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

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Chapter 8: Factors Affecting Convergence
It has become clear that the relationship between human rights and conflict resolution is dynamic and variable: it manifests differently in various circumstances and can change over time. This raises the question of what factors influence how the interplay of human rights and conflict resolution unfolds in practice. The discussion in the previous chapter suggests that some will probably be contextual, while others may relate to the agency of those involved in human rights or conflict resolution efforts. This chapter further substantiates the claim that the human rights/conflict resolution relationship is dynamic and contingent by showing how four clusters of factors can impact on it. The chapter argues that the extent of convergence between the fields is, at least in part, a function of these factors.

This focus on factors affecting convergence is a relatively new line of enquiry in the study of the relationship between human rights and conflict resolution. To date, research has focused more on whether human rights and conflict resolution are complementary or contradictory, as if the fields’ modes of relating can only be one or the other.\(^1\) The limitations of this ‘either/or’ frame should be clear by now; it fails to recognise that the relationship between the fields is probably both contradictory and complementary. This complementarity/contradiction frame also seems to imply a fixed state, as if the relationship between the fields remains constant, irrespective of contextual conditions, circumstances at a certain time, or actions taken by organisations or individual practitioners. The findings of this study so far indicate otherwise.

The focus in this chapter thus transcends the existing frame by starting from the observation that human rights and conflict resolution can conflict at times and in some ways and enhance one another at other times and in other ways. The use of the term ‘convergence’ (and its counterpart, ‘divergence’) is another departure from the existing frame, intended to reflect the dynamism inherent in the interplay of the two fields. Convergence as used here generally denotes a situation in which human rights and conflict resolution move towards one another and come to support and enrich one another. Associated with complementarity, it links to notions of synergy, collaboration and cross-fertilisation that emerged in previous chapters. Divergence refers to an opposite movement, in which the fields move apart and tensions rise; it relates to notions of clashing, being at odds and contradiction.

A full examination of what factors influence the way the relationship between human rights and conflict resolution unfolds in practice is beyond the scope of this study. This chapter seeks to show instead the usefulness of this line of enquiry by considering how the relative convergence of human rights and conflict resolution may be affected by the following factors: the conceptualisations of ‘human rights’ and ‘conflict resolution’ that prevail in a given context; the political and economic context in which human rights and conflict resolution thinking and practices take place; the strategies

\(^1\) See 1.1.3, on the fourth shortcoming of the existing literature. A notable exception is Manikkalingam (2008).
used to pursue human rights and conflict resolution goals; and the nature and extent
of practitioners’ knowledge of, exposure to, and appreciation of human rights and
conflict resolution. Considering the possible impact of these factors on the relative
convergence of the two fields is not intended to imply that convergence is necessarily
the ‘holy grail’; while this study has argued that convergence has several benefits, it
has shown that apparent divergence can also serve a function.²

As the above suggests, this chapter does not aspire to be exhaustive nor does it assert
strict causality. Resembling a plausibility probe, it is explorative in nature and builds
on what I have encountered in practice and in the literature.³ This motivates the focus
on these four factors. Three are derived from specific cases and contexts I have
worked on and in; they have struck me over time as very relevant as I tried to make
sense of the interplay of human rights and conflict resolution in different settings. This
relates to prevailing conceptions, the political and economic context, and exposure,
interaction and appreciation. The other factor discussed here, strategies used, stems
more from the literature, which has mainly pointed to ‘conflicting methods’ in
explaining tension between the fields.⁴ Overall, the chapter draws on a broader range
of experiences than those featured before, including assignments undertaken while
working on this study,⁵ and accounts from other countries. This supplementary
information reinforces the line of argument set forth here and enhances insight into
matters discussed. Hence the chapter refers to a few other countries to illustrate
specific points (notably Sri Lanka and Colombia) and includes some references to
actors operating internationally.⁶ The first two sections, however, provide more
background to examples previously discussed by looking specifically at conditions in
Northern Ireland and South Africa.

In terms of structure, the chapter first considers the conceptual level by contrasting
the conceptions of human rights and conflict resolution that prevailed in Northern
Ireland and South Africa (section 8.1). It subsequently takes a step back and places
these conceptions in a broader frame of reference, by exploring the possible impact of
the political and economic context with reference to Northern Ireland, Colombia and

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² This links back to the discussion of the confrontation/cooperation and facilitator/advocate dilemmas (in 7.2 and
7.3), which highlighted that seemingly conflicting (or: divergent) approaches can be complementary. This will be
revisited in this chapter, notably in 8.3.1 and 8.4.3.
³ At a minimum, a plausibility probe may try to establish that a theoretical construct is worth considering at all, in
the sense that an empirical example of it can be found (Eckstein 1999, 148). Drezner likens it to “dipping the first
toe in the water. Swimmers want to know if the water is temperate enough to go deeper. Researchers want to
know if the empirical climate is friendly enough for more extensive forays” (1999, 59).
⁴ See the introduction to section 8.3 for references.
⁵ These generally entailed speaking engagements or facilitation of training sessions or reflection focusing
specifically on the relationship between the two fields, for mixed audiences (comprising human rights-, conflict
resolution-, and/or development-focused practitioners). Many of these practitioners work in countries around
the globe, through the United Nations or European development organisations.
⁶ This can be through the UN, field-specific INGOs, and international development agencies. Colombia and Sri
Lanka feature mainly in 8.2.1 and 8.2.2, respectively; references to international practitioners are mostly
confined to 8.4.
Sri Lanka, as well as CCR’s Human Rights and Conflict Management Programme (HRCMP) (8.2). It then descends to the level of practice by considering how the strategies used to advance human rights and conflict resolution may affect prospects for convergence; it does so by bringing together overall insights from the study thus far and from the literature (8.3). Thereafter, the chapter focuses on practitioners in these fields themselves, looking at their exposure to, interaction with, and appreciation of the ‘other’ field (8.4). The final section presents the chapter’s conclusion (8.5).

8.1 Conceptions of Human Rights and Conflict Resolution

This section argues that the relative convergence of human rights and conflict resolution in a given context depends in part on how these notions are understood and applied in that setting; the specific conceptions of ‘human rights’ and ‘conflict resolution’ shape the interaction of the fields. It posits that the narrower the prevailing conceptions of human rights and conflict resolution, the less scope may exist for convergence, as it is more likely that proponents of these fields will question the relevance of one another’s perspective and approach and/or perceive their respective efforts as being at odds. It attributes this to the relatively few points that narrow conceptions – which construe human rights and conflict resolution in fairly classical terms – provide for connecting the two; such conceptions are therefore more likely to give rise to a perception of being mutually exclusive.

The section advances this thesis by contrasting the conceptualisation of these key notions in Northern Ireland and South Africa and noting the apparent implications for the relationship between human rights and conflict resolution in the two contexts. Focusing mostly on the late 1990s and the early 2000s, it observes that rather narrow conceptions operated in Northern Ireland, leaving little room for one another. This contributed to tension between the fields and scepticism amongst field actors as to whether human rights and conflict resolution could go together. In South Africa, on the other hand, broader conceptions prevailed, which offered multiple entry points for practitioners in both fields to accept the relevance and legitimacy of one another’s perspective and approach; it was hence easier to combine aspects of both in addressing contentious issues or problems in society. Below, the section first considers conceptions in Northern Ireland (8.1.1) and South Africa (8.1.2) and then summarises the findings (8.1.3). The discussion assumes that it is possible to identify a ‘dominant conception’ of human rights or conflict resolution in a context.\(^8\)

\(^7\) The focus on this time period is due to the fact that most of my activities in these contexts took place at that time.

\(^8\) As discussed in relation to the ‘field’ concept (1.2.2), recognising a ‘dominant conception’ does not preclude the chance of it being contested. Also, differences and ambiguities exist in the conceptions used (Beirne/Knox 2014, 32).
8.1.1. Northern Ireland: Narrow Conceptions, Little Convergence

This sub-section sets out the conceptions of human rights and conflict resolution prevailing in Northern Ireland in the late 1990s and early 2000s and explains how they probably negatively affected the relationship between the two: the analytical frameworks, priorities for action and strategies adopted by actors in both fields seemed unrelated or even outright conflicting. To substantiate this claim, it notes criticism levelled back and forth by proponents of the two fields, and outlines impressions from my first visit to Northern Ireland in late 2002.

This visit was in response to an invitation from the Belfast-based Institute for Conflict Research (ICR), which sought to organise a seminar on human rights and conflict management for relevant actors in Northern Ireland. The director, Neil Jarman, had become aware of CCR’s work in this area and believed that its experiences in linking the fields could be useful in the local context, especially because there was little interaction between human rights and conflict resolution actors in Northern Ireland, while what interaction did exist was not particularly constructive. As a researcher focusing on parading disputes, Jarman had been a member of the Committee on the Administration of Justice (CAJ) for some time, the leading human rights NGO in Northern Ireland. He had subsequently remained in touch with ‘the human rights community’, seeking ways of building links between it and the conflict resolution community.

Inviting me to Belfast to discuss the relevance of bridging the divide between human rights and conflict resolution, based on experiences in South Africa, offered an opportunity to bring practitioners working in these fields in Northern Ireland together and facilitate an exchange between them. ICR also arranged for me to have several meetings with relevant organisations and individuals. From my engagements at the seminar and in separate meetings, I got the impression that actors in the two fields – both individual practitioners and organisations – were reluctant to engage directly with one another. There seemed to be considerable frustration on both sides about ‘the other’s’ priorities and practices. I was told that field actors seldom attended one another’s events. The seminar seemed a case in point: few human rights ‘people’ turned up. All in all, I observed more of a gap between the two ‘camps’ (Beirne and Knox 2014, 28) and more pessimism about the potential for synergy than I had ever noted in the South African context, which was both fascinating and puzzling.

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9 Established in 1981, CAJ describes itself as “an independent human rights organisation with cross community membership in Northern Ireland and beyond. It lobbies and campaigns on a broad range of human rights issues. CAJ seeks to secure the highest standards in the administration of justice in Northern Ireland by ensuring that the Government complies with its obligations in international human rights law;” see http://www.caj.org.uk/.
10 Interview, 7 October 2011, through skype; personal notes from interaction with Jarman, September-November 2002.
11 Personal notes from meetings in Belfast and Derry, November 2002, on file with author.
While later visits did not dispel this picture, it is worth noting that these initial encounters were overshadowed by the publication of a special issue of *Human Rights Dialogue*, a journal of the Carnegie Council on Ethics and International Affairs (2002). Focusing on integrating human rights and peace work, it contained an article by leading human rights scholar/activist Christine Bell, former Chair of CAJ and a member of the Northern Ireland Human Rights Commission. It also featured a response by prominent conflict resolution practitioner Mari Fitzduff, the director of a university-based centre for applied conflict-related research who had previously headed the Community Relations Council, established to improve community relations between Protestants and Catholics in Northern Ireland and promote cultural diversity.

Judging from their contributions, there was little love lost between the human rights and conflict resolution communities in Northern Ireland.

According to Bell, what was at stake was a “subtle and fundamental division over the causes of conflict and the best ways to end it” (2002, 6). She wrote that,

> During the period prior to the peace agreement, the community relations industry [...] was singularly unable to provide any broader structural initiatives aimed at challenging the conflict and its effects. [...] Community relations proponents operated at best with a toleration of human rights groups and at worst with an antipathy towards them as divisive and partisan, obstacles to good community relations – and therefore peace. Instead of viewing all difficult issues as political and subject to negotiation, human rights groups suggested that in some areas there were absolutes that, even if divisive, must be addressed. Many working from a human rights perspective viewed community relations work as perpetuating a status quo in which key causes of violence were not addressed and conflict could not be meaningfully resolved (2002, 7).

Concluding, Bell conceded that “human rights protections are not the whole solution”, yet warned that “human rights are too often not recognised as part of the solution. It does not serve lasting peace for human rights protections to be subjected to barter and exchange” (idem, 8).

In response, Fitzduff wrote that “the conflict resolution field does not have problems with human rights work per se, but rather with the selective and limited way in which

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12 After the first trip in November 2002, I visited Northern Ireland in spring and autumn 2003, and in 2004. I spent most of the time in Belfast. After the first trip I engaged mainly with the Parades Commission, notably its Authorised Officers and Executive Secretary. My trips lasted between 4 and 10 days.

13 This special issue had come out in the week preceding the ICR seminar; I had also contributed to it.

14 The Northern Ireland Human Rights Commission was set up as an independent statutory body in 1999 in line with the 1998 Good Friday Agreement, “to promote awareness of the importance of human rights in Northern Ireland, to review existing law and practice and to advise government on what steps need to be taken to fully protect human rights in Northern Ireland (including on the development of a Bill of Rights for Northern Ireland)”. See Parliament of United Kingdom, *Northern Ireland Act 1998* (Ch. 47, s. 68-70), and http://www.nihrc.org/.

15 The Community Relations Council was set up in 1990 as an independent company and registered charity, replacing a unit established in 1986 as a result of a research report by the Northern Ireland Standing Advisory Committee on Human Rights. While formally independent, the Council has been largely resourced by the British government (see also below at 8.2.2). For more information, see http://www.community-relations.org.uk/about-us/.
some institutions and individuals have been promoting human rights in Northern Ireland” (2002, 8). In her view, in relation to the peace process,

Practitioners of conflict resolution were frustrated by the repetition of the simplistic suggestion that a human rights approach was the only way to solve the conflict. Many in the human rights field gave the impression that if you did not agree with their particular way of pursuing human rights issues, you were against human rights. As a result, many in Northern Ireland saw human rights workers as generally judgemental, obsessed with political correctness, and lacking experience in dealing with the complex and muddy issues that conflict resolution workers often confront. Whether dealing with a riot, trying to stop maiming and murder, or merely trying to get groups who hate each other to meet for the first time, one needs a very wide and sensitive repertoire of approaches: referring to people’s rights in such situations can be about as useful as referring to the Ten Commandments. [...] [Experienced] conflict resolution activists know that rights and responsibilities merely become weapons for division unless they are deployed within the context of long-term and sustained dialogue between communities in conflict (ibid).

Even though these writings were partly framed as relating to a past, pre-Good Friday Agreement period, they alluded to ongoing concerns in the form of present-tense comments. These suggested that reciprocal frustrations had not evaporated in post-agreement times; the stop-and-go nature of the peace process probably provided ample opportunity for continuing disagreements on the way forward.16 Over time, it became increasingly clear to me that this divergence was related, at least in part, to the prevailing conceptions of and approaches to human rights and conflict resolution in Northern Ireland.

Conception of human rights

According to a recent article by Beirne and Knox, human rights practitioners in Northern Ireland describe their work as being primarily about challenging governments, focusing on issues of accountability, relying on the law and legally imposed legal frameworks and, to a large extent, on international standards, concepts, and campaigning (2014, 26).17 Practitioners also refer to a mixture of ‘soft’ and ‘hard’ law, and to a “confused stance regarding the overlap between civil and political rights on the one hand, and economic, social and cultural rights on the other” (ibid).18 These

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16 The Northern Ireland Assembly (established by the Good Friday Agreement) was suspended several times due to political disagreements about devolution (the transfer of government powers from London to Belfast, including those relating to the police and judiciary) and decommissioning of weapons held by paramilitary groups. In late 2002, London reinstated direct rule of Northern Ireland. The Assembly only started operating again in May 2007 after a power-sharing agreement between the Democratic Unionist Party and Sinn Féin, the party associated with the Irish Republican Army (IRA).
17 The article is based on in-depth interviews with fourteen reconciliation and human rights activists and six key stakeholders from academia and equality and human rights statutory bodies during early 2012 (Beirne/Knox 2014, 28). The findings related to reconciliation work are noted below, under the header ‘conception of conflict resolution’.
18 The term ‘soft law’ refers to quasi-legal instruments that do not have legally binding force (or whose binding force is somehow ‘weaker’ than traditional law). Declarations and Resolutions of the UN General Assembly are
The stance of the Committee on the Administration of Justice at the time is illustrative, given its status as the premier domestic human rights organisation. While consistently opposing the use of violence for political ends, CAJ refrained from addressing abuses by non-state actors like the Irish Republican Army (IRA) and loyalist paramilitaries. Insisting that its work should be grounded in international human rights law, it maintained that it could not consider violent acts by paramilitaries as human rights violations since human rights treaties only bind states, not non-state actors (Felner 2012). This was “quite a traditional stance for human rights groups in the early 1980s” (Beirne and Hegarty 2007, 396), but CAJ maintained its position even as international practice started to change (ibid).19 It questioned the application of international humanitarian law to the conflict in Northern Ireland (which would enable scrutiny of non-state abuses); for CAJ, international human rights law provided the most solid and clear foundation for its work and was hence least disputable.20

Overall, activists from CAJ and other domestic human rights groups have argued that human rights are intended to hold the state accountable; taking non-state abuses into account could undermine their impartiality, downplay the role and responsibility of the state, and weaken rights arguments.21 For them, state abuses were key to the origins and continuation of the conflict in Northern Ireland, and protecting rights threatened by the state was essential to resolving the conflict (Felner 2012, 63; McEvoy 2001, 215). It is worth noting that early rights activism in the 1960s had paid attention to social and economic rights concerns – notably access to housing and employment for the Catholic/ nationalist minority – but after the state adopted changes in policy and legislation to address these concerns, and introduced stringent security measures to ‘prevent terrorism’ and ‘ensure law and order’, a strong focus on civil and political rights violations took hold.22

Arguably, this emphasis largely persisted in the 1990s and early 2000s. An external observer notes that human rights have been viewed “relatively narrowly [in Northern

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19 See also Hadden (2011), Beirne/Hegarty (2007), Bell (2002) and Committee on the Administration of Justice (2002). In 1991, Amnesty International started using international humanitarian law to examine paramilitary violence in Northern Ireland (McEvoy 2001, 224-225). CAJ revisited its stance several times in light of internal division and external criticism but essentially maintained it (CAJ ibid; McEvoy 2001, 243-244.).

20 See references at previous footnote; also Felner (2012) and Bell (2006). Some activists were concerned about the difficult position of arguing about the position of “legitimate targets” (CAJ 2002; Dickson 2010). For other arguments against the application of humanitarian law, see McEvoy (2001, fn. 87).

21 Personal notes from conversations in Belfast and Derry, Nov 2002; also references in previous footnotes.

Ireland], as a system of protection that might have an impact on specific issues, such as interrogation techniques, detention without trial, non-jury trials, criminal investigations and access to lawyers” (Hannum 2009, 245-246). This stance called attention to the role of the state as a party to the conflict, something that was not widely accepted in Northern Ireland at first and contradicted the British government’s view that it was merely a neutral arbiter between two warring factions (idem; Bell 2006; McVeigh 2002).

In practical terms, the concern with state accountability, civil and political rights violations, and international standards has meant that the human rights field in Northern Ireland has mostly pursued law-based strategies with a structural and institutional focus: litigation of individual cases before the European Court of Human Rights so as to highlight rights violations by the state at the international level; monitoring respect for human rights in the conduct of state agencies, especially the police; lobbying to embed rights protection in policy and legislation (notably through a Bill of Rights); and raising human rights concerns at ‘every step of the peace process’ to ensure the inclusion of relevant provisions into the 1998 peace agreement (Bell 2006, 361). Since 1998, rights actors have devoted much attention to monitoring the implementation of its human rights provisions and enhancing the Northern Ireland’s ‘human rights infrastructure’ (Beirne and Ni Aolain 2009; Bell and Keenan 2004).

Conception of conflict resolution

Conflict resolution work in Northern Ireland has long been conducted under the rubric of ‘community relations’. Community relations theory assumes that “conflict is caused by on-going polarisation, mistrust and hostility between different groups” (Fisher and others 2000, 8); Fitzduff has explained the objective of community relations practice as enhancing “understanding, respect and cooperation between communities in working together to develop a solution to conflict that is both just and sustainable” (as quoted in Komarova 2011, 144). Conflict resolution in Northern Ireland has also been framed in terms of ‘reconciliation’ (e.g. Beirne and Knox 2014; McEvoy, McEvoy, and McConnachie 2006).

Exponents describe their work as being “primarily about bottom-up human dynamics and relationship-building; the creation of trust as a prerequisite for working together and breaking down barriers; and, the importance of processes as much or more than the eventual product (on the ‘how as much as, or at least before, the ‘what’)” (Beirne and Knox 2014, 26). The aim of the Community Relations Council attests to this conceptual link between conflict resolution, community relations and reconciliation in

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23 See further below at 8.2.1.
Northern Ireland: it seeks to "promote a peaceful and fair society based on reconciliation and mutual trust".  

Practically, conflict resolution or community relation actors have placed much emphasis on challenging sectarianism, improving interaction and communication between members of different groups, reducing enemy images, and generally promoting greater tolerance and acceptance between communities in Northern Ireland, particularly regarding relationships between Catholics/nationalists and Protestants/unionists. The focus on improving bottom-up relationships has also prompted a concern with addressing contentious issues that affect people's daily life, so as to reduce violence and disorder in situations where nationalists and unionists meet. Such issues include the use of public space – for example in relation to parading disputes – and street disorder and rioting at interfaces between unionist and nationalist residential communities. Initiatives in these areas include recording incidents, deploying monitors, establishing mobile phone networks for swift de-escalation and intervention, and facilitating local problem-solving.

At times, community relations practice has crossed over into community development work, in an effort to bring 'the two communities' together around common socioeconomic concerns. This stems from the reality that inter-communal violence mostly occurs in low-income areas (O'Brien 2007; Cochrane 2001). Aside from cross-communal initiatives, community relations work has also included 'single-identity' activities targeting one community only, on the grounds that this prepares them for later dialogue with 'the other side' by building their confidence and addressing their own deprivation first (Cochrane idem, 103, 105; Bell 2002, 7). Conflict resolution in Northern Ireland has thus mainly focused on horizontal relationships, while human rights theory and practice has mostly been concerned with vertical relationships, i.e. between the state and individuals.

Mutual criticism

These conceptions of human rights and conflict resolution have prompted criticism amongst their respective proponents about one another's choice of strategies and their implications. Conflict resolution practitioners have deemed the classical

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28 Interviews with Neil Jarman, 7 Oct. 2011; Joe Campbell, 7 Oct 2011 (one of the founding leaders of Mediation Northern Ireland); and Brice Dickson, 14 Nov 2011 (Chair of the NIHRC, 1999-2005, and former Chair of CAJ).
29 For ease of presentation, the criticism is summarised in two categories: conflict resolution actors criticising the human rights perspective and practices, and vice versa. This is in accordance with most of the literature consulted. Yet not all literature referred to neatly represents a 'human rights' or 'conflict resolution' author: an analysis critical of conflict resolution may not have been written by a 'human rights' author (e.g. Komarova 2011; Cochrane 2004), while a human rights practitioner may be critical of the classical human rights conception (e.g. Felner 2012; Dickson 2010).
conception of human rights flawed for its legalistic character and for ignoring the reality on the ground, given the numerous abuses by non-state actors during and after the conflict. The human rights field’s failure to consider abuses by the IRA and loyalist paramilitaries seemed to suggest a certain partiality (e.g. Beirne and Knox 2014, 27, 33; Felner 2012; Fitzduff 2002). Moreover, in stressing injustice and inequality as the main cause of conflict, the human rights perspective failed to accept that “a very large element of [the conflict] was around whether violence was a justifiable way of seeking political objectives and whether workable arrangements could be made for ensuring power-sharing in what was obviously a deeply divided society” (Dickson 2010, 22).

The claim of turning a blind eye to reality also relates to issues that remain controversial in the post-agreement period, notably contested parades and violence at local interfaces. The prevailing conception of human rights has offered little concrete guidance on how to address such problems. This has prompted concerns that “human rights work is too focused on international principles to successfully affect local realities and conditions” (Beirne and Knox 2014, 33). It has also raised questions about the practical relevance and applicability of a human rights approach (Jarman 2009; Fitzduff 2002). In so far as human rights actors have engaged with ongoing political and communal violence, they have mostly commented on police behaviour and its use of force, or have set out relevant standards without discussing what these mean in practical terms.

Rights actors have generally avoided addressing the competing claims over human rights in the parading context, and they have said little on violence and disorder in interface areas – other than to note, as a consortium of eight British and Irish human rights groups stated in 2003, that “human rights principles have much to offer to tackle these problems” (Jarman 2009, 202, 206; Committee on the Administration of Justice 2003). The insistence of the human rights community to consider human rights only in the relationship between government and citizens - and its reluctance to consider their relevance in the relationship between citizens or groups of citizens - has thus been decried (Jarman ibid).

Conversely, human rights actors have criticised the conflict resolution perspective for failing to recognise and address the conflict’s root causes, notably the role of the state. In their view, its focus on relationships seemed to suggest that “the perpetuation of societal division in Northern Ireland is due to individual prejudice manifest at

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30 Also personal notes from interactions in Belfast and Derry, Nov. 2002, and interviews with Jarman and Dickson (op. cit. fn. 28 above).

31 Email correspondence with Neil Jarman, May 2003; Oct/Nov 2011 (on file with author). According to Jarman, “the exceptions to this avoidance have come from academics rather than from within the activist community” (2009, 202). One of these academic papers was commissioned by the NIHRC but written by three long-term parading observers (Hamilton, Jarman and Bryan 2001). The NIHRC only followed up much later with self-authored publications: it first issued a briefing paper on human rights compliance and Commission policy (2011); then a report on the international human rights framework relating to parades and protests (2013).
intergroup level between the two main communities”, rather than a lack of justice, equality and democracy (McEvoy, McEvoy, and McConnachie 2006, 95; McVeigh 2002).32 A study of peace and conflict resolution organisations in Northern Ireland partly confirms this, finding that such organisations “rarely presented an analysis of the causes of the conflict” and hence “responded to issues and problems that were consequences and symptoms of the conflict”. This included social alienation, group marginalisation, a perception of relative deprivation, and the threat of cultural loss and dilution (Cochrane and Dunn 2002, 169).33

Thus, relationship-building took precedence over the challenge function (Beirne and Knox 2014, 33), and there has been no analysis of “who has the power to discriminate or use violence” or who benefits from the existing ‘relations’ between communities (McVeigh 2002, 54). Human rights actors have also been critical of how the community relations approach has played into the state's efforts to represent the conflict as an ‘internecine dispute’ between ‘two tribes’, which suggests an artificial symmetry between nationalists and unionists and disregards historical power structures.34 Moreover, as Bell puts it, “dialogue between Catholics and Protestants, even on issues of justice and equality, [is] not an adequate substitute for the government actually delivering justice and equality” (2002; also Robson 2000).

Rights actors have further criticized the focus on relationships between nationalists and unionists for overlooking contradictions within those groups, and for disregarding issues and people outside the sectarian divide (e.g. racism, disabled people, migrant workers) (Beirne and Knox 2014, 33-34). Single-identity work is considered problematic because it is easily “used to buttress particular political and religious ideologies that are exclusivist, supremacist and judgemental rather than pluralist” (Cochrane 2001, 106; Komarova 2011, 152; Bell 2002, 7). Generally, many conflict resolution organisations accommodate existing unionist and nationalist identities, rather than transforming them (Cochrane and Dunn 2002, 152).35

Final observations

The above lends credence to the claim that the human rights and conflict resolution perspectives and practices prevailing in Northern Ireland have limited prospects for

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32 Meyer speaks of a ‘person-oriented frame’ in which the protagonists’ “personal attitudes” were mostly responsible for the conflict, meaning that changing people’s attitudes was the basis for a solution (2002, 188).
33 Of the ten ‘peace peace and conflict resolution organisations’ studied in-depth by Cochrane and Dunn (2002), eight are dialogue-facilitation, relationship-building, and community-development oriented. This is why this study deems it fitting to include their findings here, even though it also comprised two organisations with a human rights focus, namely CAJ and Families Against Intimidation and Torture (campaigning against paramilitary intimidation and violence). The latter may be more a political lobby group using the human rights framework as a rhetorical base, rather than an actual human rights organization (McEvoy 2003, 326).
35 Orjuela observes a similar tendency amongst peace groups in Sri Lanka; these often have an “unproblematised and essentialist understanding” of identity and fail to question exclusionist discourses (2008, 229-230).
convergence in that context, if only because actors in both fields have vilified one another’s (supposedly) flawed analysis and/or inadequate approach. Tensions between the fields seem to have been exacerbated by a belief that human rights and conflict resolution are mutually exclusive. For example, arguing that “one actor’s analysis negates another’s”, Bell speaks of a “meta-conflict,” i.e. “conflict about what the conflict is about” (2006, 356). She writes:

Some believe that conflict is rooted in interethnic hatred, while others view it as a consequence of racial domination and discrimination, or a government’s illegitimacy. If one believes that a conflict is about interethnic hatred, then this leads to one set of solutions; if it is about the denial of justice and inequality, that leads to another (2002, 6; also 2006, 356).36

Whether such divergence has lasted to date is subject to debate. Jarman and Dickson assert that it has barely dissipated.37 Beirne and Knox present a more mixed picture. Their article reflects that tensions remain between the pursuit of ‘human rights’ and ‘reconciliation’ as conceived in Northern Ireland, and that the criticism can be surprisingly personalised; one interviewee speaks of an “ideological war in which people in both camps deride and belittle each other” (2014, 32, 36).38

Yet they also note that several interviewees dismissed the supposed tensions as ‘artificial’ and that there was “a unanimous view that barriers which exist should be overturned, and that more bridges should be built” (idem, 38).39 In addition, some interviewees, primarily those working at community level, report using a combination of rights and reconciliation (idem, 37). The human rights/conflict resolution dynamic thus appears to be shifting in Northern Ireland; at least, the respective analyses and strategies seem no longer to be regarded as mutually exclusive.40 In South Africa, conceptions of human rights and conflict resolution have allowed more space for one another’s existence and legitimacy all along, as set out below.

8.1.2. South Africa: Broader Conceptions, More Convergence

In South Africa, the situation has been decidedly different. The understanding and application of ‘human rights’ and ‘conflict resolution’ has been much broader, meaning that there was not such a discrepancy between the fields and that they could relatively

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36 Two other authors have also observed two distinctly different analyses and approaches amongst civil society actors in Northern Ireland and perceive them as mutually exclusive. While not framing these in terms of ‘human rights’ and ‘conflict resolution,’ one distinguishes between behavioural and structural analysis of conflict causes, arguing that these cannot be combined (Cochrane 2002, 104-105); the other points to cultural and structural ways of handling conflict which operate in separate spheres (Bloomfield 1995, 1559-160).

37 Interviews, 7 Oct 2011 and 14 Nov 2011, respectively.

38 Many of the concerns set out above (under ‘mutual criticism’) still persist amongst interviewees, and one “described the two agendas as operating in parallel universes” (Beirne/Knox 2014, 36).

39 Beirne and Knox also detect “an extensive crossover in practice between the two disciplines”, based on the fact that a few interviewees wrongly assumed that they fell in the other category for the purpose of the research (i.e. a rights activist self-identified as a reconciliation activist and vice versa) (2014, 38).

40 However interesting, it is beyond the scope of this study to examine how this shift has occurred.
easily coexist. Notwithstanding different emphases and strategies, human rights and conflict resolution have left room for one another’s perspective on and approach to social reality. This has facilitated a degree of collaboration between field actors and some cross-fertilisation, as explored before.\footnote{This has especially come to the fore in chapters 5 and 6, in terms of the experiences of LHR, CCR and some independent state institutions in South Africa.} Because previous chapters have already shed some light on such constructive engagement, this sub-section merely summarises the conceptions of human rights and conflict resolution prevailing in South Africa – and the implications for convergence – to support the thesis advanced in section 8.1 as a whole: that the way in which human rights and conflict resolution are understood and applied in a specific context affects how the relationship between the fields plays out.

\textit{Conception of human rights}\footnote{The discussion does not consider the extent to which this conception of human rights has been realized; observers agree that South Africa’s post-1994 human rights record leaves much to be desired (e.g. Hornberger 2007).}

While international instruments heavily influenced the South African conception of human rights too, the notion as understood in that context goes beyond such standards in several respects. This is clear from a cursory look at the Bill of Rights contained in the South African Constitution (Republic of South Africa 1996). It allows for both vertical and horizontal application of human rights: it binds the state and private or juristic persons (idem, art. 8(2); Sarkin 1999, 80). The latter, horizontal application stemmed from the recognition that inflicting abuse had not been the sole prerogative of state agents during apartheid and that private individuals also bear responsibility for respecting the rights of fellow citizens (Klae 1998, 179-187).

Moreover, the socioeconomic rights contained in the Bill of Rights are justiciable, resulting from a strong concern with social justice (e.g. Moseneneke 2002).\footnote{Articles 26 and 27 provide for the rights to access to adequate housing, health care, food, water and social security. These are to be progressively realised within available resources (1996 Constitution; Davis 2008).} Socioeconomic rights gained importance during the transition, given the country’s “appalling history of racism, poverty, and the concomitant skewed distribution of wealth along racial lines” (Davis 2008, 688). Noteworthy in this respect is the emphasis placed on 'human dignity' as an underlying value that guides the interpretation of the Bill of Rights (e.g. Sachs 2009; Chaskalson 2000).\footnote{This emphasis is contained in the Constitution and has also been made by leading human rights figures, such as Chaskalson (the first President of the South African Constitutional Court (1994-2001) and the country’s Chief Justice (2001-2005)) and Sachs (who served on the Constitutional Court for fifteen years [1994-2009]).} Serving as the ‘moral ideal and legal touchstone’ of the Constitution, dignity is understood as relating both to equal worth and to a dignified existence (Grant 2012, 237, 240). According to former Constitutional Court Judge Sachs, “respect for human dignity is the unifying constitutional principle for a society that is not only particularly diverse but extremely unequal. [...] The Bill of Rights exists not simply to ensure that the ‘haves’ can continue...
to have, but to help create conditions in which the basic dignity of the 'have notes' can be secured" (2009, 213). 45

Further, the South African conception of human rights has not been very legalistic. For example, much attention was devoted to 'good process' during the drafting of the Constitution, so as to counter the lack of transparency, participation and trust during apartheid (Corder 2004, 320-321; Sarkin 1999; Ebrahim 1998). 46 The decision to pursue a policy of truth-telling and disclosure rather than one of retribution in relation to crimes committed during apartheid is another case in point. One of the architects of the Truth and Reconciliation Commission characterised "the simplifications insisted upon by penal law fundamentalists" as not helpful to South Africa's transition (Asmal 2000, 13). 47 Also relevant is the inclusion of interest-based dispute settlement mechanisms – notably mediation and negotiation – in rights-related legislation enacted in the post-1994 period. 48

In part, this 'search for alternatives to adjudication' was due to the limited legitimacy of the formal court system resulting from apartheid and the lack of access to justice for marginalised and poor people (Lyster 1996, 236-237). Yet recognition of the need to balance conflicting rights and restore the relationship between parties in conflict also played a role (e.g. Sachs 2009). Thus, in 'a shift from the old adversarial model of labour relations', a Commission for Conciliation, Mediation and Arbitration replaced the Industrial Court to address workplace disputes, to facilitate social justice and promote cooperation between various actors. 49 In sum, the South African conception of human rights has allowed for their protection through non-judicial means and recognises their power as legal obligations and moral values. It focuses not only on the substance of rights provisions but also on the process by which they are achieved, and takes notes of the social context in which they function. 50

45 This relates to the "dark undercurrent of human rights in South Africa: its role as a bulwark of protection for white economic privilege" given the inclusion of property rights in the Constitution (Klaaren 1997, 3; also Johnson/Jacobs 2004; Pillay 2005, 24).

46 Hailed as one of the most democratic and inclusive constitution-making processes in history, the drafting process was very participatory and involved a broad publicity campaign to raise awareness and solicitation of submissions; thousands of submissions and petitions were received (Sarkin 1999, 70-71; Oomen 2010; Barnes/De Klerk 2002).

47 The decision to forego trials was based on pragmatic and principled considerations: the 1993 Interim Constitution resulting from negotiations included an agreement to grant amnesty for politically motivated crimes. This was combined with truth-telling so as to restore victims' dignity, repair relationships between social groups, retrieve information from perpetrators about crimes, and prevent forgetting of past atrocities. See, for example, Gready (2011), Hayner (2011), Sachs (2009), Boraine (2000), Villa Vicencio/Verwoerd (2000) and Asmal and others (1998).

48 This includes, amongst others, the Public Protector Act (Act 23 of 1994); the Restitution of Land Rights Act (Act 22 of 1994); and the Labour Relations Act (Act 66 of 1995), all Republic of South Africa.


50 This (fairly positive) summary of the South African conception of human rights is not to say that this conception has been without critique; it has for example been criticised for being detached from its legal foundation and for becoming a language of political compromise rather than one of principle and accountability (Wilson 2002, 15), and for not being sufficiently transformative given its recognition of individual property rights (e.g.
Chapter 8

Conception of conflict resolution

As alluded to in relation to the Centre for Conflict Resolution, the South African conception of conflict resolution has long contained an emphasis on addressing injustice alongside the classical concern with improving relationships and facilitating non-violent conflict resolution and joint problem-solving. As one pioneer of conflict resolution in the country put it, “where gross injustices are built into the major structures [of society], conflict cannot be accommodated constructively and social justice and peace cannot be achieved without fundamental structural change” (Van der Merwe and others 1990, 217). He later put it more bluntly: “common ground and compromise can easily deteriorate in cheap reconciliation and fence-sitting” (2000, 201).

Conflict resolution in the South African context was thus not only concerned with relationship-building, preventing violence and facilitating dialogue, but also with power and justice. Odendaal and Spies observe that, as practised through the peace committees emanating from the 1991 National Peace Accord, it implied “value-laden change” (1996, 12). Generally, the committees – which brought together social and political activists, NGO workers, business people, clergy, police officers and local government officials – stressed values of participation, inclusion, tolerance, peaceful change, and democratic decision-making (ibid; Marks 2000; Parlevliet 2009, 266-268). Practitioners also recognised that the interaction between conflicting parties occurred in a context of power relations. The notion of ‘levelling the playing field’ became widely used when conflict resolution thinking and methodology spread through the country via the peace structures (Odendaal and Spies 1996, 10; Marks 2000, 114).

Overall, a comparative study of peace and conflict resolution organisations in South Africa, Northern Ireland and Israel/Palestine finds that the South African organisations had more ‘coherent political objectives’ than their counterparts in Northern Ireland (Cochrane and Dunn 2002, 152; Gidron, Katz, and Hasenfeld 2002a, 12-13; 2002b, 14-24). In South Africa, ‘peace with justice’ became “an animating ideology” (Cock 2004, 183), with ‘peace’ being understood as “freedom from the systemic violence generated by the political, legal, and socio-economic foundations of the apartheid order” (Taylor, Cock, and Habib 1999, 3). This stands in stark contrast to Northern Ireland, where ‘peace’ has largely meant a cessation of direct violence (Parlevliet 2009, 278-281; Gidron, Katz, and Hasenfeld 2002b, 24).53

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51 See 5.2.1 and 5.2.2 on CCR’s background, and on morality, legality, and human rights.
52 For a brief explanation of the National Peace Accord and the peace committees (with references), see 5.2.1, fn. 72.
53 This is not to deny that conflict resolution as practiced through the peace structures was concerned with preventing and containing political violence; the peace committees helped manage political and racial diversity,
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**Mutual entry points**

These South African conceptions have provided multiple ‘entry points’ for constructive engagement between the fields in terms of discourse, analysis and practice. In relation to ‘human rights’, this includes their direct horizontal application, recognition of the limitations of formal institutions and judicial processes in ensuring justice, awareness of the need to balance conflicting rights and address relationship dynamics, a concern with good process, space accorded to interest-based approaches in ensuring rights protection, and an emphasis on ‘human dignity’ as an overarching value that binds society together. This conception suggests that human rights matter not only in the positivist sense as law, but also as moral values which affect people’s daily lives and interactions.

This has been matched, so to speak, by a conception of conflict resolution that was not apolitical but emphasised ending political violence and securing justice and democracy. It also comprised a realisation that conflict resolution interventions must consider power imbalances between parties. Recognising the importance of devoting attention to the interaction between state and citizens, the conception and practice of conflict resolution in South Africa has further ensured the involvement of both state and non-state actors in its processes. Therefore, neither horizontal nor vertical relationships have been the exclusive domain of either the human rights or the conflict resolution field. Instead, both fields have been concerned with both.

Consequently, even though human rights work and conflict resolution practice in South Africa have placed different emphases and employed different strategies – with conflict resolution focusing more on facilitating dialogue, joint problem-solving, and reducing violence, and human rights on institutional reform, monitoring and denouncing abuses, and providing legal services – this has generally not been perceived as the fields being mutually exclusive, as was the case in Northern Ireland. This is not to say that there have been no altercations between human rights activists and conflict resolution practitioners in South Africa over time, as illustrated by the 2008 xenophobia crisis in the Western Cape.\(^{54}\) However, unlike in Northern Ireland, such disagreements have probably related mostly to particular situations, strategies and priorities at specific times, rather than to the perspectives, analyses and approaches advanced by human rights actors and conflict resolution actors in general.

**8.1.3. In Sum**

This section has argued that the specific conceptions of human rights and conflict resolution that prevail in a certain context can affect the way in which the relationship between these fields unfolds. By contrasting the conceptions that operated in

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\(^{54}\) See 5.2.4.
It has become clear that generally, relatively narrow conceptions of human rights and conflict resolution have prevailed in Northern Ireland, in comparison to broader conceptions in South Africa, as outlined below:

<table>
<thead>
<tr>
<th>Northern Ireland</th>
<th>South Africa</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Human rights</strong></td>
<td><strong>Conflict resolution</strong></td>
</tr>
<tr>
<td>• Vertical application: only the state can violate and protect human rights</td>
<td>• Building peace with justice: facilitating the peaceful transformation of the state, institutions and society at large</td>
</tr>
<tr>
<td>• Emphasis on human rights as law and on civil and political rights</td>
<td>• Emphasis on facilitating dialogue, joint problem-solving, creating ‘space’ to air grievances, reducing violence, levelling the playing field to address power imbalance</td>
</tr>
<tr>
<td>• Strategies: adjudication, legislative and institutional reform, monitoring state compliance with international norms, litigation before European Court</td>
<td>• Concerned with abuse by state and non-state actors, limitations of judicial institutions, balancing conflicting rights, relationship dynamics</td>
</tr>
<tr>
<td>• Little consideration of violence by non-state actors, and of problems related to balancing conflicting rights, entrenched enmity in inter-communal relationships</td>
<td>• Recognition that striving for peace, reconciliation and compromise, without addressing causes of violence, may institutionalise unjust status quo</td>
</tr>
</tbody>
</table>

In Northern Ireland, these narrow conceptions have meant that actors in the human rights and conflict resolution fields have generally set different priorities and have used different strategies. They have also targeted their efforts in different directions: conflict resolution actors have mostly been concerned with ‘on the ground’ interactions between members of minority and majority communities, while human rights actors have directed their interventions mostly at the level of the state and political elites (Parlevliet 2009). Probably, the different analyses, priorities and strategies have limited the prospects for convergence between human rights and conflict resolution in Northern Ireland, all the more because they were perceived as
being mutually exclusive. As a result, they have generated ‘ideological debate’ (Beirne and Knox 2014, 28) and much frustration amongst actors in both fields about what each perceives to be the other’s flawed analysis and deficient approach – and failure to appreciate the value of their contribution to addressing conflict in Northern Ireland.55

In South Africa, however, the prevailing conceptions of human rights and conflict resolution have connected at several points and generally allowed more space for one another’s existence and legitimacy. This has impacted positively on the interactions of practitioners and organisations in both fields and on their appreciation of the various strategies utilised in pursuit of human rights goals and conflict resolution objectives. This is suggested by the degree of ‘cross-fertilisation’ and cooperation that has taken place, manifested, for example, in the partnership between organisations such as LHR and CCR and the inclusion of alternative dispute resolution mechanisms in rights-related legislation.

This section has thus highlighted how different conceptions of human rights and conflict resolution may influence how the relationship between the fields plays out in practice. It suggests that the narrower – or the more traditional – the conceptions that prevail in a certain context, the more likely it is that divergence may ensue, since there are fewer points of connection. Based on the Northern Ireland example, the discussion suggests that an understanding of conflict resolution that disregards the role of the state and issues of justice may well be problematic.56 As regards human rights, the limitations of a mostly positivist and legalistic understanding show up when it fails to appreciate the social or relationship context in which rights function and manifest – not at the level of public governance and state institutions but in daily life, i.e. in the politics of everyday. Human rights imply a social dimension, since human freedoms can only unfold in relation to fellow persons (Bielefeldt 1995, 591).

Even so, it is probably inappropriate to conclude that narrow conceptions of human rights and conflict resolution will necessarily lead to divergence and contradiction. After all, in theory, a notion of human rights that emphasises vertical relationships, structural reform and rights-based solutions, can be compatible with a conception of conflict resolution that emphasises horizontal relationships, good process, trust-building and dialogue. Yet such coexistence would probably require that field actors appreciate the respective strengths and limitations of both perspectives – and that they recognise the interdependence of conflict’s subjective dimension (related to relationship and identity dynamics) and the objective factors that underlie it (related to power, resources and governance) (Parlevliet 2009, 270-273; 2002, 22-23).

The perception of human rights and conflict resolution being mutually exclusive suggests that other factors may have been at play in Northern Ireland too. Particularly

55 See also below at 8.4.3, fn. 157.
relevant in this regard may be the wider political and economic context in which the discourses and practices of human rights and conflict resolution have operated. We therefore now turn to a consideration of this broader context as another factor that can affect the convergence or divergence of human rights and conflict resolution in practice.

8.2 Broader Political and Economic Context

This section argues that the broader political and economic context in which human rights and conflict resolution thinking and practice takes place, also affects how the relationship between the fields plays out in a given context. With regard to the political context, it suggests that the relative convergence of human rights and conflict resolution is affected by the political ideology underpinning or associated with the use of these discourses and approaches, and the way in which these bodies of thought and practices feed into existing political dynamics. The section draws particular attention to the possibility that the two fields may become aligned with specific conflict parties; this is likely to fuel polarisation between human rights and conflict resolution.

The situation in Northern Ireland serves again as an example, but references to other contexts suggest that it is probably not unique in this regard. Funding practices by external donors can also impact on the relationship between the fields, in part because they may privilege certain conceptions and approaches to human rights and conflict resolution that facilitate more or less convergence. As regards the economic context, the section thus points to the origins, organisation and allocation of funding as important factors to consider, and also notes the impact of competition for resources amongst actors working on human rights and conflict resolution. References to experiences in Northern Ireland, Sri Lanka and CCR’s Human Rights and Conflict Management programme illustrate this discussion.

Clearly, the issues considered here constitute only part of the broader political and economic context. The section takes this partial approach so as to highlight the relevance of examining contextual issues more thoroughly in future; doing so here is beyond the scope of this chapter. The section focuses first on the politics in and of human rights and conflict resolution (8.2.1), then on issues related to funding (8.2.2), and concludes with a summary (8.2.3).

8.2.1 Political Context: Political Ideology and Dynamics

This first sub-section brings out how politics may matter in how the relationship between human rights and conflict resolution unfolds. It draws on writing of Mauricio García-Durán, a Jesuit priest and long-term researcher of peace processes and peace activism in Colombia, who used to direct a non-profit foundation that promotes social change and undertakes both human rights monitoring and peace and conflict work in
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that country.\textsuperscript{57} It first sets out his argument and then relates it to the South African context and Northern Ireland. This highlights another possible explanation for the variation in the fields’ relative convergence in the two settings: in South Africa, one political ideology informed the conception and application of both human rights and conflict resolution, but in Northern Ireland the fields were associated with competing political ideologies.

According to García-Durán, the interaction between human rights and conflict resolution is “conditioned by the context in which their conceptual and practical instruments are used, a use which always has a political content” (2010, 99). Understanding the fields’ interaction therefore requires “an analysis of their political use, in order to understand what is the real content of each, and to what extent one practice complements the other” (ibid). He illustrates this with reference to the Colombian context, noting that “the way in which human rights have been politically framed has established the conceptual and practical conditions for how human rights activists relate themselves with peace and conflict [resolution] frameworks” (ibid).\textsuperscript{58}

In the 1980s, for example, human rights activism in Colombia was mostly defined in terms of the political left and evolved from “expressions of solidarity with class fellows affected by [the then] repression” (2009, 1577). Activists used human rights to address a specific kind of violence, namely violence perpetrated by the state against the left (2010, 100; Tate 2007, 73). They viewed the state as an enemy involved in state terrorism and largely considered violence employed by the Colombian guerrillas as the legitimate expression of the ‘right to rebellion’ (ibid). Hence, human rights defenders were not receptive to conflict resolution proposals that conceived ‘the state’ as key to any institutional solution to political violence in Colombia or that focused on democratising the state. They also viewed slogans by peace activists – whether blanket rejections of violence or generic calls for peace – as a competing discourse that hindered efforts to achieve justice and accountability (García-Durán 2010, 100; Tate 2007, 132).

A specific political ideology thus informed activists’ use of human rights discourse and methods which allowed for little convergence with conflict resolution at the time – all the more because peace activists advocated for a negotiated solution to the armed conflict, which conflicted with the vision of the state as an enemy. In the 1990s, human rights activism in Colombia professionalised and the resulting human rights NGOs focused on monitoring and reporting on abuses by state agents and illegal armed groups in line with international standards. Many rights activists developed new forms of relating to the state – supporting local officials, lobbying for a new

\textsuperscript{57} This is the Center for Research and Popular Education (CINEP) in Bogotá, Colombia; http://www.cinep2015.org/. García-Durán became its director in August 2007 and left the organisation in May 2012.

\textsuperscript{58} García-Durán’s argument builds on a long-term study of human rights activism (Tate 2007), which has met with wide acclaim (e.g. Goodale 2011), and his own long-term study of social mobilisation for peace in Colombia (2005).
constitution, or articulating the political reforms necessary for a lasting peace (Tate 2007, 145). This take on human rights, which sought to “co-construct a state that fulfils its obligations to its citizens” (ibid), provided more scope for constructive interaction with conflict resolution frameworks given their emphasis on engaging with the state (García-Durán 2010, 100).

García-Durán thus argues that human rights and conflict resolution frameworks are used from the vantage point of a specific political perspective, which results in certain elements of each being given more or less emphasis – and this, in turn, influences how the relationship between the fields unfolds in a certain context (ibid). The examples of South Africa and Northern Ireland give credence to his claim that considering the political perspective underpinning or associated with the use of these ‘frameworks’ can shed light on their interaction, as is explained below.

South Africa: one political ideology underpinning both fields

As Johnson and Jacobs observe, ‘two rival traditions of political thought’ have existed in South Africa that have generated contending approaches to ensuring respect for human rights, namely liberalism and black nationalism (2004, 85). While black nationalism calls for redistributive policies to address past imbalances and secure actual equality of the country’s black majority, liberalism advances a ‘difference-blind approach to the application of equal rights’ (idem, 85-95). In the 1990s, liberalism became the dominant political ethos, and with it, a particular conception of human rights: one that prioritises individual political freedoms and equality before the law over substantive equality in socioeconomic terms (ibid; Mutua 1997). This influenced the negotiations between the apartheid regime and its opponents and was built into the country’s constitutional arrangement; South Africa’s peace agreement was the 1993 Interim Constitution. It is however likely that the ‘underlying cross-current’ of black nationalist ideology (Johnson and Jacobs 2004, 85) influenced this dominant conception somewhat, resulting in the concern with social justice and socioeconomic rights noted earlier.

Following García-Durán, an explanation for the relative convergence of human rights and conflict resolution in South Africa is then that a similar political perspective informed the two bodies of thought and practice there: the liberal conception of human rights that prevailed matched the liberal outlook of the leadership of prominent non-governmental conflict resolution organisations in the country, as observed by other analysts (Taylor 2002; Taylor, Cock, and Habib 1999, 3). Had the black nationalist take on human rights become dominant (which would have advocated a more radical redistribution of wealth in the country), it might have been more in tension with conflict resolution – after all, the latter still envisaged a negotiated end to the conflict that would meet the interests of both the black majority and the white minority.
Another relevant contextual factor is that conflict resolution in South Africa grew rapidly as a professional practice and discourse in the 1980s, when state repression was on the rise and pressure to dismantle apartheid grew both at home and abroad (ibid). This also facilitated the conflict resolution field in South Africa assuming a "system-transforming frame" (Meyer 2002, 191). Thus, both the human rights and the conflict resolution fields became set on ending the apartheid regime and ensuring a more peaceful and just society. This common political drive was conducive to convergence.

**Northern Ireland: conflicting political ideologies associated with the fields**

One feature of Northern Ireland’s political context is particularly striking when trying to make sense of the interaction between human rights and conflict resolution there: the fact that both have been associated with distinct political ideologies and, thereby, with a specific party to the conflict. As human rights activism focused on challenging the state, it became “politically situated as a tool of one community, the nationalist community, rather than something that could be used more broadly,” as Jarman puts it.59 The decision by human rights groups to refrain from monitoring paramilitary violence fuelled a perception of human rights as a partisan nationalist agenda (Hadden 2011, 6). The reluctance on the part of some rights activists to denounce republican abuses – in more explicit terms than through general statements opposing political violence – reinforced this impression.60 Moreover, republican politicians quickly saw “the potential of calling on human rights language as a means of garnering international support for their claims” (Lamb 2010, 1000).

The resulting suspicion amongst unionists/Protestants was exacerbated by the hostility towards human rights that characterised Protestant politics (ibid). Yet their ‘ideological rejection of rights’ (idem, 1001) was mostly due to their relationship with the state. To embrace rights was to be “disloyal to their own politicians and organisations such as the [police] or the British Army who were perceived as protecting [their] community from Republican terrorism” (ibid). The idea that ‘their’ police and security forces were guilty of violating the very standards that the British state had signed up to, was also difficult to stomach.61 Dickson suggests that this community also came to resist human rights since rights activism in Northern Ireland initially modelled itself after the American civil rights movement: “They did not like to

59 Interview, 7 Oct. 2011; also interviews with Joe Campbell, 7 Oct. 2011 and Brice Dickson, 14 Nov. 2011; see also Beirne/Knox (2014, 33).
60 Some rights activists may actually have viewed such violence against certain targets (British security personnel and infrastructure) as legitimate (Felner 2012, 64-65); confirmed by Jarman and Dickson in separate interviews (op. cit.)
61 Personal communication, Robin Percival (former NIPC Commissioner), Sept 2014. The British government had signed and ratified all the major human rights treaties and claimed to abide by them in Northern Ireland (Bell 2000, 58). Members of the police force in Northern Ireland, the Royal Ulster Constabulary, mostly came from the protestant community. This body existed until Nov. 2001, when the Northern Ireland Police Service replaced it.
think of themselves [as] behaving towards Catholics or nationalists in the same way as whites were behaving towards blacks in America”.  

Of course, a chicken and egg question arises: did nationalist ideology shape the conception and practice of human rights in Northern Ireland into a project that was solely oriented towards holding the state accountable or did the state-centric focus of human rights work derived from international instruments lead to human rights being viewed as a nationalist agenda? Probably, both dynamics have been at play. Either way, framing concerns in human rights terms became perceived “as a particularly politicized form of engagement, which the other side distanced themselves from”. Consequently, it has long been difficult for human rights actors to “reframe human rights issues as cross-community issues related to good governance which it was reasonable to expect Unionists to accept, rather than merely ‘concessions to Nationalists’” (Bell and Keenan 2004, 355-356).

As a corollary, conflict resolution in Northern Ireland became linked to unionist ideology and was perceived as “colluding with a state agenda of defining and ‘containing’ the problem in colonial terms” (Beirne and Knox 2014, 33). According to McEvoy and others, the government considered it necessary to facilitate reconciliation between the two communities so as to obtain Catholic allegiance to a reformed Northern Ireland state and reduce support for more militant republicanism (2006, 85-87). In their view, “community relations was arguably always a softer and more palatable alternative to rights discourse with its inevitable critique of the state”, notably for “the more progressive elements of Unionism” (idem, 86). The association was fortified by government’s open spearheading of the community relations venture through a dedicated Ministry and Commission in the early 1970s, and financial support for civil society involvement from the 1980s onwards (Komarova 2011, 144).

Some have thus seen community relations “as an almost completely state-led project”, intended to obscure power dynamics (ibid). Jarman stresses that many nationalists dismissed community relations as ‘irrelevant’ given its disregard of the state. Their resistance probably also related to the implicit challenge that community relations posed to nationalists’ claim of being non-sectarian: “Engaging with community relations would have opened up questions about the rationale for certain attacks by republicans [as to whether there was] a sectarian motive. This caused tension as they usually claimed that they were only hostile to the state, not to the protestant

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62 Interview, 14 Nov. 2011. The idea that early rights activism in Northern Ireland took after the American civil rights movement is widely held; see also, for example, Lamb (2010, 1000) and McEvoy and others (2006).


64 This relates to the ‘two tribes’ approach mentioned in 8.1.1.

65 On funding, see further 8.2.2.
community as such”.66 (This relates to attacks on police and other security personnel in private spaces, when the notion that these constituted ‘legitimate targets’ was questionable).

Admittedly, certain nuances can be added to this analysis.67 Yet the overall picture remains as set out, and emerges clearly from the literature, interviews and personal observations: in Northern Ireland, the two bodies of thought and practice have been linked with competing political ideologies – and thus with the two sides in conflict. This probably fed into the idea that human rights and conflict resolution were mutually exclusive and may well have fuelled polarisation between the fields.

*Fields associated with conflict parties*

It appears that the situation in Northern Ireland, with human rights and conflict resolution being associated with one or the other side in conflict, is not unique. A similar dynamic reportedly emerged in Rwanda. According to Hizkias Assefa, a professor of conflict studies with much mediation experience in Africa, justice and human rights came to be viewed as a ‘Tutsi’ matter after the 1994 genocide, while Hutus were identified with conflict resolution, coexistence, and reconciliation efforts (as noted in Lutz, Babbit, and Hannum 2003, 191). It has also been observed that human rights and peace groups in Sri Lanka were largely split along ethnic lines (or were perceived as such), with rights organisations being mostly dominated by Tamils and peace ones by Sinhalese (Orjuela 2008, 185-188; Perera 2002; Thiagarajah 2002).68 A similar division has been noted in the Israeli/Palestinian context amongst non-governmental organisations (Abu-Nimer and Kaufman 2006, 292).69

A common pattern exists in these examples: the human rights agenda is linked to the identity group that does (or did) not wield political power at the time when most violations occurred, while the conflict resolution agenda is associated with the group controlling (or privileged by) the state at the time of widespread violence. This may relate to various factors observed before, such as human rights’ traditional aim of holding the state accountable, the asymmetric nature of the conflicts involved, and the

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66 Interview, 7 Oct. 2011. Jarman draws a parallel with racism: “for the nationalist community, it tends to be that the protestant community is seen as sectarian, but that there is less sectarianism within their own constituency. It’s a bit the idea that – the white community is racist, but the black community isn’t racist.”

67 For example, after its establishment in the 1990s, the Community Relations Council has also provided funding to CAI and other human rights groups (Fitzduff 2002, 8); within some unionist quarters, there was some support for a Bill of Rights for Northern Ireland from the 1970s onwards (McEvoy and others 2006, 101, n. 36); after the Good Friday Agreement, some parts of the protestant/unionist community started to use human rights language to support political demands (Bell and Keenan 2004, 353-354); and practitioners of community relations came from both protestant and catholic communities (Cochrane 2001); also interviews with Joe Campbell and with Neil Jarman, both 7 Oct. 2011.

68 It is unclear whether this division is specific to a certain time period or is a long-standing pattern.

69 Abu-Nimer and Kaufman note the involvement of many Israelis in the ‘peace movement’ and far fewer in human rights groups; on the Palestinian side, human rights groups have mushroomed and there has been no sizeable organized ‘peace movement’ (2006, 292).
resulting uneven distribution of violations between warring groups. Another factor at play may be the fact that those who benefit from the status quo are more likely to be set on limiting violence and pursuing reconciliation than on heeding calls for change. A state seeking to maintain stability and order – i.e. negative peace – may also wish to use conflict resolution as a tool for pacification.

While a firm causal relationship can probably not be established, it is fair to suppose that such a dynamic – the two agendas being ascribed to different conflict parties – will undermine the scope for convergence. Human rights and conflict resolution are more likely to be at odds when their ‘conceptual and practical instruments’ (García-Durán 2010) become embroiled in ethnic or political polarisation and zero/sum thinking between parties in conflict. Naturally, this can change over time; for example, changes in the domestic or international environment may lead groups previously resisting rights language to start ‘operating under the human rights banner’ to serve their own political ends (Bell and Keenan 2004, 369). It is thus problematic to assume that one discourse – e.g. ‘human rights’ – can only serve one political project over time or even at a time.70

A related caveat is that in-depth research of any specific context will probably reveal complexities beneath a simple division of human rights and conflict resolution along conflict lines – also because of the limitations of treating identity groups as homogenous entities and of framing conflict as ‘a perpetual or primordial rivalry’ between them (Orjuela 2008, 219). Nonetheless, the chance of human rights and conflict resolution thinking and practice getting caught up in polarisation between opponents highlights the importance of considering ‘the politics in and the politics of’ human rights and conflict resolution practice (Nagaraj and Wijewardene 2014, 399) when seeking to make sense of the interplay between the fields.

8.2.2 Economic Context: Origins, Organisation and Allocation of Funding

Beyond politics, economics also matter for the relative convergence of the fields, especially in terms of funding by external donors: where funding comes from, and how it is organised and allocated, can influence how the relationship between human rights and conflict resolution unfolds. This sub-section illustrates this by referring to experiences in CCR’s Human Rights and Conflict Management Programme (HRCMP), and in Northern Ireland and Sri Lanka. These highlight that funding practices can influence perceptions of efforts by civil society actors, their ability to work across the fields, and how they practice human rights and/or conflict resolution, all of which can affect the fields’ interaction.

70 This also transpires from Tate (2007) and Keenan (2006) with reference to Colombia and Sri Lanka, respectively.
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Origins of funding

As noted above, government funding for community relations was a factor in this perspective being associated with a specific political agenda, with adverse effects for convergence. McVeigh, for example, speaks of the "community relations project in the north of Ireland" being "inspired and bankrolled by the British state" (2002, 49). He is not alone in referring scornfully to a community relations or reconciliation ‘industry,’ a term that casts doubt on the legitimacy or veracity of the undertaking given its connotations of mass production, profiteering and self-interest (Hornberger 2007, 47). The source of funding made efforts suspect in critics’ eyes, even if others observe that almost all peace and conflict resolution organisations in Northern Ireland – including nationalist ones – accepted government funding pragmatically while discarding the associated political agenda (Cochrane 2004, 149-150; Cochrane and Dunn 2002, 166).

Organisation of funding

In general terms, Babbitt and Williams observe a ‘dichotomisation’ of funding which limits practitioners’ flexibility to work across the human rights and conflict resolution fields (2008, 6). This tallies with my own experiences when fundraising for the HRCMP between 1999 and late 2003. Various donors indicated that they could not provide funding for the programme because it did not fit their funding parameters; its focus and activities straddled separate funding lines. I was repeatedly told that the programme was ‘too human rights-oriented’ to qualify for funding under the conflict resolution rubric, and ‘did too much conflict resolution’ to be eligible for funds set aside for human rights and justice-related programming. While this may have been an easy way to dismiss one of many contenders for scarce resources, the pattern was striking. It shows that activities must fall within fixed categories and comply with donors’ beliefs of what ‘human rights’ or ‘conflict resolution’ efforts entail. These are more likely to reflect traditional conceptions and distinctiveness than they are to recognise fluidity between the fields or potential for convergence.

Allocation of funding

The significance of donor conceptions also emerges clearly from an analysis of the impact of funding flowing into Sri Lankan civil society after a ceasefire agreement was concluded in 2002 between the government and the Liberation Tigers of Tamil Eelam (LTTE), brokered by the Norwegian government (Keenan 2007). Peace and conflict

71 See McEvoy and others (2006, 82) and Bell (2002, 7).
72 Cochrane and Dunn note however that the CAJ was “atypical of the groups studied” in that it explicitly refused funding from British government sources, to protect the independence and integrity of the organisation (2002, 166).
73 This theme recurred across responses from bilateral funders and large foundations.
74 This analysis focuses on the years 2002-2006, see also Hoole (2009, 133). The LTTE was a Tamil armed group that fought the Sri Lankan state for over 30 years, seeking to establish a separate Tamil state in the North and
resolution-initiatives proliferated as international donors sought to tap into the peace-building power of Sri Lankan civil society. The model of conflict resolution sponsored was “quite technical, even apolitical”: local civil society organisations were not “encouraged to engage directly with the power structures and ideological formations that sustain Sri Lanka’s various violent conflicts” (idem, 90). Much emphasis was placed on being ‘evenhanded’ and ‘balanced’ with respect to the main negotiating parties, the Sri Lankan government and the Tamil Tigers. This meant that “one was only allowed to criticize the violations of one of the two parties (generally the Tigers) [if] the other party (generally the government) had committed equivalent violations” (idem, 95). Instead, local NGOs were to build peace by supporting the formal elite-level process (idem, 101).

As a result, local peace organisations refrained from criticising either of the parties, international actors or their donors. They failed to engage with the undemocratic tendencies within the main parties and with exclusivist Tamil and Sinhalese nationalist ideologies, disregarded voices that were excluded from the negotiating table, and avoided expressing “an independent political agenda of their own” (ibid; also Hoole 2009). In Keenan’s view, these developments had a ‘devastating effect’ on the work of human rights activists and organisations (ibid). Not only did they lose much of their funding, but human rights criticisms were also strongly frowned upon by foreign donors and prominent Sri Lankan civil society supporters of peace: “the popularity of the ideals of evenhandedness and balance paralyzed critiques of human rights abuses by making them seem unfair and/or destabilising”, given that it was “impossible to present a fully balanced list of charges against all parties in the conflict” (ibid).

Other authors confirm key elements of this analysis. Frerks notes that donors strongly advocated a “peace and harmony discourse” that identified “misunderstanding, lack of respect and mistrust” as the crucial problem, to be overcome through “exchange, cultural festivals, reconciliation workshops and the teaching of non-violent principles” (2013, 29-30). Pointing to a potential tension between the principles underlying this peace discourse and existing justice-related grievances, he observes that “the agencies involved tend to avoid questions regarding rights and injustice [that were] subordinated to the greater goal: peace” (ibid; also Kayser-Whande and Schell-Faucon 2010, 101). According to Orjuela, the optimism invested in the peace process led to rights concerns being silenced as human rights groups saw their funds drying up and organisations highlighting ceasefire violations or flaws in the peace process were

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East of Sri Lanka. It was defeated in May 2009 following an intense military campaign by the state resulting in high civilian and military losses. For a brief overview of the conflict, see Frerks (2013, 22-25).

75 See also Parlevliet (2011ab, 23-24), for comments from an international adviser working in a conflict transformation project in Sri Lanka at the time (funded by German development aid), on this project being criticised by rights actors for paying insufficient attention to human rights concerns.
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sometimes seen as ‘spoilers.’ Meanwhile, civil society actors focusing on peace experienced ”a sharp increase in funding opportunities” (2008, 189).76

This example illustrates how funding can have a considerable influence on how the relationship between human rights and conflict resolution plays out on the ground; the authors referred to speak in varying terms of conflict between human rights and peace efforts and consider the role of external organisations and donors vital. As such, the example reflects that donors in a transitional situation “work within notions of what it is that builds the peace and what […] undermines it” (Bell and Keenan 2004, 355). They thereby ”shape priorities, adopt particular analyses of conflict resolution which local players interact with, and even create and shape the field of local players itself” (idem, 377). Put differently, “practices of funding can have profound implications for how NGO actors give meaning to their organisation and its fields of intervention” (Hilhorst 2003, 193).

‘Hard-hitting advocacy work’ (Bell and Keenan 2004, 366) may be particularly prone to being negatively affected in transitional contexts as funders shy away from politically contentious issues, shift funds from critical accountability-focused activities towards capacity-building of public institutions (or towards initiatives in support of a peace process) once an agreement has been signed, or generally fail to realise the relevance of human rights activism to ‘building peace’.77 This concurs with the impression of conflict resolution practitioner Undine Whande, who says “the more radical human rights actors tend not to get funded. Dialogue and peace work has the better stance, it’s always more sexy.”78 Whether it is a matter of ’sexiness’ or political convenience is of course subject to debate; a ‘bandwagon’ effect is also thought to exist that ”diverts money away from projects that are not in vogue” (Saunders 2001, 4).

It is likely that such dynamics will undermine prospects for convergence. An imminent or actual loss of funds for activities deemed central to an actor’s mandate will probably increase a perception of threat and a sense of competition. The same applies to a real or perceived depreciation of such core activities by influential international players. This is likely to ring true for organisations irrespectively of whether they focus on human rights or conflict resolution. While competition could (in theory) generate an interest in cooperation between individual practitioners and organisations in the two fields, it is more likely to have the opposite effect, certainly in a context of where the stakes are high in terms of potential loss of life and the organisation’s survival.

76 An independent evaluation of Norway’s peace efforts in Sri Lanka between 1997 and 2009 (Goodhand and others 2011) actually found that the peace process reproduced rather than transformed structural obstacles to conflict resolution.
77 This is based on a review of studies of human rights NGOs in transitional contexts like South Africa, Bosnia, Cambodia, Central America and Northern Ireland (Bell/Keenan 2004).
78 Interview, 6 June 2011, based on Whande’s experiences of working with human rights and conflict resolution NGOs in various African countries, including Zimbabwe and Kenya, between 2008 and 2013.
Hence, the greater the sense of threat and the more acute the competition, the greater the risk of tension between field actors is as they will probably not hesitate to point out one another’s flaws. Conflicting assessments of the issues at hand and the responses required, will feed into this – especially when funders promote a take on conflict resolution that pursues relationship-building and tolerance across divisions without any analysis of power, and frown upon human rights efforts that stress issues of justice, accountability, equality and democracy.

8.2.3 In Sum

This section has highlighted how various features of the broader political and economic context may affect the way in which human rights and conflict resolution interrelate in a given setting. It has drawn attention to the way in which these bodies of thought and practice may be used from a particular political vantage point, which stresses certain aspects of human rights and conflict resolution and downplays others, and can thereby affect the relative convergence of the fields. Making sense of the relationship between human rights and conflict resolution thus requires an analysis of their political use – both real and perceived – and how these frameworks feed into existing political dynamics. At times, the fields may become associated with different parties to a conflict. This is likely to limit their potential to function as cross-community frameworks and does not bode well for their constructive interaction.

The politics of and in human rights and conflict resolution practice may be exacerbated by where funding comes from and how it is organised and allocated. The impact of donor support can be significant in that funders’ choices tend to reflect an understanding of what a specific conflict is about and how it can be addressed or even overcome. This affects what conceptions of human rights and conflict resolution prevail and how they are put into practice. Of course, the above discussion on the broader context is far from complete – yet it suffices to highlight the importance of taking these and other contextual conditions and dynamics into account when considering convergence.

8.3 Strategies to Further Human Rights and Conflict Resolution Goals

While focusing on conceptions and political ideologies, the discussion in the previous sections has also shown that the strategies used by actors to advance human rights protection or address conflict can be at odds, and that this can affect the interaction between the fields. This tallies with the literature, which has mostly pointed to ‘conflicting methods’ in so far as it has tried to explain tension between the fields. For example, an early text noted ‘sharply different approaches’ being used by ‘conflict managers’ and ‘democratisers’ – those who pursue protection of human rights, rule of law, democratic institutions and accountability for atrocities – and suggested that
these constitute ‘divergent paths to peace’ (Baker 1996).79 The relevance of strategies also emerges from the peace versus justice debate mentioned in chapter 1: the fields easily clash when the pursuit of peace (or conflict resolution) consists only of facilitating dialogue to end violence and reach a pact between elites, and the pursuit of justice (or ‘human rights’) entails no more than establishing criminal accountability for past abuses through trials.80

As such, the assertion that the relative convergence of human rights and conflict resolution is contingent in part on the methods used to further their respective goals does not warrant much elaboration – also in light of the differences in practical approaches summarised in chapter 4.81 Therefore this section brings together some overall insights from the study thus far and from the literature, while noting the difficulty of establishing firmly how strategies pursued impact on convergence. In 8.3.1, it makes some observations related to the question of which strategies are pursued, where, and when, and how considerations of effectiveness can affect prospects of convergence. In 8.3.2, it looks at the articulation of human rights claims, given the earlier discussion on framing human rights demands and the style and tone of advocacy.82 A summary, in 8.3.3, concludes the section.

8.3.1 Which, Where, When, and How Effective?

This sub-section first considers practitioners’ choice of strategies in terms of their acceptability and nature, with particular attention for the degree of formalism in strategies pursued – yet it also cautions against simplistic assumptions about the fields’ strategies and the supposed impact on convergence. Subsequently, it discusses two claims put forth in the literature: that the level at which strategies are applied (policy-making or grassroots) affects the interaction between human rights and conflict resolution, and that there is a temporal element in how strategies affect convergence. It also notes how actors’ assessment of strategies’ effectiveness may be relevant.

Which: acceptability, formalism and irreconcilable opposites?

The ‘frame’ concept helps to clarify why the strategies pursued can influence the interplay between human rights and conflict resolution. As set out in chapter 1, the frames projected by these fields shape what action is seen as legitimate in these domains; they enable some kinds of action while precluding others.83 Hence, problems are likely to arise if a particular strategy is frowned upon or even

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79 Babbitt/Williams (2008), Lutz and others (2003) and Saunders (2001) also highlight ‘methods being at odds’.
80 See 1.1.1 and 1.1.3 on the peace/justice debate; see also Parlevliet (2009, 36; 2002, 25-26) and Idriss (2003).
81 As elsewhere in the study, this section uses ‘strategies’, ‘methods’, ‘approaches’, ‘tactics’ and ‘practices’ interchangeably.
82 On framing human rights demands and style and tone of advocacy, see for example 5.2.3, 5.2.4 and 7.2.3.
83 See 1.2.1. (on constructivism) and 1.2.2. (on fields and frames).
considered unacceptable within one frame, but regarded as perfectly acceptable within the other (and/or is explicitly encouraged as such). This may explain why the question of including or excluding persons allegedly responsible for mass atrocities in formal peace talks can be divisive amongst proponents of the two fields: they have a different assessment of what is appropriate, acceptable and legitimate in such a situation.84

Arguably, convergence may also become more difficult as strategies become more formalist. Consider mediation, for example: in its ‘pure’ form, it is a voluntary process in which parties retain control over the outcome (Ramsbotham, Woodhouse, and Miall 2011, 32). It is a circumscribed process in which an independent third party impartially assists negotiations between the parties so as to arrive at a mutually acceptable outcome, without expressing their own views, exerting pressure or offering suggestions. As such, it leaves little space for the actor involved to bring in aspects from the human rights field. Conflict resolution strategies that are less formalist in terms of the role of the intervener and the process envisaged provide more room to connect to human rights thinking and practice. This includes strategies such as facilitation, shuttle diplomacy, violence monitoring, conflict resolution skills training, conflict analysis and developing conflict-handling mechanisms.

Likewise, the more formalist human rights strategies become, the more ‘human rights’ are understood in terms of technical law, and the greater the emphasis on international legal standards and on using formal judicial institutions to enforce compliance. The term often used in this regard in the literature and by interlocutors is ‘legalistic’.85 Strategies such as naming and shaming, public interest litigation and criminal prosecutions of alleged perpetrators impose certain limitations on the actors adopting these methods, more so than standard-setting, human rights education, social mobilisation or institution-building. Thus, prospects for convergence are likely to decrease as human rights and conflict resolution strategies become more formalist. Formalism magnifies the differences between the fields – in terms of the values prioritised, methods adopted, and stances advocated – and constrains the flexibility of actors to engage with or draw on ideas or approaches outside their familiar realm.

Two cautionary comments are in order, however. These relate to the tendency to depict the field’s strategies in sharp contrasts – with human rights supposedly using only high-visibility, fault-finding, prescriptive and confrontational strategies and conflict resolution exclusively relying on strategies that are low-visibility, problem-solving, facilitative, pragmatic and collaborative by nature. The idea that the strategies used by human rights and conflict resolution practitioners constitute a major source of division is closely related to this tendency; implicit assumptions seem to be at play that the fields’ strategies are inevitably diametrically opposed and that such opposites

84 See 4.1.3 on the fields’ respective approaches to dealing with norm violators and Babbitt (2009a, 616).
85 See for example Dudai/McEvoy (2012, 8) and Felner (2012, 62); see also 2.5.1.
necessarily clash. Such a dichotomous categorisation of strategies falls into the trap of essentialising the fields, the limitations of which have been noted.86

These categories – like most stereotypes – contain some truth, but they disregard the variation that exists within each of these fields (Idriss 2003, 30).87 The above shows that each field contains some approaches that are more formalist and others that are less so. The same applies to strategies focusing on other aspects (e.g. use of media, problem-solving or engagement). Consequently, one cannot simply assume that the extreme manifestations of any kind of strategy – e.g. low/high-visibility – are neatly divided between the fields; the fields’ strategies are not by definition diametrically opposed. The diversity of approaches within each field means that tension between the fields resulting from different strategies is not a matter of course.88

Moreover, while it is not unreasonable to anticipate tension when human rights and conflict resolution actors use starkly different approaches, the findings from chapter 7 imply that it cannot be taken for granted that opposites cannot go together; the confrontation/cooperation and the facilitator/advocate dilemmas highlighted the interdependence of seemingly incompatible methods.89 Hence divergent strategies are not problematic per se. Yet for these to be perceived as complementary rather than contradictory, the actors involved probably need to recognise the value of their respective approaches – and possibly even coordinate them. This emerges from an example provided by Lutz and others(2003, 188-189) based on an account by Alvaro De Soto, the UN mediator of peace negotiations in El Salvador in the early 1990s.90

De Soto initially perceived critical reports of the human rights records of the two negotiating parties – the government and Farabundo Martí National Liberation Front (FMLN; then a rebel group) – by organisations such as Human Rights Watch as a factor impeding the peace talks, as they made the parties defensive and triggered threats of them leaving the negotiations. However, "he later developed channels that enabled him to anticipate and use the pending release of such reports to urge the parties toward an accord that included significant human rights protections" (ibid). The naming and shaming by rights actors that seemed such a hindrance at first became a way to enhance the conflict resolution process and its outcome. This example illustrates that apparently conflicting strategies need not undermine convergence,

86 See the introduction (at the end of 1.1.2) and chapter 4 (introduction and 4.1.4.)
87 For example, some human rights advocates may be more flexible and less adversarial than is usually assumed due to specific contextual conditions (Idriss 2003, 31; Vuco 2002); in conflict resolution, some prefer a more coercive form of mediation – referred to as mediation with muscle – than the pure, confidence-building approach to mediation advocated by others (e.g. Ramsbotham and others 2011, 32; Nathan 1999; Fisher/Keashly 1991).
88 The diversity of approaches within each field also means that tension may arise amongst practitioners within one field, for example about engaging with the state or the use of force. See for example, García-Durán (2010, 100) on tension amongst Colombian human rights activists in dealing with the state.
89 See 7.2 (on confrontation and cooperation) and 7.3 (on facilitation and advocacy).
90 Confirmed by De Soto in informal conversation with author, Amsterdam, Sept. 2010.
even though they seem likely to do so. It also reflects that practices adopted by field actors interact with other factors influencing the relative convergence of human rights and conflict resolution.

**Where: at policy level or on the ground?**

Besides the question of which strategies are pursued, it has been suggested that the questions of where and when they are pursued may also affect the interplay between the fields. As to where, authors note that practitioners working at community level tend to perceive less contradiction – and distinguish less clearly – between human rights and conflict resolution than is usually the case at policy level and in the international sphere. Actors working ‘on the ground’ may blend aspects of both, while this is less likely at policy level where there is considerable tension and disdain for one another’s tactics (e.g. Schirch 2006, 63-64; Saunders 2001).91 Interviews by Beirne and Knox with practitioners in Northern Ireland lend some credence to this claim. They suggest that nowadays synergy “seems most advanced in practice on the ground”; interfaces might be the site “where a combined reconciliation/rights approach would most frequently be pursued” (2014, 40-41, 37).92

These authors thus draw “one very marked conclusion” that “the difference between the two themes may vary greatly depending on where one carries out one’s work” (idem, 37), thereby corroborating the dynamic and contingent nature of the relationship between the fields as asserted in this chapter. The findings from this study on fluidity also provide some support for this thesis.93 Human rights and conflict resolution proved to be interwoven in the practice of various actors discussed earlier – such as LHR, CCR and CiM – as they sought to respond to problems that could not exclusively be defined in terms of one or the other field. Nevertheless, past experiences in Northern Ireland and the earlier example of Sri Lanka show that there is no definite link between practices used ‘on the ground’, fluidity and convergence. In sum, the prospects for convergence may be greater at grassroots level, but occur by no means automatically.

**When: what stage of conflict?**

The literature suggests that there may be a temporal dimension to the impact of strategies on the potential convergence of human rights and conflict resolution. The argument here is that “each phase of the conflict cycle demands specific practices both from human rights defenders and conflict [resolution] practitioners. In some cases, those practices tend to converge; in others they diverge, depending on how the actors

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91 See also 8.4.2 on obstacles limiting productive interaction.
92 Beirne and Knox explain this as follows: “After all, interface work requires close cooperation across the sectarian divide where the toolkit of reconciliation should help, and the rights toolkit may help to mediate the inevitable tensions and conflict that will arise from time to time in such work” (2014, 37).
93 On fluidity, see the conclusions to chapters 5 and 6 (sections 5.3 and 6.3).
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are focusing their practice to face the specific contextual challenges of the conflict” (García-Durán 2010, 99; also Hadden 2007; Lutz, Babbit, and Hannum 2003).

The idea that different stages of conflict – in terms of escalation and de-escalation – warrant specific strategies is established in both fields. It has thus been noted that human rights NGOs may move from “critical adversarial positions” to “constructive engagement aimed at addressing what might work” in transitions from violent conflict to peace (Bell and Keenan 2004, 334). Putnam (2002) highlights strategies such as standard-setting, institution-building and human rights education as very relevant in post-settlement contexts. Such engagement-oriented strategies would presumably increase the scope for convergence with conflict resolution, which may mostly focus on reconstruction, rehabilitation, reconciliation and restorative justice at that time (García-Durán 2010, 98).

Yet a need for more confrontational strategies – monitoring, reporting, denouncing abuses – may persist once widespread atrocities have subsided, as violence often continues in other forms (Bell and Keenan idem; Paffenholz 2012, 14). Calls for accountability and redress for past abuses will also be likely at that stage. It is thus wrong to assume that only one kind of strategy prevails amongst actors from one and the same field in any phase, as their priorities will differ.94 This hinders determining a firm relationship between the strategies adopted at different conflict phases and convergence. This is only exacerbated by the fact that a conflict can exhibit various escalation and de-escalation stages in different geographical areas at the same time (Dudouet 2006, 12; García-Durán 2010, 99).

Thus, even though it is plausible that the temporal relevance of strategies affects the relative convergence of human rights and conflict resolution, figuring out what this actually entails in concrete terms is easier said than done. More research is needed to go beyond the general observation that the phase of conflict is likely to influence practitioners’ choice of strategy and that this may impact on the relationship between the fields.

How: what strategies are most effective?

Examples discussed in earlier chapters suggest that assessments of strategies’ effectiveness may also impact on the relative convergence of human rights and conflict resolution. Concerns about effectiveness can prompt individual practitioners or organisations to look into approaches that lie outside familiar territory and that may relate to the ‘other’ field. For example, the staff of LHR’s Security of Farmworkers

94 According to Putnam, for example, large human rights INGOs generally rely on an enforcement approach in post-settlement contexts (emphasising inclusion of formal human rights provisions in peace agreements and the pursuit of individual responsibility for past violations) while NGOs from the Global South are more inclined to pursue human rights ‘by other means’, i.e. institution-building, human rights education, and standard-setting (2002, 256).
Project began to explore the use of interest-based conflict resolution methods when they realised that the adversarial approach of confronting farm owners was not particularly effective in ensuring farmworkers' rights.95 Another case in point is the decision by the South African Human Rights Commission to design a reconciliation process to complement the judicial approach used for handling a racism-related complaint; this was meant to address issues of recognition and respect as well as relational dynamics left unattended by the court case.96

Thus, if existing strategies seem ineffective or insufficient, practitioners may be open to looking for ‘other’ strategies that can complement or enhance their efforts. This can be understood in terms of convergence. It is important to note that any shift or broadening of approach usually proved to stem from an informal hunch on the part of one or more practitioners rather than from any formal or structured assessment of effectiveness.97 Whether they act on such a hunch and adjust future actions probably depends on various factors, including, for example, the extent to which they have easy access to other strategies or to people who can introduce these, and how receptive their organisation is to venturing off the beaten track.98

Furthermore, effectiveness concerns do not automatically prompt convergence, since actors in both fields are aware that the desired change often happens gradually and is usually hard to measure. In fact, it has been explicitly argued in the human rights field that the question of ‘what works’ should not be the primary driver of practice and advocacy (Gready 2009, 380). This relates to the nature of the work in that “change can be slow in coming”, as Ian Gorvin of Human Rights Watch notes (2009, 480).99 Also relevant is the conviction that certain values or policies must be promoted as a matter of principle, irrespective of whether doing so achieves the desired outcome (idem, 482; also Archer 2009, 333).

Such sentiments are not unique to the human rights field. In conflict resolution too, actors may persist in using approaches based on the belief that, as Gorvin puts it, these “can or should make a positive difference” (2009, 478) even if it is unclear whether they actually result in positive change or prevent things from getting worse (e.g. Carayannis and others 2014; Paffenholz 2012). Thus, considering ‘effectiveness’ may motivate practitioners to look for alternative or additional approaches that might complement or enhance their efforts, but does not necessarily do so.

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95 See 5.1.2 and 5.1.3.
96 See 6.2.2.
97 To my knowledge none of the organisations mentioned in this study has undertaken any thorough review that considered whether or how approaches from other ‘fields’ could enhance the organisation’s work.
98 See also the next sub-section (8.4), on the impact of exposure, interaction, and understanding across the fields.
99 According to Colleen Duggan, senior program specialist at the Evaluation Unit of the International Development Research Centre in Ottawa, “just standing still” may be progress in highly volatile contexts (2011, 217).
8.3.2 Articulating Human Rights Claims

At various points in this study, the relevance of ‘framing’ has come up; how issues are framed or articulated by practitioners – and/or by parties in conflict – can help or hinder the way the human rights/conflict resolution relationship plays out in practice. Attention has also been drawn to the style and tone of advocacy.\(^{100}\) Hence framing should probably be recognised as a relevant factor in considering how strategies may affect relative convergence. This sub-section sums up what has transpired thus far, highlighting three aspects: the potential impact of framing claims in terms of positions or interests, moral values or legal standards, and in inclusive or exclusive terms. Given previous discussions, it focuses mainly on the articulation of human rights claims, without intending to imply that the framing of conflict resolution concerns does not matter for convergence.\(^{101}\)

**Positions or interests**

It has been observed that rights claims are often presented as positions: demands or statements about what ought to be done or how particular matters should be resolved.\(^ {102}\) It was noted that such positions may generate resistance amongst those who encounter them – whether they are parties in conflict, public officials, conflict resolution practitioners, etc. This builds on negotiation theory, which holds that bargaining over positions tend to become a contest of will that quickly gets stuck, does not do justice to complex issues, and jeopardises relationships.\(^ {103}\) It advocates focusing on the underlying interests – the needs, desires, concerns and fears that motivate the demands – since these define the actual problem and are usually easier to reconcile; often shared and compatible interests (as well as conflicting ones) lie behind opposed positions (Fisher, Ury, and Patton 2012).

This suggests that convergence is more likely when human rights claims are articulated in terms of underlying interests rather than in the form of positional demands (Parlevliet 2011a, 108; 2002, 32-35). Conflict resolution practitioner Andries Odendaal indeed objects to “the manner in which these things [i.e. human rights] are pursued, the moral indignation, the top-down, the imposition of values and*

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\(^{100}\) See 5.2.3 and 5.2.4 (for practical examples from conflict resolution interventions), 7.2.3 (on style and tone of advocacy) and 7.4 (on raising human rights issues).

\(^{101}\) This sub-section refrains from engaging with communication theory. It mostly considers the articulation of human rights claims in terms of the ‘sender’ of such communication, not in terms of how it is understood by the ‘recipient’. These issues fall beyond the scope of this chapter and the study as a whole.

\(^{102}\) See 7.2.3.

\(^{103}\) Parties tend to ‘lock’ themselves into their respective positions and when defending these against attack, they become more committed to them, also because their egos become identified with the position. Furthermore, to ensure a favourable outcome in positional bargaining, parties usually start out with extreme positions and only make small concessions in order to keep negotiations going. Fisher and others therefore assert that arguing over positions is very inefficient and produces ‘unwise outcomes’ (2012, 4-7).
standards.” Also interesting is Hannum’s study on the relationship between the UN Office for the High Commissioner for Human Rights and the Department of Political Affairs (2006). He argues that a more constructive interface between human rights practice and conflict resolution efforts means, among other things, that rights officials cannot automatically adopt a “lecture and hector” approach, or “merely ‘state the law’ or ‘draw the line’ on human rights issues” (idem, 57). Without using the terminology of positions and interests, both Odendaal and Hannum speak about framing rights claims as prescriptive demands; their comments evoke the frustration expressed by facilitator Ghalib Galant in relation to his interaction with human rights activists during the 2008 xenophobia crisis.

Of course, the reverse probably holds true too: conflict resolution-related concerns framed as positional demands can trigger resistance amongst human rights practitioners. It is also worth noting that rights activists intent on ensuring compliance with standards in dire conditions may not be particularly interested in balancing interests, maintaining relationships or negotiating efficiently. As observed before, there is ‘value in the radical stance’, notably in situations of power asymmetry. These comments do, however, not negate the proposition that human rights or conflict resolution claims framed as positions are less likely to facilitate convergence than when concerns are raised in terms of the interests informing them, especially in the short-term.

**Moral values or legal standards**

Another distinction that appears to be relevant in relation to convergence is the extent to which rights claims are framed mostly with reference to their moral content or their legal basis. The distinction between moral and legal approaches to human rights (Chong 2010) was noted in chapter 2; in the former, human rights serve mostly as an aspirational ideology of justice and a set of values, while the latter focuses especially on rights as a system of law (idem; Merry and others 2010). In relation to the question of raising rights violations and rights issues more generally in conflict resolution processes, attention has been drawn to the way in which rights claims may be framed in more or less explicit terms. It was observed that framing rights concerns through notions of human dignity or human needs can aid conflict resolution efforts,

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104 Interview, 9 June 2011, Stellenbosch.
105 Hannum derives the notion of a ‘lecture and hector approach’ from an interview with a former senior OHCHR official. He also stresses the need for DPA officials to adopt “a more holistic view of politics and conflict resolution” and “to integrate a minimum understanding of human rights and its [sic] role in politics” (2006, 57,59).
106 See 5.2.4.
107 See 7.2.3 on the implications for conflict resolution flowing from the confrontation/cooperation dilemma and the importance of conflict intensification in asymmetric contexts.
108 See 2.2 (on key ideas of human rights) and 2.4 (key practices).
especially when engaging with individuals or groups who are not very receptive to human rights.\textsuperscript{109}

This suggests that human rights and conflict resolution may more easily converge the more human rights are invoked as moral values such as fairness, equality, participation or transparency rather than with reference to legal standards. Possibly, this is because references to standards are more likely to be accompanied by difficult questions related to accountability that are quickly perceived as confrontational; examples provided by Beirne and Knox include ‘you said you would do this’, ‘why have you not done so?’ or ‘when will you do this?’ (2014, 35).\textsuperscript{110} These authors argue that ‘soft law’ approaches “provide more flexibility and avoid challenges of human rights being overly ‘legalistic’” (idem, 36).\textsuperscript{111} They nevertheless warn that “emphasising human rights values […] rather than citing black letter law may raise false expectations […] or risk dangerous ‘fuzziness’” (ibid).

In other words, moral value-based framing of rights claims may be more palatable in a conflict resolution context as it makes claims relatively easy to relate to and rally around and is not prone to alienating people. It arguably provides for a degree of constructive ambiguity that facilitates manoeuvring and reaching across divisions. Yet moral framing may generate apprehension in human rights defenders wanting to avoid human rights being “shorn of its ‘accountability’ edge to render it cosy” (idem, 35).\textsuperscript{112} This is all the more likely when moral framing entails bland statements that all parties suffered injustices without recognition that the state bears a particular responsibility to protect rights or that different groups may have experienced abuses unevenly.

Moreover, the ambiguity provided by moral framing need not be constructive for conflict resolution efforts over time. It has been suggested that the Northern Ireland Parades Commission’s failure to establish ‘the legal default position’ (Hamilton 2003, 290) may continue to fuel disputes since there are no clear boundaries to the rights claims made by parading and protesting groups.\textsuperscript{113} In sum, moral and legal framings of human rights claims both have merits and flaws in facilitating convergence. What works well for one set of actors can be problematic for the other, although this is not necessarily so at all times and in all conditions.

\textsuperscript{109} See 7.4 (on raising rights issues in conflict resolution interventions).
\textsuperscript{110} This tallies with the experience of conflict resolution practitioner Galant when trying to facilitate reintegration of displaced non-nationals in the 2008 xenophobia crisis; government officials did not appreciate it when he raised specific questions about their commitments (see 5.2.4).
\textsuperscript{111} For an explanation of ‘soft law’, see 8.1.1 (on the conception of human rights in Northern Ireland).
\textsuperscript{112} See also Bonacker and others (2011, 40) on the possibility of human rights serving an ‘integrative function’ when they are articulated in a sufficiently open way that allows for different interpretations and appropriation by various conflict parties, while the demands of legal discourse require sufficient specification of rights’ formal meaning for them to bear legal force.
\textsuperscript{113} See 6.2.4.
Chapter 8

Inclusive or exclusive articulations

The third and final aspect considered here concerns what Jarman calls "the mutuality of rights": the extent to which people invoking human rights recognise that not only they themselves have human rights but others do too, including their opponents.114 The emphasis here is particularly on human rights being invoked by actors constituting (or aligned with) specific conflict parties rather than by (professional) human rights practitioners.115

Reluctance or failure to accept such mutuality arguably contributed to human rights being perceived as "weapons of division" (Fitzduff 2002, 8) in Northern Ireland.116 According to Jarman and Dickson, limited understanding of human rights amongst paraders and protesters led to ‘simplistic rights claims’ suggesting that the rights claimed only applied to the own group and not universally to all.117 Such claims tended to reflect a certain zero-sum absolutism, as if one’s rights are either fully respected or not at all or as if one’s rights can only be exercised at the expense of others (Parlevliet 2009, 283-284).118 In a similar vein, Keenan deplores the reduction of human rights discourse in the Sri Lankan context to “an arsenal of rhetorical weapons used by partisans who refuse to apply the same human rights principles to each side” (2007, 103).119

Diez and Pia (2010) make a distinction between ‘inclusive’ and ‘exclusive’ articulations of human rights claims that is helpful in this regard. Exclusive articulations involve human rights being invoked on behalf of members of one group only, while inclusive ones do not involve any form of ‘othering’ but instead convey the benefits of human rights as applying to all, across identity groups. Based on case studies of civil society actors in four contexts, they argue that exclusive articulations reinforce existing group identities and hence intensify conflict dynamics (ibid; also 2011, 205-208).120

This would imply that exclusive articulations are likely to undermine convergence of human rights and conflict resolution – in part because they tend to reflect alignment

114 Interview, 7 Oct. 2011, through skype.
115 The distinction between these categories can of course be blurred, as illustrated by the previous discussion on how human rights activism in Northern Ireland was associated with the nationalist cause.
116 See 8.1.1.
117 Interviews with Jarman (7 Oct 2011) and Dickson (14 Nov 2011), both through skype.
118 This was largely why the Parades Commission’s Authorised Officers initially regarded human rights claims as yet another form of ammunition thrown back and forth between parading and protesting groups, as mentioned in 6.2.4.
119 This happened when Sinhalese supremacist groups became increasingly vocal about the need to ensure respect for human rights, as actors supporting the peace process in the early 2000s failed to address ongoing abuses. According to Keenan, “while they were legitimately outraged at the Tigers’ repeated ceasefire and human rights violations, these groups had […] little interest in a just settlement of Tamil grievances” (2007, 103).
120 The case studies are Israel-Palestine, Cyprus, Bosnia-Herzegovina and Turkey’s Kurdish issue, and form part of a larger study brought together in Marchetti/Tocci (2011).
of human rights with the interests of one side of a conflict; they imply that the future benefits of rights realisation only accrue to this conflict party (Bonacker and others 2011, 40). Conversely, inclusively framed claims that recognise the mutuality of rights may contribute to the convergence of the two fields. They probably enhance the potential of human rights to function as a cross-communal framework and to consider the social context in which human rights function.

8.3.3. In Sum

This section has considered the argument that how the relationship between human rights and conflict resolution plays out in practice is in part influenced by the strategies used to further goals in these areas. In general terms, it has observed that convergence may be adversely affected when the acceptability, legitimacy and suitability of one and the same strategy are perceived very differently within the two frames, or when actors in these fields use formalist strategies that limit their flexibility. It has also looked at two claims advanced in the literature, that convergence of human rights and conflict resolution is more likely to emerge at grassroots level than at policy-making level, and that there is a temporal aspect to convergence in that the strategies adopted by practitioners tend to vary across different phases of a conflict.

It further pointed to the relevance of effectiveness considerations, suggesting that practitioners or organisations may be open to exploring 'other' approaches if the strategies they routinely use are found wanting. Besides these general observations, the section has paid attention to the articulation of human rights claims with a view to bringing together insights from the study thus far. It has outlined the potential impact of framing rights claims in terms of positions or interests, moral values or legal standards, and in inclusive or exclusive terms. It has suggested that claims presented as positional demands without speaking to underlying interests may undermine the scope for convergence. This may also happen when human rights are invoked as legal norms only, or when human rights claims are articulated in a way that denies the mutuality of human rights and projects their benefits as only serving the interests of one group.

The discussion in this section has, however, also revealed that it is often difficult to establish firmly or in absolute terms how different elements of strategies may affect how the human rights/ conflict resolution relationship unfolds. It has pointed to limitations in assumptions that are often made in this context and has shown that what transpires in some instances is not necessarily always the case. As noted, such qualifications do not negate the basic thesis that ‘strategies’ matter when it comes to the potential for convergence, even if they caution against hasty or absolutist conclusions. In this regard, strategies adopted by field actors have also proved to interact with other factors to influence the relative convergence of human rights and conflict resolution – such as the extent to which individual practitioners and
organisations recognise the respective value of their different approaches. This will be considered in the next section.

8.4. Exposure, Interaction and Appreciation

This section highlights a fourth factor that seems to influence the relative convergence of human rights and conflict resolution over time in a specific context, namely the extent to which practitioners working in either field are exposed to – and interact with – ‘the other field’ and gain appreciation for its perspective, insights and approaches. The argument put forth here is that such enhanced appreciation is likely to increase the potential for convergence by laying a foundation for collaboration and cross-fertilisation. Several practical examples discussed in this study have clearly indicated this, even if it has also transpired that appreciation and convergence are not inevitable outcomes of exposure and interaction; frustration and tension can ensue too. Exposure and interaction should therefore not only be considered in terms of ‘quantity’ – i.e. does it take place or not and how often does it occur – but also in terms of ‘quality’.

The section first summarises the main benefits of exposure and interaction to substantiate the claim made here about the link with convergence, building on previous examples and interviews (8.4.1). In light of the above-mentioned concern with ‘quality’, it then points out some obstacles to (8.4.2) and key features of productive interaction (8.4.3). These sub-sections draw on a wider range of practical experiences than have been featured in previous chapters, as these shed light on what can help and hinder interaction between actors in the two fields. As before, the section concludes with a summary (8.4.4).

8.4.1. Benefits of Exposure and Interaction

Various examples in previous chapters have revealed how exposure and interaction may facilitate convergence between human rights and conflict resolution as practitioners gain more knowledge of what these fields entail in terms of substance and approach. They develop an understanding of their respective strengths and weaknesses as well as insight into how these perspectives and methodologies may complement one another or ‘hang together’. This can prompt them to look for, create or seize opportunities for convergence. All in all, the value of learning about ‘the other field’ has emerged as a recurrent theme in this study. The primary benefits of exposure and interaction appear to be enhanced technical skills, shifts in attitude, and shifts in understanding of local conditions and possible approaches. These are outlined below, illustrated by comments from practitioners.

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121 This became clear in the example of how UN mediator De Soto initially perceived reports by Human Rights Watch and later used them to further the Salvadoran peace talks, and in the comments on effectiveness (both in 7.3.1).

122 Of course, the distinction between these is somewhat blurred (which is reflected in the write-up that follows).
Enhanced technical skills

Many remarks from interviewees reflect the benefit of learning ‘technical’ skills and knowledge – such as negotiation and communication skills, conflict analysis or human rights standards – because of the way this has expanded their ‘toolbox’, as one of them puts it.\(^{123}\) This notion of ‘borrowing techniques’ or ‘seeing the other community’s tools as tools for one’s own work’ was also observed at one of the earliest events bringing together human rights advocates and conflict resolution specialists, hosted by the Carnegie Council on Ethics and International Affairs in 2001 (Saunders 2001, 4). Thus, for example, South African conflict resolution practitioners Ghalib Galant and Rodney Dreyer speak of their enhanced ability to identify rights concerns in conflict situations and to facilitate processes that comply with the legal human rights framework.\(^{124}\) Nepali land rights activists Jagat Basnet, Jagat Deuja and Kalpana Karki note that their practice has improved by developing skills in conflict analysis and relationship-mapping; it benefits their mobilisation and advocacy efforts. They have also become more strategic in reaching out to diverse stakeholders (such as politicians, police officers and landowners) including ones that dislike the land rights movement. Their perception of conflict has changed too: while previously seeing conflict only as a negative force and equating it with violence, they now understand it as a part of their lives and work. They are therefore no longer afraid of conflicts, either within the movement or outside of it.\(^{125}\)

For Kenyan human rights practitioner Alice Nderitu, learning about conflict resolution allowed her to go beyond what she calls ‘human rights conventionism’. She notes that she always perceived human rights “as being very abstract”, because practice seemed to consist mostly of referring to conventions and declarations; she found this frustrating. Taking a conflict prevention course for national human rights institutions helped her to become more practical in working on human rights, as reflected in the Mount Elgon intervention she designed for the Kenyan National Commission on Human Rights (where she worked at the time). This process combined human rights education and analysis of rights issues and conflict dynamics with space for dialogue and problem-solving. She says “It was so exciting, if [we’d] stuck to conventions, declarations, [we] wouldn’t have gotten anywhere. I realised how important it is to have a space where people can speak about issues that matter to them”.\(^{126}\)

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\(^{123}\) Interview with Ghalib Galant, 3 June 2011; see also 5.2.5.

\(^{124}\) Ibid; also interview with Rodney Dreyer, 14 June 2011.

\(^{125}\) Correspondence, November 2011, on file with author (translated by Mukunda Kattel); also conversations in 2007-2009, Kathmandu.

\(^{126}\) Conversation, 7 June 2011, Cape Town. See also 6.2.3 and 7.1.2 for previous references on the Mount Elgon intervention. Nderitu designed this process as her final assignment for the conflict prevention course, and later turned it into a real plan of action for her institution after convincing its leadership to try this new approach. The course, which was largely online, was offered by the United Nations System Staff College in cooperation with OHCHR and Fahamu, and was designed by this author. Following her participation in the course, Nderitu has become increasingly involved in conflict resolution interventions in Kenya and beyond (personal
**Shifts in attitude and in understanding of contextual conditions and possible approaches**

These examples suggest that, besides adding to technical skills and knowledge, exposure to ‘the other field’ may generate shifts in attitude and approach. The newfound appreciation felt by conflict resolution practitioner Undine Whande for ‘occupying a more radical position on issues of justice and governance, so that a more moderate position can open up’ reflects this too. When pondering what engaging with human rights NGOs in Kenya, Uganda and Zimbabwe since 2008 has meant for her, she remarks that,

> I’ve come to appreciate that there’s an uncompromising ethical stance [...] a forwardness in human rights actors, an unrelenting ability to focus, and [willingness] to go into tough spaces and stick your neck out. [...] There’s a lot less going with the flow, which tends to be the quality conflict actors bring – but it’s precisely *not* going with the flow, keeping your stance, [that can be very valuable]. 127

She concludes “I think I’ve moved a long way to the human rights side of the spectrum”, 128

Reflections from other interviewees reflect how deeper understanding of conditions ‘on the ground’ and possible strategies to address them may also develop. Human rights practitioner Ingrid Massage says that conducting a study of community mediation in Nepal made her realise “just how marginal human rights are at the village level. I had never quite appreciated to this extent that the state is virtually or completely absent [there]. From a human rights perspective, I’d ask people about going to the police, and this would just draw blanks.”129 This brought home the relevance of strengthening or developing non-formal mechanisms to address disputes at local level, rather than relying on the state.

Her pursuit of a post-graduate degree in international conflict studies further made her “question who has agency in transformation and what is the agency of people directly affected by conflict, by human rights violations. It has also changed my practice – I’m now more really listening [and] using active participation”. 130 Meanwhile, Galant notes that he has become more concerned with ensuring that the processes he facilitates deliver a tangible outcome than he used to be. 131 This is

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127 Interview, 6 June 2011, emphasis as spoken. See also 7.2.3 on ‘the value of the radical stance’.
128 Ibid.
129 Conversation, 30 August 2011, London. Massage used to work for OHCHR in Nepal and still serves as a researcher for Nepali human rights NGO Advocacy-Forum from her base in London. In 2008, she was contracted to conduct this independent study together with two Nepali consultants by a Danish development programme on Human Rights and Good Governance (where I worked as senior conflict transformation adviser at the time). I helped to draft the terms of reference for the study and reviewing the draft report.
130 Interview, 11 November 2011.
131 Interview, 3 June 2011.
notable given his earlier frustration during the 2008 xenophobia crisis, about the ‘lack of appreciation and understanding of process stuff’ he then observed amongst human rights activists. While he objected at the time to their prescriptiveness and insistence on specific solutions, he has realised that conflict resolution cannot just be about ‘putting issues into process’ and ‘getting dialogue going’; interventions need to result in tangible outcomes for those involved and affected.

**Exposure and interaction**

Observations such as these confirm the validity of recommendations on encouraging more conversation and exchange between the fields of human rights and conflict resolution as put forth by various authors over the years. They reflect how exposure and interaction can help practitioners develop complementary skills and approaches that can benefit their own work, and assist in broadening their understanding of the issues at hand and possible ways of dealing with them. Some practitioners also speak of being able to forge more collaboration with other actors.

Dreyer, for example, recalls a situation in which he spoke with the lawyer of a large landowner – who was responsible for fencing off a worker’s homestead – about the Extension of the Security of Tenure Act and about the evolution of labour relations and tenure conditions in South Africa over time. This led to the lawyer providing support in a way Dreyer did not consider possible before, by harshly calling his client to account:

[The lawyer] admits to me that he’s not familiar with ESTA, I give him a copy, say ‘you might not want to read it right now, but it would help your client if you know a little bit when you talk to him’. He says “I’m going to call the owner right now”. He gets his phone, speaks in Afrikaans, “Sou jij jou fokking vuilgat hier kri, will you get your fucking, filthy ass here!” – I’m thinking ‘how can he speak to the farmer like this?’ [He goes], “I now have a Mr. Dreyer in my office here and he’s told me things that I did not know about, wil jij trond toegaan? Do you want to go to prison?” Within minutes the guy is there. He sees me sitting, he’s shocked! The lawyer asks, ‘is what Mr. Dreyer says, the truth? Did you put a fence around the man’s house? The children can’t get to school, is that true? Is it the truth that you’re not allowing the municipality to bring water, is it true that they can’t get to the shop? The farmer goes ”Well ja, die mense, [those people] must fuck off my farm.” That’s when the lawyer says to him, “if you’re not prepared to enter into conversation with Mr. Dreyer, I’m resigning as your lawyer, cause I cannot see how you’re causing this struggle to people unnecessary!” I took that lawyer for coffee once everything was settled, he says,

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132 ibid; see also 5.2.4 (on Galant’s frustration with human rights activists) and 5.1.4 (on the observation by LHR practitioner Makan that ‘process’ can become a pacifier).
134 The landowner had previously dismissed Dreyer when the latter came to speak to him, telling him to ‘go and speak to his lawyers’. Interview, Rodney Dreyer, 14 June 2011.
“don’t worry, I would not have resigned, I’m being paid way too much. I was calling [the owner’s] bluff.”

In other words, exposure and interaction can “enable practitioners to communicate effectively across barriers” (Babbitt and Williams 2008, 6), and may help to “alleviate the ethical quandaries and tensions that human rights advocates and conflict resolvers experience” (Lutz, Babbit, and Hannum 2003, 192). Even Keenan, who is critical of how human rights and conflict resolution interacted in Sri Lanka, suggests that organisations working on ‘peace’ and those working on ‘human rights’ have much to learn from each other (2007, 116, n. 29).

8.4.2 Obstacles to Productive Interaction

Exposure and interaction do not always result in more skills, understanding and collaboration between human rights and conflict resolution practitioners, however. They can also give rise to more division. This suggests that the quality of encounters and exchanges matter greatly, and is affected by the way and conditions in which they happen. This sub-section describes various obstacles to productive interaction, based on my own observations over the years, comments from interlocutors and insights from the literature. Some relate to concrete issues of timing, proximity, structure and resources that are objectively verifiable. These interact with less tangible, more psychological, concerns, such as notions of superiority and inferiority, fear of annexation and professional pride. The discussion here draws on points made in earlier chapters about the ethos and approaches in the two fields without explaining them anew. An effort has been made to cluster obstacles in a meaningful way, but they are not listed hierarchically.

Disconnection in space, structure and during crisis

Authors suggesting that there is a greater dichotomy between human rights and conflict resolution communities in the international policy sphere rather than at ground level, attribute this in part to a lack of proximity (Schirch 2006; Saunders 2001). Proximity speaks to the existence (or absence) of ties between individual practitioners and larger organisational networks and the extent to which people and organisations operate in the same physical space, and thus encounter one another regularly in the context of their work. Convergence in South Africa was probably aided by the fact that NGOs working on human rights and conflict resolution all belonged to

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135 Ibid.
136 Keenan suggests that civil society organisations focusing on ‘peace’ need to address their legitimate activities (regarding power-sharing, inter-ethnic dialogue, etc.) towards the same goal as human rights advocacy, namely new, more inclusive and less violent political relationships, and that organisations focusing on ‘human rights’ need to consider more carefully how their interventions can best support moves towards peaceful coexistence. He also argues that activists denouncing the militarism and exclusive nationalism of both the Sri Lankan state and the Tigers, need to learn “from the techniques of conflict resolution in order for human rights and peace advocates to negotiate their way through and ultimately beyond divisive ethnic identification” (2007, 116, n. 34).
a close-knit network of civil society actors driven by the same vision (Taylor, Cock, and Habib 1999).

Yet the weight of this factor should not be overstated. The case of Northern Ireland reflects that physical proximity is no guarantee for interaction, let alone convergence.137 Another example is CINEP, the organisation García-Durán directed in Colombia: while it houses one unit involved in human rights monitoring and another focusing on conflict resolution, practitioners from the two teams seldom meet “to reflect on how they relate, or how [the work on] one case relates to what the other team is doing and vice versa.”138 García-Durán says that “if you push a bit and open the discussion between them, then people can see the connection. But there’s only occasionally connection – you know, both teams have to focus on the area where they are expected to show results”.139 CINEP’s experience is not unique. As noted in chapter 1, institutional separation occurs in other organisations – whether intergovernmental, governmental, or non-governmental – whose mandate and institutional set-up comprises both fields.140 Often, human rights and conflict resolution work takes place in separate departments. The pressures people in these units face related to their specific and separate timetables, deliverables and budgets, limit interaction and exchange. Thus, proximity is both relevant and relative when it comes to convergence. While proximity may facilitate substantial engagement, structural factors can impede it.

The circumstances that instigate proximity can also be an obstacle. Crisis situations tend to be the occasion par excellence where human rights and conflict resolution actors encounter one another, both in the international policy realm and at ground level.141 As Lutz and others note, in the midst of crisis, when abuses are widespread and destruction is rampant, people seeking to intervene urgently have usually little patience with those whose aims, beliefs and methods diverge from their own (2003, 192). This may also apply in the aftermath of crisis, when pressurised conditions and high stakes persist, given the many acute needs at that time and the likely ongoing instability.

Arguably, crisis situations are also challenging since they tend to bring out an issue that remains contentious, that of ‘peace vs. justice’. This has been sidestepped in the

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137 Three interviewees observe independently from one another that there were – and still are – few occasions in Northern Ireland where practitioners from both fields meet; interviews with Joe Campbell (7 Oct. 2011), Neil Jarman (7 Nov. 2011) and Brice Dickson (14 Nov. 2011). Also, the fact that Northern Ireland has created separate statutory institutions to promote equality, human rights and community relations may feed into the apparent divisions (Beirne/Knox 2014, 37).

138 Conversation, 17 June 2011. At the time of this conversation, García-Durán was still CINEP’s director.

139 Ibid.

140 See 1.1.2.

141 This happened, for example, during the post-election violence in Kenya in 2008, when national human rights activists and conflict resolution workers clashed repeatedly about how to address the violence (see 1.1.2).
study for reasons explained before, but it must be recognised that it looms in the background when practitioners from the fields meet – as will also be shown below. In other words, there are times, places and conditions that are more or less conducive to genuine interaction and mutual understanding between human rights and conflict resolution actors.

**Competition, communication and a zero-sum assumption**

The earlier discussion on funding allocation in Sri Lanka suggests that competition for resources can undermine productive interaction between human rights and conflict resolution actors, especially when increased funding for one area of work comes at the expense of the other (or is perceived to do so). Competition for resources and policy influence is indeed another factor identified as generating division in the international policy sphere between large field-specific organisations based in Europe and North America (Schirch 2006, 64; Saunders 2001).

Styles of and attitudes in communicating also matter, notably the extent to which people engage with a view to gaining more understanding of one another’s arguments and concerns or seek to rebut them. Conflict resolution practitioner Chris Spies observes “an absence of dialogue and listening on both sides”:

I still don’t see a healthy interaction between these disciplines. It’s safer to stay with your own position, why you think your side or your perception ought to be the dominant side. Increasingly, I’m getting frustrated because ‘dialogue’ is spoken about but not really practised. What I see is that the notion of dialogue is a softer term for describing contestation and debate – [there’s] often a confusion of those terms. If dialogue is practised more than talked about, then I think we’ve got a greater opportunity to bridge the gap.

This raises a question about the intention underpinning interaction: does interaction spring from a genuine desire to explore the different perspectives and approaches and consider opportunities for convergence or is it driven by a missionary zeal to prove one’s own right and the other’s wrong? The different styles of communicating in the

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142 On the ‘peace vs. justice’ debate, see 1.1.3 (including explanation why it has been sidestepped in this study).
143 This reflects an interlocutor’s assessment that the peace vs. justice debate is such a dominant feature in thinking about human rights and conflict resolution that it pervades everything; conversation, Laurie Nathan, 11 June 2011.
144 See 8.2.2.
145 Beirne and Knox similarly observe more tension amongst practitioners in Northern Ireland who seek to influence policy and engage directly with decision-makers than amongst those working ‘on the ground’. They also allude to the possibility of institutional rivalry and competition for resources (2014, 37).
146 Interview, 9 June 2011. Other practitioners I have interacted with over the years have echoed Spies’ comments. This applies mostly but not exclusively to conflict resolution-oriented individuals.
147 Ibid. Spies makes a distinction here between ‘debate’ and ‘dialogue’ that is common in conflict resolution. Dialogue is understood as being collaborative in nature and geared towards finding common ground through careful listening and considering underlying assumptions; debate is seen as oppositional and geared towards winning an argument by defending one’s own positions and finding fault with points put forth by others; see e.g. Saunders (1999, 81-85).
Factors Affecting Convergence

two fields may come into play here, as human rights activists – especially lawyers – may see hard and intense debate as a way to increase understanding, while conflict resolution practitioners generally see it as inhibiting it.148

In this regard, it has been striking to hear a few senior conflict resolution practitioners in recent years make statements to the effect that ‘human rights has won’ and ‘we’re losing the argument – and it’s having huge consequences in people’s life’.149 While such remarks were usually made in the context of discussions on international criminal justice and peace processes (i.e. the peace/justice-debate), they are relevant for what they hint at: interaction between human rights and conflict resolution actors may at times play out or be experienced more as a competition about which field is to hold sway in policy discourse and political decision-making at international and national level, rather than as genuine engagement based on willingness to pair perspectives and learn from one another.

Admittedly, there is a objectively verifiable factor at play here, in that the rapid evolution of international criminal law has put actual limits on the outcomes and processes that conflict resolution people can facilitate, especially in peace negotiations at elite level. It can thus be argued that such actors have seen their space for manoeuvre reduced, generating a sense of loss;150 observer Mark Kersten indeed asserts that “international criminal justice has too often been presented as a fait accompli to mediators and negotiators”.151 Without going into the substance of this matter, it is useful to mention it here since it shows how objective factors interact with more subjective dynamics in the interaction between practitioners from the two fields. It also suggests that field actors may – perhaps subconsciously – perceive the relationship between human rights and conflict resolution in zero-sum terms, assuming that one field’s gains are necessarily the other’s loss.

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148 The distinction between ‘dialogue’ and ‘debate’ may thus reflect the ‘DNA’ of the two fields (conversation with Marlies Glasius, 20 September 2012).
149 This includes two practitioners in leadership positions in separate conflict resolution organisations that operate in various countries and at policy level. The ‘consequences’ alluded to relate to the idea, held by many conflict resolution actors, that arrest warrants or indictments against leaders of warring factors by international criminal tribunals may cause them to refrain from engaging in negotiations or signing peace agreements – thus prolonging the fighting and increasing the loss of life and destruction of livelihoods and infrastructure (see also 1.1.2).
150 The notion of ‘having lost freedom to manoeuvre’ also emerged from contributions by several senior mediators at two seminars hosted by Dialogue Advisory Group and Human Rights Watch (Amsterdam, Nov. 2010, Nov. 2011). It applies, for example, to the norm that peace agreements may not include amnesty for war crimes, crimes against humanity, gross human rights violations, etc. (e.g. Transitional Justice Institute 2013, United Nations 2012).
Chapter 8

Notions of superiority and inferiority, fear of annexation and professional identities under threat

Superiority/inferiority complexes may impede productive interaction too, in that actors in both fields often firmly believe in the greater significance, if not superiority, of their own frame of reference and approach while being keenly aware of the other’s limitations. Thus, for example, during an informal talk about the challenge of achieving more effective cooperation between human rights and conflict resolution personnel within the UN system, a senior UN official suddenly blurted out “Of course I believe our field is the best. We [conflict people and human rights people] both are in our fields because we love them and think they’re the best!”

Yet it also seems at times that actors in one field perceive the other field as generally having the upper hand or being more capable of proving its worth. Human rights activists may, for instance, complain that politics will always trump law and normative considerations, while conflict resolution practitioners can grumble that ‘human rights’ has something concrete to back up its claims – legally binding instruments – which conflict resolution does not. Some among the latter also note that while ‘human rights’ makes a clear, tangible contribution to ‘conflict resolution’ (as Galant puts it, it helps “conflict resolution people with mediating in a rights framework”), it is generally harder to grasp what ‘conflict resolution’ adds to ‘human rights’. Galant admits that he has been struggling with figuring out how “to sell” conflict resolution to human rights people. This paradoxical dynamic of feeling both better and weaker than the other field, is likely to complicate interaction.

Comments made at a 2012 meeting of Swiss development NGOs on ‘connecting human rights and conflict transformation; what can human rights workers and peacebuilders learn from each other?’ are also telling. After my speech, a practitioner with a conflict resolution background shared her experience of working with a human rights colleague in her NGO. They were tasked with developing a policy on human rights and peacebuilding with concrete guidance for combining ‘best practices’ from both fields. At first, it had been hard to really ‘hear’ one another, partly because both were

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152 Name withheld on request, 29 June 2012, New York. This conversation took place in the context of an internal UN learning event on bringing conflict prevention and human rights work together in the UN (see also 1.1.2, fn. 15).

153 Interview, Ghalib Galant, 3 June 2011, Cape Town.

154 Ibid. The notion of ‘selling conflict resolution’ stems from Galant. At the risk of reading too much into it, his use of the word ‘selling’ seems to suggest a concern that human rights actors may not recognize the relevance of conflict resolution of their own accord (see also at 8.4.3, at ‘recognition of legitimacy’).

155 Annual General Meeting (AGM) of Swiss peacebuilding network KOFF (Bern, 10 May 2012); I was the keynote speaker. For a summary version, see Parlevliet (2012). KOFF consists of some fifty Swiss NGOs involved in development and peacebuilding activities in and outside Switzerland, and includes the Federal Department of Foreign Affairs. Many network members approach at least part of their development work through a human rights lens. The meeting used the terms ‘conflict transformation’ and ‘peacebuilding’, but conflict resolution in this study is understood to comprise both.
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considered that the other might not properly appreciate their perspective.\textsuperscript{156} In time, they had overcome this and had started to believe that both fields can learn from each other – only to run into the next hurdle, the responses from their wider circle of colleagues:

To be honest, the initial reactions from our colleagues were not very enthusiastic. We noted that we have a very strong peacebuilding faction and a strong human rights faction in the house and a third faction who doesn’t care much about one or the other. Initial reactions were that the two fields are very distinct from each other, operate on the basis of completely different worldviews, and cannot and must not be brought closer together. [...] Apart from the valid concerns [put forth], we believe that the opposition of our colleagues was also guided by the fear that, in the future, one field will annex the other or that one field will be reduced to a mere crutch serving the other.\textsuperscript{157}

As she spoke, I observed many in the audience, comprising both human rights and conflict resolution practitioners, nodding in agreement. They continued to do so when she concluded: "Since [X] and I are each representatives of one of these fields, we can sympathize with these fears and are in a good position to alleviate them".\textsuperscript{158} It was exciting for me to hear this person speak so openly about fears and observe the reactions; I had sensed the presence of fear in the past but had not named it until then.

The discussion thereafter highlighted that actors in both fields derive much pride and satisfaction from their respective efforts and that their interaction is deeply bound up with professional identities.\textsuperscript{159} As a result, practitioners may swiftly get defensive and perceive a threat of being ‘submerged’ or of ‘having to be like the other’, construing critical questions as a claim of deficiency and suggestions to explore possible linkages between human rights and conflict resolution as calls for ‘merging’ which are resisted more or less vehemently. People attending this meeting especially associated ‘merging’ with the facilitator/advocate question discussed in 7.3, whether mediators or dialogue facilitators should start speaking out against human rights violators and human rights advocates should refrain from taking a stance on rights concerns.\textsuperscript{160}

\textsuperscript{156} A similar pattern had struck me during my first visit to Northern Ireland in 2002: it seemed to me that both human rights and conflict resolution practitioners were so concerned with getting their own contribution to the peace process recognised by ‘the other’ that they overlooked the possibility that ‘the other’ may have had a similar desire to have their respective contribution acknowledged by them. Conversations often ran along the following lines: ‘They must see what we brought to the process’; ‘No, they must see what we did.’

\textsuperscript{157} Input at AGM, KOFF peacebuilding network (10 May 2012, Bern); name of speaker and organisation withheld on request (input and later correspondence on file with author). The ‘third faction’ concerns ‘traditional’ development practitioners focusing on areas such as rural livelihoods and development, sanitation, infrastructure, education, etc.

\textsuperscript{158} Ibid. Name of colleague withheld on request.

\textsuperscript{159} See also Saunders’ report (2001) on a workshop with human rights defenders and conflict resolution specialists, which similarly points to strong professional identities as a factor contributing to dichotomy between the fields.

\textsuperscript{160} Notes taken by author at KOFF AGM, 10 May 2012 and at debriefing with Ursula Keller, KOFF director, 11 May 2012. It is noteworthy that several authors have stressed in the past that their advocacy for more linkages and greater understanding is not meant to suggest that the fields should merge (e.g. Babbitt/Williams 2008;
Soon after, I saw these sentiments play out once more at a workshop of coordinators of the German civil peace service (CPS) focused on incorporating human rights to a greater extent in their work. Many of them were reluctant to pay greater attention to human rights: they questioned whether this was necessary and fretted about jeopardising relationships with other actors in their work context.\textsuperscript{161} I also spoke about these ideas on the influence of professional identities, fears of annexation and loss of distinctiveness, and the desire to prove one’s own relevance and have it recognised by ‘the other,’ with a group of UN staff members representing both fields. They were received with various indications of consent, including the same kind of head nodding I had observed at the Swiss meeting.\textsuperscript{162}

\textit{Final observations: hegemonic contestation, resisting archetypes and loss aversion}

The above shows that when human rights and conflict resolution practitioners meet, more is probably going on than is visible on the surface. This may partly be a process of what Koskenniemi has called in another context “hegemonic contestation” (2011, 222): a struggle for dominance between actors in which they seek to ensure that their partial view [...] appear as the total view, their preference seem like the universal preference” (ibid).\textsuperscript{163} ‘Hegemonic contestation’ thus speaks to the sense of competition that can pervade interactions between practitioners from these fields, and the extent to which discussions on human rights and conflict resolution may have – or are seen to have – concrete and distributive effects in the external world, relating for example to policy influence, allocation of funds and possibly even (in the context of the peace vs. justice debate) loss of life or ongoing impunity.\textsuperscript{164}


\textsuperscript{162} The occasion was an internal UN learning event on bringing human rights and conflict prevention work together within the UN, on 29 June 2012, New York, previously mentioned in fn. 153 above). Having been invited to attend as an expert, I was asked to provide introductory comments to help frame the meeting.

\textsuperscript{163} Emphasis in original. Koskenniemi (2011) uses the notion in the context of international law and politics, referring to the way in which international actors and political opponents challenge one another by invoking legal rules and principles that support their preference and negate those of others (2011, 221-223). My use of it here is informed by my interaction with Koskenniemi at a master class where I discussed my research (Faculty of Law, University of Amsterdam, 18 Oct. 2011) and a follow-up conversation with him (10 Oct. 2011, Utrecht).

\textsuperscript{164} The reference to ‘effects in the external world’ is informed by my interaction with Koskenniemi, noted above.
Another element of these invisible dynamics may be the presence of – and resistance to – deeply held images of what 'the other field' is about.\textsuperscript{165} It seems that both human rights and conflict resolution practitioners focus strongly on, or are subconsciously guided by, a particular manifestation of ‘the other’ that is both feared and rejected for its potential hegemony and inherent flaws. These images are archetypes: for many in the human rights field, ‘conflict resolution’ stands for power-sharing between elites to the exclusion of everyone else, and more generally for staying silent on wrongs and being willing to shake hands with the devil. For many in the conflict resolution field, ‘human rights’ denotes international criminal justice, naming and shaming, and waving with treaties detached from reality.\textsuperscript{166} Both groups are quick to perceive these archetypical manifestations at the international and grassroots level and react in a knee-jerk manner to counteract their assumed bid for supremacy and prospective appeal to decision-makers and wider society.\textsuperscript{167}

Arguably, a cognitive bias known as ‘loss aversion’ (Tversky and Kahneman 1991) may also play a role.\textsuperscript{168} People facing choices under uncertain conditions tend to be more concerned about changes that make things worse (losses and disadvantages) than about possible gains or improvements. They may therefore act in ways that do not maximise their advantage (ibid). In the current context, this suggests that human rights and conflict resolution actors may be more focused on avoiding losses – erosion of professional identity, devaluation of their field, reduced funding, or letting go of approaches perceived as fundamental to their self-conception – than on exploring the possible benefits that such exchanges may yield. Overall, the discussion suggests that a mixture of tangible factors, objective interests, and more intangible and psychological dynamics related to identity, fears and perceptions can considerably impede productive interaction.

8.4.3 Features of Productive Interaction

The above exposé on possible obstacles is not intended to suggest that productive interaction between human rights and conflict resolution practitioners is impossible. That is not the case. My experience suggests otherwise and the literature also contains

\begin{footnotes}
\item[165] This paragraph is informed by a conversation with Marlies Glasius, based on an earlier draft of this text, 20 Sept. 2012.
\item[166] The phrase ‘waving with treaties’ stems from Oomen (2013b), who uses it when discussing the politics of implementing human rights education in the Netherlands.
\item[167] While the archetypical manifestations are particularly obvious at global policy level and in the context of peace negotiations between elites, often local NGOs exist in conflict-affected contexts that seem to conform to them as well.
\end{footnotes}
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several accounts of fruitful encounters.\textsuperscript{169} A pattern can be detected in such accounts: stereotypical images tend to dominate the interaction at first, but gradually make way for awareness that actors in each field share common goals and that the fields’ differences are more nuanced than is often assumed (e.g. Babbitt and Williams 2008; Saunders 2001).\textsuperscript{170} This cannot simply be dismissed with the argument that such events will only attract persons who already accept the idea of convergence or complementarity and recognise the limitations of preconceived notions. Mutual caricatures and prejudices can be very strong at such events.\textsuperscript{171} This can make the growing reciprocal appreciation all the more meaningful.

So what then makes for productive interaction? This sub-section identifies some key features, such as recognising the legitimacy of both fields, being able to ask difficult questions and checking expectations in terms of anticipated outcomes. Final comments relate to the important role that individuals can play.

\textit{Recognising legitimacy}

Based on the discussion thus far, exchange and interaction between human rights and conflict resolution practitioners seems especially likely to prosper when the legitimacy and usefulness of each field is recognised and when those involved are not particularly concerned with establishing one or the other field as better or worse, right or wrong. While this can be stated up front, it is more often a realisation that gradually dawns on people engaging across the fields. For example, conflict resolution practitioner Whande describes how, when working with the lawyers of a human rights NGO operating in a tense political environment between 2010 and 2013, she found herself “dipping in and out”\textsuperscript{172} of appreciating and doubting their combative mode, their boldness in fighting for the right, and their strategising to defeat the enemy. She says "At one point I’m sitting there thinking ‘this is great what you’re

\begin{itemize}
\item\textsuperscript{169} These accounts mostly concern meetings bringing practitioners from the two fields together for one or more days to discuss the human rights/conflict resolution relationship or particular case studies, rather than describing longer-term or more regular engagement between individuals or organisations pertaining to their ongoing work.
\item\textsuperscript{170} My own experience of participating in events bringing practitioners together confirms this too. Internationally, these have included two meetings co-hosted by CCR’s HRCMP, the Centre for Human Rights and Conflict Resolution (CHCRC) at Tufts University (USA), and the Institute for Conflict Research (Northern Ireland) (2003, 2004); meetings on joint research projects by CHCRC at Tufts University (2004) and by the International Council for Human Rights Policy (now defunct) (2005); an internal consultation process at UN headquarters (29 June 2012); a three-day dialogue process between UN Human Rights Advisers and UN Peace & Development Advisers (Feb. 2014); and training workshops conducted with German development organisations (2009, 2012) and Swiss ones (2012, 2013, 2014, 2015).
\item\textsuperscript{171} Conversation with Joyce Neu, 24 Oct. 2011, Amsterdam. Neu attended meetings with human rights actors and conflict resolution practitioners at The Carter Center in the mid to late 1990s, and at the Fletcher School’s Centre for Human Rights and Conflict Resolution. She was the founding director of the Joan B. Kroc Institute for Justice & Peace at the University of San Diego, in which capacity she regularly engaged with practitioners from both fields. She later served as the Team Leader of the Standby Team of Mediation Experts within the UN Department of Political Affairs (2008-2009), and has worked as a conflict prevention and resolution consultant from 2009.
\item\textsuperscript{172} Interview, 6 Jun. 2011, Cape Town. The rest of this sentence is excerpted and paraphrased from a longer statement.
\end{itemize}
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Doing' and straight away I'm thinking 'how can you be so unforgiving?' I'm coming to realise that you don't have to doubt the truth value of one or the other.173

Not ‘doubting the truth value’ of either also means acknowledging – or coming to grips with – the reality that both human rights and conflict resolution have strengths and flaws; neither is a panacea for rights- and conflict-related problems faced by people and societies. Useful in this regard is being willing to own up to the limitations of one’s own field. Several practitioners I have engaged with in the context of this study and beyond share openly about having come to appreciate the shortcomings of their own approach. Speaking of how legal training frames lawyers’ thinking, the director of the above-mentioned human rights NGO notes that “it limits what we can do in a law-based situation – it holds us back from really being able to think outside the box, move beyond the court room”.174 Andy Carl, who directs the London-based INGO Conciliation Resources, says, “it's so obvious what we don’t have. We’re not strong lawyers, so it's good to have someone that brings law into the conversation, it makes any piece of work more meaningful”.175 For Galant,

If there’s a blind or soft spot in our training, it is that there is no right or wrong. This notion of right or wrong, as a mediator, do I need to work with that? I think yes, but our training seems to suggest no. The [human rights] angle does ask [about] the impact of this notion of right and wrong [so that] this question [of] has there been a breach – we don’t just ignore that.176

Building on this last remark, a final aspect of recognising that both sets of perspectives and approaches are legitimate and valuable in their own right is probably accepting that what human rights and conflict resolution contribute to each other – in terms of insights, approaches and attitudes – is likely to differ in nature and/or manifestation. Thus, even if "the messiness of conflict resolution may make it harder for human rights actors to appreciate what conflict people bring, it's harder [for them] to get"177 than it is for 'conflict people' to identify what 'human rights' concretely adds to their work, that does not mean that conflict resolution does not have anything to offer to human rights. It may just be different.

Engaging with difficult questions

The quality of interaction is also enhanced when practitioners can engage respectfully yet critically with one another on difficult issues that they struggle with in relation to their own or the other field. Babbitt and Williams point specifically to the need for “open and constructive discussions [on] the tension between universal norms and cultural practices” since “this tension causes problems both between the fields and within them” (2008, 6). My experience also reflects this, although I have usually

173 Ibid. Emphasis added.  
174 Conversation, 3 Feb. 2012, name withheld at request.  
175 Conversation, 16 Apr. 2012, London.  
176 Interview, 3 June 2011.  
177 Interview, Undine Whande, 6 Jun. 2011, Cape Town.
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framed it as a tension between “global norms and local agency” following Orentlicher (2007).178 This has indeed regularly come up in interviews conducted for this study and in discussions on human rights and conflict resolution I have observed and participated in over time (e.g. Parlevliet 2010b, 111). It especially arises in interactions with practitioners from Africa or working on the continent, as the challenge of balancing peace and justice is not looming in the background there but is acutely experienced in several countries.179

The relationship between the individual and the collective also often arises in that context. Conflict resolution practitioners might question human rights workers on whether ‘the focus placed on punishing some individuals does justice to the larger issues faced by society.’180 They may also query what still seems to be a dominant emphasis on civil-political rights, at the apparent expense of economic, social and cultural rights, which may be locally preferred (Parlevliet and Whande 2012, 3). Of course, critical questions can also be raised in the other direction: for example, a human rights defender present at the event with the coordinators of the German CPS asked them “What’s so problematic about the emphasis on individual rights?”181 She also challenged them on what she perceived as a desire to avoid conflict at all costs, questioning whether “it is a policy of the German peace service not to have any conflict”.182

The point here is not that such questions can, will or should be resolved conclusively (see also below), but rather that they can be raised and addressed in an honest, open and patient manner. This requires that interactions provide sufficient time, space and trust for practitioners to engage with them and with one another. Interaction along these lines can help generate awareness that both human rights and conflict resolution put forth legitimate perspectives, none of which is necessarily better or worse. This is reflected in the following recollection from conflict resolution practitioner Whande:

You know, it only sank in after several years. I mean, all that time I’d seen you work on human rights and conflict resolution, but at some point, I suddenly got it. It was at the induction workshop that the HRCMP did with a bunch of practitioners in, what was it, 2003? That had to do with it, really being with the other people. It was during that fish bowl [exercise] on universalism and relativism we had. I suddenly grasped both sides’ realities. I was so convinced the universal perspective was right – and so was the

178 See also 2.5.4 on ‘universal norms and local application’.
179 This includes Sudan, Uganda and Kenya.
180 This is paraphrased from comments made by Andries Odendaal and Chris Spies in interviews, 9 Jun. 2011, and at workshop with coordinators of the German CPS, June 2012 (see also 8.4.2, fn. 161 above).
181 Anja Hoensbroech at CPS workshop, June 2012, op.cit.; personal notes taken by author. A participant at a three-day training workshop involving a mixed audience stressed that many supposedly ‘individual’ rights actually enable persons to engage with others, such as freedom of assembly (KOFF workshop, Bern, 10 Jun. 2015; and follow-up email exchange with Simone Sinn, 27 Jun. 2015). See also Beirne and Knox about ‘the caricature of human rights as individualistic’ (2014, 36) and Bielefeldt (1995, 591).
182 Ibid. Reacting to a draft version of this text, Romy Stanzel of the German Civil Peace Service wonders whether “it isn’t rather about confrontation than conflict [that is being avoided]”; email correspondence, 23 June 2015.
relativist position. I realised that maybe it’s not about deciding that it’s one or the other thing.

And what was it that made ‘getting it’ possible?

I could be more open because I felt appreciated in that space. We got onto that spiral – I opened up and others opened up. There was a willingness to respectfully listen and engage. It was much easier to transcend resistance.183

Such engagement may thus shift practitioners’ concern away from ‘deciding that it’s one or the other thing’ to suspending judgement and recognising the validity of both in their own right. They can also come to realise that their understanding of what ‘the other field’ is about, is actually fairly limited.184

Keeping expectations realistic

Another feature of productive interaction probably relates to expectations: what is supposed to come out of encounters between the two fields? Addressing the apprehension felt amongst many practitioners about the daunting prospect of the fields ’merging’ is relevant here. More generally, it is useful to heed a warning by human rights scholar Bell:

Human rights activists may be fully trained in conflict resolution skills, and this may change how they present arguments and approach strategies, but it will not change their analysis of human rights protections as important to addressing the conflict. Conflict resolvers may be trained in human rights standards but still feel that addressing human rights violations is unnecessary, divisive, and disruptive to attempts to foster peace or reconciliation (2006, 357).

This highlights that more interaction does not necessarily mean that differences between the fields are resolved or dissolved; differences in priorities, approaches and analyses may well persist beyond exchanges between human rights and conflict resolution actors. Even so, practitioners may experience such differences as being less detrimental than before, having gained more understanding of the ‘other’ perspective and more confidence in their own concerns being taken seriously. Such interaction may also facilitate greater appreciation of the interdependence of human rights and conflict resolution in general or of particular roles and strategies in particular.

Nevertheless, recognising that differences are likely to remain also means accepting that certain issues will continue to be contentious and that practitioners may still, at

183 Informal conversation 10 February 2012. Emphasis in original. The ‘induction workshop’ was a ten-day training course in 2003 for a group of in the context of CCR’s HRCMP (for more information, see 5.2.5, fn. 120). In a fishbowl exercise, a few participants sit in the middle of a circle to act out a role-play or hold a discussion while everyone else sits around them and observes the interaction; they may have an option of taking over a seat in the centre to bring in ideas or approaches not raised or used yet.

184 Discussion of such questions at the CPS workshop, for example, brought out nuances in human rights thinking that the conflict resolution practitioners present were unaware of and that challenged some of their accepted beliefs about human rights (Reflective Report, 2012, op.cit., 4).
times, find themselves vehemently disagreeing about the desired course of action. Friction between practitioners is not inevitable, both in dedicated meeting settings and during longer-term engagements. Yet it should be clear by now that, although friction can be destructive, it need not be so. Aside from the potential complementarity of divergent and seemingly conflicting strategies observed previously, the discomfort generated by friction can spark a shift in practitioners’ awareness and willingness to look beyond the familiar. Put differently, their interest and desire to explore convergence may partly stem from friction and divergence experienced at some stage. A practitioner from Northern Ireland interviewed by Beirne and Knox concurs, arguing that tension should not always be seen in negative terms, as change (in the human rights/conflict resolution-relationship) only occurs as a result of addressing tension (2014, 34).

It is thus helpful to conceive of interaction as a space for exposure, exchange and reflection rather than for resolution. In that sense, an element of interaction may be considering how to handle discord when it arises so that the energy generated is channelled towards constructive expression rather than becoming destructive and detracting from the issues at hand (Lederach 2005, 149).

A final factor worth noting in relation to expectations is time. It is important to realise that exposure and interaction may not immediately result in tangible ‘outcomes’ in terms of collaboration or other forms of convergence. Outside a workshop setting focused on exploring the fields and their interplay, when actors engage with one another in the course of their work, it can take considerable time for insights and appreciation to grow and to turn into experimentation or joint action. Whande’s comment cited above reflects this (‘it took several years to sink in’). It also emerges from Jarman’s observation that it took many years for the Northern Ireland Human Rights Commission and the Community Relations Council to establish a regular working relationship.

*Final observation: the role of individuals*

The role that individuals can play in instigating substantial engagement between the human rights and conflict resolution fields (and sustaining it over time) should not be underestimated. The fact that individuals can make a real difference in this regard often came up in interviews and at gatherings of actors across the fields. It was also a recurrent observation at the international consultation between human rights and conflict prevention personnel in the UN, where institutional separation is a matter of course. In Northern Ireland, the interaction between the NIHRC and CRC was apparently enhanced when someone who had started working in the CRC obtained a

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185 This text benefits from a conversation with Undine Whande based on an earlier draft, 20 Aug 2012.
job in the NIHRC. This personal linkage facilitated more structural connections between the two bodies.187

8.4.4 In Sum

This section has advanced the argument that exposure and interaction between proponents of human rights and conflict resolution can affect the scope for convergence to a considerable extent. This is not to say that it is only about the fact or the quantity of interaction. How interaction takes place – i.e. its quality – matters greatly if it is to facilitate genuine appreciation between field actors, prompt greater insights into local conditions and possible approaches, and enhance technical skills. It has become clear, however, that various obstacles can hinder productive interaction.

Crisis conditions, for example, are not particularly conducive to it, given the intense pressures and high stakes at such times, which impede patient and considerate engagement across the fields. Other obstacles include institutional separation, competition for scarce resources and disparate communication styles. More intangible dynamics in the perceptual, emotional and psychological sphere are also likely to play a role. Practitioners in both fields tend to have strong professional identities, seek recognition for their own contribution to a better world, and are fearful of being overtaken by the other. Below the surface, field actors may be involved in a struggle for hegemony in terms of whose perspective and approach will hold sway.

Yet productive interaction is possible, especially when actors in the two fields recognise that both perspectives and approaches are legitimate and valuable in their own right and that both have strengths and limitations. The quality of interaction is also enhanced when practitioners are able to raise difficult questions and grapple with them; this tends to show up issues as being less straightforward than perceived, and can also make practitioners aware of their own limited understanding of ‘the other’. All in all, interaction is not so much about resolving contentious questions conclusively – which is probably neither possible nor desirable – but about creating space for reflection, exploration and possibly experimentation.

Interestingly, a very specific notion of ‘human rights practitioner’ has surfaced in this discussion, namely human rights lawyers. This image quickly pops up quickly when engaging with human rights and conflict resolution practitioners about exposure and interaction across the fields. It seems very entrenched and is both resisted and appreciated. The image of the impartial mediator is the equivalent on the other side. Such implicit images – which speak to the presence of archetypes as mentioned before – can surface during exposure and interaction between the fields, challenging practitioners to review the dichotomies that are often used to define their differences (Idriss 2003, 31).

187 Ibid.
8.5 Conclusion

This chapter has built on findings from earlier chapters that the relationship between human rights and conflict resolution can look very differently across cases, locations or time periods, and that various factors appear to influence how it manifests and develops over time and in a given context. As the scope of this chapter did not permit a comprehensive exploration of such factors, it has discussed instead how four specific ones may affect the relative convergence of human rights and conflict resolution. It used the notions of ‘convergence’ and ‘divergence’ to capture the dynamic nature of the relationship, rather than ‘complementarity’ and ‘contradiction’, which have been used more regularly to date in the literature (and in earlier parts of this study).

The four factors considered are the way in which ‘human rights’ and ‘conflict resolution’ are conceptualised in a specific setting, the political and economic context within which human rights and conflict resolution thinking and practices emerge and take place, the strategies that are used to advance human rights and conflict resolution goals, and the extent to which practitioners in the two fields gain appreciation for one another’s perspective, approaches and concerns through exposure and interaction across the fields. This last section summarises findings and makes some general observations on convergence and divergence in the relationship between human rights and conflict resolution.

In terms of the first factor discussed, a comparison of human rights and conflict resolution conceptions prevailing in Northern Ireland and South Africa revealed that the way in which these key notions are understood and put into practice can considerably affect the relative convergence of the fields. In Northern Ireland, fairly narrow conceptions generated substantial friction between proponents of human rights and community relations, the specific take on conflict resolution in that context. As practitioners set different priorities and used different methods without recognising the interdependence between them, they perceived one another’s analysis and approach as flawed. In South Africa, on the other hand, the conceptions were broader, providing multiple connections between the fields and uniting practitioners across the fields in a common vision of peace with justice. All in all, the discussion suggested that the scope for convergence probably increases when conflict resolution is conceived in a way that is mindful of the role of the state and issues of justice, and the conceptualisation of human rights recognises the social context in which rights manifest, thus looking not only at the level of public governance and state institutions but also at daily life and social interaction.

The relevance of considering the broader political and economic context as affecting relative convergence transpired in the second section. The divergence in Northern Ireland was probably exacerbated by the fact the fields were associated with competing political ideologies, with human rights being mostly associated with the nationalist cause and conflict resolution being seen by many as a unionist project that
advanced the agenda of the British state. This points to a risk of the two fields becoming aligned with specific conflicting parties, which probably does not bode well for convergence. Analysing how these bodies of thought and practice interact with existing political perspectives thus seems important when trying to understand how and why they relate in practice in the way they do. Yet economics also matter: where funding comes from and how it is organised and allocated can influence the interplay between the fields by, for example, affecting the ability of civil society actors to work across the fields, shaping how they practice human rights and conflict resolution, or shifting financial support from interventions in one domain to the other, generating a sense of competition. In sum, this is an area worth considering further when unravelling the interplay of these fields.

The third factor considered was the strategies used to pursue human rights and conflict resolution goals, noted in the literature as a major source of tension between the fields. In general terms, it was suggested that convergence is probably negatively affected when one field rejects a particular strategy that is encouraged by the other field. The use of formalist strategies may have a similar effect: they tend to constrain actors' flexibility to act due to a circumscribed role and process. However, assessing more precisely how strategies may affect relative convergence proved difficult. For example, while there is evidence to suggest that actors working at grassroots level may more easily experience convergence than practitioners focusing on policy-making, there are also examples to the contrary. Similarly, a perceived lack of effectiveness may prod actors towards exploring convergence, but not necessarily so. It is also important to consider how human rights claims are framed, as forms of framing that recognise the reciprocal nature of human rights or that refer to interests or broader moral values, may contribute to convergence. This is not absolute, however; failure to clarify applicable standards is risky from a rights perspective and may complicate conflict resolution in the long term. Overall, strategies can probably affect the scope for convergence considerably but it is hard to establish firmly or in absolute terms how they do so.

The fourth section focused on the extent to which practitioners working in either field are exposed to and interact with ‘the other field’ and come to appreciate its perspective, insights, methods, strengths and weaknesses, arguing that increased appreciation can aid convergence. Yet various obstacles hinder fruitful engagement. These range from the very concrete (e.g. institutional separation, competition over scarce resources or policy influence) to the intangible (such as strong professional identities, fears of one's field being devalued or eclipsed, feelings of superiority/inferiority). Practitioners seem quick to perceive an archetypical manifestation of ‘the other’ that is both feared and rejected and may tacitly engage in a struggle for hegemony. Even so, productive interaction across the fields is possible. Probably, a key feature of this is recognising the legitimacy of both human rights and conflict resolution and containing the desire to judge one as definitively better or worse. Engaging with difficult questions is also valuable. This can clarify concerns and
positions, reveal implicit assumptions and unexpected nuances, and challenge simplistic beliefs. It is also important to realise that differences will remain and that not everything that is contentious can be resolved – but that this need not efface the possibility of convergence.

By considering the potential impact of these four factors, the chapter has lent credence to the claim that the relationship between human rights and conflict resolution is both dynamic and very contingent (even if strict causality could not be established). It has also demonstrated that the line of inquiry proposed here – exploring what factors and conditions influence how the human rights/conflict resolution relationship plays out in practice – can yield new and relevant insights when it comes to understanding when and why these fields can support and be in tension with one another. As such, the empirical climate seems amenable to more extensive research forays in this direction (Drezner 1999, 59).

The discussion has further brought to light that factors affecting the relative convergence of human rights and conflict resolution comprise a mixture of elements involving agency on the part of field actors (e.g. conceptualisation of key notions, choice of strategy, engaging across the fields) and circumstances beyond their control (including political dynamics, the allocation of funding, or how human rights and conflict resolution efforts are institutionally organised). Given its constructivist slant and actor-orientation, the study as a whole may have privileged the former. However, it has become clear that matters of structure cannot be ignored in coming to terms with the interplay of these fields.

Ironically, the very fact of exploring what may affect how these fields relate to one another brings us back to the very notion of human rights and conflict resolution constituting separate fields that this study started off with. That notion was qualified in the course of chapters 5 and 6, which highlighted a degree of fluidity and permeable boundaries between the fields. The observation of arriving back where we started in a sense mirrors the movement of pulling apart and coming together noted before, at the end of chapter 4. 188 Overall this chapter reflects how the relationship between the fields is a dynamic process in its own right, entailing both convergence and divergence.

On the one hand, this raises a question of how to ‘work’ with that movement in a way that contributes to ‘improving the human condition and making the world a better place,’ which both human rights and conflict resolution aspire to (Babbitt 2009a, 619; Idriss 2003, 31). On the other hand, it suggests that convergence and divergence may be inextricably linked, or even that divergence may be a facet of the movement towards convergence. This is not to negate the earlier concern with the destructive and dysfunctional tension that may arise between human rights and conflict

188 See the last paragraph of 4.3.
resolution ‘people’; this remains problematic for reasons explained before. Yet it does recognise that, much as convergence is worth exploring and exploiting, divergence can serve a function, too – in ensuring the use of different yet complementary and interdependent approaches and analytical frameworks or in generating a sense of frustration and unease that can spark the impulse in practitioners to venture outside of the familiar and start taking the other field seriously.

An analogy can thus be drawn with a core premise of the conflict resolution field, namely the idea that ‘conflict’ is not necessarily bad or inherently violent but a phenomenon that can be constructive and destructive in its manifestation and consequences. In a similar vein, divergence or friction between human rights and conflict resolution may not be problematic per se. It only becomes so when field actors are more concerned with finding fault with one another and being right than they are with addressing the issues at hand. Finding myself drawing this conclusion is somewhat surprising, as my practice and research have for so long been focused on exploring convergence and making the case for complementarity (endeavours to which I remain committed). It goes to show the power of reflective practice; undertaking this study has deepened my own understanding too, bringing me to a place I had not anticipated at the beginning.