixir of life and safeguarding the universal need of nature, deserves lots of appendices. They are the preservers of the cultural customs and traditions in society. The woman can be seen as an ideal wife, an obedient and faithful homemaker, and above all a good mother. They are the key to sustainable development and quality of life. Her role in the family is also to act as – a wife, leader, administrator, manager of the family income, and last but not least an important mother. The importance of women and mothers in a family is proven by the different statements given by eminent personality leaders also. And women are the architect of the home.

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Women's Role and Responsibility in the Family: A Manipuri Perspective

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Abstract- A home is a unique place with a 'woman', which gives happiness to all the members of the family. In every home, the woman the mother- the homemaker- is the beacon light. Her special functions are: bringing up children, inculcating proper value in their minds, looking after the comforts of the husband, children, and relatives, and helping them to find fulfilment in the family life. In Indian philosophy, the home is identified with the woman as *'Greeha Laxmi'* of the house. Home is another name for the woman who is mother and wife. In Manipuri society, women are regarded as '*Yumburembi*' (female head of the house) and also *'Emma'* means mother. The various roles of mother, sister, daughters, and wives, played by women in the family and the society for upholding die elixir of life and safeguarding the universal need of nature, deserves lots of appendices. They are the preservers of the cultural customs and traditions in society. The woman can be seen as an ideal wife, an obedient and faithful homemaker, and above all a good mother. They are the key to sustainable development and quality of life. Her role in the family is also to act as – a wife, leader, administrator, manager of the family income, and last but not least an important mother. The importance of women and mothers in a family is proven by the different statements given by eminent personality leaders also. And women are the architect of the home. In other words, the woman can be symbolized as the main cementing force to ensure the family is more stable and harmonious. Against the backdrop of these considerations, the paper is an attempt to examine how far all these sayings and expectations are true or applicable with regard to women of Manipur in view of the role they play inside their society.

I. Introduction

Women are the pioneer of a nation. According to a report by the Secretary General of the United Nations, women constitute 50% of human resources next to the man having great potential. Very often we ask each other, what we have achieved in life. At some levels, we have achieved a considerable amount. Each woman whether rich or poor, of upper caste or lower deprived, has at least the seed of a very powerful notion in her mind that she can do. That knowledge of enabling has emerged within her consciousness, whether she is empowered or not, even in the most adverse circumstances. A home is indeed a unique place with a 'woman', which gives happiness to all the members of the family. In every home, the woman the mother - the homemaker- is the beacon light. Her special role is: bringing up children, inculcating proper value in their minds, looking after the comforts of the husband, children, and relatives, and helping them to find fulfilment in the family life. In Indian philosophy woman of the home is identified as *'Greeha Laxmi'* of the house. Home is another name for the woman who is mother and wife. In Manipuri society, women are regarded as *'Yumburembi'* (female head of the house), *'Lal-leima'* (Goddess of Prosperity), and also *'Emma'* (mother). According to ancient manuscripts and legends, the Manipuri women particularly the Meitei's were always held traditionally in high positions.

Women have been everybody's focus of attention in every family and society of every age. The various role of grandmother, mother, sister, sister-in-law, daughters, daughter-in-law, and wives, played by women in the family and the society for upholding die elixir of life and safeguarding the universal need of nature, deserves lots of appendices. They are the preservers of the cultural customs and traditions in society. The woman can be seen as an ideal wife, an obedient and faithful homemaker, and above all a good mother. She has to take care of the needs and comforts of the in-laws, husband, children, and other members of the family and she also acts as a creator and promoter of peace in the family and the society. So, we may say that the life of women is multifaceted. Unlike men, women have to handle different aspects of life. They are primarily associated with home and men with the outside world. Women as housewives and mothers are always confined to the home as service providers to other family members according to their interests and abilities and provide resources in terms of equipment and materials to accomplish the job. Making a home happier and healthier depends very much on the woman of the family. She is concerned with the daily lives of the all-family members. She has to prepare the food they eat, clean the houses in which they live, the clothes they wear, look after the family relationships and bring up children, and also see to it that resources of the family are use to achieve maximum benefit of the family. Above all women everywhere have to discharge complex and diverse roles. Not only do they cope with the responsibility for childbearing and child-rearing and meeting the daily requirements of the family by cooking, cleaning, collecting fuel, and fetching water but they also help to look after poultry cattle, raise crops, and often contribute to family income. They are the key member of sustainable development and quality of life. Her role in the family is also to act as – a wife, leader,

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administrator, manager of the family income, and last but not least, an important mother. How much important is woman or mother is in a family is proven by the different statements given by eminent personality leaders also. Gandhi said, 'Women are God's greatest gift to humanity'. She has the power to create. Kalidas and Tulsidas became great poets because of their wives. Gandhi too became 'Mahatma' because of his mother 'Putalibai' and wife 'Kasturba'. There is a saying that behind every successful man there is a woman. Women are the architect of it. In other words, the woman is also symbolized as the main cementing force to ensure a more stable and harmonious family. They are man's helpmate, partner, and comrade. She sacrifices her pleasure and ambitions and maintains peace in the household.

In Manipur, women are engaged in different areas such as doing small trades and business in the market, weaving, engaging themselves in handloom and handicrafts, pottery, mat making, construction work, cultivation, etc. In course of time, there are also many women working in Government and Semi-Government services. But all of them may be described as home-maker in the sense that their basic duty and responsibility always lie at home, providing positive services to other members of the family. The primary job of the women is to look after the infant and all the domestic activities. Their duties include Kitchen work, cooking, serving, and also engaging in the activities like, pounding rice, cleaning the house, and utensil, and washing clothes. In the cultural understanding of the people, homemaking is like childbearing and child-rearing. Even though women enjoy the freedom to choose occupations as per their choice they can't escape from household work. Therefore, it may be said that no family and no society can sustain itself without women. Their care and caresses cater to the needs of preserving the cardinal virtues and values which provide human life with meaning and purpose.

Women always remained busy in different roles as mothers, housewives, daughters, and so on. They perform all household chores to keep their families in order. She also partakes an important role in moulding the future of her child including her daughters and in-laws. In another word, the women have to take more care to maintain peace, harmony, and understanding among the family members. Because family is the first unit of society. And if a woman takes care of her family she could contribute to the creation of a healthy society. We used to say that – "The family is where the future is". Mahatma Gandhi also said that 'the betterment of the future, the household, the workplace, and the society is with women'. Because women are the seedbed of the nation; the house is the nursery and the country gathers the harvest. The hand that rocks the cradles rules the world - so goes the saying. And the child imbibes all personality traits from its mother. The roles played by the women are:

Women as Mediators: Generally, in Manipur society, the woman has to play a pivotal role as a mediator among the family members to make a happy and peaceful family. The day-to-day activities of a family are solely dependent on the woman who would act in the role of mother, grandmother, mother-in-law, or even housewife, daughter, and so on. For instance, a grandmother as a senior member of the family acts as cementing force for the members of the entire family. Besides looking after the well-being of the rest of the family members, they would extend all their knowledge and experience to keep the whole affairs of the family in harmonious condition. As a true communicator and mediator, there had been a long tradition of telling folk tales and fables having moral value by the grandma to the young children as a means to build up their characters. Women also act as a motivator to console and motivate all the members silently and peacefully. She acts as an extension worker, teaching to bring out what to want (i.e converting unfelt needs to felt needs), as well as how to work out and bring about desirable changes in the knowledge, attitudes, and skill of people.

Women and Religion: Manipuri women participate freely in all social and religious functions in larger numbers, and are greatly responsible for creating a peaceful harmonious society. As far as religious rites and rituals in the family, they are basically concerned with women. It is always the womenfolk who observed rituals, perform *Varta* (fasting), *Pujah* (worship), visited temples, etc., for the welfare, prosperity, and protection of their husband's children from evil spirits and difficulties. On the home front also women do *pujah* and daily rituals in the morning and the evening. The women of Manipur always enjoyed a special status in Manipuri society in the past and present. During the sacrificial *pujah* of *Umanglais*, the fountainhead of the *Lai-haraoba* tradition of Manipur, women as priestesses or *Maibi* take the lead role in performing rituals associated with the great festival. Women are always treated with respect and honour without any bar to their participation in any kind of ceremony and social congregation. As an ideal wife, she is devoted to her husband, and is willing to share shoulder to shoulder all the responsibilities of her husband in the face of kinds of adversities. In that nature, Gandhi regarded women as the 'companion of man'. It may also be noted that as per tradition she gives up cosmetics when her husband is away.

Women as Motherhood: A woman as a mother is the protector, disciplinarian, and friend of the family. She is a selfless, loving human who sacrifices many of her wants and needs for the wants of their children and family members. She is also a hard worker to make sure their child is well equipped with knowledge, skills, and

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abilities to make him a competent human being. As a wife and mother, the woman carries the infant and feeds it for nine months and derives joy in the suffering involved. What can be compared to the pangs of labour? But she forgets them in the joy of creation who again suffers daily so that her baby may wax from day by day. Women suffer without any expression and discontentment. With such extraordinary qualities of women, Gandhi regarded women for their proud position by the side of men as a mother, guardians as silent leaders, and even peace promoters as well as messengers to teach the art of peace. She is the first teacher of the child. She transmits social heritage to the child. It is from the mother the child learns the law of the race, the manner, moral code, and ideals. The life of a woman in motherhood is multi-faceted. Unlike men, women have to handle a different aspect of life. There are women's issues that they need to attend to such as their spouse, family, career, business, education, health and fitness, and raising kids. Women are blessed with the power that enables them to handle numerous women's affairs at the same time.

Women as Caretakers of Health: Women are responsible for several activities connected with the maintenance of good health: purchasing, preparing, and serving food, providing a clean and safe environment, water supply, and personal hygiene (e.g. bathing and hand washing), and procuring preventive and curative health services. They are the crucial link between the family with the traditional and modern health system. Women are expected to implement the child survival effort by – ringing children to be immunized timely. Breastfeeding their babies on demand day and night, until the child is six months to two-year-old, and processing and feeding proper weaning foods in frequent meals to small children. She is the one who prepared the food and provide nursing care accordingly to suit the need of the family members both young and old, sick, disabled or normal, and for herself too. We may call the mother a 'Family Health Officer'. Because, nutrition is an important parameter for the development of family, society, and nation; and women play a very important role in securing for the family. To achieve food and nutrition security, adequate care is necessary for all members of the family. Proper breastfeeding for the infant, proper immunization, health care during illness, feeding home-based supplementary diets, encouraging children and adolescents not to consumption of junk food or fast food, dietary diversification through consumption of protective food, nutritionally enriched foods among family members, and reproductive health care, etc. are all major responsibilities of women. They also provide nursing care to the old, sick, and disabled.

Women as a Manager of Family Income: Women act as the humble manager of family income. Women of Manipur playing a vital role in household activities since time immemorial are well known. They have worked as one of the wheels of the family bullock cart and tried to put the household's economy on a sound footing. In the context of Manipuri society, in recent times, women make an important contribution to family income. There is a Manipuri Proverb, "A man who does not go to *Loishang* (Office), and a woman who does not go to *Keithel* (market) both are worthless". The three *Emma Keithels* or Women's Market of Manipur is a glaring example that women took a vital financial role in the management of income. There is a saying that fruits of knowledge are from father and grandfather; and the reserved wealth is from mothers and grandmothers. It shows the women's responsibility in the socio-economic position in the family as well as in society. The lower the economic level of the family greater the economic contribution by the women. Another striking characteristic of Manipuri women is the readiness to work in any economic field to support the family. It was proved by 1904 and 1939 *Nupi-Lals* of Manipur (Women's war). On the other hand, weaving took place a big role in maintaining the family expenses. It fully supports the need of the family like - food, lodging, and education as well. In India, 78% of women form the most important productive workforce in the economy and are major producers of food in terms of value, volume, and number of homework. Almost 50% of rural female workers are classified as agricultural labourers and 37% as cultivators. Most of the women engage themselves, in the cultivation of vegetables, and kitchen gardening, including themselves in Self Help Groups, etc., helping them in achieving food and nutritional security as well as enhancing family socio-economic status. Women understand the value of accountability more than the rest, and while leading a family they come forward to shoulder the accountability for any disruption to keep family bonding intact. Thus the role of Manipuri women is to act as co-partner of men in promoting the home economy.

Women as Leaders of Household: Women play multiple roles in a family as well as in society. They started entering erstwhile male-dominated leadership positions. Women are gradually making their leadership presence felt in entrepreneurship, administration, education, health, etc. in general. A woman as a mother, mentor, teacher, or leader is a person who influences and encourages her children and member of the family to work towards the realization of goals. We treated women as the leader and first Gurus of their children. She can influence children and others towards accomplishing goals and for future betterment. As Chester Barnard defines "Leadership is the ability of a superior to influence the behavior of a subordinator or group and persuades them to follow a particular course of action". Although leadership skills are acquired and shown by both men and women leaders, men and women show

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distinctly different styles of leadership. Women leaders are more transformational than men; they function as a role model for their subordinates. Women inspire their children, encourage their work performance, teach repeatedly to be understood, upgrade skills, etc. Women always care for personal development. Their authentic communication is the key to success. Women expect to transform their followers into better people. They teach to promote co-operation and collaboration around the family. As a mother and sister help to use their skills and expertise to complete their work. Her feminine qualities help to build up a more promising future. Leadership by women is vital to increase the pace of societal transformation at home and in the workplace. Women leaders are likely to provide integrated views of work and family resulting in an engaged and promising personal and professional future.

Women as Collective Force: Women of Manipur have emerged as a strong collective force in many situations to safeguard their children as well as their customs and traditions. Time and again, it has proved how women are coming out from the tight household core to promote peace for family and society. Some of the remarkable incidences of Manipur will the history of tomorrow. They are:

First Nupilal, 1904: The revival of the *'Lallup'* system, made the male members of the family not to be present at home most of the time. This meant the responsibility for looking after the social, economic and domestic affairs of the state was left mainly on the shoulders of the women. The first Manipuri women's movement broke out in the1904 against the Political Agent who ordered the men-folk of Imphal to collect bamboos, thatches, reed, and other materials from Kabow (Manipur Burma Border) for constructing British Officer, Assistant Superintendent Residence. Due to the pressure of the women, the British could not implement the order, and ultimately had to revoke it.

Second Nupilal, 1939: The women's movement was against the scarcity of rice in Khwairamband Bazar, the main market of Imphal because of exporting rice outside the state. The sudden outburst was a reaction to famine and economic problems faced by them. Their movement could change the/ policy of the British and stop rice export.

Nisha Bandh Movement: Women of Manipur have been victims of humiliation, torture, and exploitation in the family and society. The crime against women in Manipur became steadily increased day-by-day. In particular, women used to suffer a lot in the hands of their alcoholic husbands. They experience not only physical violence from them but the entire family also suffered because the alcoholic men inside the family. Not only has that it affected the family economy too. The women-folk, the housewife of the family collectively started the movement against the intoxication, fining both the consumer who disturbed the family day and night; and also tried everything they could do to stop the making of *yu* (local rice beer) and close down the liquor vendors. This movement they started came to be popularly known as *Nisha Bandh* Movement and they came to be known as *Nisha Bandhis*.

Meirapaibee: The *'Meira Paibee'*, (Woman Torch Bearer) is another women group that plays a significant role in protecting the people from social evils like violation of human rights, drugs, rape, murder, etc. They are human rights defenders. They played an active role against the access committed by the law enforcement agency. The emergence of this strong women's force was initially to safeguard innocent souls against the excess of the State Security Forces in the name of counter insurgency, under the Armed Forces Special Power Act, 1958. Later, the movement gave attention to other social problems caused by consumption of alcoholic drinks, drugs, etc. as well thereby trying to promote peace and security inside the society.

Fast-unto Death: Malom incidence of the killing of 10 civilians including 3 students at bus stand by CRPF personal on 2nd November 2000 extremely outraged public sentiment. As a result of that Irom Chanu Sharmila, 32 years old woman sat on the Fast-unto Death, from 4th November 2000 till 6th August 2016 demanding immediate withdrawal of AFSPA, from the state. Her resolve, courage and efforts attracted attention of the media all over the world.

June Uprising, 2001: Women of Manipur played a very important role during the Ceasefire Extension negotiation between the India Government and NSCN (IM). All Manipur *Nupi Marup*, *Meira Paibies*, and other women organize a rally in which the security personal opened fire to disperse the mob and killed eighteen innocent people on the spot including one woman. After that the All Manipur *Nupi Marup,* submitted a memorandum to the Prime Minister of India, not to extend Cease Fire Agreement in the territorial jurisdiction of Manipur.

Kangla Fort Incidence: 'Thangjam Manorama', who was arrested on 10th July 2004, by the 17th Assam Rifles from her house at late night by issuing arrest memos to her family members. Then she was raped and killed indiscriminately by the security forces. Outraged situation of this, various women bodies including *Nisha Bandhis, Meira Paibies,* and Women Vendors of Khwairamband Bazar protested against the killing. A group of elderly Meitei Women, stripped off their clothes and stood naked at the main gate of Kangla Fort and shouted by holding two screaming banners –"Indian Army rape us; Indian Army takes our Flesh;".

This shows how much women love peace and their motherland. As a mother, as a sister, as a wife – they never remain as silent spectators whenever

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problems concerning not only women themselves but the entire people of the state as a whole are faced with serious problems.

II. Conclusion

Women of Manipur are the epitome of strength; love sacrifice and courage. The role of women in today's world has changed significantly and for the better. Women are now self-sufficient, well aware, and financially independent. They have attained immense success in every field, side by side with men, in every walk of life. Earlier they were under the shadow of a husband or father, but now they have established their own identity and are independent. They are no longer unfit or weak. Their role has changed tremendously and they have been able to create a positive impression in the family as well as in society. From housewives many of them have evolved to Ministers, MLAs, Professors, Scientist. Their achievement in the field of Sports has been great in particular. Achievements of Kunjarani Chanu, Merry Kom, Mirabai Chanu, Sarita, etc. bear ample testimony to this. Overall women of Manipur are not only adorned with patience and perseverance which has helped them to attain the pinnacle of success but are also masters of multi-tasking, and at the same time greatly contributes in building a healthy, strong and peaceful family and society in Manipur thereby shouldering their share of responsibility in the promotion of peace and security of the nation and that of the world.

The hand that rocks the cradle

Is the hand that rules the World!

As a woman, we should not be considered ourselves as the weaker and inferior sex. If we cease to be inferior, men cannot be their superior. We all know that; 20th Century has been the bloodiest century that witnessed two World Wars fought in the name of Peace and succeeded in inventing the 'Atom bomb' and using it. At present, there can be no lasting peace without the development of peace spreading to all sections of society. In such a situation women can play a significant role and share a relationship based on mutual respect and equality. An attempt should be made to build up the path that will allow children to blossom and young men and women to fulfil their dreams. At lastly but not least, the message of the paper would like to invite to all "WE WOMEN must open 'INDUSTRY' in every house for making 'PEACE BOMB', for creating peaceful family, society, nation, and world as well." For that woman knows very well- as a role model of the good mother, teacher, administrator, labourer even more as a social activist, that has to play a pivotal role for the good mediator.

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Review of the Strategic Importance of RFID data Concept for Examination Management Process

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Abstract- This paper investigates and conceptually established the relevance of adopting Radio frequency identification (RFID) data concept in the management of higher education examination. Through the collected of several eminent authors in the area of RFID data concept, and based on Resource-based view (RBV) theoretical framework, the paper analyzes the strategic importance of RFID data concept in the management of examination process. These RBV was used to indicates the different ways that the strategic relevance of RFID data concept in the examination management could be assessed. The paper thus provides better understanding and conversation of an Automatic Identification and Data Capture Technology (AIDCT) like RFID data as well as the benefits of adoption to improves examination management process. It also improves capabilities to evaluates and learn how to look into the strategic areas of applying appropriate identification technologies, tools and techniques to a specific examination management solution. The study concludes with direction for further research.

Keywords: *strategic importance, examination, management, RFID data concept, process improvement, conceptual review.*

GJHSS-H Classification: *DDC Code: 020.3 LCC Code: Z1006*



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Review of the Strategic Importance of RFID Data Concept for Examination Management Process

Hamza Danladi [α], Dr. G.K. Viju Professor [σ] & Dr. Abdalrahman Mohammed Alamin [ρ]

Abstract- This paper investigates and conceptually established the relevance of adopting Radio frequency identification (RFID) data concept in the management of higher education examination. Through the collected of several eminent authors in the area of RFID data concept, and based on Resource-based view (RBV) theoretical framework, the paper analyzes the strategic importance of RFID data concept in the management of examination process. These RBV was used to indicates the different ways that the strategic relevance of RFID data concept in the examination management could be assessed. The paper thus provides better understanding and conversation of an Automatic Identification and Data Capture Technology (AIDCT) like RFID data as well as the benefits of adoption to improves examination management process. It also improves capabilities to evaluates and learn how to look into the strategic areas of applying appropriate identification technologies, tools and techniques to a specific examination management solution. The study concludes with direction for further research.

Keywords: strategic importance, examination, management, RFID data concept, process improvement, conceptual review.

I. Introduction

Advocate of process improvement approach are of the view that process improvement tools and techniques can be used to increase effectiveness, efficiency, agility and sustainability of a particular process under a condition of scarce resources (Khosravi, 2016; Zemguliene & Valukonis, 2018; Shafique, Khurshid, Rahman, Khanna & Gupta 2019). One possible reason for this submission is that, organizations that implement an end-to-end processes improvement can improve the quality of their products and services thereby achieving a significant cost reduction and make their business process more reliable and efficient (Khosravi, 2016). Hence, the age of information technology such as the use internet, mobile devices and other computing platforms have made it possible for organisations to collect data, store and share this information within and outside the organisations boundary for effective decision making (Wang, Gunasekaran, Ngai & Papadopoulos, 2016).

One popular tool or technique of doing such process improvement is the Radio Frequency Identification (RFID). Identification technology such as RFID data enables every item to possess a special symbol that identifies a body of data which can be read far-off place, enabling automatic, "real time identification and tracking of individuals objects" (Mirza & Brohi, 2016). It also has the capacity to provide mechanical devices with the means to recognize items, understand condition, exchange information and where required, get into action, construct "real time awareness" (Akpinar & Kaptain, 2010). RFID data enables the use of radio signals rather than wires in the act of storing data as well as automatic recovery of data (Pala & Inanc, 2009). The most important or essential of RFID data system are grouped into three major parts: 1) device for sending and receiving radio waves known as antenna, 2) RFID reading device that is, RFID reader and, 3) a small piece of cloth, paper, plastic, or other material attached to object as a label or means of identification which is regarded as RFID tag (Akpinar & Kaptain, 2010; Abugabaha, Nizamuddina & Abuqabbeh, 2020).

Although, the RFID technology experienced a significant acceptance in the retail outlets (Reyes et al., 2016), transportation (Fu et al., 2015), in footwear and apparel industry to improve the visibility of the several of products (Mohammed & Wang, 2017; Majeed & Rupasinghe, 2017), as well as within the charitable organisations for humanitarian food supply chain and networks (Biswal et al. 2018). But little attention has been given to education industry particularly the examination management process which has been a lingering issue in the developing countries due to low infrastructure, corruptions and mismanagement of the entire process (Ogunji, 2011; Kawugana, & Woyopwa, 2017). This predicament resulted in the reduction of quality of education and students' outputs (Kawugana et al., 2017) and integrity of the entire process. Some of the causes of re-occurring cases of examination malpractices in those institutions include things such as lack of proper monitoring of the entire process, student teacher alliance (Dusu et al., 2016), lack of sound moral values and attitude toward education excellence (Kpangban et al. 2008). Thus the question is can RFID data concept be used to address some of the problems?

There is general assumption that the implementation of RFID data technology in the student's check- in process can led to enhanced and significant

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process transformation thereby eliminating problems such as student's impersonation and other malpractices thereby improving the credibility and integration of entire process. However, when technology is first been adopted to deal with a very sensitive issue such as student verification, there are several other vital factors that need to be taken into account that include the cost of acquiring and management of such technology, its operational reliability, ethical and other legal considerations (Raj et al., 2018). Because, the privacy and confidentiality of the candidate are equally important, this study was set to investigate and conceptually establish the relevance of adopting RFID data concept in examination process improvement and suggest some possible limitations of RFID in the higher education sector.

II. The Concept of RFID Data Technology

RFID data technologies are now considered as one of the recent technologies that have been labeled as a major enabling technology for automating and making a process to be contactless and data driven collection. But little is known about it perceived strategic importance of RFID data among stakeholders. The system has three basic components that include a reader, a tag, and back office data-processing capability. In most applications, chips are used to store information about objects, products, or transportation that the company needs to follow. The reader tracks the physical movement of the tag, thereby tracking the physical movement of the object followed. (Zhu et al. 2012). However, recently cloud base technology has been incorporated in the RFID data concept in order to ensure the reliability and analytical capability of object identification and categorization of an object. According to Moselhi and Montaser (2012), "RFID is wireless communication of data through radio waves." Compared with manual recording and routine tracking of items on construction sites, RFID can bring more improvements in terms of Lower costs and enhanced features that meet the needs of the construction industry. These authors, proposes the utilization of RFID data technology that involves RFID fixed reader, RFID encapsulated and labels tag printer in near real time as an automatic technique for tracking earthmoving operations to capture data during construction.

Robert (2006) gives an explanation of the concept of Radio frequency identification (RFID) data technology. This study believes that the concept of RFID data technology is similar to the concept of bar code, and bar code technology is considered to be a means to enhance data processing capabilities and is a supplement to existing technology. The study describes RFID as a data transaction system through the RFID tags on top of objects or useful things along with readers to gather the tag information. The study explains tag data as read only memory (ROM), write once or read many memory (WORM), and random access memory (RAM). ROM is used to store security data, the data is a unique device identifier, operating system instructions, data storage (volatile or non-volatile) and electronic product code (EPC), while RAM is used for storing data at some stage in transponder examination and response. The study concluded with the consideration of privacy and security concern of RFID as regards to the increasing use of the technology. This is in line with other scholars' submission (Shafique, et al. 2018). RFID technology is similar to barcodes because they both use tags and scanners to read tags, and use background software to store data for retrieval and subsequent use.

III. Review of Empirical Studies on RFID Data Concept

The effectiveness of an RFID data application in dealing with the most wanted process is reliant on quite a lot of significant factors that incorporate the issue of sourcing power – that is, whether the RFID tag source it power "passively" via an RFID reader or from an inbuilt power source. Even though, due to the cost considerations, nearly all application is passive system in nature. The next factor considers the read range, because most RFIDs are passive in nature. As a result, "restrict the utility of the application to the application where assets, commodities, people or animals must be in close proximity to the reader". The last factor is the storage capacity in such that, the limited amount of storage capacity (read only) normally associated with the lowest cost of tags (Hunt, Puglia & Puglia, 2007).

There is substantial evidence in both conceptual, empirical and simulation analysis (Chanchaichujit, et al. 2020; Lee, Cheng & Leung, 2004; Zemguliene & Valukonis, 2018) suggesting that RFID data has the potential to automate, enrich and accelerate, automate a particular process. Brock, Allen, and Schuster (2007) conducted a study on the Global RFID: the value of the electronic product code (EPC) global network for supply chain management. The study believes that the most important concept of RFID data involves attaching radio frequency identification tags (RFID tags) to physical objects, allowing information to be exchanged between the object and the reader. The study further found that RFID tags provide the potential for seamless, continuous two-way communication for items to pass through the supply chain-this means that when a tagged object passes through the reader field, two-way communication starts to be used for objects and reading Exchange information between devices. The study concluded that object bearing an RFID tag can be converted into a network with no human involvement or manipulation by computerized device as in case with other identification technologies like

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barcodes. This has been supported in various studies (Shafique et al. 2018; Zemguliene & Valukonis, 2018; Raj et al. 2018; Iluore, et al. 2020).

Lopes (2010) carried out a study on RFID and the internet of things in freight and handling operations. The study described RFID data as an automatic identification technique, relying on holding data and remotely restoring it by means of devices called RFID tags or transponders which allow the remote identification of items, whereas the Internet of Things are "things with identities and virtual characters that operate in a smart space through smart interfaces to connect and communicate with society, the environment, and the user environment." The study believed that RFID tags can be fixed into a product, animal or person allowing for identifying and tracking them through radio waves, and the reader can read from several meters away without line of sight. The study goes on to identified two parts of RFID tags: the first part involves an incorporated path for holding and processing information, modulating and demodulating radio frequency signal as well as other operations, while the second part contains an antenna for receiving and broadcasting the signal. The study concluded that this technology will have an essential role in the very near future of freight and handling operation through the efficiency improvement of the involved stakeholders during the deterrence of ground handling operation errors tightening to the control of the process (Abugabah et al. 2020).

Hodes and Mccarlane (2004) found that RFID data technology relies on radio frequency communication, so that the reader releases energy in the form of radio waves of a specific frequency, and uses this to power the tag and communicate with it. The process described in the study does not require a direct line of sight like bar code technology, because the communication system is supported by radio wave transmission – this means that even if the level of attachment or even the entire item is missing, it is possible to identify the tagged object in the reader's directly in sight. For example, they can be located behind other objects in a covered area or out of sight. The research further demonstrated and clarified that the ability of an RFID system to operate without a line of sight can make "eavesdroppers" very simple and undetected, but the indicator that originate from the tag are extremely not strong, and therefore, an "eavesdropper" would require to be somewhat lock in. Even though, this can be secure through the design of an RFID system, where information that communicated is converted into a code (key), but this will impact the cost of the tags and the performance of the system as well as the range and communication speed. Despite these, the study believed that once the tag gets nearer into the closeness with the RFID reader; the reader will discover the tag's presence and can read its data and can also hold its data, but with little amount of memory capacity. The study concluded that there is a certain distance between the RFID reader and the tag to be able to pick up enough signals to operate reliably. This depends on many factors, including the radio frequency used for communication, the power released by the reader, radio intrusion sources and items in the environment that absorb radio waves.

Hakala (2014); Tsao, et al. (2017); Werthmann, et al. (2017) studied the feasibility of RFID technology in the supply chain of ABB's medium-voltage products, and realized that RFID data technology can capture data and then integrate it into a required database (e.g. ABB medium voltage products). The study conceived RFID as a means of communication device that can read while object is moving. And this to the study does not need a direct line of view since the identification is based on radio waves, and is also feasible to read numerous labeled objects simultaneously. The most important idea behind RFID data here as determined by the study is its ability to read and write information in the RFID tag via a radio transmission, and the indicator is released by means of the reader and data exchange occurs as soon as the tag is close enough to the reader. The study went further to discovered a link between RFID tag and antenna as an important area that can effects on reading range and durability especially on ultra-high frequency (UHF) antennas due to their shorter wavelength. The study concluded that the RFID-based identification system makes it possible to achieve moderate inventory, faster and more accurate tracking of goods, reduce operating costs, more effective warehouse management, and improve the traceability of work-in-process (product and inventory) and more understanding of supply chain activities.

Aggarwal and Han (2013) are engaged in the investigation of RFID data processing. This research inspired the definition of RFID technology, in which they described a technology that enables sensors (readers) to be read remotely without line of sight, while at the same time associating a unique product identification code (EPC) with the tag. Research has found that this tag can be used to track the movement and location of a large number of items in a low-cost manner, which is useful in inventory and logistics management. The research further identified two types of data contained in RFID data processing: 1) static data and 2) dynamic data. They treat static data as data related to profitable objects, such as location information, product level information, and sequence information. The dynamic data is divided into two types: the first type communicates with occurrence data, such as serial numbers and production dates, and the second type communicates with time data, such as location observations and time changes in object accommodation. Similarly, the second type of temporal data is recorded through EPC tag readings and is related to the movement of the product. These

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processes together influence RFID technology to identify objects.

Guinard et al. (2011) conducted a study on cloud computing, representational state transfer (REST) and Mashups to simplify RFID application development and deployment. This article first observes the application of the Electronic Product Code (EPC) network, which is the RFID standard framework, which aims to enable "interoperability" and application development, as well as the process of communication between tags and readers, reader configuration, monitoring, translation of tag identifiers, filtering and aggregation of RFID data, and continuous storage of application events. The paper also pointed out how the successful use of blueprints on the web can help make the adoption of EPC less difficult. Finally, this article specifically discusses how cloud computing, "RESTful interfaces, real-time Web, (Web sockets and Comet), and Web 2.0 mashups" can facilitate application development, deployment, and maintenance in general RFID applications. The findings of this paper indicate that RFID and EPC network applications are excellent playgrounds for web of things technology (Wang et al., 2016).

Recently, Chanchaichujit et al. (2020) studied the advantages and driving factors of RFID data concept implementation in the supply chain and organizational competitiveness. The research results show that the implementation of RFID can bring huge benefits and impetus to customers and enterprises. The "2 C" classification of profit-driven factors is novel and should provide practitioners with more motivation to utilize RFID. In addition, the link between the benefits of RFID-driving force and competitive advantage is also conceptually established. Finally, it focuses on some future research approaches, so it can be used as a starting point for current and other academic research.

In the same vein, Derakshan et al. (2007) did an examination on RFID data management: challenges and opportunities. The authors begins with the concise synopsis of RFID technology where they found numerous techniques of identification, but for the most part is to store a serial number that identifies a person or item, and possibly other information on a microchip that is affixed to an antenna, and the antenna allows the chip to broadcast the detection information to the reader, and the reader translates the broadcasting signals reproduced back from the RFID tag into digital information so as to be able to transfer on to computers with the aim of making use of it. The authors started with a concise introduction of RFID technology. They found many identification technologies, but in most cases it is to store a serial number that identifies a person or object and possibly other information on a microchip attached to the antenna. The antenna allows the chip to detect information to the reader, and the reader converts the broadcast signal reproduced from the RFID tag into digital information so that it can be transmitted to the computer. The authors believed that the chip and antenna together are called RFID tag or transponder. The author continues to summarize some of the challenges related to the various layers of the RFID data management recommendation system architecture, and proposes to overcome these problems. These layers include: capture layer, process layer and enterprise applications.

Although some studies believe that in the early stages of the entire system, they often travel in large numbers in groups (Gonzalez et al. 2009), but they also believe that these observations will bring to the traditional relational and data warehouse technology. This method may include restoring and reasoning a large number of "interrelated tuples" through various levels of item movement. The study concluded that techniques should be develop for reviewing and cataloging data as well as methods for processing a range of queries (Gonzalez, et al., 2009).

In the field of education, Shahid (2005) conducted a study to explore the use of RFID technology in libraries: a new method for library material circulation, tracking, inventory and security. The research first regards RFID data technology as a combination of radio frequency technology and microchip technology. The study went on to consider RFID tag, reader or sensor, antenna and a computer system as the components of RFID system. According to the study, tag is the heart of RFID system which is an automatically programmed with unique information and can be attached to an objects in library like books, or compact discs (CDs) plates or videos allowing for identification of the objects. While the reader or sensor is used to query the tag passing the reader field or area, the information stored in the tag will be read by the reader and sent to the computer system, and the computer system will then communicate with the integrated library system and the antenna is the communication method between the tag and the reader.

Even so, the research observes the readers in the RFID library in the following ways: 1) Switching stations, writing library data into tags. 2) Recycled employee workstations are used for loading and unloading library materials. 3) There is a self-service sign-in desk, and library materials can be checked out without human intervention. 4) There is a self-service check-in desk, which allows you to check in library materials without personnel support. 5) The exit sensor is used to confirm that all materials leaving the warehouse have been checked out. 6) Book reader, used to automatically release library materials and reactivate security. 7) Sorters and conveyors are suitable for automated systems that return materials to appropriate areas of the library. 8) The handheld reader can be used to take inventory and verify whether it has

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been properly shelved. The study concluded that the use of RFID in the library can tackle both the security and materials tracking needs of the library as well as to speeds up borrowing and inventories in addition to requiring no staff to perform more user-service jobs. Similarly, Mishra and Mishra (2010), concluded that application of RFID in baggage handling will ensure effective management of baggage tracking or delivery and providing the airport or airline security and premium customer services (Li et al. 2017).

Similarly, Yu and Wang (2011) studied product quality inspection that combines structured lighting systems, data mining and RFID technology. The research uses RFID data and quality inspection systems for production tracking and tracing. The research believes that RFID data is a technology that uses a radio signal system to identify objects and transmit data from tags attached to movable objects to readers. This technology is fast, reliable, and does not need a line of sight or contact between reader or scanner and the tagged objects. The research continues to believe that transmitting RFID tags to each inspected component can identify the product type and write the quality inspection results determined by the data mining classifier for real-time quality query. Research has concluded that these processes can improve the traceability of product quality.

As can be seen, RFID data has observed substantial adoption in the different sectors (Mohammed & Wang, 2017; Mejjaouli & Babiceanu, 2018). For instance, RFID enables end to end supply chain management through traceability of particular items sourced from different destination (Tsao et al., 2017). Other scholars are of the view that, without RFID technology tracking a particular object; it becomes difficult to swiftly locate the source of particular items for information for accurate decision making (Chanchaichujit, et al. 2020). Apart from medicine and foods processing sector, RFID also witnessed a rising acceptance in industries/sectors such as footwear and apparel (Majeed & Rupasinghe, 2017), automobile (Werthmann et al. 2020), manufacturing sector (Liukkonen, 2015; Tsao, Linh & Lu, 2017), transport and logistics management (Fu, Chang, Lin, Du & Hsu, 2015). Strategic asset management (Iluore, Angela & Emetere, 2020), healthcare related sector (Chanchaichujit et al. 2019b).

IV. Theoretical Relevance of RFID Data Concept

The theoretical foundations of the current study is based on Resource-based View (RBV) Theory of the firm competitiveness which suggested that organisations that possess resources and capabilities that are valuable rare, imitable and no substitutable can be used to enhance performance (Barney, 1991). Therefore, Since RFID data technology represents the resources and capabilities of an organization that are meant for process improvement (Shafique, at al. 2019). Hence, RBV theory is suitable for the conceptual assessment of the relevance of RFID data technology on examination management process. That is, RBV theory higher education institutions in Nigeria can used RFID data technology to improve the efficiency of student's check in during examination processes. This is in turn, address the issues of impersonation and other examination malpractices.

If tertiary institutions desire to transformation some of the examination process such as student's check in process, diffusion of innovations theory (DIT) can be used to complement the assumptions of RBV theory. DIT is based on five identified attributes of innovations that are said to influencing their adoption and utilization of a particular technological solution to address business problem (Roggers, 1995). These features include compatibility, relative advantage, complexity, observability and trialability of IT solution (Roggers, 1995). So the strategic importance of RFID data in management some part of examination process is explains by these theories.

V. Discussions of Findings

Analysis from the literature review shows that RFID data is an effective technology that can be used to identify objects and allow information to be exchanged between the identified objects and the reader that reads the objects. The effectiveness and usefulness of RFID data was shown in some literature from which significant thought emerged. In a review by (Lopes, 2010), two areas of RFID tag have been identified that appraised RFID data, the first area involves an integrated path for holding and processing data, modulating and demodulating radio frequency signal as well as other operations. The second area contains an antenna for receiving and broadcasting the signal. This implies that the effectiveness of RFID data depends on RFID tag and reader since the tag result is very appropriate if connected with the reader in identifying object.

In addition, even if there is a certain distance between the RFID reader and the tag, it can allow adequate and reliable signal distribution. This depends on many factors, including the radio frequency used for communication, the power released by the reader, the source of radio intrusion, and items in the environment that may reflect or absorb radio waves. Nevertheless, the most important idea behind the appraisal of RFID data concept as noted in the research work of (Hakala, 2014) is its ability to read and write information in the RFID tag via radio transmission, and the indicator is released by means of the reader and data exchange which occurs as soon as the tag is closer to the reader. This is therefore important in designing, implementing and evaluating examination processes.

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However, despite the effectiveness of RFID data in identifying objects, it associated with some challenges. As noted in a review by Derakhshan et al. (2007) which outlined three categories of challenges related to the diverse layers of system architecture for RFID data management. This includes the following:

- Capture layer
- Process layer
- Enterprise application

In addition to these challenges, there were also discoveries on the challenges of analyzing massive RFID data sets. Gonzalez et al. (2009) identified these challenges based on two observations: The first observation is that objects often move collectively in large collections in the early stages of the system (for example, in the distribution center), and only in later stages (for example, stores), they move in smaller groups. The second observation is that, though RFID data is recorded at the initial stage where data analysis typically takes place at a higher generalization point. However, the research work of (Bai et al., 2006) recommended further research to develop various effective techniques for filtering RFID data as well as noise removal and duplicate elimination in order to achieve the goal of RFID data appraisal in identifying, locating, tracking and monitoring physical objects with no line of sight.

VI. Conclusion

The study has provided a background for understanding and appraising RFID data concept from a strategic point of views. The analysis has considered the different thoughts of authors that appraised RFID data concept within the context of substantial adoption in different sector. Findings of the analysis revealed a better understanding and conversation on the topic of an Automatic Identification and Data Capture Technology (AIDCT) like RFID data is an effective and useful technology in identifying objects. Even though, some of the findings were concerned with the challenges of RFID data in the areas that include for example, privacy and security concern as regards to the increasing use of the technology. It also involves filtering RFID data and eliminating noise and repetitive elimination to achieve the goal of the technology's effectiveness and practicality in identifying, locating, tracking, and monitoring physical objects without line of sight. This paper believes to have extends knowledge and ideas on the effectiveness and usefulness of RFID data which can lead to process accuracy and integrity of the adopting organisation.

In the future, the researcher will look at how other AIDCTs like biometric, cloud base and analytical computing can be used to address these issues and to examine the relevance for adoption in the management of higher education examination. This can thus be useful to organizations in making an appropriate decision on whether to utilize or apply to a particular situation. For instance, the object driven elements of RFID concept focused on the ways on which traceability of an objects through RFID technology adhere to meeting process requirement, while the strategic driven adoption of RFID data concept focused on how object identification and traceability can lead to process accuracy and integrity of the adopting organisation.

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Although low-quality images are sufficient for review purposes, print publication requires high-quality images to prevent the final product being blurred or fuzzy. Submit (possibly by e-mail) EPS (line art) or TIFF (halftone/ photographs) files only. MS PowerPoint and Word Graphics are unsuitable for printed pictures. Avoid using pixel-oriented software. Scans (TIFF only) should have a resolution of at least 350 dpi (halftone) or 700 to 1100 dpi (line drawings). Please give the data for figures in black and white or submit a Color Work Agreement form. EPS files must be saved with fonts embedded (and with a TIFF preview, if possible).

For scanned images, the scanning resolution at final image size ought to be as follows to ensure good reproduction: line art: >650 dpi; halftones (including gel photographs): >350 dpi; figures containing both halftone and line images: >650 dpi.

Color charges: Authors are advised to pay the full cost for the reproduction of their color artwork. Hence, please note that if there is color artwork in your manuscript when it is accepted for publication, we would require you to complete and return a Color Work Agreement form before your paper can be published. Also, you can email your editor to remove the color fee after acceptance of the paper.

Tips for writing a good quality Social Science Research Paper

Techniques for writing a good quality homan social science research paper:

1. Choosing the topic: In most cases, the topic is selected by the interests of the author, but it can also be suggested by the guides. You can have several topics, and then judge which you are most comfortable with. This may be done by asking several questions of yourself, like "Will I be able to carry out a search in this area? Will I find all necessary resources to accomplish the search? Will I be able to find all information in this field area?" If the answer to this type of question is "yes," then you ought to choose that topic. In most cases, you may have to conduct surveys and visit several places. Also, you might have to do a lot of work to find all the rises and falls of the various data on that subject. Sometimes, detailed information plays a vital role, instead of short information. Evaluators are human: The first thing to remember is that evaluators are also human beings. They are not only meant for rejecting a paper. They are here to evaluate your paper. So present your best aspect.

2. Think like evaluators: If you are in confusion or getting demotivated because your paper may not be accepted by the evaluators, then think, and try to evaluate your paper like an evaluator. Try to understand what an evaluator wants in your research paper, and you will automatically have your answer. Make blueprints of paper: The outline is the plan or framework that will help you to arrange your thoughts. It will make your paper logical. But remember that all points of your outline must be related to the topic you have chosen.

3. Ask your guides: If you are having any difficulty with your research, then do not hesitate to share your difficulty with your guide (if you have one). They will surely help you out and resolve your doubts. If you can't clarify what exactly you require for your work, then ask your supervisor to help you with an alternative. He or she might also provide you with a list of essential readings.

4. Use of computer is recommended: As you are doing research in the field of homan social science then this point is quite obvious. Use right software: Always use good quality software packages. If you are not capable of judging good software, then you can lose the quality of your paper unknowingly. There are various programs available to help you which you can get through the internet.

5. Use the internet for help: An excellent start for your paper is using Google. It is a wondrous search engine, where you can have your doubts resolved. You may also read some answers for the frequent question of how to write your research paper or find a model research paper. You can download books from the internet. If you have all the required books, place importance on reading, selecting, and analyzing the specified information. Then sketch out your research paper. Use big pictures: You may use encyclopedias like Wikipedia to get pictures with the best resolution. At Global Journals, you should strictly follow here.



6. Bookmarks are useful: When you read any book or magazine, you generally use bookmarks, right? It is a good habit which helps to not lose your continuity. You should always use bookmarks while searching on the internet also, which will make your search easier.

7. Revise what you wrote: When you write anything, always read it, summarize it, and then finalize it.

8. Make every effort: Make every effort to mention what you are going to write in your paper. That means always have a good start. Try to mention everything in the introduction—what is the need for a particular research paper. Polish your work with good writing skills and always give an evaluator what he wants. Make backups: When you are going to do any important thing like making a research paper, you should always have backup copies of it either on your computer or on paper. This protects you from losing any portion of your important data.

9. Produce good diagrams of your own: Always try to include good charts or diagrams in your paper to improve quality. Using several unnecessary diagrams will degrade the quality of your paper by creating a hodgepodge. So always try to include diagrams which were made by you to improve the readability of your paper. Use of direct quotes: When you do research relevant to literature, history, or current affairs, then use of quotes becomes essential, but if the study is relevant to science, use of quotes is not preferable.

10. Use proper verb tense: Use proper verb tenses in your paper. Use past tense to present those events that have happened. Use present tense to indicate events that are going on. Use future tense to indicate events that will happen in the future. Use of wrong tenses will confuse the evaluator. Avoid sentences that are incomplete.

11. Pick a good study spot: Always try to pick a spot for your research which is quiet. Not every spot is good for studying.

12. Know what you know: Always try to know what you know by making objectives, otherwise you will be confused and unable to achieve your target.

13. Use good grammar: Always use good grammar and words that will have a positive impact on the evaluator; use of good vocabulary does not mean using tough words which the evaluator has to find in a dictionary. Do not fragment sentences. Eliminate one-word sentences. Do not ever use a big word when a smaller one would suffice.

Verbs have to be in agreement with their subjects. In a research paper, do not start sentences with conjunctions or finish them with prepositions. When writing formally, it is advisable to never split an infinitive because someone will (wrongly) complain. Avoid clichés like a disease. Always shun irritating alliteration. Use language which is simple and straightforward. Put together a neat summary.

14. Arrangement of information: Each section of the main body should start with an opening sentence, and there should be a changeover at the end of the section. Give only valid and powerful arguments for your topic. You may also maintain your arguments with records.

15. Never start at the last minute: Always allow enough time for research work. Leaving everything to the last minute will degrade your paper and spoil your work.

16. Multitasking in research is not good: Doing several things at the same time is a bad habit in the case of research activity. Research is an area where everything has a particular time slot. Divide your research work into parts, and do a particular part in a particular time slot.

17. Never copy others' work: Never copy others' work and give it your name because if the evaluator has seen it anywhere, you will be in trouble. Take proper rest and food: No matter how many hours you spend on your research activity, if you are not taking care of your health, then all your efforts will have been in vain. For quality research, take proper rest and food.

18. Go to seminars: Attend seminars if the topic is relevant to your research area. Utilize all your resources.
Refresh your mind after intervals: Try to give your mind a rest by listening to soft music or sleeping in intervals. This will also improve your memory. Acquire colleagues: Always try to acquire colleagues. No matter how sharp you are, if you acquire colleagues, they can give you ideas which will be helpful to your research.

19. Think technically: Always think technically. If anything happens, search for its reasons, benefits, and demerits. Think and then print: When you go to print your paper, check that tables are not split, headings are not detached from their descriptions, and page sequence is maintained.

20. Adding unnecessary information: Do not add unnecessary information like "I have used MS Excel to draw graphs." Irrelevant and inappropriate material is superfluous. Foreign terminology and phrases are not apropos. One should never take a broad view. Analogy is like feathers on a snake. Use words properly, regardless of how others use them. Remove quotations. Puns are for kids, not grunt readers. Never oversimplify: When adding material to your research paper, never go for oversimplification; this will definitely irritate the evaluator. Be specific. Never use rhythmic redundancies. Contractions shouldn't be used in a research paper. Comparisons are as terrible as clichés. Give up ampersands, abbreviations, and so on. Remove commas that are not necessary. Parenthetical words should be between brackets or commas. Understatement is always the best way to put forward earth-shaking thoughts. Give a detailed literary review.

21. Report concluded results: Use concluded results. From raw data, filter the results, and then conclude your studies based on measurements and observations taken. An appropriate number of decimal places should be used. Parenthetical remarks are prohibited here. Proofread carefully at the final stage. At the end, give an outline to your arguments. Spot perspectives of further study of the subject. Justify your conclusion at the bottom sufficiently, which will probably include examples.

22. Upon conclusion: Once you have concluded your research, the next most important step is to present your findings. Presentation is extremely important as it is the definite medium though which your research is going to be in print for the rest of the crowd. Care should be taken to categorize your thoughts well and present them in a logical and neat manner. A good quality research paper format is essential because it serves to highlight your research paper and bring to light all necessary aspects of your research.

.

Informal Guidelines of Research Paper Writing

Key points to remember:

- Submit all work in its final form.
- Write your paper in the form which is presented in the guidelines using the template.
- Please note the criteria peer reviewers will use for grading the final paper.

Final points:

One purpose of organizing a research paper is to let people interpret your efforts selectively. The journal requires the following sections, submitted in the order listed, with each section starting on a new page:

The introduction: This will be compiled from reference matter and reflect the design processes or outline of basis that directed you to make a study. As you carry out the process of study, the method and process section will be constructed like that. The results segment will show related statistics in nearly sequential order and direct reviewers to similar intellectual paths throughout the data that you gathered to carry out your study.

The discussion section:

This will provide understanding of the data and projections as to the implications of the results. The use of good quality references throughout the paper will give the effort trustworthiness by representing an alertness to prior workings.

Writing a research paper is not an easy job, no matter how trouble-free the actual research or concept. Practice, excellent preparation, and controlled record-keeping are the only means to make straightforward progression.

General style:

Specific editorial column necessities for compliance of a manuscript will always take over from directions in these general guidelines.

To make a paper clear: Adhere to recommended page limits.



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Mistakes to avoid:

- Insertion of a title at the foot of a page with subsequent text on the next page.
- Separating a table, chart, or figure—confine each to a single page.
- Submitting a manuscript with pages out of sequence.
- In every section of your document, use standard writing style, including articles ("a" and "the").
- Keep paying attention to the topic of the paper.
- Use paragraphs to split each significant point (excluding the abstract).
- Align the primary line of each section.
- Present your points in sound order.
- Use present tense to report well-accepted matters.
- Use past tense to describe specific results.
- Do not use familiar wording; don't address the reviewer directly. Don't use slang or superlatives.
- Avoid use of extra pictures—include only those figures essential to presenting results.

Title page:

Choose a revealing title. It should be short and include the name(s) and address(es) of all authors. It should not have acronyms or abbreviations or exceed two printed lines.

Abstract: This summary should be two hundred words or less. It should clearly and briefly explain the key findings reported in the manuscript and must have precise statistics. It should not have acronyms or abbreviations. It should be logical in itself. Do not cite references at this point.

An abstract is a brief, distinct paragraph summary of finished work or work in development. In a minute or less, a reviewer can be taught the foundation behind the study, common approaches to the problem, relevant results, and significant conclusions or new questions.

Write your summary when your paper is completed because how can you write the summary of anything which is not yet written? Wealth of terminology is very essential in abstract. Use comprehensive sentences, and do not sacrifice readability for brevity; you can maintain it succinctly by phrasing sentences so that they provide more than a lone rationale. The author can at this moment go straight to shortening the outcome. Sum up the study with the subsequent elements in any summary. Try to limit the initial two items to no more than one line each.

Reason for writing the article—theory, overall issue, purpose.

- Fundamental goal.
- To-the-point depiction of the research.
- Consequences, including definite statistics—if the consequences are quantitative in nature, account for this; results of any numerical analysis should be reported. Significant conclusions or questions that emerge from the research.

Approach:

- Single section and succinct.
- An outline of the job done is always written in past tense.
- Concentrate on shortening results—limit background information to a verdict or two.
- Exact spelling, clarity of sentences and phrases, and appropriate reporting of quantities (proper units, important statistics) are just as significant in an abstract as they are anywhere else.

Introduction:

The introduction should "introduce" the manuscript. The reviewer should be presented with sufficient background information to be capable of comprehending and calculating the purpose of your study without having to refer to other works. The basis for the study should be offered. Give the most important references, but avoid making a comprehensive appraisal of the topic. Describe the problem visibly. If the problem is not acknowledged in a logical, reasonable way, the reviewer will give no attention to your results. Speak in common terms about techniques used to explain the problem, if needed, but do not present any particulars about the protocols here.

The following approach can create a valuable beginning:

- Explain the value (significance) of the study.
- Defend the model—why did you employ this particular system or method? What is its compensation? Remark upon its appropriateness from an abstract point of view as well as pointing out sensible reasons for using it.
- Present a justification. State your particular theory(-ies) or aim(s), and describe the logic that led you to choose them.
- Briefly explain the study's tentative purpose and how it meets the declared objectives.

Approach:

Use past tense except for when referring to recognized facts. After all, the manuscript will be submitted after the entire job is done. Sort out your thoughts; manufacture one key point for every section. If you make the four points listed above, you will need at least four paragraphs. Present surrounding information only when it is necessary to support a situation. The reviewer does not desire to read everything you know about a topic. Shape the theory specifically—do not take a broad view.

As always, give awareness to spelling, simplicity, and correctness of sentences and phrases.

Procedures (methods and materials):

This part is supposed to be the easiest to carve if you have good skills. A soundly written procedures segment allows a capable scientist to replicate your results. Present precise information about your supplies. The suppliers and clarity of reagents can be helpful bits of information. Present methods in sequential order, but linked methodologies can be grouped as a segment. Be concise when relating the protocols. Attempt to give the least amount of information that would permit another capable scientist to replicate your outcome, but be cautious that vital information is integrated. The use of subheadings is suggested and ought to be synchronized with the results section.

When a technique is used that has been well-described in another section, mention the specific item describing the way, but draw the basic principle while stating the situation. The purpose is to show all particular resources and broad procedures so that another person may use some or all of the methods in one more study or referee the scientific value of your work. It is not to be a step-by-step report of the whole thing you did, nor is a methods section a set of orders.

Materials:

Materials may be reported in part of a section or else they may be recognized along with your measures.

Methods:

- Report the method and not the particulars of each process that engaged the same methodology.
- Describe the method entirely.
- To be succinct, present methods under headings dedicated to specific dealings or groups of measures.
- Simplify—detail how procedures were completed, not how they were performed on a particular day.
- If well-known procedures were used, account for the procedure by name, possibly with a reference, and that's all.

Approach:

It is embarrassing to use vigorous voice when documenting methods without using first person, which would focus the reviewer's interest on the researcher rather than the job. As a result, when writing up the methods, most authors use third person passive voice.

Use standard style in this and every other part of the paper—avoid familiar lists, and use full sentences.

What to keep away from:

- Resources and methods are not a set of information.
- Skip all descriptive information and surroundings—save it for the argument.
- Leave out information that is immaterial to a third party.



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Results:

The principle of a results segment is to present and demonstrate your conclusion. Create this part as entirely objective details of the outcome, and save all understanding for the discussion.

The page length of this segment is set by the sum and types of data to be reported. Use statistics and tables, if suitable, to present consequences most efficiently.

You must clearly differentiate material which would usually be incorporated in a study editorial from any unprocessed data or additional appendix matter that would not be available. In fact, such matters should not be submitted at all except if requested by the instructor.

Content:

- Sum up your conclusions in text and demonstrate them, if suitable, with figures and tables.
- In the manuscript, explain each of your consequences, and point the reader to remarks that are most appropriate.
- Present a background, such as by describing the question that was addressed by creation of an exacting study.
- Explain results of control experiments and give remarks that are not accessible in a prescribed figure or table, if appropriate.
- Examine your data, then prepare the analyzed (transformed) data in the form of a figure (graph), table, or manuscript.

What to stay away from:

- Do not discuss or infer your outcome, report surrounding information, or try to explain anything.
- Do not include raw data or intermediate calculations in a research manuscript.
- Do not present similar data more than once.
- A manuscript should complement any figures or tables, not duplicate information.
- Never confuse figures with tables—there is a difference.

Approach:

As always, use past tense when you submit your results, and put the whole thing in a reasonable order.

Put figures and tables, appropriately numbered, in order at the end of the report.

If you desire, you may place your figures and tables properly within the text of your results section.

Figures and tables:

If you put figures and tables at the end of some details, make certain that they are visibly distinguished from any attached appendix materials, such as raw facts. Whatever the position, each table must be titled, numbered one after the other, and include a heading. All figures and tables must be divided from the text.

Discussion:

The discussion is expected to be the trickiest segment to write. A lot of papers submitted to the journal are discarded based on problems with the discussion. There is no rule for how long an argument should be.

Position your understanding of the outcome visibly to lead the reviewer through your conclusions, and then finish the paper with a summing up of the implications of the study. The purpose here is to offer an understanding of your results and support all of your conclusions, using facts from your research and generally accepted information, if suitable. The implication of results should be fully described.

Infer your data in the conversation in suitable depth. This means that when you clarify an observable fact, you must explain mechanisms that may account for the observation. If your results vary from your prospect, make clear why that may have happened. If your results agree, then explain the theory that the proof supported. It is never suitable to just state that the data approved the prospect, and let it drop at that. Make a decision as to whether each premise is supported or discarded or if you cannot make a conclusion with assurance. Do not just dismiss a study or part of a study as "uncertain."



Research papers are not acknowledged if the work is imperfect. Draw what conclusions you can based upon the results that you have, and take care of the study as a finished work.

- You may propose future guidelines, such as how an experiment might be personalized to accomplish a new idea.
- Give details of all of your remarks as much as possible, focusing on mechanisms.
- Make a decision as to whether the tentative design sufficiently addressed the theory and whether or not it was correctly restricted. Try to present substitute explanations if they are sensible alternatives.
- One piece of research will not counter an overall question, so maintain the large picture in mind. Where do you go next? The best studies unlock new avenues of study. What questions remain?
- Recommendations for detailed papers will offer supplementary suggestions.

Approach:

When you refer to information, differentiate data generated by your own studies from other available information. Present work done by specific persons (including you) in past tense.

Describe generally acknowledged facts and main beliefs in present tense.

The Administration Rules

Administration Rules to Be Strictly Followed before Submitting Your Research Paper to Global Journals Inc.

Please read the following rules and regulations carefully before submitting your research paper to Global Journals Inc. to avoid rejection.

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Please note that following table is only a Grading of "Paper Compilation" and not on "Performed/Stated Research" whose grading solely depends on Individual Assigned Peer Reviewer and Editorial Board Member. These can be available only on request and after decision of Paper. This report will be the property of Global Journals

Topics	Grades		
	A-B	**C-D**	**E-F**
Abstract	Clear and concise with appropriate content, Correct format. 200 words or below	Unclear summary and no specific data, Incorrect form Above 200 words	No specific data with ambiguous information Above 250 words
Introduction	Containing all background details with clear goal and appropriate details, flow specification, no grammar and spelling mistake, well organized sentence and paragraph, reference cited	Unclear and confusing data, appropriate format, grammar and spelling errors with unorganized matter	Out of place depth and content, hazy format
Methods and Procedures	Clear and to the point with well arranged paragraph, precision and accuracy of facts and figures, well organized subheads	Difficult to comprehend with embarrassed text, too much explanation but completed	Incorrect and unorganized structure with hazy meaning
Result	Well organized, Clear and specific, Correct units with precision, correct data, well structuring of paragraph, no grammar and spelling mistake	Complete and embarrassed text, difficult to comprehend	Irregular format with wrong facts and figures
Discussion	Well organized, meaningful specification, sound conclusion, logical and concise explanation, highly structured paragraph reference cited	Wordy, unclear conclusion, spurious	Conclusion is not cited, unorganized, difficult to comprehend
References	Complete and correct format, well organized	Beside the point, Incomplete	Wrong format and structuring

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