

Let's talk!

- Human Rights meet
Peace and Security



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Executive summary

This report focuses on the links between two fields of theories and practices – human rights and peace and security – that appear to have much in common. To be able to find durable solutions to conflicts human rights must be guaranteed, and in order to safeguard human rights violent conflicts must be kept at bay.

In order to find the research and practice in focus for this study extensive search on different data bases was carried out searching for books, research articles and reports that in one way or another join the two fields together. After a while a pattern became clear – there are remarkably few connections made between human rights on the one hand and peace and security on the other – both in theory and practice. It appears as if the research and practice of the two fields have run on different tracks.

During the work with the study it became apparent that the views differ among Sida personal on the degree to which they think that a merging of the fields is taking place. Some maintain that peace and security promoting and human rights promoting work are already merged in practice and also in programming while others claim that the different logics of the two fields make co-operation difficult and if there is any cooperation it is on a very basic level. This difference of opinions points towards a need to engage in more discussion and debate on this subject also within Sida.

The report's aim is to enhance knowledge and discussion about the relationship between human rights and peace and security in theory and practice, and to form the base for further work on how development cooperation may develop human rights promoting and conflict sensitive practices.

There were signs of an understanding of the intrinsic relationship between peace and security and human rights within the United Nations from its beginning. However, the overarching design of the UN placed the emphasis on the work with peace and security. Peace and security issues were for a long time described as high politics, while human rights were considered soft or low politics – both in domestic and international politics. Consequently, the two fields developed separately with separate theories and separate practices. Peace and security research has focused on causes of conflicts, negotiations and conflict stages, while Human rights research mainly has been focusing on the development and usage of human rights law. The practices within the two fields have basically mirrored this division – or vice versa. This is obvious within universities,

ministries and also state agencies such as Sida. In order to move beyond this separation – and sometimes even opposition – between the two fields it is important to look at the reasons behind them.

While the upgrading of human rights both within the UN system and elsewhere together with the strengthened focus on peace-building have made it necessary for the two fields to merge, this on-going merging is not without trouble. Some problems can clearly be seen as teething troubles, but others may run deeper and is therefore important to be aware of. First of all the two fields have generally drawn people of different training and views on international relations to them. Secondly, the training and traditions of the two fields hamper the attempts to find a middle ground. Thirdly, they are commonly physically divided into different units and rarely meet.

Preventing wars and massive human rights violations, and reconstructing war-torn societies clearly require approaches that incorporate both human rights and peace and security actors. However, differences on what is perceived to be the best means to intervene in violent conflicts continue to influence the co-operation between the two communities of researchers and practitioners. The clearest bone of contention is still the relationship between, what in vague terms often are referred to as “justice and peace”. Other tensions between the two fields revolve around issues of protection or assistance and neutrality with respect to human rights or the expressing human rights values.

The three areas of tension mentioned above are important to be aware of. However, it has to be understood that they only concern a limited part of what today can be considered to be the fields of peace and security and human rights respectively. Human rights are not only the narrow set of civil and political rights – sometimes only the right to life and the rights not to be subjected to torture, which are almost exclusively the focus in the argument above, anymore than peace and security only is concerned with on-going violent conflicts and their direct aftermath. The bones of contention are all in the area of reactive policies – policies and activities reacting to on-going conflicts and human rights violations.

If one move from reactive to proactive policies and activities a much wider range of possible interfaces opens up. Contemporary human rights research and policy-making are concerned with a wide spectrum of programs focusing on civil and political as well as economic, social and cultural rights and also with a number of principles that can influence all programs regardless of their goals. Contemporary peace and security research and policy-making is likewise a wider endeavour focusing on all different phases of the so-called conflict circle i.e. submerged tensions, rising tensions, violent conflict and post-conflict situations. The creation of structural stability is an overarching question for peace and security in order to avoid getting into – or going back to – violent conflict. If one takes the wider view on both areas it becomes even clearer that human rights-promoting policies and peace-building policies not only may go, but rather must, go hand in hand. To focus on one set of policies without the other is at best ineffective and at worst counterproductive.

Even if human rights actors continue to be more outcome-orientated and peace and security actors more process-orientated this is gradually changing. What is clear is that human rights is developing more process-orientated approaches (rights-based approaches to programming) while there is a movement within peace and security as well as conflict management towards outcome, or bottom-line, orientations. Both fields focus on empowerment, equality, participation and inclusion albeit on

slightly different grounds. This appears to be a solid base to build further co-operation on.

With a broader perspective on both conflict resolution and human rights – another central part of the work of international agencies becomes important. If peace-building has become “the bridge between peace support and human development” – an encompassing view of human rights – referring both to civil and political and economic, social and cultural rights – bridges the gap between the traditional use of human rights and poverty reduction. Consequently, we are confronted with yet another frame of reference – human development – with its own terminology and logic. The overall challenge appears to be to move from a perception of three separate and relatively limited areas to a situation where these fields have almost merged to one:

A question of concern is thus how to integrate into one coherent approach different tools and forms of action so that they reinforce each other rather than operate independently or against each other, and how to simultaneously pursue peace, security, human rights and developmental objectives within one coherent and efficient policy approach.

To move forward the report ends with some suggestions.

- Develop a common work language. Since human rights is already a main perspective that must permeate all work within Sida – and other major development agencies – it makes sense to use human rights as this common language
- Invest in training and communication between the different fields of expertise. To avoid a continuing stereotyping of the content and focus of the ‘other’ field personnel must be trained in the complexities of each other’s fields of expertise.
- Open up to suggestions of change from within the two fields. In organisations it is common that each unit develops a kind of core doxa of one’s speciality. Persons challenging this doxa from within each field may have important contributions to make.
- Develop mutual analysis and teams for dealing with issues and cases where the expertise of the two fields is needed. It is easier to talk before than after.

1. So Much in Common? Human Rights Meet Peace and Security

The suffering of human beings in war-torn societies highlights the entwinement of peace and security concerns and human rights issues. From a layman's perspective there seems to be a natural connection between the two areas, especially in cases of large-scale violence. To be able to find durable solutions to conflicts human rights must be guaranteed, and in order to safeguard human rights violent conflicts must be kept at bay.

Swedish development co-operation has increasingly acknowledged the linkage of the two areas of theory and practice. The 2003 Government Bill 'Shared Responsibility: Sweden's policy for Global Development' presented a new course and goal for international development cooperation. It proposed that two perspectives should permeate all parts of the policy: a human rights based perspective based on international human rights conventions¹; and the perspectives of the poor. The policy focuses on eight thematic areas:

- respect for human rights;
- democracy and good governance;
- gender equality;
- sustainable use of natural resources and protection of the environment;
- economic growth;
- social development and security;
- conflict management and human security and;
- global public goods

The linkages between the human rights and peace and security is further emphasised in the policy that states that "[s]ecurity policy today is about reducing poverty, closing gaps and ending oppression and tensions between different groups" and that "[e]fforts to promote democracy are therefore also a form of conflict prevention and manage-

¹ According to Sida's Department for Policy and Methodology, the rights perspective is based on the UN's Universal Declaration of Human Rights and the subsequent conventions with non-discrimination as a core. "consequently, this entails a focus on individuals and groups who are discriminated against, excluded and marginalised as well as on the necessity of analysing power structures. The rights perspective must cover the issues included in the three central component elements of democracy, human rights and gender equality. Also the rights of children and respect for international humanitarian law are part of the rights perspective." *Goals, perspectives and central component elements* (2005) p. 4.

ment. The same applies to measures in a number of other areas, such as human rights [...]”.

Furthermore, the Swedish Parliament has also emphasised that development cooperation focusing on peace and security should engage in all phases of conflict i.e. prevention, conflict, conflict management and conflict resolutions well as post-conflict situations – or in the terminology of Sida in situations of rising tension, violent conflict, submerged tension and post-conflict.² Given the fact that 75 per cent of Sida’s most important partner countries are affected by violent conflict or find themselves in a post-conflict phase it is equally urgent that human rights promoting policies are made conflict sensitive so they do not have a negative impact on a fragile situation.³ Thus, the need to merge knowledge and experience from the two areas is clear. A common task is to develop conflict sensitive human rights promoting programmes as well as human rights based peace and security promoting programmes.

1.1. The Task at Hand

This study is a literature study building on earlier research and material in the field. It was embarked upon with the aim to present the space given to a human rights perspective within peace and conflict research and the space given to peace and security concerns within research dealing with human rights. It was especially important to describe how the two concepts were related to each other in earlier research.

The study should then present a hypothesis on the relationship between a human rights perspective and work for peace and security. With this hypothesis in mind practical experiences on how a human rights perspective is used in peace and security promoting work and how conflict sensitivity is practiced in human rights promoting activities.

The study should especially focus on

- how research has treated the meeting between a human rights perspective and peace and security promoting activities
- how the operationalisation of a human rights perspective in peace and security promoting work had been carried out in a country context.
- how the operationalisation of conflict sensitivity in human rights promoting activities had been carried out in a country context.
- how the value (positive and negative) of the usage of a human rights perspective in peace and security promoting work is described.
- how the value (positive and negative) of the usage of a conflict sensitive approach in human rights promoting work is described.
- how the potential conflict between the principle-based human rights perspective and the compromises of conflict management can be managed.
- how the tendency of using a human rights perspective in peace and security promoting work and vice versa has changed during the last couple of years.

² Sweden's Policy for Global Development.

³ Sida's policy *Promoting Peace and Security through Development Cooperation* defines development cooperation that is conflict sensitive as activities that “[...] has no negative impact and thus does not escalate tensions between the parties to a conflict”. p. 7.

1.2. How to Approach the Task

– Problems and Ways Around Them

In order to find the research and practice in focus for this study extensive search on different data bases was carried out searching for books, research articles and reports that in one way or another join the two fields together. After a while a pattern became clear – there were remarkably few connections made between human rights on the one hand and peace and security on the other – both in theory and practice. Articles, books and reports on peace and security issues mention human rights but mostly as a description of the conflict in focus. “The water is polluted, the economy is declining, and mass human rights violations are taking place”. It is also apparent that human rights rarely are mentioned other than in relation to gross cases of killings, maiming, torture etc i.e. a narrow part of the human rights spectra. Similarly, literature on human rights rarely uses the concept conflict except to describe specific conflicts and the human rights abuses related to them. Neither do they differentiate between different conflict stages. The word ‘conflict’ is generally used to refer to open armed conflicts, and nothing else. According to Henry Steiner at Harvard Law School, scholarship and debates about human rights and minority protection, and about the processes and substance of conflict resolution rarely take account of each other’s work, and are in fact largely ignorant about the other⁴. It appears as if the research and practices of the two fields simply have run on different tracks.

This is, of course, an outcome in itself. Since this is the state of the art – the study can answer the question: “How has research treated the meeting between a human rights perspective and peace and security promoting activities?” with the laconic “by avoiding it”. Consequently, it has also been difficult for the study to answer questions on how the operationalisation of a human rights perspective has been carried out in peace and security promoting work in a country context or how the operationalisation of conflict sensitivity has been carried out in human rights promoting activities in a country context.

During the work with the study it became increasingly apparent that the views differed quite substantially among Sida personnel on the degree to which they think that a merging of the two fields is taking place. Some maintain that peace and security promoting and human rights promoting work are already merged in practice and also in programming while others claim that the different logics of the two fields make co-operation difficult and if there is any cooperation it is on a very basic level. This difference of opinions points towards a need to engage in more open-ended discussions and debates on this subject also within Sida before any desk study will be able to point out a way forward that will be accepted by both fields of practice.

The best place to search for the possible merging of the fields would be in practice. Here the idea of ‘praxis’ is the key. Theory and practice – or learning and doing cannot be separated. It is through practice we develop our theoretical understanding and it is through theoretical reflection we develop our practice. Since there is a lack of theoretical reflexive work on the connections between peace and security and human rights we are left with practice as a point of departure. All development activities on national and local level in conflict-struck societies are bound to cross the boundaries between the two fields of practice since the two areas are overlapping in reality. To find out how exactly

⁴ Steiner 2001 in *Ethnic Conflict, Minority Protection and Conflict Resolution: Human Rights Perspectives*, p.10.

this crossing-of-boundaries take place, however, is quite hard. Empirical research that uses both perspectives is just as scarce on this level as on the general more theoretical level. The persons most directly involved in the day-to-day development work where human rights issues blend with peace and security promoting activities are not writing on the subject or if they do their research clearly chooses one framework over the other. Either the focus is on conflict resolution and peace building or on human rights and the promotion of rights. Studies focusing on e.g. the peace building in a country can therefore analyse the situation without referring to human rights more than two times in one article – and then in a very general way. The same can be argued for reports on the human rights situation on a country that rarely refer to the conflict except as a general cause of the human rights violations. It appears as if the separation between the fields makes the authors of articles, reports and evaluations choose one framework rather than try to merge the two.

In order to go behind the texts and their one-sided frameworks that leaves the reader guessing whether there has been a merging of the two fields in practice or not, it appears as if there is a need to conduct longer interviews with persons active in the field. Through this collection of practical experiences theoretical understanding can be furthered. Since this is a desk study it is, however, beyond the scope of this study.

1.3. The Aim of the Study

Since research and practices of human rights on the one hand and peace and security on the other run on different tracks even though they often are concerned with the same cases and issues the original aim of this study becomes a bit problematic. It is even more difficult to find explicit linkages between the two fields if one maintains that human rights are more than a narrow set of political rights and conflict has more dimensions and stages than open armed conflict. Even if it is clear that peace and security are promoted by policies promoting the rights to food and health care, education and work, these types of policies are rarely called human rights policies even within Sida's policies. Human rights can also be promoted by investments in policies promoting structural stability, security or dialogue.⁵ The main task at hand must therefore be to further a discussion within Sida and elsewhere on how a closer relationship may develop between the two fields. Consequently, the study focuses on differences and resemblances between the areas in order to find bones of contention and also the points of departure to enhance further cooperation.

The study is thus mainly concerned with the value of the usage of a human rights perspective in peace and security promoting work and the value of the usage of a conflict sensitive approach in human rights promoting work but it does also deal with how the potential conflict between the principle-based human rights perspective and the compromises of conflict management can be managed.

⁵ Sida's policy *Promoting Peace and Security* defines *policies for promoting dialogue* as "Efforts to change attitudes and promote or create conditions for dialogue, negotiation and peaceful conflict resolution between primary and secondary parties to conflicts". *Policies for promoting security* are defined as "Activities primarily addressing behaviour and that can give individuals and groups affected by violent conflicts or insecurity a greater sense of protection. Finally, *policies promoting structural stability* are defined as "Activities that consciously target, as their primary or secondary goal, structural, or root, causes of violent conflict and insecurity. To achieve this, real or potential violent conflict or insecurity must have been identified." Sida (2005) p. 12. It appears to be quite clear that many of these wide range of possible policies will have human rights promotion as a primary goal.

The aim of this study is:

- a) *to enhance knowledge and discussion about the relationship between human rights and peace and security in theory and practice, and*
- b) *to form the base for further work on how development cooperation may develop human rights promoting and conflict sensitive practices.*

2. The Two Fields – Human Rights and Peace and Security

After the end of the Second World War two main events shaped the post-war world order: the horrible devastation of the six year long war and the annihilation of millions and millions of lives in the German death camps. Thus, it is no wonder that the main purposes of the new international organisation, the United Nations (UN), were to find ways to make sure that such events will never happen again. The UN should maintain international peace and security, develop friendly relations among states, achieve international co-operation and promote and encourage respect for human rights.⁶ It is important to note that the UN Charter did not prioritise among these goals. They were presented as equally important in the post-war world order.

2.1. Human Rights

It can be argued that one of the clearest achievements of the United Nations so far is the development of number of international human rights conventions – embedded in international law and ratified by an overwhelming majority of all states. In order to clarify what the ‘human rights’ mentioned in the Charter referred to, the General Assembly developed the Universal Declaration of Human Rights, which was adopted in 1948. The first two articles of the declaration lay down the basis for all human rights by stating that all human beings are equal in dignity and rights and that they consequently are entitled to all human rights without distinction of any kind. Everybody must have the same rights regardless “of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth”⁷ or “the political, jurisdictional or international status of the country or territory to which a person belongs”⁸

The declaration includes a wide spectrum of human rights that covers rights to survival, rights to be a member of society, rights to political membership based on equality, rights to political participation based on equality, rights to economic participation based on equality, legal rights and the right to protection from the state’s misuse of power.

Since 1948 different international organisations, mainly within the UN system, have codified most of the norms of the Universal Declara-

⁶ Charter of the United Nations, Preamble (1945).

⁷ Universal Declaration of Human Rights, Article 2.

⁸ Ibid.

tion into international treaties. Today human rights law includes specific standards for women, children, disabled persons, minorities, migrant workers and other vulnerable groups. Among all international conventions there are seven core conventions, which together form the base for modern human rights politics and advocacy.

They are:

1. International Convention on the Elimination of All Forms of Racial Discrimination
2. International Covenant on Civil and Political Rights
3. International Covenant on Economic, Social and Cultural Rights
4. Convention on the Elimination of All Forms of Discrimination against Women
5. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
6. Convention on the Rights of the Child
7. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

It is important to note that the mechanisms for implementation, monitoring and observance of human rights in a particular convention are supposed to be developed inside every state that have ratified the convention. Human rights are therefore developed presupposing a functioning rights-respecting state. On the international level the mechanisms to monitor observance are also developed with this kind of state in mind. Within the United Nations a committee has been established for each of these conventions in order to monitor their implementation in the member states. All states that have ratified a convention have to submit regular reports to the UN committees on how the rights are being implemented in their societies. The committees examine all reports and address its concerns and recommendations to the state in question in the form of “concluding observations”. This reliance of a engaged and well functioning state for the safeguarding of human rights of all has remained a weak point in the human rights system, since so many states are lacking in these respects.

Even though it is clear in the Universal Declaration on Human Rights that the concept human rights refers to civil and political as well as economic, social and cultural rights it can be argued that the main focus remained on civil and political rights, especially so in the West. During the Cold War this emphasis was laden with ideological overtones making economic, social and political rights the concern of the East Bloc and civil and political rights the focus of the West. Human rights became a battlefield between the West and the East – something that rendered it harder to develop the field both theoretically and in practice during this period.

With the end of the Cold War this situation changed and a new space for renegotiation emerged. In 1993 a large UN conference on human rights was held with the special aim to recommit the world’s countries to human rights. An outcome of the conference was the decision to establish the Office of the High Commissioner for Human Rights (OHCHR) within the United Nations. The establishment of OHCHR in 1994 came to signal a greater emphasis on human rights questions both within the United Nations system and in international relations in general. The UN Secretary General’s initiative to integrate human rights throughout the United Nations has created an awareness of human rights issues within the UN system that was not there a decade ago. Today, a number of

departments and special agencies within the UN have developed their own human rights based approaches for programming; among the most noteworthy are the United Nations Development Program (UNDP) and the United Nations Children's Fund (UNICEF).

Another important outcome of the conference was a confirmation of the indivisibility of human rights – meaning that all human rights should be understood as equally important and should only be implemented together. With this more comprehensive view of human rights all development work can be strengthening – or weakening – human rights.

As noted above human rights refer to a wide range of possible policy areas that all require a stable state to protect, promote and implement them. There are:

- *security rights* – that demands institutions able to protect people against murder, torture, and rape;
- *liberty rights* – that demand a state that protects its citizens' freedom of belief, expression, association, assembly;
- *political rights* – that demands the ability to organise elections and uphold democracy;
- *due process rights* – that demand a judicial system free of such abuses as imprisonment without trial, and so on;
- *equality rights* – that demand guaranteed equal citizenship, equality before the law, and nondiscrimination to all its citizens; and
- *welfare rights* – that demand the ability to organise and provide education to all children and protect all against poverty and starvation.⁹

If taken seriously, this means that the implementation of human rights is a comprehensive and never-ending task that demands both resources and time and the involvement of a whole range of actors. Furthermore, it indicates that orderly conditions and functioning infrastructure is paramount for human rights to be fulfilled. The task to respect, protect and promote human rights in conflict is daunting and human rights law gives us little guidance in this endeavour. The concept of non-derogable rights from which no derogation is possible, not even in times of emergency, gives some indication of the minimum scope of protection to which citizens are entitled in times of conflict and/or emergency. However, they are limited to a number of civil and political rights and too limited to build policies on.¹⁰ From a human rights perspective, they can perhaps be considered the bottom line of any do-no-harm approach.

2.2. Peace and Security

If human rights only recently moved centre stage in the UN, peace and security concern has been central for the organisation since the start. The UN Charter is more detailed on the organisation's work with international peace and security and states that it should focus on "effective collective measures for the prevention and removal of threats to peace"¹¹ and "suppression of acts of aggression or other breaches of the

⁹ This is a common categorisation of human rights. See for instance Donnelly (2003).

¹⁰ As stated in article 4 (2) of the *International Covenant on Civil and Political Rights* the non-derogable rights are the right to life, the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment, the right not to be held in slavery or servitude, the right not to be imprisoned for failure to perform a contractual obligation, the right not to be subject to retroactive penal measures, the right to recognition as a person before the law, and the right to freedom of thought, conscience and religion

¹¹ Charter of the United Nations, Chapter 1, Article 1:1

peace”¹². Furthermore the UN should work to bring about “adjustment or settlement of international disputes or situations which might lead to a breach of the peace”¹³ through peaceful means and in conformity with the principles of justice and international law. Consequently, the United Nations activities in the field of peace and security should cover the areas of prevention and peacemaking, peacekeeping, peace-building and disarmament.

The UN Charter devotes three chapters to peace and security where it establishes the Security Council, and lays down the rules for peace-keeping and peace-enforcement. There are a number of detailed accounts of how the organisation – and therefore also the international community shall deal with conflicts in order to reduce the risk of war. It is important to remember that kind of conflicts the UN was prepared for was traditional inter-state conflicts with armies fighting each other. During the 1990s this type of conflicts became less common as major changes occurred in the patterns of conflict. Today, more than 90 per cent of conflicts are intra-state conflicts. With this change of conflicts followed a changed definition of peace within the UN. If peace is more than “not-war” between two states then support to build human rights-respecting cultures in war-torn societies becomes as important as the negotiation process leading to the end of the armed conflict. Consequently, a change towards an increasing emphasis on peace-building rather than peace-keeping took place.

Already in 1992 came a UN report titled *An Agenda for Peace* – focusing on intraregional and intranational conflicts, civil wars, ethnic and religious conflict – emphasised that it is in such contexts peace-building is most important. This report, with the sub-title: Preventive Diplomacy, Peacemaking and Peacekeeping, clarified the relationship between different kinds of international operations:

*... post-conflict peace-building – action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict. Preventive diplomacy seeks to resolve disputes before violence breaks out; peace-making and peace-keeping are required to halt conflicts and preserve peace once it is attained. If successful, they strengthen the opportunity for post conflict peace-building, which can prevent the recurrence of violence among nations and peoples.*¹⁴

The change of focus have not been without difficulties but the UN has by now been engaged in a number of operations in civil conflicts with clear peace-building ambitions, such as El Salvador, Guatemala, Cambodia and Mozambique– which all can be seen as relatively successful. On the other hand, the civil conflicts in Somalia, Rwanda and the former Yugoslavia were not only a catastrophe for the people in these areas, but also for the UN’s involvement in complex internal conflict. The Rwandan genocide became the open failure of the overarching purpose of the UN Charter. However, the UN’s role in peacekeeping has continued in e. g. the Democratic Republic of the Congo, the Central African Republic, East Timor, Kosovo, Sierra Leone, and Ethiopia-Eritrea.

Since peace-keeping always means interventions into already open armed conflicts, it is more risky and more costly than interventions before or after a conflict. Even though it can be argued that peace-

¹² *ibid.*

¹³ *ibid.*

¹⁴ *An Agenda for Peace*, Chapter II, article 21.

building should be most effective before a conflict has turned violent, the international peace-building tends to focus on post-conflict situations rather than pre-conflict. To paraphrase the quotation above peace-building should be understood as actions to identify and support structures which will strengthen and solidify peaceful societies so violent conflict never becomes an option. If that fails preventive diplomacy should try to resolve the dispute before they get out of hand – and if negotiations also fail peace-keeping might become necessary. With this view all development work can have a peace-building impact – or the opposite.

According to Whaley and Piazza-Georgi, at the UNDP in South Africa, there are eight elements that should form the basis of all peace-building endeavours.¹⁵ These are:

- demilitarisation, including demobilisation and disarmament as well as reintegration of soldiers into civil society and not the least into the economy;
- continuation and careful phasing out of humanitarian and emergency relief;
- political reconstruction, with support for organisation of elections;
- social reconstruction, including people in meaningful economic, social, cultural, and political activities, in a manner that permits both self-fulfilment and respect for the rights of others;
- economic reconstruction, with identification of means of integrating with the global economy without the risk of renewed collapse and conflict;
- rebuilding respect for basic human rights, and the creation of mechanisms for their promotion and monitoring;
- support for the formulation of new shared visions of communities and nations (the realisation of such social visions constitutes perhaps the best definition of development); and
- capacity building in all of the above areas.

These eight points make it clear that peace-building is a comprehensive and never-ending task that demands both resources and time and the involvement of a whole range of actors. As mentioned above, all these points focus on different areas paramount for the promotion and protection of human rights. The reason they are not framed as such is that Whaley and Piazza-Georgi operate within the field of peace and security rather than human rights.

¹⁵ Whaley & Piazza-Georgi (1997) p 4.

3. Peace and Security Meet Human Rights – The Road Less Travelled

As mentioned in the introduction there are remarkably few connections made between human rights on the one hand and peace and security on the other. In order to move beyond this separation – and sometimes even opposition – it is important to look at the reasons behind them.

There were signs of an understanding of the intrinsic relationship between peace and security and human rights within the United Nations from its very beginning. This is not surprising since large scale human rights violations and warfare on a global scale lay behind the establishment of the UN. The Charter proclaimed that the organisation should not only work to bring about “adjustment or settlement of international disputes or situations which might lead to a breach of the peace” but it should do so through “peaceful means and *in conformity with the principles of justice and international law*”¹⁶. Likewise, the Preamble of the Universal Declaration stated that human rights are a *foundation for international peace*. This appears to have bided well for the future development. However, the overarching design of the UN as well as the continuation of the Charter firmly placed the emphasis on the work with peace and security. Peace and security issues were for a long time described as high politics, while human rights were considered soft or low politics – both in domestic and international politics. Consequently, the two fields developed separately with separate theories and separate practices. Peace and security research has focused on causes of conflicts, negotiations and conflict stages, while Human rights research mainly has been focusing on the development and usage of human rights law. The practices within the two fields have basically mirrored this division – or vice versa. This is obvious within universities, ministries and also state agencies such as Sida. In order to move beyond this separation – and sometimes even opposition – between the two fields it is important to look at the reasons behind them.

3.1. The Two Fields in Opposition – An Example

An outspoken – and therefore also enlightening – example of the differences that can occur between the two communities of theorists and practitioners can be found in an argument published in Human Rights Quarterly in 1996 and 1997. In an article about the peace negotiations in Bosnia in the beginning of the nineties, “Anonymous” – no doubt her/

¹⁶ Charter of the United Nations, Chapter 1, Article 1:1, italics added.

himself an active negotiator at the time – argues that the so-called human rights community in fact had prolonged the conflict with as much as two years. In the article s/he asks:

*What should one do if the quest for justice and retribution hampers the search for peace, thereby prolonging a war and increasing the number of deaths, the amount of destruction, and the extent of human suffering?*¹⁷

The phrasing of the question indicates a clear position. “Anonymous” goes on to argue that it was “either negotiating what was achievable or giving up and leaving the parties to fight it out”¹⁸. However, human rights actors were openly criticising the different peace plans on the grounds that they in fact reward aggression and ethnic cleansing by accepting the notion of an ethnic divided Bosnia. According to “Anonymous”, the call for justice disturbed the on-going negotiations and led to the non-acceptance of the peace plans by one or more of the main actors. The frustration is clearly visible in his/her description of the events leading up to Dayton in 1995. “In the end, what took place was precisely what was bitterly criticized in 1993; the parties got together and made the best deal they could in the circumstances”¹⁹. “What had the critics done between 1993 and 1995: Had they prolonged the war and multiplied the deaths?”²⁰ It is clear that while “Anonymous” sees human rights as something that should be present in peace agreements and post-conflict reconstruction, but to press for human rights issues during sensitive negotiations in an armed conflict is a completely different story. The lesson s/he thinks the human rights community should learn from the former Yugoslavia is that “the quest for justice for yesterday’s victims of atrocities should not be pursued in such a manner that it makes today’s living the dead of tomorrow”.²¹

This harshly critical article was replied to by Felice Gaer, director of the Jacob Blaustein Institute for the Advancement of Human Rights and a high profile on human rights issues. In her article Gaer argues that the human rights community did what states and international organisations such as the UN did not: It “focused world attention on atrocious abuses”²² and on the need “to uphold international promises and principles.”²³ Its work brought about emergency sessions and the creation of the International Criminal Tribunal for the Former Yugoslavia in The Hague when the political responses were weak at best. Gaer argues that the war was indeed prolonged, but not due to the actions of the human rights community. It was rather the “unwillingness of the international community to uphold the principles it proclaimed”²⁴ that emboldened the ethnic cleansers to continue with the war and the large scale human rights violations. According to Gaer, international peacekeepers and officials failed to back up normative and human rights principles that were proclaimed in different conferences and peace plans. Gaer sums up her view on implications of this inaction borrowing a phrase from “Anonymous”: “Thousands of people are dead who should have been

¹⁷ Anonymous (1996) p. 250.

¹⁸ Ibid, p. 252.

¹⁹ Ibid, p. 252.

²⁰ Ibid, p. 252.

²¹ Ibid, p. 258.

²² Gaer (1997) p. 1.

²³ Ibid, p. 1.

²⁴ Ibid, p. 2.

alive.”²⁵ As Gaer sees it, the human rights actors were in fact the only part of the international community that lived up to its task. It did exactly what it should do: point a spotlight on abuses, demand action to stop abuses and call for punishment of the perpetrators. Gaer states that human rights actors have to be free to act without any special political considerations. Otherwise they will just turn into another political actor. In fact, she criticises “Anonymous” for mixing up human rights and politics, indicating that she thinks human rights are apolitical. On the other hand it is clear that Gaer demands political action from other parts of the international community, and she criticises the United Nations for excessively depending on words rather than actions and for mistaking neutrality for impartiality.

It is almost amazing how one can be on so opposite sides of the fence when one shares the same concerns. Even if neither of the authors explicitly states their goals, it appears to be clear that both would like to see Bosnia develop into a peaceful and human rights-respecting country. Nevertheless, the differences in opinions between the two authors appear to be fundamental. Gaer and “Anonymous” differ in their views on the use of violence, and the role of norms in negotiations and conflict resolution. They do also have difference in opinions concerning time perspectives and divisions of roles. Even if the clarity of the differences between “Anonymous” and Gaer is unique, similar differences between actors from the two fields can be seen on all levels from the UN to national level.

3.2. Reasons Behind the Differences

Even though differences between personal from the two fields seldom become so outspoken as between Gaer and “Anonymous”, their debate is interesting precisely because it is so outspoken and therefore also illustrative of the differences between their respective fields²⁶. Their debate emphasises differences in background and roles as well as main clashing points. While the upgrading of human rights both within the UN system and elsewhere together with the strengthened focus on peace-building have made it necessary for the two fields to merge, this merging is not without trouble. Some problems can clearly be seen as teething troubles, but others may run deeper and is therefore important to be aware of. First of all the two fields have generally drawn people of different training and views on international relations to them. Secondly, the training and traditions of the two fields hamper the attempts to find a middle ground. Thirdly, they are commonly physically divided into different units and rarely meet.

3.2.1. Different understandings of international relations

In international relations, both in theory and practice, there is a sharp divide between realists and idealists (sometimes called liberalists). Realists have generally had the upper hand in international politics while domestic politics have had more influenced by idealist thought. David Forsythe, professor of Political Science at the University of Nebraska points out that the most important critique of human rights does neither come from non-

²⁵ Gaer (1997) p. 3 and “Anonymous” (1996) p. 258.

²⁶ Within Sida this dilemma has been discussed in ‘Conflict-Sensitive Development Co-operation: How to Conduct a Conflict Analysis’: “human rights can also pose dilemmas in peace processes when it is time for reconciliation. How should previous human rights violations be handled in a peace process? A general amnesty can accelerate a peace agreement while a tendency not to make amends with previous injustices can become a threat to sustainable peace.” Sida (2004) p. 42.

western societies nor feminist theory, but from western male realists²⁷. According to realists, like Hans Morgenthau and Henry Kissinger, human rights are merely disturbances in the real substance of international relations, i.e. interstate power calculations. In the realist's view rational states must concentrate on power relations in order to protect their existence and domestic values. States should worry about their *real* national interest – peace and security – rather than human rights.

Human Rights, on the other hand, are built on idealist/liberal principles where values are important: “personal rights matter, the vulnerable and marginalized should be accorded special attention, public authority should respect personal autonomy and preferences, reason should prevail over emotionalism, violence should give way to negotiated arrangements, progress is possible.”²⁸

The liberal/idealist framework of international human rights law are not easily reconciled with the widespread practice of realist foreign policy, which is based on the notion that in anarchic international relations each state must provide for its own security. As Forsythe states, “international law and organization demand liberalism, but traditional international relations has coughed up realism.”²⁹ In practice, realist thought has dominated work with peace and security, and liberal/idealist ideas have underpinned human rights work in international relations.

3.2.2. Different training

The main training in the two fields further emphasises the differences. Human rights are still dominated with persons trained in Law, where there is no such thing as “almost” breaking the law. Even when the observance of international law leaves a lot to wish for, law is perceived as non-negotiable. A violation of the law is always a violation. Because of their focus on human rights standards that are legally binding and demand certain behaviour of the warring parties, human rights actors do often adopt a policy of confrontation and explicitly point out the wrongs committed by states and non-state actors. If possible they may make use of the legal system or denounce parties publicly. In their eyes, all breaches of the law have to be addressed in order to install belief in the system itself.

People active in the field of peace and security or conflict management come from a wider variety of backgrounds. There is no generally accepted or codified set of norms that govern their field of practice and bind them together to the same extent that human rights law does. Rather, their common denominator is found in their use of negotiation to end conflict and promote peace and security. In their view, the idea of confrontational techniques and non-negotiable values are not helpful if conflict shall end.

3.2.3. Different work places

Finally, departments and ministries dealing with peace and security are often situated in other buildings, parts of the city and even on different continents than their counterparts dealing with human rights issues, as in the case with the OHCHR and the Department of Political Affairs (DPA) within the UN, where human rights are mainly dealt with in Geneva and peace and security issues are dealt with in New York.

²⁷ Forsythe (2000).

²⁸ Ibid, p. 31.

²⁹ Ibid, p. 48.

3.3. Sites of Strongest Controversy between the Fields

Preventing wars and massive human rights violations, and reconstructing war-torn societies clearly require approaches that incorporate both human rights and peace and security actors. However, differences on what is perceived to be the best means to intervene in violent conflicts continue to influence the co-operation between the two communities of researchers and practitioners. The clearest bone of contention is still the relationship between, what in vague terms often are referred to as “justice and peace” – which was the root of the controversy between “Anonymous” and Gaer. Other tensions between the two fields revolve around issues of protection or assistance and neutrality with respect to human rights or the expressing human rights values.

3.3.1. Protection or Assistance

Traditionally, human rights actors work with methods such as those mentioned by Gaer above. Through fact-finding, they call attention to human rights violations, demand action to stop them, and work for punishment of the perpetrators. This is done with the explicit aim to protect the victims. Peace and security actors on the other hand try to engage conflict parties in a conflict resolution process that will end the violence, regardless of their possible (or confirmed) roles as human rights violators. During sensitive negotiations etc. the release of human rights reports will always affect the parties around the negotiating table. Even when peace negotiations are not in progress, human rights reporting can have unintended effects. Human rights reports may be used by one side of the conflict or the other to promote support for their position, as in the Chechnya-Russian conflict. Furthermore, reporting of abuses tend to stir up feelings the victimised group, making the situation even more volatile.

3.3.2. Neutrality or Expression of Values

Human rights actors are seen by peace and security actors as parts – if not parties – of armed conflicts since they take a clear position against human rights abuses and war crimes. Of course, personal involved in conflict resolution are also parts of a complex conflict pattern since their interventions undoubtedly affects the overall conflict. However, it is true that some peace and security actors keep their distance from human rights actors during sensitive negotiations, since they think that a close connection with human rights actors may compromise their neutrality.

There is a division between different actors within the field of peace and security on when to focus on human rights concerns – if at all. Some of them see the efforts to bring about a peace agreement that stops violence an overarching priority. Realist negotiators want to stop the fighting first, since military conflict is a major threat against international peace and security – and therefore also to the national interest of individual states. The work to build a human rights-respecting society can only start after the fighting has ended. Others question if it is acceptable to work with peace settlements with parties who are still committing massive human rights abuses. The latter group of negotiators is for raising human rights concerns during peace negotiations – on the grounds that a sustainable peace and the protection of human rights are intertwined.

3.3.3. “Peace or Justice”

The greatest tension between the two fields lies between human rights actors’ focus on justice for past crimes and peace and security actors’ focus on peace accords and reconciliation between previously warring

parties. As pointed out by Lutz et. al., these tensions can sometimes be so pointed that they are easily manipulated by the parties to the conflict in ways that may undermine the post-settlement aims of both fields³⁰. In both Rwanda and Sri Lanka an ethnic divide is visible in the strategies preferred. While the Tamil population is more influential in the human rights organisations working to restore justice, the Sinhalese are more dominating in the conflict resolution orientated organisations working for reconciliation. In Rwanda, the Hutus work closer with the international NGOs working on conflict resolution concerns emphasising reconciliation, while justice claims are more associated with the Tutsis.

3.4. Too Narrow Views of a Larger Picture

The three areas of tension mentioned above are important to be aware of. However, it has to be understood that they only concern a limited part of what today can be considered to be the fields of peace and security and human rights respectively. Human rights are not only the narrow set of civil and political rights – sometimes only the right to life and the rights not to be subjected to torture, which are almost exclusively the focus in the argument above, anymore than peace and security only is concerned with on-going violent conflicts and their direct aftermath. The bones of contention are all in the area of reactive policies – policies and activities reacting to on-going conflicts and human rights violations. Human rights promoting activities can be so much more than the ones suggested by Gaer. The same can be said about peace and security promoting activities. If one move from reactive to proactive policies and activities a much wider range of possible interfaces opens up. As has been shown, contemporary human rights research and policy-making are concerned with a wide spectrum of programs focusing on civil and political as well as economic, social and cultural rights and also with a number of principles that can influence all programs regardless of their goals. Contemporary peace and security research and policy-making is likewise a wider endeavour focusing on all different phases of the so-called conflict circle i.e. submerged tensions, rising tensions, violent conflict and post-conflict situations. The creation of structural stability is an overarching question for peace and security in order to avoid getting into – or going back to – violent conflict. Consequently, this report supports Koonings and Nordquist from Utrecht and Uppsala University respectively in their view that the rather one-eyed view of a division between the two fields creates a false and harmful tension:

“It puts into opposite camps individuals and organisations that all seek the same objective [...]. Those who advocate for peace beginning with an end to violence [...] are labelled ‘defenders of impunity’ by their opponents. Those who advocate justice, truth and reparation are in turn brandished as ‘prepared to condemn [a country] to perpetual war’.”³¹

If one takes the wider view on both areas it becomes even clearer that human rights-promoting policies and peace-building policies not only may go, but rather must, go hand in hand. To focus on one set of policies without the other is at best ineffective and at worst counterproductive.

³⁰ Lutz et.al. (2003) p. 191.

³¹ Koonings & Nordquist (2005) p. 34.

4. The Merging of the Two Fields?

Consequently, it can be argued that the two fields in question – peace and security and human rights – today have both common concerns and to a high degree also common goals. This has been underlined by the last decades' widening of focus within each field. Experiences from a number of internal conflicts have made it even more obvious that human rights violations are not only symptoms of conflict but rather an entwined part of a conflict pattern than interstate warfare ever did. The renewed focus on economic, social and cultural rights has also showed the importance of a peaceful and stable society in order to safeguard these rights.

Hence, efforts have been made to bridge the gap between the two communities of theorists and practitioners during the last decade. The United Nations is working to merge activities in the Department of Political Affairs with those of the Office of the High Commissioner of Human Rights. The peace accords of the last ten years include quite extensive human rights clauses.³² The international missions of the same period increasingly have been given both tasks – to reinstate peace and security and reassure human rights protection e.g. the United Nations Mission in Kosovo (UNMIK). Some peace and conflict researchers also have engaged in discussion and debate with human rights scholars to find common ground³³.

4.1. Research on Merging of Human Rights and Peace and Security

Michelle Parlevliet, Manager of the Human Rights and Conflict Management Programme (HRCMP) at Centre for Conflict Resolution (CCR) in South Africa, is one of the researchers that has worked most innovatively with the theoretical linking of the two fields in question. She suggests that the relationship between human rights abuses and conflict is a good starting point for a further development of research and practice merging human rights and peace and security. According to Parlevliet, human rights violations are of two kinds – the ones that create conflict and the ones that are a result of conflict. There is a tendency within both fields to concentrate more on human rights violations of the latter kind e.g. massa-

³² Bell (2000).

³³ The most noteworthy attempts so far have been administrated by the Center for Human Rights and Conflict Resolution at the Fletcher School of Law and Diplomacy at Tuft University in the US.

cres, mutilations, rapes, and ethnic cleansing, since they are more revolting. However, human rights violations that are the underlying causes of conflicts must be addressed as well³⁴. It means that the human rights violations in situations like the everyday humiliation the Kosovars in Kosovo before 1999 as well as the desperate poverty and lack of land in Rwanda before the 1994 genocide are just as important to deal with. It may seem strange to devote time and resources on work against e.g. discrimination in one country when people are being mutilated and killed in another. However, the quest for a life in dignity has led many to risk their lives in order to change their situation through violent conflict. In order to see these kinds of connections it is important to use both the perspective of both peace and security and of human rights.

Discussions about early warning systems that are taking place on different levels are closely related to reporting on this first kind of human rights violations as well as preventive peace and security work in different countries at risk. Following Parleviet's argument above, the focus of early warning strategies should explicitly be widened to include human rights abuses and failures to fulfil human rights as causes of conflicts. As well as the more symptomatic violations that occur after a conflict has turned violent. Protracted conflicts like the examples given above, demonstrate that massive human rights violations and war do not flare up in the short-term: in such conflicts, the population has been denied their basic human rights for decades.

In times of violent conflicts, specific human rights abuses can sometimes be deliberately used. The civil conflicts in Sierra Leone and in Bosnia are two examples where such strategies have been used. But, as Parleviet points out, human rights are also violated in more indirect ways, through, for example, the destruction of people's livelihoods or the refusal to allow humanitarian relief activities. Lack of subsistence rights like food and work have also proved to be important as explanations behind the recruitment to different militias, something that points out the importance of the fulfilment of social and economic rights as a means of conflict management.

Parleviet continues by pointing out that the implementation of human rights also can lead to conflict since it almost always threatens the status quo. Different interpretations of a specific human right or the balancing of different human rights claims can also create conflict. Furthermore, unfulfilled expectations about the realisation of human rights can in turn give rise to conflict. The question is how to make sure that the structural change necessary for the development of a human rights-respecting society becomes an inherent part of the equally important development of structural stability. This is indeed an urgent challenge both for peace and security and human rights actors and connects back to Sida's goals and policies.

³⁴ Parleviet (2002).

5. A Way Forward?

Even if human rights actors continue to be more outcome-orientated and peace and security actors more process-orientated this is gradually changing. What is clear is that human rights is developing more process-orientated approaches (rights-based approaches to programming) while there is a movement within peace and security as well as conflict management towards outcome, or bottom-line, orientations. Two interesting examples of these changes can be found in the works of Siddiq Osmani at the School of Economics and Politics at Ulster University³⁵ and Ellen Lutz et.al. at the Fletcher School at Tuft University³⁶. In two articles from 2003 (without any references to each other) these two researchers show the relatedness between the two fields that gives hope for further co-operation. Osmani, coming from the human rights community, shows the importance of the focus on process-thinking within the field of human rights, while Lutz, coming from a peace and security background stresses the need to be explicit of the norms existing in the field of conflict resolution.

5.1. Towards Human Rights-based Processes

According to Osmani there are four key traits that characterises a human rights-based policy³⁷. First, it has the potential to empower people as they can legitimately claim that the state has an obligation to serve them and will be held accountable if it does not.

Secondly, it is based on the principles of equality and non-discrimination, which highlights the fact that the situation of many underprivileged groups originates from discriminatory practices. This, in turn, makes it necessary for a human rights-based policy to address the institutions that sustain discriminating structures.

Thirdly, a human rights-based policy focuses on the accountability of policy-makers and other actors whose actions have an impact on the rights of people. Rights imply duties, which demand accountability making legal/administrative arrangements for ensuring accountability a necessary part of all policies.

³⁵ "An Essay on the Human Rights Approach to Development", paper presented at the Nobel Symposium *The Right to Development and Human Rights in Development* in Oslo 13–15 October 2003.

³⁶ "Human Rights and Conflict Resolution from the Practitioners' Perspectives" in *The Fletcher Forum of World Affairs*, Vol 27.1 Winter/spring 2003.

³⁷ Osmani (2003).

Finally, a human rights-based policy attaches as much importance to the processes through which the policy goals are achieved as to the goals themselves. In particular, it emphasises the importance of ensuring people's participation, especially the participation by marginalised groups in all aspects of the development process. A human rights-based policy sees participation as valuable, not just as a means to other ends but also as a fundamental human right that should be realised for its own sake.

Consequently, human rights-based policy-making changes the role of human rights. Human rights are not only a goal – a result of a certain policy – they are also a critical part of the policy-making process. If taken seriously, it puts a range of new demands on politicians, policy-planners, practitioners and evaluators.

As we can see all the points put forward have the potential to challenge status quo if implemented since they all challenge the existing power balance. The difference between a process-oriented focus and a norm-oriented focus of human rights promoting policies must therefore lie in the possibilities to add conflict sensitivity into the equation. With a conflict sensitivity approach the timing becomes an important issue – something a process-orientation is better at handling.

5.2. Towards Conflict Resolution-based Norms

According to Lutz there exists an implicit set of norms in conflict resolution. The first norm concerns participation. There is a widespread understanding that the most effective negotiation and decision-making processes in conflict situations are those in which the parties have direct stakes in the outcome and are part of the process³⁸.

Secondly, inclusion is seen as important. It is it is always better to bring all to the negotiations – even if it can lead to a harder negotiation process.

The third norm is that of empowerment. Lutz states that the effectiveness of a discussion can be compromised either by lack of experience or lack of resources or both. Consequently, conflict resolution often includes learning and coaching the parties.

The fourth norm has to do with cultural sensitivity. Only if the resolution is grounded in familiar and appropriate terms will it be sustainable.

Finally, Lutz mentions equity, which she differentiates from equality pointing out that even though there are real differences in power – making the parties unequal in this respect, equity guarantees that all parties are treated with equal respect and are given equal time and attention.

It is interesting to note that these norms are challenging existing power structures in the same way as the key traits presented by Osmani. Coming from the process-oriented field of conflict resolution this does not constitute such a challenge to the field at large since these norms are not presented as pre-set absolute goals.

5.3. Common Denominators

As shown above, the two lists have many common denominators. Both of them focus on empowerment, equality, participation and inclusion albeit on slightly different grounds. This appears to be a solid base to build further co-operation on. Equally interesting are the two areas that do not overlap on the lists above. Osmani emphasises the accountability of policy-makers and other actors as a key trait for human rights-based processes, something that is not present on Lutz's list. On the other hand cultural sensitivity is mentioned by Lutz as an important norm underpin-

³⁸ Lutz et.al. 2003.

ning conflict resolution work, an area that is not touched upon by Osmani. However, this is a point well suited also for human rights promoting work since they also need to be grounded in familiar and appropriate terms. These differences can be accidental, but they can also point towards areas where the two fields can strengthen each other by merging their different outlooks.

5.4. Changes within the UN-system – Peace-building with a Bottom Line

In the last decade the United Nations also introduced explicit norms in its peace-keeping activities. The so-called Brahimi Commission Report on UN Peacekeeping Reform³⁹ states:

“Impartiality for United Nations operations means adherence to the principles of the Charter: where one party to a peace agreement clearly and incontrovertibly is violating its terms, continued equal treatment of all parties by the United Nations can in the best case result in ineffectiveness and in the worst may amount to complicity with evil.”⁴⁰

In 2001 this statement was transformed into practice when UN Secretary-General Kofi Annan in a report on the Protection of Civilians in Armed Conflicts submitted to the Security Council pointed out that the Security Council, Member States, and other actors involved in peace mediation must “respect the prohibition of amnesty for genocide, crimes against humanity and war crimes during their negotiations and deliberations”. This puts a clear and operational limit to the compromises that can be made within the field of human rights in order to promote peace and security.⁴¹

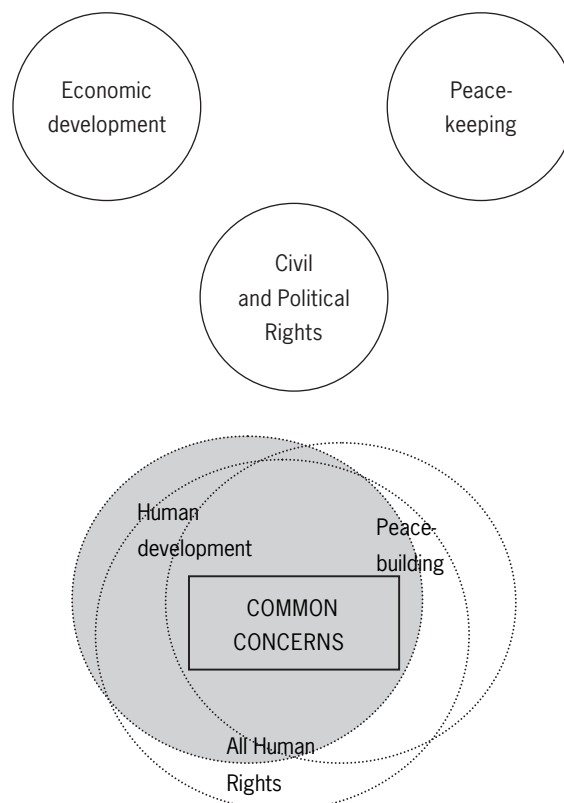
³⁹ *Report of the Panel on United Nations Peace Operations: a far reaching report by an independent panel 2000.*

⁴⁰ The Brahimi Report, Chapter II. Doctrine, strategy and decision-making for peace operations, Article E. Implications for peacekeeping doctrine and strategy, paragraph 50.

⁴¹ These kinds of limits are more helpful when developing policies than the more loosely formulated “Sida cannot ignore threats to basic values such as human rights and gender equality” (*Promoting Peace and Security*, p. 9). What does this mean in practice? Are threats to all human rights included? To what degree must they be fulfilled, etc?

6. Human Rights Promoting and Conflict Sensitive Policies – Suggestions

It appears clear that with a broader perspective on both conflict resolution and human rights – another central part of the work of international agencies becomes important. If peace-building, as Whaley and Piazza-Georgi puts, has become “the bridge between peace support and human development” (Whaley & Piazza-Georgi, p. 2) an encompassing view of human rights – referring both to civil and political and economic, social and cultural rights – bridges the gap between the traditional use of human rights and poverty reduction. Consequently, we are confronted with yet another frame of reference – human development – with its own terminology and logic. The overall challenge appears to be to move from a perception of three separate and relatively limited areas to a situation where these fields have almost merged to one:



A question of concern is thus how to integrate into one coherent approach different tools and forms of action so that they reinforce each other rather than operate independently or against each other, and how to simultaneously pursue peace, security, human rights and developmental objectives within one coherent and efficient policy approach.

6.1. Develop a Common Language Based on Human Rights

There are two main ways to integrate human rights in all development efforts⁴². The first understands human rights as a distinct area of development practice with its own specific content. This view mainly equated human rights with civil and political rights and tends to a focus on development of procedures and institutions that can strengthen the *protection* of these rights. The second way to integrate human rights in development is through a rights-based approach to all development activities. This approach demands that the norms, standards and principles of the international human rights systems are integrated into all development plans, policies and processes. The first approach is still most common and stands in the way of developing the other. In order for the latter to develop, the term human rights has to be used both when referring to civil and political and economic, social and cultural rights. If human rights shall be mainstreamed both within the United Nations and national agencies, such as Sida, it is therefore necessary to use the terminology within all areas. Human rights serve two general ends – accountability and empowerment – but much of the possibilities of empowerment, and therefore also the accountability, lies in the usage of a human rights language. To frame a concern in human rights terms moves it from a realm of charity to one of rights and obligations. Furthermore, it moves the focus away from the ‘giver’ to the rights-claimer. The person, who is exercising her right to health care, is bound to feel more empowered than the person, who is given health care as a part of a poverty reduction policy. The constant usage of the terminology will also train all actors involved in seeing the human rights aspects of their different fields of responsibility. Only then will human rights stop being another annoying “buzz phrase” for actors working with conflict resolution or poverty reduction.

Consequently, for policies to be human rights-based, policy documents and, most importantly, daily activities must be framed in a human rights language. Without an explicit human rights language, human rights policies run the risk of being watered down⁴³.

How development agencies use the term human rights are also liable to influence its usage in developing countries. An example can be found in the human rights organisations active in Sub Saharan Africa. These organisations tend to be heavily donor dependent and do also follow the pattern of international institutions and donors of equalling human rights with civil and political rights. Consequently, they are mainly concentrated on the promotion of civil and procedural rights and as such, they draw their main support from urban educated individuals⁴⁴. Since it is common to define human rights as “what human rights organizations do”⁴⁵ this narrow focus easily lead to a public understanding of human rights as a concern of the elite with power to assert its civil

⁴² Munzu (2003)

⁴³ Hamm (2001).

⁴⁴ See e.g. Magnarella (2000), Waal (2003).

⁴⁵ Waal (2003) p. 492.

and political rights – a concept which may lack everyday relevance for the ordinary person, for whom the major struggles are against poverty, gendered violence, illiteracy, environmental decay and HIV/Aids, which also are human rights issues but rarely labelled as such. Since violations of human rights are closely interlinked with direct and structural causes of conflict and they are also reinforced through conflict. Consequently, it appears to be essential to use a human rights lens and a human rights terminology, when conducting a conflict analysis.

6.2. Invest in Training and Communication between the Different Fields of Expertise

There appears to be a need for training of both sets of actors in the body of knowledge the others build their work on. The notions of different conflict stages and aspects of conflicts are equally important for human rights actors in the field since their activities often take place in conflict areas. They will therefore benefit from training in peace and security issues, conflict-sensitive programming and conflict management. During their day-to-day work they are often faced with conflict just to get access to places and persons. Furthermore, they may sometimes be asked to intervene in conflicts because of their high repute. On the other hand, if peace and security actors understand the linkage between the denial of a wide spectrum of rights on the one hand and conflict on the other, they will be more able to integrate human rights into peace-keeping and peace-building efforts from the start, something which in turn may enable them to address the structural problems, which have caused the human rights violations and inflicted conflict. Knowledge of human rights and the language of rights are also helpful in the continuing co-operation with human rights actors. Furthermore, human rights standards can be used as objective measures for understanding the moral and legal consequences of different ways of action.

6.3. Open up to Suggestions of Change from within

There is a need for human rights scholars and practitioners to more seriously address all the trade-offs that in fact take place between different human rights and human rights of different groups. At the same time the bottom lines in peace and security work – what is unacceptable – has to be clarified. Conflict management is not without norms nor is human rights implementation non-negotiable in practice.

The roles of the two communities are also changing during work in the field. Traditionally, one can see human rights field workers as monitors or observers, who report on problems and violations and peace and security workers taking these problems as the go-ahead to get involved in trying to get a peace process starting. For instance, Todd Howland, who worked for the Human Rights Division of the peacekeeping and peace-building missions of the UN in Angola, claims that in Angola the human rights officers had another role, as a “proactive social change agent”⁴⁶. Instead of monitoring and reporting, their task was to understand the situation and its manifold problems and malfunctions and “to motivate domestic actors to minimize or end the violation. This kind of mission blurs the line between human rights actors and conflict management actors even further and it is in this often undocumented practice that a way forward can be developed.

⁴⁶ Howland (2004)

In organisations it is common that each unit develops a kind of core doxa of one's speciality. Persons challenging this doxa from within each field may have important contributions to make.

6.4. Develop Mutual Analysis and Common Teams

After training in each other fields of expertise it is paramount that joint analyses of underlying causes of conflict and human rights violations, of the potential for structural stability and sustainable development are made. All programs should also be planned, carried out and evaluated by personnel coming from both fields. This will enable further development of joint theory and practice and combine the capacities and methodologies required. The management of Sida must also emphasise the importance of mutual respect and commitment to draw on the comparative strengths and recognise the comparative responsibilities of each field within the organisation. They should also engage in activities to ensure that the integration of the two fields is respected at global, regional and national levels, as well as by local structures. Only with this support can the borders between the two fields be erased.

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Annex 1

Anteckningar från seminarium kring rapporten "Let's talk! – Human Rights Meet Peace and Security" den 22 mars 2006; vid pennan – Adela Rodrigo

Seminariets syfte var att presentera och diskutera rapporten "Let's talk". Seminariet inleddes av rapportförfattaren med en kort presentation av rapporten. Därefter följde kommentarer av två Sida-anställda – med huvudsaklig expertis i fred och säkerhet respektive mänskliga rättigheter – som hade tagit på sig uppgiften att kommentera rapporten. Efter några frågor följde sedan en gruppdiskussion samt en gemensam avslutande diskussion. De c:a 35 deltagarna kom från olika frivilligorganisationer samt Sidas olika avdelningar.

Inledning – rapportförfattaren

Rapportens ursprungliga syfte var att se hur fred och säkerhet hade införlivat ett MR-perspektiv och mänskliga rättigheter hade inorporerat ett konfliktperspektiv. Detta visade sig dock omöjligt. De båda perspektiven har inte tagit in varandras perspektiv. Istället används begreppen mänskliga rättigheter och konflikt för att beskriva specifika problematiska situationer. Inom freds- och säkerhetsforskning används MR ofta för att beskriva grova överträdelser som till exempel massmord och tortyr. Inom MR används ordet konflikt enbart för att beskriva kontexten för i vilken storskaliga MR-kränkningar sker.

Detta var förstås inte mycket att ha som underlag för en rapport – även om det svarade mot den ursprungliga uppgiften. Jag kunde inte svara på i vilken mån forskare och andra hade beaktat båda perspektiven eftersom de utan undantag valde att skriva sina rapporter och artiklar inom ett ramverk och utan referenser till det andra fältet. Jag kunde kanske ana att författare hade beaktat båda perspektiven under sitt arbete men eftersom slutprodukten inte visade detta kunde jag inte vara säker.

Eftersom frågorna rör varandra i praktiken så är det naturligtvis intressant att det inte visas i texter. Ett sätt att komma förbi detta hade varit att fördjupa studien med intervjuer med människor som jobbat i fält där ju områdena blandas i en enda verklighet. Det fanns det inte utrymme för i denna desk-study.

Jag valde därför att i rapporten lyfta frågan om varför personer som arbetar med mänskliga rättigheter eller fred och säkerhet inte arbetat tillsammans trots att de ofta arbetar inom samma områden

(utvecklingsfrågor) och platser (utvecklingsländer, ofta i stadier av konflikt eller postkonflikt).

Var i ligger då problemet? Det finns en konflikt som brukar kallas en konflikt mellan "Peace" och "Justice" och som rör de frågor som bör lyftas fram/tryckas på i känsliga förhandlingslägen. MR lyfter ofta frågor som kan uppfattas som odiplomatiska och som "rör om i grytan" medan FoS föredrar att kompromissa för att kunna "gå vidare". MR-personal intresserar sig för vem som handlat rätt eller fel, och menar att det är extremt viktigt att reda ut kränkningar. Människor som blivit utsatta för kränkningar av sina rättigheter behöver upprättelse (reparation) för att gå vidare, annars är det risk för att konflikten blommar upp igen. MR anser även att man inte kan förhandla med vem som helst, "man bör inte förhandla med djävulen". FoS menar att det är rimligt att kompromissa för att få stopp på krig och väpnade konflikter som garanterat kränker mänskliga rättigheter. Detta är det enda område där de olika områdena nämner det andra fältet – det är en konflikt som man lyfter fram och som jag ser som olycklig eftersom den skapar positioneringar som gör det svårt att gå vidare.

MR och FoS fokuserar alltså på en snäv del av varandras fält och till en fråga där det har funnits olika ställningstaganden. Men MR-området arbetar med så mycket fler frågor än grova massmord och FoS-arbetet är mer än fredsförhandlingar för att få slut på en väpnad konflikt. FoS och MR hänger ihop på många fler sätt än just den här snäva delen där problem ibland har uppkommit. Det är därför viktigt att komma ifrån de snäva tolkningarna av respektive fält för att kunna inkorporera de olika perspektiven. MR är mer än upprätthållandet av en rad rättsprinciper och FoS är inte utan principer och ställningstaganden. Ofta osynliggörs MR då flera frågor inte nämns i rättighetstermer. Personligen anser jag att det finns fördelar med ett rättighetsspråk, men detta betyder inte att man ska ta bort Fred och säkerhetsterminologin.

Sida-kommentator med FoS-inriktning

Rapporten behandlar rättighetsperspektiv och främjande av fred och säkerhet. Jag vill att detta seminarium ska leda till något konkret. Vad är fred och säkerhet? Vad är mänskliga rättigheter och var ligger dilemmat? Rättighetsagendan kan definieras som hela agendan för utvecklingssamarbete vilket den har gemensamt med agendan för fred och säkerhet. Båda fälten hanterar liknande frågor och delar samma mål. Fattighetsreduktion är målet. Men vi behöver plocka isär de olika fälten för att se hur/var stärker de varandra? Finns det nödvändiga målkonflikter?

Jag anser att FoS-området har kommit längre än vad rapporten ger sken av. Frågan handlar om principer kontra kompromisser. MR handlar mer om juridiska system och institutioner och FoS om realpolitik. Jag anser att sektoriseringen inom forskningen som antyds i pappret gör FoS orättvisa. Författaren anser att lite har gjorts inom forskningen, jag anser att det finns en stor skog av forskning. Att FNs agenda är återkommande i pappret gör att rapporten hamnar på en makronivå när det kommer till medling, vilket ofta utgör en liten del av FoS arbete. FoS är ofta teoribaserat medan MR vilar på juridiska principer. Det finns en hel del som redan gjorts, till exempel "early warning" system. Mycket av din beskrivning stämmer men det finns mer.

Låt oss tala om skillnader och lösningar – fokusera på delbarhet. MR handlar om absoluta och odelbara principer som är mål och givetvis medel. FoS fokuserar på oförenligheter. Metoden är snarare delbarhet.

Det handlar om att dela politisk makt eller till exempel territorium och frågor måste delas upp för att lösa konflikter.

MR ser rättvisa och sanning som huvudsaken – oavsett kostnad. FoS ser opartiskhet och kompromisser som viktigt och ibland kan det innebära strafffrihet. Opertiskhet leder till strafffrihet t.ex. avvärjning.

MR måste förstå att straffreduktion ibland behövs för att hantera säkerhetsdilemman eller som motiv för en fredlig lösning – Vem vill skriva på ett avtal som gör att man blir fängslad för resten av sitt liv? MR måste arbeta för en processororienterad prioritering av mänskliga rättigheter. Är rätten till liv inte primär?? I så fall blir timing viktig och det viktigaste av allt blir att få stopp på konflikter för att få slut på dödandet. FoS måste visa att konsekvenser av grova MR-överträdelser inte får förhandlas bort. Detta är ej delbart – eller förhandlingsbart! Grova överträdelser måste straffas.

Och nu över till skillnader och lösningar. – Låt oss se på de olika områdenas profil. MR fokuserar på att rapportera och ta ställning till olika överträdelser. FoS håller på opartiskhet.

MR-området bör alltså utvecklas till att bli mer processororienterat och konfliktkänsligt. Om en rapport om MR-brott ska presenteras måste man först utföra en konfliktkonsekvensanalys – kommer en presentation just nu att ta oss närmare målet? Man kan inte nå alla mål snabbt. FoS-området bör omöjliggöra opartiskhet vid grova MR-överträdelser. Vid vilken gräns kan vi inte längre förhandla? Har vi olika standard, är vår standard kontextbunden eller kulturbaserade? Kan vi inte få en lösning utanför biståndsramen?

Kärnan i det här är att rättighetsperspektivet och FoS är ömsesidigt förstärkande. MR-arbete, speciellt avseende civila och medborgerska rättigheter, måste vara konfliktkänsligt för att inte bekämpa sitt eget syfte. FoS måste vara rättighetsinformerat för att inte bekämpa sitt eget syfte.

Sida-kommentator med MR-inriktning:

Detta är en spännande studie som undersöker underliggande saker till konflikt och visar på olika fokus på konflikt. Principer som "empowerment" är exempel på områden där FoS och MR möts. Studien och vi själva skulle vinna på att vara tydligare. Jag anser att demokrati och jämställdhet borde ha lyfts fram och att rapporten ger en snäv bild av MR-aktörer. Den avser först och främst NGOs och organisationer, men det finns fler aktörer inom MR till exempel CBOs som visar på en ny bredd av MR-aktörer och MR-approach. Jag tycker att den polarisering av MR-arbetet som författaren beskriver samt att det mesta av MR-arbetet äger rum i Genève och att FoS-arbetet sker i New York, inte riktigt stämmer.

Jag tycker att det skulle vara intressant att lyfta fram arbetet i fält, kanske titta på "country teams". Författaren har ju tittat mer på akademisk forskning men borde även titta mer på FN som aktör. Kofi Annan vill att FoS och utvecklingsarbete ska gå hand i hand, och utan respekt för MR kommer ingendera att lyckas. Det nya MR-rådet är bevis på detta, och visar på MRs nya tyngd och status inom FN. Olika bilaterala givare tittar nu närmare på "fragile" och "failed states" och fler är öppna för att utveckla ett sätt på hur vi ska jobba tillsammans. T.ex. kan vi arbeta genom OECD-DAC om hur man bättre kan jobba med MR i konflikt och förebyggande syfte. Studien visar på att det finns ett stort behov och potential för samarbete. Man bör titta vidare på en litteraturstudie och intervjuer i framtiden.

Svar från rapportförfattaren:

För att utföra denna studie behövde jag avgränsa mig. Att FoS-forskare och andra forskare *egentligen* har ett MR-perspektiv när de skriver är mycket möjligt. Det finns alltid ett stort tolkningsutrymme. Men nämner de inte MR mer än i sitt beskrivande av olika situationer kan jag inte säga att de beaktat MR i sin forskning. Jag var tvungen att lämna det därhän.

Det finns mycket att ta på när det gäller om policys, de är alla lika vackra, men policys har också många begränsningar bl.a. vet man inte om de speglar någon förändring i sak. Att ta in jämställdhet hade varit alldeles för stort för en litteraturstudie.

Det finns en delbarhet även inom MR, vilka rättigheter som ska prioriteras etc. även om man inte alltid talar om detta. Men rätten till liv ska kanske inte självklart ses som primär. Det finns många människor som riskerar sina liv för att få andra rättigheter. Det måste vi respektera.

Angående principer kontra kompromisser – Det finns alltid normer i botten när man kompromissar och förhandlar, dessa måste vara tydliga. Normer bär man med sig trots sin neutralitetshatt. Inom MR måste man diskutera, MR är en process trots att man ofta låtsas som att MR bara är principer.

Fråga från deltagare

Har du hittat några kopplingar till forskning om “human security och conflict prevention”? Human security är ju ett bredare begrepp där genderaspekten inkluderas.

Rapportförfattaren: Om man ska titta på hur MR har tagits upp i säkerhetsforskning, så har begreppet MR en liten roll – så även i forskning om “human security”. Human security och MR refererar ofta till nästan samma saker. Men här uppkommer frågan om “man menar något mer” än det som står – och det kan jag ju inte svara på.

FoS-kommentator: Lokalt ägandeskap av frågor spelar roll. Mänsklig säkerhet är ett problematiskt begrepp att använda speciellt i policys eftersom det är så pass brett. Jag anser att det är bra att avgränsa sig för att lösa vissa knutar, därmed inte använda begrepp som är så otroligt inklusiva.

Rapportförfattaren: Då hittar man inga gemensamma utgångspunkter, det blir polemiskt. Hur kan vi hitta gemensamma utgångspunkter om vi inte använder samma språk?

FoS-kommentator: Min poäng är att ett begrepp som “human security” kan vara farliga för att de är för abstrakta, vi behöver vara mer konkreta. Tidsaspekten är viktig, när ska vi gå in, med vem och när?

Kommentarer från de olika grupperna efter gruppdiskussionen:

1. Det behöver inte bli motsättningar om fredprocessen får ta tid. Det blir inte särskilt stor motsättning mellan MR och FoS när det gäller fredsförhandling. Fredsavtal blir aldrig långvariga om man förhandlar bort det som är underliggande orsaker till konflikt.
2. Inklusivitet/dialog med alla parter är väldigt viktig. Vikt av erfarenheter av svenskt stöd i till exempel El Salvador. Det svenska stödet hade olika fokus under olika tidsepoker men stöd av hela den politiska skalan. Det är viktigt att vara inklusiv i stödet och att ha med sig hela den politiska skalan samt att ha diskussioner med enskilda svenska organisationer.

3. Konfliktförebyggande – vilka spänningar finns? Vi kommer in för sent – även med MR-insatser. Tänkande kring konfliktförebyggande borde finnas före en konflikt. MR kan här fungera som redskap för att identifiera spänningar som finns i samhället.
FoS-kommentator: När det handlar om tidig förvarning så ligger en stor del av problemet hos samarbetspartners. Stöden till FoS innan konflikt är endast 3–5%. Det handlar därför till stor del om attitydförändring. När det redan är kris har det redan gått i snitt 10–15 år av konflikt.
4. MR ombud? – Medling. Vad gör man när man identifierat diskriminering och brott mot mänskliga rättigheter? Medlar? Konfliktkänsligt perspektiv- hanterar intressekonflikt som ännu inte gått över till väpnad konflikt. I Latinamerika finns MR-ombudsmän till vilka man kan anmäla MR brott och det finns ett system som gör att man kan gå vidare i processen. MR-rapporter gör att man snabbt kan se vad som är på gång i ett land
5. Den mest lyckade fredsinsatsen är den vi aldrig hör talas om
Rapportförfattaren: MR kommer inte heller in förrän en konflikt blivit för allvarlig. Chefen för NORBAT i Bosnien sade angående stridsvagnarna som placerats vid gränsen i till Makedonien att “lyckade fredsinsatser är den som ingen vet om”.
6. Spänningar mellan begreppen blir onödigt spänningsfyllt. Demokratiorganisationer har ett värde i sig. Demokrati som konfliktlösande system är viktigt att ha med sig här.
7. Vi måste förfina våra metoder ifall MR ska fungera som indikator i konfliktlösnings-sammanhang.
8. Det är klart viktigt att hitta ett gemensamt språk så man inte talar förbi varandra.

Seminarier avslutades.

Halving poverty by 2015 is one of the greatest challenges of our time, requiring cooperation and sustainability. The partner countries are responsible for their own development. Sida provides resources and develops knowledge and expertise, making the world a richer place.



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