

Presentation to the FSC 6 April 2011, Nina Nordberg

Human Rights: A key success factor for successful and sustainable crisis management

Thank you to the Icelandic delegation for inviting me to speak at this Forum.

I would like to point out that I am speaking in my own capacity as a researcher and the views expressed in this presentation are therefore solely my own.

My presentation today deals with the relationship between crisis management and human rights and in particular how the promotion and protection of human rights, aside from being an international legal obligation, also makes sense as it is key to the success of the mission's objectives and helps to ensure that the mission's achievements are sustainable in the long term.

Human rights are rights and freedoms that belong to all individuals everywhere simply because they are human beings. They are rooted in the idea that all human beings possess an inherent dignity that states must respect and protect. They are enshrined in a continuously growing body of international norms that set minimum standards by which States must treat individuals under their jurisdiction.

The 1975 Helsinki Final Act was the first international document to recognize that security is multi-dimensional and that the protection of human rights and fundamental freedoms play a key part in ensuring peace and stability in interstate relations, on the same basis as politico-military and economic issues. Since then the OSCE has developed an impressive body of human dimension commitments which have enriched the international body of human rights norms and standards by their innovative and ground-breaking features. The comprehensive understanding of security pioneered by the OSCE is now widely accepted in the field of international relations and is for instance at the heart of the European Union's Security Strategy of 2003, which recognizes human rights as being one of the best means of strengthening European security.

As poignantly demonstrated by the recent events in North Africa and the Middle East, the sustained denial of human rights and fundamental freedoms is a catalyst of social unrest which, if left unaddressed, has the potential to result in violent conflict. When people are denied their legitimate right to enjoy an adequate standard of living, the right to participate in the decisions affecting their lives, are denied protection from discrimination and abuse, and have no means of peacefully conveying their grievances through legitimate democratic channels, the resulting frustration may lead to violent conflict if not appropriately addressed. This link between human rights protection and prevention of conflict was already recognized in the Preamble to the 1948 Universal Declaration of Human Rights and has since been echoed in many other founding documents, as in the 1975 Helsinki Final Act.

Ensuring respect for human rights and fundamental freedoms therefore contributes to rebuilding confidence and trust at all levels and between all the affected parties to a conflict which is an essential foundation for peace and stability to foster. While halting hostilities and ending the most pressing violations is clearly the first priority of any crisis management operation, unless the underlying "root causes" which contributed to the eruption of conflict are properly addressed *and* there is accountability for past abuses, the peace is likely to be a fragile one. This usually requires long-term structural reform measures to transform political, social and economic systems to make

them legitimate, fair and capable of ensuring the rights of all people in a non-discriminatory manner.

In recognition of this link, the European Council Political and Security Committee decided in 2006 to implement a policy of mainstreaming human rights into its European Security and Defence Policy (now called the Common Security and Defence Policy or CSDP). This means that human rights provisions are systematically being integrated into the mandates, guidelines and procedural documents of civilian and military crisis management missions.

The handbook which I authored, entitled *Human Rights and Crisis Management: A Handbook for members of CSDP missions* published by the Ministry for Foreign Affairs of Finland aims to sensitize present, future or potential members of CSDP missions on human rights issues and to provide them with some practical tools to help them integrate human rights considerations into their daily monitoring, mentoring, advising or executive functions. Naturally this should be done in a way which respects the mission's mandate and the chain of command and the different spheres of competence, but the aim is to make all mission members realize that each and every one of them have a responsibility to promote and protect human rights. It is also emphasized that the primary responsibility for the promotion and protection of human rights lies with the host governments and that the role of mission member must not be to replace the national authorities (except where there is an executive mandate) but to assist them to meet their obligations by highlighting issues of concern and recommending action to improve the situation.

Adopted in 2000, United Nations Security Council Resolution 1325 on Women, Peace and Security was the first Security Council resolution to address the disproportionate and unique impact of armed conflict on women. It emphasizes the importance of women's equal and full participation in the prevention and resolution of conflicts, in the humanitarian response and in post-conflict reconstruction. It is recognized that the marginalization of women is a security issue which hinders the establishment of sustainable peace.

As regards crisis management operations the resolution calls inter alia for an improvement of the gender balance in operations, appointing specialized gender advisors and sensitization of peacekeepers on gender equality and women, peace and security issues. My personal observation from having visited two CSDP missions is however that although key mission documents routinely mention a commitment to integrating a gender and human rights perspective, in practice these aspects are often sidelined and considered an add-on rather than as an integral part of operations. Many individual mission members fail to understand the importance of integrating a gender or human rights perspective in their work, but rather something that is the sole domain of the gender or human rights advisers.

To prevent gender and human rights issues from being marginalized in this way, there is a need to reinforce the emphasis on sensitizing international and national staff in crisis management operations in the importance of their own attitudes and actions and how adopting a gender (and human rights) perspective can bring added value to the achievement of the mission's objectives because it ensures that the interests, needs and priorities of all people, male and female, are equitably taken into account.

I would like to give you a concrete example of how gender awareness by mission staff can bring about positive changes in women's lives. In Afghanistan, women's access to justice is severely

restricted due to culture and customs which require for example that women are accompanied by a male relative when leaving the confines of their homes, severely restricting their freedom of movement. Women who try to approach the police or courts to report crimes against them are routinely subjected to verbal and physical abuse, in some cases even rape by the same authorities who are supposed to protect their rights.¹ The European Union Police Mission in Afghanistan (EUPOL) therefore assisted in the creation of so-called victim-friendly investigation rooms staffed by specially trained female police officers to enable women to give evidence while guaranteeing their protection. While located in the vicinity of the police station, these rooms are not physically in the same location. Of course this initiative does not address the underlying problems of discrimination and violence against women which is pervasive and widespread in Afghan society, but it is a creative solution which helps to resolve the immediate problem and may serve as a point of access for introducing strategies to tackle the deeper structural causes of gender inequality and discrimination.

Of course such initiatives are not without their challenges. One of the main challenges of combating violence against women and girls in Afghanistan is that even though the Afghan constitution guarantees the protection of women's rights, discrimination and violence against women and girls is deeply rooted in customs, attitudes and practices which compound and legitimize the violence.² The police and the justice system do not take crimes against women seriously, often sending abused women back to their abusers and as mentioned before even perpetrating such abuse themselves.

For human rights norms to take root in a society emerging from conflict it is therefore not enough that the guarantees merely exist on paper but that the authorities and the local population are prepared to accept and embrace these norms. Crisis management operations (and other actors promoting human rights) should show sensitivity to historical, cultural and religious factors while at the same time not compromising the integrity of the norms guaranteed in international human rights law.

In order to ensure that the results are sustainable in the long term and local ownership is ensured, crisis management actors must make sure to firmly anchor their activities to local initiatives and to actively involve all actors who have a direct stake in the outcome of the action, particularly those groups that do not normally get heard, such as women. Local stakeholders must be considered as equal partners rather than mere beneficiaries of the action. Internationals must avoid taking the approach that they know what is best and that the locals are not ready or able to do things themselves. In addition to being morally objectionable this kind of attitude is counter-productive as any action perceived as imposed from the outside will be rejected by the local population and can even lead to hostility towards the mission.

Although the universality of human rights norms is beyond doubt, there are still those who see human rights as a threat to their cultural and religious traditions or as undermining their grip on power. But as the so-called "Arab revolution" has shown us, there is nothing culturally or geographically specific about human rights; the desire to live a life free from want and free from

¹ Pajuste, T. *Mainstreaming Human Rights in the Context of the European Security and Defence Policy*, 2008, p. 54.

² Annual Report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and Secretary General, Report of the High Commissioner for Human Rights on the situation of human rights in Afghanistan and on the achievements of technical assistance in the field of human rights, UN Doc. A/HRC/13/XX, 17 December 2009, p. 8.

fear transcends national, cultural, religious boundaries; they are aspirations and entitlements that we all share by the mere fact of being human.

To end my presentation, I would like to stress the importance of inter-agency cooperation particularly as concerns training and the exchange of good practices and lessons learnt. The OSCE has a long history of conflict prevention and resolution and I believe has much to offer the other more recent actors in this field. I would therefore strongly encourage you to strengthen the dialogue and all relevant actors on the human rights dimensions of crisis management.