Connecting human rights and conflict transformation: what can the approaches learn from each other?
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Editorial

Human rights and conflict transformation are two sides of the same coin. Experts in each of these fields should therefore be aware of the other’s approach. This issue of the KOFF Newsletter focuses on what professionals in the fields of human rights and peacebuilding can learn from each other. The focus article looks at the difficulties that could arise when implementing cooperation between the two fields, and shows how compartmentalization can be overcome by a readiness to widen one’s horizons. In other articles a number of organizations report on how they integrate human rights in their own work.

Lukas Krienbuehl   Daniel Hofer
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KOFF – swisspeace

11th Annual Meeting of KOFF Member Organizations

More than 40 representatives of KOFF member organizations attended the 11th annual meeting which took place at the beginning of May. In the statutory segment the Center for Peacebuilding (KOFF) presented the most important milestones of the past year and outlined key aspects of the KOFF strategy for 2012-2015. This was followed by the election of a new NGO representative to the KOFF Steering Committee. Beatrice Faidutti-Lueber (Eirene Switzerland) replaces Cécile Bühlmann (cfd) who is stepping down. Our sincere thanks go to Cécile for her outstanding commitment over a period of six years, and congratulations to Beatrice on her election.

The theme of the topical second part of the annual meeting, “Connecting Human Rights and Conflict Transformation” met with great interest. The expert invited to speak on the subject noted that while there is a clear relationship between human rights, conflict transformation and peacebuilding, integrating these approaches and instruments at the practical level remains a real challenge. A representative of Caritas presented her experience in attempting to integrate peacebuilding and human rights in a common strategy for an organization as well as the controversial questions raised in the process. These contributions led to a lively debate. The focus article in this issue takes this substantive discussion a step further. 10.05.2012
Criminal Law and the Responsibilities of Transnational Companies

The economic activities of transnational companies in countries in which armed conflicts are raging or systematic human rights violations are taking place are currently a subject of controversial debates. Even when a company is not directly involved in a conflict there is always the danger that it will either exacerbate or even trigger it. At a roundtable organized jointly at the beginning of May by the Swiss Working Group on Colombia (ask!), KOFF and swisspeace the question was raised of the criminal prosecution of transnational companies. A Colombian human rights lawyer explained the unsatisfactory international legal situation and what it means for a country like Colombia, where more than 3000 union members have already been murdered for example, without a single one of those presumably responsible being brought to justice. Three measures were proposed that together would make it possible to prosecute multilateral firms: first, the application of international criminal law to legal persons; second, adaptation of the legal framework in the headquarter countries, to make it possible to prosecute companies for criminal acts abroad; third, exploring the possibility of creating an international economic court.

In regard to Switzerland a recently published study on relevant Swiss legislation pointed to certain shortcomings, notably when it comes to obligating companies to comply with human rights and environmental standards abroad and the possibility of legal sanctions. The concluding discussion focused on questions relating to the drafting of national and international legal standards, their implementation and the likely impact in a local context.

04.05.2012

Workshops on Improving Results Orientation

Results orientation, impact or value for money are increasing popular keywords in peacebuilding and development cooperation. In this context KOFF, in collaboration with the German Working Group on Peace and Development (FriEnt), organized two one-day workshops in Bonn and Bern in mid-May in an effort to shed critical light on the on-going debate with the help of various experts. Amongst contributions from Burundi, Germany and the United States, a panel with Swiss activists and a critical perspective from Kenya produced a lively discussion. Other topics covered were the integration of recognized peacebuilding quality standards such as conflict analysis, realistic objective setting and verifiable impact hypotheses; dealing with imbalances of power between donors and national partners; and the question of how to shift the debate from demands for controlling to the idea of joint learning processes. KOFF intends to delve further into these topics and is preparing a Working Paper in the coming months using input from the debate. A concrete follow-up project is already planned for a peer review approach, as proposed during the workshops.

16.05.2012
The Murambi Memorial

In the framework of a Caritas mandate KOFF has once again collaborated with colleagues from *Isoko ry’Amahoro – Noyau de Paix*, a network of local peace organizations in Rwanda. Focused on dealing with the past of the 1994 genocide, a workshop held in Kabgayi, south of Kigali, included a visit to the Murambi Genocide Memorial. The Memorial touches on many aspects ranging from death, mourning and remembrance to solidarity with the victims but also on responsibility and explaining. Thousands of bones bear witness to the human brutality and madness that raged in Murambi between April and July 1994 when more than 50,000 people were killed. The mortal remains of old and young – clothes, hair and bones, the smell – evoke the horror of those days. The local museum contains photos and texts illustrating the history leading to the genocide of 1994. There was a lively discussion with *Isoko ry’Amahoro* colleagues, who shared their personal feelings and experiences as well as their political and historical interpretations. The role of the international community was also subjected to critical scrutiny. Two commemorative plaques tell that just months after the Murambi massacre French troops raised their flag on the site and played volleyball on a mass grave, for which there has been no formal apology.

Murambi is a symbol of hope that tells the world to not let genocide ever happen again. At the exit of the museum the following quotation by Félicien Ntabungwa can be read:

“*Si tu me connaissais, et si tu te connaissais vraiment, tu ne m’aurais pas tué*”.

22.05.2012
Connecting Human Rights and Conflict Transformation: What Can the Approaches Learn from Each Other?

The interconnectedness of human rights, peacebuilding and poverty reduction is intuitively easily understood. These are instrumental for achieving sustainable peace and the development of societies in which every person has the freedom to act upon his or her own choices and governance is stable and legitimate.

Over time, recognition of the close links between human rights, conflict, peace and development has increasingly manifested at the policy level. The OECD New Deal for Engagement in Fragile States and its five Peacebuilding and Statebuilding Goals is an example thereof. The 2011 World Development Report reflects this recognition too, in its call for working more in an interdisciplinary and comprehensive way. In sum, awareness has grown that the reality we face does not abide by the way we tend to fragment our world to make it more manageable and comprehensible.

Interdisciplinarity as Challenge

Even so, it is much easier said than done. A divide is still often perceived to exist in relation to HR and conflict transformation (CT), as the recurrent “peace vs. justice” debate shows. In development cooperation, little consideration has been given to the question of how “human rights based approaches” (HRBA) and “conflict sensitivity and peacebuilding” relate to one another, despite the fact that these two approaches have emerged in the same time period and may well be applied in the same context and by the same agencies. The institutional set-up of organisations tends to reflect this too: “human rights” and “conflict transformation or peacebuilding” perspectives are often housed in separate units or championed by different individuals. The respective pressure they face due to separate timetables, deliverables and budgets limits interaction and exchange.

Then there are questions of terminology and understanding. Many technical terms exist in relation to human rights and conflict transformation, which are not easily accessible to those outside a specific field (for example “duty-bearer”, “dividers” and “connectors”). Also, people may use different terms to refer to the same phenomenon or use the same term but mean something different. Conflict transformation-oriented practitioners may understand “human rights” as referring to activities such as monitoring, reporting and advocacy, while for human rights-oriented practitioners the term relates to incorporating human rights principles in projects geared towards poverty reduction. This points to another challenge: CT-practitioners are seldom familiar with the way HRBA-practitioners may build partnerships with state institutions to help them deliver on their obligations and make them more accountable, and how they empower marginalized people to raise their voice. Instead they perceive human rights work as mere “naming and shaming”. In turn HRBA-practitioners may believe that they already do peacebuilding, since human rights is about social justice, unaware that incorporating a conflict transformation perspective will mean something more – such as doing thorough conflict analysis; reviewing how their activities interact with local conflict dynamics; or building not just vertical but also horizontal linkages.
One Reality, Different Points of View

Indeed, the tools and analytical frameworks of human rights and conflict transformation can differ considerably, which initially makes it difficult to understand how these can be connected. Yet, this is all the more reason to make an effort in this direction, because these two perspectives both highlight different aspects of a complex reality. Human rights-oriented programming focuses on the conditions that help or hinder rights realisation, and usually addresses persons experiencing direct or structural discrimination. It emphasizes challenging and encouraging state institutions to meet minimum standards entrenched in international treaties; making governance more accessible, non-discriminatory, transparent, participatory and accountable; and enabling individuals citizens to claim their rights. Conflict transformation-oriented programming is based on analysis of conflict causes and the role different actors play in a context, paying attention to both objective and subjective factors including division of power and resources and relationship dynamics. Assuming that change cannot be imposed from the outside or above, it focuses on designing constructive processes that open up possibilities for positive change, taking into account the factors that may divide people in a society – persons, organizations, rituals, values, attitudes – and those that serve to connect people.

Establishing Connections

However different, these perspectives are not necessarily mutually exclusive; they complement one another more often than is usually realized. For example, a peacebuilding program supporting a Museum of Historical Memory in Guatemala was strengthened after a human rights review identified several gaps. A feedback mechanism was established to enhance accountability; to enhance non-discrimination and accessibility for illiterate users, sound and visual symbols were added; to facilitate participation and transparency, the public was invited to suggest improvements to the design. A Nepali land rights NGO benefited from conflict transformation support as it helped the organization to include conflict analysis into its programming and to become more strategic in engaging with various actors, including those perceived to be “opponents” such as land owners, politicians or government officials. It also reviewed its own communication style to see how this enhanced or undermined advocacy efforts.

These examples illustrate that “connecting human rights and conflict transformation” is not about merging approaches; instead, it is about drawing on insights and tools from both fields so that efforts towards social change become more meaningful, effective and sustainable. It also means becoming more conscious in assessing where and how HR and CT approaches can be linked, and when they are best kept as distinctly separate interventions. With both being relevant to so many sectors – land reform, support to media, local governance, dealing with the past, housing, security sector reform – the need for dialogue and greater understanding has only increased in recent years. What helps in this process is recognition that each approach is valuable in its own right and that none is necessarily superior or inferior; a willingness to listen, and to engage with ideas, concepts and terminology that are not one’s own; and to recognize the limitations of one’s own perspective. Other helpful ingredients are flexibility, patience, humility, readiness to get confused and hold paradoxes. Asking questions is a great way to start.

14.05.2012
News from Swiss NGOs

PBI: Protective Accompaniment for Human Rights Activists and Conflict Transformation

Peace Brigades International (PBI) have been engaged in human rights protection and non-violent conflict transformation in crisis zones since 1981. Teams of international volunteers accompany and support peace, democracy and justice activists while observing the local human rights situation. PBI provide these services on request, exclusively to organizations that commit themselves to non-violence and seek justice by democratic methods. PBI volunteers are currently operating in Guatemala, Colombia, Mexico and Nepal.

The PBI approach is based essentially on unarmed protective accompaniment of threatened local partner organizations. As well as physical accompaniment PBI offers political, emotional and general consulting services. The international pressure resulting from the PBI accompaniment program can help prevent the use of violence against human rights defenders. It requires a careful analysis of the local political situation and identification of decision makers who may be the sponsors of violence. The international protective accompaniment offered by PBI is most effective when those presumed responsible for politically motivated attacks prove susceptible to international pressure. Over the years this modus operandi has indeed proven its effectiveness – during the one-on-one accompaniments by PBI volunteers not a single death threat has been carried out.

PBI's contribution helps to create space for peace and facilitate sustainable work of human rights activists. At the same time this type of international solidarity gives partner organizations renewed courage to continue their work. On the assumption that sustainable peace can only be achieved by those directly concerned PBI do not get involved in the programs of the organizations they accompany.

15.05.2012

Further information:
Peace Brigades International Katia Aeby

HEKS: Justice and Conflict Transformation

Swiss Interchurch Aid (HEKS) is currently developing a "Justice and Conflict Transformation" concept to link peacebuilding and human rights more closely and to replace its present peace strategy. The new concept is more the result of a learning process in the field than a response to strategic considerations. To some extent at least it reflects the systematic implementation of a rights-based approach in HEKS programs and projects. In drafting the human rights based approach the focus has been on HEKS’s rural development projects. The application of this approach soon revealed synergies with HEKS’s second topical focus: “Peace and Conflict Transformation”.

At the local, national and international levels human rights are an important reference point in negotiation of the positions, needs and interests of various conflict parties. This is especially true in the case of the asymmetric conflicts that are commonly addressed in development cooperation interventions. Laws and
Amnesty International: Campaign for International Arms Control

In July 2012 the international community starts negotiations for an Arms Trade Treaty (ATT) in the context of a UN conference in New York. Prior to this round of negotiations Amnesty International launched an international campaign on the subject. The international arms trade is subject to little or no control. Whereas there are clear regulations governing trade in foodstuffs and even archaeological artifacts, this is not the case with deals in machine guns, tanks and ammunition. This irresponsible sale of weapons can have serious consequences all around the world.

Civil society organizations have been pressing for stricter regulation of the arms trade since the 1990s. It was not until 2006 that the UN General Assembly voted for the first time in favor of drafting an Arms Trade Treaty (ATT).

The current campaign “No arms for atrocities” by Amnesty International advocates for a comprehensive agreement with the following key components:

- The ATT must have a “golden rule” that arms sales shall not be approved if there is a risk that their use may lead to serious violations of human rights or international humanitarian law.
- It must cover all conventional weapons and munitions as well as all types of transactions.
- There must be clear rules for implementation of the treaty and monitoring to ensure its enforcement.

Amnesty International calls upon the Swiss government, which committed itself as early as in 2005 to supporting the drafting of an Arms Trade Treaty, to be as active as possible during the negotiations. A number of events are planned in Switzerland over the next few weeks in an effort to raise awareness for the cause.

Further information:
Amnesty International Switzerland Patrick Walder

25.05.2012
TDF: Educational Kit on Forced Marriages

The Universal Declaration of Human Rights states that all persons are free to choose with whom they wish to form a partnership, marry or found a family. And yet even in Switzerland today young people are being betrothed and married against their will; be it in this country or while visiting their country of origin.

TERRE DES FEMMES Switzerland offers schools a revised package of teaching materials designed to make boys and girls aware of their rights and help them to decide for themselves. The educational kit “Who Decides Whom You Marry?” provides teachers with background information, practical lessons and other supports. The subject of forced marriages and family can either be addressed directly or through topics such as love and relationships, life choices, family, human rights or values and norms. A variety of interactive approaches are possible including group sessions, discussion cards, stories and film tips. The teaching materials, which are addressed to all young people regardless of their religion or country of origin, try to dismantle prejudices and encourage dialogue on essential social questions. The aim also is to make young people more aware of their social environment and teach them how they can help those concerned. 25.05.2012

Further information:
TERRE DES FEMMES
Christa Dold

ICP: Conflict Office Bern

The Institute for Conflict Transformation and Peacebuilding (ICP) opened a Conflict Office in Bern at the beginning of May. Its aim is to create space for mediation and provide professional intercultural conflict resolution. The Conflict Office should be able to make a real contribution to mutual understanding and respect in society. Migrants in particular gain access to advisory services to support them in improving the social cohesion. The Office will help to develop creative, non-violent and cost-effective approaches to conflict resolution. A long term project is the training of multipliers in conflict transformation. The Conflict Office is supported by the Swiss Federal Government’s credit for integration projects. 02.05.2012

Further information:
ICP Fabienne Glatthard

SAD: Sports and Games for Bottom Up Conflict Transformation in Sri Lanka

Dialogue processes in Sri Lanka are not at present possible, be it at the political level or at the level of civil society. The best approach to conflict transformation is therefore through the promotion of mutual understanding at the grassroots level. The Swiss Academy for Development (SAD) together with the Sri Lankan NGO “Future Peace” have been promoting didactic sports activities and games since 2009. These are intended as indirect, non-political and thus accessible instruments for initiating processes of exchange and dialogue between Sinhalese and Tamil villages. These “transformational” activities which offer space and opportunity for exchange between mixed teams in term of gender and ethnical background seeking solutions together and resolving differences through dialogue, prepare the way
for more advanced dialogue processes involving parents and other stakeholders in the villages concerned.

Information gathered through project monitoring has shown just how successful this approach has been. Tamil and Sinhalese children and youths develop strong friendships, visit one another’s homes, meet for games or do their homework together. Prejudices and stereotypes about “the others” disappear, as can be seen from the following quotation: “Before joining the sports club, I thought the Tamils were a hateful and an unwanted community. But after joining the sports club I learned that they are equally good natured. I learned that Tamil children are children with equally good qualities and manners.” Sinhalese participate in celebrations organized by the Tamil minority, usually for the first time. Conflicts and disputes within the teams are resolved through discussion and dialogue and no longer through verbal or physical violence as in the beginning of the project. This new behavior has become a standard feature of daily life. Furthermore there has been a noticeable increased in the self-esteem of Tamil children, who express their opinions more freely, introduce their own ideas into games and more readily accept responsibilities.

21.05.2012

Further information:
SAD Niklaus Eggenberger

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**News from Swiss Government Agencies**

**HSD: Swiss Human Rights Activity in Senegal**

Human rights consultations between Switzerland and Senegal were launched in Dakar in mid-May as part of efforts to strengthen Switzerland’s commitment to human rights in West Africa. Senegal is the second country after Nigeria with which the Confederation has launched such a human rights dialogue.

The talks were opened by the new Senegalese Minister of Justice. The Senegalese delegation was led by the General Director of Justice and Consular Affairs in the Foreign Ministry. The Swiss delegation was headed by the special envoy for human rights issues in the Human Security Division (HSD). The Swiss Ambassador in Dakar also participated actively in the launch.

The talks covered not only multilateral but also bilateral human rights questions. The experiences of both countries in the framework of the Universal Periodic Review (UPR) of the United Nations Human Rights Council were central to the discussions. Also explored were such issues as access to justice and children’s rights. Further topics had to be adjourned to the next round of talks.

The topics were chosen to meet the prerequisites for a planned project in the area of juvenile justice. It aims to improve the professionalism of those active in this field and is to be launched in November in partnership with the Centre de Formation Judiciaire de Dakar. In charge of the project will be the Director of the International Institute for the Rights of the Child (IDE), together with the Head of the Juvenile Court of the canton of Fribourg.

The official discussions were complemented by two workshops in which numerous representatives of Senegalese non-governmental organizations exchanged views on the protection of children’s rights and access to justice. Experience has shown that the active inclusion of civil society is a key condition for productive work in the field of human rights.

23.05.2012

Additional information:
HSD Martina Schmidt
The greater the success of peacebuilding in fragile and conflict-affected situations the sooner basic human rights will be respected. Respect for human rights is a *sine qua non* for a sustainable peace. In its “Conflict and Human Rights Network” the Swiss Agency for Development and Cooperation (SDC) recognizes that these two concepts are complimentary, including at the level of international development cooperation. Each approach has its own relevance. The human rights approach for example is not only valid in fragile contexts. The SDC must of course deal with difficulties and dilemmas, as in a situation of continuing violence while maintaining its presence in the field. The promotion of human rights needs to be both conflict-sensitive and consistent. When confronted with conflict-affected situations development cooperation must make a targeted effort to reduce suffering through conflict-sensitive and peacebuilding measures. Human rights violations are cause as well as effect of conflicts. Conflict orientated development cooperation therefore also has to address discrimination, persistent denial of rights, uneven distribution of power and resources, and state-sponsored repression.

The SDC’s approach to human rights offers a useful reference framework to this end. Its focus is on the strengthening of legitimacy and state structures, so that the state can fulfil its obligations to promote fundamental rights and human dignity, the promotion of civil society actors to defend fundamental rights and above all constructive interaction and negotiation processes between the state and its citizens. The basic principles in doing so include transparency, accountability and the promotion of equality and non-discrimination.

Despite the considerable challenges involved, even in violent conflicts there are opportunities to promote respect for human rights. On the basis of the principle of advocacy the SDC’s Humanitarian Aid Division for example expressly defends the rights and the dignity of victims of armed conflict. This extends to legalization of their status, access to land, accommodation for returning refugees, and careful distribution of emergency aid to the poorest and weakest to avoid fueling conflict dynamics and playing into the hands of war profiteers. One example is the support which the SDC provided to human rights organizations for the documentation of human rights violations, and making these public, during the armed conflict in Nepal, while at the same time making sure their programs consistently benefited disadvantaged segments of the population. In this way the SDC helped to ease social tensions and reduce the root causes of the conflict. Other examples include SDC programs in West Africa which have helped to clarify claims to land rights and thus resolve conflicts over resources.

22.05.2012
The Challenges of a Just Peace

The 9th issue in the Berghof Dialogue Series takes a deeper look at the relationship between human rights protection and conflict transformation. The lead article is based on the assumption that the conjunction of the two approaches has the potential to improve the analysis of conflict situations as well as sustainable peacebuilding practice. To achieve this conflict transformation needs to put more emphasis on structural conditions, the role of the state, systems of government and issues of power. Complimentary to the lead article there are critical appraisals by various experts and practitioners from Uganda, Israel/Palestine and Colombia. Several authors remark that a human rights approach which sees itself as a “moral absolute” might divide the conflict parties further, while conflict transformation due to its pragmatism might not lead to justice. The authors do however also see similarities in these two approaches as well as potential for them to complement one another. But such a holistic approach would require closer cooperation in the field between peacebuilding activists and human rights defenders. Not all the experts aim for combining the two approaches however, instead they lay the focus on the elements in common, for which learning processes and cooperation have to take place. In conclusion several authors point out that universal models have only limited applicability at the practical level – initiatives always need to be tailored to local conditions before they can be applied.

24.05.2012

Post-2015 Development Goals

With less than three years to go to the 2015 target date for the Millennium Development Goals (MDGs), the time has come to begin preparing a follow-up development framework. With regard to the “Rio+20” Conference on Sustainable Development in Rio de Janeiro in June 2012 a new subpage on the MDG website provides a summary of the current status of the ongoing preparation process with a list of relevant publications. An interactive timeline tracks the most important events and activities leading up to the 2015 framework agreement.

The remainder of the webpage offers more in-depth material, reports and an historic perspective on the MDGs. Various links provide the relevant statistical information on the current status of their implementation.

16.05.2012
International Partner Organizations

GIZ
- The latest issue of the GIZ magazine “akzente” is devoted to political participation. The Arab Spring serves as a case in point, an illustration of how important continuous dialogue between the state and society is for a functional democracy. In this context the magazine introduces various projects aimed at promoting political participation.

International Alert
- International Alert is one of 35 organizations contributing to a new “How to Guide to Conflict Sensitivity” manual. It offers practical advice to professionals in the areas of development cooperation, humanitarian aid and peacebuilding. The Conflict Sensitivity Consortium has been compiling the experiences of organizations in the field since 2008.

EPLO
- The EPLO has published a position paper on the EU’s external financing instruments. The current revision of those instruments presents an unprecedented opportunity to fully integrate peacebuilding and conflict prevention into the EU catalogue of external policy measures.

Conciliation Resources
- Conciliation Resources published a review on the organization’s activities and achievements during 2010 and 2011, which is entitled “Alternative Paths to Peace”. Furthermore the final policy brief in their People’s Peacemaking Perspectives project is online and the NGO is now also on Twitter.

Events

Amnesty International extends an invitation to a meeting to discuss the impending Arms Trade Treaty (ATT). Participants at the meeting on 7 June in Bern include representatives of Amnesty, the Swiss government and the arms industry. For additional information and registration

Steps for Peace is carrying out a training session on Do No Harm as well as Reflecting on Peace Practice on 18-22 June in Berlin at which both the concepts and their practical application will be discussed. Additional information

The third International Conference on Research for Development (ICRD 2012) is to be held on 20–22 August 2012 in Bern, Switzerland. The aim of the conference is to share and discuss recent insights on development-oriented research conducted in North-South partnerships and to develop a research policy agenda for global change. Registration
Starting in September 2012, the Swiss Peace Foundation swisspeace and the University of Basel will offer for the first time a one-year postgraduate program in civilian peacebuilding (Certificate of Advanced Studies CAS). The course is designed for practitioners as well as those either beginning a career or changing a career in fields such as peacebuilding, development cooperation, human rights, humanitarian or social work. Registration deadline: 30 June.

A KOFF training course on Connecting Human Rights and Conflict Transformation is scheduled for 30 January to 1 February 2013. During the course Michelle Parlevliet will further develop the theme of this issue’s Focus article. Registration deadline: 9 January 2013