



Introduction

Exploring the Intersection between Human Rights and Conflict

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A Complex, Dynamic Relationship

Every day our newspapers and broadcasters convey stories about violent conflict. We hear of civilians murdered by suicide bombers, states erupting into genocidal violence, beleaguered humanitarian relief agencies struggling to cope with the most basic needs of enormous refugee populations, failed states collapsing in chaos, the torture of prisoners captured during wartime—and the list goes on. All these calamitous situations point up the complex relationship between international human rights and conflict. This book explores that relationship, examining its powerful dynamics and multiple facets from several angles.

Our aims are twofold. The first is to provide an accurate account of the relationship between human rights and conflict by making in-depth analyses of particular facets and presenting a composite picture of the overall relationship. We also lay out the differences of opinion among scholars, activists, diplomats, and policymakers on how best to interpret and respond to the sometimes competing issues of human rights, humanitarian law, and conflict resolution while also encouraging the reader to think about how those different approaches can complement one another.

The notion that deprivation of human rights contributes to protracted social conflict draws from the theory of basic human needs. Human needs theory is closely identified with the seminal work of John Burton, who theorized in *Deviance, Terrorism and War: The Process of Solving Unsolved Social and Political Problems*¹ that unsatisfied human needs are the root cause of

many of the most violent conflicts. Human rights abuses, like unmet human needs, threaten the security of individuals and social groups and, in so doing, create cycles of dehumanization based on fear. Politicians and militaries can use that fear to stoke their campaigns and further their agendas. Such was the case in Rwanda in 1994, as Tutsis in exile violated the rights of Hutu leaders even as Hutus in power dehumanized and slaughtered Tutsis at home.

Not only do human rights abuses lead to the onset of conflict, but also, as Louis Kriesberg notes, “inhumane treatment deepens the antagonism and the desire to continue the struggle and even to seek revenge. The callous and indiscriminate use of violence, intended to intimidate and suppress the enemy, is frequently counterproductive, prolonging a struggle and making an enduring peace more difficult to attain.”² Some ideologies use dehumanizing imagery to exclude “enemy” groups, describing other peoples as “animals,” “vermin,” or “evil incarnate” and thereby setting the stage for future human rights abuses. Leaders who emphasize ends over means are not likely to hesitate before violating human rights in pursuit of their goals. Memories can likewise evoke violent responses, since old resentments and distrust can keep tensions higher between groups or countries. For example, Rwanda’s history of social tensions, widespread killings, and long-standing human rights abuses fueled the genocidal massacres of the 1990s.

While the *denial* of human rights can thus engender and intensify conflict, so, too, can the *demand* for those same rights. The state’s inability or unwillingness to protect basic human rights and provide mechanisms for the civil resolution of conflict may prompt groups to use force in pressing their demands for such rights, resulting in violent conflict both within and between states.³ Violent conflicts have grown out of the quest for self-determination, demands for fair access to resources, resistance to forced acculturation and discrimination, and—most often—a combination of such factors. For example, the ongoing conflict in Nigeria’s delta region is fueled not only by the petroleum industry’s pollution of the traditional living areas of the Ogoni people but also by extrajudicial killings of Ogoni and by that ethnic minority’s demands for increased rights. Rights abuses also motivated the uprising, in eastern Zaire in 1996, of the Banyamulenge Tutsi minority, who eventually overthrew Zaire’s president, Mobutu Sese Seko. These abuses included discrimination at the hands of Mobutu’s regime over three decades, the decision of a provincial governor to expel the Banyamulenge from Zaire—where they had lived for two hundred years—and Mobutu’s support for the Hutu Interahamwe, a militia that had taken part in the Rwandan genocide.

States that neglect human rights do so at their own peril. Neglect or dismissal of human rights demands can raise the stakes from low-intensity conflict to high-intensity conflict. Especially in ethnically divided societies, domestic policies that ignore the rights of minorities can increase social and political tensions until a full-blown conflict erupts. The daily abuses that are part of systematic government oppression may initially leave citizens feeling insecure and powerless, but at some point those same citizens may conclude that the only possible response to a violent system is violence. Human rights abuses are the legacy of violent regimes, such as that of General Augusto Pinochet in Chile,⁴ and such cultures of domination often lead to other manifestations of social violence, including domestic violence and differential standards of justice.

Table 1 summarizes the various ways in which violations of, and demands for, human rights can be symptoms as well as causes of conflict. Policymakers, diplomats, human rights activists, humanitarian aid workers, and peacekeepers as well as scholars all acknowledge that a relationship exists between human rights and conflict. The complexities of the relationship, however, are not as well understood. In determining which side of the relationship is more influential or more important, and especially when deciding what should be done to shape or manage the relationship, stark differences of opinion emerge.

What to Do about the Relationship: Three Different Approaches

The range of views on the relationship between human rights and conflict is quite diverse, but three distinct schools of thought stand out. The “human rights” approach is dominant among individuals and organizations that work to promote respect for human dignity and that stress the importance of exposing the truth about governmental abuses and bringing an end to injustices. A second approach, the “conflict resolution” perspective, is commonly espoused by those who focus on resolving, managing, preventing, or transforming violent conflict, whether through negotiation and mediation or through the threat or use of military force and other coercive measures. The third approach, inspired by the corpus of international humanitarian law concerning the conduct of war and the protection of civilians during armed conflict, is the “humanitarian law” approach. It is characteristic of relief agencies and other organizations, especially those administered by the United Nations, that work in the field to assist populations hit by violent conflict.

Table 1. The Relationship between Human Rights and Conflict

	Description	Stage of Conflict ^a	Examples	Chapter
Demand for human rights as a cause of conflict	Demands—for self-determination, fair access to resources, an end to forced acculturation and discrimination—involve violent conflict between groups.	Stage 1 (possibly Stage 3)	Tiananmen Square protests in China, 1989; Papua New Guinea	Chapters 1, 2, 4, 14
State's inability or unwillingness to protect rights as a cause of conflict	Domestic policies (especially in ethnically divided societies) that ignore minority rights increase social and political tensions until conflict erupts. Even in stable polities, structural oppression increases the danger of future confrontation and violence.	Stage 1 (possibly Stage 3)	Ogoni in Nigeria; Tutsis in Zaire, 1996	Chapters 1, 3, 5, 6
Instrumental use of human rights violations by politicians	Politicians manipulate collective memories of human rights abuses to create a sense of entitlement for revenge.	Stages 1 and 2 (possibly Stage 3)	Rwanda, Yugoslavia	Chapters 10, 13

Human rights violations as a conflict escalator	The sustained denial of human rights causes repressed/oppressed groups to react and may prompt intervention, intensifying the conflict.	Stages 1 and 2	South Africa, Northern Ireland	Chapters 2, 6, 7, 11, 16
Human rights violations as direct symptoms of violent conflict	Warring parties torture, rape, mutilate, and summarily execute both combatants and noncombatants.	Stage 2	Liberia, Guatemala, Sri Lanka	Chapters 8, 11
Human rights violations as a direct or indirect consequence of violent conflict	<p>War adversely affects such things as the environment and the ability of people to work, thereby affecting related human rights.</p> <p>Cease-fires and peace agreements that ignore human rights often perpetuate inequities and denial of human rights, leading to greater suffering and violence.</p> <p>Sustainable peace depends on the assurance of human rights.</p>	All stages	Sierra Leone, Israel-Palestine, Nicaragua, Kosovo	Chapters 1, 3, 5, 7, 8, 9, 10, 12, 15

a. Stage 1 = conflict intensification/mitigation; Stage 2 = armed conflict; Stage 3 = postconflict/postcrisis.

These three approaches have traditionally been treated separately, at least as they are studied formally. For instance, human rights have largely remained a separate field, not only from security studies and humanitarian law but also from conflict resolution. In practice, however, all three approaches are blended. The “peace and justice” wing of the conflict resolution field tends to define peace to mean, among other things, the assurance of rights and justice. And the conflict resolution field as a whole has embraced a wide-ranging notion of security—including political, economic and social, cultural, and environmental security—that incorporates human rights norms and also includes nongovernmental actors. Still, these broad categories are recognizable to most people who work in one or another of the three fields.

The differences in outlook have much to do with the setting of priorities. For many in the conflict resolution field, the first goal in tackling an ongoing conflict must be to end wholesale violence. This may sometimes entail working with people who are guilty of violating human rights, because without them a peace agreement would be hard to implement. According to many conflict resolution specialists, only after the violence has stopped will there be any possibility for advocacy for human rights—hostilities must cease before peace with justice can become a viable objective. In contrast, for human rights advocates there can be no peace without justice, and thus, no agreement to end violence or war can be sustained without accountability for human rights violations. At the same time, for many people who work in the field of humanitarian relief, the foremost priority is to address *how* the conflict is conducted and how that affects the immediate needs of people living in the conflict zone. Much of the tension among professionals working in these three areas stems from this difference in priorities.

The turbulent years since the end of the Cold War—years in which we have seen internal wars proliferate, ethnic tensions intensify, and impassioned debate rage over questions of if, when, and how the international community should respond to intrastate violence—have prompted many people to look for ways to break down the barriers between human rights, humanitarian law, and conflict resolution. And indeed all three schools of thought have moved closer together, propelled by the recognition that despite their very different origins and favored mechanisms, they share more in common than anyone previously acknowledged: namely, a fundamental commitment to maximizing human dignity and minimizing civilian harm. There is also a growing recognition that proponents of the three approaches can work well together, with their differences complementing rather than undermining one another.

This convergence is greatly to be welcomed. The challenge now is to integrate these perspectives in a manner that best responds to the nature of conflict in today's world. If human rights violations are viewed merely as a symptom of conflict, the primary objective of the international community should be to put an end to violence and protect people from further abuses, thus creating "negative peace," that is, the absence of violent conflict. International humanitarian law is an important instrument for negative peace, because it seeks to limit the excesses of war and protect civilians and other vulnerable groups. On the other hand, if human rights violations are viewed as causing violent conflict, the main objective of the international community should be to transform the structural and systemic conditions that give rise to violence. This perspective seeks to achieve more than the mere absence of war, working toward "positive peace" via the long-term process of transforming attitudes and institutions to create and sustain a society that is both peaceful and just. Reality, however, is rarely so clear-cut. As the authors in this book demonstrate, the relationship between human rights and conflict is complex and shifting, demanding policies, actions, and solutions that integrate both negative and positive peace.

Some texts examine the connection between human rights and conflict from a relatively narrow angle. For instance, to the extent that human rights books discuss conflict, they largely confine their analysis to humanitarian law and international mechanisms for its enforcement. This does not jibe with the reality of the human rights field, which relies heavily on extralegal mechanisms and on the promotion of human rights norms through diplomacy, the building of human rights institutions, education, and post-conflict reconstruction and reconciliation. Similarly, while conflict resolution books may mention human rights, they usually treat them as a peripheral issue, so that the human rights dimensions of conflict resolution are never adequately explored. Often human rights are viewed as a by-product of peace, not as a major component for building peace.

We have sought to correct such analytical "tunnel vision" in this volume by assembling a cast of authors who together present a panoramic view of the field. The authors chosen for this collection are practitioners and scholars working on the various aspects of the human rights and conflict dynamic. To ensure diversity of views and a balance between scholars and practitioners, some chapters are supplemented by short responses from additional commentators. In particular, if a chapter has been written by an expert whose work is primarily in the field of human rights or humanitarian law, we have asked for commentary from someone who has worked mostly in the field of conflict resolution, and vice versa. In gathering their

work together in a single volume, this book encourages a more integrated approach to understanding the relationship between human rights and conflict.

The Structure of This Book: Three Stages of Conflict

The chapters in this book are organized around the notion of stages of conflict. Human rights considerations are important factors throughout the course of a violent conflict, and every conflict can be depicted as passing through any number of different stages. For analytical purposes, however, we identify three—inevitably overlapping—stages.

- *The conflict intensification stage:* Communal conflicts turn violent; human rights violations are often a root cause of conflict, and the ability of perpetrators to act with impunity contributes to the intensification of conflict; the failure to address human rights issues hinders conflict prevention efforts.
- *The armed conflict stage:* Violent conflict intensifies as competing factions take up arms; human rights abuses are both a common by-product of the violence and a component of wartime strategy; international human rights norms inform standards for international intervention in conflicts, evaluation of the conduct of armed forces, and wartime protection of civilians.
- *The postconflict/postcrisis stage:* Violent conflict ceases, and efforts at rebuilding begin; human rights considerations play a role in peace agreements, the treatment of refugees, civil society-building efforts, human rights education campaigns, and the creation of truth commissions and other efforts to hold perpetrators of human rights abuses accountable; if patterns of destructive relationships are not transformed into healthier patterns of interaction, this third stage can lead to a new round of intensified conflict.

This book examines the ethical and operational issues confronting policy-makers, diplomats, human rights and humanitarian aid workers, soldiers, police officers, and others in responding to each of these stages. The following outline seeks not to summarize each chapter but rather to situate the chapters of this book within the context of the three stages of conflict.

Stage One: Conflict Intensification

The first part of this book addresses the many ways in which human rights considerations either intensify or mitigate conflict. These chapters bring to

bear distinct sets of analytical tools, drawing from the fields of peace studies, international conflict resolution, and sociology (cultural studies), that may prove useful in the analysis of problems presented in later chapters. These contributions will help to frame the relationship between human rights and conflict. At the end of part I is a discussion on whether the logic of linking peace and human rights extends to the consideration of peace itself as a basic human right.

Human rights violations can be both symptom and cause of conflict. As Ellen Lutz points out, human rights are often at the core of a conflict or war. Human rights or human security have often been cited in more recent examples of humanitarian intervention. Human rights have also been cited as one reason for armed intervention or preemptive war, including the military intervention by the U.S.-led coalition in Iraq. Lutz notes that the differences between human rights and conflict management approaches play out among the parties in actual conflict situations, as they have in Rwanda, Nigeria, and Sri Lanka. There are also many examples of human rights claims being manipulated by aggressive powers in order to justify intervention. But as many of the authors in this book emphasize, human rights are not only significant factors in the conduct of war or the justification for war but also critical sources of conflicts that devolve into war. Often both sides of a conflict compete in proclaiming themselves victims of human rights violations.

In the next chapter Michael Lund explains that past and present violations of human rights can lead to outbreaks of violence. He also explores the theory that the spread of human rights may create additional potential points of contention and renewed violence. There are competing claims regarding not only assurances of rights but also the definition of rights. This situation reflects the ongoing conflict between haves and have-nots or between the status quo and a new order, which is the basis of many violent conflicts. Lund argues that human rights cannot be “revered as a moral absolute.” Instead, human rights must be interwoven with efforts to produce a “more productive economy; a more legitimate and effective government; ultimately more democratic politics; and a more humane society.” In order for human rights and conflict resolution to complement each other, those interested in building a stable peace must be practical and must not focus solely on securing respect for human rights while ignoring the need to end violent conflict.

In her contribution to this volume, Lisa Schirch proposes how conflict resolution practitioners and human rights advocates might begin to coordinate and synthesize their ideas and practice with the common goal of building peace. Human rights cannot be dismissed without endangering

stability in the future and creating a significant threat to peace. Nor can human rights be mere empty rhetoric spouted in the service of realist, interest-based foreign policy goals. Human rights and conflict resolution will best be able to work together when those committed to building peace adopt a needs-based approach to conflict resolution and work to address structural sources of conflict and promote restorative justice. For Schirch, only when human rights are an integrated, genuine component of conflict resolution, will it be possible to move into conflict transformation, which is essential to sustainable peace.

In the next chapter in this part, Kevin Avruch brings culture into the mix. His chapter (which could have been included in any part in this book, since it is relevant throughout) explains the concept of human rights as perceived and acted on by different cultures. Different cultures may have very different perceptions of human rights and how human rights are perceived will have a major impact on how they are embraced, adopted, and implemented. How we view others and how we view ourselves is reflected in how we perceive human rights. It matters greatly whether we view human rights as something inalienable that humankind merely had to discover or as something that has been created or constructed by humans. Indeed, these very differences in the understanding of human rights can themselves be sources of conflict.

In his comment on Avruch, Ram Manikkalingam argues that there is a need for universality in terms of rights and that differences in definition and interpretation of human rights can actually contribute to conflict: "Some of the most egregious forms of human cruelty to other humans, such as genocide, ethnic cleansing, and discrimination, have stemmed from the refusal to treat others as we would our own. So HR activists are confident that insisting that we do, and finding the common standards that will enable us to, will, on the whole, improve the condition of humans everywhere." Manikkalingam warns that universal human rights must be accepted as legitimate and not viewed as illegitimately imposed from outside. The existence of human rights as a set of values derived from political motives and processes may risk "becoming a coercive project" in the eyes of different communities and then can only fuel conflict.

In the final chapter in this part, Abdul Aziz Said and Charles Lerche go beyond the previous contributions to argue that peace is itself a fundamental right and must be accorded status as a universal right for individuals as an extension of the idea of positive peace and human needs theory. Their argument reflects to some degree the case that the international community must go beyond national security and promote or ensure human

security. They argue, in effect, that peace cannot be just the absence of war and that recognition of a right to peace reinforces all other human rights. But as Jack Donnelly notes, such an argument may be problematic if it is more than just an ideal. Peace cannot be viewed as a precondition for human rights, since the protection of human rights is critically important in the absence of peace.

Stage Two: Armed Conflict

Part II of the book addresses many of the human rights issues arising during armed conflict and other forms of violent conflict (including terrorist attacks). In some cases, human rights abuses may be deemed an “accidental” by-product of warfare and extreme violence. In other cases, such as those involving ethnic or communal conflict or terrorist activity, the forced deportation or other abuse of civilians is an integral part of the attack strategy. Increasingly, states acting in coalition, often through international institutions and invoking norms of global governance, assert their responsibility to respond to human rights violations; however, whether, when, and how third parties should respond to human rights abuses in times of conflict is hotly contested.

Hugo Slim notes that the rise in civil wars and humanitarian intervention has raised the question of the duty to respond to suffering. Governmental and nongovernmental responses to humanitarian crisis must be guided by certain principles and imperatives, Slim suggests. Donor efforts are counterproductive when they ignore local coping mechanisms in favor of plans conceived of, and implemented by, outsiders. The dependency relationship that emerges in such situations creates new sources of tension and instability. The decolonization of humanitarianism can come about only if the duty to respond to suffering is matched with another duty. This corollary obligation is the duty to help develop the capacity of local institutions and governments to provide and deliver humanitarian relief and protect (and value) human rights.

At the same time, as Jonathan Moore notes in his commentary, when one moves from theory to practice in humanitarian relief, there are choices to be made and consequences to be faced as a result of those choices. Neutrality may not be possible or even desirable in order to deliver humanitarian relief and protect human rights: “It is obvious that human rights suffer in so-called peace operations, and it is true that protecting those rights may require some measure of departure from neutrality. When human rights protections are aggressively pursued, someone’s ox is inevitably gored, and other initiatives with urgent humanitarian portent may be interrupted. In

the fulfillment of humanitarian duty, the protection and advancement of human rights must be a constant devotion but not a mindless juggernaut.”

Richard Falk argues for restraint in using armed force to respond to humanitarian crises and human rights violations. Above all, he urges, the “humanitarian” quality and objectives of humanitarian intervention must be maintained. This is akin to the development of a “just war” theory or a “just humanitarian intervention” theory. Thus, intervention by the international community to mitigate, manage, or prevent conflict must have a strong humanitarian imperative as well as an expectation of effectiveness and success. A rights-based approach provides much greater credibility and justification for conflict resolution and conflict prevention efforts than do interest-based or results-based approaches.

Responding to Falk, Thomas Weiss says that there has been far too little humanitarian intervention rather than too much. The motives of intervenors are rarely pure, Weiss concedes, but still, strong moral arguments may exist for intervening on human rights grounds. Force can be an effective means of preventing genocide or stemming massive human rights violations. As research director for the United Nations’ International Commission on Intervention and State Sovereignty (ICISS), Weiss strongly argued that “we should be less preoccupied that military action will be taken too often for insufficient humanitarian reasons, and more that it will be taken too rarely for the right ones.”⁵ Weiss reflects the views of many humanitarian and human rights NGOs, such as Human Rights Watch, that advocated military intervention in Rwanda and Bosnia and those that have more recently called for stronger intervention, though short of an all-out military effort, in western Sudan.

Weiss encourages policymakers to consider one kind of “what if” question focusing on the potential impact of humanitarian interventions on likely victims of abuse: What if the failure to respond with force to stem human rights violations leads to even greater abuses and costs thousands (and, in some cases, tens or hundreds of thousands) of lives? Falk addresses another set of “what if” questions, focusing on the potential impact of humanitarian intervention on larger questions of power and justice in international relations. His analysis encourages policymakers to consider the implications if powerful states, acting unilaterally or jointly, should continue to intervene selectively in human rights crises throughout the world. Who and what will serve as a check on the behavior of powerful states? What will this mean for the system of international relations and international law? These provocative questions emphasize the potential outcomes of a wide range of humanitarian intervention scenarios.

There is a critical ethical dilemma here, as many of the authors note: Humanitarian intervention can both prevent and cause deaths. At the same time, human rights may be violated in the name of humanitarian intervention. In his contribution, John Cerone surveys the international human rights and humanitarian law standards that apply in times of armed conflict. One particularly interesting aspect of his chapter is his discussion of the application of international law to nonstate actors, such as paramilitary troops. John Cerone notes, “By 1949, humanitarian law had begun to recognize the increasing relevance of nonstate actors and to embrace the language of rights.” As the nature of conflict and combatants has changed, so, too, has international law.

Additional considerations come into play when the violence to which states are responding is terrorist in nature. Terrorism directly disrupts and involves a denial of human rights and thus poses particular problems for establishing justice and addressing terrorism-based violence. The gravity of the acts committed against civilians may encourage extreme responses, but as Jordan Paust explains, human rights norms still apply to the treatment of suspected terrorists. As David Stewart emphasizes in his response to Paust, “It is impermissible, as well as counterproductive, to fight terrorism with terrorism.” The best response to terrorism, Paust and Stewart both suggest, is one that not only is in line with international law but also promotes human rights and reduces the various deprivations, real or perceived, that frequently spawn terrorism. This is not just because, as the argument goes, the terrorists win whenever states ignore or undermine those principles that most represent their own core values, but because it is a strategic mistake to create conditions that allow terror as a political tactic to take root.

In the Israeli-Palestinian conflict, as Mohammed Abu-Nimer and Edy Kaufman note, the conditions of security and rights are intrinsically linked to the cycle of violence between the two communities. For many Israelis and Palestinians, human rights and peacemaking are not just separate but diametrically opposed. Among Israelis, the language of human rights is often viewed as a threat, and among Palestinians the notion of peace is condemned if it is not accompanied by the concept of a “just” peace or one that embraces rights (especially the right of return). Kaufman and Abu-Nimer underscore that an emphasis on conflict resolution is embraced mostly by Israelis and a rights-based approach by Palestinians. Such a divide can create a formidable barrier to reaching a stable peace during processes of reconciliation.

Julie Mertus and Maia Carter Hallward then discuss Iraq as a way to explore how a human rights framework can factor into decision making on

whether and how to respond to gross human rights abuses. Had a human rights framework been employed before the U.S. military incursion into Iraq, Mertus and Carter Hallward contend, alternatives to violence would have been exposed and the legality and legitimacy of the attacks called into question. "If human rights concerns are invoked as a justification for military intervention," they argue, "the human rights framework should remain at the forefront of political and social planning throughout the reconstruction process and should be used as a compass when formulating decisions and taking actions on a range of issues, from the formation of a representative democratic government to empowering local educational institutions and creating a social and economic infrastructure that meets the needs of local people." The chapter also suggests that had a human rights framework been employed, there is far less likelihood that the controversies surrounding the treatment of Iraqi prisoners would have arisen.

Stage Three: Postconflict/Postcrisis

The last part of the book addresses the stage that occurs after "hot conflict" ends and the society begins to rebuild and restabilize. This stage may also be coterminous with the first stage, since it can also be a time for conflict intensification.

A considerable body of scholarship argues that peace negotiations must pay attention to issues of human rights and restorative justice and their careful implementation. In her chapter on the peace process in Northern Ireland, Christine Bell argues that human rights must be taken into account when addressing the roots of violent conflict and creating the kinds of institutions that may promote long-term peace and justice. But she goes further and concludes that the application of human rights principles can help facilitate negotiation about the structure of government and other general issues beyond matters pertaining specifically to rights. At the same time, she asserts that the introduction of human rights at the negotiation stage may become a critical mechanism of conflict prevention.

Ultimately, adversaries must "have reason to believe they can look forward to living together without threatening each other, perhaps even in harmony and unity."⁶ In the case outlined by Bell, this belief did not exist, nor could it be imposed by outsiders. This does not mean, however, that outsiders do not play a crucial role in peacemaking. In addition to promoting peaceful solutions, the international community may address underlying structural and cultural divisions that lead to human rights violations. Many of the authors in this book provide specific examples of the form this kind of assistance could take, including civil society institution building,

the development of justice mechanisms, and the funding of human rights education programs.

If injustice and human rights abuses are merely buried, conflict resolution and reconciliation will be undermined. Vasuki Nesiah encourages us to consider the ways that truth and reconciliation commissions can contribute to the strengthening of societies by providing an accounting of the past and determining what happened. While courts are more focused on guilt and innocence as well as on punishment, truth and reconciliation commissions offer greater possibilities for divided societies to reunite. Nesiah shows that the pursuit of truth and the pursuit of justice can be complementary. Institutions and processes can be established, and communication fostered, that promote both interests: that of exposing the truth, and that of levying justice. Nesiah also points out the importance of understanding the context and unique circumstances of each specific conflict, an approach that many in the conflict resolution field promote.

In his response to Nesiah, Richard Wilson notes the degrees to which truth commissions and courts can have a political purpose as well as a peacebuilding one. Over time, truth commissions may advance the goal of nation building, assist in the writing and documenting of the history of a conflict, or create legitimacy for the state or state institutions. Truth and justice need not be incompatible, nor should peace and justice. But as Roy Licklider cautions, “we simply do not know whether transitional justice makes future violence more or less likely. Reconciliation, after all, is likely to take generations.”⁷ Thus, because building peace and human rights regimes is a long-term investment, proponents of conflict management and of human rights will need to work together to ensure a stable and just peace.

War-affected populations, especially forced migrants (refugees and internally displaced persons), are particularly susceptible to human rights abuses. Refugees can destabilize an entire region, opening the door to new human rights atrocities, as was the case with Rwanda and Burundi. The spread of refugees creates conflicts by upsetting social balances and changing economic and demographic distributions. The status of forced migrants is becoming an increasingly critical factor both in protecting human rights and in reducing sources of conflict. As Susan Martin and Andrew Schoenholtz note, refugees are not just the victims of conflict, and the need to protect their human rights is not just an outgrowth of the conflict; rather, the reasons for their forced migration and their continued status often continue to fuel conflict. The security issues posed by large refugee flows, as well as the moral imperative to aid those who are suffering, support calls for “saving strangers” and humanitarian intervention.⁸

Human rights organizations have been crucial in creating a demand for and expertise in monitoring. Monitoring is necessary to achieving adherence to peace agreements and to the prevention of future conflicts. But education programs also can play a critical role in building peace in post-conflict situations. Janet Lord and Nancy Flowers point to the role of human rights education in both human rights promotion and conflict management. As with the two fields in general, there is not much coordination of the peace and human rights curricula or pedagogy. Many peace programs do not incorporate human rights elements, and many human rights programs do not incorporate much, if anything, from the conflict resolution field. As Lord and Flowers explain, both human rights education and peace education are expanding their scope and, as they do so, increasingly integrating key elements of each other's main teachings.

The final chapter addresses the difficulties of adopting a human rights approach in a highly conflicted society. In the case of Sri Lanka, Alan Keenan observes that efforts to ensure effective human rights protections during the peace process may run counter to the conflict resolution strategy. Keenan points out that human rights can become a tool—a battleground, even—in a peace process or a conflict between groups competing for political power. He reiterates Michael Lund's point that human rights principles are often the very thing that violent international conflicts are about. But human rights can also be a fertile area for cooperation. The Sri Lanka case study demonstrates that protection of human rights is not a zero-sum game. Ensuring the rights of Tamils can more firmly strengthen those of Sinhalese. Recognition of this by many whites in South Africa helped ease the transitional political path to a multiracial state as well as helping in the process of reconciliation. As Keenan notes, finding common ground on human rights has helped Tamils, Sinhalese, and other groups in Sri Lanka begin to find common ground for a shared future.

Toward a More Integrated Approach?

We conclude by identifying the overarching themes that frame the debate within this volume—and within the wider academic, practitioner, and policymaking communities—on the relationship between human rights and conflict. We then point to common threads from the contributors' analyses, focusing in particular on those issues and factors that seem always to play a part in the dynamic interaction between the assertion of rights, the pursuit of justice, and the quest for peace. In so doing, we look toward the future and, more particularly, toward the prospects for integrating

the approaches typically associated with the human rights, humanitarian law, and conflict resolution constituencies. The signs are encouraging. For example, human rights and humanitarian law advocates are increasingly interested in conflict prevention. The growing emphasis given to “conflict transformation” in the conflict management field means that justice and peace are increasingly seen as overlapping values, and the inclusion of human rights provisions in peace agreements and in conflict resolution and prevention initiatives is growing more common. The increased focus on the protection of civilians in all stages of conflict blurs the lines between human rights, humanitarian law, and conflict resolution, bringing actors from all three approaches together in a common cause. However, while the common ground shared by the three approaches is gaining greater recognition, the tensions between them cannot be ignored. The priorities and baseline orientations of the three approaches differ. When hard choices must be made, these differences become evident: The human rights approach opts for whatever will best promote individual human dignity, the humanitarian law approach makes humane conduct in wartime the priority, and the conflict resolution approach focuses on the promotion of peace.

The diverse contributions to this book suggest that there is no single blueprint for resolving such tradeoffs and dilemmas. But opportunities do exist—and have been taken—for members of the different fields to work together cooperatively and effectively. This book seeks not only to enhance understanding of how human rights and conflict interact but also to stimulate interaction among scholars, practitioners, and policymakers. All these groups have important roles to play in contributing to the quest for a world in which peace and human rights are equally respected.

Notes

1. John Burton, *Deviance, Terrorism and War: The Process of Solving Unsolved Social and Political Problems* (New York: St. Martin's Press, 1979).
2. Louis Kriesberg, *Constructive Conflicts: From Escalation to Resolution* (Lanham, MD: Rowman and Littlefield, 2003), 372.
3. Michelle Parlevliet, “Bridging the Divide: Exploring the Relationship between Human Rights and Conflict Management,” *Track Two* 11, no. 1 (March 2002): 28.
4. David Lorey and William Beezley, eds., *Genocide, Collective Violence, and Popular Memory* (Wilmington, DE: Scholarly Resources, 2002), xii.
5. International Commission on Intervention and State Sovereignty (ICISS), *Intervention and State Sovereignty, the Responsibility to Protect* (Ottawa:

International Development Research Center, 2001), xi; see also Thomas G. Weiss et al., *Political Gain and Civilian Pain* (Oxford: Oxford University Press, 1997), 105.

6. Kriesberg, *Constructive Conflicts*, 329.

7. Roy Licklider, "Obstacles to Peace Settlements," in *Turbulent Peace: The Challenges of Managing International Conflict*, ed. Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (Washington, DC: United States Institute of Peace Press, 2001), 712.

8. See Nicholas Wheeler, *Saving Strangers; Humanitarian Intervention in International Society* (New York: Oxford University Press, 2000).