Embracing concurrent realities: Revisiting the relationship between human rights and conflict resolution

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Chapter 4: Comparing the Fields: Human Rights and Conflict Resolution
Chapter 4

It will have become clear by now that the fields of human rights and conflict resolution represent particular ways of grasping, being and doing in the world. After the separate reviews in the two previous chapters, this chapter seeks to relate them to one another by considering how the fields differ and resemble one another. This comparative summary overview will round off our general consideration of the fields, intended to ground the later discussion of actual examples in a solid understanding of human rights and conflict resolution. As such, it clarifies how appreciating the distinct nature and content of these 'lenses' – whether by themselves or in comparison – helps to understand that these fields, in general terms, may both connect and disconnect.

As noted in chapter 1,1 the literature has usually painted differences between human rights and conflict resolution in stark dichotomous terms, while paying little attention to the extent to which these fields resemble one another.2 This chapter challenges that pattern by pointing out such similarities without disregarding the differences that do exist. Given the extensive discussion and wealth of material put forth thus far, it sets out both with only limited explanation. Of course, a comparative summary as presented here runs the previously noted risk of essentialising human rights and conflict resolution.3 This hazard – and the associated disregard for the diversity within each field – cannot be entirely negated; the discussion here thus contains some qualifying comments, in line with the study's intention to nuance existing scholarship on the relationship between human rights and conflict resolution.

The next section, 4.1, focuses on the conventional story by outlining key differences, grouping them in three categories: the fields’ disciplinary groundings, their conceptual frame of reference, and their practical approach. Section 4.2 considers the flip side, arguing that the human rights and conflict resolution fields are remarkably similar in three respects: the normative character of the fields, their evolution over time and their internal contradictions, which suggest that both human rights and conflict resolution may have trouble living up to their aspiration ‘to do good’. The concluding section, 4.3, reflects on the two fields in general, turning back once more to the discussion on 'fields' and 'frames' which provided the parameters for reviewing human rights and conflict resolution. It will also explain how the following chapters will build on the issues raised here.

4.1 Differences

The separate reviews of the fields in their own right have highlighted that human rights and conflict resolution perceive social reality from different vantage points and through different frames, and hence approach it in different ways. In other words, differences between the fields not only exist in the realm of practical strategies but

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1 See 1.1.3.
2 A notable exception is Babbitt (2009a).
3 See 1.2.2.
also relate to the fields’ conceptual frame of reference and their disciplinary groundings. Three sub-sections set out these differences below.

### 4.1.1 Disciplinary Roots

The human rights field has by and large been grounded in law, and legal approaches remain dominant in much human rights practice. The conflict resolution field, on the other hand, draws much more on the social sciences in both theory and practice. These different disciplinary roots are likely to impact on the way in which each field perceives of social reality and prioritises certain courses of action. For example, legal reasoning has been claimed to constitute a distinct, if not entirely unique, form of analysis that mostly focuses on the application of rules and following of precedent while examining sources and considering authority (Schauer 2009; Baghoomians 2009). Social science perspectives, on the other hand, may pay more attention to ‘why’ and ‘how’ questions beyond scrutiny of ‘what’.

At the same time, the distinction between human rights as predominantly law-based and conflict resolution as mainly social science-based must not be taken too far. The study and practice of human rights has become more interdisciplinary over time. The conflict resolution field has not been devoid of influence from law and lawyers either, from its early days onwards to the present day. In other words, while these disciplinary differences do leave their mark in how the fields perceive the world and ways to solve problems, they are not absolute.

### 4.1.2 Conceptual Frame of Reference

Several differences have surfaced in the bodies of thought at the core of human rights and conflict resolution. For one, the human rights field strongly focuses on the individual person and on the state, emphasising their respective legal entitlements and obligations. Conflict resolution pays more attention to identity groups (however defined) and to non-state actors; it is also concerned with exploring parties’ underlying interests and needs rather than with assessing behaviour and situations in terms of certain standards. It can hence be argued that human rights thinking and practice is mostly focused on what can be called ‘vertical’ relationships, between the state and citizens. A conflict resolution perspective considers these relevant too, especially in the context of protracted social conflict (although it then still tends to prioritise the state’s relationship with identity groups, rather than with individuals). Yet it focuses as much – if not more – on ‘horizontal’ relationships, between persons and groups and within groups. Code words regularly used in the fields reflect this difference in focus: in human rights, accountability matters; in conflict resolution, relationship-building and reconciliation.

The fields differ too in their conception of justice. The human rights field conceives of justice mostly in terms of individual or state level accountability, pursuing this
through much exhortation, including naming and shaming. Moreover, with the rapid development of international criminal law, ‘justice’ has been increasingly associated with retributive justice, attained through criminal prosecutions (e.g. Babbitt 2009a, 616). By and large, the human rights conception of justice is a product generated or distributed by the state (cf. Galanter 1981, 1, 17). Conflict resolution defines justice more often in terms of fairness of a settlement or outcome in the eyes of those involved in conflict. Rebuilding relationships between victim and offender communities is also prioritised; conflict resolution gives precedence to restorative, rather than retributive, justice (Babbitt ibid; Arnold 1998a, 2). This focuses more on the victim and the hurt than on the offender and the crime, and emphasises, *inter alia*, the participation of victims and offenders in repairing the harm done (e.g. Zehr 2009; 2002; Bloomfield 2006, 21). As such, in conflict resolution, the notion and delivery of justice does not rely on formal, state-sponsored, justice-dispensing institutions (e.g. Lederach and Thapa 2012, 14).

The theories of change informing human rights and conflict resolution may also vary. The human rights movement focuses on creating international norms; these are intended to shape behaviours. It assumes "that people should be held to moral imperatives of what is right", as these have been negotiated and agreed to in international standards (Babbitt 2009a, 616). In the conflict resolution field, however, most Track I and Track II actors believe that constructive change stems from a well-designed process of engagement and joint problem-solving; they try to improve the quality and durability of relationships and outcomes by facilitating such processes and by helping those who take part in them to develop strategies in line with conflict resolution principles. Thus, “in human rights, social change is thought to proceed by defining the end state and then finding effective means to reach that end” (Babbitt 2010, 68), while conflict resolution defines the means, and assumes that “the ends that emerge will be fair if the process is designed well and people are educated to use the process wisely” (Babbitt 2009a, 617). In other words, human rights is guided by a notion of what *ought to be*, working backwards from the desired outcome, while conflict resolution tries to work forwards from the present reality, starting from what is.

Another conceptual difference may lie in the fields’ perspective on violence. Conflict resolution eschews the use of violence; it emphasises the use of constructive or non-violent approaches to conflict rather than destructive ones. The work of human rights actors is however grounded in international law, which “does not ban war, although it does attempt to regulate it”; hence “human rights advocates are more accepting than conflict resolvers of violent conflict per se” (Lutz, Babbit, and Hannum 2003, 179). This is not to say that human rights actors are indifferent to violence. They are as keen to limit loss of life and other suffering as much and as quickly as possible. Where and when human rights violations occur, they insist that these must stop. Even so, violence or civil war in itself does not necessarily violate international human rights norms, and human rights law “has never had the lofty aim of ending all war” (Hannum 2006,
5). In contrast, in the conflict resolution field “there is widespread agreement [...] that violence is wrong” (Kriesberg 2009a, 28).

Arguably, moreover, the conflict resolution field is largely future-oriented, while the human rights field tends to focus considerably on the past – seeking accountability and redress for wrongs committed – even if it frames this concern as an investment in the future, a step necessary towards the ideal of a rights-respecting state and a rights-respecting society (Colvin 2008, 6-7). A degree of optimism seems embedded in conflict resolution, about the opportunities for positive change inherent in conflict situations and the human capacity for learning and growth (Shapiro 2006, 63). Conflict resolution rejects deterministic ideas about violence being an inevitable and integral part of conflict: “there are always seen to be other options” (Ramsbotham, Woodhouse, and Miall 2011, 6). Such optimism and belief in ‘other options’ may be less present in the human rights field, which is saturated in hard data about abuses.4 Relevant too is the difference observed between human rights’ binary or dualistic thinking and conflict resolution’s triangular perspective. Human rights actors are likely to perceive a situation or specific persons in terms of ‘either/or’, while conflict resolution is concerned with ‘both/and’.5

A final aspect noted here that may set human rights and conflict resolution conceptually apart is the extent to which the fields grant the existence of various moral perspectives.6 The human rights field recognises one moral universe as being right and legitimate: one that is framed by international standards and defined in terms of human rights. However, besides its normative stance that violence is wrong, conflict resolution is inclined to accept the possible existence of multiple moral universes. It is willing to assume that the conflict parties act “from within a moral universe that supports [their] decisions” and “grants a space for negotiation from within it” (Boyd-Judson 2011, 149, 9). This does not mean that conflict resolution assumes the moral equivalence of “all perceptions of a situation, choices of action, and potential consequences” (idem, 155).7 Rather, it believes that taking account of alternative moral perspectives or notions of justice held by those involved in conflict may be fitting in order to ensure productive negotiations (idem, 153).

Conflict resolution actors thus tend to refrain from passing moral judgement on alternative perspectives (other than rejecting the use of violence as a means to pursue them). They may also doubt “the utility and wisdom of relying on hierarchical international ethical norms as the best or only means to achieve just outcomes” (ibid). Meanwhile, human rights actors seldom have qualms in challenging the moral

4 Some may, however, consider human rights actors’ persistence in calling upon offender states and other entities to comply with rights standards – in reports documenting their abuses – as a sign of optimism, implying a willingness to grant offenders the benefit of doubt.
5 See also chapter 7, for discussion and illustration of ‘both/and’ thinking.
6 This paragraph draws on Boyd-Judson’s work on ‘strategic moral diplomacy’ (2011), which engages the moral perception of one’s adversary and may concede contrary moral positions so as to reach political objectives.
7 Some argue however that conflict resolution does just that, assuming moral equivalence (e.g. Baker 2001, 759).
legitimacy of any entity deemed responsible for violating human rights. In fact, they feel compelled to do so when observing behaviour outside the internationally agreed moral realm.

### 4.1.3 Practical Approach

As the above discussion suggests, the conceptual differences outlined affect the way the fields of human rights and conflict resolution manifest in practice. Their practical approaches can be so different that much has been made of that in the literature; it has in fact been argued that ‘human rights’ and ‘conflict resolution’ constitute “divergent paths to peace” (Baker 2001). This section hence draws on the separate reviews in the preceding chapters and on such literature.

If, as Roy and others suggest, ‘dialogue’ or ‘talk’ is “the prime tool of the conflict resolution trade” (2010, 358), then ‘rules’ or ‘standards’ may be the equivalent in the human rights business. The human rights emphasis on factual information, on formal, written texts (treaties, conventions, monitoring reports), and on legal remedies and institutions, probably matches conflict resolution’s concern with process, space and relationships. Moreover, while much human rights practice is focused on examining specific instances of rights violations, conflict resolution practice – especially conflict analysis – tends to be geared towards considering situations (issues, behaviour, events) in context; it seeks to comprehend the larger picture, making an effort to probe underlying conditions and conflict dynamics over time (even if not always succeeding in doing so). This contrasts with the incident-driven nature of much human rights practice. It could also be argued that human rights actors are inclined to point out gaps – identifying where policies and practices fall short of what they should be – while conflict resolution practitioners are keen to spot resources existing in a given context that can serve as capacities for peace.

A clear contrast has further been noted in ‘the treatment of norm violators’ (Babbitt 2009a, 616), especially when egregious violations have been committed. In such contexts, human rights actors usually expose those responsible for abuses and urge their exclusion from political forums and processes. They are keen to avoid an impression of rewarding bad behaviour, and argue that the inclusion of such individuals may grant them undue legitimacy and political influence. Instead, they are likely to denounce them and press for mechanisms to hold such persons accountable.

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8 See also 8.3.
9 Interviewee Ingrid Massage considers this a major difference between human rights and conflict resolution practices. She has long been active in the human rights field, working for Amnesty International and OHCHR amongst others; in 2006/7, she pursued a MA degree in international conflict studies at King’s College, United Kingdom. Conversation, 30 August 2011, London.
10 This is a throwback to the ‘peace/justice’ discussion referred to in chapter 1, notably in 1.1.2, 1.1.2 and 1.1.3.
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so as to alter their behaviour.\footnote{11} Meanwhile, conflict resolution practitioners generally try to make the processes they design and facilitate inclusive so as to not alienate any party that could derail the process, irrespective of this party's human rights record. They seek to explore the concerns of all parties in order to change their actions and attitudes. They are thus unlikely to push for a strategy of isolation and punishment regarding 'norm violators', and will probably avoid publicly criticising them; as noted, human rights actors do not shy away from attributing blame.

The use of the media reflects these different approaches. Conflict resolution actors may use the media to spread messages of coexistence and non-violence and to highlight the importance of dialogue as a means to settle conflict. Yet dialogue facilitation – the field’s quintessential strategy – is mostly conducted outside the limelight, to avoid jeopardising sensitive processes of engagement. In human rights practice, on the other hand, the glare of publicity is a vital ingredient of key strategies like monitoring, reporting, and advocacy. The media is used strategically to conjure up public pressure to halt offensive behaviour by entities involved in abuses or induce other actions meant to enhance respect for human rights, such as ratification of a treaty.

In general terms, human rights actors are more inclined to adopt adversarial approaches in seeking to advance the protection and promotion of human rights, while conflict resolution actors use more collaborative approaches with a view to establishing relationships, building trust and reaching mutually acceptable outcomes (Arnold 1998a). To this end, they carefully guard their impartiality to ensure their acceptability to all parties. Impartiality is seen here as being even-handed and showing no bias in the treatment of different parties. For human rights actors, being perceived as not taking sides is far less a concern; impartiality is about the objective application of human rights norms, irrespective of status or resources. Yet since most standards are created to "protect the weak individual from the abuses of the state or other potentially exploitative authorities, the human rights result does not appear impartial but instead looks like [...] advocacy for one party over another" (Babbitt 2009a, 619). Thus, "impartiality has completely different meanings for practitioners in each field" (ibid).\footnote{12}

This discussion points to the different roles that human rights and conflict resolution actors tend to play in conflict situations. Human rights actors are particularly geared towards roles such as norm-framing, advocacy, monitoring, and investigation. Conflict resolution practitioners tend to play facilitative roles, seeking to bring parties together and helping them to communicate in a constructive way. Arguably, human rights actors are focused on principles while conflict resolution actors are

\footnote{11} This probably applies more to non-governmental human rights actors than intergovernmental ones; in the UN context, OHCHR engages with 'norm violators' on a regular basis (feedback from a UN official, during dialogue process between UN Human Rights Advisers and Peace and Development Advisers, February 2014, Switzerland).

\footnote{12} This point is revisited in chapter 7, in the context of a discussion on handling role tensions in 7.3.
pragmatically oriented – i.e. solutions must be right (human rights) or they must work (conflict resolution). It has also been suggested that the two sets of actors differ in their respective emphasis on process (conflict resolution) or outcome (human rights) (e.g. Baker 2001, 760). Yet it would be farfetched to claim that conflict resolution practitioners are not concerned with whatever comes out of the processes they facilitate, or that they do not care about principles; the review of the conflict resolution field revealed its normative character.

Rather, the difference probably lies in human rights actors being more prescriptive and conflict resolution practitioners being more facilitative in their respective approaches to outcomes. Human rights actors generally advocate a certain type of outcome (one that abides by international and national standards and ensures the legal protection of rights), while conflict resolution actors are likely to stress the kind of process needed to reach a good outcome. They usually describe their work “in terms of methodology (i.e. active listening, reframing, distinguishing positions from interests)” rather than “articulating the ethical principles from which that methodology has developed” (Idriss 2003, 31). In sum, conflict resolution seeks solutions for problems in a specific context through the design of processes, while human rights tends to seek them in the application of global norms. It is worth noting, however, that process considerations have gained weight in the human rights field with the emergence of the human rights based approach (e.g. Gready and Ensor 2005a; Parlevliet 2009).

A final difference pointed out here is that conflict resolution practice pays much attention to what can be called the ‘subjective’ dynamics of conflict (i.e. mistrust, fear, hostility, enemy images). In contrast, human rights work mostly steers clear of dealing with emotions and psychological issues, preferring to let ‘the facts’ speak for themselves.13 In this regard, it could be argued that human rights and conflict resolution actors share a certain reticence about something that drives their practice but is seldom openly recognised as such: the emotion and passion fuelling much human rights practice may be hidden by the emphasis on the professional, detached and objective application of technical standards; the normative character or ethical principles informing conflict resolution work is often obscured by the field’s emphasis on methodology, tools and process.

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13 I thank Undine Whande for pointing this out to me. Of course, emotions do matter in human rights work in terms of mobilising public opinion through human rights reporting and human rights actors’ passion for their cause. Yet human rights practice is more geared towards appealing to emotions than dealing with them; it also generally does not seek to address the emotions of those directly implicated in and/or affected by violations. Conflict resolution practice explicitly seeks to acknowledge and deal with these and other subjective dynamics of parties in conflict.
### 4.1.4 In Sum: Differences

Based on the discussion above, the following chart summarises key differences between the fields of human rights and conflict resolution, grouped under more specific headers than the categorisation used thus far.

<table>
<thead>
<tr>
<th>Key Words &amp; Imagery</th>
<th>Human rights</th>
<th>Conflict resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standards, obligations, legal entitlements, fight, struggle, justice, dualism, rights-holder/duty-bearer, victim/perpetrator, either/or, rights/wrongs, naming and shaming</td>
<td>Dialogue, table, space, talk, being in the middle, reconciliation, peace, building, healing, triangle, both/and, tools, toolkit, interests, needs, dynamics</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Discipline</th>
<th>Law</th>
<th>Social sciences</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Practical Approach</th>
<th>Adversarial</th>
<th>Co-operative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Focus on protection of rights and degree of compliance with human rights standards (international, regional and domestic)</td>
<td>Explore needs, interests, concerns of parties in order to reach mutually agreeable outcomes that meet interests of all parties</td>
<td></td>
</tr>
<tr>
<td>Prescriptive regarding outcome – outcome must be in line with international human rights standards</td>
<td>Facilitative regarding outcome – negotiated outcome is be acceptable to those involved and affected and suitable to specific context</td>
<td></td>
</tr>
<tr>
<td>Solutions for problems in specific context sought in application of universal norms</td>
<td>Solutions for problems in specific context sought through design of process</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Orientation</th>
<th>Focused on finding solutions that are right (‘principled’)</th>
<th>Focused on finding solutions that work (‘pragmatic’)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Keen to build legal structures and processes that comply with international standards, protect the weak, provide remedies, ensure accountability</td>
<td>Keen to improve relationships, trust, and respect between adversaries, and enhance mechanisms for constructive conflict handling</td>
<td></td>
</tr>
<tr>
<td>Let the facts speak for themselves, dispassionate application of international standards</td>
<td>Emotions and psychological dynamics matter and need to be addressed</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Attitude to Parties</th>
<th>Urge the exclusion of alleged perpetrators from political processes to avoid granting them undue legitimacy and political influence</th>
<th>Include all relevant parties in dialogue, since excluding important actors will undermine durability of process and outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Need to apply human rights standards irrespective of who violates them</td>
<td>Need to treat all parties in even-handed manner</td>
<td></td>
</tr>
<tr>
<td>Name and shame those responsible for human rights violations</td>
<td>Refrain from judging and criticising parties, especially in public</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Theory of Change</th>
<th>Define ends; work out means to achieve those ends</th>
<th>Define means; ends will be fair if emerging out of well-designed process</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work backwards from desired end state, guided by notion of what ought to be</td>
<td>Work forwards from what currently is to desired future</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Conception of Justice</th>
<th>State level and individual accountability; retributive justice</th>
<th>Fairness in terms of outcome in eyes of eyes of those involved; restorative justice</th>
</tr>
</thead>
<tbody>
<tr>
<td>Justice delivered/distributed by state</td>
<td>Delivery of justice not tied up with state-sponsored institutions</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Unit of Analysis</th>
<th>Individual; state</th>
<th>Identity group</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal entitlements and obligations</td>
<td>Underlying interests and needs</td>
<td></td>
</tr>
</tbody>
</table>

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Of course, it is worth noting that such a chart fuels essentialist conceptions of human rights and conflict resolution, as it depicts the fields as being clear-cut with ‘fixed’ differences and does not contain any qualifiers.

4.2 Similarities

Notwithstanding the various differences noted above, the separate reviews in the preceding chapters suggest that the human rights and conflict resolution fields resemble one another in several respects, more so than has generally been recognised in the literature to date. The fields have three features in particular in common, namely their normative character, the way they have evolved over time, and the challenges they face in light of internal contradictions.

4.2.1 Normative Character

The human rights and conflict resolution fields both have a strong normative orientation. They share a concern to improve the human condition and make the world a better place. Their vision of the desired nature of society is similar, even though they tend to describe it differently and root it respectively in an awareness of shared humanity (conflict resolution) or the notion of inherent human dignity (human rights). Human rights efforts aim to create conditions in which individuals and groups are protected against abuse and have access to fair and institutionalised mechanisms for holding the state accountable, where their dignity is respected and where people can develop their full potential and shape their own lives and society around them. Conflict resolution work seeks to achieve sustainable peace: conditions characterised by social justice, a fair distribution of power, resources and opportunities, and constructive inter-group relations where individuals, groups, and institutions are willing and able to handle conflict without violence, negotiate their differences constructively, and where people can take part in decisions that affect their life.

Both fields hence seek to support and facilitate long-term social change so as to create “a world in which all human relations reflect a fundamental respect for human dignity and a desire to meet human needs” (Idriss 2003, 31). Irrespective of where the desired social change comes from or how it supposedly comes about, the fields share an essentially utopian belief in the ‘make-ability’ of society, and in the agency of individuals and groups to shape their environment. They also share a belief in the possibility to rectify power imbalances, the importance of which is stressed by both fields. It could thus be argued that the human rights and conflict resolution fields entail ambitious forms of social engineering. Underpinning their efforts to remake the world seem to be what Colvin has called, in another context, ‘technicist dreams’: the
idea that “societies can be understood and manipulated, and that people behave rationally or at least predictably” (2008, 12).\footnote{Colvin (2008) raises the notion of “technicist dreams” when exploring the ‘shared logics’ of transitional justice and development, which resonates with the discussion here on the human rights and conflict resolution fields.}

Within the parameters posed by the fields’ normative nature and faith in society’s make-ability, moreover, it is also possible to identify specific values that are common to the human rights and conflict resolution fields. In particular, participation, empowerment, protection of human life, and equity seem to be common norms, even if these tend to look somewhat different from a human rights or a conflict resolution perspective (Babbitt 2009a, 615). For example, the paradigms agree on the importance of protecting human life, yet try to achieve this in different ways: conflict resolution focuses on stopping and preventing violence by facilitating dialogue and addressing points of contention between opponents, and by addressing basic needs for identity, protection, welfare and freedom, while human rights work emphasises the right to life and seeks to protect individuals from torture and other forms of cruel and degrading treatment, prohibit slavery, and ensure freedom of religion, conscience, expression and movement (idem, 616).

In a similar vein, in terms of equity, both human rights and conflict resolution “would argue that all human beings should be treated with respect, even those with whom we strongly disagree” (ibid). A human rights perspective emphasises equal access to due process, fair and impartial hearings, and protection from arbitrary arrest while a conflict resolution perspective makes an effort to understand the needs and concerns of all sides – including those of persons or entities violating other people’s rights. Both perspectives also agree that equity is not necessarily the same as equality, as differences in resources may remain; nevertheless, the human rights agenda may be “much more explicit” in seeking both equality and equity (ibid). In sum, the human rights and conflict resolution fields have several norms in common even though they may differ in how these norms are put into practice. Moreover, as noted, conflict resolution practitioners are generally less explicit about the norms guiding their practice than human rights actors are (ibid; Idriss 2003, 31).

4.2.2 Evolution over Time

Their evolution over time constitutes a second striking resemblance between the fields. The review of their historical development highlights that ‘human rights’ and ‘conflict resolution’ both came of age as specialist fields of scholarship and practice in the post-Cold War world, after coming to the fore initially after World War II. The fields experienced a significant impetus in the 1970s and 1990s, which speaks to geopolitical developments related to the demise of colonialism, the growth of development cooperation, democratisation and globalisation, and the increasing prominence of non-state actors.
Civil society organisations – international, national, and local – have come to play a significant role in the two fields. In addition, human rights and conflict resolution have expanded considerably in terms of (conceptual) substance and (practical) manifestation through tangible strategies and activities. The number of people working in the two fields has also greatly increased, as has their geographical reach and the financial resources invested in them. This expansion has furthermore materialised in rapid professionalisation and a growing influence on other realms, such as development. Put differently, both human rights and conflict resolution have moved ‘from the margins to the mainstream’ (cf. Beirne and Ni Aolain 2009, 212).

Yet the resemblance does not stop there. The fields’ expansion has not led to a consensus on core concepts and key terminology. In both fields, terminological sloppiness has ensued, with the key term – be it ‘human rights’ or ‘conflict resolution’ – being used in multiple ways. Moreover, the rising expectations and ambitions in either field have led to concerns – within and outside the fields – about the extent to which human rights and conflict resolution actually manage to achieve their lofty goals.

Ironically, a relationship may exist between the fields’ expanding ambitions and their shortcomings in delivering results, as Van Rooij and Nicholson have suggested in another context (2013, 345): increasing ambition produces limited impact, yet lack of impact prompts proposals to address gaps and do more. Scholars and practitioners contribute to this process by developing and endorsing new, more comprehensive, paradigms while criticising older ones for their limitations.15 A risk thus arises of the human rights and conflict resolution fields turning into their own ‘straw-man’: by expanding their aspirations they set themselves up for more critique, yet then self-deliver such critique (ibid).

Nevertheless, the broadening conceptions of what is involved in protecting and promoting human rights and facilitating sustainable conflict resolution have resulted in the boundaries between the fields becoming less distinct as the points of connection increase; the metaphorical ‘edges’ of the fields are fraying (cf. Fast 2002). Clearly, the conflict resolution field has had to start paying attention to human rights and ‘the law’, in light of the ascent of the human rights paradigm and the rise of international criminal justice. Conversely, the human rights field has been challenged to consider the impact of its interventions on conflict dynamics. There are also other connection points; this probably informs Mertus’ assessment (mentioned in the introduction) that the lines between human rights and peace work have blurred as the range of actors involved and the nature of activities have widened (2011, 128; also Schirch 2006, 63-64). The growing movement of practitioners across the fields, noted in chapter 1,

15 Van Rooij and Nicholson observe what they call the “co-evolution of ambition and limited impact” in a review of inflationary trends in the field of law and development (2013).
attests to this too. It is noteworthy too that an increasing number of issues have become matters of concern to both human rights and conflict resolution actors. These include not only the question of how societies can come to terms with a legacy of serious abuses in the aftermath of violent conflict (‘transitional justice’) but also, for example, the impact of business operations in conflict-affected environments and the management of natural resources, to name but a few.

In sum, the fields’ evolution means that human rights and conflict resolution perspectives, actors and approaches increasingly ‘meet’ one another. Of course, while enhancing prospects for cross-fertilisation and collaboration, the narrowing gap between the fields has also raised the odds of the fields and the actors within them colliding when their respective priorities and strategies diverge or are perceived to do so. This has probably become most clear in the context of transitional justice and the peace/justice debate more generally – which is important to acknowledge here even if this study does not cover this for reasons set out previously.  

4.2.3 Challenges

Finally, neither of these fields is as straightforward as they are often perceived or portrayed. In fact, human rights and conflict resolution are remarkably similar when considering the tensions existing in each field, and consequently, the challenges faced by actors concerned with human rights protection and promotion or conflict resolution. The fields’ difficulty in having the desired impact has already been noted; common too are the problems associated with measuring or proving effectiveness.

In addition, while both fields are concerned – at least in theory – with addressing power imbalances in their aspiration to create more equal, participatory and fair societies, their relationship with power is ambiguous in practice. Both human rights and conflict resolution are subject to critique for challenging power insufficiently when resources and opportunities are asymmetric. In fact, both may serve to sustain a status quo marked by structural inequalities: human rights can do so by displacing alternative idioms of social and political protest, while conflict resolution may freeze existing inequalities, facilitating pacification rather than transformation in seeking to prevent a situation turning from bad to worse. As such, neither field can elude the liability that activities undertaken with the best of intentions may well have unintended negative consequences. Moreover, practical efforts in either field may be beholden to the very (statist) powers that enabled formal rights standards to come into being or that requested the initiation of an interest-based conflict resolution

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16 In this regard it is also noteworthy that many practitioners in the human rights and conflict resolution fields (notably those operating in the realm of INGOs) nowadays resemble one another in terms of political views and ideals, cultural history, and socioeconomic position – as Colvin has observed previously in relation to practitioners in the fields of transitional justice and development (2008, 8).

17 See chapter 1, notably 1.1.3.
process. Either way, the entities wielding power can limit the transformative impact of interventions, whether focused on human rights or conflict resolution.

A feature that has further bearing on the fields’ ambivalent attitude to power is also shared by human rights and conflict resolution: the extent to which both fields have evolved into specialised, technical approaches with a tendency to downplay – or even ignore – the political dimension of actual efforts. This technical turn manifests similarly in some respects (namely, rapid professionalisation) and differently in others (e.g. formulation of new human rights standards; development of elaborate conflict analysis tools). The ‘technification’ of human rights and conflict resolution is undeniable, however. Both fields, as a set of discourses and practices in the contemporary world, rely heavily on technique: “they are invested in an idea that with the proper tools and systems in place, their goals can be accomplished effectively and efficiently” (Colvin 2008, 2). This development has been criticised in both fields, as it provides little “guidance on the normative substantive issues at stake” (idem, 12) and fails to appreciate “the uncertainty and ambiguity inherent in all social processes” (Körppen 2011, 77).

It has also transpired that human rights and conflict resolution extensively use strategies meant to ameliorate conditions in the short term despite their aspiration to facilitate long-term, structural change. In this respect, intentions and actual practice in the two fields do not match. Another shared dilemma is the tension between the general and the particular. In part, this relates to charges levelled against human rights and conflict resolution that their respective body of thought and practices, under the guise of universal relevance and application, represents a Western perspective and is of only limited value elsewhere. Beyond that, the general/particular question plays out differently. In the human rights field, theory and practice are both universalist; the emphasis on the primacy of universal norms competes with the importance of having them resonate with customs and culture in a specific context, and with demands for local agency. In conflict resolution, tension arises more between theory and practice; the desire to defer to the complexity and specificity of a particular conflict and the notion that context-specific needs must prevail, clash with the field’s simplifying and generalising tendencies. Still, in both fields, calls for ‘taking context into account’ and ‘ensuring local ownership’ are more easily said than done.

The challenge of reconciling the general and the particular has become more pressing over time, as many more NGOs – both context-specific and international – are working on human rights and peace, while transnational networks have grown in size, scope and influence and global power relations are shifting. Resource inequalities are an exacerbating factor as activities originating from and (supposedly) driven by persons and organisations embedded in a particular context tend to be largely dependent on material resources provided by external actors.
In this regard, it is also often overlooked that talk of particularities and local context quickly turns essentialist, without regard for the fact that ‘the local’ is not a monolithic, straightforward entity that is easily known, but is contested and emergent: “it emerges out of the engagement of actors, internal and external, in their mutual, sometimes conflicting efforts to remake the world. As such, it is unpredictable and unknowable before the fact” (Colvin 2008, 13). Our discussion thus far implies that accommodating such ambiguity and unpredictability is hard for fields that put such faith in the make-ability of the world.

4.2.4 In Sum: Similarities

The chart below summarises the similarities outlined in the discussion thus far:

<table>
<thead>
<tr>
<th>Similarities</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Normative character</td>
<td>• Recognising shared humanity/ inherent dignity of all human beings</td>
</tr>
<tr>
<td></td>
<td>• Seeking to support constructive social change</td>
</tr>
<tr>
<td></td>
<td>• Believing in the ‘make-ability’ of society</td>
</tr>
<tr>
<td></td>
<td>• Faith in individual and collective agency to shape own environment</td>
</tr>
<tr>
<td></td>
<td>• Emphasising protection of human life, participation, empowerment, equity</td>
</tr>
<tr>
<td>Evolution over time</td>
<td>• Strong impetus in 1970s and 1990s, growing professionalisation</td>
</tr>
<tr>
<td></td>
<td>• Increasing influence on other realms (e.g. development)</td>
</tr>
<tr>
<td></td>
<td>• Increasing ambition and reach (substantive and geographical)</td>
</tr>
<tr>
<td></td>
<td>• Terminological sloppiness</td>
</tr>
<tr>
<td>Facing similar challenges</td>
<td>• Having impact, proving effectiveness</td>
</tr>
<tr>
<td></td>
<td>• Match between theory and practice</td>
</tr>
<tr>
<td></td>
<td>• Ambivalence in relation to power</td>
</tr>
<tr>
<td></td>
<td>• Extensive reliance on technique (and downplaying political nature of efforts)</td>
</tr>
<tr>
<td></td>
<td>• Symptom-orientation and dominance of short-term strategies</td>
</tr>
<tr>
<td></td>
<td>• Tension between the general and particular; taking context into account</td>
</tr>
</tbody>
</table>

4.3 Conclusion: The Human Rights and Conflict Resolution Fields Compared

As the last of three chapters considering the human rights and conflict resolution fields in general, this chapter has sought to compare them with a view to adding to our understanding of the fields and facilitating insight into what may connect them and/or drive them apart. This concluding section summarises the differences and similarities observed and reflects on human rights and conflict resolution in light of the earlier discussion on the notions of ‘field’ and ‘frame’.
This chapter has discussed differences between the fields in three areas: their disciplinary groundings, their conceptual frame of reference, and their practical approaches. While law has in large part shaped the human rights field and continues to provide the parameters for its existence and functioning, the conflict resolution field has been more influenced by various social sciences. This different disciplinary basis affects how human rights and conflict resolution view social reality and the options for action identified.

Conceptually, the fields differ in several respects, such as their analytical focus, understanding of how ‘change’ is likely to happen, notions of justice, and the extent to which they are willing to engage with ‘alternative moral universes’ beyond the realm framed by international normative standards. The dominant practices in each field also tend to differ considerably, as reflected in, inter alia, their respective attitude towards parties, their approach to problem-solving, and the types of roles they most regularly play. Human rights does not shy away from adversarial approaches and seeks solutions for context-specific problems through the application of human rights instruments; conflict resolution is more collaboration-oriented and relies mostly on the design of processes to address problems.

Yet these differences, however obvious they may be, only represent one side of the story when considering the fields in conjunction. The separate reviews of the fields show remarkable similarities between human rights and conflict resolution, which are also worth acknowledging. This chapter has argued that the fields resemble one another in three respects in particular. First, both are highly normative, and seek to facilitate constructive social change so as to improve the human condition. They also share a belief in the agency of individuals and groups to shape their environment. Second, the fields are similar with regard to their evolution over time, having both experienced a steady expansion in substance, reach and scope, as well as rapid professionalisation within a few decades. Third, the fields contain significant internal tensions or contradictions, which show that their specific perspectives on and approaches to the world have limitations. Yet these contradictions are surprisingly similar, suggesting that particular challenges are not unique to either field. These relate, inter alia, to a reliance on technique, a tendency to focus on symptoms rather than causes, a degree of ambivalence when it comes to challenging power, and the question of combining the general with the particular. In other words, both human rights and conflict resolution have a ‘shadow side.’ Furthermore, neither can claim to possess the definitive truth about the world and how to improve the human condition.

Thus, a comparison of the two fields, based on careful review of human rights and conflict resolution in their own right, demonstrates that different stories can be told about the way they hold up to one another in general terms. Focusing on their telos, or purpose, is likely to draw attention to their “shared logics” (Colvin 2008). A concern with the methods of their practice will probably bring out contrasts. Nevertheless, such differences are not to be negated, as it is clear that they may generate tensions
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between human rights and conflict resolution actors, perspectives and approaches. As Colvin has noted in another context,

[a] set of quite conventional philosophical debates underlies [these differences and tensions]. What are and ought to be the relationship between the individual and the collective? Between the past and the future? Between event and structure? Between the ideal (pure) and the material (technical)? How do we understand agency and responsibility [...]? What causes justice and inequality, what are the forms suffering can take and where should we look for their remedies? As often as not, our answers to these questions reinforce the underlying categories and distinctions between them (idem, 6).

Appreciation of the fields' differences may help to explain the stereotypes and prejudices that exist around each field, and that lead to ‘human rights' and ‘conflict resolution' often being typified in simple dichotomies, if not caricatures, that imply their mutual exclusivity. Nevertheless, a careful reading of the above discussion on similarities and differences shows that these are not absolute. What is similar in one respect – e.g. a shared norm of protecting human life – may be put into practice differently; a seemingly obvious difference – for example, the fields' disciplinary roots – may hide a more nuanced reality. Even authors that do depict stark contrasts between the fields may qualify them, recognising that human rights and conflict resolution actors often overlap in reality and share many perspectives (e.g. Baker 2001, 756).

A question can therefore be raised as to why, thus far, the literature on human rights and conflict resolution has paid such attention to the differences between the fields with relatively little regard for their shared points of reference. Why has the gap between these bodies of thought and practice been seen to be so deep (cf. Colvin 2008, 4)? This runs the risk of “missing the fact that they have always been deeply connected, if only through the process of carefully keeping them in contrast to one another” (idem, 8). Rather than pursuing this question here, we will revisit it in the conclusion, as later chapters may also shed light on it.

For now, given the concluding nature of this section, it makes sense to reconsider the ‘field’ and ‘frame’ notions in relation to human rights and conflict resolution to enhance the coherence of these last three chapters. The reviews of the human rights and conflict resolution fields show how the constitution of a field may indeed entail the constitution of reality itself, as Bourdieu argued (1987, 831). The words and images social actors use in the context of conflict resolution practice or human rights work, reveal the world in a particular way; certain features of social reality are highlighted while others are obscured, referred to the background or dismissed as irrelevant. It has also become clear how these frames make certain actions possible while precluding others. While the concern with human dignity and accountability in human rights’ thinking turns norm-framing, advocacy and fact-finding into key strategies, this is less suitable in a conflict resolution frame; there, the ambition to find

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18 See 1.2.2.
mutually acceptable outcomes and faith in the power of good processes makes relationship-building and dialogue-facilitation more relevant.

In other words, the human rights and conflict resolution fields each provide a distinct ‘lens’ through which to view the world and conceive of possible responses to problems faced by people and societies. These ‘lenses’ come with priorities, preferences and demands, which may well pull in different directions and are expressed in vocabularies that are fairly inaccessible to the uninitiated. They also come with certain limitations, which is relevant given the way actors in a field seek to impose their internal norms on broader realms and project the legitimacy of their notions and interpretations outwards (Terdiman 1987, 809). The gradual expansion of the fields reflects this tendency, which has resulted in the boundaries of human rights and conflict resolution becoming less distinct over time. Broadening conceptions, growing ambitions and diversifying practices have reduced the distance between the fields. Human rights and conflict resolution perspectives and approaches thus increasingly encounter one another – for better and worse, so to speak; this development has come with opportunities and challenges.

Overall, appreciating the distinct nature and content of the two lenses – in their own right and in comparison – thus sheds light on the extent to which human rights and conflict resolution, in general terms, may connect and disconnect at the same time. In my own work, when engaging with a group of people representing both ways of doing, being and thinking, a curious pattern of drawing together and pulling apart has surfaced that illustrates this interaction. If I present human rights and conflict resolution as essentially similar in some fundamental respects and as part of a larger endeavour to remake the world (cf. Schirch 2006, 64), resistance usually ensues and people assert the many differences between their respective emphases and approaches. Yet if I take them through a process that spells the two lenses and positions them as distinct, a reverse movement follows, with similarities and complementarities soon being pointed out.

The next three chapters explore this dynamic interaction further, by considering how the relationship between human rights and conflict resolution plays out in practice. To this end, it examines the experiences of some civil society organisations and also refers to the work of a number of independent state institutions.