2010

The Mirage of Human Rights in Post-Conflict Societies

Georgi Ivanov

Follow this and additional works at: https://ir.lib.uwo.ca/undergradtjr

Recommended Citation
Available at: https://ir.lib.uwo.ca/undergradtjr/vol1/iss1/4

This Article is brought to you for free and open access by Scholarship@Western. It has been accepted for inclusion in Undergraduate Transitional Justice Review by an authorized editor of Scholarship@Western. For more information, please contact tadam@uwo.ca, wlswadmin@uwo.ca.
THE MIRAGE OF HUMAN RIGHTS IN POST-CONFLICT SOCIETIES
The Required Fundamentals

Georgi Ivanov

ABSTRACT

Human rights have been prioritized in discussions about post-conflict societies. However, this prioritization is misleading, since it applies Western standards that cannot be exercised in a post-conflict setting in the developing world. Certain conditions are necessary to prepare a post-conflict society for the acceptance of human rights, including political cultures, use of language, nation-building and socio-economic parameters. This paper will show that these conditions take a long time to achieve and the characteristics of post-conflict societies make human rights irrelevant in their respective contexts.
When a society emerges from a conflict, broken after years of civil or transnational strife, it must find a way to recover its stability and prosperity. In the decades following the end of the Second World War, numerous armed regional conflicts have started and ended, but inevitably, every society involved in strife will confront the need for peace, and devise some method of perpetuating it. This paper will prove that human rights are not essential to meet the immediate needs of post-conflict reconstruction, by showing that local political cultures are not accepting of democracy, that weak national cohesiveness of such societies is not conductive of democratic principles and the lack of socio-economic conditions to facilitate the consolidation of democracy. This will be demonstrated in three ways. Firstly, the political culture of a society that has only recently come out of a conflict is based on an authoritarian leadership, using charismatic or historic legitimacy, either on the tribal, regional or national level. In addition, the roles of language and literacy will be considered as part of the political culture argument. Secondly, weak national cohesiveness means that a fragmented society cannot bring about lasting peace without conceptualizing itself as a single community under the influence of various internal and external factors. Finally, it is important to consider that democracy and human rights are dependent on a certain level of socio-economic conditions that are simply not present in a post-conflict context. Overall, human rights and democracy are not the right approach to post-conflict reconstruction, because the characteristics of a post-conflict setting are not conducive to those principles.

In the 1990s and first decade of the 21st century, regional wars have been very much centered in regions experiencing historic social strife, struggles over resources, living spaces and political and ethnic divisions; the geographical spread of these conflicts
range from Central America to Africa, Central Asia, the Middle East and Southern Asia. The underlying basis of analysis in the context of post-conflict reconstruction must be the consideration of the political culture of the people involved.\(^{194}\) A political culture is reflective of the mindset of a population and how it governs itself. In the regions outlined above, political cultures vary, but one factor that unites them is that they are not democratic.\(^{195}\) The foundation for the governance of any society is found in the political culture of its members. Democratic government has not been in the historical experience of the aforementioned regions. Instead, the political cultures vary from tribal allegiances, to personalistic regimes or other authoritarian forms of government.\(^{196}\) Political life is characterized by instability, dictatorial rule, instances of civil war and the perpetuation of public insecurity. These are the reasons for which human rights are irrelevant as a concept when they are not accepted or understood as part of such a society’s political culture.

The restoration of peace must account for the context of the local political culture. From a historical perspective, political cultures grow and change over time as they assume new influences and interpretations.\(^{197}\) In a political culture that does not accept human rights as a principle, it is not a sound policy to enforce them. Left without external influence, such political cultures may return to their established norms of existence and governance and not destabilize in violence. In such post-conflict societies that exhibit the qualities mentioned previously in this essay, human rights are not relevant


in their recovery. History shows that every human society fundamentally desires to live in peace, regardless of its methods of social organization.198

Post-conflict societies typically experience low levels of literacy and patriarchal forms of government, which inherently foster an ethnic or personalistic allegiance to a leader in the members of that society.199 These relationships are more fundamentally connected to the use of language by promoting ideas that either encourage conflict or sustain peace. The power of language is extremely important, because the lack of literacy and the patriarchal structures of post-conflict societies mean that what is being communicated is accepted rather than critically understood by the people who are the agents of either war, or peace.200 From a historical perspective, those with access to knowledge and information can use these as an advantage for control and manipulation to suit particular ends. As such, the perpetual lack of literacy within a certain population creates an ideal basis for the imposition of dichotomous views of what is right and, wrong, or acceptable and unacceptable. In this context, it is consequently much easier to identify groups of people as enemies and convince them to fight against one another. As such, to foster peace, the way in which language is used is very important. Language in a time of war only succeeds in polarizing and pitting viewpoints against one another; peace, once it takes hold, must be perpetuated by a language of tolerance and moderation. As mentioned earlier, a peaceful existence is simultaneously an overarching and fundamental human need, regardless of the peculiarities of different societies.

199 Moreira, 250.
The second argument of this paper concerns the sense of ‘oneness’ in a society. In other words, this argument will explore the deeper concept of what a nation is and how it is conceptualized in a community of people in a post-conflict context. A society that has only recently come out of conflict has likely been involved in ethnic strife. This is made more likely by the political promotion of opposing identities for the perpetuation of warfare and instability. Therefore, war prevents the consolidation of a single national identity that can form a basis for ‘oneness’, which can reduce the likelihood of war if the members of that particular society imagine themselves under a single, collective national consciousness. Conversely, war can catalyze the unification of the community in question towards a greater overarching goal that affects everyone: examples are decolonization and national unification. The relevance of this statement serves to use the contradictory example of war to highlight the inherent complexity in the concept of ‘oneness’ of a society, and as far as ‘oneness’ is necessary for the potential introduction of democratic principles. However, it is important to consider how such pressures impact a wider array of actors in a conflict.

External pressure is applied to an unstable region to further the interest of one or more sides involved. This may involve the trafficking of arms, ideological support of one faction over another or the perpetuation of instability for access to resources by a third actor. These pressures prevent a community from consolidating itself into a nation. Still, external pressures can also have the opposite effect. If another country intervenes

---

militarily to the extent where mass killings and forced relocations of large groups almost inevitably become consequences, they can be used to force the quicker growth of the occupied people to a new mindset. In other words, they recognize the common threat and understand that a unified response is dependent upon accepting the idea that they are a single community of people, who need to act to protect a common interest. One very good example can be found in the struggle against colonialism in the 1950s and 1960s. Countries, such as Algeria, resisted violently against the centuries-long colonial domination and paid with countless lives in the process. The anti-colonial struggle reflects two key principles: one, the practical and moral bankruptcy of colonialism as a system of government and two, the growth in the mindset of the subjected populations that they are a single community of people that wishes to govern itself. In other words, colonialism planted the seed of its own destruction from the start by catalyzing the development of nations. The principle behind this example is that in the aftermath of a conflict, be it colonial or sub-national, it is very important to have a cohesive body of people that can identify itself as a single community, because that is a necessary precondition for the retention of peace and the subsequent recovery of that society. Yet, as important as this may be, there are a number of hindrances to achieving a sense of unity.

Internal factors can also divide a society and can prevent its consolidation into a nation. These factors can be ethnic, racial or religious. In many areas of the world where people still hold strong tribal or personalistic allegiances, finding a unity that supersedes those identities is almost impossible. These differences can be further compounded by

---

204 Moore, 12.
historical hatred between various groups and be further polarized by external pressure.\textsuperscript{206} Consequently, an internal factor can be the cause for the destabilization of a society into civil war. Thus, religious and ethnic differences represent the biggest threats that can escalate into war. More fundamentally, religious and ethnic differences can be the causes of war, but the reasons for the intensification of these differences can be resource scarcity, access to said resources or simply sufficient living space.\textsuperscript{207} For example, it can be said that the instability in Darfur is caused by these very factors.\textsuperscript{208} In relation to the concept of nation-building, the establishment of a common consciousness of belonging to the same greater group can translate into the significant mitigation of the aforementioned problems; this is done by fostering a tolerance for regional differences within the imagination of belonging to the same larger community. Such a path in policy development is also beneficial in addressing the aforementioned crucial problems relating to physical survival. Tolerance is a fundamental requirement for the needed political moderation that underlies the introduction of human rights.

The final argument of this paper will explore the need for a certain level of socio-economic development before we can even begin to talk about human rights. In Western societies, human rights are an accepted part of life by governing elites and the masses at large. However, a high standard of living, nearly universal literacy, controlled corruption, and a balance of public and private interests in government and society also characterize the West.\textsuperscript{209} Human rights are also closely entwined with democratic

\textsuperscript{206} Montalvo, 797.
\textsuperscript{207} Besancon, 396.
principles and Western countries can be considered to have developed democratic institutions. Political pluralism ensures political stability and both are protected by normative laws of the respective states. In short, human rights in the West are possible, because the combination of a tradition in political pluralism and economic affluence have allowed the concept of human rights to be discussed and internalized by Western societies.

In the context of post-conflict societies, it is important to consider that their democratic experience is not significant in respect to historical time and the political pluralism is absent as part of the local political culture.\textsuperscript{210} In addition, economic conditions are defined by a struggle for daily survival, a lack of social security, basic necessities are not guaranteed and education is accessible only to a wealthy few. In other words, the economic situation of post-conflict regions cannot support the political framework necessary for human rights. Economic difficulties can also sharpen ethnic, religious and political tensions, which is counter-productive to the eventual introduction of the concept of human rights into the local political culture.\textsuperscript{211} As such, it is necessary to promote economic recovery through these rules once peace is established. It may be characterized by the marriage of organized crime with official power, corruption on all levels of government and personal appointment favouring loyalty over competence on key posts.\textsuperscript{212} Political pluralism can be institutionalized in this setting, but the absence of people in the governing elite who are equipped culturally, intellectually and politically to

\textsuperscript{210} Eric Neumayer, "Do International Human Rights Improve Respect for Human Rights?" \textit{The Journal of Conflict Resolution} 49.6 (2005): 927.

\textsuperscript{211} Moore, 18.

\textsuperscript{212} Ibid., 20.
understand and implement democratic principles means that democracy in that environment cannot be deepened and consolidated.

From a theoretical perspective, a society that grows more affluent and offers more paths of realization for each of its members correspondingly means that said members spend less time and income worrying about their physical survival. That translates into more time that can be devoted to thinking about government. Once a society collectively grows more questioning of what its government does, it begins to demand more openness and accountability on part of those in power. This demand gradually develops into a set of democratic values that reflects the peculiarities of the local public political culture and in turn begins to influence the governing elite into adopting the same values over time. Only then, when democracy has become internalized and normalized by people and elite, can human rights be introduced and their relevance discussed. The transition can by no means be a quick one, as the deepening and consolidation of democracy in a post-conflict setting can take generations. What this argument fundamentally communicates is that there is a certain economic basis necessary for the population at large that will provide the necessary resources for the public to be able to pay attention to its government, before any significant social change takes place in turn.

However, it is important to consider that economic prosperity may not necessarily be accompanied by democratic changes and human rights can remain irrelevant in such wealthy societies. In other words, an affluent society can perceive an authoritarian style of government as normal, and if human rights are not a priority policy, the issue is

213 Ward et. al., 590.
unlikely to be raised by the regime’s constituents. Countries, such as Saudi Arabia, Brunei or Singapore are all wealthy, yet very authoritarian in terms of government.\textsuperscript{216} The political cultures in those countries are not conducive to democratic ideas and human rights are irrelevant to the social contexts. Likewise, a country, such as China can be very much considered a post-conflict society, given the decades-long civil war, the consolidation of Communist rule in 1949 and the tumultuous Mao years until 1976, marked by the Cultural Revolution and immense economic hardship. Since Mao’s death and China’s gradual opening to the world, it has grown significantly wealthier, but political control continues to be tight, debate on human rights is stifled and the outcome is that Chinese society can function without the concept of human rights in its political culture; as such, they are not necessary.\textsuperscript{217} Therefore, when we talk about human rights, it is very important to understand that a society can be stable without human rights, and it is not necessary to implement them if the local political culture does not recognize them as relevant.

In conclusion, this essay proved that human rights are not the right policy to promote the recovery of a post-conflict setting for three reasons: they require a level of socio-economic conditions not present in those societies; the complex consolidation of a fragmented society into a nation is necessary as a basis for democratic values to be potentially introduced, and finally, the role of political culture and use of language may not deem human rights necessary at all to the functioning of a society. First, it is accepted that the economic development required for democratic values to be instilled should be sufficient to allow for the members of the society in question to think about and


\textsuperscript{217} Katsumata, 630.
question their government; this is also the point where human rights can become a part of the political discourse, because there would be sufficient capacity to institutionalize and support them. As it stands, a post-conflict society is nowhere near the level of affluence required for democracy, and as such, talking about human rights in that context is not realistic. It must also be taken into account that even if a country becomes rich with time, it is not necessary that its political culture will include human rights. Second, countries with mature democracies are characterized by consolidated national identities that underlie the cohesiveness of the nation. In contrast, post-conflict societies are fragmented along ethnic, religious or political lines, featuring personalistic or tribal, rather than a national loyalty. A combination of internal and external factors may perpetuate the fragmentation of that society and as it follows, it must transcend these factors to consolidate itself into a single imagined community with one overarching identity. Finally, political culture represents a fundamental argument in the discourse against human rights as necessary in a post-conflict society, because the imposition of democratic principles in a culture that does not understand, nor accept them, is counter-productive to the recovery of that society. What is more, it is important to consider that to establish lasting peace and stability, it is important to encourage literacy and adapt the use of language to tolerance and moderation between the constituent groups of the society in question. In summary, human rights are not useful when talking about post-conflict reconstruction, because there is an entire collection of prerequisites that must be in place before human rights can even begin to be discussed.
Bibliography


