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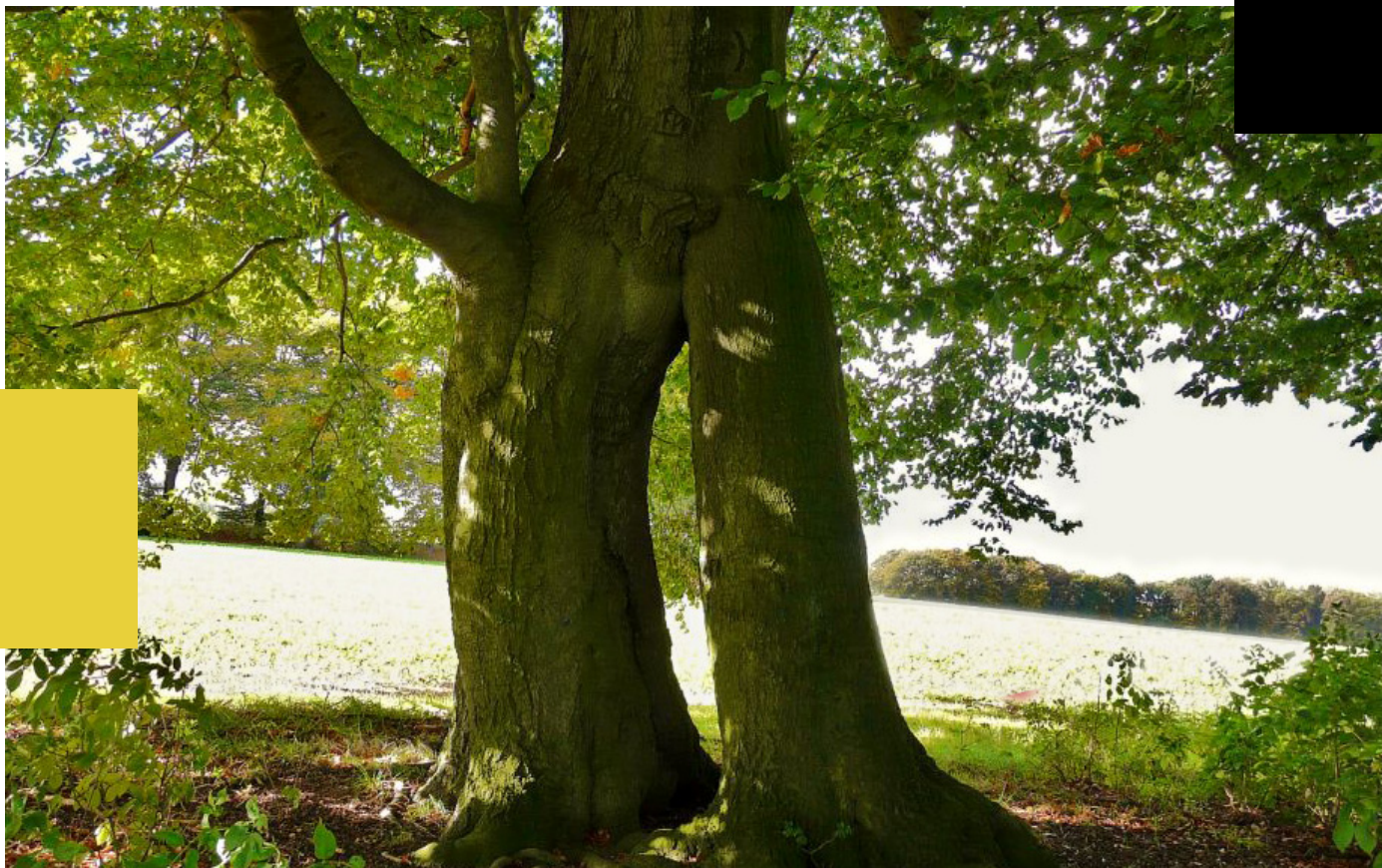


Federal Ministry
for Economic Cooperation
and Development



Connecting Human Rights and Conflict Transformation

Guidance for Development Practitioners



published by

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zfd Ziviler Friedensdienst
Civil Peace Service

in cooperation with

**German Institute
for Human Rights**

This publication has been made possible by the German Federal Ministry for Economic Cooperation and Development (BMZ), who commissioned the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH to produce it. Since 1 January 2011, GIZ has brought together under one roof the long-standing expertise of the Deutscher Entwicklungsdienst (DED) GmbH (German development service), the Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH (German technical cooperation) and InWEnt – Capacity Building International, Germany. For further information, go to www.giz.de.

As the text of this publication was prepared in 2010, the documented events and projects still refer to DED, GTZ and InWEnt.

The inner section of this publication has been designed with a view to being 'barrier-free' which means that the use of different fonts, small font sizes, italics, bold and underlined has been kept to a minimum.

We owe this publication to the work of its author, Michelle Parlevliet, and to the editorial team which included Anja Hoensbroech, Mareike Junge (GIZ), Andrea Kämpf (GIHR), Juliane Osterhaus (GIZ), Dr. Stephanie Schell-Faucon (GIZ) and Romy Stanzel (CPS/GIZ).

Thanks to Dr. Undine Whande-Kayser, Dr. Anna Würth and Natascha Zupan for their substantial comments and support in an intensive and multi-disciplinary process of dialogue. We also express our gratitude to Lisa Ibscher, Verena Frey, Dr. Ulrich Goedeking, Caroline Sperling, Dagmar Blickwede, Jagat Basnet, and Anne Dirnstorfer for providing case material.

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Abbreviations

BMZ	Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung (Federal Ministry for Economic Cooperation and Development)
CPS/ZFD	Civil Peace Service/ Ziviler Friedensdienst
CSO	Civil society organization
CT	Conflict transformation
DC	Development cooperation
DED	Deutscher Entwicklungsdienst (German Development Service)
DIMR	Deutsches Institut für Menschenrechte (German Institute for Human Rights)
FLICT	Facilitating Local Initiatives for Conflict Transformation (Sri Lanka)
GIHR	German Institute for Human Rights
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit (German Agency for International Cooperation)
GTZ	Deutsche Gesellschaft für technische Zusammenarbeit (German Agency for Technical Cooperation)
HR	Human rights
HRBA	Human rights-based approach
HRV	Human rights violations
ICESCR	International Covenant on Economic, Social and Cultural Rights
InWEnt	Internationale Weiterbildung und Entwicklung (Capacity Building International)
KfW	Kreditanstalt für Wiederaufbau
LTTE	Liberation Tigers of Tamil Eelan (Sri Lanka)
NGO	Non-governmental organization
NHRI	National human rights institution
OHCHR	Office of the United Nations High Commissioner for Human Rights
PBN	Peacebuilding Needs
PCA	Peace and Conflict Assessment
PCON	Programa de Proceso de Paz y Conciliación Nacional (Peace Process Support Programme) (Guatemala)
SfGG	Support for Good Governance project (Indonesia)
TGPSH	Tanzanian-German Programme to Support Health (Tanzania)

Foreword

Human Rights and Conflict Transformation are instrumental for sustainable peace and development. Both are key elements for the attainment of social justice and the construction of societies in which every person has the freedom to act upon his or her own choices. However, “peace versus justice” has often been perceived or constructed as a divide by stakeholders from the two respective expert communities. This is also a result of the fact that these two fields have been evolving rather separately during the past decades, both in academia and at practice level.

But Human rights and conflict transformation have much to offer one another. A closer interaction between human rights and conflict practitioners on the ground and the connection of respective tools and approaches deepens our analysis and creates additional synergies: It emphasizes the structural dimensions for sustainable peace and development by putting a stronger focus on systems of governance and power relations in development cooperation.

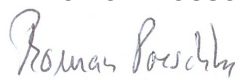
With this publication we wish to offer a guide and tool box to foster these synergies in our practical work. This intention is strongly backed by the new concept “Human rights in German development policy” (BMZ 2011) which defines human rights as a guiding principle and cross-cutting issue in German Development Cooperation.

This comprehensive publication evolved over a one-year process of extensive brainstorming, fruitful discussions and interdisciplinary learning. The steering and editorial team was composed of members from the GIZ cross-sectoral project “Realizing human rights in development cooperation”, the GIZ sector programme “Peace and Security” - both financed by the BMZ - as well as colleagues from Civil Peace Service/GIZ and the German Institute for Human Rights. We wish to thank these colleagues who put a lot of enthusiasm into this process. Since the text of this publication was prepared before the formation of the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) in January 2011, the document still refers to the names of the former institutions GTZ and DED.

Finally, we owe an enormous debt to and are grateful for the excellent work of the author, Michelle Parlevliet, an internationally renowned expert in the field of conflict transformation with abundant experience in combining human rights and conflict transformation work on the practical level.

We very much hope that this handbook proves to be a useful companion for practitioners in their quest to better intertwine conflict transformation and human rights approaches in their work.

Dr. Roman Poeschke



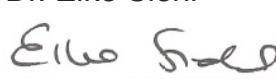
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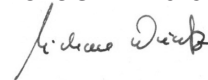
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1. Introduction

Human rights and conflict transformation can be complementary and mutually reinforcing. This publication argues that combining insights, approaches and instruments from these two fields is not only necessary, but can also make development cooperation more effective and efficient.

Human rights and conflict transformation have largely developed separately in the past decades, as bodies of theory and sets of practice in their own right, as well as in relation to development cooperation. Since the early to mid-2000s, much attention has been devoted to human rights-based approaches to development on the one hand, and to integrating conflict sensitivity and peacebuilding into development interventions on the other hand. Yet these approaches seem to have evolved on more or less parallel tracks with little consideration of how they relate and what this means for development practice. It is however widely recognised these days that human rights, conflict, peace and development are closely linked. Much of the funding for direct human rights work and conflict transformation activities comes from development cooperation budgets. Also, development practitioners who work to enhance human rights protection and promotion, and those who focus on conflict transformation, often work in the same context. They have many concerns in common and share certain objectives: generally, they all work towards sustainable peace with justice and seek to challenge unequal power relations by supporting non-violent processes of social change.

This publication highlights that human rights violations can be both symptoms and causes of violent conflict. Denial of human rights, or failure to protect human rights, means that basic human needs – related to access, acceptance and security – are frustrated. This generates tension in society, which can generate energy and spur the desired social change, but it also increases the potential for violence, especially if such tension is disregarded, used destructively, or repressed. To deal with the potential for violence in societies and address the underlying conditions that cause social tension, the human rights and conflict transformation fields may define their priorities differently. They may suggest different strategies for action, focus on different target groups, and may also work with different theories of change. At times, this has led to a perception that human rights and conflict transformation may be at odds with one another, leading to friction between practitioners in the two fields and the suggestion that one perspective should be prioritised above the other.

In contrast, this publication argues that human rights and conflict transformation approaches are complementary rather than mutually exclusive, and illustrates this by using examples from the experiences of development practitioners in countries around the world. It clarifies how knowledge of human rights strengthens conflict analysis. It demonstrates how integration of human rights standards, values and principles can benefit conflict transformation interventions by highlighting legal entitlements of rights-holders and obligations of duty-bearers, as well as questions of capacity and issues related to accessibility, transparency, accountability, non-discrimination, and participation. At the same time, it explains how human rights-focused development

practitioners can benefit from conflict transformation lessons and tools, such as conflict analysis, facilitation and negotiation techniques, conflict sensitivity, and the design and implementation of dialogue processes. It also shows how such practitioners can benefit from the emphasis of the conflict transformation field on the dynamic nature of conflict, patterns of decision-making and communication, and the value of relationships. The publication thus highlights that it is both necessary and useful to consider insights, approaches and instruments from both perspectives. This will facilitate a holistic approach to development cooperation that builds on the specific contributions of each field and enhances both human rights realisation and conflict transformation.

Knowing and using each field's contribution strategically, sometimes in combination, sometimes as distinctly separate approaches, can assist development actors to engage in constructive and principled interventions in difficult circumstances or rapidly changing contexts. Recent developments in both fields provide multiple entry-points in this regard. The human rights-based approach goes beyond the traditional focus on human rights monitoring and facilitating redress, and conflict transformation places much emphasis on addressing not only the behavioural and attitudinal aspects of violent conflict but also its deeper structural origins. Several of the ideas and tools put forth in this publication correspond to, and build on, values and practices that are already part of good development practice, such as participatory approaches, ownership, empowerment, and the importance of considering the local context.

This publication is meant to serve desk officers and field staff from development agencies that pursue explicit goals in the areas of human rights and/or conflict transformation, as well as their partners in developing countries. It assumes at least some knowledge amongst readers of one or the other field, and seeks to serve as a basis for dialogue between practitioners operating from different perspectives. Therefore, it does not systematically set out core ideas from each field. Instead, it outlines the many points of connection, shared values, and common vision of human rights and conflict transformation. It focuses on the question of what they can contribute to one another and to development practice - rather than on what may divide them. It does not pretend to have found a definitive solution, a cure-all. Nor does it suggest that practitioners can simply add up both approaches or will never disagree with one another. Rather, it outlines lessons learnt and promising methodologies for development practitioners in the two fields, with a view to providing practical guidance on connecting human rights and conflict transformation and addressing challenges that may arise by doing so during planning and implementation.

The text stems from a collaborative process of exploration and dialogue lasting approximately 1.5 years. The dialogue included the author and technical staff from GTZ (programmes "Realising Human Rights in Development" and "Peace and Security" commissioned by BMZ), DED/Civil Peace Service, as well as the German Institute for Human Rights. Practitioner reports from recent or ongoing development projects in ten different countries illustrate the ideas and tools presented here.

The next section, part 2, clarifies key concepts. Part 3 discusses the link between human rights violations, conflict and violence and explains how human rights and conflict transformation are closely interconnected. Part 4 describes practical tools to link human rights and conflict transformation in development cooperation, which are

explained in more detail in the Annex. Blue-shaded boxes generally provide practical country examples; boxes introduced by a grey line indicate relevant information to be found in the Annex; and blue side lines mark key messages. Readers can go through the publication from beginning to end, or they can dip into sections as they see fit.

The relevance of a conflict transformation orientation to a human rights-based development programme

In Kenya, the BMZ-financed German-Kenyan water sector programme started in 2003. It sought to increase the sustainable access of the urban poor to water and sanitation and to improve the management of water resources. The adoption of a human rights-based approach introduced improvements such as the design of progressive water tariffs, establishment of a Water Trust Fund, provision of low-cost solutions through establishment of water kiosks managed by the un- and under-served, adoption of complaints mechanisms and other HR-relevant measures. The right to water was explicitly used not only within the programme, but also in the dialogue with the government and other donors to enhance their understanding of how this right could be realised in practical ways. Thus far, the reform process has enhanced pro-poor service delivery, accountability, aid effectiveness, and stakeholder participation. Additional consideration of conflict transformation may further increase its achievements: Conflict analysis and conflict sensitivity assessments would highlight the need to explicitly address historical inequalities in the access of different ethnic groups to power and resources. It would also suggest measures that can be adopted to maximise positive, peace-enhancing impacts and minimise possible negative impact on local conflict dynamics. These could include, for example, the formation of cross-ethnic teams to manage water kiosks; development of crisis intervention teams which monitor violence and can help to de-escalate tension arising at local level.

The relevance of a human rights orientation to conflict transformation efforts

Following the 2008 post-election violence in Kenya, the BMZ commissioned GTZ to conduct a Peace and Conflict Assessment (PCA) to enhance conflict-relevant programming. It recommended addressing existing barriers to enhance social cohesion and identified five peace-building needs (PBN): increased security; reduced impunity; involvement of local leaders in the peace process; change in cultural attitudes regarding distribution patterns; and decline in regional disparities. These findings illustrate how efforts geared towards human rights realisation and those focused on conflict transformation are complementary to each other, because all PBN identified through this PCA are relevant from a human rights perspective: the first relates to the right to personal integrity; the second to the right to redress and fair administration of justice; the third to participation; the fourth to non-discrimination and accessibility; and the last to non-discrimination. Given the human rights relevance of all PBN (which was not intentionally pursued or recognised at the time), it would be useful to consider human rights explicitly in the implementation of the PCA and any further follow-up. Doing so may well yield some ideas for additional measures that can be taken to strengthen programming; it can also help enhance the legitimacy of the process.

2. Important Terms

Conflict Transformation

Conflict transformation is concerned with addressing the various manifestations of conflict and the underlying conditions, attitudes and relationships that give rise to, and sustain violent conflict, with a view to developing sustainable peace. By focusing on the wider social, political and cultural sources of a conflict, conflict transformation goes beyond the concept of conflict management, which focuses on the constructive handling of conflict so as to contain it and prevent the use of violence. In German development cooperation, conflict transformation is often used synonymously with the term peace building. The civilian side of conflict transformation is emphasized in the German context (i.e. CPS means both Civil and Civilian Peace Service).

Conflict Sensitivity

Conflict sensitivity means taking into account the two-way influence that exists between (latent and manifest) conflict and (development) measures taken, with the goal of avoiding any negative, conflict-aggravating impacts and strengthening positive, de-escalating and peace-promoting impacts.

Peace and Conflict Assessment (PCA)

PCA is a methodological framework to ensure a conflict-sensitive (working in conflict, in the sense of do no harm) or conflict-relevant (working on conflict, so as to contribute directly to conflict transformation/peacebuilding) design and steering of development measures. PCA comprises the following elements: 1) peace and conflict analysis and definition of peace-building needs; 2) peace and conflict-related relevance assessments; 3) risk management; and 4) peace and conflict-related impact monitoring. PCAs can be conducted both at the country level (through regular analysis and evaluation of a country portfolio and priority area strategies) and at the project/ programme level as integrated part of the implementation cycle (analysis and evaluation of programme scope or sector environment).

Human Rights

Human rights are inherent to all people simply because they are human beings with innate dignity. All human rights – civil, political, economic, social and cultural - are interdependent and indivisible: e.g. the right to education helps people to exercise their right to freedom of opinion. States have internationally agreed to be legally bound by these standards and principles that apply to all levels of the state and all branches of government. Some human rights must be fulfilled without delay, such as the right to non-discrimination and the right not to be tortured. Other rights may be achieved progressively, taking into account the constraints created by limited resources.

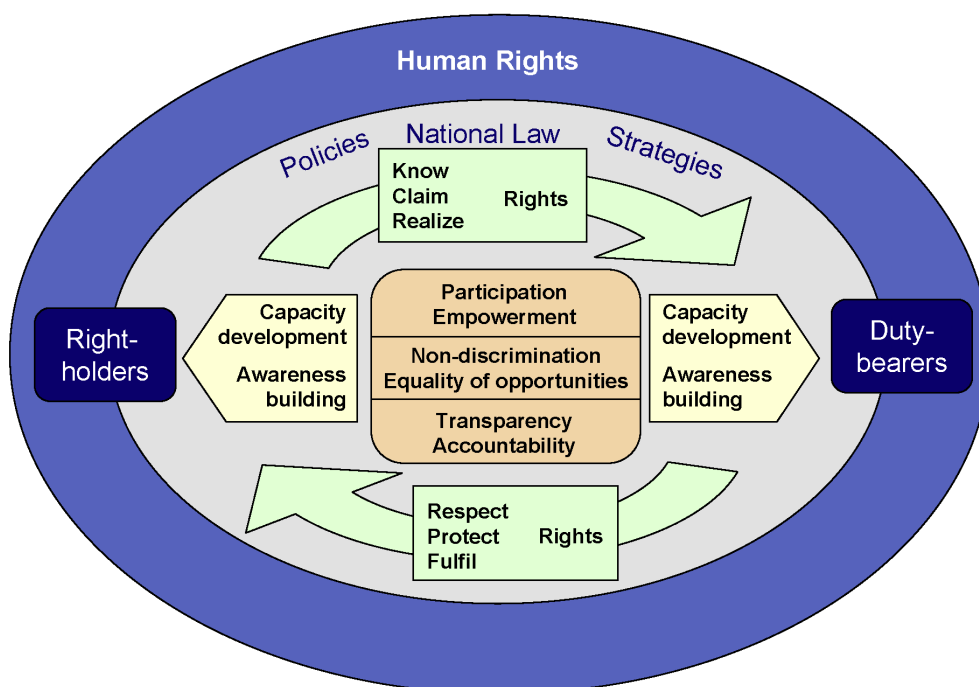
Human Rights-Based Approach (HRBA) to Development

Protecting and promoting human rights is often associated with facilitating legal redress, enhancing access to justice, and undertaking advocacy and litigation. A HRBA goes beyond this narrow understanding and stresses the equal weight and interdependence of political, civil, social, economic and cultural rights. It also highlights

that human rights must be available, affordable, accessible and that they must be implemented in a way that is culturally adequate. Applying a HRBA means using human rights standards (e.g. the right to food) and human rights principles (such as non-discrimination) as guidance and reference in the design, implementation and evaluation of development interventions across sectors. It operationalises human rights by setting clear objectives and integrating them into development interventions (e.g. an average of minimum of 20 l of water per day per person acknowledging that additional amounts may be needed for some individuals or groups, due to health, climate or work conditions). Thereby, the HRBA ensures that the processes used to achieve human rights are inclusive, non-discriminatory, transparent, and accountable, and that they promote participation, especially of persons and groups who are usually excluded.

A HRBA implies a shift in perspective: target groups turn from beneficiaries into rights-holders with legal entitlements; public institutions are seen as duty-bearers who are obliged to deliver on people’s human rights. A HRBA acknowledges that unequal power relations, social exclusion and discrimination deny people their human rights, keep them in poverty and may lead to violent conflict. It seeks to support reform processes that address such inequalities and create an environment in which people have the opportunities and the freedom to make and act upon their own choices (for more information on the HRBA see Annex [Box 26](#)).

Diagram: The Human Rights-Based Approach in German Development Cooperation



Source: GTZ (2009): The Human Rights-Based Approach in German Development Cooperation

3. The Interconnectedness of Human Rights and Conflict Transformation

3.1 Human Rights, Conflict, Peace and Development

Human rights, conflict, peace and development are inextricably linked. Numerous situations around the world show that violent conflict impedes development and leads to serious human rights violations: think of the 1994 genocide in Rwanda, in which more than 800,000 people died in just 100 days and more fled their homes. Yet the reverse also holds true: violent conflict can result from failure to protect human rights. In Sri Lanka, for example, the long-standing exclusion of the Tamil minority by the state, dominated by the Sinhalese majority, led to a long-lasting civil war. Violence first flared up in the 1950s when Tamils' right to language and equal access to education was denied (Sinhala Only Act, 1956); it persisted due to, amongst other things, the state's violent repression of Tamil dissent, and Tamil radicalisation linked to rising economic deprivation and political marginalisation. Thus, a sustained denial of human rights gave rise to violent conflict. In sum,

Human rights violations can be both causes and symptoms of violent conflict

Human rights violations as symptoms of violent conflict are usually very visible. They can include excessive use of force by the police, intimidation of political opponents, censorship, torture or extrajudicial killings. People's social and economic rights are also clearly affected, through destruction of civilian infrastructure (health clinics, schools, courts); use of land mines and displacement of civilian populations. However, it is often harder to discern structural rights violations that cause violent conflict over time, because these tend to be embedded in systems of governance. For example, a country's laws, policies or practices may institutionalise discrimination (as illustrated by the Sri Lanka example above); serious disparities between identity groups might exist, with some having less access to resources. Or there may be a consistent lack of development in regions where the majority of inhabitants are members of a social group different from the politically dominant group. This situation may be rooted in historical exclusions that reach far into the past. Such a denial of human rights may not be visible initially, but over time it creates structural conditions that generate tensions in society as certain individuals or groups are systematically disadvantaged, and are viewed through a prism of prejudices and negative stereotypes. This is often referred to as 'structural' and 'cultural' violence, and such a situation provides fertile ground for the outbreak of direct physical violence.

When individuals or groups find that they cannot realize their human rights, they are likely to express discontent. If they cannot do so peacefully (e.g. by lodging complaints or mobilising pressure groups), or if they are not feeling heard or acknowledged over a long period of time, they may resort to physical violence to ensure attention to the desired change. Of course, it should be acknowledged that a state's failure to protect human rights is not always due to active repression. In many fragile states, the state is

unable rather than unwilling, to respect and realize the rights of its citizens. This may for example be due to weak institutions or lack of resources. Hence,

Exclusion and denial of human rights in a given context are often a primary reason for conflict and violence, both latent and manifest.

A conflict transformation perspective on human rights suggests that a sustained denial of human rights, irrespective of how it comes about, means that basic human needs - related to identity, welfare, freedom and security - are frustrated. It is important to note here that different understandings of the notion of 'needs' exist. In the context of development cooperation, 'needs' have often been associated with material and social goods - food, shelter, clothing, schooling, medical and psychosocial care. A HRBA provides a shift in perspective by focusing attention on rights-holders (citizens in focal countries) and duty-bearers (state partners). Development cooperation is then not about providing goods and services, but rather, about building the capacity both of rights-holders to claim their rights and of duty-bearers to realize them. The approach of the conflict transformation field which shall be used here, considers 'basic human needs' as relating not only to livelihoods and the material contribution to well-being, but also to issues of identity, freedom, and security. Broadly speaking, the conflict transformation field relates needs to access (political and economic participation); acceptance (recognition of identity and culture); and security (nutrition, housing, physical security/ protection). Such needs are non-negotiable, meaning that people cannot trade them away or ignore their existence; basic human needs centrally shape human behaviour and actions.

This broader understanding of needs clearly shows that human rights and basic human needs are interrelated: comparing basic human needs such as identity, freedom, security and acceptance with the human rights contained in the Universal Declaration of Human Rights illustrates that all human rights relate to basic human needs. For example, exercising the right to speak one's own language addresses needs of identity, freedom, acceptance and participation. Freedom from discrimination meets needs of identity, freedom, participation, protection and acceptance. Fair administration of justice addresses access and security needs. Self-determination, usually conceived of in terms of rights, can be understood as a collective need for identity, freedom and security. In other words, human rights realisation is a means to satisfy basic human needs, because it helps to secure the goods, services and/or conditions necessary to meet them. The close relationship between human rights and basic human needs also helps to explain why social tension usually arises when people cannot exercise their rights, as they cannot dismiss their underlying needs. This tension is not per se problematic – on the contrary, it generates energy that can stimulate different stakeholders in the society to take steps towards the desired change. However, if such tension is ignored, expressed destructively or repressed by the powers that be, it increases the potential for physical violence, especially. (In the remainder of the text, the use of the term 'violence' without specification will refer to physical violence.)

Thus,

Denial of human rights, or failure to protect human rights, means that basic human needs are frustrated, which generates tension in society. The lack of mechanisms to claim rights and facilitate the satisfaction of the underlying needs increases the potential for the outbreak of violence.

For development practitioners concerned with human rights and conflict transformation, the close relationship between failure to protect rights, societal tensions and the possible outbreak of violence has several important implications:

1. For violence prevention purposes, it is as important to focus on the structural causes of conflict that might lead to violence and human rights violations, as it is to focus on direct physical violence itself.
2. Institutionalising respect for human rights through - for example, constitutional endorsement of rights or establishing a national human rights institution/ complaints mechanism – is an important strategy for violence prevention: it helps to address basic human needs and contributes to the development of societal mechanisms for constructive conflict management.
3. Specific attention must be devoted to accommodating diversity and protection of minority rights. It is crucial to formally entrench inclusiveness and respect for diversity in the political system, state institutions and the law, because identity groups are key actors in contemporary, intra-state conflict, where leaders mobilise a strong sense of identity to raise grievances related to needs deprivation.

The Annex provides more information on the relationship between conflict and human rights:

- See [Box 1](#) for more explanation and examples of how human rights violations can be symptoms and causes (both proximate and structural) of violent conflict.
- [Box 2](#) provides a schematic illustration of human rights violations as causes and consequences using the metaphor of an iceberg.
- [Box 3](#) develops this iceberg image further to explain how the problems to be addressed at these two levels differ, as do the desired outcomes and the activities to be undertaken.
- See [Box 4](#) for more information on the conflict field's understanding of basic human needs, and [Box 7](#) for explanation of the terms direct, structural and cultural violence.

3.2 Shared Vision, Different Theories of Change, Complementary Approaches

The previous discussion highlights that it is not possible to transform conflict without addressing the underlying human rights violations, such as discrimination of specific ethnic groups in their access to resources (such as land, water, education, and political power). Essentially, justice and peace are overlapping values that are interlinked and interdependent. Both are necessary for sustainable development. Human rights efforts aim to create conditions in which individuals and groups are

protected against abuse, have access to fair and institutionalised mechanisms for holding the state accountable, where their dignity is respected and where they can develop their full potential and shape their own lives and society around them. Conflict transformation work seeks to achieve sustainable peace: conditions characterised by social justice through equal opportunity and protection, a fair distribution of power and resources, impartial law enforcement, healthy inter-group relations where individuals, communities and institutions are able to negotiate differences and handle conflict constructively, without violence. Thus,

Human rights and conflict transformation share the same vision about the desired nature of society. Both seek to support and facilitate peaceful processes of social change.

Yet the theories of change that inform the human rights and conflict transformation perspectives differ respectively (Babbitt 2009). In the former, ideas about social change are rooted in the law-based nature of human rights. Change is created by defining the desired end state, referring to the ideals entrenched in domestic legislation and international treaties, and then pushing states to meet these ideals and finding additional means to reach that end. While human rights actors recognise in practice that change will only gradually take place, they seek to bring forth any change by demanding the ideal. The human rights field thus designs interventions in a way that strives for and plans backwards from the ideal state. It uses methods such as education and empowerment of rights-holders, capacity-building of duty-bearers and pressure from the international community, emphasising that government and communities abide by international human rights treaties and norms and put these into practice through legislation and other means.

At the core of conflict transformation work, lies the notion that change can only take place when actors within the society want it and consider it viable, and that change cannot be imposed from outside or above. However, it might well be encouraged or supported by third parties. It thus focuses on designing constructive processes that open up possibilities for positive change to materialise by supporting transformation of behaviour, attitudes and structures, assuming that such a change process will ultimately lead to a fair and sustainable end result. To this end, it concentrates on drawing out and facilitating understanding of the needs and interests of all parties; ensuring fairness and inclusion of all directly and indirectly affected stakeholders; enabling the parties to listen to each other and engage constructively; and making external expertise available to the parties to add to their own knowledge.

Thus, where human rights can be considered as providing minimum standards, i.e. a bottom line, conflict transformation highlights that – useful as minimum standards are – they have to be owned, shaped and lived by actual people in an actual context. Even so, points of connection exist, as the human rights perspective views the envisioned norms as the outer frame for a living and moving reality, which requires rules that are somewhat elastic in practice and yet non-negotiable in principle. Development practitioners focusing on human rights and those working on conflict transformation are thus generally concerned with the same issues. Working with different theories of

change, they may approach these issues from different angles. This means defining different target audiences, addressing different actors and using different strategies.

For example, both are concerned with overcoming discrimination. From a human rights perspective, discrimination must be abolished because it compromises individuals' and groups' dignity and thus violates their rights. From a conflict transformation perspective, discrimination must be addressed because it is a current or potential cause of violent conflict. The target audiences and key actors identified through these different rationales are likely to overlap in many respects, but vary in others. Or, if they are identical, the order in which they are targeted may differ.

Human rights-based development programmes will focus on addressing people that experience direct or structural discrimination – such as ethnic groups, sexual minorities, the disabled, women – usually with a focus on the individual. Besides targeting such marginalised persons, they will also work with others whose behaviour and attitudes impact on marginalisation: e.g. with men to overcome gender-based discrimination, or with religious leaders when countering discrimination based on sexual orientation or HIV/AIDS. Conflict and peace-focused development work, on the other hand, is particularly concerned with communities whose marginalisation might lead to the outbreak of violence. It will thus pay special attention to those persons, organisations, symbols, attitudes and values that may divide people in a society or community (referred to as 'dividers'), and to those that serve to connect people and strengthen the foundation for sustainable peace (referred to as 'connectors'). It may well be that these real or potential dividers and connectors do not necessarily belong to discriminated groups. Hence, development practitioners working from a conflict transformation perspective may focus on individuals and groups that are not directly important from a human rights perspective, at least in a short- to mid-term time frame.

To illustrate this further, consider the following example. It shows how, in one and the same context, the different analytical perspectives of human rights and conflict transformation can lead to different strategies for development programming:

Distinct but complementary analytical perspectives: access to justice and dispute resolution in Nepal

In Nepal, the government has long been unable and unwilling to ensure the rights and accommodate the interests of marginalised groups and political opponents and to address widespread poverty and exclusion. This has been a main cause of violent conflict in the past, and continues to generate tensions in society after the conclusion of a comprehensive peace agreement in November 2006. Historically, excluded groups have had few political avenues at their disposal to express dissent. This was due to a lack of representation embedded in the nature of the political system and the intense stratification of Nepali society. Law enforcement has been politicised, corrupt, and violent, and has often replicated societal discrimination. Various development programmes concerned with human rights realisation have identified access to justice as one of several key issues to be addressed since excluded persons and groups generally do not know their rights or the options they have for securing redress, and they are usually unable to access the judicial

system. This has led to programmes focused on: enhancing access to justice through developing paralegal capacity at local level (within community-based organisations and in marginalised communities); provision of legal aid; enhancing rights awareness amongst local populations; targeting judges and lower-level court officials to enhance understanding of their human rights obligations and what this means for their own work and attitudes.

Development programs working from a conflict transformation perspective, on the other hand, are likely to focus more on the absence of mechanisms for constructive conflict management at various levels in society. Those who feel marginalised tend to resort to destructive behaviour (e.g. through transport strikes, called 'bandhas'; locking local government offices; abduction; physical violence) to draw attention to their cause. This is fuelled by the example of the Maoists, as many in Nepal feel that they proved that violence 'works' by gaining significant political traction for their ideas and by winning the Constituent Assembly election after waging a war against the state for many years. The existing political culture also plays a role, as it centers on the notion of 'winner-takes-all' and is averse to addressing diverse interests and collaborating with opponents. This conflict transformation analysis may result in, amongst other things, a community mediation programme that enhances local level capacity for dispute resolution, boosts practices of non-violent communication, mediation, and joint problem-solving. Such a programme can show that people from different backgrounds make a significant contribution to the community when trained and functioning as mediators (e.g. women, youth, lower castes or indigenous minorities). This approach may also target local government so it can later assume responsibility for the community mediation programme, and gain appreciation for interest-based dispute resolution. It may encourage local government to start incorporating multi-stakeholder dialogue in its own activities, and further involves outreach with law enforcement agencies to facilitate referrals of relevant cases for mediation.

Some development agencies in Nepal have combined elements of both approaches. They have integrated community mediation in a larger legal empowerment programme that comprises dispute resolution through formal judicial and non-judicial systems, and other elements of the approaches outlined above informed by both human rights and conflict transformation perspectives.

This example demonstrates that:

The human rights and the conflict transformation fields offer distinct analytical perspectives on challenges to be addressed in societies affected by violent conflict. They each have their own strengths and they may suggest strategies that are complementary rather than mutually exclusive. Together, they can contribute to achieving the long-term objectives of peace with justice and sustainable development, through a multidisciplinary and inclusive approach.

Of course, when development practitioners examine a country like Nepal from a human rights or a conflict transformation perspective, their analytical findings will not only be confined to issues of redress, access to justice and dispute resolution. Their analysis is likely to result in many more and broader findings of issues warranting attention and action, pointing to the need for other strategies too.

In this regard, it should be noted that there are different ways of working on human rights realisation. Often, development practitioners – including those focused on conflict transformation – understand human rights work as mostly or only relating to the protection of civil and political rights and as involving the ‘classical /traditional strategies’ of monitoring, reporting, advocacy, awareness-raising, and legal prosecution of perpetrators. They may thus perceive ‘human rights work’ as being mostly about human rights education, naming and shaming, lobbying, legal redress and adversarial activism. However, a human rights-based approach (HRBA) goes beyond this rather narrow understanding of human rights.

A HRBA will also look into the forms and key causes of discrimination of specific groups. In a country like Nepal, this will highlight the need for strategies for improving the political participation of the groups excluded thus far, going beyond the narrow judiciary-focused human rights strategies outlined in the example above. A conflict transformation analysis will probably share this emphasis on enhancing the political participation of marginalised groups; it may also suggest strategies to target the existing political culture and leadership style. Thus, meeting points and overlaps between a HRBA and conflict transformation perspective do exist. Within areas of common concern, the HRBA will emphasise the legally binding rights of individuals and groups and the duties of governmental institutions, while the latter devotes more attention to relationships, patterns of interaction and decision-making, as well as to cultural issues. Thus:

It is important to recognise that a human rights-based approach has a broad understanding of human rights. A HRBA seeks to empower those who are marginalised, enable broad and inclusive participation and to establish sustainable accountability mechanisms in society. As such, it offers promising avenues for cooperation with the conflict transformation field. The conflict field has also evolved: from an emphasis on conflict resolution (focused on manifest violent conflict and their structural causes) and conflict management (oriented towards the non-violent handling of conflict), to conflict transformation (focused on transforming latent and manifest conflict into peaceful processes of social and political change by addressing the underlying conditions, attitudes and relationships). This evolution also provides new entry points for cooperation with the human rights field through its concern with both the symptoms and the structural causes of violence.

You will find more on the perspectives on the conflict and the human rights field in the Annex:

- [Box 5](#) summarises the different perspectives that human rights and conflict transformation bring to development cooperation and strategies.

3.3 Working towards Conversation and Connection between the Fields of Human Rights and Conflict Transformation

The close relationship between human rights and conflict means that when we are concerned about the protection and promotion of human rights, we have to pay attention to both latent and manifest, violent, conflict – in terms of its nature, causes, and dynamics - and how to address these. Similarly, when we seek to address the underlying conditions in a particular context that give rise to violent conflict, or when we want to positively impact on conflict dynamics and prevent the outbreak of violence, we need to consider human rights. The following example, based on experiences in Sri Lanka, illustrates this:

Enhancing credibility and relevance through human rights: conflict transformation in Sri Lanka

After the 2002 ceasefire agreement in Sri Lanka between the then government and LTTE (Tamil Tigers), the attention of local civil society organisations (CSOs) and the international community shifted largely to negotiations between the conflicting parties. As the international Sri Lanka Monitoring Mission was introduced to monitor the ceasefire, most agencies sought to support the peace process at various levels of society. In this context, on behalf of BMZ, GTZ started Facilitating Local Initiatives for Conflict Transformation (FLICT) in 2003. The project aimed at conflict transformation through encouraging a more inclusive cultural identity; enhancing links between different ethnic and religious groups in Sri Lanka; and increasing civic participation in governance. Over time, FLICT was criticised by local human rights organisations for paying insufficient attention to human rights concerns. Its credibility was called into question, as it became clear that both the Sri Lankan government and the LTTE committed numerous rights abuses. FLICT decided to start supporting human rights work in the context of its third focus area (civic participation), by allocating funds to human rights monitoring, reporting and strengthening networks between HR and CT practitioners. This created a new challenge because the state did not appreciate human rights activism and monitoring, and the project was – as all GTZ work – based on a bilateral agreement between the governments of Germany and Sri Lanka. Still, “had we not looked at human rights,” the former GTZ Advisor of FLICT says, “we would not have been credible in the local context. It would have looked as if we were naïve, as if we did not look at the hard issues on the ground. We had to pay attention to human rights in order to remain both credible and relevant in what we were trying to do.”

Thus:

It is necessary and useful to consider insights and approaches from both perspectives to enhance development practice geared towards human rights realisation and/or conflict transformation.

At a minimum, this means that when planning or carrying out human rights or conflict transformation interventions, the ‘other’ perspective must be taken into account. The purpose of doing so is to identify whether one has missed anything in the analysis that

can either harm the implementation or that should be incorporated to strengthen the relevance, efficacy and (perceptions of) legitimacy of what one seeks to do.

At the maximum, it means that one should try to harness insights and strategies from both human rights and conflict transformation and combine these to develop a more integrated, comprehensive programme that contributes both to realising human rights and to the transformation of conflict.

Working in such an integrated way is still the exception rather than the rule at this stage. This means that good practices are lacking and that detailed guidelines on what an integrated approach entails or concretely looks like are not available yet. However, the tools set out in the next section provide some guidance for working towards a more integrated approach. The examples used in the publication also offer insight into the range of strategies that can be combined in this regard. These tools further demonstrate that both fields have developed considerable expertise over the years; this is continually evolving and contributes to development practice in general.

When looking to be informed by insights and approaches from both fields, one should keep in mind that there are different ways of working on human rights ([see section 3.2](#)). The following example shows how a rather narrow understanding of human rights, as relating only to civil and political rights and to naming and shaming, was initially implicit in the FLICT programme:

Making inherent human rights linkages explicit

The former GTZ Advisor of FLICT indicates that at the time, she and her colleagues only perceived ‘working on human rights’ in terms of monitoring and advocacy for political and civil human rights. Reflecting, she says that, “we never really saw our three focus areas in human rights terms. We just linked the support to human rights work to civic participation because that seemed most appropriate; it related to monitoring the state. I have since understood how human rights relate to all focus areas, especially to cultural identity. If we had known in 2005 what a human rights-based approach is, it would have been useful. We might have prevented some of the criticism leveled against us [for ignoring human rights concerns]. Then we could have explained how we paid attention to human rights in the context of our conflict transformation work through focusing on inclusion, participation, accountability, etc., besides getting involved in outright human rights activism.”

This FLICT example illustrates that a human rights-based approach may provide additional avenues for working on human rights beyond monitoring rights violations, advocacy, and securing legal redress – namely by integrating human rights standards and principles into development projects and programmes that are not explicitly geared towards human rights work and goals. A HRBA can thus offer entry points for working on human rights in the context of conflict transformation-oriented development activities.

The synergy that exists between human rights (broadly considered) and conflict transformation means that working towards the one can have a positive impact on the

other and that combining both makes development interventions more effective and efficient. The box below provides some information on how work in the area of human rights can contribute to conflict transformation efforts, and vice versa:

Ways in which human rights/ HRBA work is relevant for and can advance conflict transformation

- Human rights are an internationally agreed legal framework. In conflict transformation processes, human rights standards provide the parameters within which solutions must be found, and human rights principles (relating to participation, transparency, accountability, accessibility, etc.) can inform the design of such processes.
- A HRBA addresses many of the root causes of conflict because human rights concerns are often at the core of conflict.
- A HRBA helps to institutionalise interaction between marginalised groups and the state in a sustainable, non-violent way (for example, through complaints mechanisms).
- Institutionalised human rights mechanisms can act as safeguard against abuse of power, and function as mechanisms for constructive conflict management (by providing channels for raising discontent and seeking redress).
- Human rights can offer a source of common values to bridge differences amongst parties/ communities, and talking about human rights can provide a forum where opposing groups can engage with one another across divisions.
- Human rights reporting can provide early warning information on potential inter-group tension which actors concerned with conflict prevention and transformation can act upon.
- The presence of human rights monitors can serve as a deterrent in situations of political instability and violent conflict and can thus help to reduce violence.

Ways in which conflict transformation work is relevant for and can advance human rights

- Engaging opposing parties or groups in a process of dialogue, can provide a facilitated channel of communication for airing grievances related to injustice, insecurity, inequality and inequity.
- Conflict transformation addresses the direct, cultural and structural inequalities that often represent violations of human rights and generate latent and violent conflict.
- Conflict transformation offers a range of practices, instruments and tools to accompany the process of social transformation that both conflict transformation and a HRBA seek to trigger.
- Conflict transformation interventions promote and model constructive, non-violent ways of dealing with conflict and can facilitate access to redress.
- Peace education is an area of conflict transformation, which covers various issues including identity, causes of conflict, non-violent communication, conflict management, human rights values, principles and standards as well as empowerment to claim human rights in a constructive way.
- Conflict transformation work with local media in a divided society, opens up and increases the democratic space, promotes freedom of speech and makes it less likely that the media is used to incite violence.

- Conflict transformation puts significant effort into enhancing relationships, capacities and networks amongst people and civil society organisations (e.g. peace constituencies across political/ethnic/linguistic/religious divides); this facilitates recognition of humanity and dignity amongst opponents; promotes civic engagement, freedom of speech and association (e.g. mothers of disappeared individuals, from opposing sides, uniting and fighting for disclosure on the fate of their loved ones.)

Thus far, this publication has highlighted the need to consider insights and approaches from both perspectives when designing, implementing and reviewing development initiatives, even if such efforts are geared towards objectives unrelated to human rights or conflict transformation, or towards objectives oriented to only one or the other. It is important to note that there are specific areas, which are particularly significant from both perspectives. These could provide starting points for further exploration of the inter-linkages between the two fields, and for advancing human rights and conflict transformation at the same time:

- Land reform: remedies inequitable access to and ownership of land; reduces land invasions; reduces exploitation of and violence against those with little or no access to land; improves their standard of living and associated rights; eliminates flawed legislation that endorses discriminatory practices or fails to provide security of tenure; serves a conflict prevention function by addressing a root cause of conflict that will, if not addressed, continue to generate tensions in society (e.g. the Philippines, Zimbabwe, Guatemala).
- Dealing with the past/ transitional justice: provides redress for victims; addresses impunity; establishes an authoritative record of what happened; lays basis for institutional reform; generates public dialogue on past abuses and conditions facilitating these; can provide space and processes for trauma rehabilitation, social healing, and reconciliation.
- Security sector reform: enhances civilian supremacy over the security forces; establishes internal accountability mechanisms; sets clear standards for use of force by security forces.
- Justice sector reform: enhances the effective and legitimate functioning of courts and law enforcement; improves access to justice; increases compliance of domestic laws with international standards; sets up independent human rights complaints mechanisms.
- Disarmament, demobilisation and reintegration: reduces proliferation of arms; facilitates combatants' re-engagement with civilian life, re-definition of selves, and their meaningful participation in community and society.
- Support to media: enhances media freedom, pluralism and professionalism; strengthens right of information, freedom of expression, citizens' participation in public affairs and accountability; provides forum for dialogue; builds capacity for conflict-sensitive journalism.
- Local governance and decentralisation: improves service delivery; enhances citizens' participation in decision-making processes; contributes to the state's legitimacy .

In the Annex you will find:

- [Box 6a](#) and [Box 6b](#) provide more information on specific contributions of both fields to each other.
- [Box 8](#) provides more explanation on the areas noted above which are of concern to both human rights and conflict practitioners and where development programming should incorporate insights from both perspectives.
- [Box 25](#) explains in more detail how human rights standards and principles can provide guidelines in dealing with land related conflicts.
- [Box 26](#) lists references to documents explaining a human rights-based approach to development, including briefing sheets on ‘promising practices’ that describe the application of a HRBA to various sector programs in several partner countries. [Box 28](#) provides titles of such briefing sheets on promising practices.
- [Box 27](#) briefly summarizes the human rights established in two key international human rights treaties that are legally binding for the states that have ratified these instruments.

4. Practical Application

4.1 Incorporating Insights and Instruments from the ‘Other’ Field

The previous sections highlight the added value of engagement between practitioners working from different perspectives to align and connect both fields further in future. As a first step this requires development practitioners working in either human rights or conflict transformation to enhance their knowledge of the respective other field. This means developing an understanding of the analytical perspective of the other field, as well as its underlying values, methods and strategies, so as to enhance the scope for fruitful collaboration and cross-fertilisation. To this end, human rights and conflict transformation practitioners need to intensify their interactions with the conscious intention of learning from one another. Facilitated processes of exchange may also be useful in helping them gain greater appreciation of what human rights and conflict transformation perspectives each contribute to development practice. This section introduces some ideas and tools that can help development practitioners in linking human rights and conflict transformation and building on the synergy that exists between the two fields.

Consider the following example:

Refining a conflict transformation programme: the Museo Virtual de la Historia in Guatemala

During a review of the GTZ Guatemalan Programa Apoyo al Proceso de Paz y Conciliación Nacional (Peace Process Support Programme – PCON) which was implemented on behalf of BMZ, the question arose of how best to support the Museo Virtual de la Memoria Histórica (Virtual Museum of Historical Memory). This is an interactive Internet platform that assembles information about the civil war and makes it publicly available to all citizens for the first time. It seeks to stimulate public debate about human rights violations committed during the civil war. In the longer term, the platform aims to support strategies and policies by which those responsible can be held to account, and those victimised can be compensated. The review of this peace-oriented programme identified several gaps from a human rights perspective, relating to accessibility, transparency, accountability, and discrimination. For example, the platform was designed in such a way that it was mostly accessible to urban, literate Internet users, even though most victims of human rights violations are indigenous, illiterate, rural women. The measures taken to address the gaps identified were guided by five criteria developed on the basis of human rights standards and principles. To enhance non-discrimination and accessibility, information on the platform was made available in Mayan languages; sound and visual symbols were added to enable illiterate users to navigate the platform. To enhance accountability, a feedback mechanism was established (users’ board) and users were encouraged to participate in a committee to increase public acceptance of the museum. With a view to ensuring participation and transparency, the public was invited to provide input with regard to the design to cater to the information needs of prospective users.

This example illustrates that

Knowledge and integration of human rights standards, values and principles can strengthen the design, implementation and monitoring of conflict transformation interventions and programmes.

Rights analysis can also strengthen conflict analysis (by focusing attention on structural causes of conflict, amongst other things). It is further useful in assessing how a project/programme can enhance interaction between state institutions and citizens, and how it can increase the accountability of the former. The human rights emphasis on disaggregating data according to sex, social status, citizenship, ethnicity, etc., can benefit results and impact monitoring of conflict transformation programmes.

Finally, knowledge of human rights standards helps to ensure that conflict transformation projects/programmes abide by them and not unwittingly facilitate solutions that compromise people's rights. The example below demonstrates this:

Facilitating agreements in line with legal entitlements: improving land distribution in Nepal

In Nepal, individuals who till the land of others for a specific period of time may register a claim to ownership of a portion of that land, if they are formally registered as tenants in the land certificate of the landowner. Legally, such registered tenants/farmers are entitled to 50% of the land. Land disputes are at times dealt with through community mediation, in which trained mediators from the local community facilitate negotiations between the farmer and the owner to help them settle the claim through a mutually acceptable agreement. Because few farmers know the formal legal standards, a farmer may react positively when the owner offers him/her 25%. Bargaining usually covers a spectrum between 25-35%; most farmers tend to settle at a third of the land (30-33%). While this seems like a mutually satisfactory outcome (and would as such be acceptable in the context of mediation), it does not comply with the law. It can thus generate conflict between the farmer and the owner in future, once the former finds out that s/he was actually entitled to 50% of the land. The mediator thus needs to know the legal standard to prevent a flawed agreement that compromises the farmer's rights. Such knowledge can also help the mediator to level the playing field between the parties. In Nepal, the power imbalance between the parties is usually so big that the farmer will find it difficult to challenge the owner even if s/he does know the scope of his/her entitlement. This means that the farmer is unlikely to reject an offer made by the owner and/or firmly assert his/her rights. In such instances, knowledge of the legal standard can help the mediator to address this power imbalance by including some information dissemination in the process and clarifying the minimum standards in terms of the law.

Of course, the same also applies the other way around:

conflict transformation approaches and skills are relevant for human rights-focused development practitioners.

Consider the case below:

Conflict transformation tools to enhance good governance reform: Indonesia

The Support for Good Governance (SfGG) project in Indonesia implemented on behalf of BMZ, jointly implemented by GTZ and the State Ministry of Administrative Reform, aims to improve public service delivery for all Indonesian citizens. This has involved the participatory development of a representative complaints questionnaire, a complaint survey and joint complaints analysis. These measures led to the development of a service charter and recommendations for political decision-makers. Over time, the process has changed power relationships. Citizens became aware of their entitlements and realised that their complaints could lead to actual changes. Basic services and government practices have also improved. In addition, the Ministry has included citizen participation and control in other public services-related directives and bills. This process has highlighted the importance of building trust on all sides and of ensuring strong facilitation skills amongst governmental and NGO partners, to safeguard sustainability. It has also shown the value of using facilitated dialogue on complaints as an entry point to improving services: it reduced the fear of criticism on the side of service providers. By the end of 2010, conflict transformation had not been explicitly considered in the context of this project. Yet doing so might still be useful and/or this would be relevant in other development projects of this nature. Any project involving transformation of power relations is likely to trigger resistance and resentment and those involved in implementation need to be equipped to handle this; conflict transformation tools can assist in this regard. For example, mediation skills can assist implementers in defusing tensions or resolving disputes that may arise in the context of the project. The conflict transformation field also provides methods and approaches to enhance the sustainability of a dialogue process. Finally, assessing conflict sensitivity (prior to and during implementation) is necessary because the project challenges the status quo, which means that risk-mitigation measures need to be identified; it will also help to identify unintended consequences of the project, both positive and negative.

Thus:

Human rights-focused development practitioners can benefit from conflict transformation approaches and skills, such as conflict analysis; non-violent communication; strategic non-violence; facilitation, mediation and negotiation techniques; design and implementation of dialogue processes and conflict sensitivity.

Conflict transformation can also strengthen the efforts of actors supported through development cooperation who are involved in explicit human rights activities such as monitoring compliance with human rights obligations or human rights education (e.g. human rights NGOs, national human rights commissions, ombudsman's offices). Below are two brief examples:

Protecting human rights through conflict management I: the Defensor del Pueblo in Bolivia

The DED/CPS programme in Bolivia commissioned by BMZ works with the Defensoría del Pueblo (Public Protector) to strengthen its capacities in conflict management. Local level defensores (Protectors) are often called upon to intervene in conflicts related to human rights, as they have gained much credibility through investigation of citizens' complaints of human rights violations. Conflict management, including crisis intervention and mediation of disputes, has thus become another method used by the Defensoría to protect human rights besides handling and investigating individual complaints and facilitating redress.

Protecting human rights through conflict management II: the South African Human Rights Commission

In the early 2000s, the South African Human Rights Commission requested conflict management training for the staff of its education and training department. The staff had encountered much resistance and tensions in human rights education events, as many of the issues covered were highly sensitive and/or controversial and challenged people's stereotypes and prejudices (for example education on non-discrimination triggered heated discussions on racism, sexism, homophobia; corporal punishment of children and capital punishment were also contentious topics). The training enhanced the capacity and confidence of the Commission's educational staff to deal with hostility and extreme points of view, and to handle tensions between participants. It also enhanced their awareness of the importance of adopting training methodologies that reflect human rights principles and values; doing so reinforces the human rights contents of education provided.

In the Annex, you will find further tools for incorporating insights from the 'other' field:

- [Box 2](#) and [Box 3](#) help to conceptualise linkages between human rights and conflict by using the metaphor of an iceberg. [Box 12](#) contains an exercise to facilitate understanding of the relationship between conflict transformation and human rights that utilises this iceberg image.
- [Box 9a](#) lists questions to take into account from a human rights perspective for practitioners working on conflict transformation. [Box 9b](#) lists questions to consider from a conflict transformation perspective for practitioners working on human rights.
- [Box 10](#) contains general comments on analysis and includes suggestions for 'thinking' human rights into the Peace and Conflict Assessment (PCA).

4.2 Localising Human Rights

Development practitioners must be able to contextualise and localise the language of rights so that participants of development programmes can appreciate their relevance. This is important in general terms, but also in light of the fact that human rights discourse is sometimes viewed - or portrayed as such by elites - as alien or

imperialist. Sustained engagement with such concerns and rooting human rights in the local context then helps to address or prevent the perception of human rights as an external intervention with little bearing on daily life, especially in contexts where the realisation of such rights may be a far cry from day-to-day realities. Human rights education programmes that connect with people's lived experiences are more likely to be successful in building a strong human rights culture than those that fail to do so.

Below are two examples of localising rights, of which the first is drawn from a development project using a HRBA, and the second from a conflict transformation-focused development programme:

Localising human rights I: involving faith-based organisations in Tanzania

The Tanzanian-German Programme to Support Health (TGPSH) has recognised the important role of faith-based organisations in Tanzania in providing guidance to their members on life styles and health, and support to poor and ill persons. The programme, implemented by GTZ, KfW, DED, CIM and InWEnt on behalf of BMZ since 2003, has supported training of Muslim religious leaders and religious school (madrassa) teachers at district and regional level on HIV/AIDS. It has also facilitated the development of a policy guide on Islam and Aids through consultation meetings and workshops at different levels, including a national consensus-building workshop. The training guide and the policy guide are based on the idea that religious values and cultural traditions can be interpreted and lived in a way that allows for prevention of HIV and respects the human rights of people living with HIV/AIDS at the same time. The participatory process facilitated a dialogue on harmonising religious and cultural values with human rights.

Localising human rights II: prompting reflection on personal experiences and attitudes in Nepal

Commissioned by BMZ the CPS/DED runs a large programme to address conflict in Nepal at various levels. As a part of it, CPS/DED staff members provide capacity-building in conflict transformation for people who deal with conflict themselves or train others to do so. Those targeted are community and court-referred mediators, human rights activists, social workers, journalists, social mobilisers, and members of Local Peace Committees. Many of these stakeholders are familiar with human rights but they tend to perceive them as something technical with no particular bearing on their own life: to be published on leaflets, learnt by heart and used in political debates. They do not realise that respecting human rights starts with themselves. This is for example reflected in human rights activists justifying domestic violence against women who defy social norms, or making low-cast people eat outside after having jointly rallied against cast discrimination at a public event. Hence, drawing on the experience of the participants, CPS/DED seeks to facilitate reflection amongst them on their own role in society and their own biases. It mirrors back how structural and cultural violence manifests in their own behaviour, beliefs and attitudes towards other people.

There are various ways to ground human rights in the local context, relating them to people's daily life and to issues that matter to them. Three of these are outlined here: namely working with the notion of human dignity, basic human needs, and dimensions of human rights.

Human Dignity

Working with the concept of human dignity can facilitate reflection on abuses that people may have endured and create a space for discussion on how individuals and communities should relate to one another, and on how the state engages with citizens. This can lay the foundation for talking about human rights, the relevance of rights for the protection of people's dignity, the responsibility of state and citizens, and the consequences of insufficient respect for human rights.

Basic Human Needs

The notion of basic human needs can also be helpful in building people's understanding of the relevance and value of human rights for their own life, the community and larger society. Needs can be related to rights, and can be linked to exploring both latent and manifest conflict in a society. When working with the notion of basic human needs in this way, one should keep in mind that individuals and communities living in contexts affected by violent conflict do not necessarily use the same terms when speaking of their needs as those used in this publication (e.g. they may speak of 'respect' rather than 'identity' or 'affection'). It is also important to remember the distinction between needs and satisfiers: the latter are the goods, services or processes that satisfy the needs. Often, what is spoken about in terms of 'needs' language (e.g. 'we need jobs/political power/to be listened to/ release of prisoners') are satisfiers rather than basic human needs; this is further commented on below (section 4.3.3.).

Dimensions of Human Rights

The dimension model of human rights reflects that the protection and promotion of human rights is not solely a technical affair that requires legal instruments for its implementation (Parlevliet 2009). The tool distinguishes between four dimensions of human rights: human rights as rules (referring to the legal standards, i.e. formal entitlements of rights-holders and obligations of duty-bearers); as structures and institutions (referring to the division of power, resources and opportunities in a specific context, and to the availability of mechanisms for handling conflicts constructively); as relationships (referring to the relationships and patterns of interaction and communication that exist vertically - between state and citizens - and horizontally - between individuals and groups); and as process (referring to the need to integrate human rights values and principles in conflict transformation and development processes at various levels of society).

The Annex further explains these options for localising human rights:

- [Box 11](#) provides instructions for an activity on human dignity and human rights that helps to develop an understanding of what human dignity means and how it may manifest in people's daily lives. It demonstrates the relationship between human rights and human dignity and increases awareness of human rights and the Universal Declaration of Human Rights.
- [Box 12](#) contains an activity to clarify the role of basic human needs in conflict. It also helps to facilitate understanding of the relationship between basic human needs, human rights,

and conflict, with a view to enhancing appreciation of human rights as tools for conflict transformation.

- [Box 4](#) and [Box 13](#) provide more explanation on the publication's understanding of the notion of basic human needs, and the distinction between needs and satisfiers.
- [Box 14a](#) provides a more detailed explanation of the dimension model of human rights. [Box 14b](#) illustrates working with these dimensions of human rights in the design and implementation of a comprehensive intervention in a localised conflict.

4.3 Communicating and Negotiating about Human Rights

Communication is essential to both human rights and conflict transformation work. This section looks at challenges that may arise when communicating about human rights and suggests possible strategies for addressing such challenges.

4.3.1 Raising Human Rights Issues in a Dispute/Conflict Intervention

Whose human rights? Intervening in conflict between South African and migrant squatters in South Africa

In 2001, South Africans living in two squatter communities near Cape Town forcibly evicted people with a migration background living in their midst. Those evicted (mostly Angolans and Namibians, often nationalised and/or married to South African women) had lost their houses and belongings through arson and other forms of destruction. Many were subjected to intimidation and assault and were threatened with more violence should they try to return to the informal settlements. The South African Human Rights Commission (SAHRC) had received complaints of human rights violations, submitted by those evicted. Both the city council and SAHRC approached a local conflict resolution organisation to intervene in the situation and facilitate a lasting solution. When engaging with the various parties, the interveners from this organisation found that the South Africans in the squatter communities were inflamed by the accusation of having committed human rights abuses. They also strongly objected to allegations of xenophobia. According to them, their actions were due to crime committed by the 'foreigners'; limited resources in terms of jobs and housing; and competition over women. For the interveners, this raised the question of how to raise human rights issues in the process without alienating the South Africans while also not downplaying the treatment to which the supposed 'foreigners' had been subjected. The South Africans threatened to walk out of the mediation if the violence and destruction were going to be raised as rights issues. Yet those who had been evicted, insisted on the alleged abuses being explicitly placed on the agenda in terms of human rights violations. They strongly objected to the idea that such rights abuses might not be discussed in the mediation process, arguing that that would amount to further victimisation.

The example illustrates the challenge of raising human rights violations as issues to a conflict when seeking to intervene. Placing rights issues explicitly on the agenda can distance the conflicting parties from one another if they take a very different stance on human rights and thus hindering relationship-building between them.

Explicit allegations by one party that the other party is responsible for violations committed against them can escalate the situation by making the other party defensive and more entrenched in its positions. In addition, the interveners run the risk of being instrumentalised by the parties, who often want interveners to endorse their respective position. Parties will quickly perceive or claim a bias on the part of the interveners if they do not take the specific stance that parties desire, or approach the situation differently than the parties expect. Yet not including rights issues explicitly in the intervention is also problematic and carries other risks. It may undermine the legitimacy of the process and the credibility of interveners and further victimise people who have been subjected to human rights violations.

This challenging dilemma has no easy solutions. Various strategies can help in addressing it: for example, focusing not only on the specific violations, but also on mechanisms for preventing similar abuses in future; encouraging other actors, outside of the intervention, to raise rights violations so that interveners can focus on facilitating dialogue and problem-solving between the conflicting parties. Another strategy is reframing human rights issues in ways that increase the likelihood of them being ‘heard’, rather than rejected outright, by focusing on underlying interests (see further below). In sum,

It is not a question of whether or not to raise human rights issues in a conflict intervention, but rather, of how to raise them, when to raise them, and who can best do so.

4.3.2 Encountering Resistance: Talking about Rights in Terms of Interests and Needs

At times, individuals working in public institutions – be it local government authorities, the police or prisons – are reluctant to embrace human rights because they perceive rights standards as undermining their ability to perform their duties or as complicating their work. They may also feel that their institution itself does not respect human rights and fear repercussions if their views in this regard differ from their institution’s internal policy. Human rights advocacy can then generate resistance, because management and staff resent the challenge posed by human rights to their authority, or because they feel threatened by change. Engaging with such concerns is advisable; resistance is usually a signal that carries a message about the situation. It can point to someone feeling left out and/or to concerns that need to be attended to in order to facilitate moving forward.

In such a context, the distinction between communicating on the basis of positions or interests and needs is useful. Positions are the demands that someone makes about what they want or what they believe should happen. Interests are the concerns, values and fears, as well as the hopes and aspirations that underlie someone’s position. Experience shows that when engaging with individuals or groups on human rights, it is important to focus on their interests and needs to help them understand how they stand to benefit from respecting other people’s rights, i.e. how respecting rights can be ultimately in their own interest. As the example below shows, presenting rights

issues in terms of positions – taking a strong, prescriptive stance that rights must be respected or instructing people to consider the needs and interests of others – can be counter-productive: it may lead to strong objections or counter-claims.

Motivating duty-bearers to comply with human rights: the South African Police Service

Since 1994, much human rights education targeting the South African Police Service (SAPS) has focused on making them aware of international instruments, the national Bill of Rights, and other domestic legislation. Such education has at times often emphasised more the „what“ of human rights (‘human rights must be respected’) rather than the „why“ of human rights (‘this is why human rights are important and how you benefit from respecting them’). Insisting to the police that they have to respect human rights may get them to comply but does not necessarily build their understanding of why this is necessary. Instead, rights are perceived as restricting their authority and as benefiting suspects. (A researcher studying SAPS for an extended period of time in the early 2000s titled her study “Don’t push this constitution down my throat!” (Hornberger 2007)). However, when members of the police are drawn into a dialogue exploring how they themselves may benefit from rights protection – i.e. how respecting rights is useful in terms of their own interests – police officers are more likely to make a genuine effort to comply with human rights. This can include the following: respecting rights can improve their relationships with the communities in which they work; it may strengthen their service delivery and thus enhance public trust in the police, increasing the likelihood of community collaboration in their efforts to fight crime; and it may limit civil claims against the police. It is also important to point out how human rights also protect police officials themselves (in terms of economic and social rights, for example, or fair trial if they were to be arrested for abuse.)

Thus, when communicating about human rights, it is useful to assume the client’s perspective and consider their interests. Helpful questions to keep in mind are the following: ‘What’s in it for them?’ ‘How can they gain from respecting rights?’ Of course, this is not to deny that there are times and places when a strong, forceful stance on rights may be necessary, for example when there is a need to point out that certain practices are illegal and as such unacceptable. Therefore, it is important to consider carefully which communication and negotiation style is most appropriate to engage on human rights in a given situation. (See also the section on balancing different roles, section 4.4.).

4.3.3 Negotiating Implementation of Rights

The distinction between needs and satisfiers, briefly mentioned above (section 4.2.), is useful when engaging with different stakeholders on human rights and their implementation. While basic human needs are non-negotiable, satisfiers are negotiable: they vary depending on the context and are culturally determined. Multiple satisfiers exist for each specific need; there is no one fixed satisfier for each need. Moreover, some satisfiers can meet several needs at the same time. This means that while a specific satisfier may only address certain needs of one party and exclude satisfaction of another party’s needs, it may well be possible to identify other satisfiers

that meet the needs of both parties. The notion of multiple satisfiers for one and the same need opens up space for creativity and innovation in problem-solving.

The distinction between basic human needs and satisfiers is relevant here because a similar distinction can be made between human rights and the way they are realised. Like basic human needs, human rights and fundamental freedoms are non-negotiable: they reflect internationally or nationally agreed upon norms of behaviour between the state and its citizens, and between individuals or groups, and they cannot be ignored or discarded. Yet, like satisfiers, the manner in which human rights and fundamental freedoms are interpreted and applied in a specific context, is negotiable. This is illustrated by the following example, based on the Philippines:

Negotiating implementation of rights: self-determination of minorities in the Philippines

In the Philippines, an identity group that has historically been disadvantaged in its country claims the right to self-determination. The state felt threatened because it understood the group's rights claim as a demand for secession. Fearing for the integrity of its territory, it strongly opposed this demand for the right to self-determination. As a result, the local CPS/DED programme on the Philippines implemented on behalf of BMZ has been hesitant to actively support projects focusing on self-determination because it has not wanted to be perceived as supporting secessionists. Instead, starting in 2009, it has assisted a key partner, the Consortium of Bangasamoro Civil Society, in changing its advocacy from focusing on positions (the demand for the right to self-determination) to highlighting the underlying needs and interests prompting this demand. The consortium of Bangasamoro Civil Society now asks its member organisations what this right means for them, and also seeks to explain what this right entails. Dialogue projects have accompanied this process of change in perspective. This approach has been based on the recognition that the right to self-determination can be realised in various ways, for example through protection of cultural rights of the identity group (language, religion, culture); or through adopting measures to grant the group a degree of autonomy in the geographical area where the group is dominant. In other words, secession is only one, very specific, application of the right to self-determination, namely the most far-reaching way to implement that right. It is one satisfier for needs of protection, identity, freedom; others exist too. Appreciation of the various options to realise minority rights provides a foundation for moving forward out of this stalemate. This intervention did not directly affect the formal peace talks between the parties but has indirectly supported them by enhancing civil society's awareness of the underlying needs behind the RSD claim. Recent developments in the formal talks reflect the relevance of this approach as the parties have agreed on a more flexible interpretation of the right to self-determination. (The Moro Islamic Liberation Front now stresses in its draft text that they do not aim at secession but at a special autonomy status that will enable them to implement political measures to fulfill their right to self-determination.) This has opened the path for further discussion of the other issues between them.

The above example illustrates that when negotiations between parties get stuck over a specific solution to the rights issues between them, development practitioners concerned with human rights and conflict transformation can play a useful role by

creating space to explore the range of possibilities for realising particular rights. The interaction between parties then gets shifted from a debate for or against a specific satisfier – one particular way of implementing a certain right – to a search for options for rights realisation that can meet the underlying needs of all parties.

The Annex includes information on tools for communicating and negotiating on human rights:

- [Box 4](#) and [Box 13](#) provide more explanation on the publication's understanding of the notion of basic human needs, and the distinction between needs and satisfiers.
- [Box 15](#) explains the difference between positions and interests and shows a visual image of positional and interest-based negotiation.
- [Box 16](#) provides general information on framing and reframing, as well as some guidelines for framing human rights in terms of interests.
- [Box 17](#) shows an analysis of positions taken by parties in a parading dispute in Northern Ireland to illustrate the distinction between positions and interests and rights and needs.

4.4 Balancing Roles

Development practitioners generally have various roles. The same applies to the partners with whom they work: for example, a national civil society organisation working on access to water may combine the role of educator, social mobiliser, facilitators, adviser, and monitor. A state institution may play the roles of mediator, investigator, advocate, etc. – think for example of a national human rights commission, or a body charged with monitoring the police.

However, it can be complicated at times for one actor to combine different roles at the same time. Consider the following example:

Human rights advocate and/or dialogue facilitator: role conflicts in Zimbabwe

For several years in the early 2000s, an interdenominational network of churches in a Zimbabwe province was working towards peace and justice in local communities. This network operated in a repressive environment with limited resources, where many community members died of HIV/ Aids. As a result, they were constantly dealing with death, destruction, violence, fear and intimidation. The churches' commitment to justice led them to denounce human rights abuses taking place locally, assist victims of political violence, and call for government accountability. Yet their interest in peace prompted them to intervene in local conflict situations in an effort to facilitate dialogue between different local actors (war veterans, youth militia, security forces, etc.) so as to reduce violence. The more active they were in calling for justice, the more they were perceived by (some or all of) these actors as biased given their outspoken stance on abuses. However, when trying to engage in dialogue with actors involved in committing violence, they experienced pressure from local citizens to stand up for what was 'right' and 'just' and to take a stand against violence and repression. As a result, they were torn in different directions, as some individuals in the network prioritised one stance while others preferred the other.

Thus, a challenge may arise when an actor shifts between roles that are guided by contradictory or opposing principles. This challenge particularly occurs when combining advocacy and facilitator roles as in the example above, since playing one role may affect or undermine one's ability to play the other role effectively. When development practitioners or their partners play multiple roles, it is important to clarify these so as to ensure role integrity: this means making sure that an actor only performs roles that do not have conflicting principles or objectives. It may also be possible to work out a division of labour, with different actors playing different roles – or where different parts of the same organisation do so, as the example below illustrates:

Addressing role conflicts in Nepal through a division of labour

Faced with the challenge of playing both advocacy and facilitation roles during the civil war in Nepal, a national non-governmental human rights organisation decided that its local community workers would focus on dialogue facilitation if needed, while the regional and national offices would undertake advocacy. When abuses occurred, the local fieldworker could thus concentrate on crisis intervention and containing social tensions, while staff members at a higher level of the organisation would speak out against physical violence and draw the media's attention to rights violations.

Another way of looking at the issue of balancing different roles, the importance of maintaining role integrity and the relevance of a division of labour between different actors, is to consider the distinction between 'associative' and 'dissociative' approaches (Galtung 1967). In situations where serious human rights abuses have been committed or patterns of injustice are firmly entrenched, some actors may want, or need, to emphasise that human rights standards lay down a bottom-line that has been crossed; they will distance themselves from individuals or institutions allegedly responsible for such acts or conditions. Such a 'dissociative' approach may manifest in criticizing such persons or institutions, and/or engaging in litigation to establish accountability, enforce rights, and provide redress.

However, other actors in the same context may wish to keep channels of communication open and continue engaging with such persons or institutions suspected of having been implicated in violence in order to reach other objectives. Their use of associative strategies may at times be influenced by pragmatic concerns; this is for example the case when an organisation is unable to work 'around' the state because it requires permission from the local authorities for implementation of project activities. Also, given the sensitivity of some of the work done through associative strategies, actors using them may want to avoid drawing attention to them because this could jeopardise their efforts and/or compromise the stakeholders involved, including themselves.

In such situations, it may be advisable to keep human rights work and conflict transformation as distinctly separate interventions. When organisations have chosen different strategies and play different roles, they at times perceive themselves as

being in conflict with one another – this can even happen between different partner organisations of the same development project. It is then important for actors playing different roles to remain in constructive conversation with one another, even if they pursue different (and seemingly contradictory) strategies; a question to consider in this regard is who is able to keep relationships between the two fields alive despite the different priorities. This is however often easier said than done in practice, especially when people have been or may be harmed, following the use of a particular strategy. For example, serious divisions emerged within Kenyan civil society after the post-election violence in early 2008, because of different priorities set and strategies pursued.

For more tools related to balancing roles consult the annex.

- [Box 18](#) summarises a number of regularly used roles in the context of human rights work and in relation to conflict transformation work.
- [Box 19](#) explains the notions of role integrity, role clarity, and role confusion; provides some suggestions for possible strategies for ensuring role integrity; and explains associative and dissociative approaches.
- [Box 20](#) provides instructions for an activity on balancing roles, which helps to clarify the various roles played by a development practitioner (or another actor) and to explore which roles go well together and which are more difficult to combine. It also facilitates reflection on strategies for managing possible tensions arising from role confusion.
- [Box 21](#) contains a typology of different types of advocacy, which can be used for reflection on types of advocacy that can be more or less easily be incorporated in conflict transformation work.

4.5 Linking Interventions across Symptoms and Causes of Conflict and between Actors

4.5.1 Linking Interventions Targeting Symptoms and Causes of Conflict

From symptoms to causes: housing conflicts in Bolivia I

In Tarija, a town in Bolivia, housing is a major issue. The national government offers loans to people who want to buy land and construct a house, but those interested in the programme have to find land for construction with all the services (water, electricity, roads). Municipalities have the task to designate areas for housing and provide services, but several have failed to do so, especially those governed by the opposition. The Tenant's Association of Tarija represents over 600 families who applied for a loan in the government's programme in August 2007. Since then, the local Defensor (Ombudsman) had to intervene twice to deal with a crisis (June and December 2008). The relevant municipal unit continuously changed their requirements with regard to the intended construction and did not approve the construction projects. This twice prompted the

tenants to occupy government offices. In the first crisis, mediation by the Defensor resulted in an agreement between the tenants and the vice minister of housing, granting approval for the housing projects. In the second, the Defensor negotiated minimum standards on access to water and sanitation for the houses of those who occupied the offices. Her intervention also resulted in a 'declaration of good will' by the municipal unit. This, however, does not constitute an approval. Both times the Defensor's intervention ended the immediate crisis but did not resolve the structural issues. An evaluation by the Defensor and the team from CPS/DED, highlighted the difficulty of resolving a conflict relating to social and economic rights. Intervention at moments of crisis may de-escalate the situation, but a long-term process and strategy is needed to ensure a sustainable solution. This is difficult both for the government (which needs an entire administrative infrastructure and budget to realise economic and social rights) and the Defensor (whose office is already operating under severe constraints.)

The above example illustrates both the value and the limitations of addressing an immediate crisis, as well as the difficulty and necessity of ensuring a more structural solution to the conditions giving rise to it. In situations of crisis and/or violence, many human rights and conflict transformation strategies are oriented towards manifestations of conflict (e.g. abuses, destruction of property and infrastructure, displacement). This applies to human rights strategies such as monitoring of abuses, reporting and advocacy, and conflict transformation strategies such as violence monitoring, crisis intervention, and brokering local agreements. Clearly, addressing such symptoms is both necessary and important: looming or ongoing violence in a conflict-affected context will negatively affect longer-term peace building and transformation efforts, because relationships get polarised, parties get more entrenched in their positions, and additional abuses have to be addressed. However, given the limitations of a crisis-oriented approach, a question arises: how can we deal with the symptoms of violent conflict while simultaneously working towards addressing the underlying, structural conditions?

For this, the “nested paradigm” can be a useful tool (Lederach 1997). It suggests that conflict has to be analysed, understood and addressed at four different yet interconnected levels: at the level of the immediate issue; at the level of relationships within which the issue is embedded; the sub-system level (a geographical or institutional setting in which the issue occurs, which reflects the larger, underlying, structural problems); and at the level of the system (the larger structural conditions to be addressed.)

This tool recognises that interventions at both the system and the issue level are necessary to enhance human rights protection and contribute to the transformation of conflict. It suggests that strategies focusing on the two intermediate levels of response – the relationship level and the sub-system level – have the potential to provide opportunities for immediate, practical action and for laying the foundation for long-term transformation. An example is provided below:

Combining short- with long-term objectives: working on land reform in Nepal through interventions at different levels

The land rights movement in Nepal (LRM) has long been working to address issues of landlessness and the poor treatment of landless farmers. Its strategies have thus far consisted of mobilising tenants and landless farmers and raising their awareness of their rights; helping them to file tenancy claims and registering land in their name (issue level of response) and advocacy (through protests, demonstrations, sit-ins, public interaction, etc.) It also seeks to tackle the distribution of land on a national level through legislation and policies (system level of response). The issue is politically highly divisive and progress is slow. In 2009, the LRM started to map land distribution in 30 districts of Nepal, to serve as a basis for, amongst others, negotiating local solutions to land disputes with land owners and government officials to ensure a more equitable distribution, and to reduce the likelihood of violent clashes. This strategy is complemented by a conscious effort to build more positive relationships with district level and national government officials by meeting them regularly. Effectively, the land rights movement is targeting the sub-system level (specific districts in which the larger structural issues play themselves out) and the relationship level. This is not only likely to address immediate human rights issues in the particular social, economic and political setting within these districts, but it may also impact on broader systemic concerns by the findings of the mapping can feed into future policies and legislation.

4.5.2 Linking Interventions Across Actors and Levels of Society

A multi-level approach also entails targeting various stakeholders. At times, human rights or conflict transformation oriented projects/programmes tend to work with either state institutions (as duty bearers) or with communities and civil society organisations (as channel for rights-holders to engage with duty bearers). Focusing exclusively on one type of actor has limitations given the complexity of the challenges at hand. Interventions in which both rights-holders and duty-bearers at different levels of society (national, regional, local) are involved have shown to be more effective. This approach can also reduce polarisation between the state and its citizens and can enhance the legitimacy of the state. The need to target both sets of actors can be illustrated by revisiting the Tarija example mentioned above:

Working with actors from all sides: housing conflicts in Bolivia II

In the Tarija case, the local government needs to be reminded of its human rights obligations, amongst other things. It could use support in developing a more responsive and respectful approach to communicating with citizens, for example through simplification of their procedures or a public service charter. A reminder to the opposition may be useful as well, to highlight that they carry the same human rights obligations under international standards in the municipalities they govern, as the ruling party does elsewhere. The tenants might benefit from some facilitated reflection about more constructive strategies for raising their concerns (instead of seizing government offices, which impacts negatively on realisation of other people's rights). Could they draw on other strategic

individuals or organisations in the local context that could influence the local authorities (e.g. church officials; business people)? How can the media help to create space for dialogue on managing the housing situation, including the state's responsibilities and its constraints when it comes to economic and social rights? Other strategies could include the development of dialogue forums involving the parties and possible other relevant stakeholders to facilitate relationship-building, and the establishment of intervention teams which can mitigate tensions as they arise. Finally, it is likely that local Defensores (Ombudsmen) in other parts of the country encounter similar complaints related to social and economic rights, thus prompting the question how a country-wide approach may be developed.

In sum, development interventions targeting state institutions and government agencies should incorporate the creation of mechanisms that facilitate regular interaction with citizens and civil society organisations. The latter can assist with capacity, expertise, and ensuring ownership, inclusion and participation, and can serve as watchdogs. Similarly, projects/programmes focusing on civil society organisations should consider how to engage with agents of state and government in the course of the design, implementation and monitoring of activities. Admittedly, this principle of good governance is already part of good development practice; it is emphasised here again because of its importance.

A useful tool in this context is also the “conflict pyramid” by Lederach (1997). The pyramid distinguishes between different levels of leadership in a conflict situation and reflects that in any society, most people are located at grassroots level and there are usually only a few people in positions of power. It suggests that different measures can be taken at these various levels:

- Top level leadership: military/political/religious leaders with high visibility, usually at national level; senior government officials. Activities include high-level negotiations, policy and legislative reform.
- Middle range leadership: leaders respected in different sectors of society, including ethnic/religious leaders; academics/intellectuals; prominent business people and/or media figures; NGO leaders. Activities include problem-solving workshops, conflict management training, reporting on patterns of rights violations, developing service charters.
- Grassroots leadership: local leaders/elders; leaders of community-based organisations, women and youth groups; NGO and community development workers; local health officials; refugee camp leaders; teachers. Activities include local peace committees, psycho-social work, community-based mediation, monitoring, rights campaigns, paralegal training.

In contexts where social injustice is common, it is very important to work across these leadership levels, to address the reality that communities are alienated from leadership and excluded from decision-making that affects their life.

See the Annex for tools linking interventions across causes and symptoms and across actors:

- [Box 22](#) provides a visual image of the nested paradigm set against the iceberg image. It illustrates this by describing an example of working at various levels of response, relating to a complaint received by a national human rights institution. See Box 28 for the formal reference to Lederach's book containing the nested paradigm.
- [Box 23](#) provides a visual image of the conflict pyramid detailing different levels of leadership as well as activities that can be undertaken at these different levels, geared towards conflict transformation and human rights realisation. It also explains the notions of 'vertical' capacity and 'horizontal' capacity.

4.6 Dealing with the Past: Balancing Peace and Justice

In countries where large-scale violence has ended, dealing with a legacy of gross human rights violations will be important from both a human rights and a conflict transformation perspective. Yet doing so involves a tough balancing act between moral, psychological, cultural, economic, legal and political imperatives. These include the need to fight impunity and to hold individuals responsible for gross human rights violations, accountable; the need to prevent a relapse into violence in a politically fragile situation (where persons responsible for past abuses may hold high political office or remain active in the security forces); the need to restore the dignity of victims/survivors and to ensure redress for what they have endured; and the need to govern a country (when the civil service and law enforcement agencies may consist of individuals associated with the former violent or authoritarian regime.)

It is often in the context of initiatives to address past abuses – also known as 'transitional justice' – that tensions between human rights and conflict transformation are most acutely experienced or perceived by people in a given situation and beyond. This occurs particularly, but not exclusively, in situations where criminal accountability is pursued for serious violations of human rights and international humanitarian law while peace negotiations are ongoing. Enforcing legal standards may contribute to rights realisation, but it may also make some leaders reluctant to sign a peace settlement if it means that they are to be arrested and prosecuted – thereby prolonging the fighting which in turn negatively affects rights realisation. Actors concerned with conflict transformation may then consider demands for justice and accountability as obstacles to de-escalation and to efforts to establish peace and stability; the latter, they feel, are the precondition for increasing respect for human rights. However, those focused on human rights protection may feel alienated by conflict transformation practitioners, perceiving them as willing to appease perpetrators at the expense of victims' rights and concerns. For human rights workers, taking rights seriously now, not later, is the foundation for peace.

In this context, a key dilemma is: how to do justice to the rights and needs of victims and survivors while meeting the urgent need for societal reconciliation which generally also requires accommodating and reintegrating former perpetrators (at least to some

extent)? Solving this dilemma is complicated by the fact that it has both national and international dimensions. This is due to developments in international criminal law, the extent to which violence and instability in one country may spill over to other countries in the region, and the strength of the international human rights movement. Hence many players tend to have a stake in the outcome, leading to many different opinions about the best way to balance peace and justice. Another difficult factor may be that individuals who had a hand in past abuses or benefited from them, are often well rooted in society. They generally retain the relationships and networks needed to transform their old power bases into new ones. Capable of re-inventing themselves, elites usually continue to occupy influential social, economic or political positions once violence has subsided and a process of change is underway. This may limit the options for action.

Nevertheless, even in such challenging situations, human rights and conflict transformation perspectives have much to offer one another and to development practitioners seeking to make a useful contribution. For example, conflict transformation conveys the insight that there are many 'grey zones' where distinguishing between victims and perpetrators is not that straightforward. Perpetrators may have been victims too, and bystanders also need to be considered, since they may be beneficiaries and their silence facilitated injustices. Conflict transformation also highlights that enforcing global norms may at times (appear to) leave limited space for local agency. At the same time, a human rights perspective stresses the values, standards and principles that should be safeguarded to enable people to live in dignity and that should guide efforts in developing more just and peaceful societies. It also draws attention to the dire consequences of leaving a culture of impunity unattended to and the risk of superficial reconciliation with little consideration of power dynamics and structural inequalities.

What this means for social transformation, at a political and structural level, and at an individual and interpersonal level, remains a critical question for conversation between human rights and conflict transformation practitioners. In any event, recognition has grown that both 'peace' and 'justice' are multi-faceted: peace goes beyond an absence of physical violence, and justice entails more than criminal accountability and punishment as institutional reform and social justice matter too. This is why peace and justice are interdependent (as noted in section 3.2.)

Balancing the various imperatives may remain a challenge even when major abuses are long past. Competing memories of violence can continue to generate conflict in a particular setting and hinder development there. The following example illustrates this:

Addressing a legacy of widespread abuses: Follow-up to the truth commission in Peru

During the armed conflict in Peru, the revolutionary movement Shining Path committed a massacre in the village of Lucanamarca, Ayacucho in 1983, killing 69 people. More were killed after the massacre, sometimes even by community decision such as targeting relatives of members of Shining Path. Since then, almost everybody in the community

knows who did what in the years of violence and who belonged to which side in the conflict. A hierarchy of victims has evolved, with victims of the massacre getting much public attention while others remain in the shadow. Many versions of history now exist. This legacy of violence was not spoken about for many years yet blocked many development opportunities. Eventually, in 2006, the local municipality and the National Human Rights Commission (Comisión de Derechos Humanos) addressed the social construction of local history. Drawing and song-writing contests allowed the public expression of different versions of history, while workshops provided more insight into them. A very popular radio programme ensured public communication on the project on nearly a daily basis for a full year.

From 2009 onwards, CPS/DED on behalf of BMZ has been providing support to a wide range of partners in state and civil society on key issues relating to the follow-up of the Peruvian Truth Commission, working as an independent office (Apoyo para la Paz (APP), Support for Peace). In collaboration with Instituto de Estudios Peruanos, a national organisation based in Lima and serving as counterpart, the APP team of advisers has been assisting the Lucanamarca residents' association in the sensitive process of preparing a publication targeting the local community. It has also provided support to the Regional Government of Ayacucho on its implementation of the National Register of Victims, and has advised local government in a remote area on strengthening the victims' association, creating a symbolic space of memory, and documentation of informal graves.

The example highlights how the challenge of dealing with the past exists at all levels of society: national, regional and local. It also shows how this challenge is likely to persist over time – even if some measures were taken to address it (a Truth and Reconciliation Commission operated in Peru from June 2001 to August 2003). Many different mechanisms or tools are available to help development practitioners and their partners work with local stakeholders on this challenge.

Tools for dealing with the past (see annex):

- [Box 24](#) contains an exercise for facilitating dialogue on dealing with the past in a transitional situation. Focusing on balancing the various imperatives and discussion of key notions such as 'truth,' 'justice,' and 'peace,' it can help to create a safe space to engage on what happened in the past and the impact of past violence.
- [Box 28](#) provides references for further reading, including references to briefing documents on good practices developed by the UN Office of the High Commissioner for Human Rights.

5. Conclusion and Outlook: Summary, Open Questions and Way Forward

This publication has, intentionally, taken as its point of departure the shared vision of human rights and conflict transformation and the many connections that exist between the two fields, rather than going into detail on what sets them apart and possible tensions that may arise between practitioners in either field. While the latter has been touched on at a few points in this publication, the focus has been on the various approaches, analytical insights, and tools that human rights and conflict transformation can offer to one another, especially in the context of development cooperation. This approach has been motivated by the notion that both perspectives can make a valuable contribution to tackling poverty, injustice and violent conflict, and that neither has all the answers for the complex problems faced in many countries where development cooperation takes place. Another factor has been the observation that little attention has been devoted as yet to exploring what ‘peace with justice’ means in actual interventions, despite increased recognition amongst policy makers and practitioners that peace and justice are closely linked.

This publication has sought to address this gap with a view to assisting development actors to engage in constructive and principled interventions under difficult circumstances, and to handle human rights and conflict transformation challenges encountered in the field. As such, it means to provide a basis for further dialogue between practitioners working from different perspectives. In conclusion, this final section summarises key points made in this publication in five areas. It also identifies some open questions and remaining challenges and comments on the way forward.

1. Human rights, conflict, peace and development are closely linked.

Human rights violations are both symptoms and causes of violent conflict; exclusion and the denial of human rights in a given context are often a primary reason for conflict and violence, both latent and manifest. When human rights are not protected, basic human needs associated with those rights relating to concerns of access, acceptance and security, are frustrated. This generates tension in society, i.e. latent conflict, and increases the potential for the outbreak of physical violence, i.e. manifest conflict.

2. Human rights and conflict transformation: shared vision, complementary approaches.

Human rights and conflict transformation share the same general vision about the desired nature of society. Both seek to support and facilitate non-violent processes of social change towards just and sustainable peace, characterised by conditions in which individuals and groups are protected against abuse, can actively shape their life and the society around them, live in prosperity, and where mechanisms exist for handling conflict constructively. The two fields have their own strengths, offering distinct analytical perspectives on challenges to be addressed. The strategies they

suggest, the priorities they set and the target groups they identify are complementary rather than mutually exclusive.

3. Developments in both fields facilitate connecting human rights and conflict transformation and provide various entry points for collaboration and cross-fertilisation.

The fields of human rights and conflict transformation have evolved over time and have moved towards one another in practice. With the human rights-based approach, the human rights field has gone beyond its traditional focus on enhancing rights awareness, monitoring and reporting on human rights and ensuring legal redress through the formal judicial system. It is placing more emphasis on making rights a living reality, by empowering those who are marginalised, enabling broad participation and establishing sustainable accountability mechanisms in society.

Meanwhile, the conflict field has moved from conflict resolution and management to conflict transformation, recognising that the immediate symptoms of conflict need to be addressed as well as the underlying political, social and cultural conditions that create the potential for violence. This has made issues of justice, power and fundamental reform more explicit in peace and conflict work, besides the traditional emphasis on creating spaces for dialogue where opposing groups can engage across divisions, guided by non-partisan facilitation.

4. Human rights and conflict transformation have much to offer to one another and development practice geared towards objectives in either area will benefit from taking into account insights, approaches, and instruments from both fields.

Conflict transformation-oriented development practice can benefit from knowledge and integration of human rights standards, values and principles; this enhances conflict analysis and the design, implementation and monitoring of conflict transformation interventions and programmes in various ways. It ensures that conflict transformation efforts do not ignore fundamental questions of justice or unwittingly facilitate solutions that compromise people's rights. Rights analysis also highlights the legal entitlements of rights-holders and the obligations of duty-bearers and assists in assessing how a project/ programme can enhance interaction between state institutions and citizens, emphasising the importance of their respective capacities and of institutional solutions.

Human rights-focused development practice can benefit from conflict transformation ideas, approaches and methods, such as; conflict analysis, non-violent communication, strategic non-violence, facilitation, mediation and negotiation techniques, design and implementation of dialogue processes and conflict sensitivity. Conflict transformation highlights the complex and dynamic nature of conflict, the areas of grey that exist in reality, and the fact that conflict is rooted in substantive issues and subjective dynamics between individuals and groups. It stresses that change coming from within a society is most likely to be sustainable and thus draws attention to the importance of building on capacities existing in the local context.

5. In terms of practical application, scope for connection and conversation between human rights and conflict transformation arises in the context of, amongst other things, localising human rights, communicating and negotiating about human rights, balancing roles, linking interventions across symptoms and causes and between actors, and dealing with the past.

Development practitioners may also encounter specific challenges in these areas, which are however not necessarily insurmountable. The publication and accompanying Annex set forth a range of tools, images and exercises that may assist in this regard.

The above reflects that there is much scope for further conversation between practitioners focused on human rights realisation and those working in conflict transformation. Drawing on the experience of those involved in preparing this publication, it is clear that this requires a willingness to engage with approaches, concepts and terminology that are not one's own; to explore the experience, values and methods of the other field to see what it offers; and to recognise that one's own perspective and approaches may have certain limitations. Useful elements in such conversation are flexibility, patience, and a readiness to get confused and/or hold paradoxes.

Even so, questions remain.

Technical approaches to programming social change interventions may suggest that success is primarily a question of complementarity and sequencing towards the common goal. Reality is, however, far less linear, plan-able or make-able; conflict is by nature cyclic and full of back steps. More cleverly designed, sequenced or complementary initiatives will not do away with this phenomenon. Some humility is thus called for. Moreover, what we define as 'success' in such interventions remains subject to debate and the different theories of change that motivate practitioners working from different perspectives matter here too. Finally, the shared emphasis on peaceful social change implies a political dimension to development co-operation. This generates its own challenges, for processes of social change may be destabilizing in and of themselves; initiatives enabling individuals and groups to challenge an unjust and non-peaceful status quo may feed into existing divisions in communities or society at large. Development cooperation usually takes place in the context of government-to-government agreements.

There are no easy answers to these and other questions raised in this publication, just as the publication cannot provide a comprehensive and exact 'how to' recipe for connecting human rights and conflict transformation in development practice or for implementing a more integrated approach. The experiences and ideas presented here give rise to hope that further connecting these two important perspectives within development cooperation will facilitate critical learning and more conscious and complementary interventions in situations where conflict is latent or manifest. The question of how this can be further translated into practice outlines the task ahead.

Building on this paper, the idea is to facilitate further conversation and understanding among practitioners in country offices and in headquarters, and feed insights back into practice and policy-making.

To this end, the publication invites you, the practitioner who reads this, to use (everything or part of) what is in the Annex, to experiment and explore further, and to facilitate fruitful encounters and complementary and/or joint interventions between human rights- and conflict transformation-oriented actors. It also encourages you to share your practical experiences of working with this publication and of connecting human rights and conflict transformation, with those responsible for writing this publication. You are welcome to contact us at: peaceandsecurity@giz.de.

Annex

Tools, instruments and further information



Box 1: Human Rights Violations as Causes & Consequences of Violent Conflict

Human rights violations as causes of violent conflict (structural causes and/or proximate causes)

Summary	Description	Stage	Example
Sustained denial of human rights through the state's inability or unwillingness to protect human rights as a (structural) cause of conflict	Domestic policies (esp. in ethnically divided societies) that ignore minority rights increase social and political tensions. Even in stable societies, structural marginalisation and/or oppression increases the risk of future confrontation and violence	Conflict intensification and post-crisis	The South African apartheid regime systematically denied the civil and political rights of the majority of the population and severely restricted their social, economic and cultural rights. This led to a long-lasting armed struggle to overthrow apartheid.
Demand for human rights as a (proximate) cause for conflict	Rights-related demands (e.g. for self-determination, fair access to resources, an end to forced acculturation and discrimination) involve violent conflict between groups, or between groups and the state	Conflict intensification and post-crisis	The Ogoni people in the Delta Region of Nigeria have long demanded more autonomy and more control over the production and profit from the oil extracted from their traditional living areas.
Human rights violations as a conflict escalator (proximate cause)	Repressed/oppressed groups react to ongoing denial of human rights (e.g. arrests of political opponents, excessive use of force by police against demonstrators), which may prompt (further) intervention by the state	Conflict intensification and crisis	Anti-government protests erupted in Myanmar in 2007. Triggered by sudden price increases, they assumed a pro-democracy character and led to a serious crack-down by the country's military government.
Instrumental use of rights violations by politicians to mobilise constituencies for violence (proximate cause)	Politicians manipulate collective memories of human rights abuse to create a sense of entitlement for revenge	Conflict intensification; crisis and post-crisis	In Zimbabwe, President Mugabe has repeatedly highlighted rights abuses by the former colonial regime to justify land-grabs by war veterans and militant youth, and force white farmers off their land.

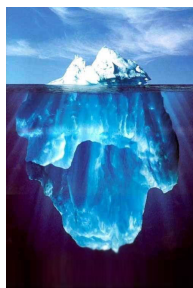
Human rights violations as symptoms or consequences of violent conflict

Summary	Description	Stage	Example
Specific human rights abuses as a strategy of war (HRV as direct symptom of violent conflict)	Warring parties torture, rape, mutilate and summarily execute combatants and non-combatants	Crisis	In Sierra Leone, rebels of the Revolutionary United Front amputated people's hands and other body parts during the war. Bosnia & Herzegovina: systematic imprisonment and rape of Bosnia women
Human rights violations as direct or indirect consequences of violent conflict	Violent conflict leads to killings, abductions, torture, intimidation of political opponents, displacement of civilian populations; destruction of schools and health clinics affects social and economic rights.	All stages	Many died in the long-lasting conflict between the government of Sri Lanka and the Tamil Tigers (LTTE). During the 2009 government offensive, thousands of people living in the siege zone fled their homes. The LTTE reportedly used civilians as human shields. (In April 2011, a UN Panel found credible allegations of war crimes and crimes against humanity committed by both sides during the final stages of the country's civil war.)

Adapted from Julie Mertus and Jeffrey Helsing (eds.) 2006, Human Rights and Conflict. Exploring the Links between Human Rights, Law and Peace-building, Washington DC: USIP: p. 6-7.

Often, several of the above dynamics are simultaneously present in one and the same case, and they feed into one another. Violent conflict can thus be best understood as a complex social phenomenon that is highly dynamic and non-linear. (A simplistic representation of its dynamic nature can be found in box 2, in the iceberg image.)

Box 2: The Iceberg: Human Rights Violations as Causes and Symptoms of (Violent) Conflict



The metaphor of an iceberg can illustrate the notion that human rights violations can be both causes and consequences of violent conflict.

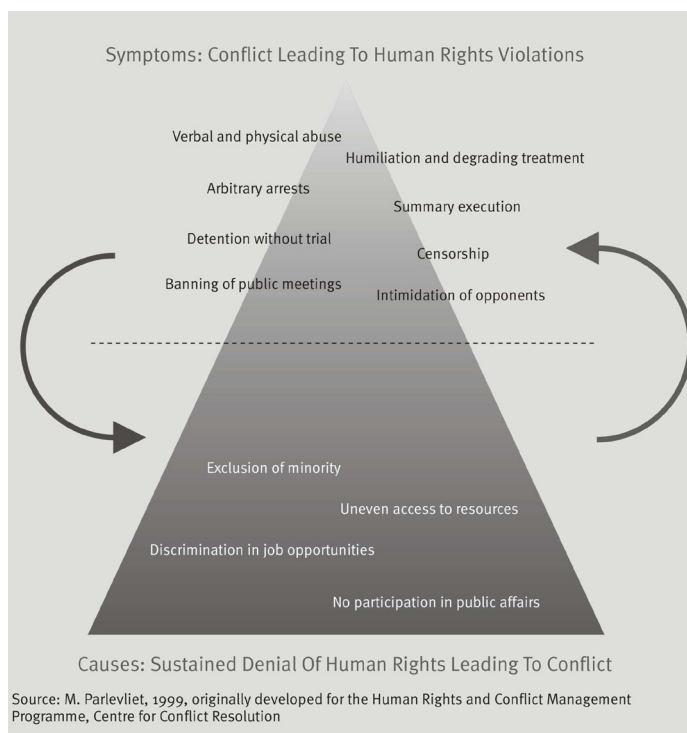
The top of the iceberg, above the waterline, represents human rights violations as consequences (or symptoms) of violent conflict. Like the top, these violations are usually highly visible (summary executions; disappearances; no access to health care and education due to destruction of clinics and schools, etc.)

The bottom of the iceberg below the waterline symbolises violations of human rights as cause of conflict. It represents situations where denial of human rights is embedded in the structures of society and governance, in terms of how the state is organised, how institutions operate and society functions. For example, a country's laws and policy framework may be biased against certain identity groups resulting in their political exclusion and social and economic marginalisation.

The relative size of the iceberg above and below the waterline reflects that it is more important to focus on the structural, underlying, causes of conflict than only on the manifestations, or symptoms/consequences of conflict. (NB: the image of a hippopotamus in water illustrates the same point; use that if it's easier to image in a specific local context.)

The diagram to the right is a schematic illustration of the iceberg, which illustrates the dynamic interaction that exists between human rights violations as causes and symptoms/ consequences of violent conflict. Denial of human rights as a cause of conflict gives rise to human rights violations as symptoms and consequences of conflict (arrow on the right).

Yet, if a pattern of (symptomatic) abuses continues for a long period of time, it can gradually become a structural condition in and of its own right that fuels further conflict. This can happen with systematic torture, extensive and indiscriminate killings, destruction of livelihoods and widespread impunity (arrow on the left).



Adjusted from diagramme previously published in Parlevliet, M. 2009. "Rethinking Conflict Transformation from a Human Rights Perspective", in: Fischer, M. and Schmelzle, B. (eds.), Berghof Handbook for Conflict Transformation, Berlin: Berghof Conflict Research, p. 6, at http://www.berghof-handbook.net/uploads/download/parlevliet_handbook.pdf.

Box 3: The Iceberg Continued: Problems, Activities and Desired Outcomes at the Level of Human Rights Violations as Causes and as Symptoms

Understanding the distinction between human rights violations as causes and consequences of (violent) conflict is important for development practitioners concerned with human rights, conflict and peace. This is because the problems to be addressed are different at the two levels and so are the desired outcomes; consequently, activities to be undertaken at either level differ too.

When one is mostly concerned with human rights violations as a symptom of conflict, the primary objective is to protect people from further abuses. Activities are then aimed at mitigating, alleviating, and containing the destructive manifestation of conflict. In other words, the primary focus is on direct, physical violence, with a view to establishing negative peace (peace defined as the absence of violence, also sometimes referred to as ‘fragile’ peace).

Yet when human rights violations are causing conflict, the primary focus is on structural and cultural violence – which refers to situations where injustice, repression and exploitation are built into the structures of society, and where individuals or groups are damaged due to differential access to resources and opportunities. Activities then seek to reduce the level of structural violence through addressing and transforming the structural, systemic conditions that can give rise to conflict and violence in a society, with a view to establishing positive peace (peace defined through the presence of certain conditions: political equality and social justice, including constructive inter-group relationships; this is also sometimes referred to as ‘sustainable’ peace, ‘durable’ peace, or ‘lasting’ peace.)

The figure below provides some examples:

Symptoms:

(Violent) conflict leading to human rights violations

Iceberg

Above water: visible

Primary Concern

Direct, physical violence

Problem to Address

Protecting people from serious human rights violations resulting from violent conflict

Relevant Activities

- HR monitoring & reporting
- Fact-finding & investigations
- Humanitarian assistance
- Settling displaced people
- Deploying peacekeepers
- Establishing peace constituencies
- Negotiating schools or other public places as 'zones of peace'
- Negotiating ceasefire agreements
- Peacemaking, peacekeeping

Desired Outcome

- Negative peace (Sometimes referred to as 'fragile' peace)
- End to violence
Cessation of hostilities and prevention of further abuses; ceasefire

Causes:

Sustained denial of human rights leading to (violent) conflict

Iceberg

Below water: less visible

Primary Concern

Structural & cultural violence

Problem to Address

Addressing the structural conditions that give rise to violent conflict

Relevant Activities

- Peacebuilding
- Strengthening rule of law
- Development & reconstruction
- Reform of security & judicial sector, legal reform
- Institution-building
- HR protection & promotion
- Reintegrating & rehabilitating former combatants
- Dealing with past HR violations/transitional justice
- Accommodating diversity
- Enhancing service delivery
- Strengthening civil society
- Strengthening relations between state - civil society
- Institutionalising accountability mechanisms
- Peace education
- Peace journalism

Desired Outcome

- Positive peace (At times referred to as 'sustainable', 'durable' or 'lasting' peace)
- Political equality & socio-economic justice; constructive inter-group relations; effective & legitimate mechanisms to manage societal tensions without violence.

In many instances, both levels of the human rights/violent conflict-relationship are present at the same time in a given context.

Box 4: Understanding Basic Human Needs, and Needs & Rights

In the conflict field, needs are perceived as an integral part of human beings; they function as universal drivers for the motivation and mobilisation of human beings. Needs relate to both material and non-material concerns: food, shelter, but also identity, recognition, personal development, etc. Needs are considered to be non-negotiable, which means that they cannot be traded away nor can they be ignored or repressed. They are so fundamental to human survival, subsistence and development that people will continue to seek ways to meet their needs – even if these are frustrated. Helpful categorisations of needs are the following:

Galtung & Wirak, 1977

Welfare, Security, Identity, Freedom

Miall, 2004

Access (referring to economic and political participation)

Acceptance (referring to recognition of identity and culture)

Security (referring to nutrition, shelter, physical security)

Max-Neeff, 1991

Subsistence, Protection, Affection, Understanding, Participation, Leisure, Creation, Freedom, Identity

The conflict field understands basic human needs as interrelated, and as having no hierarchy between them. This lack of hierarchy can explain why, in a context of political exclusion and economic deprivation, individuals belonging to a certain identity group may persistently challenge the status quo in order to meet needs for identity, recognition, and participation – even if this puts the immediate satisfaction of other needs at risk, such as subsistence and protection.

While basic human needs are seen as constant across cultures and throughout time, the way in which or the means by which those needs are satisfied (also referred to as ‘satisfiers’), changes over time and between cultures. The satisfiers of choice for particular needs may also differ from individual to individual, or from community to community in the same country. Thus, whereas basic human needs are not negotiable, the possible satisfiers are negotiable. They will vary depending on the context; satisfiers are thus culturally determined. Also, multiple satisfiers exist for each basic human need; there is no one fixed satisfier for each need (for example, some may meet their need for identity by becoming members of a gang; others may meet the same need by going into politics, or obtaining a university degree.) Satisfiers can be constructive or destructive, in terms of impact on oneself, others and the wider environment – for example, engaging in violence (as a satisfier for the need for protection) is likely to be more destructive than treating others with respect.¹

Needs conceived in this way are closely related to human rights. All human rights relate to one or several needs. Thus, failure to protect rights means that basic human needs are not met, which generates tension in society. Such tension can generate positive energy that can encourage different stakeholders within society to take steps towards the necessary change. However, if such tension is ignored, used destructively, or repressed by those in power, it creates a potential for violence. Please note that the distinction between needs and satisfiers is also relevant for human rights: human rights are not negotiable, but the way in which rights are recognised and implemented is negotiable. For example, institutionalised respect for human rights strongly points to democratic governance as the necessary basis for the sustainable and effective prevention of destructive conflict and the management of normal political and social conflict. Yet there is no single form of democracy that applies across the globe.

When working with the notion of basic human needs in the way suggested in this publication, keep in mind that individuals and communities living in contexts affected by violent conflict, when expressing their needs, may not use the same terms as are used here. For example, they may speak of ‘respect’ rather than ‘identity’ or ‘affection.’ Also, people you engage with may convey their demands for satisfiers in terms of ‘needs’ language (e.g. ‘we need jobs/ political power/ more police on the streets’). It is then up to you listen carefully for the underlying needs that are implicitly expressed through the specific satisfiers pursued, and to ask questions as appropriate.

Why use the notion ‘basic human needs’ if the development field has moved on to using rights language?

In the development sector, ‘rights’ language is now widely being used to reflect that ‘beneficiaries’ are ‘rights-holders’ and that development cooperation supports people in realising their ‘entitlements’ rather than providing ‘charity.’ Rights language is meant to empower people to advocate for structural change. At times, it has been argued that ‘needs’ language may lead to blaming vulnerable people for having needs they cannot satisfy themselves which places them in a dependent relationship with those who can meet needs. Yet in this publication, the notion of basic human needs is understood in a different sense, informed by conflict transformation. It is used here to explain the relationship between human rights and conflict, and to highlight the significance of human rights through recognition of the close link between human needs and human rights.

1 The distinction between needs and satisfiers comes from Max-Neef (1991); 16-28.

Box 5: Human Rights and Conflict Transformation ‘Lenses’

The following chart provides an overview of the different perspectives that human rights and conflict transformation bring to development cooperation. Please note that the chart is not exhaustive and provides summary information.

Objective

■ Human Rights

Human rights efforts aim to create conditions in which individuals and groups are protected against abuse, where they have access to social services and to fair and institutionalised mechanisms for holding the state accountable; where their dignity is respected; and where they can develop their full potential without being discriminated against (i.e. rights-respecting government and rights-respecting polity).

■ Conflict Transformation

Conflict transformation work seeks to achieve sustainable peace: the absence of direct, cultural and structural violence, i.e. conditions characterised by social justice through equal opportunity and protection; a fair distribution of power, resources & opportunities, equal protection and impartial enforcement of the law, healthy inter-group relations and where individuals, communities, and institutions are willing and able to negotiate differences and handle conflict constructively, without violence.

Focus

■ Human Rights

- Facilitating effective & legitimate social change
- Individuals & their legal entitlements
- State obligations (i.e. formal legal obligations)
- Interaction between state & citizens (i.e. vertical relationships: institutionalised judicial, social, financial accountability)
- Dealing with immediate abuses and systemic change (through monitoring; advice; legislative, policy and institutional reform)
- Achieve solutions that comply with international human rights standards & principles
- Capacity of state (as duty-bearer) to respect, protect and fulfil rights and capacity of citizens (as rights-holders) to claim and exercise rights

■ Conflict Transformation

- Facilitating effective & legitimate social change
- Social, cultural or political group as unit of analysis
- Interaction between and within groups, and between groups and the state (i.e. the quality of vertical and horizontal relationships)
- Understanding and dealing with immediate manifestations of (violent) conflict (i.e. conflict behaviour) and underlying, structural, causes (attitudes, conditions, relationships)

- Achieve solutions that address the interests of all parties
- Capacity of state, institutions, communities and individuals to handle conflict constructively (i.e. non-violently)

Provides / Brings

- Human Rights
 - 'Objective', legally binding criteria to assess outcome and design of processes
 - Ownership in that HR treaties have been ratified by partner countries
 - Analytical tools (what are the conditions pertaining to rights realisation and why do these exist?)
 - Guidance for development of indicators to measures results/ process/impact
 - Tools to implement the human rights-based approach (HRBA)
- Conflict Transformation
 - Conflict sensitivity (tools to minimise negative impact on local conflict dynamics and maximise peace-relevance of interventions)
 - Methods and instruments for non-violent conflict management, i.e. facilitation of dialogue; mediation; joint problem-solving; interest-based negotiation; process design
 - Tools such as conflict analysis (causes, actor, relationships, stages and dynamics of conflict)
 - Tools to implement 'Do No Harm', peace and conflict assessment (PCA)

Process orientation

- Human Rights
 - Normative: process is to reflect principles of participation and empowerment; accountability and transparency; equal opportunities and non-discrimination
 - Creating constructive dialogue between state and citizens/civil society, with a focus towards institutionalisation
- Conflict Transformation
 - Normative: multi-stakeholder, elicitive approach; emphasis on participation, inclusion, fairness
 - Creating safe spaces for dialogue in which parties can meaningfully engage with one another and gain appreciation for one another's interests and needs
 - Bringing people together across ethnic, political, religious, social and cultural divides

Key points

- Human Rights
 - HRBA constitutes a paradigm shift (from beneficiaries to rights-holders; from service providers to duty-bearers; from needs & charity to rights/entitlements)
 - Addresses root causes of HR violations
 - Strengthens 'voice' (rights-holders/ citizens) and accountability (response by duty-bearers/state)

- Universal standards: there is some flexibility re. rights implementation, yet a 'bottom line' exists
- May value shared norm over context specificity; solutions for problems in specific context sought in application of global norms
- Conflict Transformation
 - Addressing direct, cultural and structural violence through long-term transformation process at different levels involving various actors without being partial (systemic approach)
 - Building on capacities for peace available in local context
 - Emphasis on facilitating participatory vision for peace
 - Relevance of and need for interest-based approaches to addressing conflict in general and in specific disputes
 - May value context-specific needs over universal norms; solutions for problems in specific context sought through design of process

Relevant strategies

- Human Rights
 - Human rights education, training, mobilisation, advocacy, rights campaigns
 - Human rights monitoring, reporting, fact-finding
 - Paralegal training & legal assistance
 - Support to legislative, policy & institutional reform
 - Developing & strengthening complaints and/or other accountability mechanisms
 - Advice to integrate HRBA in existing programmes by development agencies and partners
- Conflict Transformation
 - Peace education
 - Training and capacity-building in conflict management; community mediation
 - Facilitation of dialogue and cooperation between diverse groups; mediation
 - Crisis intervention, incl. accompaniment, interpositioning, third party intervention
 - Trauma work and facilitating reconciliation processes; strengthening reintegration and rehabilitation of groups badly affected by violence
 - Advice on institutional reform to address underlying causes of conflict & assist with transformation of relationships within new or changed institutions
 - Strengthening information and communication structures/channels
 - Advice to integrate conflict sensitivity in existing programmes & by development agencies and partners)

Box 6a: Contributions of Human Rights to Conflict Transformation

The realisation of human rights can contribute to the transformation of violent conflict, and vice versa. The boxes below and on the next page explain several ways in which conflict transformation can promote human rights, and human rights work can work towards conflict transformation. Please note that these boxes are not exhaustive.

Ways in which human rights/HRBA work is relevant for and can advance conflict transformation

- Human rights provide a framework for handling and transforming conflict. In conflict transformation processes, human rights standards provide the parameters within which solutions must be found, and human rights principles (relating to participation, transparency, accountability, accessibility, non-discrimination) can inform the design of such processes. Also, a human rights approach can provide a common framework for working out competing claims, thereby helping parties to assess different options for solutions. It may move them towards providing motivations for their demands rather than relying on assertions of political and military power. In addition, the legitimacy and sustainability of agreements is generally enhanced if these comply with human rights standards.
- Promotion of human rights addresses many of the root causes of conflict. Human rights concerns are often at the core of conflict, as they relate to the distribution of power, resources, and opportunities, and to issues of security, identity, freedom, and participation. (Former UN Secretary-General Kofi Annan identified inequality, injustice, inequity and insecurity as ‘key structural risk factors that fuel violent conflict’ in his first Report on the Prevention of Armed Conflict.)² Human rights promotion and protection is thus essential to the development of a lasting peace or a meaningful, stable democracy on the long term.
- Institutionalising interaction between marginalised groups and the state. A HRBA helps to institutionalise interaction between marginalised groups and the state in a sustainable and non-violent way, for example through establishment of complaints mechanisms. Such mechanisms help to strengthen the accountability of the state and provide citizens with a channel for raising concerns, thereby reducing the risk that marginalised groups resort to violence or are mobilised to that end.
- Safeguard against abuse of power. Institutionalised human rights mechanisms – including, for example, a national human rights commission or ombudsman office, constitutional endorsement of human rights and independence of the judiciary, entrenching respect for diversity in the law – can act as a safeguard against abuse of power by the state. They function as mechanisms for constructive conflict management by enhancing the state’s capacity to manage possible social tensions in a non-violent way and by providing redress to individuals and/or groups whose rights have been violated. Human rights can thus contribute to sustainable and non-violent state/citizen relationships. Their realisation requires strengthening the capacity of both the state (as duty-bearer) and citizens (as rights-holders). It also works towards a situation where citizens’ legitimate claims being met by a client-oriented administration.

- Human rights can offer a source of common values that can bridge differences across parties/groups. Human rights issues generally run across communities, especially when relating to protection of vulnerable groups (e.g. women, children, missing persons). Discussion of such issues can provide a forum where communities or opposing parties can engage with one another across divisions (In the Philippines for example, the Government and the Moslem Islamic Liberation Front concluded a civilian protection accord in October 2009 out of a common concern with the safety of the civilian population). Also, an extensive dialogue process about the formulation of a Bill of Rights can help to bring a diverse population together around a common set of values and principles. (This happened for example in South Africa during the constitution-drafting process.)
- Human rights reporting can provide early warning information on potential inter-group tension. Human rights violations generally increase prior to the outbreak of large-scale violence. Organisations that monitor and report on violations can hence draw attention to deteriorating situations.
- Presence of human rights monitors can reduce violence. In situations of political instability and violent conflict, the active presence of human rights monitors can reduce violence by providing a constant reminder to armed factions that ‘the world is watching.’ Their presence may be a part of a political settlement (to ensure compliance) or it can occur as a prelude to negotiations and a settlement, as a confidence-building mechanism.

Drawn from Parlevliet, M. (2002), ‘Bridging the Divide’, Track Two, CCR, Cape Town; Babbitt, E. & Williams, K. (2008), ‘Focus on Coexistence and Human Rights’, Coexistence International, July; Arnold, K. (1998), ‘Exploring the Relationship between Human Rights and Conflict Resolution’, Track Two, CCR, Cape Town; Manikkalingam, R. (2008), ‘Promoting Peace and Protecting Rights’, Essex Human Rights Review Vol. 5, No. 1, p. 1-12.

- 2 Annan, Kofi (2001). Prevention of Armed Conflict. Report of the Secretary-General to the United Nations Assembly and Security Council. Document A/55/985-S/2001/574. New York: United Nations.

Box 6b: Contributions of Conflict Transformation to Human Rights

Ways in which conflict transformation work is relevant for and can advance human rights

- Facilitated channel of communication for raising rights-related issues. Conflict transformation work seeks to facilitate dialogue amongst different (and/or opposing) individuals and groups. It thus provides a facilitated channel of communication through which individuals and communities can express grievances related to injustice, insecurity, inequity and inequality. The non-judgemental nature of such processes may help communities to 'hear' from one another about rights violations. In addition, in situations where human rights defenders do not have access to certain parties, conflict transformation processes offer a channel to disseminate information about rights and to engage parties on why or how respecting rights of others may be in their interest. It can also be a channel to assert leverage in negotiations/mediation processes, i.e. by passing on information strategically that certain violators are known/named.
- Addressing structural violence. Conflict transformation addresses the direct, cultural, and structural violence that generates conflict (all of which have a human rights dimension), and seeks to deal with structural inequalities and to enhance the legitimacy and capacity of the state.
- Practices, tools and instruments. Conflict transformation offers a range of practices, instruments and tools to accompany the process of social transformation that both conflict transformation and a HRBA seek to trigger and support.
- Modelling non-violent conflict handling and enhancing access to redress. Conflict transformation interventions promote and model constructive, non-violent ways of dealing with conflict through their emphasis on interest-based dialogue and joint problem-solving. They enhance communication and relationships between individuals and groups, using these as a central tool for transformation. Mediation programs prevent the use of violence by providing a mechanism for settling disputes, thus ensuring respect for the right to life and physical and mental integrity. They can facilitate access to redress for individuals or groups whose rights have been violated, and may function as an alternative to litigation in contexts where the formal judicial system is inaccessible, illegitimate, and/or ineffective. Mediation ensures that there is a listening space for the situation as perceived by the parties and acknowledges existing emotions and perceptions. It thereby helps parties to shift from their positions to their underlying interests and needs, and opening up possibilities for finding solutions that work for all parties involved.³
- Peace education promotes human rights values and principles. An important part of conflict transformation work is peace education, which generally covers various areas, including issues of identity, causes of conflict, conflict management skills, non-violent communication. It also often involves awareness-raising on human rights values, principles and standards, as well as empowerment to claim human rights in a constructive way.

- Enhancing democratic space and reduction of incitement to violence. Conflict transformation programmes work with the media. They contribute to realise the right to freedom of information and freedom of expression, and promoting conflict-sensitive journalism. By providing spaces for dialogue on issues of common concern, across divided communities, conflict transformation can increase the democratic space and reduce the likelihood of the media being used to incite violence.
- Promotion of rights of association and civic engagement and freedom of speech. Conflict transformation practitioners often work with civil society organisations across divides, with a view to supporting local capacities for peace, i.e. enabling civil society to play a constructive role in their divided society and come together around a common vision for peace. Activities with civil society organisations (capacity-building, training, facilitation of dialogue, etc.), promote freedom of speech and association as well as civic engagement, both explicitly and implicitly.

Drawn from Parlevliet, M. (2002), 'Bridging the Divide', Track Two, CCR, Cape Town; Babbitt, E. & Williams, K. (2008), 'Focus on Coexistence and Human Rights', Coexistence International, July; Arnold, K. (1998), 'Exploring the Relationship between Human Rights and Conflict Resolution', Track Two, CCR, Cape Town.

- 3 It should be noted that 'mediation programs' as referred to here, should not automatically be equated with 'traditional dispute resolution mechanisms' by local elders. These latter mechanisms are often considered flawed for they may reinforce existing power imbalances, be insensitive to gender concerns, and/or not comply with due process concerns. Mediation programs as used here may be implemented by local civil society organisations in partner countries; they may draw on existing practices yet modify them in a way to ensure that dispute resolution abides by human rights standards.

Box 7: Direct, Structural and Cultural Violence

Direct violence

- **Explanation**
Physical (or psychological) damage is inflicted onto another person or other persons; a direct relationship exists between perpetrator and victim.
- **Human Rights Relevance**
The rights of an individual or group are violated by the state or abused by a non-state actor; if the latter, the state fails to protect the rights of the individual or group as it is supposed to do. Rights involved are civil and political rights (right to life, to bodily and mental integrity, freedom from torture, freedom of speech and association, etc.).

Structural violence

- **Explanation**
Situations where injustice, repression and exploitation are built into the fundamental structures in society. Individuals and groups are damaged due to differential access to social resources built into a social system; there is no direct relationship between perpetrator and victim.
- **Human Rights Relevance**
The rights of an individual or group are denied by the way society functions and the state is organised. Individuals or groups cannot exercise their rights (civil, political, social, economic, cultural) and are not able to develop their full potential as they have differential access to social, political and economic resources.

Cultural violence

- **Explanation**
Beliefs, attitudes, stereotypes and prejudices about others that facilitate both, violent behaviour by individuals/groups/the state and violent structures.
- **Human Rights Relevance**
The humanity and dignity of individuals or groups is denied (stereotyping or demonising of 'the other'). They are therefore not afforded the respect and treatment due to them as human beings and can easily be subjected to discrimination and physical violence.

Example:

The murder of a black woman (for example, in a South African township, an American inner-city neighbourhood, or a Brazilian favela) constitutes direct violence in that she experiences a physical attack that leads to her loss of life. The judicial system's failure to investigate her murder in a prompt, efficient and substantial manner, can be understood as structural violence, especially when it is part of a consistent pattern of failure to address criminal cases addressing black victims. An additional form of

structural violence may be that the woman never had the chance to go to school (or finish her school), which meant that she was uneducated and unemployed, and that she lived in an impoverished, overpopulated area without proper infrastructure in terms of security and access to the police, health services, means of communication and so on. These conditions put her more at risk and systematically provided her little opportunity to develop her potential. Finally, ideas that black people are inferior or less worthy of proper care, or that the woman ‘must have done something to solicit the attack’ / ‘was not a proper woman anyway’ / ‘should not have been walking outside at that time’ / ‘was asking for it with the clothes she was wearing’ are evidence of cultural violence: they are beliefs, stereotypes and prejudices that enable society to condone certain events or patterns or that ensure that these events and patterns are not even consciously noted as problematic.

Linking direct, structural and cultural violence to iceberg image:

Direct violence forms the top of the iceberg, and structural violence makes up the bottom of the iceberg. Cultural violence permeates the entire mass of ice. It lies below the water line to the extent that attitudes and values are ingrained and embedded in individuals, communities, and society at large, and go largely unnoticed. Yet it may manifest above the water line in how people treat and perceive one another or in the (derogatory) words they use to refer to others.

Relevance for conflict transformation:

Conflict transformation seeks to address and transform all three forms of violence.

Box 8: Areas for Development Interventions with Both Human Rights and Conflict Transformation Relevance

The box below lists areas which are often targeted in the context of development cooperation, and which are relevant from both perspectives. When working on any of these areas as a development practitioner, it is useful to incorporate insights and approaches from both fields.

- Land Reform. Ensuring a fair and equitable distribution of land will decrease the likelihood of exploitation and will increase people's ability to enjoy an adequate standard of living. It is also likely to reduce tensions that can lead to the outbreak of violence.
- Dealing with the past/ transitional justice. This addresses impunity by establishing accountability; it also enhances respect for human rights and provides redress to victims, by restoring their dignity, amongst other things. It can help to establish an authoritative record of what happened and what circumstances led to large scale abuses; this can inform institutional reform and provide a basis for reconciliation (see also the exercise in Box 24).
- Security sector reform. Such reform enhances civilian supremacy over the security forces, enhances internal accountability mechanisms and establishes clear standards for use of force by security forces. It thus reduces the risk of abuse of power and limits the role of security forces in the political process.
- Justice sector reform. Promoting effective functioning of courts and law enforcement, ensuring laws comply with international standards, and supporting independent human rights complaints mechanisms (national human rights commissions/ ombudsman's offices) can help to mitigate the outbreak of violence.
- Disarmament, demobilisation and reintegration. This reduces the proliferation of arms, helps former combatants to transform a militaristic mode of mind and life, and facilitates their reintegration into civilian society, thus reducing the likelihood that conflicts are settled by violence and/or that such individuals are mobilised for violence in future.
- Support to the media. Promoting the freedom, independence, pluralism and professionalism of the media contributes to the right of information, freedom of expression, citizens' participation in public affairs. It can also strengthen accountability through reporting on corruption and rights violations; creates a forum for dialogue in divided societies; and makes journalism more conflict-sensitive and rights-aware.
- Local governance and decentralisation. This can strengthen the legitimacy of the state, improve service delivery and enhance citizens' participation in decision-making, which enhances realisation of political, social and economic rights and reduces the likelihood of abuse of power by the state, hence serving as conflict prevention mechanisms.

Please note that this list is not exhaustive!

Box 9a: Human Rights-Based Questions to Inform and Enhance Conflict Transformation work

Below are some questions to consider from a human rights perspective that can enhance development efforts geared towards conflict transformation. Please note that this list is indicative rather than exhaustive!

Analysis

- What human rights framework applies to this context/situation (use the UN-General Comments⁴)? What is the relevant domestic legal framework and what are the applicable international human rights standards?
- Has the situation analysis been conducted with human rights standards and principles in mind?
- What human rights issues are at stake in this context and how are they at stake? In what way do they manifest in society? (For example, in a land reform programme, use the right to food and housing standards, amongst others).
- To what extent does the current legislative and policy framework institutionalise/condone/ or facilitate unequal access to resources, power and opportunities? If framework is compliant with international human rights standards: to what extent is this reflected in administrative, judicial and financial practices?
- In terms of access to rights, processes and resources, are there specific population groups that are systematically excluded? If yes, who are they, how are they excluded, and why are they excluded?
- What do social indicators (income, housing, health, education) disaggregated by sex, ethnicity, social status, income, education level etc. reveal about structural inequalities?
- How do political structures and institutions reflect human rights principles (e.g. how can people participate in public decisions apart from elections)? What mechanisms are available to citizens to voice grievances/complaints in a non-violent way, and who has access to them (use UN-Concluding Observations⁵, if existing)?
- To what extent are rights-holders and duty-bearers familiar with, respectively, their entitlements and their obligations? To what extent are human rights recognised in the specific cultural context? What cultural norms exist locally, which can be linked to human rights values (such as dignity, fairness, etc.?)
- To what extent do rights-holders have the capacity to claim and exercise their rights, and duty-bearers the capacity to meet their obligations to respect, protect and fulfil the rights of citizens? What capacity gaps exist (use UN-Concluding Observations, if existing)?

Design & Focus

- How does this project/programme enhance the accountability of duty-bearers and what mechanisms are used to facilitate such accountability? How can the programme enhance accountability (e.g. by supporting complaints mechanisms)?
- How does this project/programme enhance the space for and ability of rights-holders to raise their voice and claim their rights? How does the project/programme secure their equal, informed and meaningful participation?
- How are concerns of social inclusion addressed in terms of who is targeted, and as relating to the question of who is involved in design, implementation, and monitoring? Does the project/programme undertake efforts to include those individuals/groups who are usually excluded (e.g. on grounds of language; literacy; age; ethnicity; social status; health and disability) and how can the effectiveness of such efforts be strengthened?
- Does this project/programme address human rights violations at the level of symptoms as well as at the level of causes? If it does not, what measures can it take to do so and/or coordinate its activities with other interventions targeting the other level?
- Does the project/programme have a do no harm strategy?
- How does this project/programme contribute to structural changes (e.g. law reform, security sector reform, strengthening the rule of law and national institutions for human rights protection and promotion, etc.) at different levels of society (micro, meso, macro)?
- How can this project/programme enhance the capacity of rights-holders and duty-bearers and help them to engage in constructive dialogue with one another? In what ways does it work towards institutionalising accountability mechanisms between them?

Process of implementation

- How is transparency safeguarded in the design and implementation of this project/programme? What measures can be taken to enhance transparency?
- How does the way in which the project/programme is implemented, reflect and put into practice key human rights standards (such as: the right to food, the right to education, the right to participate in public affairs etc., use the respective UN-General Comments) and principles (participation and empowerment; accountability and transparency; non-discrimination and equality of opportunities)? Which measures can be taken to enhance this?
- Does the timing, location, language or methods for project/program implementation mitigate constraints on marginalised people to participate and how can this be enhanced?
- How can this project/programme facilitate interaction between duty-bearers and rights-holders? What measures can be taken to strengthen such interaction and ensure its continuation on the long term?
- What empowerment or capacity-building is necessary to enhance the capacity of rights-holders and duty-bearers to engage in meaningful, constructive dialogue?

Monitoring & Evaluation

- Does the project/programme use disaggregated data (regarding sex, ethnicity, social status, income, education level, etc.) to monitor activities and results to establish more clearly who benefited from the project/programme? If not, how can this be ensured?
- Does the project/programme involve stakeholders in a process of feedback and dialogue to enhance monitoring and evaluation in a meaningful way and how can this be enhanced?

- 4 The UN Human Rights Committee publishes its interpretation of human rights provisions, in the form of General Comments on thematic issues. For more information, see <http://www2.ohchr.org/english/bodies/hrc/comments.htm>.
- 5 The UN Human Rights Committee may issue concluding observations to a state after review of periodic reports submitted by that state in line with obligations under treaties such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

Box 9b: Conflict Transformation-Based Questions to Inform and Enhance Human Rights Work

Below are some questions to consider from a conflict transformation perspective that can enhance human rights work. Please note that this list is indicative rather than exhaustive!

Analysis

- How sound is the analysis underpinning the (proposed) project/programme, and how has this analysis been developed (on the basis of what information and with whose involvement)?
- What are the conflict dynamics (conflict lines, actors) in the different project/programme regions?
- What kind of dividers and connectors exist within society? ⁶
- What is the vision for peace in the country/region/communities? What are the specific peacebuilding needs to realise this vision?
- How may this project/program interact with conflict dynamics and issues in the areas where it is implemented? To what extent can it feed into existing tensions, and what measures can be taken to mitigate these?

Design & Focus

- Where is the project/ program intended to take place (geographical area) and on what basis was this decision made? What implications does this decision have (positive and negative), and how can negative ones be mitigated? Does this geographical focus feed in any way into existing patterns of marginalisation?
- How does the project/programme reduce dividers and foster existing connectors in order to strengthen peacebuilding-processes? What measures can be taken to do this to a greater extent?
- Does the project/programme have any potential of contributing to the fulfilment of specific peacebuilding needs (i.e. peacebuilding relevance)? How can this be enhanced?
- What individuals/groups/organisations are targeted through this project/programme, and how does this relate to existing patterns of conflict and/or marginalisation? What is the link of partners/ beneficiaries/ staff to the conflict? Are there any important actors that can impact on the project/program (positively or negatively) that should be involved, and if so, how can this be ensured?
- To what extent does this project/program link the symptoms of conflict to its (rights related) causes? How can the focus on causes be strengthened?
- How can this project/program assist in developing a joint vision of the future and/ or facilitate a dialogue about the desired future between diverse individuals/ groups/ organisations/ actors?
- How does the project/program take the local context into account with its existing values, understanding of human rights and, if existing, the traditional rights system?

How does it envision possible tensions in this regard and how might the realisation/ implementation of human rights be influenced by the context? What systems of making amends after conflict already exist locally and what values guide these systems?

Process of implementation

- To what extent does the project/programme promote democratic values and practice in how the project/ programme was designed and implemented? How can this be enhanced?
- How can this project/programme promote constructive (participatory, dialogue- and interest-based) decision-making and negotiation (amongst the implementers themselves, but also in the relationship between development workers and communities)?
- To what extent and how can this project/programme create space for bringing people with different experiences and perspectives together, across social/ political/ economic/ cultural divides? What about facilitation of vertical and horizontal linkages between actors at different levels in society? ⁷ What measures can be taken to enhance such linkages?
- Is this project/programme working with actors that are somehow linked to the conflict dynamics, either by being considered (by others) as privileged, partial or even perpetrators? To what extent may the project/ programme alienate or offend groups by working with specific actors, and if so, what measures are taken to address this?
- How can this activity/project/programme strengthen capacity amongst actors and local partners for constructive problem-solving, dialogue, and interest-based negotiation? To what extent can this be an implicit or explicit intention of the project/program?
- How can this activity/project/programme strengthen the partners' ability to respond swiftly to or address tensions that may arise in the context of the project/program and/ or the communities in which they work? (Think of ability in terms of skills: strategies; networks; information flow; risk management, etc.)
- How can this project/programme foster and strengthen the institutionalization of horizontal and vertical linkages as well as of mechanisms for constructive, i.e. non-violent, conflict management?
- To what extent does the project/programme promote self-reliance in the individuals/ communities/ organisations targeted (in terms of skills, attitudes, mechanisms)? Also, how can it assist in furthering actors' sense of responsibility for their own actions and the implications thereof (for others and conflict dynamics in the specific context)?
- Is the project/programme potentially putting partners, staff or beneficiaries at risk by addressing certain rights-related issues? What measures can or should be taken to mitigate such risk?

Monitoring and Evaluation

- What kind of ongoing analysis is envisaged during the implementation of the project/ programme to assess its impact on local conflict dynamics and issues? How are the findings of ongoing analysis going to be incorporated in the remainder of the project/ programme?
- Is the monitoring system designed in a way that it permits a continuous analysis of the conflict context and its repercussions on the programme (conflict-related impact

monitoring)? What are the mechanisms and strategies at hand to mitigate risks and respond to repercussions/changes?

- Is the project/programme conflict sensitive (in the sense of do no harm) and/or how will it adapt its strategies, methodologies or approach in order to minimise negative impacts on conflict dynamics and instead maximise potential impacts on peacebuilding?

Adapted from Conflict Transformation Checklist developed for Danida's Human Rights and Good Governance Programme, Nepal, 2007.

- 6 The term 'dividers' refers to persons, organisations, symbols, attitudes and values in a specific context that may divide people in a society or community; 'connectors' refers to persons, organisations, symbols, attitudes and values that serve to connect people and strengthen the foundation for sustainable peace. For example, local market places sometimes serve as connectors in conflict situations if they continue to function; they may constitute a space where people from opposing sides continue to engage with one another across political/ethnic/religious/cultural divides.
- 7 'Vertical' linkages refer to interaction and relationships between persons and groups operating at different levels of authority (for example, senior governmental officials interacting with a grassroots community). 'Horizontal' linkages refer to interaction and relationships between persons and groups who are located at the same level in society, but experience political/social/ cultural/ ethnic and other divisions (see [box 23](#))

Box 10: Analysis for Human Rights- and/or Conflict Transformation-Oriented Development Practitioners

Existing conflict analysis tools often overlook human rights dimensions, yet a rights-based analysis can make an important contribution by helping to identify proximate and structural causes of conflict. Proximate – or immediate, short-term – causes of conflict are often associated with violations of civil and political rights, while structural causes relate to structural inequalities that are usually reflected in social indicators – on income, health, housing, education; these tend to be skewed towards one group. Rights-based analysis also helps to determine the most excluded groups in society by disaggregating data according to sex, citizenship, social status, ethnicity, and other such factors. This is important to take into account when assessing the conflict sensitivity of a planned project/programme and/or designing measures to enhance conflict sensitivity. Analysis of actors involved in conflict can be enhanced by analysing who are rights-holders and duty-bearers in a given context.

In the same way, tools to apply rights perspectives in development work can benefit from an analysis of conflict dynamics in a particular setting, and from conflict sensitivity assessments; these are often neglected in a human rights-based approach. Conflict analysis will allow human rights-focused development practitioners to understand the intricacies of the local context when designing interventions, and can strengthen their lobby or advisory efforts as they engage with state institutions, civil society organizations and citizens on human rights issues. In addition, a conflict transformation perspective highlights the value of the process of analysing (besides the outcome of that process, i.e. the analysis that results from it). For example, the relationships and sense of ownership developed in the course of a joint exercise of conflict mapping, can be used when dealing with issues that are controversial. The rapport built up between different stakeholders during a joint conflict or context analysis can help in bringing issues to the surface and addressing difficulties between them. The experience of the process builds their confidence that such issues can be dealt with in a safe space.

In general, political context mapping and governance assessments can provide an entry point for analyzing the relationship between conflict and human rights in a specific context/country.

Considering Human Rights in the Peace and Conflict Assessment (PCA)

Below are some examples of where and how human rights can be considered – or may already be present – in the PCA, either implicitly or explicitly:

- Conflict Profile and Causes: Human rights probably arise most clearly in the peace and conflict analysis of the PCA when it comes to the conflict profile (human rights information can serve as key conflict data) and the causes of the conflict.

- Connectors, Dividers: In terms of factors for peace and conflict, human rights may appear as connectors, in the form of values or norms that connect people and/or reflected in cultural systems that encourage non-violent attitudes and non-violent dispute resolution. Elements of a society in conflict that are actively engaged in undermining human rights can be seen as dividers (e.g. a discriminatory legal system; a specific gang or warlord; legal provisions that facilitate impunity for abuses by security forces, etc.).
- Vision for Peace: Human rights can inform the development of a joint vision for peace, and can assist in the identification and prioritisation of peacebuilding needs (e.g. by considering the capacity of the state to meet its obligations).
- Risk Management: Data about the human rights situation can enhance risk management by feeding into the analysis of security and personal safety and context monitoring (e.g. what about freedom of movement?)
- Impact Monitoring: As one way of ensuring conflict-related impact monitoring, the 'Do No Harm' check can consider positive and unintended negative impacts of a project or programme in terms of the extent to which people can exercise their rights. For example: whether a project contributes to creating spaces where individuals can freely share their opinion without fear of repercussions (relates to freedom of expression); whether participation in project activities held in the evening exposes women to harassment (relates to right to bodily and mental integrity, dignity); etc.

The information in this box is in part adapted from Wallace, M., Human Rights and the Do No Harm Framework, CDA, October 2004, available through <http://www.cdainc.com/cdawww/publication.php>.

Box 11: Human Dignity and Human Rights

The exercise/activity below was initially designed in South Africa in the late 1990s, and has been conducted with a range of audiences at various levels of authority (including community activists, staff members of national human rights institutions, police officers, prison wardens, development practitioners from DED).

Title of Activity:	Human Dignity and Human Rights
What to use it for:	Analysis/ discussion
Number of participants:	12-35
Time required:	Approx. 1.5 hrs (more if greater number of participants)

After the exercise, participants will:

- Be able to explain the concept of ‘human dignity’ and its relationship with human rights
- Have increased awareness of human rights and the Universal Declaration of Human Rights (or another relevant human rights instrument)

Materials needed:

Space that allows for group work, big paper sheets, markers, pencils, photocopies of Universal Declaration of Human Rights or respective regional human rights instrument (African, Latin American, or European)

How do you do it (instructions):

1. Divide the participants into groups of 4 – 6 (or less, if fewer participants). Ask them to show, in a creative way, what they understand by the concept of human dignity. They can develop a skit (little performance/ comedy/ drama), create a drawing, a song, etc. Provide the participants with big paper sheets and pens/ markers as necessary.
2. Facilitate the presentation of each group’s output to the plenary group. After all groups have presented, during the debriefing, discuss the common elements in the presentations, with a view to ensuring that all participants ultimately have a common understanding of human dignity. (Take sufficient time to develop such a common understanding amongst participants, drawing from the presentations and the discussions they had within their groups).
3. Participants go back into their small groups, and are asked to discuss ways in which human dignity has been violated, undermined, or disrespected in the past and list these, if possible. (You can point out that such undermining of dignity may have happened intentionally or unintentionally.) Encourage them to come up with as many different ways as possible, and explain that their output will provide the basis for the next step of this exercise.

4. Keep the participants in their groups without reporting back to the plenary group. Explain that they have been asked by the government to draw up a document that should ensure that human dignity will be protected and respected in the future. Ask them to discuss what they would put into the document.
5. Presentation of each group's output to the plenary group. In debriefing at the end, issues that can be raised include the following: who will be responsible for ensuring the implementation of this document? What is necessary for the implementation? What would you name your document and why?
6. Explain that participants have gone through a process similar to that of drafters of human rights instruments. Take the UDHR and compare, with participants, the articles in the Declaration with the items listed by participants. Ask participants how they see the relationship between human rights and human dignity. Conclude by pointing out that the Declaration is grounded in/ relevant to participants' own experience and knowledge, rather than being an abstract legal document.

Points to be taken into account:

- When working with people of different language backgrounds, allow sufficient time for discussion to 'locate' notions of human dignity in their own language. What connotations have the terms used? It is also possible to ask for proverbs in people's language or cultural context that shed light on their understanding of human dignity. Alternatively, ask people to develop metaphors about human dignity ('human dignity is like...') If literacy is an issue, encourage people to work with drawings and symbols.
- If a regional or national human rights instrument exists, this can be used instead of the Universal Declaration of Human Rights. Examples are the African Charter on Human and Peoples' Rights, and the South African Bill of Rights.
- As a facilitator, you can increase the relevance of the exercise to a particular organisation or to participants' work by relating various parts of the exercise to that organisation or work. For example, in relation to pt 2, participants can be asked in what ways their organisation or work upholds or respects human dignity; and in what ways it does not respect human dignity and/or may undermine it. Also, after introduction of the specific rights instrument used for the exercise, the facilitator can ask which rights are particularly relevant to their organisation or their work and why. Encourage participants not to limit themselves to the right(s) that are most obvious, but to also consider rights that may be less directly affected by their work. (For example, employees of an independent state body in South Africa monitoring abuse of power by the police initially identified only the rights of arrested persons as relevant to their work. After discussion, they also linked other rights to the institution's mandate in relation to the manner in which it does (or should) operate: rights to equality, to dignity, to physical integrity, to culture (through the use of various languages), the rights of children, a right to information, etc.) In the end, participants had a deeper insight into the institution's role in human rights protection and transformation in South Africa.)

- It can be useful to include discussion on the factors helping and hindering the realisation of human rights – especially when the exercise is conducted in a context where there is a great discrepancy between the formal rights in instruments and the extent to which they are implemented. This can be done at step 5 or 6 in the process outlined above.
- If this exercise is done as part of a more extensive training event, it is useful if facilitators try ‘weave’ the notion of dignity into other sessions/exercises too. For example, a session on communication can include an exercise in which people practise active listening skills when listening to a speaking partner recount an experience in which s/he felt their dignity was violated or in which s/he did not respect someone else’s dignity, or witnessed violation of someone else’s dignity.

Box 12: Human Rights, Human Needs, and (Violent) Conflict

The exercise below was initially designed in South Africa in the late 1990s. It has been conducted with various audiences at different levels of authority (including civil society actors, members of parliament, senior civil servants) and in different countries (including South Africa, Malawi, Zimbabwe, Northern Ireland, Nepal).

Title of Activity:	Human rights, human needs, and (violent) conflict
What to use it for:	Analysis/ discussion
Number of participants:	12-35
Time required:	Approx. 2 hrs (more if greater number of participants)

After the exercise, participants will:

- Be able to explain the role of basic human needs in conflict, and the relationship between human rights and human needs
- Have greater appreciation of human rights (and instruments) as tools for conflict transformation
- Be able to explain the implications of denying human rights in terms of potential for conflict.

Materials needed:

Space that allows for group work, big paper sheets, markers, pencils, photocopies of List of human rights enshrined in international treaties such as the ICCPR and the ICESCR (see box 27) or respective regional human rights instrument (African, Latin American, or European). Alternatively, use the Universal Declaration of Human Rights. State that it is not legally binding but that most of the rights are enshrined in other – binding – international human rights treaties.

How do you do it (instructions):

1. Ask participants to divide into small groups and identify causes of conflict (in a particular country, a region, their community, or a case study). Record these on the flip chart in the plenary group (if literacy allows).
2. Suggest that basic human needs are frustrated by each of these causes of conflict, and ask which needs. If necessary, give an example: cause is authoritarianism; needs that are frustrated through this cause include freedom, participation, protection, respect, well-being, recognition. (Do this per cause, rather than all at the same time. It can either be done in the plenary group, or participants can work in buzz pairs to identify the needs frustrated by a cause. Also, if responses are not forthcoming, take several causes one by one and query the needs related to these. Make sure that you take different types of causes, in order to get a variety of needs on the flip chart; be critical if participants say blandly, 'Oh, all needs are frustrated' – challenge them to be specific per cause.)

3. Explain the distinction between needs and satisfiers, preferably by using an example (i.e. need is protection; satisfiers could be weapons, a cabinet position, etc.).
4. Ask participants to review the 'needs' on the flip chart to identify whether any needs are actually satisfiers. For those that remain on the list as actual needs, take a few and discuss in plenary what satisfiers are used or pursued in relation these needs (again, do this per need rather than for several needs at the same time.) To deepen understanding of needs, it might be useful to introduce Max-Neef's list of basic human needs and provide some background information on the notion of basic human needs at the end of this step before moving on (see boxes 4 and 13 for information to draw on).
5. Refer participants to a human rights instrument relevant to the context, e.g. Universal Declaration of Human Rights, national Bill of Rights, or regional charter. Select a few articles from the charter. Let participants work in small groups on a few articles with the question: what impact would implementation of this article have on satisfaction of needs and causes of conflict identified earlier? Groups to report back in the plenary session and highlight important insights developed in the course of this feedback.
6. Based on the previous discussion, ask participants about the relationship between human rights and human needs. Following feedback, summarise key points about the close relationship between human rights and needs (again, see box 4 for possible points to make).
7. Ask what the consequences might be if human rights are not protected over a period of time (potential for conflict increases) and why (human needs are frustrated, these are non-negotiable). Also, ask what the consequences of conflict are for the protection of rights.
8. Explain that human rights and (violent) conflict are related in two ways: conflict leading to human rights violations, and denial of human rights leading to conflict. You can draw an image of an iceberg to clarify this. Ask for examples from participants, and/or how they see this in their own context: how is their own country or community context reflected in the iceberg image? What rights issues are symptomatic, and which are structural causes of tension? You can also raise a question about how these two dimensions (rights violations as causes and symptoms) relate to one another; and/or about the objectives for intervention at either level (positive/negative peace) and what strategies might be used at either level. (In addition, depending on the audience, the concepts of peacebuilding/ peacemaking and direct/structural/ cultural violence can be raised here.)
9. Draw participants' attention to the top of the iceberg: direct, manifest conflict. Ask participants how actors in positions of power or authority may react to such manifest conflict, or how, in their own society, manifest conflict has been dealt with in the past. If they suggest the use of force for suppression of such conflict, ask about the sustainability of that approach. Explain that suppressing conflict generally does not address its causes. (A discussion may also arise as to why political leaders might resort to suppression – which can lead to the point that it may be in someone's interest to suppress needs and deny rights.)

10. Conclude the session with a summary of important points. Stress that the protection and implementation of rights is important for the management and transformation of conflict because it ensures that human needs are addressed. Draw attention to human rights instruments as tools for crisis prevention and conflict transformation, and note that their implementation is in the interests of society and people on the long term.

Points to be taken into account:

- The exercise does not have to be conducted in full; for example, only the first few steps may be done to explain the notion of needs and explore the link between human rights and human needs. Even if not doing the exercise in full, do make sure that you have sufficient time for participants to process ideas and concepts that may be new to them or presented in a way that is different from what they know (e.g. needs; distinction needs/satisfiers; causes and symptoms). This is also important when covering the iceberg image – this is an abstract image, that may need to ‘sink in.’ (NB: if ‘icebergs’ are a foreign concept in the particular context, think of another image that conveys the same points about parts that are hidden from view, yet which are essential for what you see of the ‘phenomenon:’ for example, for example, a hippo in water; a water lily; etc.)
- A variation of this exercise is to use a case study of a conflict and divide participants in groups representing the parties in conflict. Causes and related needs are then identified in the small groups, as seen from each party’s perspective. The discussion of needs and satisfiers can then also consider the question of whether satisfying the needs of one group would necessarily exclude the satisfaction of the other group’s needs. Application of rights in the human rights instrument used for this exercise can also happen per group; groups can then be prompted to consider whether the implementation of rights can meet the needs of both groups. This works especially well when the case study relates to conflict between identity groups.
- In order to focus attention on the implementation of rights, a variation can be built in after step 4: ask participants in their groups to identify obstacles to the realisation of rights. Then, have participants work on an action plan for the implementation of one or two rights: what practical measures and strategies can they think of to ensure the implementation of that right? (If participants have worked in groups representing opposing parties, it is useful to compose new groups for this last step of the exercise, consisting of a few individuals from each party, so that the new groups constitute ‘multi-party task forces.’ This will highlight that rights can be implemented in ways that address the needs of both parties.)
- If this exercise is done with civil society organisations in a particular context, the facilitator can also ask individuals from such organisations where they focus their attention (top or bottom of the iceberg) and what strategies they use to this end; and/or what needs are particularly targeted by their interventions.

Box 13: Distinction between Basic Human Needs and Satisfiers

Needs and Satisfiers

While basic human needs (freedom, identity, participation, subsistence, protection, understanding, affection, leisure, creation) are constant across cultures and throughout time, the way in which or the means by which those needs are satisfied, changes over time and between cultures. The satisfiers of choice for particular needs may even differ from individual to individual, or from community to community in the same country. Thus, whereas basic human needs are not negotiable, the possible satisfiers are negotiable. Satisfiers will vary depending on the context – they are culturally determined.

Multiple satisfiers exist for each specific need; there is no one fixed satisfier for each need. For example, possible satisfiers for the need for identity (on an individual level) may be the following: obtaining a university degree; driving a fancy car; arming oneself with a AK47; engaging in violence; becoming a member of a gang; accumulating wealth; holding political office; treating others with respect.) Satisfiers can be constructive or destructive, in terms of impact on oneself, others and the wider environment – engaging in violence (as a satisfier for the need for protection) is likely to be more destructive than treating others with respect.

Needs

- Universal drivers for human behaviour
- Same across cultures and contexts
- Constant through time
- Non-negotiable
- Are finite

Satisfiers

- Context-specific
- Vary across cultures and contexts
- Vary over time
- Negotiable
- Are infinite
- Can be constructive or destructive
- Various satisfiers can meet the same need

It is possible for one satisfier to meet several needs at the same time.

Max-Neef, M. (1991). Human Scale Development. Conception, Application and Further Reflections. The Apex Press (New York, London): pp. 16-28.

Linking Needs and Satisfiers to Rights Claims

When a stakeholder in conflict situations or development contexts makes right claims in the form of positions, these often entail a demand for a certain satisfier, either implicitly or explicitly. Other stakeholders/parties may perceive the satisfier(s) pursued as detrimental to their ability to meet their own needs, which will lead them to contest it. For example, a minority group living in the border region of a country may claim its right to self-determination and demand regional autonomy ('regional autonomy' is then the satisfier demanded to meet the group's needs for identity, protection, participation, and freedom.) The government, which is mostly constituted by people from other identity groups that are dominant in the country, objects to this demand (e.g. because it fears that regional

autonomy may reduce the income for the central government from the natural resources located in that region, and/or because it fears that granting regional autonomy to one group may cause other groups to demand the same which will undermine the integrity of the country; it is thus afraid that its need for subsistence and protection may no longer be met if this demand is granted.) Thus, one party perceives the satisfier pursued by the other part (regional autonomy) as detrimental to its own needs (subsistence.)

In such instances, development practitioners focused on human rights and/or conflict transformation – or their partners – can use the distinction between needs and satisfiers to remind themselves that needs may not be negotiable, but satisfiers are: different satisfiers are possible to meet the same need. Similarly, human rights are not negotiable, but the way in which they are implemented, is negotiable. Development practitioners and/ or their partners can thus play a constructive role by creating spaces for dialogue, to explore a range of satisfiers that may meet the needs of several parties, rather than those of one party alone. The interaction between parties thus gets shifted from a discussion for or against one specific satisfier (or one particular way to implement a certain human right) to broadening the range of options for solutions.

Box 14a: Dimensions of Human Rights

Dimension Model of Human Rights

This 'model' provides a framework for operationalising human rights in a concrete context by highlighting four dimensions of human rights, which are all based on human rights values. Reflecting how the presence or absence of rights may take shape in people's lived experience, this framework seeks to provide guidance on integrating human rights meaningfully into conflict transformation thinking and practice. Each of these dimensions must be carefully considered in efforts to transform conflict. This multi-dimensional understanding of human rights reflects also how aspirations such as 'building a just peace,' 'building a culture of human rights' or 'establishing the rule of law' goes beyond legislation, policies, and public institutions; they embody the desire that rights become a living reality for all in society.

Human Rights as Rules:

This dimension refers to the legal aspect of human rights: the standards that outlaw certain behaviour and actions and demand others, as contained in international instruments and domestic legislation. It highlights the need to legally recognise human rights and institutionalise respect for human rights through the adoption, implementation and enforcement of relevant legislation. This dimension thus relates to the formal entitlements of rights-holders and duties of duty-bearers and captures the importance of a systematic orientation towards human rights standards (as emphasised in the HRBA). It points to the need to (a) identify and take into account the substantive rights of all conflict parties - individuals, groups and communities in conflict transformation processes; (b) ensure that all are familiar with the rights standards and their practical implications; and (c) design conflict transformation interventions that abide by human rights standards.

Human Rights as Structures and Institutions:

This dimension relates (a) to the structural division of power, resources and opportunities in society (what has been referred to earlier as 'structural conditions') and (b) the absence or presence of effective and legitimate mechanisms to handle conflict in society and between individuals or groups. It thus emphasises the need to address underlying causes of conflict and to support the development of legitimate, capable and independent institutions that can support the realisation of rights and/or provide redress to individuals and groups. (This dimension thus relates, amongst other things, to the capacity-building element of the HRBA, especially in relation to the state.)

Human Rights as Relationships:

This dimension relates to the relevance of human rights for organising and governing the interaction between state and citizens, and amongst individuals and groups in society so that these are constructive, geared towards non-violence, and allow for the recognition of the humanity and dignity of others. It points to the need to review the (patterns of) interaction and communication that exist both vertically (between the state and citizens) and horizontally (between individuals and groups) – by, amongst other things, addressing

both the structural concerns that negatively affect such relations and the attitudes, perceptions and behaviour. As such, this dimension highlights the importance of helping parties and communities, as well as state and non-state actors, develop an appreciation of their interdependence and an understanding of their responsibilities towards themselves, their context and others. This dimension relates to two aspects of the HRBA: First, to build capacities of both rights-holders (voice) and duty-bearers (response) at the same time (increasing “voice” without strengthening “response” might even contribute to rising tension). Second, to strengthen the relationship between both in order to create lasting avenues for constructive, non-violent dialogue.

Human Rights as Processes:

This dimension highlights the need to give meaning to fundamental human rights values and principles by integrating them into conflict transformation processes at various levels of society. It reflects the fourth element of the HRBA, which concerns the implementation of human rights principles in development processes (non-discrimination and equality of opportunities; participation and empowerment; transparency and accountability.) Giving effect to human rights values through the process of implementation used in conflict transformation and/or development projects/programs can help parties to develop a practical understanding of human rights (for example, the importance of respecting diversity; the need to include weaker or marginalised parties to ensure that their voices are heard, etc.)

M. Parlevliet, 2009 “Icebergs and the Impossible: Human Rights and Conflict Resolution in Post-Settlement Peacebuilding,” in Babbitt, E. and Lutz, E. (eds), *Human Rights and Conflict Resolution in Context*; Syracuse University Press, pp. 248-288.

Box 14b: Example of Using the Dimensions of Human Rights

Context:

Pieter Mambo High School is located in a sprawling, impoverished 'coloured' township outside a major South African city. Violence, alcoholism, drug abuse, and crime are rife; gangs are omnipresent. Political change in the country has gradually changed the racial composition of the school as more Africans apply. Despite the dire social and economic conditions the school has become known for academic excellence and successes in various sports. Over time, however, severe conflict has started to emerge. The staff feels aggrieved about various issues, including selection of prefects, admission of black learners, flawed decision-making processes, and the principal's managerial style (perceived as intimidating, humiliating and authoritarian.) Other issues relate to alleged gender and racial sensitivity on his part, and his use of corporal punishment (outlawed by post-1994 legislation but still practiced at times by educators intent on maintaining discipline.) When approached by the provincial Department for Education to address this situation, interveners from a locally based conflict resolution NGO sought to do so in a comprehensive manner.

Rights as Rules:

The interveners realized that the school is located in a context delineated by the Department's policies, national legislation, and the constitution. These are the instruments that create the rights enjoyed by all parties and constitute the parameters within which a solution must be sought – i.e. the rules applicable. Where those rules had been breached, action needed to be taken, to ensure that all parties understand that breaches bear consequences and that the rules apply to everyone. Discrimination against educators and potential learners, and the corporal punishment meted out thus needed attention. The process to be used was influenced by the rules framework – under South African labour legislation, discrimination charges can be addressed through mediation, and if that fails, through arbitration or adjudication. Similarly, instances of corporal punishment might require disciplinary action against the principal, utilizing the Department's own internal mechanisms. The Department was made aware of the allegations of misconduct, leaving it up to the institution to gather evidence to substantiate the allegations and decide on any disciplinary action to be taken. In addition, analysis highlighted that all parties were insufficiently aware of their rights and obligations within the South African framework, and that explanation was warranted; the Department was asked to provide this.

Rights as Relationships:

To prevent recurrence of (real and perceived) abuses, the relationship between principles and teachers needed to be addressed, and mechanisms needed to be put in place to enable them to resolve future disputes by themselves. To this end, workshops were held focusing on constructive communication, dignity, and problem-solving; a code of conduct was developed to guide future interactions; and common interests were explored to highlight (and further develop) the school's overarching vision and values.

Rights as Structures and Institutions:

In terms of the structures and institutions dimension, the interveners realized that it would be hard to address certain structural issues because they were beyond control of the parties or required resources (time, money, human resources) that the parties (or the Education Department) were unable or unwilling to provide. While this limited the scope of the intervention, attention was devoted to overhauling the school's governance structures to enhance participation, legitimacy and correct use of such structures. Elections were held for staff representatives to the various structures; discussion was facilitated on the functioning of these bodies; and feedback and communication mechanisms were developed to enhance accountability and transparency. In addition, the interveners recommended that the principal's management style be modified through executive coaching while also clarifying expectations around the teachers' influence on decision-making and developing their understanding of the role and responsibilities of the principal.

Rights as Process:

Throughout the intervention, the interveners paid extensive to the process dimension of rights, by soliciting ideas on the way forward and developing a code of conduct in a participatory manner (participation and empowerment); reporting back to the parties on their engagement with the Department (transparency, accountability); providing space for parties to speak in the language of their choice (non-discrimination and equality of opportunity); and ensuring that fundamental values of justice, dignity and equality were reflected in how parties were treated and how the process was implemented. Processes proposed to the parties had to be appropriate to the context; the recommended and agreed-upon redress needed to be appropriate to the situation.

Conclusion:

The rights-oriented approach outlined added depth to the interveners' analysis of the situation; to the manner in which they dealt with the conflict and the parties; and to the range of possible and implementable solutions. Approaching the intervention in this way prompted them to consider more than just the relationship challenges, which are often a primary focus for interveners coming from a conflict perspective and highlight traditional strategies such as helping parties to communicate and understand each other's point of view. The dimensions of rights provided a tool for interveners for understanding and approaching the situation, and challenged them to remember the broader framework within which the conflict had to be addressed, and which had to be taken into account to make the intervention efforts sustainable and effective.

Excerpted from Galant & Parlevliet, 2005, "Using Rights to Address Conflict – A Valuable Synergy," in: Gready, P. and J. Ensor, 2005, *Reinventing Development? Translating Rights-Based Approaches from Theory into Practice*. Zed Books (London, New York): pp. 108-128.

Box 15: Positions and Interests

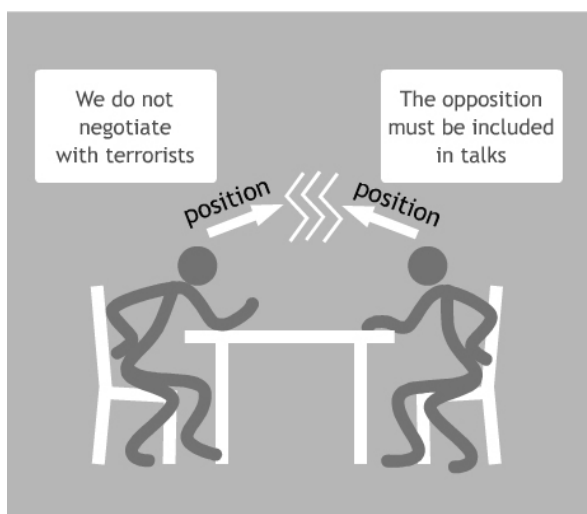
Positions

are a party's stated solution to a conflict: what they say they want, or what they believe should be done in a particular situation – positions are often framed as demands or instructions. (For example, in a labour dispute, a union might state a position of wanting a 10% increase in wages.)

Interests

are the concerns, fears or values, as well as the hopes and aspirations, that underlie parties' position in a conflict: it is why parties take a particular position or make certain demands. (For example, in the above labour dispute, the interests of the union may only partially relate to money, but also to fewer working hours for their members, better benefits, or gaining more respect from management.)

Example of positional negotiation:



Positional negotiation involves holding on to a fixed idea, or position, of what you want and continuously arguing for it, irrespective of underlying interests. As positional negotiation advances, the negotiators tend to become more and more committed to their positions, continually restating and defending them. Being committed to defending a position usually leads to a lack of attention to both parties' underlying interests, and the end result may be a 'mechanical splitting of the difference between final positions' rather than a solution designed to meet the parties' interests.

Positional bargaining is unlikely to result in a win-win outcome, and may also lead to bad feelings between the parties, due to the adversarial, „you vs. me“ approach or to one side not being truly satisfied with their end of the outcome. Hence, positional bargaining is often considered a less constructive and less efficient strategy for negotiation than interest-based negotiation.

Spangler, B. „Positional Bargaining.“ *Beyond Intractability*. Eds. Burgess, G and Burgess, H. Conflict Research Consortium, University of Colorado, Boulder. Posted: [June 2003 http://www.beyondintractability.org/essay/positional_bargaining/](http://www.beyondintractability.org/essay/positional_bargaining/)

Example of interest-based negotiation:

Interest-based negotiation is a voluntary attempt to resolve conflicts that arise from competing interests and goals. It is a problem solving approach in which parties seek agreement rather than resort to violence and force and is especially relevant for parties who have a need to create or maintain healthy relationships.



Diagrams designed by M. Parlevliet for Fahamu/OHCHR/UNSSC Actors for Change project, 2005 (Distance learning course on Conflict Prevention for National Human Rights Institutions), used with permission.

In this type of process, parties discuss the issues that face them and express the interests, values and concerns that they bring to the table. Instead of focusing on competitive measures and on winning the negotiation, parties collaborate by looking to create solutions which maximise the meeting of all parties' interests, values and concerns. This co-operative process focuses parties away from their positions and onto using interests and objective criteria for making decisions.

Fisher, R. Ury, W., and Patton, B., *Getting to Yes: Negotiating without Giving In*. Penguin, 1991 (2nd edition).

Box 16: Framing and Reframing: Framing Human Rights Issues in Terms of Interests

Framing and Reframing

What is a frame? Think of it as a picture frame that surrounds an event or interaction; within this frame is the picture we are trying to communicate. A piece of artwork such as a painting may show us a picture of a person, a landscape, or perhaps something more abstract. When the term 'frame' is used in a conflict setting, it refers to the words, gestures and emotions a party uses to describe the event, what they want or how they feel.

Framing is what parties do to „paint their picture“ of the situation; it is also used by interveners to help the parties give richer meaning to this picture. This can include getting a clearer definition of events, feelings and needs and helping parties understand the symbols they are using to create certain meanings.

Reframing is often used by interveners to assist parties in redefining their „picture“ in ways that help move them beyond rhetoric, threats or other types of communication which impede progress towards resolution of the conflict. It may include rephrasing issues in a way that helps parties move from guarding their positions and towards co-operative problem solving.

Purposes of Framing and Reframing*

- Define or re-define the way parties describe events, emotions and needs.
- Add clarity to the meaning parties are trying to relate to the intervener and other parties.
- Help parties gain a better understanding of events and their own feelings and needs.
- Change the perspective on certain events or understandings of the situation.
- Help move parties away from positional negotiation to interest-based negotiation.
- Break negotiation deadlocks by breaking down the issues or making them more general.
- Soften or strengthen demands or threats.
- Change the perspective of emotional or value-laden messages to enhance understanding.

Reframing is often used when the communication between parties is building tension or moving them towards a deadlock. It is used to help them re-define the situation so that they can continue move through blockages of communication or problem solving.

Suggestions for Reframing*

- Change the person delivering the message. Sometimes people cannot (or do not) listen to a message delivered by a specific individual/organisation – but they can hear the same message if delivered by someone else.
- Use active listening skills to paraphrase, restate, clarify, validate and summarise. Active listening skills are designed to aid the communication process, and can be used to remove emotional or value-laden language and provide periodic summaries.
- Change the meaning of a message. Reframing is often used to help parties identify interests that underlie their positions in a conflict and/or to increase the manageability of

the issues to a conflict. The latter can be done by breaking issues down in smaller parts (which can make them easier to resolve) – or by lifting them to a more general level so that it is easier for parties to identify common ground.

- Change a party's perspective. Changing the context of the situation and having parties reconsider how they might handle a similar situation in a different context can help parties to see things in a new way. Interveners can also try to get parties to consider the situation from the other parties' perspective, or to keep an eye on the bigger picture by using common ground or minimising differences.

Framing human rights in terms of interests – some guidelines

- Find out what the interests, needs and concerns are of the party/ body/ individual you are speaking to. What are they concerned about? Are issues of security, respect, relationships at stake for them?
- Acknowledge these interests, needs and concerns and indicate that it is important to address these.
- Engage your 'speaking partner' in a conversation about how their interests, needs and concerns could be addressed. From your knowledge of rights, explain how behaviour or attitudes that respect rights and dignity can help to meet these needs, interests and concerns.
- Refrain from simply stating or instructing 'rights must be respected,' but rather help the other understand WHY it is important to respect rights. What are the benefits of a rights-oriented approach from their perspective? How, for example, might it translate into better, more positive, relationships with community members; less hostility and suspicion from others; a reduced potential for violent conflict; development of trust and respect; less complaints (formal and non-formal) about abuse, etc.?

Remember: considering the other party when framing rights in terms of interests

Thus, the emphasis is on framing rights in terms of the other party's interests, not your own! This can be called the 'car salesperson argument': if you're trying to buy a car, the salesperson will explain how a certain type of car is in your interests (storage space in the back, space for many kids, cost of petrol usage, small size easy for parking in town). S/he will not explain how your purchase of that car will be in his/her interests (i.e. getting commission or promotion, being identified as the bestselling salesperson, etc.) Instead, s/he will only speak to your interests because that is what you are receptive to and concerned with.

Sections marked with * are derived from CDR Associates, "Negotiation Skills' in Inter-state Conflict Resolution Training Programme Manual, CDR Associates and Centre for Conflict Resolution, Cape Town, 1997.

Box 17: Position & Interests, Needs & Satisfiers in Relation to Rights

The box below presents an overview of possible positions and rights claims made by groups in Northern Ireland in relation to a conflict over parading, where one group seeks to march through a neighbourhood predominantly inhabited by members of another group. Please note that the chart below does not relate to any specific parading dispute and merely uses a parade by a unionist group through a predominantly republican neighbourhood as an example to illustrate how positions, rights claims, satisfiers and underlying interests and needs may be related.

Parading in Northern Ireland

Position

- Unionists
“We have a right to cultural expression and a right to parade along any road (‘The Queens Highway’) to commemorate this particular historical event in our traditional manner.”
- Nationalists/ Republicans
“We have a right to dignity and freedom of movement and we will not allow an unwanted and provocative parade through our neighbourhood A; it is unacceptable.”

Rights claim

- Unionists
Right to freedom of peaceful assembly
(and implicit: right to participate in the cultural life of the community and right to freedom of movement)
- Nationalists/ Republicans
Right to dignity, right to privacy, right to freedom of movement
(and freedom from sectarian harassment, which is part of the Good Friday Agreement)

Satisfier pursued

- Unionists
Conducting a parade along a particular road on a particular day and time
- Nationalists/ Republicans
Neighbourhood and community remain free from parade experienced as sectarian harassment

Interests

- Unionists
 - Desire to celebrate community’s history and culture
 - Desire to have a fun event that brings community together

- Desire to continue a practice that has been done for decades; ceasing the practice implies loss of face, control, and identity
- The neighbourhood used to be predominantly inhabited by members of our group, several years ago
- Desire to assert oneself because the catholic population is increasing in numbers (and protestants are decreasing)
- Nationalists/ Republicans Nationalists/ Republicans
 - Concern for safety as sometimes paramilitaries take part in parades
 - Feeling humiliated by the songs sung at these occasions because they glorify past occasions where the Irish lost
 - Desire to assert oneself because neighbourhood has turned mostly catholic as protestant people have moved out
 - Desire to assert oneself as belonging to the area following centuries of domination by 'The British'
 - (Controversial or sensitive) parades are usually accompanied by extensive police presence so event will impact on residents' ability to freely move around

Needs

- Unionists
Participation, identity, freedom, leisure, affection, creation
- Nationalists/ Republicans
Identity, protection, freedom, affection

In negotiating this dispute, it is possible to explore other satisfiers that meet the same needs and that do not frustrate the needs of the other party. For example, the Parade Commission⁸ may propose that the parade is conducted at a different time and on a different day; it may also prohibit the singing of certain songs (that glorify past violence) and the use of paramilitary symbols (for example, balaclavas)

8 Information on the Parades Commission can be found at <http://www.paradescommission.org>. More general information on parading in Northern Ireland can be found on the internet.

Box 18: Examples of Human Rights and Conflict Transformation Roles

Some roles, that are common in human rights work (this list is not exhaustive!)

Advisor:

Advises internal and external partners (colleagues from one's own agency or organisation; civil society organisations, state institutions, government authorities) on human rights related matters, such as incorporating a human rights-based approach in their work; making recommendations to improve draft legislation and policies; etc.

Advocate:

Propagates certain issues or values or speaks in favour of or on behalf of a certain party, and makes sure that specific concerns are set forth; often speaks in terms of positions.

Lobbyist:

Argues in the public arena in favour of particular parties, activities, policies or approaches and makes an effort to influence decision-makers in this regard.

Monitor:

Monitors situations, events and the behaviour of parties with regard to the extent to which human rights are protected and international instruments are complied with.

Reporter:

Disseminates information on human rights in a particular situation to the general public or to specialised audiences.

Investigator

Examines allegations of abuse, gathers evidence about human rights violations, and interviews possible witnesses with a view to submitting such evidence to a court of law.

Fact finder:

Gathers information about the state of human rights in a particular country, situation or context with a view to making recommendations about ensuring proper protection and promotion of human rights.

Educator:

Promotes human rights by building people's understanding and knowledge of human rights issues, concerns and instruments.

Trainer:

Empowers the conflicting parties and/or other relevant actors with the skills required to do effective monitoring, reporting, and advocacy.

Mobiliser:

Organises groups of people or organisations around a common priority and supports them in taking action to advance their rights/ interests

Developed by M. Parlevliet for 2004 Manual of Human Rights and Conflict Management Programme, Centre for Conflict Resolution, Cape Town.

Some roles, that are common in conflict transformation work (this list is not exhaustive!)

Advisor:

Advises internal and external partners (colleagues from one's own agency or organisation; civil society organisations, state institutions, government authorities) on conflict transformation related matters, such as incorporating a conflict transformation orientation in their work; design of interventions and mechanisms to address and transform conflict; dialogue processes, etc.

Facilitator:

Assists parties in communicating to one another by creating a safe process for discussions, framing or reframing the issues and parties' understanding of the conflict and fostering a forum for effective listening and problem-solving.

Mediator:

Assists parties to engage and negotiate with one another through a process involving various steps geared to help parties understand one another's concerns and arrive at a mutually acceptable agreement to settle their dispute.

Convenor:

Initiates the resolution process by encouraging parties to take part and working to remove obstacles that impede peacemaking activities.

Reconciler:

Prepares parties for long-term relationship building activities which are designed to reduce patterns of negative behaviours, destructive stereotyping and miscommunication.

Educator:

Helps parties develop an understanding of issues and dynamics related to peace and conflict, and/or can provide expert opinion or technical information to parties about aspects of the conflict issues.

Trainer:

Empowers parties with the skills required to negotiate, communicate interests, analyse scenarios and research aspects of the conflict.

Analyser:

Performs political, social or economic analysis of the conflict to assist other interveners in determining causes of conflict and courses of action.

Envisioner:

Helps parties think about the conflict and possible solutions in new ways by using creative option-generating processes or bringing in relevant data.

Communicator:

Serves as the communication interface between parties involved in the process and those outside the process, such as the media, general public or international community.

Adapted from Mitchell, Ch. 1993, 'The process and stages of mediation: Two Sudanese cases' in Making war and waging peace: foreign intervention in Africa, David R. Smock (ed.) Washington: United States Institute of Peace. pp.139-159.

Box 19: Role Integrity, Role Clarity, and Role Confusion Associative and Dissociative Approaches

Role integrity, clarity and confusion

When reflecting on the roles you play as a development practitioner, or the roles performed by a partner you work with, it is useful to keep in mind the notions of role integrity, role clarity and role confusion.

- Role integrity means that an actor only performs roles with principles and objectives that do not conflict with one another. (For example, one is not simultaneously denouncing individuals responsible for human rights violations while also trying to facilitate a dialogue process involving these individuals and other persons, which requires one to engage with all parties even-handedly, without judgement.)
- Role clarity means being clear on the roles you perform, how they relate to one another, and the limitations of those roles (i.e. what functions fall outside the roles you play).
- Role confusion refers to being unclear on the roles performed. Such role confusion can exist in the actor playing those roles him/herself, or it may be present for other stakeholders that the actor engages with.

It is important to prevent role confusion and instead ensure or obtain role clarity. When clarifying roles, if it transpires that role integrity is an issue – i.e. where performance of one role may compromise the actor's ability to function effectively in another role – it is wise to consider whether one of the two roles can be abandoned or be transferred to another actor whose other functions may be more in line with that role. It may be possible to develop a division of labour with other organisations or individuals operating in the same context, where all play different primary roles.

When establishing role integrity through such a division of labour, it is necessary to develop effective role coordination and communication mechanisms. This will help prevent the different individuals /organisations/ institutions from working at cross-purposes. In this way, they can join their comparative strengths while keeping their unique identities.

Sometimes, however, a division of labour is not possible and a specific actor cannot avoid taking on a combination of (possibly) contradictory roles in specific instances. One then needs to anticipate that some confusion and tension may arise in the interaction with other stakeholders/ parties; questions may arise (for the actor itself, or on the part of other stakeholders or the wider community). In such cases, it is useful to develop strategies for mitigating possible negative consequences related to role confusion.

In sum,

Role integrity is the goal, but role clarity is a necessity

Associative and Dissociative Approaches to Conflict

When reviewing the different roles played by yourself, your agency, or your development partners in the local context, it is also useful to be aware of the difference between associative and dissociative approaches:

- Associative approaches: approaches that seek to increase interaction and contact with stakeholders, or to keep close to them.
- Dissociative approaches: approaches that seek to reduce interaction and contact with (certain) stakeholders and/or insert distance between oneself and the stakeholders, staying away from them.

In a situation of intense, violent conflict, some partner organisations may pursue a dissociative approach to (some) parties in conflict (for example, a human rights organisation may denounce violations committed by the parties, and/or call for certain individuals to be excluded from peace negotiations, or engage in public interest litigation). In that same context, other partner organisations may rely on an associative approach towards those same conflict parties (for example, by keeping channels of communication open to the conflicting parties, engaging with them directly or through intermediaries).

In such situations, it may be advisable to keep human rights work and conflict transformation efforts as distinctly separate interventions. Even then, it is useful for organisations pursuing different approaches to remain in constructive conversation with one another. To this end, it is important to look for individuals who can keep the conversation between the fields of human rights and conflict transformation alive.

The distinction between associative and dissociative approaches is drawn from J. Galtung 1967, *Theories of Peace. A Synthetic Approach to Peace Thinking*. Oslo: Peace Research Institute, p. 63. Available at http://www.transcend.org/files/Galtung_Book_unpub_Theories_of_Peace_-_A_Synthetic_Approach_to_Peace_Thinking_1967.pdf

Box 20: Balancing Roles

The exercise below was developed for a civil society network in Zimbabwe in 2003, to help them explore the dilemma they were experiencing about balancing advocacy and facilitation roles. It has since been used with audiences elsewhere (including the staff of an independent state institution in Northern Ireland that addresses conflicts related to parading; Nepali human rights organisations involved in human rights monitoring, reporting and peacebuilding projects; headquarter-based development practitioners from DED, GTZ and the German Institute for Human Rights.)

Title of Activity:	Balancing Roles
What to use it for:	Analysis/ discussion
Number of participants:	20-60
Time required:	Approx. 2.5-3 hrs (less if fewer participants)

After the exercise, participants will:

- Have gained understanding of the different roles people can play in conflict
- Have explored possible differences and tensions between these roles and complementarity
- Have gained clarity on what role(s) they deem most important (in general, or in a particular situation)
- Be able to explain the relevance of role clarity and relate it to their own work

Materials needed:

Space that allows for group work, big paper sheets, markers; sufficient wall space to put up flip chart papers for archetypical roles identified

How do you do it (instructions):

Part 1: Identifying Roles

1. Conduct a brainstorm with participants on what different roles they play in times of conflict and record these on the flip chart. Together with the participants, try to group the various roles into some overall clusters or 'archetypes.' Have a brief discussion for each to ensure that there is some common understanding of the types. If the exercise is conducted in another language than most of those present speak, discuss with the group the appropriate terms for each role in their own language(s). You may also want to note examples or images that relate to a particular type.
2. Participants chose the type that s/he finds most important/ has most affinity with/ or feels most strongly about. (Try to make sure that there are some people for each type so that you can work on all archetypes). In the 'type' groups, participants discuss strengths and weaknesses that their type brings to violent conflict and/or a crisis situation (to be recorded on flip chart, two columns).

3. In plenary, have the groups report back. As each 'type' gets discussed, ask for additional comments from others (outside of the group) in terms of strengths or weaknesses that the group has not considered as yet.
4. Discuss in a plenary session, which roles can be easily combined (or may even overlap) and which may be more difficult to combine, and why this may be the case. Ask for practical examples people have encountered; and discuss what strategies have been used or can be used to deal with possible tension between roles (or confusion amongst other actors in the local context.)

Part 2: Sculptures

5. Make signs for each role. Ask individuals to come forward to represent the various roles, and give them each a sign to notify which role they personify. Explain that the next step is to make 'human sculptures' by positioning the different roles in a specific way: in relation to a specific situation/ context/ conflict, which role should get priority focus? Place the person representing that role in front. Where should the other roles be? Position the other roles as you see fit so that the participants understand the process.
6. Invite participants to make a human sculpture in relation to a concrete situation and to explain why they construct the sculpture in that way (one after another). Guide the discussion, note patterns etc. Encourage participants to make sculptures for different situations, to highlight how the relative importance of roles may change from situation to situation. You can also ask different people make sculptures for the same situation to highlight how assessment of the situation and what is required may differ between actors operating in the same context. (NB – if there are too few people present to 'represent' the different roles, you can write the types on separate pieces of card and put these on the ground, so that they can be moved around).
7. If it looks like some (seemingly) contradictory roles may be high priority in the same situation, discuss what the possible ramifications are of one actor performing these roles at the same time, and how to deal with that.

Part 3: Debrief and summary

8. Note the importance of role clarity, integrity. Explain the danger of role confusion: impact on one's effectiveness, on interaction with actors, etc.
9. Highlight that each role has merits and shortcomings; that none is necessarily better or worse, and that at times the boundaries between roles are diffuse. Highlight the importance of appreciating one's own role(s) and those played by others (i.e. the various roles are all equally valid.) Note the importance of utilising the comparative advantages that different actors bring to a specific situation, and of identifying such comparative advantages. Ask people to reflect and discuss insights gained and how they can apply these.

Points to be taken into account:

- When working with people speaking different languages, allow sufficient time for people to gain clarity and agreement on the relevant terms for the different 'archetypes' in their own language.
- The exercise as set out above is designed for people working in the same organisation or network. If it is conducted with people from various organisations, it may be useful to modify the first step and start with taking stock of the different activities people undertake and strategies they engage in. This can then be used to extract roles (or archetypes of roles.)
- The second part of the exercise (sculptures) can be used to analyse and/or do problem-solving in relation to specific situations encountered by partner organisations/people taking part in the exercise.

Box 21: Types of Advocacy

Whether facilitation and advocacy roles can be combined without much difficulty in a specific context depends on various factors, such as the specific conflict and power dynamics, the credibility of the intervener, the level at which the intervention process takes place and the intervener's relationship with conflicting parties. It also matters what we understand by advocacy: what the advocacy is about. A useful distinction between different types of advocacy is the following:

Types of Advocacy

Party Advocacy	Promoting the interests of a particular group (not necessarily for a political party, but e.g. those of the most marginalised).
Outcome Advocacy	Pursuing a specific outcome (to a conflict) that the intervener/practitioner considers desirable irrespective of which party benefits from it.
Process Advocacy	Promoting a specific way of deciding things or getting things done.
Values Advocacy	Championing certain concepts or principles such as democracy, fair play, the rule of law, transparency, accountability.

Adapted from: R. Kraybill, 1992, 'The Illusion of Neutrality', Track Two, 1, 3 (Nov.), p. 13-14.

Individuals and organisations concerned with the protection and promotion of human rights can probably easily engage in all four types of advocacy – although it must be noted that their party advocacy is not geared towards a particular political party (or actor), or party to the conflict, but rather to specific vulnerable groups, such as marginalised communities, children, women, displaced people, disabled, minorities. In terms of outcome advocacy, human rights defenders may insist that the outcome must include certain provisions (for example: on individual criminal accountability.)

In contrast, practitioners and organisations working on conflict transformation can probably most easily and appropriately engage with process and values advocacy. (In fact, Kraybill argues that they should do so in situations where issues of justice are at stake; according to him, the notion of 'neutrality' is an illusion, especially in such circumstances.) Even outcomes advocacy is not beyond the realm of people working on conflict transformation, if understood as advocating in general terms for an outcome that fits within a rights framework (rather than a specific substantive outcome.)

Distinguishing between different types of advocacy can help practitioners and organisations working on human rights and/or conflict transformation gain greater clarity of what they're involved in. Yet it does not necessarily solve difficult situations. For example, conflict parties may conflate an intervener's values advocacy (for example, on fairness, human rights, equality), with party advocacy. This occurs especially in asymmetric conflicts where advocacy of human rights standards is quickly perceived as reflecting a stance in favour of one or another 'political' actor/party.

Box 22: Linking Levels of Intervention: The Nested Paradigm

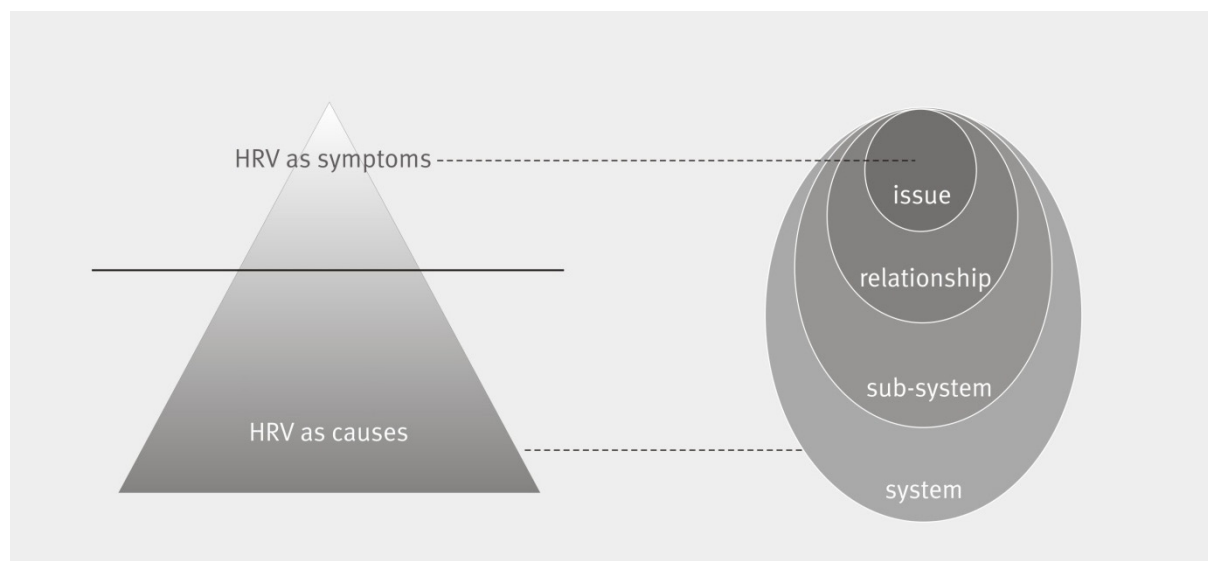


Diagram previously published in Parlevliet, M. 2009. “Rethinking Conflict Transformation from a Human Rights Perspective”, in: Fischer, M. and Schmelzle, B. (eds.), Berghof Handbook for Conflict Transformation, Berlin: Berghof Conflict Research, p. 12, at http://www.berghof-handbook.net/uploads/download/parlevliet_handbook.pdf.

Example:

A national human rights institution (NHRI) receives a complaint regarding the alleged torture and subsequent death of an individual in police detention.

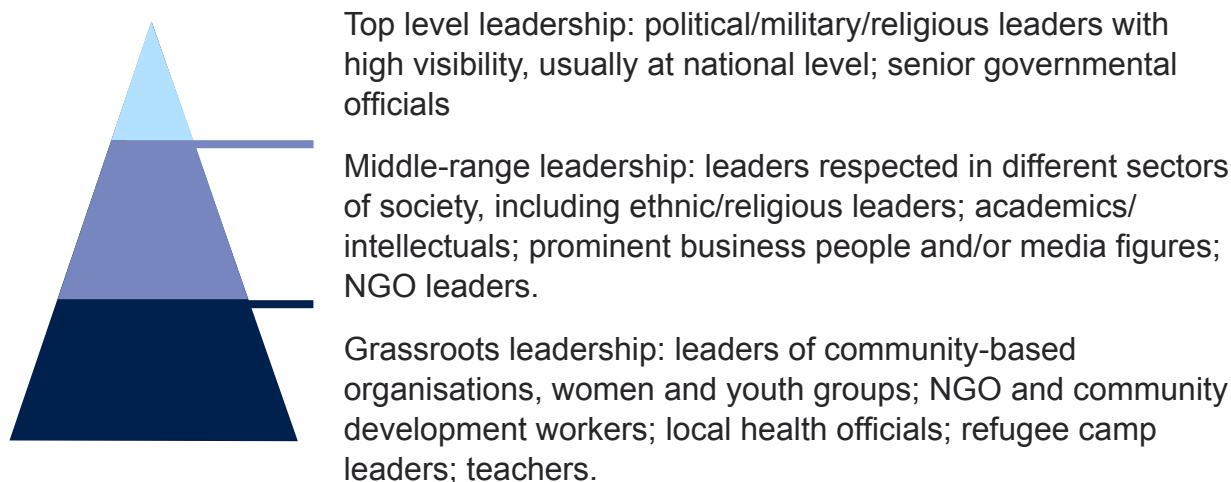
- Issue level of response: depending on its powers, the NHRI may decide to investigate the specific complaint and, if substantiated, may recommend remedies for family of the victim and/or disciplinary action against the person(s) responsible for torture. While important, the wider impact of this approach is limited, because the larger issues of lack of accountability and impunity in security forces are not addressed.
- Relationship level of response: the NHRI may decide to explore the conditions that contribute to torture and death in police custody, especially if it has encountered similar complaints before. It may note that the issue of torture is embedded in the relationship between the police and civil society, or police and a specific identity group, and that a perception prevails within the police that citizens who are politically active are by definition ‘subversive’ or ‘a threat to national security’. So, the NHRI may decide to utilise strategies to deal with these concerns – for example, by establishing and facilitating regular meetings between the local police and civil (or a cross-section of the local community; and conducting educational workshops for the local police on human rights and responsibilities.
- Sub-system level of response: the NHRI may also have found out that many of such complaints relate to one particular police office or detention facility, and that its proper command and oversight structures are sorely lacking. Or, it may find that transparency

and accountability is absent in the policing sector as a whole. (Both a specific detention facility and the policing sector as a whole can be considered a 'sub-system' because they reflect larger, systemic problems in a smaller/circumscribed context). Strategies to address this level may include negotiating with the leadership of the facility a system of regular visits by independent monitors to inspect the conditions; investigating and compiling an extensive report on human rights violations by the police over a specific time period, and training lines of responsibility and accountability.

- System level of response: the NHRI may have identified a number of systemic problems, such as government use of security forces to repress civilians perceived to be in opposition to the government; role of security forces in the political arena; systemic failure to hold state officials responsible for rights violations accountable for their actions. It may thus lobby for creation of appropriate legislation, policies and a code of conduct, or for the establishment of a dedicated body monitoring the performance of the police/ security forces – measures that will contribute to governing affairs in relation to the security forces in a more effective and accountable manner.

This tool reflects that interventions at both the system and the issue level are necessary to enhance human rights protection and contribute to the transformation of conflict. It suggests that strategies focusing on the two intermediate levels of response – the relationship level and the sub-system level – have the potential to provide opportunities for immediate, practical action and for laying the foundation for long-term transformation of the situation. The tool can be used for analysis (for example, by asking oneself 'what are the concerns at the various levels that should be addressed?'), and to assess or improve the design of a project/programme.

Box 23: Conflict Pyramid: Levels of Leadership and Vertical & Horizontal Capacity



From: J.P. Lederach, 1997. Building Peace. Sustainable Reconciliation in Divided Societies, Washington DC: United States Institute of Peace: pp. 37-55.

Different Measures at Different Levels

The activities that can be undertaken towards conflict transformation and human rights realisation differ at these different levels. The chart below lists some of such measures, identifying distinct conflict transformation activities and human rights activities; it is not exhaustive.

Top Level

- Conflict Transformation
High-level negotiations
- Human Rights
Policy and legislative reform

Middle-range level

- Conflict Transformation
Problem-solving workshops, conflict management training, regional peace commissions
- Human Rights
Reporting on patterns of rights violations, developing service charters for public institutions, capacity-building for civil servants

Grassroots level

- Conflict Transformation
Local peace commissions, community-based mediation, psychosocial work, prejudice reduction, radio listening groups

- Human Rights
Rights campaigns, monitoring of rights violations, mobilisation & empowerment of marginalised groups, paralegal training

Conflict transformation activities drawn from J.P. Lederach, 1997. Building Peace. Sustainable Reconciliation in Divided Societies, Washington DC: United States Institute of Peace.

Building Vertical and Horizontal Capacity

In societies where social injustice is common and many structural inequalities exist, it is very important to work across these levels of leadership and build vertical linkages between individuals at different levels. After all, in such contexts the grassroots population is usually alienated from the high-level leadership and excluded from influencing or participating in decision-making that affects the life of their communities or groups. Relevant questions to consider then are the following: who has vertical capacity (i.e. can move up and down between such levels of leadership)? How can such vertical capacity be enhanced? Yet such societies are usually also divided horizontally: at each level, there are groups on different sides of the conflict, separated by political/ethnic/religious/cultural lines. The greater the intensity of conflict (and the more violent), the greater the divisions in society; but when tensions are low, and no violence occurs, people are able to move easily across social lines. To transform conflict and build peace, it is therefore also important to build horizontal capacity: enhance the capacity of people who do move between groups, and enable groups to build relationships with members of other groups, across cleavages in their country or region.

Box 24: Dealing with the Past

This exercise was originally developed by John Paul Lederach to explore the meaning of and questions around reconciliation, and was based on his experiences of working with communities in Nicaragua in the 1980s. The exercise as adapted below is focused less on ‘reconciliation’ and more generally on balancing different imperatives at stake in dealing with the past (instructions below adapted by Michelle Parlevliet with Andries Odendaal.) The exercise has been conducted in many different (cultural and religious) contexts around the world. Please note that this exercise is not meant to be used in isolation. It is best supplemented with other methods, including information-sharing on various mechanisms for dealing with the past and lessons learned from other countries.

Title of Activity:	Dealing with the Past
What to use it for:	Analysis/ discussion
Number of participants:	20-60
Time required:	Approx. 3 hrs (less if fewer participants)

After the exercise, participants will:

- Have explored the meaning and relevance of truth, justice, mercy and peace in a transitional situation
- Have increased insight into the challenge of balancing different moral, legal, psychological and political imperatives in a transitional situation
- Have had the opportunity to discuss real questions of truth, justice, mercy and peace in a particular situation, in a safe space

Materials needed:

Space that allows for group work, big paper sheets, markers; sufficient wall space to put up flip chart papers

How do you do it (instructions):

Preparation:

1. Put up four placards on the walls around the training venue, one for each of the following concepts: truth, justice, peace, and mercy.
2. Prepare a name-tag or badge for each concept that can be pinned up by a representative.

Part 1:

3. Explain that this exercise is meant to explore the challenges inherent to ending a civil war. Indicate that in a transitional situation, questions of truth, mercy, justice, and peace are present – what do they mean? What has priority? How do these concepts relate to one another?

4. Indicate that we're looking at a situation where a (violent) intra-state conflict has taken place, and where progress has been made towards ending the conflict. The situation is still volatile –fighting may have stopped, but there is no guarantee of a permanent end to hostilities. Ask participants to reflect individually on what they find most important in that situation: truth, justice, mercy, or peace. Once they have chosen one of the four, ask them to take their chair and go to where the relevant notice is on the wall.
5. Ask participants in their groups to discuss the following questions:
 - What do you understand by the concept/notion? What does it mean for you?
 - Why is it the most important to you?
 - What does your notion contribute to a transitional situation and post-conflict reconciliation? (i.e. what does it contribute that the other three concepts cannot provide/offer?)
6. Participants have 30-45 minutes for this part of the exercise; adjust time as necessary. Also ask the groups to choose one person to act as their representative.

Part 2:

7. Ask all groups to come back in a plenary session, and put a chair at the head of the circle/U. Explain the process that will follow: each group will get a chance to present their views, why they are the most important; and after each presentation, people from other groups can question that concept.
8. Get one group to volunteer on reporting back. Have their representative sit in the chair up front, put up their name-tag (truth, justice, mercy, peace). Conduct an interview of approximately 5 minutes with each Mr/Ms. Truth/ Justice/ Peace/ Mercy. Focus on the specific contribution the representative thinks he/she will make in dealing with the past and facilitating reconciliation. Encourage members of the audience to pose questions to the interviewee (building on the discussions they have had themselves in their respective groups).

Part 3:

9. Select two or three countries not represented in the group and create a human sculpture by positioning the four representatives (reflecting truth, justice, peace and mercy) in a way that depicts how the four relate to one another in that country's peace process, and their relative priorities. Explain the sculpture. If appropriate, ask a volunteer from the group to create human sculptures representing the position in their own countries. Once the volunteer has made the sculpture, ask him/her to explain to the rest of the group why s/he has placed the various concepts in that position/order.
10. Repeat step 8 – let other volunteers build a sculpture with the four representatives, based on their own situation. NB: it is useful if you get people from different regions/ countries to depict their situation; but also different people from the same area (which highlights how different people from the same country or community may assess the priorities very differently.)
11. Debrief – ask participants what they learn from this exercise. What does this mean for them? Suggest that a post-conflict situation requires a balance between all

four, and how different people from the same context may prioritize the four very differently; how our assessment of the relative priority of each of the four concepts is very individual; and how the situation differs from case to case. In other words, each case requires its own careful balancing act and we cannot just impose a solution from one case onto another. Round up by focusing on the question: what needs to happen for truth to be told/justice to be done/mercy to be legitimate/peace to last and who needs to be involved?

12. At the end, ask participants what they learn from this exercise about 'dealing with the past' and/or 'reconciliation.'

Points to be taken into account:

- It is useful if there are participants for each of the four concepts. If nobody has chosen a particular one, ask participants whether anyone would be willing to work on that (either because it is their second priority, or because they feel strongly negative about the concept.) (Often, 'mercy' is left out and may require some prompting in order to get four groups).
- Experience has shown that people will prioritise the concepts differently depending on the situation sketched. (For example, if the situation is one where no peace settlement has been reached, many are likely to prioritize 'peace;' while more will probably prioritise 'justice' if a settlement has been reached.) You can incorporate this information in the exercise to show how prioritisation of the different imperatives may vary over time (ask: how would you feel if the situation were different/three years down the line?)
- When working with different languages, facilitate discussion with the group on the appropriate term(s) for each concept in their own language. Also note the following: the exercise was informed by a cultural context characterised by Christianity (Nicaragua). It has since been used elsewhere (e.g. Nepal, dominated by Hinduism), but a question has arisen about the applicability of the exercise in a predominantly Buddhist or Muslim environment. In such circumstances, it would be useful to explore whether and how these different notions (peace, justice, mercy, truth) exist in the local context, what connotations the relevant terms have in local languages, and/or whether another concept may be more appropriate to incorporate in the exercise.
- The exercise can be modified as appropriate for the local context. For example, the situation sketched may not be the end to a civil war, but a transition from an authoritarian regime to democracy; some facilitators use 'stability' instead of 'peace'; others facilitate a panel discussion with the four representatives, to ensure interaction between them (rather than interviewing them one by one.) It is also possible to conduct the exercise using the four principles relating to combating impunity: the right to justice, the right to truth, the right to reparations, and the guarantee of non-recurrence. The same methodology can be used.
- Given the complexity of the issues discussed, ensure sufficient time for discussion in groups and plenary sessions. The minimum time needed for conducting the exercise as described above is probably around 2.5 hours, depending on the number of people involved.

This page lists possible questions or issues to raise with the representatives of the four concepts:

Questions to explore in the exercise on 'dealing with the past'

Truth:

- What is truth? How objective or subjective is truth? Is there one truth, or does everybody have their own truth? What does it mean, to 'tell the truth'?
- To what extent is truth-telling a second best or soft option – exposing what happened but not holding people accountable?
- Will exposing the truth not cause more pain/ hatred/ violence?
- What needs to happen for truth to be established/ told? Who needs to be involved?

Justice:

- How do you understand 'justice'? What kind of different understandings (and mechanisms) of justice (retributive, redistributive, restorative, traditional) do exist? To what extent are these compatible with human rights and how are they accepted?
- To what extent does punishment function as deterrence? Also, is justice always retributive in nature?
- Would the judicial system really hold people accountable for their actions and if so, the right people? Is it strong and independent? How does the judicial system function at present? (for example, some people might associate the judicial system with corruption)
- How likely is it that people responsible for human rights violations will be needed for administration and management of the country?
- What are the resources required for justice to be done, and how does this relate to the need for reconstruction and development? To what extent does justice have a socio-economic dimension?
- To what extent will an adversarial process run the risk of jeopardizing a fragile political situation?
- What needs to happen for justice to be done? Who needs to be involved?

Mercy/Forgiveness:

- Legitimacy: how legitimate is mercy (ie forgiveness) given the abuses committed?
- Is forgiveness equal across the board or is especially one group/community expected to forgive?
- Can individuals withhold forgiveness - or is there a "right" to be forgiven?
- To what extent is there a risk of glossing over wrongs and of not holding people accountable?
- Can mercy (in the form of a pardon or amnesty)⁹ be an effective deterrent for preventing similar things from happening again? Is there a risk of impunity?

- What needs to happen for mercy to be legitimate/acceptable? Who needs to be involved?

Peace:

- What do you understand by peace? How do you know whether peace has been established? (Lack of fighting and end to hostilities does not necessarily mean an end to a conflict. What else is necessary to achieve positive peace?)
- How do we ensure that it (human rights abuse, violations) does not happen again?
- Can there be peace without justice/truth?
- What needs to happen for peace to last? Who needs to be involved?

These questions are meant to highlight that different people may have different understandings of the same notion (for example, some people understand 'peace' just as absence of violence, while others understand it as positive peace), and that these notions are have multiple dimensions. The exercise also helps to highlight how these different elements are all inter-related. The 'sculpturing' part of the exercise relates to the question: is there a sequence to truth, justice, mercy and peace (i.e. is truth necessary to do justice? Is peace necessary for people to feel safe enough to tell the truth)?

- 9 In the case of amnesty, individuals responsible for crimes do not have to appear before court and are released from being held accountable for their actions. A 'pardon' applies to individuals who have appeared in court and have been found guilty, and whose sentence is set aside through a pardon.

Box 25: Information on Relevant Rights Standards Related to Land Conflicts

A specific issue that is often at stake in conflict is access to and distribution of land. We thus include this box to give you an idea on how human rights can inform CT work when working on conflicts relating to land issues.

Many violent conflicts arise when people are forced to leave their land – be it as a result of land grabbing by local or foreign investors or infrastructure measures, or because they are forcibly evicted, for example as a result of disputes with the supposed landowner. Moreover, in many developing countries, there exists no formal land register to consistently prove true land ownership. A number of human rights can be specifically used as a framework to resolve related conflicts between conflicting parties: for residential land, e.g., the right to housing, including the prohibition of forced evictions, and the right to privacy are crucial, and can offer common grounds on which to agree upon since they constitute legally binding minimum standards. In conflicts relating to productive land, the right to food in the case of subsistence agriculture and in the case of other productive uses of land and/or the right to earn a living (“right to work”) may be of help in defining common objectives. Processes aiming at solving conflicts related to land ownership and resettlement should most importantly observe the rights to non-discrimination, information, participation and reparation or compensation, but also to legal redress in cases in which an extra-judicial, peaceful dispute settlement failed or adequate compensation was not granted. The rights of vulnerable groups that enjoy special human rights protection such as indigenous people, women, children, persons with disabilities and refugees must not only be taken account of, but interventions should particularly strive for their realisation.

A lot of useful human rights information is available in relation to land conflicts. To give you a more concrete idea, have a look below at relevant human rights standards. It summarises the key elements of some UN-General Comments that elaborate on rights that can be of particular relevance in land related conflicts. The General Comments constitute authoritative legal interpretations of specific human rights and elaborate on their respective nature and contents, rendering them more concrete and operational. They are issued by the respective UN treaty bodies, responsible for monitoring member states’ compliance with each UN human rights treaty. Of course, it is important to remember that land reform is one of those areas that are best addressed through a combined human rights and conflict transformation perspective (see [box 8](#)); therefore, when working with such standards on land conflicts, do consider how you can incorporate insights and tools from conflict transformation to strengthen your intervention in this area!

- [ICESCR General Comment No. 4 \(1991\) the right to adequate housing \(art. 11\(1\) ICESCR\)](#) specifies among other things in paragraph 8 the core elements of the right to housing: security of tenure, availability, affordability, habitability, accessibility, location and cultural adequacy. ([http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/469f4d91a9378221c12563ed0053547e?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/469f4d91a9378221c12563ed0053547e?Opendocument))

- [ICESCR General Comment No. 7 \(1997\) the right to adequate housing: forced evictions \(art. 11\(1\) ICESCR\)](#) specifies among other things in paragraph 13 to 15 the principles for any involuntary resettlement: avoidance, mitigation, compensation and if unavoidable consultation, information and legal remedies for affected people.
([http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/959f71e476284596802564c3005d8d50?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/959f71e476284596802564c3005d8d50?Opendocument); see also: <http://www.ohchr.org/EN/Issues/Housing/Pages/ForcedEvictions.aspx>)
- [ICESCR General Comment No. 12 on the right to adequate food \(Art. 11 ICESCR\)](#) specifies in para. 6 to 13 core elements of the right to food: adequacy and sustainability of food availability and access, including dietary needs, prohibition of adverse substances; cultural or consumer acceptability; the possibilities either for feeding oneself directly from productive land or other natural resources, or for well-functioning distribution, processing and market systems that can move food from the site of production to where it is needed in accordance with demand; economic and physical accessibility.
([http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/3d02758c707031d58025677f003b73b9?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/3d02758c707031d58025677f003b73b9?Opendocument))
- [ICESCR General Comment No. 18 on the right to work \(Art. 6 ICESCR\)](#) specifies in its paragraph 12 the core elements: availability in terms of services to enable individuals to identify and find employment; physical accessibility without discrimination, particularly for persons with disabilities, and the right to seek, obtain and impart information on the means of gaining access to employment; acceptability and quality, including the right of the worker to just, safe and favourable conditions of work, the right to form trade unions and the right freely to choose and accept work. It further includes the principle of decent work, i.e. work that respects the fundamental rights of the human person, provides an income allowing workers to support themselves and their families and includes respect for the physical and mental integrity of the worker in the exercise of his/her employment.
(<http://tb.ohchr.org/default.aspx?Symbol=E/C.12/GC/18>)

Equally important can be the rights to water and sanitation, education, freedom from cruel, inhuman and degrading treatment or punishment, and freedom of movement.

Here you find a list of [all General Comments to the ICESCR](#):
<http://www2.ohchr.org/english/bodies/cescr/comments.htm>.

You can consult this website for an overview on human rights provisions related to the [right to housing and forced evictions](#) (not including land rights for productive land uses):
(<http://www.ohchr.org/EN/Issues/Housing/Pages/InternationalStandards.aspx>)

The UN Special Rapporteur on the right to adequate housing whose mandate was created in 2000 explored critical areas related to the right to housing and to further specify and interpret this human right. The most important reference work regarding

resettlement are the [Basic Principles and Guidelines for Development-based Evictions and Displacement](http://www2.ohchr.org/english/issues/housing/docs/guidelines_en.pdf) from 2006
(http://www2.ohchr.org/english/issues/housing/docs/guidelines_en.pdf)

Also in 2000, the mandate of the [UN Special Rapporteur on the right to food](http://www2.ohchr.org/english/issues/food/index.htm) was created. Since then, the Rapporteur has been examining how to overcome obstacles for the realization of the right to food. He has raised issues of land reform, discrimination and conflicts regarding land, particularly through his country reports.
(<http://www2.ohchr.org/english/issues/food/index.htm>)

Box 26: The Human Rights-based Approach (HRBA) in German Development Cooperation

The HRBA is a conceptual framework that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. An HRBA integrates the norms, standards and principles of international human rights law into the plans, policies and processes of development. The HRBA implies a shift in perspective for development cooperation: target groups turn from beneficiaries into ‘right-holders’ with legal entitlements, and government institutions turn from service providers into ‘duty-bearers’ under an obligation to deliver on people’s human rights. At the heart of the HRBA is the recognition that unequal power relations and social exclusion deny people their human rights and keep them in poverty. A human rights focus helps to explain why women and specific groups, such as ethnic or religious minorities, are highly over-represented among the poor and why very often poverty is passed on from generation to generation. The key objective of an HRBA is to support political, social and institutional reform processes that address these inequalities and create an environment in which people have the opportunities and the freedom to make and act upon their own choices.

The HRBA recognises that achievement of desired human rights outcomes (such as access to safe water for all) is not, in itself, enough. How these outcomes are achieved is equally important. The HRBA therefore emphasises that development cooperation works on the basis of the following human rights principles: non-discrimination and equality of opportunities, participation and empowerment, transparency and accountability. These principles, which are also essential elements of good governance, are enshrined in international human rights law. An HRBA makes these principles non-negotiable, enhances their legitimacy and makes their application more consistent. Moreover, the HRBA stresses the interrelatedness of these principles. The greatest gains for human rights are made when institutions or civil society organisations are inclusive and transparent, allow for participation by ordinary citizens and act accountably.

Finally, the HRBA adds value to development processes in helping bring about equitable and sustainable development results. It provides a tool for understanding and addressing the multidimensional root causes of poverty and violent conflict: discrimination, repression, powerlessness, lack of political participation, and lack of access to basic resources and services, such as education, justice, health or water. It supports the good governance agenda in and across sectors, so that institutions and policies become more transparent and inclusive, allowing for better services and a meaningful participation of all citizens, including disadvantaged groups. It furthermore supports strategic management in development cooperation by providing minimum standards, which help to shape analysis, the definition of development priorities and objectives, implementation strategies as well as impact monitoring. It provides a basis for equitable resource allocation and reinforces gender equality through its reference to the respective legal framework (CEDAW, but also other provisions in different UN-human rights treaties).

For more detailed information on the Human Rights Based Approach in German Development Cooperation, including the human rights principles, please consult the GIZ document “[The Human Rights Based Approach in German Development Cooperation](http://www.gtz.de/de/dokumente/gtz2009-en-hr-based-approach-long.pdf)” at <http://www.gtz.de/de/dokumente/gtz2009-en-hr-based-approach-long.pdf>. Here, you also find examples that illustrate how human rights standards and principles can and have been used in different sectors in development practice.

Box 27: A Brief Summary of Human Rights (Unofficial Summarized Version)

The two key human rights treaties on the international level are the ICCPR and the ICESCR. In conjunction with the Universal Declaration of Human Rights, which in itself is not a legally binding instrument, they constitute the so-called “International Bill of Rights”.

International Covenant on Civil and Political Rights (ICCPR)

It came into force in 1976 and is legally binding for the States party to it. The Human Rights Committee, set up in accordance with Article 28 of the Covenant, monitors its implementation. The rights guaranteed by the ICCPR include, amongst others:

Article 2: The right to effective remedy for any person whose rights or freedoms as recognized in the Covenant are violated

Article 3: The equal rights of men and women

Article 6: The right to life

Article 7: The prohibition of torture and of cruel, inhuman or degrading treatment or punishment

Article 8: Freedom from slavery and servitude; prohibition of compulsory labour

Article 9: The right to liberty and security of person; protection against arbitrary arrest or detention

Article 12: The right to liberty of movement and freedom to choose one’s residence

Article 14: The right to equality before courts and tribunals; the right to be presumed innocent until proven guilty and the right to a fair hearing before an independent tribunal

Article 17: The right to privacy and to protection from arbitrary or unlawful interference in one’s privacy

Article 18: The right to freedom of thought, conscience and religion

Article 19: The right to hold opinions without interference, and the right to freedom of expression

Article 20: The prohibition of any propaganda for war and of advocacy of national, racial or religious hatred

Article 21: The right of peaceful assembly

Article 22: The right to freedom of association with others

Article 23: The right to marry and found a family

Article 24: The right of children to receive protection by the State without discrimination

Article 25: The right to take part in the conduct of public affairs; the right to vote and to be elected

Article 26: The right to equality before the law and to equal protection of the law

Article 27: The rights of ethnic, religious or linguistic minorities

International Covenant on Economic, Social and Cultural Rights (ICESCR)

It came into force in 1976 and is legally binding for the States party to it. The Committee on Economic, Social and Cultural Rights, founded by Resolution 1985/17 of the UN Economic and Social Council, monitors its implementation. The rights guaranteed include, amongst others:

- Article 1: The right of all peoples to self-determination
- Article 2: The right to enjoy the rights enunciated in the Covenant without discrimination
- Article 3: The equal rights of men and women
- Article 6: The right to work
- Article 7: The right to enjoy just and favourable conditions of work
- Article 8: The right to form trade unions and join a trade union of choice; the right to go on strike
- Article 9: The right to social security
- Article 10: The right to family and married life; the protection of children and young people
- Article 11: The right to an adequate standard of living, including adequate food, clothing and housing
- Article 12: The right to the highest attainable standard of physical and mental health
- Article 13: The right to education
- Article 14: The principle of compulsory primary education free of charge for all
- Article 15: The right to take part in cultural life and enjoy the benefits of scientific progress

Some regional human rights instruments:

- [Interamerican Convention on Human Rights \(Pacto de San José\)](http://www.oas.org/juridico/english/treaties/b-32.html)
(<http://www.oas.org/juridico/english/treaties/b-32.html>)
- [African Charter on Peoples and Human Rights \(Banjul Charter\)](http://www.africa-union.org/official_documents/treaties_%20conventions_%20protocols/banjul%20charter.pdf)
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Published by the

Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH
Sector Programme „Peace and Security“
Cross Sectoral Project “Realising Human Rights in Development Cooperation”
Dag-Hammarskjöld-Weg 1-5
P.O. Box 5180
65726 Eschborn

In cooperation with

Civil Peace Service
German Institute for Human Rights (GIHR)

Responsible

Federal Ministry for Economic Cooperation and Development (BMZ)
Division 204, Human Rights; gender equality; culture and development
Division 400, Peace and security

Edited by

Michelle Parlevliet

Design and Layout

Jana Mattert

Photo credits

Title: Jochen Heinrich; page 49: Gregorius Nahak

As at

July 2011

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