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Mainstreaming Human Rights in Responding to the Conflict Cycle: the Role of International Organizations

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1. Introduction

This article outlines the role of international organizations in integrating human rights in the conflict cycle. It discusses the actions taken by international organizations at the various stages of national and international conflicts and the lessons learned from the experience of international organizations in this area. The focus will be on the United Nations (UN) and the Organization for Security and Co-operation in Europe (OSCE).

2. Conflict

A conflict may be defined as a struggle between actors having different interests. Conflict in itself should not necessarily be considered something negative, but rather as a constructive element of a dynamic society; in a democratically structured political system based on the rule of law and human rights, conflicts in any sphere of life would ideally be regulated by non-violent means, using available institutions and mechanisms.

⁵⁹ Both authors are writing in their personal capacity; the views expressed in this article are not necessarily those of the OSCE or the OSCE/ODIHR.

Conflict, however, becomes very problematic when the actors involved resort to violence to advance their cause. This is true for both conflicts existing between actors within a country as well as between states. This is where conflict prevention comes into play. Thus, for the purposes of this article, the term ‘conflict’ will be used as encompassing violent conflicts both at the national and international level, such as civil disturbances, civil wars and inter-state armed conflicts.

3. The Conflict Cycle

A conflict is a dynamic process with changing levels of intensity over time. In this regard, conflicts are commonly described as a cycle: escalating from relative calm and peace into crisis and war, thereafter de-escalating into relative peace. Practice shows that these cycles recur unless the root causes of the conflict are addressed properly. Understanding this process is essential in order to identify how, where and when to apply different strategies and measures of conflict prevention and management.⁶⁰ For this purpose, five different stages during the conflict can be distinguished: the early warning phase, the conflict prevention phase, the peace-making phase, the peace-keeping phase and the peace-building phase. There may be overlaps between these phases. It is noteworthy that in most cases, the engagement of the international community differs between the phases.⁶¹ During the early warning phase, it is primarily the task of domestic actors to respond to signs of potential violence, as

⁶⁰ Swanström, N and Weissmann, M. (2005) Conflict, Conflict Prevention and Conflict Management and beyond: a conceptual exploration, **Concept Paper**, Central Asia-Caucasus Institute & Silk Road Studies Programme (summer), 9-10.

⁶¹ Ramcharan, B. (2004) Human Rights and Conflict Prevention. **Human Rights Law Review** 4, 1: 1-18, at 2-4.

international involvement is still very low. Once fighting has erupted and there is a real risk of full-blown violence, conflict prevention measures – often provided by international actors – will be necessary. In case prevention fails, peace-making measures will have to be employed. These may range from international efforts to forge a peace deal between the warring parties to a genuine military intervention under the auspice of the UN.

The subsequent peace-keeping phase aims at further stabilising the situation after the end of active hostilities. This stage will often require very significant involvement of the international community, for instance by providing military observers or even a robust peace-keeping force. In some exceptional cases, as in Kosovo and East Timor, the UN may even set up an international transitional administration with quasi-state functions. In recent years, the peace-building phase has drawn much attention. This phase aims at rebuilding the infrastructure of the country and eliminating the root causes of the initial conflict in order to prevent a future relapse into violence. In order to increase local ownership in this process, peace-building efforts are characterised by an enhanced cooperation with local actors.

4. Human rights

Human rights are contained in a number of international instruments. There are a number of different types of rights, including civil and political rights, such as the right to vote and stand for election or the freedom of assembly; economic, social and cultural rights, such as the right to food or the right to an adequate standard of living. Major instruments include the International Covenant on Civil and Political

Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR). A number of instruments also deal with specific human rights issues in greater detail, such as the Convention against Torture (CAT) or the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). A number of regional organizations have also promulgated human rights instruments, such as the Council of Europe's European Convention on Human Rights,⁶² the African Union's Banjul Charter on Human and Peoples' Rights⁶³ or the American Convention on Human Rights,⁶⁴ adopted by most member states of the Organization of American States.

All human rights may be relevant in different ways to determining the likelihood of conflict or in ending conflicts. It is important to note that the responsibility for the implementation of human rights obligations lies with the State: it is States which are responsible for respecting, protecting, promoting and fulfilling the human rights of all those under their jurisdiction. This is not the responsibility of international organizations such as the UN or the OSCE, though such organizations may of course offer assistance to governments to help them implement their international obligations.

⁶² European Convention for the Protection of Human Rights and Fundamental Freedoms, adopted on 4 November 1950, entered into force on 3 September 1953.

⁶³ African [Banjul] Charter on Human and Peoples' Rights, adopted on 27 June 1981, entered into force on 21 October 1986.

⁶⁴ American Convention on Human Rights, adopted on 22 November 1969, entered into force on 18 July 1978.

5. Why involve human rights in the conflict cycle?

Why is it important to include human rights considerations in this conflict cycle? Clearly, there are many different causes of conflict, be they economic, social or political. The human rights situation of a particular group may also constitute a separate cause of a conflict. Moreover, violations of fundamental rights and freedoms are often also a by-product of an ongoing conflict and may even lead to further escalation. Hence, human rights play a different role in each of the phases of the conflict cycle.

In the early warning phase, human rights violations may constitute one of the indicators of pending conflict. For example, in an ethnic conflict between a majority and a minority community, one can measure whether the equal right to education is being implemented. Are children from both ethnic groups being allowed to attend schools? Are those schools funded equally? Are they segregated? The answers to these questions, which lie in the realm of the human right to education and freedom from discrimination, can provide valuable information on the likelihood of a conflict. One effective tool to address human rights problems at this early stage are national human rights institutions, such as ombudsman institutions. Their existence and the adequacy of their mandates is therefore an important indicator for human rights based conflict risk analysis.⁶⁵

⁶⁵ Besides this, Bertrand Ramcharan also lists other indicators such as the constitutional design, the level of good governance and rule of law, the inclusiveness of the national vision, the state of freedom of expression and religion, the shape of the national security doctrine and the level of accountability and democratic control of the police and the armed forces, states of emergency and derogation from rights, the state of accession to international human rights instruments, the findings of treaty-based bodies and UN human rights investigations, and the existence of preventive mechanisms to address genocide, ethnic cleansing and mass killing; see Ramcharan, B. (2005) *Human Rights Dimension: Human Rights Risk Analysis*. In: Ramcharan, B. ed. **Conflict Prevention in Practice. Essays in Honour of Jim Sutterlin**. Leiden, Nijhoff, pp. 229-235.

In the prevention phase, progress or regress in the human rights situation may be used as an indicator of how well measures taken to prevent the conflict are working. We may think here of a situation where a conflict between the government and the opposition breaks out because the police use excessive force to break up anti-government rallies and arbitrarily detain a great number of their supporters. Such measures, constituting a violation of the freedom of peaceful assembly and the right to liberty, can spark widespread violence and unrest which may be difficult to bring under control, and can in some cases contribute to the fall of a government. In dealing with such cases, it may be useful for the international community, in conjunction with local actors, to work with the police and other governmental bodies to train the police in applying modern forms of crowd control to reduce the incidence of violent confrontation between protesters and police.

In the peace-making phase, it is important to ensure that human rights considerations are fully taken into account. This may be done by ensuring human rights are an integral part of peace agreements negotiated between the parties to the conflict. Without such an approach, the human rights violations that contributed to the outbreak of the conflict may occur again. For example, where a minority community has traditionally faced discrimination in employment, positive measures may be included to ensure members of these minorities have better chances on the labour market, in line with international labour rights standards.

Similarly, the actions taken or promoted by the international community in the peacekeeping and peace-building phases must take full account of international human rights standards in order to build a lasting peace and prevent a flare-up of the conflict. In ethnic conflict zones, for example, lasting peace is not possible without attention to fulfilling equal treatment and non-discrimination provisions of international human rights instruments. These should be monitored by international organizations. The same is true for conflicts over resources: the risk of a flare-up of the conflict is much reduced where the economic rights of all groups are fulfilled through an equitable distribution of national resources.

In including human rights in the efforts of the international community, it is important that a holistic approach to human rights is taken. As noted by the 1993 Vienna Declaration and Programme of Action, “all human rights are universal, indivisible, interdependent and interrelated”.⁶⁶ Without an equal emphasis on all human rights, whether they be civil and political rights, economic, social or cultural rights, non-discrimination or minority rights, efforts to prevent, contain, and reduce conflict will be likely to be less effective.

For example, where individuals do not enjoy the freedom to form political parties or civic associations in violation of their right to freedom of association, their ability to make their voices heard is reduced, which may in turn reduce their standard of living and contribute to resentment that causes conflicts in the first place. Similarly, the full enjoyment of

⁶⁶ United Nations General Assembly. **Vienna Declaration and Programme of Action** as adopted by the World Conference on Human Rights on 25 June 1993, A/CONF.157/23.

civil and political rights may be severely hampered if the basic necessities which individuals are entitled to under international human rights law, such as the right to food and the right to an adequate standard of living, are not properly protected. Civil and political rights cannot be enjoyed fully if basic needs such as adequate shelter, food and water are not met. It also needs no argument that conflicts are more likely to arise in situations where minority communities are oppressed and discriminated against and not able to fully enjoy their human rights and fundamental freedoms: this has, time and again, proved to be a breeding ground for conflict.

Clearly, there is not only a positive trade-off between the various types of human rights, but also between human rights and conflict resolution measures. Fully including human rights in the various phases of the conflict cycle will have a positive effect on such measures. It will give the international community and national actors greater information on the likelihood of conflict, allowing them to prepare for it better. At the same time, a human rights approach to preventing conflict and to assist in the reconciliation of conflict can be a helpful tool in designing programmes and policies, allowing the international community to check whether all individuals benefit from those programs. For example, when reconstruction efforts such as building a bridge are conducted, international donors may take account of the different needs of women in a community. A classical example is that women in some regions move on foot, and men by car; a bridge can then be built to accommodate both types of travel, accommodating the free movement of both groups.

As the OSCE has noted in a recent handbook,⁶⁷ it is important that gender aspects are taken fully into account during conflict as well. Again, this plays a role in each of the various phases of the conflict cycle. This aspect was also acknowledged by the UN Security Council in resolution 1325 on 'Women, Peace and Security'.⁶⁸ In the early warning phase, gender indicators may serve to inform both national and international actors on the evolving role of women and men in society. In the prevention phase, gender should be fully taken into account. Without the full involvement of women in conflict prevention efforts, the effectiveness of such measures will be much reduced.

Similar considerations play a role in the post-conflict phases. Inequalities that already exist in society are often strengthened in time of conflict, and this must be borne in mind when formulating solutions. Thus, peace agreements and power-sharing arrangements must also take the situation of women and their interests into account. In this regard, a great potential lies in security sector reforms promoting the inclusion and participation of women in the police, armed forces and other agencies. Moreover, where conflicts involve gross human rights violations against women, such as sexual violence, peace accords have to ensure accountability for such violations and provide for the rehabilitation and support of victims.

⁶⁷ OSCE Office for Democratic Institutions and Human Rights (ODIHR) (2009) **Gender and Early Warning Systems - An Introduction**. [Internet] Available from <<http://www.osce.org/item/41377.html?ch=1387>> 17 November 2009

⁶⁸ UN Security Council. (2000) **Resolution 1325 Women, Peace and Security**. Adopted on 31 October 2000.

6. Human rights in the conflict cycle: some examples from the practice of the United Nations

The United Nations and a number of its agencies actively use human rights in the various stages of the conflict cycle.

Firstly, they are used as a predictor of conflict and as a basis for their planning, especially in the field of humanitarian assistance. A number of UN agencies set up a unified Humanitarian Early Warning System (HEWS) to identify crises with humanitarian implications.⁶⁹ The assessment is based on a variety of indicators, including the human rights situation of the country in question.⁷⁰ Hence, where large-scale human rights violations occur, organizations such as the World Food Programme or the UNHCR will shift their attention and resources to address the risk of crisis.

Secondly, the UN uses human rights as a tool for preventing and managing conflict. As Kofi Annan held in his Report ‘In larger Freedom’:

“Not only are development, security and human rights all imperative; they also reinforce each other. [...]. And countries which are well governed and respect the human rights of their citizens are better placed to avoid the horrors of conflict and to overcome obstacles to development. [...] Accordingly, we will not enjoy development without security, we will not enjoy security without development, and we will

⁶⁹ For more information on the activities of the HEWS, see [Internet] Available from: <<http://www.hewsweb.org>>

⁷⁰ Adeel, A and Voulieris Kassinis, E. (1998) The Humanitarian Early Warning System: From Concept to Practice. In: Davies, J and Gurr T. R. eds. **Preventive Measures. Building risk assessment and crisis early warning systems.** Lanham, Rowman & Littlefield, pp. 203-211.

*not enjoy either without respect for human rights. Unless all these causes are advanced, none will succeed.”*⁷¹

The UN has therefore striven to include human rights at various stages in its conflict-related activities, most prominently by establishing field missions in crisis countries.

UN Human Rights Field Operations

Human rights field operations are generally set up under the auspices of the Office of the High Commissioner for Human Rights (OHCHR) and carried out in close co-operation with other UN agencies, such as UNDP or UNHCR offices as well as peace-keeping missions, if present.⁷²

Once they have deployed at a relatively early stage of the conflict, human rights field officers engage in comprehensive risk assessment and carry out fact-finding and investigations. Although conflict preventive effects of such measures are often limited, the mere presence of human rights field officers may help de-escalate violence and deter spoilers. Moreover, information gathering by human rights field officers is an important step for further mission planning. It may prove particularly useful when peace-keepers are deployed in the same theatre. Based on their expertise, human rights officers may be able to inform them

⁷¹ United Nations Report of the Secretary-General. (2005) **In larger freedom: towards development, security and human rights for all.** A/59/2005, 21 March 2005, para. 16-17.

⁷² O’Flaherty, M. (2004) Human rights monitoring and armed conflict: challenges for the UN. **Disarmament Forum. Human Rights, Human Security and Disarmament** 3 pp. 47-57.

about communities at risk and which areas should be extensively patrolled.⁷³

Given the wide range of tasks assigned to peace-keeping personnel and the high interaction between them and the local population, in-mission human rights sensitisation is of enormous importance.⁷⁴ Only if peace-keepers abide by high standards will the operation's presence have a real impact on conflict solution and be able to further the respect of human rights among local actors.

In the post-conflict peacemaking and peace-building phases, the UN and the international community have learned a number of valuable lessons. Various international peace agreements contain clauses on human and minority rights. A good example is the so-called Dayton Agreement, which ended the war in Bosnia in 1995. Apart from a number of military and power-sharing arrangements for the new post-war state, the Dayton Agreement also contained an annex on human rights, which spells out the human rights obligations of the parties and provides for two major institutional arrangements for their protection: an ombudsperson for human rights and a human rights chamber. The latter was partly staffed with international judges and played an active role in the protection of fundamental human rights during the first eight years of post-war Bosnia, before a newly established Constitutional Court took over this function in 2004.

⁷³ Ramcharan, B. (2007) Human Rights Field Operations in Partnership for Peace. In: O'Flaherty, M. ed. **The Human Rights Field Operation. Law, Theory and Practice.** Aldershot, Ashgate, pp. 105-23.

⁷⁴ Op. cit. O'Flaherty (2004) p. 53.

Another example of peace-building efforts having a strong human rights approach can be found in the activities of the newly established UN Peace-building Commission, which, for instance, provided funds for the creation of a human rights commission in Sierra Leone – the first of its pilot countries.

International and Internationalised Criminal Tribunals

The UN's human rights-based approach to peace and security is also evident in its efforts to end impunity by holding major perpetrators of genocide, war crimes and crimes against humanity criminally responsible. This process first started in 1993, when the UN Security Council established the International Criminal Tribunal for the former Yugoslavia (ICTY) with jurisdiction over war crimes, crimes against humanity and genocide. In its respective resolution, the Council emphasised that by prosecuting persons responsible for serious crimes in the context of the wars in the former Yugoslavia, the Tribunal would “contribute to the restoration and maintenance of peace”.⁷⁵ The same reasoning was relied on when the Security Council established the International Criminal Tribunal for Rwanda (ICTR) following the mass-killings of Tutsis and moderate Hutus in early 1994.⁷⁶ While the ICTR aimed at the post-conflict phase by bringing to justice those most responsible for the Rwandan genocide, the ICTY was also established to deter further atrocities and (by doing so) to prevent

⁷⁵ UN Security Council. (1993) Resolution 827, adopted on 25 May 1993. [Internet]. Available from <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N93/306/28/IMG/N9330628.pdf?OpenElement>>

⁷⁶ UN Security Council (1994) Resolution 955, adopted on 8 November 1994. [Internet]. Available from: <<http://www.un.org/icttr/english/Resolutions/955e.htm>>

escalation of an on-going conflict. In 2002, the UN Secretary General negotiated an agreement with the Government of Sierra Leone to establish a Special Court for Sierra Leone (SCSL). The SCSL is partly staffed with international judges and has jurisdiction over serious international crimes committed after 1996 during the Sierra Leone civil war. As for the former Yugoslavia, the ICTY is soon to close down and is currently engaged in transferring some more low-profile cases to domestic institutions in the region, the most prominent being the Section for War Crimes of the Court of Bosnia and Herzegovina set up in 2005.⁷⁷

The activities of the international criminal tribunals led to the establishment of the International Criminal Court (ICC) in June 2002. Unlike the ad-hoc tribunals, the ICC is based on a multilateral treaty – the Rome Statute – and functions as a permanent court with jurisdiction for international crimes occurring on the territory of a State Party after the adoption of the Rome Statute.⁷⁸ It therefore has the potential to serve as an effective conflict prevention and management tool by addressing impunity and deterring crimes at all stages of the conflict cycle.⁷⁹ Moreover, the ICC is based on the principle of complementarity, i.e. it will only get involved where the respective state which has jurisdiction is unwilling or unable

⁷⁷ For more information on the mandate and activities of the section for War Crimes of the Court of Bosnia and Herzegovina, see [Internet]. Available from: <<http://www.registarbih.gov.ba>>.

⁷⁸ See also Schabas, W. (2007) **An introduction to the International Criminal Court**. 3rd. ed. Cambridge, Cambridge University Press.

⁷⁹ For a more critical account of this potential, see Kasimbazi, E. (2008) The Prosecution of Criminals as a Peace-building Tool: Cooperation with the ICC and the Case of the LRA in Northern Uganda. In: Arnold, R. ed. **Law enforcement within the framework of peace support operations**. Leiden, Nijhoff, pp. 33-49.

genuinely to carry out an investigation or prosecution.⁸⁰ The international community therefore has a firm interest in strengthening the capacity of states to address impunity at the earliest possible stage and to hold perpetrators to account before the situation escalates into full-fledged conflict.

7. Human rights in the conflict cycle: some examples from the practice of the OSCE

The OSCE – a regional security organization constituting a regional arrangement under Chapter VIII of the UN Charter – has played a pioneering role in linking human rights and security as part of a comprehensive approach to security. The OSCE does not deal exclusively with military or security issues, but takes a cross-cutting approach including its three dimensions, the politico-military, economic and political, and human dimension.

The 1975 Helsinki Final Act recognised the respect for human rights and fundamental freedoms as one of its ten guiding principles. This was a breakthrough in the history of human rights protection. For the first time, human rights principles were included as an explicit and integral element of a regional security framework alongside politico-military and economic issues. Numerous follow-up documents have reinforced the acknowledgement of a comprehensive approach to security, such as the 1990 Paris Charter or the Charter for European Security, adopted in Istanbul in 1999.⁸¹

⁸⁰ Rome Statute of the International Criminal Court, adopted on 17 July 1998, entered into force on 1 July 2002. Art. 17(1)(a).

⁸¹ For further information, see OSCE Human Dimension Commitments (2005) Volume 1, Thematic Compilation, 2nd ed. [Internet] Available from: <http://www.osce.org/odihr/item_11_16237.html>

OSCE High Commissioner on National Minorities

In the prevention phase, the OSCE High Commissioner on National Minorities plays an important role. The High Commissioner is explicitly mandated to “provide ‘early warning’ and, as appropriate, ‘early action’ at the earliest possible stage in regard to tensions involving national minority issues that have not yet developed beyond an early warning stage, but, in the judgment of the High Commissioner, have the potential to develop into a conflict” within the OSCE area.⁸² This refers both to tensions arising between different groups within states as well as inter-ethnic conflicts with the potential to spill over state borders.

The High Commissioner attempts to prevent conflicts before they start, using means of silent diplomacy, such as confidential recommendations to governments of the participating states. Such steps are often supported by targeted projects in support of education, language and participation in the various dimensions of public life, as well as media access and development, and are sometimes carried out in co-operation with OSCE Field Missions, or with other international organizations, such as the UN, the Council of Europe (CoE) or the EU. The emphasis of these projects is always on early action and prevention of conflict, and they aim to close gaps such as in the field of education, language, participation in public life, as well as access to the media. Moreover, the High Commissioner also acts as a catalyst by stimulating domestic authorities and other actors, to follow

⁸² For more information on the mandate and activities of the OSCE High Commissioner on National Minorities see [Internet]. Available from: <<http://www.osce.org/hcnm/>>

up projects in specific fields or to develop their own tension-reducing projects.⁸³

An example for a long-term commitment of the High Commissioner has been the situation of the Russian-speaking minority in the Baltic republics. His interventions and the impacts that they had on the situation of language rights and the issue of citizenship, has helped to prevent violent conflict between the Russian-speaking and the majority communities in all three countries, as well as an inter-state conflict with the Russian Federation.

OSCE Office for Democratic Institutions and Human Rights (ODIHR)

The ODIHR is the main OSCE institution in the human dimension. It cooperates closely with OSCE actors in the other dimensions and in the field. A good example of such an approach is the ODIHR's human rights and anti-terrorism programme. While recognising that in acting to prevent and punish acts of terrorism, States are fulfilling their positive obligation to protect the right to life of the individuals under their jurisdiction, the ODIHR recognises that violating other human rights in the fight against terrorism not only violates states' international human rights obligations, but also acts counter-productively by unnecessarily giving terrorist organizations an additional recruitment tool. The programme therefore developed a handbook on human rights in the fight against terrorism and has developed training tools for

⁸³ Drzewicki, K. and de Graaf, V. (2006) The Activities of the OSCE High Commissioner on National Minorities (July 2006-December 2007). In: **European Yearbook of Minority Issues** 6, 7, pp. 435-459 at 440.

officials involved in the fight against terrorism, such as police, judicial and intelligence officials.⁸⁴

The ODIHR has also assisted a number of participating States in ensuring they monitor peaceful assemblies in line with international human rights standards. For example, in Moldova, the ODIHR trained local human rights activists to monitor public assemblies for a period of nine months, drawing conclusions on the situation and making recommendations for improvements in policing and legislation. This project has had a markedly positive impact on relations between civil society and the police and local authorities.

Similarly, the ODIHR has also contributed to post-conflict rehabilitation by providing analyses of the human rights situation in post-conflict areas. For example, the ODIHR's report, *Human Rights in the War-Affected Areas Following the Conflict in Georgia*, analyses the human rights situation in the conflict zone based on a monitoring exercise conducted jointly with the OSCE High Commissioner for National Minorities and provides a number of recommendations to improve the human rights situation.⁸⁵

⁸⁴ OSCE Office for Democratic Institutions and Human Rights, ODIHR. (2007) **Countering Terrorism, Protecting Human Rights: A Manual**. 26 November. [Internet], Available from <<http://www.osce.org/item/28294.html?ch=98>>

⁸⁵ OSCE Office for Democratic Institutions and Human Rights, ODIHR. (2008) **Human Rights in the War-Affected Areas Following the Conflict in Georgia**. Report for OSCE Office for Democratic Institutions and Human Rights. [Internet], Available from: <http://www.osce.org/documents/odihhr/2008/12/35656_en.pdf>

OSCE Field Missions

The OSCE Kosovo Verification Mission (KVM) was initially set up to verify the compliance by Serbian forces and the Kosovo Liberation Army (KLA) with the UN Security Council resolutions for a peaceful solution of the crisis.⁸⁶ Nevertheless, in the course of the operation (1998-1999) it also became involved in comprehensive human rights monitoring. Although the KVM could not prevent a further escalation of the conflict, its information on the overall human rights situation proved helpful for the subsequent deployment of the OSCE and the UN in Kosovo in June 1999. The KVM, therefore, set an important precedent for subsequent OSCE field missions.⁸⁷

Current field presences follow a comprehensive approach, undertaking a wide range of activities throughout the OSCE's three dimensions. Some missions were explicitly set up to prevent conflict, such as the OSCE Spill-over Mission to Skopje, whose original mandate called on the Mission to monitor developments along the borders with Serbia and in other areas which may suffer from spill-over and to help prevent possible conflict in the region. Since the Ohrid Agreement, which ended a short-lived armed conflict between the national security forces and the UÇK (National Liberation Army – NLA) in 2001, the Mission has been actively assisting the government in the implementation of the peace agreement, e.g. in order to increase the

⁸⁶ For more information on the mandate, please visit the website of the Kosovo Verification Mission. (n.d.) [Internet], Available from: <<http://www.osce.org/item/22063.html>>

⁸⁷ Ringgaard-Pedersen, S. and Lyth, A. (2007) The Human Rights Field Operations of the Organization for Security and Co-operation in Europe. In: O'Flaherty, M. ed. **The Human Rights Field Operation: Law, Theory and Practice**. Ashgate Publishing House, pp. 361-79.

representation of non-majority communities in public administration, military and public enterprises, and to strengthen the institutions of local self-government.⁸⁸ In this regard, the OSCE Spill-over Mission to Skopje closely cooperates with other international actors such as the European Union, which was a key player in negotiating the Ohrid Agreement in 2001.

Some other OSCE Missions were created to deal only with the aftermath of conflict, such as the OSCE Mission to Bosnia and Herzegovina and the OSCE Mission in Kosovo. Their mandates vary accordingly, but all recognise the need to take an inclusive, cross-cutting approach. Under the Dayton Peace Agreement, the OSCE Mission is assigned the task of supporting the development of representative and democratic state institutions and of closely monitoring the human rights situation in Bosnia and Herzegovina. Monitors assess the level of implementation of human rights obligations and provide technical assistance to the government authorities and the civil society in areas such as economic and social rights, judicial and legal reform, war crimes, trafficking in human beings, rights of national minorities and strengthening the role of the national Ombudsperson. Moreover, the OSCE Mission also assists the authorities in overcoming the military division of the country, developing State-level defence structures, and fully implementing OSCE and other international politico-military commitments.⁸⁹

⁸⁸ For more information on the OSCE Spill-over Mission to Skopje please see Alice Ackermann's chapter in this book.

⁸⁹ For more information, please visit the website of the OSCE Mission to Bosnia and Herzegovina. [Internet], Available from: <<http://www.oscebih.org>>

In Kosovo, the OSCE (re-) deployed when UNMIK and KFOR established their international presence in summer 1999. Since then, the OSCE Mission has been tasked with the promotion of human rights and good governance. Besides others, the Mission has been focusing on capacity-building, by supporting the work of the human rights units in Kosovo's ministries and helping to establish such units in municipalities.⁹⁰ Beside UNMIK, the OSCE Mission to Kosovo also closely cooperates with the European Union Rule of Law Mission in Kosovo (EULEX), established in 2008 in order to assist and support the self-governing authorities in the rule of law area, specifically in the police, judiciary and customs areas.

Other OSCE Bodies

In addition, various Vienna-based organs of the OSCE also deal with issues of conflict prevention and rehabilitation. For instance, the Conflict Prevention Centre (CPC) supports the Chairman-in-Office and other OSCE bodies at all possible stages of the conflict cycle and thus plays a key role in supporting OSCE field operations. Moreover, the Strategic Police Matters Unit (SPMU) supports policing in all OSCE participating States as part of the rule of law and fundamental democratic principles and develops accountable policing services through assessment, expert advice and assistance.

⁹⁰ For more information, please visit the website of the OSCE Mission in Kosovo, [Internet]. Available from: <www.osce.org/kosovo>.

8. Concluding remarks

The international community has learned a number of lessons from its work in the various phases of the conflict cycle. It is important to build capacity for early warning after a conflict has occurred to prevent an escalation of the conflict as well as a deterioration of the general human rights situation as such.

Local ownership is also important: the international community must involve a broad cross-section of national actors, including NGOs, in their prevention and conflict management activities. For example, support for NHRIs through the OSCE as well as the UN will bolster the capacity in the early warning phase, both in post-conflict areas as well as in places not (yet) affected by conflict. Another example of such a local ownership approach is a recently launched project, jointly run by the ODIHR and the UN, which aims at strengthening capacity in the countries of the former Yugoslavia to take over cases from the ICTY.⁹¹

Human rights form an integral part of the international community's engagement in all phases of the conflict cycle. As we have seen, international organizations such as the UN and the OSCE are applying the lessons from the past and ensuring that human rights form an integral part of their work in all these phases. It is important that international organizations and the international community continue to

⁹¹ ODIHR. (2009) **Supporting the Transition Process: Lessons Learned and Best Practices in Knowledge Transfer, Final Report**. September. The report was produced by the ODIHR, in conjunction with the ICTY and the UN Interregional Crime and Justice Research Institute (UNICRI). [Internet] Available from:
<http://www.icty.org/x/file/About/Reports%20and%20Publications/report_supporting_transition_en.pdf>

learn from experience how to prevent conflicts, how to manage them when they occur so as to reduce their negative impact on the human rights situation and how to ensure that, after the conflict, a lasting peace is built on a solid foundation. This requires political will and adequate resources, and an ability to adapt to situations and develop appropriate responses. It is only by continuing to learn from the past that the number, intensity and effects of conflicts on the human rights of individuals may be reduced in the future.