

Interaction between Conflict Transformation and Human Rights in the Face of Ongoing Armed Conflict in Colombia

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1. Introduction

Michelle Parlevliet has developed a really meaningful article, which helps to move forward the debate on how to constructively connect the fields of human rights and conflict transformation. She is right in advocating for a more complementary vision between both fields, as a condition for fruitfully building a more just and sustainable peace. As Parlevliet shows in her literature review, this has been the path followed in the academic and practical discussion in the past few years.

Given that the purpose of the different comments in this Dialogue is to enrich the debate on one topic, I would like to add to the discussion raised by Parlevliet with some comments which emerge from my own experience of working on peace and human rights issues in the last 20 years. In this sense, I speak from a Latin American and, particularly, a Colombian perspective, where we have been deeply confronted with some of the issues analysed in the lead article. The following discussion is shaped by two main contextual dynamics.

On the one hand, having in mind the Colombian context, it is necessary to pay attention to the challenges that emerge at the level of both human rights and conflict transformation issues from a protracted and ongoing armed conflict, something that Parlevliet does not give enough consideration. This is clear in the evolution of the current Colombian conflict: “as the military strength of non-state parties has grown, so has their propensity to infringe the laws of armed conflict. Indeed, they now commit serious crimes on a scale not seen before” (Guembe/Olea 2008, 124). It is not necessary to say how deeply this evolution has influenced the large number of peace initiatives orientated towards transforming the conflict in the country, affected by some dilemmas in the field of human rights, i.e. between the need for a certain level of impunity for reaching a peace agreement and the victims’ crucial need for accountability for human rights atrocities.

On the other hand, it is indisputable that the international context has changed considerably in some aspects related with our topic, generating new situations which have had a big impact on the way conflict transformation and human rights issues are addressed today. Among others, it is necessary to mention the increasing number of local and international human rights and peace NGOs; the increase of international monitoring, reporting and oversight of human rights in conflictive situations; the professionalisation of human rights activists and peace practitioners; the positive evolution of international law, more particularly the International Criminal Court, and the consolidation of peace processes confronting transitional justice issues (see Carrillo 2009, 148-151). In many of these cases, there have been interesting social experiences from below that have shown how it is possible to face and resolve some of the dilemmas people and communities are confronted with in conflictive contexts, in order to promote/defend human rights and build just and sustainable peace.

Having in mind these two contextual dynamics, I am going to develop my comment in two main parts. Firstly, I will develop a more conceptual annotation which tries to complement the conceptual framework presented by Parlevliet: I think the approach to human rights and conflict transformation issues would gain if we consider how they both connect with the chronology of an armed conflict. Secondly, I will present some remarks on power, conflict transformation and human rights, which will highlight some aspects mentioned by the lead author but not developed in enough depth, at least not considered in all the complexity they demand.

2. Conflict Transformation and Human Rights Challenges in the Perspective of the Conflict Cycle

One aspect that can complement the comprehensive analysis developed by Parlevliet is to connect her reflections on human rights and conflict transformation with the temporal cycle of conflict (see *Figure 1* overleaf), by looking at the connection between the different phases or moments of a specific conflict (latent conflict, violent escalation, de-escalation, end of the armed conflict, and post-conflict phase) and the way in which human rights defenders and peace/conflict transformation activists intervene in each of these phases. In doing so, it is possible to grasp better how both types of practices converge and diverge, considering the complementarities and dilemmas between them.

A first stage in the conflict cycle is the situation of latent conflict, in which there are exclusions and tensions, but physical violence has not exploded. In such a situation there are usually some controversies and divisions regarding who is responsible for the specific type of exclusion, injustice or abuse which is affecting that society/country. In this context, human rights activists work on documenting and denouncing the existing human rights abuses (mainly civil and political rights), developing at the same time early alerts either to prevent the outbreak of violence and human rights violations, or to prepare an adequate humanitarian intervention to help those affected by them.

On the other hand, conflict transformation practitioners tend to develop analyses of current exclusion(s), advocating the subsequent social strategies and policies for generating inclusion, as a way of transforming the existing conflict. To reach sustainable results, it is necessary that these policies would address the specific root causes of the conflict in one way or another.

Secondly, different events can trigger the outbreak of violence, which may be only episodic. But it can also consolidate as a social phenomenon, with a growing escalation of an armed conflict, in many cases lasting for years or decades. When this is the case, there is a correlated escalation of human rights abuses by both sides in the conflict, worst of all when different paramilitary groups enter the armed dynamic (as in the cases of Colombia and Northern Ireland). In many cases, there

are more fatalities among the civilian population than among combatants, a consequence of both sides' need for territorial control, despite the fact that this can lead to infringements of International Humanitarian Law (IHL). In this phase of the conflict, human rights activists normally have a hard job given the growing number of abuses, leading in many cases to a humanitarian crisis; their activities include documenting and denouncing human rights violations (mainly related to civic and political rights); advocating in favour of human rights with national and international institutions and politicians; promoting juridical processes at the national and international levels; supporting human rights and social organisations. On the other side, peace and conflict transformation practitioners split their efforts between advocating in favour of a negotiated solution to the conflict (in many cases with very limited results) and supporting peace organisations and acts of civil resistance to the armed conflict, like territories of peace or peace communities (García-Durán 2009; Mitchell/Ramírez 2009). There are also several experiences of civilian peacekeeping,¹ such as the cases of civilians monitoring cease-fire agreements and nonviolent interventions across borders to offer protective accompaniment, for example by Peace Brigades International, Witness for Peace, Christian Peacemaker Teams, Nonviolent Peaceforce and International Service for Peace (see Clark 2009; Moser-Puangsuan/Weber 2000).

Thirdly, different factors could permit a de-escalation of the armed conflict, which does not necessarily mean that it will end. Only when this de-escalation is accompanied with a real peace process is it feasible to move towards a peace agreement. In this case it is possible to find several elements of a peacemaking strategy (third-party assistance, mediation, initial contacts, pre-negotiation, negotiation, inputs to the negotiation table, partial peace accords, etc.). All of these are the type of actions peace and conflict transformation activists would promote, aiming to find a negotiated solution to the armed conflict. By their side, human rights defenders will keep an eye on the abuses and violations of IHL by all armed actors; monitoring and advocacy remain important tasks for them. In addition, they normally have a concern for how human rights are addressed in the peace accords, given the risks attached to allowing a high level of impunity for the abuses committed by combatants during the war.

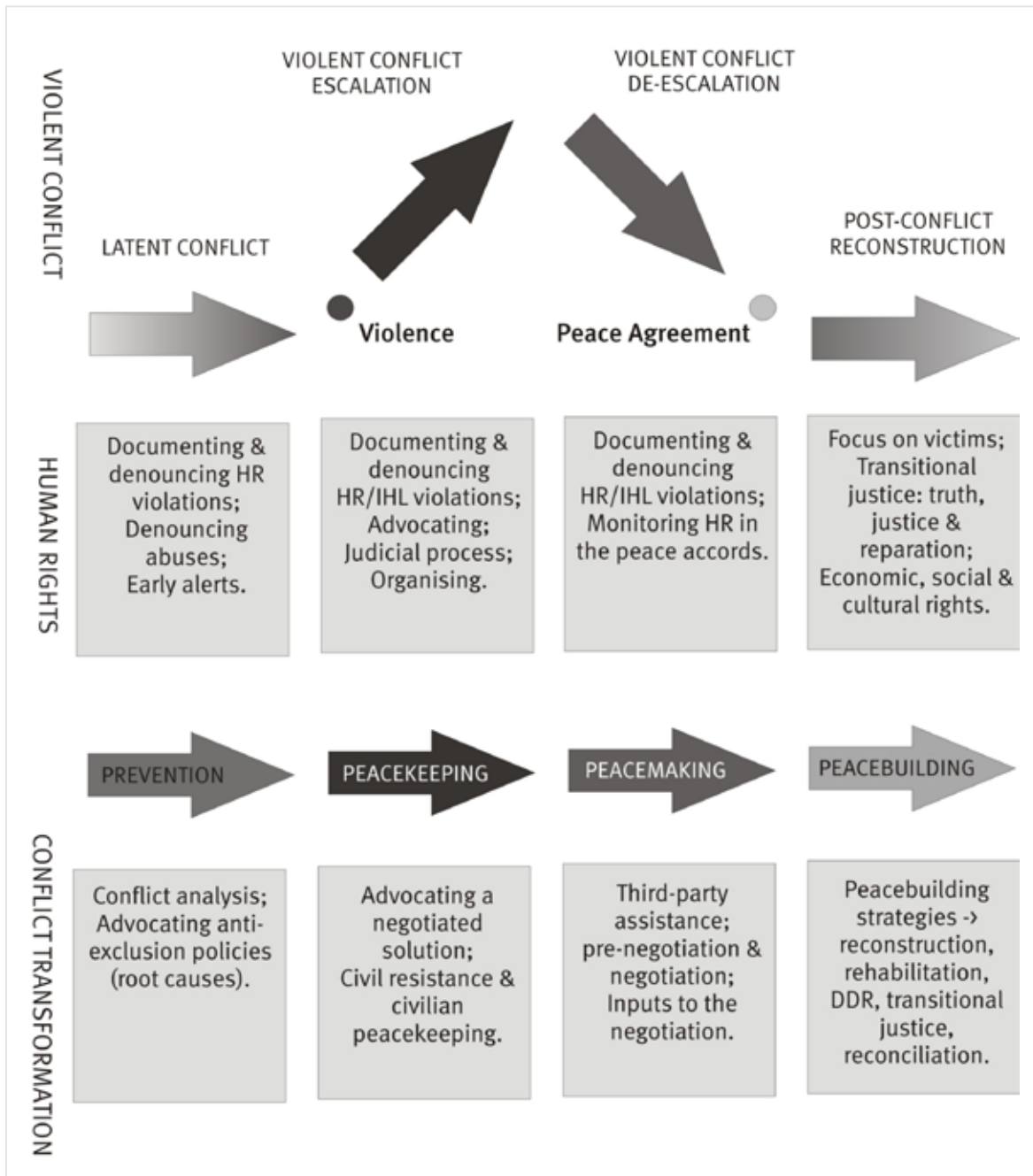
The final point in conflict de-escalation is the end of the armed conflict. This can be reached either by a peace agreement or by military victory for one side. In the first case, a critical point for human rights activists is the way human rights measures have been negotiated in the agreement; in the second case, the focus is on the likely abuses produced by the winning party. Conflict transformation practitioners, for their part, pay more attention to the necessary conditions for implementing the agreement. The political conditions for realizing all the commitments considered in the agreement are not always in place, as has been the case with human rights accords in some peace processes.

Fourthly, the last phase in the conflict cycle is the post-conflict (and post-agreement) period. This is the moment of implementation of the peace accord and agreed socio-political reforms. It also implies the subsequent process of disarmament, demobilisation and reintegration (DDR) and the reconstruction and rehabilitation of a wounded society at the economic, political, social and cultural levels. A sustainable peace depends on coming to terms with the effects of the armed conflict on people and society. A transitional justice mechanism is required, orientated towards finding a balance between the claims of victims and perpetrators, in a way that opens the door for healing and reconciliation. During this phase, human rights defenders focus their attention on the victims,

¹ "Most people think of peacekeeping as a military activity, involving troops sent into a conflict area by the United Nations or some other official body to stop the fighting and restore order. In its broader sense, however, peacekeeping can include any activity that seeks to reduce violence and create a safe environment for other peacebuilding activities to take place. Many peacekeeping activities can be carried out just as effectively by unarmed civilians" (Wallis/Samayoa 2005, 363).

looking for the highest levels of truth, justice and reparations and, also, for the implementation of human rights instruments targeting critical situations of discrimination or exclusion (i.e. protection of women and minority rights). They also pay attention to the promotion of economic, social and cultural rights as conditions for a lasting peace. Peace and conflict transformation practitioners focus their attention on the development of peacebuilding strategies orientated towards guaranteeing adequate social healing and rehabilitation of individuals and social groups, in a way that makes a process of reconciliation possible.

FIGURE 1 – Human Rights and Conflict Transformation in Different Conflict Phases



Source: elaborated by the author with the team of Peace Initiatives at CINEP.

To summarise, each phase of the conflict cycle demands specific practices both from human rights defenders and conflict transformation practitioners. In some cases, those practices tend to converge; in others they diverge, depending on how the actors are focusing their practice to face the specific contextual challenges of the conflict. Many of the existing reflections and analyses in the field centre their attention on one of the stages of the conflict and the strategies and actions that human rights and peace workers have to develop in order to face the challenges at that stage (e.g. the escalation of armed confrontation or the negotiation of a peace agreement). In addition, there is a sequential vision of the phases (latent conflict, escalation, de-escalation and post-conflict).

But there is an additional challenge in contexts like Colombia, where there is an ongoing armed conflict and where, given the different peace initiatives already developed in the country, it is possible to find that the different phases of the conflict cycle *coexist*. At the same moment in time, it is possible to find regions with a latent conflict, others with an escalated conflict, some others with negotiation initiatives, and, finally, still others with post-conflict dynamics. There have been several peace agreements, with the subsequent DDR processes and post-conflict initiatives. So, people working in conflict transformation and human rights face the great challenge of developing strategies for all the stages of the conflict, and at the same time articulating them in a harmonious intervention. But it is not always possible to find in the field a connecting reflection between the different stages of the conflict and the challenges in conflict transformation and human rights.

3. Some Remarks on Power, Conflict Transformation and Human Rights

Michelle Parlevliet is aware of the need to pay more attention to power issues in the processes of addressing and transforming conflicts: “conflict transformation, both as a theoretical discipline and a field of practice, should become far more concerned with the nature, organisation and functioning of the state than it has been so far” (in this volume, 26). Going further, it is important to have in mind that behind the different frameworks for human rights and peace, there are several power dynamics that it is necessary to reveal if we want to understand what is really at play in both fields, how distant both discourses are from each other, and how different the purposes and strategies behind each one are. Each specific framework is used to explain and resolve a particular type of exclusion, injustice or violence – according to one or another political perspective. This is the reason why the interaction between the fields of conflict transformation and human rights requires an analysis of their political use, in order to understand what is the real content of each, and to what extent one practice complements the other. Let us exemplify this with two concrete situations in the Colombian context.

3.1 Human Rights, Peace and the State

There is no ahistorical connection between the peace and human rights fields. Their interaction is conditioned by the context in which their conceptual and practical instruments are used, a use which always has a political content – e.g. it relates to a particular vision of the state. The way in which human rights have been politically framed has established the conceptual and practical conditions for how human rights activists relate themselves with peace and conflict transformation frameworks. Let us have a look at this in the Colombian context, where we find in the last 40 years, with the risk of simplifying, at least three different perspectives in the use of human rights.

Firstly, since 1970 some social activists have used human rights frameworks “to explain and resolve a specific kind of Colombian violence: violence perpetrated by the state against the left” (Tate 2007, 73) and against social organisations. This led to a vision of the state as an enemy, considered as a repressive apparatus, which developed a strategy called ‘state terrorism’. Strengthening the state in a democratic perspective was not given much consideration. Connected to that situation was the widespread vision among many state agents, and later within paramilitary groups, that “human rights activism was simply a façade for the guerrilla supporters” (ibid., 155). As a consequence, this vision of the state as an enemy made it difficult to adopt theoretical approaches, like many of the conflict transformation proposals, which put the state at the centre of any institutional solution. In addition, “many human rights defenders viewed the peace activists’ slogans, such as blanket rejections of violence and generic statements in support of peace, as a competing discourse that undermined efforts to ensure justice and accountability” (ibid., 132).

Secondly, there was also another type of human rights activists, engaged in constructing a modern nation-state in which the realization of human rights would be one of social life’s cornerstones. These activists played a critical role in relation to the state, monitoring and denouncing in a professional way the abuses of state agents and of all illegal armed groups, including the guerrillas, according to international standards. They certainly had a more positive vision of the political dynamic, attempting to “co-construct a state that fulfils its obligations to its citizens” (Tate 2007, 145). In this case, there are better conditions for using and interacting fruitfully with conflict transformation and peace frameworks. Peace, conflict transformation and human rights come together and are part of a common contribution towards building a just and peaceful society. The corollary of that is the tension that emerges among human rights activists, particularly with those who do not accept any constructive interaction with the state (as the enemy) and even consider that there is a right to (armed) rebellion against it.

A third perspective on the use of human rights frameworks is that of Colombian governmental institutions, which include the different state human rights agencies, even those of the military. “Colombian governmental human rights offices portray themselves as being a part of weak institutions and offer a diffuse notion of rights as ‘everyone’s responsibility’” (Tate 2007, 3), even positioning themselves (including the military) as victims of human rights violations by the guerrillas. In addition, their bureaucratic dynamics “contributed to the production of impunity” by channelling human rights activism “into the endless circulation and exchange of information” (ibid., 230). State agencies’ openness to conflict transformation and peace contributions has been related to the perspective that each of the last six governments has assumed in relation to the armed conflict, and the possibility of a negotiated solution. Governments open to a peace negotiation tend to accept and integrate many elements from the conflict transformation framework. In contrast, the emphasis on a military solution, as in the Uribe administration (2002-2010), tends to close the doors for conflict transformation proposals which are orientated towards a comprehensive negotiation with all illegal armed actors and are favourable to mechanisms supportive of the victims’ rights. They are only open to conflict transformation discourses that support their official policies.

To sum up, the way in which human rights and conflict transformation frameworks interact is dependent on the political perspective in which they are used. It is therefore important to analyse how these frameworks are used politically and which of their elements are given emphasis, as a precondition for promoting any larger complementarity between them.

3.2 Peace vs. Human Rights:

The Challenge of Achieving Some Degree of Peace with Justice

Despite the convenient and mutual enrichment between human rights and conflict transformation frameworks advocated by Parlevliet, the tensions and dilemmas between both do not disappear. An additional consideration could be offered by addressing, in the Colombian case, the tensions between conflict transformation and human rights issues and instruments. One paradigmatic case concerns the challenge of achieving some degree of peace with justice.

The Barco government (1986-1990) developed a peacemaking paradigm for negotiating with the guerrilla groups in the early nineties: DDR of the guerrilla groups in exchange for amnesty and political participation. But nowadays, “peace agreements with illegal armed groups as a general matter can no longer be viably pursued based on paradigms that promote unconditional amnesty over accountability, sacrifice truth for political expediency, or utterly subordinate the rights of the victims to the ideals of national peace and reconciliation” (Carrillo 2009, 153). A better balance between human rights and peace/conflict transformation components is required.

After those peace negotiations in the 1990s, there have been two different attempts at developing peace processes with illegal armed groups in Colombia, which have managed human rights issues in different ways: the Pastrana administration (1998-2002) in its attempt to negotiate with FARC, the *Fuerzas Armadas Revolucionarias de Colombia*; and the Uribe administration (2002-2010) in its negotiations with the paramilitary groups.

“During the Pastrana administration, the focus on peace translated into neglect for state human rights programs; Pastrana’s message stressed that human rights abuses [from all sides] could be dealt with only after that war was ended. This view of human rights was widely shared by groups involved in the burgeoning field of conflict resolution, which commonly view efforts to ensure human rights accountability as an impediment to peace agreements between warring factions” (Tate 2007, 71). Not surprisingly, the tensions between human rights NGOs and peace organisations advocating in favour of the peace process grew during those years (see García-Durán 2006; Rojas 2004), as a result of the dilemma of how to address these various sources of human rights abuses (state agents, paramilitary groups and guerrillas).

The first Uribe administration (2002-2006) promoted an alternative system of criminal justice (the Justice and Peace Law) in order to negotiate with the paramilitary groups (see Guembe/Olea 2008, 127). The government considered it necessary to apply to the paramilitary groups a similar ‘medicine’ to the one previously applied to the guerrillas in the early nineties. So, in this case the model used was DDR plus giving up drug trafficking, in exchange for an alternative criminal justice procedure. This contested peace process model² led to the demobilisation of more than 32,000 paramilitaries.

Two main problems remain in the political arena regarding the balance between conflict transformation and human rights:

- On the one hand, “government supported demobilization of paramilitary fighters, without a corresponding dismantling of paramilitaries’ power structures, is remapping the landscape of violence and power” (Tate 2007, 305). In other words, there was a DDR process without ending the paramilitary phenomenon, which today again is growing and connected with drug trafficking. In addition, the level of impunity remains quite high, given the difficulties of using

² It has been contested due to the lack of transparency in the negotiation process. No final agreement was ever publicly made known, but it is unthinkable that such a demobilisation would happen without any governmental commitments. That is the reason why some academics consider that what was really at play was a “conservative revolution” aiming to legalise the regional power structures which link political leaders, big landowners, drug traffickers and paramilitary groups (see Orozco 2005, 198-204).

the Justice and Peace Law to effectively judge the demobilised paramilitaries. In consequence, the victims' rights have been widely neglected.

- On the other hand, "FARC leaders have stated [...] that they will never subject themselves to the conditions announced in the Justice and Peace Law, especially prison terms of any kind. [...] In this respect, it is likely that the new paradigm under construction with the AUC [paramilitary groups] may actually make it more difficult to engage in peace negotiations with the country's oldest and strongest insurgency" (Carrillo 2009, 156).

At the end of the day, the challenge that both human rights activists and conflict transformation practitioners have in Colombia is achieving some degree of peace with justice. For that, it is necessary for both fields to have at their core the perspective of the victims. The society's goal of peace and reconciliation will be unattainable without properly considering the victims' rights to truth, justice and reparations. But this is a problem of politics: "the international bill of rights, covering civil-political and socio-economic rights for all people without discrimination, provides a recipe for the pursuit of domestic as well as international peace. But rights do not implement themselves. Politics drives law. A series of political decisions is required to adapt legal rights to particular circumstances" (Forsythe 1993, 167). As Daniel García-Peña has affirmed (2004), what is necessary is a new model of conflict resolution. This model, at least in the Colombian case, will have to resolve the above-mentioned dilemmas and show a more integrated and complementary perspective between the conflict transformation and human rights fields.

Concluding this comment, I would insist that Michelle Parlevliet's insightful article would benefit if the recommended complementarities between the human rights and conflict transformation fields are seen in a chronological perspective according to the different phases of the armed conflict, and are analysed with the political use that the conflict actors have of them in mind. In other words, it is necessary to have a historical approach in order to find how each field complements the other, and how they might, in a cooperative way, contribute to building a sustainable peace.

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See also...

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