

Human Rights & Conflict Resolution

Deepening Debate and Dialogue

The relationship between human rights advocacy and conflict resolution has been debated for years. Particularly in international civil conflicts, the two fields are typically framed as a dichotomy, in which human rights activists promote justice, narrowly defined as the prosecution of human rights abusers, while conflict resolution practitioners seek peace, narrowly defined as the absence of violence.

This dichotomy emerges especially in situations where bringing an end to violence requires engaging the perpetrators of that violence in a peace process – through which they may seek assurances of amnesty or even positions of influence in a negotiated political arrangement. In countries as diverse as South Africa, Cambodia, Rwanda, Guatemala, and Bosnia, balancing accountability for gross human rights abuses with the exigencies of ending violence has sparked debates over the relative emphasis and resources that should be directed toward retributive versus restorative justice approaches.

It would be ideal if full peace and justice could be secured in one fell swoop, but as practitioners in both fields know, emerging from war or from situations of systemic injustice requires societies to confront wrenching decisions. Communities in transition have to establish priorities among countless needs, any one of which could reasonably be deemed most important, and there are sometimes impossible trade-offs.

In recent years human rights activists and conflict resolution practitioners have engaged in a deepening dialogue over these issues. The creation of the Center for Human Rights and Conflict Resolution at Tufts University and the establishment by South Africa's Centre for Conflict Resolution of a Human Rights and Conflict Management Program are only two manifestations of this growing demand to sustain and deepen the links between the two fields. Such efforts aim, at the least, to prevent human rights advocates and conflict resolution practitioners from working at cross purposes and, at best, to help them coordinate their distinct approaches to yield a synergistic impact on struggles for sustainable and just peace.

Benefits and Shortcomings of Interaction

The interaction between these two fields has benefited both, but it has also exposed shortcomings in the debate itself, and in how those in each field articulate the principles and approaches that define their work.

The comparison of human rights and conflict resolution often begins with characterizations of each field that are overly-simplified. The peace vs. justice debate with which this article started reflects this, as do the following dichotomies into which the fields are often categorized:

Conflict Resolution Practitioners are:	Human Rights Advocates are:
Concerned with Peace	Concerned with Justice
Pragmatic and Flexible	Principled and Rigid
Process-focused	Outcome-focused
Collaborative	Adversarial
Facilitative	Prescriptive
Non-judgmental	Judgmental
Guided by local cultural values, norms, and processes	Guided by universal laws, standards, and processes
Eager to build better relations, trust, and respect between adversaries	Eager to build legal structures and processes that protect the weak
Neutral	On the side of Right

Too often, these categories are accepted on face value and reified, and the resulting conclusion is that both sets of approaches and temperaments are needed to address complex conflicts. Human rights professionals should therefore learn the pragmatic approaches of conflict resolution experts so as to be more effective, and conflict resolution experts should learn the principles of human rights so as not to stray from those standards when facilitating negotiations, peace processes, etc.

As with most stereotypes, these categories contain some truth. But within both the conflict resolution and human rights communities, many practitioners are well beyond the categories into which we are so often boxed.

Taking as an example the peace vs. justice debate, I know of no conflict resolution practitioners who are concerned only with “ending violence.” Most of us are concerned with justice, but we are also skeptical of approaches that rely heavily on adversarial legal and structural approaches to achieve that justice. This is based not so much on a desire to end violence at all costs as it is on a belief that institutions and laws are only as good as the will of people in and outside of government to abide by them.

Further, people’s will to co-exist peacefully with respect for one another is influenced at least as much by sustained interaction, dialogue, and cooperation as it is by laws and regulations. Laws are necessary, but so too is a societal culture supporting tolerance and reconciliation.

Much conflict resolution work, at least as practiced by my organization and our partners around the world, focuses less on merely ending violence than on shifting attitudes and behavior. In this context, traditional methods of conflict resolution such as mediation or negotiation make up only a small piece of what we do. When we do engage in dispute resolution, it is always within the broader goal of transforming how societies deal with their differences, from adversarial win/lose approaches to collaborative problem-solving approaches.

There is justice in this approach. It works toward building a society in which all human relations reflect a respect for human dignity. There is also justice and integrity in

aligning means and ends. For many of us, non-adversarial approaches reflect and model the kind of behavior that we aim to bring about in our societies at large. Lastly, societies that develop, through inclusive processes, their own culturally relevant structures to deal with their past and to establish rules of engagement for their future may be more likely to feel ownership of them than they are of universal laws that feel foreign to them.

Internationally agreed standards can and should serve as a set of ideals to work toward, but expecting war-torn societies to get there immediately is unrealistic. It is not only conflict resolution practitioners who understand this. Judging from the work of the International Human Rights Law Group and countless locally-based human rights groups, there are plenty of organizations that operate from the understanding that building sustainable and just peace is an extended, incremental process.

Beyond the peace vs. justice debate, closer examination of how human rights activists and conflict resolution practitioners go about their work and how they describe that work exposes several issues. Some of these are listed below, though there is not space in this article to discuss them fully:

- **Human rights advocates are often more flexible and less adversarial than is assumed.** When dealing with oppressive regimes, local human rights activists sometimes have no choice but to be non-adversarial. But they also often make conscious choices based on a realistic assessment that social change is often slow, and needs to be accepted by a critical mass of the population and government. Today for example, many activists in Nigeria are promoting human rights, but are doing so creatively and carefully so as not to destabilize that country's fragile democratization process.
- **Conflict resolution practitioners generally do (and I believe should) embrace a broader agenda of social change than individual dispute resolution.** Especially when working in cross-cultural settings, conflict resolution practitioners are increasingly making long-term commitments, working with local partners, and using multiple means (from media to arts and culture to back-channel dialogues, and whatever else might emerge as culturally appropriate and effective). Such efforts aim to transform how societies deal with their differences broadly rather than to resolve specific disputes. Moreover there is a widely-shared recognition that discrete interventions such as trainings or mediations that do not fit into on-going locally based processes of broader *transformation* are often ineffective or even conflict-causing. Work done by Search for Common Ground, International Alert, Action Aid, and many locally based conflict resolution practitioners reflects these understandings.
- **Like human rights activists, conflict resolution practitioners are committed to principles, and they should articulate them.** Conflict resolution is often described by its practitioners in terms of methodology (i.e. active listening, reframing, distinguishing positions from interests, etc.) without articulating the ethical principles from which that methodology has developed (a recognition that

we are all inter-connected; that my humanity is inextricably linked to yours, that this interconnection necessitates that we respect the dignity of everyone, perhaps most importantly those with whom we most disagree; and a commitment to align our means with the social change we aim to bring about). Because we rarely articulate these principles, we can lead others to believe we are nothing more than creative problem-solvers. We perpetuate the sense that many in the human rights community have of us that we have chosen pragmatism over principle when in fact, it is more accurate to say that our work, when done well, reflects principle in action.

- **The social change that human rights advocates and conflict resolution practitioners aim to bring about is similar:** a world in which all human relations reflect a fundamental respect for human dignity and a desire to meet human needs. Within this context, it is surely necessary to build the hardware; i.e., the institutions and laws that protect the weak, but it is also essential to develop the software; i.e., the societal attitudes and culture that will create, uphold, and abide by those institutions. To the extent that the integrity and effectiveness of institutions and laws relies on the legitimacy with which they are created, the way societies go about building them will determine their durability. For societies emerging from war or systemic injustice, establishing laws and institutions that abide by universal standards is important, and this can best be done through processes that engage all stakeholders so that the outcome is locally owned and culturally effective.

The deepening dialogue between human rights activists and conflict resolution practitioners is essential. To the extent that it can reflect how practitioners within each field are moving beyond the dichotomies that are often used to define their differences, it can help both to work toward our common goal of just and sustainable peace worldwide.