Economic, Social and Cultural Rights and Sustaining Peace:
An Introduction

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Aims

- Provide an overview of the initial research that resulted in this project and outline the discussions and findings from the project to date

- Consider what is the role of economic, social and cultural rights in peacebuilding and why is it important to consider such rights?

- What is different about the new approach 'sustaining peace' and how does it interact with such rights?

- How can we advance collaborative strategies, innovative thinking and practice on peacebuilding and ESCRs?

Current approach to Peacebuilding?

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- Current approach is dominated by a neoliberal agenda resulting in a conception of peace as

➢ Usually based upon concept of 'negative peace': ending direct and open violence

➢ Predominant aims: international security and stability

➢ Conflict containment rather than resolution?

➢ Emphasise democracy, rule of law, free market economics, institution building (end points in themselves)

- As a consequence, the inclusion of human rights within the mandate of peacebuilding has also been limited to a liberal conception of human rights constituting only civil and political rights (rule of law) etc.

- Therefore economic, social and cultural rights as a means to ensure sustainable peace have been omitted or marginalized from peacebuilding efforts

Why does it matter?

➢ Matters because violations of ESCRs can constitute gross and serious systematic human rights violations – in conflict, transition and post-conflict

➢ Matters because ESR violations can act as drivers of or root causes of conflict

➢ Structural violence often left unchecked

➢ Coupled with CPR violations and /or repression ESCRs can act as conflict triggers

➢ As such ignoring such violations is threat to the effectiveness of PB measures and to sustainable peace

Opportunities – Why now?

- A/RES/70/1, 2030 Agenda for Sustainable Development, 21 October 2015, para.35 acknowledgement of this link and inclusion of SDG 16

- Review of the Implementation of SC Res 1325 Women, Peace and Security

- UN Peacebuilding Architecture Review (Oct 2015): Current approach to peacebuilding was not working

- Parallel resolutions 27 April 2016, (A/res/70/262) UN Security Council and UN General Assembly recognised that
  - 'Development, peace and security, and human rights are interlinked and mutually reinforcing' (Preamble)
  - Therefore there was a need for a new approach to peacebuilding which tackled current fragmentation at the UN and recognised that peacebuilding was not just a post-conflict activity: 'sustaining peace'
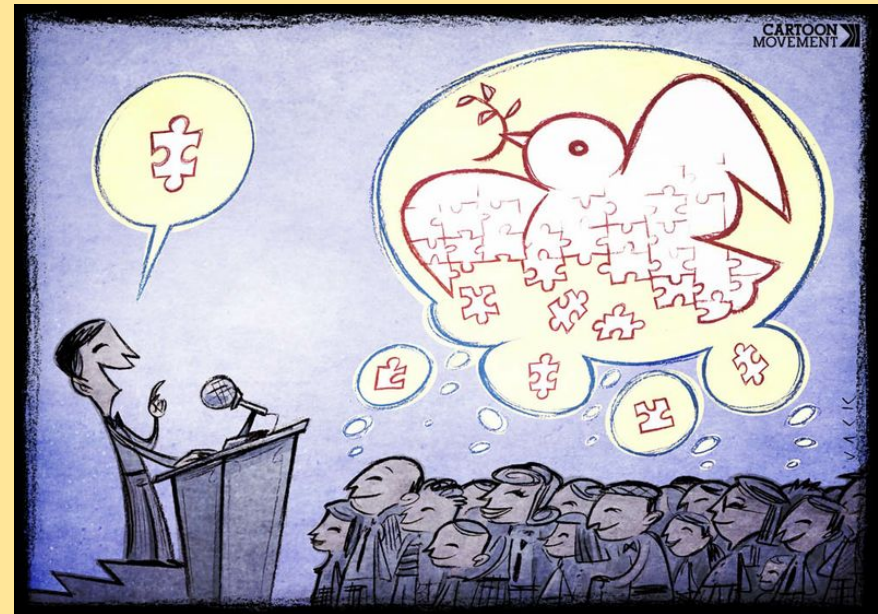
Sustaining Peace

Peacebuilding should be understood as the challenge of "sustaining peace": from preventive action to war ending and peace-making processes, through to peacekeeping and post conflict recovery and reconstruction.

Success of this approach requires tackling fragmentation and uniting approaches of pillars of the UN:

- Peace and security
- Human rights
- Development

©Giacomo Cardelli, 'Peacebuilding - Working together to build a peaceful future', 13 Feb 2011

Where do ESCRs fit it?

- No explicit mention of economic, social and cultural rights within the peacebuilding review, within the resolutions or within the SDG 16 on peace.

- However, new approach could signal an opportunity to incorporate such rights into the peacebuilding agenda in several ways with mobilisation and lobbying (and evidence based arguments)

- But, firstly need to acknowledge these ESCR violations as human rights violations and acknowledge that they can be as a consequence of violence (whether direct or structural violence) or exacerbated by conflict

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Key themes: Conflict Prevention

- Sustaining Peace emphasises the importance of conflict prevention: ESCRs can contribute to operational and structural conflict prevention (often overlapping and interlinked)

- ESCRs can be key indicator of potential violent conflict through use in conflict risk assessment and early warning systems

- 'Human rights situation in a country must be a central dimension of risk analysis' (Ramcharan,2006) but in the past such analysis has been limited to civil and political rights alone

- OHCHR (June 2016) Report on Economic, Social and Cultural Rights and Early Warning of Conflict

Key themes: Human Security

- Human security as a key unifying concept which speaks to human rights, development, peacebuilding and security

- Emphasise human security as primary aim rather than international security

- Focus on basic human needs 'whose fulfilment is necessary condition of human life and development'

- 'Human security plus' approach – human security protected through legal entitlements (legal dimension of ESCRs)

- What is the role of the UN Human Security Unit in peacebuilding? Could it be key to coordination? What is the usefulness of this concept to practitioners in both fields?

Key areas for exploration:

- Revisiting Human Security (with an added legal dimension 'Human security plus')

- Local grassroots peacebuilding – the 'local turn'

- Third party involvement: Business, IFIs and other donors

- Women, Peace and Security including women's rights

- Inequality and the role of ESCRs

- Resilience and ESCRs

- Links between natural resources, land, IP rights

- Empirical Case Studies required

Operationalising a new approach

Raise awareness and increase knowledge and understanding of ESCRs and how they can contribute to sustaining peace:

- Knowledge exchange, Dialogue, sharing practice across academia, policy areas and practice (programming)

- Training and Education

- Build expertise

- Embed consideration of sustaining peace into ESCRs monitoring and vice versa

- Further research needed – empirical studies

Relevant publications

Cahill-Ripley. A,

- *Economic, Social and Cultural Rights and Peacebuilding* , forthcoming Cambridge: CUP.

- 'Challenging Neoliberalism: Making Economic, Social and Cultural Rights Matter in the Peacebuilding Agenda' in MacNaughton, G. & Frey, D. F. (eds.), *Economic and Social Rights in a Neoliberal World*, forthcoming Cambridge: CUP, 2017.

- 'Reclaiming the Peacebuilding Agenda: Economic and Social Rights as a Legal Framework for Building Positive Peace - A Human Security Plus Approach to Peacebuilding', *Human Rights Law Review,* June 2016, 16(2), pp. 223-246.

- 'Foregrounding Socio-Economic Rights in Transitional Justice: Realising Justice for Violations of Economic and Social Rights', *Netherlands Quarterly Human Rights,* 32:2, June 2014, pp.183-213.