APPLYING SUSTAINING PEACE AND HUMAN RIGHTS: THE LINKS BETWEEN SUSTAINING PEACE AND HUMAN RIGHTS

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The dual resolutions on sustaining peace (A/RES/70/262-S/RES/2282 reaffirm the importance of promoting coherence and complementarity between the United Nations peace and security and human rights efforts, underscoring that security, development and human rights are closely interlinked. Secretary-General Antonio Guterres furthered this in his comments to the Security Council on 18 April 2017 stating that "*upholding human rights is a crucial element of prevention*" and "*human rights are intrinsically linked to sustaining peace.*"

Despite this increasing recognition of the links between respect for human rights and the prevention of conflict, there has been little debate on how human rights mechanisms and tools can be better employed to sustain peace. Various Member States have reservations regarding the applicability of human rights mechanisms for sustaining peace and discussions on human rights issues in intergovernmental organs outside of the Human Rights Council, especially the Security Council. The geographical divide between Geneva and New York has also precluded a substantive debate on the links between sustaining peace and human rights and, thus far, there has been little discussion in Geneva and in New York as to how human rights can concretely contribute to sustaining peace.

Added to this, the knowledge and insights of peace and security institutions within the UN, and civil society working in peacebuilding and prevention, is seldom brought into discussions on human rights at the UN despite the important role these can play in strengthening protection and making prevention more effective. While a shared responsibility to prevent conflict and sustain peace exists—a responsibility that cuts across the system—there is often a lack of close

cooperation on peacebuilding, prevention and human rights; a challenge further exacerbated by divisions in intergovernmental structures.

To address these issues and discuss ways forward to link human rights better with sustaining peace, a workshop was held on 13 July 2017 which aimed to demystify some of the fears attached to the application of a human rights framework to sustaining peace and to turn the rhetoric of the three-pillar approach into a reality.

OVERCOMING SILOS: HUMAN RIGHTS AND SUSTAINING PEACE
The resolutions on sustaining peace reaffirm the importance of human rights to sustaining peace through an integrated approach. Sustaining peace also underlines the "*comprehensive, inclusive and people-centered*" vision of the 2030 Agenda; reaffirming *inclusive national ownership* and *inclusivity*, fundamental to a human rights approach; as well as a commitment to addressing the *root causes of conflict*, including fundamental human rights concerns such as inequality and discrimination. Sustaining peace further underscores the vital and positive role of women and youth in peacebuilding.

At the same time, a number of Member States have questions regarding the role of human rights in sustaining peace and express reservations about discussions on human rights in intergovernmental organs outside of the Human Rights Council. There has been little discussion in Geneva and in New York as to how human rights can concretely contribute to sustaining peace. At the opening of the Human Rights Council's 32nd session in June 2016, the Swiss Appeal to *"put human rights at the heart of conflict prevention",* was launched on 13 June 2016 in Geneva and has been signed by 71 Member States so far. Another initiative launched by the Human Rights Council, on February 27, 2017, was the annual high-level panel discussion on human rights mainstreaming on "The contribution of human rights to peacebuilding through the enhancement of dialogue and international cooperation for the promotion of human rights". These initiatives and related efforts to mobilise Member States engagement demonstrate increasing interest by many Member States to ensure that the contribution that human rights can make to prevention and sustained peace is put into practice. Secretary-General Antonio Guterres, in his remarks to the Human Rights Council in February 2017, reiterated that "*perhaps the best prevention tool we have is the Universal Declaration of Human Rights – and the treaties that derive from it. The rights set out in it identify many of the root causes of conflict; but equally they provide real world solutions through real change on the ground*."

The Swiss and German missions to the United Nations followed up the abovementioned Swiss Appeal by creating a small group of Member States in New York, to promote the messages of the appeal, called the Human Rights Conflict Prevention Caucus. The objective of the caucus is to implement the ideas expressed in the Appeal of June 13th. More specifically, it will aim at reinforcing the importance of preventive diplomacy and explore the crucial contribution of human rights in this regard. The Caucus will advocate for closer links between the three pillars in order to strengthen conflict prevention. It will try to bring more experience from Geneva to New York and vice versa and advocate for maximizing the international community's existing resources to protect human rights and prevent conflicts more effectively. Indeed, these efforts are

motivated by the current disconnect between Geneva and New York on these issues. The silos between development, peace and security and human rights are heavily embedded and better understanding of the concerns of some Member States, and demystifying some of the fears attached to the application of a human rights framework to sustaining peace, would help turn the rhetoric of the three-pillar approach into a reality. Some lessons could be drawn from the experience of applying a human rights based approach to development, looking at how the Sustainable Development Goals are solidly anchored in human rights norms. Both agendas bear many similarities, in particular as it relates to issues of national ownership, accountability and participation.

A FULL SPECTRUM OF PREVENTION
Three connections were identified during the workshop between human rights, sustaining peace and Agenda 2030:
1) Despite member state concerns about interventionism, human rights tools and mechanisms are treaty-based and thus derive from legal commitments voluntarily accepted by member states, in accordance with the principle of sovereignty. Human rights are not divorced from national ownership; on the contrary, they reinforce sovereignty.
2) The understanding of peace should be broader than negative peace and the absence of conflict; but positive peace and the right to freedom from want and fear, including economic, social and cultural rights. In doing so, capabilities should be provided to permit people to live the type of life they wish to live and be able to achieve their goals. This includes building institutions and capacities to mitigate conflict.
3) An inclusive approach should be used which stresses the need of all segments of society to be taken into account, reiterating the importance of social and economic rights as well as political freedoms, and incorporating the key human rights principles of equality, non-discrimination and participation inherent in the rights-based approach. Further, a variety of inequalities should be considered including horizontal inequalities and discriminations; aspects of exclusion and marginalization can lead to grievances which can lead to violent conflict. This inclusive approach also entails giving a voice and expressing views to people to ensure there is a possibility to be heard, and to establish grievance mechanisms through which people can express themselves.

In accordance with the vision set out in the Universal Declaration on Human Rights, human rights should be understood as a valuable set of tools for conflict prevention which can be instrumental in setting countries on the path to peace and development or averting escalation to violent conflict. Human rights monitoring and analysis can provide key early warning of grievances that, if left unaddressed, may lead to violence. A country may not yet be in conflict but widespread human rights abuses are an indicator for potential future instability. If the situation deteriorates and increasing human rights violations are being seen, this is a strong indication of imminent risk of violent conflict.
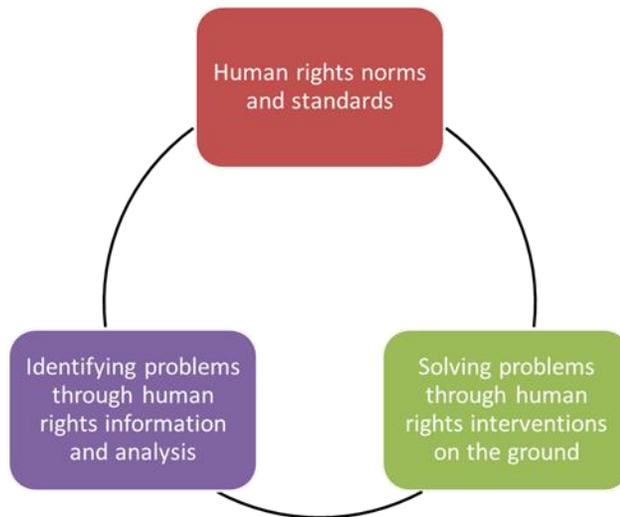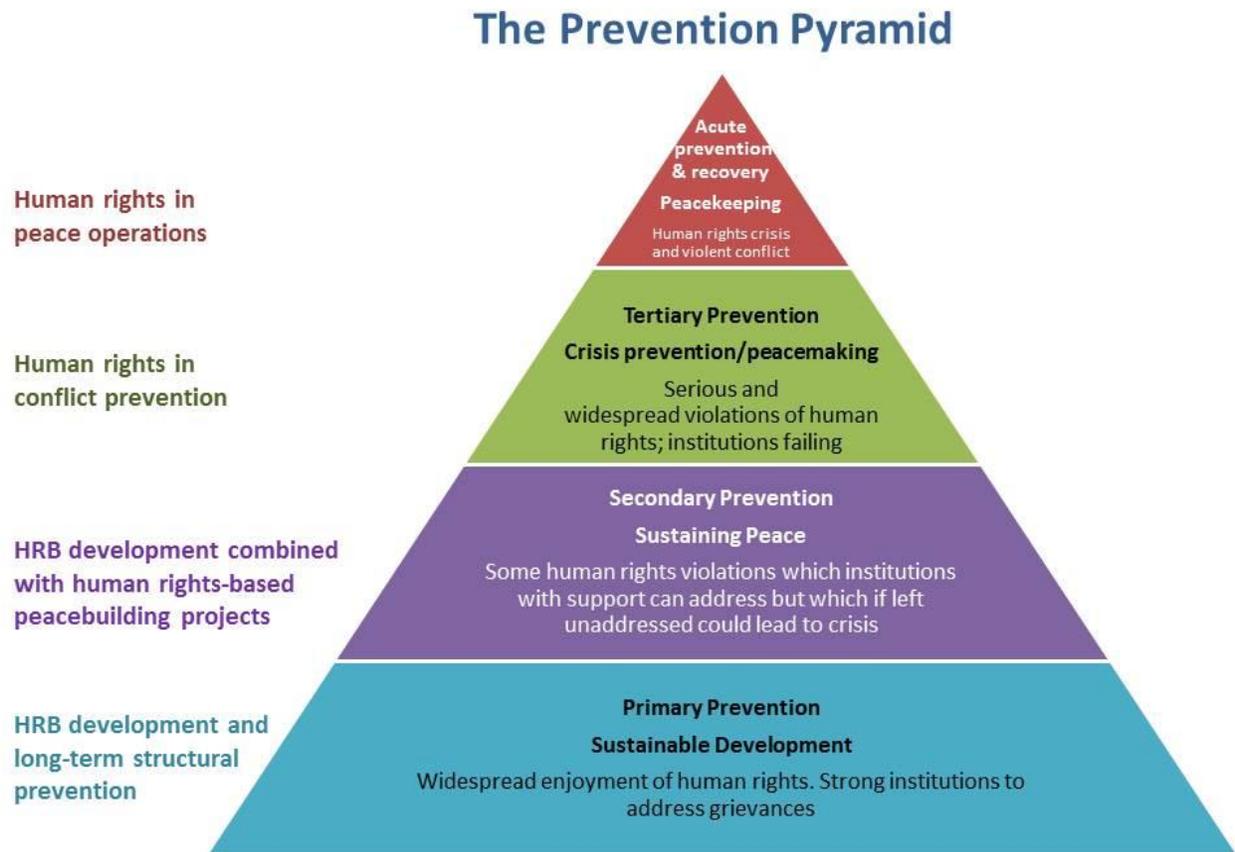
Human rights can contribute to sustaining peace in by providing an internationally-agreed normative framework and standards that apply at all times, during peace and war, in all operational environments at the different phases of peacebuilding. They offer a valuable analytical tool that helps identify root causes of conflict, risks, discrimination and inequalities and have important contributions to make to both long-term structural prevention and more immediate preventive actions in a conflict. They are setting the parameters for real world solutions on the ground.

The Office of the United Nations High Commissioner for Human Rights (OHCHR) has suggested that human rights have a contribution to make at all stages of the so-called "conflict cycle", supporting sustainable development, sustaining peace, conflict prevention and peace operations. Primary prevention is the ideal where strong institutions and mechanisms are capable of addressing grievances. Early interventions based on early warning monitoring can mitigate risk and avoid an escalation, often associated with long-term structural prevention and sustainable development activities. However, if human rights violations are left unaddressed, the risk of violent conflict increases. Active conflict produces yet more human rights violations which in turn fuel the cycles of violence. This situation usually sees deployment of a peace operation which invariably include a human rights component integrated into the mission. As can be seen in the prevention pyramid below, human rights are instrumental to all aspects of prevention and sustaining peace. The room for manoeuvre at the top of the pyramid is very limited; the concept of sustaining peace seeks to encourage long-term strategies aimed at keeping countries within

the broad base of the pyramid, where sustainable development and attainment of the SDGs is optimal.

The Prevention Pyramid

Human rights in peace operations

Acute prevention & recovery
Peacekeeping
Human rights crisis and violent conflict

Human rights in conflict prevention

Tertiary Prevention
Crisis prevention/peacemaking
Serious and widespread violations of human rights; institutions failing

HRB development combined with human rights-based peacebuilding projects

Secondary Prevention
Sustaining Peace
Some human rights violations which institutions with support can address but which if left unaddressed could lead to crisis

HRB development and long-term structural prevention

Primary Prevention
Sustainable Development
Widespread enjoyment of human rights. Strong institutions to address grievances

Credit: OHCHR, 2017

Box on Sri Lanka

The "[Human Rights up Front](#)" (HRuF) initiative, launched by Secretary-General Ban-Ki moon in December 2013, to address the 'systemic failure' identified by an Internal Review Panel in meeting UN responsibilities to prevent and respond to serious violations of human rights and humanitarian law in the Sri Lanka conflict, calls for preventive action in the light of human rights violations. The HRuF seeks three essential changes: (i) a cultural change: by which all UN entities shall conduct their work with awareness of the UN Charter and overall UN mandates and recognize human rights and protection of civilians as a core responsibility; (ii) an operational change in the field and at headquarters to bring the UN's three pillars together, to encourage joint analysis and develop better early warning mechanisms and responses; (iii) a change to UN political engagement with Member States, through early and full engagement with Member States to prevent large-scale human rights violations[1]. This groundbreaking initiative, which fits into the sustaining peace framework, calls for early and preventive action; it also recognizes that human rights violations are indicators of potential conflict; thus the need to monitor these violations and act in a preemptive manner. Applying this initiative to the Sri Lanka case demonstrates this argument. Sri Lanka has experienced nearly three decades of inter-ethnic violence linked to long-standing unaddressed ethnic grievances opposing the Sri Lankan Government (mainly composed of the Sinhalese majority) and the Liberation Tigers of Tamil Eelam (LTTE) (composed of the Tamil ethnic minority, which was marginalized during the colonial period). The civil war killed more than 100,000 people. After multiple rounds of ceasefire negotiations and peace agreements which were succinctly violated by each party; the Sri Lankan Government declared military victory over the LTTE in May 2009, after a massive offensive launched in the northern and eastern parts of the country; which saw numerous human rights violations committed by both parties and civilian casualties due to indiscriminate attacks.

Applying the HRuF to the Sri Lankan case would have entailed that:

1. The Security Council and the Human Rights Council address the ongoing human rights violations in a preemptive manner: by including Sri Lanka on the Security Council's agenda, making it a priority and recognizing that these violations point to a serious risk of escalating conflict. Both UN organs should have unequivocally condemned the violations by both parties, including government forces; the Human Rights Council 2009 resolution [A/HRC/RES/S-11/1](#) for instance failed to acknowledge the violations of international law committed by government forces.

2. Coherent and time-adequate monitoring, reporting and early-response mechanisms to prevent additional human rights violations, would have been implemented across the UN system. The Internal Review Panel on the UN's action in Sri Lanka report stressed inadequacies in the understanding and analysis of the Sri Lankan conflict; and further underlined the absence of coordination and joint analysis between the UN organs and between the field and headquarters (p.22 of the report). The deployment of a human rights field operation in Sri Lanka would have helped ensure adequate monitoring and reporting as well as communication between the field and HQ.

3. Increased UN political engagement with the Sri Lankan authorities and with Member States at Headquarters to ensure adequate reporting on these violations. In light of the difficult relationship the UN sustained with the Sri Lankan government, Member States should have increased political engagement; a lack of interest, consensus and of information on the ongoing situation prevented this.

By applying this HRuF initiative to the Sri Lankan case, we aim to demonstrate how active and early preventive actions can prevent the escalation of conflict, and that human rights violations are strong indicators of potential instability. Post-conflict peacebuilding efforts in Sri Lanka have continuously failed to focus on addressing these violations and in ensuring accountability. The failure to address impunity and marginalization, and to provide adequate reparatory measures to victims, further emphasize the still precarious and volatile situation in Sri Lanka.

THE OPPORTUNITIES AND CHALLENGES

As we move towards a 'One UN' with integrated policies around the peace and security, development and human rights pillars, as called for in the sustaining peace resolutions, we should draw from existing examples while considering the risks present. The UN has integrated important elements of human rights in its work; particularly in the area of the rule of law, access to justice, and support to reconciliation processes. Lessons can also be drawn from the experience of applying a human rights based approach to development, looking at how the Sustainable Development Goals are solidly anchored in human rights norms. Both agendas bear many similarities, in particular as it relates to issues of national ownership, accountability and participation. Examining a country's human rights situation is often seen as a negative approach becoming judgmental and full of criticism for violations rather than identifying the necessary transformative changes. Often associated with human rights is the issue of sovereignty, which remains important but internationally understood basis of the limits of human rights monitoring and prevention. Human Rights fully enhance the sovereignty of a State because they are dependent on it; indeed States have the power to enter or not into international legal agreements and commit themselves to human rights obligations. States cannot be forced into the signature or ratification of a treaty. Furthermore, by focusing on prevention and sustaining peace, and thus avoiding violent conflict and challenges to territorial integrity (either internal, regional or by the Security Council), States exercise their sovereignty.

The universality of human rights
Human Rights are universal, interdependent, interrelated, legitimate and stable, meaning they are rules which can be referred and claimed by any individual (regardless of his/her nationality) at any time. The unquestionable legitimacy of human rights, as a result of their universality, is a significant advantage of the human rights pillar; a characteristic which expands to sustaining peace when considering the notions of positive peace and long-lasting development in a society. This clearly developed normative framework is absent from the development and the peace and security pillars. This normative framework provides the universal standards by which sustaining peace activities can be measured and assessed – just as they do with development. Furthermore, the human rights principles of equality, participation and accountability inherent in those standards provide overarching guidance on how to go about planning and implementing interventions. Connecting the human rights and sustaining peace agendas offers a unique opportunity to introduce an element of universality to sustaining peace and encourage an element of accountability through using existing mechanisms such as the Universal Periodic Review and the Peacebuilding Commission.

The role of the Universal Periodic Review
The most explicit human rights entry point in the resolutions on sustaining peace (A/RES/70/262-S/RES/2282 is their operational paragraph 11, which "*encourages Member States participating in the Universal Periodic Review process of the Human Rights Council to consider the human rights*

dimensions of peacebuilding (…)". The Universal Periodic Review (UPR) is a State-driven process, under the auspices of the UN Human Rights Council, which allows for all UN Member States to "declare what actions they have taken to improve the human rights situation in their countries and to overcome challenges to the enjoyment of human rights"[1] through a periodic review of each States fulfilment of their human rights obligations and commitments. The universality and voluntary characteristics of the UPR, which aim to ensure equal treatment for every country, are an attractive attribute of the UPR. The UPR aims to encourage Member States to implement all possible measures to allow for the full enjoyment of human rights. A State that is respectful of human rights is less likely to experience violent upheaval and unrest, but there is a need to practically consider human rights dimensions of peacebuilding in the UPR process and how this can be done.

The role of the Peacebuilding Commission
The Peacebuilding Commission (PBC) is the body tasked with convening and sustaining international attention to sustaining peace, and to provide political accompaniment and advocacy to countries affected by conflict, with their consent. In doing this, the PBC is able to promote an integrated, strategic and coherent approach to peacebuilding, noting that security, development and human rights are closely interlinked and mutually reinforcing. With this mandate, the PBC has an opportunity to convene all relevant actors within and outside the United Nations, including from Member States, national authorities, United Nations missions and country teams, international, regional and sub-regional organizations, international financial institutions, civil society, women's groups, youth organizations and, where relevant, the private sector and national human rights institutions, in order to provide recommendations and information to improve their coordination, to develop and share good practices in peacebuilding, including on institution-building, and to ensure predictable financing to peacebuilding, and how to integrate this approach with the other agendas within the UN such as Agenda 2030 and the Human Rights pillar. Within this framework/opportunity, the PBC should work towards developing a stronger relationship with the Human Rights Council, for example through briefings and reports to obtain accurate updates on human rights developments. This could then be shared with the relevant actors within and outside the UN that the PBC convenes with.

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[1] "Basic Facts about the UPR", Office of the United Nations High Commissioner for Human Rights, http://www.ohchr.org/EN/HRBodies/UPR/Pages/BasicFacts.aspx

Box on Burundi

The need for increased collaboration between the PBC and the Human Rights Council and the preventive potential of the 2030 Agenda for Sustainable Development is manifest in the case of Burundi. Indeed, the political deadlock between Burundi authorities and the international community, following the 2015 political crisis during which President Nkunruziza's bid for a third presidential term, engulfed the country into a cycle of violence, and set the stage for numerous human rights violations, requires searching for an alternative entry-point. The PBC, through its mission to "promote an integrated, strategic, and coherent approach to peacebuilding" combining "security, development, and human rights", represents an ideal entry point. Indeed, the SDGs through a certain number of its targeted goals, mirrors a human rights framework. Goal 16 for instance covers many dimensions of civil and political rights; additionally other economic rights are also targeted: such as the right to development, access to health, and access to safe and affordable water, etc. The SDG agenda further addresses inequalities and discrimination with the aim of "leaving no one behind"; these elements all fit into the human rights spectrum of prevention identified above.

Engaging a State like Burundi on these goals could facilitate a renewed dialogue with the authorities. Experience has shown that engaging through a human-rights based approach has not been conclusive nor successful; on the contrary; this has intensified the mistrust towards the UN; hence the relevance of this development-based approach. Furthermore, "national ownership" is central to the pursuit of sustainable development; the State as well as other national stakeholders (civil society, NGOs, women, youth, religious leaders) are the key players. The preamble of the 2030 agenda states "there can be no sustainable development without peace and no peace without sustainable development"; the argument can thus be made that engaging with Burundi on sustainable development (which also covers human rights elements) can open the path towards sustainable peace in the country.

CONCLUSION

As we wait for the Secretary General's report on sustaining peace, the expectations are high that the report will highlight areas of human rights thus connecting the divide between New York and Geneva, as well as with the UN and other continental and regional bodies. The benefits of an integrated approach for the peace and security, human rights and development pillars are highly valuable. The UN's human rights activities can easily adopt a cross-pillar perspective; particularly in the area of the rule of law, access to justice and support to reconciliation processes. Over the years, peacebuilding practice has increasingly integrated human rights in its activities, whether through providing support to justice and reconciliation processes, supporting human rights NGOs or national human rights institutions, or the deployment of human rights observers in specific country context. Such initiatives should be encouraged and further developed; along with increased collaboration between the respective bodies of each pillar. Member states and the UN secretariat, however, also have a role in merging these divides. Member states need to champion this cause and the UN should approach itself as a service driven body providing areas of security and stabilization, human rights and development and less of a political turf battle.

The momentum building around the publication of the Secretary General's report on sustaining peace should serve as the opportunity to dismantle the common perception among Member States that human rights can be problematic for sustaining peace, and the mistrust towards integrating human rights into the sustaining peace framework. On the contrary, the respect and the enjoyment human rights, create peaceful relations between the state and its citizens and among citizen and thus lay the foundations for sustaining peace, which in turn strengthens the sovereign legitimacy of the state and its institutions.