

Conflicts and Human Rights

Deans:

Dorresteyjn: Law, Economics, Governance

Van den Akker: Humanities

Koops: Social Sciences

B. Core of research area Conflicts and Human Rights.

B.1 Introduction.

The wide and dynamic subject area of conflicts and human rights has become part of the research tradition of Utrecht University in the context of several research institutes, which have developed new forms of interdisciplinary cooperation: the *Department of Law* (in particular the Netherlands Institute of Human Rights (SIM), the Willem Pompe Institute for Criminal Law and Criminology, and the Sub-Departments of European and Domestic Public Law), the *Faculty of Arts and the Humanities* (in particular the Project Group on International and Political History and the Centre for Conflict Studies (CCS) and the research group for Practical Philosophy), the *Faculty of Social Sciences* (in particular the Research Group on Political Conflict, Cultural Trauma, and Social Reconstruction of the Department of Anthropology) and the *Ethics Institute* which is hosting the Netherlands Research School for Practical Philosophy.

The interdisciplinary cooperation within this focus area includes *inter alia* the Netherlands School of Human Rights Research (administered by SIM), the Netherlands Research School for Resource Studies for Development (CERES), the launching of an interdisciplinary MA Programme on Conflict Studies and Human Rights administered by CCS and supported by SIM and the Department of Anthropology and the launching by the Ethics Institute of an interdisciplinary Master Programme of Applied Ethics, funded in the Erasmus Mundus Programme.

These forms of cooperation bring together a variety of senior and junior researchers who have the ambition of deepening and strengthening their work in this field.

B.2 Core of research area.

Recently, the relevance of an integrated approach of conflicts and human rights has been highlighted by the present United Nations Secretary General Kofi Annan, declaring that there can be no peace without development, no development without peace, and neither peace, nor development without human rights.

The subject area of "conflicts and human rights" relates to two relevant, although seemingly contrary mechanisms in the international community and in domestic communities, both in the past and presently. On the one hand conflict, institutional disintegration, terrorism and (civil) war are world-wide phenomena. Their impact is further aggravated by globalisation, vast migration flows, environmental crisis and severe conflicts about new technologies and moral pluralism. On the other hand new mechanisms and normative frameworks are being developed towards the restraint and management of international and domestic (armed) conflicts and their aftermath through conflict resolution, peace building and social reconstruction; and towards creating stability, the adoption of clear and identifiable norms, the establishment of public order based on the rule of law, and legitimacy. In this respect the expanding international and regional frameworks of the protection and promotion of human rights and fundamental freedoms and their interrelationship play a significant role aimed at preserving human dignity.

The Utrecht University research in human rights and conflicts focuses on the historical, political, social, ethical and legal aspects of conflicts and human rights in relation to each other from a broad perspective of international relations, legal, humanitarian and ethical principles, historical backgrounds and social structures and explores also interrelated aspects such as environmental issues and new technologies. Both the backgrounds of these phenomena and their organisation are being investigated, e.g. international normative systems and procedures for fundamental justice and conflict prevention at different international and national levels.

In undertaking meaningful theoretical and applied research activities on these two contrary, almost paradoxical developments it is essential to combine social sciences, political, historical, legal and philosophical methodologies. First, such a multi- and inter-disciplinary approach of the area of "conflicts and human rights" could contribute to the advancement of scientific knowledge about the interconnected, but contrary tendencies/mechanisms of (violent) conflict on the one hand and public order, both world wide and domestically, based on human rights and human dignity on the other hand. Secondly, the (international) legal frameworks and their moral presuppositions are being reviewed from various critical perspectives emanating from different methodologies: legal and ethical analysis of the legal constructions related to peace building, human rights and conflict resolution, political scientific analysis of the proposed solutions and the strategies chosen, social reconstruction of the emergence of conflicts and the historical analysis thereof.

All individual participating disciplines have established a tradition of multi- and/or interdisciplinarity which will be strengthened by new common projects in the future.

B.3 Further steps

Thus, the objective is not and cannot be to present a new joint research programme of the earlier-mentioned institutes and groups (hereafter the partners) in the field of "conflicts and human rights", whose present research programmes in this area can be easily accessed through the website of Utrecht University. The aim is to develop a closer cooperation in research about the significance and moral-ethical dimension of transitional processes from protracted political conflict to social reconstruction, the obstacles raised by the traumatic sequels of state repression, the accountability of human rights violators, the institution of due process and social justice, and the impact of the present processes of globalisation, migration, deterioration of the environment, dwindling energy resources and the development of new technologies for the emergence of new types of conflicts. Other most relevant fields which beg for interdisciplinary approaches relate to the analysis of international interventions that claim to promote peace, to the role of religion in conflict and its resolution, to the claim to universality of the ethos of human dignity and human rights and to the philosophical, political and legal justifications of normative regulations aimed at ordering the international community and domestic states and communities. These questions are touching upon broader convictions of modern societies, e.g. concepts of history and ethics and concepts of social and political communities.

The earlier-mentioned partners welcome "Focus en Massa" as a stimulus to further intensify their existing contacts and academic cooperation with the aim of utilising in an optimal way the existing research capacity within Utrecht University in the field of "conflicts and human rights". To that end they plan to organise a working conference on "Discourses on Conflicts and Human Rights" which will be open to all senior and junior researchers of the partners. The aim of this conference will be twofold: first, the creation of a firm basis for the initiation and implementation of joint research projects, small and big, in the coming years, and second, to publish a joint book containing the papers and the proceedings of the conference as a first tangible outcome of the intensified cooperation between the partners. This cooperation will result in serial of international academic seminars and conferences around selected subthemes in the period between 2008-2012, and in 2013 the 300th anniversary of the Treaty of Utrecht celebrations will bring the themes together. In this way the partners hope to contribute to make Utrecht University even more visible as a research centre, encompassing both theoretical and applied research, in the field of conflicts and human rights.

C. Positioning

The cooperation between the five partners in the focus area Conflicts and Human Rights goes back quite some time now and has already led to most interesting research activities. Together, the partners constitute a real 'mass' of excellent research programmes, all considered to be the top of their disciplines. All of them take part in a KNAW (Royal Academy of Arts and Sciences) accredited research school; all of them developed a research master with a bar-qualification. A research master corresponding with the Focus Conflicts and Human Rights is presently being considered.

In the Netherlands and in Europe, no university can claim to have this potential regarding the field of conflicts and human rights from a philosophical, anthropological, legal and historical point of view.

D. Valorisation of knowledge

- **Department of Law**

Since its establishment 25 years ago, the Netherlands Institute for Human Rights [*Studie-en Informatiecentrum Mensenrechten*] (SIM) has built a solid reputation as an internationally renowned research and documentation centre and publishes the Netherlands Quarterly of Human Rights, the only 'refereed' English-language journal in the field of human rights.

Human rights studies are part of the Faculty's other research programmes. In this broad approach cooperation also takes place with departments of other Faculties, such as Cultural Anthropology (Faculty of Social Sciences), the History of International Relations department and the Centre for Conflict Studies (Faculty of the Humanities and the Faculty of Language and Literature).

The presence of databases and documentation at the SIM as developed and maintained by the SIM offers unique research facilities.

Nationally the research holds a prominent position within the Human Rights Research School of which the SIM is the coordinating institution and in which most of the other researchers cooperate. In 2005, this Research School was re-recognized for the second time by the KNAW (Royal Netherlands Academy of Arts and Sciences) for the period 2006-2011. This re-recognition was based on a recommendation from an international Peer Review Committee, which visited the Research School in 2003.

Moreover, the SIM together with the national Ombudsman, the Data Protection Authority and the Equal Treatment Commission is closely involved in the establishment of a National Institute for Human Rights which is to take definite shape in the coming years. Internationally, cooperation takes place in the framework of the Association of Human Rights Institutes (AHRJ), which is an association of leading European human rights institutes of which the Director of the SIM is currently the vice-chairman. An EU financed program 'Human Rights, Peace and Security in EU Foreign Policy' is being performed within this framework.

The research carried out at the Willem Pompe Institute for Criminal Law and Criminology has a unique multi-disciplinary cooperation between the Criminal Law section and the Criminology section.

The research carried out by Professor J.A.E. Vervaele on European Criminal Law is part of the top research in the field in Europe. Professor Vervaele has supervised the EU Corpus Juris Study into European Criminal Law and Procedure.

The European Criminal Law research group maintains structural links with leading universities in Europe, such as Paris I-II, Trento, Cambridge, Autónoma Madrid, Tübingen, Vienna, etc., and research institutes, such as the Max Planck Institute in Freiburg. Structural ties also exist with Columbia Law School and American University Law School.

Concerning the topic 'policing multicultural society' the Criminology section is currently forging cooperation at the Willem Pompe Institute with researchers of the Law Faculties of the Universities of Sheffield and Ghent to tackle problems from a European context.

International cooperation also takes place in advisory and editorial functions. Professor T. Loenen, for example, is a member of the International Advisory Board of the AHRB Research Centre for Law, Gender and Sexuality (UK) and of the Editorial Board of the 'Law, Democracy and Development Journal' (a South African journal).

The Changing Landscape of Liberty and Security in Europe (CHALLENGE). The Constitutional and Administrative Law discipline group within the School of Law participates in the European research consortium that is carrying out the inter-disciplinary research programme *The Changing Landscape of Liberty and Security* (CHALLENGE) which is funded by the European Commission as part of the Sixth EU Framework programme for research and development.

Collaborative projects with countries like China and Bulgaria (Matra) illustrate the fact that in post-conflict societies a great deal of importance is attached to the research.

- **Center for Conflict Studies**

-The CCS carries out a large number of consultancy assignments in the field of Conflict Management & Peace Building.

-The CCS is part of the Humanitarian Net (Peace and Conflict group), which is part of the Erasmus-Socrates Thematic Networks dealing with different areas and aspects of the Humanities and Sciences. The Networks are supported by the Directorate General for Education and Culture of the European Commission.

-The CCS is part of HUMRICON (Humanitarian Crises and Conflict Studies: Bridging the Gap between European Research, Policy and Practice (Marie Curie Fellowships programme of the European Commission)).

- ***International and Political History***

The Utrecht research in this field is characterised by specific inclusion of legal, humanitarian and ethical aspects in the research tradition.

Two further studies are financed by private institutions, namely a biography of Van Limburg Stirum (De Graaff/Locher-Scholten) and a biography of Calmeyer, the politician of the former CHU party (Von Freytag). There is intensive research cooperation with the Roosevelt Study Centre, which has resulted in three Ph.D. projects that are partly funded by the RSC (Hellema). A study of the history of terrorism is funded by the AIVD (General Intelligence and Security Service) (De Graaf).

The Project Group's research has the close attention and active cooperation of several national institutions, such as the AIVD, the Ministry of Foreign Affairs and the Dutch War Records Office. The AIVD and the Ministry of Foreign Affairs have given financial support to conferences and the publication of books. Within the History of International Relations section, which forms part of the Project Group, special chairs have been established which are supported by amongst others the Institute for International Relations Clingendael, the humanist foundation Socrates, and the Royal Dutch Society 'Our Army'. Several members of the Project Group are members of international research networks. Over the past few years, a number of international conferences have been organized by (members of) the Project Group. In the future, the Project Group will amongst other things involve itself in acquiring further research funding for a programme revolving around the theme of 'Conflict' which is to be established under the NWO field of Humanities.

- ***Ethics Institute***

The Ethics Institute is coordinating all research and teaching activities in ethics in Utrecht University, in strong connection with the research group for Practical Philosophy at the Department for Philosophy. The Institute works in close cooperation with Research Group in the Faculty of Medicine, Law, Veterinary Medicine and Pharmacy. The institute is hosting the *Netherlands Research School for Practical Philosophy*.

The institute is doing research on the foundation of moral rights and obligations in complex modern societies. That includes basic studies concerning the concepts of morality, normative ethical theories, philosophical anthropology. It includes more concrete studies e.g. in the area of bioethics, animal ethics, environmental ethics and medical ethics. Furthermore concepts of political philosophy in actual conflicts in pluralistic societies and their normative implications in complex democracies are intensively studied. On behalf of the European Science and the Union Académique Internationale the Institute is organizing several workshops and a big conference on Human dignity.

External validation Ethics Institute and Department of Philosophy

- The Institute has *various fundings* in the (5th and) 6th framework of the European Commission, the ESF, via NWO and ZON/MW. A two year fellowship about the analysis of recent changes in democratic attitudes in the Netherlands and Europe with respect to toleration, pluralism.
- The *Erasmus Mundus Masterprogramme Applied Ethics*, funded by the EU, together with the Ethics Institute in Linköping Sweden and the Norwegian University of Science and Technology in Trondheim;
- *Advisory work* for ESF, WHO, ministries in The Netherlands as well as the Flemish Parliament, The German Parliament, European Commission, UNESCO, the Swedish Science Foundation;
- The Ethics Institute has *structural contacts* with Ethics Institutes in Europe, USA and South Africa, esp. with the Universities of Linköping, **Trondheim**, Münster, Tübingen, Bonn, Bochum, Keele, Zürich, Durham and Stellenbosch. Furthermore with the Philosophy Departments in St. Louis and Michigan.

In more detail:

European projects:

- Euretinet; Animal Welfare Committee; Europhen; Development Tools; Challenges of Biomedicine; Chymeras and Hybrids; Quality of Life

NWO projects:

- Pedagogische maatregelen; Verantwoord consumeren, Ethiek & Empirie, Public Debates, Goede Leven, Medinfo internet; Plant Genomics; Neonatal Screening; Ultrafast Communication; Farming Ethics; Botox for the Brain

- Zon Collectieve Waarden; Voeding; Voedselveiligheid; Obesitas

ESF:

- Conference Biomedicine Within the Limits of Human Existence

KNAW-fellowship

- A two year fellowship about the analysis of recent changes in democratic attitudes in the Netherlands and Europe with respect to toleration, pluralism.

- ***Anthropology (Social Sciences):***

International Cooperation:

- Central European University, Budapest, Hungary
- FLACSO, Central and South America
- Harvard University, Cambridge, U.S.A.
- HumanitarianNet
- IDES (Instituto de Desarrollo Económico y Social), Buenos Aires, Argentina
- IEP (Instituto de Estudios Peruanos), Lima, Peru
- ILAS (Institute of Latin American Studies), London, United Kingdom
- Universidad de Complutense, Madrid, Spain
- Latin American Institute, Salamanca, Spain
- University of Deusto, Bilbao, Spain

HumanitarianNet is the most important international partner in this list. HumanitarianNet is a network of European centers and departments focused on issues of peace, conflict, trauma, and human rights. The Department of Cultural Anthropology and the Center for Conflict Studies have been designated as a Center of Excellence within HumanitarianNet because of their international reputation and the high standard of their scientific work and graduate programs.

The Department of Cultural Anthropology houses also a so-called IS Academy, financed by the Ministry of Foreign Affairs, with a five-year budget of 1.3 million euros for Ph.D. Projects on issues of war, violence, and social exclusion.

Finally, several members of the anthropology department have functioned as consultants for the peace mission in Guatemala (MINUGUA and UNDP).