

# Human Rights and Conflict



# Human Rights and Conflict

Exploring the Links  
between Rights, Law,  
and Peacebuilding

Edited by Julie Mertus and Jeffrey W. Helsing



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# Foreword

Newcomers to the field of international relations may be surprised to learn that efforts to advance human rights are often at odds with attempts to halt violent conflicts. In the experience of practitioners, however, it is unfortunately a commonplace that the promotion of human rights and the practice of conflict resolution, while both admirable endeavors in themselves, are by no means necessarily complementary objectives.

The international landscape is littered with episodes in which advocates of the two objectives have pointed accusing fingers at one another, charging that their own best efforts have been undermined, ignored, or counteracted by actions taken by counterparts from the other camp. In Bosnia, for instance, human rights activists spent years pressing NATO's Stabilization Force to arrest indicted war criminals, a move that many diplomats and soldiers felt would only further destabilize an already volatile situation. In Pakistan, U.S. policymakers have had to contend with charges that they have turned a blind eye to torture and other human rights abuses of the government in return for cooperation of the regime in Islamabad in the fight against al Qaeda. In a host of cases, from the Middle East to the Balkans to West Africa, would-be peacemakers have seen their best efforts to reach negotiated settlements challenged, if not undermined, by groups protesting the inclusion in peace talks of leaders who have used terror, genocide, and ethnic cleansing to advance their political goals.

Such clashes have not, of course, passed unnoticed. Throughout the past decade, human rights and conflict resolution scholars and practitioners have vigorously debated the differences and tensions between the two approaches. Much public discussion has also occurred in forums where representatives of the two camps have met to argue for the primacy of their

concerns and activities. Heat, however, does not always generate light, and our understanding of the relationship between the two approaches has not always been illuminated by such exchanges.

The chief ambition of this volume is to improve that level of understanding by turning an analytical spotlight on the relationship between human rights promotion and conflict management—or, more precisely, by turning a series of spotlights on different facets of the relationship. The volume's origins lie in May 2001, when the Education Program of the United States Institute of Peace and the Joan B. Kroc Institute for International Peace Studies at the University of Notre Dame organized a symposium to examine not only where human rights and conflict resolution diverge but also where they converge. Inspired by the discussions at that and similar gatherings, the volume's editors—Julie Mertus, who was then a senior fellow at the United States Institute of Peace, and Jeffrey Helsing of the Institute's Education Program—recruited a wide range of scholars and practitioners to explore subjects and themes that elicited significant interest during the symposium. The results of their work are evident in the chapters that comprise this volume.

As those chapters attest, the relationship between conflict management and resolution on the one hand, and human rights promotion on the other, is multifaceted, intricate, and fluid, evolving in response not only to changes in the nature of contemporary violent conflict but also to the two camps' growing experience in working as partners instead of competitors. The volume also makes clear that to see the relationship as two-sided distorts reality, for there are in fact *three* camps involved: conflict resolution, human rights, and international humanitarian law. The last of these—which seeks to regulate the conduct of war and to protect civilians during armed conflict, and which is championed not least by humanitarian relief agencies—can serve as a bridge between peace negotiators and human rights advocates because it is a human rights and legal tool that can strengthen a peace process or agreement by helping to reduce suffering and creating legitimacy for a settlement.

I will leave it to the reader to discover in the following chapters the richness of the interaction among these three approaches, the ways in which they can reinforce and complement, and not just undercut, one another's efforts. I will, however, draw attention here to a point made several times in the volume, namely, that the triadic nature of the relationship seems to be particularly conspicuous, and particularly important, in efforts to create sustainable peace. In light of the challenges presented today in countries

such as Afghanistan, Bosnia, Iraq, and Sierra Leone, the United States Institute of Peace is devoting substantial effort to the task of determining the critical components of a stable and sustainable peace. Many of the ideas raised in *Human Rights and Conflict* merit serious consideration by everyone working to build sustainable settlements in societies emerging from conflict.

This volume also accords with the Institute's principles and priorities in offering food for thought both to those who work with soldiers, civilians, and politicians in the field and to those who wrestle with policy options and ideas in government offices, think tanks, and universities. *Human Rights and Conflict* introduces the reader to many of the practical, concrete issues that practitioners and policymakers confront today in responding to violent conflict. At the same time, however, it is also intended as a teaching tool, providing multiple perspectives on the ways in which human rights, conflict resolution, and humanitarian law complement one another. This breadth of appeal is more than matched by the diversity of the cast of contributing authors, who include practitioners, scholars, and other experts from each of the three camps.

Encouragingly, to speak of "camps," with all that that term implies about exclusivity and mutual distrust, may one day be inappropriate. Already, as *Human Rights and Conflict* illustrates, proponents of each of the three approaches are discovering that their activities can be mutually supportive and that their goals, especially when viewed over the mid- to long term, are often mutually reinforcing. If *Human Rights and Conflict* achieves its own goals, this awareness of the holistic nature of building and sustaining peace will become clearer and more prevalent.

Over the course of more than twenty years, the United States Institute of Peace has supported groundbreaking work in all three areas of endeavor highlighted in this volume. It has been especially active in funding and disseminating cutting-edge research in the field of conflict resolution, but it has also contributed significantly to the debate and the literature on the role of international law in conflict management. In recent years, it has enhanced its work in the area of human rights promotion in various ways, including, for example, publishing Debra Liang-Fenton's edited volume *Implementing U.S. Human Rights Policy*. Given the breadth of our interest in and commitment to these issues, it should be evident that the Institute is very pleased to publish *Human Rights and Conflict*. This volume does not shy away from the differences, real and imagined, that separate conflict resolution, human rights, and international law; indeed, it explores those differences and recognizes the obstacles to closer cooperation between conflict

managers and other practitioners and activists. But this book also investigates the complementarities, acknowledged and unacknowledged, that link the three approaches and that, if exploited, promise greater success in producing sustainable peace in states wracked by conflict.

Richard H. Solomon, President  
UNITED STATES INSTITUTE OF PEACE



# Preface and Acknowledgments

This project was born from a desire to provide educators and scholars in the fields of human rights and conflict resolution with a resource that would enable them to analyze and teach about the growing intersection between human rights and the field known variously as conflict resolution, conflict transformation, and conflict management. Learning about conflict resolution and human rights will make a positive contribution to understanding in both fields because there is a complementarity between the two disciplines, and practitioners of both often end up working in the same conflict arenas.

We wanted to produce a book that presented and analyzed the key underlying ideas, assumptions, and objectives of human rights as they relate to conflict management. In addition, we felt that it was critical to incorporate practitioners and scholars of international humanitarian law into the volume because they combine a human rights focus with an application in arenas of violent conflict. We began to develop this project with the idea that each chapter should be balanced with a responding commentary from someone with a different perspective and from a different discipline. It is our belief that student audiences appreciate different viewpoints as a way to flesh out essential elements of a topic.

As we sought out contributors, we thought it was particularly useful to ask the following questions:

- What are some of the key human rights issues that the military forces, humanitarian relief agencies, and local NGOs face today?
- To what extent are competing conceptions of human rights and different priorities and strategies for addressing human rights a source of tension?

- What ethical dilemmas regarding human rights and peacebuilding do diplomats, advocates, security forces and relief organizations face?
- How are such basic goals as peace, stability, justice, and rule of law prioritized and how should they be sequenced?

After receiving the contributions for the book, we realized that some commentaries deserved their own status as independent chapters. This delayed the production of the book for a while and it must be acknowledged that some of the initial drafts were written well over two years ago. They have been updated and brought current as much as is possible. As with any book that deals with ongoing peace and conflict issues, however, new themes, events, and policy decisions may have emerged since the final copy-editing has been concluded. Nonetheless, the main themes we have examined here remain of significance to future developments.

There are a number of people to thank directly for their help on this book. We are grateful to the entire education program of the United States Institute of Peace, in particular Pamela Aall, who has strongly encouraged this project from its inception. Raina Kim was, as always, very helpful with all administrative matters. The Institute's publications staff was very helpful and always supportive of the project. The editorial assistance of Nigel Quinney has been essential in helping us bring together the many contributions into a coherent whole. Nigel is a superb editor and makes the process very easy and productive.

The editors benefited greatly from two workshops sponsored by the United States Institute of Peace. The first was in May 2001 at Notre Dame University's Joan B. Kroc Center for International Peace Studies. The workshop was titled "Do Good Things *Really* Go Together? Assessing Human Rights and Peace in the Contemporary World." A second symposium took place in September 2002 at the University of Dayton and was titled "No Peace without Justice" and cosponsored by the International Human Rights Education Consortium. Both workshops raised questions and explored issues that have been raised in this book. We are indebted in particular to Professors George Lopez of the Kroc Center and Mark Ensalaco of the University of Dayton for conceiving and developing the two respective workshops.

In addition, we benefited from a roundtable discussion at the United States Institute of Peace in July 2003 on the relationship between human rights and peacebuilding in Iraq. The contributions of Dawn Calabria, Reuben Brigety, Jeff Walker, and Sanam Anderlini were particularly valuable, as were those of the roundtable chair, Louis Goodman, dean of the School of

International Service at American University. The editors also benefited considerably from meetings of conflict resolution and human rights practitioners initiated and sponsored by Hurst Hannum and Eileen Babbitt of the Center for Human Rights and Conflict at the Fletcher School of Law and Diplomacy.

Julie Mertus would like to dedicate this book to Professor Abdul Aziz Said for his inspiration and leadership in the field of human rights. She would also like to thank the students of American University's human rights and conflict courses in the spring of 2004 and 2005 for their feedback on earlier versions of these chapters, American University PhD students Eve Bratman and Maia Carter Hallward for their research support, and last, but certainly not least, Janet Lord for her editing, substantive suggestions, and ongoing encouragement and support. Jeffrey Helsing would like to thank his family for their patience and support when manuscripts were brought home nights and weekends and also his colleagues in the United States Institute of Peace education program for their terrific support and collegiality.

Finally, we have to thank each of the contributors to the book for their hard work, excellent analysis, and patience (particularly in some cases). This was not always an easy project, but we feel that it has paid off handsomely in the end.





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