**This Technical Note (TN) is part of a series of thematic TNs that aim to support Sida staff and partners to apply the human rights-based approach (HRBA). The TN begins with a short introduction to the HRBA and Sida's PLANET tool. It then explains how human rights norms and standards underpin the thematic area. The TN goes on to demonstrate how PLANET can guide staff in planning, assessing and monitoring of a contribution through a series of guiding questions and examples. Finally, it provides a simple model for empowerment and capacity development analysis and a list of additional resources to explore.**

ABOUT HRBA AND PLANET

The HRBA builds on the norms and principles outlined in the Universal Declaration of Human Rights, and the subsequent legally binding UN treaties, which forms the basis for all development cooperation. Application of the HRBA contributes to effective development cooperation processes and sustainable development outcomes. It challenges unequal power relations and social exclusion that deny people their human rights and often keep them in poverty and oppression. Sweden is committed to the HRBA through the Swedish Policy for Global Development, the EU Consensus on Development agreement, and the UN common understanding of a HRBA.

The HRBA places people living in poverty and oppression (rights-holders) at the centre. It is about:

- Empowering rights-holders to enable them to take action to address their situation and to claim their rights individually and collectively.

- Developing capacities and interests of duty-bearers to fulfil their obligations to respect, protect and fulfil human rights.
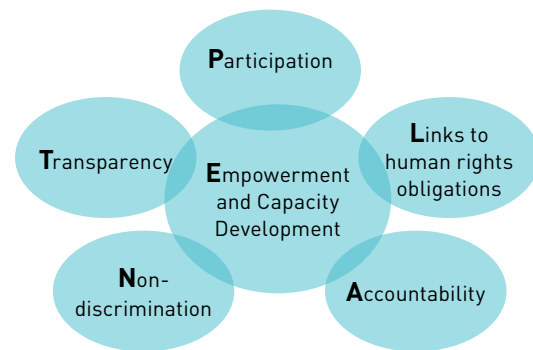
PLANET is a tool that guides staff in the practical application of the HRBA. It has six elements:

Participation = Do all stakeholders engage actively, in a way which allows rights-holders to contribute meaningfully and influence processes and outcomes?

Links to human rights obligations = How are relevant human rights standards and recommendations from human rights mechanisms identified and used to advance processes, outcomes and objectives?

Accountability = Who are the duty-bearers on various levels, and do they have sufficient capacity and interest to be accountable to rights-holders?

Non-discrimination = Are rights-holders and the root causes of their lack of human rights identified and taken into account, particularly those most subjected to discrimination, marginalisation and vulnerability?

Empowerment and capacity development = How does the intervention contribute to the empowerment of rights-holders to claim their rights, as well as capacity development of duty-bearers to uphold their responsibilities and of other relevant stakeholders to contribute to positive outcomes?

Transparency = What measures are put in place to ensure that all stakeholders are able to access relevant information and knowledge regarding the contribution?

Learn more about HRBA and PLANET at Human Rights Based Approach – rättighetsperspektiv | Sida and Thematic method support – human-rights-based-approach (sida.se)

HUMAN RIGHTS AND PEACEBUILDING

Peace is interrelated with human rights. Paragraph 3 of the Universal Declaration of Human Rights from 1948 upholds everyone's right to life, liberty and security. The UN General Assembly in 2016 ratified a declaration of the Right to Peace (A/C.3/71/L.29) where "…everyone has the right to enjoy peace such that all human rights are promoted and protected and development is fully realized".

A conflict is a disagreement (or incompatibility) between two or more individuals or groups. Conflicts can be managed and resolved constructively and peacefully, and most conflicts are non-violent. Rights-holders organising themselves to demand their rights are sometimes met by firm resistance, and at times such situations may result in what can be described as a conflict between citizens and the state or an authoritarian regime. However, a situation where the regime uses one-sided violence against civilians to suppress peaceful demonstrations is not "violent conflict", but "one-sided violence".

Most of peacebuilding is focused on a particular type of violent conflict: state-based armed conflict. It is a conflict that "concerns government and/or territory where the use of armed force between two parties, of which at least one is the government of a state, results in at least 25 battle-related deaths in one calendar year."[1] Peacebuilding can however also be about communal conflicts, farmer-herder conflicts and (other) non-state armed conflicts and one-sided violence.

Development interventions within the thematic area of peaceful and inclusive societies occur in all phases of conflict; preventive measures before the outbreak of armed conflict, peacebuilding interventions during violent conflict, post-conflict peacebuilding after violence has ceased. Human rights are applicable during peace time as well as in all phases of conflict. During armed conflict, a certain set of international laws, International Humanitarian Law (IHL), may also apply. IHL includes regulations to limit the means and methods of warfare and to protect civilians at times of armed conflict and situations of occupation. A HRBA relates to international human rights law as found in national, regional and international laws, treaties, customs and systems, as well as to International Humanitarian Law (see TN on HRBA and IHL)

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[1] This definition is used in Uppsala Conflict Data Program. A state-based armed conflict that results in more than 1000 battle-related deaths in one calendar year, is categorized as a "war"

In many contexts of conflict, increasing the respect for and fulfilment of human rights is equal to tackling some of the root causes of conflict by addressing grievances, eliminating inequalities and exclusion, and allowing people to participate in decision-making that affect their lives. In situations of rising tension, serious human rights violations are often an early warning signal of impending risk of the outbreak of armed conflict. When violent means are used in an ongoing armed conflict, actual and alleged human rights violations on both sides of the conflict are almost always part of the picture. Stopping human rights and IHL violations usually de-escalate the violence with an immediate effect on conflict dynamics. Generally, countries that respect human rights experience fewer violent conflicts compared to states that do not. Violations of human rights by the state itself, e.g. if the state responds repressively to protests, neglect civil rights, etc., undermine the legitimacy of the state and destroy the social fabric and social cohesion in society.

APPLYING PLANET TO WORK WITHIN THE THEMATIC AREA OF PEACEFUL AND INCLUSIVE SOCIETIES

The six elements of PLANET should be integrated into peacebuilding, conflict prevention and human security contributions in the same way as with any other thematic development contribution. When doing so, especially in contexts of conflict, it is important to make sure not to unintentionally put rights-holders nor results of development contributions at risk, through lack of conflict sensitivity. As an example, a development programme that focuses on a certain (marginalized) target group may (unintentionally) exclude others and thereby create or increase grievances with certain neglected groups in society. HRBA and conflict sensitivity thus need to go hand in hand – along with the other mandatory perspectives that are to permeate all Swedish development cooperation.

How to ensure meaningful participation (P)

To ensure inclusiveness and meaningful participation of affected communities is a cornerstone of good peacebuilding. Furthermore, listening to and taking into account a variety of perspectives on the conflict and interests and concerns regarding the peacebuilding programming is good practice in efforts to ensure and integrate conflict sensitivity in strategies and contributions. Thus HRBA can reinforce both peacebuilding and conflict sensitivity.

From a conflict perspective, it is relevant to underscore the universality of human rights when applying a HRBA. When groups argue for their rights at the expense of the rights of others, this may feed tensions and conflict and reinforce the zero-sum logic that prevails in many conflicts. Explicitly emphasising the universality of human rights may help mitigate against such unintended negative effects on conflict.

Where mistrust and enemy images prevail, it is important to manage participation in relation to conflict fault lines in a way that does not reinforce divisions and mistrust but rather the opposite. In some cases, it is possible to support participation across conflict fault lines. In other cases, it may be more feasible and preferable to work with people belonging to each side in the conflict separately, but to do so in a way that includes keeping lines of communication open and actively addressing attitudes and behaviour in order to support and increase the likelihood of a peaceful solution to the conflict.

A common practical problem concerning inclusiveness, participation and peacebuilding is how to be inclusive in terms of ethnicities, religious belonging, gender, age, persons with disabilities and any identities that may be important from a conflict sensitivity point of view, without treating people as mere "representatives". There are many sensitivities around "representing" that one needs to be aware of. Boxing individuals into representing whole communities to which they belong places a heavy burden on them. If that is done without endorsement from the concerned community, there will be questions about the legitimacy of representation. Tokenism, bringing representatives of minority groups in in order to "tick the box", is disempowering and therefore counterproductive from both a peacebuilding and a HRBA point of view. Of course there is also legitimate representation. In peace processes, the negotiating teams need to represent their constituencies in order to be able to negotiate a peace agreement. Ensuring meaningful participation in peace processes from a HRBA means ensuring participation in decision-making by representatives of groups who have been hard hit by the violence, have a high stake in the future peace as rights-holders and can bring in the perspective of (different) groups of rights-holders. From a peacebuilding point of view inclusive peace processes increase the likelihood of durable peace.

Women and young people are important actors in peacebuilding. They are often involved in peacebuilding efforts in communities, but are underrepresented in formal peace processes, mediation initiatives and decision-making levels in peace negotiations. The UN Security Council has adopted a number of resolutions to promote the active and meaningful participation of women (UNSC 1325 and following resolutions) and youth (UNSC 2250). UNSCR 2475 promotes the meaningful participation and representation of persons with disabilities, including women and youth, in conflict prevention and peacebuilding. A meaningful participation of young people and women in e.g. mediation, conflict resolution and peace negotiations is a way to not just broaden the base of stakeholders from the perspective of a right to participate, but also a way of making solutions towards attaining a peaceful and inclusive society more sustainable.

Guiding questions:
- How are beneficiaries selected, and what is the relation between people involved in and reached by the contribution and other people living in the same area? Will the contribution make those relations better or worse?

- Do all relevant stakeholders participate in the contribution and have rights-holders been able to influence its design? In situations of rising tension (risk of violent conflict), ongoing violent conflict or post-conflict situations, is the contribution designed by and for the benefit of groups on both side of the conflict divide or is it biased towards one side of the conflict? Is any component of the contribution designed so that it benefits one group over another in a way that coincides with existing conflict fault lines? Is it possible and feasible to design the contribution so that it supports participation and collaboration across conflict fault lines?

- How is representation managed in the contribution? Who are represented? Is there any risk of tokenism?

- How can women's meaningful participation be strengthened in local or national processes for peace and how to improve the quality and longevity of peace by avoiding gender blindness?

- How are important actors for peace and possible "spoilers" of processes for peace handled as regards their participation? Are they likely to gain or to lose from the contribution?

Linking Peacebuilding to Human Rights and IHL obligations (L)

International Humanitarian Law (IHL) as well as International Human Rights Law (IHRL) apply in contexts of armed conflict. For more information about IHL, when it is applicable and what it means, see the technical note on HRBA and IHL [Thematic method support - sida-thematic-areas](#).

During armed conflict, states tend to limit civil and political rights in the name of "national security". On the one hand it is true that certain rights can be temporarily limited under certain circumstances during times of national crises, but only under strict conditions and terms. National security should never be used as a pretext for imposing sweeping, un-proportional or unfounded limits to any rights, and certain fundamental rights can never be lawfully limited, not even in times of crises. For instance, national security is not legitimate ground for imposing limitations on the freedom of religion or belief.

Also, in armed conflicts, propaganda is likely to be used as a means to pressure citizens to be loyal to the war effort in a way that may result in shrinking space for dissent. The zero-sum logic of "either you are with us or against us" will often apply and the state, when it is a party in an armed conflict, may use its powers to try to make citizens comply to that logic. Peacebuilders will very often find that there is a shrinking space for impartiality (also called a "third party position"). Peacebuilders can make use of IHRL and IHL, to protect the space for a third party position and third party mediation, which may prove important in search of peace.

Peacebuilding efforts in all phases of conflict often include strong components of IHRL and IHL. Transitional justice programmes are clear examples. In cases where links to IHRL and IHL are not already explicit, a HRBA serves to clarify such links, which in turn can strengthen the peacebuilding potential. In the long run, human rights and sustainable peace reinforce each other.

The issues that the parties are fighting over (the incompatibility), may at times be connected to rights, either individual- or group rights. When there is a conflict involving majority – minority relations, collective rights such as right to language, cultural rights or

A woman from Sida's partner organisation Mine Advisory Group is detecting mines on a field in Iraq.

indigenous land rights might be especially sensitive issues to deal with in a polarised context. A peacebuilding contribution with a strong HRBA component or a human rights contribution with a strong integration of the conflict perspective (including maximising positive contribution to peace), could contribute to unpacking misunderstandings and finding constructive ways towards acceptable solutions to different group rights in society.

Guiding questions:

- Is IHL applicable in this context?

- Are violations of IHRL and IHL (where applicable) monitored and documented in a way that can be used in future legal processes?

- Is there a way to reduce levels of violence and change conflict behaviour and dynamics by exposing or sanctioning the worst atrocities and the use of prohibited forms of violence according to human rights and IHL standards?

- Is there impunity for past HR and IHL violations and how can countering impunity and supporting truth-telling become part of peacebuilding contributions that pave the way for reconciliation?

- Is the contribution impartial in the sense that it denounces violations of IHRL or IHL regardless of who the perpetrator is? (Or does it takes sides in a conflict?)

How to identify and relate to duty-bearers in the interest of accountability (A)

Most armed conflicts are internal (intrastate) conflicts between a state and one or several non-state armed actors. A smaller number of armed conflicts are conflicts between states (interstate). The most violent intrastate conflicts in recent time have also had third party involvement, meaning that an external actor intervene with troops to support one side of the conflict.

States, as duty-bearers, have a responsibility to respect, protect and fulfil rights according to international law. Non-state armed actors can also have responsibilities as duty-bearers, but their responsibilities under international law are more limited. In IHL there is also a third state responsibility, making third states duty-bearers.[2] Knowing which international laws are applicable is key to identifying all relevant duty-bearers.

How to relate to duty-bearers in order to demand rights and accountability varies depending on who the alleged perpetrator is, the (perceived) legitimacy of the duty-bearer, any sanctions that may be imposed on the duty-bearer and other important considerations. In armed conflict, the duty-bearers are all too often the perpetrators of violations of human rights and IHL. Security concerns must be taken seriously in order to minimise risks for human rights defenders, peacebuilders and civil society representatives who work to demand compliance and accountability by duty-bearers to international law. The international community may be more at liberty than local actors to talk to parties in an armed conflict about compliance with international law .

Although in the long run peacebuilding and human rights support one another, in the short-term difficult dilemmas may arise about, for example, accepting amnesty in exchange for an end to violence. Such dilemmas are sometimes described as resulting from a tension "between human rights and peacebuilding". But describing it in that way is misleading. It is true that accepting amnesty in exchange for an end to violence may entrench a culture of impunity, which is not in the interest of either human rights work or peacebuilding. Yet, if an offer of amnesty is what it takes to end ongoing deadly violence, that could be described in human rights terms as giving precedence to stopping ongoing violations of the right to life. In peacebuilding terms the same dilemma can be described as stopping ongoing violence at the cost of undermining sustainability of peace (since a culture of impunity for crimes committed during armed conflict is an obstacle to sustainable peace). One way of dealing with this dilemma is to strategise about what needs to happen in the short-term and what can be postponed and addressed in the more long-term. In any case, the risk of a conflict of interests between human rights activists on one side and peacebuilders on the other side, should not be exaggerated.

Guiding questions:

- What are the claims from rights-holders and the response from duty-bearers? How do these claims and responses relate to key drivers of peace and conflict?

- When engaging with duty-bearers, how will that engagement serve to strengthen the rights of rights-holders?

- In peace talks and other peacebuilding interventions involving parties who are allegedly committing, or have committed crimes, is there a risk that the

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2   Article 1, common to all four Geneva Conventions, places an obligation on state parties to an armed conflict as well as on third states who are not involved in the conflict to respect and ensure respect for International Humanitarian Law.

intervention contributes to whitewashing of crimes committed? Perhaps even of entrenching a culture of impunity? What can be done to avoid or mitigate any risk of such effects?

- If the strategy or contribution is about supporting a peace process, what are the capacities put in place and empowerment of rights-holders to demand accountability for its successful implementation?

- What accountability mechanisms are relevant and can be used now or in the future? What is a feasible strategy for demanding accountability?

NON-DISCRIMINATION (N)

In conflicts with an ethnic or religious dimension, there is a risk that people are assumed to belong to one or the other side of a conflict only on the basis of their ethnicity, religious belief or based on other identity markers such as language, etc. When the government is one of the parties in an armed conflict and it combines such dangerous generalisations with the power of statehood, there is a risk of government discrimination against inhabitants perceived to belong to or sympathise with the armed opponent's side whether or not they actually do so. This is especially true when identity markers are used by the parties in conflict to mobilise its respective constituencies to actively engage in the conflict. Different kind of discrimination, especially state-backed, is connected to increased risk of violence.

Non-discrimination is therefore important to integrate in all peacebuilding. Social cohesion programming is a case in point: since social cohesion is about inclusion and reducing exclusionary practices, non-discrimination is (or should be) at the heart of social cohesion efforts.

Guiding questions:
- What are the root causes of discrimination and how can human rights and peacebuilding contributions help to end discrimination?

- Does the state favour a particular identity group at the expense of other groups?

- Is social and economic discrimination between different identify groups widespread in society? Does the state take measures to prevent and counter discrimination?

- How are minorities and their history in the country portrayed in public school textbooks? In post conflict settings: how are armed conflicts of the recent past portrayed in public school textbooks?

Peace club in Kigali, Rwanda. International Alert 2014. Picture: Carol Allen-Storey.

- Where discrimination is identified as a driver of conflict, how can contributions be designed to counter such discrimination and support participation of marginalised minorities?
- How is the peacebuilding contribution designed with regards to countering discrimination and reducing discriminatory practices?

Empowerment and capacity-development (E)

Empowerment and capacity-building is often part of peacebuilding programmes. A HRBA means designing such programmes, or adding such components, from the point of view of increasing the respect, protection and fulfillment of HR and IHL obligations.

A stakeholder analysis helps to assess what power, capacity and interest different stakeholders have to contribute to the realisation of the desired outcomes.

- Who are the most important stakeholders?
- Are they rights-holders, duty-bearers, or others (including UN agencies, CSOs, religious leaders, bilateral donors, humanitarian actors, etc.)?
- What is their current power or capacity to improve human rights (and, where applicable, IHL)?
- What is their current interest in improving the human rights and, where applicable, IHL?

In order to facilitate the overview of each stakeholder, you can make an assessment of their current power

and capacity to engage as well as their willingness and interest to improve the issue.

The stakeholder analysis should identify all relevant stakeholders that could support or work against the desired outcome/s. In peacebuilding it is important to identify and analyse key actors *in the conflict,* i.e. those actors who by their own action have an immediate impact on conflict dynamics. For example, the conflict parties are in themselves key actors; if a party in a conflict would disengage from conflict that would have an immediate effect on the whole conflict. Sometimes it is possible and meaningful to engage directly with key conflict actors and sometimes it is better to have an indirect engagement through other influential actors. Key actors may include actors that have an interest in continued conflict and could therefore want to disrupt any progress towards peace (in conflict theory often referred to as spoilers).

Working with HRBA entails contributing to changes in stakeholders' powers, capacities and interests in a way that advances outcomes (different types of stakeholders, not only key actors).

Guiding questions:
- Does the initiative contribute to enhanced empowerment and capacity of vulnerable populations to enjoy and demand their rights?
- Could empowerment of identified key rights-holders advance peacebuilding outcomes?

Outcome: Strengthened inclusivity and effectiveness of formal and informal dispute resolution mechanisms in region X of country Y			
Who are the stakeholders?	Are they rights-holders (RH), duty-bearers (DB), or other?	What is their current power or capacity to influence outcomes?	What is their current interest in improving the outcomes?
Police	DB	Moderate	Moderate
Judicial system	DB	Low	Moderate
Local government	DB	Moderate	Moderate
Non-state armed actors	DB	Moderate (negative influence)	Very low
Community-led tribal structures	RH and DB	Moderate	Moderate
Motivated youth (agents of change) from different ethnic and religious groups women in targeted communities	RH	Low	High
Motivated youth (agents of change) from different ethnic and religious groups targeted communities	RH	Low	High

- Could capacity-building of other key stakeholders advance peacebuilding outcomes?

- Could the above stakeholders' interests in advancing the outcomes be increased? How?

- Is the universality of human rights adequately emphasised, so that rights-holders are empowered to demand their rights, not at the expense of the rights of other vulnerable groups but in a way that strengthens rights for all?

- Is there a fair chance that the contribution will lead to greater resilience against mobilisation of violence?

- Is the contribution targeting primarily duty-bearers or rights-holders? If it targets primarily duty-bearers, is there an element in the contribution of reaching out to and involving rights-holders in dialogue or as participants? And vice versa: if it targets primarily rights-holders; is there an element in the contribution of reaching out to and involving duty-bearers in dialogue and/or holding them accountable?

Transparency (T)

Government policy and national budgets need to be transparent for citizens to be able to make their own opinion on relevant issues. This is important from a democratic point of view, but also as a means to fulfil human rights and be able to verify government income and spending. An authoritarian and militarised state with no budget transparency as regards e.g. income from natural resources or military spending and which invests little in peoples development may see grievances grow that may take violent forms. National security should not be allowed to be misused as a pretext for general curtailment of the possibility to engage democratically, including through transparency and the right to information.

Since transparency is also a key principle of conflict sensitivity, it is important to assess how transparency is dealt with in the design and implementation of Sida-supported contributions. This includes, for example, ensuring transparency regarding how money is spent and who are selected as partners or beneficiaries, and why. At the same time, we need to be careful that we do not put anyone at risk by sharing sensitive information.

Guiding questions:
- Who has access to information and in what way is it used in relation to the conflict? Is it misused for propaganda reasons?

- Is the level of transparency regarding important societal issues satisfactory, e.g. income and spending of the national budget, large public procurement, subsidies of state companies, etc?

- Is there free media analysing and distributing public information broadly, in relevant languages and through media forms available for all citizens, including poorer segments in the country? If not, how can that be supported?

- Access to information is essential for justice, reconciliation and peace. Are there opportunities to support peace through initiatives about information and documentation?

- In contexts where hate speech is a problem, is it possible to investigate and publicly expose misinformation and disinformation, using transparency to debunk and deescalate the spread of inflammatory untruths? If a contribution requires less transparency (e.g. Track II initiatives in finding options for peace that may need to be discrete in order to succeed), make sure there is a plan for widespread information further ahead.

- When the contribution is about security sector reform initiatives, how can they be implemented with a HRBA including, for example improved transparency to increase accountability as well as improved institutional capacity as duty bearer?

USEFUL LINKS AND REFERENCES

UN Office of the High Commissioner for Human Rights; 2020 Review of the Peacebuilding Architecture: Thematic Paper: The Contribution of Human Rights to Peacebuilding and Sustaining Peace

Michelle Parlevliet (2017); Human Rights and Peacebuilding: Complementary and Contradictory, Complex and Contingent, Journal of Human Rights Practice, 9, 2017, 333–357.

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