Embracing concurrent realities: Revisiting the relationship between human rights and conflict resolution
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Chapter 1: Introduction
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It is early January 2001. South African residents of Du Noon and Doornbach, two adjacent squatter areas to the north of Cape Town, forcibly evict people of foreign descent living in their midst, ostensibly in retaliation for the killing of a South African squatter. They chase out the ‘makwerekwere’ (a derogatory term used in South Africa to denote migrants from other African countries), threatening them with more violence should they try to return and accusing them of being involved in crime and of stealing jobs, houses, and women. Those evicted, their shacks and other belongings having been destroyed through arson and other means, seek refuge at a local police station. This is poorly equipped to deal with the sudden presence of over a hundred upset, fearful and angry non-nationals. The local municipality steps in to provide food and temporary shelter, erecting tents on the station’s premises. It also contacts a well-known non-governmental conflict resolution organisation in Cape Town, the Centre for Conflict Resolution (CCR), to request assistance in resolving this situation.

Two mediators from CCR contact the informal leaders of the South African squatter residents and those evicted, to check whether they – and the people they represent – agree to CCR facilitating a conflict resolution process to address the issues between them. They engage with the local police and local municipality, both of which are keen to get the matter sorted out as soon as possible. The municipality stresses that it can only provide relief to those expelled for a brief period of time. The mediators also communicate with the local office of the South African Human Rights Commission (SAHRC), since it too approached CCR for support in relation to this violent eviction, having received a few complaints of human rights violations. As the country’s principal human rights institution, the SAHRC is concerned about violence directed against non-nationals. Unfortunately, this is not a new phenomenon in ‘the new South Africa’, but few incidents of this scale have been recorded until now.¹

For the Centre for Conflict Resolution, this situation was not unlike others the organisation had encountered before. In the 1980s and 1990s, CCR had been one of several Cape Town-based non-governmental organisations (NGOs) actively involved in addressing community-based conflict and containing political violence in cities and townships in the Western Cape province. As such, the organisation had often intervened in conflicts that had already erupted into violence or might do so in future, and in which the pressure was on to deliver results as quickly as possible.

CCR’s practitioners were used to operating in situations where hostility was intense, passions ran high, multiple issues – social, political, economic, cultural – appeared to be at stake, and which involved a range of actors, all with their own concerns and priorities. In this particular instance, the lead mediator was a seasoned practitioner, a long-term lay minister and community activist who had cut his conflict resolution teeth in the first half of the 1990s, when political violence in South Africa was at its height. His co-mediator was a former student activist, whose turn to ‘professional’ conflict resolution practice was more recent but no less rooted in concrete life experience. And yet,

¹ Personal notes, on file with author. Those evicted were mostly Namibians and Angolans; the term ‘non-nationals’ is derived from SAHRC practice. For more discussion and references, see 5.2.3, 7.1.1 and 7.4. A brief discussion of this case was previously published in Galant and Parlevliet (2005).
The Centre's mediators soon find themselves in a bind. The South Africans living in the two settlements are inflamed by claims – contained in local media reports – that they have violated the evictees’ human rights, and that xenophobia must have played a role in their behaviour. As they speak with the mediators, they indicate their willingness to take part in a facilitated dialogue process, but also say that they will walk out if they are accused of xenophobia or if their actions are going to be talked about in terms of human rights.

Meanwhile, those sheltered at the police station tell the mediators that the violence and destruction inflicted on them can only be talked about in such terms. They insist that, for them to participate, the abuses committed should be included as ‘human rights violations’ in any agenda for talks between themselves and their former neighbours. In their view, not doing so will amount to their further victimisation. Some have lodged a complaint of human rights violations with the South African Human Rights Commission; a few have also laid criminal charges for theft and destruction of property. ²

At the time, I was working at the Centre for Conflict Resolution, managing a programme on human rights and conflict management I had helped to establish at the Centre nearly two years before. While I had read about the expulsion in local newspapers, I only became aware of CCR’s involvement when the mediators working on the case invited my programme colleague and myself to join them on the mediation team. Noting that this case raised some difficult questions, they suggested that it would be useful if some more ‘human rights’-oriented people assisted the mediation, given the apparent prominence of human rights issues.

Why was the very use of human rights language considered so contentious – and how should they deal with that? Another concern related to impartiality: if, as mediators, they were to raise the alleged human rights violations as issues in the dispute to be addressed in mediation, the South African residents would perceive them as biased. Yet not doing so might well make the mediators suspect in the eyes of those who had been thrown out of the informal settlements. How were they going to avoid alienating the South Africans without downplaying the treatment meted out to those evicted? Then there were the complaints lodged with the SAHRC and a criminal case the police had opened – what did these mean for the intervention process? My mediator colleagues were quick to point out that, of course, they were well versed in mediation and we should not think of them being at a loss about how to handle this. Even so, our knowledge of human rights might be useful as they set out to analyse the conflict, devise an intervention strategy and liaise with the SAHRC.

Until then, much of the work undertaken through the Human Rights and Conflict Management Programme (HRCMP) I managed at CCR had entailed assisting rights-focused organisations to explore how they could use conflict resolution methods to enhance their human rights work; this had included a prominent human rights NGO, the South African Human Rights Commission and a network of refugees in Cape Town.

² Personal notes, based on conversations with mediators at the time, on file with author.
The interaction with my mediator colleagues, however, brought to light other facets of the relationship between human rights and conflict resolution.

It showed how conflict resolution practitioners might grapple with human rights questions arising in the course of their work – questions that were impossible to ignore since they could affect the credibility or effectiveness of conflict resolution efforts. It also illustrated the terms in which my colleagues perceived this case, such as ‘the parties’, ‘issues to a dispute’, ‘intervention’ and ‘impartiality’. Yet it could also be talked differently, using human rights terminology – ‘abuses’, ‘violations’, ‘allegations’, ‘victims’ and ‘perpetrators’. Did these alternative ways to view and name the same empirical reality have implications for how to approach the matter and conceive of possible solutions? It further seemed that my mediator colleagues were not very familiar with dealing with the human rights aspects of a case like this. In fact, this rights dimension appeared to generate some discomfort, as if it interfered with my colleagues’ tried and tested conflict resolution process and methodology.

The situation described above is only one example of how questions of human rights and conflict resolution may intersect in the practice of individuals or organisations seeking to advance human rights or ensure the sustainable resolution of conflict. Here, conflict resolution practitioners sought to draw on knowledge of human rights as they set out to facilitate a dialogue to resolve a specific conflict between parties. In addition, a human rights institution sought support from a conflict resolution organisation in dealing with a situation where rights and conflict were entangled. However, in many other situations, no such link between human rights and conflict resolution perspectives or approaches is made. Alternatively, when they do meet, they are often perceived as being at loggerheads, however surprising or counterintuitive that may seem to people unfamiliar with either field or with international relations (Solomon 2006, ix). Practitioners from the two fields may thus be oblivious of one another’s efforts, despite operating in the same context, or they can appear to work at cross-purposes.

This study is about the relationship between human rights and conflict resolution in theory and practice. It considers how the interplay of the two fields manifests in reality and what questions this raises for practitioners working in them. Focusing especially on the work of national or local civil society organisations and independent state institutions, it also considers the implications of this interaction for the relationship between human rights and conflict resolution more generally, in light of a longstanding debate on these fields supposedly being contradictory or complementary in nature.

The study is based on some eighteen years of practical experience working on the nexus of human rights and conflict resolution in various capacities (notably programme manager, trainer, facilitator and adviser) and contexts, supplemented with a review of relevant literature and interviews. Much of this practical experience
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was gathered in the course of my work at CCR (1999-2005), in the context of which I collaborated with other organisations and institutions throughout South Africa and travelled repeatedly to Northern Ireland and Zimbabwe to work with actors based in Belfast and the Manicaland province. Other experiences were gathered while serving as senior conflict transformation adviser for a Danish-funded human rights and good governance development programme in Nepal that provided financial and substantive support to some 60 domestic civil society actors, which focused on human rights protection, access to justice, democracy promotion, social inclusion and media freedom (2006-2009).³

Outside these periods of formal employment, I have also benefited from insights arising from assignments focusing on human rights and conflict resolution undertaken as an independent consultant. During my work on this study, I became involved in various projects that were directly relevant, including speaking engagements at meetings of practitioners and scholars from the two fields, preparing a joint publication, facilitating training workshops on linking human rights and conflict resolution for practitioners from various organisations, and participating in a few internal UN processes.⁴ All in all, this study combines insights from practice and theory and constitutes an exercise in reflective practice, as will be explained below.

The remainder of this introductory chapter sets out the background to this study, its relevance, focus and research questions. It also clarifies the theoretical grounding of the study and discusses its methodological approach. Finally, it provides a brief preview of the chapters. Before we move on, however, it is useful to briefly clarify the use of the terms 'human rights' and 'conflict resolution'. More discussion of these and related terms will follow in chapters focusing specifically on the two fields.

'Human rights' is understood here as referring to norms that express expectations about appropriate behaviour and capture ideas about the equal moral worth of all human beings (Chong 2010, 21; Mertus 2011, 128). Since these are largely reflected in international treaties, the term also refers to such standards and to the legal and moral claims made by individuals and groups based on them. Finally, it denotes a particularly defined, specialist field of inquiry and practice (as in 'the human rights

³ See the curriculum vitae at the back of this book.
⁴ These include the design and delivery of six training workshops on connecting human rights and conflict transformation (of which four for Swiss development practitioners (2012-2015); two for German practitioners, including coordinators from the German Civil Peace Service (2009, 2012); and one for a Zimbabwean human rights NGO (2012)); preparation of a publication on human rights and conflict transformation in development practice, with staff members from the peace and security and human rights-based approaches sections of German development assistance (Parlevliet 2011a); participation in three Amsterdam Dialogue meetings between high-level human rights advocates and senior mediators (2010-2012, see also fn. 13 below); delivery of keynote address to Annual General Meeting of KOFF Centre for Peacebuilding in Switzerland (2012); assignments with the United Nations (2012-2014, see fn. 14 below); facilitation of a working session on human rights, justice and peacebuilding at international conference hosted by German peacebuilding network Fri-Ent (2014); and facilitation of two learning events about human rights and peacebuilding for international peacebuilding NGO Conciliation Resources (2014).
field’ or ‘human rights journal’). As regards ‘conflict resolution’, the study uses this as a generic term to cover the whole gamut of positive conflict-handling and the field as such, following two canonical publications (Ramsbotham, Woodhouse, and Miall 2011; Bercovitch, Kremenyuk, and Zartman 2009a). The use of this term rather than any other – such as conflict management, conflict transformation or peacebuilding – is further justified by its frequent use in the debate on the relationship between the two fields (e.g. Babbitt and Lutz 2009a; Hannum 2006).5

1.1 Rationale, Focus and Research Questions

1.1.1 Background

Historically, the fields of human rights and conflict resolution have largely developed separately as bodies of theory and practice. For years, they existed more or less in parallel universes that were barely connected, each rooted in different disciplines and focusing on a specific set of concerns, resulting in human rights and conflict resolution organisations generally operating independently from one another (Arnold 1998a, 1).

Conflict resolution initially concentrated mostly on understanding and addressing violent conflict, with particular emphasis on preventing violence breaking out between states. For human rights actors, on the other hand, holding the state accountable for abuses of power in its relating to citizens was crucial, prompting a focus on the development, codification and implementation of legal standards. Until the 1990s, scholars and practitioners devoted relatively little attention to the question of how these fields related to one another, even though the 1948 Universal Declaration of Human Rights had explicitly linked the protection of human rights with the prevention of violent conflict, stating that “it is essential, if man is not compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.”6

Over time, however, these separate endeavours, both set on improving the human condition (Babbitt 2009a, 615), have increasingly moved towards one another, due to a changing context, expanding notions of ‘human rights’ and ‘conflict resolution’, and growing ambitions in each field. This especially started happening once the Cold War ended, as normative considerations became more prominent in international relations and efforts to end violent conflict through negotiated settlements between adversaries became central to the desire to ensure ‘a new world order’. Attention was shifting to conflict within states rather than between them. Amongst policy-makers, scholars and

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5 My own use of terminology in previous publications has varied over time as I have used, consecutively, ‘conflict management’, ‘peacebuilding’ and ‘conflict transformation’ (in Parlevliet 2002, 2009, 2010a, 2011a, respectively). This is due to my various organisational contexts, the different audiences addressed and progressive insight over time. For an explanation of my use of the term ‘conflict management’, see Parlevliet (2002, 9); on my shift to ‘conflict transformation’, see Parlevliet (2010a, 16).

practitioners, awareness grew that such peace agreements were relevant from a human rights perspective. After all, whatever was agreed in peace talks would form the foundation for future systems of governance and the protection of human rights in the post-settlement context; it might also provide an opportunity to address past abuses. Hence, ‘peace’ became more and more linked to the notion of justice. Conflict resolution was no longer simply measured by the absence of bloodshed but by the “moral quality of the outcome” (Baker 1996, 566).

It soon became clear that Isaiah Berlin was right in suggesting that not all good things go well together (Berlin, Hardy, and Hausheer 1997, 7). The belief that the pursuit of justice and peace can easily be simultaneously pursued was abruptly challenged in the Balkans. After the 1995 Dayton Peace Agreement formalised the break-up of the former Yugoslavia, an anonymous author in a key human rights journal accused the international human rights movement of having prolonged the war in Bosnia-Herzegovina by insisting on a peace agreement fully compliant with human rights standards. S/he observed that human rights activists had denounced pragmatic deals that could have ended the violence, even though – with hindsight – these proposals had been no worse than the eventual agreement in rewarding ethnic cleansing and aggression. Thereby, these activists had effectively made “today’s living the dead of tomorrow” by pursuing a perfectly just and moral peace that would bring “justice for yesterday’s victims of atrocities” (Anonymous 1996, 259). An influential human rights scholar hit back soon after, arguing that,

The human rights community’s articulation of concern, identification and analysis of the facts, and pressure for protection against abuses cannot be subject to the vagaries of international politics or the particulars of negotiations. Its role has been and [...] should be to point a spotlight on abuses, to demand action to stop abuses, and to call for punishment of the perpetrators. To do otherwise would turn [it] into just another political actor, rather than an impartial force in favor of human rights principles (Gaer 1997, 7-8).

Since then, a growing body of literature has emerged that looks at various aspects of the relationship between human rights and conflict resolution.7 A recurrent theme has been the idea that the normative nature of human rights standards complicates practical conflict resolution efforts, pitting principle against pragmatism and norms against politics. Arguably, human rights bring in or exacerbate the moral dimension in conflict (Nherere and Ansah-Koi 1990, 34).

A tension has thus been perceived to exist between human rights promotion and conflict resolution practice, or between ‘justice’ and ‘peace’. This has become all the more pronounced as ‘human rights’ is increasingly associated with international criminal law, which has developed rapidly since the late 1990s. A vehement ‘peace

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versus justice’ debate has unfolded in relation to various countries around the globe affected by widespread societal violence. Those focused on conflict resolution tend to prioritise peace as a basis for justice, arguing that a viable and enduring system can only be developed once violence had ceased and conflict has been resolved; those focused on protecting and promoting human rights are likely to stress that lasting peace requires justice, in terms of holding perpetrators accountable, restoring the rule of law, and building democratic institutions. This debate presents advancing human rights and addressing conflict as being diametrically opposed: an emphasis on norms places certain demands on conflict resolution that appear to limit its prospects.8

Even so, recognition has grown over time that “justice, peace and democracy are not mutually exclusive objectives, but rather mutually reinforcing imperatives” (United Nations 2004, 1). This stems partly from the broader understandings of ‘peace’ and ‘justice’ that have evolved. These days, peace is thought to go beyond “the negative peace of order and the cessation of direct violence” (Ramsbotham, Woodhouse, and Miall 2011, 251); it now also comprises addressing the underlying causes of conflict that give rise to violence. Meanwhile, the notion of justice has been differentiated beyond individual criminal accountability, including also distributive justice and institutional reform (e.g. Bloomfield 2006; Mani 2002).

Moreover, it has been increasingly acknowledged that violations of – and demands for – human rights can be both causes and consequences of violent conflict in various ways. With human rights being relevant to the generation and manifestation of such conflict, it follows that they also have a bearing on its resolution and prevention (Mertus and Helsing 2006b; Parlevliet 2002, 39).9 A more complementary relationship between human rights and conflict resolution has thus been noted in the literature, with some publications serving as “acts of advocacy” (Lutz, Babbit, and Hannum 2003, 192) arguing for collaboration and cross-fertilisation: “the fields of human rights and conflict resolution are interdependent, [...] they must operate in synergy, and [...] have much to learn from one another” (Babbitt and Lutz 2009b, 9; also Babbitt and Williams 2008; Parlevliet 2002)

Interactions between practitioners from both fields and in societies affected by violent conflict indeed seem to reflect a potential for complementarity, cross-fertilisation and synergy. For example, actors in one field may draw on insights and methods from the other field (like my conflict resolution colleagues in the example described above, who sought to utilise knowledge of human rights when embarking on a mediation process). Alternatively, a human rights NGO focused on advocacy, monitoring and reporting of abuses starts to facilitate local agreements between warring opponents to reduce violence or ensure the release of people who have been abducted, despite this

8 For example, since the late 1990s, mediators acting on behalf of the UN have been prohibited from endorsing agreements that provide for amnesties for genocide, crimes against humanity, war crimes or gross violations of human rights; see Transitional Justice Institute (2013), United Nations (2012) and Hayner (2009a). See also 8.4.2.

9 See also Lutz (2009), Baldwin and others (2007) and Thoms/Ron (2007).
function being more commonly linked to conflict resolution. These and other experiences suggest that the boundaries between the two domains may be less clear than is often assumed; there is a “blurring of the lines between human rights and peace work” (Mertus 2011, 128). Another indicator of such ‘fluidity’ is the existence of actors that cannot easily or distinctly be defined in human rights or conflict resolution terms. Their work comprises activities geared towards both the non-violent handling of conflict and ensuring respect for human rights.10

Finally, practitioners increasingly seem to move back and forth between the fields at both elite and grassroots level. One high-level example is Louise Arbour, who joined the International Crisis Group – an international NGO focusing on preventing and resolving deadly conflict – once her term as United Nations (UN) High Commissioner for Human Rights ended.11 Another is Jan Egeland, a former diplomat from Norway long known for his role in several peace processes (including the 1992 Oslo Accords between Israel and Palestine and the 1996 Guatemala peace agreements), who later moved to Human Rights Watch, a prominent international human rights NGO.12

1.1.2 Societal Relevance

At present, therefore, seemingly contradictory realities can be observed. On the one hand, multiple declarations and reports have highlighted the importance of linking human rights and conflict resolution initiatives and perspectives. An early example is the first report of the UN Secretary-General on the rule of law and transitional justice in conflict and post-conflict situations (United Nations 2004). A more recent one is the 2011 World Development Report, which emphasised the relationship between conflict, security and development and pointed to the need for developing the rule of law in preventing and recovering from crisis situations (The World Bank 2011). In general, human rights norms have become an important component of the global policy framework for thinking about and dealing with conflict, not least because of a greater focus on protecting civilians in all stages of conflict (Parlevliet and Eijkman forthcoming).13

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10 This is often the case with religious bodies (such as Catholic Commissions for Justice and Peace in various countries) or with independent state institutions such as the Northern Ireland Parades Commission (see chapter 6).
11 Arbour left the organisation in July 2014 after serving as its President from 2009. Before serving as UN High Commissioner for Human Rights (2004-2008), she had been the Chief Prosecutor for the International Criminal Tribunals for the Former Yugoslavia and Rwanda (1996-1999).
12 Egeland served as the organisation’s Deputy Director and Europe Director between 2011 and 2013, after working as UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator from 2003. Prior to his involvement in peace processes, he had served as Chair of Amnesty International Norway and Vice-Chair of the International Executive Committee of Amnesty International (another prominent international human rights NGO).
13 This focus is evidenced, for example, in the fact that the UN Secretary-General has regularly reported on the protection of civilians since 1999, and has done so on an annual basis on the role of women in facilitating peace and security (since 2010) and on children and armed conflict (since 2012).
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In practice too, there are signs of greater understanding between advocates and practitioners of human rights and conflict resolution, with various insiders observing a significant shift in the interaction between actors in the two fields and more actual connection of human rights protection and conflict resolution efforts. Some intergovernmental organisations and civil society actors “have begun to break new ground in combining human rights with conflict resolution work” (Babbitt 2009a, 622). Amongst civil society organisations, this includes collaborations between human rights and conflict resolution actors, as well as NGOs that integrate rights concerns into their conflict resolution work (idem, 625). Meanwhile, the UN has come to insist that mediators should be familiar with the applicable international law and normative frameworks when facilitating peace negotiations (2012; Hayner 2009a). Several steps have also been taken to increase understanding, exchange and collaboration between agencies and practitioners working on human rights and those focusing on conflict prevention and peacebuilding in the UN system.15

In addition, human rights and conflict resolution perspectives are increasingly meeting in the context of development cooperation, following a growing emphasis on incorporating a human rights based-approach and conflict sensitivity in development practice. In 2007, the Development Assistance Committee of the Organisation for Economic Co-operation and Development commissioned a scoping study on human rights, conflict and peacebuilding to improve programming in sectors that are relevant from both perspectives (OECD-DAC 2007).16 At least two large bilateral development agencies have published briefing notes or practical guidance documents in this area since 2010.17 In sum, there is considerable interest in and desire to enhance links between the human rights and conflict resolution fields, both in the policy realm and ‘on the ground’, i.e. where human rights protection work is done and conflict resolution efforts are undertaken.

14 Comments from various participants at the second and third Amsterdam Dialogue, an annual high-level, invitation-only conference for peace mediators, human rights advocates, the ICC and academics, jointly hosted by Dialogue Advisory Group, Human Rights Watch, and International Crisis Group, Nov 2011, Nov. 2012.
15 This includes a study on the role of human rights in conflict resolution and the relationship between the UN Office for the High Commissioner for Human Rights and the Department of Political Affairs (Hannum 2006); a one-day learning event to increase the interaction between human rights and conflict prevention practitioners (29 June 2012, New York); a three-week online consultation to canvas experiences and ideas from people in the UN system on bringing together human rights and conflict prevention perspectives, cross-posted on nine internal listservs (20 June - 9 July 2013); development of an online course on human rights and conflict transformation for UN personnel through the UN System Staff College; and a three-day pilot dialogue process between UN human rights advisers and peace and development advisers based in Eastern Europe and the Caucasus, also involving representatives from relevant UN agencies in New York and Geneva (26-28 February 2014, Caux). The reports on the online consultation and the events in New York and Caux are not public, but are on file with the author of this study. I provided expert input to the one-day learning event in 2012, advised on the development of the online course, and acted as facilitator of the online consultation in 2013 and the dialogue process in 2014.
16 Examples are land reform, justice sector reform, security sector reform and governance and decentralisation.
17 These are the German Agency for International Technical Cooperation (Parlevliet 2011) and Swedish International Development Cooperation Agency (2012).
On the other hand, the fields of human rights and conflict resolution seem as irreconcilable as before, if not more so. Only recently did Louise Arbour question whether freedom, peace and justice are actually incompatible agendas in reality, despite the nexus between human rights, security and development being “so compelling rhetorically” (2014). Some argue that the debate on peace versus justice has intensified over time (Johansen 2010, 189; Hayner 2009b). The involvement of the International Criminal Court (ICC) in situations of violent conflict where peace talks are badly needed, imminent or in progress, has been a catalyst in this regard. Fears remain that the push for accountability and the threat of prosecution is a disincentive for peace, prompting dictators and insurgent leaders to entrench themselves rather than negotiate a transition from authoritarianism or civil war. It has also been questioned whether criminal trials are an adequate response to politically driven mass violence.

This debate has been remarkably heated, even “vituperative” (Sikkink 2011, 25), with not only (alleged) perpetrators and victims taking strong positions on the matter, but also scholars and practitioners. In fact, intense polarisation between human rights activists and conflict resolution workers has ensued at times as they perceive one another’s efforts and approaches as being detrimental to their own objectives. Serious divisions emerged, for example, within Kenyan civil society after the post-election violence in early 2008. Arguably, at some point human rights activists and conflict resolution practitioners spoke less with one another than they spoke out against one another, questioning one another’s priorities and strategies. In Sri Lanka too, advocates of the two approaches have been at loggerheads (e.g. Hoole 2009; Keenan 2007).

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20 After incumbent President Mwai Kibaki was declared winner of the presidential election of December 2007, large-scale violence erupted, following calls from his opponent, Raila Odinga, to supporters to engage in mass protests against alleged manipulation of the results. Targeted ethnic violence escalated, initially directed mostly against the Kikuyu population (to which Kibaki belongs). Former UN Secretary-General Kofi Annan eventually facilitated a power-sharing agreement between Kibaki and Odinga, including the formation of a coalition government.

21 Separate conversations with George Wachira, a prominent conflict resolution practitioner (Berlin, 27 January 2010); Firoze Manji, who hosted an internet-based discussion forum for Kenyan activists on the violence (Oxford, 8 May 2010); and Ron Slye, an international member of the Kenyan Truth, Justice and Reconciliation Commission (Cape Town, May 2009). A leading Kenyan human rights activist (name withheld on request) agrees there were tensions but would not go as far as the comment made here.
Aside from such direct tension, human rights and conflict resolution efforts are still, by and large, separated in the institutional set-up of many organisations concerned with human rights protection, conflict and peace, including the UN, bilateral development agencies, or country-specific civil society organisations: human rights and conflict resolution perspectives are usually housed in different units or are championed by different individuals. Interaction and exchange between these units or persons is usually limited due to the pressures they face related to separate schedules, deliverables and budgets. Questions of terminology add to this ongoing disconnect between the fields, as people may use different terms to refer to the same phenomenon or use the same term but mean something different.\footnote{An example of the latter is ‘impartiality’, as will be explained in the chapter comparing the two fields (see 4.1.3).}

This institutional separation impacts on what happens in practice. Practitioners still often work in an isolated manner and seldom consider how their respective efforts might relate, for better or worse. Many human rights practitioners do not see themselves as dealing with conflict in any real way, while many conflict resolution practitioners still tend to overlook human rights issues as they design and facilitate processes to address conflict. Mertus thus observes that “the degree of cooperation between human rights advocates and peace advocates should not be overstated” (2011, 128). As a result, when they do encounter one another, they still regularly perceive the other’s efforts as interfering with their own. Attention and energy often shifts then from dealing with the problems at hand to pointing out the limitations in the others’ analysis and approaches.

This study’s point of departure is that such polarisation detracts resources from what actors in these fields seek to achieve, and that greater understanding of the relationship between human rights and conflict resolution may positively contribute to what they do, how they operate, how they relate to one another in practice and the impact of their efforts. It recognises that such understanding is hard to come by when the stakes are high:

Where violent conflicts or massive violations of human rights are occurring, all interveners are likely to feel pressure to act urgently to reduce the likelihood of continuing bloodshed or abuse; to react to events rather than to anticipate them; and to be impatient with those whose aims or philosophies diverge from their own. These are poor circumstances in which one might try to foster better inter-disciplinary communication and cooperation to achieve common goals. What is needed are venues in which academics and practitioners from both perspectives can meaningfully explore, teach and put into practice new ideas (Lutz, Babbit, and Hannum 2003, 192).
1.1.3 Academic Relevance

Besides being pertinent to the world of practice and policy-making, this study is also relevant from an academic point of view as it addresses some shortcomings of the existing literature. These are set out in this sub-section.

First, the ‘peace versus justice’ debate often overshadows other aspects of the relationship between human rights and conflict resolution. As one interlocutor noted, "this debate is a very narrow take on [the] relationship, but it is a dominant part – it is so big and powerful that it starts to pervade all thinking about the fields".23 There is, however, much more to consider and explore about the interplay between human rights and conflict resolution and this study is a conscious effort to do so. It explores how the relationship between the two fields plays out in settings other than those where ‘human rights’ equals the pursuit of individual criminal accountability for serious abuses and ‘conflict resolution’ implies reaching a high-level settlement to end violence or repression – i.e. contexts where there is a risk that those most responsible for such conditions demand immunity in exchange for agreeing to lay down arms or step down from power. This is not to downplay the difficult political, ethical and legal issues that arise in those circumstances, but to argue that much goes missing when the interaction between human rights and conflict resolution is reduced to a question of ‘peace versus justice’ (Parlevliet 2010b, 109-110; Idriss 2003).

The second shortcoming of the literature follows from the first. The heavy presence of the peace versus justice debate means not only that much literature operates with a limited conception of what ‘human rights’ and ‘conflict resolution’ endeavours entail in practice. It also implies that a narrow focus prevails in terms of timeframe and actors. Most publications focus on a time of crisis and are concerned with developments at state level involving political elites. Little attention tends to be devoted to the question of how the relationship between human rights and conflict resolution plays out for actors operating at non-elite levels and in pre- and post-crisis periods – put differently, in contexts that are not (or are no longer) defined by extensive violence.

Yet efforts to advance human rights are not just undertaken in times of crisis. Human rights concerns – related to, for example, protection, non-discrimination, freedom of expression and association, political participation or access to public services – arise at many other times and do so too in societies not afflicted by civil war. Similarly, conflict resolution practice and theory is relevant in situations of latent conflict, where societal tensions have not (or have not yet) erupted into violence or where

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23 Informal conversation, Laurie Nathan, 11 June 2011, Cape Town. Nathan is the Director of the Centre for Mediation in Africa at the University of Pretoria, South Africa. He was previously a visiting fellow at the Crisis States Research Centre at the London School of Economics (2005-2010), and the Executive Director of the Centre for Conflict Resolution in Cape Town (1992-2003). He has also served on the African Union’s mediation team for Darfur (2005-2006) and the International Council for Conflict Resolution of The Carter Center (2001-2004).
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widespread violence has abated, for example after an agreement (Ramsbotham, Woodhouse, and Miall 2011; Bercovitch, Kremenyuk, and Zartman 2009a). In terms of timeframe, moreover, it has been argued that a post-crisis period is particularly significant when it comes to ensuring respect for human rights and addressing causes of conflict. A 2003 World Bank report found that many countries emerging from civil war slide back into violent conflict within ten years (Collier and others 2003).

Moreover, much literature on the relationship between the fields disregards that extensive work on human rights and on conflict resolution is done by actors not involved in elite negotiations or other high-level processes, notably civil society organisations and independent state institutions. Literature from both human rights and conflict resolution studies has, however, long recognised that such actors – be they non-governmental organisations, professional associations, religious bodies or national human rights commissions – can play important roles in human rights protection and conflict resolution. They may do so by, for example, providing legal assistance to indigent people, monitoring rights violations, dealing with complaints of rights abuses, enhancing conflict-handling skills, facilitating interaction between people from different identity groups, or intervening in community conflict. To date, the literature on human rights and conflict resolution has barely drawn on such research. This is an oversight, not least because the efforts of such actors have great bearing on how conflict, conflict resolution, human rights, peace and justice, are experienced in the everyday life of common people.

Admittedly, the conflicts and human rights issues considered by these actors are usually of a different scale. Nevertheless, seemingly small, local conflicts and distinct cases of rights violations – as arising in the forceful eviction of non-nationals from squatter areas around Cape Town by South African residents noted at the start of this chapter – are often rooted in larger structural conditions related to marginalisation and insecurity, for example. These provide fertile ground for the outbreak of violence and affect practitioners’ ability to address such situations effectively and sustainably, whether from a human rights or conflict resolution perspective. Conversely, “higher-level conflicts” always manifest locally in specific conflicts that need to be resolved on the ground (Hilhorst and Van Leeuwen 2005, 540). It is hence likely that considering

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24 Conflict resolution may then be referred to as ‘conflict prevention’, ‘peacebuilding’ or ‘conflict transformation’. See also chapter 3 on terminology in the human rights field (section 3.1).


26 As Galanter has noted, “Just as health is not primarily found in hospitals or knowledge in schools, so justice is not primarily to be found in official justice-dispensing institutions. People experience justice (and injustice) not only (or usually) in forums sponsored by the state but at the primary institutional locations of their activity – home, neighbourhood, workplace, business deal [sic], and so on” (1981, 17).

27 For example, parading disputes in distinct localities in Northern Ireland have evolved in parallel with the wider peace process before and since the 1998 Good Friday Agreement. Street-level activism and community-level politics reflected the tactics adopted by the two main blocs at the level of political negotiation, resulting in violence in fragile, segregated, working-class residential areas (Jarman 2009, 191).
the experiences of such actors operating at non-elite level may provide valuable insights that can enhance our understanding of the relationship between human rights and conflict resolution more generally.

Moreover, little attention has been devoted to examining the fields of ‘conflict resolution’ and ‘human rights’ in their own right. This constitutes the third shortcoming addressed here. As I have noted elsewhere, the literature on human rights and conflict resolution has thus far tended to mix discussion of three different, but interrelated, elements: the relationship between human rights and conflict (especially violent conflict); the interaction between actors from different backgrounds who operate in the same conflict context; and, to a lesser extent, the interface between the ‘fields’ or ‘disciplines’ of human rights and conflict resolution in terms of concepts, analytical perspectives and methods (Parlevliet 2010a, 36-41). In the context of the latter two, authors usually describe practitioners and scholars in either field in simplified terms: human rights people are rigid, principled, judgemental and adversarial, while conflict resolution people are pragmatic, flexible, non-judgmental and collaborative (e.g. Bell 2006; Arnold 1998a). At best, a cautionary comment may soften such descriptions, noting that the groups often overlap in practice (e.g. Baker 2001, 756). All too often, however, “these categories are accepted on face value and reified” (Idriss 2003, 30).

Beyond the simplified categories, little effort has been made to grasp what a ‘human rights’ or ‘conflict resolution’ perspective may entail, how the fields have evolved over time, how they ‘look like and behave’ in practice – and whether they are truly as unambiguous as they are perceived and portrayed. As such, there is limited insight into how “those in each field articulate the principles and approaches that define their work” (ibid). With the differences between the fields painted in stark, dichotomous terms, moreover, there is relatively little recognition of their similarities – which is remarkable, considering that they share a common concern with protecting life and improving the human condition (Babbitt 2009a, 615-616) and have more or less come of age in the same period. A more thorough exploration of the antecedents, theory and practices of and in these fields is thus in order so that we may better appreciate what may connect human rights and conflict resolution and what may drive them apart.

The fourth and final shortcoming of the existing literature that has informed the focus and approach of this study is the fact that much of it sways between two seemingly mutually exclusive positions: the human rights and conflict resolution fields are either competing and contradictory (i.e. either human rights protection or conflict resolution has to take precedence in a given case), or they are complementary (i.e. they are mutually supportive and can be pursued simultaneously). The ‘peace versus justice’ debate outlined above exemplifies the ‘contradiction’ position, while writing on the importance of and scope for pursuing ‘peace with justice’ reflects the
‘complementarity’ position. Yet this ‘either/or’ frame does not allow for the possibility that human rights and conflict resolution may both support and be in tension with one another depending on time and context. It also seems to imply a fixed state, as if the interaction remains constant irrespective of time, location, issues or actions by organisations and practitioners. An alternative would be to consider the relationship as both variable and dynamic; it tends to manifest in many different ways, and can change over time. This raises the question of what factors may influence how the interplay between human rights and conflict resolution unfolds over time – a question that has barely been considered thus far but that appears pertinent if one seeks to reduce the risk of actors in the two fields working at cross-purposes and/or to tap into the potential for synergy.

1.1.4 Aim and Focus

This study addresses the above-mentioned shortcomings in the existing literature by focusing on the interplay of human rights and conflict resolution in the practice of civil society organisations and independent state institutions, with a view to improving understanding of the potential synergy and limitations of connecting these fields and contributing to improved practice. It will do so with reference to specific actors in particular countries, notably South Africa, Northern Ireland, Zimbabwe and Nepal. In describing and analysing practical experiences – and combining this with insights from relevant literature – the study is mostly exploratory in nature. It contains, however, an explanatory dimension in considering what may account for the variable and dynamic interaction of human rights and conflict resolution in practice, so as to shed light on their convergence and divergence in concrete situations.

1.1.5 Research Questions

The central question addressed in this study is:

How does the relationship between human rights and conflict resolution play out in the practice of civil society organisations and independent state institutions (with particular reference to actors in South Africa, Northern Ireland, Zimbabwe and Nepal), and what can we learn from this about the relationship between human rights and conflict resolution more generally?

To go into more detail, the following sub-questions guide the research:

- What constitutes the fields of human rights and conflict resolution, how have they evolved as distinctive bodies of theory and practice, what are their key features and how do they compare?

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28 See, for example, Nuremberg Declaration on Peace and Justice. Annex to the Letter Dated 13 June 2008 from the Permanent Representatives of Finland, Germany and Jordan to the United Nations addressed to the Secretary-General. UN Doc. A/62/885, 19 June 2008, as well as Martin (2002).

29 The focus on these country contexts is explained below in 1.3.4.
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- How do civil society organisations and independent state institutions seek to contribute to human rights protection and promotion, and to conflict resolution? What activities do they undertake in this regard and how do they encounter ‘the other field’?

- What challenges or dilemmas do actors seeking to advance human rights and/or conflict resolution encounter that relate to the interaction between the fields, and how do they address them in practice?

- How may specific factors influence the way in which the relationship between human rights and conflict resolution unfolds in a given context, in terms of their potential convergence or divergence?

1.2 Theoretical Framework

1.2.1 Constructivism and Actor Orientation

Theoretically, this study is grounded in constructivism, which stresses the social construction of reality. It asserts that ideas or knowledge – symbols, rules, concepts and categories, culturally bound and historically produced, and made visible through rhetorical, political, moral and cultural contestation – help to shape an actor's identity, interests and behaviour. Ideas inform how an actor constructs and interprets his or her world (Barnett 2011, 155; Chong 2010, 18). This perspective posits the notion of ‘social facts’, things that exist by the grace of human agreement and are so taken for granted that they are perceived as objective facts and shape how we categorise the world and what we do; they serve as conditioning structures for behaviour (Barnett ibid).30 Their existence calls attention to the inter-subjective nature of reality: “individuals and groups recreate and maintain these structures through their shared beliefs, practices and interactions” (Jackson 2009, 175).

This is not to say that constructivism rejects the existence of material reality; rather, it notes that its meaning and effect on human behaviour and social organisation depends on and is created through ideas, interpretation, the use of language, symbols, etc. (Barnett ibid; Jackson ibid). The social construction of reality thus shapes the definition of a situation, who can legitimately act, and what action is seen as appropriate; it endorses and enables some kinds of action while ruling out others (Chong 2010, 18). This emphasis on the social construction of reality implies that it is possible to question what are seen as matters of course (Barnett 2011). It also means that we deal with ‘a world of plenitude’ – multiple constructions – and that our grasp of this world is an interpretation that necessarily involves a reduction of its complexity (Van Leeuwen 2009, 13; Cilliers 2002, 78). It further highlights that the meanings that actors bring to their environment and activities are not always fixed;

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30 Examples of such social facts are money, states, boundaries and human rights. Barnett contrasts such social facts with “brute facts such as rocks, flowers, gravity, and oceans”, that exist irrespective of human agreement and will still exist “even if humans disappear or deny their existence” (2011, 155).
“the fixing of meaning” happens through social interaction, negotiation and contestation (Barnett 2011, 159; Hilhorst 2003, 228). These points are relevant in the context of this study, which explores varying constructions of reality as put forth by the fields of human rights and conflict resolution and the practical implications for actors in these fields when these alternative constructions meet.

A constructivist perspective thus highlights that human rights and conflict resolution, both as concepts and in practice, are inherently social activities: socially constructed processes that involve various groups of social actors (Van Leeuwen 2009, 9). It suggests that these fields are – in and of themselves – constitutive agents as each produces knowledge that impacts on actual practice. Each serves as “important discursive structure that co-constitutes the practices” of conflict resolution and human rights (Jackson 2009, 185). Hence human rights are not givens – with a metaphysical quality and inherent in humanity – but socially constructed ideas produced through interaction and subject to ongoing interpretative practices. Their features are historically and contextually contingent rather than essential (although their nature as social facts implies that they are often treated as objective reality).31 Conflict, war and peace, too, are social constructions (idem, 186).

Consequently, constructivism emphasises the need to consider the use and understandings of human rights and conflict resolution by specific actors in social and political struggles. In relation to human rights, this has been referred to as ‘the social life of rights’ (Wilson 1997a, 3; Oomen 2011, 18). This phrase reflects that research needs to go beyond a legal take on rights that will always construe them as a ‘good thing’ (Short 2009, 105; also Miller 2010, 919). This warning against assuming that human rights are beneficial per se (ibid) is also pertinent to conflict resolution. Finally, since constructivism views agents and structures as interdependent and co-constitutive,32 it stresses “the unique context-specific human agency” at the heart of conflict and/or human rights processes and draws attention to “the malleable nature of the ideational and discursive structures” that make conflict and their resolution – or human rights, and their violations – possible (Jackson 2009, 185).33

In light of the above, this study adopts an actor orientation (Giddens 1984; Long 1990). This presumes that social actors have agency: they reflect on their experiences and what happens around them, and use their knowledge and capabilities to interpret and respond to this. While recognising that there are many structural constraints that affect social actors, an actor orientation stresses that these constraints operate

31 See Miller (2010, 919), Chong (2010, 10, 139), Short (2009, 102), and Barnett (2011, 155). Social constructivists recognise that “human rights claims are often grounded in appeals to natural law or universal, transcendental values” (Chong 2010, 163, fn. 38). From a constructivist perspective, such appeals are part of the social construction of (the idea of) human rights.

32 This means that agents produce structures through their ideas, beliefs, actions and interactions, and structures produce agents by influencing their identities and interests (Jackson 2009, 175; Barnett 2011).

33 Since Jackson only focuses on constructivism in relation to conflict resolution, I have adjusted his text to take human rights into account.
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Through social actors in that they shape their everyday life experiences and perceptions, directly or indirectly (Long 1990, 6; Hilhorst 2003, 5; Van Leeuwen 2009, 8). It is thus useful and necessary to study ‘the everyday practices’ of social actors, be they formal NGOs, independent state institutions, an informal network of clergy, or individual practitioners in such bodies. This includes looking at how they define situations, identify objectives, understand options for action, and take action in relation to human rights and conflict resolution (cf. Hilhorst 2003, 6). Hence, the study devotes considerable attention to reviewing practical experiences of actors encountering and engaging with the relationship between human rights and conflict resolution; it also reflects on their understanding and action and how these change.34

Nevertheless, it remains important to take into account how actors’ choices and actions are shaped by “larger frames of meaning and action (i.e. by cultural dispositions [...] and by the distribution of power and resources in the wider arena” (Long 1990, 7). This provides an additional rationale for examining the fields of human rights and conflict resolution in their own right since they provide the ‘larger frames of meaning and action’ that inform ‘everyday practices’ of actors in these fields. To aid this part of the research, an explanation of the theoretical notions of ‘field’ and ‘frame’ is in order.

1.2.2 Of Fields and Frames

The term ‘field’ is used here in the Bourdieuan sense (Bourdieu 1987), as a semi-autonomous realm of socially patterned activity, often disciplinarily and professionally defined; it is “organised around a body of internal protocols and assumptions, characteristic behaviours and self-sustaining values” (Terdiman 1987, 806; also Edelman, Leachman, and McAdam 2010, 669). Maton argues that the “social structure of a field is emergent from but irreducible to constituent agents and their practices; the relational whole is more than a sum of its parts” (2005, 689). The notion implies that it is possible to identify distinctive features commonly shared or widely adhered to within a field, as well as actors – individuals, groups, or institutions – within that field. Fields thus contain a certain coherence and boundedness (Edelman, Leachman, and McAdam, ibid).

Yet this is not uncontested. According to Bourdieu, “Every field is the site of more or less overt struggle over the definition of the legitimate principles of the division of the field” (1985, 734; 1987). Hence, fields are hierarchically structured with actors competing to maximize their position in terms of the distribution of resources conferring power or status within the field, which Bourdieu calls ‘capital’ (idem;

34 My use of an actor orientation differs somewhat from that of authors such as Hilhorst (2003) and Van Leeuwen (2010), who examine how the claims, performances, mandates and policies of organisations – while rooted in history, context and ideology – acquire meaning in practice through the everyday practices of the social actors in and around these bodies. Because my study focuses on the relationship between human rights and conflict resolution, it is less concerned with the practices and behaviours of social actors within organisations as such.
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Maton 2005, 689). Such capital may be social, economic or cultural in nature – e.g. access to funding, contacts with well-placed individuals or institutions, familiarity with a certain milieu – but is not exclusively so. Also relevant is what Bourdieu calls ‘symbolic capital’, which includes tangible and intangible ‘things’ such as reputation, knowledge, academic degrees, or debts of gratitude one is owed. While each field has its preferred form of capital (Schinkel 2007, 709), whichever form should be regarded as the dominant measure of achievement within a specific field is subject to struggle in and of itself (Maton 2005, 690).

The “terminological and conceptual conflict, the struggle for conceptual control” implicit in any field’s existence (Terdiman 1987, 813) calls into question the ambition to describe ‘the’ human rights field or ‘the’ conflict resolution field as the chapters following this introduction set out to do. This phraseology will however be retained in this study for several reasons. It is common amongst practitioners and in literature on human rights and on conflict resolution. Alternative terms – such as ‘industry’, ‘movement’ or ‘phenomenon’ – are not used widely across both realms, and may be questionable because of specific connotations. The suitability of the field concept also emerges from specific observations on the conflict resolution field and the human rights field. As regards the former, Fisher and Zimina observe for example that,

“There is a recognisable constituency of people worldwide who think of themselves as contributing to, or building, peace. [...] This community knows no single name and has no common platform as yet, beyond a commitment to peace, however defined, and a more or less familiar set of references on both theory and practice (2008, 11).”

Regarding the latter, it has been noted that “human rights practices and transnational expert communities create ‘cultures’ of their own through distinct knowledge practices, ontologies and membership criteria” (Halme-Tuomisaari 2010, 24; also Merry 2006a; Riles 2006).

In addition, seeking to describe ‘core’ ideas, practices, norms and assumptions prevailing in a certain field, is not at odds with recognising the presence of tensions within that field. It simply means that one should acknowledge that the field depicted

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35 The use of the article (as in ‘the field’) is inherently flawed. It suggests homogeneity and clear boundaries. Putting it between apostrophes throughout the study – i.e. ‘the’ human rights field, ‘the’ conflict resolution field – may mitigate this. Yet this stylistic device is likely to impede reading and may function as a self-reflexive ironic signifier that is mostly if not exclusively appreciated by insiders to the two fields considered here.


37 All three terms are used in literature on human rights but less regularly – if at all – in relation to conflict resolution. ‘Industry’ is used by, e.g. Horberger (2007) and Stammers (1999); ‘movement’ by Kennedy (2011), Bob (2009a), Clapham (2007), Mahoney (2007), Merry (2005) and Mutua (2002); ‘phenomenon’ by Halme-Tuomisaari (2010). The ‘industry’ notion is at times applied to conflict resolution (e.g. Babbitt/Hampson 2011; Weitsch 2009; in relation to Northern Ireland, MvVeigh 2002), but ‘movement’ and ‘phenomenon’ are not.

38 For example, ‘industry’ implies mass production, standardisation, profit-making and self-interest (Hornberger 2007, 132); ‘movement’ suggests a coherence and activism that is dubious in relation to conflict resolution.
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is heterogeneous and may well be “riddled with contradictions” (Kennedy 2002, 106; Charlesworth 2002). One should also accept that one’s own description could also be called into question. Moreover, in a comment about ‘the human rights world’ that is also applicable to ‘the conflict resolution world,’ Hornberger argues that,

It is precisely such rifts and conflicts that allow us to call [this world] a locality. Differences, which to an outsider appear as hardly noticeable, become for insiders deep ravines and reasons for clashes [with] emotional loading and […] everyday bickering. It is in fact the ability to see the nuances as magnified that makes one an insider and creates a sense of belonging (2007, 137-138).\(^{39}\)

In other words, contestation within a field and at its edges may only serve to prove the field’s very existence. Its negotiated nature implies that a field's boundaries may shift over time, as can indeed be observed in the two fields examined here. This highlights the relevance of looking at a field's development and internal contradictions when describing it, as will be done in chapters 2 and 3.

Finally, the field concept calls attention to the ways in which actors within a field seek to “impose their internal norms on broader realms and establish the legitimacy of interpretations to the self-conception of the field, to the ratification of its values, and to the internal consistency and outward extension of its prerogatives and practices” (Terdiman 1987, 809). Linguistic and symbolic strategies are especially relevant, since the constitution of any field is a “principle of constitution of reality itself” in Bourdieu’s view (1987, 831). Noting ‘the magical effect of naming’, he argues that entering and participating in a specific field entails a “conversion of mental space” (idem, 840, 828). The study will thus illustrate how human rights and conflict resolution have generated field-specific “categories of perception and judgement” (Bourdieu 1987, 893), with terms that are not easily accessible to the uninitiated and professional identities embodying certain beliefs, attitudes, values and routines. Bourdieu’s point also speaks to the confusion that may ensue when practitioners steeped in one field encounter the ‘other’ field.

Hence the fields of human rights and conflict resolution can be understood as constructing and representing interpretations of specific situations and of the world more generally. This process is usually referred to as ‘framing’ (Gray 2006; Benford and Snow 2000).\(^{40}\) The notion comes initially from social movement theory, which notes that frames are an essential tool used by activists to transform the terms and nature of the debate and influence policy outcomes (Miller 2010, 921). It is a way of ordering a complex world “that describes the move from diffuse worries to actionable beliefs” (Hajer and Laws 2006, 255). Merry explains frames as “ways of packaging and presenting ideas that generate shared beliefs, motivate collective action and define

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\(^{39}\) Bell (2012, 244) agrees that critical discourse about a field is part of that field instead of being separate from it.

\(^{40}\) The literature on framing is broad and exists in various social sciences, such as psychology, linguistics, media and communication studies, political science and sociology (Miller 2010, 921; Benford/Snow 2000; Autesserre 2009).
appropriate strategies of action” (2006b, 41). Overall, the frame concept focuses “the analysis on how people organize knowledge and interpret it [and] how this understanding makes certain actions possible while precluding others” (Autesserre 2009, 252).

Thus, while the ‘field’ concept implies that both ‘human rights’ and ‘conflict resolution’ have a certain coherence that can be described, the ‘frame’ concept points to the way in which problems are not predetermined but have to be constructed. It suggests that frames shape one’s view on what constitutes a problem and what does not – as well as one’s response to it (ibid; Schön 1983, 40‐42). The relevance of ‘frames’ to the human rights and conflict resolution fields respectively has been noted. In general, both ‘human rights’ and ‘conflict resolution’ can be seen as a frame in their own right, a “device for thinking about the real, and expressing our thoughts” (Freeman 2011, 3). In addition, actors within either field adopt and project particular frames as they engage with social reality – and thereby co-construct the very reality in the process. They also tend to frame one another in a specific way.

Effectively, in reviewing the fields, this study seeks to capture and contrast the frames that these fields constitute and project, and that human rights and conflict resolution actors use. As such, it engages in a form of interface analysis, which studies “the interplay of different discourses and how they are negotiated in everyday practices” at social interfaces “where different, and often conflicting, life worlds or social fields interact” (Hilhorst 2003, 11). Studying such interfaces “can bring out the dynamics of the interactions taking place and show how the goals, perceptions, interests and relationships of the various parties may be reshaped as a result of their interaction” (ibid, citing Long).

A Final Note on Theory

Examining the human rights and conflict resolution fields runs the risk of “essentialising something that is, in fact, far more fluid and contradictory” (Cowan, Dembour, and Wilson 2001, 10). This is a challenge, all the more so because this study is, at least in part, intended to nuance the debate on the relationship between human rights and conflict resolution. It shows that the boundaries between the two fields are

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41 This explanation draws on the work of scholars who study ‘collective action’ frames (i.e. the ‘signifying work or meaning construction’ engaged in by social movement activists and others (Snow 2004; Benford/Snow 2000). It is used here even though conflict resolution interventions by individual practitioners or organisations may not qualify as ‘collective action’, as the term is generally used in relation to social movements. This use is informed by the observation that frames may forge similar kinds of action from diverse constituencies operating separately (Gready 2004, 24; Autesserre 2010, 2009; Van Leeuwen 2009). For a discussion of the similarities and differences between ‘collective action frames’ and ‘everyday interpretive frames,’ see Snow (2004).

42 In relation to human rights, see e.g. Oomen (2011, 5), Miller (2010), Chong (2010), and Tate (2007). In relation to conflict resolution, see e.g. Autesserre (2009) and Gray (2006). Some of this literature (especially in the human rights field) focuses on the strategic use of frames, by considering when and why actors adopt a particular frame. That is not a focus in this study.
less distinct than is generally presumed and that there is considerable fluidity between human rights and conflict resolution in practice, which manifests in several ways. It also highlights that these fields contain several internal contradictions, which reflect that ‘human rights’ and ‘conflict resolution’ are not as unequivocal as often perceived by outsiders. These internal tensions reveal the limitations in either field’s construction of reality and illustrate how the frames projected by the fields inherently involve a reduction in complexity, as noted by some authors (Van Leeuwen 2009; Hajer and Laws 2006).

Yet it is nearly impossible to consider the relationship between human rights and conflict resolution in theory and in practice without first ‘pulling them apart’ in some way. This study may hence fall into the same trap as happens often in publications on this topic and in real-life interactions between actors in the two fields, namely that it engages in ‘strategic essentialism’ as it has been called: making essentialist claims so as to ensure that they are heard (Cowan, Dembour, and Wilson 2001 ibid). The study thereby risks reinforcing the very distinctions it hopes to challenge, if only by its premise that there are separate human rights and conflict resolution fields. As Mosse and Lewis note, “the concept of ‘interface’ (between different social or life worlds, knowledge, and power) itself involves an unhelpful compartmentalization of identities and may be an increasingly inadequate metaphor for the various types of exchanges, strategic adaptations, or translations” that are possible (2006, 10). If anything, these observations show the co-constitutive nature of a research project like this, in that it tells a story that co-produces the very practice it seeks to examine and enhance. It also shows the limitations of language to describe complex phenomena and the extent to which ‘the relationship between human rights and conflict resolution’ is also a social construction.

Finally, it must be noted that the social construction that this study constitutes in and of itself, has one important gap: conspicuously absent are the voices of those who are affected by or engage in violent conflict and rights abuses – people whose life and actions human rights work and conflict resolution practice seek to affect. This follows from the practical experiences that underpin this study, which focused more on engaging with actors operating in these fields than with those meant to benefit from their efforts. It reflects my decision to define the scope of this project accordingly. This study is not about the experience of conflict, violence or abuses, but about the ways in which actors working on human rights and/or conflict resolution seek to address these phenomena and encounter and engage with the relationship between these domains (Tate 2007, 20-26).

1.3 Methodological Approach

In order to focus on interfaces and the everyday, which flows from the theoretical framework outlined above, the study draws on my own practical experiences of working on and at the nexus of human rights and conflict resolution, gathered over a
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period of some eighteen years. In doing so, I emulate others who can only analyse the phenomenon they seek to examine from a position that places them within ‘it’ as a member of the very ‘communities’ they describe (Mosse 2005, 11; also Eyben 2003). The account that follows constitutes an exercise in reflective practice, an approach that stresses the importance and legitimacy of experience-based theory (Schön 1983). This section explains first what reflective practice entails and its relevance for this research project (in 1.3.1). It then points to possible limitations of this approach (1.3.2) and explains the strategies adopted to mitigate them (1.3.3). Finally, it ‘translates’ the reflective practice approach into more conventional academic terms pertaining to methodology (1.3.4).

1.3.1 Reflective Practice

Reflective practice, as set forth by Schön (ibid), essentially asserts that it is possible “to start with practice and engage the work of practitioners, and your own work, as a form of knowing that [can] be grasped, understood, and developed” (Laws 2010, 599). It conceives of professionals as ‘reflective practitioners’ who ‘construct’ problems to be solved from situations that are puzzling, troubling or uncertain, and in this process define what decisions need to be made, the ends to be achieved, and the possible means to be used (Schön 1983, 40). This ‘making sense’ of situations forms the basis for an epistemology of practice that stresses the interdependence of doing and thinking.

According to Schön, in handling the ambiguity and complexity of real life, practitioners usually rely on a kind of ‘knowing-in-practice’: a knowing that is ‘implicit in their patterns of action and in their feel for the stuff with which they are dealing – a knowing that is in their action’ (1983, 49). They also ponder what they are doing while doing it, referred to as ‘reflection-in-action’ or thinking on one’s feet (Smith 2001, 10). Whande writes of practitioners having an ‘internal navigator’ which reflects such ‘reflection-in-action’:

Every practitioner is constantly pondering what she does, wondering if it makes sense, if it is having an impact, if there is a need to shift course, to do something differently. This is almost like an internal navigation system, an impact navigator that traces and ‘reads’ the situation, one’s own intervention, the responses of others, one’s own internal reactions to their response; this happens all the time without a break. There is an individual, intuitive and natural sense-making process that takes place. This internal navigator [...] evaluates continuously how we impact on the world and how it impacts back on us (2012, 197).

43 While Schön focused on professionals working in sectors such as medicine, management and engineering, his thinking on reflective practice is applicable to this study given the professionalisation of the human rights and conflict resolution fields (see chapters 2 and 3). Moreover, according to Van Aken, Schön focused on professional work that “involves changing the actual into the preferred, which involves both analyzing problems in the actual and designing and realizing the preferred” (2010, 610). This description rings true for individuals and organisations working in conflict resolution and/or human rights protection.
Reflection-in-action involves surfacing the understandings that tacitly inform one’s assessment and action, reviewing and reworking them as necessary, and integrating them in further action. It can also entail reflecting on how one has framed the problem or constructed one’s own role in a larger institutional context. In so doing, a practitioner engages with the problem or phenomenon at hand as if it is unique yet also considers lessons from previous cases to make sense of the present case and to design alternative solutions. Drawing on a repertoire of, “among other things, iconic examples, models, theories, possible interventions and generic solution concepts” (Van Aken 2010, 610), practitioners engage in a ‘reflective conversation with the situation’: their actions serve as experiments that produce changes in the situation, generating new insights that further aid the tentative and progressive identification of problems and exploration of solutions. They cannot assume that their repertoire of explanations and methods will suffice, and must be ready to invent new ones (Schön 1983, 50-68, 129-147; Smith 2001, 110-112). Hence, reflection-in-action is “a creative, intuitive process, dealing with the actual and exploring the potential” (Van Aken ibid).

In addition, reflective practice involves ‘reflection-on-action’. This means looking back after the encounter, when new insights can no longer influence the situation itself, yet may be useful in future (Wieringa 2011, 169). When done regularly and honestly, “reflection on practice becomes an on-going effort to manage our relationships to our own competence by getting access to the theories that guide our actions” (Laws 2010, 600). Consequently, reflective practice requires accepting confusion, being alert to surprises, spotting puzzles, testing ideas, challenging preconceived notions, reframing problems, and ‘listening to a situation as it talks back’ in response to action taken by the practitioner (Higgins 2010, 603; Schön 1983, 131-132). It has thus been argued that reflective practice involves the ‘simple disciplines’ of demystifying theory – recognising the omnipresence of theory in daily life, explicating underlying assumptions – and remystifying practice – sharpening a sense of curiosity about how it ‘all really works’ (Lederach, Neufeldt, and Culbertson 2007, 3-4).

This study is an exercise in reflective practice, in which I process experiences, insights and questions as these have evolved in many years of working on the nexus of human rights and conflict resolution in various settings. I have used my repertoire of typical examples, understandings and images, while seeking to be attentive to new ideas and puzzles emerging during this process. While engaging in reflection-on-action, this study also constitutes ‘reflection-for-action’ as it seeks to contribute to improved practice in future.

This reflective practice approach is valuable in several respects. First, this thesis stems from an unusual type of social research, initially unintentional, a blend of lived experience and social investigation, drawing on insights as a participant-insider (Mosse 2005, ix). In addition, reflective practice is relevant in light of the subject matter explored. Babbitt and Lutz argue that “research to investigate the relationship between the human rights and conflict resolution fields can only be done in the
context of actual cases, in which people on the ground have been forced to cope with the realities of actual conflict circumstances” (2009b, 15). This analytical account provides ample opportunity to do so; as noted, my work has generally entailed assisting human rights- and conflict resolution-oriented organisations – or institutions whose work encompasses both human rights protection and conflict resolution – in dealing with challenges arising from ‘the realities of actual conflict circumstances’.

Reflective practice is further useful as it foregrounds the notion of framing: it recognises that “practitioners constantly need to define the problems by naming the things they will concentrate on and framing the context in which they will attend to them (Wieringa 2011, 168). It also points to the possibility of conflicting paradigms of practice, when there is disagreement over multiple ways of framing the practice role (Schön 1983, 40-41, 309-313). It seems fitting that this study uses a methodology that recognises the significance of the ‘frame’ notion, given its important role in this study conceptually. More explanation of what this methodology entails practically will follow below; we will first consider its limitations and the mitigation strategies adopted.

1.3.2 Limitations

Despite the promise reflective practice holds for a study like this, some caution is warranted. Firstly, ‘practice romanticism’ lies in wait, as if academic knowledge is wholly irrelevant and practical experience is always right (Gadlin 2002, 328). Specialisation and ‘routinisation’ also constitute a risk: practitioners may miss opportunities to think about what they are doing as their practice becomes more repetitive and routine (Schön 1983, 60-61). The very existence of a repertoire based on conventional practice may in fact limit practitioners’ ability and willingness to adjust their theory-of-action and act on the ‘back-talk’ (idem, 79) from a situation.

After all, “since the action frames that create this world are also the basis for professional competence and respect, challenges [to the theories from which we act] will often be experienced as threats that are more likely to make us cling tenaciously to prior beliefs and authority than turn to critical reflection” (Laws 2010, 601-602). Practitioners thus run the risk of their reflection turning into self-deception and self-justification (Gadlin 2002), also because the very effort to reflect will re-express their existing theory-of-action and the limits of their behavioural repertoire (Laws 2010, 600). Given my long involvement in the subject matter set forth here, and the extent to which this constitutes the foundation of my professional reputation and any ‘expertise’ I may lay claim to, these are important reservations to note.

Questions of bias and ethics also arise. In general, participant observation has been criticised for the impossibility of achieving any pretence of objectivity (Eyben 2003, 6;
Tate 2007, 10-26). An account in which the practitioner herself is the main informant – and which relates to events in which she was more observant-participant than participant-observer (Mosse 2005, vii) – is even more susceptible to criticism of partiality and bias. This is all the more the case when she has taken a clear position on the subject matter under review, as I have done. In earlier writings, I have argued that the human rights and conflict resolution fields are more complementary than contradictory (e.g. Parlevliet 2010a; 2002). Thus, while my participation in situations discussed here adds texture and immediacy to the story, it does foreground my perspective on events and runs the risk of obscuring alternative views (Benington and Turbitt 2007, 232).

On an ethical note, a question can be raised as to whether the individuals and organisations with whom a practitioner engaged during practical work have consented to being written about as an object of study. Past interactions had another purpose; any notes taken at the time by the practitioner would have been made in her capacity as ‘advisor’, ‘facilitator’, ‘trainer’ or ‘colleague’, not ‘researcher’ (Eyben 2009, 6 fn. 4). This applies to the study at hand: my interlocutors were not aware that I might later write about these experiences; in fact, I often did not realise that myself.

In sum, reflective practice has certain limitations that cannot be dismissed in the context of this study. These are, however, not necessarily insurmountable. I have sought to address them mainly by referring to academic literature and by playing off my ideas, questions and observations against interpretations by other practitioners. Overall, I have made an effort to be, in Halliday and Schmidt’s terms, “methodologically thoughtful” (2009, 4).

1.3.3 Mitigation Strategies

To avoid practice romanticism, this study combines insights gained as a participant-insider with a review of relevant literature. Recognising that the role of formal knowledge is not trivial, however important practical knowledge (Wieringa 2011, 172), it draws broadly on various bodies of literature, notably from human rights studies, conflict resolution studies and development studies, incorporating legal, socio-legal, anthropological, and political science perspectives. It thus explores the subject matter at hand from both an ‘emic’ and an ‘etic’ perspective (Headland, Pike, and Harris 1990), complementing the subjective account of an insider with analysis by outside observers. The added advantage of this conversation with the literature is that it also serves verification purposes.

Concerns about bias may be further mitigated by the conditions under which I gathered the empirical material discussed here and engaged in reflective practice both in the past and while working on this study. These conditions – further commented on below – allowed for extensive ‘testing’ of my interpretations against insights and observations from other practitioners; as such, they may also address concerns about
routinisation and lack of critical engagement. Authors writing on reflective practice highlight the importance of it happening in conversation with others. Laws, for example, points out that reflective practice does not entail ‘wrestling with problems in solitude’ but is meant to develop in interaction:

To see reflection as constituted in the solitary relationship between actor and object – be it baseballs, electrons, plans – is a distortion that neglects the importance of conversation, [...] the social interaction. [...] Inquiry is a social process involving behaviour and interpretation constituted with respect to others whom we need because they can observe our behaviour without fully sharing our interests and assumptions. This makes others useful; talking with them can help us get access to the elusive theories that are shaping our behaviour (2010, 601).

In a similar vein, Whande writes that:

Among groups of peers and colleagues, observations and readings [from the practitioner’s internal navigator] are put to the test – how does what I saw resonate with another colleague’s observations? How do we make sense of what happened collectively? [...] Such joint interpretation processes prove invaluable, not only to read a situation in the moment but to make meaning of it and arrive at a shared understanding of the situation. It is this sense of a shared understanding emerging that confirms to the internal navigator a sense of having ‘read’ the moment, process or situation accurately and comprehensively (2012, 197).

The significance of conversation and interaction to reflective practice means that such inquiry goes beyond correcting the theories from which we act through individual reflection. Instead, it can be understood as a “process of producing the behavioural settings in which it is possible to surface these theories and critically reflect on them with the help of others” (Laws 2010, 601). Such settings certainly prevailed when I was a full-time practitioner. My work usually entailed long-term and in-depth interaction with other practitioners, both in the organisation where I was based and in other organisations and institutions. Early on, much of my work consisted of providing training to various organisations, which was always tailor-made, based on information obtained through extensive discussions with people working in these organisations; in consultation with them I developed role-plays, case studies and other exercises that were relevant to their context and drew on actual situations experienced. Moreover, such training usually consisted of several multi-day encounters over a longer period of time rather than a one-off event. This allowed those I worked with and myself to experiment and to refine our understanding and training materials to reflect reality more accurately.

This way of working meant that I gained considerable insight into interlocutors’ experiences and questions; it also meant that I could not simply impose ideas but had to test their relevance against the context and issues faced by others and adjust them appropriately. This became all the more the case when my work became more explicitly focused on facilitating reflection processes for actors who were operating in

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45 Emphasis added. See also Lederach and others (2007, 4-5) on how to demystify theory and remystify practice.
Introduction

contexts unfamiliar to me and who sought support to think through particular challenges related to human rights and conflict resolution. Having little knowledge of, for example, the specifics of managing parading disputes in Northern Ireland, or the pressures faced by clergy in Zimbabwe at a time of rising political violence, I focused on acting as a sounding board, facilitating exchange between my interlocutors, drawing out their insights and raising questions, while also offering ideas and examples from my own practice. Being open to what would emerge, in terms of deeper understanding and/or further puzzles on their and my part, was key to such processes.

In other words, these conditions provided ample space for critical reflection. Other factors added to such ‘behavioural settings’. I usually designed and facilitated processes together with other practitioners and at some point started writing about my work as a way of sharing observations and soliciting feedback; comments received then informed subsequent practical assignments. Moreover, wearing a ‘human rights hat’ in a conflict resolution environment and a ‘conflict resolution hat’ in a human rights environment meant that I was often asked to explain what I was doing and why, also because these positions or initiatives were new and I was moving into unchartered territory. Thus, engaging with critical questions was par for the course.

Moreover, as noted previously, while working on this study I undertook several assignments that were directly relevant. Besides enabling me to share insights previously gained, these projects challenged and sharpened my ideas, prompted new observations, and helped me to surface and interrogate my theories and assumptions further (cf. Van Leeuwen 2009, 22). Critical reflection was also aided by doing 26 interviews with former colleagues and other practitioners with in-depth knowledge of the issues and situations discussed here and by engaging in correspondence and informal conversation with some of them and other interlocutors (further explained below). This also helped address the ethical concern about consent, as interviews and correspondence made it easier to get those involved to consent to being included in this study. Inviting interviewees to comment on draft text also alleviated this ethical concern. In sum, important limitations of reflective practice have hopefully been mitigated through engaging in conversation with the literature and with others.

1.3.4 Qualitative Research Methodology

In more conventional academic terms, the above means that the research methodology is decidedly qualitative. As alluded to, the various activities I engaged in while working as a full-time practitioner constitute a form of participant observation,

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46 This refers to developing the Human Rights and Conflict Management Programme at the Centre for Conflict Resolution in Cape Town and serving as senior conflict transformation adviser for a human rights and good governance development programme in Nepal, mentioned previously. I was the first to occupy this position in Nepal; moreover, this was the first conflict transformation adviser position within Danish development assistance globally.
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with processes like training workshops, reflection meetings and inputs at gatherings or sessions at conferences serving as focus-group discussions. The research thus makes use of field and meeting notes I made during these years and of reports prepared for these organisations. Information gathered through participant observation has been complemented with relevant 'grey material' produced by the civil society actors and independent institutions described in this study, such as workshop reports, leaflets and public statements. Past correspondence with various interlocutors was reviewed and some additional correspondence with some was undertaken.\footnote{Additional correspondence took place in particular with two long-term members of Churches in Manicaland, Rev. Shirley DeWolf and Fr. Michael Bennett, because telephone and skype connectivity was unreliable. I also engaged in correspondence with a former commissioner of the Northern Ireland Parades Commission, Robin Percival, who reviewed the draft text on this statutory body at the request of the Commission’s Executive Secretary.}

As noted above, 26 key informant interviews were undertaken to gain an insight into how others constructed meaning (including former colleagues), to enhance critical review of past events and actions, to test my own ideas, and to obtain more information about examples discussed here, specific country contexts, or the study’s general themes.\footnote{Where the text draws on interviews, a footnote provides information on the name, position and background of the interviewee, and on the location and date of the interview. Further notes immediately below only provide summary information (without names) to give an indication of the interviewees.} Of these, thirteen are South Africa-related,\footnote{Of these, nine were practitioners I had closely worked with in the late 1990s and early 2000s (eight were former CCR colleagues and one worked at Lawyers for Human Rights at the time), one was an employee of Lawyers for Human Rights at the time of the interview, one had just left that very organisation at the time of the interview, and two are South African human rights scholars with an international reach.} three are from Northern Ireland,\footnote{They are the director of the Institute for Conflict Research that had initially invited me to Northern Ireland in the early 2000s, the human rights scholar who served as Chair of the Human Rights Commission at the time, and a founder member of Mediation Northern Ireland.} five focus on Nepal,\footnote{This concerns two long-term members of the network Churches in Manicaland and the director of a human rights NGO; the name of the third person (and the NGO) has been withheld on request.} one is from Kenya and one from Colombia.\footnote{Three of the five are Nepali practitioners involved in the country’s land rights movement through the Community Self-Reliance Centre (an NGO and membership organisation); the fourth is a Nepali human rights activist working as regional coordinator for the Informal Sector Service Centre (a human rights NGO); the fifth is an international human rights practitioner who used to work for the Office of the UN High Commissioner for Human Rights (OHCHR) in Nepal and has since been associated with a prominent domestic human rights NGO, Advocacy Forum.} Informal conversations were also held with one South African and three American practitioners operating internationally.\footnote{The persons from Kenya and Colombia were interviewed following their contributions to a publication on human rights and conflict transformation for which I had written the lead article (see Nderitu 2010, Garcia-Durán 2010, and Parlevliet 2010a, respectively). The Kenyan is a peacebuilder and human rights educator who used to work with the Kenya National Commission on Human Rights, and who has since become extensively involved in conflict resolution efforts in Kenya, Nigeria and South Sudan. The Colombian served as the director of a non-profit foundation promoting social change in Colombia, the Center for Research and Popular Education.} Most of these

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interviews were done in person (thirteen) or through Skype (eight), while four were conducted in writing with practitioners who preferred to speak in their native language.\textsuperscript{55} A set of questions guided the verbal interviews, which unfolded more like conversations in which both interviewee/narrator and interviewer/listener participated and jointly constructed meaning (Mishler 1986).\textsuperscript{56} These interviews were transcribed and reviewed to identify themes.\textsuperscript{57}

\textit{Cases}

Much of the empirical material for this study has been organised through case studies, which are “rich, empirical descriptions of particular instances of a phenomenon that are typically based on a variety of data sources” (Eisenhardt and Graebner 2007, 25). The aim of the case studies used here has been less to draw conclusions that can be generalised, and more to facilitate exploration and detailed description (Van Leeuwen 2009, 17). In that sense, the empirical material discussed is illustrative rather than representative. This is in line with views of case study research that highlight it as particularly appropriate for examining contemporary phenomena within their real-life contexts (Yin 2009, 18). The selection of cases was guided by Flyvbjerg’s recommendation that this is best done on the basis of expectations about their content, to maximize the utility of information from a small sample of cases (2006, 229-230). This is referred to as theoretical sampling, since cases are chosen for the likelihood that they will offer theoretical insight by “illuminating and extending relationships and logic among constructs” (Eisenhardt and Graebner 2007, 27); this may thus occur after the initial data collection and analysis (Charmaz 2011, 363).

As a result, the focus here is on interactions that I had come to see as iconic over time, in that they highlight issues, patterns or dynamics that seemed to recur in relation to various actors and in different contexts. I also included a few that appeared to challenge these. Some cases are briefly presented to elucidate certain points, while others are portrayed in considerable detail so as to allow readers to ‘enter’ the story and follow the development of the argument. This is also the reason that the first empirical chapter (Chapter 5) focuses on two examples that I was involved in early on of an academic institute for justice and peace); and an international expert on truth commissions who is currently writing and advising on the subject of justice in peace negotiations.

\textsuperscript{55} The four Nepali practitioners preferred to communicate in writing in Nepali. A trusted former Nepali colleague from the development programme where I used to work translated both my questions and their responses; the communication went back and forth a few times. He had assisted with interpretation during field trips during my time in Nepal. His name is also included in the relevant footnotes.

\textsuperscript{56} The questions covered the following areas: information about the person, their career and background, self-identification in terms of human rights and/or conflict resolution; general features of the two fields (including key ideas, actors, practices, strengths and weaknesses) and interaction between field actors; the relationship between human rights and conflict resolution as experienced in their practice (including examples of situations, points of connection, challenges experienced, their own role, evolution of their own thinking over time), and information about particular case examples, country context or organisations discussed in this study.

\textsuperscript{57} I also made notes during or after informal conversations; where the text draws on such conversations, I have verified the use of comments with the persons concerned.
and that laid the foundation for my further practice and thinking on these matters. The study is, however, not organised in a strict chronological order; information from early experiences is combined with information and reflection on later events.

The ‘theory’ that emerges results from an interplay of induction, deduction and verification usually associated with grounded theory (Charmaz 2006; Glaser and Strauss 1967). However, while continually moving back and forth between empirical material and theory development as advised in this context, I cannot claim to have applied grounded theory’s formal methods in any conscious manner, notably its elaborate processes for gathering field data and discover theory through a hierarchical structure of categories (Eisenhardt and Graebner 2007, 30).

Country contexts

The examples are mostly drawn from four country contexts, namely South Africa, Northern Ireland, Zimbabwe and Nepal, due to pragmatic, methodological and conceptual reasons. Pragmatically, I gathered most of the experiences that constitute the empirical basis of this study in these countries. Methodologically, the study takes after Marcus’ multi-sited ethnography (1995). As Merry explains, this does not involve discrete comparisons but is “an ethnographic engagement with the fragments of a larger system that recognises that the system is neither coherent nor fully graspable [...]. This is a disembodied space of social life, one that exists in various spaces but is not grounded in any one of them” (2006a, 29). My focus is thus “on a social world whose locations are diverse but whose words and practices sound and look the same” (ibid). This is useful in drawing out crosscutting themes (Van Leeuwen 2009, 17).

Conceptually, the focus on these country contexts is motivated by some similarities between the four countries, aside from their major difference in terms of geographical location. The countries have all experienced (or are still experiencing) a type of conflict that is largely internal and asymmetric in nature, referred to in conflict studies as protracted social conflict. This entails “the prolonged and often violent struggle by communal groups for such basic needs as security, recognition and acceptance, fair access to political institutions and economic participation” (Azar, in Ramsbotham, Woodhouse, and Miall 2011, 99). Such needs may be reflected in demands for more access to economic resources, wider political participation, opportunities for self-determination, or more fair treatment by public institutions – all of which relate to human rights norms and can be formulated as rights claims (Parlevliet 2010a).

The nature and functioning of the state and systems of governance play an important role in this type of conflict, since the state denies or allows individuals and groups access to the resources, opportunities and processes required to meet their needs and

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58 For example, by identifying themes from what I was observing and experiencing, comparing ‘data’ across contexts and situations, and capturing evolving insights in writing which then formed the basis for subsequent interactions and information collection.
exercise their rights (Parlevliet 2010a, 20; Azar 1990). Consequently, human rights concerns are an intrinsic part of causes and consequences of (violent) conflict in the four countries. The state’s inability or unwillingness to protect basic human rights and provide mechanisms for the peaceful resolution of conflict has been an important cause of conflict in these countries; at the same time, such conflict itself manifested in extensive rights violations of both a civil-political and socioeconomic nature. Even though these phenomena are largely in the past when it comes to South Africa and Northern Ireland, their long-term ramifications affect these countries to date; furthermore, structural conditions persist that continue to generate tension in the two societies.\(^{59}\) In Nepal, the experience of protracted social conflict is far more recent, and limited progress has been made in addressing widespread poverty, the intense stratification of society, the lack of representation embedded in the political system and poor access to justice. In Zimbabwe, finally, such phenomena are ongoing with periods of more or less intensity.

In all four countries, moreover, conflict resolution efforts at the national level have recognised the relevance of human rights issues. The peace agreements concluded in South Africa (1993), Northern Ireland (1998) and Nepal (2006) all devote considerable and explicit attention to human rights, noting their protection as instrumental to redressing past wrongs and ensuring a peaceful future respectful of human dignity.\(^{60}\) So too does the 2013 draft Constitution of Zimbabwe, prepared during the reign of a Government of National Unity in power between 2009 and 2013.\(^{61}\) In addition, domestic human rights actors and institutions in the four countries have sought to play – and still do play – an active role in addressing conflict, enhancing respect for human rights, and building peace at a more local level.

Of course, beyond these similarities, the countries differ in many respects, including in their location and cultural contexts. While it is beyond the scope and purpose of this study to provide an in-depth comparative analysis of them, considering examples of the interaction between human rights and conflict resolution drawn from contexts in Africa, Europe and Asia illustrates that the ‘frames’ of human rights and conflict resolution may vary across cultural and geographical contexts, and the implications this has for practitioners working in these fields. (Conceptions of ‘human rights’ and ‘conflict resolution’ differ considerably between Northern Ireland and South Africa, as will be discussed in chapter 8).

\(^{59}\)This is reflected in, for example, ongoing contestation over governance and accountability for past violations in Northern Ireland and socioeconomic tensions in South Africa due to ongoing inequality.

\(^{60}\)Constitution of the Republic of South Africa (Act 200 of 1993), also known as ‘Interim Constitution’; Agreement Reached in the Multiparty Negotiations, Belfast, 10 April 1998 (also referred to as the Good Friday Agreement or Belfast Agreement); Comprehensive Peace Accord signed between the Government of Nepal and the Unified Communist Party of Nepal (Maoist), Kathmandu, 21 November 2006.

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Embedded research and positionality

Overall, my methodological approach resembles what Mosse calls ‘ethnography from within’ (2005, 11-15) and what Tate refers to as ‘embedded research’ (2007, 12-13). These notions highlight the question of the researcher’s own positionality (Mosse) and institutional positioning (Tate) as a key factor in knowledge production. They call attention to how this account has been shaped – and limited – by my formal position in specific organisations and my own history and frame of reference.

Thus, the fact that this study points to ‘fluidity’ between human rights and conflict resolution may well be, at least in part, a ramification of my own experience of fluidity in moving between the fields and often presenting or representing the ‘other’ perspective in my work environment – even though I never named it as such until I had started drafting this study. In the same vein, my early emphasis on the need to consider human rights and conflict resolution in conjunction to a greater extent than was commonly done (e.g. Parlevliet 2002) contributed to the fact that this study contains more examples pointing to convergence between the fields than to divergence; after all this stance was usually the reason for my engagement with other actors, as they sought to explore how linking the fields could be useful for them or to figure out how to address particular dilemmas. This is not to say they were never reluctant, doubtful or critical – they were! – but it is to recognise that actors convinced that human rights and conflict resolution are incompatible would probably not have approached me.

The issues of positioning and positionality also raise more challenging questions about perspective and power. Where do I stand when it comes to the two fields? How have experiences recounted here been influenced by the power I hold or held, by virtue of managing a programme, serving as senior adviser, representing a donor agency,62 or by virtue of being white, European, well-off and well-educated (in contexts where the last two aspects were not matters of course for many of those I worked with)? As to the first question, I must own up to a somewhat conflicted identity. I perceive myself as being both in and between the two fields, with the qualification that I hold a degree in peace studies and none in law or human rights studies, either of which may be a vital condition for many in the human rights field for full membership of their tribe. 63 In the absence of formal legal training, I may feel

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62 The last designation (representing a donor agency) only applies to my time in Nepal. In South Africa, the HRCMP had limited funds; this meant that when working with other organisations, we covered our own costs (e.g. of travel or training materials) and the partner covered the costs of its staff/ associates (e.g. accommodation, travel). The costs of the meeting venue were often shared or negotiated on a case-by-case basis. It can be argued that partners only collaborated with us if they truly saw value in it and were willing to co-finance the collaboration.

63 Some conflict resolution scholars may actually question whether ‘peace studies’ amounts to ‘conflict resolution’; peace studies probably sits at the intersection of the two fields. During my degree, I focused more on human rights than on conflict resolution, in terms of the classes I took and the papers I wrote (email, Larissa Fast, May 2015).
more at ease in the conflict resolution field, yet I have worked regularly with human rights organisations and in human rights environments, including legal ones. As such it was still a surprise to realise, late in the writing process, that my approach to human rights and conflict resolution over time actually reflects core tenets of conflict resolution thinking.64

Beyond that, I suspect that my long-term being ‘between different worlds’ – between the Netherlands and South Africa, North and South, white and black, theory and practice, human rights and conflict resolution, social sciences and law – has informed my engagement with the relationship between the fields both as a practitioner and researcher. I have experienced being ‘othered’; have struggled for acceptance, credibility, and legitimacy in a world where language and practices were unfamiliar and alienating; and have lived with the confusion that such ‘betweenedness’ (Fook 1999, 18) brings. Perhaps most importantly, while I may have wished away the ambiguity, tensions and contradictions that come with this state of liminality (Eyben 2009, 85), I have had to live and work in and with them. Probably, this will have infused my practice and research. This means that I cannot separate myself as the researcher from myself as the practitioner and as the person; my construction of subjectivity may be an integral part of the study (Fook 1999, 13). Yet while I am part of and present in this study, I have not made my liminality, associated highs and lows, and “reflexive self” central to the narrative (Eyben 2009, 81),66 for the simple reason that it is doubtful that baring my soul will add much to the analysis. Besides, I was often so engaged in the action that “I forgot to observe myself, let alone situate that observation in relation to my personal history and professional status” (Eyben 2003, 6).

As to the second question posed above – how has my power, past and/or present, influenced the experiences recounted here – this is difficult to assess. Probably, my mobility and capital (in terms of knowledge, skills, degrees, exposure and resources) have provided me with opportunities that many others working on human rights and/or conflict resolution have not had. Still, whether and how that affects the analysis is unclear. More clear is that, much as my observations and insights have

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64 This is revisited in the conclusion, chapter 9.
65 Thus, for example, my review of the two fields in their own right, in terms of historical development, key ideas, practices and internal tensions, is not only a response to a weakness in the existing literature; it also stems from my desire to come to grips with both to a greater extent than I had done until I started this study.
66 The term ‘reflexive’ is used here as relating to “self-critical epistemological awareness, entailing critical reflection on the part one plays, and one’s relationships and interactions play, in the formation, framing and representation of knowledge and action” (Eyben 2003, 2); it thus regards one’s ability “to locate oneself in the picture” (Fook 1999, 11). As such, it differs from – but is closely related to – being a reflective practitioner as outlined above, which I understand as reflecting in and on one’s practice so as to distil one’s implicit practice-based theory and improve future practice. For me, the focus is hence different: reflectivity entails reflection on the question of how one’s own personal history, background and professional status shapes knowledge production (whether in- or outside a formal research context), while reflectivity entails reflection on one’s own practice and knowledge implicit within that.
developed through interaction with others, and much as I draw on those of others, it is in Mosse’s words, “my experience, values, and interpretations, my self-critical judgements, [...] and my continuing involvement that impose coherence; it is my narrative that becomes the meta-narrative” (2005, 14). As such, I have a responsibility to ensure that those whose stories I draw on can accept the way this study reflects their voices and/or engages with any objections they may have (ibid). I also have a responsibility to not make myself ‘the story’, since there is a bigger picture that should be far more interesting and important.

In sum, the 'embedded' or 'insider' quality of this project draws attention to the partial nature of this account (as is in fact any account, given the social construction of reality and knowledge in general). Yet with a view to getting to the bigger picture and avoiding the "infinite spiralling of meta-discourse which adds layers and layers of reflexivity" (Eyben 2003, 6), I will leave it at this: this study tells a story about the relationship between human rights and conflict resolution and presents an interpretation of events, processes and dynamics based on practical experiences and a process of reflection on them. It seeks to be credible and persuasive, but does not try nor seek "to claim the hegemony of truth" (Hilhorst 2003, 230). It recognises that others may tell another story, whether about the bigger picture of the relationship between human rights and conflict resolution, or about specific situations and processes discussed here. In the end, such different stories can only add up to greater insight.

1.4 Structure and Chapter Preview

This study is organised in three parts. The first part (chapters 2, 3 and 4) sets the stage for the empirical material by embedding the discussion of actual experiences and concrete challenges, in a solid understanding of these fields. To this end, it first maps out the human rights and conflict resolution fields in their own right and then compares them. Chapters 2 (human rights) and 3 (conflict resolution) discuss the historical foundations and development of the fields, and the ways in which each field manifests through key ideas, important actors and prevalent practices. They also identify several tensions within human rights and conflict resolution, reflecting that the body of thought and practices in each field is subject to certain limitations. Chapter 4 provides a comparative summary overview, pointing out not only clear differences but also some remarkable similarities between the fields. The systematic analysis in Part 1 goes beyond the existing literature and may serve as an introduction for those readers less familiar with one or both of the two fields.

Part 2 (chapters 5 and 6) focuses on how the relationship between human rights and conflict resolution plays out in practice. Chapter 5 examines experiences of two civil society organisations in South Africa that are clearly located in one or the other field: a human rights NGO (Lawyers for Human Rights) and a conflict resolution NGO (the Centre for Conflict Resolution). Through vignettes of specific situations, it shows how
human rights and conflict resolution are deeply interwoven in these organisations’ daily reality. Chapter 6 considers such fluidity – the extent to which human rights and conflict resolution flow into one another in practice – from another perspective. It shifts attention to organisations that are less clearly or exclusively associated with either the human rights or the conflict resolution field. It first looks at another civil society actor – a network of churches in Zimbabwe – that operated at the interface of human rights and conflict resolution in a context of rising political violence, by simultaneously engaging in rights advocacy and dialogue facilitation. It then reflects on the practice of a number of independent state institutions, which also encounter the permeable boundaries between human rights and conflict resolution in various ways.

Part 3 (chapters 7 and 8) builds on the preceding chapters but places the examples discussed in a broader context. Chapter 7 probes some challenges that regularly arise for organisations and individuals experiencing the fluidity of human rights and conflict resolution. Framing these as dilemmas to reflect that they resist easy solutions and imply different courses of action, it explores how various actors have sought to navigate such complexity. Taking a step back from practice, chapter 8 looks more generally at the relationship between the fields of human rights and conflict resolution. It reconceives the binary framing that has characterised the debate on human rights and conflict resolution thus far, positing them as being either contradictory or complementary. It argues that the relationship between the fields is instead dynamic and contingent. Building on professional experiences and the literature, it explores four factors that may affect the interaction of human rights and conflict resolution in a specific context and over time.

Chapter 9 seeks to pull the strands of this study together, concluding it with a summary of main findings, a reflection on larger insights emanating from the study and a discussion of its implications. It also points to areas for further research.