



Civil Society, Conflicts *and the* Politicization *of* Human Rights

EDITED BY RAFFAELE MARCHETTI AND NATHALIE TOCCI

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Endorsements

“An outstanding analysis of civil society’s human rights-related activities and their impact on conflict in multi-ethnic societies. This book is a timely contribution to our understanding of the emerging intrastate ethno-political conflicts in this rapidly globalizing and democratizing world.”

G. Shabbir Cheema, *Director, Asia-Pacific Governance and Democracy Initiative, East-West Center, Honolulu, Hawaii*

“In an era where the certainties of the liberal peacebuilding consensus are heavily contested, it is refreshing to see a selection of essays which offer such innovative interpretations of how civil society actors and human rights are developing in real post-conflict contexts—which are not just local, but also regional. Such conceptual and contextual research, not necessarily tied to existing narratives of conflict and what to do about it, offer challenging perspectives for uncertain times and also underline the absolute necessity of local and external support for both civil society and human rights.”

Oliver Richmond, *Director, Centre for Peace and Conflict Studies, School of International Relations, University of St Andrews*

“This diverse yet well-integrated collection brings together three topics that have seldom been tackled together: civil society, conflict societies and human rights. Beginning from the key concept of ‘securitization’—which threatens human rights—the authors and editors explore how civil society mobilization can exacerbate securitization—and thus threaten human rights, manage it, or transform it into forms that protect human rights. The book examines the nexus among human rights, civil society and conflict in four ‘conflict societies’—Israel/Palestine, Bosnia-Herzegovina, the Turkish/Kurdish conundrum, and Cyprus—and closes with revealing comparative analyses of these cases. Students of social movements, human rights, and peace and conflict studies will profit significantly from this book’s contributions.”

Sidney Tarrow, *Maxwell Upson Professor of Government, Department of Government, Cornell University*

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Abbreviations

BiH	Bosnia-Herzegovina
CMP	Committee on Missing Persons in Cyprus
CoSO	conflict society organization
CSDP	EU Common Security and Defence Policy
CSO	civil society organization
ECHR	European Court of Human Rights
ECOSOC	UN Economic and Social Council
EIDHR	European Initiative for Democracy and Human Rights
ENP	European Neighbourhood Policy
EPLO	European Peacebuilding Liaison Office
EU	European Union
EUFOR	European Force (Bosnia-Herzegovina)
FOA	framework of action
GC	Greek Cypriot
GL	green line
HCA	Helsinki Citizens Assembly
HCNM	high commissioner on national minorities
HDZ	Hrvatska Demokratska Zajednica (Croatian Democratic Union)
ICCPR	International Covenant on Civil and Political Rights
ICTR	Israel Centre for Third-Sector Research
IHD	Human Rights Association (Turkey)
IHOP	Common Platform of Human Rights (Turkey)
IPC	International Peace Center (Bosnia-Herzegovina)
KAMER	Kurdish Women's Centre (Turkey)
LGBT	lesbian, gay, bisexual and transgender
MSF	Médecins Sans Frontières

MVQCA	multivalue qualitative comparative analysis
NATO	North Atlantic Treaty Organization
NGO	non-governmental organization
OHCHR	Office of the UN High Commissioner for Human Rights
OPT	occupied Palestinian territories
OSI	Open Society Institute (Turkey)
P2P	people-to-people programmes
PA	Palestinian Authority
PAPRUPMP	Pancyprian Association of Parents and Relatives of Undeclared Prisoners and Missing Persons
PCHR	Palestinian Centre of Human Rights
PKK	Kurdistan Workers Party
PNA	Palestinian National Authority
POS	political opportunity structure
PRIO	Peace Research Institute Oslo
QCA	qualitative comparative analysis
RoC	Republic of Cyprus
RS	Republika Srpska (Serb Republic)
SDA	Stranka Demokratske Akcije (Party of Democratic Action, Bosnia-Herzegovina)
SDS	Srpska Demokratska Stranka (Serb Democratic Party)
SFOR	Stabilization Force (Bosnia-Herzegovina)
SODEV	Social Democracy Foundation (Turkey)
TC	Turkish Cypriot
TIHV	Human Rights Foundation of Turkey
TRNC	Turkish Republic of North Cyprus
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNCHR	UN Commission on Human Rights

Foreword

The reader has in his or her hands a book covering a rather important theme in our age: the relation between states and nations, with civil society as an intervening, in-between factor, often using human rights to bolster its cause. The cases chosen are certainly filled with human drama: Israel versus Palestine, Cyprus Greek versus Cyprus Turkish, Turkey versus Kurds, and the whole Bosnia-Herzegovina conglomerate. Having worked on about 30 such cases, including these four, trying to mediate (see my book *50 Years: 100 Peace & Conflict Perspectives*, TRANSCEND University Press, 2008, www.transcend.org/tup), the authors have kindly asked me to contribute to this impressive study with a foreword outlining how I see the issue.

With close to 200 states and about 2,000 nations – cultural groups with territorial attachments – the state-nation conflict is ubiquitous, ready to explode in a couple of hundred or more places. The reason is simple: only about 20 states are relatively homogeneous unination states; the rest are multinational. And of those only four have squared the circle, with high level of equality among the nations inside one state: Switzerland of course, Belgium with some doubts, Malaysia and India with its linguistic federalism, except for Assam. The others are ruled by one dominant nation, usually but not always a majority, in their idiom, and the other nations are their subjects. Pitted against each other in bitter conflicts are the goals of national identity versus state integrity. International law tends to support the latter, and the United Nations is a trade union of states.

To believe that “human rights plus democracy keep conflicts from erupting and solve the issue” is at best naïve, at worst designed to preserve the status quo; untenable because if humans are born equal, so are nations. They all want equality, today less as independent states and more as autonomies inside states. If not, violence erupts, with atrocities by states and dominated nations; the former usually worse, having more means of killing.

If self-determination did not have to be “recognized”, and democratic voting was inside the dominated nation and not in a state where its nationals form a minority, then that formula might work; today it does not.

How about civil society, and non-state and non-profit social entities? They are important, and may dampen atrocities and provide a climate and a setting for dialogue, as in Northern Ireland. Women may play more useful roles than men firmly wedded to the goal of identity versus integrity. Civil society may communicate from the bottom up much better than media which only report violence. But very violent groups on the side of suppressed nations are also parts of civil society, and so are groups coming to the rescue of an entrenched government. This book wisely warns against the idea that civil society = good, states = bad. The world does not come that neatly sorted; the world is more yin/yang.

I know one thing for sure: the dominated nations will get their autonomy, more in federations than as independent states, and more inside regions making borders less relevant, like the European Union. Like seeds under asphalt or water in crevices in mountains, come spring, come winter, they sprout, they freeze, crushing the stones. Change comes when states accept this, and that time may not be so far off. For that to happen, books like this one are needed, clarifying the issue. My gratitude to the authors!

*Johan Galtung
Alfaz, July 2010*

1

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 violence 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.¹ 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-

cluding conferences at the British International Studies Association and the International Studies Association (special panels in Cambridge in 2007 and San Francisco, CA, in 2008), activists' workshops in the four case study countries (Gaza City, Jerusalem and Ramallah 2008, Nicosia 2008, Istanbul 2008 and Sarajevo 2007), public international conferences in Rome (2006 and 2009), Birmingham (2007) and Marburg (2008) and a special policy briefing session at the European Parliament in Brussels (2009).

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.² 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 actors³ 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 securitization 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 securitization 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.

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Part I

Theoretical framework

2

Human rights and the (de)securitization of conflict

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Introduction

Human rights have become an ever more important aspect of policies designed to address so-called ethno-political conflicts: their violation is seen as an indicator for conflict intensification, and their institutionalization has become a widespread precondition for development aid to ensure its effective distribution within a peaceful society. The promotion of liberal democracy, including human rights, to spread peace has legitimized a series of interventions – some military – by international actors. These efforts assume a close link between the institutionalization of human rights and what we will call positive conflict transformation as well as peacebuilding, especially if framed within the context of human security (Dunne and Wheeler, 2004; Mertus and Helsing, 2006). However, they often do not make this link clear, nor do they carefully analyse the conditions under which the advocacy of human rights is effective or the variety of forms it can take (for an exception see Parlevliet, 2009).

This chapter investigates the link between the articulation of human rights and ethno-political conflicts. Ethno-political conflicts, defined in more detail below, are usually conceptualized as “domestic” conflicts, but they tend to transcend the domestic/international divide through their genesis, consequences, location in a wider institutional context or the involvement of mediators. Their successful transformation is therefore crucial not only to those immediately affected in a particular region, but often to international society as a whole. To the extent that the

advocacy of human rights is becoming a preferred strategy of international society in working towards such conflict transformation, it is important that the linkage between human rights articulations and conflicts is theorized more thoroughly and empirically evaluated.

In this chapter our aim is to contribute to a more thorough theorization and pave the way for an empirical assessment of the linkage between human rights articulations and conflicts explored in a number of case studies in this book. The next section introduces a discursive definition of conflict, central to which is the concept of “securitization” discussed afterwards. We link this to a literature review of different conceptualizations of conflict change, which we argue are often implicitly linked to specific substantive understandings of the nature of conflicts. The third section provides a brief overview of different forms of human rights, and most crucially differentiates between individual and collective rights. We argue that neither form of human rights can be reduced to the other, but they stand in tension with each other and the main challenge lies in the creation of spaces for the articulation of collective rights that do not rely on forms of othering and violate individual rights. As becomes clear in our final section, this is central to the relationship between human rights articulations and conflicts, and indeed often neglected in interventions on behalf of a specific “ethnic” group. This final section advances two general hypotheses about linkages between human rights (and the politicization thereof) and conflict, which we argue can be positive under certain conditions and if human rights are articulated without being intrinsically tied to a specific group. However, we also argue that, in practice, the advocacy of human rights often has adverse effects if these conditions are not met.

Towards a definition of ethno-political conflict

Conflict is a struggle or contest between people with opposing needs, ideas, beliefs, values or goals. Defined in its broadest terms, conflict denotes the incompatibility of subject positions (Diez, Stetter and Albert, 2006: 565), often linked to incompatible normative expectations (Bonacker, 2009). This definition emphasizes the opposition or incompatibility at the heart of the conflict and initially leaves open the exact nature of these incompatibilities, i.e. whether they are between individuals, groups or societal positions; whether they rest in different interests or beliefs; or whether they have a material existence or come into being only through discourse.

Given this initial definition, conflict is not always characterized by violence. Yet conflict might escalate and lead to destructive results, in

particular in the form of physical violence that is increasingly seen as legitimate as conflict intensifies. However, conflict can also lead to new forms of social and political organization and therefore be productive if the parties involved are able to deal with their incompatibilities so that such new organizational forms are achieved. Conflict is thus present in generally peaceful situations, but it remains confined to isolated instances and so does not take on societal significance, or is addressed within clearly defined and observed societal rules or is dealt with productively so that it generates a new form of socio-political organization through peaceful change. This is not to say that violent conflict cannot eventually lead to productive change, but in order to do so it needs to be desecuritized.

The focus of this chapter is on ethno-political conflicts. The specification of “ethno-political” implies a focus on conflict where the core incompatibility is one between different so-called ethnic groups and their political organization. The term “ethnic group” is highly contested. “Ethnie” refers to a set of cultural characteristics that separate one group from another (Smith, 1986: 26–28). It can be seen as a generic term that encompasses more specific groups such as the nation, which combines the characteristics of an ethnie with the political ideology of nationalism that aims at the correspondence of nation and state (*ibid.*: 129; Breuilly, 1985). The contested nature of the term ethnie relates to the exact ontology of the cultural characteristics to which it refers. Primordialists argue that these characteristics lie in the nature of the groups and cannot be changed. This view continues to carry political significance in particular in ethno-political conflicts, where it is expressed in the dictum that two sides cannot live with each other (Campbell, 1998). However, the literature on ethnicity and nationalism today predominantly sees such cultural characteristics as socially constructed rather than naturally given, and therefore emphasizes the role of discourse in their construction. This does not mean that ethnie can easily be changed, but that the existence of groups is an effect of their continued rearticulation as “imagined communities” (Anderson, 1983).

What defines “ethnic conflict” as ethnic is the tendency for opposing groups to describe themselves using ethnic criteria such as language, culture, territorial claims, the myth of common ancestry and racial ties, and use this identity to claim equal status within a state or autonomy from it (Gurr, 2000: 53). However, ethnic identities are not fixed and transcendental. Ethnic identity “is not given; it can be chosen freely by an individual, imposed by others which have the authority and resources to do so, or socially constructed through interactions with others” (Gross-Stein, 1996: 95). More importantly, ethnic identity is more likely to change in periods of economic and political instability, such as economic scarcity or political upheavals. Ethnic identities are contextual, adaptable to and

activated by unexpected threats and new opportunities (see also Horowitz, 2000: 55).

Such a discursive definition of *ethnie* and ethnic identity has consequences for our definition of ethno-political conflicts. Unlike Burton's (1990) understanding of conflict, which we will explore below, this definition emphasizes not the inherent needs of human beings but the discursive invocation of particular groups as *ethnies* that oppose each other in a struggle or contest. In the context of the modern system of nation-states, the articulation of ethnic groups will mostly lead to political claims that pitch such groups against others. In peaceful situations, there are institutional rules that operate to provide effective conflict management. A resolution of the conflict is only achieved if the values, habits and customs of a particular ethnic group are redefined in such a way that this ethnic group either ceases to exist or its construction does not rely on seeing other groups as a threat. The positive transformation of an ethno-political conflict therefore relies, above all, on the rearticulation of ethnic groups in what we will below call increasingly desecuritized ways, in which the other is recognized but not portrayed as an existential threat.

Despite their physical and often harmful consequences, conflicts, even ethno-political ones, are thus first and foremost discursive in nature (see Jabri, 1996; Bonacker, 2005: 273; Diez, Stetter and Albert, 2006: 565). Incompatibilities can only be recognized as such if someone makes reference to them. This does not mean that there is no material side to conflicts. On the one hand, the distribution of land or other goods or a clash of interests is a core reference point for the articulation of incompatibilities. However, it does not constitute conflict in and of itself; it needs to be discursively constructed as a conflict matter. On the other hand, conflicts can bring about physical, psychological or emotional damage. However, these very real experiences are inflicted by conflictual discourse or the actions legitimized through such discourse.

Securitization and conflict

In the discipline of security studies, the so-called Copenhagen School has suggested the concept of "securitization" to capture the discursive invocations of threats (Wæver, 1995; Buzan, Wæver and de Wilde, 1998; Huysmans, 1998a). A "securitizing move" is a speech act that constructs an other as an existential threat to a particular group (the "referent object"), calling for urgent measures to combat the threat (Buzan, Wæver and de Wilde, 1998: 21, 24). An issue is "securitized" if and when this construction is accepted by the majority of the group to whom the securitizing move was addressed, and the urgent measures called for come to be

seen as legitimate and can be implemented. Analytically, securitization therefore provides a formal discursive definition of what security is (for a critique see Knudsen, 2001). Normatively, securitization is problematic because it raises the stakes of a political issue so that decisions can be taken that would normally not be seen as legitimate (it installs a “politics of the exception”), and it intensifies the opposition of self and other and therefore has an exclusionary effect.

Because of these features, the concept is a useful analytical tool to conceptualize the development of a conflict through different phases (see Diez, Stetter and Albert, 2006: 567–568). The self/other dimension inherent in the concept relates to the incompatibility between two groups in an ethno-political conflict (Roe, 2005). From our discursive definition of a conflict as much as from the Copenhagen School’s point of view, the differentiation between the identities of self and other, as well as the portrayal of the other as a threat, is first and foremost a social, discursive construction and not a given (on this question see Huysmans, 1998a, 1998b; Williams, 1998; and the criticism of McSweeney, 1996, 1999; Jutila, 2006: 176, which in our view is based on a misunderstanding of securitization). The more widely accepted securitizing moves become, the more aspects of social life are captured by securitization; and the more existential the threat is constructed to be, the more intense a conflict becomes. Eventually, a successful securitization will make conflict parties see extraordinary measures, including violence, as legitimate (Diez, Stetter and Albert, 2006: 568). The increase in spread and depth of securitization is therefore a good instrument to assess the intensity of a conflict, and will indicate to what extent human rights violations are seen as legitimate or illegitimate by a particular group, which may have an impact on the possibilities to invoke human rights in order to transform the conflict.

What makes securitization successful? Wæver (2000: 252, 286) sketches out three facilitating conditions.

- The speech follows the grammar of security and constructs a plot including an existential threat, a point of no return and a way out. Here, Wæver mainly repeats the properties of a securitizing move.
- The social (and cultural and symbolic, see Balzacq, 2005: 177–191; Bigo, 2000: 194) capital of the securitizing actor plays an important role. He or she has to be regarded as authority. Authority *qua* office, however, does not guarantee the success of the speech act.
- Conditions are present that are historically associated with threats, e.g. hostile sentiments or a large number of tanks next to the border.

Ultimately, conflict transformation requires the desecuritization of the key incompatibility at the heart of the conflict. This does not necessarily mean that the incompatibility is resolved; a positive transformation can also, for instance, involve peaceful, institutional means to deal with the

incompatibility so that the other is no longer seen as an existential threat but as a partner with diverging interests or with a different identity that needs to be respected.

Towards an operationalization of securitization

Conflict actors can act as securitizing actors or be part of the addressed audience who support or reject the call for emergency measures. As elaborated in Chapter 3, this also means that civil society actors are by no means always “good”. Likewise, human rights invocations can play different roles in relation to securitization. They can be part of a securitization or desecuritization process and thus contribute to the escalation or de-escalation of a conflict.

One main problem of the concept of securitization lies in its ambiguous connection to empirical research designs. In the following, we discuss some possible ways of operationalizing the securitization approach. The focus of our suggestions is on the different influences civil society actors can have on conflicts by referring to human rights. Using human rights, organizations can foster securitization, help to bring about desecuritization or make non-securitizing moves in the sense of ignoring or counter-acting securitization efforts. Moreover, they may belong to the audience of securitizing moves or to those who implement the adopted emergency measures. In the remainder of this section, we outline how we can capture securitizing and desecuritizing processes as well as non-securitization empirically.

Securitization

How can we see whether an actor assigns an existential threat to a referent object? The Copenhagen School provides a list of keywords we can look for: “survival” or the question “to be or not to be”, a “point of no return”, “everything else will be irrelevant” and “alter the premises for all other questions”. These notions and clauses concern not only the mere existence of a referent object but also its self-determination and even its values (Buzan, Wæver and de Wilde, 1998: 24; Buzan and Wæver, 2003: 387–390; Wæver, 1995).

In ethno-political conflicts, collective identities are particularly important. Since collective identities evolve and change in response to internal and external developments, the Copenhagen School finds that “it is always possible to paint challenges and changes as threats to identity, because ‘we will no longer be us’ . . . the abilities to maintain and reproduce a language, a set of behavioural customs, or a conception of ethnic purity

can all be cast in terms of survival” (Buzan, Wæver and de Wilde, 1998: 23; cf. Roe, 1999: 196). Wæver (2003: 253) adds that security activities on behalf of identity reduce the sense of security, as they reveal the contingency and incompleteness of security.

One of the main weaknesses of the Copenhagen School is its vagueness when it comes to the definition of the audience of a securitizing move (cf. Kaliber, 2005: 323; Wæver, 2003: 26). In democratic states the constitution determines who is in charge of approving extraordinary means, including the declaration of war, e.g. it prescribes the required majority in the parliament. In autocratic systems the audience may be quite exclusive and limited to a junta, crisis committee or dictator. Who, however, is the audience when we are talking about the societal sector, collective identities and ethnic groups? Representatives in government or parliament? The majority of the biggest political party? In ethnic conflict, ethnic organizations often empower themselves to respond to asserted threats. Thus we have to consider the political environment of securitization processes and the possibility that securitizing moves mean a strategy of self-authorization and amalgamation of actors and audience.

Civil society activities may therefore contribute to securitization without being the securitizing actor or a part of the addressed audience. Hence, for example, a civil society group may complain that the human rights situation in its country is disastrous and demand action in order to improve it. An ethnic entrepreneur may take up this complaint. He may urge preparation for a battle of survival which leads to civil war and mass crimes committed by militias. In such a situation, is it fair and appropriate to conclude that the civil society group contributed to securitization and even to war crimes? We therefore need to distinguish between the discursive impact of articulations, which sometimes can evolve into securitizations without having been intended as such, and the personal intentions of speakers. However, this issue also emphasizes the need for speakers to be careful how to phrase their articulations and not to provide the grounds for an appropriation of their assertions all too easily.

Desecuritization

Desecuritization is only possible if securitization has taken place and the decision to apply extraordinary means is still in force. Desecuritizing moves demand that an audience returns to normal politics. The desecuritizing actor may present five types of arguments in favour of leaving the realm of panic politics.

- The asserted existential threat never existed.
- The existential threat existed but has been avoided.
- Ordinary measures suffice in order to respond to the existential threat.

- Panic politics are not effective in addressing the threat.
- The extraordinary measures avoid the existential threat, but their side costs are too high.

The explicit decision to continue the usage of extraordinary measures or the refusal to decide again over their use marks the preliminary failure of desecuritizing moves. As in the case of non-securitization, the actual problem lies in civil society actors demonstrating the success of desecuritizing moves.

Non-securitization

Since desecuritization means transferring an issue back to normal politics, we need another notion to signify situations where securitizing moves fail or do not occur at all. We refer to these situations as instances of non-securitization (Roe, 2004: 285; Wæver, 2003: 23). We can distinguish between at least four types of non-securitizing moves in general, and by civil society actors in particular:

- denying the asserted existence of an existential threat
- warning that an addressed audience does not possess the legitimacy to decide on the adoption of extraordinary means
- recommending that the addressed audience rejects the call to panic politics
- resisting the implementation of extraordinary measures.

In most cases, such civil society activities (press releases, other publications, demonstrations, etc.) are reactive and thus include a direct reference to a certain securitizing actor or the audience he or she addresses. In addition, civil society actors may start preventive non-securitizing moves. Ironically, if widely discussed, non-securitization may provoke the counter-mobilization of the very securitizing moves that it wanted to prevent.

Non-securitizing moves have failed if securitization takes place. While it seems easy to demonstrate such failure, the opposite is true regarding their success. If securitization does not occur, it is not necessarily due to the reactive or preventive non-securitizing moves by civil society actors. In order to reveal civil society's impact, one has to trace a causal link from the outcome "non-securitization" to non-securitizing moves. We should find direct reference to these activities within the public statements of securitizing actors or the addressed audience. Additionally, we might ask securitizing actors or members of the respective audience about the influence of civil society activities. Nevertheless, it remains quite demanding to rule out rival explanations for the outcome of non-securitization.

Conflict management, conflict resolution and conflict transformation

Desecuritization leads to a change in conflict that we see as a “positive” change. In the literature, we find broadly three approaches that deal with changing conflict, and they approach desecuritization in different ways. These approaches are conflict management, conflict resolution and (in contrast to our more general use of the term so far, a more narrowly defined) conflict transformation. We should note at this stage that these labels are not always used consistently in the literature and there is a significant overlap between the three approaches. Our interest lies in drawing out the differences between various avenues of desecuritization, and to this end we believe there is a hermeneutic value in reconstructing the three approaches as ideal types.

Conflict management

Conflict management theorists base their research on the “ideology of management”, where conflict is understood as “a problem of political order and of the status quo; violent protracted conflict is thus deemed the result of incompatible interests and/or competition for scarce power resources, especially territory” (Reimann, 2004: 8). The focus is on conflicts between states or communities aspiring to statehood which under the conditions of anarchy in the international system are locked into a struggle for power.

Influenced by the rationalist consensus in the discipline of international relations of the 1970s and 1980s, much of the research in this area is based on rational choice and game theory models, where political and military leaders (Track I level) are characterized by their high status, rationality and ability to calculate interests and work together towards a mutually profitable goal. The methodologies employed for minimizing the worst excesses of violence are limited to settlement strategies and “range from official and non-coercive measures such as good offices, fact finding missions, facilitation, negotiation and mediation, to more coercive processes such as power mediation, sanctions and arbitration” (ibid.: 9).

Conflict management promotes intervention to achieve political settlements, mostly by those who have the power to exert pressure on the conflicting parties to induce them to settle. According to Bloomfield and Reilly (1998: 18):

Conflict management is the positive and constructive handling of difference and divergence. Rather than advocating methods for removing conflict, it

addresses the more realistic question of managing conflict: how to deal with it in a constructive way, how to bring opposing sides together in a cooperative process, how to design a practical, achievable, cooperative system for the constructive management of difference.

Conflict management approaches consequently see desecuritization largely as a process of agreeing on or upon new institutional arrangements that allow for the peaceful management of conflict through the provision of information and the stabilization of mutual expectations through the codification of rules.

Conflict resolution

Conflict resolution theories address the deep-rooted sources of conflict, which are taken to be structural and cultural. This is different to conflict management, where the cause of conflict is a consequence of the anarchical nature of the international system. Conflict resolution theorists “argue that conflict has an ontological base in human needs, the denial of which causes violent conflict” (Fetherston, 2000: 2). This interpretation of conflict has been greatly influenced by Burton’s work on human needs theory. Burton (1990: 36–38) distinguishes between needs that are universal human motivations conditioned by biology; values, which are ideas, habits, customs and beliefs characteristic of particular social communities; and interests, which are the aspirations of individuals or identity groups within a social system. Interests can be negotiated, while “needs will be pursued by all means possible” (ibid.: 36) as they are ontological. The needs that seem to be important are security, identity, recognition, food, shelter, safety, participation, distributive justice and development (ibid.).

Burton does not clarify the conditions under which these needs should be met, but he does encourage theorists and practitioners to broaden the scope under which they analyse conflict. In this vein, the focus is on getting parties to recognize their common needs, and he suggests that this is achieved:

when parties to disputes are brought together in a face to face analytical dialogue, facilitated by a third party. Inevitably they soon discover that they have the same ultimate goals ... Once it is discovered that goals are held in common, the stage is set for a search for means that satisfy all parties to dispute. (Ibid.: 42)

The methodologies developed to address the root causes of a conflict are non-coercive and unofficial activities such as facilitation or consultation in the form of controlled communication, problem-solving work-

shops or roundtables. These activities are facilitated by a third party that does not seek to provide a solution to each side but rather to create an environment where both sides can reflect on their situations and create solutions for themselves. More importantly, the key aspect of problem solving is to deepen and broaden the analysis of conflict. This is done by including a greater number of actors involved in the process, like academic institutions, all forms of civil mediation or citizen diplomacy groups and local and international non-governmental organizations (NGOs) operating at Track II level.

The analysis and the broader participation of actors drawn in problem-solving workshops demonstrate that “the parties do have a choice. They are not trapped by fate. They can control their own future” (Mitchell and Banks, 1996: 45). Interestingly enough, this approach shows that once the relationships between the parties “have been analysed satisfactorily, once each side is accurately informed of the perceptions of the other, of alternative means of attaining values and goals and of costs of pursuing present policies, possible outcomes are revealed that are acceptable to all parties” (Burton, 1990: 205). While the starting point of this approach is therefore largely non-discursive in its focus on needs, the proposition for conflict resolution relies on the transformation of conflictive discourse through self-reflection and a broadening of dialogue between conflict parties.

In other problem-solving theories, the focus shifts from tackling frustrated needs to the psychology of inter-group relations. Fisher and Keashly (1996: 237), for example, stress the importance that:

once a conflict is initiated, the perceptions, attitudes and interaction of the parties become crucial elements of determining its further course. Typically, there is an escalating spiral of increasing intensity in which the relationship between the parties moves toward destructive competition and finally to a “malignant social process” from which the parties are unable or unwilling to extricate themselves.

The focus here lies on the examination of subjective aspects of conflict as the main hindrances to resolution of interest-based issues. This implies that a third-party intervention should take into account the mix of objective and subjective elements that interact as the conflict escalates and de-escalates – this is also known as the “contingency approach”.

Problem solving as the main focus of conflict resolution is based on perceiving conflict “objectively”, and promotes more effective communication practices in order to resolve conflict. But it is not necessarily aimed at a fundamental transformation of the conflict, as it bases desecuritization on the minimum requirement of the satisfaction of the needs of both

parties, although incompatibilities between needs of different conflict parties have to be redefined in order to achieve conflict resolution.

Conflict transformation

Conflict transformation in a narrow sense refers to the “process of engaging with and transforming the relationships, interests, discourses and if it is necessary, the very constitution of society that supports the continuation of violent conflict” (Miall, 2004: 4). It therefore refers not simply to a change in the structure of a conflict, but to fundamental changes in conflict discourse that effectively, in our terminology, involve its desecuritization. In a different but related argument, Baker (1996) distinguishes between “conflict managers” and “democratizers”, where the former are focused on overcoming violence and establishing procedures for peaceful conflict management and the latter attempt to establish justice as a way to tackle the root causes of conflict and allow “long-term reconciliation” as a “positive” peace (Miall, Rambotham and Woodhouse, 1999: 208). Human rights are part of establishing justice and in the logic of Baker enable the long-term healing of rifts, and are as such core to a new societal identity. At the same time, while violent conflict is the problem to be changed, conflict as such is an important catalyst for change. Moreover, the role of the people within the conflict parties is of great pertinence because peacebuilding comes from within rather than from outside. As Lederach (1995: 212) argues:

conflict transformation must actively envision, include, respect and promote the human and cultural resources from within a given setting. This involves a new set of lenses through which we do not primarily “see” the setting and the people in it as the “problem” and the outsider as the “answer”. Rather, we understand the long term goal of transformation as validating and building on people and resources within the setting.

The work of Galtung has been highly influential, as he emphasized the relationship between conflicts and larger conflicts embedded in the structure of world society and the world economy. The resolution of a conflict needs to be based on a fundamental change to this structure and thus the transcendence of the existing contradictions (or incompatibilities) (Galtung, 1996: 116).

Likewise, Azar’s work on protracted social conflicts has considerably influenced conflict transformation theory, taking conflict resolution a step further. The critical factor in these conflicts seems to be “the prolonged and often violent struggle by communal groups for such basic needs as security, recognition and acceptance, fair access to political institutions

and economic participation” (Azar, 1991: 93). The dynamic relationship between the state and communal groups is at the core of the problem – what Azar (1990: 7) described as “the disarticulation between the state and the society as a whole”. His theory goes beyond simple structural or behavioural explanations, and suggests how patterns of conflict interact with the satisfaction of human needs, the adequacy of political and economical institutions and the choices made by political actors. It also explores how different options could lead to benign or malignant spirals of conflict.

Rupesinghe (1998) makes the point for a conflict transformation approach that embraces multitrack interventions. He stresses the importance of involving peace constituencies at grassroots level and across the parties at the civil society level. He also emphasizes the importance of forging alliances with all groups able to bring change, such as the media, business groups and the military.

Last but not least, Lederach (1997) argues for the transformation of a war system to a peace system characterized by the values of peace, justice, truth and mercy. This transformation is seen in changing the personal, relational, structural and cultural aspects of conflict, in different time periods and at different system levels. The structure of this process is based on a pyramid where the élite leaders and decision-makers are at the top, leaders of social organizations, churches and media in the middle level and grassroots community leaders at the bottom. Accordingly, peacebuilding should take into account complementary changes at all these levels.

Conflict transformation understands conflict as an agent of both social control and social change (Clements, 1998: 138). It places primary emphasis on the question of social justice, as it rejects the traditional aim of conflict management to restore the status quo. Instead, it develops a notion of conflict as a positive force for social change. Moreover, it is multitrack and multidynamic, as it combines Track I, II and III activities and stresses the importance of creating new infrastructure for empowering underprivileged groups that will make it possible to address structural inequalities, with the aim of long-term social reconstruction and reconciliation.

More specifically, there is an urgency to identify what collective actions could advance and solidify peace by avoiding a relapse into conflict, even if scholars and practitioners have different understandings of conflict:

there seems to exist a broad consent that a fundamental transformation of the war-torn society is needed. It is only by addressing the political, social, psychological and economical causes, as well as the effects of armed conflict that a recurrence of violence can be prevented and a viable peace established.

This means that a variety of tasks has to be addressed and multidimensional approaches are needed. (Fisher, 2004: 4)

Such a multidimensional approach includes several desecuritizing strategies: transformation of cultures of violence; establishment of a tradition of good governance, including respect for democracy, human rights and development of civil society; healing psychosocial wounds and long-term reconciliation; integration into cooperative and equitable regional and global structures; and the balancing of stable long-term macroeconomic policies, economic management and locally sustainable community development (Miall, Rambotham and Woodhouse, 1999: 203). Not all these strategies are unique to the conflict transformation approach, but it is here that the different elements of dealing with conflict come together.

Conflict transformation therefore entails the broadest approach to desecuritization, at the heart of which are broader societal transformations, including fundamental shifts in how identities and interests are constructed so that they are no longer incompatible. Transformation is generally conceptualized as positive, but of course changes in the construction of identities and interests can in principle also lead to greater incompatibilities and the intensification of securitization, although such changes would then not take the form envisaged by conflict transformation theorists and practitioners. We therefore suggest distinguishing between positive conflict transformation, where the transformation implies desecuritization, and negative conflict transformation, where the opposite is the case.

Table 2.1 summarizes the three ideal types of approaches to peace, including their different strategies for desecuritization. It is evident that human rights can play a number of different roles in the desecuritization process. From a conflict management perspective, they primarily provide institutional safeguards against conflict intensification and a codified boundary for possible securitizing moves, and limit the “extraordinary” policies that can be legitimized through securitization. Conflict resolution adds to this the mutual recognition of needs, including one’s basic human rights. In the most encompassing way, conflict transformation approaches link the institutional guarantee of human rights with a process of identity transformation and healing. Figure 2.1 summarizes these different roles envisaged for human rights.

The core question that follows from this discussion is whether human rights play any or indeed all of these roles in desecuritization processes of ethno-political conflict, and under which conditions. We need to assess whether human rights facilitate the desecuritization of the discourses constructing ethnic groups and their political claims, as well as the state responses to those claims. We also need to examine what role the refer-

Table 2.1 A comparison of different approaches in peace studies

	Perceptions of conflict	Aims and actors	Strategies for desecuritization
Conflict management	Problem of political order and status quo	Manage and contain conflict Political and military leaders as mediators and/or representatives of conflict parties	Coercive measures: power mediation, sanctions, arbitration Non-coercive measures: good offices, fact-finding missions, facilitation, negotiation, mediation
Conflict resolution	Natural result of unmet human needs	Address underlying causes of direct, cultural and structural violence Academics, professionals, civil mediation, citizen diplomacy, international and local NGOs involved in conflict resolution	Non-coercive measures: facilitation, consultation in form of problem-solving workshops and roundtables
Conflict transformation	Agent of social control and change	Transform relationships, interests, discourses and constitution of society that supports violent conflict Local grassroots organizations, local and international development agencies, human rights organizations and humanitarian assistance	Capacity building, trauma work, grassroots training, development and human rights work

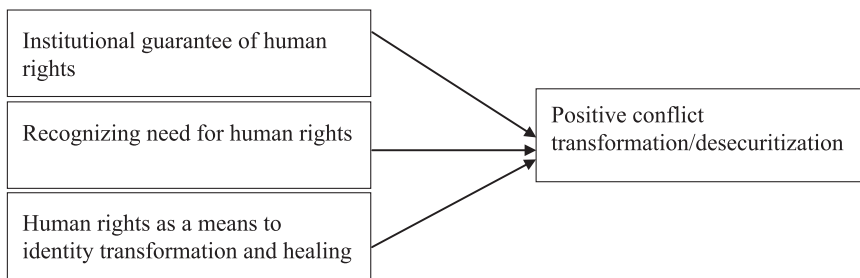


Figure 2.1 Human rights as strategies towards desecuritization

ence to human rights plays in the actual articulation of the ethnic group and its political claims, and whether the invocation of human rights has a securitizing, desecuritizing or non-securitizing effect. Before we elaborate this framework, however, it is necessary to reflect further on our definition of human rights.

Human rights

The idea of human rights rests on the premise of protecting people from political, legal and social abuses, initially and primarily by the state. The Universal Declaration of Human Rights (UDHR) provides all humanity with the rights to life, liberty and security of person; freedom from torture or enslavement; protection from arbitrary arrest or exile; equality before the law and remedies for violations suffered; a fair trial; freedom of thought, opinion, expression, movement and peaceful assembly; participation in the political and cultural life of the community; remunerated work, free choice of employment and protection against unemployment; education; social security; and a standard of life adequate for one's family health and well-being (United Nations, 1948).

The debate on human rights suffers from a dichotomy of the universal origin and applicability of human rights versus the cultural relativism of such principles. The advocates of the universality of human rights base their arguments in two traditions: metaphysical abstraction and legal positivism. The first assumes the formulation of natural rights as universal, timeless truths independent of social context. Influenced by the writings of Locke and Rousseau, “modern universalist theories on human rights are based on natural law, justice, reaction to injustice, dignity, equality of respect and concern, human capacities, moral agency and self ownership” (Goodhart, 2003: 940). Legal positivism supplements these principles by developing the establishment and enforcement of human rights as international law. This is manifested in many countries signing the UDHR

proclaimed by the United Nations in 1948, and most recently at a Vienna world conference, where the Vienna Declaration placed the universal nature of rights and freedoms beyond dispute (Alves, 2000).

For cultural relativists, “no way of life is objectively the best or suits all, good life cannot be defined independently of the character of the individuals involved and moral beliefs and practices cannot be detached from the wider way of life and abstractedly judged and graded” (Parekh, 1999: 133). Human rights are perceived as social constructions bound to the nature of particular cultures; for communitarians they are specific cultural forms that arise from strong and homogeneous communities based on nation-states, while for post-structuralists the emphasis on plurality, difference and fragmentation denies any possibility of a “metanarrative” of universal human rights (Stammers, 1999).

As the debate focuses on the connection between the origins of the concept of human rights and its theoretical substance, it becomes increasingly difficult to engage in dialogue with both sides of the debate. But, with the hope of broadening the discourse on human rights, “if universal values are to enjoy widespread support and democratic validation and be free of ethnocentric biases, they should arise out of an open and uncoerced cross-cultural dialogue” (Parekh, 1999: 139). This presupposes respect and attentiveness to different and alien values, and more importantly it should deny any given culture, but in particular Western culture, the privilege to monopolize “universal” truth. Moreover, a genealogical analysis of the development of the human rights discourse will show its interconnectedness with the institutions that fostered it as well as with the specific political and social situations out of which it developed.

The human rights movement has always had a close relationship with international organizations. Its ideology, norms, rules and principles are embedded in institutions, some state and some international, as well as in international processes. The UN Charter fleshed out the demands of the “human rights movement that began at the end of the Second World War” (Steiner and Alston, 2000: 137). In what follows, the aim is to present how human rights became an institutionalized part of international politics in order to define and contextualize the human rights that civil society actors can draw upon in conflict transformation processes.

The first steps to the Universal Declaration

The end of the Second World War and the acknowledgement of the horrors of the Holocaust forced the Allies to tackle the delicate issue of how to deal with a regime that massacred its own citizens. Formally, the German government was legally liable for its treatment of citizens in occupied territories, but killing German nationals was considered an

exercise of its sovereign rights. The Nuremberg War Crimes Tribunal introduced the issue of violating human rights into the mainstream of international relations, by charging the German soldiers and officials responsible for offences “against individual citizens, not states and individuals who often were nationals and not foreigners” (Donnelly, 2001: 72).

Equally important was the UN Charter. In 1946 ECOSOC (the UN Economic and Social Council) established the Office of the UN High Commissioner for Human Rights (OHCHR), which prepared a draft of rights that would exert a moral and political influence on states. In 1948 the UN Commission on Human Rights (UNHCR), supported by the OHCHR, adopted a draft declaration, which in turn was adopted by the General Assembly as the Universal Declaration of Human Rights (www.un.org/rights). This was a decisive step in legalizing the emerging view that the treatment of citizens by states had to comply with specific international standards.

The UDHR was supposed to precede more detailed and comprehensive provisions in a single convention that would be approved by the General Assembly and submitted to states for ratification. However, the rise and intensification of the Cold War created a stalemate in the development of the human rights movement and, perhaps even more importantly, “states were satisfied with an international human rights regime that included little more than a strong statement of norms” (Donnelly, 2001: 74).

The international covenants on human rights

Decolonization in the early 1960s led to a new wave of human rights activity by the newly independent states of Africa and Asia. The International Convention on the Elimination of All Forms of Racial Discrimination adopted by the UN General Assembly in December 1965 addressed the specific concerns put forward by the Afro-Asian bloc (www.un.org/rights). Furthermore, the two principal treaties – the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights – made their way towards signature and ratification. Together with the UDHR, they provide a broad coverage of internationally recognized human rights.

However, it seems that the comprehensiveness involved much additional normative work, as another decade passed before the two covenants achieved the number of ratifications necessary to enter into force. Human rights had entered successfully into the international debate, but their implementation and enforcement remained to a great extent national. It was quite evident that the statist logic was dominating the procedural developments in the field.

The third wave

In 1973 the overthrow of the Allende government in Chile marked the beginning of intense investigations of human rights violations by the United Nations (Tolley, 1987). With the covenants entering into force (1976) and the creation of a monitoring forum in the Human Rights Committee, human rights advocates gained new legitimacy and inspiration for their work.

Countries such as the Netherlands and Canada became important actors in the development of the field and new treaties came into force, including the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) and the Convention on the Rights of the Child (1989) (www.un.org/rights). Continuing the Chile precedent, special representatives were sent to report on the human rights situation in countries like Bolivia, Iran, El Salvador and Afghanistan. A rather important development was the consideration of human rights violations on a global or thematic basis by the UNCHR. For example, the creation of the Working Group on Enforced or Involuntary Disappearances in 1980 helped families to locate disappeared persons; it handled more than 19,000 cases in its first decade of work (www.unbisnet.un.org).

By the mid-1970s the human rights discourse was introduced “into the mainstream bilateral foreign policy” (Donnelly, 2001: 77). In 1973 the US Congress enacted a series of statutes declaring the promotion of respect for human rights to be a principal goal of US foreign policy, and denying foreign aid, military assistance and the sale of agricultural commodities to states guilty of gross violations of human rights (Henkin, 1990). Similar efforts were made at the same time in the aid policies of the Nordic countries, and the Helsinki Final Act in 1975 introduced human rights into US-Soviet relations.

Equally important was the popularity that NGOs pursuing human rights work gained at that time. Amnesty International won the Nobel Peace Prize in 1977 by advocating the importance of protecting human rights. Its campaigns raising consciousness against torture influenced immensely the drafting of the 1984 Convention against Torture (www.amnesty.org).

It is evident that the achievements as well as the limitations of the past half-century of international human rights activity deserve attention. By the end of the Cold War, human rights had gained an important role in international relations. In the post-Cold War period, developments show that states have become subject to a plethora of bilateral, multilateral

and transnational monitoring procedures regarding their human rights performance, and the normative force of human rights can mobilize national and international public opinion (Kamminga, 1992).

The post-Cold War era

The global regime of human rights has seen an important deepening in the years after the end of the Cold War. Multilateral procedures are used more robustly and the UNCHR, established in 1993, has the potential to increase both the scope and the depth of multilateral monitoring (Minear and Weiss, 1995). Regarding bilateral relations, human rights have become a less controversial foreign policy concern and many human rights NGOs contribute to the shaping of the political landscape in developing countries and countries of the former Soviet bloc.

The 1993 Vienna World Conference on Human Rights marked a clear victory for advocates of the universality of international human rights obligations. The first paragraph of its declaration asserts that “the universal nature of these rights and freedoms is beyond question”. Paragraph 5 stresses the interdependence and indivisibility of all human rights, and paragraph 10 asserts that “the lack of development may not be invoked to justify the abridgement of internationally recognized human rights”. Although there are huge gaps between principle and practice in most countries, the international normative consensus on human rights has deepened in the past few years.

Until the 1980s, peacekeeping operations were organized in a way to avoid direct reference to human rights. In recent years, however, the link between human rights and international peace and security has finally become a part of UN discourse and practice, following the now established consensus in the peace and conflict studies literature as reviewed in the preceding section. For example, peacekeeping operations in Namibia, Cambodia, El Salvador, Bosnia-Herzegovina and Guatemala have had explicit human rights responsibilities (Human Rights Watch, 2003). The importance of these operations should not be underestimated, but also not over-generalized. Most of these cases arose in a context of ending internationalized civil wars and cannot provide a precedent for UN action in the absence of peace and security. Nonetheless, they entailed a clear and consistent flow of coercive multilateral actions on behalf of internationally recognized human rights.

Last but not least, it seems that there is a contradiction between multilateral human rights activities and the activities of international financial institutions (Tomasevski, 1995). Particularly in the United Nations, human rights have traditionally been segregated from political and economic development. Thus developing countries have been left “without a

well established human rights argument against externally imposed structural adjustment programmes that require a reduction in the enjoyment of economic, social and cultural rights" (ibid.: 53). The process of overcoming structural inequalities in the conflict resolution tradition therefore alerts us to the potential contradictions between different human rights in the process of conflict transformation.

Individual and collective rights

Another controversial debate that characterizes the discourse on human rights is between individual and collective rights. Individual rights belong to the individual as a human being and, as reflected in the two main UN covenants, are classified into two categories: civil and political rights; and social, economic and cultural rights. Civil and political rights primarily act as constraints on those who govern. They include the right to life and dignity of the human person, the right to private and family life and freedoms of association, religion, expression, movement, assembly, etc. Here the emphasis is on the liberty that an individual should enjoy. Social, economic and cultural rights stress the equality that an individual can claim as a citizen. They include the right to education, employment, social security, equal pay for equal work, safe and healthy working conditions, the right to form trade unions and bargain collectively, etc.

The inclusion of social rights in the UDHR has created much controversy, as it is often proposed that they are not rights but desirable goals (Beetham, 1995). Social rights "are usually subject to the political will of the managers of the state, ideological considerations, the resources available to the state and the level of development" (Osaghae, 1996: 176). Economic, social and cultural rights are often classified as second-generation rights, while political rights and civil liberties are considered as rights of the first generation. Many have understood this not as a mere categorization but as a ranking that puts economic, social and cultural rights after political rights. Thus the so-called second-generation rights led a kind of shadow life until the late 1980s, and this is still more or less true for cultural rights, which are mainly considered in the context of minorities. In contrast, economic and social rights have become part of the mainstream human rights discussion, although they have not yet received equal treatment as compared with political rights and civil liberties.

After the UN General Assembly passed the UDHR in 1948, the distinction between the two groups of human rights quickly developed into a fierce ideological debate between Western and socialist states. Human rights became a major terrain in the battlefield of the Cold War. Although debate on human rights continues between North and South, the end of the Cold War has freed the discussion from many ideological constraints.

In turn, human rights voices and demands from the South that have always emphasized economic and social rights are now considered more seriously (Hamm, 2001).

Some of the individual rights already mentioned clearly have a group dimension to them. Indeed, while it is common to distinguish between individual and collective rights, there are no clear-cut distinctions between the two categories. This is because some standard individual rights like freedom of discrimination, association and religion are very important to ethnic and religious minorities.

According to Howard (1992: 83):

the claim for collective rights is a claim for something different from human rights; it is a claim that reasserts the value of the traditional community over the individual. Human rights are an egalitarian means of allocating membership in a collectivity to all physical persons regardless of status. Collective rights imply permissible egalitarian ranking.

In other words, while individual rights refer to a universal citizenship, collective rights promote an exclusivist one. Other scholars claim that individual rights are sufficient to deal with claims put forward by the group, which is no more than the sum of its individual members (e.g. Buchanan, 1989).

Human rights have always included some notion of collective rights, if sometimes only indirectly. Examples are the rights to cultural identity and practice, freedom of discrimination and self-determination. These are rights that protect the continued existence of ethnic groups and guarantee their non-subjugation by others. As Stavenhagen (1992: 135) argues:

Universal individual human rights even when fully effective do not necessarily ensure the full enjoyment of rights by collectivities. Moreover, at times, the promotion of individual human rights in disregard of collective rights may lead to the violation of collective rights.

Although the individual can be seen as the ultimate beneficiary of the promotion and protection of human rights, sometimes it is only through the protection of the collectivity to which an individual belongs that these rights are meaningful. Individual and collective rights should not be perceived as a binary opposition, but as complementing and supplementing each other. As Dinstein (1976: 103) argues, “collective human rights are afforded to human beings communally, that is to say in conjunction with one another as a group – people or a minority”. The difference between individual and collective human rights here lies in the fact that for the former the measure of all things is the individual but for the latter it is

the group. Then what becomes problematic is that the group in question often does not possess an international legal personality, probably to avoid claims to secession and general threats to the sovereign nation-state. This is illustrated in Article 27 of the ICCPR, which refers to “persons belonging to minorities” and not simply to minorities.

International law acknowledges three collective human rights to peoples: physical existence, self-determination and use of natural resources (ibid.). Here, the fundamental reference point is the group. The same applies in the case of minorities that have gained the rights to physical existence and to preserve a separate identity, which includes the right to enjoy their own culture, practise their own religion and use their own language. These rights are to be held collectively, as a minority language, for example, cannot be used by an individual irrespective of his/her community.

The UN Human Rights Committee has indicated that the right of an individual to participate in aspects of community life may be restricted if the relevant legislation reflects the legitimate aim of minority group survival and well-being and if the restriction is not disproportionate to that aim (ibid.). Analogously, any restriction on the right of an individual member of a minority must be shown to have reasonable and objective justification and be necessary for the continued viability of the minority group as a whole. But most importantly, collective rights are not to be used by the group against one of its members, but to enable these individuals to come together voluntarily and enjoy their rights together.

The question is how to enshrine collective rights which prevent conditions of inequality and injustice without sacrificing some of the basic goals of individual human rights such as liberty, equality and social justice. This is a basic dilemma faced by a human rights approach to conflict resolution. By striving against cultural monism and entering into a sustained dialogue where differences are acknowledged and participants are willing to learn and change, we may find the space for a genuine global human rights discourse that redresses the imbalances and inequalities among the various groups.

Figure 2.2 summarizes the different types of human rights, the invocation of which can affect conflict transformation, and their possible contradictions.

The relationship of human rights and conflicts

Human rights and securitization

Despite the possible contradictions between the articulations of different human rights, the literature sees human rights as an overwhelmingly



Figure 2.2 Different types of human rights and conflict transformation

positive, i.e. desecuritizing, factor in conflict transformation. Our discussion has shown that there are a variety of human rights, codified and institutionalized in a number of international treaties and organizations. However, the invocation of human rights does not always have a desecuritizing effect.

On the most fundamental level, the invocation of a human right at least implicitly also always refers to a securitization. The origin of human rights as protection against excessive interference by the authorities illustrates that the very articulation of a human right is also the articulation of an existential threat. The human right marks the border between the acceptable and the unacceptable; its invocation articulates the *de facto* or threatened transgression of that border. Indeed, as Roe (2004) argues, in the case of collective rights, group identities are often tied into the articulation of minority rights so that their very existence depends on the securitization in the invocation of such rights.

Especially in the early stages of a conflict, reference to human rights will therefore often be a securitizing move. In some instances, such a reference will take the form of the articulation of a human rights violation that previously had not been perceived as such. In such cases, the invocation of the human right only establishes the conflict. In other cases, human rights will be drawn upon as additional “ammunition” in an already established conflict. In both of these instances, the securitizing effect of the invocation of a human right does not mean that the latter is always a bad thing; indeed, in many instances the articulation of a human right even if it instigates or intensifies conflict will lead to positive societal developments in the long run because of the undoing of injustices. However, in our analysis of the role of human rights in conflicts we need to keep in mind that, especially in the earlier stages of a conflict, the invocation of human rights does not necessarily lead to desecuritization in the

short or even medium term, and that actors may have to choose between the competing norms of maintaining peace and fighting what they perceive as human rights violations. Following Roe (*ibid.*: 292–293), one may argue that it is an illusion to believe that exclusive rights articulations can be desecuritized at all, in which case a conflict management strategy of containing them may be the best option. Yet we would like to insist on the principal possibility that such rights can be articulated so they are not exclusive in character (see Chapters 10 and 11).

Even in later or post-conflict stages, the invocation of human rights still carries securitization with it. However, this can now take the form of a historical reference with a desecuritizing effect. Such “historical” securitizations provide founding myths through which identities are constructed, but they are directed against a historical “self-as-other” rather than a contemporary other (Diez, 2004; Wæver, 1996a, for the case of Europe). Thus many post-conflict constitutions inscribe the memory of violations of human rights in the past into the institutional framework and therefore the identity of a society. This inscription can aid the healing of rifts, as suggested in the third positive impact of human rights on conflict transformation set out above (see Figure 2.1).

Another source of a securitizing effect of references to human rights is the controversy about their nature. Different conflict parties can invoke different human rights which in a particular conflict situation may not be easily reconcilable. Thus, as the debates of the 1970s showed, the invocation of the right to economic well-being may be articulated as overriding the right to free speech. Indeed, even political rights themselves are not unrestricted, and the right to free speech, for instance, can come into conflict with the right to religious expression. Some can also invoke human rights that others do not consider as such – property rights are an example that is relevant in a number of conflict cases, including Cyprus and Israel/Palestine. In all these cases, the invocation of ostensibly universal human rights serves to reinforce the position of one conflict party over another, and usually projects the other party as violating these rights and therefore presenting an existential threat to the integrity of the first party.

We are now in a position to formulate two working hypotheses and a number of conditions for the role of human rights in conflict transformation.

Hypotheses on the role of human rights in conflict

The institutionalization and regularized observance of human rights can contain conflict and move it into peacefully managed political processes, as the conflict management literature suggests. Such a focus on political institutions and the rule of law can also be found in Habermasian

approaches to societal organization. Within international relations, authors like Risse, Ropp and Sikkink (1999), for instance, also suggest a linkage between international human rights norms, their domestic implementation and the long-term change of human rights practices. The institutionalization of human rights may also bring about the recognition of individual needs expressed in human rights, and may lead to the healing of rifts and the transformation of a societal identity. Our first hypothesis on the role of human rights in conflict transformation is therefore that:

An institutional guarantee of human rights may prevent the escalation of ethno-political conflicts, in that it acts as an institutional constraint. It provides recognition of individual needs, transforms societal identity and is able to channel political claims by (ethnic) groups. Therefore it makes the articulation of human rights less subject to securitization.

This, of course, may be a rather obvious and uncontroversial proposition. However, although it may sound intuitively correct, its accuracy still needs to be assessed, not least because it relies on the assumption that norms, and in particular codified norms, provide boundaries of legitimate discourse and have an effect on conflict behaviour.

In contrast to the institutional guarantee, our discussion above leads to another hypothesis:

The invocation of human rights, in particular in the early stages of a conflict, often represents a securitizing move and is therefore likely to lead to conflict intensification in the short and possibly medium term, although in the long term positive conflict transformation may well be based on human rights initially articulated in such securitizing moves.

Whether or not the invocation of human rights leads to desecuritization will depend, among other things, on the response from those who are accused of human rights violations. The first hypothesis suggests that this is more likely to be positive if human rights are codified and institutionalized. This discussion, however, leads us to the conditions that may influence the occurrence of the linkages between human rights and conflicts proposed by the two hypotheses.

Before we discuss these, we should note that we have not proposed a hypothesis on the relationship between human rights violations (as opposed to articulations) and conflicts. This is because while we consider human rights violations as part of the conflict itself, we argue that such violations do not take place without a wider discursive context in which they are embedded. Victims may respond to violations with securitizing

moves that invoke their existentially threatened identity in order to legitimize urgent action against their perpetrators. Even perpetrators usually make an effort to justify their violations by reference to a threat against the prevailing political order, and thus also rely on securitizations. As a measure of conflict intensity, the spread and frequency of securitizing moves are therefore more useful than the number of human rights violations as such, which focuses only on one side of the conflict and only on its most violent stage. We differ on this point slightly from other attempts to link human rights violations with conflict, such as the Leiden-based Interdisciplinary Peace Research Programme on Causes of Human Rights Violations, which uses human rights violations as indicators for the likelihood of armed conflict (cited in Miall, Rambotham and Woodhouse, 1999: 101). In our framework, armed conflict represents an escalation of a conflict, and we use the discourse about human rights violations as the crucial indicator for such escalation.

Conditions for the facilitation of conflict transformation through the invocation of human rights

Perhaps more interesting than our two principal hypotheses are the conditions which may facilitate or hinder the impact of human rights articulations on conflict transformation. Our discussion of the literature in the previous sections has thrown up a number of possible conditions, which we will now summarize. These conditions influencing the impact of human rights articulations on conflict transformation will then be integrated and expanded in Chapter 3, which introduces explicitly the civil society dimension of our study.

Actors

Do different actors matter in different ways? What are the chances of marginalized groups articulating alternatives to become dominant? What are these alternatives? Are there correlations between the specific articulation of human rights and specific types of actors in conflict contexts? As elaborated in the next chapter, this allows and indeed implies a wide definition of civil society that is not restricted to NGOs specifically working towards positive conflict transformation. Terrorists can therefore be seen as part of civil society, although the way they articulate their political claims and (presumably group) rights is securitizing and therefore detrimental to (positive) conflict transformation. There is also the question of international involvement. Risse, Ropp and Sikkink (1999) give prominence to the importance of international networks, but Newman (2002) argues that international actors can only assist local forces and actors in

introducing more forcefully the presence of international standards of human rights and accountability. Indeed, we also know that the involvement of outside actors can sometimes be counterproductive if those actors themselves are constructed in a securitizing way, for instance as “imperialists” or “neo-colonialists” (see Demetriou, 2008, for the case of EU involvement in Cyprus; Newman and Yacobi, 2008, for the case of Israel/Palestine).

Type of invoked rights

The invocation of human rights can take various forms, and the consequences may depend on this. There are at least three dimensions to this condition. Firstly, we have seen that some rights can be articulated as both individual and collective rights, and it needs to be assessed whether actors are better advised to pursue the individual or the group route. Secondly, although the invocation of human rights may involve a securitizing move, we should keep open the possibility that, other than in the instance of historical references, collective rights in particular may be articulated in such a way that they do not represent contemporary others as an existential threat. The literature suggests that this may at least theoretically be an option, although such articulations have historically been marginalized (see Ashley and Walker, 1990). A condition facilitating the desecuritizing impact of the invocation of human rights seems to be that rights are articulated so that their prospective benefits do not serve the interests of one conflict party only. Whether human rights are invoked to the benefit of all or only a specific conflict party will often be contested. It is this contestation, however, that can be treated as an indication of an alignment of human rights with the interests of one side of a conflict.

Furthermore, we have argued that human rights can have an integrative function in de-escalation or post-conflict reconstruction. Such integration may be facilitated if the articulation of a human right leaves its exact interpretation sufficiently open so that it can be positively “appropriated” by different conflict parties (cf. Bonacker and Brodocz, 2001: 182). If the interpretation of a particular norm is all too fixed, conflict about this norm is more likely (see Wæver, 1996b; Diez, 2006 for a similar argument regarding the progress of European integration). To the extent that human rights have an integrative function they need to be sufficiently open to allow for different interpretations, while at the same time the demands of legal discourse are such that their formal meaning has to be specified sufficiently so that they bear legal force. Thirdly, on a more mundane level, the medium through which human rights are articulated may make a difference. A novel or movie that thematizes human rights violations will presumably have a different effect than an academic report; a newspaper article will be different from a television documentary.

Timing

Our second hypothesis already indicates that the invocation of human rights may have different effects, largely through different reactions by other conflict parties, depending on whether it occurs early in the conflict or at a later stage of already ongoing de-escalation. In terms of outside intervention, a strict chronological approach where relief assistance was followed by reconstruction and then development has recently been challenged (Fisher, 2004). However, even here the importance of timing as such has not been given up, but rather refocused on the early recognition of degeneration and the early application of measures for effective prevention of violence, resembling a “longer term approach, aimed at addressing the structural causes of conflict and fostering institutions which will promote the kinds of distributive and procedural justice that have been shown to make violent conflict less likely” (Peck, 1998: 3). This reflects an agenda for prevention that incorporates development, democracy, human rights and peace, and is based on the key principles of the recent debate on human security.

Domestic institutional context

We expect the design of a constitution and other societal institutions to have an impact on how successful the desecuritizing effect of the invocation of human rights is. Federalism, consociationalism, the guarantee of autonomy and other constitutional arrangements are all predicated on the assumption that the enshrinement of collective rights in particular ways is able to channel political claims by (ethnic) groups and so make the articulation of collective rights less subject to securitization (cf. Føllesdal and Butenschøn, 2006; Butenschøn, 2006). As states are hostile to the idea of self-determination as secession because it endangers territorial integrity and because of the normative implications of secession in terms of “ontology”, to use Campbell’s (1998) term introduced above, other more accommodating arrangements seem to be preferable. These include federal government, decentralization in which the units of local and regional administration enjoy a large measure of autonomy, consociational instruments like quota systems, shared rule, segmental autonomy and the protection of minorities and disadvantaged groups (Lijphart, 1977). Within these arrangements lies the possibility for a group to assert its right to partake in the affairs of the state to which it belongs.

Overall domestic development

Referring to the domestic context in which human rights articulations take place, it is of course not only the political system that strengthens or undermines the impact of human rights articulations on conflict

transformation. It is commonly assumed, for instance, that economic development helps positive conflict transformation and makes it easier to install human rights in the institutional framework of a society. At the same time, however, human rights may help economic development, for instance through the provision of a stable institutional framework that attracts foreign investment. Besides the economy, there are other broader societal developments that are tied up with the articulation of human rights in similar ways, for instance the dominant historical narratives of a society, or even successes in sporting events.

Conclusion

All in all, our aim in this chapter was to develop a framework for the analysis of human rights invocations and their impact on ethno-political conflicts. We argued that the relationship between human rights and conflict is more complex than is often appreciated, that conflict is best understood discursively and that the concept of securitization allows us to engage in a differentiated analysis of the relationship between human rights invocations and conflict. We also emphasized, however, that the context of securitizing or desecuritizing moves is crucial for their chances of success.

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3

Conflict society and human rights: An analytical framework

Raffaele Marchetti and Nathalie Tocci

Introduction

It is widely recognized in the literature that civil society plays a key role in fostering democratic governance in peaceful societies. Yet the political significance of civil society may be far more prominent in contexts marked by conflict. Being characterized by a higher degree of politicization and a less structured institutional setting, conflict situations may generate a more intense mobilization of civil society. Here politicization is of a qualitatively different nature, as it occurs in view of the life-or-death nature of politics. Contrary to peaceful contexts, in conflict situations the existential nature of politics and the securitizations that follow generate different societal incentives to mobilize (Buzan, Wæver and de Wilde, 1998). The cross-sectional nature of existential or securitized politics thus yields a quantitatively higher degree of public action spanning different sectors in society. The different understandings of the causes of conflict and the adequate responses to them may in turn lead to the formation of civil society actors and ensuing actions that can fuel conflict, sustain the status quo or promote peace. It is in this context that civil society actors appeal to and politicize human rights in order to gain legitimacy and support. Within this context and building on Chapter 2, the aim of this chapter is to identify the determinants which affect the differing impacts of civil society on conflict. The purpose is to provide the ensuing case study chapters with a common analytical framework to structure their findings.

In order to tackle the interrelationship between civil society and conflict, this chapter is structured as follows. In the literature, civil society has been normally discussed and analysed in Western, peaceful, democratic and developed contexts. Because of this we begin by analysing the implications of context on civil society, and more precisely the implications of statehood, democracy, nationalism, development and international presence for the nature of civil society. Next we introduce more specifically the role of civil society in conflicts, and define what we call a “conflict society”. Finally we turn to different factors determining the impact of civil society on conflicts. In particular we analyse the impact of their political identities, frameworks of action and the political opportunity structures in which they operate. We conclude by mapping the analytical steps to be followed by the ensuing empirical chapters when exploring the role of civil society in the four selected conflicts.

Civil society in context

The theoretical and empirical study of civil society – from Hobbes to Habermas, up until the recent literature on global civil society – sprang from specific historical, political and socio-economic backgrounds. These contexts shaped both the views of the authors in question and the nature of the object of study: civil society. The early philosophical debates on civil society emerged from and were grounded in the West, in contexts of state formation (Hobbes and Locke), emerging capitalism and class struggle (Hegel and Marx) and democratization and democracy (Gramsci and Habermas). Likewise, in the 1970s and 1980s civil society activity and literature were firmly grounded in the West, having played an active role in issues such as nuclear disarmament, environmental sustainability and gender and race struggles. The more recent wave of civil society literature since the end of the Cold War is also solidly grounded in the West, this time couched in the wider framework of globalization and international relations studies.

The specific contexts in which this literature is embedded are often taken for granted. Rarely are the implications of context in the development of civil society openly acknowledged and taken into account (Lewis, 2001; Glasius, Lewis and Seckinelgin, 2004; Weissmann, 2008). Yet a study of the role of civil society in conflict-ridden areas lying beyond Western Europe must account for the role and implications of context. Hence a first variable in our analysis of civil society in conflict is the context within which it operates. In this respect, several core questions need to be raised at the outset. Can and does civil society exist in contexts of failed states, authoritarian rule and ethnic nationalism, underdevelopment or over-

bearing international presence? The underlying premise of this chapter is that civil society can and does exist in these situations. Yet its nature as well as its role and functions are fundamentally shaped by the specific context in question. In so far as civil society is both an independent agent for change (Putnam, 1992) and a dependent product of existing structures (McAdam, McCarthy and Zald, 1996), we are likely to encounter a wide range of civil society actors, including both “civil” and “uncivil”, carrying out a wide range of actions. More specifically for the purpose of this chapter, several general contextual categories need to be briefly discussed in order to qualify and better understand the specific contexts in which civil society in conflict operates.

The first and most basic general contextual distinction is whether civil society operates in a state or non-state context, or more widely in a failing or failed state context. The early debates viewed civil society as either synonymous or inextricably intertwined with the state (Hobbes, Locke). In more recent studies, while occupying the space between the state, the family and the market, civil society is conceptualized as interacting with the state, both influencing and being influenced by it (Chazan, 1992: 281). As such, the lines separating the state from civil society in practice remain extremely blurred, complex and continuously renegotiated. Furthermore, many studies on non-governmental organizations (NGOs) argue that these are often linked more to the state than to society (Ferguson, 1990). The state thus inevitably shapes the nature and role of civil society. This is even truer in the post-post-Cold War era, where often the legally recognized state is failed or failing, while a functioning state structure remains in a legal limbo of international non-recognition. When a state does not exist or is weak, fragmented or failing, the already blurred lines separating the state from civil society become even fuzzier. In these situations, civil society comes to occupy part of the space normally filled by the functioning state. Yet without the laws and rules governing society, civil society organizes alternative systems of self-help and tribal justice; informal forms of governance that civil and uncivil society actors alike establish and are shaped by. When states are weak or failing, patronage and corruption are likely to influence the nature and role of civil society. This is because civil society is induced to fill the void left by the state by providing services to the population, yet doing so by interacting with underground and illegal channels of the “shadow state” (Transparency International, 2005). Finally, where a recognized state exists but lacks sovereignty and independence, civil society is often disempowered and deresponsibilized by the absence of a sovereign interlocutor at state level (Belloni, 2001).

Even when a state exists, a second contextual condition shaping civil society in conflict is the actual nature of the state in question. In so far as

civil society needs to be both permitted and protected by the state, its existence, nature and role are determined by the degree of democracy, delineating the extent of associative freedom, as well as by the existence of other basic rights and freedoms normally enshrined within democratic states. When these rights and freedoms are curtailed, civil society is likely to develop beyond legal boundaries, often aiming to subvert the state rather than interact with it, thus problematizing further the distinction between civil and uncivil society actors. Even within the confines of formally democratic states, the shape of civil society is affected by the specific nature of the democracy in question. In nationalistic states, civil society is more likely to include some “uncivil” actors pursuing racial or xenophobic agendas (Yishai, 2002). In democracies with a strong military presence and militarized culture, civil society is often associated with the push for democratization and the civilianization of politics (Seckinelgin, 2004). In democracies founded upon a strong ideological consensus (e.g. Zionism, Kemalism), civil society acts in surveillance and critique of the state within clear albeit unspelt ideological confines, after which the “socio-cultural reflex” contracts and civil society – in unison with the state – acts to counter real or perceived threats to the established ideological order (*ibid.*).

A third contextual condition in conflict situations is socio-economic underdevelopment, which favours the presence of traditional over modern associational forms. Gellner (1995) argues that whereas “modularity” characterizes civil society, “segmentalism” marks traditional society. The modular society essentially exists in the developed world. It is characterized by voluntarism and performs modern civic functions. By contrast, in a segmentalized society, often found within developing contexts, civil society is characterized by a far more prominent role of non-voluntary associations (family, tribe, ethnic or religious communities) over voluntary ones. Often the bonds, loyalties and solidarity that these associative forms engender are far stronger and more tenacious than those found in voluntary groupings. As such, while non-voluntary associations in these contexts may curtail gender and other rights in the private sphere, they also tend to be in a stronger position to carry out many of the “modern” functions normally performed by civil society in developed contexts (e.g. the health and education services provided by religious charities). Excluding these groups from the analysis would entail missing much of the civil society activity in developing contexts (Varshney, 2001).

The nature and role of the international community constitute a final contextual feature shaping civil society. An overall global trend is traceable of states playing a diminishing role as service providers both domestically and internationally, leading to the privatization of world politics. Within this trend, a new global political opportunity structure has materi-

alized in which civil society actors have flourished both locally and transnationally (Anheier, Glasius and Kaldor, 2001; Pianta and Marchetti, 2007). This has meant that many of the functions previously performed by governmental actors have been reallocated to civil society in the fields of development and security. Since the 1980s, development assistance has been increasingly channelled through NGOs (Sogge, 1996). Developed states and international organizations have outsourced the implementation of aid programmes to local and international NGOs, while mediating and retaining political discretion regarding overall direction (Fisher, 1997; Chandler, 2001). In a wide variety of cases, scholars have demonstrated that by promoting particular types of civil society (e.g. NGOs, also dubbed “non-grassroots organizations”), the donor community weakens civil society organizations (CSOs) that have veritable ties to society and respond to local societal needs. Donors also create a dislocated new civil society, which is technical and specialized in mandate, neo-liberal in outlook, urbanized and middle class in composition and responds to the goals of the international community rather than of the society in question (Fisher, 1997; Belloni, 2001; Shawa, 2004; Pouligny, 2005; Jamal, 2007; Challand, 2008). Equally, the changing international security agenda has shaped the nature and role of civil society. Since the 1990s, in view of the wave of humanitarian interventions, many peacebuilding functions have been transferred to the private sector and civil society (Brahimi Report 2000; West, 2000; Terry, 2003; Abiew and Keating, 2004; Richmond and Carey, 2005; Goodhand, 2006). Liberal humanitarian and relief organizations, politically or financially coopted organizations and militarily embedded organizations have mushroomed. Since the new millennium, the turn in global politics with the “global war on terror” provided a further change in the role of (some) CSOs, through their “embeddedness” and connivance with state-waged wars. Hence, while at times representing a rooted and counter-hegemonic force of resistance, CSOs have also acted as a dependent functional substitute within the neo-liberal paradigm.

Conflict society and political identities

Ethno-political conflicts have been defined as a struggle between peoples, self-defined in ethnic terms, who articulate their respective needs and wants in mutually incompatible ways. As opposed to peace, conflict (defined in Chapter 2 as an incompatibility of subject positions) can either not be manifested publicly at all, i.e. in conditions of latent structural violence, or it can be manifested through violence or non-violent means (e.g. political activism). The source of the incompatibility is inextricably tied to the very definition of the group: an ethnic definition which is politically

constructed as primordial, non-voluntary and exclusive in nature and defines itself in contrast to an external “other”. Ethno-political conflicts are in fact characterized by a public discord either between the state and significant parts of society or between different parts of the population. The discord and division are claimed on the grounds of identity defined through ethnicity: a multiple concept that refers to a myth of collective ancestry. Central to this concept is the notion of ascription and affinity. Ethnic identification is thus often based on the prioritization of birth over territory.

Turning to civil society, the actorness of civil society includes both political identities and frameworks of actions. As for the political identities, the literature is largely embryonic. Considerable attention has been devoted to global civil society and transnational social movements (Tarrow, 1994), and more specifically to their role in preventing and resolving war (Kaldor, 1999, 2001; Douma and Klem, 2004; Forster and Mattner, 2006); yet insufficient attention has been devoted to the role of local civil society in conflict creation as well as in prevention or resolution. When local civil society is taken into account in the literature on nationalism, civil actors are often characterized as negative agents in fundamentalist or nationalistic struggles, rather than as potential agents for peaceful transformation (Kaldor and Muro-Ruiz, 2003). In transition studies, local civil society is often seen as a player in democratization, diplomacy and economic modernization (Weiss, 1997) – that is, in a liberal “peacebuilding” and “peace-consolidating” mode (Richmond, 2005). Yet the role of local civil society during conflict periods is often overlooked. In development studies recently coupled with security studies, civil society in conflict is normally taken to mean Western-style international NGOs and local Western-funded liberal NGOs (Lopez, 1998; Chandler, 2001; Terry, 2003; Goodhand, 2006), thus ignoring the wider civil society space beyond NGOs. In what follows, we examine the specificity of local and international civil society in identity-based ethno-political conflicts.

The term “civil society” encompasses a wide variety of actors, ranging from local to international, independent and quasi-governmental players. Conflict tends to shape the identity and actions of CSOs. Because of this we focus on these groups in particular, defining them as “conflict society”. Conflict society comprises all local civic organizations within conflict contexts and third countries, as well as international and transnational civic organizations involved in the conflict in question. By coining the term “conflict society” rather than simply relying on the looser definition of “civil society in conflict”, we wish to convey the understanding that in conflicts, more so than in other contexts, civil society encompasses both “civil” and uncivil” elements. However, using the definitions “civil” and “uncivil” society would convey the false understanding that the two types of actors are easily separable.

Table 3.1 CoSO typology

Type of track diplomacy	Actors
<i>Professional</i>	Technical experts, consultants
<i>Business</i>	Businessmen Trade unions Professional associations Organized crime networks
<i>Private citizens</i>	Individual citizens Diaspora groups Families and clans
<i>Research, training and education</i>	Special interest research centres Think-tanks Universities
<i>Activism</i>	NGOs Lobby groups Grassroots social movements Local communities Combatant groups
<i>Religion</i>	Spiritual communities Charities Religious movements
<i>Funding</i>	Foundations Individual philanthropists
<i>Communication</i>	Media operators

Source: Adapted from Diamond and McDonald (1996).

Conflict society actors are not uniform; they include a diversity of different organizations. Adapting the multitrack diplomacy model originally elaborated by Diamond and McDonald (1996), we can formulate a provisional list of the main conflict society organizations (CoSOs; see Table 3.1). CoSOs are both local and international groups that take an active part in a conflict. They include conflict specialists, business, private citizens, research and education, activists, religion-based groups, foundations and the media. Despite a likely membership overlap between different categories, these eight groupings are sufficiently delineated to allow a precise identification of the different civil society actors in conflict. This listing of CoSOs allows us to delimit the space of the actors under scrutiny.

Turning back to the impact of conflict society, and having discussed its contextual conditions, a second key determinant is the identity of CoSOs. In this regard, one fundamental variable is the degree of inclusiveness of membership and of the targeted public. Roughly speaking, the two extremes are an inclusive and universalistic approach and an exclusive and

Table 3.2 CoSO identities

	Inclusive	Exclusive
Egalitarian	<i>Civic/post-national</i>	<i>Multiculturalist</i>
Non-egalitarian	<i>Assimilationist</i>	<i>Ethnicist/racist</i>

particularistic one. Either a group is open to accept as members or receiving agents all those involved in conflict, or it focuses only on a limited section of the population demarcated by ethnic boundaries. An inclusive outlook entails either the promotion of a single cultural identity or the creation of a civic or multitiered hybrid identity. An exclusive outlook bases its approach on the existence of primordial and unchanging identities. Another fundamental variable characterizing CoSO identities is their egalitarian or non-egalitarian nature. An egalitarian CoSO accepts as equal all actors across the conflict divide, while a non-egalitarian approach attempts to assert the primacy of one group over another. If we combine these two variables, we can identify four main CoSO identities determining their overall normative outlook on the conflict (Table 3.2). Needless to say, these identities are stylized, and in reality most CoSOs will display different combinations, changing over time. Yet marking such distinctions provides a necessary frame of reference to understand the identities of the actors in question.

A civic or post-national identity emerges from CoSOs with an inclusive and egalitarian outlook. Contrary to other categories, this is the only identity that places primary emphasis on the individual. It thus promotes either a liberal civic (as opposed to ethnic) identity or it accepts and fosters multiple identities freely chosen by each individual (Habermas, [1998] 2001; Sen, 2006). These groups may include international NGOs with a liberal civic outlook, such as Human Rights Watch, Médecins Sans Frontières (MSF) or Amnesty International, or local bi-communal groups such as Women in Black in Israel-Palestine or the Peace Research Institute Oslo (PRIO) Cyprus Centre in Nicosia. While these groups are normally associated with peacemaking functions, they may also, at times necessarily, escalate conflicts through their securitizing moves, by voicing, monitoring and denouncing previously silenced and repressed facts.

A multiculturalist CoSO is one which, while accepting the right of all actors to an equal footing, recognizes and values their different cultural identities rather than attempting to transcend them (Kymlicka, 2001; Dallmayr, 2003). These may include inter-cultural movements or organizations (e.g. the Tres Culturas Foundation in Sevilla) or inter-religious gatherings (such as the Day of the Prayer in Assisi, inter-faith dialogues

for Middle East peace and the Dialogue of Civilizations promoted by former Iranian president Khatami). Especially when inter-religious groups at international levels highlight and denounce the non-egalitarian treatment of specific communities within conflict contexts, they may raise, at times necessarily, awareness and induce the counter-mobilization of discriminated communities. These movements can be either élitist or grassroots.

An assimilationist CoSO is one which accepts the ideal of promoting an undivided society, but does so in a non-egalitarian fashion by promoting a homogeneous society in which the dominant ethnic group asserts its own identity over the others. These may include militant groups such as the Grey Wolves in Turkey, which, while highlighting the importance of Turkishness over and above other identities, is prepared to accept and encourage the assimilation of other groups into the Turkish nation. If others comply they are accorded equal treatment within the state. While different in terms of strategies and actions, other assimilationist groups and practices include born-again Christians in the United States, Islamist fundamentalists and the practice of ethnic rape in war.

Finally, the racist/ethnicist CoSO is exclusive and non-egalitarian in outlook, believing in the primacy of a single and primordially given and thus non-assimilable identity. It advocates either ethnic cleansing or an effective apartheid system with permanent second-class citizenship. Examples include far-right Israeli transfer movements (i.e. Amihai) calling for the expulsion of the Palestinians to neighbouring Arab countries, the Ku Klux Klan in the United States and the Australian Holocaust-denying Adelaide Institute.

Conflict society and frameworks of action

Another variable in our study of civil society's impact on conflict is the framework of action within which organizations operate through their human rights articulations. Drawing on Chapter 2, here we refer first to theories of ethno-political conflicts and then to the principal theoretical approaches used in conflict and peace studies. In doing so, we analyse CoSO involvement in conflict escalation, management, resolution and transformation. We also examine the specific forms of actions they may be involved in and hypothesize the impacts they may have.

Conflict escalation

We have defined ethno-political conflicts as situations in which groups, self-defined in ethnic terms, articulate their subject positions in mutually

incompatible ways. Once such incompatibility is publicly affirmed, ethnic affiliations begin permeating unrelated sectors, organizations and activities, thus raising starkly the stakes of ethnic politics in society. As Horowitz (1985: 12) puts it:

In divided societies, ethnic conflict is at the centre of politics. Ethnic divisions pose challenges to the cohesion of states and sometimes to peaceful relations among states. Ethnic conflict strains the bonds that sustain civility and is often at the root of violence that results in looting, death, homelessness and the flight of large numbers of people. In divided societies, ethnic affiliations are powerful, permeative, passionate and pervasive.

This progressive spread of ethnic-based subject positions can result in ethnically divided societies which are conventionally divided in ranked and unranked systems (*ibid.*: 22). The distinction rests in the possible overlap between social class and ethnic origin. In ranked systems ethnicity is strictly related to social class or caste structures. Linked to this, a hierarchical ordering (associated with ranked systems) as opposed to a parallel ordering (associated to unranked systems) of society also profoundly affects the development of conflict. Furthermore, the ethnic group may be internally ranked according to relations of power, in which women and minorities are likely to be subordinated. For instance, in ethnically ranked systems, when a single ethnic group dominates a powerful public institution, the risk of that institution being used for ethnic purposes and discrimination is high. Where ethnically divided societies are marked by ranked systems, the tension between greed and grievance increases on the inside and the scope for legal and institutionally negotiated accommodation falls, often leading to the counter-mobilization of the discriminated group beyond legal and institutional boundaries.

In these situations, the discriminated group may engage in underground non-violent action or violent action, shifting the conflict from latent to active stage. Within this stage of conflict escalation the external dimension is also significant. Local CoSOs may appeal to transnational norms in their quest to gain power and legitimacy, often in coordination with third-party international and transnational CoSOs (Keck and Sikkink, 1998; Risse, Ropp and Sikkink, 1999). In so far as the victims are often denied access to local normative and political resources, they are induced to appeal to external resources as the only means to influence the local balance of power (the “boomerang effect”: Risse-Kappen, 1995; Tarrow, 2001; Tilly, 2001; della Porta and Tarrow, 2005). This means conflicts often manifest themselves locally through high-intensity intra-border ethnic tensions and violence and internationally by appealing to laws and rights, which may be strategically used and at times manipulated to escalate conflict (Arielli and Scotto, 1998; Kaldor, 1999; Roach, 2005).

In these situations, local, international and transnational CoSOs can play a crucial role in the successive phases of conflict eruption and escalation (Calliess and Merkel, 1994; Weiss, 1999; Cockburn, 2000; Marcon and Pianta, 2001; Davies and Kaufman, 2002; Fischer, 2006). They can discursively contribute to the securitization of conflict by raising awareness of conditions of latent conflict through mass demonstrations, media diffusion, public assemblies, monitoring and denouncing activities. They can also ignite conflict in its violent stages by organizing and activating combatant groups and guerrillas. At the international level, they can call for indirect support through funds and arms, or lobby for the direct involvement of the international community in the conflict (e.g. through mediation or war).

Beyond the study of conflict and the impact that CoSOs may have on conflict escalation, different approaches, linked to different schools of thought, may be applied to de-escalate conflict and induce reconciliation. In the sections that follow we overview these different approaches and the potential role played by CoSOs.

Conflict management

Realist and neo-realist approaches to conflict studies traditionally emphasize the notion of management and settlement (Kressel and Pruitt, 1989; Kriesberg and Thorson, 1991; Bercovitch and Rubin, 1992). Given the endemic nature of conflict, its management or settlement is the only realistic aspiration. The actual content of an agreement, and the system of governance it gives rise to, is of secondary importance in comparison to the traditions of conflict resolution and transformation discussed below. An agreement can be achieved through negotiation between conflict parties, incentivized by external actors preferably engaged in principal mediation through the use of sticks and carrots, which are aimed at creating a “hurting stalemate”. The creation of such a stalemate is expected to generate incentives for a negotiated agreement. As put by Touval and Zartman (1985: 125) “both [conflict parties] must perceive a plateau ... as a flat, unpleasant terrain stretching into the future providing no later possibilities for decisive escalation or for graceful escape”. Within this tradition, states or state-like actors, in the form of either conflict parties or third parties, are the principal players in the conflict settlement game. The value of CoSOs is either secondary, marginal or non-existent. This is particularly true with regards to gender, where in the conflict management tradition not only are CoSOs treated as a “black box”, but relations of power along gender and racial lines are generally accepted or ignored. The second Iraq war is a blatant example of this, where the drafting of the Iraqi constitution involved bargaining between political parties

representing different ethnic and religious constituencies, yet ignored women's groupings and interests.

At best, CoSOs tend to play secondary roles in conflict management. Only rarely do conflict parties turn to official mediation by a CoSO rather than by third states or international organizations. As such, CoSOs are often not directly involved in peace processes, intended in this school of thought primarily as the process leading to a peace agreement. Notable exceptions are Sant'Egidio's successful mediation of the conflict in Mozambique between 1990 and 1992 and the back-channel contacts facilitated by Norwegian non-state actors in the run-up to the 1993 Oslo Accords between Israelis and Palestinians. Normally, CoSOs simply provide support to Track I negotiations. These include unofficial Track II negotiations which prepare the ground for when the time is ripe for the official level to take over and sign a deal (Zartman, 1989). An example of this is how the back-channel contacts among Israelis and Palestinians in Norway became appropriated by the state of Israel and the Palestine Liberation Organization under US auspices, giving rise to the Oslo process in 1993. Secondary roles in conflict management can also be played by think-tanks, research centres or lobby groups, which facilitate Track II diplomacy and provide the necessary information and suggest political direction to the official institutions with which they interact. Examples include the mediation activities of the West Africa Network for Peacebuilding, and the analysis and information provision of research centres such as the Begin-Sadat Center for Strategic Studies or the plethora of private consultancy firms providing counselling on conflict management in all domains. At times, these activities can contribute to the management of conflicts; on other occasions, they may constrain the scope for government manoeuvring, reducing the prospects for compromise. The lobbying efforts of the American Israeli Public Affairs Committee, as a third-party (i.e. American) CoSO on the Israeli-Palestinian conflict, and the Armenian diaspora in France and the United States regarding Turkish-Armenian relations are notable cases in point.

Ripe conditions for the management of conflict may also emerge due to a contextual change. There may be a change in the domestic environment within a principal party, such as a change in leadership or a deterioration in the economy inducing leaders to raise their popularity through a foreign policy success (Stedman, 1991). Ripeness can also emerge from changes in the international environment, such as changing alliances with ensuing consequences on the conflict configuration. Ripeness, however, is not necessarily the product of coincidental contextual changes. It can also be cultivated. This idea is particularly relevant in cases when conflicts are protracted because principal parties develop vested interests in the status quo. In these cases, CoSOs can shape the context in which the conflict

unfolds, thus contributing to peace by altering the incentive structure underlying conflicts. Business groups, for example, intent on cultivating a business- and investment-friendly environment, can lobby governments to normalize the situation on the ground. An example of how economic actors influence the political domain in conflict contexts is the Turkish business association TÜSİAD in Turkey's Kurdish question. Particularly since the late 1990s, TÜSİAD has been extremely vocal on democratization issues, including the Kurdish question, intent on promoting Turkey's reform process and the accompanying EU accession for business-related reasons. Conversely, CoSOs may influence conflicts by operating on the economic incentive structure – hence, for example, the grassroots boycott campaigns against South African goods in the 1980s or the boycott, divestment and sanctions campaign against Israel in recent years. Likewise, the media may shape public opinion in a manner conducive to conflict settlement, by inducing the public to pressurize their respective governments into signing peace agreements, as was the case in northern Cyprus in the run-up to the 2004 referendum on the UN-sponsored Annan Plan.

Yet CoSOs can also spoil a conflict context by contributing to renewed periods of deterioration and re-escalation. More often than not, the media focus on short-term and sensational incidents and events, which far from fostering reconciliation can radicalize and entrench public opinions, reducing the scope for official compromise (Galtung, 2002; Wolfsfeld, 2004). Moreover, the media can securitize conflict environments by reproducing hegemonic masculinity/femininity stereotypes. In other situations, humanitarian, relief and service-providing NGOs in war contexts may prolong the status quo by alleviating the costs of conflict. Rather than being viewed in a positive light, the conflict management approach may interpret these actions as the cultivation of “unripe” conditions for a settlement. Hence, for example, in the aftermath of the Oslo Accords, the growing presence of internationally funded NGOs in the occupied territories reduced the costs of Israel's occupation and fostered a disconnect between the Palestinian public and the nascent Palestinian Authority (Jamal, 2007). Both factors contributed to the postponement of a final peace agreement by deresponsibilizing the conflict parties with respect to their populations (Gordon and Filc, 2005; Le More, 2008).

Other CoSO actions such as grassroots activism, people-to-people contacts or inter-cultural and religious dialogue are essentially viewed as marginal to the main area of conflict management and settlement. The potential role of these activities is only considered relevant to the extent that they directly impact upon official positions and actions. In order to account for the relevance of these and other CoSO activities we need to turn to the remaining two schools of thought.

Conflict resolution

Rather than being endemic to human nature, the liberal school of conflict resolution argues that conflict emerges when basic human needs are denied (Burton, 1990). Peace is thus achieved when the basic needs of all people are respected through the establishment of adequate institutions. In and of itself, this is feasible. Yet conflict emerges because the means through which particular groups seek to fulfil their needs (i.e. through “satisfiers”) may mean the negation of those very needs to others. Conflict resolution thus entails the rearticulation of adopted satisfiers through a changed understanding of a group’s identity and interests, in a manner conducive to the fulfilment of basic human needs for all, i.e. choosing mutually compatible satisfiers. Three principal features characterize the approaches through which this is sought. First, rather than power mediation featuring prominently in conflict management approaches, the preferred conflict resolution means are non-coercive and based on dialogue, persuasion and problem solving. Second, while appreciating the importance of official Track I diplomacy, the emphasis in conflict resolution is placed on the involvement of non-élites and the wider society. This is viewed as necessary for veritable conflict resolution, which goes beyond the mere signing of a peace accord. Third, peace initiatives under this school of thought are normally long term, unfolding in stages of both violent conflict and post-settlement reconciliation.

CoSOs play a far more prominent role in conflict resolution than conflict management. Rather than being secondary actors in peacemaking, CoSOs are indispensable actors which encourage the shift from top-down management to bottom-up social reconciliation. Given the focus on activities involving wide sectors of society, conflict resolution emphasizes the roles of some CoSOs more than others. Rather than professional, business and specialized research and training centres concentrating on élite levels, conflict resolution approaches privilege actors engaged in activities targeting wider sectors of society.

These CoSOs play different roles in different stages of conflict. In periods of violence, CoSOs prepare the ground and create the critical mass necessary for a ceasefire and ultimately a peace agreement to be signed. In secessionist conflicts, in view of the fears of official recognition of the secessionist entities, the first contacts between groups in conflict are unofficial people-to-people contacts and problem-solving workshops organized by local or international NGOs, such as International Alert, PRIO or Conciliation Resources. Private citizen initiatives may solve basic problems related to crime or the environment within mixed neighbourhoods in conflict zones. These may work more effectively than official levels, which, deadlocked in conflict, are often unable to tackle problems that

are not directly related to the conflict itself. Schools or universities may engage in peace education projects involving both warring parties and the wider societies, thus building peace constituencies to reconsider the means through which conflict parties pursue their basic needs. Other CoSOs develop capacity-building and training programmes to cultivate social entrepreneurs, who multiply and magnify the impact of peace education. In conflict periods, CoSOs may also contribute to resolution through service provision. Religious charities and NGOs, for example, may provide services that meet the minimum threshold of basic human needs, such as health and education. They may do this in periods of acute violence and destruction when states and at times the international community fail to deliver.

Following the signature of a peace accord, CoSOs work at societal level to encourage contact and reconciliation between conflict parties. Activists such as Oxfam and the Fair Trade Network encourage joint business initiatives between conflict parties. NGOs, foundations and alternative media groups (e.g. Indymedia) encourage peace journalism by local and international journalists in conflict countries, diffusing alternative information and rearticulating conflict narratives. Beyond official truth and reconciliation commissions (e.g. in South Africa), private citizens or religious organizations can also contribute to establishing trust through social reconciliation initiatives (e.g. the Quakers). More generally, activists can reshape the membership base of their activities, encouraging inclusive bi-partisan constituencies and audiences, which, in periods of violence, were difficult if not impossible to establish.

Conflict transformation and peacebuilding

Conflict transformation approaches rooted in critical thinking, while equally concerned with the fulfilment of basic human needs, argue that the rearticulation of identities and perceived interests through psychological, educative and discursive change is insufficient (Lederach, 1995; Galtung, 1996). Conflict, while manifested through the frustration of basic needs, often arises because the existing structural configuration of specific contexts prevents the fulfilment of all needs by all parties. Hence the challenge goes beyond seeking a discursive rearticulation of chosen satisfiers, but requires active change in the structural determinants which give rise to latent or violent conflict. This is related to what Galtung (1969) defines as structural violence: conditions of social injustice, unequal development and discrimination generate the structural precepts of conflict, which may then emerge or not at specific points in time. While theoretically distinct, this relates to what Richmond (2005) conceptually and more broadly defines as third-generation peacebuilding approaches.

Peacebuilding is concerned with issues that go beyond narrowly defined conflict issues (such as territorial readjustments, refugee return, property rights, security guarantees, etc.) to cover the wider economic, political and social make-up of countries before, during and after the end of violent conflict (Marchetti and Tocci, 2011).

In phases of latent violence, CoSOs may locally counter-mobilize discriminated groups in order to protest against identified violations. For example, social movements may promote campaigns reformulating a previously neglected issue or discrimination as problematic, urgent and solvable (Keck and Sikkink, 1998). When an issue is portrayed as existential beyond being merely problematic, the mobilization acquires the features of a securitizing move.

In stages of either active or frozen conflict, CoSOs can help reconfigure the conflict through discursive acts such as norm framing and norm changing. Examples include lawyers' associations which attempt to alter the structural underpinnings of conflict either by raising the (political and financial) costs of persisting violations (through court cases) or by calling for the establishment of new legal frameworks to entrench the respect of violated individuals or groups. Greek Cypriot lawyers pressing Cyprus property cases in the European Court of Human Rights are an example of the former, whereas NGOs pushing for the establishment of *ad hoc* international criminal courts in former Yugoslavia and Rwanda are examples of the latter. Grassroots activism and NGOs may also raise awareness in order to pressurize and constrain specific governmental actions – hence the monitoring, denouncing, shaming and awareness-raising activities of both single-issue campaigns (e.g. Al-Awda Palestinian refugee return campaign; Maschom Watch of Israeli women monitoring abuses at checkpoints; stop the war campaign against the 2003 war in Iraq) and cross-issue campaigns (e.g. Human Rights Watch, Amnesty International). During active violence, CoSOs such as Emergency and MSF may provide humanitarian services (e.g. refugee assistance, relief work). They may also engage in solidarity work (funding campaigns, human shields, human protection and witnessing). These groups include the International Solidarity Movement in Palestine, the Peace Brigades in Colombia and the Zapatista transnational solidarity movement. Yet unlike organizations working in a conflict management mode, these conflict transformation actions attempt to restructure the phase of violent (or frozen) conflict, not only by providing services (and thus alleviating the costs of conflict), but also acting to empower discriminated groups in order to alter the conflict configuration structurally.

Finally, in post-violence situations CoSOs may be involved in capacity building, reconstruction and rehabilitation. This is done through both local and international organizations directly and international groups

concentrating on building local civil society capacity. CoSOs in post-war contexts can also engage in discursive initiatives, such as presenting alternative knowledge to support the long-term transformation of conflict. Examples include the presentation of hitherto concealed information through alternative media, and groups engaged in the rearticulation of historical narratives in a manner conducive to the redressing of past injustices (such as the activities of the Israeli women's group Zochrot, established in 2002 to promote awareness and knowledge of the Palestinian Nakba among the Jewish population of Israel).

Conflict society and the political opportunity structure

Beyond the original context in which CoSOs operate, their identities and their frameworks of action, a final variable shaping their impact on conflicts is the political opportunity structure (POS) in which they operate. Rather than acting as a factor in itself, the POS is the filter during the successive phases of conflict which shapes the impact of CoSO actions. While related to the conflict context categories analysed above, the POS factors remain distinct from them in terms of their role rather than their nature. They deal with domestic institutions (linked to the existence and nature of a state, the degree and type of democracy), with domestic development (linked to the level of socio-economic development) and with external actors (linked to the international presence). Yet the key distinguishing feature of the POS, as opposed to the original contextual categories, is that of timing. This is because time, as opposed to the original conflict situation, impinges dynamically on the impact of CoSOs on conflicts.

Drawing on Chapter 2, a first structural feature determining the POS is timing. In phases of violent and escalating conflict, in which subject positions are polarized, the conflict-fuelling impact of assimilationist and racist/ethnicist CoSOs is likely to be more effective than any attempt by civic or multiculturalist CoSOs to rearticulate conflict identities and objectives. This relates back to Keashley and Fisher's (1996) contingency model for third-party interventions, which argued that in different stages of conflict, different approaches may be more or less appropriate. In other words, there is not necessarily a particular approach or action which by definition is more effective, but a fitting coincidence of right action and right timing. Effectiveness is thus conditioned by the precise moment in which the action is carried out. The case of Turkey is emblematic in this respect. In 1999 the contextual shift generated by the August–September earthquakes created a momentum for the establishment of civic CoSO networks and their greater acceptance by the state. By

contrast, another shift in the POS with the outbreak of the 2003 war in Iraq and the end of the PKK (Kurdistan Workers Party) ceasefire in Turkey has generated an upsurge in Turkish nationalism since 2004–2005. This created a more conducive atmosphere for nationalist/assimilationist CoSOs to operate while reducing the space for manoeuvre of civic or multiculturalist organizations viewed as a “threat” to the country’s territorial integrity.

Two further structural features are linked to the domestic context. One is the existence and nature of the domestic institutional system in the conflict context. This includes the design of both the constitutional and legal setting and the set of public institutions and the actors operating within them (e.g. political parties). For example, the presence of constitutionally entrenched and legally protected associational freedom or the supportive attitude of the authorities shapes the nature and actions of a CoSO and its ensuing impact upon an evolving conflict. The cases of Georgia and Russia illustrate two sides of the same coin. In Georgia, in the early post-Rose Revolution period in 2004, a set of reforms were passed to ease civil society activity (e.g. facilitating registration procedures and reducing tax burdens), although the tight relationship between the Saakashvili regime and civil society reduced the independence and thus the popular appeal of the latter. By contrast, in Russia the 2006 Law on NGOs setting bureaucratically tight and financially onerous requirements for the registration of NGOs and the harassment by nationalist groups sponsored by the Kremlin (e.g. Nashi) have seriously curtailed the space for civic and multicultural civil society actors.

Another domestic feature is the level of overall development, including in economic, political, social and cultural spheres. Hence, for example, the degree to which public opinion is open to non-governmental political action and protest can significantly influence the wider diffusion and consolidation effects of CoSOs. On the positive side, southern Cyprus in the post-1974 period experienced a sustained economic boom which led to the development and transformation of civil society. On the negative side, the progressive de-development of the Palestinian occupied territories during the Oslo period, particularly since the outbreak of the second Intifada, reduced the scope for a flourishing independent civil society. This was aggravated further by the inflow of Western funds, which weakened the indigenous civil society domain while cultivating a coopted yet ineffective NGO sector (Jamal, 2007; Challand, 2008; Le More, 2008).

A final structural feature constituting the POS is the role of the international system and the actors operating within it. Hence in a situation in which the international community converges on war, pacifist CoSOs find themselves marginalized, while combatant groups gain the necessary political and material support for their actions to be effective. The conflict in

Kosovo is an evident case in point, whereby nationalist Kosovo CoSOs were legitimized by the Western support for Kosovo against Serbia, culminating in the recognition of Kosovo's independence in 2008. Alternatively, pacifist CoSOs may enhance their impact by allying with international forces opposing a war, repression or discrimination (Carter, 1992). For example, several diaspora Tibetan groups effectively mobilized the international community in the wake of the summer 2008 Olympic Games in Beijing to support the Tibetan cause and exert pressure on Beijing. Yet often the interrelationship between international involvement and CoSOs works in the opposite direction, whereby rather than CoSOs being strengthened by an international alliance, their search for international support alters their very *raison d'être*. Beyond the case of Palestinian civil society mentioned above, another notable example is Bosnia-Herzegovina, where the strong international and EU presence post-Dayton Accords profoundly affected the nature, actions and mode of operation of local civil society actors wishing to win the political and financial support of international actors. The international-local dynamics remain a key factor in understanding the framing and political deployment of human rights discourse (Risse-Kappen, 1995; Risse, Ropp and Sikkink, 1999; Kymlicka, 2008; Tarrow, 2010). In our case studies, special attention will be devoted in this respect to the European Union, as a key and at times dominant international actor in the conflicts under consideration. In the cases under scrutiny, the European Union has both developed policies towards the official conflict parties and engaged heavily with civil society. As such, this book will address the impact of EU engagement with civil society in conflict contexts, particularly as viewed by CoSOs themselves. This analysis will also shed light on the broader impact of international governmental actors in the civil society-conflict-human rights nexus.

Conclusion

The cumulative interaction between context, identity, frameworks of action and political opportunity structures determines CoSOs' impact on conflict. Impact is taken to mean both the direct results of a particular action (e.g. providing refugee relief) and the influence on the wider context underlying a particular manifestation of conflict (e.g. strengthening the international legal framework that ensures the protection of refugee rights and their right of return). CoSOs' direct and contextual impact is determined by the wider conflict context; by the identities of CoSOs; by their actions within the four main frameworks of action; and by the political opportunity structure within which they operate. The identities and

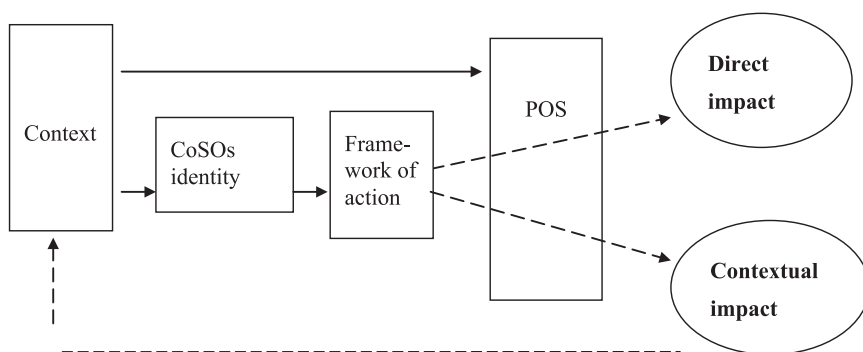


Figure 3.1 Determinants of CoSO impact

actions of CoSOs are influenced by, while at the same time influencing, the economic, political, social, cultural and legal context within which they operate. A spiral causal chain can thus be stylized as follows. Context shapes the identities of CoSOs. These identities determine their goals and frameworks of actions. In turn, the ability of CoSOs to navigate the political opportunity structure of conflicts – critically shaped by the original conflict context – determines their overall direct and contextual impact; the latter of which feeds back into the original conflict context (see Figure 3.1).

Following the insights developed in Chapter 2, we can therefore outline three main macro impacts of civil society in conflict: securitization, non-securitization and desecuritization. Securitization includes all those impacts that exacerbate the causes of conflict, thus worsening the incompatibility of subject positions. As discussed above, this can occur through either discursive actions or activities which alter the context of conflict and thereby fuel its securitization (e.g. securitizing moves such as violence). Non-securitization entails all those impacts which neither augment nor diffuse the underlying incompatibility of subject positions in the short term. They do so by non-securitizing the conflict environment – that is, neither securitizing nor contributing to its desecuritization. At a minimum and most visible level, they operate on the most acute symptoms of conflict, such as extreme violence, poverty, health or destruction, by providing immediate relief. By doing so, they may help desecuritize the conflict environment, thus creating a more fertile ground for tackling its root causes in the long term. In other instances, however, holding actions in the short term may provide the breathing space for a renewed round of securitizations in future (e.g. operations aimed at securing a ceasefire, which may be instrumental in a new round of fighting). Furthermore, widespread low-intensity violence may occur during conflict

holding periods, as the growing levels of domestic violence and violence against women in these situations have shown. In other words, short-term conflict holding impacts do not have a neutral effect on conflicts over time. Holding can either prepare the ground for peace or set the conditions for a relapse into escalation. Beyond conflict fuelling and conflict holding actions, a third general macro impact is that of desecuritization. Desecuritization involves all those CoSO impacts which contribute to reconciling the incompatibility of subject positions by desecuritizing the conflict environment. However, these incompatibilities may be conceptualized differently by the primary schools of thought in conflict and peace studies. It is in this light that we define “peacemaking” as a theoretically neutral inclusive term which includes the different interpretations of peace as provided by the realist, liberal and critical theory schools of thought (conflict management, resolution and transformation).

In the case study chapters that follow we apply the analytical framework developed here, which draws on the theoretical insights elaborated in Chapter 2, in order to discern the impact of civil society on conflicts through human rights articulations in Cyprus, Turkey, Bosnia-Herzegovina and Israel-Palestine.

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Part II

Case studies

4

Human rights, civil society and conflict in Israel/Palestine

Laure Fourest

Introduction

In view of the comparative character of this book and addressing the Israel-Palestine case study, it is important to emphasize the unique character of the conflict marked by a fundamental asymmetry between the parties involved. Given the voluminous written material devoted to the conflict, it will suffice to mention here the major asymmetries: geopolitical (Palestinians living under Israeli occupation); military (Israel as heretofore the only nuclear power in the Middle East); political (Palestinians having no state, thus no sovereignty); economic (glaring gaps in gross domestic product – GDP); and in terms of international support (Palestinians conditionally supported financially, Israel unconditionally supported politically and militarily by the Western states). Although their fates are closely intertwined, Palestinian and Israeli civil societies have grown increasingly and dramatically oblivious to one another since the second Intifada. Asymmetries and separation are two major factors to take into account in order to analyse Israeli and Palestinian civil societies in context. These factors should not be ignored if we want to understand the different uses and understandings of core notions such as peace or democracy in both societies. Indeed, we assume that the various impacts of actions undertaken by civil society depend to a large extent on the uses and understandings of these notions.¹

The conflict context and implications for civil society in Israel-Palestine

Civil society, democracy, peace and human rights in the Israel-Palestine context

Let us begin by addressing how basic notions such as civil society, democracy, peace and human rights apply in the Israel-Palestine context. In the last decades, these notions have been used and overused, if not manipulated, by international and local organizations (referred to as conflict society organizations – CoSOs – in this research). When applied to particular contexts, we can see the extent to which these notions have been loaded with local political connotations and prejudices, and how their supposedly universal meaning has crumbled in the process.

Civil society

As discussed in Chapter 3, civil society is not homogeneous (Marchetti and Tocci, 2009) and its nature differs considerably depending on context. Considering Israeli and Palestinian civil societies together is thus a challenge, given their different compositions and issues at stake. Each is subject to its own internal tensions and conflicts, as well as antagonisms or cooperation with one another. The asymmetry of the situation in Israel and the occupied Palestinian territories (OPT) entails major differences of structure and content of both civil societies – one of the main structural differences resides in the fact that the Israeli CoSOs develop their activities in an environment structured by the state, where the Palestinian ones do not.

However, in spite of what seem to be irreconcilable differences, many similar lines are to be found in their overall structures. Indeed, at the time of the British mandate and before, during the Ottoman era, a unique framework prevailed for all people living in Palestine: a system from which what we identify today as two distinct civil societies stem. A study published by the Israel Centre for Third-Sector Research (ICTR) of Ben Gurion University explains: “in Israel these organizations developed the infrastructure for the national systems of educational, health and welfare services in the pre-state era. Their engagement in the provision of such services continues to this date” (ICTR, 2007: 2) This description could be wholly applied to the Palestinian context since at least the 1960s. A telling example is the health system in both societies. It is built on the same pattern, with governmental hospitals, non-governmental organizations (NGOs, including religious ones, Muslim, Jewish and Christian) and private structures, all relying on both social security and donations.

Without going further into details on this point, it seems necessary to recall this structural context before discussing the major differences between the two civil societies. These differences are mainly produced by the political and economic situation created by the occupation. According to the ICTR (*ibid.*), there are 23,650 active organizations in Israel, accounting for 57 per cent of all registered organizations. In the OPT, Challand (2005: 140) estimates the number to be around a thousand in 2004. This disproportion is further revealed by comparing the budgets and sizes of the NGOs on both sides. According to the ICTR (2007: 2), the 2002 expenses of the third sector in Israel amounted to NIS 65 billion (approximately \$14 billion), i.e. 13 per cent of GDP. On the Palestinian side, figures are much harder to gather. However, we can get a sense of the disproportion through the data collected by Challand (2005) in his PhD thesis. He estimates that “the total amount of external aid to Palestinian NGOs could reach an amount as high as \$300 to \$400 million a year” in 2002 and 2003 (including “multilateral aid and aid to the PNA [Palestinian National Authority]”). Thus, according to these indicative numbers, the yearly budget of the Israeli third sector is 28–37 times higher than the Palestinian budget.

Democracy

Debates on democracy differ significantly in Israel and the OPT due to their radically different political structures. In Israel, the debate is both theoretical and legal. Theoretically, it mainly revolves around the definition of the nature of the state. Israel defines itself as a Jewish and democratic state, which seems to be a contradiction in terms.² Legally, this raises issues concerning the status and rights of minorities in Israel, mainly the non-Jewish minorities, and poses questions of discrimination in regard to the Palestinian citizens of the state. Finally, it is worth remembering that Israel has been living in a state of emergency since its creation, which partly explains the supremacy of security over many forms of democratic expression (including demonstrations and communal democracy) when these latter contravene the definition of the state’s security requirements.

Dealing with the issue of democracy in the OPT, we should first wonder what democracy actually is and means in a territory under occupation. If considered closely, the land of historical Palestine is still today ruled by a single sovereign state, Israel, with a single administration, a single army and a single legal and judicial system, but not all people under this rule are entitled to vote. Thus some people have rights (Israeli citizens) and others do not (Palestinians in the OPT), a situation which contravenes the basic definition of democracy. Keeping this in mind, how relevant is it

to talk about democracy in a situation of military occupation where the Palestinian Authority (PA) is utterly deprived of territorial, political, economic, financial and military sovereignty?³

However, democracy is an ever-discussed issue in the OPT, whether by local civil society actors, in public opinion or by the international community (Hilal, 2003). It is formulated in terms of ongoing processes, in a context in which it may be argued that formal democracy has preceded internalized democracy socially, culturally and politically. Understood in the minimalist definition of pluralism and free and fair elections, formal democracy has been demonstrated by the municipal elections of 2004–2005 and the legislative elections of January 2006,⁴ which brought Hamas to power. The reaction of the international community to the outcome of these elections has transformed the quest for democracy into a controversy. Today, the prevailing feeling among human rights actors is that the debate on democracy, however fundamental, will not bear fruit before a basic amelioration of the political situation. The precondition declared by all our interlocutors must be the end of the occupation. In their words, “the occupation and the sieges deny the ‘right to live’, the right to satisfy one’s basic needs”. Before addressing the question of the (democratic) nature of the Palestinian state, they argue, it is necessary to define the prerequisites for a proper state to exist and be effective. Thus the notion and reality of democracy provoke lively debates on both sides of the Wall, but in radically different terms. This may account for the different modes of action chosen by civil society actors across the divide.

Peace

The definition of peace is first and foremost a political issue in any ethno-political conflict. The Israeli-Palestinian conflict has seen countless options and propositions for its resolution. These “solutions” have reflected various stages of the history of the region, and in particular various definitions of peace. At present, political perspectives are extremely blurred and there are numerous definitions of “peaceful resolutions of the conflict”: these include one-, two- or even sometimes three-state solutions. Most of those interviewed categorically dismissed any of these alternatives as unrealistic, although many – Palestinians and Israelis – argued that matters are moving relentlessly towards a single state of apartheid. For most Palestinians, peace basically refers to respect for their fundamental rights and freedoms, whatever the political structure finally chosen. On the other hand, it seems that most Israelis are fairly satisfied with what they consider the successful “management of the conflict”, which appears to ensure their security and well-being. The absence of peace seems to have become more tolerable to them than it was in the past. Given these elements, how does one determine that a given action

undertaken by civil society actors is a step forward towards peace? Which definition of peace?

Human rights

Human rights are usually understood in reference to the Universal Declaration of Human Rights and the Geneva Conventions. Most CoSOs, whether in Israel or in the OPT, refer to human rights in their advocacy discourse, be it genuinely motivated or only for the sake of gaining a “politically correct” varnish, thus attracting funding partners. The main human rights organizations on both sides are carrying out serious and important work, and are receiving the greatest part of the funding. However, the human rights rhetoric has been taken up and manipulated by a significant number of civil society actors, and has evolved in two ways. First, some Palestinian CoSOs, whether in the OPT or in Israel, soon understood that to obtain funding from the international community, they had to use a specific lexicon which included a human rights terminology. Consequently, observers have noted that a large number of projects submitted for European Union (EU) funding appeared to be empty shells, the human rights rhetoric being used as a varnish to obtain funds in a context of large-scale unemployment. This erosion of the human rights discourse is a dramatic evolution which tends to empty core concepts of their meaning and reality.

Second, the Israeli case interestingly illustrates the debate regarding the political nature of human rights. In Israel, a number of CoSOs use the human rights discourse to assert their non-political identity: they may develop worthy programmes defending human rights in the OPT, but avoid taking a clear political stand regarding the occupation, which is the primary cause of human rights violations. Here, defending human rights has sometimes become a synonym for political neutrality, formulated as such by the actors involved.⁵

For some Israeli activists and for most Palestinians, human rights are foremost political tools to claim justice. However, in recent years the human rights discourse appears suspect in the eyes of many Palestinians, consequent to the failure of the Oslo process, the multiplication of NGOs working on human rights with no visible impact⁶ and, more recently, the boycott by the international community of the 2006 election results. The principle of human rights, nonetheless, remains a reference point for Palestinian activists, who generally continue to formulate their struggle in accordance with international human rights and humanitarian law. Yet the constant denial in practice of these rights by Israel and the international community leads to a search for other, possibly more effective, frameworks of reference and action (e.g. religious and/or political activism).

Finally, the human rights rhetoric has also been taken up by religious civil society actors, both Jewish and Muslim, as one of the bases of their involvement in the community. They tend to include human rights within the framework of religious references, be it the Verse of the Cow in the Quran or the invocation of the basic humanistic values of scriptural Judaism.

Israeli civil society

Turning specifically to Israel, civil society in relation to the conflict can be viewed from two perspectives: first the position of mainstream Israeli NGOs towards the conflict, and second the relationship of the Palestinian minority in Israel with these actors and the Israeli government. Taking this minority into account is a priority because its status, present and future, is directly related to the nature of the conflict.

Following Marchetti and Tocci (2009: 202), “civil society is both an independent agent for change and a dependent product of existing structures”. Thus, in Israel, civil society reproduces the faultlines of social conflicts, in particular when it comes to the Palestinian minority. Palestinians represent about one-fifth of the overall population and are largely located in specific areas such as the “Triangle” and Galilee, where they have developed their own civil society. The outside observer therefore has the schizophrenic impression of dealing with a broken civil society, a reflection of the double-standard policies applied by the government.

Mainstream civil society

The diversity of civil society in Israel reveals its fragmentation between groups and subgroups, defined by ethnicity, identity, religion, ideology or political conviction, defending conflicting claims and identities. These faultlines are analysed in depth in Dieckhoff (2008), which deals with most aspects of contemporary Israeli society. The book shows the fragmenting impact of changing economic and political factors: the dismantlement of the welfare state combined with the failure of the Oslo peace process led to a shift to the right wing of the political spectrum, as noted by most of our Israeli interviewees.⁷

Out of the more than 23,000 Israeli NGOs, the ICTR (2007: 6) study shows that fewer than 5 per cent are advocacy organizations and even less are dealing specifically with the conflict. The fact that such a small proportion of Israel’s civil society focuses on issues related to the conflict reflects a general attitude among Israelis: a readiness to ignore the conflict and a desire to separate themselves from the Palestinians. Israeli public opinion seems to favour a strategy of conflict management by hiding the conflict behind the Wall. The second Intifada, along with the

Table 4.1 Budgets of selected Israeli NGOs

NGO	Description	Annual budget (NIS million)
Adalah	Legal centre for Arab minority in Israel	5.3
B'Tselem	Israeli information centre for human rights in OPT	8.7
Amnesty International	Human rights protection	1.8
Israeli Cancer Association	Research, prevention and rehabilitation	78.0
Yad Sarah	Aid to disabled and elderly	127.0
Society for the Protection of Nature in Israel	Advocacy for environment protection	140.0

spectre of terrorism, partly accounts for the shift to the right of public opinion and the policies undertaken by the government. These two factors also explain why the anti-occupation left has lost most of its followers since the peak of the Intifada in 2002. Today, the activists are few and the voice of this segment of civil society in Israel has nothing but a symbolic impact. Blau (2010) published a comparative study of the annual budget of 32 Israeli NGOs. We summarize here some examples of the data he presents. Table 4.1 reveals that, despite the international visibility enjoyed by Israeli NGOs concerned with the conflict (Adalah and B'Tselem being among the most prominent anti-occupation NGOs in Israel), their size, means of action and impact within Israel are extremely limited.

This situation is also due to the fact that these NGOs must struggle against a tide of largely hostile public opinion, which may partly be explained by the high degree of militarization in Israeli society. Indeed, in seeking to understand the conflict, civil society and human rights, the influence of the military and militarization in Israel should not be underestimated. The security establishment in Israel has dominated the state since its inception. Its power, at once political, economic and ideological, is vast. While it exists within a democratic system and is subservient to civil society, the security establishment consumes a large part of the country's annual budget. It acts as a pressure group, a political lobby and an ideological institution. The chief of staff of the Israeli Defense Forces attends all government cabinet meetings to express what is termed the army's "considered opinion". Israel has been in a state of war since its birth. Its specialists in matters of security have continually shaped the dominant views within public opinion and most of civil society concerning questions of war and peace. They determine the rule over the

Palestinian territories occupied in 1967. The military has played a pivotal role in regard to the extensive Israeli settlements in the OPT. The presence of these settlers is one of the main characteristics of the occupation and a fundamental barrier to any resolution of the conflict. The settlements, however illegal and powerful as a pressure group and threatening civil war if displaced, would not be what and where they are without the army's active encouragement. Indeed, many military officers actually live in settlements.

Finally, but this research will not go further into this topic, it is important to mention that religious civil society organizations play a crucial role in Israel at every level, from charities (providing major funding in the health and education sectors) to religious political lobbies (whose actors play a prominent role in the conflict by enacting the "Judaization" process of Jerusalem or pioneering new settlements in the OPT, to give but two examples).

The Palestinian minority: A specific segment within Israeli civil society

When talking about the Palestinian minority, one can term all NGOs as CoSOs, as all aspects of life are affected by the overall Israeli-Palestinian conflict (Table 4.2). CoSOs from the Palestinian minority tackle issues quite specific to this community. Palestinian districts and villages within Israel do not benefit from the same services as the rest of the population in terms of urbanism and medical or educational structures, to give but a few examples. As a consequence, they have developed all kinds of associations whose roles are quite similar to those of CoSOs in the OPT, where they have to provide services which are usually provided by the state. Here again, the nature and role of this branch of Israeli civil society directly depend on the political structures of the country. Most of these actors are involved in associations whose actions deal with the community's internal issues (service provision, political activism), but we also count some associations reaching out to Israeli institutions in order to fight for minority rights. The first category includes a large number of Islamic charities, but also secular NGOs such as al-Tufula (educational and daycare centre for children and women, located in Nazareth), the I'lam Center (monitoring Israeli media and offering training sessions to Palestinian journalists) and Ittijah (a platform of Palestinian NGOs in Israel working towards political defragmentation). The second category is more limited in number, but includes prominent associations such as Adalah (Legal Centre for the Arab Minority in Israel).

These associations are considered part of Israel's domestic scene, which accounts for the fact that they enjoy very limited access to EU attention and funding, although needs for support are great. Closer attention might be paid to them, to the particular issues that they address, to the way they

Table 4.2 Implications of context for Israeli civil society

Variable	Description	Implication for civil society
Statehood	State exists Institutionalized discrimination against Palestinian minority	<i>Mainstream NGOs Palestinian community civil society</i>
Democracy	Formal for Jewish citizens	<i>Mainstream civil society</i> <i>Palestinian community civil society</i>
Nationalism	Defined as Jewish democracy (a contradiction in terms for many)	<i>Mainstream civil society</i>
Development	Palestinian Western standards Underdevelopment	<i>Palestinian community civil society</i> <i>Mainstream civil society</i> <i>Palestinian community civil society</i>
International presence	Unconditional support of United States and European Union Almost no international attention to Palestinian community	<i>Mainstream civil society</i> <i>Palestinian community civil society</i>

Whole range of activities
Service provision and advocacy

Freedom of speech and action
Marginal uncivil actors (anarchists, Israeli
Committee against House Demolitions ...)
Legal action (Adalah), advocacy (Ittijah)
Development of parallel social structures

Uncivil actors pursuing racist and xenophobic
agendas
Civil actors monitoring state within confines of
Zionist consensus
Marginal radical “left”
Strengthening of community identity,
constitution of a specific civil society within
Israeli civil society
Voluntary association, professionalization

Important role of non-voluntary associations,
especially religious-oriented ones
NGOs

Independence from international donors’
agendas
Most civil society associations are still grassroots
Powerful Islamic network benefiting from
domestic and foreign Islamic funding

handle them and to the ideas that may arise from them. Attention does not mean sheer provision of funds: Palestinian interviewees (in Israel and in the OPT) made it clear that they need more than funding, which often conceals a dramatic lack of political involvement.

Palestinian civil society

Civil society in the OPT has little in common with Israeli civil society for the obvious reason that in the absence of a state, civil society actors perform many, if not most, of the tasks a state would normally carry out (Table 4.3). Palestinian civil society can be divided into three main segments, according to their political orientation. First is the liberal, leftist-oriented organizations that dominate the Palestinian Non-governmental Organization Network. These organizations have, due to their focus on individual rights and liberties, a high standing in the eyes of Western donors and foreign solidarity movements. However, they seem to lack deep roots in their domestic and local environment. A second segment is

Table 4.3 Implication of context for Palestinian civil society

Variable	Description	Impact on civil society
Statehood	No state	CoSOs provide many services usually carried out by the state Partial collusion between CoSO actors and political parties (Palestine Liberation Organization/Hamas)
Democracy	Formal but limited to certain fields	What possible democracy under occupation? Subjected to censorship in times of internal political turmoil
Nationalism	National liberation struggle pervades public life at every level	CoSOs in OPT are a product of resistance to occupation since this affects all aspects of public and private life Palestinian nationalism at core of all activities
Development	Critical underdevelopment, especially in refugee camps and Gaza	Cohabitation of modern and traditional forms of associational life
International presence	Omnipresence at all levels	Enables CoSOs to exist but creates dependence NGOization and project logic leading to fragmentation of civil society and distrust by the people

the secular traditional grassroots associations, mostly affiliated with Fatah or the leftist parties, including professional and workers' unions that have long been members of the Palestine Liberation Organization. This category has greatly suffered from the dynamics created by the Oslo Accords (birth of the PA and development of new-style NGOs) and today forms only a small portion of CoSOs. The third segment of Palestinian civil society is represented by the Islamic organizations and charities across the OPT. This group seems to be the one with the deepest roots in local society, respected for the quality of the services offered and run by dedicated and to a large extent voluntary activists.

The number of CoSOs in Palestine varies from one source to another and, according to Challand (2005), "it is difficult to have official figures from the Commission of NGO Affairs and therefore virtually impossible to decide which source is more accurate". He estimates the number of CoSOs in the OPT to be between 800 and 1,000,⁸ including religious charitable associations. Significantly, the total budget of Palestinian CoSOs is far superior to the budget of the PA.⁹

Following the 1967 war, three main periods may be distinguished. Until the early 1990s and the end of the first Intifada, the number of civil society organizations increased to around 2,000. These organizations were mostly related to political parties aimed at reinforcing their grassroots support through the services and activities they offered. Most of our interviewees remember this era with nostalgia. According to them, this was a time when people felt personally involved in organizations on the basis of voluntarism.

After the Oslo Accords, international donors redirected their funds to the new-born PA at the expense of the civil society sector. Tensions between the PA and the CoSOs arose quickly. Arafat drafted a law aimed at creating the Ministry of NGO Affairs, to gain control of the activities and funds of this sector. The number of CoSOs significantly decreased in that period, to about 1,400 in 1994 and around 1,000 in 2000. Simultaneously:

a new form of NGO appeared in this period: that of advocacy and research. By advocacy, one should understand NGOs active in the fields of human rights, democracy and peace promotion. Although some organizations were founded before the 1990s (Al-Haq, the pioneer in human rights, was established already in 1979), the majority of these advocacy NGOs is a by-product of the Oslo years. (Ibid.: 139)

The people-to-people (P2P) programmes were created during the last phase of the Oslo process (Nasser-Najjab, 2005/2006). Promoted by international donors, they were based on the assumption that a better way to achieve peace was to encourage bi-communal projects that should

come from the people themselves, rather than only from the upper spheres of decision-making. Enormous amounts of money were spent on these programmes, but soon major discrepancies arose and led to the failure of the whole enterprise. People from both sides appeared to be more concerned about fulfilling their donors' agendas rather than focusing on the stakes of bi-communal activities. Structural inequalities, due to the occupation and the economic hardships in the OPT, were not taken into account in the funding and organization of P2P events. Most importantly, Israelis and Palestinians disagreed on their very nature and purpose: Palestinians tended to use them as political platforms, while Israeli activists were motivated by social and cultural concerns, thus wishing to avoid political questions. With the collapse of the Oslo process, mistrust grew exponentially, especially on the Palestinian side.

The outburst of the second Intifada put a definite end to the P2P programmes and entailed major changes in the activities of many NGOs. Indeed, during the 1990s some secular NGOs gradually abandoned service provision; even if their message (aimed at enhancing the level of democracy within the OPT) was important, the abandonment of service delivery activities at the expense of very abstract concepts and projects backfired, as the peace process failed to deliver. As a consequence, some secular NGOs reoriented part of their activities towards emergency relief and service provision during the second Intifada. Many Palestinians consider the liberal NGO segment as ineffective and donor oriented, suggesting that the gap between these CoSOs and the people remains to be bridged.¹⁰

Religious civil society actors

In 2005, according to Challand (*ibid.*), "the religious-based organizations ... represent 400 NGOs (29%). They can be either Christian or Muslim organizations, with a [quite] overtly political agenda." Here we will focus on the Islamic organizations. Most were born in the 1970s and gained wide support over the 1980s, especially after the first Intifada. Two main blocs opposed the Oslo Accords: the leftist and the Islamic groups. However, being far better organized and financially independent, the Islamic groups soon came to represent the only credible alternative for those Palestinians who did not accept the terms of Oslo. The success of the Islamic bloc, which led to the electoral victory of Hamas in the municipal and legislative elections of 2005 and 2006 respectively, may also be explained by the movement's reputation for probity and honesty, and by its organic links with the grassroots.

It is important to distinguish Islamic from Islamist associations:

By Islamic NGO, one should understand an NGO basing its general *Weltanschauung* on Muslim principles, as a Christian organization would do, with no

further claims on the public importance of religion. On the other side, an Islamist NGO is one that serves the purpose or belongs to the galaxy of militant Muslim organizations, which make Islam the central political claim of their activity and openly challenge the current political order. (Ibid.: 145)

Much of the sector of Islamic NGOs is not directly related to Hamas, but to the traditional social and religious structure that has always existed in Palestinian society. They are charitable associations. A good example of this is the existence of the *zakat* committees.¹¹

Presence of the international community

The last factor affecting the context in which civil society operates and the conflict unfolds is the degree and nature of international presence, a critical factor in the OPT. Civil society reflects the fragmentation of Palestinian society. Secular NGOs, whether local or international, enjoy a poor reputation among the population, in so far as they are suspected or accused of being profit oriented and focusing on useless abstract concepts. Islah Jad, a professor of gender and development at Bir Zeit University, refers to these issues in a critical overview of the NGO sector in Palestine through a study of the evolution of feminist movements since the 1980s. She sheds light on several processes that have deeply affected the landscape of civil society in Palestine since the early 1990s: the professionalization of NGOs, the introduction of the “project logic” by Western donors and a growing dependency on the funds they provide. To her mind, the “project logic” has tended to cut off NGOs from their bases, since it

pushes towards upward vertical participation [i.e. bureaucratization] and not to downward horizontal participation . . . it might lead to further concentration of power in the hands of administrators. NGOization pushes the NGO structure to be more exclusive rather than inclusive [grassroots activists being excluded from NGOs for not having the required skills: speaking proper English and writing a proposal for funding]. It leads to the transformation of a cause for social change into a project with a plan, timetable and a limited budget which is “owed” for reporting and used for the purposes of accountability vis-à-vis the funders. (Jad, 2004: 197)

She argues that “NGOization” has led to further fragmentation of a civil society which suffers from harsh competition for funds, lack of coordination and cooperation and standardized discourses blurring the lines between competent and incompetent CoSOs. In order to obtain funds, NGOs have taken up the vocabulary used by donors; this often hides different or non-existent programmes (and this is a point reiterated by all interlocutors on the ground, including both Palestinian and international).

Since the international boycott of the Hamas government in 2006, advocacy NGOs have seen their reputation even more tarnished, given that they professed those very values that the Western world had just denied.

The role of civil society in Israel-Palestine

This section focuses on the status and role of human rights civil society actors and the impact of their actions within their own society and on the conflict. Drawing upon Chapters 2 and 3, this impact varies considerably depending on two major factors: the timing (long-term versus short-term impact) and the audience (local versus national versus international; individual versus collective). We have identified nine modes of action or fields in which CoSOs are active in Israel and the OPT (Table 4.4).

Table 4.4 Fields/modes of CoSO activity

Field/mode of action	Examples in OPT	Examples in Israel
Legal actions	Al-Haq (West Bank), PCHR (Gaza)	Adalah, Acri
Grassroots organizations	Al-Finiq Center (West Bank), al-Salah Association (Gaza)	Islamic charities, Reut-Sadaka, al-Tufula
Political activism advocating peace	One-state solution initiative	Israeli Committee against House Demolitions, Anarchists against the Wall, Ittijah
Domestic advocacy	Muwattin, Ramallah Centre for Human Rights Studies (West Bank)	Zochrot, Adva
Bi-communal activities	<i>Palestine-Israel Journal</i>	Reut-Sadaka, <i>Palestine-Israel Journal</i>
Gender	General Union of Palestinian Women	Machsom Watch, al-Tufula, Nissa w Afaq
Media	al-Risala (Gaza), al-Ayyam (West Bank)	I'lam Center, Ha'aretz, Social TV
Culture	Al-Rowwad, Jenin Freedom Theatre, Riwaq (West Bank)	The Factory, Arab-Hebrew Theatre
Violent action	Radical armed groups	Settlers and occupation army

Securitization

In the Israel-Palestine case securitizing actions take a variety of forms. In some cases, actions aimed at supporting the separation between the two communities based on the articulation of the other as an existential threat may be viewed as quintessentially securitizing actions. With the end of the Oslo process, separation has become the keyword to describe the prevailing feeling in public opinion in Israel. Since 2004 this feeling has taken a material form with the ongoing construction of the Separation Wall. Oblivious to the dramatic consequences this barrier has for Palestinians,¹² most Israelis, including some anti-occupation activists, support the idea that separation from the OPT is the only way to live a normal life and, for some, create the conditions to think further about peace. Thus conflict management has been the strategy of the Israeli government for years and seems deeply ingrained in public opinion and civil society. In this regard, the media are extremely powerful, especially in an area where conflicting narratives play such a central role (Wolfsfeld, 2001; First and Avraham, 2003). The media in Israel and Palestine have significant power in regard to forming an image of the “other”. Since the two societies live completely separately and are neither able nor allowed to meet each other physically (with some exceptions), most Israelis know Palestinians only from the media and vice versa. Among journalists, apart from exceptions such as Gideon Levy and Amira Hass, almost no one ever goes to the OPT any longer. Even activists seldom go to the other side to get a personal view of the situation and the life there.

In other cases, however, actions that may have had a desecuritizing intent, and a short-term desecuritizing impact, in the long term turn out to be securitizing. One such example is a legal case handled by the human rights community in Israel, which when considered in regard to a specific public, i.e. the Palestinian minority and their integration into Israeli society, had a securitizing impact in the long term. The 2005 Civil Wrongs (Liability of the State) Law (also known as the “Intifada Law”) was voted in the Knesset in July 2005. It denies Palestinians living in the OPT the right to compensation for wrongs committed by the Israel army, including death, injuries and property damages (Amnesty International, 2006). After a petition submitted by Palestinian and Israeli human rights NGOs, led by Adalah, the Israeli Supreme Court cancelled this law in December 2006. Shortly after, Professor Daniel Friedman was appointed as the Israeli minister of justice. He was opposed to this cancellation and took the opportunity to call for limiting the powers of the Supreme Court, a claim he had repeatedly made before.¹³ This position was also expressed in our interview with Israel Harel, who has been the head of the Yesha Council (the representative body of all settlements) for 15

years and now heads the influential Institute for Zionist Strategies. Of all the state's institutions, the Supreme Court is the only one that still has some commitment to defend the rights of the Palestinian minority in Israel and the Palestinians in the OPT, as long as these do not contravene "security requirements". Curtailing its powers would amount to disqualifying the last institution the human rights community may still turn to in order to rectify violations. This measure has not been taken, but were the court's powers to be curtailed, it would complement recent racist legislation which has already narrowed the legal tools available to the human rights community. Thus one wonders whether the human rights community's persistent resort to the court increases the suspicion of the Israeli establishment and public, who consider it as a nest of an unpatriotic quasi-treacherous segment of their society. In this example, the cancellation of the Civil Wrongs Law can be considered as having a short-term desecuritizing impact (all the more important when such successes are rare) as far as the Palestinian public is concerned. However, the long-term impact turned out to be somehow securitizing, since it contributed to further antagonizing powerful actors in the Israeli government and lobbying sphere, and marginalizing the human rights community while threatening the Supreme Court with a curtailment of its powers.

A final category of discourse worth mentioning here is those within the OPT, which legitimize the use of violence as a form of resistance to occupation. The quasi-totality of Palestinian civil society lives in a spirit of non-violence. Yet the issue becomes more complicated when it comes to declaring whether one supports armed resistance. Some of our interviewees answered the question by asking whether French resistance fighters during the Second World War were to be condemned for their armed struggle or not. The comparison deserves serious reflection. As Al-Haq's director put it, "civil society is against violence but we understand violent action as another way to resist. Resistance is both a right and a duty: Article 51 of the UN Charter stipulates the right to legitimate self-defence", even through violent means. Clearly, the legitimization of violence gives rise to a spiral of securitization. On both sides, violence is seen as a reaction to the other's violence. However, given the asymmetry of force in all domains, it seems unbalanced and out of place to require the occupied to put an end to violence and yet remain silent about the violence of the occupier.

Non-securitization

Another set of examples illustrates a certain number of actions which turn out to have no impact on either the conflict or any actors involved, even though they are classical desecuritization projects aiming at

reducing fears and prejudices among communities. Such projects are typical to any successful reconciliation project, but in the Israeli-Palestinian context fragmented social structures and frozen political prejudices are too strong and deeply rooted to give them a chance to have any impact other than on a symbolic level.

A first example is the work carried out by the I'lam Center, based in Nazareth and founded in 2000. The I'lam Center has two major mandates: systematically monitoring three main Israeli newspapers (*Ma'ariv*, *Yediot* and *Ha'aretz*), and supporting Palestinian journalists of Israel with training sessions, a forum and other diverse activities. Its monitoring activities have very little practical impact on the Israeli media sphere. Knesset member Haneen Zoubi (I'lam chief of staff at the time of the interview), explains:

We [the Palestinian Israelis] get only 2% of coverage in the media and out of it 80% to 85% is negative coverage. And it's the only way for Jews to hear about the Palestinians, so the image is only negative: these are very powerful ideological tools to justify Israeli policies. The fact that the media is the only mediator between us and them is the main reason for the current increase of racist attitudes towards Arabs. We either don't exist, or we exist without any historical context: we are either seen as a demographic risk or a security risk, or terrorists, or invaders of the land, or breakers of the law — these are the basic frames of the Israeli media. Beyond criticizing, we want to change those frames: this biased coverage is due to the ideological prejudices of journalists, but also to the fact they don't bother to come here and see with their own eyes. So we organize three tours per year for Israeli journalists, each of them attended by 20 or 25 journalists and we provide them with material about the Nakba, educational issues, stories about Arabs here, family unification, land confiscation . . . After each tour, we have a positive and intensive coverage in the press, but it doesn't change the structure: they forget everything soon after. There is no deep change.¹⁴

Apart from targeting Israeli journalists, I'lam lobbies the editors of these newspapers:

Between 2000 and 2004, they totally ignored our letters. In 2005, for every ten letters, they answered three of them. And in 95% of the letters they answered, they didn't accept our claims. Since 2006 many journalists have told us "we did write articles about our experience, but the editors refused them". It is very hard to attract editors for meetings or conversations. They don't care about Palestinian issues, because this is not what helps them sell papers.

As Ms Zoubi herself admits, the monitoring action of the I'lam Center has no impact, but is still worth continuing for the sake of its symbolic value. Indeed, evaluating the impact of an action might not be the only way to determine its value, even though in a decision-making perspective

it remains the major tool. In this example, I'lam's monitoring action has at least two *raisons d'être*: first, on a symbolic level, it nurtures hope and is in itself an act of non-violent resistance; and second, it gives a measure of the precise nature and scope of the discrimination, thus compiling comprehensive data for future use, proving wrong people who say "we did not know". The political situation is simply not ripe for such desecuritization projects to have an echo in Israeli society.

To summarize, in order to evaluate civil society's actions, it is necessary to formulate a comprehensive framework of variables to be taken into account, including their impacts in relation to a short-term/long-term perspective and their target public, as well as their symbolic value and their acceptance and recognition by the population they claim to represent or work for. This evaluation suggests guidelines for decision-makers, and in particular the European Union, when drafting policies in support of civil society. In this perspective, a precondition to any evaluation must be the definition of a clear and realistic political strategy, which includes defining the notion of peace in political terms.

A last example regards the attempts at "normalizing" relations between Israeli and Palestinian civil societies, generating what can be dubbed as "artificial normalization". Particularly during the Oslo years, the donor community heavily invested in promoting joint Israeli-Palestinian initiatives within the framework of P2P. These have dramatically decreased since the second Intifada. Today their programmes and activities have a bad reputation in the eyes of both Palestinians and Israelis. Whereas in the other case studies in this book bi-communal initiatives play a major role in resolving conflict, the asymmetries existing between both the parties in Israel-Palestine have hindered direct forms of dialogue bearing positive political fruits. Most of our interlocutors believe dialogue initiatives are doomed to failure if necessary and courageous political decisions are not taken to achieve resolution. Nonetheless, some initiatives for dialogue still exist, reaching an international audience but failing to have any sort of impact locally.

Today, on the Palestinian side, a large number of CoSOs have shared the popular tendency to reject any project aiming at normalizing their relationships with Israeli citizens or institutions. This general feeling was born with the second Intifada, as a lesson taken from the failure of the Oslo process and in particular of the P2P programmes, together with the entrenchment of the occupation and the expansion of settlements. The term "normalization" refers to the P2P programmes, among others, that assume symmetry between the occupier and the occupied. By treating them as equal while trying to build structures that ignore the occupation, many believe that it serves to reinforce it. Consequently, most Palestinians are now extremely suspicious of bi-communal activities and projects involving Israelis and/or internationals concerned with issues such as

peacebuilding or conflict resolution: they have seen too many internationals and participated in too many conferences while the situation steadily deteriorated. In an attempt to reconnect to the population, many CoSOs have thus taken up this anti-normalization position, rejecting any kind of link with Israeli counterparts so long as the political situation does not improve. Some personal connections still exist, as well as a few projects (such as the cooperation between Sari Nusseibeh's Al Quds University, Ben Gurion University in the Negev and Paris 13 University in France), but the overall tendency is to reject projects and initiatives aiming at artificially bringing Israelis and Palestinians together.

However, anti-normalization does not mean being anti-Israeli, and many of those CoSOs which now reject P2P-like contact with Israeli counterparts continue to dream of peaceful coexistence under conditions of restored justice. "Driving the Jews into the sea" has no reality whatsoever in people's discourse and hopes. In short, most Palestinians are so exhausted and lacking hope that, while rejecting useless contact in a steadily deteriorating context, they would be ready to accept any solution that would grant them a normal life. This hope could give rise to a conflict transformation dynamic on the Palestinian side, which could bear fruit only if reciprocated by Israel.

Desecuritization

During the five weeks of our field research, we did find a few marginal initiatives working in a conflict transformation mode, whose impact may be viewed as desecuritizing in the long term.

Although some civil society actors aim at developing them in the OPT, most of the initiatives working in a conflict transformation dynamic stem from the Israeli-Palestinian minority, a community sharing both Israeli and Palestinian identities. The most impressive discourse is that of lawyers and those engaged in legal actions to defend civic and human rights. They deal with the legal apparatus used by the Israeli state to justify both the occupation and the status of the Palestinian minority in Israel. Through specific cases, they argue that the democratic nature of Israel is questionable: some laws are implemented on the basis of racial criteria and prejudice, and in the last few years new pieces of legislation have been passed which discriminate against certain groups of Israeli citizens on ethnic grounds.¹⁵

Political activism does not have the same form, target audience or impact in Israel as it does in the OPT. In Israel, self-proclaimed anti-occupation political activists are few, with more visibility abroad than within the country. Although Israeli activists promoting peace, reconciliation or human rights aim at a peacebuilding effect, their marginal position in Israeli politics renders their influence largely invisible. Their

impact on the conflict is localized (action and not advocacy-oriented movements) and international, mainly through their links with international solidarity networks. We did meet a few “radical” Israeli activists who believe in a one-state solution (Jeff Halper from the Israeli Committee against House Demolitions; Jonathan Pollack from the Anarchists against the Wall), but they are extremely marginal and their personal ideas do not directly take the form of action.

As for Palestinian activist groups and joint Israeli-Palestinian groups, there are some which work on the basis of a common framework of action: conflict resolution respectful of the internationally recognized rights of both peoples, resistance to the occupation, the right of refugees to return and the struggle for self-determination. The One State Solution Initiative is a gathering of Israeli and Palestinian intellectuals advocating one state. Omar Barghouti, a prominent Palestinian figure of the movement, has supported this claim for 20 years. According to him, the establishment of a democratic state would be the only moral solution, because it would redress the main injustices committed by Zionism upon the Palestinians, avoid displacing people and reduce territorial disputes due to the presence of settlements in the OPT. Two studies conducted in 2007, one by Bir Zeit University, the other by Near-East Consulting, reached the same conclusions: two-thirds of the Palestinians in the OPT would support the idea of a bi-national state, though most interviewees felt it was unrealistic. If the one-state solution has some echoes in the OPT, such an alternative remains unthinkable for the overwhelming majority of Israelis, who fear the demographic growth of the Arabs and the end of a Jewish definition of the state of Israel. The idea of a one-state solution addresses the root causes of the conflict by challenging the nationalist programmes of both Israeli and Palestinian mainstream camps, and offers an alternative vision based on equality for the inhabitants of Israel/Palestine. It constitutes, in theory, a project with a conflict transformation impact.

Ittijah is the only Palestinian organization of those we met which extends its activities into practical political activism aimed at all Palestinians (whether in Israel, in the OPT or in the diaspora). Its goal is to oppose fragmentation and reformulate a common Palestinian national identity, by reworking and reformulating its meaning as a necessary premise to any potential solution. Today, its impact is marginal given the political situation, but it keeps trying to gather Palestinian civil society actors from all places, and succeeded in this in 2000 when it managed to organize a conference in Cyprus with representatives from the OPT, the Lebanese diaspora and Israel.

Finally, grassroots organizations work in close contact with communities on a local level. Their main effect is to sustain or create local social

dynamics and empower community members. Grassroots organizations vary in size and exist in both Israel and the OPT. Their actions are central to the life of the community. This field includes persons and organizations trying to change their own society, whether in Israel or in the OPT, as well as relations between societies. Some of these initiatives, such as Zochrot in Israel, are conflict transformation oriented, but they are an exception. Most, especially in the OPT, develop analyses aimed at resolving the conflict, but their daily work seeks to transform their own society and political system, thereby preparing for times to come after the resolution. Reut-Sadaka (Friendship) is a very small youth organization based in Jaffa. Its mandate consists in providing Jewish and Arab children and youth in Israel with an open space where they can meet and get to know each other through diverse activities. Given the high degree of segregation in the educational system (with schools for Arabs and others for Jews), children have rare occasions to meet. Coordinators and facilitators of the programme work with 10 groups a year, a total of approximately 150 youths, mostly under 18. They are recruited in local public schools and meet weekly for at least a year. This action is inscribed in a long-term perspective. We were told that for every 100 Arab children willing to take part in these groups, only five Jewish children show interest. Thus the association mainly focuses its advocacy on Jewish schools. In the first year, the main activities consist in exposing children to the different historical narratives and issues specific to each community. The association's aim is to "build an alternative bi-national movement", thus "turning young people into active agents of change". The second stage consists in getting children involved in activism.¹⁶ We may consider that Reut-Sadaka definitely works with a conflict transformation philosophy: it does not have a declared position regarding a political solution, and it has no idea where borders should lie or whether there should be any borders at all. It is working at a deeper level, trying to create, at its level, the necessary conditions within communities for a solution to arise.

Conclusion

All previous attempts to reach a permanent settlement in Israel-Palestine have ended in not only failure but also escalations of violence and violations of rights. We believe that the only realistic strategy to restore peace in the region consists in proceeding step by step to create alternative facts on the ground. Suspending the Israeli process of colonization in the West Bank and dismantling a significant number of illegal settlements would create a new geopolitical reality and changes in positions and

mentalities. This could create a new context and ideas for further steps towards a resolution of the conflict.

European, American and Israeli fears of Islamic political movements clearly serve as obstacles to the possibility of negotiated relations; they are likely to inhibit progress towards democracy in the OPT, while creating confusion in people's minds between unrelated groups such as Hamas and Al Qaeda. Thus the prospects for the establishment of a viable independent state of Palestine and a just and a workable two-state solution seem highly unlikely at present or in the foreseeable future. As a consequence, a renewed debate has begun concerning a one-state solution – a debate that has been presented here. We have heard hopes for the best and fears for the worst possible outcome of the conflict.

Alongside this, the leaders of Hamas have expressed a willingness to accept a *hudna*, a long-term truce with Israel in return for an end of occupation of the 1967 territories. It is not a full peace agreement, but it could be a necessary step leading to one. Opening a dialogue with Hamas representatives remains an untried way to make the situation move forward.

Members of civil society engaged in non-governmental activities, many of them enjoying EU aid, feel frustration and anger towards the European Union for not exercising an independent role in its policies towards the conflict. A standard phrase repeated to us in many interviews was that the European Union should be involved on the ground as a player, and not simply set itself aside as a payer. In fact, paying is a form of playing, but playing in favour of Israel: in funding reconstruction projects for infrastructure that has been damaged or destroyed by the Israeli army, it helps pay for the occupation and relieves Israel from legal obligations as an occupying power (as stipulated under the Fourth Geneva Convention). Thus to most Palestinians the European Union seems to play the role of a silent and passive partner in policies made by and for others. It participates in a policy that seeks to manage the Israeli-Palestinian conflict, reducing violence while accepting the continuation of the occupation and the absence of a peaceful and viable resolution. Thus it stands accused of bearing much of the responsibility for the decreasing prospects of a resolution of the conflict.

However, it is on the economic level that the European Union most actively encourages Israeli violations. As an example, it allows the export of goods produced in settlements in the OPT according to preferential trade agreements, thus contravening both its own agreements with Israel and international law. Orna Kohn, a lawyer in Adalah, suggests that the European Union could demand that Israel refrain from violating the legal instruments it is party to, such as the numerous international con-

ventions on political and civil rights and the various UN conventions and resolutions. For years Israel has refused to accept additional protocols to communal agreements with the European Union which would enable international bodies to look into reported violations and examine specific complaints. The remarkable commercial privileges enjoyed by Israel represent a powerful means of leverage that the European Union could use to influence Israeli policies.

The EU rhetoric concerning the promotion of democracy and human rights is seen as inconsistent with its policies and a demonstration of its double standards *vis-à-vis* the conflict. By adhering to the boycott of the elected Hamas government, the European Union in practice rejected the popular will expressed in the 2006 elections. In doing so, it dramatically undermined the moderate wing of Hamas, which was gradually being empowered within the movement (Hroub, 2000). This misguided strategy has brought about counterproductive consequences in terms of the regression of democratization, institution building and economic development within the PA structures. The EU policy has also had a devastating impact on internal Palestinian politics, weakening moderates and strengthening militant factions in Hamas while fuelling the conflict among Palestinians that culminated in the political separation between the West Bank and the Gaza Strip. This policy was inconsistent with the EU claim to promote the principles of democracy in its European Neighbourhood Policy, and deeply tarnished its credibility among Israelis and Palestinians as an even-handed actor committed to resolving the conflict. This general distrust has also contributed to seriously undermining the legitimacy of numerous NGOs which supported the principles of democracy, and served to fragment further Palestinian civil society in the OPT.

The European Union tends to consider NGOs in the OPT as parallel authorities to the government and gives them more responsibilities than they can assume. Thus, because it does not spell out a clear policy, the European Union contributes to paralysing the structures of power and initiative of Palestinian society: it simultaneously funds the PA and a number of NGOs to carry out the same type of missions, while depriving them of the political means necessary to do so and creating antagonism between them. We believe, along with most of our interviewees, that on their own NGOs cannot build a solid and dynamic civil society or bring about social change. They cannot alone resolve the conflict, as the failure of all bi-communal activities has proved. Their actions mostly focus on local and/or precise cases which give them an important influence on daily individual or communal life. Resolving the conflict is not part of their mandate; they simply lack the capacity to exert a significant impact upon it.

Notes

1. This chapter was elaborated after five weeks of fieldwork conducted in March–April 2008 in the occupied Palestinian territories (West Bank and Gaza Strip) and Israel (including the Palestinian minority), in which more than 60 civil society actors were interviewed. Based on the material collected, we wrote a comprehensive report, on which the present chapter is based.
2. For further developments see Dieckhoff (2008: 25–38); Peled and Navot (2000).
3. Interview with Yael Lerer, 12 February 2010.
4. See the important research by Jean-François Legrain (1999) on the 1996 and 2004–2006 elections in the OPT; see also his latest articles at www.gremmo.mom.fr/legrain/legrain.html.
5. In this light, it must be recalled that it was precisely the disconnect between a human rights approach and its political counterpoint that led to the gradual invisibility of the Palestinian people after the 1948 war up until the 1970s. Latte (2007) shows how the political neutrality of the Red Cross Committee turned the Palestinian refugees into an ahistorical rootless indigenous group, disconnected from their previous life and political rights.
6. Persons involved in such NGOs are ironically referred to as “Powerpoint people”.
7. See also Zakheim (2004), who notes the “recent fundamental political shift of the Israeli electorate and Israeli’s political right”.
8. “There are 888 NGOs, to which should be added about 100 charitable organizations from the northern governorates [in the West Bank]” (Challand, 2005: 140).
9. Interview with Schlomo Zwirski, Adva, 19 March 2008: “The total budget of NGOs in Israel is nothing compared to the government budget. It’s the exact opposite in the OPT.”
10. According to a prominent human rights figure in Gaza, the liberal segment has failed by distancing itself from the people: “We have to be self-critical; the liberal civil society organizations have never grown roots in the society.” Interview with Eyad Sarraj, psychiatrist, Gaza Community Mental Health Programme, 28 March 2008.
11. *Zakat* means almsgiving and is one of the five pillars of Islam. The *zakat* committees, which are monitored by the Ministry of Religious Endowments (Awqaf), collect and redistribute alms to “the poor and needy” (Barghouti, 2007).
12. The route of the Wall is highly controversial, in so far as it does not follow the 1967 green line, but annexes more land on the Palestinian side, cutting off peasants from their lands and encircling entire cities such as Qalqilya. More than controversies about the legality and morality of the route, the very idea of a Wall can be considered as an anachronism in an increasing globalized world, if not as ethically highly questionable.
13. “The Court itself is becoming weaker. It is constrained by tensions with the executive and legislative powers: there are calls in the Parliament and even in the Ministry of Justice for limiting the Court’s power and to prevent it from dealing with security issues, or cancelling laws.” Interview with Orna Kohn, Adalah, Shafr Amr, 20 March 2008.
14. Interview with Haneen Zoubi, Ilam Center, 22 March 2008. See also Ilamcenter.com.
15. See among others the 2002 law prohibiting Palestinians from driving on Road 443 and the 2003 Nationality and Entry into Israel Law (Temporary Order), known as the “Citizenship and Family Unification Law”, denying Israeli citizenship or residency to spouses of Israeli citizens who are residents of the West Bank or Gaza. It virtually froze the family reunification procedure for Israeli and Palestinian couples and prohibited new mixed couples from applying for the right of the Palestinian to live with his or her Israeli spouse inside Israel.
16. Interview with Fadi Shbeita, Reut-Sadaka, Jaffa, 18 March 2008.

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5

Human rights, civil society and conflict in Cyprus

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Introduction

This chapter explores the interrelationship between civil society, human rights and the “frozen” ethno-political conflict in Cyprus. The present *de facto* division of the island occurred in 1974, but its numerically predominant Greek Cypriot (GC) community and the much smaller Turkish Cypriot (TC) community have been in conflict since at least 1963.¹ Thus the conflict has had a defining influence on the development of civil society organizations (CSOs) and different perceptions of human rights within the two communities. In turn, through their expressed views about human rights issues and related actions, Cypriot CSOs have had an impact on the conflict in various ways. Here, we focus on the post-1974 phase of the conflict, and analyse the CSOs’ impact on it in terms of three categories: fuelling conflict, holding conflict and peacemaking impacts, as outlined in Chapters 2 and 3. To do this, we contextualize the relevant processes and linkages within the local state structures and specific political discourses.

We first examine the formation of the post-colonial state in Cyprus and the consequences of the subsequent conflict, including the division of the island and the emergence of effectively mono-ethnic state structures south and north of the dividing line. We also outline the human rights situation at different stages of the conflict. This is followed by a general overview of the development of CSOs within the GC and TC communities in the post-1974 period and a presentation of the CSOs considered

in this study. After this, we analyse the selected CSOs' work and the impact of their human-rights-related actions on the conflict as determined by the different factors/variables laid out in the analytical framework of Chapter 3 (i.e. political identities, frameworks of action and political opportunity structures).

This chapter focuses on two specific human rights issues which have come to be considered among the most salient aspects of the Cyprus conflict since 1974: first the rights of displaced persons, property rights and freedom of movement and settlement; and second missing persons and the related rights of relatives to information, and the state's duty to conduct effective, thorough and impartial investigations and punishment of perpetrators.

The conflict context and implications for civil society in Cyprus

Cyprus gained its independence from Britain in 1960, when the Republic of Cyprus (RoC) was formed. Cyprus's independence, rather than being the result of an anti-colonial victory, came as a compromise settlement between GC demands for Cyprus's union with Greece (*enosis*) and TC demands for the island's partition between Turkey and Greece (*taksim*). It was meant to serve the conflicting interests of not only the two Cypriot communities but also Britain, Greece and Turkey. The RoC was founded through a set of arrangements which involved a constitution and three international treaties (the 1960 Cyprus Accords). It expressly proscribed *enosis* and *taksim*, and created a state based on a bi-communal sharing of power and with limited sovereignty (it allowed Britain to retain sovereignty over two military areas and made Britain, Greece and Turkey "guarantor powers" with intervention rights to protect the established state of affairs).

The constitution contained a code of human rights based on the European Convention on Human Rights, and a number of special provisions about what may be described as "communal rights" (e.g. regarding the two communities' participation in the state organs and the establishment of separate structures for the administration of communal affairs). Moreover, in 1962 the Cypriot parliament ratified the European convention, making it part of the country's domestic law.

In 1963 the bi-communal state structure collapsed, as a result of the continuing GC quest for self-determination, which in effect meant *enosis*, and the TC blockade of state bi-communal functions. Inter-communal violence broke out and the TC vice-president, ministers and parliamentarians were unable to continue in their posts. To stop the fighting and

contribute to a return to normality, in 1964 a UN peacekeeping force was installed on the island (and has remained there ever since).² What remained of the bi-communal 1960 government, now a solely GC administration without any TC participation, has since claimed to be – and by the late 1960s had come to be accepted internationally as – the legitimate RoC government.

As a result of this crisis several hundred Cypriots were killed or went missing, but it was the TCs who suffered most from the violence and hostilities that sporadically continued until 1967 (Patrick, 1976). About a quarter of the TC community became displaced when, for security reasons, they retreated into self-administered enclaves scattered across the island. During that period, the many constitutional and legal provisions for human rights protection in Cyprus either became inapplicable or were ignored. Attempts at normalization by stopping hostilities, returning some of the “enclaved” to their houses (five of the 24 TC villages and 19 of the 72 mixed villages that were affected) and making efforts to reach an agreed solution continued until 1974 (Kyle, 1997).

In 1974 the GC National Guard, backed by the junta in Greece, carried out a coup against President Makarios, with the ultimate aim of effecting the long-sought Hellenic nationalist aspiration of *enosis*. As civil conflict between those involved in the coup and left-wing resisters within the GC community continued, Turkey, invoking the Treaty of Guarantee, militarily intervened and, negotiations for a settlement having failed, divided the island. During the 1974 crisis about 2,500 Cypriots, largely GCs, were killed or went missing, and with the territorial division about one-third of the island’s population became displaced. Nearly all the GC inhabitants of the north (an estimated 160,000) fled or moved to the south, and almost all the TCs living in the south (an estimated 48,000) took refuge in the north. These population transfers rendered the two parts of the island in effect ethnically homogenized, with the displaced unable to return to their homes and properties to this day; and for 29 years after division travel between north and south was virtually impossible for Cypriots, as the border along the ceasefire line, the so-called green line (GL), remained closed until 2003.

Meanwhile, the provisional TC administration of 1964–1974 evolved to govern the north, eventually being transformed in 1983 into the present Turkish Republic of Northern Cyprus (TRNC). The GC administration, which has taken over the RoC but is now in control only of the south, considers the north as RoC territory “illegally occupied by Turkey” and the TRNC as “a puppet state of Turkey”. The creation of the TRNC was deemed to be “legally invalid” by the UN Security Council,³ and so far Turkey is the only country to recognize it. Since 1974 Turkey has kept around 35,000 troops in the north, the Turkish claim being that this is

needed for security reasons until an overall political settlement can be achieved. Turkey and the TRNC regard the RoC as having been “destroyed” since 1963–1964 and describe the present government in the south as “the GC administration of South Cyprus”.

UN-sponsored inter-communal talks resumed after 1974, with the aim of reaching a mutually agreed resolution of the situation. Since 1977 the two sides have ostensibly agreed that they are seeking to establish a bi-communal federal republic that would reunify the island on the basis of a bi-zonal arrangement, i.e. two zones each administered by one community.⁴ However, so far a mutually accepted solution has not been found, although the parties, with international pressure, appear to have come close to it twice: first with the so-called “Ghali set of ideas”⁵ in the early 1990s and more recently with the Annan Plan⁶ in 2002–2004. The Annan Plan was drafted on the basis of the UN-led inter-communal talks, while at the same time the GC government, formally acting on behalf of the whole island, was conducting negotiations for Cyprus’s accession to the European Union (EU). Acceptance of the Annan Plan by both communities would have allowed a bi-zonal federal Cyprus to become an EU member on 1 May 2004. The plan was overwhelmingly accepted by the TCs (65 per cent), but overwhelmingly rejected by the GCs (76 per cent). Nonetheless the European Union admitted Cyprus as a member: a Cyprus divided between the GC-run RoC, which it recognizes, and the TC-run TRNC, which it does not. Needless to say, this decision by the European Union to let a still-divided Cyprus become a member has done little to ameliorate the political situation.

Over the last four decades, with no solution to the conflict, life on each side has evolved quite independently and two separate Cypriot societies have come to exist, each with its own state, constitutional order, economy and social and civil structures. Each society looks to its own state for respect and protection of human rights. On each side the European Convention on Human Rights is part of domestic law, in addition to the constitution including an extensive list of universally accepted fundamental rights and freedoms. One important difference is worth noting, however, and stems from the major anomaly in the island’s political status that has prevailed since 1964. The view of the GC-run RoC as the sovereign state of the whole island is accepted by the Council of Europe, which therefore recognizes only the RoC as a member and party to the European convention. The TRNC, on the other hand, is regarded at best as a *de facto* state, with its adherence to the convention being entirely unilateral and outside the system of international scrutiny. This has meant the exclusion of the TC community from major international forums, including organizations promoting democracy and human rights, such as the United Nations and Council of Europe. In EU parlance, the north is

termed “the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control”.⁷

On the whole, the human rights discourse and practice in Cyprus have been defined by the political conflict, and in turn have had a determining influence on it. However, in recent years this picture has begun to change, and the civil society actions on both sides of the island are a significant part of this change. It is this correlation that this chapter aims to elucidate.

Civil society development in Cyprus has been greatly dependent on the ethno-political conflict that permeates all aspects of social life there (Loizos, 1981). This chapter’s focus is the CSOs that appeared after 1974 in parallel with the emergence of the two mutually antagonistic “Cypriot states” which do not recognize one another. The development of these organizations has been largely along the faultlines of nationalism/anti-nationalism, ethnic identification and left/right-wing politics that historically defined the conflict. Consequently, despite the fact that most CSOs do not have explicitly political aims, political positions are in many cases at the core of their organizational structure. Also, under the circumstances of the post-1974 “two states” situation, the split in civil society across the two sides of the GL along state cooperation/opposition faultlines has come to acquire an additional meaning: because of the significance of the issue of the recognition/non-recognition of the TRNC and respectively the recognition/non-recognition of the RoC as representing all Cypriots, identification with state rhetoric has come to mean no less than the upholding of the state itself (Demetriou, 2007). For all these reasons, Cypriot CSOs on both sides of the GL can aptly be described as “conflict societies” (see Chapter 3). In the remainder of the chapter they will be referred to as conflict society actors or conflict society organizations (CoSOs).

In the early post-1974 period, the experience of war and atrocities was still recent and both Cypriot societies were faced with large numbers of victims who needed rehabilitation: either they had relatives who had been killed or were missing or they had been uprooted from their homes or both. The first organizations that developed, as distinct from state structures, aimed primarily to support such victims. This was far more pronounced in the south, partly because the scale of the suffering was greater and the impact of division more traumatic, and partly because the state was almost in a situation of collapse and ill-equipped to manage the crisis. For the TCs, the new situation crucially meant the end of their 11-year confinement in enclaves and freedom in the territory to the north of the dividing line, which they now controlled. Also, the TC side was left with large numbers of GC properties and other gains which could be utilized to alleviate the losses of individuals who had suffered.

In this context, in the 1970s the main forms of organization that took shape in the south on the issues of refugees and missing persons were associations of refugees based on place of origin (e.g. refugee associations of Kyreniotes or Famagustans, which are still in operation) and of relatives of missing persons – the Pancyprian Association of Parents and Relatives of Undeclared Prisoners and Missing Persons (PAPRUPMP),⁸ which still exists. The main aims of the refugee associations were to try to find individuals, to network and also to offer whatever help possible. Similarly, the PAPRUPMP sought to collect information, network relatives and lobby the government and bodies such as the Red Cross to take steps to find the missing. At this point it could be said that these CoSOs complemented the work of the state.

Both the CoSOs and the state shared completely the rhetoric that what the GCs had experienced was a grave injustice, originating in what they saw as Turkey's unprincipled invasion of a substantial part of their country in 1974 that forced GCs out of their homes, killed thousands and left others missing. This view has persisted over the years and helped shape a second wave of conflict society initiatives, which focused around the call for accessing what, for them, was the occupied territory of Cyprus. For example, in two events, one organized by the GC Women Walk Home movement (1989)⁹ and the other by a group of GC motorcyclists (1996), individuals attempted to cross the GL in efforts to "send a message to the international community that a great injustice is being perpetrated in this island whereby people are prevented from visiting their homes and their land".¹⁰

While previous actions aimed primarily to bolster state attempts to support the victims of the war, this phase of associational life entailed citizens' attempts to take matters in their own hands in the face of continuing failed attempts to reach a political settlement that would restore what are regarded as the fundamental rights of Cypriots, meaning the GCs. This is not to say that the actions of these groups (specifically their attempts to cross the GL) went contrary to state rhetoric; rather, they were based on it in the sense that they sprang from the logic of lobbying the international community to end this "irrational situation" whereby "people could not travel freely in their own country because of the prohibitions set by the occupying army".¹¹ While the state failed to sponsor potentially dangerous events such as these (where people could be arrested or attacked), these actions attempted essentially to put state rhetoric into practice.

In the north, too, there emerged CoSOs concerned with the rehabilitation and protection of rights of persons affected by the upheavals of 1974, such as the Martyrs' Families and Disabled Veterans' Association¹² established in 1975 (still existing) and various groupings of displaced TCs or

post-1974 settlers/immigrants from Turkey. However, what was remarkable about TC conflict society in the 1970s and 1980s was its participation in efforts to organize the new political, social and economic structures and institutions of the TCs. For example, many CoSOs, including trade unions and professional associations, had representatives in the constitutional assemblies of the TC Federated State (1975) and the TRNC (1983). With regard to human rights issues, when raised these were largely in the context of rights to life, liberty and security and based on narratives about the plight of the TCs in the years between 1963 and 1974.

The thinking that prevailed both at the state level and among almost all TC CoSOs at the time was that the Turkish military operation was a legitimate intervention against the GC *pro-enosis* coup backed by Greece; it put an end to TC subjugation by the GCs; and the subsequent division provided the foundation for a sustainable solution of the Cyprus conflict, namely a bi-zonal federal state in the form of an equal partnership of GCs and TCs. Given their pre-1974 experiences, the TCs generally believe that this solution will safeguard their individual human rights as well as their political status (Gürel and Özersay, 2006).

Later on in the 1990s, spurred by developments in connection with the GC application for the whole island's EU membership, TC CoSOs began to reorganize around new ideas and objectives. These included more forceful criticisms of the official line of promoting the TRNC at the expense of a possible pro-GC settlement, protests against what was sometimes seen as Turkey's oppressive presence and control over northern Cyprus, and demands for new policies to protect TC interests within the prospective context of EU membership of a reunited Cyprus.

Since 2004 TC CoSOs have launched campaigns for TC human rights that are adversely influenced by the situation of political and legal limbo they are in due to the continuing conflict. This came mainly after the international community's sympathetic reaction to the TCs' acceptance of the Annan Plan, and included promises by various international actors, not least the European Union, to end the isolation of TCs.¹³ The term "isolation of TCs" refers to their being denied certain basic rights at the supranational level as long as they try to enjoy them outside the sovereignty of the RoC. The GC side is strongly opposed to these TC demands, viewing them as threats against the RoC's sovereignty, and uses all available means to obstruct any consideration by the international community to grant TCs any of those rights.

From the late 1980s onwards, however, a bi-communal movement began to emerge aiming squarely at reconciliation between the two Cypriot communities. This developed from initiatives of mainly left-wing fringe groups from the two sides, which met to discuss the process of negotia-

tion and possibilities of coordinating politically to create a different impetus that would allow a solution to be reached. Initiatives of this kind later widened in scope and came to include ordinary citizens, academics, politicians and professionals across the political spectrum. Although the bi-communalist discourse can be said to have slowly entered the political vocabulary of the mainstream in the form of de-demonizing the “other”, stressing the common “natural will” of Cypriots to live together in peace and increasing the emphasis on political correctness overall, its impact on the political process seems so far to have been limited.

For the purposes of this chapter, we identified and interviewed 23 individuals in total, including representatives of 20 CoSOs (18 ethnically based, equally divided between GC and TC; two international). The organizations varied widely, from registered associations to more informal groupings and individual initiatives, some with a link of a sort to the government and others acting completely independently. The reason for including certain government-linked organizations, which would normally be left out in a stricter conceptualization of civil – or, as we choose to describe it here, conflict – society, is to allow a more in-depth view of the issues of displaced and missing persons. The main examples are the Committee on Missing Persons in Cyprus (CMP), which is an international body working under the United Nations but with representation from both sides (governmental appointments), the Pancyprrian Refugee Committee, an independent body in the south which works in cooperation with the government and has board members appointed on the basis of political party representation, and the now-dissolved Refugee Housing Project Committee in the north, which worked as a government body aiming to satisfy the needs of TC displaced persons in the 1960s and 1970s.

The role of civil society in Cyprus

CoSOs on both sides in Cyprus have on the whole, whether in support or against, advocated positions with reference to those formulated by the state. This has happened within a context characterized by constantly failing efforts to achieve a settlement. Also, the fact that the vast majority of organizations appear to understand human rights solely in connection with the conflict points to a convergence between state and CoSOs on the pervasiveness of the conflict. It is perhaps for these reasons that ultimately the impact of CoSOs’ actions depends on the extent to which the issues they address can be resolved independently of a comprehensive settlement of the Cyprus conflict. This is mainly what we investigate in the following analyses of three possible conflict society impacts.

Securitization

Overview

Conflict dynamics have, over the course of the last few decades surveyed here, turned the discourse on human rights into easy fuel for raising the tension at particular points in time. This fuelling impact resulted from the fact that this discourse has provided a constant source of ammunition in the *longue durée* for the rhetoric of mutually incompatible political demands by the two sides. Conflict society actions that were studied here and found to be fuelling extensively drew from these two positions and surfaced mostly in periods when the formal peace process was in a stalemate and resolution prospects low. Another characteristic of these fuelling actions was that they often involved asking for respect for one community's rights outside the political negotiation process. They were then interpreted by the other side as belligerent attempts to change the basis of the negotiations to the former side's advantage. However, it is important to keep in mind that these actions were rarely consciously directed towards fuelling the conflict. Rather, in aiming at the restoration of one community's exclusive rights, the conflict was fuelled because of the sidelining of the rights of the other.

Actors' identities

Generally, actions that fuelled the conflict came from CoSOs with either ethnicist or nation-statist/assimilationist political identities.¹⁴ The ethnicist organizations would campaign for the rights of one community, maintaining a discourse of victimization of one's own community without reference to the suffering of the other. The nation-statist/assimilationist organizations with fuelling conflict actions would focus on the rights of one community but would not delegitimize the other community's claim to similar rights as well. Thus rights are conceptualized in communal terms and the state is given a nation-state character in the sense that it is expected to look after its own first.

Actions, frameworks of action and discourses

On the issues emphasized in this study (i.e. the rights of displaced persons, property rights and freedom of movement and settlement; and missing persons and the related rights of the relatives), GC conflict society actions that intensified the conflict took the form of campaigns, either fuelling public/media debate domestically or aiming at awareness raising on the international scene. The organizations that carried out these actions generally did so within a conflict escalation framework.

For example, attempts at crossing the GL in 1989 by the ethnicist Women Walk Home group and in 1996 by the motorcyclists were crucial

in providing the strong imagery that until today signifies what GCs generally regard as the irrationality and injustice of the Turkish refusal to allow complete freedom of movement throughout the island; a claim that is often accompanied by a call for freedom of settlement as well. The violent clashes that accompanied such attempts also provided the basis upon which individuals could file complaints and cases in international legal venues, most notably at the European Court of Human Rights (ECHR). In fact, in the long term these legal actions, because of several successful cases at the ECHR,¹⁵ have gained much more prominence in the general discourse on human rights than the events that spurred them.¹⁶ It should be noted that although some of the individual applicants may have belonged to CoSOs, no organization publicly took part in the cases.

Similarly, campaigning on the missing persons issue focused on imagery that stressed the victimization of their relatives. Significantly, most demonstrations took place at the Ledra Palace checkpoint, until 2003 the only point in the capital where individuals could cross from one side to the other (and only after special permission was granted or if they were foreign tourists). Often leaflets were distributed to crossing tourists, outlining the Turkish army's alleged violations of GC human rights. The leading organizations in these actions were the nation-statist PAPRUPMP and the ethnicist Unenslaved Kyrenia Refugee Association.¹⁷ A similar kind of action was organized by the nation-statist Cypriot Brotherhood in London for a number of years in the 1990s, when candlelight vigils were held outside the Turkish embassy, highlighting human rights violations on the issue of missing persons and calling on Turkey to withdraw its troops. All these demonstrations, although very different in scope and form, focused on the symbolism of not crossing the GL and converged on emphasizing the violation of the right of access (to the north as a geographical location for most, but also access to information in the case of the missing). The GC motorcyclists' demonstration of 1996 marked a peak in such campaigns: the reaction from the TC side was violent to such a degree that actions like that did not reoccur.

All these GC actions were based on the view that what happened in 1974 was a brutal, unjust and unprovoked Turkish invasion that forced GCs out of their homes, killed thousands and rendered others missing. Thus the GC demands for justice and full respect for human rights meant the return of all refugees to their homes and the disclosure by Turkey of all the details pertaining to how the missing persons were killed, or indeed whether any are still alive.¹⁸ Consequently, these GC demonstrations and legal campaigns added fuel to the conflict between the two sides in a more pervasive way. They highlighted the huge gap between the GC and TC mainstream perspectives about the consequences of the 1974 events and the subsequent division, as well as Turkey's

relation to Cyprus, and they were perceived by most TCs as challenging “bi-zonality”, the mutually agreed basis for any potential Cyprus settlement, which the TCs assumed as having been virtually realized in 1974. Thus the strong and violent reaction against the GC demonstrators could be justified by the more nationalist TC groups, including in the administration, as legitimate defence in the face of what was viewed as premeditated aggression and provocation against “our existence” and violation of the “mutually agreed principle of bi-zonality”. The demonstrations were seen as being aimed at stripping the TCs of their rights and presenting the Turkish army, the guarantor of these rights, as an illegal occupation force preventing freedom of movement and settlement.

For example, a representative of the ethnicist Martyrs’ Families and Disabled Veterans’ Association spoke of an ever-present threat of attack from GCs, against which the Turkish army currently protects the TCs. This focus on GCs as the aggressors was echoed by a representative of the ethnicist Refugee Housing Committee, which operated in the 1960s and later after the 1974 division to house the TC displaced. Here again the violation of TC rights (relating to home, property, health and ultimately life) was framed within a wider TC perception of the confrontational GC policies of the 1960s as being aimed at making Cyprus Greek, for example by encouraging TCs to emigrate. The Housing Committee’s actions were performed within a conflict management framework. Yet after 1974 the work of the Housing Committee itself came to fuel the conflict: its operations, which included appropriation of GC properties left in the north and their distribution to TC evictees, were contentious in regards to GC rights to home and property.

Further still from aiming to fuel the conflict, yet doing so nevertheless, is the campaign of the London-based nation-statist group Embargoed!¹⁹ lobbying for the collective rights of TCs to participate in international activities (ranging from sports events to air travel). It has not explicitly campaigned on the issues of the displaced or the missing, but it considers them to be humanitarian issues and solvable primarily through compromise arrangements. This, in itself, would imply a conflict resolution framework. Yet, its main concerns being linked to the wider issue of ending the isolation of TCs which the GC side fears might eventually lead to recognition of the TRNC, the organization ends up antagonizing the GC side and thus having a fuelling impact instead.

Political opportunity structure

The GC CoSOS’ actions generally benefited from the international community’s acceptance of the GC government as the legitimate government of the RoC. Most of these campaigns and actions were carried out in consultation with the government. This meant that they could easily access

major lobbying platforms and international institutions such as the United Nations, the Council of Europe and the European Union. In particular, the success of the legal cases at the ECHR, hailed by the GC government and public in general as landmark judgments proving the validity of the GC discourse on Turkey's violation of human rights in Cyprus, added vigour and weight to such actions.

The EU accession process and the UN's intense efforts to help broker a settlement in Cyprus throughout the 1990s and early 2000s were also crucial elements of the political opportunity structure that determined the impact of the conflict society actions. During this period there was great international interest in the resolution of the Cyprus conflict and the EU accession process was generally seen as a catalyst for that, despite the impossibility of the TC side's participation in the process. In TC eyes, the GC application for EU membership was illegal because it was made by a manifestly unconstitutional (purely GC) government and, again in contravention with the RoC constitution, without TC consent (Tocci, 2004; Demetriou, 2004). This added to the TCs' conviction that the international community, particularly the European Union, was biased against them in favour of the GCs. Consequently, they viewed GC CoSO campaigns aimed at raising international awareness about GC human rights as even more threatening.

Since 2004 TC CoSO campaigning for ending the isolation of the TC community has intensified. After the TCs' overwhelming acceptance and the GCs' overwhelming rejection of the Annan Plan, immediately followed by a divided Cyprus's EU accession, the international community began to consider such actions with apparent increased sympathy. This, in turn, worried the GC side, and hence contributed to such actions fuelling conflict impact.

Non-securitization

Overview

Some of the conflict society actions considered in this study have affected the political conflict in ways that seem to be neither fuelling it nor contributing towards its resolution, i.e. their impact was to hold conflict. This is true for the humanitarian actions of the 1970s and 1980s. Actions with a holding impact also occurred in recent years, especially after the failed referenda, when in the absence of any clear vision of a settlement in the short term, much conflict society effort focused on making progress on issues irrespective of the outcome of the inter-communal negotiations. In this respect the issue of missing persons has provided a much wider avenue for such efforts compared with the issue of the displaced. Since the

mid-2000s exhumations of remains of those who died in various stages of the conflict and had been recorded “missing” have progressed at a faster rate than ever achieved in previous decades, despite the ups and downs of the political process.²⁰ The GC property cases at the ECHR can also be seen as attempts to seek redress outside the political process. However, these often end up fuelling the conflict: unlike the issue of the missing, the question of property rights has political significance, as it is central to the debate about the bi-zonality of a prospective solution.

Actors’ identities

The actors involved in the more recent actions that had a holding impact on the conflict are those with an egalitarian outlook, in the form of either a civic/post-nationalist or a multiculturalist identity, such as the CMP (international), the GC lawyers pursuing cases at the ECHR related to rights of the displaced and relatives of the missing, the TC Human Rights Foundation²¹ and the journalists who publicized stories related to the missing. But actors of the earlier period that dealt with the humanitarian needs of GCs affected by 1974 upheavals were of ethnicist identity.

Actions, frameworks of action and discourses

The more recent actions that had a holding impact on the conflict have been visible mainly at the level of formal procedures (i.e. exhumations of the missing by the CMP and the resolution of cases at the ECHR²²). However, that impact came about primarily through the campaigning efforts of conflict society actors, largely individuals acting in a personal capacity, who aimed at raising public awareness. The most notable examples are the efforts of journalists to publicize the stories of missing persons and aspects of the issue that the governments on both sides have sought to suppress over the years (e.g. the fact that the GC government had not identified bones of unidentified persons killed and buried in 1974, particularly in intra-communal fighting, or that the TC authorities had not kept proper files on their missing persons). The framework of action chosen by all these actors was conflict transformation.

On the issue of the missing, until recently the GC nationalist discourse singled out Turkey as the sole wrongdoer in the whole tragedy, emphasizing the pain of the relatives and calling for an end to the protracted uncertainty regarding the whereabouts of their loved ones. It is important to stress here the imagery regarding this issue, as some of the women who have lost husbands and children have been the figureheads of campaigns against Turkey. These actions have been criticized by some observers, who say that such campaigns served primarily to promote political rhetoric but helped little in actually determining the missing person’s fate. Instead, they suggested that staying clear of nationalist rhetoric and

acknowledging the individual suffering of relatives has proven more conducive to yielding tangible results. On the TC side, all the individuals who disappeared in the years of inter-communal violence have been presumed dead and are considered martyrs. This has also served political ends, as the leadership has used the presumption to claim the issue closed. For the families, it means that their access to information on how their relatives died was denied.

The GC nationalist discourse on the situation of the displaced focuses on the pain of losing one's home and property and the injustice of being denied access to these, calling for the withdrawal of Turkish troops and the return of all the displaced persons to their homes and property. On the TC side this is countered by a discourse that centres on an understanding of bi-zonality, according to which the present set-up would be largely preserved and thus there would be restrictions on the return of the displaced.

The earlier actions that had a holding impact on the conflict were by GC actors operating in a conflict management framework. These focused on GCs' immediate needs in the initial stage of the division (e.g. providing individuals with food and shelter) and later lobbying for better economic and social integration (e.g. through policy advocacy). Examples of such organizations are the independent bodies of the Pancyprrian Refugee Committee²³ and the Office of Equalized Distribution of Burden.²⁴ The latter organization aims to equalize the economic losses from 1974 among the GC population (e.g. through special grants for refugees). These have been ethnicist bodies, not actively engaged in a discourse of "othering", but rather simply unconcerned with TC rights or positions.

With regards to the missing persons issue, the actions' holding impact was apparent from the way in which they did not lead to new tensions despite their deviation from the official discourses, opening up new discussions on the eventual closure of the issue. Such actions involved different dimensions. Firstly, actors which have taken the issue up, mainly in cooperation with the PAPRUPMP, have called for the fate of the missing to be ascertained and also for disclosure of information about how these individuals had been killed. The latter relates to establishment of responsibility, both state and individual, which may entail bringing individual perpetrators to justice. The extent to which the right to information should be prioritized over the right to retribution is the main question facing most discussions around issues of truth and reconciliation (Yakinthou, 2008, Sant-Cassia, 2005). Yet the PAPRUPMP appears rather sceptical about the value of such a discussion, pointing to the paramount importance of the work of exhumations continuing. At the same time, given that by October 2009 the remains of some 570 had been exhumed, of whom only 186 have been identified, the possibility that the remains of

all 2,000 missing persons will be exhumed, identified and returned to their families in the near future seems questionable. It is perhaps for this reason that other conflict society actors emphasize the importance of identifying perpetrators, not so much in order to punish those who may still be alive, but more importantly for the benefit of building a more peaceful society in the future.

On the issue of the displaced, a holding impact can be observed in actions that have simply helped to break down essentialist perspectives of the “other”. For example, the cases at the ECHR highlighted a separation between the call for respect of individual rights (of property, movement and settlement) and the envisioned solution of a unitary state that nationalist rhetoric has often implied. Once such rights are fully and truly restored, through the return of the property in question, living there would be symbolic of returning the character of the place with its GC residents to what it once used to be – no matter what administration one is under.

However, in more recent cases certain rulings of the ECHR appear to clash with some of the fundamental tenets of GC official rhetoric. For example, with ECHR guidance, the TRNC Immovable Property Commission was established in 2006 to deal with GC property claims. Increasing numbers of GC individuals are now going through that route to claim their property rights. The commission, being an organ of the TRNC, is dismissed as illegal by the GC government, which considers these developments as extremely damaging to its cause. Thus it could be argued that, apart from a holding impact of the sort mentioned above, the separation of the legal from the political that the ECHR course offers may in some respects also have a fuelling impact.

Political opportunity structure

Recently the CMP has made important, however limited, progress in its work on the missing. Conflict society actors have played an obviously crucial role in facilitating this by raising awareness on the issue, providing new facts and narratives, and linking with the CMP and actively helping its search for information. Similarly, despite the festering tensions between the two sides in relation to the questions of displaced persons and property rights, court actions (pursued by lawyers and assisted by human rights associations) seeking redress for the violations are leading to certain reforms or discussions about the need for reform in the existing system of norms and understandings. All this is happening without actually fuelling conflict even though the issues, with all their divisive capacity, continue to remain on the conflict agenda. This has been possible because of the characteristics of the post-referenda political environment. In this period, the international community has been frustrated by the lack of a

settlement and the problems arising from the anomalies stemming from a divided Cyprus's EU membership. Given that, each party involved in the conflict desires to appear as genuinely cooperating with efforts in search of peace and hence tries to refrain from actions that may be construed as unduly belligerent or non-cooperative.

Desecuritization

Overview

Peacebuilding actions by CoSOs have over the years been centred on "bi-communalism". This refers to the meeting and cooperation on various levels of different GC and TC groups. Because until 2003 the border was closed, such cooperation was difficult and, although backed and even sponsored by various international actors, was not always tolerated, let alone supported by the two authorities (Demetriou, 2007; Hadjipavlou-Trigeorgis, 1993). Despite these restrictions, groups were set up that aimed at discussing aspects of the conflict and lobbying for peace and reconciliation locally and internationally. However, actions related to human rights seemed unfruitful to these groups, primarily because of the problems involved in the two sides' antagonistic and securitized understandings of conflict-related human rights issues. This situation began to change post-2003, and especially after the 2004 referenda. Recent bi-communal work increasingly concerns more difficult aspects of the problem, including human rights issues hitherto monopolized by the nationalist discourses.

Actors' identities

Not surprisingly, organizations with a civic/post-national or multiculturalist identity have played a leading role in actions that can be said to have had a peacebuilding impact. These have tended to be actors with either a bi-communal or international character, or else with good bi-communal or international contacts.

Actions, frameworks of action and discourses

CoSOs that operated within a peacebuilding framework in general carried out actions under the rubric of "reconciliation". These included meetings of groups across the GL, as well as various forms of discussing particular aspects of the problem (Broome, 2005; Development Associates, 2004). Yet, as mentioned above, until recently the issues of the displaced and the missing were little discussed. The predominance of nationalist discourses meant that the articulation of a different discourse was extremely difficult and unlikely to find public support.

Another deterring factor was that an alternative discourse would also have to grapple with the responsibility of the authorities (GC or TC authorities as well as those of Turkey or Greece) at different levels. Such scrutinizing of the states' role by CoSOs was regarded as risky, due to the utmost priority each side attached to guarding the reputation of its own authorities as part of that side's strategy in pursuing its "national cause".

After the opening of the checkpoints in 2003, anti-nationalist groups from both sides began annual visits to the sites of mass graves in commemoration of those who lost their lives. These visits occur on the anniversary of the Turkish troops landing in 1974 (which is celebrated in the north and mourned in the south). The action's aim is to emphasize common loss and common pain, linking individual human rights violations to the commonality of a homeland, bypassing the communal level.²⁵ Thus it is part of a wider effort to question the exclusion of others' human rights in official discourse. Other actions followed, most importantly by two journalists from the two sides: acting in their individual capacities, they put individual stories in the public eye and collected information that eventually helped the CMP in ascertaining the fates of a number of missing persons. After years of inaction the CMP was reactivated and, making use of the more positive general climate post-referenda, was able to put its expertise to use in restarting the process of exhumations.

By comparison, the issue of the displaced and the question of property rights still remain low on the reconciliation agenda. This is because, as explained above, the problems involved are complex and not easily extricable from political and perceived security concerns (involving issues of territory, the principle of bi-zonality, etc). Thus, for example, although there have been initiatives to bring former co-villagers together, these remained at the social encounter level, not going beyond sharing news and memories of past common life together. Village-level meetings to initiate ideas or action on how reconciliation at least on the local level might encompass the displaced/property issue as well have not yet been undertaken.²⁶ Indeed, GC interviewees from refugee associations as well as bi-communal groups have stated that they had not considered this possibility.

Yet there have been some reconciliation initiatives engaging with the issue of the displaced/property. However, most of these approached the issue on a general psychological level, focusing on the fact that displacement has involved loss for both sides, and work on the generation of empathy between individuals from the two communities. One exception was the Let's Unite Famagusta initiative, which went as far as promoting ideas that included practical proposals. This group involved individuals from the GC Famagusta Refugee Movement,²⁷ the German-Cypriot Forum,²⁸ the TC Rights and Freedoms Association and the New Cyprus Party.²⁹ The group lobbied the European Union to support an initiative

calling for the return of the town to its residents under UN administration, in the form of an experiment for coexistence in the absence of a more comprehensive solution.³⁰ The initiative built on an earlier effort by the Famagusta Refugee Movement, which in the aftermath of the referendum petitioned the EU Commission to consider proposing the return of Famagusta to its original inhabitants as a reconciliation measure.³¹

Both types of actions outlined above have been centred on a discourse of reconciliation. This has on the one hand made it possible to articulate viewpoints opposed to the traditional rhetoric on the issues of the displaced and missing, but on the other hand limited the scope of actions. This is true especially in the context of the displaced, which, beyond the losses suffered by individuals, relates to perceptions of geopolitical principles of a future comprehensive settlement.

Even in the case of the missing, it is only recently that Cypriots started debating the possibilities of applying a civic framework of interpretation and resolution, i.e. by following a liberal logic whereby rights are not ethnically prioritized. In this sense, it is important to remember the impact in Cyprus of a report by Amnesty International (1996) on the issue of the missing. One of the few major studies on human rights violations relating to the conflict undertaken by an international non-governmental organization, it called for the fate of the missing to be determined, thorough and impartial investigations to be carried out and perpetrators to be brought to justice. The report, if used at all, has been used selectively as a basis for local ethnicist campaigning by interested groups.

It could be argued that over the years peacebuilding CoSOs have had the impact of slowly transforming the traditional discourses on these two issues, by bringing in a focus on empathy furnished with understandings different from the official interpretations of events. Of course, this change in the discourse did not take place in a vacuum. The ECHR litigation process, which has overall had a holding impact on the conflict, has been catalytic in spurring these peacebuilding initiatives. At the same time, the actions of individuals who took the risk of acting in their personal capacities were also a big factor in the discursive change.

Political opportunity structure

The ECHR litigation process relating to the issues of the displaced and the missing took a new turn with judgments issued since the mid-1990s on a number of individual applications. These highlighted the cost for governments of doing nothing to address the individual human rights aspect of these issues for fear of undermining their political stances. This applies also to the Turkish government, defendant in the ECHR cases in question. Turkey, pursuing its bid for EU accession, has of late become more inclined to try and do what it can, without endangering its political

aims, to rectify the violations as ruled by the court. This has been so since 2003, and especially since 2005 when Turkey began EU accession negotiations. Beyond that, with Cyprus now in the European Union, albeit still divided and with community law not applicable in the north, the authorities on both Cypriot sides feel a need to be generally more tolerant towards CoSOs' engagement in actions not necessarily conforming to – or even instigating a more critical look at – the official policies and stances.

These new political circumstances made it possible for the CMP's work finally to start progressing. They also brought about the establishment of the TRNC Immovable Property Commission, which, although far from perfect, is a step in the right direction towards restoring violated property rights of GC individuals. Furthermore, they allowed the promotion of ideas of reconciliation that included acknowledging aspects of the other community's positions as legitimate, as for example the fact that human rights violations had also been perpetrated by one's own side against the other.

Another key development that eventually led to a change in the discourse on the missing needs to be mentioned here: the above-mentioned GC investigative journalist's exposition in the 1990s of the fact that unnamed graves of 1974 dead existed in a military cemetery in the south but had never been investigated to determine whether missing persons were buried in them. In the 2000s this effort was supplemented by a TC journalist, who began to collect stories and information from both sides regarding missing persons and unmarked graves that had not been investigated. These efforts added to the pressure to carry out investigations and supplemented the work on exhumations already being undertaken by the CMP.

Conclusion

This chapter sought to examine the impact on the Cyprus conflict of CoSOs' actions and discourses on human rights. It focused on discourses on two human-rights-related issues in particular, namely those relating to displaced persons/property rights and missing persons and the rights of their relatives. These two issues have been contextualized within the wider political framework and state structures as well as the discursive frame of human rights and the conflict. In this context, the impact of conflict society actions was assessed in terms of whether they were fuelling conflict, holding conflict or peacebuilding.

Unsurprisingly, the "self-other" dichotomy has been central to the perceptions of human rights in the conflict context. This dichotomy takes on

a nationalist hue, whereby “self” and “other” are conceptualized in ethnic terms. This is not unique to Cyprus, but is important to stress here because it forms the backdrop against which all the discourses examined are articulated. This means that nationalist discourses are based on the view of a key enemy against which national/communal interests need to be defended and the idea that national/communal survival depends on such a defence. The particularity of the Cyprus case further rests on the fact that otherness has been subject to different conceptualizations by different actors. Whereas TC nationalist rhetoric has projected GCs as its other, on the GC side the picture has been complicated by the existence of multiple interpretations: Turkey as an “occupying force” was considered the arch-enemy, but TCs have been viewed sometimes in distinction to this (e.g. as Cypriots above all, with whom peaceful coexistence is possible) and sometimes as “mere pawns furthering Turkish expansionist plans”.

When considering the ultimate impact of actions, a series of qualifications needs to be kept in mind to ensure that the analysis is not reductive to the point of becoming blind to the complex nature of the issue. One of these qualifications is that actions can and did have a mixed impact. This was true particularly in the case of actions classified as having a holding impact when in fact their impacts varied at different points in time, sometimes appearing to fuel the conflict and at other times appearing to be promoting peacebuilding. This showed that what chiefly determines the overall impact of an action is the context in which it is undertaken and the timeframe used for the analysis. Another qualification is that the intention and the impact of an action do not always match, especially when intentions are judged on the basis of the discourse projected by organizations. In respect to the fuelling impact, for example, it needs to be stressed that none of the interviewees explicitly articulated an organization’s intention to fuel the conflict. On the contrary, all the organizations examined have projected a solution to the Cyprus problem as one that fully respects Cypriots’ rights as their ultimate aim. Taken at face value, this would potentially classify all actions as starting off from the intention of peacebuilding. At this point it becomes important to contextualize this discourse within a landscape of counter-discourses, both within one’s own community and with respect to discourses on the other side.

Finally, what appears presently to be happening in Cyprus in relation to conflict society impact on the political process is a developing trend towards peacebuilding. Unsurprisingly, this is chiefly related to the involvement of international – particularly European – organizations and bodies, such as the ECHR, European Commission and European Parliament. Especially since the referenda of 2004, the presence of the international factor appears to have helped efforts to bring the two Cypriot

sides closer to a liberal understanding of human rights, i.e. one that puts the rights of the individual above those of the state. In Cyprus, this would also include taking into account the legitimacy of rights claims by individuals belonging to the other community.

Notes

1. The ratio between the GC and TC populations is 4:1.
2. See UN Security Council Resolution 186 at www.un.int/cyprus/scr186.htm.
3. See UN Security Council Resolution 541 at www.un.int/cyprus/scr541.htm and Resolution 550 at www.un.int/cyprus/scr550.htm.
4. See the 1977 and 1979 High-level Agreements at www.kktcbe.org/yukle/dosyalar/DOCUMENTS_ENG/1977_1979_High_Level_Agreements.pdf.
5. See [www.cyprus.gov.cy/MOI/pio/pio.nsf/All/372B6BAF332C88E3C2256D6D00348CF1/\\$file/Set%20of%20Ideas%20\(1992\).pdf](http://www.cyprus.gov.cy/MOI/pio/pio.nsf/All/372B6BAF332C88E3C2256D6D00348CF1/$file/Set%20of%20Ideas%20(1992).pdf).
6. See www.hri.org/docs/annan/Annan_Plan_Text.html.
7. See EU Protocol No. 10 on Cyprus to the Act of Accession, 2004, http://eur-lex.europa.eu/pri/en/oj/dat/2003/l_236/l_23620030923en09310956.pdf#page=25.
8. See www.missing-cy.org/.
9. A background to the movement can be found at www.cyprus.com.cy/womenwalkhome.htm.
10. Interviews with civil society representative, February 2008, Cyprus.
11. Interviews with civil society representative, February 2008, Cyprus.
12. *Şehit Aileleri ve Malul Gaziler Derneği*, www.kktc-sehitaileleri.org/.
13. See the EU General Affairs Council conclusions of 26 April 2004 at www.cypusemb.se/database/cypemb/archive_174.asp.
14. The notion of political identity is defined in Chapter 3.
15. For example, in the landmark case of *Loizidou v. Turkey* (for relevant judgments search case title at <http://cmiskp.echr.coe.int/tkp197/search.asp?sessionId=35833356&skin=hudoc-en>), the ECHR held that the applicant (who was arrested by the TC authorities during the Women Walk Home march of 1989) is still the owner of the property left in the north and that Turkey was responsible for violation of her right to enjoy her property. Other important judgments, confirming the court's approach to the *Loizidou* case, followed. A detailed analysis of these can be found in Özersay and Gürel (2008).
16. See, for example, the *Loizidou v. Turkey* website at www.cyprus.com.cy/.
17. See http://agrino.org/kyrenia/welcome_en.utf8.html. The original name of the association, *Adhoúloti Kerýnia*, could more appropriately be translated as "Kyrenia that resists enslavement", which harks back to nationalist interpretations regarding the occupation of the north.
18. See, for example, the Cyprus Panel website on missing persons at www.kypros.org/CyprusPanel/cyprus/missing.html.
19. See www.embargoed.org/.
20. The CMP was established in 1981 but produced few concrete results until an agreement between the two leaderships in 1997 allowed it to resume its work under a revised format. The first identification of remains and their return to relatives under the new format was completed in 2007. However, a number of hitherto missing persons had been identified prior to that. For more information see www.cmp-cyprus.org/nqcontent.cfm?a_id=1305&tt=graphic&lang=11.
21. See www.ktihv.org/.

22. E.g. *Cyprus v. Turkey* in 2001 and *Varnava and Others v. Turkey* in 2008. For relevant judgments search case title at <http://cmiskp.echr.coe.int/tkp197/search.asp?sessionid=35833356&skin=hudoc-en>.
23. *Pangýpria Énosi Prosfýgon*.
24. *Foréas Isónomis Katanómis Varón*.
25. Exemplary of such a discourse is the work of Tony Angastiniotis (2005) which, it could be argued, has been showcased by the authorities in the north, diminishing its credibility in the south. See <http://video.google.com.au/videoplay?docid=-7695688617775364591#>.
26. The possibilities of such actions in terms of enhancing the democratic process have been noted by researchers. See Rebecca Bryant's "Oral Histories in Pre-Conflict Village Life in Cyprus" project at www.cies.org/NCS/ncs_rbryant.htm.
27. See www.frm.org.cy/.
28. See <http://dzforum.de/en/index.php>.
29. *Yeni Kıbrıs Partisi*, www.yenikibris.org/ykp/.
30. Resolution available at www.letsunitefamagusta.net/en.htm.
31. Relevant press releases in English available at www.frm.org.cy/Data/ENGLISH/PressRelease.htm and others in Greek at www.frm.org.cy/Data/PressRelease.htm.

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6

Human rights, civil society and conflict in Bosnia-Herzegovina

Giulio Marcon and Sergio Andreis

Introduction

The specificity of Bosnia-Herzegovina (BiH) civil society is determined by the country's multiethnicity (with three dominant nationalities), by the important role played by religions (each identifying with one ethnic group: Orthodox Christianity with Serbs, Islam with Muslims and Catholicism with Croats) and by the hegemony of nationalist ideologies dominating BiH's politics, society and cultures. This is the context within which this chapter aims at shedding light on BiH civil society, including its ambiguities and peculiarities. What emerges is the diversity of answers by civil society actors, confronted by not only the local political and military contexts, but also strong initiatives by the international community and European institutions. In this sense this chapter also provides input to the discussion on the European Union (EU) and civil society in the conflict-human rights nexus, explored in depth in Chapter 9.

The conflict context and implications for civil society in Bosnia-Herzegovina

Before the war that erupted in 1992, Bosnian civil society was weak and underdeveloped, operating in a context which was far from democratic and pluralistic (Bianchini, 1999). In the 1980s BiH (within Yugoslavia) went through changes from a non-democratic regime to a more open

political framework. Until then its social and civic organizations had been linked to and dependent on the state or the communists (the League of Communists). No independent and free civil society was at work in BiH until the end of the 1980s. Media, youth, sport, cultural and social organizations could be viewed as branches of the organized communist system. As in many regimes, the dominant political structure used associational life as a means to rally support for and consensus on the state's ideology and political system. Social and cultural organizations during the regime period worked to confirm and ensure consensus and participation in the communist system. Since the 1990s nationalism has taken the place of communism as an ideological cement, and has changed the principles of the modern state. "Ethnicity and not citizenship became the background of the state . . . Because the state has an ethnic background, it is not based on the rule of law nor on individual rights, but on an identity which discriminates according to language, religion, cultural values, historical belongings . . ." (ibid.).

During the 1960s, and notably in 1968 and the following years, some dissidents and small groups (such as magazines and clubs) tried to break the walls of the regime, in an attempt to organize debate on democratization and the future of BiH and Yugoslavia. The result was the emergence of an underground society, developing in the 1970s and 1980s, that included the publication of alternative journals, articles in the official press, lectures at universities and *samizdat* or illegal meetings (ibid.). This underground society was an attempt to create an independent civil society, which was officially banned by the regime. But these fragments of social initiatives never really surfaced. While in the 1970s *Solidarnosc* in Poland and *Charta '77* in Czechoslovakia emerged as new mass civil society actors against their respective regimes, no similar cultural or social movements appeared in BiH. A free civil society only emerged in the early 1990s following the first free political elections.

These first free elections were held in 1990, just two years before the war started. Nationalistic political parties – Muslim, Serbian and Croat – dominated the public and political debate before and during the war (Kaldor, 1993). Only a few civil society organizations (anti-war groups, women, multiethnic organizations) played an active role to avoid the war.

During the war, a few organizations continued their work and operated in very difficult conditions, including sieges, ethnic cleansing and widespread violence, entailing few prospects to reverse the course of war. Media, religion and culture in particular played an important role before and during the war, contributing to further securitization of the conflict and mobilizing around ethnic identity, cultural symbols and historical myths. Because the conflict was "national" and "ethnic", journalists, historians, intellectuals and priests all had a crucial role in establishing and

validating stereotypes, historical legends, ethnic victimization and ethnic identities. All non-nationalist forces operating in the fields of culture, media and religion and attempting to desecuritize the conflict failed to achieve tangible results in those years. Their role was marginal, even if they did establish strong relations with other European civil society organizations, thus laying the groundwork for the future. They had a positive effect in preventing the worst violations of human rights and spreading information and awareness on the BiH situation to international public opinion.

In the post-war period there has been a marked increase in numbers of conflict society organizations (CoSOs), not least because of international support. However, significant parts of the new and a few older CoSOs are linked with nationalistic political parties or are old communist (social) organizations (sport and leisure groups, professional bodies, trade unions). Many have been linked to one another, as former communists often became ethnic nationalists. Post-war civil society has been mainly concentrated in a few towns, while *de facto* absent in the countryside. Furthermore, its development has not entailed a parallel growth in political participation. In fact, many BiH non-governmental organizations (NGOs) have developed thanks to international funds and have not emerged from below. They do not have members, community fundraising or a democratic structure. They are formed by staff rather than volunteers and are wholly financed by European institutions or international foundations. This implies a structural weakness of BiH CoSOs, with weak roots in local society and a lack of independence from foreign donors. Some (Stubbs, 1998; Deacon and Stubbs, 1998) have argued that BiH NGOs (as in other developing countries) have simply replaced many of the functions of the state.

The role of civil society in Bosnia-Herzegovina

Securitization

Types of actors/identity

In the early 1990s, before the outbreak of the war, the three nationalistic parties (HDZ – Hrvatska Demokratska Zajednica/Croatian Democratic Union; SDS – Srpska Demokratska Stranka/Serb Democratic Party; SDA – Stranka Demokratske Akcije/Party of Democratic Action) and their social branches securitized the conflict. Yet one should underline that in the context of a society like BiH, which had just opened up to democracy, political parties were the main organized social structures through which civic participation was channelled. The absence of a civil society domain

separate from the party system meant that (nationalistic) political parties monopolized participation and public activism.

In mid-1991 in BiH there were 377 newspapers and other publications, 54 local radio stations, one news agency and the state RTV network. Many of these media outlets had a securitizing role, fuelling the conflict. The media system – both public and private – manipulated information and communication in order to support nationalistic views and feed the ethnic divisions in the country. The weekly *Ljiljan* was the main voice of the hardline wing of the nationalist SDA. The nationalism prevalent in the media and religious structures persisted during the war and the post-war period. The same can be said of the academic world, universities and other public research institutions: many historians, political scientists and writers used cultural heritage and historical memory as a “battle arena” for claiming the national rights of their own ethnic community. Intellectuals provided the fundamental ideological, historical and social legitimization needed by the political leaderships to justify their decisions and actions. Nationalist leaders took on *in toto* the nationality discourses emanating from cultural and religious institutions. Croats relied on *Napredek*, Muslims on Muslim cultural and religious bodies and Serbs on the Serbian Academy of Sciences to feed their respective nationalist discourses.

Religious institutions played a specific securitizing role in the conflict. All the main monotheistic religions (Orthodox, Muslim and Catholic) were linked to the leadership of the nationalistic parties and involved in politics. They reinforced in the faithful the perceived links between religion and nationalism, favouring exclusive identities and thus securitizing the conflict. “Unfortunately the role of religions in the Balkans has been negative . . . the influence of religion has been excessive. Religions didn’t provoke the war, but they did nothing to stop it” (Orsolic, 1995). In March 1992, one month before the outbreak of the war, the Orthodox Patriarch Pavle declared in an ambiguous and sinister way: “What should the Serbs have to do, if we wanted to take revenge for all we suffered in the past? Should we bury people alive? Should we slaughter them? Should we kill children in front of their parents? Serbs do not do this to wild beasts so won’t do this to human beings.” Again fostering antagonism, in 1993 the *reis-ul-ulema* of Sarajevo, Mustafa Cerić, said: “Now we have a State and we don’t need to beg pardon for being Muslim” (Pirjevec, 2001). Among Islamic organizations playing a significant securitizing role, two should be remembered: the BiH *Islamska Zajednica* (Islamic Community) and the *Aktivna Islamska Omladina* (Active Islamic Youth) movements, both claiming that Muslim culture, identity and religion had to be recognized as crucial in BiH. Various attempts were made to bring

the three religions together, but with little success or following. Partly connected to religious institutions, humanitarian organizations played a securitizing role: Merhamet (Muslim), Caritas (Catholic), the Serbian Red Cross (chaired at the time by Karadzic's wife) and other minor ones, like the Serbian Dobrotvor (Benefactor).

Conflict securitization was triggered by external violent and paramilitary groups: the Tigers, led by the Serbian war criminal Zeljko Razjatovic, known as Arkan, responsible for massacres in BiH; and the Patriotska Liga (Patriotic League) created in 1990 by nationalist Muslims and *mujihadin* brigades from Iran and Afghanistan. The Bosnian government itself created in 1993 the El Mudzahedin brigade, including 1,800 soldiers of Iranian, Afghan and other origin deployed in Travnik, Bugojno and Zenica in military actions and propaganda activities. One of its well-known publications was "The opinions we have to correct", which included criticisms of Bosnian Muslims for being too moderate (www.osservatoriobalcani.org). Even before the war broke out, the paramilitary Muslim Zelene Beretke (Green Berets) and the Croat Hrvatski Oslobođilacki Pokret (Croat Liberation Movement), which later became the Hrvatsko Vijeće Obrane (Croat Defence Council), were active on the ground.

Framework of actions

The nationalist media manipulated information and misled the public debate: spreading false or distorted news aimed at inciting nationalism and fuelling prejudice, with the presentation of history as a means to spread hatred between nationalities, and denying access to dissenting pacifist and multiethnic voices. Several broadcast programmes were systematically used to support a nationalistic approach and discourage multiethnic dialogue. This form of news reporting was widespread before the war and the norm during wartime. A former journalist of the Sarajevo daily *Oslobodenje* (*Liberation*), Zlatko Dizdarevic, stated: "There are some journalists that are war criminals. They have the same responsibilities of army chiefs, perhaps more" (Marcon, 2000). Media manipulation spread "enemy images" which were at the basis of the war that erupted in April 1992.

Intellectuals too, in general, contributed to the distorted and ideological interpretation of the country's historic and social dynamics. Documents, books and public statements were produced to assert national identities. In March 1992 in Sarajevo a first Congress of Serbian Intellectuals was organized with 500 participants, who declared their support for a division of the country along ethnic lines. During the war, many non-nationalist intellectuals (such as journalists, academics, writers and

students) left BiH to escape war and domestic cultural and political oppression, so the cultural scene became increasingly dominated by nationalists. Often the media and academia acted as spokespeople for nationalist causes: intellectuals went on TV or wrote in newspapers in favour of nationalist theories and these opinions were presented as objectively valid, thus receiving wide public attention.

Conditions: Political opportunity structure

The transition from the regime of the 1980s to a more open political structure by the end of that decade (with the first multiparty election in 1990) immediately polarized into two tendencies: the nationalist and the democratic/reformist, with the former overwhelming the latter. "After communism, nationalists recast discriminations along cultural lines", using political myths or epic deeds to emphasize differences among the three ethnic groups, while 45 years of communist rule made it difficult for society as a whole to think in terms of individual and citizens' rights, because the communist ideology centred on class and the spread of nationalism, emphasizing collective rights. The end of the regime gave the opportunity for a civil society freed from communist control to develop (Matvejevic, 2006). The break-up of the Yugoslav state immediately opened the door to the creation of new political parties, and nationalist parties such as the HDZ (Croats), SDS (Serbs) and SDA (Muslims) were dominant. The former communist leadership (with the exception of Izetbegovic and a few others) became leaders of the new national parties. Only two multiethnic parties emerged (one supported by the federal prime minister, Ante Markovic, and the other formed by the Social Democrats), but they represented weak minorities and failed to gain more than 20 per cent in the 1990 elections.

The international community too had a securitizing effect, firstly by supporting the break-up of the Yugoslav Federation (opening in this way the Pandora's box of ethnic conflict) and secondly by accepting the rise of nationalism. As Kaldor (1999: 42) put it:

The so-called international community fell into a nationalistic trap, because it has accepted the perception of the conflict that the nationalistic leadership wanted to convince them of ... They were convinced that the nationalists were effectively representing all the society and the international negotiators didn't see any other solution than the compromise that the nationalists were proposing ... They didn't see that "hate and fear" were not endemic to the country, but a consequence of the war. In this way they helped the nationalists to achieve their objectives and weakened the humanitarian perspective.

The political conditions for those civil society organizations working for the desecuritizing of the situation were unfavourable. Conversely, civil

society actors securitizing the conflict found unexpected allies in the international community.

Non-securitization

Types of actors/identity

As opposed to securitizing actors and actions, non-securitizing impacts are much harder to discern because of the difficulties in ascertaining causation. Holding can take place in four different types of non-securitization: denying the asserted existence of an existential threat, warning that an addressed audience does not possess the legitimacy to decide on the adoption of extraordinary means, recommending the addressed audience to reject the call to panic policies and resisting the implementation of extraordinary measures (Gromes and Bonacker, 2007: 18). In BiH, this definition needs to be broadened a little. All but one of the actors interviewed in December 2007 started operating long after the end of the 1992–1995 conflict. While securitization still took place after the conflict and continues in some areas to this day, most securitizing happened in the time leading up to and during the war.

In this period non-securitizing moves took place, for instance a demonstration against the war in Sarajevo in April 1992 where demonstrators took control of the parliament, calling the public to reject panic politics. This non-securitizing action failed when the demonstrators went to the headquarters of the Bosnian Serb political party, inducing Bosnian Serbs to revert to panic politics and the bodyguards of Radovan Karadzic to kill four civilians. This is just one example of how a non-securitizing move – in this case a demonstration for peace – can fail. Another is the Bihac enclave and the Agrokomerc food company. In the region around Bihac and Velika Kladusa, securitization did not occur because the asserted existence of an existential threat was not accepted by the public and no fighting took place between Bosnian Serbs and Bosnian Muslims. Yet in the mid-term this non-securitizing move failed, because the Bosnian Muslim government under Izetbegovic accused the Muslims in west Bosnia of being traitors and called for extraordinary measures, which resulted in the military defeat of the west Bosnian troops. These two incidents can be seen as examples of attempted non-securitization. A broader category of non-securitization impacts includes actions operating on the symptoms of the conflict, but which failed to account for its root causes. These holding actions at times prepare the ground for peace and at other times can set the conditions for a relapse into escalation. In this respect, actions aimed at democratization and long-term peacebuilding can be seen as holding in the short term, because they deal with the symptoms of the

current situation in BiH, such as the lack of democracy and understanding of democracy.

Framework of actions

Actions undertaken by Sarajevo University in establishing a master's course on "human rights and democracy" can be seen as a holding move because students are trained to react to the call for securitization in a democratic manner, although the programme does not desecuritize a previously securitized issue. Another example can be seen in the work of Medica Zenica. This organization helped traumatized women during the war and still works on this and other issues in the Bosnian town of Zenica. By helping women deal with the most acute symptoms of the conflict, such organizations did not have, strictly speaking, a desecuritizing impact and are best described as holding.

Another interesting example of holding actions is the work of the organization Q, which tries to foster the rights of homosexuals in BiH. Homosexuality is a difficult topic in BiH and the organization had problems, especially with local residents and religious groups, during its campaigns. It tries to present an overview of the situation of homosexuals through interviews with governmental institutions and by contacting police stations to find out if there are statistics on registered cases because of sexual orientation. It also holds public meetings to create awareness of discrimination of homosexuals and tries to build a network so that affected individuals know to whom they can turn. The work of Q is opposed by a number of social actors, but the organization nonetheless raises awareness on the topic of discrimination of a certain group and individuals, making it an active actor in the struggle for human rights in BiH. Viewed differently, however, Q's actions can be seen as peacebuilding because they do not refer to an act of securitization. The issue of homosexual rights was not really mentioned in public before the war, and even after the war it is not a topic on the political agenda of any party. Hence the organization's work, while unconnected directly to the BiH conflict, works indirectly on the conflict by addressing a critical human rights question.

A similar case can be made for the European Movement in BiH. This NGO works on minority rights and is especially engaged in the Roma community. The Roma are the biggest ethnic group in BiH that is not a constituting nation of the country; they are discriminated against throughout BiH and suffer from an extremely high unemployment rate and the highest illiteracy rates in the country. The European Movement has two programmes to promote Roma rights and improve their living standards. One aims at advocacy work for Roma rights, combined with direct assistance, and consists mainly of an information office where Roma are ad-

vised on how to cope with their situation and which forms of state assistance they can benefit from. The second programme directly targets illiteracy problems, establishing courses and hiring teachers. Through its actions this CoSO did not impinge directly on the conflict but has addressed a critical human rights problem in the country.

Conditions: Political opportunity structure

Holding actions can be found in a variety of different moves by local and international CoSOs. Defining an action as holding and not peacebuilding may not correspond with the self-perception of the local actors, who would mostly state their work as peacebuilding. This does not mean that holding actions cannot foster a peaceful and democratic development of the country, but rather that they do not act to desecuritize the conflict.

In the political opportunity structure for holding actions, international and internal factors need to be considered. Regarding international factors, the approach of the UN and EU institutions during the war was characterized by a holding initiative with modest and ineffective attempts to find solutions to the conflict. As argued by David Rieff (2002), international humanitarian aid during the war was an alibi to avoid political or military intervention.

In place of a political initiative, supported by the threat of military intervention, the Western countries chose humanitarian aid to relieve the worst consequences of a conflict that they wanted to *hold* by charitable actions. *Holding by charitable actions*, this was the definition of a UN official ... The problem was how to make the humanitarian alibi work to justify the lack of intervention.

According to this reading, the international and Bosnian CoSOs cooperating with the approach of the international community were thus holding. Indeed, international institutions massively supported international and local NGOs delivering humanitarian aid and gave very little support to organizations working for peace, human rights and freedom of expression.

As for internal conditions, the Serb and Croat nationalistic groups (political leaders and social, religious, cultural *nomenklatura*) were the most interested in holding the conflict at key moments during the war and the post-war period. This was the way to preserve the partition of the country in different entities and defend nationalistic approaches. Some local NGOs agreed not to question the framework of the Dayton Agreement and the full implementation of human rights within it, thus accepting an official holding strategy while waiting for better times. In some cases there was no alternative, because of the risk of fuelling the conflict or being banned. This was particularly true in the Republika Srpska (RS

– Serb Republic) during the war and in the first years after the Dayton Agreement.

Desecuritization

It is not at all uncommon for academic commentators and others to refer to the current state of BiH as a cold peace (Belloni, 2007: 1) or a fake democracy (Chandler, 2000). This less-than-desirable state of affairs is due to a vast array of factors: an excessive direct involvement of the international community, continuing tensions between ethnic groups, high unemployment and lack of economic security for many, a highly bureaucratic and complex state structure and a lack of ownership over domestic social and democratic development. While these flaws might lead to a pessimistic view of the future of BiH, the current cold peace, or fake democracy, has triggered strong involvement by civil society in promoting a genuine peace.

Fagan (2005: 406) argues strongly that “it seems as though all aspects of Bosnia’s internationally-led post-conflict transition hinge on civil society development”. The NGO sector in Bosnia-Herzegovina is characterized by distinct features. First, its claim and ambition to pose as an alternative to nationalist political élites means that most NGOs resist nationalist connotations, be these Serb, Croat or Bosnian. Rather, most NGOs strive to be multiethnic in outlook and boast tolerance, compromise, dialogue and moderation as their primary assets.

In 2005 there were over 7,000 NGOs in BiH. As a consequence of this overflow of organizations, the objective over the last few years has been consolidation (Belloni, 2007). This has taken the form of civil society partnerships and an attempt by organizations to rely less on foreign support. These processes could pave the way for nationalist interest groups with money to back certain segments of civil society (one example was seen in the RS in November 2007 when a network of allegedly independent NGOs, with the acronym SPONA and backed financially and politically by the RS leadership, organized mass protests demanding a referendum on RS independence). However, on the whole this has not taken place. The attempt at consolidation has also shaped the work of international CoSOs. International civil society networks have been established to prevent and/or solve the conflict peacefully. Examples include the Helsinki Citizens Assembly, which started its engagement in March 1991 and established offices in several BiH cities; the Verona Forum for Peace and Reconciliation in Former Yugoslavia, spearheaded by Green member of the European Parliament Alexander Langer; European media and journalists groups (Alternative Information Media, Reporters Sans Frontières, Droite de Parole, Associazione Est Ovest), which

have promoted support to independent BiH journalists; and European humanitarian NGO networks and Protestant churches, which have provided aid to the needy independently of their ethnicity or nationality.

Types of actors/identity

Nearly all 27 civil society actors interviewed for this chapter define themselves as being involved in peace-promoting activities, albeit from different angles. More specifically, 12 organizations stated that they focused on peace-related work. These groups include a variety of organizational structures, identities and funding set-ups. In our sample two organizations are alternative radio stations: Radio EFM Sarajevo (www.efm.ba) and Radio 202. The founder and editor of Radio EFM, Zoran Catic, argued that the role of his station is crucial because it serves as an oppositional voice to the public national radio. From this vantage point his radio has led several campaigns focusing on different human rights issues which need attention, according to Radio EFM's staff. He benefits from support by Stefan Pejovic, the host of a popular talkshow on Radio 202 who raises awareness about human rights issues in his shows. A second set of organizations defined themselves as lobby and activist groups. These include the Federation of Concentration Camp Prisoners Republika Srpska (a member of SPONA), Stolac Youth Forum, the Movement for Social Justice, the Center for Promotion of Civil Society (www.civilnodrustvo.ba and www.grozd.ba), Plava Sphera and One World South East Europe. These groups have very different outlooks and goals, but unite in their efforts to promote human rights. In addition, there is one psychosocial organization which works with war-raped women and families suffering from domestic abuse, namely Medica Zenica. Finally, one individual citizen could be included in view of his inter-religious efforts: the orthodox seminarist Vladimir Ponjaric. The general picture which emerges across these various groups is that in their desecuritizing efforts they all adopt a non-ethnic and global human rights discourse. As human rights violations are interpreted broadly, their activities have also touched on issues indirectly linked to human rights, such as ensuring that pensions are received on time.

International network activities may be summarized in two initiatives. First, the political support to BiH civil society groups (media, Women in Black, etc.) constituted a form of "diplomacy from below" by including BiH CoSOs in international conferences and other forums in order to articulate human rights questions internationally. For example, the Helsinki Citizens Assembly in Tuzla co-organized in 1994 the Tuzla Citizens Forum. In the media field, Alternative Information Media opened several offices in BiH to try, through local radio stations and newspapers, to provide independent information. Second, international CoSO activities

have concentrated on humanitarian aid, collected in the West and delivered locally, and on the hosting of refugees.

Framework of actions

The framework of possible actions depends on a number of factors: international ties, funding structure and links to the national authorities. According to the Norwegian ambassador to Bosnia, Jan Braathu, as an indication of the current state of affairs we can see a move from reconstruction funding and activities to institution building:

As of 2000 we have had a stronger focus on institution-building so development assistance shifted from humanitarian aid, to reconstruction, to institution-building even though we have elements of humanitarian aid and reconstruction still ongoing. For instance we have a water project which involves four local communities and we have insisted that these four communities organize themselves in ways in which their experience on water management can be transferred to others.¹

It is clear, as indicated above, that funding institutions and the international community in general encourage civil society actors to consolidate their efforts. This means that many of the actions of individual NGOs and civil society actors are part of larger campaigns launched by networks across Bosnia-Herzegovina and abroad.

Broadly, we can divide desecuritizing civil society actors into three categories. First are those which rely completely or in part on international donors. One such group is the International Peace Center, which has received funding from the European Commission, European Parliament, the Organization for Security and Co-operation in Europe and the United Nations. According to its president, Ibrahim Spahic, the CoSO has also more recently received funding from national institutions. Its primary activities are based on raising awareness of anti-war and pacifist movements through inter-religious dialogue, the publication of the magazine *Why* and protests against compulsory military service. Spahic sees the abolition of compulsory service as a victory for Bosnia-Herzegovina and a success of his organization. The situation of Medica Zenica is somewhat similar. It was established in 1993 with external funding from Medica Mondiale and a German NGO specializing in women's issues, and violence against women in particular. Other organizations in Europe and the United States also supported Medica Zenica for many years until 2006, when external funding ground to a halt. Close cooperation with local institutions such as the social centre, local police and others has, however, ensured the organization's ongoing existence. Its advocacy work has secured legislative changes regarding the protection of women against violence.

The second category includes a group of civil society actors which refuse international funding because of their perceived need to retain independence and not be governed by international donors' agendas. Both media groups are examples of this. Zoran Catic of Radio EFM characterizes the situation as follows: "The media and NGOs are just looking for money and politicians are not really interested in human beings, except when they are talking to the public."² The Stolac Youth Forum also aspires to avoid international funding, but for practical reasons accepts basic funding in order to organize youth summer camps. Turning to One World South East Europe, Sanjin Buzo explains:

We always said no to who wanted to give us money, also to the Foreign Development Programme, because we want to be independent and our philosophy is to be self-funded. We sell T-shirts and we organize concerts and then we use the money for our activities. If you really want to improve the situation it's necessary to be independent. What we ask to people is to be involved, as individuals. If the German ambassador would like to give us support the best way to do it would be to talk about our goals and our aims wherever he goes. Supporting us by giving us money and expecting their logos on our promotional material is not the right way to go about it.³

Lastly, there are organizations which are tightly linked to national authorities and whose funding has relied completely on their support. The only example of a desecuritizing CoSO of this kind is the Federation of Concentration Camp Prisoners Republika Srpska.

Conditions: Political opportunity structure

While internal changes such as police and military reforms are important for the international community in BiH as well as the national political leadership, they were not equally salient for the interviewed CoSOs. These reforms are part of BiH's path to the European Union. While the interviews for this study were taking place in December 2007, BiH signed its Stabilization and Association Agreement, signalling its preparedness to make the necessary changes in order to be eligible for candidacy. Interestingly, however, the path to EU membership was not part of the political opportunity structure conditions viewed as important to the interviewed CoSOs.

What appear to be much more important to the CoSOs were the ramifications of the Dayton Peace Agreement and the highly bureaucratic arrangements set up to ensure a balanced representation of ethnic groups in parliament and government, including the tripartite presidency. Having a mixed ethnic background excludes individuals from political positions within the current system, and this is something which is addressed

particularly by the two media organizations in their talkshows. Against this backdrop, most civil society actors, to the extent that they talk about this subject, are united in calling for an integrated federal BiH.

Conclusion

This chapter has shown that a two-dimensional development emerges within BiH civil society. On the one hand there is a gradual professionalization but a lack of independence among the more structured NGOs. On the other hand, small organizations have strong identities, but are marginalized in their relations with national and international bodies.

The greatest obstacle to the development of a multicultural civil society rests in the national political context, which is still characterized by ethnic separation and division, by a war heritage of hate and fear and by the absence of a united state able to favour dialogue among ethnic groups. This leads to CoSOs, particularly within the media, academia and religion, having a securitizing or non-securitizing impact in view of their ties to political power (specifically some religious institutions). Most of the people interviewed for this chapter saw nationalism as one of the most pressing human rights violations and the overcoming of nationalism as one of the most important issues on the agenda. With the state presidency and most of the political parties still based on ethnic divisions, an end of nationalist politics in BiH seems far from being realized.

However, on a whole the space for desecuritizing civil society activities has increased markedly in the post-war years. The international community has played a key role in this, although doubts remain regarding the top-down nature of its civil society development which has entailed limited bottom-up participation by citizens. Hence there is a need for CoSOs to work more to satisfy societal needs than international donor agendas by engaging more with citizens and focusing less on enhancing international visibility through marketing and communication (Matteucci, 2000).

This brings us to the role of the international community in the promotion of human rights over the course of Bosnia's troubled past and present. The international community can indeed be blamed for failing to prevent and rectify human rights violations. During the war a *realpolitik* approach was prevalent and humanitarian aid acted as an alibi for the lack of political initiative to stop the war (Rieff, 2002; Vaux, 2001). This brought a large part of the Muslim and Croat sides to criticize the international community harshly, accusing it of complicity with the aggressors. The international community in those years supported humanitarian organizations (mainly international), and projects and activities on human

rights have received increased attention only in the post-war period. Also European institutions sometimes failed to secure human rights, as was the case in Mostar where the European administration of the city (1994–1996) tried, but failed, to overcome ethnic lines dividing the city. The European Union tried to promote human rights, but in a situation of lasting nationalistic divisions, the results and approval by Bosnian society have been, at best, partial (Bazzocchi, 2003).

The hope expressed by many, belonging to different ethnic groups, was for a future multiethnic BiH member of the European Union. This is also the declared goal of the BiH high representative, and is one reason why the high representative, who is also the EU special representative, has to work slowly on the task of making his post obsolete. A country controlled by an EU representative cannot become an EU member state. This means that the European Union will slowly have to pull out of BiH as a policy-making actor in order to allow the country to develop independently and become an EU member in the long term. With the European Union being the major international actor in BiH at present, it seems hard to imagine that this will take place in the immediate future. Alongside the special representative there is also a European Commission delegation in the country disbursing and monitoring the use of EU funds, as well as the EU Police Mission, which aims to establish a sustainable multiethnic police service through monitoring, inspecting and mentoring the local police. The latest EU mission in BiH is EUFOR (European Force) – since December 2004 the European Union has been in charge of the international military presence in BiH, having taken over from NATO's SFOR (Stabilization Force). At present the mission counts some 2,500 soldiers, mostly from EU member states but also from associated states, making it the EU's largest military operation. In addition, the European Union has funded 52 micro-projects concerning human rights and democratization since 2001. They have been carried out by local and international partners, for a total of €3 million, plus another €1.4 million forthcoming. Alongside this, over €8 million has been allocated to macro-projects. Other projects are funded by the European Initiative for Democracy and Human Rights and the democracy and human rights budget lines earmarked under the Community Assistance to Reconstruction, Development and Stabilization Programme.⁴

Post-war Bosnian civil society has certainly played a role in entrenching the culture of human rights and the need for a lasting peace in society. But still too few people believe in true reconciliation and too few CoSOs work to secure this goal. Most of the work remains to be done. If civil society is able to find more support within society at large and thus become more effective in pursuing its political proposals and actions, the future will be a brighter one, for the country and for all of us.

Notes

1. Quote from interview with Ambassador Jan Braathu by Inger Skjelsbæk in Sarajevo, 3 December 2007.
2. Quote from interview by Inger Skjelsbæk in Sarajevo, 30 November 2007.
3. Quote from interview by Francesca Nicora in Sarajevo, 3 December 2007.
4. See www.europa.ba/?akcija=clanak&CID=19&jezik=2&LID=34.

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7

Human rights, civil society and conflict in Turkey's Kurdish question

Nathalie Tocci and Alper Kaliber

Introduction

Turkey's Kurdish question has been strongly shaped by and analysed through the lens of the nature of the Turkish state and the manner in which it has responded to the Kurdish nationalist challenge. Indeed, Turkey's Kurdish question, rather than representing an ethnic or ethno-political conflict, is more accurately described as a conflict between the Turkish state and the Kurdish nationalist movement, the latter being epitomized above all by the Kurdistan Workers Party (PKK). Whereas the specificities of the Turkish state have moulded the particular shape of the Kurdish nationalist challenge, the PKK has tended to validate the securitizing discourse of the state establishment. This notwithstanding, a grossly under-researched area regards the role and impact of civil society actors, both Turkish and Kurdish, in Turkey's Kurdish question.

Since the 1980s the Kurdish question has been among the principal agenda items for conflict society organizations (CoSOs) in Turkey, and a defining issue around which they have positioned themselves in domestic politics. CoSOs demanding the recognition of a separate Kurdish identity and collective cultural rights and denouncing the state's violations of human rights have occupied the space of the "anti-establishment". CoSOs that, to a greater or lesser degree, have adopted the official state line and accused anti-establishment CoSOs of being pawns in the hands of the PKK could be defined as "establishment" organizations. In between these two extremes, there have been CoSOs whose identities and actions have

not wholly distanced them from the Turkish state project but which have nonetheless challenged the hegemony of the state's secularist and ethno-nationalist policies (Keyman and Onis, 2007: 270; Bilgin, 2007: 562).

In order to discern conflict society's impact on Turkey's Kurdish question, we focus on the concept of "securitization" elaborated in relation to human rights and conflict in Chapters 2 and 3. A securitizing impact would ensue from a particular civil society action which articulates an existential threat and successfully calls for extraordinary measures to combat it, thus fuelling the incompatibility of subject positions between the Turkish state and Kurdish society. By contrast, a desecuritizing impact would ensue from a civil society action which opens a space for dialogue and calls for democratic deliberation with different yet equal participants, thus legitimizing the return to "normal" (legal and institutional) measures to tackle the situation. Finally, a non-securitizing impact would derive from a Turkish or Kurdish civil society action that attempts to deconstruct the "other" as an existential threat, but either this attempted deconstruction or the advocated means to tackle the situation is not accepted by the referent group.

With this analytical framework in mind, this chapter assesses the impact of CoSOs in Turkey's Kurdish question. Assessing impact is, of course, no small feat, particularly in a field where there has been no empirical analysis devoted to this specific research question. To conduct our research we thus relied principally on primary sources and in particular interviews with CoSO representatives, as well as cross-checking interviews with academics, other civil society actors and officials. Following the analytical framework elaborated in Chapter 3, in our interviews with CoSO representatives our questions were aimed at understanding the nature of the organizations, their precise activities, their framework of action, the conditions shaping the political opportunity structure and their self-assessment of impact. The question about impact was then cross-checked with both other CoSO representatives (involved in similar fields) and academics and officials familiar with the civil society activity in question. Given that the main aim was to understand which securitizing/desecuritizing moves led to securitizing/non-securitizing/desecuritizing impacts and why, we found that the same organization could fall into different categories in pursuing different actions.

The argument is developed into two principal sections. We first provide a brief overview of the historical context of Turkey's Kurdish question, focusing on the emergence of the problem as one between the state (and its specific evolution) and part of society (i.e. the Kurdish population that articulated its identity and aspirations as such). We then turn to the core of our analysis, unpacking actors (and corresponding actions) whose impact was securitizing, non-securitizing or desecuritizing. In analysing im-

pact we account for three principal variables. First is the identity of the organization, and in particular whether it could be best described as civic, multicultural, assimilationist or ethnicist/racist. Second we analyse the specific actions pursued and whether these could be characterized best as conflict escalating or conflict management, resolution or transformation. Finally we turn to the factors shaping the political opportunity structure in which CoSOs operate, shaping, at times decisively, their overall impact on the conflict.

The conflict context and implications for civil society in Turkey

When the Turkish Republic was founded in 1923 by a military-dominated bureaucratic class led by Mustafa Kemal, the aim was to create a civic nation in which all citizens would enjoy equal rights. While in theory the choice of adopting a civic conception of the nation was not problematic, a problem emerged in practice when Turkish nationalism gradually acquired a distinctive ethnic slant (Tocci, 2001). This meant that all non-recognized minorities, first and foremost the Kurds, were only accorded equal rights in practice if they abdicated their minority identities (Kurban, 2005). Largely in response to the Kurdish rebellions of the 1920s and 1930s in Turkey's southeast, inhabited predominantly by Kurds, Turkish authorities increasingly started viewing the articulation of a separate Kurdish identity as a threat to the nation-state. The securitization of the Kurdish question was in the offing, translating into reneged promises of local Kurdish autonomy, violation of the legal obligation (under Article 39 of the 1923 Lausanne Treaty) to protect the Kurdish language, banning of Kurdish names and the implementation of the repressive Law for the Re-establishment of Order and the Resettlement Law designed to dilute the Kurdish presence in the southeast. People were thus resettled and their names were changed, the use of the language was restricted and the very existence of a Kurdish identity was denied. The ensuing and mounting frustration felt by the Kurds erupted in counter-securitization through mobilization and unrest by the late 1960s and 1970s. In those years the Kurdish cause was advocated by Kurdish/leftist movements such as the Turkish Workers Party (Türkiye İşçi Partisi), youth revolutionary movements (Dev Genç) and cultural clubs (Revolutionary Eastern Cultural Hearths/Devrimci Doğu Kültür Ocakları), which articulated the Kurdish question as a quest for equal socio-economic rights in the underdeveloped southeast.

Following the 1980 military coup, the cycle of securitization and counter-securitization rose exponentially. The state's repression of rights

and freedoms is illustrated by the highly restrictive nature of the 1982 constitution, which, *inter alia*, prohibited education in languages other than Turkish (Article 42). State repression fuelled further the flames of Kurdish resentment, which by the 1980s acquired a distinctive nationalist/secessionist flavour through the rise of the PKK, whose declared objective was to establish, through violence, a pan-Kurdish state based on Marxist-Leninist principles. The PKK, led by Abdullah Öcalan, launched its first attack on the Turkish armed forces in 1984 and progressively used all means at its disposal, including terrorism and intimidation. By the mid-1990s the PKK counted approximately 8,000 militants operating inside Turkey. It also exploited its foreign connections, using Syria and Lebanon in the 1980s and northern Iraq since 1990–1991 as training grounds and launching pads for attacks against Turkey. A vicious circle was thus set in motion, whereby PKK violence interlocked with Turkish state violence and repression. In response to PKK attacks, the number of Turkish troops in the southeast steadily rose and the state recruited village guards to fight the PKK.¹ Military forces used all means in this war, including evacuation of villages, displacement of persons, extrajudicial killings and disappearances, detentions, intimidation and torture. In 1987 the state imposed emergency rule (*Olağanüstü Hal*) in 10 provinces of the south-east, which lasted until 2002 (Kurban, 2003: 190). In 1991 the new Anti-Terrorism Law provided an extremely broad definition of terrorism, and legalized a wide set of measures to combat it.

The nature of the Turkish state has not only influenced the Kurdish question and the highly securitized context in which it has evolved; it has also shaped the nature of civil society in Turkey. The contours of this civil society are determined by the “strong” and concomitantly “weak” nature of the state. Beginning with “strength”, the meaning of civil society – *sivil toplum* – in Turkey is inextricably tied to the idea of a civilian/non-military society (Seckinelgin, 2004). In this light, Turkey’s civil society has tended to work against the illiberal features of the state, which has been strongly influenced by the Turkish military, especially since 1980. Particularly since 1980, “civil(ian) society” in Turkey became closely associated with the push for democratization and the protection of human rights, and because of this has often been viewed with suspicion by state institutions. In addition, the overbearing presence of the state and its highly restrictive character circumscribed the prospects and freedom of manoeuvre of civil society, in particular by restricting freedoms of expression, association and assembly which represent the *sine qua non* for a vibrant civil society (Dağı, 2001; Toprak, 1996).

Beyond limiting the space for associational life, these restrictions had a further double-edged effect on the nature of civil society. On the one hand, “establishment” civil society groups, including many legal founda-

tions (*vakıflar*), clubs (*dernekler*), sectoral associations (*odalar*), bar associations (*barolar*), universities, media groups and trade unions, while often pushing for democratization, did so within the unspelt confines of the Turkish republican project. The “social contract” between the state and establishment CoSOs saw the protection of CoSOs’ rights alongside their compliance with and promotion of Kemalist tenets. Hence, as Seckinelgin (2004) explains, when actors or events challenged Kemalist principles, civil society’s “socio-cultural reflex” would contract, leading the state to speak in unison with civil society. In these instances, CoSOs acted as an additional voice at the service of the “father state” (*baba devlet*) (Kalaycıoğlu, 2002). Because of this, establishment CoSOs have been conceptualized as part and parcel of the state’s national security project (Bilgin, 2007), being more willing to ally with the state than with anti-establishment groups. On the other hand, all those groups which challenged the strict interpretation of the republican project were relegated to the margins, unable to shed their image as a security threat to the state and society. “Anti-establishment” civil society has often been banned and has thus operated beyond the confines of the law. It has pursued ethnic, linguistic, cultural or religious claims in collision with the dominant understanding of the Turkish nation-state as homogeneous, secular, modern and Western. Kurdish groups, recognizing themselves as such and pursuing Kurdish claims, have fallen squarely within this category.

At the heart of this black-and-white, us/other characterization of civil society in Turkey is the high degree of securitization by the state and society. It is here that the “weakness” of the Turkish state emerges in full force. Challenging or even questioning the republican project has been portrayed as an existential threat to the nation-state. This threat is rendered all the more vivid and plausible to the public by historical memories – often dubbed as the Sèvres syndrome² – and Turkey’s turbulent geopolitical environment. Moreover, the emergence of the PKK strengthened the securitized space for civil society in Turkey. Indeed, any group articulating a separate Kurdish identity has been unequivocally dubbed as a threat to the state and nation and grouped together with the PKK. The banning of successive Kurdish/pro-Kurdish political parties illustrates this point (Barkey, 1998).³ At the same time, the lifting of parliamentary immunities and the banning of parties and civil society groups have drastically reduced the prospects of Kurdish political or civil groups emerging and operating independently of the PKK within the legal political system (Koğacıoğlu, 2003: 273).

Alongside the securitized environment created by the Turkish state, the PKK has presented a formidable challenge to the emergence of an independent and vibrant Kurdish civil society. As described by Marcus (2007), over the course of the 1980s and 1990s all those Kurdish associations

which attempted to operate independently of the PKK at best lacked funding and political backing to make an impact on Kurdish society, and at worst were threatened and intimidated by the PKK. Through control of political and associational life in the southeast, the PKK retained influence in the region despite its leader's imprisonment in 1999 and the flight of its militants to northern Iraq. Caught between the Scylla of an omnipresent PKK and the Charybdis of a repressive Turkish state, a genuinely independent Kurdish civil society has struggled to emerge.

The role of civil society in the Kurdish question

With this context in mind, let us now turn to the identities and actions of CoSOs in Turkey and the political opportunity structure shaping their impact on the Kurdish question. As anticipated above, for analytical purposes we distinguish CoSOs according to their three principal impacts: securitizing, non-securitizing and desecuritizing.

Securitization

Types of actors and identities

CoSOs which have tended to securitize the Kurdish question include establishment/nationalist Turkish non-governmental organizations (NGOs), mainstream media and some Kurdish and pro-Kurdish associations. Turkish organizations behaving as securitizing agents in the conflict range from establishment CoSOs (e.g. the Association for Atatürkist Thought) to right-wing trade unions (e.g. Türkiye Kamu-Sen) and organizations with ultra-nationalist outlooks (e.g. the Ankara Association of Martyrs' Families). They all object to the definition of the Kurdish question as a "Kurdish problem" and perceive it in highly securitized terms: "a problem of terror" (interviews), warranting extraordinary measures; a resort to violence. For establishment CoSOs, it is the unwarranted tolerance of the state towards "the separatist and cruel acts of terrorists" (interview) that has hindered settlement of the problem and prepared the ground for provocations by separatists and their external allies at the expense of Turkey. These Turkish CoSOs reject the existence of a distinct Kurdish culture and identity. Society is viewed as a homogeneous whole defined by its Turkish character. "As Atatürk stated, 'the people who founded the Turkish Republic is called the Turkish nation'. Thus 77 million people living in Turkey are Turkish" and "it is impossible to imagine them [Kurds] as a nation or people different from us" (interviews). This attitude also manifests itself in the assumption that Kurdish does not exist as a distinct

language. It is either “a dialect of Turkish language” or a “distorted form of the Persian language” (interviews). Hence any demand for education and broadcasting in Kurdish is “mere political rhetoric” and cannot be deemed a democratic right. This rejectionist stance heavily securitizes the conflict by delegitimizing dialogue with CoSOs demanding the recognition of Kurdish cultural and collective rights, which are portrayed in turn as existential threats to the country’s territorial integrity and national identity. It is a widespread conviction among nationalist Turkish CoSOs that the Kurdish question has an inexorable external dimension, which exacerbates the perception of an existential threat. Demands for Kurdish rights are thus associated with insidious Western plots to divide and “weaken Turkey by inventing a new ethnic group” (interview), in line with the centuries-old intervention of major Western powers and Russia (interview) in Turkey and its neighbourhood. All interviewees from establishment and Turkish nationalist CoSOs are convinced that the PKK is used and financed by the West: “the terrorist organization is used as a tool by countries who cherish the same ideals as Christian Crusaders” (interview).

However, some Kurdish CoSOs, which have vocally espoused a predominantly nationalist or multicultural agenda focusing exclusively on Kurdish rights, have tended to have an equally securitizing impact on the conflict. They have contributed to the securitization of the Kurdish issue either by failing to distance themselves from the PKK and its separatist agenda or by advocating exclusively Kurdish collective rights and thus raising fears of a hidden separatist agenda. In particular, Kurdish CoSOs which do not avoid using the word Kurdistan to refer to the eastern and southeastern regions of Turkey have tended to fuel the conflict, since the use of this term symbolizes for most Turks Kurdish separatist aspirations. These CoSOs are also vocal in underlining the state’s responsibility in the persistence of violence in the region in a securitized manner: “The state continues its ever-lasting policy of denial, assimilation and massacre against Kurds” (interview).

Frameworks of action

CoSOs which adopt a securitizing discourse can be placed on two opposite ends of the spectrum of action: conflict escalation and conflict transformation. As one might expect, nationalist/establishment CoSOs approaching the Kurdish question in terms of national security operate in a conflict escalating mode. The Istanbul Solidarity and Aid Association for Martyrs’ Mothers, the Ankara Association of Martyrs’ Families and the Association for Atatürkist Thought have all contributed to the escalation of the Kurdish question in three principal ways. First, they have reinforced conflict dynamics by issuing press releases or organizing

demonstrations to protest specific actions by official or civil society actors. For example, the Istanbul Solidarity and Aid Association for Martyrs' Mothers in cooperation with other associations of martyrs' families – the National Union of Turkish Non-governmental Organizations, the Organization for Support of Contemporary Life and the Contemporary Education Foundation – organized a mass demonstration in June 2007 to denounce mounting attacks by the PKK and the inept policies of the government, and urge the Turkish army to launch a sweeping military operation in northern Iraq. Second, these CoSOs have pursued advocacy activities to reject any proposal for amnesty and repentance laws for PKK members. Third, they have monitored trials in “terror-related cases”, e.g. Öcalan's trial at the European Court of Human Rights, and have filed court cases against political figures or intellectuals deemed as “threatening Turkey's unity or territorial integrity”.

At the other end of the spectrum, Kurdish or pro-Kurdish organizations, such as Peace Mothers, Yakay-Der, the Mesopotamia Cultural Centre and the Human Rights Association (IHD), have attempted to alter the structural underpinnings of the Kurdish question and act in a conflict transformation mode. These CoSOs have focused on the consequences of the Kurdish question, i.e. bans on Kurdish culture and language and the question of missing and displaced persons. Their campaigns, documentation of displaced and missing people, hunger strikes and cultural activities aim at sensitizing citizens to the Kurdish cause and reinforcing a solidarity network among “victims of state violence” via legal assistance and common actions. However, since their actions and language are also couched in security terms, many of these activities trigger a counter-securitization of the Kurdish question.

Political opportunity structure

The impact of securitizing CoSOs on the Kurdish question is affected by a complex constellation of structural conditions and factors, including time-contingent factors, the domestic institutional and socio-political environment and the involvement of external actors, most notably the European Union (EU). Beginning with time-contingent factors, the escalation of armed conflict between Turkish armed forces and the PKK has often provided fertile ground for establishment Turkish CoSOs to justify their *raison d'être* and disseminate their securitizing rhetoric. In times of conflict escalation, these CoSOs have found more manoeuvring room to mobilize the public by issuing press releases, organizing marches and instrumentalizing funerals of martyr soldiers. Inversely, at times of conflict escalation Kurdish and human rights CoSOs tend to become subject to greater marginalization and misrepresentation in the public sphere and their actions increasingly tend to have counter-securitizing effects. This in

turn induces Kurdish CoSOs to pursue counter-securitizing moves, adopting defensive and reactionary discourses that present the Kurdish question as a matter of self-defence and “survival” (interview). At times of escalation the IHD has used harsher language regarding the state’s human rights violations, contributing to the polarization of positions. This has often rendered this organization an easy target for accusations of treachery and betrayal, even if its identity and actions cannot be considered squarely in terms of securitization; in fact it is also treated below in the section on desecuritizing CoSOs.

The patterns of relations with state authorities and the media are a second key factor in the political opportunity structure of securitizing CoSOs. In the case of Turkish nationalist and establishment CoSOs, relations with the state are characterized by either approval and sympathy (i.e. martyrs’ families associations) or mutual indifference (i.e. the Association for Atatürkist Thought). Interviewees in this category did not mention any legal or physical pressure from the authorities. By contrast, relations between Kurdish/human rights CoSOs and state organs are generally characterized by mistrust, disapproval, distance and in some cases animosity. All our interviewees in this category emphasized that they had experienced legal and physical pressure from state organs, including torture, imprisonment, legal proceedings, killing of members and banning of activities.

As far as relations with the media are concerned, nationalist and establishment CoSOs are generally satisfied with the way in which their activities are covered by the media, with some minor reservations. Türkiye Kamu-Sen argues that although the media follow its activities, “the current [Justice and Development Party] government at times intervenes in the press seriously through implicit channels” (interview). According to the two organizations working on the rights of martyrs’ families, the media are very reluctant to criticize the government and tend to publicize their activities only “in a way it thinks appropriate for its own purposes”. Our interviewees belonging to Kurdish CoSOs and the Human Rights Association converged on the idea that the mainstream media are heavily biased, resulting in their misrepresentation and marginalization. In particular, the IHD has suffered from selective coverage of its activities in the media. In fact, all human rights organizations in Turkey insist that “they were represented as being tied to certain political forces and their statements were evaluated accordingly”. Considerable parts of their work were thus hardly reflected at all in the media (Plagemann, 2000: 440). According to Peace Mothers, the Turkish media, which they refer to as “war media”, depict them as terrorists and close to the PKK, a conviction shared also by the Mesopotamia Cultural Centre. This relates to a wider point about the mainstream Turkish media, which have often securitized

the Kurdish issue in public discourse. As interviewees from Kurdish and human rights CoSOs emphasized, the official state line is rarely problematized in the mainstream media for political and commercial reasons. The media have also tended to demonize human rights activists and associations, portraying them as divisive or fundamentalist (interviews), and have often represented Kurds as “corrupt, feudal and male-dominated”, thus fuelling the public perception of a civil society space polarized between us/other, good/bad, state/PKK (see also Plagemann, *ibid.*).

A third element conditioning the political opportunity structure of securitizing CoSOs is the relationship among CoSOs themselves. Nationalist Turkish CoSOs portray a securitized and in some cases demonized image of Kurdish and human rights associations, perceived at best as organizations whose aims are dubious and at worst as “legal representatives of the PKK” (interview). In both cases, human rights groups are viewed as appropriating the language of rights and pursuing a hidden agenda that could jeopardize Turkey’s national unity and security. The contention that the Human Rights Association is biased and defends the rights and freedoms of Kurds, including terrorists, but not those of murdered Turkish soldiers and their families is widespread among Kemalist/nationalist Turkish CoSOs. It should be noted, however, that on the Kurdish front we did not come across such a securitized/demonized view of establishment CoSOs. The principal accusation by Kurdish CoSOs was that Turkish nationalist CoSOs are manipulated by the state (interview). Hence, essentially, cooperation and even dialogue within the civil society sphere occur exclusively between like-minded CoSOs, which have supported each other’s activities through joint demonstrations, public petitions and declarations as well as by sharing experience and know-how.

Finally, turning to external actors, both establishment and anti-establishment CoSOs, though to varying degrees, have adopted a similar sceptical line towards the European Union. For nationalist Turkish CoSOs, the EU’s policy is “very selective and characterized by double standards and hypocrisy” (interviews). Kurdish CoSOs, too, do not hide their disillusionment with the European Union, which they deem as “adopt[ing] the same line as the Turkish state” (interview) and missing the opportunity of being a catalyst for the solution of the Kurdish question by failing to press for Kurdish rights. Yet other Kurdish CoSOs such as Yakay-Der, Göç-Der and the IHD are more optimistic about Turkey’s EU integration, mentioning the positive effect of EU-led reforms to democratize Turkey and open a space for dialogue between Turkish and Kurdish peoples. All interviewed human rights activists suggested that in parallel to the deterioration of EU-Turkey relations there has been a decrease in human rights standards and a sharp increase in violations, which crippled their effectiveness and ability to influence policy.

Non-securitization

Types of actors and identities

CoSOs exerting a holding or non-securitizing impact on the Kurdish question include a variety of actors from different backgrounds. To give a systematic picture, we classify them into three groups according to their internal organization and involvement in the Kurdish question. All three clusters are characterized by a distinctly civic identity.

- *Issue-specific CoSOs*: the Kurdish Women's Centre (KAMER) in Diyarbakir, the Human Rights Foundation of Turkey (TIHV) and the Istanbul Bar Association.
- *CoSOs with an international background*: the Helsinki Citizens Assembly (HCA), the Open Society Institute (OSI) and Amnesty International.
- *University research centres and citizen initiatives*: the Common Platform of Human Rights (IHOP), Bilgi University NGO Training and Research Centre and Vakit Geldi (Time Has Come).

Beginning with issue-specific CoSOs, KAMER is a notable example. It has adopted a more neutral and universal human rights language than most Kurdish CoSOs and has created alliances between Kurdish and Turkish groups, particularly on women-related issues and honour crimes. By working on women's rights and collaborating with state authorities when necessary, KAMER has adopted a civic agenda and contributed to breaking the prevalent image that Kurdish organizations are exclusively interested in the defence of Kurdish rights in alliance with the PKK. As one interviewee suggested, KAMER and other Kurdish women's CoSOs "are trying to distance themselves from the Kurdish movement, voice democratic demands and identity claims within the context of citizenship rights. They do not base these claims on the demands for an autonomous Kurdish state." TIHV includes technical experts and consultants to provide medical and psychological rehabilitation to victims of torture, and reports on human rights violations. Emphasizing civic rights, it advocates a non-violent solution to the Kurdish question and condemns violence on both sides. The Istanbul Bar Association is a professional organization which addresses the technical/legal aspects of human rights policies by voicing opinions on the compatibility of draft legislation with rights enshrined in the constitution and international treaties ratified by Turkey. Its Centre for Human Rights does not handle the Kurdish issue directly, but rather focuses on the general human rights legislation in Turkey.

Turning to the second cluster of CoSOs, the OSI is an international foundation aiming to support democratic reforms, though not those directly related to the Kurdish issue. Its specific issue areas include

education, women's rights, judicial reform, youth and hate-speech watch. Amnesty International also avoids directly tackling the Kurdish issue; it works on the legal dimension of human rights and aims to raise public awareness through specific campaigns, e.g. violence against women and disarmament. Likewise, the HCA does not defend the rights of the Kurdish community in particular, although it does advocate the recognition of Kurdish minority rights. Its outlook has shifted from conceiving the Kurdish question as one of democracy and development to one with a distinctly cultural dimension.

Finally, in a last cluster of holding CoSOs, IHOP was formally established in 2005 as a network of human rights organizations, bringing together Amnesty International, IHD, TIHV, Mazlum-Der and the HCA to coordinate their activities. Opting not to work directly on the Kurdish question, IHOP instead works towards non-violence and peace through specific projects on non-discrimination and freedom of expression. IHOP also liaises between local and international NGOs and works to enhance the capacity, visibility and impact of its members. The NGO Training and Research Centre based in Bilgi University is a capacity-building platform targeting rights-based Turkish and Kurdish NGOs. Vakit Geldi operates as a bi-communal activist network composed of Turkish and Kurdish women working to avoid a situation where "the Kurdish conflict may become a communal conflict rather than a conflict between the state and the Kurdish nationalist movement" (interview). As an élitist network, it brings together prominent women from different walks of life (business, media, activism, research, arts) and different political ideologies to disavow violence and air publicly their views on a peaceful settlement of the Kurdish issue.

Frameworks of action

Turkish, Kurdish and international CoSOs exerting a non-securitizing impact on the Kurdish question tend to operate in a conflict resolution mode. They base their actions on an organic view of human rights, and propagate non-coercive means based on dialogue and problem-solving. As noted at the outset, defining these CoSOs and their actions as "holding" does not mean they do not have a positive/negative impact on the Kurdish question in the long term; rather, their actions do not have an immediate desecuritizing/securitizing impact on the conflict. Holding actions are of two principal kinds. The first includes activities focused on the most acute symptoms or non-confrontational aspects of the Kurdish question, as evident in the work of KAMER, Vakit Geldi and TIHV. The second form of action, carried out by Amnesty International, Bilgi University NGO Training and Research Centre, Istanbul Bar Association,

HCA, IHOP and OSI, is to work on general human rights and democratization issues rather than tailoring actions specifically to the Kurdish issue.

Beginning with issue-specific CoSOs, in all cases their activities relate to the symptoms of conflict. KAMER provides medical, psychological and legal support to women in the southeast who become victims of violence, regardless of its perpetrators. It aims exclusively at alleviating women's problems, by opening crèches and shelters for victims of violence or likely victims of honour killings. KAMER has also created a collaborative network of Turkish and Kurdish organizations to address women's problems, particularly in rural areas. One example includes a project conducted jointly by KAMER, the Association for Women Entrepreneurs, the Foundation for Supporting Women's Handcraft and the Solidarity with Women Fund to provide financial support to uneducated and unemployed women through cooperatives, workshops and incentives to entrepreneurship. Vakit Geldi, as a bi-communal network of women, has sought to generate empathy between its members by working on rather uncontroversial aspects of the Kurdish problem. One example is its campaign against landmines in the southeast, which is relatively uncontroversial in so far as landmines have been allegedly deployed by both the PKK and village guards. TIHV provides medical and psychological support to victims of torture, and publishes two annual reports on torture and the general human rights situation. It also issues press releases denouncing human rights violations.

The second category of holding CoSOs includes groups which work on the strengthening of human rights in general. The OSI supports efforts to introduce and implement democratizing reforms in Turkey's EU accession process through research, funding and advocacy. Likewise, Amnesty International has worked on general human rights questions, such as its campaign for the abolition of Article 301 of the Penal Code limiting the freedom of expression, or its work on combating torture by connecting victims to lawyers and issuing press releases to raise awareness. The HCA has also worked on torture, elaborating a comprehensive "map" of actors responsible for torture (and the fight against it) in Turkey. While doing this, however, these organizations avoid using a securitizing language and do not focus on a particular subset of victims, i.e. Kurds. They also portray officials – e.g. police and judges – as potential protectors (and not necessarily violators) of human rights.

Finally, organizations such as IHOP and Bilgi University NGO Training and Research Centre have focused their activities on training NGOs through on-site or distance programmes in organizational skills, project management and fundraising, as well as serving as platforms to facilitate the sharing of experiences and joint projects among participant NGOs.

Political opportunity structure

Three events came to the forefront as critical time-contingent factors shaping the political opportunity structure of holding CoSOs. First, the earthquakes in August and September 1999 marked a watershed in civil society activism in Turkey. Soon after these earthquakes, exposing “fissures in the edifice of the Turkish state” (Kubicek, 2001: 34), there was an upsurge of civil activism. The liberal intelligentsia saw in the civil society sphere a legitimate vehicle to erode the strong state tradition, delegitimized by its inadequate response to the earthquakes. Our interviewees from holding CoSOs and academia stressed the momentum generated by the earthquakes, triggering a sharing of know-how between local and international civil society actors. However, this optimism was soon eclipsed by the failure of CoSOs “to sustain their level of political mobilization or come together to spearhead a push for sweeping reforms” (ibid.).

The second time-contingent factor was the assassination of the highly admired journalist Hrant Dink in January 2007. On the one hand, the assassination triggered a strong wave of reaction against nationalism, which translated into the mass mobilization of CoSOs with holding and desecurizing impacts. On the other hand, the assassination heavily contributed to the polarization of society between reform/liberal-minded and nationalist camps. The overall balance tilted in favour of the latter. The slogan used by the protestors of Dink’s assassination, “we are all Armenians”, created a nationalist backlash (“we are all Mehments”), which had much greater media resonance.

A third time-contingent factor was the unilateral ceasefire declared by the PKK in 1999, which led to a period of calm between 1999 and 2004, when the volume of trade between southeast Turkey and northern Iraq increased rapidly. The period of ceasefire, which overlapped the EU reform process, opened spaces “for new civil society groups and allowed existing ones to operate in a different environment” (interview). Yet, as one interlocutor argued, “this opportunity was used neither by Kurds nor by the state in Turkey” (interview).

The domestic political environment instead appears to have a neutral effect on the holding impact of CoSOs. Relations with state organs are quite distant and characterized by neither pressure nor incentives. Apart from the Istanbul Bar Association and Vakıf Geldi, CoSOs in this category have strong relations with like-minded organizations open to dialogue and exchange; but KAMER, TIHV, HCA, OSI and Amnesty International are viewed with scepticism and mistrust by establishment and nationalist CoSOs. They are perceived either as identical to pro-Kurdish associations (TIHV and KAMER) or as pawns of external actors (OSI and Amnesty International). Even if marginalization or mispercep-

tion by the media is not as acute as in the case of anti-establishment/Kurdish groups, holding CoSOs are dissatisfied with the media's attitude towards them.

Unlike securitizing CoSOs, organizations with a holding impact generally adopt a more positive, albeit still critical, outlook on Turkey-EU relations. They share the view that EU-required reforms widened the political space in favour of civil society and the peaceful resolution of the Kurdish question. Yet they argue that "some gains from this reform process were even lost" (interview) through subsequent legislative and administrative steps such as the Anti-Terrorism Law (2006) and the Law on the Duties and Authority of the Police (2007). In particular TIHV and IHOP were pessimistic regarding the impact of EU reforms on the Kurdish question, arguing that resistance to reforms comes from both the military and different strands of the bureaucracy (i.e. the judiciary).

Desecuritization

Types of actors and identities

Desecuritizing CoSOs are diverse in their actions, structure and political opportunity structures, yet all converge on the idea that the Kurdish question can only be solved through non-coercive means, dialogue and democratization. They espouse an inclusive language of universal individual and collective rights, and help dismantle the image that human rights activists advocate exclusively the rights of Kurds and pursue separatism. Desecuritizing CoSOs involved in the Kurdish question fall into two groups.

The first group includes Turkish and Kurdish associations which adopt a civic identity and agenda. This covers some of the activities of KAMER and TIHV, which we have also included in the section on holding CoSOs. We could also add the IHD, even if some of its actions, especially in its early years, had securitizing impacts, as discussed above. In addition we find the Social Democracy Foundation (SODEV), a foundation dedicated to promoting the principles of social democracy, and Açık Radyo, an independent Istanbul-based radio station which began broadcasting in 1995.

The second group of desecuritizing CoSOs are those which promote an inclusive multicultural agenda. Here we find Mazlum-Der, founded in 1991 to work on human rights in Turkey. At the time of its establishment, human rights activism in Turkey was dominated by the IHD, which can be defined as a leftist organization. Mazlum-Der is a religiously inclined association which articulates the demands of other groups (e.g. the headscarf issue). Its scope and remit are not limited to the human rights of

religiously oriented groups; rather, it functions as a “full-scale human rights watch organization in Turkey covering issues ranging from the headscarf to discrimination against Armenians and other non-Muslims, as well as Kurds in Turkey, women’s issues, disappeared people, suspicious deaths and human rights violations in prisons” (Kadıoğlu, 2005: 35). Say Stop to Racism and Nationalism (İrkçılığa ve Milliyetçiliğe DurDe) is a network of human rights activists working to fight racism and nationalism. It aims to oppose any discriminatory or racist attitude, most notably against the Armenians and Kurds, viewed as the most vulnerable groups.

Desecuritizing organizations in both categories (civic and multicultural) put primary emphasis on civil, political and socio-economic rights, rather than purely identity-related rights, such as culture or religion. This is the case particularly of KAMER, which frames its demands in the language of individual rights and thus distances itself from CoSOs claiming collective rights for Kurds. Açık Radyo promotes a non-nationalist agenda and contributes to debates on peace, minority rights and non-violence without ethnic connotations. Aiming to promote fundamental human rights and multiculturalism, Açık Radyo broadcasts on a wide range of issues to support peace and dialogue. Unlike non-securitizing CoSOs, these actors do not avoid speaking out on the Kurdish question, but do so within the general framework of human rights. According to TIHV, for instance, the Kurdish issue represents the primary human rights problem in Turkey:

Steps towards democratization can be taken only through the resolution of the Kurdish problem. The Kurdish question, due to war conditions, is the area where the most acute human rights violations can be observed. For the solution of the problem, the democratic demands of Kurds should be recognized and taken into account by the state so as to institutionalize a just and viable solution. This can be done only through democratic means and dialogue. (Interview)

Desecuritizing CoSOs also emphasize alternatives to both Kurdish nationalism and Turkish nationalism. SODEV contributes to the desecuritization of the Kurdish question by opening a space for dialogue between Turks and Kurds and voicing positions which are not associated with either the establishment or the Kurdish nationalist cause. By maintaining close contacts and dialogue with both the Kurdish movement and groups with diverse backgrounds and ideologies – Mazlum-Der and the Association for Atatürkist Thought – SODEV mediates between subject positions. Another example is the work of Vakit Geldi to publicize peace statements signed by Turkish and Kurdish women. Again here we note the deliberate effort to promote a multitude of voices equally committed

to non-violence. The increasing number and diversity of NGOs and networks speaking out on the Kurdish question serve to desecuritize the sphere of human and minority rights in Turkey and break the monopoly of a limited number of CoSOs which are often viewed with mistrust by establishment organizations.

Frameworks of action

Desecuritizing CoSOs endorse non-coercive and non-violent means for resolving the Kurdish question and the involvement of civil society. To this end, TIHV supports demonstrations and declarations by other human rights organizations and issues press releases. It also reacts to current political events by contacting local authorities and victims of violations. TIHV has contributed to desecuritizing the Kurdish question by calling both the Turkish state and the PKK to give up arms during the most violent phases of the conflict. TIHV's partner, the IHD, instead pursues legal actions to pressurize the government, and advocates new legal frameworks to secure the respect of Kurdish rights. It is also active in providing legal assistance to victims of torture and forced migration, and monitoring government actions in broadcasting, education in Kurdish and freedom of expression. It lays particular emphasis on fighting militarism, which is viewed as the structural underpinning of the Kurdish question. In the same vein, SODEV helps to rearticulate interests and identities "in a way as to minimize the role of the military and militarist culture" (interview). It organizes a yearly four-week dialogue platform where human rights CoSOs socialize and exchange views on a specific human rights theme. Vakit Geldi disseminated a peace statement in 2007 signed by 122 women from business, art, academia, etc., who air their views publicly and call for permanent peace. The statement was largely covered by the mainstream media, and was later opened to other women "who wanted to add their voice to the peace choir" (interview). Finally, Açık Radyo presents the subtext of political events in the form of political satire. It aspires to create a space for dialogue and occupies the terrain between pro- and anti-establishment groups by voicing different readings of events.

Desecuritizing CoSOs operate at both discursive and practical levels. At the discursive level, they strive to rephrase the language of human rights and hence alter the framework in which debates on the resolution of the Kurdish question take place. At the practical level, they impact on the Kurdish question through concrete actions. Mazlum-Der, for instance, documents and reacts to existing human rights violations through daily press releases and advises parliamentarians on laws related to human rights. It also conducts lobbying activities to encourage the government and parliament "to elevate human rights in Turkey to universal

standards” and holds local human rights courses for university students to raise awareness. KAMER has created an explicit link between language rights and the elimination of violence against women. According to a report in 2005 by the parliamentary commission investigating honour killings in Turkey, 48 per cent of women in the southeast are illiterate and most speak Kurdish only. In light of this, KAMER’s Nebahat Akkoç proposed broadcasting Kurdish programmes on state television to advise women on their rights and reach out to Kurdish women through education and training in Kurdish. In other words, by working on the practical issues surrounding women’s rights, KAMER has created a discursive decoupling between the invocation of language rights and the Kurdish nationalist cause, aiding the desecuritization of the Kurdish question. Say Stop to Racism and Nationalism acts through press releases against all kinds of discrimination and nationalism, organizes demonstrations, follows court cases, especially the trial on Dink’s murder, and uses public petitions to increase its constituency and impact.

Political opportunity structure

The assassination of Hrant Dink and the earthquakes in 1999 were two time-contingent factors which shaped the political opportunity structure of desecuritizing CoSOs. For instance, Say Stop to Racism and Nationalism was founded soon after Dink’s murder. The increase of Turkish nationalism and racism prior to and following the murder encouraged desecuritizing CoSOs to become more visible but also reduced their effectiveness. Desecuritizing CoSOs, while admitting that the 1999 earthquakes generated momentum for civil activism in Turkey, confess that this momentum has been lost, a point made by most holding CoSOs as well. A third time-contingent factor affecting the desecuritizing CoSOs was the renewed escalation of armed conflict between the PKK and the Turkish army since 2004 and the successive bomb blasts in large cities such as Diyarbakır and Ankara, particularly in 2006 and 2007, causing civilian casualties. As one interviewee stated, speaking out about peace came to be viewed by large sectors of society as a hidden way to militate in favour of separatism, thus crippling the legitimacy and credibility of desecuritizing CoSOs. Add to this the increasing tide of nationalisms, both Turkish and Kurdish, which fuel differences and the “growing rift between Turkish and Kurdish peoples” (interview).

When examining relations between desecuritizing CoSOs and the state, the case of Kurdish women’s associations deserves further analysis, since they have sought to maintain equal distance from both the state and the Kurdish nationalist movement. Kurdish CoSOs with securitizing impacts often tend to perceive civil society “as a platform from which they can counter the state” (interview). By contrast, Kurdish women’s

associations, i.e. KAMER, Gökkuşığı and the Women's Centre in Van, perceive civil society as a sphere for societal transformation and do not hesitate to cooperate with state actors when they deem it necessary to ameliorate women's conditions. These Kurdish CoSOs are vocal in criticizing the discriminatory and oppressive policies of the state but also the patriarchal features of the Kurdish nationalist movement. Kurdish women's associations have thus cooperated with community leaders, state authorities, the police force and gendarmerie and local authorities. They have also worked with Turkish, including Kemalist, women's associations "to change some articles of Turkish Penal Code and Turkish Civic Code", which "helped socialize women from different backgrounds" (interview).

A common thread across desecuritizing CoSOs is that the EU-induced reform process improved human rights legislation in Turkey and empowered civil activism in this field. Even if Turkish-EU relations are badly managed, Turkey's European integration "could contribute to the peaceful solution of the Kurdish problem and problems related to secularism" (interview). Yet the effects of these reforms, "which already began to reverse", did not penetrate at grassroots level (interviews). Desecuritizing CoSOs strongly support Turkey's integration with the European Union. In particular, for Kurdish women's associations, "the EU serves as a channel to voice their demands, i.e. through European Women Lobby and European Parliament" (interview).

Conclusion

This chapter has revealed some expected and several less intuitive conclusions. Beginning with securitizing actors and actions, when predominantly Turkish/establishment organizations have upheld a strongly civic or assimilationist approach to the Kurdish question – at most prioritizing individual rights and denying the existence of a Kurdish collectivity – they have tended to securitize the Kurdish question. These CoSOs, consciously or otherwise, have fed the dominant state discourse lying at the heart of the problem. By insisting exclusively on individual rights and state security while dismissing collective or cultural rights as unnecessary at best or threatening at worst, these organizations have failed to alter and at times have exacerbated the underlying causes of the Kurdish problem. On the opposite end of the spectrum, Kurdish or pro-Kurdish associations which have vocally espoused a predominantly nationalist or even multicultural agendas focusing exclusively on Kurdish rights have had an equally securitizing impact. They have done so either directly by failing to distance themselves from the PKK and its separatist aims or indirectly

by advocating exclusively Kurdish collective rights and thus raising fears of hidden separatist intentions.

Turning to non-securitizing impacts, most CoSOs in this category have a distinctly civic identity which often entails a conflict resolution framework of action. Yet these organizations either opt not to tackle the Kurdish question head on, or do so by focusing on largely non-controversial issues. More typically, holding actions have tended to work on human rights in general, rather than being specifically tailored to the Kurdish issue.

Finally, organizations and actions in the desecuritizing category tend to be of three different kinds. All three desecuritize the problem by demonstrating that human rights activism is not a cover to pursue specific Kurdish rights, but rather the rights of all of Turkey's citizens. First we find Kurdish or international organizations espousing a civic agenda whose work has opened a space, albeit limited, for Turkish-Kurdish dialogue and reconciliation. By pursuing a civic agenda and cooperating with the Turkish state and civil society, these predominantly Kurdish CoSOs are beginning to diversify the securitized image of a monolithic and threatening Kurdish cause. Second, in this category we find Turkish organizations which do not shy away from adopting a multicultural agenda, openly speaking on Kurdish rights as well as individual human rights. By appropriating the language of collective, cultural or minority rights, these groups – which are less likely to be viewed with suspicion by the Turkish state than Kurdish-only CoSOs – contribute to the desecuritization of the minority rights debate in Turkey. Third, we find organizations, networks or platforms which refrain from adopting a specific position on the Kurdish question, but which are multicultural in nature and provide a space for dialogue between Turks and Kurds and voice positions which are not associated with either the state or the Kurdish nationalist cause.

These insights highlight the importance of the political opportunity structure in which civil society operates. CoSOs upholding similar political ideologies and pursuing similar actions can achieve very different impacts. The first key determinant of Turkey's political opportunity structure is the relationship between CoSOs, state institutions and the mainstream media. A second key factor is the interconnectedness of the civil society sphere. To the extent that organizations are aware of each other, work together and are able to strategize about the most effective division of labour between them, the effectiveness of their actions is enhanced. A third set of factors is time contingent. Specific events or trends have in some instances favoured the growth and effectiveness of civil society and at other times curtailed it; at times they have added momentum to desecuritizing or holding CoSOs, while on other occasions they have bolstered

securitizing CoSOs. A final factor critically shaping the political opportunity structure for civil society action in Turkey is the European Union and the turbulent process of Turkey's accession. The EU accession process has had direct and indirect impacts on the Kurdish question. While it has undoubtedly contributed much to Turkey's civil society awakening since the 1990s, the series of setbacks in EU-Turkey relations in recent years has diluted Turkey's reform incentives and lent credibility to nationalist CoSOs while undermining the standing of civic/multicultural ones. The EU accession process has thus contributed to a process of political change in Turkey's Kurdish question which has been all but linear.

Notes

1. The village guards are unofficial local (Turkish or Kurdish) militias, armed and paid by the Turkish state to fight the PKK.
2. The Sèvres syndrome explains the value ascribed by Turks to the country's territorial integrity in view of their collective recollection of the 1920 Treaty of Sèvres, in which foreign powers redesigned and drastically scaled down the size of the prospective Turkish state after the end of the First World War and the collapse of the Ottoman Empire. This factor has often led Turkey to interpret international recommendations and pressures as undue external interference aimed at disintegrating the Turkish state.
3. Since 1980 the Turkish Constitutional Court has taken 18 decisions to dissolve political parties as they were deemed to threaten the unity and secular nature of the state (Sham-bayati, 2003). In 2009 the pro-Kurdish Democratic Society party was also banned, although no less than 20 independent parliamentarians associated with the party were elected to parliament in 2007.

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Part III

Comparative analysis

8

Gender, conflict society and human rights

Diana Levantesi Copper

Introduction

This book explores the interaction between ethnic conflict, civil society and human rights in discourse and practice. In particular, it investigates which specific actions of civil society organizations operating in a conflict situation contribute to the securitizing, desecuritizing or holding of the conflict and to the violation, reparation or protection of human rights.

Gender is a key variable for explaining, understanding and ultimately transforming conflict. It is also a key dynamic at the intersection between understanding and halting conflict, defining and securing human rights in conflict situations and explaining the role of civil society in the context of war. Gender, therefore, is a productive analytical lens to build theoretical and empirical bridges between the three pillars of this endeavour: conflict, human rights and civil society.

This chapter explores the theoretical implications of understanding ethno-political conflict, civil society and human rights from a gender perspective, and presents the empirical findings in the four case studies. Firstly, a definition of gender is provided and the relation between gender, securitization (Diez and Pia, 2008), ethnic conflict, human rights and civil society is explored. Gender is then mapped out on the analytical categories relevant to the theoretical understanding of civil society's identity, action and impact as set out in Chapter 3. The empirical findings are discussed, exploring what type of organizations, which set of actions and what specific human rights claims have had a securitizing or desecuritizing

impact on conflicts. To conclude, a discussion of European Union (EU) engagement with civil society is presented.

Understanding gender and conflict

For the purpose of this book gender is defined as a set of norms and practices constructed in a specific time and place, shaping individual, symbolic and structural subjectivities and constructing and governing hierarchical relations of power within political communities (Reimann, 2002). Norms and practices encompass socially accepted constructions of masculinity and femininity (Connell, 2001) that permeate individual and collective identities as well as social spaces. Gender constructs subjectivities (Butler, 2005) on individual, symbolic and structural levels (Reimann, 2002). It shapes individual identities and is also symbolically mapped out on a set of binary oppositions, e.g. public/private, masculine/feminine, culture/nature, rational/emotional, mind/body, formal/informal, etc., and on an institutionally sanctioned sexual division of labour. At a structural level gender legitimizes a web of power relations based on these dualisms (*ibid.*). Masculinity and femininity as structures of social practice (Connell, 2001) exist in hierarchical relations of power, with and within each other. There is not one but multiple femininities and masculinities, hierarchically ordered on a spectrum, whose apex can be defined as a hegemonic or dominant masculinity/femininity.

Both the horizontal (individual to collective) and vertical (devalued to hegemonic) dimensions of gender are key to its intersection with conflict. Chapter 2 defines conflict as “the incompatibility of subject positions”. Conflict becomes violent as a consequence of a securitization move. Securitization implies the discursive presentation of the “other” as an existential threat to the subject. Subject positions as well as securitization are highly gendered discourses. Gender is a marker of subjectivity: a subjectivity that is constructed and mobilized to perpetuate the war effort. In conflict societies a strict division of sexual labour is enforced, and highly dichotomic understandings of femininity and masculinity become hegemonic.

Securitization is therefore also the mobilization of hegemonic understandings of gender, which are enforced on individual, symbolic and structural levels to sustain the war effort. Gendered dichotomies, self/other, friend/enemy, masculinity/femininity, “just warrior”/“beautiful soul” (Elshtein, 1987) contribute to postulate the “other” as an existential threat. In a society mobilized for conflict, the blurring of gender identities is seen as an existential threat and securitization implies a hardening of gender borders, as well as repression of non-hegemonic masculinities and

femininities. The warrior, the conflict's hegemonic masculinity, is a "male identity" (Karner, 1998) shaped by purging, on individual, symbolic and structural levels, typically feminine characteristics such as compassion, feeling and forgiveness. Conversely, securitized femininities relegate women to the role of cheerleaders, homemakers and more crucially physical and symbolic reproducers of the nation. In women, the existential threat posed by the "other" becomes embodied. So-called "deviant" models of femininity and devalued masculinities, warrior women, homosexuals and conscientious objectors are demonized and constructed as the enemy within (Kesic, 1999), as the blurring of the masculinity-femininity binary implies the blurring of the self-other binary at the root of the securitization move.

Because of its role in the discursive construction of the "other", gender plays a particularly relevant role in ethno-political conflicts. Ethnos is defined in reference to a common language, culture, religion, race and mythic ancestry, a strong sense of belonging with rigid criteria for membership. These criteria are not neutral or structural; they are histories and discourses of gender which are often mapped out on women's bodies, particularly in times of war.¹ The woman's body becomes the living border that separates the ethnic group from the rest, that defines membership and exclusion, self and other. In the context of war, as borders of the ethnic group harden, women's bodies become an even stronger marker of identity and essential to the survival of the group itself. When ethnic struggles are aimed at self-determination, women come to embody and reproduce the nation and the aspiration to nationhood. Wartime demographic policies and the use of rape as a tool of ethnic cleansing are two glaring examples of the use of women's bodies in ethnic/nationalist struggles.² As markers between self and other, women and non-hegemonic genders are highly exposed to human rights violations within conflict.

Understanding gender and human rights

The literature on gender and human rights is extensive, and reveals a complex yet productive relationship between gender politics and human rights formulation and promotion. To provide insight into this complex relationship we analyse feminist critiques of the human rights framework, and the impact of specific human rights claims – individual/collective and inclusive/exclusive – on securitization.

Feminists of all schools of thought – liberal, Marxist and post-modern – have critiqued human rights on the grounds of a white, middle-class, heterosexual, male bias. The human rights framework designs a juridical space which is eminently public, failing to unpack the private space

traditionally inhabited by women and leaving unchallenged relations of power within the family unit and society at large. Moreover, activists from the South have also criticized the human rights discourse for its racial and class bias and its irrelevance to the struggles of women in marginalized communities, ethnic minorities and developing countries, who are subordinate in national as well as international power relations.

Despite these critiques, women and lesbian, gay, bisexual and transgender (LGBT) rights activists from all perspectives and locations have reclaimed human rights as a framework for political action by “exploding” the concept of human and redefining it to include traditionally excluded identities, “others” such as women, sexual and racial minorities, etc. The aim of gender-progressive activists has been to render the definition of “human” more inclusive (Butler, 2005). An inclusive formulation of human rights is very relevant to this book’s scope of analysis. Where securitization relies on the discursive construction of the other as an existential threat, as explained in Chapter 2, in other words on the dehumanization of the enemy, the extension of the concept of human to include others by definition counteracts the securitization move.

This book’s comparative findings, set out in Chapters 10 and 11, underline that the way in which human rights are invoked, i.e. individual or collective, inclusively or exclusively, is most important to securitization dynamics. Individual or group rights can be claimed exclusively for one individual/group or inclusively for all individuals/groups within society. The invocation of individual and inclusive rights is more likely to have a desecuritizing impact, while the claim of exclusive rights for one group may result in further violation of human rights. The individual/collective and inclusive/exclusive dimensions of rights formulation are very important to gender, in peacetime³ as well as in war.

We have defined gender as an individual, symbolic and structural marker of identity. This definition points to an interdependency of the individual/collective levels, as the claims of human rights of “women” hinge upon individual rights as well as on a collective identity. In the context of war, collective women’s rights claims, especially when invoked exclusively, can have securitizing impacts by reifying gender identities and playing into ethno-political strategies. The issue of rape as a wartime human rights violation is a glaring example of the potential securitizing effects of exclusive collective human rights claims when it comes to gender. When rape is conceptualized and articulated as a violation of a collective exclusive identity, a violation of women’s rights, whereby “women” come to embody the “ethnos”, there is a risk that claims can be mobilized to sustain such a securitization move. The empirical section of this chapter further explains how civil society’s inclusive or exclusive, individual or collective, human rights articulations impact on securitization moves.

Understanding gender and civil society

In order to analyse the impact of the actions of conflict society organizations (CoSOs) on conflict and in our case study areas, it is useful to map gender on to the theoretical understanding of conflict and civil society presented in Chapter 3. The variables identified as fundamental to estimate the impact of CoSOs are the context in which they operate, their identity, their framework of action and the political opportunity structure.

Definition and context

A CoSO is defined as a more or less institutionalized association of people that is both a product of existing power structures and an agent of political change (Putnam, 1992; McAdam, McCarthy and Zald, 1996). Women, LGBTs and racial minorities have traditionally been excluded from the public sphere and have therefore populated the margins, coalescing structurally around civil society movements. Civil society is thus a promising political avenue for progressive gender change. At the same time civil society organizations are a product of existing structures (ibid.), and embedded in relations of power which are highly gendered and hierarchical locally, nationally and transnationally. The tension between civil society and gender is heightened or diminished according to a set of factors, including context. In this book, contextual features are the presence or absence of the state, the level of domestic development and the presence of international actors (Chapter 3).

Gender as a civil society discourse exists in tension with state structures. In democratic states, civil society organizations can be conventionally understood as based on the action-guiding principles of minimizing violence in daily life, finding ways to debate public affairs, recognizing human equality and seeking inclusion. In this context, gender agendas should find easier avenues to be affirmed and transform political practice. Civil society organizations may also contend the political arena to promote gender equality and rights of women and LGBTs.

In authoritarian states, gender agendas may be coopted and/or human rights of women and LGBTs severely repressed. In former communist states, for example, propaganda paid lip-service to gender equality but feminist struggles were subordinated to the communist cause. In a vast number of authoritarian states homosexuality is punished with death and women's rights activists are repressed. In these environments, civil society movements can play an important role in furthering the rights of women and LGBTs, but are also constantly menaced and repressed.

When the state is failing or reconstructing, political tensions are higher and stakes more fluid. Civil society organizations here can have an even

stronger impact on gender norms and gender change. The instability and power vacuum open possibilities for marginalized actors to renegotiate relations of power, but levels of violence may be higher and violation of rights more frequent. In conflict situations feminist struggles may also be coopted by other causes, and gender-progressive CoSOs operating within a structure of resistance may find themselves silenced and marginalized when other actors gain power.⁴

Social development also affects both the context in which the civil society-human rights-conflict nexus unfolds and the state of gender relations within a specific conflict country. The level of gender equality in the home and workplace, the legal status and social acceptance of LGBTs, the political representation of women and LGBTs and the level of violence are all important social development indicators. Depending on the level of social development, gender-progressive CoSOs can have a different impact on long-term equality struggles. Conflict can also act as a catalyst. Post-war Rwanda and Afghanistan, for example, have seen better access for women to representation in political institutions (i.e. parliament).

The level of international presence is also an important contextual characteristic, and in the gender domain its impact can be counterintuitive. This complexity applies to all categories of global civil society organizations: liberal humanitarian and relief organizations, politically or financially coopted organizations and militarily embedded organizations. Liberal humanitarian organizations are more likely to promote a progressive gender agenda and may positively interact with local civil society, but can also reiterate hegemonic power relations on the base of culture, race and class. The same applies to financially coopted and relief organizations.⁵

Finally, given the strong role that gender plays in constructing and sustaining military culture (armies, paramilitary organizations, militants and private security companies), the gender impact of military-embedded organizations is likely to be significant. While improved security and military presence may improve access to services for women (such as schools, health providers, etc.), hyper-masculine practices that sustain military culture may hamper progressive gender change and counter the efforts of local and international feminist civil society organizations (Enloe, 1993). Rape carried out by soldiers/insurgents/private military troops and military-fuelled prostitution are the most blatant examples of the negative impact of military-embedded organizations on gender.

In highly fluid political environments, such as conflict-ridden societies, gender identities become polarized to sustain securitization moves. The likelihood of progressive gender change is thus mediated by CoSOs in complex, multifaceted ways, depending on identity, framework of action and political opportunity structure as well as context.

Gender and CoSO identity

The classification of CoSOs in terms of identity and ideological background is key to evaluating their potential impact on gender dynamics in a conflict-ridden society, as gender dynamics in turn shape those very identities and imbue understandings of the self. This book adopts four main classifications of civil society organizations: egalitarian, multiculturalist, assimilationist and ethnicist (Chapter 3). To all four, the construction of gender identities is fundamental. Egalitarian and sometimes multicultural CoSOs are more likely to identify with egalitarian and inclusive gender agendas and promote progressive gender change. Assimilationist and racist CoSOs are more likely to be constructed on disciplinary and conservative understandings of masculinity and femininity and their presence/actions may hamper progressive gender change. But even egalitarian CoSOs' gender agenda should not be assumed uncritically, since all CoSOs are embedded in relations of power, hegemonic in terms of gender, race and class. For example, the bi-communal feminist organization Women in Black in Israel has been critiqued for a strong class bias, which has substantially limited the impact of the organization's actions on the conflict and progressive gender change (Jacoby, 1999). The elaboration on the field data will provide further understanding of the dynamics connected to the CoSOs' identity and human rights.

Gender and frameworks of action

In terms of framework of action (FOA), CoSOs interact and act on gender in conflict. This book's theoretical framework includes four different FOAs: conflict escalation, management, resolution and transformation (Chapter 3). CoSOs operating in a conflict escalating mode are likely to mobilize rigid gender identities as part of the securitization effort, thus increasing the likelihood of women's and LGBTs' rights violations as violence increases and borders between the self and the other become more rigid. We have extensively argued that gender is a key mediator of this dynamic, and within conflict situations the battles between self and other are often carried out on women's bodies and through discriminatory and disciplining practices on non-hegemonic gender identities. Political actions can be carried out within a strategy of escalation.

The conflict management framework underplays gender as a level of analysis. This approach is thus likely to underestimate both the effect of CoSOs on gender norms present in a conflict society and the significance of CoSOs' gender agenda in shaping peace. In this approach, families, religious groups and markets are a black box, where gender relations of power remain unquestioned and irrelevant to the action of civil society.

Moreover, this framework fosters a stereotypical understanding of gender roles, assuming women as victims in need of protection, cheerleaders, homemakers, embodiments of the nation and ethnic borders, but rarely actors in shaping conflict and potentially peace. Women can be peace-makers on a micro-level, but women's political role is underplayed in this framework.

The conflict resolution FOA is better suited to acknowledging and analysing CoSOs' actions and their impact on gender but can still be gender blind. Conflict resolution fails to acknowledge women's needs and in particular physical needs, so crucial in conflict society where women's bodies are sites of securitization struggles and fighting. Burton's needs theory subordinates gender needs in line with the status quo of gender and race relations, and fails to grasp inequality and injustice perpetrated and sustained because of gender and race hierarchies (Reimann, 2002).

The conflict transformation FOA's understanding of identity transformation offers more promising prospects to include gender-progressive CoSO actions in building more equal and just post-conflict societies. The conflict transformation approach focuses on conditions of social injustice, unequal development and discrimination, which generate the structural precepts of conflict. Gender discrimination is quintessentially part of these inequalities, and is one of the structural injustices that need to be addressed in order to construct durable peace.

Gender, political opportunity structure and impact

The political opportunity structure is the final important feature to understand the role of CoSOs in peace, human rights and gender. Timing, the domestic institutional framework, the level of development, economic, social and cultural spheres, the international system and actors operating within it all play a key part in shaping the context and the political opportunity structure of CoSOs (Chapter 3). Each aspect, together with each of the CoSOs, interacts with the gender subtext and the likelihood of violation of human rights before, during and after conflict. The impacts of CoSO activities in conflict can be securitizing, non-securitizing or desecuritizing. All pass through an understanding of gender, promote gender agendas and affect gender justice and thus the long-term transformation of a society.

Gender, conflict society and human rights: The SHUR findings

Having mapped out gender on the theoretical underpinning of this book, we shall now analyse the empirical findings of this research, trying to

address some key questions. How does gender interact with the different conflicts analysed? Which organizations, with what human rights claims and actions and in what circumstances, can contribute to building peace and a more equal society?

From this book's quantitative and qualitative comparative analyses (Chapters 10 and 11) three general findings emerge strikingly. The first is that while research was able to identify some factors that are essential to the securitizing or desecuritizing of a conflict environment, no single factor on its own automatically produces either effect. It is always a specific combination of these essential factors that determines one outcome or the other, indicating a multiple conjunctural causation as opposed to a simple cause-effect relationship between human rights claims and conflict. The second general finding is that claiming human rights *per se* is not fundamental to the securitization or desecuritization of a conflict: it is the way human rights are articulated – individual/collective, inclusive/exclusive – that determines their impact. The third finding is that timing is a very important contextual feature that can heavily influence outcome: one combination of factors can produce desecuritization in a conflict that is in a de-escalation phase, but not in a conflict in an escalation phase.

Both quantitative and qualitative analyses concur that civic, post-national and multicultural CoSOs claiming individual and/or collective inclusive human rights in a conflict transformation FOA are the most likely to have a desecuritizing effect on a conflict in a de-escalation phase, while assimilationist or ethnicist CoSOs operating in a conflict escalation mode and claiming a collective/exclusive right are most likely to have a securitizing effect in both de-escalation and escalation phases. These findings also apply to the gender analysis, in terms of CoSO identity, type of action and nature of human rights claims. We will now tease out some of the main issues emerging from the data regarding gender.

All organizations studied and interviewed in the research underpinning this book are embedded in a system of gender relations of power, in contexts where conflict hardens and opens to renegotiation of gender identities and political spaces. All organizations therefore have an impact on gender relations. We have identified, against this general backdrop, two kinds of actors that have the most interesting impact for gender and human rights in conflict: organizations whose identity is strongly shaped by a gender identity, and organizations whose actions are strongly shaped by a gender agenda.

- *Gender identity.* In this category are CoSOs whose identity is informed by a hegemonic gender identity – for example associations of mothers, victims or families of victims. In this category we also place CoSOs whose identity is based on non-hegemonic gender identities, such as associations of male victims, demobilized soldiers and conscientious

objectors. How these organizations articulate their human rights claims – inclusive or exclusive – is very important in understanding their impact.

- *Gender agenda.* In this category we place CoSOs which strive to bring forward a progressive gender agenda, such as women's rights organizations and LGBT activists. The inclusive rights claims of these organizations are likely to have a non-securitizing/holding or desecuritizing/peacebuilding impact.

Some types and frameworks of action can be particularly relevant to the impact of the gender-human rights-conflict nexus.

- *Retributive actions:* by this we mean actions that aim at restoring or giving retribution to victims for human rights violations that occurred during escalating phases and/or are still occurring (FOA being escalation or resolution). These include political actions in the quantitative analysis presented in Chapter 11. The type of right claimed through these actions is usually exclusive.
- *Reconciliation actions:* such as bi-communal initiatives and dialogue-building actions (FOA being resolution or transformation). In Chapter 11 these actions are mostly educational/cultural and in some cases political. The type of right claimed is mostly inclusive.
- *Transformative actions:* such as actions aimed at shifting gender power relations and bettering women's and LGBTs' access to rights and/or services in a conflict or post-conflict phase (FOA transformation). In Chapter 11 these are classified as educational/cultural and sometimes political actions. Political actions carried out by these organizations are often not connected to the conflict. These non-conflict-related political actions, as we shall argue later, can be very effective in desecuritizing the conflict environment thanks to the inclusiveness of their claims.

Contextual and political opportunity structure features are also key variables, and the most relevant to our case studies are the following.

- The level of gender equality within the society and the presence of gender-progressive activism prior to the conflict.
- The level of gender-related violence prior to and during the conflict (for example the practice of honour crimes, or the widespread use of rape as a tool of ethnic conflict).
- The interaction between international players and international gender agendas and local CoSO ownership of feminist discourses.

Finally, the data raise a number of issues with regards to impact:

- the short-term/long-term impact of transformative actions and the non-securitizing/holding, desecuritizing/peacebuilding continuum
- the impact of retributive actions/transitional justice claims.

In what follows, we discuss these factors as they connect to gender identity and gender agendas of CoSOs within our case studies.

Gender identity CoSOs

Some of the most interesting examples of CoSOs in the scope of this research are the associations of mothers, victims and families of victims of conflict. These organizations are present in all conflicts analysed, and their ubiquity seems to confirm the argument that the female identities of mother and victim are hegemonic gender identities in conflict situations. In terms of context, it is interesting to note that associations of victims can emerge in the post-conflict phase (Bosnia, for example) or can be present in phases of frozen conflict (Cyprus and Turkey). Organizations' identities vary in different contexts and within each context. We find a variety of civic post-national CoSOs (Bosnia), multicultural CoSOs (Turkey, Bosnia) and assimilationist CoSOs (Turkey). The actions of these organizations are mostly retributive and in some cases based on reconciliation. Their impact is usually fuelling or holding. In line with this book's general findings, we can observe that civic post-national CoSOs and multicultural CoSOs claiming inclusive rights have a desecuritizing impact, while assimilationist CoSOs and exclusive human rights claims have a securitizing impact.

We have argued that gender discourses contribute to securitization by positing the "other" as an existential threat. The "mother" and "victim" (of rape in particular) hegemonic identities are structural to securitization moves: mothers are the "reproducers" of the nation and rape embodies the symbol of trespassing across the ethnic border. It follows that CoSOs of "mothers" and "victims" can reproduce discourses of securitization fostering conflict escalation. On the other hand, mothers and victims/families of victims associations can have a holding or peacebuilding impact when they act to reconcile communities on the base of the "shared" mother and victim identities.

The way an organization conceptualizes its identity and articulates human rights claims in terms of inclusion/exclusion is pivotal to understanding its impact. An assimilationist Turkish organization of "mothers", for example, articulating its identity and claims exclusively to obtain reparation for violence perpetrated against its "sons", contributes to positing Kurds as an existential threat. This is both because the organization is constructed on a gender hegemonic identity that plays into the securitization discourse and because it articulates human rights claims in an exclusive manner. In contrast, in the case of a civic post-national CoSO in Bosnia carrying out reconciliatory action on the basis of inclusive human rights claims, the inclusive nature of its identity and claims achieves a desecuritizing impact by counteracting the exclusive nature of the ethnic identity on the base of a shared human and gender identity (Gentile, 2008).

In the case of multicultural CoSOs, the inclusive/exclusive nature of the claim is even more important for determining impact, as these organizations are most likely to claim collective rights. In claiming a collective right the multicultural CoSOs incur a higher risk of unintended securitization. This is the case of a mothers' association in Turkey, where the exclusive claim to cultural rights has fuelled conflict, even if the intention was peacebuilding. The same applied to a multicultural association of mothers of victims in Bosnia which articulates exclusively a reparation claim, unintentionally fuelling the conflict by perpetuating the securitizing discourse, positing the "other" as a monster, a criminal and an existential threat.

The issue of individual/collective, inclusive/exclusive claims to reparation is also important, especially when applied to transitional justice debates. In the Bosnian context in particular, transitional justice fostered by local and international organizations has often resulted in fuelling the conflict by maintaining a highly securitized environment. The widespread use of rape as a tool of ethnic cleansing in Bosnia prompted the international community to declare rape a gross violation of human rights and a tool of genocide. An international tribunal has been instituted to try and punish the perpetrators of genocide and mass rapes. The effectiveness of transitional justice in restoring the rights of women victims of rape in Bosnia has been widely contested, as has the peacebuilding impact of this endeavour. If the failure is partly due to procedural issues, a more fundamental concern regards the perpetuation of discourses of rape as a violation of a collective right, the right of an ethnos, with women conceptualized exclusively as victims. The understanding of rape as a "collective" and often exclusive ethnic group right, as opposed to the violation of an individual woman's right, has been very problematic. When rape becomes a crime against an ethnic identity it reinforces securitization discourses and leaves women retraumatized by the reparation experience as conflict is once again waged on their bodies (Mertus, 2004).

Further analysis of CoSOs and their actions confirms that there is a link between hegemonic understandings of gender and fuelling impacts. CoSOs whose membership is based on non-hegemonic gender identities, for example, can deconstruct masculinities – proving that when understandings of masculinity are deconstructed and hegemonic masculinities crumble, there is further space for transformative action. Male victims of violence, former prisoners and male relatives of the missing seem to be more prone to claim inclusive rights and act in a conflict resolution or transformation mode, promoting reconciliation and the rights of victims on the base of their shared "victim" identity. The identity of "victim" is a "feminized" identity, renegotiating spaces for alternative understanding of masculinities beyond the hegemonic warrior identity, which is struc-

tural to securitizing moves. In the same way, conscientious objectors' organizations in Israel, for example, contribute to desecuritizing impacts by questioning the status quo of accepted male behaviour to serve the nation's cause of survival. A comparison between associations of male and female victims across and within different case studies would be interesting to evaluate the impact of more fluid and inclusive gender identities on conflict.

Gender agenda CoSOs

The second group of relevant actors to our analysis is what we can call "gender agenda" CoSOs: organizations whose action is strongly informed by gender-progressive agendas. These organizations act to promote the formal protection or reparation for violation of women's and LGBTs' rights and further inclusion of women and LGBTs in the post-conflict society. In terms of context, these CoSOs may precede the eruption of conflict, may deal with issues not relating to the conflict (in Israel and Turkey for example) or may be established as a result of the conflict (in Bosnia, Cyprus and Turkey). In terms of identity, the vast majority of these CoSOs are civic, post-national or multicultural. In terms of FOA the organizations work on issues directly relating to the conflict, but also on political issues that do not relate *strictu sensu* to the conflict. These actions can be considered to be transformative, as they bring about gender change by renegotiating spaces in the unstable political context. Focusing on political non-conflict-related issues is also a strategic choice for these organizations to break down ethnic identity barriers and promote bi-communal reconciliation initiatives. Their human rights articulations are strongly inclusive.

The organizations' FOA in relation to the conflict is also critical to shaping impact. These CoSOs generally have either a non-securitizing/holding impact or a desecuritizing/peacebuilding impact. Analysing their actions demonstrates that non-securitizing/holding and desecuritizing/peacebuilding impacts are placed on a continuum in terms of both timing and depth of the change. In Bosnia, for example, the work of an organization advancing the rights of LGBTs has a non-securitizing (holding) impact as opposed to a desecuritizing one, given that it promotes non-conflict-related political actions. Inclusive human rights claims that promote a more equal and tolerant society operate in a conflict transformation FOA, fostering a society where respect for human rights and inclusive understandings of the "other" can prevent securitization in future.

The same is true for organizations working on other non-conflict-related political human rights issues, such as violence against women in

Israel, Bosnia and Turkey. Domestic violence is present in many societies in peace as well as in war, but in conflict and post-conflict situations domestic violence rates have been known to spike, due to more rigid gender identities and exacerbation of social violence. Organizations working on domestic violence in post-conflict situations use a conflict transformation mode, claiming inclusive human rights. Their impact may be non-securitizing/holding, but the inclusiveness of their claims may have transformative effects in the long run, building a more equal and violence-free society.

Working on non-conflict-related political issues such as domestic violence has also allowed CoSO gender agendas to include issues relating to the conflict in a non-controversial way, to achieve a desecuritizing/peacebuilding impact. An interesting example of this can be found in Turkey. An organization's focus on honour crimes, away from immediate Turkey versus Kurds debates, has allowed the CoSO to establish good relations with both Kurdish and Turkish actors. This has led to bi-communal cooperation on fighting honour crimes and domestic violence, resulting in a desecuritizing/peacebuilding impact. Also in Turkey, a women's professional organization claiming inclusive human rights by encouraging the inclusion of women from both sides in business, culture and politics has engaged communities, building bridges across the conflict divide. These actions have a desecuritizing/peacebuilding impact in both short and long terms, as proven by women's organizations working on wider social inclusion issues in Bosnia and Israel too.

The political opportunity structure features that are most important to peacebuilding efforts in gender agendas are the level of local elaboration of feminist discourses and the level of international support for the work of these organizations. In Bosnia, CoSOs dedicated to women have mushroomed after the conflict. The high level of violence against women prompted international attention and funding to women's issues, "creating" a feminist movement that was previously non-existent or negligible (Helms, 2001). As funding dwindled in the early years of the twenty-first century, the lack of local support and ownership caused some organizations to disappear. Others, however, developed feminist agendas on the base of local sensitivities, needs and understandings of feminism and secured local funding. These organizations are also the ones with a stronger desecuritizing/peacebuilding impact. Ownership of feminist discourses and practices is therefore important in the peacebuilding endeavour, as proved by CoSOs in Turkey and Palestine as well. Along with the importance of local feminist struggles, the case studies suggest that solidarity with transnational feminist movements and international funding are important for gender-progressive action, though the interaction with the international level is by no means unproblematic.

Conclusions: The role of the European Union

By way of conclusion we explore some of the issues raised by EU engagement with civil society in conflict. The interaction between international actors, in particular the European Union, and civil society in conflict is very relevant to the scope of this book. The European Union has both indirect and direct influence on the work of CoSOs in conflicts, and this influence can be problematic (Chapter 9). It impacts on civil society action indirectly by promoting a model of international liberal peace and influencing the political opportunity structure of the conflict. It also impacts directly on civil society by providing training and funding to organizations. Chapter 9 argues that EU engagement with civil society creates two distortions for CoSOs in conflict. On the one hand it depoliticizes civil society by privileging technical or service delivery agencies and non-governmental organizations over social movements that are more grassroots, thus creating a disembedded civil society. So far, the European Union has also failed to foster cooperation between organizations, failing to strengthen the overall civil society structure. On the other hand, the European Union over-politicizes civil society by advancing its own political agendas through CoSOs, failing to engage organizations in a participatory way. Where funding is provided it is often restricted in scope and outlook. These considerations apply to our gender analysis as well. International support is fundamental to gender-progressive change in conflict and post-conflict, but gender agendas are not necessarily shaped bearing in mind the conflict context and the needs of women and LGBTs on the ground. The Bosnia case proves that the most effective organizations in bringing about progressive gender change are those that are deeply rooted in local communities. Limited length and scope of funding as well as the absence of coherent funding strategies are also critical issues for gender. Progressive gender change is a long-term concerted endeavour. Limited funding may not be sufficient to support long-term gender change. The complex bureaucratic and highly technical requirements may also exclude smaller and rural CoSOs from participating in funding and exchanges. This means that progress in term of gender will be uneven and areas where engagement with local communities on gender issues is most needed may remain unaddressed.

The European Union should thus reassess the principles and means of its engagement with civil society, adopting a more critical stance towards its principles and a more participatory and holistic approach to setting its goals, and streamlining its funding instruments to render them more inclusive. This book has found that civic post-national and multicultural organizations claiming individual or collective inclusive human rights are most likely to have a desecuritizing impact on conflict. These organizations

should therefore be prioritized in terms of EU engagement and funding. As Chapter 9 points out, however, this does not mean that other CoSOs should be excluded. The European Union needs to engage with as many organizations as possible to maximize its understanding of the conflict: its context, actors, timing and CoSO actions that can impact on the conflict. In terms of gender this means paying attention to all gender actors and issues, including LGBT and masculinity issues, as well as women's rights. Understanding the dynamics of masculinity and femininity is pivotal to bringing about progressive gender change and building more equal societies in conflict and in peace.

Notes

1. In peacetime as well as war gender is structural to the definition of ethnicity and culture. In contemporary Western societies, minority groups have often claimed rights on the base of their ethnicity. Pharek's (2001) analysis of these claims shows that the vast majority of clashes between different ethnicities rotate around gender issues, i.e. the regulation of women's clothing, exogamy or endogamy within the group and the rights of women themselves.
2. Demographic policies are integral part of ethno-nationalist struggles; the socialization-coercion of women and compulsory heterosexuality are planned and implemented at a political level to ensure the reproduction of the ethnic group. Demographic policies in Israel have been in place almost since the foundation of the state in 1948. The fear of demographic annihilation haunts the Israeli subconscious and plays a key role in constructing the enemy, the ever-growing Palestinian population, as an existential threat (Jacobi, 1999). The demographic policy of the Palestinian national aspiration is equally aggressive, with the Gaza Strip sporting the highest population growth in the world and ever-increasing pressure on Palestinian women both in the territories and in refugee camps to bear sons for the struggle to annihilate Israel. Women on both sides are thus fetishized as reproducers of the ethnicity/nation, and their wombs are appropriated and mobilized for the political struggle. Rape is the other strong signifier of the role of women as embodied signifiers of ethnicity and nationality. It is by no means a coincidence that rape has been an object of attention and legislation in recent years following the explosion of ethnic conflicts. It is a widespread tool in all kinds of wars, as raping the enemy's women is a symbolic castration, a marker of a warrior's failure to protect his home and country (Cockburn and Zarkov, 2002). In the context of ethnic war, rape becomes an even stronger marker of emasculation and an existential threat to the ethnic group. Rape camps and forced impregnation as seen in Bosnia and Rwanda, to cite two of the many recent ethnic conflicts, were widespread means to annihilate the enemy, insinuating in the other group the seed and children of the enemy and/or destroying the group's capacity to reproduce itself. The exclusion of women raped by the enemy from the polity in the aftermath of the conflicts further highlights women's role as physical reproducers and policed borders of membership for the group. The man's seed identifies the ethnos, as in all patriarchal societies, but it is the woman's body that physically carries it and bears the brunt of securing the border between I and other, friend and enemy, life and death.

3. The individual versus collective rights debate is relevant in times of peace as well. The feminism/multiculturalism debate is a good example of the tension between collective rights and gender.
4. This has been ubiquitous in post-colonial struggles, where feminist groups allied themselves with nationalist movements (violent or non-violent) and lost out in the compartmentalization of power in the post-colonial state (Tohidi and Bayes, 2001; Mernissi, 1996).
5. In developing country contexts, Western feminist civil society organizations have often been targets of local women's criticism for importing a vision of feminism that was alien to local struggles in terms of race, class and location (Mohanty, 1988). The alienation of local women *vis-à-vis* Western feminist groups promoting development/democratization in given contexts has even prompted the development of indigenous women's civil society organizations which have in turn internationalized themselves, e.g. the DAWN network (Development Alternatives with Women for a New Era) in the 1980s (Barriteau, 2000). Women's groups from the "South" have often critiqued "foreign" attempts at democratizing, economic development and improving gender equality in a given society as neo-colonial enterprises. Aid programmes such as the International Monetary Fund and World Bank programmes have been widely attacked for pursuing a gender-blind, masculinist agenda.

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9

Redefining European Union engagement with conflict society

Raffaele Marchetti and Nathalie Tocci

Setting the context: European Union peacebuilding policies and the interaction with civil society

The changing role of civil society

Civil society organizations (CSOs) have come to play an increasing role in national and global politics in recent years. This is mainly due to a combination of two aspects of the “liberal paradigm of civil society”: on the one hand, the recognition of civil society’s role in the promotion of democracy, human rights and peace, and on the other hand, the privatization of service delivery that is now channelled through civil society organizations.

A first component of the liberal paradigm of civil society is the recognition of the key role played by CSOs in the promotion and consolidation of democracy and human rights, within the paradigm of the “liberal peace”. Both the United Nations at the global level (United Nations, 2004) and the European Union (EU) at the regional level (European Commission, 2007b) acknowledge the critical role played by CSOs in the consolidation of democracy through the affirmation of human rights. According to this perspective, a truly democratic system can only come about through effective and lively public opinion, which provides input into the political system and keeps it under the pressure of accountability. Rather than simply establishing the “right” institutions, what matters here is the substantive contribution of civil society to the workings of

official institutions. Increasingly, this bottom-up component is recognized as a condition *sine qua non* for a viable democratic institutional system, as illustrated in theory by the deliberative and participatory trends in democratic theory and in practice by “democratic experiments” such as deliberative polling and participatory budgeting. As discussed below, the European Union has adopted this perspective in its foreign policy discourse, and thus increasingly pays special attention to its relations with CSOs.

More specifically as far as conflict transformation is concerned, the role of civil society, or conflict society, is of the essence (Rupesinghe, 1995; Lederach, 1997). Conflict society organizations (CoSOs) on the one hand are pivotal to providing the necessary support for peace, ensuring that any agreement negotiated by political leaders is ultimately accepted and implemented on the ground (Miall, Ramsbotham and Woodhouse, 1999). On the other hand, CoSOs can provide the necessary push for peaceful social and political change, especially when the top echelons within a conflict context are unwilling or unable to budge their bargaining positions on the fundamental conflict issues.

However, external support for civil society to promote democracy, human rights and the liberal peace is far from being unproblematic and must be understood in the context of the global trend pressing for the erosion of state sovereignty in defence of allegedly universal liberal values. Accordingly, the development of civil society is not simply a foreign policy aim, but above all a perceived means to bring about the accomplishment of other objectives such as the promotion of democracy, peace, human rights and development. Yet such external and allegedly benign intrusion operated through CoSOs does not only lead to the promotion of these values; it also generates specific distortions. These external interventions can excessively politicize and coopt civil society, transforming CoSOs into spokespeople for external policies, priorities and solutions which may be alien to the needs and desires of local actors and populations (Ferguson, 1990; Chandler, 1998). As put by Richmond (2005: 26), CoSOs would act “as thinly veiled fronts for powerful state interests in that they act as a front for the insertion of realist state interests in a disguised form”. CoSOs may thus become driven more by the top-down supply of external funds than the bottom-up demands of societies themselves, to the point of being viewed as “traitors” in the eyes of grassroots organizations and the wider public. The mere fact of being funded by an external actor such as the European Union could create the public perception that an organization acts on behalf of foreign rather than domestic interests, at times leading to strong nationalist backlashes by third-country authorities.

A further problematic component within the liberal paradigm of civil society and its revival refers to the neo-liberal privatizing component of contemporary politics. An overall global trend is traceable, whereby states play a diminishing role as service providers both domestically and internationally, leading to the privatization of world politics. Within this trend, seemingly “technical” and “apolitical” CSOs have flourished both locally and transnationally (Chandler, 2001; Pianta and Marchetti, 2007). This has meant that many of the developmental functions previously performed by states have been reallocated to civil society (Sogge, 1996). Developed states and international organizations have outsourced the implementation of aid programmes to CSOs, while intermediating and retaining overall political discretion as to aims, priorities and modalities.

Civil society has thus not simply been revived by the paradigms of liberal peacebuilding and neo-economic restructuring. These paradigms, albeit couched in a technical and seemingly apolitical discourse, have also moulded the political nature of CSOs themselves (Chandler, 2001). In a wide variety of cases, scholars have demonstrated that by promoting particular types of civil society, the donor community has weakened those CSOs that have veritable ties to society and respond to local societal needs. Donor funding in support of civil society may lead to an “explosion” of NGOs (non-governmental organizations, also dubbed “non-grassroots organizations”): briefcase NGOs (BRINGOs), mafia NGOs (MANGOs), criminal NGOs (CRINGOs), government-owned NGOs (GONGOs), commercial NGOs (CONGOs) and my-own NGOs (MONGOs) (Reimann, 2005: 42). Donors often create a dislocated new civil society, which is technical and specialized in mandate, neo-liberal in outlook, urbanized and middle class in composition and – in business-like fashion – responds to the goals of the international community rather than those of the society in question (Belloni, 2001; Shawa, 2004; Pouligny, 2005; Challand, 2006; Marchetti and Tocci, 2009). Through this transformation and dislocation, civil society’s traditional virtues of independence, flexibility and effectiveness, largely explained by its local rootedness, tend to vanish and are replaced by the perceived “fit” between CoSO identities and actions and the aims and instruments of (neo-)liberal peacebuilding.

The EU approach to peace and human rights

The European Union, historically conceived as a peace project, has considered conflict resolution as a cardinal objective of its fledgling foreign policy. The Lisbon Treaty explicitly states that the European Union aims to promote peace (Title I, Article 3-1), and that its role in the world should reflect the principles that have inspired its creation, development

and enlargement (Title V, Article 21). The treaty identifies contribution to peace, prevention of conflict and strengthening of international security among its core foreign policy priorities (Title V, Article 2c). More specifically, the EU conception of peace has been liberal in nature, including the principles of democracy, human rights, rule of law, international law, good governance and economic development (European Commission, 2001). The promotion of “liberal peace” has been prioritized above all in the European neighbourhood. This was made clear in the 2003 EU Security Strategy, which argues that the EU’s task is to “make a particular contribution to stability and good governance in our immediate neighbourhood [and] to promote a ring of well governed countries to the East of the EU and on the borders of the Mediterranean with whom we can enjoy cooperative relations” (European Council, 2003). This goal was reiterated in the Lisbon Treaty, which posits that the European Union “shall develop a special relationship with neighbouring countries, aiming to establish an area of prosperity and good neighbourliness, founded on the values of the Union” (Title I, Article 8). Most pointedly, the documents establishing the European Neighbourhood Policy (ENP) voice the EU aspiration to contribute to the solution of regional conflicts (European Commission, 2004: 6).

These public pronouncements suggest that the European Union is intent on promoting conflict resolution and transformation, over and above conflict management and settlement, in the neighbourhood. In other words, it is not simply interested in pursuing the management of conflicts through negotiation and compromise, incentivized by external powers deploying conditional sticks and carrots. It rejects the idea that violent conflict is endemic in human nature, and espouses the liberal view that conflict resolution is possible through the search for mutually beneficial solutions that allow for the satisfaction of all parties’ basic human needs (Burton, 1990). Further still, the European Union views as critical “indicators” of conflict transformation issues such as human and minority rights, democracy, state legitimacy, dispute-resolving mechanisms, rule of law, social solidarity, sustainable development and a flourishing civil society (Kronenberger and Wouters, 2005). Hence, beyond conflict resolution, this suggests that it aims at transforming the structural features of violent conflict, eradicating what Galtung (1969, 1994) defines as the seeds of structural violence: social injustice, unequal development and discrimination.

Underpinning the EU’s objective of conflict resolution and transformation are thus the two cardinal principles of human rights protection and democracy promotion. These have slowly consolidated within the EU’s foreign policy approach and are now critical building blocks in its external relations discourse, especially within conflict contexts. The key

assumption in this vision is that if human rights are protected and democracy is established, conflicts are less likely to erupt and more likely to be resolved or transformed.

The promotion of human rights was present in the European political cooperation agenda of the 1970s, but it was not until 1986 that, under pressure from the European Parliament, it became a cardinal principle of European foreign policy, then widely adopted in the post-Cold War period. With the fall of the Berlin Wall, the European Union began inserting human rights as an “essential element” in its trade agreements (the well-known Article 2 in EU contractual agreements with third states), as well as in its aid programmes and in the context of its enlargement policy (through the 1993 Copenhagen political criteria). Since then, human rights, democracy, the rule of law, protection of minorities and market economic principles have become cornerstones in EU policies of conditionality and political dialogue with third countries in the near and far abroad.

As for the justification of these policies, human rights have been promoted for two key reasons: on the one hand, as part of a security rationale whereby if human rights are violated then the EU’s own security and stability are also threatened; on the other hand, as part of a normative rationale whereby human rights have universal validity and represent a vital component of the EU’s own identity (Smith, 2004: 107). Chandler (2002: 53–88) added that human rights promotion is pursued by member states and the European Union for domestic reasons, related to the acquisition of domestic legitimacy by occupying an alleged moral high ground in foreign policy. These strands of argument come to the fore when scrutinizing EU documents underpinning aid programmes such as the European Initiative for Democracy and Human Rights (EIDHR). “Human rights and democratic principles are considered universal values, inextricably linked and to be pursued in their own right” (European Commission, 2007b: 4). Several normative and security-related benefits are claimed to derive from the pursuit of such values, including poverty alleviation, achieving the Millennium Development Goals, conflict prevention and resolution, combating terrorism, ensuring government transparency and combating corruption (European Commission, 2006b: 3). Democracy and human rights are thus identified as public goods which are necessary in order to achieve peace, security and prosperity in international affairs.

While the acceptance of peace and human rights as cardinal objectives in EU foreign policy, in line with the wider UN human rights and peace-building regimes, is relatively uncontroversial, debates regarding the most appropriate ways to promote these goals are far more contested. Beyond the narrow sphere of Common Security and Defence Policy (CSDP) and

the peacebuilding missions that it foresees,¹ the European Union has promoted conflict transformation and human rights principally through its “constructive engagement” with conflict parties (European Commission, 2001: 8–9). By constructive engagement EU actors have meant the deployment of a rich variety of measures of cooperation, which are normally specified in contractual agreements with third countries. These contractual relations take different forms, entailing different degrees of integration into and cooperation with the European Union. They range from the accession process aimed at the full membership of a candidate country to looser forms of association, which envisage measures of economic, political and social cooperation with EU structures short of full membership. As in the case of the accession process, these looser forms of association are also “contractual” in nature. Rather than a treaty of accession, they foresee association agreements for the southern Mediterranean countries, partnership and cooperation agreements for the former Soviet countries, stabilization and association agreements for the western Balkan countries and the future neighbourhood agreements (or enhanced agreements) for the southern and eastern neighbourhood countries. Beyond the goal of achieving varying degrees of cooperation with the European Union, these contractual ties aim at fostering long-run structural change, such as conflict transformation and human rights protection, within and between third countries. In terms of policy mechanisms used to pursue these structural changes, the European Union deploys positive and negative conditionality, aid for human rights programmes and diplomatic instruments such as declarations, *démarches* and political dialogue (including specific human rights dialogues). It also cooperates with civil society.

The EU approach to and through civil society

Another critical component in the EU’s foreign policy vision regards the role of civil society in the human rights-conflict nexus. Civil society is viewed both as an aim to be promoted in and of itself and a means through which the European Union can pursue more effectively objectives such as the promotion of peace and the protection of human rights (Dudouet and Clark, 2009).² The European Union has approached civil society and impinged upon its nature and functioning in indirect and direct ways.

Indirect support for civil society

As discussed in Chapters 2 and 3, tackling the root causes of conflict entails transforming the political opportunity structure in which the conflict unfolds and thus civil society operates, impinging indirectly on the role

and impact of CoSOs in the conflict-human rights nexus. The European Union can thus contribute to conflict transformation through civil society by altering the structure in which CoSOs operate, for example by raising the interconnectedness between CoSOs and the state on the one hand and CoSOs and the grassroots on the other. This is because EU relations with a conflict country affect the policies and institutional features of the latter, which in turn mould the overall environment in which civil society operates. By covering a wide range of sectors – such as institutions, law, infrastructure, health, education, trade and investment – EU policies can shape the overall environment in which CoSOs operate, impinging upon their role in a conflict. This assumes that the potential for civil society to influence a conflict depends fundamentally on the space the state leaves open to civil society activity. If this space is limited or non-existent (i.e. authoritarian and illiberal contexts, often found in conflict situations), then civil society is less likely to exert a visible impact upon conflict dynamics. Hence, unless the European Union exerts effective pressure on state actors to engage in political reform, thus altering the political opportunity structure in which civil society operates, EU policy is unlikely to induce conflict transformation through civil society. Within the context of the accession policy and the ENP, for example, the European Union can shape the policies and institutional features of third countries, influencing the overall environment in which civil society operates. More specifically, the European Commission (2006c, 2006a) has openly suggested enhancing civil society participation in the ENP by encouraging neighbourhood governments to seek civil society involvement in monitoring the implementation of the ENP action plans. To this end, the European Commission (2007a: 11) organized for the first time an ENP conference in September 2007, bringing together governmental actors and CSOs from the European Union and the neighbourhood.

Direct support to civil society

Conflict transformation cannot be induced by the European Union only by operating from above/outside a conflict context. A second channel of EU impact on the conflict-human rights-civil society nexus is by directly engaging with CoSOs. Hence, rather than operating on the structure of the conflict, the European Union could enhance the agency of peace-building CoSOs while weakening or constructively altering the views and actions of CoSOs which fuel the conflict or sustain the status quo. Within this category of policies are all EU actions which directly target CoSOs: these can take three principal forms.

First, the European Union can limit itself to forms of dialogue with and on CoSOs: publicly expressing appreciation/condemnation for particular organizations, attending their activities and facilitating access to

contacts and information exchanges between CoSOs as well as between CoSOs and international actors. The underlying aims of these different forms of dialogue include gaining a deeper understanding of a conflict context, socializing CoSOs into adopting different positions or engaging in different activities and raising the prestige, morale and status of particular CoSOs. Dialogue can take place through private meetings between CoSOs and EU actors within conflict contexts, or EU institutions can provide safe venues for CoSOs to meet to exchange skills, experiences and information. Finally, EU institutions can organize wider public meetings in which CoSOs are invited to Brussels to brief or talk with EU actors. The annual EU-NGO Human Rights Forum is a case of an institutionalized forum for consultation with civil society. Likewise, since the late 1990s the European Parliament and Commission have established regular contact with civil society actors through the Human Rights Contact Group, the Civil Society Contact Group, the CFSP Contact Group and the Arms Transfer Contact Group. Furthermore, the European Peacebuilding Liaison Office (EPLO), a subgroup of the European Platform of NGOs, established an office in Brussels in 2002 to improve civil society access to EU institutions and policy-making in the field of conflict resolution. The EU's principal focus has been on European CoSOs: the contact groups with the European Parliament include fewer than a dozen large European organizations, while the EPLO includes 23 national or transnational European CoSOs and networks. Within the context of the ENP and the accession policy, EU actors have viewed civil society as key in providing monitoring, policy implementation and policy advice functions to EU institutions. Hence the European Commission (2006c), in the context of the ENP, has established platforms for dialogue with neighbourhood CSOs, targeting in particular CSOs working on democratization, human rights, freedom of expression, women's rights, education, environment and research.

Second, EU actors can engage with civil society through training, for instance by providing scholarships, technical material and training courses to CoSO representatives in fields such as communication (e.g. political debate, public relations and advocacy), substantive issues such as international law, human rights and community law, and building organizational and financial capacity and recruiting supporters and members. In some cases, training and funding are closely interlinked, such as the training courses offered by European Commission delegations in some third countries in order to acquaint CoSOs with the necessary procedures and techniques to apply for EU funds.

Third, the EU's direct engagement with CoSOs can take the form of financial support, including funding to organizations or specific programmes and projects. Within conflict contexts, several financial instru-

ments are set aside precisely for this purpose, including the Instrument for Stability (with both a short-term crisis response component and a longer-term crisis preparedness component), specific actions aimed at CoSOs in EU research framework programmes, funds under the European Neighbourhood and Partnership Instrument and the Instrument for Pre-accession, and the EIDHR. Funds allocated within contractual relations, such as these instruments, are primarily channelled through the intermediation of official institutions in third countries, and only through the latter do they reach civil society. In view of the limits of this approach, the EIDHR is of particular relevance. This is a major financing instrument used by the European Union to support CSOs worldwide and, through them, provide aid for human rights and democracy.

The overall funding for the EIDHR is small in proportion to the total EU external relations budget, and even smaller when matched against the whole EU budget, but it has decisively increased over the years (European Commission, 1995, 2000, 2007b, 2009; Smith, 2004: 209–212; European Union, 2008; see also EU budgets 2003–2009 at <http://eur-lex.europa.eu/budget/www/index-en.htm>). This proves that democracy and human rights are increasingly viewed as necessary aims of foreign policy to be pursued, *inter alia*, through civil society.

Importantly for our concerns here, the EIDHR prioritizes cooperation with CSOs (and international organizations) around the world without limiting itself to the cooperation and consent of host governments. Accordingly, the main objectives in the EIDHR strategy for 2007–2010 are enhancing respect for human rights and fundamental freedoms in countries and regions where they are most at risk, and strengthening the role of civil society in promoting human rights and democratic reform, facilitating the peaceful conciliation of group interests and consolidating political participation and representation. The EIDHR thus “builds on work done with and through CSOs aimed at defending the fundamental freedoms which form the basis for all democratic processes and helping civil society to become an effective force for political reform and defence of human rights” (European Commission, 2007b). Accordingly, projects focusing on civil and political rights are prioritized in terms of funding. And it is here that most of the funding for CSOs is channelled, in so far as civil society is taken as a primary partner in the promotion of human rights, especially in areas that are undergoing civil unrest and conflict or are likely to fall into them (*ibid.*: 2). During the period 2000–2006 alone, €56 million was devoted to projects intended to strengthen CSOs.

The EIDHR is intended to act as a soft policy instrument, non-prescriptive, grassroots and focused on social development. Underlying this approach is recognition of the need for “local ownership”. According to the European Union, this is difficult to achieve when relations with

partner countries are limited to government-to-government contacts. “Hence the continuing importance of support to civil society and human rights defenders to help empower citizens, allow them to claim their rights and build and sustain momentum for change and political reform” (ibid.: 5). What emerges from this logic and ethos is that, since military intervention is not a feasible option for the European Union or, some would argue, a desirable option given the EU’s self-proclamation as a soft, civilian or normative power (Duchêne, 1972; Manners, 2002), the EU’s approach has privileged acting through civil society. Hence not only does the European Union claim to promote universal normative values such as democracy and human rights, but the means through which it does so – civil society – are viewed by the European Union as a legitimate way to influence domestic affairs within third states. While other means of action are considered unwarranted, this soft, reactive, grass-roots, non-coercive and allegedly non-prescriptive approach is justified.

However, what is often overlooked or taken for granted in this official discourse is that, despite being focused on CSOs, this approach is highly political. Expected results and performance indicators of the projects funded by the EIDHR include, for instance, the following political priorities:

- I. Parliamentary agreement, after concerted CSO campaign, to legislate on gender equality, on the right for indigenous people, on the abolition of the death penalty, on prevention of torture, on new constitutional provisions for oversight of the military, on the enforcement of provisions on child labour, or on the independent composition of the electoral commission.
- II. Regular reports by a consortia of civil bodies on the implementation of a European Neighbourhood Policy action plan; an independent detailed diagnosis of challenges to human rights and democracy, endorsed by leading civil society stakeholders.
- III. Broad consensus between groups with opposing interests on directions for legislation on land reform and compensation, on the terms of reference and resources for a truth and reconciliation commission; regular dialogues established between CSOs divided on religious or ethnic grounds and some common activities launched.
- IV. Multiparty agreement and draft legislation formulated, after CSOs dialogues, for women quotas on party lists; party platforms include commitments to make changes in the penal code; creation of an ombudsman; combating discrimination on any ground; greater decentralization.
- V. New CSOs formed, membership developed and activities begun by persons with disabilities; AIDS orphans organize and play an active role in CSOs umbrella body; special women’s officer and women’s section created within main trade union, liaising with women NGOs and the media; campaigns for promotion of anti-discrimination legislation launched. (European Commission, 2007b: 20)

From this list, the political nature of CSO funding emerges in full force. As opposed to former funding for development CSOs, which was mainly devoted to technical assistance, in this new strategy the EIDHR aims at transforming the societies in which it operates towards democratization through civil society. Through moulding party preferences, proposing new legislation and constitutional reforms and inducing land reform and decentralization, the EU approach intends to have a deep impact on the political opportunity structures within third countries through support for civil society. These policy aims and means have been cloaked in highly normative language, which often hinders both a lucid debate regarding the actual desirability and legitimacy of this approach and a detailed empirical account of what the European Union actually achieves in practice.

Indeed, once declarations of intent are translated into policy practice, we note how the European Union, rather than being anchored within the broad tradition of conflict transformation, adheres to a far stricter interpretation of (neo-)liberal peacebuilding (Richmond, 2006). This approach is not without critiques for many of the general reasons cited above. EU engagement with civil society within the liberal peacebuilding tradition may be detrimental to conflict transformation. This is not simply because the European Union misidentifies CoSOs, thus inadvertently strengthening securitizing CoSOs and/or weakening desecuritizing ones. It is rather because by engaging with CoSOs the European Union might contribute to the two seemingly contradictory distortionary effects discussed above: depoliticization and excessive politicization. EU support for civil society can lead to the depoliticization of CoSOs by supporting technical and professional NGOs to the detriment of more overtly political ones such as trade unions, social movements, religious charities or community-based organizations (Belloni, 2001). Smaller or more political organizations would thus either be shunned by the European Union or fail to meet the necessary technical/bureaucratic requirements to be allocated EU funds. As such, the potential for the constructive mobilization and politicization of society would narrow, diminishing the prospects for grassroots actors to alter the structural conditions of violent conflict. At the same time, EU support for civil society could also lead to the excessive “politicization” of CoSOs. The European Union would thus fundamentally shape the nature of civil society into a dependent functional substitute within the liberal paradigm of EU foreign policy, detaching and delegitimizing it in the eyes of the public (Chandler, 2001). In doing so, a limited and distorted form of civil society would mushroom, while existing local capacity would be harmed or destroyed (Richmond and Carey, 2005). Civil society would lose its autonomy and become politically accountable to and an acquiescent instrument in the hands of EU donors. It would respond to the EU’s political priorities, and in turn tend to focus on short-term,

outcome-driven and quantifiable projects, which may be far removed from the long-term, dynamic, process-driven and multidimensional needs of conflict transformation (Vukosavljevic, 2007). Whether these critiques are valid can only be ascertained by looking into the policies deployed by the European Union in conflict contexts and its engagement with CoSOs in these cases.

Analysing the EU's role in four conflict cases

Turning to the case studies analysed in this book, what can be said about the EU's impact on the conflict-human rights nexus by engaging with CoSOs? In analysing our four cases – Bosnia, Cyprus, Israel-Palestine and Turkey's Kurdish question – the EU's role can be assessed in terms of its direct and indirect influences.

The EU's direct impact on CoSOs: Limited and problematic

When examining the direct influence of the European Union on CoSOs through dialogue, training and funding in our four conflict case studies, we note its limited role. In some cases, such as Cyprus, the EU's direct influence is virtually absent. Whether the focus is on CoSO activities whose impact is securitizing, desecuritizing or non-securitizing, none of the organizations analysed in Chapter 5 cites dialogue with and support from the European Union as a relevant factor in influencing its identities, positions, activities or impact. In addition, funding instruments such as the EIDHR are not applied to member states like Cyprus. A notable exception is the €1.5m granted by the European Commission to the Committee on Missing Persons in Cyprus, as well as other bi-communal civil society projects in the context of the €259 million allocated to northern Cyprus since the island's accession in 2004.

Likewise, in the Turkish-Kurdish case, the direct role of the European Union *vis-à-vis* CoSOs is highly circumscribed. To be true, several CoSOs assessed in Chapter 7 did mention the rise in EU funding to civil society since Turkey was accorded EU candidacy in 1999, through the Supporting Civil Society Development and Dialogue programme implemented by the Civil Society Development Centre since 2002, as well as the Avrupa Birliği Genel Sekreterliği (EU General Secretariat) within the Turkish Ministry of Foreign Affairs financed through the Instrument for Pre-accession. However, the vast majority of interviewed CoSOs declared that funds were denied to their particular organizations. There are multiple reasons for this, which relate to the general remarks made above. Some CoSOs applied for EU funds but were unsuccessful in their bids. In

other cases, including in particular young grassroots organizations, wider social movements and large youth initiatives (such as “peace” music festivals), no applications for EU support were made for reasons ranging from the absence of legal status of these organizations to a political choice to desist from EU funds for fear of compromising their independent or grassroots character. What is striking in this respect, however, is that within this category we find both CoSOs whose human-rights-related activities tend to securitize the Kurdish question –Türkiye Kamu-Sen or Göç-Der – and CoSOs whose activities contribute to desecuritization – Vakıf Geldi, Say Stop to Racism, Açık Radyo or Barışa Rock.

The general complaint made by all CoSOs regards the fact that EU procedures to apply for civil society funding are extremely complicated and bureaucratized, and the result is that only large, professional and urban-based CoSOs which tend to be civic in nature and international in outlook succeed in obtaining EU funds. When it comes to the Kurdish question, this means that the less-developed Kurdish CoSOs based in the underdeveloped and rural southeast are often excluded from EU projects. Kurdish-related projects are thus often carried out by Turkish CoSOs based in large urban centres such as Istanbul and Ankara, with representatives from these organizations flying in and out of the southeast to carry out their work. The European Commission delegation in Ankara is aware of this problem and has attempted to remedy it. It has organized courses to train CoSOs to apply for EU funding and, particularly when it comes to the Kurdish-populated southeast, it has at times spelt out as a requirement of its programmes the participation of local southeast-based organizations in order to induce partnerships between Turkish western-based CoSOs and their Kurdish southeast-based counterparts. In theory, these adjustments to EU funding programmes should tackle the problem and generate a positive spillover effect in the fostering of intra-civil society ties and learning effects between CoSOs in different parts of the country. Yet, in practice, much of the problem persists. Training courses notwithstanding, EU funds appear to be tailored specifically to NGOs and NGO activities, while being far less suited to other typologies of CoSOs such as community groups, social movements, independent media initiatives or youth movements. Furthermore, even specific requirements such as partnerships with southeast-based CoSOs appear to be in practice no more than *pro forma*, with southeastern CoSOs acting as necessary appendices to projects led by their western Turkish counterparts. In this respect, a much-quoted exception is that of the southeast-based women’s CoSO KAMER, which has successfully increased its growth thanks to EU support.

The manner in which EU funding, *nolens volens*, pinpoints and fosters the development of particular typologies of CoSOs – professional, civic,

technical and internationalized NGOs – has a highly distortionary effect on the civil society dimension of conflict countries. This distortionary effect is starkest in the Israeli-Palestinian and Bosnian cases, not least given the far greater EU focus on “civil society development” in these two cases compared to Cyprus and Turkey. In the Israeli-Palestinian conflict much has been written about the distortions generated by international donor support for Palestinian civil society (Challand, 2008). Many of these findings are confirmed in Chapter 4, where interviewed organizations have lamented the (deliberate) EU attempt to foster two distinct types of organizations at the expense of others. The first is the technical-professional service delivery CoSO, which provides services to Palestinians in partnership with international organizations in view of the absence of a Palestinian state (and a dysfunctional Palestinian Authority) and Israel’s disregard for its obligations as occupying power.³ The second type, financed through EU programmes such Partnership for Peace, is the liberal, civic, élitist and internationalized NGO, which often lacks a membership base and engages in projects related to the “peace process” such as combating incitement, democracy promotion or “people-to-people” contacts. The liberal and civic nature of these NGOs means that the human rights which are prioritized tend to be individual rather than collective (with the notable exception of the individual right of refugee return). This prioritization, while in theory raising the potential for desecuritization, in practice estranges many CoSOs from the local context, whose key preoccupations regard the upholding of collective rights (i.e. self-determination). The overall impact, rather than being desecuritizing, is thus either securitizing or, more often, non-securitizing. Furthermore, as in Turkey, frequently heard complaints regarded the EU’s tendency to finance small projects, limited in time and scope, which entails an automatic preference for NGOs rather than community groups, social movements and other typologies of CoSOs.

Likewise, in Bosnia there has been significant EU interaction with and funding for civil society, contributing heavily to the mushrooming of CoSOs since the Dayton Accords. However, as in Palestine and to a lesser extent Turkey, this rise in the number of CoSOs has not been matched by a rise in political participation and public political and civic awareness. Again, the underlying cause is “civil society building from above”. Rather than civil society development, EU actors (and other donors) have induced the “NGOization” of civil society, which has had a highly circumscribed impact on democracy and conflict transformation in view of the limited membership base and lack of volunteers in NGOs (and thus their minimum outreach to society) and their frequent lack of democratic internal structures. As in the Palestinian case, many of these NGOs have focused on the delivery of public services, filling the void left

by (neo-)liberal peacebuilding policies. As in Turkey, EU funding programmes have instead often sidelined community-based groups such as mothers of war victims associations, veterans associations, youth groups and independent radios. Of the organizations in Bosnia analysed in Chapter 6, only two had received funding from EU programmes: Medica Zenica and Stolac Youth Forum. Once again, the cited reasons for this lack of interaction with the European Union ranged from a deliberate choice of CoSOs to maintain their independence from external donors to the failure of CoSOs to obtain EU funds in view of complicated application procedures.

The EU's indirect impact on CoSOs: Mixed results

In our four case studies, we note that the EU's indirect impact is far more significant than its direct interaction with civil society, although it does not always favour desecuritizing civil society activities in conflicts. In the cases of Cyprus and Turkey, the European Union has in some respects altered the political opportunity structure in a manner that favours peace through civil society action. Most strikingly as far as northern Cyprus is concerned, in the 2002–2005 period the momentum generated by the imminent EU accession of the island crystallized and mobilized sufficient political and civil society activism to overturn the decades-old nationalist rule of Rauf Denktaş. Hence movements such as *This Country Is Ours* and *Common Vision* rallied around and were empowered by the double banner of “EU accession and a federal solution” on the island. Far less evident at first sight, another, arguably deeper, indirect EU impact on Turkish Cypriot civil society is the manner in which Turkish Cypriot CoSOs have gradually altered their human rights discourse, rendering it more sophisticated, inclusive and thus effective. In the past, the complete isolation of the Turkish Cypriots from the international community and the fact that international and European platforms were the exclusive arena for Greek Cypriot lobbying efforts meant that such platforms were viewed by the Turkish Cypriots as being intrinsically inimical. In turn, Turkish Cypriot CoSOs did not develop a discourse that would strike sympathetic chords abroad, limiting themselves to blunt statements regarding national self-determination and physical security. While the isolation of northern Cyprus has all but ended, the greater international exposure of Turkish Cypriot CoSOs since Cyprus's EU accession (and the failure of the Annan Plan) has induced Turkish Cypriots to develop a more sophisticated human rights discourse grounded on European and international law. This discourse strikes delicate balances between claims to individual and collective rights, and above all frames all claims in inclusive rather than exclusive (Turkish Cypriot) terms. By making use of

European and international legal frameworks, Turkish Cypriot CoSOs now tend to articulate their claims within the broader discourse of universal rights, thus making their demands and ensuing positions more open to recognizing the rights of their Greek Cypriot counterparts. Several examples highlight this evolution, such as the revitalization of the bi-communal Committee on Missing Persons in Cyprus and the Let's Unite Famagusta campaign.

In Turkey the EU accession process was again critical in kick-starting political reform in the country, spanning a wide range of policy areas vital to the development of civil society, such as the freedoms of expression and association. Naturally, the ensuing growth of civil society did not only entail a multiplication of desecuritizing civic actions, but also allowed the flourishing of nationalist groups such as the Great Union of Jurists, which was responsible for a wave of prosecutions, including against the late Turkish-Armenian journalist Hrant Dink, aimed at limiting freedom of expression in the country. Furthermore, the extension of EU-inspired rights and freedoms was not unrestricted and, most strikingly, did not encompass fully the freedoms to express and rally around cultural or religious individual and collective rights. Hence the extension of such freedoms to Kurdish groups was circumscribed, as evidenced by the closure of CoSOs such as the Kurdish Democracy Forum and the association Kürt-Der, as well as the change in the statute of the Kurdish teachers union Eğitim Sen. This said, it is indisputable that the wave of political reforms inspired by the prospects of opening EU accession negotiations in 2001–2005 widened the scope for civil society activity, which allowed in turn different typologies of CoSOs to prosper and provided the space and incentives for Turkish and Kurdish CoSOs to establish links with each other.

The EU accession framework did not only open the space for civil society development; it also moulded its nature and empowered some organizations. In this more specific way the European Union indirectly promoted the desecuritizing character of civil society activity on the Kurdish question. First, it helped legitimize the status and activities of some CoSOs, thus improving their domestic standing with state authorities. In so far as EU actors engaged in direct dialogue with Turkish and Kurdish CoSOs, which provided EU actors with information and analysis to draft European Commission progress reports and European Parliament reports and resolutions on Turkey, these organizations were empowered *vis-à-vis* their authorities. Whereas some of these CoSOs may have been accused of being “traitors” for exposing the defects of the state, their domestic empowerment through dialogue with the European Union meant that civil society became a force to be reckoned with in the country. Second, the EU accession framework altered the nature of several major CoSOs, transforming their identities and activities and in turn

shifting their impacts on the Kurdish question from being securitizing to being desecuritizing. In particular, the commitment of Turkish CoSOs such as the business association TÜSİAD and the research centres TESEV and IKV to EU accession inspired the evolution of their identities and actions. This entailed becoming increasingly civic (and in the case of TESEV partly multicultural) in nature and tailoring their activities to Turkey's democratization (a prerequisite for EU accession), thus contributing more to the peaceful transformation of the Kurdish question.

Yet in the Cyprus and Turkey cases, the EU's indirect influence has not always contributed to conflict transformation through civil society. In Cyprus, on the one hand, EU accession allowed several Greek Cypriot CoSOs to sugar-coat their nationalist claims by using the language of European norms and values. All of a sudden, their exclusive focus on individual rights – which in view of Greek Cypriots' numerical majority on the island would result in their political domination – was claimed not as a Greek Cypriot (nationalist) demand, but rather as an EU-dictated legal requirement. On the other hand, the EU's failure to make good on its promises to lift the isolation of northern Cyprus – in particular by not resuming direct preferential trade between northern Cyprus and EU markets, not integrating Turkish Cypriot higher education institutions into EU programmes and not recognizing Turkish as an official language of the European Union – goes far in explaining the wave of disillusionment in northern Cyprus and the ensuing retrenchment to nationalist positions, as evidenced by the resurgence of the nationalist camp at the April 2009 parliamentary elections and the April 2010 presidential elections. Likewise in the case of Turkey, since the opening of accession negotiations in 2005 the reducing emphasis placed on political reforms by EU actors (and the growing emphasis on the minutiae of the EU *acquis communautaire* as well as the Cyprus question) alongside the growing vocal reservations of several member states about the prospects of Turkey's accession have concomitantly reduced the strength and legitimacy of civic and multicultural CoSOs, while vindicating the claims made by assimilationist and ethnicist organizations.

The most evident cases of a negative indirect EU influence are Bosnia and Israel-Palestine. In Bosnia the European Union has been an integral element in the establishment of the *de facto* international protectorate following the Dayton Accords. Through the high representative, the stabilization and association process, financial instruments, military presence (EUFOR, which since 2004 has taken over from the NATO-led SFOR) and the EU police mission, the European Union has been involved in a multidimensional effort of liberal state/peacebuilding. However, although the high representative in Bosnia should have worked to make his own mandate obsolete and thus usher the way to a truly independent state enjoying deepening EU contractual relations, in practice Bosnia, more

than 15 years after “independence”, has only made tentative steps towards becoming a democratic and multiethnic sovereign state. The hope and the expectation were that this would occur in the context of Bosnia’s stabilization and association process. Indeed, the conclusion of a stabilization and association agreement in December 2007, following progress in police reform, cooperation with the International Criminal Tribunal for Yugoslavia and reforms in public broadcasting and administration, suggested that substantive movement was finally in the offing. Yet the Bosnian state in reality remains as fragile as ever. As in the case of Turkey, the widespread “enlargement fatigue” within the European Union has also cast dark shadows over Bosnia’s European future, imperilling the country’s transition and debilitating the potential for civic and multi-cultural CoSO activities to prosper.

Finally and most seriously, the EU’s influence on Israel-Palestine has perpetuated the political opportunity structure of the conflict, fuelling its securitization and militarization and bolstering CoSO activities advancing ethnicist or assimilationist agendas. This is due to the fact that EU policies, while presumably aimed at establishing a Palestinian state, have in practice acquiesced in the mounting violations of human rights and international law perpetrated by official and civil society actors alike. As underlined by one official: “the EU and its member states have been blinded by their main objective of Palestinian statehood, neglecting the improvement of human rights and IHL [international humanitarian law]”.⁴ Yet the problem is not the EU’s pursuit and prioritization of a Palestinian state *per se*; it is rather its specific interpretation of such support. The European Union has backed a Palestinian state by engaging in a set of policies ranging from supporting the diplomatic process to channelling increasing amounts of aid and deploying CSDP missions in the occupied Palestinian territory (i.e. EUPOL-COPPS and EUBAM-Rafah). Yet the European Union has not taken any measure to contribute to dismantling the structure or changing the conduct of the occupation on the very territory upon which the Palestinian state should have been established. Allegedly championing a Palestinian state without contributing to an end of occupation has meant that the European Union, far from being “a payer and not a player” as often said, has actively “played” into and reinforced the dynamics of the conflict.

Working towards a more effective EU role in the conflict-human rights nexus through civil society

Whether analysed at a general conceptual level or corroborated through empirical analysis, the results regarding the EU’s contribution to conflict

transformation through civil society's human rights activities are sobering. The analysis above suggests that the European Union should seriously reassess its role. At a micro-level, EU programming and financing are accused of being complex and bureaucratic, and focused on short-term projects rather than longer-term programmes and capacity building aimed at strengthening the collective impact of civil society activities tailored to similar goals. This has had several effects. First, it has entailed a multiplication of disconnected projects with negligible impacts on conflict and human rights. Second, it has done little foster intra-civil society relations, thus failing to raise civil society effectiveness as a whole. Third, it has led to a self-selection of particular kinds of CoSOs receiving EU support, generating distortionary effects on civil society, with prominence given to technical and professional NGOs at the expense of grassroots community groups or social movements. These problems are far from being new or limited to the European Union; the same applies to other international donors. Indeed, EU institutions are well aware of these problems, but are yet to reconcile their internal needs for transparency and accountability with the external need for an effective civil society policy.

Macro-level concerns about the EU's role are more serious, and relate to both the normative premises and the actual impact of EU engagement in conflict countries through civil society. On a normative level, the liberal peace paradigm, by framing goals like the promotion of peace, democracy and human rights as unquestionably and unequivocally "good" and interrelated, has narrowed the scope for critical analysis of the pursuit of such goals. More specifically, in the academic literature, rarely do we hear criticisms of the European Union as a normative power being centred on the fact that it pursues particular goals – democracy, human rights or civil society development. Normally the critique revolves around the fact that the European Union in practice fails to accomplish the goals it sets out to pursue (Tocci et al., 2008). By contrast, particularly within third countries where EU (and other donor) policies are deployed, severe criticism has been raised by CoSOs regarding the particularistic interpretations of the goals themselves. For instance, the fact that financial instruments such as the EIDHR explicitly state that their objective is not simply to promote democracy and human rights, but rather to promote particular changes in legislation, penal codes and constitutions without engaging in a prior debate with local societies over the identification of such changes, is rarely, if ever, problematized by EU actors.

Moreover, the fact that the means of promoting such goals through civil society are also viewed as normative and thus unquestioned is even more problematic. In other words, the normative framework within which EU foreign policy is conceived has entailed that its active intrusion within

third countries through civil society is unchallenged. At most what is questioned is that the European Union fails to deliver in practice, i.e. the fact that its “intrusion through civil society” is not as effective as documents and declarations claim it should be. Yet a more accurate reading would suggest that it is the absence of truly participatory methods, by engaging local CoSOs in identifying specific goals and means to achieve these, which constitutes a recurrent critique from below. EU policies have generated both the perception of agenda-setting from above and the reality of policy ineffectiveness on the ground because of the failure truly to take advantage of the local expertise of CoSOs. The corollary of this absence of participatory methods is the creation of a disembedded local civil society (or rather NGO sector) lacking democratic accountability and participation from below while neatly falling under the rubric of “civil society development”. It is through the funds and thus incentives generated by external donors that such “civil society” arises, yet its existence and purpose are intrinsically related to the agenda dictated from above/abroad rather than the needs and desires from below.

Following from this, particularly in the Bosnian and Palestinian case studies in this book, EU funding has generated notable distortions within civil societies. Beyond the problems inherent in these distortions in general, the question is whether they have favoured a desecuritization of the conflicts in question. The answer is ambiguous. Generally, EU funding has been channelled to civic (and less frequently multicultural) NGOs, whose impact on conflicts would in principle contribute to desecuritization (see Chapters 10–11). Yet not all these civic CoSOs articulate individual rights in an inclusive manner and thus their impact on conflict is not necessarily desecuritizing (see Chapter 10). In terms of the “magnitude” of their impact, some of these CoSOs have often had far more resonance abroad than at home. This means that while at times they have been able to influence the international dimension of the conflict, their lack of touch with local societies has reduced the magnitude of their domestic impact. This appears to be particularly true of humanitarian actions, as well as actions falling within the domain of monitoring and research, which tend not to have a specific impact on conflict (see Chapter 11).

In terms of the “direction” of CoSOs’ impact, the problem in funding policies has been that, while focusing on the nature of the organization (i.e. its identity) and the proposed project (i.e. its action), funding programmes tend to neglect entirely the context in which CoSO activities are carried out, which in turn shapes their overall impact (i.e. the political opportunity structure). As argued in Chapter 10, for example, the timing of the invocation of rights is critical: the articulation of an inclusive individual right is more likely to have a desecuritizing impact during a de-

escalating phase of the conflict than in a phase of escalation, when the same invocation may have a securitizing or non-securitizing impact instead (see also Paffenholz, 2009). The results outlined in this book have highlighted the importance of contextual factors in shaping the identity and activity of the organization, and conflict society's impact on the conflict-human rights nexus. However, in selecting projects to be funded, EU actors have tended to ignore both the EU's broader indirect impact on the political opportunity structure of the conflict and the fact that particular CoSOs may inadvertently have a securitizing impact because of the conditioning influence of the political opportunity structure on their activities.

Notes

1. See for instance the EU Mission in Bosnia-Herzegovina (EUFOR Althea, 2004), the EU Border Assistance Mission at Rafah crossing point (EUBAM Rafah, 2005), Operation Artemis in eastern Democratic Republic of Congo (2006), the EU Police Mission for the Palestinian Territories (EUPOL COPPS, 2006), the EU Military Operation in Eastern Chad and North Eastern Central African Republic (EUFOR Tchad/RCA, 2008), the EU Monitoring Mission in Georgia (EUMM, 2008) and the EU Rule of Law Mission in Kosovo (EULEX Kosovo, 2008).
2. The European Union defines "civil society organizations" as a term which includes a broad range of partners in civil society, including non-governmental non-profit organizations and independent political foundations, community-based organizations and private sector non-profit agencies, institutions and organizations and networks thereof at local, national, regional and international levels (Article 10(1)(a) Regulation (EC) No. 1889/2006).
3. This does not include Islamic charities and welfare organizations.
4. Interview with EU official, March 2009.

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10

Human rights discourses and conflict: Moving towards desecuritization

Emily Pia and Thomas Diez

Human rights and conflict

The relationship between human rights and conflict transformation is often portrayed as an affirmative one, the missing link that can ensure stability in post-conflict societies and consolidate peace settlements as the organizing framework for relations between individuals and the state. But this does not mean that any articulation of human rights necessarily leads to a desecuritizing and therefore de-escalating effect. In fact, the invocation of a human right entails articulating a violation of an important aspect of human life and therefore opens the scope for securitization: seeking urgent remedial action against this violation. While the long-term aim of such a remedy is the institutionalized guarantee of human rights, the securitizing act may well have an escalating effect in the short to medium term, by reifying existing conflict lines, as argued in Chapter 2.

Precisely because of this, approaches that emphasize the management of conflict take a sceptical view of human rights. Instead of fostering compromise, human rights are seen as potentially disturbing negotiations or unsettling agreements. On a more general level, the English school of international relations has long been grappling with the relationship between order in the international society of states and justice in the transnational, potentially emerging, world society, of which human rights can be seen as an expression (Buzan, 2004). On the one hand, advocates of a

more traditional form of pluralist international society, to which the norms of sovereignty and non-intervention are crucial, have prioritized order over justice. In this view, human rights, while important, have the potential to undermine order, yet order is necessary to guarantee human rights (Bull, 1977). On the other hand, those supporting a more solidarist conception of international society, in which transnational norms underpin and are an integral part of denser relations between states, have greater difficulty in imagining order without justice (Dunne and Wheeler, 2004; Wheeler, 2000). The Westphalian solution to this problem was to guarantee human rights through states, and thus the universal through the particular (Walker, 1993). Yet increasing transnational flows have undermined this solution, while at the same time conflicts within states and across state boundaries only replicate the basic problem: if subject positions are incompatible and values not shared, how can one guarantee both order and justice?

The problem with this line of argumentation is that it misses the importance of language, and in particular *how* a right is invoked. Building on the theoretical framework developed in Chapters 2 and 3 and drawing on the empirical chapters in this volume, we put forward two crucial questions for the analysis of human rights in conflicts. First, are human rights expressed as “inclusive” rights or are they exclusively related to one conflict party, thereby reifying existing identity boundaries and thus antagonisms? Second, is the reference point of the invoked human right the individual or a group?

To address these questions this chapter presents a qualitative comparative discourse analysis of the empirical case studies examined in this book. It focuses on specific cases of conflict society action in order to examine the impact of their human rights articulations. In doing so, the chapter complements the findings of the qualitative comparative analysis presented in Chapter 11, which covers in greater breadth the empirical material collected in this book as well as the relationship between the variables set out in Chapter 3. By covering such a broad array of issues, Chapter 11 gains in scope but inevitably loses in depth. This chapter aims at rectifying this problem by gauging the detailed impact of specific human rights discourses on the (de)securitization of conflict. These discourses may at times conflict with one another; at others, what may seemingly appear to be similar or complementary discourses which hinge upon human rights may in fact serve very different political ends. The politicization of human rights in conflicts emerges here in full light. This is because the articulation of human rights is more likely to have a desecuritizing effect if it is inclusive and refers to the individual than when it is exclusive and focuses on the collectivity. In what follows, we first

elaborate some theoretical considerations to differentiate human rights articulations and then proceed with a discursive comparative analysis of specific examples drawn from the case studies presented in this volume.

Differentiating human rights articulations

The concept of human rights has always been contested (Freeman, 1994). While the big battles of political versus social rights may have calmed down, tensions remain between different strands (Bhambra and Shilliam, 2009). Drawing on an argument made in Chapter 2, a first distinction of particular importance in ethno-political conflicts is that between individual and collective rights. Collective rights usually take the form of cultural rights (Sanders, 1991). They refer to the rights of a collectivity as a whole, which cannot be reduced to individual rights (Dinstein, 1976; Stavenhagen, 1992: 135) unless one takes a highly individualistic view of society (e.g. Buchanan, 1989). There is therefore a difference between the invocation of the right to speak the Kurdish language and the right of the Kurdish culture to exist. Although both are clearly linked and the collective right may presuppose the individual right, collective and individual rights may also be in conflict with each other to the extent that collective rights are invoked to protect cultural practices that infringe on individual freedoms. Indeed, the underlying problem with collective rights is that they assume the existence of a collectivity that is often contested. The invocation of the collective right inscribes the collectivity into public discourse, thereby often subsuming individuals who may not view themselves as part of the designated group. This has led some authors to differentiate strictly between human rights and collective rights. According to Howard (1992: 83), for instance:

the claim for collective rights is a claim for something different from human rights; it is a claim that reasserts the value of the traditional community over the individual. Human rights are an egalitarian means of allocating membership in a collectivity to all physical persons regardless of status. Collective rights imply permissible egalitarian ranking.

At the same time, if one agrees that cultural diversity is desirable, collective rights seem necessary, as individual rights may be insufficient to guarantee the survival of cultures, in particular under conditions of globalization. In this respect the creation of the high commissioner on national minorities (HCNM) under the auspices of the Organization for Security and Co-operation in Europe marks a growing appreciation of the need to promote multicultural states committed to democratic plural-

ism, prohibiting coercive assimilation and actively supporting vulnerable minority cultures (CSCE, 1990). In negotiating state-minority relations, the HCNM forms part of the more innovative, intrusive human rights or human welfare monitoring mechanisms developed in the post-Cold War era. While not a minorities ombudsman *per se*, the HCNM's diplomatic endeavours aim at securing an environment supportive of distinct minority identities and autonomies. Human and minority rights are promoted as part of a larger political settlement of conflicts which are born of aggressive nationalism (Thio, 2003).

Reducing collective rights to individual rights is not an option, but the choice of conflict society organizations (CoSOs) to pursue their aims by invoking one of the above categories of rights is paramount to the development and transformation of conflict. Going back to the example of the Kurds, demanding the right to speak a language may not be sufficient to guarantee the survival of group culture, but it may, if successful, be a first step and certainly improve a situation in which public pronouncements in that language are not allowed. Some scholars even go as far as arguing that collective rights do not add much to what individual rights can achieve for oppressed groups (Donnelly, 2003: 204). Since individual rights apply to all citizens, while collective rights are often an essential part of the incompatibilities in conflict societies, it therefore seems reasonable to assume that in terms of conflict transformation it is preferable if human rights are invoked as individual and not collective rights.

Yet there is, we propose, a second dimension to human rights articulations that goes largely unnoticed in the literature as well as in political debate. This is the difference between inclusive and exclusive articulations of rights. In relation to collective rights, this distinction makes intuitive sense. Collective rights can be invoked for one specific group only, in which case they are articulated as exclusive rights, or can be applied to all collectives within a society, in which case we would call them inclusive. Federal or consociational political institutions, for instance, may tend to reproduce group identities, but their advocacy is usually inclusive in that it asks for the same rights for all collectives. Secessionist movements or demands for special status within a state, in contrast, pursue exclusive collective rights. However, on the level of the international system, the right to self-determination can be seen as an inclusive right to the extent that it applies, at least theoretically, to all ethnic groups. In contrast to Roe (2004), we therefore argue that not all minority rights need to be exclusive, even if they are expressed as collective rights.

Exclusive articulations of collective rights are not exclusivist to the same degree, however. Some may invoke collective rights for a specific group simply because these rights are taken for granted in the case of other groups; others may seek privileges that imply the superiority of one

group over another. In the latter case, we are dealing with articulations that at least border on racism, whereas in the former the line between inclusive and exclusive articulations becomes a grey zone, in that such articulations may implicitly presuppose the rights of other groups as well.

Moving on to examine how the inclusive/exclusive distinction is applicable to individual rights, we are faced with a more blurred understanding, as individual rights are by definition universal and therefore inclusive. Yet such rights are often, especially in conflict situations, only invoked for individuals who belong to a particular group. As such, they have been labelled “group rights” that need to be distinguished from collective rights: at stake here are individual rights claimed on behalf of members of a group because of discrimination, not the rights of the collectivity as such. As above, CoSOs have the choice of articulating rights in a universal manner or invoking them merely on behalf of the members of the group for which they speak. However, the context of the modern state system may impose restrictions on this choice, in that the dilemma of universal rights and particular identities has been solved by granting rights primarily through the state (Walker, 1993). This “solution” raises the spectre of conflict in particular when the guarantee of rights through the state is combined with a rigid notion of the nation, excluding those who publicly live another identity (Wimmer, 2002). It is in this sense that Gutman (2003: xv) argues against the defence of nationalism from a human rights perspective: “Collective self-determination is a human right exercised in groups, which is conditional – as are all such group rights – on the group’s respecting the other rights of the individual”, or, in other words, on articulating collective rights not in an exclusive but in an inclusive manner.

Seen from this angle, the difference between the articulations of individual and collective rights in terms of their impact on conflict seems less clear. One would presume that inclusive articulations are more likely to be met with understanding by the other party and thus have a more desecuritizing effect than exclusive articulations. It is only within this differentiation that the articulation of individual rights may be preferable, although within the inclusive bracket this may also depend on political circumstances. In Turkey, for instance, where the preservation of the unitary state is part of conflictual subject positions, even the inclusive articulation of collective rights may be seen as an existential threat. In Bosnia, by contrast, the multiethnic nature of the state makes it unavoidable to include collective rights, and thus we would expect their inclusive articulation to be more likely to have a desecuritizing effect. Table 10.1 summarizes the two dimensions of human rights.

In the next section we analyse the empirical findings from our case studies based on the categories identified in Table 10.1. These are not

Table 10.1 Types of human rights articulations

<i>Articulation of rights as . . .</i>	Individual rights	Collective rights
Inclusive	Universal	Integrational
Exclusive	Group	Exclusionist

crude categories that restrict CoSOs' *praxis* and *logos*. Instead, these four kinds of articulation may be viewed as tendencies that come in stronger and weaker variations. In other words, they are instantiations of human rights articulations that come in different forms and leave their trace on conflict.

Human rights articulations in conflict

Human rights articulations in conflicts have been treated for a long time in academia as a relationship that is highly problematic and contested. The multitude of actors involved (states, societies, families) reflects the tensions and controversies that arise every time these two topics are brought together. A comparative discursive analysis of the case studies reveals these tensions and shows how political identities, frameworks of action and political opportunity structures are inextricably linked with the different impacts of civil society on conflict. This discussion of the empirical work brings together the theoretical underpinnings of our analysis (Chapters 2–3) along with examples from our empirical data (Chapters 4–7), in order to display how different articulations of human rights may have a securitizing or desecuritizing effect.

Articulations of universal human rights

First, we explore the articulations of universal human rights and their impact on conflict. For many CoSOs the option of advocating universal individual rights seemed the most straightforward solution that would not hinder their aspirations and which generally would result in desecuritization. Yet as the following examples reveal, other factors – cooperation, political opportunity structures and timing – also impinge on the impact of their actions.

In Bosnia-Herzegovina, the Social Justice Movement in Sarajevo focuses on the social and economic rights of workers who have been exploited. Many workers in Bosnia-Herzegovina face the consequences of privatization, economic transition and bankruptcy, resulting in a huge

number of reform processes that very often discriminate against their basic human rights. Legal protection does not apply to all workers who lose their jobs as the result of discrimination, and compensation, when awarded, is inadequate and regarded as “symbolic” (Amnesty International, 2006). The Social Justice Movement disseminates information for victims of discrimination and proposes solutions to ensure the protection of their rights: thus it helps to desecuritize conflict as it initiates a discussion on the elimination of obstacles for the realization of labour rights and the expansion of workers’ access to justice. The promotion of a non-ethnic and universal human rights discourse in Bosnia limits possible reincarnations of particularistic and fundamentalist backlashes and situates disagreement within tangible socio-economic issues that affect the whole population. Thus, for this organization, the choice of protecting the social and economic rights of all workers in Bosnia enables it to construct a discourse that is inclusive and accepted by the public without fostering further dichotomization of identities.

Similarly, the work of the Palestinian Centre of Human Rights (PCHR) shows how an invocation of human rights which endorses diversity, recognition and heterogeneity along with the support of international actors can sustain a desecuritizing impact on the Israeli-Palestinian conflict. The PCHR was established in Gaza in 1985, and monitors, reports and documents human rights violations in Israel as well as in the Palestinian Authority. It has developed close collaborations with a variety of organizations like the UN Economic and Social Council, the International Federation for Human Rights and the Euro-Mediterranean Human Rights Network. In relation to the rights to movement and healthcare, the PCHR launched a campaign against the Israeli denial of patients at checkpoints to travel abroad for treatment. As Jabr Wishah stated: “We follow up these cases closely, sometimes up to the Israeli High Court of Justice. When we manage to save lives with our intervention these are big successes for us” (interview, 27 March 2008). The PCHR has very close ties and relations with the local community, offers its services without discrimination and puts pressure on all parties to respect human rights as a condition for sustainable peace and democracy in the area.

KAMER is a Kurdish civil society organization with a civic identity working on women’s rights as individual rights. It distinguishes itself from organizations that construct their demands in the form of collective rights for Kurds. The slow but steady development of governmental and non-governmental mechanisms and institutions (e.g. the Directorate General of Women’s Status and Problems) has enabled women’s groups to penetrate and influence the state apparatus, to become familiar with their rights and the international gender agenda and above all to create a common platform for dialogue (Ferree and Tripp, 2006). KAMER has

adopted a more neutral and universal language of human rights, and left behind the prevalent discourse of many Kurdish human rights organizations that are interested exclusively in the protection of Kurdish rights supported by the Kurdish nationalist movement. As suggested by one of the interviewees discussed in Chapter 7, “KAMER and other Kurdish organizations are trying to distance themselves from the Kurdish movement, voice democratic demands and identity claims within the context of citizenship rights; they do not base these claims on the demands for an autonomous Kurdish state.” KAMER has managed to rephrase the language of human rights of women and hence to alter the framework in which debates on the solution of the Kurdish question and human rights take place in Turkey. Its desecuritizing move has been its attempt to link language rights to the elimination of violence against women. KAMER strives for the amelioration of women’s rights in Turkey, especially when the condition of women is compromised by economic hardship or linguistic barriers. It raises the question of the Kurdish language, which lies at the heart of the Kurdish nationalist struggle; yet by articulating it through the broader framework of women’s rights, it does so without employing a securitizing or exclusionary discourse.

A last example of the articulation of universal rights is drawn from the Cyprus case, and highlights how the invocation of individual human rights can in due course and in tandem with the opening up of political opportunity structure lead to desecuritization. The invocation of the right to education by the teachers’ union in north Cyprus exemplifies the role of education in the creation, prevention or transformation of societal crises in a conflict. Until recently, the school curriculum, books and conferences in the Turkish Republic of Northern Cyprus (TRNC) were under extreme scrutiny by the authorities. They were expected to show “how Turkish nationalism is good” (Mine Yücel, SHUR workshop, Nicosia, 1 February 2008). Contacts and meetings of teachers and university staff were monitored and files were kept by the Turkish army. Articles critical of the TRNC and Turkey were not published in the academic journal *Cyprus Studies*, edited at the Eastern Mediterranean University in north Cyprus. Complaints about this kind of behaviour were rarely listened to by officials (SHUR workshop, 1 February 2008). The situation changed dramatically after 2004 as the Turkish Cypriot political body tilted towards reunification. In addition, the revision of educational policies in the north has been supported by international campaigns, including members of the European Parliament and Amnesty International (SHUR workshop, 1 February 2008). As a consequence, the teachers’ union has garnered widespread acceptance within civil society and contributed immensely to reforms aimed at recognizing cultural heterogeneity in the TRNC’s educational system. Thus educators became more aware of

teaching methodologies in relation to history, more sensitive to different perspectives and more open to dialogue at all education levels.

While in some of these examples the desecuritizing impact of the invocation of universal human rights remains a potential for the time being, at least in the Bosnian and Cyprus case, these invocations have already made a contribution to desecuritization in practice (e.g. the Social Justice Movement and the teachers' union). However, it is also fair to say that this impact has been part of a broader process of conflict transformation. The articulation of universal human rights was made possible by a broader transformative context, which in turn was reinforced by the invocation of the inclusive individual right. In the other two cases the conflict situation is still volatile and unpredictable, and non-governmental political action is aiming at cultivating respect and recognition of the other.

Articulations of human rights as group rights

In this section, the examples demonstrate how the invocation of group rights may advance securitization within a conflict, as the exclusionary discourse that is employed by CoSOs promoting individual rights polarizes the conflict parties. The case studies compiled in this volume show relatively few cases of CoSOs that articulate group rights: when individual rights are invoked in a conflict they tend to be articulated as universal rights. It seems that most CoSOs avoid constructing their actions and discourses within the framework of group rights as it limits their possibilities of reaching wider audiences, alienates international donors and attracts negative media attention. Nevertheless, these examples are used as a manifestation of the character and effect of invoking group rights in conflict.

Türkiye Kamu-Sen, a confederation of trade unions and public employees, has an assimilationist identity and its main objective is to promote the rights of its members. Its campaigns are an interesting example of what one may call “inverse group identity”. Turning the usual perception of the Kurdish-Turkish conflict on its head, Türkiye Kamu-Sen focuses on the human rights of Turks, above all the right to life, and adamantly denies the collective dimension of the Kurdish question. Its securitizing character lies in the objection to the definition of the Kurdish question as a “Kurdish problem” and perceiving it as a “problem of terror” that could only be resolved with a resort to violence. More specifically, Türkiye Kamu-Sen rejects the existence of a distinct Kurdish culture and identity. As one of the interviewees from the organization stated:

Kurdish is a language born out of a mix of Persian, Arabic and Turkish. At the international level, you cannot find any scientific research or debate among linguists about Kurdish being a distinct language. We can see it as a dialect of the

Turkish language rather than as a separate language. Demands for education in Kurdish are mere political rhetoric and thus cannot be seen as demands for democratic rights. Here the objective is to squeeze and weaken Turkey and to construct a new ethnic group in the country. No one in Turkey has a problem in expressing himself and his ethnicity. (Interview, 16 January 2008)

In the case of Türkiye Kamu-Sen, the invocation of the rights of its members and the silencing of Kurdish voices generate further misunderstandings, hostilities and discrimination for the Kurds. The organization promotes an exclusionary discourse that advances further dichotomies and identity boundaries, which result in undermining voices of reconciliation and communication.

The second example is taken from the Bosnia case study, where we analyse the human rights invocations of the Republika Srpska Association of (Former) Camp Inmates. The initial goal behind founding the organization was to document and examine the suffering of the Serbs during the war, aiming at giving a more truthful depiction of what happened in Srebrenica, Bratunac and Skelani (interview, 30 December 2007). The deputy president of the association, Slavko Jovicic, said that they “are not advocating a balance in the level of justice, but want the truth to be known about all crimes, including Srebrenica, which as a paradigm of a war crime cannot be understood without looking at the killing of Serbs” (BBC Monitoring, 10 January 2006). The acceptance of suffering and loss for Serbs as well as changing the perception of Serbs as the sole aggressors are paramount to the association, and the enactment of this aim has often caused further securitization of the conflict. For example, in Foca in 2004 members of the Women Victims of War Association tried to place a memorial plaque on a building used as a rape camp during the war and were prevented from doing so by members of the Republika Srpska Association, who were objecting not on the grounds of denying the events in Foca, but because they weren’t allowed to erect similar memorial signs in Sarajevo or Tuzla (BBC, 1 October 2004). Such actions cause further securitization, as they restructure moments of the violent past, bring back narratives of identity confrontation and reduce the scope for civic and multicultural civil society activism.

As mentioned at the beginning of the section, the data gathered do not support an extensive invocation of group rights. But it is clear from the above examples that when it occurs, it advances securitization.

Articulations of human rights as integrational rights

When it comes to examining how civil society actors ensure the transforming effect of the conflict within their articulations of human rights, we see that they choose to conceptualize the other within the self and

open up the political and social space for cooperation and rearticulation of previously incompatible subject positions. The following examples explore the efforts of different CoSOs to bring communities in conflict together by invoking collective rights with an integrational character. We have included bi-communal projects as well as campaigns that advance a more multicultural perspective and support desecuritization.

Ta'ayush (Arabic for "life in common") is a grassroots movement that was formed in 2000 by Arab and Jewish Israeli citizens in an effort to "break down the walls of racism and segregation by constructing a true Arab-Jewish partnership ... [with] daily actions of solidarity to end the Israeli occupation of the Palestinian territories and to achieve full civil equality for all Israeli citizens" (www.taayush.org). The group's decisions on specific activities are taken in plenary meetings where sufficient representation of both peoples is necessary and consensus is sought. All actions aim to secure the cooperation of the community that they work with in order to avoid patronage and foster people's commitment to these actions (Dudouet, 2004). Ta'ayush's main project is the Wall Must Fall campaign, which has multiple facets like marches, demonstrations, press releases, tree planting, awareness-raising meetings, etc. An interesting example of its activities is the massive non-violent struggle in Budrus, a village very close to the "green line". Israeli and international activists managed to mobilize people from the neighbouring villages in their struggle against the separation barrier, which threatens to enclose them in a *de facto* prison (as well as confiscating their agricultural land). This phase of the work attracted huge media interest and yielded some success: after a couple of months of protest, the route of the Wall in Budrus was moved closer to the green line (Halevi, 2004).

In Turkey the Human Rights Association (IHD) was founded in 1986 by the families of detainees who were victims of torture and ill treatment. Its activities initially focused on underlining the state's responsibility in the persistence of violence and human rights violations in the Kurdish-populated southeast. As one interviewee declared "violence and the PKK are by-products of human rights violations against the Kurdish people" (interview, 21 January 2008). There were many criticisms of the IHD, relating principally to its ambivalent attitude towards the PKK (Kurdistan Workers Party) and, above all, that in its early years it tended to focus predominantly on the human rights of the Kurdish people. This has led to extensive misinterpretation and misinformation of its actions in the nationalist Turkish media. But over the years the organization has changed its identity and approach, focusing not only on the individual rights of Kurds but rather on the rights of all citizens in Turkey. Since then, it has participated in the Common Platform alongside other organizations aimed at a better coordination of civil society's human rights activities in

Turkey. In turn its human rights discourse has become increasingly desecuritizing. It is extremely significant that a CoSO has succeeded in modifying its identity and approach when faced with demonization by the political and media establishments. The example of the IHD shows the importance of coming up with a common platform that unites the “disruptive voices” of CoSOs through a discourse which is centred on the protection of human rights for all people.

A similar argument can be made for the International Peace Center (IPC) in Bosnia-Herzegovina, founded in 1990 to protect human rights and freedoms. During the war its main activity was to help anti-war centres in Zagreb, Belgrade and other towns to voice their objection to nationalist propaganda and criticize political parties that pursued policies based on ethnicity rather than citizenship (interview, Ibrahim Spahic, 1 December 2007). After the war, one of the IPC’s primary goals has been to work on reconciliation and the return of refugees. For Ibrahim Spahic, founder of the IPC, there are many links among the communities that allow for reconciliation. European institutions should also contribute to advancing the protection of universal human rights rather than the parochial interests of local authorities (www.ipcsa.ba). The IPC organizes a variety of cultural events, like the Sarajevo Winter Festival, and publishes the magazine *Why* aimed at rearticulating identities through the “protection of the cultural heritage of the whole country, so that it should be for one and all and not only for a nationality” (interview, Ibrahim Spahic, 1 December 2007). The IPC invests in cultural projects for all communities and avoids nationalistic approaches which marginalize people who do not subscribe to a specific conflict narrative.

Finally, in Cyprus, the Let’s Unite Famagusta initiative emerged after the 2003 opening of the border by the Turkish Cypriot authorities, which normalized border movement and facilitated civil society cooperation and bi-communal work. As argued by Demetriou and Gürel in Chapter 5, property rights are not usually the subject of reconciliation agendas because of their complexity and the uncertainty over what a solution may involve. Nevertheless, the notable exception of the Let’s Unite Famagusta initiative managed to bring together a mix of local and international CoSOs (the German-Cypriot Forum, the Association of Rights and Freedoms, Friends of Nature Cyprus, the Turkish Cypriot teachers’ trade union, the Cyprus Art Association, the Cyprus-EU Association) and lobbied the European Union for the return of the town to its residents under UN administration, as an experiment for coexistence prior to a comprehensive solution (www.letsunitefamagusta.net). This effort manifests an ongoing process of interaction, communication and cooperation between Greek Cypriots and Turkish Cypriots, which supports the will for and vision of a reunification of the island.

Integrational rights can promote desecuritization within a conflict if they advance and protect all communities. But there is always the risk of suppressing the individual under the banner of a collectivity and sustaining a dichotomization of identities.

Articulations of human rights as exclusionist rights

On other occasions CoSOs employ an exclusionist discourse in their articulations of human rights that potentially furthers securitization and limits substantially the space for reconciliation and peaceful coexistence.

In Cyprus we cite organizations which deal with missing persons: one of the most sensitive aspects of the conflict. The work of these CoSOs has been met by a variety of responses. Initially, there was support for the nationalistic and antagonistic rhetoric of both sides. Since 2003, however, there have been bi-communal projects like the Committee on Missing Persons in Cyprus which have emphasized the commonality of pain and promoted more compromising initiatives. Nevertheless, the loss and absence of the beloved can still trigger tension and CoSOs very easily revert back to invoking exclusively the rights of their community. More specifically, the Turkish Cypriot Martyrs' Families and Disabled Veterans Association, founded in 1975, has always stressed aggression and provocation by Greek Cypriots against the Turkish Cypriot national identity. The association emphasizes the aggressive character of the Greek Cypriot side from 1955 to 1974 and the security and comfort that bi-zonality has brought to northern Cyprus. As one interviewee stated, it is "best if everyone stays on its side" (interview, 1 February 2008). The Martyrs' Families Association adopts an isolationist position and favours a mono-cultural understanding of identity.

Similarly, the work of the Kyrenia Refugees Association shows how an invocation of human rights that focuses exclusively on one part of the population cuts the bridges for reconciliation and peaceful reunification. The association (Adouloti Kerinia) was founded in 1974 with the purpose to "nurse the memory of our homeland in our people's hearts, teach our children about it and, coordinate our people's struggle for the liberation of Cyprus from Turkish occupation and the return of all refugees to their homes and property" (www.agrino.org/Kyrenia/Association). It runs a variety of cultural events that aim at "keeping the memory of the occupied areas alive in the hearts of our people who lived there before the war" and equally "teaching the young ones, who are born after the occupation, all about their hometowns and villages" (ibid.). This Greek Cypriot human rights discourse focuses only on the injustices of the 1974 events, as it demands justice through the return of all refugees to their homes, promotes nationalism and advances perceptions of human rights as primarily related to ethnic communities.

An exclusivist position which feeds securitization and minimizes the space for compromise and reconciliation is also evident in the work of the Mesopotamia Cultural Centre in Turkey. The centre (Mezopotamya Kültür Merkezi) is an organization that has advanced the securitization of the Kurdish issue by advocating exclusively Kurdish collective rights. More specifically, it aims at institutionalizing the identity and culture of the Kurds and, as one interviewee stated, “We aim to survey and document Kurdish culture and prevent its erosion since it is under threat and not guaranteed by law as opposed to Turkish culture” (interview, 18 January 2008). Its main financial resources come from organizing theatre plays and concerts and releasing CDs and tapes. Its relation with the state is precarious, and in the early stages of its work the centre experienced physical pressure like imprisonment of members and prohibition of its activities. The situation has changed somewhat since the 2000s, as freedom of expression was enhanced. However, the centre still requires authorization for its cultural activities, which is denied at times for alleged security reasons (interview, 18 January 2008). It stresses the importance of establishing dialogue with the state apparatus, but at the same time it sets as a prerequisite for this dialogue the definition and recognition of the Kurdish identity in the constitution (interview, 18 January 2008).

When civil society actors put forward monolingual and monocultural demands, they influence the perceptions of the conflict negatively and interrupt any possible positive transformative outcomes. The above examples have shown that invoking a human right in an exclusionary manner tends to reduce opportunities for a more multicultural environment, solidify identity boundaries and perpetuate oppositional rhetoric.

Conclusions

While we recognize that the inferences that can be made from a few examples drawn from the four cases analysed in this book are limited, we would nonetheless suggest they show that inclusive articulations of human rights tend to have a desecuritizing effect, if they have any effect at all. It is less clear whether within the inclusive category universal or integrational articulations are preferable. Clearly, from our empirical survey of the four cases, it appears that universal rights articulations are preferable, partly because this is the “hard core” of the international human rights discourse and partly because the articulation of integrational rights presupposes the acknowledgement of the other group, which is more difficult than recognizing the existence of individual human beings. This is not to undermine the importance of collective rights, as they can offer protection against genocidal policies of majority groups, or more broadly “tyrannies of the majority”. More important here is the

effectiveness of agency and the contingent conjunctions of legal and social institutions.

Our examples indicate that success in terms of desecuritization hinges on contextual factors, and above all on the timing of the human right articulation. An inclusive articulation is more likely to have a desecuritizing effect if the conflict is already in a desecuritizing phase; likewise, an exclusive human right articulation is more likely to fuel the conflict if it is already in an escalating phase.

More research is necessary to examine further and more systematically across a wider set of cases how the four types of human rights articulations affect the trajectory of a conflict. Our results, however, warn against positing a simple correlation between conflicts and human rights. Likewise, they suggest that the decisive division is not between individual and collective, but between inclusive and exclusive rights. Policy-makers, analysts and civil society actors alike should therefore not take the human rights discourse at face value but always assess carefully the character of human rights articulations with which they are confronted.

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11

Civil society impact on conflict: A qualitative comparative analysis

Thorsten Bonacker, Christian Braun and Jana Groth

Introduction

This chapter provides a comparative analysis of the case study material presented in this book. It builds on and analyses the four case studies discussed in Chapters 4–7, which, while all characterized by a strong ethno-political component, differ in important respects. Our comparative research deals with two aspects. First, we seek to identify the factors which shape whether civil society's human rights articulations lead to the securitization or desecuritization of ethno-political conflicts. Second, we aim to identify the factors in the various case studies that significantly affect the impact of civil society's human rights articulations across the four cases. In contrast to the discursive comparative analysis of Chapter 10, here we do not delve into the impact of individual human rights articulations by conflict society actors. We complement this analysis by broadening out and assessing how the different variables set out in Chapters 2 and 3, independently and above all in conjunction with one another, impact on conflict. In this respect Chapters 10 and 11 need to be read in parallel. Our experiment was precisely to test whether different comparative methodologies applied to the same empirical data would lead to similar results. As we will show, indeed they did.

In the first section of this chapter we summarize the research design presented in Chapters 2–3 and our understanding of the securitization theory as a theoretical framework to understand conflict escalation and de-escalation. Next we apply our comparative research to civil society

studies and securitization studies in general, in order to show the contribution of this book to both research areas. Our research methodology is then outlined. We used the qualitative comparative analysis (QCA) method developed by Charles Ragin in the mid-1980s as a more formalized analysis for comparing the case studies' qualitative data presented in previous chapters. Especially in the context of post-modern and constructivist securitization studies this is unusual, but the formal analysis helps us to identify the key conditions that are relevant in analysing securitization processes. We chose to use QCA to identify the variables that explain why, under certain circumstances, human rights articulations can contribute to the securitization of conflict. We present the results of our comparative analysis, and finally offer some conclusions.

Securitization theory as the theoretical framework

In this section we clarify our understanding of securitization theory as a tool for explaining the impact of human rights articulations made by civil society or – as defined in Chapter 3 – conflict society organizations (CoSOs) on ethno-political conflicts. As elaborated in Chapter 2, securitization theory can be used here as a conflict theory: securitization could be described as a form of escalation by referring to an issue as a security issue or a party as a threat (see also Gromes and Bonacker, 2007; Diez and Pia, 2007). In a nutshell, securitization means that an issue or an actor (a referent object) is framed in security terms (e.g. something or somebody is perceived as a threat to a group's identity). According to Wæver, security *per se* does not exist in a vacuum, but is constructed through communication. Referring to Austin's speech act theory, Wæver (1995: 55) suggests that "security is not of interest as a sign that refers to something more real; the utterance itself is the act. By saying it, something is done (as in betting, giving a promise, naming a ship). By uttering 'security' a state-representative moves a particular development into a specific area and thereby claims a special right to use whatever means are necessary to block it."

Securitization consists of three components:

- the claim that a threat to survival exists and the demand for extraordinary measures
- the adoption of emergency action
- the effects on the relations between the affected units by violating rules that otherwise bind (Buzan, Wæver and de Wilde, 1998: 25).

A security issue is something that requires priority over all others, because "if we do not tackle this problem, everything else will be irrelevant (because we will not be here or free to deal with it in our own way)"

(ibid.: 24). In this sense, securitization is equal to conflict escalation, because it transforms a normal discourse – about freedom of expression, for example – into panic politics.

It is important to distinguish between a securitizing move and securitization. Asserting an existential threat and requesting extraordinary measures constitute a securitizing move. An issue becomes securitized only if an audience accepts the allegation that an existential threat exists and approves emergency measures as a means of tackling it. Thus securitization is an intersubjective practice: “security (as with all politics) ultimately rests neither with the objects nor with the subjects but *among* the subjects” (ibid.: 31, emphasis in original). The “securityness” of an issue or a party is therefore defined by an agreement between a securitizing actor and the addressed audience regarding the object of a securitizing move (see Roe, 2008).

If, for example, a CoSO suggests that an ethnic group has a right to speak its own language and a state law against the expression of cultural independence is a violation of this group’s identity, this could lead to a securitizing move by the CoSO if the state is openly presented as a threat. In this case the CoSO is addressing, speaking for and trying to mobilize the ethnic group. If this mobilization is effective, i.e. if the addressed audience accepts the securitizing move, we can refer to it as securitization. There is then a demand for extraordinary measures to deal with the threat. The discursive articulation of human rights would, in this case, securitize the situation and escalate the conflict. It is also possible in principle that an unapproved securitization could lead to extraordinary measures. As Paul Roe (ibid.: 616) recently pointed out:

although a given audience may well agree with the securitizing actor as to the “securityness” of a given issue, this selfsame audience may also disagree over the “extraordinariness” of the measures proposed. Such a situation is not an example of failed securitization (as the audience did not reject the issue as “security”), but nor is it a successful securitization, as the means necessary to deal with the issue are not also intersubjectively established.

If one understands securitization as a communicative process, the acceptance of a communicated threat can be seen as the beginning of the securitization process, which usually ends with the acceptance of the extraordinary measures. The main effect of uttering the word “security” is its potential to lead an audience to tolerate violations of accepted rules that would otherwise have been obeyed (Stritzel, 2007: 361).

What is interesting about the Copenhagen School’s securitization theory from a conflict theoretical point of view is that it can be used to define more accurately what a conflict is and how it evolves: “We observe a

conflict when actors articulate an incompatibility by referring to another as an existential threat to itself” (Diez, Stetter and Albert, 2006: 566). Contrary to this definition, and maybe more in line with securitization theory, we would say that threat communication is an escalation of an existing conflict. Thus conflict escalation emerges from a perpetual threat communication, which Wæver (1995) describes as securitization. Let us take an example: the relationship between government and opposition. This relationship is conflictual by nature, because both parties tend to formulate opinions that are perceived as mutually exclusive. We speak of an institutionalized, and thus stable, conflict at the heart of the political system. The conflict escalates the instant that normal political communication turns into threat communication, because the opponents on one side are perceived as a threat by the other. Normal observations within the system become securitized observations; the normal observer becomes a threatened observer. The stronger the threat is to one’s own identity, the more likely the danger of escalation. To frame an issue as an existential threat is thus to transfer it to an agenda of panic politics. In most cases the adoption of extraordinary means implies escalation. Escalation leads to a violent or more violent conflict, de-escalation reduces the scale of violence or ends the use of violent means altogether. Since securitization is viewed as conflict escalation, this also means that it is (always) embedded in an existing conflict that is crucial for the relationship between the securitizing actor and the significant audience. With Stritzel (2007: 367), we would argue that “an actor cannot be significant as a social actor and a speech act cannot have an impact on social relations without a *situation* that constitutes them as significant” (emphasis added). The conflict situation, or, as defined in Chapter 3, the conflict context, should therefore be seen as highly relevant for an analysis of the impact that human rights articulations can have on the securitization or desecuritization of ethno-political conflicts.

Hence, securitization theory allows for an analytical approach to the evolution of conflict that is based on communication. Conflicts are understood as self-selective social processes that materialize from the realm of communication. Although securitization theory does not itself offer a model of conflict escalation, it provides tools that help explain how conflicts develop – and can be transformed by desecuritizing conflict communication (i.e. by moving issues off the security agenda and back into the realm of normal political discourse, dispute and accommodation; see Williams, 2003: 523).

We have underlined the communicative aspects of conflict to highlight the fact that we regard securitization as a process of conflict escalation. Conflicts do not begin with securitization, but securitization means that a conflict party or issue is seen as a threat. CoSOs can make human rights

articulations in “normal” conflict situations, meaning the articulation is not a contribution to the securitization of the conflict. And it is of course possible that human rights articulations are made in conflicts that are already securitized. This is the case in all the conflicts analysed in this book, as the conflicts we researched are all characterized by a certain level of securitization.

According to our research design, CoSOs can play at least three different roles in securitizing or desecuritizing ethno-political conflicts:

- as an *actor* that applies extraordinary measures or decides to go back to normal politics (civil society activities as a means of initiating securitization or desecuritization)
- as a *speaker* that claims the use of extraordinary measures or the return to normal politics (civil society activities as a means of fostering securitization or desecuritization)
- as an *audience* that replies to a securitizing or desecuritizing move (civil society activities as a means of resisting securitization or desecuritization).

We therefore have to examine not only CoSOs, but also the external actors and the addressed audiences of CoSO actions in order to find out the impact of CoSOs’ human rights activities on securitization/desecuritization.

Human rights articulations can contribute to the securitization or desecuritization of a conflict. Applying securitization theory, we distinguished three possible impacts of CoSO human rights articulations.

- Securitization takes place when:
 - * the CoSO reacts (with a securitizing move) to a securitizing move of an external speaker and therefore (with the approval of emergency actions) allows others to adopt extraordinary measures
 - * the CoSO itself adopts extraordinary measures in the course of a securitizing move by another actor
 - * the CoSO sees an existential threat to itself, to human rights or to individuals or a group for whom the CoSO feels responsible; it calls for extraordinary measures, which are approved by an audience and applied.
- Non-securitization happens when securitization does not take place even though a securitizing move occurred, for two possible reasons (as the CoSO plays two fundamentally different roles in the process of non-securitization, in the first as an adversary and in the second as a supporter of securitization, we distinguish between them):
 - * prevented securitization: the CoSO reacts with a non-securitizing move (e.g. claiming that an existential threat does not exist or that the securitizing actor does not have the legitimacy to claim extra-

ordinary measures) to a securitizing move of an external speaker and therefore is able to prevent securitization

- * failed securitization: the CoSO sees an existential threat to itself, to human rights or to individuals or a group for whom the CoSO feels responsible; it calls for extraordinary measures, but the addressed audience does not approve and they are not adopted.
- Desecuritization takes place when:
 - * the CoSO reacts (with a desecuritizing move) to a desecuritizing move of an external speaker and therefore (with the approval of going back to normal politics) allows others to leave the realm of panic politics
 - * the CoSO itself leaves the realm of panic politics
 - * the CoSO claims (with a desecuritizing move) to go back to normal politics and succeeds because the addressed audience leaves the realm of panic politics.

Finally, we also found situations in which none of these mechanisms applies. The outcome of these actions is listed as “no observable impact on the securitization process”.

These definitions (together with the independent variables like the political opportunity structure or the political identity of the CoSO set out in Chapter 3) allow us to conduct more formalized comparative research based on the qualitative data presented and analysed in Chapters 4–7.

To measure the impact of human rights articulations we distinguished three types of variables: contextual, actor specific and action specific.

- In view of the relevance of the conflict context to securitization processes, we accounted for contextual variables. Following Chapter 3, we distinguish between variables describing the context of an ethno-political conflict (context conditions, CC1–CC4), like the nature of the state, the stage of democracy, the level of human rights development and the presence of the international community, and variables concerning the political opportunity structure (POS), like the timing of conflict, the acceptance of human rights in civil society, the development of civil society and the type of engagement of international actors in human rights affairs.
- CoSOs in our framework behave as securitizing or desecuritizing actors. Again following the framework set out in Chapter 3, to classify the wide range of actors we differentiated between four possible political identities of CoSOs: civic/post-national, multicultural, assimilationist and ethnicist.
- Concerning the human rights articulation of a CoSO we used three variables: the framework of action, the type of invoked right and the content of action. Discussed at length in Chapter 2, the type of invoked

right was particularly important: exclusive individual rights are rights that are universal, but only invoked for one specific ethnic group (e.g. the right to life and freedom of the Kurds). Inclusive individual rights are universal rights that do not refer to any groups and are invoked for every human being equally (e.g. the right to life and liberty, freedom of expression and equality before the law). Exclusive collective rights are rights that refer to, and are invoked for, one specific ethnic group (e.g. the right to speak Kurdish in state institutions; the right to create self-governing councils for Kurds; or the right to establish Kurdish schools and universities). And finally inclusive collective rights are rights of ethnic groups that are invoked for more than one group or do not refer to a specific ethnic group only (e.g. the right of different ethnic groups to create local and national self-governing councils or the principle of equal political, social, economic or cultural opportunities among them).

Civil society and securitization studies

In this section we link the approach of this book to the increasing research on the role of non-governmental organizations (NGOs) in conflict dynamics and peace processes, and to the expanding field of securitization studies.

Role of non-governmental organizations

In civil society studies there is an ongoing debate on the role of civil society organizations in ethno-political conflicts. This is probably a consequence of the growing numbers and importance of the role of civil society actors during and after conflicts. Many commentators see the increased activities and levels of NGO engagement, especially in conflict prevention and peacebuilding, as a positive development. According to Paul van Tongeren (1998: 23), the secretary-general of the civil society network Global Partnership for the Prevention of Armed Conflict, NGOs have the ability to function without being constrained by foreign policy imperatives, achieve access to areas inaccessible to state or international actors, talk to several parties without losing credibility, deal directly with local populations, operate in confidentiality without media or public opinion and network effectively, given their longstanding relationships. At the same time, scholars have argued that NGOs can play a negative or ambivalent role in ethno-political conflicts. Oliver Richmond (2009) has shown that NGOs involved in peacebuilding are also promoters of the

liberal peace ideal, which can lead to more conflict. If we understand civil society more as an analytical rather than as a normative concept, it becomes obvious that NGOs can foster conflicts, such as is clearly the case for racist groups.

In this context, the relevance of this book is twofold: first, it seeks to explain the conditions that lead to positive or negative impacts of CoSOs' human-rights-related activities. Second, most of the research on civil society during and after the end of violent conflicts focuses on NGOs as actors and therefore, in our opinion, does not explain their impact, but rather their intentions and motives. In contrast, rather than focusing primarily on actors and their motives, securitization theory focuses on the actions and understands securitization as a process, which takes place via securitizing actions and the responses of the addressed audience. For this reason we did not look principally at the actors, their strategies and their motivations, but rather at their human rights articulations, to which the public reacted. We determine the role of CoSOs in ethno-political conflicts by assessing the outcomes of their actions. In this context, the research question addressed is in what situations do CoSO actions contribute to the securitization or desecuritization of a conflict?

In addition, most of the literature covers specific case studies, with a focus on single NGOs or single conflict cases, and therefore tends not to be comparative in a strict sense. In this book we aim to go a step further by analysing conditions across case studies.

Securitization studies

The securitization concept has been heavily criticized since the mid-1990s, but has also continued to develop (see Gromes and Bonacker, 2007). The QCA methods of comparative case study analysis can contribute to securitization theory, especially in three aspects of security studies. First, most authors complain about the scarcity of case study comparative analyses. Theory development is possible fundamentally via conceptual methods or through theory-guided empirical analysis. To date, theory has been developed either conceptually or through single case studies. One rare exception is the EU BorderConf Project (see Diez, Stetter and Albert, 2006). This book attempts to fill these gaps by comparing four cases that are relatively similar with regard to securitization processes. All four deal with securitized conflicts with strong ethno-political characteristics. At the same time, each conflict is marked by stark differences that make this analysis fit a "most different case" design.

Second, securitization studies have been criticized for focusing too much on speech acts and too little on the conditions for success of

(de)securitization. Stritzel (2007: 364) refers in this context to “facilitating conditions” that are necessary, although not always sufficient, for a securitizing move to lead to securitization. In our comparative analysis, it is exactly these conditions that represent the main focus of enquiry. This QCA attempts to find out which variables contribute to human rights articulations having a securitizing or desecuritizing effect.

Third, Vuori (2008: 68) argued that securitization theory has an implicit “democratic bias”, as extraordinary measures are often referred to as breaking democratic rules. “If the purpose of securitization studies is to gain an increasingly precise understanding of who can securitize, which issues (threats), for whom (referent objects), why, with what kinds of effects and under which conditions (what explains when securitization has been successful), it is useful to investigate security speech in as many contexts as possible.” This book can also be read as an attempt to put this “democratic bias” in perspective, because we investigate which roles the political system and the stage of democracy play in the securitization of human rights articulations.

To summarize, we want to examine – via a formal comparative analysis of qualitative data from the case studies – which variables are significant in affecting whether human rights articulations have a securitization or desecuritization effect.

Qualitative comparative analysis

The method of QCA can be considered as an attempt to strike a balance between case-oriented and variable-oriented approaches. It seeks to integrate the key strengths of both qualitative (case-oriented) and quantitative (variable-oriented) research strategies (Ragin, 1987: 34–82). On the one hand, causal conditions which are regarded as being capable of determining a specific outcome have to be selected before the formal analysis can take place. On the other hand, QCA reveals contradictions within the data, which can be used to revise these preliminary conditions and hypotheses (Ragin, 1994: 309). Once the causal conditions have been selected, cases that are characterized by the same combination of conditions are examined to see if they lead to the same outcome variable. Differences can be taken as a sign that the preliminary specification of causal variables and values was either incorrect or incomplete. The close examination of cases that have the same values of causal variables yet display contrasting outcomes can be used as a basis for revising the codification of values or selecting additional causal variables. The investigator can thus move back and forth between the specification of causal

variables and their values and the examination of specific cases. In this way a constant dialogue between facts and theory can be established. Furthermore, QCA is based on the idea of multiple conjunctural causation (Ragin, 1987: 19–33). Ragin (1994: 306) stresses that “no value on any variable ... can be understood in isolation, but only in the context of the values of other relevant variables” and that “different combinations of causes may produce the same outcome”. This makes it possible to examine interactions between variables and allows for the possibility that the same outcome can emerge from different conditions.

In our case, conjunctural causation would mean that the outcome of one action is mainly defined by combinations of the conditions shown in Table 11.1, rather than by one condition alone. One possible result could for example be that in times of high-intensity conflict an action by an ethnicist CoSO that is operating in the framework of escalation always leads to securitization. We then would have three parameter values – high-intensity conflict, ethnicist CoSO and framework escalation – that only in combination, not as single conditions, lead to securitization. Using the same three conditions but different values, we could also have “low-intensity conflict” as timing, “assimilationist” as political identity of the CoSO and “conflict escalation” as a framework of action, which could yield the same outcome. This would be the element of multiple causation which allows more than one combination to produce the same outcome.

QCA can thus show different combinations of conditions that led to a specific outcome. In doing this it streamlines results by erasing irrelevant factors. In the example illustrated above both the “timing” and the “political identity of the CoSO” were irrelevant factors because they did not affect the outcome as long as the action was carried out in the framework of escalation. In the search for a necessary condition, the same process of streamlining takes place. In this way QCA simplifies the comparison of actions enormously. Another major advantage of QCA is the transparency of calculation, which – by using Boolean algebra – is not influenced by subjective inputs. Of course this only applies to the calculation itself, not to the codification of the data that has to take place before the calculation can start. Before using QCA the information gathered in the interviews and the case study work had to be inserted in rather simple tables (see Table 11.2). Therefore we had to generate specific variables and parameter values to describe different actions, actors and contexts. To provide a relatively broad spectrum of categories for each action, we created 12 independent conditions and four possible values for each of them. As mentioned above, even the outcome variable was split into five possible values. In one last step the information was converted into truth tables – describing each value with the numbers 0 to 3 for the independ-

Table 11.1 All variables and parameter values

CC1	CC2	CC3	CC4	Political identity of CoSO	Framework of action	Type of invoked right	Content of action	POS (C4) Timing	POS (C2) Acceptance of human rights in civil society	POS (C6) Civil society	POS (C3) External actors	Impact
State existence/ nature of state	Non-democratic	Level of human rights development	No international presence	Civic/post-national	Conflict escalation	Exclusive individual right	Political	Low-intensity conflict	Hardly accepted	Hardly existent civil society	International community (IC) neglects conflict	Securitization
Failed state	Partly democratic	Human rights are formally given and respected	International presence as conflict party (one side)	Multicultural	Management	Inclusive individual right	Cultural/ educational	Escalation	Sacrificed to political aims	Developing civil society	IC politically backs human rights initiatives	Prevented securitization
State not existent/ anarchy	Nationalistic democratic (democracy for one part of population)	State/authority neglects human rights	Peacebuilding/ peacekeeping mission	Assimilationist	Resolution	Exclusive collective right	Humanitarian	High-intensity conflict	Growing importance as an ideological framework	Effectively working civil society	International community backs human rights financially or militarily	Failed securitization
Territory occupied by force	Democracy	State/authority acts against human rights	Major international presence	Ethnicist	Transformation	Inclusive collective right	Research/ monitoring	De-escalation	Acceptance in society	Civil society up to Western standard	International community backs human rights through ECHR	No observable impact on the securitization process

ent variables and 0 to 4 for the dependent variable – to allow for computer calculations (see Table 11.3).

In so far as in QCA the variables originally could only have two values, we had to use an advanced method called MVQCA (multivalued qualitative comparative analysis), developed by Dirk Berg-Schlosser and Lasse Cronqvist to avoid the substantial loss of information that came with the dichotomization of the original QCA (Berg-Schlosser and Cronqvist, 2009; Cronqvist, 2007). MVQCA and the corresponding tool for small-n analysis¹ have been extremely helpful to us.

The case studies

In Cyprus we assessed the actions of 22 CoSOs that took place between 1989 and 2007. Over this period the context conditions and POS in northern and southern Cyprus were similar. In two cases, actions took place within a context of low-intensity conflict and a nationalistic democratic state where human rights were formally given but not respected. However, even in these cases local civil society existed, the importance of human rights within civil society was growing and the international community was engaged in peacekeeping, mediation and ideologically backed Cypriot human rights initiatives.

Among the 22 CoSOs, we classified seven as civic/post-national, six as assimilationist, five as ethnicist and four as multiculturalist. Of their actions, 82 per cent² were political, 9 per cent humanitarian and 9 per cent related to research/monitoring; 36 per cent of these actions led to securitization, another 36 per cent to desecuritization and 28 per cent had no observable impact on the securitization process.

The framework of escalation was a necessary as well as a sufficient condition of securitization. Furthermore, all the securitizing actions were political, initiated by ethnicist or assimilationist CoSOs, and invoked an exclusive collective right. However, not all the (political) actions carried out by ethnicist or assimilationist CoSOs and/or invoking an exclusive collective right led to securitization. Some did not visibly influence the securitization process at all.

Desecuritization took place only in the case of research/monitoring and humanitarian actions, or when actions were carried out in the framework of management or resolution. This might be explained by the fact that all the actions in the framework of management or resolution were carried out by civic³ or multicultural⁴ CoSOs invoking inclusive rights.⁵ Humanitarian actions and actions in the field of research/monitoring were only carried out by civic CoSOs invoking an inclusive individual

Table 11.2 Parameter values of six actions in Bosnia-Herzegovina

Case	CC1 Existence/ nature of state	CC2 Nature of democracy	CC3 Level of human rights development	CC4 International presence	Political identity of CoSo	Framework of action	Type of invoked right	Content of action	POS (C4) Timing	POS (C2) Acceptance of human rights in CoSOs	POS (C6) Civil society	POS (C3) External actors	Impact
1	State not existent/ anarchy	Non- democratic	State acts against human rights	Peacebuilding/ peacekeeping mission	Multi- culturalist	Transformation	Inclusive individual right	Political	High- intensity conflict	Sacrificed to political aims by most CoSOs	Hardly existent civil society	International community ideologically backs human rights initiatives	Descuritization
2	State not existent/ anarchy	Non- democratic	State acts against human rights	Peacebuilding/ peacekeeping mission	Multi- culturalist	Transformation	Exclusive individual right	Humanitarian	High- intensity conflict	Sacrificed to political aims by most CoSOs	Hardly existent civil society	International community ideologically backs human rights initiatives	No observable impact on securitization process
3	State not existent/ anarchy	Non- democratic	State acts against human rights	Peacebuilding/ peacekeeping mission	Multi- culturalist	Transformation	Inclusive individual right	Political	High- intensity conflict	Sacrificed to political aims by most CoSOs	Hardly existent civil society	International community ideologically backs human rights initiatives	Descuritization
4	State exists	Partly democratic	Human rights are formally given and respected	Major international presence/ protectorate	Multi- culturalist	Management	Inclusive individual right	Political	Low- intensity conflict	Growing importance in CoSOs as an ideological framework	Developing civil society	International community backs human rights financially or militarily	Descuritization
5	State exists	Partly democratic	Human rights are formally given and respected	Major international presence/ protectorate	Civic/ post- national	Management	Inclusive individual right	Political	Low- intensity conflict	Acceptance as basis for work of most CoSOs	Effectively working civil society	International community backs human rights financially or militarily	Descuritization
6	State exists	Partly democratic	Human rights are formally given and respected	Major international presence/ protectorate	Civic/ post- national	Management	Inclusive individual right	Political	Low- intensity conflict	Acceptance as basis for work of most CoSOs	Effectively working civil society	International community backs human rights financially or militarily	Descuritization

right, and CoSOs engaged in research/monitoring and invoking inclusive rights all acted in the framework of conflict transformation.

Actions did not have an observable impact on the securitization process if, and only if, they were political actions in the framework of transformation. These actions were carried out by all kinds of CoSOs invoking all kinds of rights, so this result cannot be explained by the CoSOs' political identity or the type of invoked right. It is also unclear why 75 per cent of the actions in the framework of transformation did not have a visible effect on the securitization process.

In Bosnia-Herzegovina we considered the actions of 19 CoSOs carried out between 1993 and 2007. Over this period CoSOs operated within two different contexts and three different political opportunity structures. During the war – from April 1992 until the autumn of 1995 – actions took place within an anarchic and non-democratic context where the state acted against human rights. Over this time of high-intensity conflict the international community conducted a peacekeeping mission and ideologically backed human rights initiatives, but local civil society hardly existed and most CoSOs sacrificed the acceptance of human rights to the accomplishment of political aims. In the post-war era (1995–2007) a partly democratic state where human rights are formally recognized was in place. This period of low-intensity conflict is characterized by a major international presence backing human rights financially and militarily. The acceptance of human rights within civil society and the activity of local civil society grew constantly in this period. We therefore distinguished between a first post-war period (1995–2006) in which there was as a growing importance of human rights within the ideological framework of CoSOs and a developing civil society, and a second post-war period (2006–2007) in which there was a broad acceptance of human rights as the basis for civil society work and an effectively functioning civil society.

Among the 19 CoSOs, we classified 10 as multicultural, seven as civic/post-national and two as ethnicist. Of their actions, 67 per cent were political, 15 per cent humanitarian, 13 per cent cultural/educational and 4 per cent in the context of research/monitoring; 8 per cent of these actions led to securitization, 81 per cent to desecuritization and 12 per cent did not have an observable impact on the securitization process.

The framework of escalation was again a necessary as well as a sufficient condition of securitization. This applies to all the actions initiated by ethnicist CoSOs, and also to some of the actions by multicultural ones. Apart from the conflict escalating mode of the action and the ethnicist character of the CoSO, the invocation of an exclusive collective right was a third sufficient condition of securitization. Moreover, all of the actions leading to securitization appeared to be either political or in the context

Table 11.3 Truth table of Table 11.2

Case	CC1 Existence/ nature of state	CC2 Nature of democracy	CC3 Level of human rights development	CC4 International presence	Political identity of CoSO	Framework of action	Type of invoked right	Content of action	POS (C4) Timing	POS (C2) Acceptance of human rights in CoSOs	POS (C6) Civil society	POS (C3) External actors	Impact
1	2	0	3	2	1	3	1	0	2	1	0	1	3
2	2	0	3	2	1	3	0	2	2	1	0	1	4
3	2	0	3	2	1	3	1	0	2	1	0	1	3
4	0	1	0	3	1	1	1	0	0	2	1	2	3
5	0	1	0	3	0	1	1	0	0	3	2	2	3
6	0	1	0	3	0	1	1	0	0	3	2	2	3

of research/monitoring. There was no significant influence of the context conditions or POS on the outcomes of CoSO actions.

All the desecuritizing actions were initiated by multicultural or civic/post-national CoSOs invoking an inclusive right.⁶ Furthermore, all these actions were political, humanitarian or cultural/educational and took place in the framework of transformation, resolution or management. In Bosnia-Herzegovina cultural/educational actions always produced desecuritization. This might be explained by the fact that all these actions were related to the invocation of an inclusive individual right. Humanitarian actions only had a desecuritizing effect if they were carried out by a civic/post-national CoSO in the framework of transformation and by invoking an inclusive individual right. In cases where these three conditions did not hold, humanitarian actions did not have a visible impact on the securitization process. There was no significant impact of the context conditions or POS on the desecuritization process.

All the actions that did not have an observable impact on the securitization process were conducted by civic/post-national or multicultural CoSOs invoking an inclusive right.⁷ Furthermore, they took place in three different frameworks of action – transformation, resolution and management – meaning that a lack of impact cannot be attributed to the framework. The only condition capable of explaining this outcome is the content of action: all actions which failed to have an impact on the securitization process were either humanitarian or linked to research/monitoring. A significant impact by the different context conditions or political opportunity structures could not be determined.

In Turkey we covered the activities of 23 CoSOs from the beginning of the 1990s to 2009. Over this period the context conditions and the POS of Turkey did not change to a great extent. CoSOs were operating within a basically democratic state where human rights were formally given but not fully respected. During this time of low-intensity conflict we can speak of a developing local civil society and a growing importance of human rights within the ideological framework of local CoSOs. Although there has been no international presence, human rights have been backed by the European Court of Human Rights.

Among the 23 CoSOs, we classified 10 as civic/post-national, eight as multicultural, three as assimilationist and two as ethnicist. Of their actions, 48 per cent were political, 20 per cent humanitarian, 8 per cent cultural/educational and 25 per cent in the context of research/monitoring; 18 per cent of these actions led to securitization, 28 per cent to desecuritization and 43 per cent did not have an observable impact on the securitization process. There were also actions that led to failed or prevented securitization.⁸

A political content of action accompanied by a conflict escalating framework appeared to be the necessary as well as sufficient conditions of securitization. However, the framework of escalation alone could not be a necessary or sufficient condition of securitization, as evidenced by the existence of failed securitization, in which actions were carried out in a conflict escalating mode but did not lead to securitization. Actions producing securitization were conducted by assimilationist, ethnicist and multicultural CoSOs invoking all kinds of rights. However, all the securitizing actions carried out by multicultural CoSOs invoked a collective right.⁹

As in Bosnia, desecuritizing actions were always conducted by civic/post-national or multicultural CoSOs invoking an inclusive right.¹⁰ All these actions were political, cultural/educational or humanitarian. Furthermore, all the cultural/educational and humanitarian actions were conducted in the framework of transformation. Desecuritization always took place if civic/post-national CoSOs operated in a framework of transformation. The framework of conflict transformation in conjunction with the invocation of an inclusive individual right was also a sufficient condition of desecuritization. This applies to the actions of civic/post-national CoSOs as well as to those of multicultural ones.

Actions that did not have a visible impact on the securitization process were conducted by all kinds of CoSOs invoking all kinds of rights and having all kinds of contents: 76 per cent of these actions were carried out in the framework of resolution, and 24 per cent in the framework of transformation. Most of these actions were either humanitarian or in the field of research/monitoring;¹¹ 75 per cent of all humanitarian actions in Turkey did not observably influence the securitization process, and the same applies to 70 per cent of actions in the context of research/monitoring.

All the actions which prevented securitization were conducted by civic/post-national CoSOs in the framework of resolution and invoked an inclusive right.¹² This applies to political as well as humanitarian actions and actions in the field of research/monitoring. While political actions could prevent securitization by invoking an inclusive collective right, humanitarian actions and actions in the context of research/monitoring were only able to do so by invoking an inclusive individual right. Securitizing moves that did not lead to securitization were conducted by assimilationist and multicultural CoSOs invoking an exclusive right.¹³ All these actions were in the field of research/monitoring.

In Turkey we were also confronted with a substantial number of actions which had the same conditions but produced different outcomes. These included those that led to prevented securitization, desecuritization and no observable impact on the securitization process. This can only

be explained by reassessing these actions. In any case these preliminary contradictions within the data indicate that the number of conditions with which we were operating was probably insufficient.

In Israel/Palestine we considered the actions of 35 CoSOs carried out between 1995 and 2009. Over this period CoSOs were not only confronted with very different context conditions and political opportunity structures in Israel and the occupied Palestinian territories (OPT), but also with constantly changing stages of conflict, including periods of low- and high-intensity conflict as well as phases of de-escalation after active confrontations. Israel can be characterized as a nationalistic democratic state where human rights are formally given but not respected. Although there is no international presence, the international community backs human rights financially. While local civil society in Israel is up to Western standards, CoSOs basically sacrifice the acceptance of human rights to the achievement of political aims. Palestine – being a territory occupied by force – cannot be regarded as a sovereign state. While the local authority can be classified as partly democratic, the main authority (Israel) acts against human rights and the territory is characterized by a major international presence. Nevertheless, there is a functioning civil society in the OPT which accepts human rights as a basis of its work. Additionally, human rights are financially backed by the international community. We considered the conflict in Israel/Palestine as low intensity. High-intensity conflict applies to the time of the second Intifada (2000–2004), the different violent incursions into Gaza after 2004, the 2008–2009 Israeli military offensive on the Gaza Strip and specific suicide bombing episodes in Israel. Within the OPT we can also speak of a high-intensity conflict during the time of the violent struggle between Hamas and Fatah in 2007. A phase of de-escalation after these times of high-intensity conflict can last from a few days up to a few weeks.

Among the 35 CoSOs considered, we classified 17 as multicultural, 14 as civic/post-national, three as ethnicist and one as assimilationist. Of their actions, 61 per cent were political, 30 per cent cultural/educational and 9 per cent in the context of research/monitoring; 21 per cent of these actions led to securitization, 46 per cent to desecuritization and 28 per cent did not have an observable impact on the securitization process. As with Turkey, we were also able to determine actions of failed and prevented securitization in Israel/Palestine.¹⁴

Actions leading to securitization were carried out by all kinds of CoSOs in all kinds of frameworks of action, yet all appeared to be political and 80 per cent invoked an exclusive collective right.¹⁵ Political actions conducted by assimilationist or ethnicist CoSOs always produced securitization, and 60 per cent of the actions in the framework of esca-

tion also had a securitizing effect. A significant impact of the different context conditions or POS could not be determined.

All the desecuritizing actions were pursued by multicultural or civic/post-national CoSOs in the framework of resolution or transformation. Desecuritization was related to all kinds of invoked rights and, like securitization, took place in all the examined geographical areas. Nevertheless, the number of desecuritizing actions within the Gaza Strip is extremely low. While in Israel 55 per cent and in the West Bank 62 per cent of all actions led to desecuritization, only 8 per cent of the actions in Gaza were desecuritizing. Furthermore, all the cultural/educational actions taking place in Israel and the West Bank produced desecuritization, while in Gaza they did not have any visible impact on the securitization process. A significant impact by the different phases of conflict could not be observed in either Israel or the OPT.

Actions not having an observable impact on the securitization process were those conducted by multicultural or civic/post-national CoSOs invoking exclusive collective, exclusive individual and inclusive individual rights in the framework of management, resolution or transformation.¹⁶ Most of these actions were political – only 19 per cent were in the field of research/monitoring – so this result cannot be explained by the content of action. A significant impact by the different context conditions and political opportunity structures could not be determined either.

All the actions which prevented securitization were conducted by civic/post-national or multicultural CoSOs in the framework of transformation, and invoked an individual right.¹⁷ This applies to political actions as well as to cultural/educational ones. While political actions could only prevent securitization by invoking an inclusive individual right, cultural/educational actions could also do so by invoking an exclusive individual right. A significant impact of the context conditions and POS could not be observed. Securitizing moves which did not lead to securitization were conducted by ethnicist and multicultural CoSOs invoking a collective right.¹⁸ All these actions were either political or in the field of research/monitoring. Context conditions and political opportunity structures did not have a significant impact.

In Israel/Palestine we were again, as in Turkey, confronted with significant contradictions. Actions of failed securitization partly emerged from the same conditions as actions leading to securitization. This also applies to desecuritizing actions and those that did not have a significant impact on the securitization process. In Israel/Palestine the same conditions at times produced securitizing and desecuritizing impacts. Again, this indicates that the number of conditions with which we operated was probably insufficient.

Conclusions

All the case studies illustrate the causal complexity of ethno-political conflicts, and reaffirm that social science can only understand its objects by dealing with concepts of multiple conjunctural causation. While we were able to determine several conditions playing an essential role in the securitization process, none of these conditions alone could produce securitization or desecuritization. The impact of actions could only be understood by considering specific combinations of conditions. There is no general law of (de)securitization. Comparing the different case studies, we must refer to possibilities rather than necessities. The interaction of different conditions might have increased the probability of a specific outcome, but could not guarantee it. Furthermore, the same outcome often emerged from very different conditions, so the affirmation of one necessary or sufficient condition was impossible. Altogether desecuritization and prevented securitization tended to be linked to cultural/educational actions, actions initiated by multicultural or civic/post-national CoSOs, actions in the framework of transformation and actions invoking an inclusive individual right. Political actions, those carried out by ethnicist or assimilationist CoSOs, the invocation of an exclusive collective right and the framework of escalation have tended to produce securitization. Humanitarian actions and actions in the field of research/monitoring tended not to have a specific impact on the securitization process. In this context, securitizing as well as desecuritizing moves were often unsuccessful. As mentioned above, none of the factors alone was a necessary or sufficient condition of a particular outcome. Yet each (de)securitizing action was characterized by at least one of these conditions, and the probability of each outcome increased the more these conditions were combined together.

Although specific context conditions could not – even by comparing all the case studies – be determined as generally linked to (de)securitizing actions, the probability that one specific combination of (de)securitizing conditions leads to (de)securitization varied from case to case. This means that in some contexts and political opportunity structures the combination of two conditions might produce a high probability of (de)securitization while in other contexts of POS not even the combination of three conditions leads to an equal probability. Hence the same action might lead to desecuritization in one conflict while having no visible impact in another. The weight of specific conditions also varied from case to case. In Israel, for example, a political action could lead to securitization even though it was carried out by a civic/post-national CoSO in the framework of transformation and invoking an inclusive individual right. In this case the specific content of action could “disable” three desecuritizing factors:

the political identity, the framework of action and the type of invoked right. This could not be observed in the other cases, suggesting that the overall higher level of securitization in Israel/Palestine plays a critical role. In other words, political actions within the context of highly securitized conflicts are more likely to exacerbate securitization.

Further studies would have to focus on the different weights that the generally positive (desecuritizing) and negative (securitizing) factors have in different contexts, allowing CoSOs in specific conflict environments to select their actions more carefully. Nevertheless, our comparative analysis has shown that context conditions cannot alone prevent securitization or desecuritization. They might restrict or enhance the options available to different political actors, but they cannot preclude a certain outcome. In other words, CoSOs are important agents in conflict contexts. They can succeed in preventing securitization or launching desecuritization and de-escalation, despite unchanging conflict contexts.

Notes

1. For more information see www.tosmana.net/.
2. The following information expressed as percentages is round figures. Figures with five-tenths have been adjusted upward.
3. Seventy-one per cent of the actions carried out by civic CoSOs led to desecuritization.
4. Seventy-five per cent of the actions carried out by multiculturalist CoSOs led to desecuritization.
5. Seventy-three per cent of the actions invoking an inclusive right led to desecuritization.
6. Ninety-five per cent were invoking an inclusive individual right, 5 per cent an inclusive collective right.
7. Eighty-three per cent were invoking an inclusive individual right, 17 per cent an inclusive collective right.
8. Eight per cent of all actions we assessed prevented securitization, 5 per cent had been cases of failed securitization.
9. Fifty per cent of these actions were invocations of an inclusive collective right, and another 50 per cent were invocations of an exclusive collective right.
10. Sixty-four per cent invoked an inclusive individual right, 36 per cent an inclusive collective right.
11. Of the actions which had no visible impact on the securitization process, 41 per cent were in the field of research/monitoring, 35 per cent were humanitarian, 18 per cent were political and 6 per cent cultural/educational.
12. Sixty-seven per cent of these actions invoked an inclusive individual right, 33 per cent an inclusive collective right.
13. Fifty per cent of these actions were invocations of an exclusive collective right, and another 50 per cent invoked an exclusive individual right.
14. Four per cent of all actions can be regarded as failed securitization; 5 per cent prevented securitization.
15. Ten per cent of all securitizing actions were invocations of an exclusive individual right. Another 10 per cent invoked an inclusive individual right.

16. Actions in the framework of escalation are listed as failed securitization if they did not have a significant impact on the securitization process.
17. Sixty-seven per cent of these actions invoked an exclusive individual right, 33 per cent an inclusive individual right.
18. Fifty per cent of these actions were invocations of an exclusive collective right; another 50 per cent invoked an inclusive collective right.

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12

Epilogue: Civil society, human rights and conflicts. Does knowledge matter?

*Angela Liberatore*¹

When it comes to civil society organizations – which can act as promoters or violators of human rights and peace – scientific enquiry and its results (from new theories to technologies) can enhance or hinder safety, well-being or dialogue. Or they can simply remain irrelevant – just another stone in the “ivory tower” of knowledge, with no impact outside it.

After reading and reflecting on the results of a research endeavour that occupied many “knowledge producers” for over three years on the complex relations between civil society, human rights and conflict, it is thus useful to ponder on the unsettling question: “So what?” Why should public resources be spent to foster such research, who should participate, who can benefit and how do we know whether benefit or harm – or both – arise from it?

Let us start with conflicts. War and organized violence have been with humankind for a very long time; some even venture to say “since ever”, and, along with Hobbes, consider war as a tragic but inevitable condition of human nature. Were this so, what can research do? Identifying the roots of conflict, analysing changes over time and examining the differences and similarities across different conflict contexts are among the contributions that research can offer. Research can also be one of the practices of dialogue and mutual understanding between peoples divided by walls and wars – this can either be done explicitly, as in liberal and critical approaches to conflict and peace studies, or more implicitly by focusing, for instance, on tackling basic needs such as access to water or health. And depending on how it is diffused and disseminated, research

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can inform and eventually influence the very actors and processes it seeks to explain, interpret and highlight.

What about human rights? Here we shall distinguish research *as* a human right and research *on* human rights. Freedom of arts and sciences is provided for in the EU Charter of Fundamental Rights and may be considered implicit in the freedom of opinion and expression enshrined in the Universal Declaration of Human Rights. Such a fundamental right comes – as does any right – with the duty of respecting other rights, such as the rights to dignity, safety and non-discrimination. Research on human rights is one of the means to understand why human rights violations occur, to monitor how, when and where these violations take place, and possibly to empower human rights victims or defenders – from lawyers to media actors, policy-makers and civil society organizations.

Here comes civil society, then, as subject and as object of research. If one takes “the knowledge society” (to which the European Union is committed) seriously, the multiplicity of actors involved in the generation of knowledge needs to be recognized. In addition to universities and laboratories, “knowledge producers” – eventually with a focus on practical knowledge – can be found among different groups such as farmers, humanitarian relief personnel, legal and policy practitioners and patients. When studying the important and diverse roles of civil society actors in conflict transformation and human rights protection (or violation), it is thus necessary to walk the tightrope of independently examining such roles and, at the same time, engaging with these very actors and their own knowledge.

“Knowledge is power” has been argued by many (allegedly following on from Francis Bacon) in relation to fields ranging from the influence of intelligence agencies to the role of expert élites in political and economic decision-making and to the development of social networks. Can the power of knowledge be directed towards peacebuilding? It would be too ambitious to expect that research alone can have a direct impact on the transformation of any deep, prolonged and multidimensional violent conflict. At a minimum one can expect such research to “do no harm” – as the Hippocratic oath recommends. More than that, one can hope that it will provide accurate and useful concepts, arguments and factual evidence to articulate the problems at hand and the options that could be considered to resolve them.

One of the problems is that violent conflicts and serious human rights abuses continue to occur and change forms, and the European Union is called upon – and took upon itself the task – to tackle them within Europe, in the European neighbourhood and in other areas that are geographically more distant but not necessarily geopolitically less relevant. European integration is often portrayed as a “peace project”, following

the footsteps of founding fathers like Robert Schuman, who stated in his declaration of 9 May 1950: “World peace cannot be safeguarded without the making of creative efforts proportionate to the dangers which threaten it . . . A united Europe was not achieved and we had war.” The self-perception of the European Union as fulfilling such ideals – as well as the pursuit of democracy, rule of law and human rights protection – took the form of treaty provisions (such as the incorporation in the Lisbon Treaty of the Charter of Fundamental Rights that makes the latter legally binding) and operational instruments (such as the Common Security and Defence missions on crisis management and peacekeeping). Critical views have been put forward within and outside the European Union on various issues, including the gaps between stated aims and action on the ground, and the consistency between internal and external policies. Well-informed critique can foster learning from one’s own and others’ experiences, and it is one of the important functions that research can perform: aiming at policy-relevant research does not mean eluding the difficult issues but accurately exploring them. For critique to be both sharp and fair, some humbleness is also required: identifying problems is often easier than tackling them.

The analysis of the complex “human rights-conflicts-civil society nexus” by the SHUR project which resulted in this book will not “solve” the diverse problems of those experiencing different forms and stages of conflicts in Bosnia-Herzegovina, Cyprus, Israel/Palestine and Turkey’s Kurdish question. What can be hoped for is that it can be a useful component of the broader research input for those in these regions, in the European Union and in the wider international community by comparing, drawing lessons and reflecting on future prospects.

Note

1. The opinions expressed are those of the author and do not necessarily represent the official views of the European Commission.

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