

Introduction: Towards Peace with Justice

Beatrix Schmelzle and Véronique Dudouet

www.berghof-handbook.net

5

The relationship between human rights protection and conflict transformation seems straightforward, but it is not an easy one. Over and over again, the question has been asked whether the two share a common agenda or actually pursue competing goals.

Most frequently, this debate has been cushioned in the polarising language of “peace versus justice”. Persistent stereotypes see “pragmatism [pitted] against principle and politics against norms”, and posit that human rights concerns may be “complicating the conflict resolution process by introducing or exacerbating ‘the moral dimension of conflict’”.¹ From this perspective, consolidated camps with firm strategies emerge: on the one hand the naming-and-shaming rights activists with their maximalist demands, on the other, the pragmatic, deal-making conflict managers.

At the same time, the two fields carry their very own dilemmas with them. The human rights discourse has seen, over the decades, contentious debates about its essence and outreach: claims of universal applicability have been held against the criticism that human rights are of western origin and do not fit well with cultural differences; the emphasis on necessary trade-offs between (core) rights and (non-essential) aspirations has been held against an all-encompassing vision of indivisible and interdependent rights; debate has ensued about duty bearers beyond the state (e.g. international corporations). These human rights debates have also been tied up in political rifts: the struggle between the Cold War blocks became, among others, manifest in a struggle about the core understanding of human rights. In this debate, civil and political rights were being upheld by the West and social, economic and cultural rights were being pushed by the Eastern block; a divide in emphasis that to this day shapes debates between ‘the’ North and ‘the’ South.

The schools of conflict resolution and transformation, on the other hand, have struggled as well to find their internal balance between pragmatism and principle. Although they have only

¹ Parlevliet 2010, in this volume, 36.

emerged much more recently in the academic and policy arenas, their short history has been marked by numerous controversies and debates, leading to the formation of contending schools of thought. Such debates have revolved primarily around the origins and causes of conflict (e.g. agency-based or structural approaches); the dynamics of conflict escalation and de-escalation (e.g. linear, circular or systemic); the mechanisms and outcomes of conflict management (negative or positive peace, top-down and bottom-up approaches); and, finally, the ethics and strategy of third-party intervention (soft-handed or power-based mediation, prescriptive or ‘elicitive’ approaches, etc).

With all their history, both fields are now firmly on the international agenda. Human rights have become an “institutionalised part of international politics”², strengthened by the recent International Tribunals for the Former Yugoslavia and for Rwanda, the establishment of the International Criminal Court and the global transitional justice movement. At the same time, conflict resolution and transformation initiatives and rhetoric – including a strong emphasis on dealing with the past and reconciliation – are prevalent in local, national and international responses to armed conflict. The vast majority of contemporary armed conflicts have been resolved through negotiated settlements, often with active support from international diplomats, professional facilitators or insider mediators. With the realization that nearly one third of settled conflicts relapse into violent warfare within five years,³ post-war peace consolidation programmes aimed at demilitarising, democratising, developing and reconciling these countries have become essential components of international intervention and are now firmly placed on the UN, EU and World Bank agendas.

Given the growing emphasis on comprehensive transitional justice and reconciliation processes, the overlap between the fields is becoming larger, and the implementation and process management of “peace with justice” are now emerging as the main challenges. Despite all the tension portrayed above, many analysts and commentators also detect a strong common calling among what Peter Uvin calls the “communit[ies] of principled social change”⁴, made up of development workers, human rights activists and conflict transformation / peacebuilding practitioners. This common calling is a dedication to building structures and communities that do justice to the needs and potential of every human being that is part of them.

In this Dialogue, we are hence aiming to go beyond the divide to explore how the two approaches could become mutually enforcing and enriching rather than work in isolation or competition. We do not have the ambition of resolving all dilemmas and trade-offs – these will persist in the political realities in which both human rights and conflict transformation work are carried out. Rather, we enter the Dialogue with the vision of gaining a clearer understanding of the potential – and limits – of bringing together human rights and conflict transformation in specific contexts.

Michelle Parlevliet contributes the lead article to the Dialogue, on which in the following six comments are based. Parlevliet has been working on the nexus of human rights and peace work for nearly 15 years in various capacities and contexts. Most recently, she completed a posting as senior conflict transformation advisor for Danida’s Human Rights and Good Governance Programme in Nepal. She has previously worked with the Centre of Conflict Resolution in South Africa, the South African Truth and Reconciliation Commission and the International Criminal Tribunal for the Former Yugoslavia.

² Emily Pia/Thomas Diez 2007, *Conflict and Human Rights: A Theoretical Framework*, SHUR Working Paper Series 1/07, 13.

³ Human Security Center 2008, *Human Security Brief 2007*. Vancouver, Simon Fraser University, 37.

⁴ Peter Uvin 2004, *Human Rights and Development*. Bloomfield, CT: Kumarian Press, 4.

Parlevliet's basic proposition is that understanding and applying human rights and conflict transformation in conjunction improves both the analysis and practice involved in moving from violence to sustainable peace. On this assumption, she bases a tentative conceptual framework for the relationship between human rights and conflict (transformation). The framework underlines, first, that "human rights violations can be both causes and consequences of violent conflict" (in this volume, 18). Like with an iceberg (or a termite mound), what are visible on the surface are human rights violations as symptoms of violent conflict – this may be excessive use of force by police, censorship, politically motivated rape, etc. Yet the bulk of the iceberg/mound remains hidden, as is often the case with the "denial of human rights [that] is embedded in the structures of society and governance" (ibid.). This may provide fertile ground for the eruption of violence if conditions of inequality, inequity, injustice and insecurity are left to fester. Whether sustained denial of human rights becomes a cause of violent conflict depends, in Parlevliet's analysis, mostly on political structures: "the way the state is organised and functions determines in large part whether needs are satisfied or frustrated over the long term" (19). In instances of discontent, "the choices made by the state, communal groups and political opponents about how to engage with one another, help determine whether or not societal tensions [...] will evolve into violence" (20).

The second strand of the framework consists of a multi-dimensional understanding of human rights, based on the insight that "a narrow, legalistic understanding [...] is insufficient in the context of conflict transformation" (22). Parlevliet spells out four different dimensions: rules; structures and institutions; relationships; and process. *Rights as rules* highlight "the need to legally recognize human rights and institutionalise respect for them through the adoption, implementation and enforcement of relevant legislation", both nationally and internationally (ibid.). *Rights as structures and institutions* relate to "the structural division of power and resources in society and the mechanisms that exist to handle conflicts that may arise in this regard" (ibid.). *Rights as relationships* refer to "the relevance of rights for organising and governing the interaction between state and citizens, and amongst individuals and groups in society" (ibid.). Finally, *rights as process* underscore the importance of aiming for legitimacy and sustainability by taking care of "how issues of access, protection and identity are addressed", paying attention to dignity, participation, inclusion, protection and accountability (23; emphasis original).

From this understanding of the interface between human rights and conflict (transformation), Parlevliet develops five main implications for conflict transformation practice. The *first* challenge is to make connections between addressing symptoms and causes in any given intervention. Human rights and, we may add, conflict transformation practitioners often focus their attention on the immediate symptoms at hand. Yet it is vital "to deal with symptoms *while* keeping in mind the larger, more structural conditions" (25; emphasis added). The *second* challenge is to find better ways to work, simultaneously, on understanding (and changing) "the nature, organisation and functioning of the state" and on empowering weaker parties and marginalised people to "become aware and capable of challenging the status quo in such a way that the dominant party cannot afford to ignore" (27). This would include working with the "demand side" of civil society without neglecting the "supply side" of government institutions, since neglecting the latter could lead to increased frustration and further violence. Resistance, which is most likely to arise in such contexts, should be anticipated and used as transformative energy. Also, instead of focusing exclusively on what Parlevliet calls the "hardware" of public institutions, e.g. capacity-building in technical skills such as financial management, reporting, etc., it is crucial also to work on the institutional "software", for example communication patterns, institutional culture and values, perceptions, etc. The *third* challenge, then, is to find ways to "work to enhance state capacity [...] without lending support [...] to undemocratic

forces, attitudes and beliefs” (28). Parlevliet acknowledges that this will be difficult in single cases, yet proposes to focus on processes (giving people experiences of doing things differently) and on intensifying and improving relationships between state and non-state actors by facilitating discussion and interaction. The *fourth* challenge is to carefully balance conflict intensification and conflict sensitivity. In certain contexts, actors should not hold back “from undertaking or supporting initiatives that may cause tension or feed into existing divisions” (30). They must do so, though, on the basis of careful analysis, “so that interveners can anticipate tension, resistance or outright conflict that may be triggered and develop strategies for handling these” (ibid.). In this context, she points to the importance of nonviolent strategic action, non-adversarial advocacy and employing different tactics at different points in time. The *fifth* challenge, finally, lies in achieving role clarity and role integrity for actors. This is of particular importance where the circumstances make it necessary to combine facilitator and advocacy roles in one person or organisation. In asymmetric conflicts in particular, combining these roles may lead to resistance or rejection. Here, a division of roles and labour may become inevitable.

In sum, Parlevliet proposes that applying a perspective of human rights brings conflict transformation closer to its aims by forcing greater emphasis on changing structural conditions, especially tackling the role of the state, systems of governance and issues of power. Reflecting on the persistent (albeit dwindling) stereotypes and confrontation between the two fields, she hypothesises that “the human rights and the conflict fields, much as they complement one another, also tap into one another’s ‘weak spot’ [...]; each field touches at the core of what actors in the other field struggle with and/or feel sensitive about” (33/34).

The lead article includes an extensive review of literature on human rights and conflict resolution, which illustrates that over the past decades, the debate has indeed moved from “postulating a direct, inherent tension between the two to recognizing a more complementary relationship” (40). Still, it continues to straddle “three different but inter-related elements: [...] a) the relationship between human rights and conflict; b) the interaction between actors from different backgrounds operating in conflict contexts; and c) the interface between the ‘fields’ [...] of conflict resolution and human rights in terms of concepts, analysis and perspectives” (41).

All of these overlapping debates about how ‘peace *with* justice’ can be achieved are further developed and illustrated in the contributions by the six authors we have invited to respond to the lead article of this Dialogue.

The first comment comes from *Thomas Diez*, professor of political science and international relations at the University of Tübingen, Germany, and *Emily Pia*, lecturer in peace and conflict studies at the University of St. Andrews, UK. Both have been closely involved with the EU-funded project “Human Rights in Conflicts – The Role of Civil Society”, which ran from 2006 to 2009 and whose findings inform their observations in this Dialogue.

While agreeing with Parlevliet that human rights claims (what Diez and Pia call “human rights invocations”) need to be embedded in a broader context and can be part of conflict transformation processes, they argue that Parlevliet’s holistic view on human rights (as rules, structures and institutions, relationships and process) risks reducing “the analytical purchase of the concept” as well as “losing sight of the need to investigate the effects of human rights articulations as legal norms in conflict” (in this volume, 48). Diez and Pia insist that the potentially conflict-intensifying effect of human rights claims needs to be examined more closely.

Human rights, in this reading, are “by definition related to a threat to the very existence

of an individual or group. As long as this existence is not seen as being threatened, there is no need to invoke human rights” (ibid.). Borrowing from the literature on security studies, such references to an existential threat are called “securitising”: the public discourse is being prepared for potential emergency measures outside the bounds of normal political procedure. In an extreme consequence, this may lead to a “legitimation of further action and even violence” (49).

Diez and Pia go on to argue that the invocation of human rights as ahistorical, “non-political, non-negotiable moral absolutes” in contemporary international discourse is problematic exactly because it ignores the emergence and development of the concept in a specific history and tradition (50), i.e. that of western liberal values. The authors thus recommend that conflict resolution and human rights practitioners conceptualize human rights as an intrinsic political and legal “instrument for articulating the needs of the marginalised and the excluded” (ibid.).

Diez and Pia conclude that rather than treating human rights as “a panacea to overcome conflict” (51), analysts and advocates should focus on *how* human rights are being invoked. They propose two dimensions for measuring this: first, whether the reference point is the individual or the group/collective, with the latter being potentially more exclusive; and second, whether the rights claim is inclusive, i.e. relating to all parties in conflict, or exclusive, i.e. relating to only one party and thus potentially reinforcing antagonisms. Taking into account contextual factors and the timing of human rights articulations, Diez and Pia underline that “there is no simple correlation between human rights and conflicts” but rather “different ways of making human rights claims, with different consequences for the future of conflict societies” (52/53).

The second comment comes from *Alice Nderitu*, who was, at the time of writing, the Kenya-based director for Education for Social Justice at Fahamu, a non-governmental organisation dedicated to the strengthening of human rights and social justice movements. Coming from a strong human rights background, she offers a very different critical reading of the understanding of human rights in Parlevliet’s article, as well as a reflection on the factors that perpetuate the mutual stalemate in which Nderitu sees human rights and conflict transformation practitioners caught.

By contrast to Diez and Pia’s objection to Parlevliet’s overly broad definition of human rights, Nderitu’s first critique concerns in fact an implicitly under-complex understanding of human rights: she detects that while Parlevliet “argues that human rights should be considered in a multi-dimensional way that does not reduce them to their legal foundations”, her definition of human rights places them “squarely in the legal frameworks that define these ‘internationally agreed values, standards or rules’” (in this volume, 56). Many academics and practitioners, in Nderitu’s experience, do in fact prefer to base their understanding of human rights on international humanitarian law in its practically enforceable form, rather than on a comprehensive perspective which is seen as being abstract rather than practical. Yet Nderitu argues for an all-encompassing understanding: “human rights are a set of internationally agreed legal *and* moral standards. They establish the basic civil, political, economic, social and cultural entitlements of every human being anywhere in the world at all times” (57). Both moral and legal strands (should) also run through conflict transformation processes and provide parameters within which to achieve social change.

The second critique concerns the categorization and classification of human rights. Rather than establishing positive and negative, first category and second category rights, Nderitu argues that “states and the international community must take steps to create the conditions and legal frameworks necessary for exercising [civil, political, social, economic and cultural rights], which emphasises the principles of universality, indivisibility and interdependence of all human rights” (ibid.). She acknowledges that changing practice towards such a “wholesale” approach has been

difficult, but recounts an example of her work with law enforcement officers and farmers in the Mt. Elgon community as a case in point, demonstrating that “it can be and it has been done” (58).

Nderitu, who is an experienced trainer on human rights, peace and conflict for UN agencies, civil society organisations, law enforcement and military officers, turns next to the practice of UN integrated (civil-military) missions. While they mark a distinct “shift in conceptualizing human rights as part of the conflict resolution agenda” (60), in practice “the role of [...] human rights practitioners is still to a large extent seen as support for the military component” of such missions (ibid.). She states that “much value would be added [...] if the human rights and conflict transformation practitioners (both civilian and military) were put in a position to transfer skills” to each other (61). This should entail better role definition and priority setting in mixed teams, one of several recommendations she formulates to address the mutual stalemate between human rights and conflict transformation. The others are: to adjust tactics and methods depending on whether one is working in conflict settings or in post-conflict or peaceful settings; to strive for both awareness of and respect for traditional local practices and to ensure a sense of shared local ownership; and to fully analyse the root causes of conflict by binding them back to human needs.

Eileen Babbitt, professor of international conflict management practice, director of the International Negotiation and Conflict Resolution Program and co-director of the Program on Human Rights and Conflict Resolution at the Fletcher School of Law and Diplomacy at Tufts University in the USA, next turns to the other side of the coin to ask: “... what about the reverse? How could human rights work benefit from a more systematic inclusion of conflict transformation principles?” (in this volume, 67). She asserts that learning should happen in both directions and explores this question focusing on the example of negotiating constitutions after violent intra-state conflict.

Conceptually, Babbitt notes that it is important to keep in mind that the human rights field and the conflict resolution/transformation fields subscribe to different theories of social change: “in human rights, social change is thought to proceed by defining the end state and then finding effective means to reach that end” (68). Conflict transformation work, on the other hand, holds the premise that “the end result of any change process will be fair and sustainable if the means include transformation of behaviour and attitudes as well as structures” (ibid.). Hence, the latter is seen as putting more attention on “facilitating change from within a society” (ibid.).

Politically, Babbitt argues that constitution-making is of particular importance since it enshrines the ongoing human rights commitment of emerging governments after violent conflict. At the same time, “it is not only the documented agreements that promote peaceful and just societies (i.e. the rules and structures), but also the process by which such agreements are negotiated (i.e. relationships and process)” (69). This insight is reflected in what is called “new (or participatory) constitutionalism”, which includes widespread civic involvement in the process of constitution-writing. Six principles are at its core: publicity, consensus, legal continuity, plurality of forms of democratic participation, a ‘veil of ignorance’ that precludes one group from dominating the process and finally reflexivity, i.e. learning from past and present experience. Two examples – the successful case of South Africa and the problematic case of Iraq – serve to stress that it is “not enough to simply list these principles as being necessary – it is critical that people involved in the [...] process actually know how to create the conditions for these steps to take place” (70). Especially where there is no functioning state or no history of civilian participation in governance, relationship-building and creating strong participatory processes are exceptionally important. It is in shaping such processes that conflict resolution/transformation practitioners have most to offer, although their contribution is not always as warmly welcomed as Babbitt (as well as Parlevliet) would recommend.

The last three contributions offer some comments and illustrations on the overall theme of this Dialogue by experienced local practitioners in three particularly relevant ongoing conflicts. *Albert Gomes-Mugumya*, project officer at the Centre for Conflict Resolution (CECORE) in Uganda, examines the interface between peace and justice in the controversial context of northern Uganda, where the debate between conflict resolvers and human rights activists “has been intensely emotive at times, as the two have viewed each other with suspicion and sometimes even animosity” (in this volume, 75).

He starts off by indicating some areas of recurring tension between the interest-based approach of conflict resolution practitioners and the rights-based solutions advocated by human rights workers. He considers that these two approaches are especially at odds when it comes to defining justice and also when issues of responsibility for past violations are raised. He asks, with regards to the atrocities committed by the Lord’s Resistance Army (LRA) in northern Uganda, whether “communities [should] forget their years of torment to achieve healing – as many conflict resolvers would want – or [...] seek accountability, punish the guilty, establish the truth and circumvent impunity in order to achieve sustainable peace – as largely human rights activists have argued” (77). In contrast to these two opposing views, which respectively support either amnesty laws and reintegration in the name of peace, or the indictments issued against LRA leaders by the International Criminal Court, Gomes-Mugumya promotes a third way, namely, using traditional justice mechanisms based on local history and customs, like the *Mato oput* ceremonies, which help to promote community reconciliation, restore fractured relations and reassert lost dignity.

He then goes on to highlight some integrative aspects through which conflict transformation and human rights methods mutually complement each other, and stresses the usefulness of Parlevliet’s multi-dimensional framework that helps to integrate human rights into peacebuilding interventions. In particular, he develops a more detailed analysis of the rules and institutions dimensions of human rights, which he sees as necessary to regulate the exercise of political rights and guarantee social peace. For instance, he argues that the right to peaceful assembly, enshrined in the Ugandan Constitution, is necessary for democracy, but also that the exercise of this right might at times become a source of conflict by resulting in a perceived or real threat to public order and subsequent violent police action. Hence the need arises for rules and working institutions. Faced with this predicament of “balancing rights and responsibilities”, his organisation CECORE intervenes to help moderate relations between those who wish to protest and those who have responsibility for the control of public order, and to establish “structures and institutions that would be respected by all parties concerned” (81). Gomes-Mugumya ends his comment by citing some recent institutional efforts in Uganda to put in place integrated structures and strategies which will help to “apply a needs-based approach to conflict resolution and work to address structural causes of conflict while promoting restorative justice” (82).

In the next comment *Marwan Darweish*, senior lecturer at Coventry University’s Centre for Peace and Reconciliation Studies, UK, probes the relevance of Parlevliet’s propositions for the starkly asymmetric conflict between Israel and Palestine. He bases his observations on his own prior work as director of the Middle East programme at the UK-based NGO Responding to Conflict.

This line of inquiry is particularly pertinent since in the Palestinian-Israeli conflict, as in Sri Lanka, human rights and conflict resolution agendas have become associated strongly with one particular side of the conflict. Here, those (among the weaker party) who claim that injustice is intrinsic in the very foundations of a state and society with whom dialogue seems futile often see conflict resolution work as a mere attempt at pacification by the more powerful party (see Parlevliet in this volume, 37; Darweish in this volume, 92).

Darweish first introduces the so-called ABC triangle (in the tradition of Johan Galtung) which he sees as being more appropriate than the somewhat static iceberg image “to illustrate the important circular influences and dynamics between the three main dimensions of rights-based conflicts” (in this volume, 86): *attitudes* (“feelings and values that serve as a source of discrimination and justification of oppression”); *behaviour* (“manifestations [or symptoms] of human rights violations”) and *context* (“structures and systems in the state and society that institutionalise inequality and control”). All three aspects are interrelated and tend to reinforce one another, which Darweish illustrates by portraying the situation and perceptions of Palestinians in the West Bank and Gaza Strip as well as inside Israel. The picture that emerges is one of state structures that are deeply biased.

Darweish thinks that Parlevliet’s lead article “over-emphasises the role of the state and underplays the role of civil society, nationally and internationally” (91). In his opinion, the main challenge is “to communicate with and influence Israeli public opinion, to present a different discourse to the state’s dominant discourse and to raise their awareness of the violation of human rights experienced by their fellow Palestinian citizens and the Palestinians in the West Bank and Gaza Strip” (ibid.). He argues for “a social change movement that can mobilise for a shared peaceful vision of society in Israel and Palestine” (ibid.).

In this process, Darweish criticises that so far “most of the financial and human resources have been utilised to address symptoms or consequences of the structural and direct violence of the conflict”, although there is a “necessity to address concerns of the Israeli society, in order to transform their attitudes and perception towards the Palestinians” (ibid.) – a stance that is by no means common or uncontroversial among Palestinian civil society organisations. Therefore, Darweish delineates several immediate tasks for the future: to provide “further capacity-building in conflict transformation, while providing space for civil society organisations to meet, analyse, reflect on their work and develop joint strategies for intervention” (92); to increase coordination and networking amongst organisations and to encourage external actors to play a role in this process; and specifically to jointly analyse, lobby and mobilise support for social change and more balanced power relations, even if this means a temporary (nonviolent) intensification of the conflict.

The final comment in this Dialogue comes from *Mauricio García-Durán*, director of the Center for Research and Popular Education (CINEP) in Bogotá, Colombia; a Jesuit priest and researcher on peace processes and social mobilisation for peace. Writing from the particular perspective of the Colombian conflict, García-Durán stresses that unique challenges arise from protracted and *ongoing* armed conflict when tackling human rights and conflict transformation issues.

García-Durán offers two important amendments to Parlevliet’s analysis. First, he insists that the interrelation (and potential complementarity) of human rights and conflict transformation work can only be judged (and improved) with a clear understanding of the conflict phase in which the two approaches are set. Differences arise when one is talking about initiatives taking place during latent conflict, rather than during violent conflict escalation, conflict de-escalation, peace agreements ending violent conflict or post-agreement: “each phase [...] demands specific practices both from human rights defenders and conflict transformation practitioners. In some cases those practices tend to converge; in others they diverge...” (in this volume, 99). Current practice could be improved if practitioners adopted a less exclusive and sequential view of conflict, as “the different phases of the conflict cycle *coexist*. At the same moment in time, it is possible to find regions with a latent conflict, others with an escalated conflict, some others with negotiation initiatives, and, finally, still others with post-conflict dynamics” (ibid., emphasis original).

Second, he stresses that both discourses are themselves bound up in power dynamics and

that “the interaction between the fields of conflict transformation and human rights requires an analysis of their political use” (ibid.). In the case of Colombia, this political content analysis reveals that there are at least three different human rights ‘communities’ which have distinctly different connections to the conflict transformation endeavour. First, there are activists that use human rights frameworks to explain and condemn violence by the state against left-wing groups and organisations. In this context, the state is seen as an incorrigible enemy, leaving no room to engage in conflict resolution initiatives which try to reform the state or to cooperate in efforts that are perceived as potentially undermining justice and accountability. A second group of human rights activists play a critical rather than antagonistic role vis-à-vis the state, monitoring and denouncing human rights violations in a professional manner in accordance with international standards. While this group is finding it easier to interact and cooperate with peacebuilding and conflict transformation initiatives, there is notable tension *within* the human rights ‘camp’ between the first and second group. A third group, according to García-Durán, are state and government agencies which uphold their own, often diffuse and bureaucratised notion of human rights. This ‘human rights camp’ is only open to supporting conflict transformation if the latter serves its (shifting) official policies. In sum, the way in which human rights and conflict transformation frameworks interact cannot be understood schematically, but “is dependent on the political perspective in which they are used” (100). In Colombia, the associated dilemmas and tensions are particularly obvious in various attempts to develop peace processes with illegal armed groups. García-Durán advocates that in order to navigate this challenge, it is “necessary for both fields to have at their core the perspective of the victims” as well as to adopt a “historical approach” (102) that is firmly rooted in the political context of each initiative.

How do these various insights contribute to a more acute understanding of the tensions, contradictions and/or overlaps and complementarity between conflict transformation and human rights? Given the various professional backgrounds and conceptual underpinnings of the authors, they offer different but mutually enriching perspectives on this debate, illustrating the contentions between, but also within, the two communities. Some of them have chosen to highlight areas where the two sets of practices, in their most extreme forms, might be at odds with each other, such as the dangers that human rights demands might potentially lead to conflict escalation (Diez/Pia), or the limits of conflict resolution’s emphasis on pragmatism and stability at the expense of justice and accountability (Gomes-Mugumya). Others have preferred instead to place more emphasis on the areas of mutual linkages between human rights violations and conflict (Parlevliet, Darweish) and, consequently, between the search for justice and conflict transformation, which help to “fill each other’s gaps” (Parlevliet, Nderitu, Babbitt, García-Durán).

With regards to the primary purpose of the lead article, namely, to rethink conflict transformation from a human rights perspective, the various contributors to this volume do indeed confirm that a more thorough emphasis on human rights – as causes and manifestation of conflicts, but also as normative and practical intervention tools – does contribute to deepening “one’s analysis of what is involved in moving from violence to sustainable peace” (Parlevliet in this volume, 16). By highlighting more concretely the relationship between conflict symptoms and their structural conditions, and providing a legal framework through which claims to social justice can be made, human rights frameworks such as Parlevliet’s iceberg metaphor do indeed help to bring conflict transformation closer to its aim of tackling conflicts at their deepest roots.

When it comes to implementing such a holistic approach in practice, the authors insist on the need for closer cooperation on the ground between peace facilitators (or promoters) and rights advocates. Without necessarily arguing for a combination of roles by the same actors, they

explore areas of intersection between the two sets of practices and encourage mutual learning and joint work. They also raise a number of cautionary remarks against universalistic or schematic models and formulas, by stressing the importance of locally-designed, timely and context-specific initiatives, and of a hard-nosed analysis of the political context and use of human rights and conflict transformation discourses.

Open questions for practitioners and scholars raised by the contributors and emphasised in Parlevliet's concluding reflection (in this volume, 105-114) include the need to clarify the terminology and concepts in use in order to have a meaningful debate, and more substantially, to investigate further where and when conflict transformation and human rights practices converge and/or diverge, according to the conflict timing, issues at stake, level of intervention and underlying theories of change. The lead author also rightly points to some remaining challenges which both fields will have to grapple with in the years to come. The "global/local" dilemma calls for a legitimate appreciation of traditional mechanisms for dispute resolution and addressing human rights abuses without 'romanticising' them, and in turn for upholding universal values without imposing hegemonic norms. For its part, the "accountability dilemma" which lies at the heart of the peace/justice debate highlights the danger of taking absolutist approaches to peacebuilding (i.e. blanket amnesties versus extensive criminal prosecutions), and reminds us of the value of approaching both human rights and conflict transformation so that they serve the needs of the people on the ground in post-conflict societies.

At the end of this Dialogue, Michelle Parlevliet acknowledges that complementarity and controversy between human rights and conflict transformation do persist as "concurrent realities". While the conversation has not produced any easy answers, quick-fix solutions or clear-cut profiles, it is our hope that it has increased the understanding of where the commonalities and differences lie and need to be explored. Our task is to keep asking – both within the camps we assign ourselves to and across their boundaries – what each can contribute at which point and with which repertoire to creating conditions that allow more just and peaceful communities to be built amidst and after (violent) conflict. As always, the conversations have been rich – and they will continue. Our thanks go to all the contributors to this Dialogue. We hope to hear from many of our readers with their reflections on the interface between human rights and conflict transformation in the months to come.

Berlin, May 2010

See also...

This article has been published as part of
Véronique Dudouet and Beatrix Schmelzle (eds.) 2010. *Human Rights and Conflict Transformation: The Challenges of Just Peace*. Berghof Handbook Dialogue No 9. Berlin: Berghof Conflict Research.

Hardcopies of the complete version, including the following articles, can be ordered at Berghof Conflict Research (order@berghof-conflictresearch.org):

- *Introduction: Towards Peace with Justice* by Beatrix Schmelzle and Véronique Dudouet
- *Rethinking Conflict Transformation from a Human Rights Perspective* by Michelle Parlevliet
- *Conflicts and the Politics of Human Rights Invocations* by Thomas Diez and Emily Pia
- *Conflict Transformation and Human Rights: A Mutual Stalemate?* by Alice Nderitu
- *The New Constitutionalism: An Approach to Human Rights from a Conflict Transformation Perspective* by Eileen F. Babbitt
- *Reflections on Rights and Conflict from Uganda* by Albert Gomes-Mugumya
- *Human Rights and the Imbalance of Power: The Palestinian-Israeli Conflict* by Marwan Darweish
- *Interaction between Conflict Transformation and Human Rights in the Face of Ongoing Armed Conflict in Colombia* by Mauricio García-Durán
- *Holding Concurrent Realities. Reflection on the Responses* by Michelle Parlevliet

As always, both the complete version and all single articles are available for download free of charge on our homepage www.berghof-handbook.net.