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Human rights and peace:  
Clashing cultures

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## **Abstract**

Individuals and institutions that embody human rights and peace face the challenging task of understanding the strain between the two fields. Scholars in both fields have offered various explanations as to the source and nature of this strain. Yet, many of these explanations seem to fall short in explaining the inability to ease convergence. Personalities, priorities, and programmatic differences all feed into the strain. Still, the incompatibilities seem to run deeper. This article searches for a schema to understand why convergence is such a challenge. Human rights and peace are so interwoven both intellectually and practically that overlap and interaction is inevitable. I argue that disconnects between human rights and peace work are not merely personal or technical; they are

cultural. That is, human rights and peace advance distinct ways of thinking, behaving, speaking, understanding, and treating conflicts and injustices. These cultures clash on the definitive question of how threats to humanity ought to be dealt with. Seeing human rights and peace as cultures that diverge at pivotal points helps to capture the depth of the divide between the two fields. I argue that while human rights and peace do not mesh on the themes of violence, conflict, and harmony, the most substantive incompatibility relates to the way the two fields treat negotiation and dialogue. Rather than extending this argument to a nihilistic conclusion that convergence is impossible, I consider the possibility of a shift in the way both fields approach one another. As cultures, human rights and peace provide different dispositions which, in combination, lends to significant versatility. Bi-cultural institutions and individuals benefit significantly from the ability to shift back and forth between different patterns and dispositions. In this sense, divergence is not a threat, but an attribute.

**Keywords:** interdisciplinary, complimentary, divergence

## **Introduction**

Calls for greater convergence between human rights and peace bring attention to the unreconciled strains between the two fields. Few question whether both fields stand to benefit from the work of the other. Indeed, the calls for greater convergence are coming from within human rights and peace communities. Hannum proposes: "...neither group can create world (or even local) peace on their own...the two disciplines need to build on their shared values...collaboration, or at least mutual appreciation,

is certainly feasible” (2006, p.582). Human rights and peace are so interwoven that institutions like the Institute of Human Rights and Peace Studies, Mahidol University bring the fields together under one roof and train people in both fields. Whether for reasons of mutual benefit, mutual dependency, or otherwise, there appears a desire to harmonize human rights and peace; to “shed light on the barriers to the integration of human rights and peace work and on the means to overcome those barriers” (Carnegie Council on Ethics and International Affairs, 2002, p.4). Despite this desire and even though institutions and individuals have come to embody human rights and peace, the strain remains.

Contemplations into the strain between human rights and peace offer various diagnoses. Hannum describes human rights and peace as different means to the same end: “While ‘peace’ and ‘justice’ advocates share ultimate goals, the short term concerns and strategies of practitioners in the two fields may differ dramatically” (2006, p.582). In Hannum’s view, the barriers are both strategic and egotistic: “Both mediators and human rights advocates could use more humility and less arrogance” (2006, p.582). Galtung, in a *Pioneer of Peace Research* (Galtung and Fischer, 2013), draws temperamental distinctions between the two fields. In *Human Rights in Another Key*, Galtung provides a picture of human rights as follows: “...human rights watchers, even watchdogs, like fox-terriers watching their masters keenly, barking and biting the kicking legs when needed, sometimes at considerable risk to themselves” (1994, p.150). Some human rights advocates may challenge this notion not because it is demeaning but because a pit-bull is a more apt characterization. Conversely, the peace mindset “presupposes a conflict outcome acceptable to all parties

and sustainable, which implies equality” (Galtung, 2004, p.1). Peace replaces the scrappy dog with a confrontation averse stance. Contrasting this notion that human rights and peace approach issues with very different mentalities, Ife proposes that there is no strain; the strain is a construction of simplistic understandings of the two fields:

If understood at a superficial level, the aims of peace and human rights can be seen to be at times in conflict...[such a view is] fundamentally flawed, and based on inadequate understandings of both peace and human rights. Rather...peace and human rights are necessary for each other: peace cannot be achieved without human rights being protected and realized, and human rights cannot be achieved in the absence of peace (2007, p.160).

Mutual dependency does not negate differences, but Ife’s point about the dynamism of each field deserves noting. These three views are by no means a complete survey of existing debates on the subject. However, they do provide a general picture that Schirch sums up well :

At times the relationship looks like quarreling siblings named Justice and Peace, battling for primacy and status at each other’s expense. At other times the relationship between human rights and conflict transformation looks more like pieces of a puzzle that complement each other (2006, p.63).

Might there be a more schematic way of understanding why convergence is not easier? In this article, I posit that the strain

between peace and human rights, which can seem insurmountable, persists because these two fields advance two different cultures. Culture attempts to mold individuals and groups – influencing the way they think, speak, act, and interact. Human rights and peace, as cultures that concentrate on how threats to humanity ought to be dealt with, tap into the core of individuals who want to address the struggles and injustices they see in the world. Once immersed in the culture of human rights or peace, the conditioning begins. Human rights becomes a distinct identity, as does peace. The outcome of the cultural conditioning are individuals and institutions who may watch their human rights or peace counterparts, with whom they often work side by side, and wonder how they could approach such similar issues so differently. Culture, in this paper denotes what the Center for Advanced Research on Language Acquisition at the University of Minnesota defines as:

...the shared patterns of behaviors and interactions, cognitive constructs, and affective understanding that are learned through a process of socialization. These shared patterns identify the members of a culture group while also distinguishing those of another group. Culture influences notions of self, others, humanity, and “the very nature of individual experience, including cognition, emotion, and motivation” (Markus and Kitayam, 1991, p.224).

Reflecting on the work of Bourdieu, Swartz concludes: “Culture provides the very grounds for human communication and interaction...and mediates practices by connecting individuals and groups to institutionalized hierarchies” (1997, p.1). This

conceptualization of culture is important as the methodology behind this paper was entirely desk based. Culture as defined and described here became the unit through which to reflect on and discuss the fields of human rights and peace.

Both human rights and peace advance a particular tradition, attitude, identity, and schema for individuals to rally around. Seeing human rights and peace as cultures changes the nature of the interaction. When this interaction is a clash, one can see departures regarding the nature of justice, conflict, righteousness, and humanity.

To hedge at the outset, this article makes generalizations but these should not be read as essentializing. Human rights and peace, similar to all cultures, are not cleanly defined or fixed. Further, human rights and peace practitioners are not bound by whatever rules the powers that be in each field outline. Two formal, normative frameworks, the UN Declaration on a Culture of Peace (UNGA, 1999) and the UN's common understanding material on the Human Rights Based Approach (OHCHR, 2006; UN, 2003), provide some formal signposts for analysis. These formal frameworks are not the ultimate authority when defining the culture of peace or human rights. However, UN documents reflect at least some level of consensus and reflect broader dynamics underlying each normative view of how threats to humanity ought to be dealt with. I argue that while human rights and peace do not mesh on the themes of violence, conflict, and harmony, the most substantive incompatibility relates to the way the two fields treat negotiation and dialogue. The article concludes by considering the implications of what may be seen as a clash of cultures for institutions and

individuals who embody both human rights and peace. Human rights and peace provide different dispositions which, in combination, lends to significant versatility. In this sense, divergence is not a threat, but an attribute. This article, thus, contributes to ongoing discussions regarding the interactions between human rights and peace by proposing, firstly, that each discipline be thought of as a distinct culture that diverges from the other, and secondly, that this clash of cultures is useful. Indeed both human rights and peace stand to benefit from the clash.

### ***The Cultures of Peace and Human Rights***

In 1999, the UN General Assembly adopted the Declaration on a Culture of Peace. The denotation of culture is not insignificant. The Declaration's preamble sets the scene for a psychological and spiritual intervention: "Recalling...that 'since wars begin in the minds of men, it is in the minds of men that the defences of peace much be construction'." The aim is to "promote and strengthen...a set of values, attitudes, traditions and modes of behaviour and ways of life" capable of countering "the persistence and proliferation of violence and conflict in various parts of the world."

While there is no Declaration on a Culture of Human Rights to for convenient juxtaposition, the UN has endowed a Human Rights Based Approach. This approach advances two core rationales:

- (a) the intrinsic rationale, acknowledging that a human rights-based approach is the right thing to do,



morally or legally; and (b) the instrumental rationale, recognizing that a human rights-based approach leads to better and more sustainable human development outcomes (OHCHR, 2006, p.16).

The Human Rights Based Approach was originally formed to clarify and direct the legally binding development duties of UN member states and agencies. However, the human rights based approach speaks beyond UN tied development operations. Governmental and non-governmental organizations of all types turn to the human rights based approaches' PANEL (participation, accountability, non-discrimination and equality, empowerment, and legal bases) framework for guidance.

One could look elsewhere to frame the human rights culture. Galtung, in a critical assessment ideates the human rights culture as formalizing through the UDHR:

On 10 December 1948 the Universal Declaration of Human Rights came into being, given birth by the United Nations General Assembly. The output reflects well Judeo-Christian culture, including the tendency of that culture to see itself as universal. See this as one top on a journey, long, possibly endless (1994, p.154).

Galtung's point on the UDHR having a Judeo-Christian orientation is another discussion entirely. What is important here is the conceptualization of the human rights culture through the UDHR. As the pinnacle document in human rights, the UDHR seems a logical place to turn. However, while the UDHR is explicit in defining the what, it is less explicit in defining the how. The HRBA does this well.

The human rights based approach seems an apt compass of the human rights culture because it formally articulates directives for how to think about and respond to life, society, and humanity. In other words, it provides a definition of sorts of what it means to behave in line with human rights, Those who are a part of the group commit to a human rights based modus operandi. In other words, the culture of human rights has a number of “essential attributes” (ibid, p.15). It is the juxtaposition of these essential attributes with the basis of a culture of peace defined in General Assembly Resolution 52/13 and articles one through nine of the Declaration on a Culture of Peace that reveals an advancement of two similar but deviating cultures.

In placing the Human Rights Based Approach (HRBA) and Declaration on a Culture of Peace (DCP) side by side the first thing one may notice is that peace features prominently in the HRBA and human rights feature prominently in the DCP. Article 1c of the DCP calls for the “full respect for and promotion of all human rights and fundamental freedom.” The introduction of the UN’s Common Understanding of the HRBA reiterates that human rights are “foundation of freedom, justice and peace”(UN, 2003). This could be read to suggest that a culture of peace contains within it a culture of human rights. However, positioning human rights as a prerequisite of a culture of peace does not mean that human rights based values, attitudes, traditions, and behaviors guide the culture of peace. Human rights only need be a part of the larger formula that is a culture of peace. It is unclear whether principles of peace must be a part of a culture of human rights. Human rights principles and programming often take an ambivalent stance on violence and conflict. It is here that the first departure between

the culture of human rights and the culture of peace becomes evident.

### *Ambivalence towards Violence and Conflict*

The culture of peace makes explicit commitments to human rights, but the culture of human rights makes no such commitments to peace. The human rights based approach articulates the end goal as “[fulfilling] human rights,” as measured through “human rights instruments, conventions and other internationally agreed goals, targets, norms or standards” (OHCHR, 2006, pp.15 - 16). These terms do not necessarily position peace as a target in the short or long term. The PDC clearly commits to “ending of violence and promotion of non-violence,” “the peaceful settlement of conflict,” and “advancing solidarity amongst all civilization.” The HRBA’s silence on violence, conflict, and societal solidarity suggests the possibility of a culture of human rights that is not necessarily non-violent, conflict free, or harmonious. The HRBA’s emphasis on accountability suggests that the willingness to confront and partake in some type of conflict key in the human rights culture. Uprisings and revolutions that aim to improve human rights may celebrate conflict and employ violence. Principles such as the responsibility to protect codify space for armed intervention to occur when human rights are under threat. Bukhardt argues that “[a]ligning the just war tradition with human rights is essential because human rights constitute the core of international justice” (2013, p.ii). The discourse of human rights seems to give a nod to non-violence but embrace the importance of fighting, confronting perpetration, and when necessary ‘just’ violence.

Human rights norms may position human rights as a counter to “barbarous acts which have outraged the conscience of mankind,” as the preamble to the UN Declaration on Human Rights notes, but this does not imply that “non-violence,” “the peaceful settlement of conflict,” and “advancing solidarity amongst all civilization” are staples of the human rights culture. A culture that is ambivalent towards violence, conflict, and harmony is sure to clash with a culture which dedicates wholly to overcoming violence and conflict. Indeed, one could argue that the culture of human rights is ambivalent towards the culture of peace. One could question whether peace and human rights are, in fact, different means to the same end. However, these points are too flaky to stake claims of a cultural clash on. Therefore, I now shift the focus to the definitional and essential attribute level.

General Assembly Resolution 52/13 defines a culture of peace as:

...values, attitudes and behaviours that reflect and inspire social interaction and sharing based on the principles of freedom, justice and democracy, all human rights, tolerance and solidarity, that reject violence and endeavour to prevent conflicts by tackling their root causes to solve problems through dialogue and negotiation and that guarantee the full exercise of all rights and that means to participate fully in the development process of their society.

With this definition a more empirical clash of cultures comes into focus

## *Dialogue and Negotiation*

Article 1i of the UN Declaration on a Culture of Peace calls for adherence to “dialogue and understanding at all levels of society.” It is here that there is an important distinction between “dialogue and negotiation,” even when placed alongside commitments to “the full exercise of all rights,” and the HRBA position that all processes, programs, and outcomes need be guided and measured by “universal human rights instruments, conventions and other internationally agreed goals, targets, norms or standards”(OHCHR, 2006, p.16). It is here that the significant clash of cultures reveals. Dialogue and understanding are centerpieces of the culture of peace. Human rights is, by name and normative definition, a righteousness culture. Negotiation is simply antithetical to core values of the culture of human rights. In the culture of human rights, when human rights violations are underway, there is nothing to negotiate. Human rights does not treat a violation as a misunderstanding. There is little interest in excuses or explanations from duty bearers about why they are failing. The culture of human rights operates on the premise that something is right, whether speaking legally or otherwise, and what is right becomes the imperative to uphold. As the OHCHR states, “the human rights-based approach is the right thing to do, morally or legally” (2006, p.16). Peace not only avoids rights based claims, peace practitioners regularly note that rights can be a source of conflict. Lund notes: “Conflicts are waged not simply between forces promoting rights and forces denying rights, but between differing notions of right” (2006, p.40).

Dialogue and negotiation do little more than distract from the logical progressions and priorities of the human rights culture. As the HRBA articulates, the culture of human rights perpetually protects the entitlements of rights-holders and commits to “strengthening the capacities of rights-holders to make their claims,” which entails holding duty-bearers accountable by enforcing their obligations (ibid, p.16). Accountability is not optional, nor is it negotiable for the human rights culture. Galtung provides a picture of a culture of peace above wherein there may be an “outcome acceptable to all parties and sustainable.” Such an outcome rarely exists in the human rights culture’s schema. Punishment, in many cases, will be unacceptable in the eyes of perpetrators and this is perfectly fine from the human rights view. Justice may be negotiable from the perspective of peace, but human rights does not treat justice as a negotiable commodity. The result is a divergence between the culture of peace and the culture of human rights with regards to types of normative commitments.

Everything the culture of human rights does is “operationally directed to promoting and protecting human rights” (OHCHR, 2006, p.15). This makes sense to the human rights culture for both virtuous and operational reasons – use human rights to work towards human rights because human rights are morally and strategically right every step of the way. Peace as a culture does not confine itself to human rights as a way or means. Human rights may be an end for peace, but it is not the be all and end all. Mediation, ceasefire, amnesty, and other peace activities exemplify a willingness, even if temporary, to deprioritize human rights. The culture of peace, by not treating human rights as a ways, means and end, frees itself up to work toward what may be, from

a peace perspective, more pressing concerns. The ways and means of peace are dialogue and negotiation.

Laws and institutions have a completely different level of authority in the culture of human rights and the culture of peace. This can be seen in Galtung's critique of legalistic traditions within the human rights culture:

...law in general, and human rights in particular, cannot be left to the legal tradition alone. It is too important to be a monopoly of a tradition so unable to react adequately to social evils built into the structures at the social and/or world levels, while at the same time harboring pretensions of a cultural universalism that does not hold up in practice (1994, p.49).

Seen against the notion that the "human rights movement made international law a privileged instrument of moral improvement and...idealistic pursuits" (Moyn, 2010, p.211), the faith in institutions displayed by each field differs dramatically.

The solutions that negotiation and dialogue yield may be seen by the culture of human rights as a threat to accountability and justice. Even the process of negotiation and dialogue challenges the rights holder – duty bearer relationship that is core to human rights. Role fluidity undermines a bottom line of the human rights culture. UNESCO may be right when saying in their material on mainstreaming the culture of peace:

Human rights and a culture of peace are complementary: whenever war and violence dominate, there is no possibility to ensure human rights; at the same time,

without human rights, in all their dimensions, there can be no culture of peace.

However, when it comes to negotiation and dialogue, a cultural clash between human rights and peace occurs time and time again.

### *Is Social Justice Negotiable?*

Social justice is often seen as a domain that brings together human rights and peace. Social justice expands upon any traditional or narrow notions of justice that may struggle to capture structural and cultural injustices. Given that social justice is about protecting dignity, accountability, human security, equality, fairness, dignity, values, and whatever other idioms may signify a just society, one can see how social justice is a convergence of human rights and peace. Yet one need only isolate any measure of social justice and reflect on how human rights and peace approach that issue to reiterate how each culture positions, speaks about, and treats social justice issues. Social justice does bring human rights into the same domain but only in the way that modern nation-states contain myriad different cultures. A multi-cultural classroom remains multi-cultural even though everyone is occupying the same space. To illustrate how the bringing together of human rights and peace studies into the domain of social justice does not equate to a conjoining, I would like to isolate the issue of redistribution – a central concern of social justice. Specifically, I would like to examine the questions of ‘why and how to redistribute’.



Referring to the HRBA, one can elucidate how the culture of human rights treats redistribution. Immediately, even when accepting that inequity is a social injustice, the culture of human rights reframes inequity as a human rights violation. It asks what rights are being violated, and by whom. It searches for the appropriate human rights standards. Human rights identify the individuals or institutions that are failing in their duties. Before any action is taken, the framing of why distribute has an answer. Redistribution must occur because inequity is a human rights violation. Someone or something is the source of the inequality and that inequality causes human suffering:

...inequality leads to a waste of opportunity which in turn lead to a rise in crime and conflict which will have negative long term impacts on growth. Lastly, the poverty elements of inequality can be transmitted from one generation to another (Institute of Development Studies, 2009).

Accountability is a must when individuals or groups are being denied the resources that they are rightfully entitled to. Redistribution is no longer a moral or philanthropic endeavor, something that should happen or may be beneficial. Redistribution must happen because individuals have a human right to it. Redistribution, in the human rights scheme, is about holding those responsible for the inequity accountable. Ataguba (2013) reminds that the distribution of wealth and resources deserves placement alongside discrimination. Indeed, poverty and other socioeconomic marginalizations often have discriminatory roots. Redistribution is, thus, restitution. When moving to the when and how, human rights

turns to the law and prioritizes the most vulnerable groups first. Human rights is not interested in the interests of those responsible for the inequity, because these are the perpetrators. These individuals and institutions have failed in their duties, and they must make it right. Redistribution, here, is about righting a wrong; addressing a human rights violation. Perpetrators must make it right by fulfilling their legal obligations, reforming their practices, and, when appropriate, facing punishment for their perpetrations. Of particular interest to the human rights culture is the role of the state, particularly the redistributive role of the state; the state's duty to intervene. State intervention is necessary to:

...ensure that the wealth generated by economic activity is fairly distributed. In human rights terms, this corresponds primarily to the duty to fulfill, which requires states to use the maximum of their available resources to fulfill economic, social and cultural rights. This, in turn, has a bearing on the duty to protect (The International Council on Human Rights Policy, 2010, p.4).

Plaintiffs have the leverage in the human rights scheme. They are the rights holders, and the human rights culture is taught to prioritize and protect their interests. In the end, social justice results if human rights law guides the process, rights holders receive the redistribution and restitution they seek, and perpetrating individuals and institutions are held to account.

Turning to the culture of peace, one can see the positioning of inequity as structural violence and a root cause of conflicts, and the subsequent treatment of redistribution as a tool of resolving

conflict and achieving peace. The peace culture gives particular focus to the necessity of social justice to accomplish a moral and emotional climate where peace is possible. Social injustices create precisely the opposite environment: "...motivated by emotions evoked by morally laden cognitions about right and wrong, can motivate individuals, groups, and nations to take action, including violence and war, in order to right perceived wrongs" (Opotow, 2011). In the same way that human rights reframes social injustices as human rights violations, peace reframes social injustices as structural violence, possible triggers of direct violence, conflicts, root causes of conflicts, and potential triggers of armed conflicts and war. Redistribution of land has been a key point of peace negotiations between the Colombian Government and FARC. While the details are still under negotiation, the government has committed to a Land Fund aimed at "the deconcentration and promotion of more equitable land distribution" as a testament of its commitment to achieving peace (Bedoya, 2014). Colombia is one of many examples where redistribution has been a key focus in peace negotiations. The why and how to redistribute for peace follows a different pattern. Inequity is the product of conflicting interests. It is a type of violence and threat to peace. Redistribution is, thus, necessary to mediate the conflict. Redistribution serves the purpose of resetting the emotional and moral environment and mitigating the chance for further hate, violence, and conflict. The aim of redistribution is to harmonize the interests of various groups. Negotiation is necessary to reach this end. If peace workers are able to negotiate terms of redistribution that protect the interests of all parties, redistribution can accomplish the desired environment of moral and emotional understanding.

By negotiating such a redistributive agreement, peace accomplishes some level of social justice.

Both human rights and peace see the utility of redistribution as a step towards social justice. They differ, however, on the questions of why and how to distribute. Human rights treats redistribution as an obligation sanctioned through international human rights norms. Inequity is a manifest human rights violation that causes and results from myriad other human rights violations. Redistribution is, thus, a way of holding individuals and institutions accountable for their roles in a human rights violations. It is also necessary to end the cycle of victimization and reinvigorate the rule of law. Peace sees redistribution as an intervention to mitigate or eliminate violence and conflict. Inequity is a threat to peace and creates a volatile moral and emotional environment. Redistribution is thus a way to settle disputes regarding distribution. To accomplish redistribution, peace aims to bring parties to the table. By treating dispute regarding distributions as conflicts of interests, peace is able to negotiate a solution. That solution, if appeasing to all parties, can reset the environment and establish a social justice. Parties are not necessarily seen as victims or perpetrators. The wrongness of inequality is acknowledged, but peace operates on the assumption that this is a wrongness that can be resolved with all parties at the table. Human rights has a framework, international human rights norms, to apply and determine what needs to be done. There is no need to bring parties to the table. The only thing worth tabling is the evidence. Through this evidence, human rights can separate victims and perpetrators and begin work towards accountability. Social justice of this kind is non-negotiable. A human rights ethic in such a context needs little more than to:

(a) explicitly acknowledge the existence of obligations across national borders, and (b) challenge the priorities of the global marketplace by defining the scope of those obligations broadly enough to include redistribution both within and across those borders (Labonté and Schrecker, p.327).

### ***Positivist vs. Negotiable Justice***

The departure between human rights' positivistic justice and peace's negotiable justice stems from and reproduces cultural divergences between human rights and peace. Human rights has a framework through which to measure justice, peace does not. Peace brings all parties to the table and attempts to reach a justice that is "acceptable to all parties and sustainable" to borrow again from (Galtung, 2004, p.1). Negotiating justice is the only way to ensure that the pursuit of justice does not continuously produce new conflicts – when seeing conflict at the pursuit of mutually incompatible goals. The notion of negotiable justice comes in direct conflict with the very principles on which human right stakes its identity - accountability, the rule of law, inherent rights, duties, restitution, the rights holder-duty bearer relationship, the very notion of an empirical righteousness in the world. For human rights, there is really nothing to negotiate when it comes to violations, even in the most uncertain environments. In a Yale Law Journal article entitled *Settling Accounts: The Duty to Prosecute Human Rights Violations of a Prior Regime*, Orentlicher states: "A state's complete failure to punish repeated or notorious instances of these offenses violates its obligations under customary international

law” (1991, p.2540). No amount of negotiation, understanding, or forgiveness can replace the power of holding perpetrators to account and securing the entitlements of rights holders.

Similarly an empirical righteousness, the rights holder – duty bearer relationship, the authority of law, the need for retributive accountability, and other features of human rights that treat justice as positivistic – predefined and measurable – clash with the culture of peace. Peace has its priorities and techniques relative to justice. Fluidity, adaptability, and keeping all parties at the table are absolutely crucial to accomplishing the task at hand. As a result, “peace mediators sometimes believe that the introduction of human rights can be an obstacle to successful negotiations. They argue that human rights can restrict their ability to bring all parties to the table, and to explore all options that might lead to a cease-fire, peace process, and peace” (The International Council on Human Rights Policy, 2006, pp.1 - 2). Allen (1999), like many others, reiterates that peace processes do not simply sacrifice justice to attain peace. Rather, they treat justice as something that needs to be looked at alongside a range of other imperatives such as peace (negative and positive), unity, and emotional environments. Examining the Truth and Reconciliation Commission of South Africa, Allen states that the goal of reconciliatory peace efforts at the Commission should be “...understood as the achievement of a principled compromise between justice and unity. This will not satisfy advocates of strict justice. [But in such a compromise] the central values of both are retained” (1999, p.352).

Indeed progress on peace can itself be a justice with more substance than any court room could offer: “In countries where

living with violence on a daily basis is the norm, the cessation of hostilities and an accompanying peace process have a value in themselves that should not be underestimated” (Sooka, 2006, p.321). Hence, the fallout between human rights and peace over justice has less to do with how much either culture values justice and more to do with how each culture thinks about and works towards justice. In an *Economist Debate* (2011) about peace and justice, Snyder offered the following opening statement: “Creating the conditions for justice sometimes requires bargaining with wrongdoers in the short run to remove them as a stumbling block to peace.” In this sentiment, one can see not a dismissal of justice, but an ideation wherein justice requires a certain climate that can only be secured through a dynamic process involving compromise and negotiation.

Both cultures can claim to have a more legitimate hold on how to deal with threats to society and how to wrangle that elusive ultimate goal known as justice. Neither side has made much progress in convincing the other. Cultural hegemony is a long way off for both human rights and peace. This could be a good thing.

### ***Conclusion: Embracing Divergence***

A clash of cultures need not be a dire message for those individuals and institutions that embody both human rights and peace. Human rights and peace consistently offer different prescriptions because they diagnose the problem differently from beginning to end and see remedies in different places. These two cultures may, in fact, be working towards different end games. Or they may be answering a “common calling...a dedication to

building structures and communities that do justice to the needs and potential of every human being that is part of them” (Beatrix and Dudouet, 2010, p.5) Regardless, neither is sufficient in responding to the complex, layered, multifaceted both face in the field. Lutz concludes:

...in some volatile conflict situations, human rights advocates could be more effective if they expanded their tool kits beyond naming, shaming, and seeking remedies in judicial forums to include conflict resolvers’ broader array of negotiation and diplomatic techniques. Conflict resolvers could better ensure that negotiations lead not just to a ceasefire but to a permanent peace if they were more willing to assert basic norms of international human rights and humanitarian law (Carnegie Council on Ethics and International Affairs, 2002, p.23).

Short of a cultural sea change within either or both human rights and peace, convergence is unlikely. Seeing this reveals a new opportunity, which is to embrace that which makes human rights and peace so different.

Bi-cultural individuals and institutions can shift back and forth, and do so elegantly. But I would clarify that this bi-cultural dance is not a balance, it is a shift. When individuals and institutions shift from human rights mode to peace mode, or vice versa, they necessarily shift mindsets, languages, priorities, paradigms, interactions, and cumulative patterns. The International Council on Human Rights Policy proposes that timing is key in this dance, particularly when dealing with transitional situations:



[The] dilemma becomes in fact a question of offering at the right moment the right combination of incentives (including amnesty for those who are innocent of crimes) to achieve demobilization, disarmament and rehabilitation, without ignoring the legitimate interests and expectations of justice of the victims and society at large. Refusing to consider immoral forms of impunity may also encourage a more responsible approach to peace-making, and eventually lead to a more fair and lasting peace. Insistence on prosecuting abuses can certainly make peace-making difficult. But to achieve a lasting peace it is important to create the favourable conditions at the time of solving the conflict (2006, p.1).

Purist pulls are inevitable, but that is fine. Both human rights and peace stand to benefit from the clash. The clash can challenge and ultimately strengthen each field. Further, being armed with two distinct dispositions makes individuals and institutions all the more capable of responding to issues that need to be examined from as many angles as possible. Parlevliet (2010) provides numerous useful thoughts to close with:

I have also found the notion of concurrent realities useful in thinking about the relationship between human rights and conflict transformation in general. Recognizing the complementary nature of the fields of human rights and conflict transformation does not preclude the possibility that in certain respects real tensions or contradictions arise. Once more,

the convergence and divergence of human rights and conflict transformation is in and of itself not a matter of either/or, but of both/and. Controversy arises when we insist that the fields interact in just one way or the other – much like challenges arise when one analytical or policy perspective seems to leave no room for the other, when approaches from one field are presented as superior without recognition of their limitations, or when one imperative, be it peace or justice, is construed as necessarily trumping the other...Above all, [what is needed is] flexibility; a readiness to get confused, challenged and/or frustrated; and an ability to hold the (seeming) paradox of these concurrent realities.

## References

- Allen, J. (Summer 1999). “Balancing Justice and Social Unity: Political Theory and the Idea of a Truth and Reconciliation Commission.” *The University of Toronto Law Journal*. Vol. 49, No. 3. pp. 315 - 353.
- Atuguba, R. (2013). “Equality, non-discrimination and fair distribution of the benefits of development.” *Realizing the Right to Development: Essays in Commemoration of 25 Years of the United Nations Declaration on the Right to Development*, United Nations. OHCHR: Geneva.
- Bedoya, N. (2014). “Colombia’s Peace Deals in depth: Rural Reform.” *Colombia Reports*. Accessible at: <http://colombiareports.co/colombias-peace-deals-depth-rural-reform/>

- Bukhardt, T. (2013). *Just War and Human Rights: Fighting with Right Intention*. Doctoral Dissertation for the University of Tennessee, Knoxville.
- Carnegie Council on Ethics and International Affairs. (Winter 2002). “Integrating Human Rights and Peace Work: Perspectives from Sri Lanka, South Africa, Northern Ireland, and Nigeria” *Human Rights Dialogue. Series 2. No.7*.
- Economist. (2011). Economist Debate: Peace and Justice. Published September 2011. Accessible at: <http://www.economist.com/debate/days/view/744>
- Galtung, J. (1994). *Human Rights in Another Key*. Polity Press: Cambridge UK.
- \_\_\_\_\_. (2004). *Peace by Peaceful Means: Building Peace Through Harmonious Diversity. The Peace Approach and the Peace Approach*. Some Cultural Factors Conditioning the Choice World Culture Open, UN Meeting Room 1, NYC, 9/10 2004 Panel: Global Governance, Peacemaking and Social Harmony. Accessible at: <http://emanzipationhumanum.de/downloads/peace.pdf>
- Galtung, J. and Fischer, D. (2013). *Johan Galtung: Pioneer of Peace Research*. Springer: New York.
- Hannum, H. (December 2006). “Peace versus Justice: Creating Rights as well as Order out of Chaos.” *International Peacekeeping. Vol. 13, No. 4, pp. 582 - 595*.
- Ife, H. (2007). “Human Rights and Peace,” In *Handbook of Peace and Conflict Studies*, Charles Webel and Johan Galtung, Eds. Routledge: New York.

- Institute of Development Studies. (October 2009). “Reinvigorating Human Rights Based Approaches with Redistribution.” *Policy Briefing, Issue 11. Redistributing and Beyond: Exploring the Basics.*
- Labonté, R. and T. Schrecker. (2009). “Rights, Redistribution, and Regulations,” In *Globalization and Health: Pathways, Evidence and Policy*, R. Labonte, T. Schrecker, C. Packer, and V. Runnels, Eds. Routledge Publishing: New York.
- Lund, M. (2006). “Human Rights: A Source of Conflict, State Making, and State Breaking,” In *Human Rights and Conflict: Exploring the Links Between Rights, Law, and Peacebuilding*, Julie Mertus and Jeffrey Helsing, Eds.
- Markus, H. and Kitayama, S. (1999). “Culture and the Self: Implications for Cognition, Emotion, and Motivation.” *Psychological Review. Vol. 98, No. 2, pp. 224 - 253.*
- Moyne, S. (2010). *The Last Utopia: Human Rights in History.* The Belknap Press of Harvard University Press: Cambridge, MA.
- Office of the High Commissioner for Human Rights [OHCHR]. (2006). *Frequently Asked Questions on a Human Rights Based Approach to Development Cooperation.* United Nations: New York and Geneva.
- Opotow, S. (2011). “Social Injustice.” *The Encyclopedia of Peace Psychology.* D. Christie, Ed. Blackwell Publishing: New York.
- Orentlicher, D. (June 1991). “Settling Accounts: The Duty to Prosecute Human Rights Violations of a Prior Regime.”

*The Yale Law Journal*. Vol. 100, No. 8. Symposium: International Law, pp. 2537 - 2615.

- Parlevliet, M. (2010). "Holding Concurrent Realities: Reflection on the Responses,." In *Human Rights and Conflict Transformation: The Challenges of Just Peace*, Beatrix Schmelzle and Veronique Dudouet, Eds. Berlin. Berghof Handbook Dialogue Series No. 9.
- Schirch, L. (2006). "Linking Human Rights and Conflict Transformation: A Peacebuilding Framework," In *Human Rights and Conflict: Exploring the Links Between Rights, Law, and Peacebuilding*, Julie Mertus and Jeffrey Helsing, Eds.
- Schmelzle, B. and Dudouet, V. (2010). "Introduction: Towards Peace with Justice," In *Human Rights and Conflict Transformation: The Challenges of Just Peace*. Berlin. Berghof Handbook Dialogue Series No. 9.
- Sooka, Y. (June 2006). "Dealing With the Past and Transitional Justice: Building Peace through Accountability." *International Review of the Red Cross*. Vol. 88, No. 862.
- Spencer-Oatey, H. (2008). *Culturally Speaking: Culture, Communication and Politeness Theory, Second Edition*. London: Continuum International Publishing Group.
- Swartz, D. (1997). *Culture and Power: The Sociology of Pierre Bourdieu*. Chicago: The University of Chicago Press.
- Tallgren, I. (2015). "The Voice of the International: Who is Speaking?" *Journal of International Criminal Justice*. Vol. 13, pp. 135 - 155.

The International Council on Human Rights Policy. (2006). *Negotiating Justice? Human Rights and Peace Agreements*. Switzerland: ICHRP.

\_\_\_\_\_. (2010). *Human Rights in the Global Economy*. Report from a Realizing Rights Colloquium.

United Nations [UN]. (2003). *The Human Rights Based Approach to Development Cooperation: Towards a Common Understanding Among the UN Agencies*. Outcome document from the Interagency Workshop on a Human Rights based Approach in the context of UN reform. 3-5 May, 2003.

United Nations General Assembly. (1998). *Culture of Peace*. A/RES/52/13.

\_\_\_\_\_. (1999). *53/243 Declaration on a Culture of Peace*. A/RES/53/243A.