

A Critical Reading of Human Rights: The Challenges of Translating Normativity into Political Action in post-violent conflict contexts

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Abstract:

After a booming normative agenda, sponsoring a rule-based international order reached its apex in the immediate post-Cold War context, liberal principles of human rights and democracy have increasingly been under strong criticism and skepticism. This has weakened international protection mechanisms and marginalized debates of emancipation and empowerment, for the sake of short-term stability. The critique to the liberal peace model has made the argument that part of the reason why the legitimacy of human rights and democracy has been eroded is the instrumental use of these norms by western powers, to justify the use of coercive means to maintain international hegemony. A renewed look at the arguments sustaining the validity of these approaches and views is thus required as well as a critical view on international interventions in violent conflict and post-violent conflict scenarios, confronting them with alternative views as to how to promote democracy and human rights. Considering this background, this paper poses two interrelated questions: why has the promotion of human rights norms become so unpopular? Can the normative value of these principles and their practical reach be reinforced by an ethical approach to political action? Taking on a critical approach to human rights promotion, this paper argues that political action needs to be centered on the exercise of autonomy and power by human rights subjects in order to give substance to human rights politics.

Keywords

Human Rights; Critical Theory; Norm Diffusion; interventions

Introduction

Over the last decades, international security has undergone extensive changes. The concept of security enlarged to include societal, economic and environmental threats, the object of security shifted from an exclusively state-centered perspective, to include individuals and their communities (including humanity and its natural habitat – Earth) (Hansen and Buzan, 2009). Security scholars and practitioners also became more pressed to include ethical and moral issues into their reflections, raising standards for international politics and scholarly endeavors alike (Booth, 2005). Human rights regimes have been at the center of this process, namely through the development of humanitarian interventions in conflict and post-conflict scenarios. Not only military interventions in the name of protecting vulnerable populations became a matter of legal contention (how to reconcile it with Westphalian notions of sovereignty and non-interference in domestic affairs), but they also raised important issues regarding their impacts. In fact, although political, social and economic equality is now widely seen as essential for preventing conflict, this has not been the goal – or at least the expected outcome- of most peacebuilding, statebuilding, or development interventions for much of the last 25 years. As a result, and despite the fact that human security, human rights, democracy and general prosperity tend to be an aspiration for all, liberal peace/ neo-liberal state model has lost much of its attractiveness (Richmond, 2014) and even suitability.

It is in this context that strong critiques have emerged over what is an increasingly contested universal human rights and liberal democracy regime, especially when attached to the liberal peace label. Accusations of double standards in the authorization of humanitarian interventions and the promotion of democracy through armed intervention have been the strongest critiques, denoting an instrumentalisation of human rights regimes for hegemonic goals of the West (Bellamy, 2006). This links to another important critique over the suitability of interventions for the long-term goal of sustainable peace. The growing complexity of post-conflict interventions and the political and social engineering of new societies based on political and economic systems mirroring the western liberal economic and democratic systems of the global north has been further exposed as a form of neoimperial (Ignatieff, 2003), or hegemonic domination and depoliticized governmentality (à la Foucault) (Richmond, 2011).

This article departs from a central concern with this state of affairs and the undermining effects that such views of the liberal order and its implementation through international politics, with a special focus on violent conflict and post-violent conflict contexts, has caused to human rights regimes and democracy. Our main purpose here is to inquire about the profound causes of this process and to recover an agenda of emancipation, rooted in the ethical value of human rights norms and practices. We believe that this translation process, from norms to practice, implies important shifts and adjustments in our understanding of human rights, the international perception of these issues, and their impact in the lives of communities which are often absent from dominant analysis. It is our contention that human rights regimes and democracy have value in themselves, as

guiding norms for life in society, and that the rebalancing in relations between states and the individuals, which both ideas have forced, continues to be fundamental for human life to develop with dignity and with a view towards emancipation, especially in post-conflict scenarios.

Our argument develops in three moves. The first addresses the arguments sustaining the liberal peace agenda, focusing on how human rights and democracy have become central pillars of this approach to conflict management. The second move engages with the critiques raised to the liberal peace agenda, identifying their fundamental aspects, as well as the limitations and possibilities of action beyond the critique. The third and final move engages with critical perspectives, including critical sociology and critical legal studies, as a means to overcome the limitations imposed on human rights practices. These approaches provide conceptual tools to understand the guiding norms of human rights politics, but also the social impact of these processes, from the view point of an emancipatory agenda.

The birth of the liberal peace paradigm and its views on human rights

The end of the Cold War seems to have offered the opportunity for international actors to revisit dominant conceptions of security and development at the international and domestic levels and to devise supposedly coherent policy instruments and policies to address violent conflicts from a peacebuilding perspective. At the same time, the bridging of the security and development agendas within the concept of peacebuilding also seemed to help dealing with a full range of issues threatening international peace and stability (Tschirgi, 2003: 1). The international stage was then set to take a holistic approach at the complex problems ailing the global community beyond the stability of the international system and the security of states. Reflecting new concerns and priorities - related to human rights, good governance and rule of law, policy developments or institutional reforms -, liberal peace conceptions and peacebuilding aimed at the prevention and resolution of violent conflicts, the consolidation of peace, and post-conflict reconstruction in order to avoid a resumption of war.

The progressive perception of the threat to regional and international security and stability posed by these conflicts, situated especially in many African countries, thus led the developed world to become more aware of how important it was to contain and solve internal violence abroad (Duffield, 2001). In fact, since the end of the Cold War, there was an important push towards various forms of international intervention in conflict scenarios, especially in the so-called third world, increasingly – or at least more visibly – characterized by violent and enduring internal conflict. This ‘new interventionism’ was basically characterized by a new, simplistic and perverse representation of the periphery of the world system as a sort of failure of the modernity project.

In response, and after the end of the Cold War, preventing and resolving conflicts, as well as restoring and building peace in complex scenarios, became a sort of new '*mission civilisatrice*'¹ (Paris, 2002) in the hands of the international community, with many peripheral regions of the world undergoing violent internal conflict and requiring various forms of curative interventions. In practice, this meant that international actors began pursuing a broadly common strategy for dealing with states experiencing civil violence based on the principles of the liberal peace idea. The particularity of this strategy was that it was defined on the assumption that liberalization was the key to promote internal peace and stability in such contexts (Paris, 2001: 766) and that liberal forms of government, as well as a radical development discourse, should be part of a hybridized response to conflict (Richmond, 2007: 56). The aim of the liberal peace project was thus to transform 'dysfunctional' and war-torn countries situated on the borderlands of the international system into cooperative, representative and stable states (Duffield, 2001: 11). According to Duffield, the current concern of global governance has thus been to establish a liberal peace on its troubled borders: to resolve conflicts, reconstruct societies and establish functioning market economies as a way to avoid future wars (Duffield, 2008). The main priority of the peacebuilding model has been the construction or strengthening of authoritative and, eventually, legitimate mechanisms to resolve internal conflict without violence. At the same time, it should stimulate the (re)creation of responsive political life in post-violence societies (Cousens et al, 2001: 4). Therefore, a particular vision of how States should organize themselves internally was put forward, mainly based on the principles of liberal democracy and market-oriented economics. Politically this meant democratization, whereas economically the strategy has been one of creating the conditions for a clearly market-oriented economic structure. Among the established desired goals one can find the ones aimed at advancing human rights, rule of law, political institutions as well as promoting formal and informal processes of political participation (Cousens et al, 2001: 6).

However, despite efforts in designing several instruments and policies to resolve and prevent internal armed conflicts, results have not always been successful (Nkundabagenzi, 1999: 280). In fact, throughout the years, the opportunities brought by peacebuilding missions seem to have been lost or, at least, seriously challenged and criticized due to the various obstacles and failures faced in the field, at various levels.

In this context, three main critiques can be made to the dominant peacebuilding model and liberal peace agenda when it comes to the human rights and democracy debate, particularly in post-violent conflict scenarios: its 'top-down' nature; a tendency to create an hierarchy of rights and to promote an unequal and unbalanced agenda of rights; and an

¹ According to Roland Paris, the contemporary practice of peacebuilding can be considered a modern, updated version of the colonial-era belief that the European imperial powers had a duty to 'civilise' dependent 'barbarian' populations. Although this archaic language has been abandoned and the project is far less mercenary and extreme in its objectives, the idea is still one that assumes that the model of liberal market democracy is superior to all others and must be applied abroad to rule the territories of the periphery (Paris: 2002).

often exaggerated focus on norms and procedures. These will be further explained and discussed in the following sections.

The critique of the liberal peace agenda from a human rights and democracy perspective

One of the major critiques to the liberal peacebuilding model is focused on the way in which this liberal model is being promoted and how local agency is often neglected or undermined in post-conflict settings through a ‘top-down’ logic. The critique of the liberal model affirms that the very fundamentals of the model should be questioned (i.e. the focus on individual rights, electoral processes, sequencing of rights, etc.), as should its supposedly universal applicability. This links to the issue of agency, since by lacking the material elements and the political arenas, local populations in conflict settings do not have the means or the capacities to articulate and develop their own views of society, political systems and economic structures.

This is true of the so-called global South, but in post-violent conflict contexts certain elements make these arguments even more important. The societies, which have experienced conflict, are often showcased as the very failures of the non-liberal democratic model in keeping peace and providing responsible members of the international community, lacking their own internal means and capacities to keep peace and stability. In many ways this is a self-defeating strategy, because there is lack of coherence in these actors’ international actions.

A quick analysis of past peacebuilding interventions easily shows us that repeated failure in acknowledging the complexity and multidimensionality of peacebuilding tasks can, and has been costly in human, political and economic terms. Because most programs and forms of involvement are usually temporary and based on technical fixes in the form of disarmament, law and order programs or elections, external assistance to war-torn societies has often been translated into a ‘quick-fix’ approach (Zeeuw, 2001: 26). Most peacebuilding and reconstruction programs rely on democratic institution building and economic recovery through free market-oriented strategies, frequently assuming that such process is completed with the establishment of a new government along with the introduction of economic recovery packages, without paying attention to how these projects are actually undermined by the lack of social and economic foundations in such contexts. This clearly shows that not enough attention is being given to local political, social and economic contexts that can, in fact, determine the sustainability of these peacebuilding and conflict prevention strategies (Jeong, 2005: 2).

In most contexts, top-down peacebuilding activities tend to dominate through the definition and implementation of models and practices of external actors such as donors, international organizations such as the UN, NGOs. This type of approach assumes technical superiority over the ones subjected to it, as well as the normative universality of the liberal peace project (Richmond, 2008:58).

Assuming the primordality of the external actors ('internationals') over the local populations (the 'locals') in the liberal peace project; assuming they are the primary agents of peacebuilding missions (Jabri, 2013: 5), alternative views on peacebuilding have attempted to question the various practices within the model by taking a special focus on [local] agency. In fact, critical views on mainstream, top-down peacebuilding processes fundamentally question the Western attempts to export liberal peace without taking the local contexts, aspirations, needs and expectations into consideration. Instead, they argue for the need for a 'bottom-up' approach which would give a more active role to 'local agency and the spaces and mechanism necessary to understand, empower and transforms local actors' (Chandler, 2013: 20) as well as to grassroots initiatives which could be more coincident with their needs and aspirations.

This more critical stance thus focuses on a more emancipatory approach to peacebuilding processes, one that is more concerned with the closer links and relations with the beneficiaries of peacebuilding and with the idea of local ownership (Richmond, 2008: 58). However, actually and successfully implement this more emancipatory approach has become much more difficult. In the context of peacebuilding missions, local ownership should imply at least the endorsement of the implemented policies by the majority of the population, a fundamental aspect in order to assure the sustainability of the process. It should ideally, be developed in a way consistent with local views of what peace and development might look like, both from a national perspective, but also supporting other levels of identity and community building, which can assume representation and participation rights for those affected by conflict.

In this sense, ownership of these processes can only be fully achieved if the local populations actually feel positively affected by (and involved in) the policies being defined and implemented. As Zürn and Herrhausen affirm

trade-offs between 'quick impact' projects and longer term development programs will certainly have to be made at times, and there can be no one-size-fits-all guideline on which is more important (Zürn and Herrhausen, 2008:279).

The problem is that in the immediate aftermath of conflict, populations are viewed by interveners as 'exhausted victims or unruly, often irrational, militants to be rendered governable'. But this is to underestimate the vigor of survivors in which resistance to liberal peacebuilding plays a role (Pugh, 2004: 150).

International policy-makers thus need to connect with, understand, enable and stimulate local agency (Chandler, 2013: 23). As referred by Lederach, 'the greatest resource for sustaining peace in the longer term is always rooted in the local people and culture' (Lederach,1997 *apud* Chandler, 2013: 23). In our view this is one of the fundamental dimensions missing from the liberal peace model with clear and direct implications on the

way in which one views human rights, participation and ownership of social, political and economic processes being implemented. It ultimately removes agency from the people as well as their own sense of being genuine and relevant subjects of rights with capacity to intervene and act.

Another important critique to the dominant peacebuilding model and liberal peace ideas is the fact that they acknowledge the importance of human rights, but conceive them in very limited, unequal and unbalanced terms. Within the liberal peace discourse, human rights are basically associated with civil and political rights, often ignoring and neglecting their intrinsic economic, social and cultural dimension, legitimizing a certain political model of liberal democracy and promoting an often perverse hierarchy of rights. In fact, policy and practice in this field have shown that socioeconomic rights have traditionally been subordinated to civil and political rights and freedoms. As Pugh refers, despite the fact that developing countries have assured a formal place and status for economic and social rights these have often been regarded and treated as secondary in practice (Pugh, 2008: 141).

This perverse tendency to draw a rigid distinction and hierarchy between civil and political rights and economic, social, and cultural rights, thus ignores and undermines the need for a global and joint action in the field and the fundamental place and role of all human rights in the whole process, making it fundamental that a rights agenda in the field of peacebuilding and democracy promotion include socioeconomic rights such as programmes of welfare, redistribution, and participative democracy (Pugh, Cooper and Turner, 2008: 391).

Furthermore, the human rights discourse and the focus on civil liberties and political rights is also often perceived as being instrumentalised by a power-based view of international relations and imperialist policies of global security. As Pugh affirms,

In the construction of rights it has been axiomatic that conflict disrupts development and damages human rights, whereas globalization supports rights, using state revenues to finance entrepreneurship, protect property and secure ‘freedoms’ (Collier *et al*, 2004). Moreover, peacebuilding presents opportunities to reify the equation that globalization equals rights through economically determined policies of global integration. Consequently, neoliberal peacebuilding severely accentuates the weakening of socioeconomic rights” (Pugh, 2004: 145).

This approach tends to have negative impact on the principles of indivisibility and interdependence of human rights, undermining the existing and already well-established normative order. Furthermore, it also has a direct negative impact on the lives of the communities intervened upon, since these processes structurally fail to improve their living conditions and safeguard their well-being and human dignity, which is directly linked to the satisfaction of basic socio-economic rights.

Thirdly, peacebuilding efforts have also been focusing essentially on norms and procedures through the reforming and strengthening of governmental institutions and promoting formal processes of political participation often subsumed under a 'democratization' flag. However, and as according to Richmond, although the liberal peace discourse does focus on constitutional democracy to be sustained as a way to promote human rights and stability, in practice it has tended to create weak state structures and institutions (2008:63), as well as a sense of exclusion on the part of the population who feel again that from a human rights point of view they are more treated as objects than as subjects of rights. According to some authors, effective means to truly enforce and reinforce human rights and peace therefore imply cultivating more legitimate political processes and institutions that promote inclusion, participation and justice for all, and are at the same time able to peacefully manage violent conflict (Cousens et al, 2001: 12).

Furthermore, by focusing on norms and procedures, such activities in the field of human rights and democracy seldom reach all the relevant areas of policy making, especially when it comes to economic and social rights. The neo-liberal economic policies, which are usually associated with the liberal peace ideology, have been barely contested assumptions underlying external economic reconstruction assistance and management in war-torn societies (Pugh, 2005: 1). As a consequence these dominant models of international assistance in conflict and post-conflict scenarios tend to reproduce and perpetuate the flaws of already weak political and economic structures further obscuring the potential causes for violent conflict existing in certain conflict-prone societies, namely in those where socio-economic inequalities are rooted and structural.

Taking all this into consideration, and despite the assumption of a so-called 'peacebuilding consensus', this apparent consensus could well be a mask for the darker dynamics of hegemony in the international system (Duffield, 2001). This suggests that the processes being used to build peace today serve the interests of dominant actors rather than constitute a peace based on real consensus, including the recipients of those same processes (Richmond, 2007: 123). Furthermore, although globalisation contributed to an increased awareness of the conflicts that need redressing and of the tools to do it, it also seems to be true that, instead of a consensus, what has been resulting is a lack of consensus further weakening peacebuilding and calling for a bigger attention to concepts and mechanisms used to prevent and resolve conflicts (Richmond, 2004: 132).

Since an exclusive political order can be counterproductive to the longer-term peace objectives, international peacebuilding efforts should thus focus on policies and norms that allow stable and solid political processes to occur and be established (Cousens et al, 2001: 183) and ones that can have the potential to generate a range of benefits that extend well beyond the post-conflict phase (Labonte, 2003: 271). Acknowledging this, in particular when it comes to human rights promotion and protection, is of fundamental importance since it basically defines whether involvement and intervention is truly committed to creating the sustainable structures for sustainable peace or not. In other words, if one envisages peace merely as the absence of armed conflict and direct violence,

without looking at the structural dimension of peace, then intervention will hardly be effective or sustainable in the longer-term.

Critical perspectives on human rights and democracy

In order to understand the profound causes of this processes and to recover an agenda of emancipation and the ethical value of human rights norms and practices particularly in violent post-conflict settings, we look for insights from critical theory, including critical sociology and critical legal studies. We use these approaches as a way to overcome three sets of dilemmas. The first is the depoliticization of human rights and democracy, which the liberal peace promotion in post-conflict scenarios further reinforces. By making the attribution of human rights and the development of democracy into a technocratic process, driven by bureaucrats and external elites, statebuilding processes often seek to eradicate conflict, contestation and the political from the process – masking the power-relations inherent to the process. We will use Chantal Mouffe's notion of agonistic pluralism as a means to demonstrate the limitations of this approach and the value inherent in overcoming static notions of conflict, rooted in the idea that security requires all conflict to be dissipated.

The second dilemma focuses on the marginalized discourses and practices, and the construction of new forms of local agency. We will use the work of Boaventura de Sousa Santos, namely his "sociology of absences" as a means to devise new forms of humanitarian action, which can be more inclusive. This links with the work by Oliver Richmond on local agency, as a form of sustainable peace development. The third dilemma seeks to bring the two previous dimensions together, by focusing on the concept of citizenship and state-individual relations in a globalized context. The main goal is to reconceptualise new forms of citizen action, which can actively design the legal and political structures which sustain and protect human life in post-conflict societies.

Re-politicisation of human rights and democracy

Addressing the issue of the depoliticisation of human rights and democracy requires making a distinction between politics and the political. Following Chantal Mouffe's (2005) understanding, politics is the everyday management of order, horse trading, and debate, which rests on existing structures. The political, on the other hand, erupts when social order is challenged and new demands for recognition and accommodation are made. In that sense, the depoliticization of human rights implies a claim to rights, but fails to challenge and transform the social structures upon which these rights are established. The fundamental problem is the exclusion of certain subjects from the legal and social frameworks of rights and participation, which can only claim their inclusion through resistance and conflict.

We can conclude that human rights claims and struggles bring to the surface the exclusion, domination and exploitation, and inescapable strife that permeates social and political life. But, at the same time, they conceal the deep roots of strife and domination by framing struggle and resistance in the terms of legal and individual remedies which, if successful,

lead to small individual improvements and a marginal rearrangement of the social edifice.
Can human rights reactivate a politics of resistance? (Douzinas, 2013)

This fundamental question over politics of resistance and how existing bureaucracies, sustaining the liberal peace paradigm, can come to include the marginalized sectors of societies in their agendas remains at the core of sustainable peacebuilding. Contestation and conflict seem at odds with the expectations of post-violent conflict statebuilding and the pressure for normalization of social and political relations inherent in international interventions. The time constraints and the external implementation of western models of development remove the possibility of active political contestation of meanings and practices. Conflict, however, should rather be perceived as a fundamental part of democratic politics, as sustained by theorists of agnostic pluralism (Mouffe, 2000).

By removing the possibility of contestation and by imposing legal and normative structures imported from western contexts, human rights and democratization policies in post-conflict scenarios obscure power relations inherent in these structures (the become depoliticized), as denounced by critical legal scholars and critical theory (Kairys, 1990; Foucault, 1997; Mouffe, 2005). This removes the possibility of dialogue across cultural divides, obscures the differences inherent in pluralistic societies, and contributes to limit the political, i.e. it puts forward a highly unstable view of rights and citizenship, exactly because it limits the possibilities of change and accommodation. Such views are fundamentally relevant for post-violent conflict societies, because they reject the notion that legal and institutional procedures can be developed before agreement in society is reached (Mouffe, 2000, p. 11). In post-violent conflict societies, it is fundamental to make conflicting views compatible with a democratic pluralist ideal (the development of democratic practices), before new formal procedures for political participation and representation are established. Thus, focusing on the individuals, in order to foster the conditions to make their practices closer to democratic contestation of social structures, is a valuable approach to sustain peaceful social and political transformation.

This reflection is also closely linked to the role of institutions and the relations between the state and its citizens, in the modern contemporary context. The view of rights as being attributed to individuals by a political authority has been criticized as removing the capacity of agency from disenfranchised populations (Chandler, 2001; Bonet, 2009). The ability to actively contest the meaning of rights, its content, and its practical application is a fundamental condition to exercise autonomy and power, turning human rights subjects into human rights agents. Emancipation of human rights subjects can only be achieved if we address the contradictions inherent to the very meaning of human rights norms – promote freedom, but impose conservative rules; promote participation, but restrict active citizenship (Neocosmos, 2006: 358) – but also contradictions in human rights practices (Hoover and De Heredia, 2011, Dunne and Wheeler, 2004). This is a line of argument further developed below.

New forms of agency and participation

A central element in the political process is the construction of identities through interaction in contexts of power asymmetries. For Boaventura de Sousa Santos (2006) this can be overcome by what he termed “sociology of absences”². Such world view entails admitting that the invisibilities of the world (the plurality) are deliberately and consciously erased and marginalized by the dominating western reason (Santos 2002; 2006). This process imposes a limited set of possibilities for social action and knowledge and delegitimizes alternatives emanating from non-western contexts. It is thus clear how this critique is relevant for our understanding of the liberal peace paradigm and its impact in post-violent conflict interventions. It is the dominant western rationality being transplanted to non-western contexts, marginalizing all other alternatives. The commitment to rescuing and valuing the plurality of knowledge and practices of human communities, which is at the heart of Sousa Santos’ work, is rendered operational through methodological instruments for action, since his is an ethically committed research agenda, oriented towards progressive social transformation and emancipation (Bonet, 2009: 183). A “sociology of absences”, focusing not only on the existing realities, but mainly on the possibilities of social action, is the central epistemological proposal of this author.

Under this approach, political action and our understanding of the world should look for ways to include marginalized knowledge and social practices, the anthropological diversity of humankind, rather than conform to the rationalist discourses of modernity. This is, according to Bonet (2009: 185), a fundamental step because it allows us to conceptualize the field (in Bourdeusian terms) of human rights as a contested one, rather than a consolidated and universal structure. As in the agonistic pluralism approach, contestation comes across as a fundamental step for emancipation, but social recognition of contesting agents is a fundamental requirement for social and political relevance. Marginalization and invisibility serves the purpose of normalization, regulation, and domination, with major negative impacts on the emancipator character of human rights struggles worldwide. Struggles for democratic accountability and for the acknowledgement of rights for specific communities have been central features of the development of Human Rights regimes. It is therefore counterproductive to perceive this western-led model as finalized and completed, rather than a constant work in progress, requiring accommodation and change.

This current western liberal view of human rights has been unable to acknowledge the limitations of its views and practices of human rights, or worse, the instrumental use for imperialist aspirations of humanitarian principles. This means that, not only has this liberal view of human rights justified many of the post-Cold War interventions in the global periphery; it has also imposed a universal idea of human rights, which nevertheless needs cultural legitimacy (Bonet, 2009: 193). This forms the basis of the contestation of the social field of human rights, challenging the meaning and practical application of rights, and their translation into social, economic, political and moral options. In post-violent conflict scenarios, the peacebuilding and statebuilding industries are both

² In Portuguese, ‘sociologia das ausências’.

responsible for the immediate implementation of liberal models of socio-economic development and political normalization. Supported by international legitimacy, conferred by global governance structures and domestic support in the global north; by material resources, such as military equipment and financial capabilities; and by hegemonic cognitive structures, which view local knowledge as marginal and irrelevant, these models become hegemonic quick-fix “solutions” to global problems, albeit with very unsustainable results as mentioned before.

Whereas globally, the subordination of non-western knowledge and views is clear, locally, citizens are also made subaltern to state structures, in the sense that the state is regarded by the liberal peace paradigm as the best (only) way to assure rights and participation. The state, being modernity’s most prominent and lasting creation, stands as the ultimate homogenizer and oppressor of the emancipation process, both in its relations with its citizens and in relations with other individuals at the global level. The reduction of citizenship to a passive activity, concentrated at the political level, but unable either to actively influence politics, or to define the outcome of socio-economic struggles, is limitative of the idea of human rights we project in our interaction with the world. Thus, global human rights politics becomes a hegemonic discourse, with no uplifting capacity for individuals, who are in the greatest need of power exactly because the basis for human rights action is the conservative modern state. Overcoming a state-centric view of human emancipation and dignity and of the exercise of rights and democracy is thus fundamental.

This dilemma of individual-state relations is not new to International Relations. The very human rights systems and democratic institutions are perceived as the most relevant means to limit state authority and infusing it with a direct responsibility to protect its citizens, under supervision of the international community. The state is thus, a necessary and simultaneously dangerous instrument to structure social and political relations globally. Transnational processes, including the development of non-state organizations and movements, are attempts to bypass the constraints for political action imposed by the state. However, global activists and human rights NGOs have increasingly come to depend on the western capitalist system for survival and their agendas have been co-opted by the western goals of intervention. As Chandler argues, the “new humanitarianism” has become politicized and ethically-driven and in that process has become an agent in the attribution of meaning to humanitarian crisis, in denouncing “perpetrators” and showcasing “victims”, rather than sustaining individuals and their communities in rising from war and famine.

This state of affairs poses a fundamental dilemma to relations between individuals, states and global transnational forces, including NGOs. As the dominant paradigm is taken up by national and transnational forces alike, embracing its principles of peace through (liberal) trade, multiculturalism and universalism; individuals and local communities are left as victims in need of assistance, without capacity of agency and no ability to democratically contest the nation-building process that is supported from the outside. Returning to Sousa Santos’ ‘sociology of absences’, what is fundamental is to create the

conditions for cosmopolitan views of the world from below, from the margins, to become more central to the reinvention of our global systems, transforming globalization itself. This is a fundamental move to making human rights central to social redistribution, including through environmental protection, developing more egalitarian social-economic practices and identities and establishing multicultural dialogue.

State-individual relations and new understandings of citizenship

As argued above, this section addresses the dilemmas of state-individual relations and the concept of citizenship, bringing the two previous dimensions together. The main goal is to reconceptualise new forms of citizen action, which can actively design the legal and political structures which sustain and protect human life in post-conflict societies. The relationship between citizenship and rights is an illustration of the dilemmas posed to the politics of human rights, for two main reasons. First, citizenship entails a connection between the individual and its nation-state, through which his/her rights and obligations are fulfilled. Thus, citizenship is a fundamental dimension of the exercise of power by state institutions over its subjects, providing important illustrations of how human rights are being redefined and practiced on a daily basis, within state borders. The second reason is that citizenship is no longer limited to the national dimension. A cosmopolitan view of world affairs underlines the importance of international law in assuring global rights to individuals based on globally shared norms. According to Habermas (2006: 159-163) we can speak of the “quasi-constitutionalization” of international relations, with the establishment of international law and its institutionalization in the UN Charter or the International Criminal Court (Beardsworth 2011, p. 39). Despite the obvious limitations of this model – including the soft nature of international law and its tendency for homogeneous universalism – in this context, the concept of citizenship still provides important analytical tools for our argument that an emancipating agenda of human rights needs to redefine relations of individuals with state institutions.

Citizenship is usually thought to imply three elements: political participation, rights and obligations, and membership in a political community (Basok, Ilcan Noonan, 2006: 267). Political participation is also assured as a fundamental human right in the Covenant on civil and political rights. In order to participate in the political life of the community, other rights are needed, including access to education, health or freedom of speech. This interdependent and indivisible nature of human rights, gives citizenship a comprehensive nature. Therefore, citizenship assumes that the state institutions formally and de facto provide individuals with equal opportunities to exercise its citizenship, especially in liberal democratic settings. Statelessness, however, exposes the individual to abuses, when the international community does to assure its protection. More nuanced forms of citizenship and participation that do not rely on state structures, which are either ill-suited or inexistent in conflict and post-conflict scenarios, would help provide focus and opportunities for participation, regardless of formal citizenship ties (see for instances Blitz and Lynch, 2009).

The exercise of universal human rights by individuals, either from a national or international perspective, depends to a large extent on the interdependencies between the two levels of analysis. Here, the long established critique of the impact of economic globalization on the protection of social and economic and cultural rights is but one illustration of how the exercise of citizenship within the borders of the state can be limited by negative externalities of economic globalization. Somers (2008: 1-2) calls our attention to the “corrosive effects of market-driven governance” on the delicate balance of power between state, market, and individuals that sustains citizenship conceptualizations and practices. As Faria (1997: 43) argues, the point of departure for our reflection should be the “disaggregating impact of market transnationalization over institutional-political structures and on the juridical order forged by the nation-state, based on the principles of sovereignty and territoriality”³. This transnational and globalized agenda needs to be fully incorporated in our reflection about the exercise of power and autonomy by citizens in statebuilding processes.

The externally-driven, top-down process of attributing rights, either by the state or by international organizations (whether in the form of trusteeships, or international pressure on the state) deprives the individual and citizen from its right to contest for its rights, and in doing so, exposing the power structures making abuses possible. Much like Chantal Mouffe’s argument that it is the development of democratic subjects, which is the fundamental step in redesigning liberal democracy into pluralist democracies; it is this fundamental call for political agency of citizens, more than the declaratory promotion of Human Rights, which can have a transformative potential. By giving voice to popular action and organization, by allowing silenced voices to be heard, peacebuilding can certainly expect more sustainable human rights.

Redesigning social structures in post-violent conflict scenarios carries risks and specific challenges. The agents of violence are part of the societies being restructured and new roles need to be developed for these actors. Moreover, informal institutions and practices tend to develop in contexts of state-fragility; meaning that society organizes around alternative poles of authority and power, rather than around the state (Haider 2011: 6). Heathershaw and Lambach (2008) refer to “contested sovereignty” in post-conflict spaces, where sovereignty is constantly contested and negotiated among global, elite and local actors. This reality is often perceived as being at the origin of the conflicts and an element that needs to be overcome in post-conflict statebuilding, rather than recognizing that these structures carry legitimacy and provide powerful social meaning to relations, which will resist being changed. Adopting a stance that valorizes and builds on the existing structures, by changing the nature of their interactions to non-violent and respectful of individual rights, but also of their communities, could prove to be a more effective solution (Unsworth, 2010). Issues of identity, belonging and nation-building also become intertwined in external interventions, because the basis for viable states is

³ In the original: “impacto desagregador da transnacionalização dos mercados sobre as estruturas político-institucionais e sobre o tipo de ordem jurídica forjados pelo Estado-nação com base nos princípios da soberania e da territorialidade”.

often identified with solid national identities. This is once more a one-size-fits-all technicality, more suited to assure the international standing of the state among the international community, rather than as a response to internal dilemmas of political participation and human emancipation.

Overall, citizenship is in our view a useful concept to discuss the importance and model of states being built in post-conflict scenarios. The international pressure for creating state structures that can assure international responsibilities also exposes a desire to make local agents responsible for their own luck. This should not however, be mistaken for local agency, since such responsibilities are imposed from outside and above and mask the unequal and exploitative structures sustaining relations between donor/intervening agents and recipients/intervened communities. Thus, focusing on the importance of contestation and political interaction for the development of democratic subjects, no matter how these forms of democratic contestation look like; and focusing on the importance of sustaining alternative forms of knowledge, organization, participation and redistribution are two crucial steps to rethink state individual relations and the development of citizenship rights that are relevant in local post-conflict scenarios.

Conclusion

Traditional top-down approaches to peacebuilding assume that western actors can actually promote peace and democracy by imposing policies, norms and procedures and, as Chandler argues, by removing the blockages and opening the ‘space for politics to work’ (Chandler, 2013: 26). However, in the field of peacebuilding, approaches and practices which have been based on the imposition of an assumed set of correct policy prescriptions by international actors on the ones being intervened (Chandler, 2013: 17) have become increasingly criticized. In fact, the role played by external actors in post-violent conflict scenarios has been confronted with its limitations in terms of actually promoting not only long-lasting peace, stability or truly democratic structures, but also human rights, participation and active citizenship. Part of these criticisms relies on the fact that no – or at least not enough- attention has been paid to the local dynamics, structures and people.

If the rights which are instituted are to be bestowed upon human rights subjects through legislation, the political dimension of civic activism is constrained. Moreover, in extreme cases as the ones noted above, rights are assured [and defined] by intervening powers – what Neocosmos (2006, p. 365) calls a “trusteeship” approach, where people are seen as victims, who need intervention in their behalf. These powers are often called for by the civil society actors, who are in charge of assuring participation, but who are also embedded in a neo-liberal view of civic agency, unable to challenge the underlying assumptions of the human rights principles, namely its supposedly a-historical and a-contextual nature.

In reifying peacebuilding outcomes, the transformative aspirations of peacebuilding become mutated and dissipated thus leaving behind important opportunities for peaceful

and sustainable change, as well as for more accountable processes of democracy and human rights promotion and affirmation (Chandler, 2013: 26). This critique is at the heart of Sousa Santos' notion of sociology of absences and Chantal Mouffe's agnostic pluralism. Both authors appeal to pluralism, diversity, democratic and civic education which is transformative of global relations. It is also fundamental that we recognize the links between global structures of inequality and exploitation and local dynamics, if we are to have a fairer system of human rights protection and democratic participation in place. As argued by Foucault (1978: 95-96) 'where there is power there is resistance (...)' and therefore this resistance dynamics and potential should be taken into due account when post-violent conflict interventions take place.

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