

January 2015

A Human Rights Based Approach to Peace Building

Purpose and Framework

In Colombia, the demobilisation of the para-military groups, accused of severe human rights abuses, led to a deep divide in society on the issue on whether justice or peace should come first. Some argued that amnesty for the paramilitary was necessary for peace to be possible, while others meant that this would enforce a history of impunity. Development cooperation, including the work of the Swedish Embassy, was heavily affected by this dilemma. This case is not unique and the majority of Sweden's partner countries are in a situation of violent conflict or post conflict where human rights and peace are both important to poverty reduction.

Universal human rights, peace and human security are all key components of the global agenda to eradicate poverty. The purpose of this brief is to provide guidance to staff on how to:

- Apply a Human Rights Based Approach (HRBA) to peace-building; and
- Apply a HRBA in a conflict sensitive way.

What are then the differences and similarities between these concepts? To start, a brief definition of the concepts is given and then they are compared.

In Sweden the interpretation of a HRBA has been elaborated in the [Policy for Global Development \(PGD\)](#) and the government's [Aid Policy Framework](#) (section 3.2.2.). Sida staff can access further information and HRBA tools on Sharepoint. Applying a human rights based approach entails:

- Assessing how the initiative will further the realisation of human rights as laid down in the UN Human Rights Conventions and how it will ensure to do no harm.
- Planning and monitoring how the values and principles underpinning these UN Conventions (non-discrimination, participation, accountability and transparency) are applied in the programme design and processes
- Developing capacities of those who have power and formal obligations to protect, respect and fulfil human rights obligations
- Empowering men, women, girls and boys (with hope, assertiveness, knowledge, skills, tools, communication channels, legal mechanisms etc.) to enable them to address their situation and claim their rights individually and collectively

The aid policy framework also has six aims, one of them is "Safeguarding human security and freedom from violence", with focus on a) Reduced vulnerability to conflict and for re-

lapse into conflict b) Greater human security in conflict and post-conflict situations c) A reduction in gender-based violence.

The Interdependence of Human Rights, Peace & Security

As explained above, a human rights based approach takes its starting point in the values and principles underpinning the UN human rights conventions; non-discrimination, participation, accountability and transparency.

Peace, on the other hand is usually seen as the absence of direct personal violence – negative peace – or when used in a more comprehensive way – positive peace – which is the absence of direct and indirect structural violence and social justice.ⁱ Security can be referred to its Latin origin as the absence of threat and usually relates to state security. The more recent concept human security is more human centred and as comprehensive as positive peace in that it is usually defined as the freedom from fear, freedom from want and freedom to take action on one’s behalf.

Comparing the areas, at a first glance it is obvious that the two bear similarities. Universal human rights, human security and positive peace are all three overarching visions, where all rights are fulfilled and direct and indirect violence is absent. However, in practice the promotion of peace and security is many times focused primarily on article 3, the right to life, of the Universal Declaration on Human Rights and thereby negative peace and the absence of violence. This brief will mainly focus on this narrower, and more operational, approach to peace-building and take its point of departure in the absence of armed violence or fear of armed violenceⁱⁱ. Similarities and differences are illustrated below and, as shown, there is a strong interdependence between the approaches.

Table 1: Implications of HRBA and Peace & Human Security Approaches in Conflict and Post-conflict Environments

Factor	HRBA	Peace and Human Security
Actors	Individual or group centred – rights holders – and state-centred – duty bearer.	States, armed or non-armed groups, powerful groups, potentially powerful groups and individuals, and conflict affected women, men, boys and girls.
Core principal	Rights are universal to all individuals and groups and they are indivisible.	Peaceful dispute resolution, impartiality.
Relation to “conflict”	Confronting/challenge those abusing HR and claiming rights. Supporting and monitoring duty bearers – non-violent conflict a tool for change. The approach might threaten the privileges of powerful groups and in the short run accelerate levels of conflict.	Conflicts and conflicting interests exist in all societies and most are solved/managed in a non-violent way. Focus is on preventing and stopping violent conflict to create conditions conducive for human security.
Approach/time-line	Principled approach: Promotion of Human rights, as principles, is oriented towards outcomes – the fulfilment of rights. However, HRBA adds a process dimension and highlights four key principles.	Pragmatic: Process oriented in order to achieve outcome – taking into account the balance of power when solving dispute issues - stop the violence, and prevent recurrence of violence.

Factor	HRBA	Peace and Human Security
Methodology	Achieving better life for poor people and fulfilment of HR standards. If necessary, demand the fulfilment of rights and report on abuses.	Find common ground and reconcile conflicting actors – dialogue and agreements with actors accused of human rights abuses if necessary.
Interdependence	War and insecurity, through their destructive nature, have a strong negative impact on political, social and economic rights. Armed conflict and insecurity are in other words root causes of challenges to HR.	Human rights abuses can cause the eruption of violent conflict or prolong existing armed conflicts. HR abuses are in other words root causes of violent conflict and insecurity.
Conflicting interdependence	Building peace can include accommodate actors that have committed crimes and abused human rights. It downgrades the principles of universality and indivisibility. Furthermore, it might help create a culture of impunity.	Demanding rights and confront actors and duty bearers might increase tension and the risk of violent conflict. Thus, a HRBA might trigger violent retribution or violent conflict and thereby be self-defeating in relation to article 3, the right to life, among others rights.
Enforcing interdependence	Addressing core drivers of conflict and building peace, for example access to land and defending the rights to culture and language of actors with less access to influence and power, is also to have a HRBA.	A HRBA and the promotion of human rights address many of the underlying causes/drivers of conflict. For example, strengthening social and economic rights through improved service delivery of duty bearers helps prevent violent conflicts.

Recent years' development debate in relation to these two areas has been centred on their conflicting interdependence and methodologies, and how to find common ground. However, and as illustrated above, in spite of challenges the two areas are complementary. Suggestions have been made by Gunner & Nordquist (2011) to try to have an *integrative* approach or to *twin* the efforts of HR and peace-building.ⁱⁱⁱ *Twinning* is mainly to acknowledge how efforts in HR can pave the way for changes in peace-building or vice versa, as the mentioning above on land or group rights illustrates. Integration is when a project or programme promotes both areas. In the next section, examples will be given on both integration and twinning.

HRBA and Peace & Security in Practice

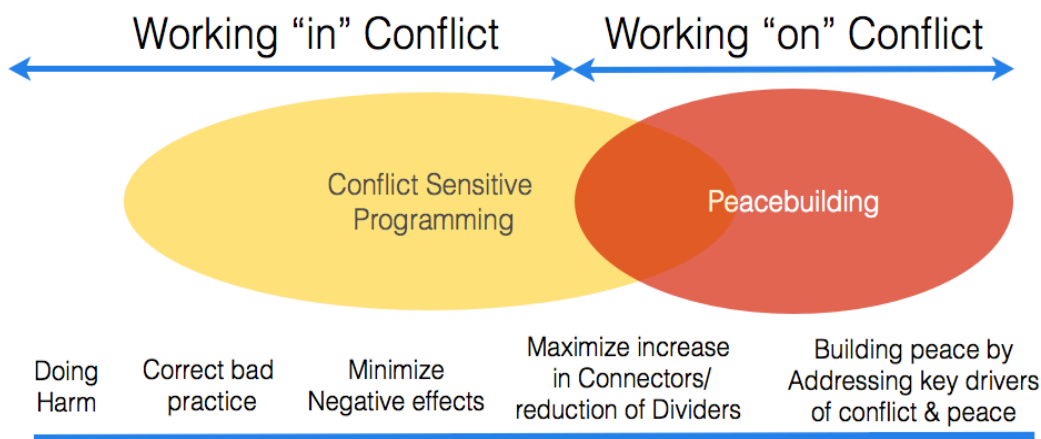
This section will take one step further going from concepts to presenting tools and approaches that can be used in designing, assessing and implementing interventions.

Working “in” and “on” conflict

What is the contextual setting where HRBA and peace-building should be related? The figure below illustrates the difference between working “in” and “on” conflict. Working “in” conflict, the first approach, means promoting development and human rights in a country where tensions are rising, armed conflict is ongoing or a post conflict phase has started, which is the situation in which 70-80% of Sida's partner countries are suffering. The main objective might not be focused on peace-building, which is the case when working “on” conflict. This second approach demands a conscious effort to address key drivers of peace and conflict in society. For example, the access to conflict resources such as diamonds or

arms, the distribution of power between different stakeholders, or decrease the exclusion of rebelling groups.

Figure 1: Conflict Sensitivity and Peace-building or “in” and “on” Conflict



A common assumption is often that peacebuilding, by definition is conflict sensitive, but this is not the case. In practice, peace-building can be conflict insensitive. This figure is a slightly adjusted version of the one produced by CDA Collaborative Learning Projects (www.cdainc.org) in DNH Guidance Note: Peace-building and DNH, September 2011.

Why is the difference between “in” and “on” conflict important for the interphase between a HRBA and peace-building? It illustrates the essence of understanding the conflict dynamics in order to avoid unintended negative impact – doing harm. Development cooperation aims at changing power relations where power is contested and contributes with resources in resource scarce contexts. In spite of the aspiration to “Do Good”, examples are numerous of development cooperation interventions, including peace-building and human rights initiatives, that have played into conflict lines and increased violence, for example in Afghanistan, Colombia and Zimbabwe. Good intentions cannot replace a thorough contextual understanding.^{iv}

Avoiding Doing Harm – HRBA to Peace-building and Conflict Sensitive HRBA

The approach to prevent doing harm, endorsed by Swedish Government policy and the OECD-Development Assistance Committee, is to design conflict sensitive initiatives. HRBA is about demanding rights, reporting abuse and, when necessary, confronting duty bearers. This the process will most likely play into conflict lines and the distribution of power. A key recommendation to HRBA practitioners is therefore that when designing, implementing and doing follow-up on initiatives, to integrate a conflict sensitivity analysis.

This can be done by applying a conflict sensitive approach. Sida's Human Security Advisers or Help Desk can be consulted for support in this regard. By doing so, the initiatives can be slightly re-designed to correct bad practice, minimise negative effects and increase possible positive spin-off effects on peace and human security (strengthen what connects people and weaken what divides them). It is important to note that being conflict sensitive is not about avoiding change – essential to development – but to find ways of doing things differently, through a conflict-sensitive implementation, in order to avoid doing harm. Still, risks need to be taken and not all unintended negative impacts can be avoided.

The opposite is also true - peace-building initiatives will touch upon issues core to a HRBA. Without a careful analysis, these initiatives might have a negative impact on non-discrimination, for example excluding women from peace processes, or weaken accountability through general amnesties to perpetrators. This will be developed further below in relation to the four key principles of Sida's application of a HRBA.



A little boy tells, Sida supported, MAG (Mines Advisory Group) that he had seen "one of those" out in the woods. He points to a grenade during a briefing outside in a village not far from the provincial capital of Mbandaka in DRC. Photo: Daniel Tiveau/Sida

HRBA Analysis and Peace and Conflict Analysis - Finding Opportunities for Integration or Twinning of Initiatives

An important entry point for finding concrete options for action is to utilise easy-to-use and focussed tools for analysis when preparing for and designing initiatives – an approach much more ambitious than just avoiding doing harm. Several of the overview studies of HR and peace-building recommend integrating a HRBA analysis of rights holders and duty bearers with peace and conflict analysis – and this is an important opportunity for Sida or its partners when working to apply a HRBA in conflict settings.

Both approaches integrate a power or stakeholder analysis component and institutional capacities to respond. Integrated, these analyses can provide options for action and a constructive path ahead. Questions can be:

- What are the claims from rights holders and the response from duty bearers? How do these claims and responses relate to the key drivers of peace and conflict?
- How will those with power react to the proposed change and how can powerful actors be engaged, actors with less power be empowered and the influence of possible spoilers be limited?
- Based on the above questions: Which would be the initiatives with the highest relevance given the HR and conflict contexts and how can change be promoted in an effective, sustainable and conflict sensitive way given the stakeholders?

As illustrated above in the table, there is a strong interdependence of causes and effects between the two areas. Through a systematic analysis it is possible to find options for integrated projects or to see how initiatives can complement each other (twinning). A joint HRBA and peace & conflict analysis could, for example, ask the questions:

- How can initiatives to decrease discrimination or weak participation of an ethnic minority also be designed to address discrimination as a driver of conflict?
- How can security sector reform initiatives within a peace-building context be implemented with a rights based approach, for example improved transparency to increase accountability as well as improved institutional capacity as duty bearer?;
- How can women's meaningful participation be strengthened in local or national peace processes and how to improve the quality and longevity of peace by avoiding gender blindness?
- How methodologies or timing can be adjusted, as proposed by Swedish Government policy, in a constructive dialogue between national and international actors.

As an example of linking HRBA and peace-building, Sida's Strategic Conflict Analysis of Afghanistan (2012) illustrates a range of strong relations between HRBA, peace and conflict and proposes special efforts within the sector of human rights.



In the RDC (Research and Documentation Centre) files in Sarajevo there are more than 50,000 photos and 3,500 hours of footage, says Jadranko Kurbegovitch. Sweden supports the RDC to document the Yugoslavia war events and to educate the next generation preventively. Photo: Victor Brott

Conclusions on HRBA and Peace-building - Principle by Principle

The main recommendation of this brief is for staff to combine tools for HRBA analysis and peace & conflict analysis when assessing, supporting and evaluating development cooperation contributions. Possible steps can be to:

- a) Analyse the current situation in the country carefully, assuming that HRBA and peace-building have a positive and negative interdependence;
- b) Assess the claims of rights holders and the response and capacity of the duty bearers and how these relate to the key drivers of peace and conflict. Based on this analysis, find practical approaches and options avoiding mutual negative impacts and exploring mutually enforcing opportunities. Ask how peace-building can apply HRBA and the promotion of human rights can be conflict sensitive. Key issues to reflect upon, during assessment, according to Swedish policy is the choice of timing and methodology;
- c) When the HRBA is made conflict sensitive and applied to peace-building, the following opportunities can be utilised:
- d) Integration: Initiatives can be supported that integrate both HRBA and peace-building by addressing mutual root causes. For example, programmes that address both uneven land distribution (HRBA) and the conflicts caused by this distribution (peace-building).

- e) Twinning: Initiatives can be supported where human rights and peace-building are complementary paving way for one and another. For example, when a programme on disarmament, demobilisation and re-integration of combatants (DDR - peace-building) is paving way for a programme in support of claims (HRBA) by war victims, and vice versa, in a planned and harmonised way, for example, by carefully documenting, during the demobilisation, the former combatants and their participation in the conflict.

When the context change and/or when preparing for a new phase of a strategy or programme, a re-assessment of the current situation (1) is needed.

Finally, peace-building should always be implemented in relation to the four HRBA principles. The table below illustrates some important aspects of working “in” and “on” conflict and possible questions to ask:

Table 2: The four HRBA Principles “in” and “on” Conflict

Non-discrimination

“In” conflict – effects of conflict on HR	Before or during violent conflict, powerful actors will seek to mobilise people based on different political or ethnic identities and discriminate others. Furthermore, conflict dynamics will make many individuals and groups more vulnerable such as persons with disabilities, elderly and children. This is obvious in relation to the recruitment or exploitation of children in war, abuses of and sexual violence against women and the overrepresentation of men among lethal casualties.
“On” conflict – HRBA when building peace ^v	When promoting peace, not only powerful groups shall be approached but also potentially powerful and the general public as well as conflict affected groups. By including both “key” people with access to power and “many people”, the wider society, peace-building is made more effective with a HRBA dimension. It is also necessary to take into consideration and ensure women's participation. Women are often important actors in peace-building in society, but are neglected, for example, during formal negotiations. Furthermore, addressing discrimination e.g. of ethnic minorities, a root cause of both conflict and HR abuse will be targeted.
Questions to ask when working “in” and “on” conflict	<ul style="list-style-type: none"> - What are the root causes of discrimination and how can HR and peace-building interventions help address them? - When promoting peace, the powerful actors need to be included as well as the actors with less access to influence and power. How can this be done? - In what way can women be empowered to participate? - How can the rights of people with special needs, for example disabled people, be integrated into analysis and how can they be supported - How can persons with disabilities, elderly and ethnic minorities be supported to resist violent conflict and benefit from protection?

Transparency

“In” conflict – effects of conflict on HR	“The first victim of war is truth” is a classic saying. When military operations start dominating political life, secrecy is the result in the interest of “national security”. This has implications for the civil service and for state transparency and accountability. Studies confirm, especially after 11 September 2001, that transparency has decreased. In addition, there is a tendency of many peace processes to be pursued by an elite without transparency.
“On” conflict – HRBA when building peace	When supporting peace processes, avoid the pitfall of treating secrecy as a pre-condition for negotiated peace. Both elites and society at large need to and have the right to be informed and participate in a reconciliatory process in order to be effective and to have a HRBA lens. Furthermore, by promoting transparency throughout the conflict process, fear as core driver of conflict can be addressed and more actors can help prevent or manage the outbreak of violence. In addition, lack of transparency feeds corruption during conflict which both threatens HR and peace by providing resources to violence.
Questions to ask when working “in” and “on” conflict	<ul style="list-style-type: none"> - Who has access to information and in what way is it used in relation to the conflict? Is it misused for propaganda reasons? - When promoting transparency from a HRBA, there is a risk of affecting an eventual peace process. How can this be mediated? Transparency is important for effectiveness, but timing is also an issue. What are the implications of timing in your context? - Access to information is essential for justice, reconciliation and peace. Are there opportunities to support initiatives on documentation?

Participation

“In” conflict – effects of conflict on HR	Due to the discriminatory and secret character of violent conflict, opportunities for meaningful participation many times decrease dramatically. This is especially true for minorities, civil society and women. However, women's participation can sometimes increase due to changed gender relations, but frequently with high costs and systematic abuses. A participatory democratisation process may also be hampered.
“On” conflict – HRBA when building peace	Broad participation during peace processes is central both from a rights perspective and for the sake of effective and durable peace-building. Women, youth and communities in the geographic periphery tend to be excluded from peace processes. Special efforts need to be made for the participation of women, distant communities and the “future” generation, without whom peace will be more difficult to achieve and maintain. It is also important to address the vulnerabilities and needs of female, male and child combatants after war. They have the right to participate and can, if excluded, become a threat to peace.

Questions to ask when working “in” and “on” conflict

- In order to have broader participation, both from a rights and a peace perspective, capacity building of civil society is essential. This is much more challenging during conflict and there is a need to be both flexible and willing to take risks. How can support to build capacity in civil society be made flexible while taking calculated risks?
- It is important to include a broad spectrum of the population, in order to increase the likelihood of sustainable HR and peace. From a peace perspective, potentially powerful and democratic groups are especially important as presenting a future alternative to “warlordism” and strongmen dominance. How can these groups be supported?
- The UN Resolution 1325 specifically highlights the importance of women's participation at all levels of decision-making for conflict-resolution and peace negotiations. Are there ways of strengthening women's participation?

Accountability

“In” conflict – effects of conflict on HR


State fragility during and after violent conflict and lack of transparency contributes to low level of accountability of duty bearers. Many times, parallel systems are built for justice and social and economic security through civil society organisations, which decreases the pressure on the state to provide.

“On” conflict – HRBA when building peace

State-building and peace-building have tended to become synonymous. However, state control is usually a disputed issue. Therefore, an inclusive and accountable state is important both from a rights perspective, as duty bearer, and from a legitimacy and peace perspective. By applying a HRBA on state building, the likelihood increases that the process also builds peace. Furthermore, accountability for human rights abuses should not be left aside, but carefully analysed during peace processes. The issue of “justice or peace first” must be handled and it cannot be an issue of “one or the other”.

Questions to ask when working “in” and “on” conflict

- State-building is very difficult during on-going armed conflict. A power-analysis can help deem if it is at all possible as the state itself might be contested. During post conflict, state building is essential based on the existing consensus in order to help create a capable duty bearer and durable peace. Are there options for supporting state building?
- During post-conflict and armed conflict, if the overall environment is supportive, local democratic governance could be a useful entry point for peace building and HR. Are there possibilities to strengthen local governance?
- Capability of civil society to “voice” rights claims is important. However, the capacity of the state is also important. Otherwise development contribution might contribute to future conflict. In what way can state-building and civil society support be balanced?

- 
- Post conflict processes many times result in reforms of the constitution, parliament, civil service etc. Can this process provide a window of opportunity to strengthen the state's adherence and capacity as duty bearer?
 - Transitional justice offers a vehicle in fragile states to address both justice and peace-building needs and provides possible solutions to the dilemma "justice AND peace". In spite of this, a long term perspective for a permanent system of rule of law is important. How can transitional justice be supported while aiming at rule of law?

Further Reading and references

On conflict sensitivity and the Do No Harm methodology, visit www.cdainc.com to download the mentioned publications:

- Do No Harm Checklist (A4), CDA, 2007
- Do No Harm Handbook, CDA, 2004
- Mary, B. Anderson, Options for Aid in Conflict: Lessons from Field Experience, CDA, 2000 (download from web page above).

On the relationship between human rights/HRBA and peace-building:

- Göran Gunner & Kjell-Åke Nordquist, *An Unlikely Dilemma: Constructing a Partnership between Human Rights and Peace-Building*, Pickwick Publications, 2011

On HRBA:

- The United Nations has established a website called the 'Practitioners Portal on HRBA' – www.hrbaportal.org - which brings together a number of HRBA projects from different countries and sectors with the aim of mainstreaming information and understanding about HRBA.

On women and persons with disabilities

Disability and the post-conflict agenda [here](#)

Involvement of Persons with Disabilities in Conflict Resolution and Peacebuilding Efforts [here](#)

ⁱ Johan Galtung, *Violence, Peace, and peace Research*, Journal of Peace research, 1969.

ⁱⁱ Peace-building and the promotion of peace and human security are here used synonymously. In reality, there are different definitions and interpretations of these concepts. However, for the purpose of this operational brief these differences are of less concern. If peace-building is mentioned in this brief it relates to the promotion of peace and human security before, during and after armed violence, be it so a formal violent conflict with stated incompatibilities or other types of organised violence, for example organised crime.

ⁱⁱⁱ Göran Gunner & Kjell-Åke Nordquist, *An Unlikely Dilemma: Constructing a Partnership between Human Rights and Peace-Building*, Pickwick Publications, 2011, *Synthesis Report - Review Study on Human Rights*, OECD-DAC Joint Working Group on Human Rights and Conflict, OECD-DAC, 2008

^{iv} *Conflict and Fragility: Do No Harm*, OECD, 2009: 1–202., Björn Holmberg, *Civilsamhälle i väpnad konflikt: En rapport kring möjligheter samt svårigheter att stärka civila samhällen i konfliktländer*, Sida, 2012

^v This column refers to some of the conclusions of the *Reflecting on Peace Practice* (RPP), CDA Collaborative Development Project, 2003 and Paffenholz, Thania, *Civil Society & Peace-building – A Critical Assessment*, Lynne Rienner, 2009