Human Rights and Peacekeeping

COURSE AUTHOR

Patrick Marega Castellan

UPEACE COURSE COORDINATOR

Dina Rodríguez, MEd.

SERIES EDITOR

Harvey J. Langholtz, Ph.D.

Peace Operations Training Institute®
Study peace and humanitarian relief any place, any time

University for Peace

Human Rights and Peacekeeping

COURSE AUTHOR

Patrick Marega Castellan

UPEACE COURSE COORDINATOR

Dina Rodríguez, MEd.

SERIES EDITOR

Harvey J. Langholtz, Ph.D.

Peace Operations Training Institute®
Study peace and humanitarian relief any place, any time

University for Peace

The material contained herein does not necessarily reflect the views of the Peace Operations Training Institute (POTI), the Course Author(s), or any United Nations organs or affiliated organizations. The Peace Operations Training Institute is an international not-for-profit NGO registered as a 501(c)(3) with the Internal Revenue Service of the United States of America. The Peace Operations Training Institute is a separate legal entity from the United Nations. Although every effort has been made to verify the contents of this course, the Peace Operations Training Institute and the Course Author(s) disclaim any and all responsibility for facts and opinions contained in the text, which have been assimilated largely from open media and other independent sources. This course was written to be a pedagogical and teaching document, consistent with existing UN policy and doctrine, but this course does not establish or promulgate doctrine. Only officially vetted and approved UN documents may establish or promulgate UN policy or doctrine. Information with diametrically opposing views is sometimes provided on given topics, in order to stimulate scholarly interest, and is in keeping with the norms of pure and free academic pursuit.

Versions of this course offered in other languages may differ slightly from the primary English master copy. Translators make every effort to retain the integrity of the material.

Human Rights and Peacekeeping

Table of Contents

Appendices

Foreword

When egregious violations of human rights take place, conflict becomes inevitable. Any effort to build a lasting peace must incorporate actions to repair the effects of violations, protect from new abuses, and enable the population to exercise their rights and freedoms.

Today's multidimensional peace operations are complex tools designed to preserve peace and restore just and equal living conditions. They do that through a phased implementation responding to the realities on the ground, different functions and tasks, and different actors working together to pursue the same goals.

The protection and promotion of human rights are key aspects of peace operations. Human rights cut across the security, the humanitarian, and the development dimensions. Consequently, all UN entities — the military, police, and civilian components of peace operations, along with the UN agencies working with the United Nations country team in the host country — are expected to integrate human rights approaches in their strategies and activities. The human rights component of the peace operation is the office that coordinates all UN human rights activities in the host country.

Coherence and integration shape UN peacekeeping. From a human rights perspective, successful coherence and integration translate into attentive assessments aimed to gather information on the root causes of human rights violations and to find appropriate solutions for those gaps; rigorous joint planning to identify achievable human rights benchmarks; and operational implementation based on respect for international human rights standards.

Human rights represent both a responsibility and an opportunity of today's peace operations. Peace operation's personnel must avoid committing violations or harming the population by abusing their power or simply by not observing peace operations' guidance. By applying human rights in their work, they can protect the conflict-affected population, particularly individuals and groups most at risk; build the capacity of national actors; and empower civil societies and marginalized groups.

–Patrick Marega Castellan

June 2010

View a video introduction of this lesson at <https://www.peaceopstraining. org/videos/35/human-rights-and- peacekeeping-introduction/>.

Method of Study

This self-paced course aims to give students flexibility in their approach to learning. The following steps are meant to provide motivation and guidance about some possible strategies and minimum expectations for completing this course successfully:

- Before you begin studying, first browse through the entire course. Notice the lesson and section titles to get an overall idea of what will be involved as you proceed.

- The material is meant to be relevant and practical. Instead of memorizing individual details, strive to understand concepts and overall perspectives in regard to the United Nations system.

- Set personal guidelines and benchmarks regarding how you want to schedule your time.

- Study the lesson content and the learning objectives. At the beginning of each lesson, orient yourself to the main points. If possible, read the material twice to ensure maximum understanding and retention, and let time elapse between readings.

- At the end of each lesson, take the End-of-Lesson Quiz. Clarify any missed questions by rereading the appropriate sections, and focus on retaining the correct information.

- After you complete all of the lessons, prepare for the End-of-Course Examination by taking time to review the main points of each lesson. Then, when ready, log into your online student classroom and take the End-of-Course Examination in one sitting.

- » ***Access your online classroom at <www.peaceopstraining.org/users/user_login> from virtually anywhere in the world.***

- Your exam will be scored electronically. If you achieve a passing grade of 75 per cent or higher on the exam, you will be awarded a Certificate of Completion. If you score below 75 per cent, you will be given one opportunity to take a second version of the End-of-Course Examination.

- A note about language: This course uses English spelling according to the standards of the Oxford English Dictionary (United Kingdom) and the United Nations Editorial Manual.

Key Features of Your Online Classroom »

- Access to all of your courses;

- A secure testing environment in which to complete your training;

- Access to additional training resources, including multimedia course supplements; and

- The ability to download your Certificate of Completion for any completed course.

LESSON 1

Human Rights and Armed Conflicts

The United Nations (UN) was founded in 1945, immediately following the Second World War.

UN Photo #428409 by Pasqual Gorriz.

In this lesson »

Lesson Objectives »

- Understand the evolution of armed conflicts during the UN era and their implications for the protection of human rights.

- Understand why human rights are important for identifying the causes and finding solutions to armed conflicts.

- Be aware of the spectrum of UN activities with the objective of preventing and resolving conflicts, and the role of human rights.

The first session of the United Nations General Assembly opened on 10 January 1946 at Central Hall in London, United Kingdom. It was during this session that the Security Council met for the first time. January 1946. UN Photo #1304 by Marcel Bolomey.

Section The United Nations (UN) was founded in 1945, immediately following the Second World War.

View a video introduction of this lesson at <https://www.peaceopstraining.org/videos/115/lesson-1-human-rights-and-armed-conflicts/>.

13

Section 1.1   The United Nations, Armed Conflicts, and their Impact on Human Rights

The United Nations (UN) was founded in 1945, immediately following the Second World War. The devastating effects of the Second World War in terms of casualties, atrocities, and destruction had exposed the unacceptable and inhuman nature of large-scale armed conflict.

After the partially successful experience of the League of Nations[1] — an organization that ultimately failed in its goal to maintain world peace — the international community attempted to establish another organization for collective security, this time with stronger political and legal commitments.

The preamble of the UN Charter calls upon all Member States to "save succeeding generations from the scourge of war", "to reaffirm faith in fundamental human rights", "to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained", and "to promote social progress and better standards of life in larger freedom".[2] The UN Charter represents a "vehicle of radical political-legal change".[3] Maintaining peace and security and respecting human rights are the two main purposes of the United Nations.

To maintain peace and security, the UN agreed to take collective measures for the prevention and removal of threats to the peace, suppression of acts of aggression, or other breaches of the peace, and to bring about required adjustments by peaceful means and in conformity with the principles of justice and international law.

The UN Charter established the principal organs of the UN: the General Assembly, Security Council, Economic and Social Council, Trusteeship Council, International Court of Justice, and Secretariat. It also provides an elaborate scheme of functions and powers to ensure prompt and effective action by the UN. Its members confer upon the Security Council the primary responsibility for the maintenance of international peace and security. The UN Charter sets out the framework for the creation of conditions of stability and well-being necessary for the peaceful and friendly relations among nations, including the promotion of universal respect for and observance of human rights and fundamental freedoms without distinction between race, sex, language, or religion.

The formation of the United Nations followed remarkable developments in the area of international criminal accountability, such as the International War Tribunal held in Nuremberg, Germany, which tried crimes against peace. In the new, UN Charter-led world order, both the manner in which war is conducted as well as the rationale behind declaring the war are scrutinized.[4]

While the UN has been successful in preventing another world war, it has not been successful in eradicating armed conflicts altogether. Wars of different intensities have continued to occur. Confrontations continued during the Cold War period, and also during the decolonization process which freed peoples from foreign administrations and politically undignified living conditions.[5] Moreover, the UN — with two of its five permanent Security Council members

---

1)   The League of Nations was an intergovernmental organization established in 1919 immediately after World War I. Its headquarters were in Geneva, Switzerland. The Covenant of the League of Nations was part of the Treaty of Versailles, which was signed between 28 June 1919 and 10 August 1920, and was entered into force on 10 January 1920. The League was established to bring stability to the world. Failing political will, persistent hostilities, and weak mechanisms to stop these hostilities led to the Second World War.

2)   Charter of the United Nations, preamble. Available from: <http://www.un.org/en/documents/charter/index.shtml>.

3)   Louis Henkin, "International Law: Politics, Values and Functions", as quoted in Henry J. Steiner and Philip Alston, *International Human Rights in Context: Law, Politics, Morals* (New York: Oxford University Press, 1996), 122.

4)   "Consider first the Charter's radical transformation of the branch of the laws of war concerning jus ad bellum. Recall that for several centuries that body of law had addressed almost exclusively jus in bello, the rules regulating the conduct of warfare rather than the justice or legality of the waging of war". Henry J. Steiner and Philip Alston, *International Human Rights in Context: Law, Politics, Morals* (New York: Oxford University Press, 1996), 118.

5)   Michael O'Flaherty, "We Are Failing the Victims of War", in *Human Rights Protection in the Field*, Bertrand G. Ramcharan, ed. (Leiden, The

embroiled in the Cold War — was rendered somewhat ineffective, each side exercising its veto power to nix decisions that might benefit the other.

With the Cold War ending in 1991, and with new countries emerging into power, the nature of armed conflicts began to change. The international frictions and external aggressions so familiar to the UN Charter's drafters assumed new dimensions. These new armed conflicts can be described as:

> "very particular forms of war, far from the stereotypical images portrayed by literature and the movies. These are not great confrontations of the opposing armies of nation States, engaging in classic battles. Instead, contemporary conflicts typically involve confrontation between a State and one or more rebel groups — often with the involvement in one way or the other of neighbouring States. It may not even be clear who are the opposing forces."[6]

"Traditional" conflicts have not disappeared, but "modern" conflicts have taken the centre stage. They are more frequent and often more brutal. The nature and effects of human rights violations committed in conflicts remain disturbing and new challenges require new methods of prevention and protection.

Since its creation, the United Nations has been involved globally in negotiating freedoms and setting human rights standards, with a focus on preventing and stopping conflicts. However, the UN is also a political entity. The main decision-making organ with respect to taking actions pertaining to threats to the peace, breaches of the peace, and acts of aggression — the Security Council — is led by the five Permanent Members that were the victorious nations from the Second World War (China, France, Russia, the United Kingdom, and the United States). This structure becomes a reason for human rights concerns if the Permanent 5 (P5) do not demonstrate credentials as "human rights champions". Action to protect people from violations and abuses have been both taken and not taken. Proposals for such actions have also often been vetoed. The sometimes demonstrated incoherence between the principles and purposes of the UN Charter on the one hand, and the reality of global politics on the other, have led to demands that the UN undertake an important process of reforms. Peacekeeping and other UN interventions have shaped themselves around these developments.

Measures to tackle conflicts start with prevention. Where countries manage to foster nation-building, combining economic and social efforts with schemes of coexistence and respect for the culture of its constituent peoples, peace often has the chance to work better. Human rights can provide a strong tool to "glue" those elements together.[7]

Section 1.2   Some Characteristics of Modern Armed Conflicts and their Implications for Human Rights

Inter-State and intra-State armed conflicts

International (or inter-State) armed conflicts occur whenever the armed forces of two or more States engage in combat.[8]

Netherlands: Brill Academic Publishers, 2006), 41.
6)   Ibid., 42.
7)   Bertrand G. Ramcharan, "Human Rights and Conflict Resolution" in *Human Rights Law Review*, vol. 4, No. 1, 2004, 2.
8)   International Criminal Tribunal for Former Yugoslavia, The Prosecutor v. Dusko Tadic, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, IT-94-1-A, 2 October 1995, para. 70.

A lone vehicle turning off a deserted street in Vukovar in the Slavonia region of Croatia. September 1992. UN Photo #121856 by John Isaac.

Non-international (or intra-State) armed conflicts are protracted armed confrontations occurring between governmental armed forces and the forces of one or more armed groups, or between such groups arising within the territory of a single State. The armed confrontation must reach a minimum level of intensity and the parties involved in the conflict must show a minimum of organization.[9]

In the past decade there has been a shift from international armed conflicts, occurring between two or more States (inter-State), to more circumscribed ones, occurring within one country only (intra-State).[10]

Many of the current peace operations are dealing with intra-State conflicts. These include Afghanistan, Côte d'Ivoire, the Democratic Republic of the Congo, Liberia, South Sudan, and several others.

Different State and non-State combatants

Presence of different "State" and "non-State" actors (NSAs) taking part in the hostilities is another characteristic of modern armed conflicts. These may include government armed forces, national police forces operating under military rule, rebel groups and "freedom fighters" with different levels of popular support, militias, mercenaries, private security and military companies, elements belonging to foreign armies, and others. Each of these actors takes part in the conflict for different and often opposite goals of varying legitimacy, administers distinct tactics and strategies, and — somehow — is held accountable against different legal standards.

Such puzzles make conflicts very complex to monitor. Some of the actors, like mercenaries, rebel factions,

---

9)   First, the hostilities must reach a minimum level of intensity. This may be the case, for example, when the hostilities are of a collective character or when the government is obliged to use military force against the insurgents, instead of mere police forces. Second, non-governmental groups involved in the conflict must be considered as "parties to the conflict", meaning that they possess organized armed forces. This means, for example, that these forces have to be under a certain command structure and have the capacity to sustain military operations. International Committee of the Red Cross (ICRC), "How is the Term 'Armed Conflict' Defined in International Humanitarian Law?", Opinion Paper, March 2008. Available from: <http://www.icrc.org/eng/assets/files/other/opinion-paper-armed-conflict.pdf>.

10)   One hundred and one armed conflicts occurred between 1989 and 1998, and 93.5 per cent of those were intra-State conflicts. Pablo Bonavena and Flabián Nievas, "Las nuevas formas de la guerra, sus doctrinas y su impacto sobre los derechos humanos", *Fermentum Mérida — Venezuela*, vol. 16, no. 46, May 2006, 356.

and military private companies, may operate on the edge of international law and claim not to be bound by legal obligations, since many have not signed peace settlements. Meanwhile, groups belonging to national regular forces can change uniform and become dissident forces or join militias, and vice versa.[11]

The threat to human rights posed by both State and non-State actors is of increasing concern. It is then very important to identify legal grounds to hold *all* combatants, independent of their belonging and cause, accountable for actions that trespass on international law principles and responsibilities.

How intra-State conflicts affect regional stability

An intra-State conflict can take place over the entire territory of a State or only in part of it. Even if the conflict is circumscribed within a State's borders, its effects can be felt outside of the State and become a threat to regional or even international security. Borders are permeable and activities of fighting forces in a specific State can become a threat to neighbouring States. Intra-State conflict can spill over national borders pushing neighbour States' forces to react. Effects of conflicts — such as uncontrollable refugee flows, epidemics, trafficking of human beings, illegal movements of combatants, smuggling of weapons, and natural resources — may cause humanitarian crises and regional instability.

No State can be silent when confronted with brutal human rights violations. Abuses caused by an intra-State conflict can compel neighbouring States to intervene in defence of the population or specific groups of the State affected by conflict (or their own populations living close to the borders). Such reactions can have a domino effect, escalating the intra-State conflict into a regional conflict if it is not properly monitored.

Internationalization and brutality

The "internationalization" of intra-State conflicts can be a consequence of various factors. States, not directly part of an intra-State conflict, can, for different reasons, decide to get involved in it. Foreign States can, for example, decide to back one or the other warring faction involved in an intra-State conflict. Another scenario occurs when ongoing hostilities between two States provoke military intervention in favour of opposing parties in a third State. Internationalization of internal conflicts occurs, for example, if a coalition of foreign States decides to intervene militarily in support of a specific insurgent group fighting against an established government.[12]

> "Wars between nations have increasingly given way to wars within nations. The resurgence of ethnic or sectarian conflicts; the growth of secessionist movements, insurgencies, and failed States — all these things have increasingly trapped civilians in an unending chaos. In today's wars, many more civilians are killed than soldiers; the seeds of future conflict are sown, economies are wrecked, civil societies torn asunder, refugees amassed, children scarred."
>
> –Barack Obama,
> "A Just and Lasting Peace"
> 10 December 2009

The increased economic interdependence of States borne of globalization, the development of nuclear capabilities

---

11) "In Sierra Leone we used to speak of 'sobels' — soldiers by day and rebels by night." Michael O'Flaherty, 42.

12) James G. Stewart, "Towards a Single Definition of Armed Conflict in International Humanitarian Law: A Critique of Internationalized Armed Conflict", *International Review of the Red Cross*, No. 850, June 2003. Available from: <http://www.icrc.org/Web/Eng/siteeng0.nsf/html/5PYAXX>. See also: A/55/305–S/2000/809. "Since the end of the Cold War, United Nations peacekeeping has often combined with peace-building in complex peace operations deployed into settings of intra-State conflict. Those conflict settings, however, both affect and are affected by outside actors: political patrons; arms vendors; buyers of illicit commodity exports; regional powers that send their own forces into the fray; and neighbouring States that host refugees who are sometimes systematically forced to flee their homes. With such significant cross-border effects by State and non-State actors alike, these conflicts are often decidedly 'transnational' in character."

among previously non-nuclear States, the greater incidence of terrorism, and the increasing scarcity of natural resources are all possible factors behind foreign intervention in domestic conflicts. As a reflection of that reality, internal conflicts are presently more numerous, brutal, and damaging than the international conflict, despite the fact that the State remains the main war-waging machine.[13]

The internationalization of armed conflict is not necessarily consequent to the legal and moral obligation to protect foreign populations under attack. That goal can be instead used as an excuse to intervene and safeguard vested interests. Unauthorized intervention; envoys of mercenaries, weapons, and other support; or unilateral sanctions can be methods to internationalize the conflict.

The objectives of these actions can have a debilitating impact on human rights. This means that internationalized armed conflicts require deep analysis and monitoring activities to establish both direct and indirect responsibilities.

Human rights violations as warfare methods

Asymmetric armed conflict occurs when there are conspicuous differences between the military capacities of the fighting parties (i.e. the government forces are much better equipped than the rebel fighters). While countries whose militaries boast state-of-the-art technological capacities can adapt their fighting and use methods of guerrilla warfare, weaker parties may be tempted to use illegal and unscrupulous combat methods and privilege less penetrable conflict zones, another frequent attribute of modern armed conflicts.[14]

Many peacekeeping operations have been deployed to conflict zones characterized by unscrupulous warfare techniques: children-friendly booby traps, terrorist attacks, mutilations with machetes, systematic rapes, anti-personnel mines, etc.

Section 1.3 The Struggle of Civilian Populations

Civilians account today for the vast majority of casualties in armed conflicts and are increasingly targeted by combatants. Acts of violence against them result in several human rights abuses, directed especially against women, children, and refugees and internally displaced persons. In the last century, all conflicts, both inter- and intra-State, have regularly resulted in attacks against the civilian populations.[15] To understand the proportion of the phenomenon one can reflect on the following:

> "In 1945, after two atomic bombs were dropped over Hiroshima and Nagasaki in Japan, the Second World War (1939–1945) was over. Since then, the world has witnessed some 150 wars. These conflicts have cost more than 20 million lives, more than 80 per cent of them civilians.
>
> At the beginning of the 20th century, nearly 80 per cent of landmine victims were military personnel. Today, nearly 80 per cent of landmine victims are civilians.

---

13) "Definition of a conflict resource: Conflict resources are natural resources whose systematic exploitation and trade in a context of conflict contribute to, benefit from or result in the commission of serious violations of human rights, violations of international humanitarian law or violations amounting to crimes under international law." Global Witness, "Conflict". Available from: <http://www.globalwitness.org/campaigns/conflict>.

14) ICRC, "International Humanitarian Law and the Challenges of Contemporary Armed Conflicts", October 2007, 13. Available from: <http://www.icrc.org/eng/assets/files/other/ihl-challenges-30th-international-conference-eng.pdf>.

15) Of course, targeting and attacking civilians is not a "modern" phenomenon. With few exceptions since the Second World War, both intra- and inter-State armed conflicts have included attacks against towns and civilian populations. The Korean War (1950–1953), for example, resulted in the bombardment of more than 80 per cent of the main towns in the country. The decolonization and national liberation wars were also characterized by the presence of "irregular" forces and attacks on civilians (Indochina, Vietnam, Algeria, and India). Pablo Bonavena and Flabián Nievas, 360–361.

> During the 1990s, more than 2 million children were killed and 6 million seriously injured in conflicts involving revolvers, assault rifles, mortars, hand grenades and portable missile launchers."[16]

Respondents to a survey in conflict areas said that "there should be limits to what combatants are allowed to do in the course of fighting their enemies and that there should be a clear distinction between combatants and civilians when carrying out attacks in armed conflict".[17] Actions against the civilian population such as "the killing of civilians/children/the innocent", "specific types of violence/oppression, such as kidnapping, torture and stealing", "attacks on buildings/specific areas, including looting and attacks on civilian areas", as well as sexual violence, are unacceptable.[18]

Deliberate attacks

"Deliberate targeting of civilian populations or other protected persons and the committing of systematic, flagrant and widespread violations of international humanitarian and human rights law in situations of armed conflict may constitute a threat to international peace and security."[19]

Dozens of civilians were killed during an attack on the village Sobana De, in the Mopti region of central Mali, on 9 June 2019. 12 June 2019. UN Photo #811384 by Harandane Dicko.

Parties to international and internal armed conflicts sometimes disobey basic rules and principles of international law. Attacks against civilians are often deliberate and not merely incidental. Civilians are not shelled or killed only by mistake but often as part of a strategy. Systematic killings, planned ethnic cleansing, mass rapes, or starvation of civilians are actions that require planning — they are real strategies of warfare.

Civilians unfortunately can play a decisive role in determining the outcome of wars. If there is the risk to lose ground, "good" fighters can become bad ones. Parties to the conflict which are legally bound by the prohibition of disproportionate attacks may, in response to an adversary's "dirty" strategy, progressively revise their assessment on the principle of proportionality and inflict more "incidental" civilian casualties and damage. An example is to justify an attack targeting livelihoods and dwellings of people under the pretext that civilian population and objects were in reality a cover up for enemy combatants and military objectives.

Peace spoilers may use the "fog of war" to blur the fundamental distinction between civilians and combatants, a cornerstone of international humanitarian law. Combatants can use civilians as human shields to protect their bases or movements, or can motivate their attacks against the population affirming that civilians were directly participating in hostilities. Civilians can also be killed, raped, or mutilated by rebel or foreign forces as a "punishment" or "reprisal" in retaliation to aggressive military policies adopted by a government or opposition forces.

The broader the interpretation of the principle of "direct participation", the broader the interpretation of the

---

16) United Nations Department of Public Information (DPI), *Everything You Always Wanted to Know About the United Nations* (New York: United Nations, 2008). Available from: <https://digitallibrary.un.org/record/705190>.

17) ICRC, "Summary report: Afghanistan, Colombia, Democratic Republic of the Congo, Georgia, Haiti, Lebanon, Liberia and the Philippines", Opinion survey, 2009.

18) Ibid.

19) S/RES/1296, 2000.

Kosovar refugees fleeing their homeland. Blace area, The former Yugoslav Republic of Macedonia. March 1999. UN Photo #50810 by R LeMoyne.

notion of military objective (at the expense of the civilian population).[20] Many of the brutal violations inflicted by combatants against civilians are not inflicted against opposing combatants themselves, since they, unlike civilians, benefit from modern and sophisticated military technologies aimed at minimizing military casualties.

Who are the civilians?

The ICRC states:

> "For the purposes of the principle of distinction in non-international armed conflict, all persons who are not members of State armed forces or organized armed groups of a party to the conflict are civilians and, therefore, entitled to protection against direct attack unless and for such time as they take a direct part in hostilities."[21]

Similarly, in the case of international armed conflict, a civilian is anybody who is not a member of the armed forces of the conflicting States.[22]

Violence against civilians does not include just killings. Civilians are abducted, made to disappear, enslaved, forced to join fighting forces, or forced to flee their own communities. Civilians are tortured, traumatized, and humiliated. Statistics on casualties often underestimate the additional toll on human life from physical and psychological scarring and the long-term impact on durable peace, reconciliation, and development efforts.

Rape by combatants of women and girls, for example, has assumed worrying proportions and become a common feature of modern conflicts. The following statement by human rights defender Rubina Saigol is emblematic:

> "The rape of women in Bosnia, Bangladesh, Kashmir, Afghanistan, Chechnya, Germany, Kosovo and Palestine during armed conflict shows the extent to which it has become a

---

20) ICRC, "International Humanitarian Law and the Challenges of Contemporary Armed Conflicts", 719–757

21) ICRC, "Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law", *International Review of the Red Cross*, vol. 90, no. 872, December 2008, 27. "In order to qualify as direct participation in hostilities, a specific act must meet the following cumulative criteria: acts amounting to direct participation in hostilities must meet three cumulative requirements: (1) a threshold regarding the harm likely to result from the act, (2) a relationship of direct causation between the act and the expected harm, and (3) a belligerent nexus between the act and the hostilities conducted between the parties to an armed conflict", 46.

22) Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, Protocol I, 8 June 1977.

weapon of war used by all armies whether holding Muslim, Hindu, Christian or Marxist beliefs. Rape inflicts the ultimate defeat upon the enemy as its women, the biological and cultural source of the reproduction of the nation, have been 'defiled' and made impure. It is meant more to humiliate men of the opposing group through the symbol of their national honour, women. In Afghanistan's case, women report that all factions raped women of the opposing faction even though they were Muslim women. The same is true of Bangladesh where Muslim women were raped in thousands by Muslim men."[23]

Civilians between scenarios and fatalism

"During our missions to conflict situations, we met generations of women and girls who have known nothing other than war."[24]

There is nothing fatalistic in armed conflicts, nor in the death of thousands of innocent people. Suffering of civilians under armed conflict is not coincidental. The UN Charter is a hymn to peace. Demands for peace and normal living are countless. Peace is both "a value and a right in the conscience of humanity".[25]

Human Rights and the Peace Process in Bosnia »

"Violation of human rights is an important source of conflict and compliance with human rights is a crucial foundation for peace. The recent conflict in the former Yugoslavia illustrates dramatically the first part of this proposition — that human rights violation leads to the conflict. At bottom, the four-year war in that region has been about human rights violations of the most deliberate, systematic, and grotesque sort.

Beyond that, the peace settlement illustrates the second part as well. Although not UN-arranged, the Dayton Accords explicitly builds in human rights as a basis for peace. Annex 6 of the Accords establishes an elaborate human rights machinery in Bosnia, including a Commission on Human Rights, a Human Rights Ombudsman, and a Human Rights Chamber for processing human rights claims. Furthermore, the Hague War Crimes Tribunal directly touches the question of accountability for human rights offences during the war. All these provisions are understood as contributing to the conditions of justice, stability, and peace in Bosnia."

–David Little, Professor Emeritus, Harvard Divinity School
from "Protecting Human Rights During and After Conflict: The Role of the United Nations"

---

23) Rubina Saigol, "Gender and Conflict". Available from: <https://sachet.org.pk/gender-and-conflict/>.
24) Elisabeth Rehn and Ellen Johnson Sirleaf, *Women, War and Peace* (New York: UNIFEM, 2002), 1.
25) Jesús María Alemany Briz, "La Paz, ¿Un Derecho Humano?", 6. Available from: <http://www.seipaz.org/documentos/AlemanyDHPaz.pdf>.

If conflict is something normal in humankind — and it can be positive if by settling our differences we can bring improvement — armed conflict is not. Armed conflict is a well-planned and organized event, often degenerating into a protracted and inglorious man-made disaster.

Conflicts are often depicted as arenas for two main groups, combatants and civilians, both with specific roles. These "scenarios" represent a set of players, a set of moves (or strategies) available to those players, and a designated set of payoffs that result from a combination of strategies.

Due to the need of categorizing the actors on the ground — "displaced", "survivors", "vulnerable", "minorities", "Africans", "Arabs", "victims", "women", "the poor" — sometimes scenarios risk inexorable superficiality. How do you categorize, for example, a civilian who enshrines all those elements at the same time?

Doing human rights work in the field implies much interaction with civilians — their past, their present, and, particularly, their future. It is important to attribute to all of them an individual face and not to generalize. It is a context of traumas one is walking into, and it is important to know that a wrong approach can harm rather than help. Actions, therefore, must be taken with guidance.

If managed with responsibility, scenarios can have great potential for human rights analysis and training purposes, particularly when serving with a peace operation. By zooming in on the scenario we can measure the effects of our actions and responses vis-à-vis combatants and civilians and the other actors involved in the area of operation, such as UN agencies.

"In States and regions where ethnic tensions run high and deep inequalities among groups persist, it is hard to envision sustainable economic and social development without addressing underlying fissures in the social and political fabric. It is equally difficult to imagine healing such fissures without dealing with the concomitant development deficits. Chronic underdevelopment does not, in and of itself, cause strains among different ethnic, religious or cultural communities. But it can exacerbate the competition for scarce resources and severely limit the capacity of the State, civil society, and regional and sub regional organizations to resolve domestic tensions peacefully and fully … Expanding development assistance to the "bottom billion" would undoubtedly have a net positive effect on preventing crimes and violations relating to the responsibility to protect if such assistance is targeted to give the poor and minority groups a stronger voice in their societies, enhances equality and social justice, raises their education levels and increases their opportunities for meaningful political participation. However, if additional assistance is distributed in a way that exacerbates, rather than narrows, differences in the status and living conditions of rival ethnic, religious or cultural communities within these societies, then the effect would be destabilizing and could fuel existing tensions and resentments. Aid programmes therefore need to be sensitive both to conflict and to the responsibility to protect."

–Ban Ki-moon, Secretary-General of the United Nations
from A/63/677 (2009)

Three children, orphaned when their mother was killed in gunfire, seek shelter at UN headquarters in Bunia, DRC. May 2003. UN Photo #25723.

Let us also remind ourselves that the "teams" in the arena are not playing the same game. Civilians are *forced* to play. The reality of civilians in conflict is very heavy in its human complexity and is not highlighted enough by simulated real-life scenarios. Civilians are people losing their children and parents, their jobs, and their properties. They are watching all their rights disappear under states of emergency lasting years rather than weeks. They are forced into poverty, physically abused, impeded from access to justice, humiliated, forced to "beg" for their lives, and are constantly searching for ways to survive in a climate of fear. Empowering these people means giving them access to their fundamental rights even in extreme states of armed conflict.

Today, the protection of civilians (POC) is a mandate of peacekeeping missions. It requires a concerted response of the entire peace operation based on international legal standards and the non-negotiable principle of human dignity.

Once free from want and fear, civilians are active players in the overall transformation that will lead from conflict to stability and development.[26]

It is of fundamental importance to ensure that attacks against civilians are stopped without delays and that peace agreements are very firm on civilians' protection. Individual accountabilities for attacking civilians must be a *sine qua non* of all possible negotiations. Representatives of the "categories" of civilians must be sitting at the negotiation table and involved in all stages of conflict resolution and discussing measures to be taken after conflict.

Section 1.4 Human Rights as Causes and Solutions of Conflicts

Human rights issues are at the centre of conflicts. Conflicts are often rooted in social, political, economic, and cultural inequalities.

Disproportionate wealth between and within different areas and groups of the countries, poor education and health services, ethnic and political disputes, underemployment, lack of opportunities for the youth, environmental changes resulting in lack of access to natural resources. All of these inequalities are the results of unheard demands and discriminatory denials of fundamental human rights.

---

26) "The role of the people within the conflict parties is of great pertinence because the peacebuilding comes from within rather from outside." Emily Pia and Thomas Diez, "Conflict and Human Rights: A Theoretical Framework", SHUR Working Paper Series, January 2007, 8.

Groups discriminated by oppressive governments can decide to get organized and take up weapons. In some cases freedom fighters' movements can be spontaneous. In others, intra-State armed conflicts can be the result of external support, including military support, coming from States or lobbies with their own agendas. In all of these cases, the inequalities suffered by the people will be cited to legitimize the fight.

The Security Council stresses the importance of a coordinated international response to economic, social, cultural, and humanitarian problems, which are often the root causes of armed conflicts. Recognizing the need for the development of effective long-term strategies,

1 No Conflict
Any peaceful community is likely to face conflict sometimes, although communities in this category are good at resolving conflict before it develops.

2 Surface Conflict
This has shallow or no roots. It may be due to misunderstanding of goals, which can be addressed by improved communication and the concious effort of opposing groups to understand each other's need and opinions.

3 Latent Conflict
This is conflict below the surface. It might need to be brought out into the open before it can be effectively addressed.

4 Open Conflict
This conflict is very visible and has deep roots, sometimes over several generations. Both the causes and the effects need to be addressed.

it emphasizes the need for all United Nations organs and agencies to pursue preventive strategies and to take action within their respective areas of competence to assist Member States in eradicating poverty, strengthening development cooperation and assistance, and promoting respect for human rights and fundamental freedoms.[27]

Human rights violations are precursor events to violent conflicts and military hostilities. On the other hand, gross human rights violations and large-scale humanitarian emergencies are consequences of armed conflict. It makes sense, then, to map both human rights abuses and conflicts together.

Disintegration of States affected by armed conflicts may include:

- "Failed States" situations characterized by the breakdown of essential States' functions;

- Targeting of civilians in the context and/or on the side of armed confrontations, resulting in unacceptable human rights abuses committed by government forces, armed groups, and organized criminals;

- Use of child soldiers;

- Attacks against local NGOs and human rights defenders as acts of reprisal and/or intimidation;

- Attacks against the UN peace operation and/or regional organizations, humanitarian organizations, etc.

- Movement of people including men, elders, women, pregnant mothers, and children forced to flee and find precarious refuge in areas of displacement and in proximity to international borders;

- Dysfunctional national protection systems (law enforcement, justice system, social security, public health, customs);

- Lack of food, clean water, emergency health and shelter resulting in humanitarian crisis;

- Impracticability of roads, public markets, fields, schools due to lack of maintenance, mines, and/or conflict-related destruction;

---
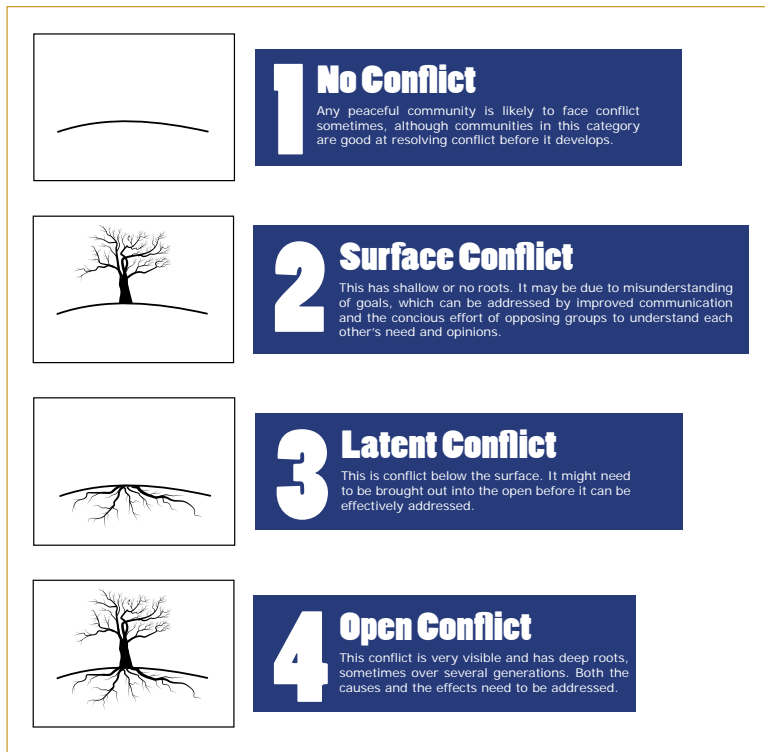
27) S/PRST/1999/34.

- Replacement of State's formal laws and procedures with de facto territorial power dynamics;

- Overthrow of civil society and traditional values;

- Disrespect of people's social status and national symbols/properties; and

- Cut of contacts/follow up of cases between State and citizens (archives, support, etc.).

Regarding peace operations and human rights, Todd Howland — director of MONUC's human rights division in the Democratic Republic of the Congo — states:

> "The goal of each peacekeeping operation should be to measurably increase respect for human rights law. There should be analysis of the root causes of the conflict and of which human rights are implicated. A baseline study of the level of respect for human rights should be done at the beginning of the operation. Programmes should be put in place to measurably increase the level of respect for the target rights (those linked to the root cause of the conflict)."[28]

Societies emerging from armed conflict face immense human rights needs which are entrenched with the security and development dimensions. The complexities of post-conflict situations require that special attention is given to repairing the large-scale damage inflicted on law and order, and economic, health, and educational infrastructures.

The Office of the United Nations High Commissioner for Human Rights (OHCHR) states:

> "Addressing human rights in peace agreements helps ensure the success of those agreements, as they provide guarantees that the population will not be subjected to further abuse. Human rights must also be integrated in efforts to provide immediate humanitarian relief. Indeed, humanitarian agencies have moved in this direction as they reform the framework of humanitarian response. Protection is now a major cross-cutting issue to be incorporated in all humanitarian activities. Furthermore, in situations where the violence and insecurity are the result of widespread criminal activities, protecting the rights of all people without discrimination will ensure that ordinary citizens will not be subjected to arbitrary actions by law-enforcement officials."[29]

> » *For more information on UN policy on human rights, read Human Rights Priorities Today: A United Nations Priority, excerpts of which are available online at: <https://www.ohchr.org/ Documents/AboutUs/IK_Human_rights_priorities_today_En.pdf>.*

---

28) Todd Howland, "Peacekeeping and Conformity with Human Rights Law", in *Peace Operations and Human Rights*, Ray Murphy and Katarina Mansson, eds. (New York: Routledge, 2008), 6.

29) Office of the High Commissioner for Human Rights (OHCHR), "High Commissioner's Strategic Management Plan 2008–2009", 18–19. Available from: <http://www.ohchr.org/Documents/Press/SMP2008-2009.pdf>.

Writing Exercise 1: Conflict Analysis and Prevention »

Consider a country that you have direct experience with or great knowledge of. Keeping in mind that **conflict** is defined as "a set of relationships between two or more parties, individuals, or groups who have, or think they have, incompatible goals", answer the following items:

- List some examples of incompatibilities existing in the country caused by inattentiveness to human rights problems.

- What can happen to make each of those situations worse? Can any of these situations lead to violent conflict?

- Which practical recommendations can you provide to prevent conflict from becoming intractable? Consider structures, customs, and opportunities existing in the country and the real-life experiences of the government and the population.

Section 1.5 Activities for Peace and Security Invoking Human Rights[30]

The UN is committed to the conviction that strong, durable, and equitable peace and security can only ever be attained if it is built on respect for human rights. The protection and promotion of human rights are therefore key elements of the full spectrum of peace and security activities.

Early warning

Symptoms need to be identified and cured in a timely manner to avoid the situation degenerating into a conflict. Countries should have mechanisms to monitor, investigate, and remedy situations of grievances or violations. "A national human rights commission might be able to do this. So might a parliamentary human rights committee."[31]

By monitoring volatile contexts, UN peace operations support States in identifying potential changes in the human rights situation that can affect transition to stability and bring conflict back. Information collected by human rights officers in the field provides important data for early warning. Examples are lack of POC in armed conflict including deliberate targeting of civilians and indiscriminate violence; limited humanitarian access and restricted

---

30) See: Ellen L. Lutz, Eileen F. Babbitt, and Hurst Hannum, "Human Rights and Conflict Resolution from the Practitioners' Perspectives", The Fletcher Forum of World Affairs, vol. 27, no. 1, Spring 2003, 173–193. Available from: <https://www.academia.edu/37171394/Human_Rights_and_Conflict_Resolution_from_the_Practitioners_Perspectives>; Bertrand G. Ramcharan, "Contemporary Challenges of Human Rights Protection: A Call for Preventive Strategies", Rutgers Law Journal, vol. 37, no. 495, 2006, 495–516; Liam Mahony, "Unarmed Monitoring and Human Rights Field Presence: Civilian Protection and Conflict Prevention", *The Journal of Humanitarian Assistance,* , August 2003. Available from: <http://sites.tufts.edu/jha/archives/61>. On related policy and training material, see: DPKO/DFS, United Nations Peacekeeping Operations Principles and Guidelines (2008), and DPKO, *Core Pre-Deployment Training Modules* (CPTMs). Both are available from the UN Peacekeeping Resource Hub: <https://research.un.org/en/peacekeeping-community>.

31) Bertrand G. Ramcharan, "Human Rights and Conflict Resolution", 3. See also: Bertrand G. Ramcharan, "Contemporary Challenges of Human Rights Protection: A Call for Preventive Strategies".

IASC Early warning map of Countries of Concern. Countries in red colour represent Priority 1. Ranking of alert is based on 1) threat to life/livelihood; 2) potential scale; 3) imminence: 4) potential population movements; and 5) regional implications.

humanitarian space, causing denial of basic human rights; concerning developments in transitional justice processes; food insecurity; increasing tensions or conflicts over pastoral land and cattle; and natural disasters and seasonal flooding.[32]

Despite a rich literature on early warning and prevention, very little is done to strengthen early warning mechanisms and make them serious alarms for action.

Peace operations gather information and publish progress reports but they do not always take into consideration human rights concerns. Too much time is left between credible signs of fragmentation and the escalation of violence.[33]

Prevention

Prevention involves the application of structural or diplomatic measures to keep tensions and disputes from escalating into violent conflict. Ideally, it should build on structured early warning, information gathering, and a careful analysis of the factors driving the conflict.[34]

Conflict prevention occurs before a conflict starts and involves the use of diplomatic measures or other tools to prevent inter- or intra-State tensions from turning into violent conflict.

---

32) The Working Group on Preparedness and Contingency Planning of the Inter-Agency Standing Committee contributes to strengthening early warning processes. OHCHR as the lead human rights agency contributes to such processes by integrating a human rights perspective in humanitarian action. The reports are also based on information coming from peace operations identifying potential changes in human rights situations in the field. For more information, see: <http://www.humanitarianinfo.org/iasc/>.

33) Michael O'Flaherty, 46.

34) DPKO/DFS, *United Nations Peacekeeping Operations Principles and Guidelines*, , 2008, 17.

Dialogue, mediation, investigations into sources of disagreement, and confidence-building measures are all preventive measures.

Prevention can include mediation through the use of the UN Secretary-General's "good offices" with the aim to engage in dialogue with the different parties, decrease tension, and/or mediate a disagreement; the UN High Commissioner for Human Rights and his/her country or regional representatives; country visits by special rapporteurs who monitor human rights problems and help fix them by assisting countries in conforming with international standards; and dialogue facilitated by specialized International Non-governmental Organizations (INGOs).[35]

An UNPREDEP observation post on the Yugoslav border. May 1998. UN Photo #73496 by Igor Vasilev.

A conflict is always too costly from a human rights perspective. There is significant evidence that early deployment of international field operations, including unarmed human rights presences, has played an important part in preventing attacks against civilian populations in conflict, as well as facilitating and encouraging ongoing peace processes.[36]

Peacemaking

Peacemaking generally includes measures to address conflicts in progress and usually involves diplomatic action to bring hostile and concerned parties to a negotiated agreement. This may include direct activities by the United Nations to assist in negotiating a peace agreement, or it may mean that the United Nations facilitates peacemaking by peace negotiators or other regional or international actors, for instance by providing neutral facilities for their negotiations or chairing sessions of the negotiations.

Peacemakers can be the UN Secretary General through his/her "good offices" and public diplomacy efforts, the UN High Commissioner for Human Rights and his/her representatives, regional organizations, envoys, governments, groups of States, unofficial and nongovernmental groups, or prominent personalities working independently.[37]

Ensuring that human rights are well integrated in peace processes from the early stages is crucial. This has a lot of to do with addressing the root causes of conflict, bringing actors who can represent victims and civil society to the negotiation table, settling past human rights grievances, accountability, and strengthening human rights protection for the future.

35) Ibid.

36) "In conditions of crisis within a country, when the Government requests or all parties consent, preventive deployment could help in a number of ways to alleviate suffering and to limit or control violence. Humanitarian assistance, impartially provided, could be of critical importance; assistance in maintaining security, whether through military, police or civilian personnel, could save lives and develop conditions of safety in which negotiations can be held; the United Nations could also help in conciliation efforts if this should be the wish of the partners." *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping*, A/47/277-S/24111, para. 29. See: Liam Mahony, "Unarmed Monitoring and Human Rights Field Presence: Civilian Protection and Conflict Prevention", *The Journal of Humanitarian Assistance,* August 2003. Available from: <http://sites.tufts.edu/jha/archives/61>. Centre for Humanitarian Dialogue, *Proactive Presence: Field Strategies for Civilian Protection* (Geneva: Henry Dunant Centre for Humanitarian Dialogue, 2006). See also: Human Rights Watch, *The Lost Agenda: Human Rights and UN Field Operations* (New York: Human Rights Watch, 1993), which, regarding ONUSAL in Salvador, states, "Human rights played a central role in the UN-sponsored peace process. Even before the peace accord, one hundred UN Human Rights Monitors were deployed in the country to deter abuses and to build a climate of confidence in which both sides could make the compromises necessary for ending the war. The size of the monitoring force and its deployment throughout the country made it a credible force."

37) DPKO/DFS, 17. See also: DPKO, CPTM, Unit 1, Part 1, 22. Examples of recent peacemaking activities include the appointment of a Special Envoy of the Secretary General for areas in Uganda affected by the rebel Lord's Resistance Army (LRA) in 2006 and of a Joint UN–AU Chief Mediator for Darfur by the Secretary General of the United Nations and the Chairperson of the African Union in 2008.

Truth and reconciliation commissions, national commissions of inquiry, human rights monitoring missions, and national and international courts and tribunals are some examples of approaches that have been used by peacemakers.

Peacekeeping

Peacekeeping is a technique designed to preserve the peace, however fragile, where fighting has been halted, and to assist in implementing agreements achieved by the peacemakers.

Over the years, peacekeeping has evolved from a primarily military model of observing ceasefires and the separation of forces after inter-State wars — operating usually under Chapter VI since no use of force outside self-defence was contemplated — to incorporate a complex model of many elements (e.g. military, police, and civilian) working together to help lay the foundations for sustainable peace. Human rights protection and promotion is often part of peacekeeping mandates, now increasingly under a Chapter VII framework. Among the substantive civilian components making the mission, it is standard practice to include human rights offices and officers implementing specific human rights functions such as monitoring, reporting, and mainstreaming.[38]

> "The Security Council recognizes the importance of building a culture of prevention of armed conflicts and the need for a contribution from all principal organs of the United Nations in that regard … Early warning, preventive diplomacy, preventive deployment, preventive disarmament and post-conflict peacebuilding are interdependent and complementary components of a comprehensive conflict prevention strategy."
>
> –Statement by the President of the Security Council, S/PRST/1999/34, 30 November 1999

For instance, the UN Security Council authorized the peacekeeping operation deployed to the Democratic Republic of the Congo to, among other priorities, "ensure the protection of civilians" and "assist in the promotion and protection of human rights, with particular attention to women, children and vulnerable persons, investigate human rights violations and publish its findings, as appropriate, with a view to putting an end to impunity, assist in the development and implementation of a transitional justice strategy, and cooperate in national and international efforts to bring to justice perpetrators of grave violations of human rights and international humanitarian law".[39]

Peace enforcement

Peace enforcement involves coercive measures, including the use of military force, which can be authorized by the Security Council under Chapter VII to restore international peace and security in situations where the Security Council has determined the existence of a threat to the peace, breach of the peace, or act of aggression. This may include humanitarian crises characterized by egregious human rights violations.

Prevention is always the preferred option and force should always be used as the last resort. There are situations, however, when it becomes imperative to intervene without delays to stop massive killings, rapes, and other massive violations causing human disgrace.[40]

---

38) DPKO/DFS, 18 and DPKO, CPTM, Unit 1, Part 1, 26.
39) S/RES/1856, 2008.
40) DPKO/DFS, 18.

Peace Enforcement	"Robust" Peacekeeping
Involves the use of force at a strategic or international level which is normally prohibited for Member States under Article 2(4) of the UN Charter: "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."	Involves the use of force at the tactical level to defend the mission personnel and its mandate, particularly in situations where spoilers are violating the peace agreement; there is need to maintain public order; and the state is unable to provide security (requires a strong mandate).
Can be authorized without the consent of the parties to the conflict.	Requires the consent of parties to the conflict.
Requires the authorization of the use of force by the Security Council.	Requires the authorization of the use of force by the Security Council.

Peace enforcement is different than peacekeeping since there is no peace process in place or consent from the warring parties. The UN does not generally engage in peace enforcement itself. When it is appropriate, the Security Council may use regional organizations for peace enforcement action (under Chapter VIII of the Charter).

Peace enforcement action by regional organizations must always be undertaken with the authorization of the Security Council and should not be initiated by regional organizations without the authority of the Security Council.[41]

Peace enforcement is often invoked in situations where peacekeeping mandates appear too weak and insufficient to protect. Lack of resources and stretched capabilities are big obstacles for peacekeeping and are currently under review. However, lack of political will, both by the host State and at the international level, has obstructed peacekeeping in several circumstances in which the UN actually had the capability to deploy a mission.

Although the line between "robust" peacekeeping and peace enforcement may appear blurred at times, there are important differences between the two.[42] The chart above identifies these differences.
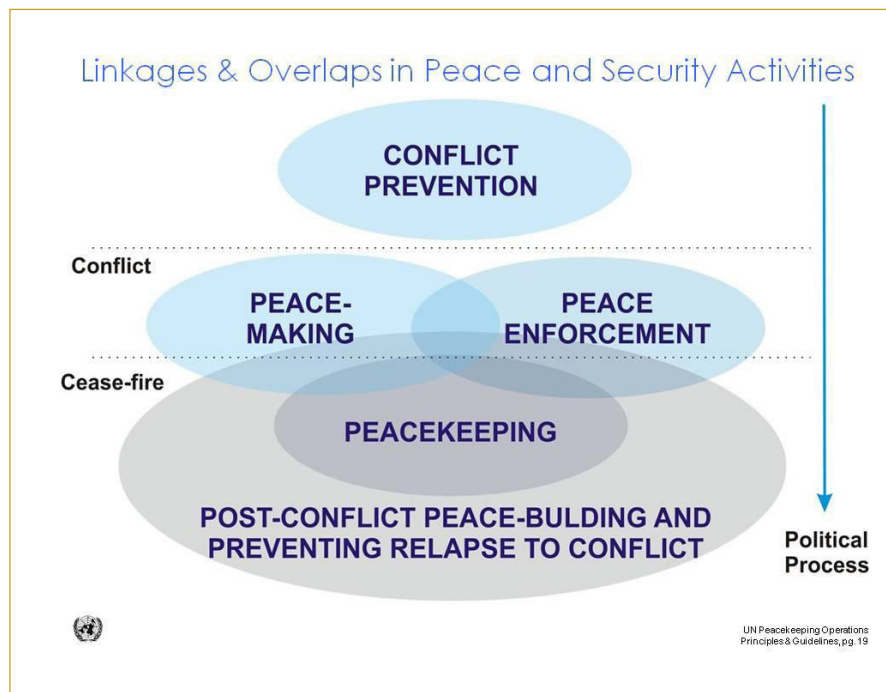
Peacebuilding

Peacebuilding is a complex, long-term process of creating the necessary conditions for sustainable peace. It works by addressing the deep-rooted, structural causes of violent conflict in a comprehensive manner. Peacebuilding measures address core issues that affect the functioning of society and the State, and seek to enhance the capacity of the State to effectively and legitimately carry out its core functions.[43]

Regarding human rights, peacebuilding aims to develop sustainable national capacity for their protection and promotion, including in the context of participation in public affairs, security and justice sectors reform, and the creation of national human rights institutions. Integration of human rights-based approaches into UN strategies for development is also part of the peacebuilding process.

---

41) DPKO, CPTM, Unit 1, Part 1.
42) Ibid., 19. Examples of peace enforcement mandates include the NATO-led Kosovo Force (KFOR) to establish a safe and secure environment in which refugees and displaced persons could return home (Security Council resolution 1244 [1999]); and the multi-national Unified Task Force (UNITAF), organized and led by the United States to use "all necessary means" to establish a secure environment for humanitarian relief operations in Somalia (Security Council resolution 794 [1992]).
43) DPKO/DFS, 18.

In the peacebuilding phase, activities initiated in the peacemaking or peacekeeping phases are continued. But many multi-dimensional peacekeeping operations are also involved in peacebuilding. Sometimes parts of the countries which are safer and more stable can be prepared for peacebuilding, while others — such as the conflicts in the DRC and Sudan — may need more time for peacekeeping to achieve its goals.

The boundaries between conflict prevention, peacemaking, peacekeeping, peacebuilding, and peace enforcement have become increasingly blurred. Peace operations are rarely limited to one type of activity.

While United Nations peacekeeping operations are, in principle, deployed to support the implementation of a ceasefire or peace agreement, they are often required to play an active role in peacemaking efforts and may also be involved in early peacebuilding activities. Conflict prevention, peacemaking, peacekeeping, and peace enforcement rarely occur in a linear or sequential manner. Indeed, experience has shown that they should be seen as mutually reinforcing.[44]

Section 1.6   Other Threats to Human Rights and Peace and Security[45]

The two world wars are now perceived by some as distant episodes of humanity, and the Cold War has likewise been relegated to the history books rather than any contemporary study. However, while developed countries today can enjoy stability and the absence of war, armed conflicts continue in other parts of the world, killing and seriously harming people.

Though many of today's armed conflicts are intra-State conflicts, they almost always have external implications and effects. The great promises of the disarmament race and peace dividends clash with a revitalized global military expenditure, led by many modern democracies. Armed conflicts are fuelled by a growing arms trade which constitutes a big portion of national budgets.[46] Small weapons are behind most civilian casualties.

44) Ibid.

45) See: UNESCO, "New Threats to Peace, Security and Human Rights", *The New Courier*, May 2002. Available from: <https://unesdoc.unesco.org/images/0012/001257/125736e.pdf>.

46) For annual statistics on military expenditure, visit the website of Stockholm International Peace Research Institute (SIPRI) at: <http://www.sipri.org>.

A member of the Indian battalion of the United Nations Organization Mission in the Democratic of the Congo (MONUC) and the Forces Armées de la République Démocratique du Congo deploy to Kirotshe, the scene of the latest combat with the Congrès National pour la Défense du Peuple. September 2008. UN Photo #323633 by Marie Frechon.

Early warning mechanisms and preventive actions to improve standards of living, education, and freedom to live in peace are crucial and deserve much more attention by the United Nations and partner organizations. Robust efforts and resources should be reconverted and channelled in that direction.

This also means that the economy of war cannot continue flourishing at this rate and States should be made accountable for supporting armed conflicts. The focus of the UN Charter is not on post-conflict reconstruction, but on saving people from the scourge of war and promoting social progress and better standards of life. If prevention is bypassed, military weaponry and resources devoted to peacekeeping risk becoming part of the problem rather than the solution.

There are millions of individuals who have only known war, a situation into which they were born. Protracted regional armed conflicts opposing specific groups and leading to the deprivation of freedoms and development dehumanize human relations, multiplying hostile factors and desperate reactions.

Criminal organizations benefit from such situations. Terrorism, forced immigration, human trafficking, illegal exploitation of natural resources, and drug trafficking are all realities which seem to thrive in armed conflicts and violent situations. Insecurity and fear correspond to the lack of rule of law, and all of this causes forced movement of human beings in search of better living conditions. The result is often a mounting discrimination and xenophobia against the "others", walking away from realities of death and suffering. Poverty and violence are perpetuated by this cycle of instability. Applying international human rights standards while countering terrorism and international criminal trafficking means ensuring a firm rule of law and keeping the dignity of individuals integral. Organizations such the Office of the High Commissioner for Human Rights (OHCHR) and the United Nations Office on Drugs and Crime (UNODC) have developed important guidance and tools for the fight against terrorism and transnational crime.[47]

---

47) OHCHR, "Human Rights, Terrorism and Counter-terrorism", Fact Sheet No. 32 (Geneva: OHCHR, July 2008). Available from: <http://www.ohchr.org/Documents/Publications/Factsheet32EN.pdf>. "Military and police components of United Nations peacekeeping operations have provided a more secure environment in 16 conflict zones all over the world in the last five years. This has helped to limit terrorist opportunities to recruit and to conduct their operations in these regions", 61. "The Department of Peacekeeping Operations provides training to national police and law enforcement officers and officials on criminal matters including kidnapping, information-gathering, hostage-taking, close protection, and the investigation of assassinations, murders and bombings", 64. See also: UNODC, "Preventing Organized Crime from Spoiling Peace", 26 February 2009. Available from: <http://www.unodc.org/unodc/en/frontpage/preventing-organized-crime-from-spoiling-peace.html>.

In addition to wars and armed violence, the world is experiencing new threats like global food insecurity, economic and financial crises, climate change, and natural disasters. In the Middle East, for example, the climate is expected to become hotter, drier, and less predictable. Scarce water resources, increase of food insecurity, economic collapse, and large-scale displacement can be dangerous but realistic perspectives in a region already characterized by a history of divisions, hostility, and mistrust. We saw the result of dryness and lack of development in other contexts such as Darfur.[48]

Climate change also constitutes a threat to the population, often to segments that are already in a vulnerable situation. It is important then that States take measures to make environments safer and to give extra protection to human rights affected by climate change.

In the coming years, UN activities for peace and security might be impelled to include in their structures and schemes, personnel and procedures able to cope with such new threats, their causes and effects.[49]

Writing Exercise 2: MANOA's Dilemma »

Suppose MANOA is a peacekeeping operation composed of 1,000 military observers, 500 police officers, and 200 political, human rights, and civil affairs officers, and has been authorized by the Security Council.

The operation is facing severe degradation at the security level. Following the contested nomination as prime minister of a party leader whose election was widely considered to have been rigged, an unknown organization called Movement for Democracy appeared in the eastern part of the country and started killing civilians and shelling State buildings.

The regional offices of MANOA were evacuated from the eastern region. Local human rights NGOs on the ground reported that thousands have been killed and more people are crossing the borders seeking refuge in the neighbouring countries.

This escalating violence calls for action, but it does not seem that MANOA has the capacity for the proper response. What should the UN do?

---

48) Oli Brown and Alec Crawford, *Rising Temperatures, Rising Tensions: Climate change and the risk of violent conflict in the Middle East* (Winnipeg: International Institute for Sustainable Development [IISD], 2009). Available from: <http://www.iisd.org/pdf/2009/rising_temps_middle_east.pdf>.

49) One of the priorities of the OHCHR is "Pursuing economic, social and cultural rights and combating inequalities and poverty, including in the context of the economic, food and climate crises". OHCHR Priorities for 2010–2011. Available from: <http://business.un.org/en/documents/9212>. See also: OHCHR, "Human Rights and Climate Change". Available from: <http://www2.ohchr.org/english/issues/climatechange/index.htm>.

Lesson Summary

The revolution of the UN Charter

The United Nations and its Charter are post-conflict creations. The inhuman and unacceptable effects of World War II called for stronger commitments by the international community. The maintenance of peace and security and the respect of human rights are two main purposes of the United Nations. The UN Charter provides measures to tackle armed conflicts at different points. The focus is no longer on waging war with the proper conduct but to avoid conflicts altogether.

Conflict and armed conflict

Conflicts deal with incompatible goals, and as such can be are two main purposes of the United Nations. The UN Charter provides measures to tackle armed conflicts at different points. The focus is no longer on waging war with the proper conduct but to avoid conflicts altogether.

Conflict and armed conflict

Conflicts deal with incompatible goals, and as such can be considered a natural aspect of humankind; armed conflicts deals with political power and control of territory. It is always an organized military venture and implies battle-related deaths, including civilians. There is nothing fatalistic or "natural" about armed conflicts.

The changing nature of armed conflicts and the impact on human rights

Starting in the nineties, new forms of armed conflicts emerged on the international scene. Generally, conflicts are now more complex; international law is often bypassed, favouring impunity; brut. There is nothing fatalistic or "natural" about armed conflicts.

The changing nature of armed conflicts and the impact on human rights

Starting in the nineties, new forms of armed conflicts emerged on the international scene. Generally, conflicts are now more complex; international law is often bypassed, favouring impunity; brutal human rights violations are committed; and civilians are the main victims.

Main characteristics of new conflicts

- Inter-State and intra-State;
- Different State and non-State actors taking part to the hostilities;
- Regional and international stability can be affected by internal conflicts;
- Internationalization of internal armed conflicts;
- Asymmetric warfare leading to illegal methods; and
- Civilians targeted by attacks.

Human rights as causes and solutions

Human rights issues are at the heart of conflicts. Conflicts are often rooted in social, political, economic, and cultural inequalities. Human rights violations can cause the conflict in the first place, and the conflict exacerbates the violence, provoking new human rights violations. Finally what emerges is a society, often a failed State, with immense human rights violations are committed; and civilians are the main victims.

Main characteristics of new conflicts

- Inter-State and intra-State;

- Different State and non-State actors taking part to the hostilities;

- Regional and international stability can be affected by internal conflicts;

- Internationalization of internal armed conflicts;

- Asymmetric warfare leading to illegal methods; and

- Civilians targeted by attacks.

Human rights as causes and solutions

Human rights issues are at the heart of conflicts. Conflicts are often rooted in social, political, economic, and cultural inequalities. Human rights violations can cause the conflict in the first place, and the conflict exacerbates the violence, provoking new human rights violations. Finally what emerges is a society, often a failed State, with immense human rights needs.

UN activities to tackle armed conflicts

- Early warning;

- Conflict prevention;

- Peacemaking;

- Peacekeeping;

- Peace enforcement; and

- Peacebuilding.

The boundaries between these different dimensions are blurred.eeds.

UN activities to tackle armed conflicts

- Early warning;

- Conflict prevention;

- Peacemaking;

- Peacekeeping;

- Peace enforcement; and

- Peacebuilding.

The boundaries between these different dimensions are blurred. Peacekeeping also involves peacemaking, peacebuilding, and the collecting of information in an attempt for early warnings.

What's ideal vs. what's possible

The ideal situation would be taking seriously early warning mechanisms and prompt response with measures for conflict prevention, including preventive deployment of a human rights operation, moving rapidly to address the causes and symptoms of conflict and enhancing deployment, institution building, and reforms in the country.also involves peacemaking, peacebuilding, and the collecting of information in an attempt for early warnings.

End-of-Lesson Quiz »

1. **What is the main difference between inter-State and intra-State armed conflicts?**

   A. An inter-State armed conflict occurs between two States, while an intra-State conflict occurs between opposing parties within a single State

   B. An inter-State conflict is an international armed conflict, while an intra-State conflict is a non-international armed conflict

   C. There is no real difference because the reality of conflicts is very complex

   D. An inter-State armed conflict results in more than 1,000 casualties per year, while an intra-State conflict results in 25 maximum

2. **Civilians in an intra-State armed conflict:**

   A. Are all persons who are not members of State armed forces or organized armed groups of a party to the conflict; they are entitled to protection only if they are carrying identity cards

   B. Are military persons not taking a direct part in hostilities

   C. Are all persons who are not members of State armed forces or organized armed groups of a party to the conflict; they are entitled to protection against direct attack unless they take a direct part in hostilities

   D. Receive less protection than civilians in international armed conflicts

3. **Failed States are _____.**

   A. States with unsuccessful economic standards not included in G8 meetings

   B. States which lost part of their territory due to intra-State conflict

   C. States characterized by collapse of government structure, lack of official authority, and non-functioning judiciary

   D. States who return to conflict once peacekeeping operations have left

4. **Which of the following statements regarding State and non-State actors involved in intra-State armed conflict is true?**

   A. Mercenaries, rebel groups, and national police are non-State actors

   B. Regular armed forces are State actors while armed rebel groups are non-State actors

   C. Soldiers not on duty are non-State actors

   D. The situation is far too complex to provide a definition

5. **In asymmetric armed conflict there are obvious differences in military capacities of the fighting parties. What effect might this have on conflict parties?**

   A. Stronger parties may be tempted to use illegal combat methods.

   B. Weaker parties may be tempted to use illegal combat methods.

   C. Stronger parties may seek less penetrable conflict zones.

   D. Weaker parties are typically able to build their forces quickly to match the stronger combatant.

6. **What would be ideal in ensuring sustainable peace in a country?**

   A. Absence of discrimination, dignified living standards, access to justice, functioning security and law enforcement

   B. Humanitarian assistance providing permanent food items

   C. Peace enforcement and separation of ethnic and religious groups

   D. Military regime, prohibition of internet, equal working hours for all

Answer Key provided on the next page.

End-of-Lesson Quiz »

7. **Diplomatic action to bring hostile and concerned parties to a negotiated agreement relates to which UN activity?**

    A. Conflict prevention

    B. Peacemaking

    C. Peacebuilding

    D. Peace warning

8. **According to _____, the Security Council can take actions "necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade and other operations by air, sea or land forces by Members of the United Nations".**

    A. Chapter VI of the UN Charter

    B. Chapter VI and a half of the UN Charter

    C. Chapter VII of the UN Charter

    D. Chapter VIII of the UN Charter

9. **Is it possible for a military coalition led by France, for example, to enforce peace without the consent of the parties to the conflict?**

    A. No, it is not possible

    B. Yes, but only if authorized by the Security Council

    C. No, the consent is necessary for humanitarian purposes

    D. Yes, but an authorization is required by the UN or another regional organization

10. **Which of the following is a potential cause of the internationalization of an intra-State conflict?**

    A. If a coalition of foreign States decides to intervene militarily in support of a specific insurgent group fighting against an established government

    B. If warring parties within a State recruit fighters from different countries using the Internet

    C. If ongoing hostilities between two States provoke military intervention in favour of opposing parties within a third State

    D. Both A and C

Answer Key »

1.   A
2.   C
3.   C
4.   B
5.   B
6.   A
7.   B
8.   C
9.   B
10. D