

Eileen Babbitt and Ellen Lutz (Eds.)  
Human Rights and Conflict Resolution in Context  
(Syracuse, NY: Syracuse University Press, 2009, 397pp.)

Eileen Babbitt and Ellen Lutz have made an important contribution to the Syracuse Studies on Peace and Conflict Resolution series. As they point out “To prevent wars and massive human rights violations and rebuild societies in their aftermath, an approach that incorporates the perspectives of both human rights advocates and conflict resolution practitioners is required. This goal is easier to assert than to achieve. These two groups make different assumptions, apply different methodologies, and have different institutional constraints. As a result, they tend to be wary of one another. This volume explores why human rights and conflict resolution practitioners often run afoul of each other, even though they are pursuing similar goals.”

The difficulties between the two approaches arise during the period of continuing armed conflict where those in power — and who are likely to continue in power — are violating human rights and yet are necessary partners in any negotiated settlement of the conflict. Two current examples are Sudan and Syria.

In Sudan, the President, Omar al-Bashir, has an arrest warrant against him from the International Criminal Court for human rights and laws-of-war violations in the current conflict in Darfur. With an arrest warrant against him, he can be arrested in any country in which he finds himself to be transferred to The Hague. Yet al-Bashir, no doubt, after careful considerations continues to make state visits to conferences in Africa and the Arab world. As head of state, he is a necessary participant in any compromise agreement to end the fighting in Darfur as he was needed to reach a north-south Sudan agreement.

Likewise Bashar al-Assad is responsible for the actions of his military and security forces in the current conflict in Syria which has seen consistent violations of human rights and the laws of war. Yet al-Assad is unlikely to be driven from power, and, were he to leave, it would be to a safe exile not a court in The Hague. To what extent does one overlook human rights violations in order to reach a negotiated settlement or to establish a stable order?

As the editors stress “ Most external actors pressing for negotiations — including the UN, other governments and nongovernmental conflict resolution experts — accept that in order to achieve a sustainable peace agreement and avoid subsequent ‘spoiler’ problems, all stakeholders need to be at the peace-negotiation table. Problems arise when some of those stakeholders have abominable human rights records. Human rights advocates typically assert that

rights violators should be prosecuted and punished, not legitimized through recognition as negotiation partners. Balancing the relative considerations of stakeholder participation and not legitimizing human rights violations are problems that can seem insurmountable and that usually require substantial creativity to resolve.”

As Andrea Bartoli and Thomas Bundschuh point out “Human rights advocates’ primary focus is on monitoring, investigating, and reporting the human rights situation, lobbying governments, and bringing perpetrators to justice. These activities are complemented by conflict resolvers’ insistence on recognizing all stakeholders’ interests. Conflict resolvers generally have a more positive outlook on human nature. Their mission is to mobilize what is good in people and make it available to construct people. Human rights advocates, by contrast, emphasize deviance from human rights standards; their perspective focuses on the need to change negative aspects of human nature. They orient decision makers and nation builders to the need to safeguard human rights, and conflict resolvers build trust among parties, map out the conflict, and open windows to solutions.

“Both communities are concerned with justice, but in different ways. For human rights advocates, the concern with justice often means seeking retributive justice, singling out the culprits, and pushing for reform of the judiciary, the police, and the military. Conflict resolvers want to involve all stakeholders, and they construe justice in terms of the legitimacy of goals pursued by the conflicting parties. Human rights advocates will not easily let past abuses go unpunished; conflict workers tend to be more future oriented.”

In order to look at these issues in a realistic way, three case studies were chosen: Colombia which is in the process of negotiations with the FARC, a major opposition militia, Sierra Leone where a peace agreement has been negotiated and a special court set up to judge human rights violations during the conflict, and Northern Ireland where the implementation of the 1998 peace agreement has been problematic. For each case study, there are three contributions, one written by human rights specialists involved in the country, conflict resolution participants who had been involved in the negotiations, and an academic who analyses the two contributions and draws some useful conclusions.

Reconciling peace and justice in the aftermath of an authoritarian regime or after a civil war invariably presents difficult choices that need to be seen in each historical context.

Increasing, largely through the efforts of NGOs such as the International Committee of the Red Cross, humanitarian law — the more recent term for the laws of war — is gaining attention. Standard human rights law as set out in the Universal Declaration of Human Rights and subsequent texts imposes obligations only on governments, whereas humanitarian law requires that all parties to a conflict abide by its rules. Thus using humanitarian law has allowed NGOs to highlight the human rights abuses committed by the Colombian and Sierra Leone guerrillas and paramilitaries as well as by the governments.

Bartoli and Bundschuh set out a framework within which processes of conflict resolution and human rights advocacy may function together:

“This critical peace-building task is waiting for conflict resolvers and human rights advocates to tackle. Four parameters are essential:

- 1) agency — that is, empowerment to experience oneself as an agent of change rather than a helpless victim;
- 2) inclusion of all the stakeholders;
- 3) dialogue — that is creation of public space;
- 4) all rights — in other words, a comprehensive human rights approach covering economic, social, and cultural rights as well as civil and political rights. The last parameter should act as a primary reference in defining a reasonable standard of living and socioeconomic well-being for all.

Rene Wadlow

