

Toward a More Integrated Approach

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At a meeting between conflict resolution practitioners and human rights advocates a few years ago, a human rights worker pointedly remarked in stressing the focus of international humanitarian law, "My organization does not do peace. We believe that conflict is sometimes necessary—so fight, but respect rights and fight within the laws of war. . . . [Our role is] to denounce those who fight in violation of those laws."¹ Some years earlier, an anonymous United Nations official wrote in *Human Rights Quarterly*, "To end the war is the primary responsibility of the peace negotiator The human rights fact-finder cannot expect to be an integral part of the peace negotiations. The work of the fact-finder is relevant, but should not become disruptive of, the process of negotiating peace."² Another perspective was articulated by Jean Arnault of the UN Mission in Guatemala, who declared that "human rights was central not only to the peace process, but to the very legitimacy that made the peace process possible."³

These three statements seem to indicate a belief that the fields of human rights, international humanitarian law, and conflict resolution are discrete disciplines. However, the contributors to this book show that there is a growing awareness of the complementarity of these fields. The success of those working to prevent, manage, or resolve conflict is enhanced by incorporating human rights advocacy into their efforts. At the same time, efforts to secure greater respect for human rights and humanitarian norms are furthered when coordinated with efforts to build peace by laying the foundations for a society that is not only just but also stable.

As the chapters in this book indicate, international humanitarian law, human rights, and conflict resolution cannot be disentangled and treated

as dissimilar disciplines that complement and contribute to one another only occasionally and under certain conditions. All three are critical components of the process of creating a lasting and sustainable peace. It is not that the human rights worker quoted above *should* "do peace" but that he or she *must* do peace. Any actions taken to preserve human rights, resolve conflict, or protect the victims of war must consider how such efforts will help ensure that violations, violence, and death and suffering do not recur.

In this concluding chapter, after first considering the role of international humanitarian law vis-à-vis human rights and conflict resolution, we examine both the tensions and the complementarities in the dynamic and complex interrelationship between these three fields. Finally, we touch on the growing influence of nonstate actors in the conflict resolution arena.

Humanitarian Law as a Bridge between Conflict Resolution and Human Rights

The violations of human dignity that occur during violent conflicts cannot be resolved by any unitary approach that isolates human rights, conflict resolution, or humanitarian law from the other approaches. International humanitarian law is always focused on armed conflict and the need to mitigate the suffering of those touched by it; however, it does not deal with the causes of war or with questions of whether one conflicting party or the other is right. The focus in international humanitarian law is on the conduct of the fighting and on the effects of the war. Human rights law, in contrast, focuses on the condition of all people under all circumstances, not just in wartime. Moreover, the lack of human rights is itself often a source of violent conflict, making efforts to ensure respect for human rights critical to achieving long-term peace and stability.

International humanitarian law can serve as a bridge between peace negotiators and human rights advocates. Humanitarian law provides a vehicle to get human rights concerns on the table. It is a human rights and legal tool that peace negotiators can use to reduce suffering and build confidence among victims. The successful implementation of humanitarian law can strengthen a peace process or agreement without necessarily disrupting the creation of a sustainable peace, by enhancing the legitimacy of that peace. Humanitarian law cannot easily be politicized—it does not take sides. Thus, a sense of equity is possible in securing peace, because the parties to a conflict will ideally see that the application of the law is blind and punishes perpetrators regardless of what side they are on or whether they are part of the state structure.

Also, as the nature of contemporary violent conflict increasingly shifts from a contest between nation-states to fights among substate actors, human rights advocates must move beyond a nation-state orientation and focus also on individuals and parastatal groups. In doing so, international humanitarian law becomes a critical tool for human rights. Humanitarian law may be used in addressing state misappropriations of assistance and may serve as both carrot and stick to substate groups. Further, establishing humanitarian cease-fires may be a valuable tool in peacebuilding.

Tensions and Conflicts

The interests of those who promote human rights, international humanitarian law, and conflict resolution are fundamentally complementary, especially when viewed over the long term. Yet, unfortunately, they can often come into conflict when short-term or narrowly focused objectives take center stage. For example, human rights principles can act as a lever for conflicting parties to come to normative agreements in peace negotiations, but human rights interests can also present a major obstacle to peaceful resolution of conflict in the short term: They may exacerbate existing differences between parties and contribute to the rejection of an agreement because a principle of human rights is considered more important than the immediate concerns of halting violence or securing a peace agreement. That was the case, or so a UN official claimed, in September 1993 when the human rights community scuttled a potential Bosnian peace agreement.⁴

As another example, international humanitarian relief efforts may exacerbate conflict or become an obstacle to achieving long-term peace. In the 1990s humanitarian organizations such as UNHCR were criticized for their neutrality, particularly in the case of Rwanda. If basic human rights are to be upheld, those guilty of war crimes or human rights violations must be brought to account and not feel that they can seek refuge in the neutrality of humanitarian groups. Critics urged UNHCR to become judgmental, distinguish between right and wrong, and point fingers when necessary. UNHCR and other humanitarian organizations were accused of providing momentum for the continuation of the war. Some argued that the UNHCR's focus on assisting Hutus in Congo who had escaped from Rwanda risked undermining the efforts of the government to unify Congo and gain legitimacy, thus contributing to continued conflict and violation of human rights (by all sides).

While human rights advocates generally promote using trials to establish postconflict justice and accountability, this shorter-term measure

may not ultimately serve the longer-term shared goals of achieving both human dignity and security. Holding trials may reinforce the perceived victory or dominance of one group over another, but in many internal conflicts what may be best for the nation or community is not that one side win but that both sides find a way to live together. Human rights must be a critical component of such a shared future, but a truth commission may be more conducive to achieving a lasting peace between two or more groups.

As many conflict resolution practitioners have increasingly emphasized, and as the case of Sierra Leone demonstrates, the peace resulting from agreements is dynamic and unpredictable. Once fighting stops, it is possible, and often desirable, to launch new efforts that will create better conditions for a sustainable peace. In Sierra Leone, as in a number of other conflicts, amnesties were key to getting a settlement and an end to fighting. Then, later, some amnesties were rescinded, or key violators of human rights were still brought to justice once conditions changed. Thus, peace agreements may serve as catalysts and frameworks for further societal reconciliation and human rights efforts, rather than being ends in themselves. In Guatemala, human rights efforts became effective only after real security was created and civil society institutions, the judiciary, and police were functioning independently.⁵

Two examples of peace agreements that have been sustained for more than a decade are in Mozambique and Namibia. Yet neither settlement included human rights. On the other hand, the implementation of the agreements and the postconflict transition phase incorporated human rights into the constitutions; as a result, human rights became embedded in these societies. In contrast, human rights concerns were critical to ending the violence in El Salvador and Guatemala and were incorporated into the peace settlements there. Some analysts of the conflict pointed out that government adherence to the human rights conditions in the peace agreement helped enhance confidence in the peace process and isolate spoilers. After civilian massacres in Xaman, the human rights provisions in the Guatemalan peace accord enabled the civilian leadership to assert greater control over the military, helping to strengthen peace and democracy there.⁶

Thus, peace agreements, once the sine qua non of interest-based conflict resolution and crisis diplomacy, are not sufficient for sustainable peace. In defending the 1995 peace agreement ending the war in Bosnia, General Wesley Clark asserts, "Dayton was the best agreement we could get at the time. It stopped the war."⁷ Robert Myers, who worked with Workers Aid, a British NGO in Bosnia and Kosovo, has argued that neutrality on the part of the United Nations and NATO in fact "directly assist[ed] the

ethnic cleansers."⁸ His point is that neutrality undermined those who wanted to promote a multiethnic society, because the international community constantly defined the conflict as intercommunal and forced those interested in building peace into nationalist camps. In particular, the arms embargo had a terrible effect on moderate, multiethnic political forces in Bosnia. Some Bosnians have gone so far as to equate such neutrality with collaboration, according to Myers. As Jonathan Moore notes, citing the situation in Afghanistan, a results-based humanitarianism will often trump a rights-based humanitarianism; withholding humanitarian relief without immediately establishing women's rights was counterproductive. In short, compromises are necessary, and in Moore's words, "[B]eing serious about translating the humanitarian imperative into duty means we must make agonizing choices."

As Christine Bell points out, the primary mechanism by which conflict is addressed is peace agreements, whether the conflict is internal or external in nature. The prospects for securing human rights depend on negotiations that create a sustainable peace that will not be rejected easily by one party or the other down the road. For negotiators and conflict resolution practitioners, compromise is often at the core of such negotiations, just as it is often the turning point in the transition from violence and in the development of legal and political institutions.

Conflict resolvers tend to see human rights as an instrument of peace, a tool to help achieve a better—that is, more sustainable—peace. Many human rights advocates see human rights as a necessary condition of peace. No agreement will work—because it will not be just—if it does not include human rights. Yet human rights cannot always be at the front of all efforts to make peace, nor can they be the only objective of postconflict efforts. No human rights advocate or organization should opt for human rights at the exclusion of peace or conflict resolution. This is a false choice. Peace efforts that incorporate the respect for and preservation of human rights will be more far-reaching; those that do not incorporate human rights will be less effective and sustainable. Inclusion of group as well as individual rights and social and cultural rights, along with political rights and liberties, will yield an environment more prone to sustaining peace. Human rights advocates who do not work with a view to the larger needs in building a sustainable peace will be much less effective, as in the case of Sri Lanka.

Institutionalized respect for human rights and the establishment of the rule of law are two primary means of conflict prevention. Efforts to protect and implement human rights are essential to the constructive management of conflict. Justice cannot be traded away in a peace process; how and

when to push for and implement human rights can have a significant bearing on the prospects for successful peace negotiations, humanitarian assistance, and conflict prevention. Humanitarian law and a focus on crimes of war can be an immediate and effective way to reduce or resolve high-intensity violent conflict. The message of the authors in this book is that a complementary dynamic between peacebuilding and human rights and international humanitarian law must be created; human rights will be strengthened only if peace is viewed as more than a nonviolent state of human interaction or merely an environment in which human rights and laws of war can be better supported.

An issue related to the role of human rights in peacebuilding is the need to incorporate the impact of refugees and displaced persons, in Uganda and elsewhere, into the long-term prospects for peace and stability. Those displaced by conflict are not simply collateral damage; they are consequences of conflict and, as such, will be greatly affected by peace agreements. They may even contribute to the spread of conflict elsewhere. The needs of such refugees must be incorporated into peace agreements to help prevent further conflict. As Susan Martin and Andrew Schoenholtz emphasize, "[P]eace agreements themselves must include realistic frameworks for addressing displacement, including plans for return and reintegration of refugees and internally displaced persons. In developing different plans and scenarios for peace, the negotiators should examine the impact of displacement, as well as the effects of various displacement scenarios, on the likelihood that peace will be achieved."

Intervention May Lead to the Violation of Human Rights

There is a critical ethical dilemma, as many authors in this volume note: Humanitarian intervention can both prevent and cause deaths. The peace process cannot ignore human rights and be concerned solely with ending violence; at the same time, human rights advocates must consider ending violence and beginning the process of peace as critical to embedding human rights in a society in transition from war to long-term peace.

In fact, human rights may be violated in the name of humanitarian intervention. Richard Falk focuses on Kosovo because it had a resounding impact on both the human rights and the conflict resolution fields. There was no consensus on whether intervention in Kosovo was justified by the claim that genocide or ethnic cleansing had to be prevented. For many, the intervention was not conducted on the basis of international law or of human rights. Richard Falk and Tom Weiss, while acknowledging both the potential merits of humanitarian intervention and the need to adhere to certain

moral standards—much along the lines of just-war theory—come to different conclusions about whether humanitarian intervention was justified. Ram Manikkalingam makes another point about risks:

So universal standards and campaigns may be drawn up that inadequately consider the concerns of the very groups they apply to. This may lead to standards that are inappropriate for particular circumstances, however thoughtful or well intentioned they may be. Compelling adherence to these standards can disrupt the lives of people living in vulnerable communities. The sense that HR standards disrupt lives can also be shared by weaker subgroups such as women within a community, who may be the purported beneficiaries of these universal standards. If indeed groups as a whole reject standards that ought to apply to them, HR as a political project risks becoming a coercive project imposed on those it is meant to benefit.⁹

In grappling with the critical issues of how war is waged while protecting civilians, John Cerone cites international humanitarian law as an increasingly accepted and growing tool that governs military intervention and other uses of force. In some ways, Cerone's arguments serve as a bridge between Falk and Weiss, because humanitarian law provides a framework for the use of force under conditions that protect the civilian population. But Falk also makes the point that intervention cannot simply be the use of force to halt another's use of force. A needs-based approach focuses on conflict *transformation*, not just conflict management, by dealing with people's need for economic and social development as well as their need for justice. Outside intervention must give strong consideration to the long-term consequences of such actions. This applies equally to military intervention, human rights advocacy, humanitarian relief, and third-party mediation. Efforts that do not address needs or work to create long-term sustainability may be counterproductive and, from Falk's perspective, immoral. Jordan Paust builds on this ethical dilemma, demonstrating that responses to terrorism can present another form of intervention and effort at conflict prevention. However, ignoring human rights can contribute to conditions that spawn violence and terrorism.

International Law versus National Sovereignty

One facet of the emerging international public order is the growing sense of entitlement of the international community to act on behalf of human rights anywhere in the world. But such a right of intervention is a hotly contested issue, especially given the sacredness of sovereignty within small countries with a history of colonization. As the nature of conflict and

combatants has changed, so, too, have the means of response to conflict. International humanitarian law has evolved as a result; with it, the sophistication and reach of human rights protection and advocacy have advanced, as have methods of preventing, resolving, and transforming conflict. Still, questions remain about the degree to which prospects for ensuring human rights and peacebuilding are limited by the continued central role of states. Currently states have only sporadically shown goodwill toward promoting human rights and peacebuilding.

The International Criminal Court (ICC) provides an example of the codification and enforcement of human rights that represents a leap forward in international law. The ICC also represents an extension of international law's reach to nonstate actors, but the lack of cooperation and recognition by many state actors may erode its effectiveness and credibility. In 2004, an interesting dilemma emerged in Uganda: Does an ICC investigation of war crimes hinder attempts at securing a peace agreement between the Ugandan government and the Lord's Resistance Army?

With the rise of intrastate conflicts and a greater focus on the rights of individuals, the role of the state comes into question, and the pressure on states to ensure rights and peace increases. Ultimately, will peace, humanitarian assistance or protection, and the safeguarding of human rights remain in the hands of the state? At some point, responsibility for the security and rights of the local people will fall on the shoulders of a state and its governmental apparatus, regardless of the interventions of nonstate actors. Still, one can argue that ultimately human rights cannot be protected without sovereignty, unless they are provided (along with food, shelter, and so on) at the global level. Peacemakers and human rights advocates must be aware of the need to build up the capacity of state institutions responsible for ensuring peace, rights, and security, while working to ensure a strong regime of international human rights.

A Human Right to Peace?

The conflict resolution worker worries that some degree of peace is necessary in order for human rights to be embraced. But is peace, as Abdul-Aziz Said and Charles Lerche claim, a right? If peace is a prerequisite for human rights, then should we put more resources into peacebuilding and less into human rights, because the immediate priority must be peace and only then can human rights follow? As Jack Donnelly notes, "Many human rights are protected and enjoyed even in times of war, let alone in the (sometimes rather lengthy) intervals of peace (understood as absence of war) we are able to enjoy."

Where there is peace, human rights are more likely to be enforced. Where human rights are upheld, peace is more likely to be achieved. Donnelly adds, "The fact that we have not yet recognized a human right to peace does not mean that it might not be done in the future. There is no logical reason why peace could not become an internationally recognized human right. To establish a human right to peace, however, would require major changes in our moral, legal, and political practices." Until then, as the chapters in this book demonstrate, the achievement of peace will make the enforcement of human rights easier, more likely to last, and stronger. Incorporating human rights into peace processes will greatly increase the likelihood that an agreed-on peace is sustainable and that conflict is resolved and transformed rather than simply managed or contained.

Justice, the Rule of Law, and Sustainable Peace

International humanitarian law can be more than a powerful deterrent for future behavior in a conflict; it can also help to create an environment that allows for the development of the rule of law, a necessary condition if a society is to move toward reconstruction and, potentially, reconciliation. As Susan Martin and Andrew Schoenholtz note, if the rule of law does not develop, terrorism and repression may instead replace it. This is particularly likely if impunity for criminals persists, a sense of injustice endures, and humanitarian emergencies continue in postconflict settings. Also, conflict resolution efforts must address the needs of internally displaced persons and refugees, while human rights and humanitarian law are critical to their protection and assistance.

For outside actors especially, how they work to bring about justice or punish perpetrators profoundly affects the prospects for sustainable peace. Each intervention, whether it involves mediating a peace agreement, providing shelter and relief, or establishing a truth and reconciliation commission, has a ripple effect throughout the affected society.

For instance, the decision to hold war crimes trials either within the society where the crimes occurred and where the victims and perpetrators live or outside the society (as with the trials in The Hague of accused Bosnian war criminals) can have a significant impact on the outcomes of conflict resolution efforts. Local communities need to see justice at work rather than just hear about justice in some distant—and foreign—capital. International justice should not be in competition with national or local justice processes, as, for example, in the competing agendas of the International Criminal Tribunal for Rwanda (ICTR) and the Rwandan-based *gacaca* process.

Richard Wilson raises the issue of whether a truth commission is more effective and less political if established transnationally rather than as a local entity. On one hand, the history and facts of the conflict can be established more objectively and contextually if the commission is established as a transnational entity; on the other hand, the long-term prospects for a sustainable peace will be hurt if there is no sense of ownership of the process among the population of the affected society. Vasuki Nesiiah notes that "the alienation of the Hague proceedings from civil society and the war's enduring fissures in the Balkans" cast doubt on the likelihood of such trials inspiring long-term peace and reconciliation in the former Yugoslavia. As she notes, transitional justice is complex; there are many ways to seek justice for victims and to punish perpetrators. Those choices make a difference in long-term peace and stability.

A peace agreement that includes an amnesty may significantly impede creation of a sustainable peace if it allows perpetrators to escape justice in the larger cause of ending violence. Reconciliation is less likely under such circumstances. As Lisa Schirch writes, human rights monitors and humanitarian laws can play a very powerful role in helping to prevent or reduce violence in the midst of conflict and war, by putting a spotlight on the behavior of combatants or state and nonstate institutions and organizations. But those focused on conflict resolution, such as Ellen Lutz, Alan Keenan, and Michael Lund, caution that human rights NGOs can become, or at least be viewed as, parties or stakeholders in a conflict. The NGOs often want to see a particular outcome, but such an objective can create situations that hamper conflict resolvers' efforts to engage conflicting parties in a meaningful process of peace. Human rights advocates, often using international humanitarian law tools, can, as Lutz argues, "serve to harden parties' positions, thereby making it more difficult for them to explore their real interests." Lund contends that one cannot truly prevent conflict and achieve sustainable peace if violent conflicts are viewed as morality plays between good guys and bad guys.

From Tension to Harmony: Complementarity

The tensions that clearly exist at the intersection of conflict resolution, humanitarian law, and human rights should not blind us to the numerous complementarities that are also present. Each of the three fields has matured in the past two decades and has much to contribute to the others. The international conflict resolution field has moved beyond a focus primarily on negotiations (and hence beyond states as the only actors) to the

promotion of different phases of conflict management, from conflict prevention to conflict transformation. Conflict and peace are therefore viewed and analyzed from a more comprehensive and long-term perspective. Peacebuilding is much more than the ending of hostilities and the start of negotiations. Sustainable peace is dependent on the implementation of an agreement as well as on postconflict reconstruction and reconciliation. Security must be ensured, civil society strengthened, the rule of law built or enhanced. New institutions and processes of governance must be built or rebuilt, and economic needs must be addressed. Whether in trying to prevent conflict or rebuild after conflict, addressing the root causes of conflict becomes very important.

The contributors to this volume illustrate many of the ways in which harmony exists between the work of human rights advocates and that of conflict resolution experts. Lisa Schirch notes that a growing awareness of competing ideas, criticism, and potential coordination between human rights and conflict transformation practitioners "is a good sign of growth for both fields. Each field needs the challenging questions raised by the other, for frustration and challenge are the mothers of innovation and improvisation." Many in the conflict resolution field acknowledge that human rights have been incorporated into peacebuilding plans on a regular basis, and practitioners or scholars who work with conflict resolution NGOs ignore human rights at their peril.

As the conflict management field moves increasingly toward an emphasis on "conflict transformation," justice and peace are viewed by some as critical to moving from conflict to sustainable peace. Still others may view justice as merely a subjective concept. As Vasuki Nesiiah illustrates, there are different approaches to justice in the human rights field itself: retributive versus restorative, punitive versus nonpunitive. These create significant disparities in approaches to peacebuilding. Retribution and punishment may be important for the victims of abuses and necessary for a society to put abuses and inequalities into a process of healing, but they may also make resolution of conflict more difficult. Restorative justice may make it more possible to transform conflict.

Many of the authors also acknowledge that human rights law and humanitarian law are increasingly valuable tools for mitigating the worst excesses of conflict. As Christine Bell comments, international humanitarian law and human rights can contribute to a more sustainable peace when used to help shape a peace agreement or certain conditions of implementation. And as Kevin Avruch notes, human rights are not just tools but form an important part of a universal discourse that can in turn help shape

peaceful outcomes. The expansion of human rights dialogue to include cultural and indigenous rights has led conflict resolution practitioners to focus on important sources of many of the violent intrastate conflicts of the past fifteen years. Yet discussions of human rights may not be fruitful. In Sri Lanka, divisions have emerged within the local human rights community, often revolving around issues of ethnic and religious identity. Thus, human rights norms have not become a central component of the Sri Lankan peace process despite strong consensus to make them so. The inability to cooperate on human rights, and for human rights advocates to make themselves relevant to the ongoing peace process, has led to the marginalization of human rights in Sri Lanka. As many authors stress, human rights must be a significant part of attempts to create a sustainable peace, but at the same time human rights advocacy can, from a conflict resolution perspective, complicate attempts to build peace.

Nonstate Actors and the Widening of Conflict Techniques

In some phases of violent conflict and peacemaking, states may have the only tools necessary to end violence—through agreed-on cease-fires and peace treaties—but nonstate actors often play roles in preventing violence, securing peace, and embedding it in a community or society. Many of the chapters in this volume address the role of civil society and, specifically, human rights and humanitarian NGOs. These groups may not be able to resolve violent interstate or intrastate conflicts, but they can contribute to alleviating structural causes of conflict, facilitating communication among parties to the conflict, and bridging gaps between them. They may also help reduce the effects of war and violence, through humanitarian relief efforts and by bearing witness to crimes of war, ideally serving as deterrents as well. It is in this arena that the intersection of human rights, international humanitarian law, and conflict resolution is growing.

Even though human rights and conflict management efforts increasingly complement each other, differences in approaches and priorities remain. Each approach has a different (intended and unintended) impact on power dynamics. Human rights advocates often prefer a “rights-based” rather than an “interest-based” approach to resolving conflict. For many practitioners, a sustainable peace is possible only when all parties to a conflict see that ending violent conflict is in their respective interest. Interest-based approaches to conflict resolution often are premised on a need to find common ground between the parties, whereby an end to violent conflict is perceived to be in the interest of all parties and agreement that will meet

their interests is possible. Negotiation, cooperation, and compromise often form the basis of such an approach. Rights-based tactics depend much more on law and treaties to help sort out who is right or wrong. Some scholars charge that this means searching for a “right” or true, perhaps even “perfect,” peace. The challenge for human rights advocates is to show the conflicting parties that the protection of human rights is in their mutual interest. Mohammed Abu-Nimer and Edy Kaufman illustrate that this can be done and that striving for human rights may lead to finding common ground.

The widening range of conflict resolution techniques has been matched by an expansion of the range of actors interested in the intersection of human rights and conflict. Some authors included in this volume, such as Richard Falk, Tom Weiss, Julie Mertus, and Maia Carter Hallward, address debates over the role of the United Nations and powerful states willing and able to act unilaterally; others address the role of nonelite contributions to peace—education, as analyzed by Janet Lord and Nancy Flowers, and humanitarian assistance, as discussed by Susan Martin and Andrew Schoenholtz. Alan Keenan emphasizes that to achieve long-term peace and justice, civil society must be restored or developed, and that enlisting the efforts of grassroots advocates is often critical to that task.

The effectiveness of nonstate organizations, however, depends a great deal on what the state and society allow them to do. Hugo Slim argues that NGOs need to cultivate a sense of humanitarian duty in both state and nonstate actors so that political will includes a humanitarian approach. NGOs have been successful in mobilizing public opinion in certain areas, particularly with respect to land mines and debt relief. The combination of publicity campaigns and measures for increased accountability complements the desires of those in the conflict resolution field who want to see more open, transparent peace processes or negotiations. Such transparency forces negotiators to embrace elements of society that will have to live with, and have a stake in, any cease-fire or peace agreement. Incorporating human rights into peacebuilding mechanisms helps attract new and important voices to the peace process.

Many nonstate actors, from the human rights and conflict resolution fields alike, have become involved in some aspect of preventing or managing violent conflicts that arise because of human needs that governments cannot or will not meet. Such NGOs reason that as long as needs are unmet, there is always the potential for renewed conflict. In undertaking to address unmet human needs, NGOs are concerned with their own obligations, moral duty, accountability, evaluation, and best practices. This affects not only what should be done but *how* it is done. Many NGOs are

now following codes of conduct that establish certain duties and obligations in how to provide humanitarian assistance. These efforts bridge the gap between conflict resolution and human rights, and they are having an impact on how humanitarian relief and peacebuilding are conducted.

Education and training programs at the local level can be a way to familiarize participants with international human rights standards, impressing on local actors and civil society organizations the importance of human rights practice and principles. Because there are internationally accepted norms regarding human rights, even individuals living in societies where they cannot enjoy their rights today are at least made aware of what those rights are and the legal basis from which they derive. As Janet Lord and Nancy Flowers make clear, the success of peace and human rights education depends on programs that belong to local communities and address their long-term needs.

Increasingly, humanitarian and democratization NGOs are including human rights programs in their mandates. Human rights organizations, both indigenous and international, play a critical role in rapid response and in reporting human rights violations, even in the face of oppression and government denial. They raise concerns about peace agreements lacking human rights provisions and can inform diplomats and conflict resolution practitioners about cultural practices and understandings of peace, justice, and reconciliation. In many conflicts, the only international presence in a war-affected country are the humanitarian agencies, but often their staffs are not consulted about peace negotiations, and their experiences regarding the local situations are ignored. Too often, the sources behind systematic human rights violations (which often contribute significantly to the violent conflict itself) are not investigated or understood. Those sources must be uncovered, and options to prevent such violations in the future must be developed, if a sustainable peace is to be built. This is a critical intersection of human rights, international humanitarian law, and conflict resolution interests, because many of those same root causes must be addressed if a particular conflict is to be resolved, a stable peace created, and human rights secured.

An equally important role for the human rights and humanitarian law fields lies in the implementation of peace agreements or cease-fire agreements. The need to monitor compliance is often fulfilled in part by human rights groups or by individuals who work to ensure that human rights are upheld by the combatants. Former NATO commander General Wesley Clark noted that for the NATO peacekeeping mission in Bosnia, "human rights

are the greatest weapon we have—not just legally but in terms of shaping people's expectations."¹⁰

Not only have emerging human rights organizations in societies in conflict been involved in rights promotion and enforcement; they have also served a crucial function as civil society organizations. By their mere existence and operation, all civil society organizations, including those focused on human rights, can be integrated into a society. Through participation in civil society, interest groups demonstrate their respect for the rule of law and the civil resolution of conflicts. In particular, human rights institutions can provide a paradigm and foster relationships that are conducive to conflict prevention.

Conclusion

A major goal of this book has been to lay out differences and commonalities within and between the fields of human rights, humanitarian law, and conflict resolution. The book introduces many of the practical issues and ethical dilemmas that policymakers, diplomats, aid and humanitarian workers, advocates, and even soldiers, peacekeepers, and civilian police face in conflict situations. For the people on the front lines of human rights advocacy and humanitarian relief as well as those involved in peacemaking and peacebuilding, ethical dilemmas are not an abstraction but a daily reality. In this regard, the role of culture, education, humanitarian aid and intervention, and a democratic civil society, as well as the challenges of armed intervention, terrorism, war crimes, and displaced persons, all point to the need for more cooperative efforts in managing conflict and building sustainable peace.

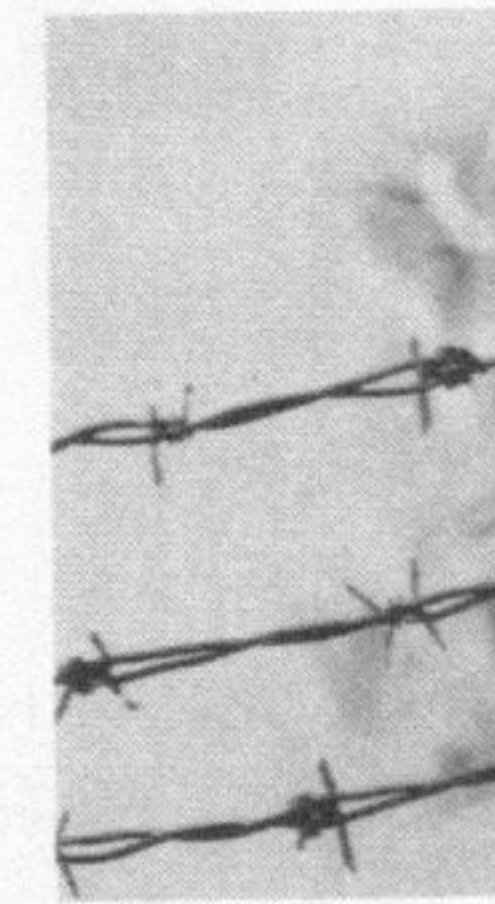
Much more remains to be done to explore human rights in conflict situations. Human rights accountability on the part of enforcers and non-state armed groups is an important and, we think, underresearched issue of concern. The role of the media warrants greater attention, given the increased ability of reporters to be on the front lines of conflicts and the differentials in transparency of communication in different states. It would be interesting to analyze how diplomats raise human rights issues during negotiations (both for cease-fires and for peace agreements). Another noteworthy dimension of analysis is the role of human rights investigations in a peace process and settlement. Much more could be done to examine the gender dimensions of conflicts as well as the role of people with disabilities in conflicts. As the fields of human rights and conflict resolution draw closer

together, the ways in which transnational crime creates challenges requiring different strategies from those used by the human rights community should also be explored.

This book is an initial contribution to what we hope will be a much wider and deeper discussion about the interrelationship between conflict resolution, human rights, and international humanitarian law in conflict situations. The relationship between conflict and human rights is complex and dynamic, and it demands an equally dynamic response from those who work to protect human rights and who strive for peace.

Notes

1. Joe Saunders, "Bridging Human Rights and Conflict Resolution: A Dialogue between Critical Communities" (report on a Carnegie Council on Ethics and International Affairs workshop, July 16–17, 2001), www.carnegiecouncil.org/viewMedia.php/prmTemplateID/1/prmID/161.
2. Anonymous, "Human Rights in Peace Negotiations," *Human Rights Quarterly* 18, no. 2 (May 1996): 256.
3. Jean Arnault, *How Can Human Rights Be Better Integrated into Peace Processes?* conference report (Washington, DC: Fund for Peace, 1998), 18.
4. Anonymous, "Human Rights in Peace Negotiations"; for an excellent discussion of how the protection and enforcement of human rights can lead to conflict, particularly in the South Africa case, see Michelle Parlevliet, "Bridging the Divide: Exploring the Relationship between Human Rights and Conflict Management," *Track Two* 11, no. 1 (March 2002): 8–43.
5. See Tonya L. Putnam, "Human Rights and Sustainable Peace," in *Ending Civil Wars*, ed. Stephen Stedman, Donald Rothchild, and Elizabeth Cousens (Boulder, CO: Lynne Rienner, 2002), 248.
6. For further analysis of the Guatemala case, see Kristine Höglund, *Negotiations amid Violence: Explaining Violence-Induced Crisis in Peace Negotiations Processes*, *Interim Report IR-04-02* (Laxenburg, Austria: International Institute for Applied Systems Analysis, January 2004).
7. Wesley Clark (speech, Woodrow Wilson Center for International Scholars, Washington, DC, June 13, 2000).
8. Robert Myers, "The Fallacy of Neutral Humanitarianism in Bosnia," *Human Rights Dialogue* 2, no. 5 (Winter 2001): 20.
9. Ram Manikkalingam, "Culture, Relativism, and Human Rights—Commentary," this volume, p. 126.
10. Clark (speech at Woodrow Wilson Center).



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