Civil Society, Conflicts and the Politicization of Human Rights

EDITED BY RAFFAELE MARCHETTI AND NATHALIE TOCCI
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Introduction: Civil society, ethnic conflicts and the politicization of human rights

Raffaele Marchetti and Nathalie Tocci

Civil society actors have become key players in ethno-political conflicts, as both violators and promoters of human rights. This has been facilitated by the transformation of conflicts, increasingly characterized by high-intensity intra-border ethno-religious tensions and strong international appeals for human rights protection. Nevertheless, the precise relationships underpinning the human rights-civil society-conflict nexus have not been fully examined. The overall objective of this volume is thus to analyse the impact of civil society on ethno-political conflicts through human-rights-related activities, and identify the means to strengthen the complementarity between civil society and international governmental actors such as the United Nations and the European Union in promoting peace. These aims are addressed by analysing four case studies in the European neighbourhood: Bosnia-Herzegovina, Cyprus, Turkey’s Kurdish question and Israel-Palestine. Through a comparative examination of these cases, this volume draws policy suggestions tailored to both governmental and non-governmental action.

This is a book about violent conflict and about peace. It is a book about how violence is generated, managed, exploited, but also eradicated in ethno-political conflicts, and how a society can be dragged out of conflict and move towards peace. The usual take on these phenomena focuses on the role of governmental actors, both national and international. Accordingly, violence and peace are usually considered to be determined above all by the political decisions of official institutions alone. While this remains partly true, in this study we examine the other side of the coin: the
non-governmental component in ethno-political conflicts. Civil society actors, or as we define them, conflict society organizations (CoSOs), are increasingly central in view of the high degree of complexity of contemporary ethno-political conflicts. These are conflicts that can only be understood by combining macro approaches with micro ones that focus on society. It is thanks to the latter approach that we can unpack the political inputs, be they good or bad, which emerge from below, from the civil society domain, and trickle up to the top political echelons. This is even more so in societies that are highly fragmented and deprived of stable governing institutions. It is in failing states such as those undergoing ethno-political conflict that much of politics unfolds “on the ground”. Hence it is there, at the micro level, that we need to explore in order to capture fully the profound motives that trigger both violent and peaceful transformation.

Human rights constitute the second major component of this book. When examining the activities carried out by CoSOs, we restrict our focus to those which are related to human rights. This is because human rights have become a central political concept employed by activists in the conflicts we examine. In the past, other concepts such as inequality or development were central. Today, most civic activities are framed in terms of the defence of human rights. Alongside the human-rights-related activities themselves, we also focus on the discursive self-representation of CoSOs in terms of human rights. Political claims are increasingly framed through the language of human rights. This is inspired at times by the intrinsic value of these rights, and at other times by instrumental reasons such as enhancing public support for a particular political action, or increasing access to international funds. The invocation of human rights in conflict settings is thus central, because they are political instruments which can be interpreted and manipulated by conflict actors. In order to assess CoSOs and their actions we thus adopt a multifaceted understanding of what human rights may mean in conflicts. In other words, our aim is to explore the multidimensional and non-linear nexus linking human rights, civil society and conflict.

The research results presented in this volume derive from a tightly knit three-year international research project funded by the European Commission, based at LUISS University and involving seven institutions and over 20 researchers working in academia and civil society. Over the course of 2006–2009, the project unfolded in three main phases:

• elaboration of a conceptual framework
• case studies in four conflict areas
• comparative analysis.

The results gathered in this volume were intensely discussed both within the research project and with external audiences in different venues, in-

By exploring the nexus linking conflict, human rights and civil society, this book is unique in that it combines the literatures on conflict and civil society. It pursues the double objective of analysing the impact of civil society on ethno-political conflicts through human rights and identifying the means to strengthen the complementarity of civil society and official actors. In particular, the book advances the current scholarly debate in at least four subareas of conflict and peace studies: the role of civil society actors in conflicts, the political use of human rights discourses in conflict, the link between the securitization literature in international relations and the conflict and peace studies literature, and the relationship between governmental and non-governmental actors in conflicts.

Methodology

The research presented in this volume was carried out by combining different disciplinary perspectives, including comparative politics and international relations, political theory and sociology. Moreover, the research benefited from the expertise of two distinct kinds of partners: academics and activists. This allowed reciprocal stimulation and cross-fertilization across different professional fields. Academics were informed by the grassroots perspectives and practical experience of activists, while the latter were confronted with the theoretical and comparative approaches adopted by scholars. Furthermore, the project benefited from interaction between its participants and local activists from the conflict countries. Indeed, local civil society organizations in the four conflicts were involved in several phases of the project through interviews and participation in workshops and public conferences.

A single analytical framework, jointly discussed and approved by all project participants, was adopted and a specific research protocol was implemented in the fieldwork. This allowed the case study chapters to be drafted following a similar scheme and tackling the same questions, which in turn facilitated the ensuing comparative analysis. The analytical framework of the project presents the building blocks used to unpack the relationship between civil society, human rights and conflict (see Chapters 2 and 3). These include the context of the conflict, the identity of the
conflict society actors, their frameworks of action, the type of human right invoked by them and the political opportunity structure in which they operate. The combination of and interaction between these factors allow us to identify the impact of specific activities carried out by CoSOs. We relied on the concept of securitization to explore the impact of human rights-related actions conducted by CoSOs. As detailed in Chapter 2, securitization occurs when an issue or actor is presented as an existential threat to be addressed by extraordinary measures. By applying this concept, we identified three main impacts: securitization, non-securitization and desecuritization. This allowed us to advance our understanding of civil society’s role in conflict beyond a simplistic normative dichotomy of “good” and “bad” impacts.

The project pursued its aims through qualitative comparative techniques in order to determine the principal factors which shape the civil society-human rights-conflict nexus. The methodology of enquiry was based on multiple comparisons within as well as across the case studies of Israel-Palestine, Cyprus, Bosnia-Herzegovina and Turkey’s Kurdish issue. The comparative analysis was enriched and made possible by the fact that the four case studies, all of which are in the wider European area, were selected on the basis of their relevance to a particular aspect of the link between civil society, human rights and conflict. The circumscribed number of case studies also allowed for a feasible comparative analysis using different methodologies. In each case study, three sets of references were consulted: official documents produced by governments, local CoSOs and international CoSOs in the selected conflicts, semi-structured interviews (approximately 150 interviews across all cases) and scholarly studies. Interviews were conducted with a variety of civil society actors as well as with government officials, international organizations, academics and journalists working in the field.

The comparative part of the project tested whether the project would yield similar results by employing two different methodologies. On the one hand, the findings of the case studies were examined by using discourse analysis specifically focused on how the human rights discourse has been used and abused by CoSOs for political purposes linked to the conflict (Chapter 10). On the other hand, the case study results were analysed by using qualitative comparative analysis (QCA) tailored to discern the key factors, or combination of factors, leading to particular civil society impacts on conflict through human-rights-related activities (Chapter 11). By constructing a truth table and minimizing the combinations, we identified a series of patterns that illustrate typical dynamics in the civil society-human rights-conflict nexus. Interestingly, both methods yielded similar results regarding what type of human rights activities contribute
to a desecuritization of conflict; these were taken into consideration when elaborating policy suggestions aimed at both CoSOs and the European Union (Chapter 9).

Structure of the book

This book is divided into three parts. Part I constructs a theoretical framework to structure and analyse the details of the empirical case studies. Part II concentrates on the in-depth analysis of four case studies. Finally, Part III draws comparative analyses from the data collected in the case studies.

Chapter 2 by Bonacker et al. explores the relationship between conflict and human rights. It starts from the observation that the public debate today presumes a positive relationship between human rights and both conflict resolution and conflict transformation. In contrast, mediators focusing on conflict management traditionally have been more sceptical towards human rights, viewing the pursuit of rights as a potential obstacle to the settlement of conflict. Exploring the relationship between conflict/peace and human rights, this chapter puts forward a discursive definition of conflict that builds on the concept of "securitization," whereby the construction of an "Other" as an existential threat leads to the legitimization of extraordinary measures to combat the threat. The concept of securitization is mapped against different conceptualizations of conflict change and the nature of conflicts. The chapter then provides an overview of different forms of human rights, and most crucially it differentiates between individual and collective rights. It argues that while both are important, these two sets of rights often stand in tension to one another, and the challenge lies in the creation of spaces for an articulation of collective rights that does not rely on forms of Othering, which in turn usher the way to the violation of individual human rights. In the final section some hypotheses are advanced about the link between human rights and conflict: simply put, if individual and collective rights are invoked without reference to a specific group, these invocations can be desecuritizing, or the outcome may be a further securitization of conflict. This chapter thus presents the conceptual building blocks and begins highlighting the possible causal relations between human rights invocations and the evolution of conflict.

Chapter 3 by Marchetti and Tocci introduces the third analytical building block of this book, civil society, by exploring the relationship between civil society and conflict. By integrating the results of the previous chapter with specific considerations on civil society, it provides an analytical
framework to unpack this complex relationship and assess the impact of civil society on conflict. It first analyses the implications of context for civil society, namely the implications of statehood, democracy, nationalism, development and international presence for the nature of civil society. It then examines the role of civil society in ethno-political conflicts, or as we rename it, “conflict society”. The chapter next identifies the factors which determine the impact of civil society on conflict, including the political identities of CoSOs, their frameworks of action and the political opportunity structures in which they operate. Accordingly, different combinations of these factors explain when and how CoSOs can fuel and securitize conflicts, sustain the status quo or desecuritize conflict, enabling a transition towards peace.

Chapter 4 by Fourest presents the first of the four case studies. This chapter was drafted on the basis of data collected during fieldwork conducted in 2008 in the occupied Palestinian territories (the West Bank, East Jerusalem and the Gaza Strip) and in Israel (including with representatives of the Palestinian minority). Although their fate is closely intertwined, Palestinian and Israeli civil societies have grown increasingly distant and oblivious to one another since the second Intifada. The chapter provides an overview of both civil societies, explaining their particular concerns, dynamics and backgrounds. It shows how the understanding of human rights and peace varies enormously according to different actors. The chapter then focuses on the role of human rights CoSOs and their impact within their own society and on the conflict. It explains how this impact varies considerably depending on two major factors: the timing (long-term versus short-term impact) and the audience (local versus national, national versus international, individual versus collective). The chapter concludes by presenting and elaborating on the views of CoSOs in the region on the European Union’s role in the conflict.

Chapter 5 by Demetriou and Gürel explores the impact of CoSO human-rights-related actions on the “frozen conflict” in Cyprus, the second case study of this book. In the case of Cyprus, civil society is contextualized within the two mono-ethnic state structures in the south and north: the Republic of Cyprus, which is internationally recognized as a state representing all Cypriots despite being run solely by Greek Cypriots; and the Turkish Republic of Northern Cyprus, which is unrecognized internationally, except by Turkey, and represents exclusively the Turkish Cypriot community. From this perspective, the chapter argues that two factors that have shaped the impact of CoSOs activities are whether these actions are framed through the language of human rights and whether the invoked rights are individual or collective. The chapter highlights the contested nature of human rights in the Cyprus conflict by
showing how a variety of political claims, ranging from reconciliation to ethnic nationalism or majoritarianism, can be articulated through the language of human rights, with diametrically opposite effects on the securitization, desecuritization or non-securitization of the conflict.

Chapter 6 by Marcon and Andreis analyses relations between civil society and human rights in Bosnia-Herzegovina (BiH). Civil society actors are considered in three time periods: pre-war, until April 1992; the war years, from April 1992 until the autumn of 1995; and post-war, from the end of 1995 until 2009. In the pre-war years BiH was part of the Socialist Federal Yugoslav Republic, and struggled to move from authoritarian rule to democracy. The second phase witnessed open and generalized war, which almost entirely eliminated the political and social space for peaceful civic activism. Finally, the end of the war and the reconstruction years have been shaped by the new institutional reality outlined by the Dayton Agreement (December 1995), which witnessed the mushrooming of social, cultural and environmental CoSOs. Civil society in BiH is shaped by three contextual factors: the country’s multiethnicity (with three dominant nationalities), the role of religion (Orthodox Christianity, Islam and Catholicism) and the hegemony of nationalist ideologies. This is the context in which this chapter sheds light on BiH’s civil society, including its ambiguities and peculiarities, and provides inputs to the discussion on European Union (EU) policies regarding conflict transformation and civil society development.

Chapter 7 by Tocci and Kaliber explores the multilayered characteristics of civil society involvement in Turkey’s Kurdish question, the final case study of this book. It examines the impact of Turkish and Kurdish CoSOs – securitizing, holding, desecuritizing – on the conflict. It presents a comprehensive analysis of the identities and activities of CoSOs, as well as of the political opportunity structure in which they operate, including time-contingent factors, the domestic institutional and socio-political environment and the involvement of external actors such as the European Union. Despite increasing civil society involvement, Turkey’s Kurdish question is still strongly shaped by the nature of the Turkish state and the manner in which it has responded to the Kurdish nationalist challenge. Whereas the specificities of the state have moulded the nationalist challenge, the latter, in particular the actions of the Kurdistan Workers’ Party, has further fuelled the securitizing discourse of the Turkish state establishment, fundamentally shaping and constraining the environment in which civil society operates.

Chapter 8 by Copper presents an examination of the empirical findings of the research project from a gender perspective. Through this analysis, the chapter teases out the implications of conflict and civil society action
for progressive gender change. It provides a definition of gender and explores the complex theoretical relations between discourses of gender, conflict, human rights and civil society. Gender is then mapped on the analytical categories relevant to our understanding of civil society’s identity, action and impact. The empirical findings of this book’s four case studies are comparatively analysed in order to formulate recommendations for political action by conflict society and governmental actors towards progressive gender change.

Chapter 9 by Marchetti and Tocci elaborates the policy implications of the empirical findings of this book, applying these to the European Union. The two cardinal principles of human rights and democracy underpin the EU peacebuilding strategy. The key assumption in this strategy is that if human rights are respected and democracy established, conflicts are less likely to erupt and more likely to be resolved. Another critical component in the EU’s strategy regards the role of civil society. This chapter explores how EU initiatives such as the European Neighbourhood Policy and European Instrument for Development and Human Rights have supported civil society in various ways. When examining the EU’s direct influence on CoSOs through dialogue, funding and training, we note a limited impact across our four case studies. In contrast, the EU’s indirect influence on CoSOs by affecting the political opportunity structure in which they operate has been more relevant, although it has not always induced a desecuritization of conflict. Despite the criticisms of the European Union, this chapter argues that it would be unwise for it to step aside. As this book shows, civil society can and does represent a critical force for change in conflict countries, and at times contributes to desecuritization through its human rights activities. Moreover, while the existence and legitimacy of CoSOs cannot hinge on external support, their impact can be enhanced through EU engagement. At the same time, EU policies can gain in legitimacy and effectiveness by engaging civil society.

Chapter 10 by Pia and Diez provides a comparative discursive analysis of human rights articulations based on the empirical findings from the four case studies. It argues that it is not the invocation of a human right per se that is most important, but rather how it is invoked. Two issues are considered: whether there is an inclusive notion of human rights or whether the human right is exclusively related to one conflict party, thereby reifying existing identity borders and thus antagonisms; and whether the object of the invoked right is the individual or a collectivity. While universal human rights articulations are often seen as less problematic than collective rights, the findings of this chapter suggest that this dimension is less important than whether these rights are articulated as
inclusive or exclusive. Inclusive rights articulations are more likely to have a desecuritizing impact on conflict, as they acknowledge the existence of other groups or individuals. The analysis shows that contextual factors, and above all the timing of the articulation of human rights, are very important in shaping the extent and likelihood of desecuritization.

Chapter 11 by Bonacker, Braun and Groth complements the comparative analysis in Chapter 7 by presenting results derived from a second methodology: qualitative comparative analysis. By examining the relationship between human rights and civil society in ethno-political conflicts in the four case studies, this comparative research addresses two questions. The first goal is to identify the factors that assess whether human rights articulations make securitization or desecuritization more likely. The second goal is to identify the factors that significantly affect the impact of civil society’s human rights articulations in the case studies. These questions are tackled by using the QCA method developed by Charles Ragin in the mid-1980s as a more formalized analysis for comparing the qualitative case study data presented in previous chapters. QCA was used to identify the variables that explain why civil society’s human rights articulations may contribute to the securitization of conflict. The chapter finds that there is no “general law of (de)securitization”. However, mirroring some of the results of Chapter 10, QCA argues that desecuritization tends to occur when multicultural or civic CoSOS pursue cultural or educational actions in the framework of transformation by invoking an inclusive individual right. Like Chapter 10, QCA also highlights the importance of timing and context: the same actions conducted in situations marked by different degrees of existing securitization may provoke diametrically opposite impacts on conflicts.

Finally, in Chapter 12, Angela Liberatore provides some concluding remarks drawing together the principal findings of this book and its relevance to the academic and policy communities alike.

Notes

1. “SHUR. Human Rights in Conflicts: The Role of Civil Society”: STREP project funded by the sixth Framework Programme of the European Commission (contract number: CIT5-CT-2006-028816). The SHUR consortium comprised of the following institutions: LUISS (leader), University of Birmingham, University of Marburg, Maison des Sciences de l’Homme, Lunaria, European Public Law Centre and Peace Research Institute Oslo (PRIO). Website: www.luiss.it/shur. We would like to thank the scientific supervisor of the European Commission, Angela Liberatore, for her invaluable support for this project.
2. While this book is the principal output of the SHUR project, related to this project are two other publications: Marchetti and Tocci (2011) and Tocci (2011).
3. The CoSOs were selected according to the typology of the organization (e.g., NGOs, research centres, media outlets, foundations, social movements, etc.) and its political relevance. For details on these criteria see Chapter 3.

REFERENCES

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Civil Society, Conflicts and the Politicization of Human Rights explores violent conflict and peace. The contributors examine how violence is generated, managed, exploited and eradicated in ethno-political conflicts, and how societies can be dragged out of conflict onto the transition towards peace. The usual take on these phenomena focuses on the role of governmental actors, both national and international. While official actors remain important, Civil Society, Conflicts and the Politicization of Human Rights examines the other side of the coin: the non-governmental component in ethno-political conflicts. Civil society actors, or as they are defined in this book, “conflict society organizations” (CoSOs), are increasingly central in view of the high degree of complexity of contemporary ethno-political conflicts. CoSOs have become key players in ethno-political conflicts, both as violators and as promoters of human rights. Nevertheless, the precise relationships underpinning the human rights–civil society–conflict nexus have not been fully examined. This volume analyses the impact of civil society on ethno-political conflicts through their human rights-related activities, and identifies the means to strengthen the complementarity between civil society and international governmental actors in promoting peace. These aims are addressed by examining four case studies in the European neighbourhood: Bosnia-Herzegovina, Cyprus, Turkey’s Kurdish question and Israel–Palestine.

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