



EUROPA-UNIVERSITÄT
VIADRINA
FRANKFURT (ODER)

Band 53

Viadrina-Schriftenreihe zu Mediation und Konfliktmanagement

Nina Schniederjahn

The Role of Human Rights in Peace Negotiations

A Functional Analysis of the Colombian
Peace Process and Its Transferability



Wolfgang Metzner Verlag

– Leseprobe –

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Master-Studiengang Mediation
und Konfliktmanagement
Masterarbeit
Studiengang 2023/2024



**EUROPA-UNIVERSITÄT
VIADRINA
FRANKFURT (ODER)**

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ISBN 978-3-96117-176-7
ISSN 2365-4155

Bibliografische Information der Deutschen Nationalbibliothek:
Die Deutsche Nationalbibliothek verzeichnet diese Publikation in der Deutschen Nationalbibliografie; detaillierte bibliografische Daten sind im Internet über <http://dnb.d-nb.de> abrufbar.

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Preface

Peace processes and the negotiations that accompany them are among the most complex political undertakings in international relations. In a world where violent conflicts continue to influence global politics and humanitarian crises affect millions of people, the question of how to negotiate peace in a manner that is both politically feasible and normatively grounded has become more pressing than ever. In recent years, the role of human rights in peace negotiations has increasingly moved into focus as scholars and practitioners have recognized that many armed conflicts are rooted in systematic human rights violations and that lasting peace requires addressing these underlying grievances. This work aims to contribute to this evolving debate and the broader effort to understand how human rights can support the creation of more inclusive and sustainable peace processes.

The research and writing of this work benefited from the support and encouragement of many people. I am particularly grateful to Prof. Dr. Lars Kirchhoff for his thoughtful feedback and the inspiring exchange of ideas throughout the development of this project. I would also like to thank those responsible for the Master's programme in Mediation and Conflict Management, especially Prof. Dr. Ulla Gläßer LL.M. and Kirsten Schroeter.

My deepest gratitude goes to my family. I am especially grateful to my husband Till, whose unwavering support, encouragement, and patience were a constant source of strength throughout the writing process and greatly contributed to the completion of this work. I am also grateful to my children, Junis and Milan, whose curiosity and joyful nature constantly remind me of the importance of pursuing peaceful and just societies. I sincerely hope that they will grow up in a world where conflicts are resolved through dialogue rather than violence.

Nina Schniederjahn

Berlin, March 2026

List of Abbreviations

A

AUC Autodefensas Unidas de Colombia

C

CEDAW Convention on the Elimination of All Forms of Discrimination against Women

CNRR National Commission for Reparation and Reconciliation
CPA Comprehensive Peace Agreement (Sudan)

D

DPPA Department of Political and Peacebuilding Affairs (UN)

E

ESCR Economic, Social and Cultural Rights

EU European Union

F

FARC-EP Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo

I

IACtHR Inter-American Court of Human Rights

ICC International Criminal Court

IGAD Intergovernmental Authority on Development

J

JEP Jurisdicción Especial para la Paz

JPA Juba Peace Agreement (Sudan)

L

LGBTI Lesbian, Gay, Bisexual, Transgender and Intersexual

O

OHCHR Office of the High Commissioner for Human Rights

R

RSF Rapid Support Forces (Sudan)

S

SAF Sudanese Armed Forces

SPLM Sudan People's Liberation Movement

U

UN United Nations

UNAMID African Union/United Nations Hybrid Operation in Darfur

UNDP United Nations Development Programme

UNOCHA United Nations Office for the Coordination of Humanitarian Affairs

UP Unión Patriótica (Colombia)

1. Introduction

Human rights violations are often both cause and symptom of violent conflict, making them central to its resolution. Historically, human rights and peace negotiations as well as mediation have evolved independently, with mediators focusing on facilitating dialogue and human rights actors focusing on legal accountability.¹ Over the past decade, the relationship between human rights and peace negotiation has received increasing attention from both scholars and practitioners.² International organizations and policy-oriented research initiatives have increasingly sought to bridge these fields, a development that was consolidated and systematized with the adoption of the UN DPPA Practice Note on Integrating Human Rights into Mediation Processes in 2023.³

Despite this growing body of work, important analytical gaps remain regarding the conditions under which the integration of human rights has been effective or problematic and the lessons that can be drawn from these conditions for future peace negotiations. This study addresses these gaps by examining the role that human rights can play in international peace negotiations and their potential to contribute to the success of such processes. Using the Colombian peace process as a case study, it explores how human rights were integrated into the negotiations between the Colombian government and the FARC-EP, what successes and challenges emerged in the process, and whether transferable best practices for future peace negotiations can be identified. The Colombian process was marked by a strong emphasis on legal norms and international involvement, with human rights playing a central role throughout.

In pursuing this research objective, the study engages with the literature on mediation and human rights, while its analytical focus lies on peace negotiations rather than on mediation. Mediation is introduced as a conceptual entry point because much of the existing debate on human rights in peace processes has developed within mediation frameworks, particularly in United Nations policy and practice.

The empirical analysis, however, concentrates on negotiation processes themselves. This choice reflects the structure of the Colombian peace pro-

¹ See Parlevliet, pp. 18 ff.

² See Månsson; Parlevliet.

³ DPPA-OHCHR Practice Note.

cess, in which formal negotiations between the parties constituted the primary arena in which human rights shaped conflict analysis, trust-building, the definition of legal boundaries and the design of transitional justice mechanisms. Rather than examining the role or perceptions of mediators, the study analyzes how human rights functioned within the negotiations.

To examine these questions, the study begins by outlining the evolving debate on the role of human rights in peace processes. Building on this foundation, it develops a functional framework that distinguishes four key roles human rights can play in peace negotiations: an analytical, relational, normative and strategic function. Before applying this framework, the study provides a brief overview of the armed conflict in Colombia and the negotiation process between the government and the FARC-EP. The main chapter then applies the functional framework to analyze how human rights shaped the Colombian peace process and assess the key successes and challenges that emerged. The subsequent chapter examines the transferability of these findings, with particular focus on the relational function of human rights. Sudan serves as a comparative case, as its evidently different context offers a meaningful contrast to test the relevance and adaptability of the relational elements identified in Colombia. As Sudan is currently experiencing an armed conflict that has resulted in one of the world's most severe humanitarian crises, the need for a peaceful resolution and inclusive dialogue is especially urgent.⁴ This chapter investigates whether the relational elements developed in Colombia, especially the inclusion of victims, civil society and women, could provide useful guidance for future peace efforts in similar fragile contexts. The concluding section summarizes the main findings and considers the broader relevance of human rights in future peace negotiations.

⁴ For an overview of the humanitarian situation in Sudan, see UNOCHA, 2025.

2. The Role of Human Rights in Peace Mediation

Over the past decades, the fields of human rights and conflict resolution have evolved largely independently. While peace mediation practitioners primarily focus on facilitating dialogue and problem-solving through impartial and structured negotiation processes, human rights actors concentrate on the promotion and protection of international legal norms.⁵ This separation has persisted despite the evident interdependence between the two domains, since human rights violations often lie at the origin of violent conflicts and continue to shape its aftermath, placing human rights at the center of any lasting peace effort.⁶

Although human rights are often invoked as fundamental to lasting peace, their concrete role within peace mediation remains mostly underexplored in both theory and practice.⁷ Interviews conducted by *Månsson* with representatives of non-official mediation organizations reveal that human rights were largely absent from their operational frameworks.⁸ This gap is particularly notable given that one of the core objectives of peace mediation is to end and prevent further human rights violations.⁹ The international understanding of human rights, as expressed in the Universal Declaration of Human Rights and reflected in the United Nations Charter, recognizes them as essential to achieving peace and security.¹⁰

In practice, international conflict management necessarily operates within a broader legal and normative framework that includes human rights standards.¹¹ Increasingly, peace mediation is shaped by such normative frameworks, as reflected in key documents like the *UN Guidance for Effective Mediation*, which emphasizes compliance with international humanitarian, human rights and refugee law, as well as international criminal law, including the Rome Statute.¹² However, the question of how, to what extent, and under what conditions these standards should be incor-

⁵ Schmelzle/Dudouet, pp. 5f.

⁶ Manikkalingam, pp. 3f.

⁷ Månsson, p. 35.

⁸ Månsson, *Journal of Human Rights Practice* 15, p. 813.

⁹ Månsson, *Journal of Human Rights Practice* 15, p. 807.

¹⁰ This is already evident in the first sentence of the Preamble to the Universal Declaration of Human Rights, which refers to human rights as the foundation for peace.

¹¹ Kastner, *Swiss Political Science Review* (2021) Vol. 26(4), pp. 368 ff.

¹² See *UN Guidance for Effective Mediation*, p. 16.

porated into peace mediation is still being debated.¹³ Current discussions oscillate between calls for more normatively driven approaches on the one hand, and concerns over the potential rigidity and overload caused by excessive normative expectations on the other.¹⁴ The United Nations, as a key actor in international mediation, is explicitly bound by international law and human rights obligations and thus engages in what has been termed »normative mediation«.¹⁵ The UN's *Guidance for Effective Mediation* reinforces this position by asserting that »consistency with international law and norms contributes to reinforcing the legitimacy of a process and the durability of a peace agreement«.¹⁶

In light of the evolving debate on the relationship between human rights and peace mediation, there is growing scholarly interest in identifying common ground and complementary approaches. Recent literature seeks to identify strategies for better aligning human rights principles with mediation frameworks in order to foster more sustainable and just peace processes. The following section provides the conceptual and analytical foundation for the subsequent case study on the Colombian peace process. It outlines the evolving debate on human rights in peace mediation, tracing the shift from perceived tensions to more integrative approaches. It also examines the various roles that human rights can play in mediation processes, with a focus on their ability to improve conflict analysis, foster inclusion, establish normative boundaries and support transitional justice mechanisms.

2.1. Evolving Debate on Human Rights in Peace Mediation

In recent years, the academic and practical debate on human rights in peace mediation has undergone a significant shift. What was once dominated by narratives of incompatibility is increasingly characterized by efforts to harmonize and integrate the two fields.¹⁷ The evolution of this discourse reflects both a growing awareness of the limitations of isolated

¹³ See Holper/Kirchhoff/Würkert, *Zeitschrift für Friedens- u. Konfliktlösung* 10 (2021), p. 47; Hellmüller, *Swiss Political Science Review* (2021) Vol. 26(4), p. 346; Ozcelik, pp. 93 ff.

¹⁴ Wählich, *Global Policy* (2016) 7:2, p. 265; Kastner (2015), pp. 123 ff.; Ozcelik, pp. 93 ff.

¹⁵ Månsson, *Journal of Human Rights Practice* 15, p. 810.

¹⁶ UN *Guidance for Effective Mediation*, p. 16.

¹⁷ Parlevliet, pp. 36 ff.

approaches and an increasing recognition of the shared goals and complementary functions of human rights and mediation in achieving sustainable peace.¹⁸

2.1.1. Initial Perception of Incompatibility

In the past, the relationship between human rights and peace mediation was often considered problematic or even fundamentally incompatible. Early literature in both fields tended to stress their differences, particularly with regard to different logics, priorities, and methods.¹⁹ This polarization was often described as a conflict between »peace and justice«, reflecting the fact that the two fields frequently adopt different approaches to the concept of justice.²⁰ While human rights actors usually focus on legal accountability for serious violations, mediators often take a more pragmatic approach, viewing justice primarily in terms of what the parties themselves consider fair and acceptable within the context of a negotiated settlement.²¹

These tensions were also reflected in practice, where mediators frequently hesitated to bring human rights into negotiations due to the perception that they are mainly concerned with criminal accountability.²² This view raised fears that rights-based approaches might complicate sensitive negotiations, particularly in transitional justice contexts. Such tensions often became apparent in discussions around amnesty provisions or demands for truth and reparations. In these settings, human rights advocates generally prioritize justice as a foundation for sustainable peace, whereas mediators usually prioritize the immediate cessation of violence and political stability.²³ Consequently, human rights are sometimes viewed as being too legalistic or moralistic, which could potentially restrict the flexibility required to bring parties to the negotiating table.²⁴ Overall, these early views contributed to a widespread perception that human rights and

¹⁸ Parlevliet, p. 18.

¹⁹ Bell, *Journal of Human Rights Practice*, Vol. 9, No. 3, p. 363.

²⁰ Schmelzle/Dudouet, pp. 5 f.

²¹ Hannum, *International Peacekeeping*, Vol. 13 No.4, 2016, pp. 592 f.

²² Månsson, *Journal of Human Rights Practice* 15, p. 806.

²³ See Hannum, *International Peacekeeping*, Vol. 13 No.4, 2016, pp. 591 ff.

²⁴ See Schmelzle/Dudouet, pp. 5 f.

peace mediation were fundamentally different and difficult to integrate into the same process.

2.1.2. Identifying Shared Objectives

Over time, the initially adversarial framing has been replaced by a more differentiated view of the relationship between human rights and conflict resolution. Many scholars and practitioners now highlight the common ground between the two fields, emphasizing that both aim to address the root causes of conflict and reduce the risk of renewed violence.²⁵ This shift reflects a growing awareness that ending armed conflict alone is not enough and that sustainable peace often requires addressing past injustices and structural grievances.²⁶

The debate has also been shaped by the increased focus on human rights violations as key drivers of violent conflict. From this perspective, human rights and mediation are not opposing approaches but can work together to address both deeper causes and immediate dynamics of conflict.²⁷ This view has become more widely accepted as it is increasingly recognized that peace processes benefit from including human rights considerations, especially in long and socially rooted conflicts. In such contexts, sensitivity to local conditions, careful sequencing, and appropriate timing of human rights measures are considered important for achieving just and sustainable outcomes.²⁸ This evolving view has encouraged more integrated peace processes, in which human rights considerations are no longer seen as external constraints, but as essential components of meaningful and lasting conflict resolution.

2.1.3. Towards a More Integrated Approach

In recent years, many scholars and practitioners have moved away from the traditional dichotomy of »peace versus justice« and increasingly support an integrative approach centered on »peace with justice«.²⁹ A rights-

²⁵ See Lutz/Babbitt/Hannum, *The Fletcher Forum of World Affairs* (2003), Vol. 27(1), pp. 179 ff.; Saunders, 2001.

²⁶ Lutz/Babbitt/Hannum, *The Fletcher Forum of World Affairs* (2003), Vol. 27(1), pp. 179 ff.

²⁷ DPPA-OHCHR Practice Note, p. 6.

²⁸ Parlevliet, p. 37.

²⁹ Månsson, pp. 38 f.

based approach is now often seen as beneficial not only for long-term conflict transformation but also for short-term resolution.³⁰ A particularly influential contribution to this shift is *Parlevliet's* holistic and multidimensional understanding of human rights. Moving beyond a narrow legal definition, she conceptualizes human rights as encompassing a broader set of norms, structures, institutions, relationships and processes. This understanding allows for a more integrated use of human rights in conflict resolution and enhances the range of tools available to mediators as well as strengthen the impact of peace processes.³¹

Rather than impeding pragmatic negotiation efforts, human rights and conflict resolution can help clarify each other's goals and strengthen the transition from violence to sustainable peace.³² Promoting human rights can help create openings for negotiations and improve the quality, legitimacy,³³ and long-term stability of agreements.³⁴ As the debate has evolved, the main question is no longer whether human rights should be part of peace processes, but how they can be meaningfully included in ways that support the negotiation process. This requires a closer look at the concrete roles human rights can play, beyond abstract principles, but within different phases of peace mediation.

2.2. Functional Role of Human Rights in Mediation

Building on the evolving understanding of human rights as strategic assets within peace mediation, their potential has been explicitly acknowledged in recent policy developments, particularly within the United Nations system. In 2023, two key UN entities, the Department of Political and Peacebuilding Affairs (DPPA) and the Office of the High Commissioner for Human Rights (OHCHR), jointly issued a Practice Note titled *»Enhancing the Quality and Effectiveness of Mediation Efforts through Human Rights«*. Rather than proposing a single overarching typology, the Practice Note structures the interaction between human rights and mediation along two

³⁰ Papagianni, pp. 62 f.

³¹ Parlevliet, pp. 22 ff.

³² Månsson, pp. 38 f.

³³ On the significance and role of legitimacy in peace processes, see Clements, Accord Issue 25, 2014, p. 13.

³⁴ DPPA-OHCHR Practice Note, p. 8.

broad dimensions: first, by framing their conceptual relationship and second, by organizing a wide range of practical entry points according to how human rights function either as a catalyst for facilitated negotiations or as a multiplier of mediation effectiveness. Across these sections, human rights are shown to contribute to mediation in multiple, partially overlapping ways, including through conflict analysis, confidence-building, agenda-setting, inclusion, accountability, and implementation support.³⁵ Drawing from practitioner insights collected through workshops, semi-structured interviews, and written contributions, as well as the extensive research by *Månsson* on human rights in mediation, the Practice Note sets out practical entry points and concrete examples for mediators.³⁶

Based on this conceptual foundation, this thesis develops a functional analytical framework that systematizes these contributions in a more condensed and analytically coherent form. While the four functions identified here - analytical, relational, normative, and strategic - are closely aligned with core elements already articulated in the Practice Note, they are not intended to replace its detailed practice guidance. Instead, they serve a different purpose. By condensing the wide range of roles identified in the Practice Note into four cross-cutting functions, the framework provides a structured lens for analysis. This enables a clearer examination of how human rights operate within a specific negotiation process, especially the Colombian peace negotiation. In this sense, the framework translates the Practice Note's largely descriptive and practitioner-oriented mapping into an analytical tool suited to systematic case study research. The four functions also broadly resonate with Parlevliet's multidimensional understanding of human rights as embedded in the rules, structures, relationships, and processes that shape conflict dynamics and their resolution.³⁷ Applied to the Colombian peace process, this functional approach allows for a coherent analysis of the multiple, often overlapping ways in which human rights influenced negotiations, while also providing a basis for assessing the extent to which lessons from Colombia may be transferable to other peace processes. Although the categories are analytically distinct, they are interrelated in practice. The framework does not claim universal

³⁵ DPPA-OHCHR Practice Note.

³⁶ DPPA-OHCHR Practice Note, p. 21.

³⁷ See Parlevliet, pp. 22 ff.

validity, it offers a pragmatic tool for analyzing how human rights function in specific negotiation contexts.

2.2.1. Analytical Function: Conflict Drivers and Agenda Setting

One of the most compelling contributions of human rights to peace mediation lies in their potential as an analytical and diagnostic tool. Particularly in the early stages of a mediation process, human rights can enhance the quality of conflict analysis by helping mediators better understand the root and structural causes of violence, identify key grievances, and shape the negotiation agenda accordingly.³⁸ When mediation teams are able to recognize and frame these issues through a human rights lens, they are better positioned to reflect the lived experiences of affected populations, identify meaningful entry points for dialogue, and strengthen the legitimacy and relevance of the overall process.³⁹ Importantly, economic, social, and cultural rights (ESCR) offer additional and often overlooked entry points for conflict analysis and dialogue. Rights related to health, education, land, and housing frequently lie at the heart of social grievances but are often less politically charged than civil and political rights.⁴⁰ As such, especially ESCR can help reframe structural issues in less confrontational terms, identify shared interests, and facilitate agenda-setting in ways that are more inclusive and acceptable to all parties.⁴¹

More broadly, human rights can under certain conditions serve as a reference point for structuring the negotiation agenda. In polarized contexts, they may help reframe grievances in terms of internationally recognized standards rather than personal accusations or political positions.⁴² This depersonalization of claims can enhance the legitimacy of the process and provide a shared normative language that can be more easily accepted by all stakeholders.⁴³ Human rights thus influence not only what issues are brought to the table, but how they are articulated in shaping both the substance and the structure of peace talks.

³⁸ Månsson, pp. 41 f.; Parlevliet, pp. 18 f.; Manikkalingam, p. 3.

³⁹ DPPA-OHCHR Practice Note, p. 12.

⁴⁰ O'Neil, pp. 5 ff.

⁴¹ Månsson, pp. 41 f.; DPPA-OHCHR Practice Note, p. 14.

⁴² DPPA-OHCHR Practice Note, p. 17.

⁴³ Manikkalingam, p. 5.

This potential, however, is contingent on context and perception. Where human rights are perceived as reflecting predominantly Western normative standards, armed actors in post-civil war negotiations may interpret them as implicitly validating victim narratives while delegitimizing the political identities and claims of former combatants.⁴⁴ In such settings, references to transitional justice standards may be understood not as neutral structuring devices, but as premature judgements on responsibility or as signals of future accountability, thereby influencing negotiation dynamics in ways that may prove escalatory.⁴⁵

Where human rights monitoring or investigations have been carried out, by international organizations, national human rights institutions or civil society actors, the resulting documentation can serve as a valuable source of impartial and evidence-based information. This can clarify contested facts, provide a more objective basis for assessing the conflict, and ultimately facilitate dialogue grounded in a shared understanding of reality.⁴⁶ In contexts where narratives are polarized or where parties deny wrongdoing, human rights documentation can help reduce deadlock and establish common ground for negotiation.⁴⁷

The guiding question for this function therefore is whether and how human rights can offer insights into why the conflict exists and how the negotiation agenda should be structured. This function highlights the added value of a human rights lens in deepening conflict analysis and creating a shared foundation for constructive dialogue.

2.2.2. Relational Function: Inclusion and Trust-Building

In deeply divided and post-violent societies, the quality of relationships between actors is often fragile, damaged by violence, exclusion or injustice. Within this context, human rights can serve an important relational function by improving interactions and relationships between different actors in peace mediation processes.⁴⁸ By promoting principles of inclu-

⁴⁴ Sriram, pp. 588 ff.

⁴⁵ Compare Bell, *Journal of Human Rights Practice*, Vol. 9, No. 3, p. 363.

⁴⁶ DPPA-OHCHR Practice Note, p. 17.

⁴⁷ Månsson, p. 39.

⁴⁸ Parlevliet, pp. 26 f.

sion and participation, human rights contribute to the (re-)building of trust between conflict parties and affected communities.⁴⁹

A key contribution of human rights to relationship-building lies in their capacity to promote inclusive participation. Rights-based arguments provide a normative basis for involving women, youth, victims, minorities, and other marginalized groups whose perspectives are often excluded from formal negotiations.⁵⁰ Their participation not only enhances the perceived fairness of the process, but can also contribute substantively by introducing alternative viewpoints and needs that may otherwise remain unaddressed. Particularly in the case of victims and survivors, inclusion can foster broader acceptance and lead to more holistic and sustainable outcomes.⁵¹ Moreover, the exclusion of vulnerable groups, especially minorities, can entrench grievances and undermine post-conflict stability.⁵²

In addition to including affected communities, human rights actors can play a strategic role in peace efforts. Beyond the direct inclusion of affected populations, human rights actors can be strategically involved in peace efforts. Their established local networks can be leveraged to build trust more efficiently, especially in the early stages of mediation. These actors may also function as informal intermediaries, helping to assess parties' willingness to engage and prepare the ground for formal talks.⁵³

Furthermore, human rights can support trust-building between the conflict parties themselves. Agreements on basic human rights issues, such as the protection of civilians or access to humanitarian aid, can provide early entry points for communication and engagement.⁵⁴ These initial understandings, rooted in shared moral baselines, allow parties to build confidence by collaborating on less contentious matters. For example, a mutual commitment to avoid attacks on civilian areas may reduce tensions and demonstrate the practical value of dialogue.⁵⁵ When upheld, such agreements foster mutual trust and especially when embedded in ceasefires

⁴⁹ Månsson, p. 39.

⁵⁰ Månsson, *Journal of Human Rights Practice* 15, p. 810.

⁵¹ DPPA-OHCHR Practice Note, pp. 15 ff.

⁵² Månsson, *Journal of Human Rights Practice* 15, p. 810.

⁵³ DPPA-OHCHR Practice Note, p. 11.

⁵⁴ DPPA-OHCHR Practice Note, p. 10.

⁵⁵ Månsson, pp. 202f, pp. 808 f.; DPPA-OHCHR Practice Note, p. 10.

or humanitarian truces, can pave the way for broader negotiations.⁵⁶ This trust-building effect extends beyond the negotiation table. Demonstrating a commitment to human rights can strengthen public confidence in the process and foster broader societal and international support.⁵⁷

At the same time, the relational function of human rights is fundamentally ambivalent. Although human rights can foster recognition and trust under certain conditions, if they are introduced without sufficient sensitivity to the self-perceptions, power asymmetries and conflict narratives of the relevant parties, they may also disrupt relational dynamics. If human rights are perceived as Western value standards or externally imposed legal expectations, invoking them may generate resistance rather than inclusion.⁵⁸ Whether human rights contribute to relational de-escalation or escalation thus depends not on the norms themselves, but on their timing, framing, and perceived legitimacy within the specific negotiation context.

Overall, the relational function of human rights highlights how normative frameworks shape relationships and perceptions of legitimacy within peace negotiations. When applied in a context-sensitive and carefully framed manner, human rights can positively influence interaction patterns between actors supporting relational dynamics which encourage constructive engagement. The guiding question is therefore how human rights can strengthen the relationships between actors and promote inclusive participation, mutual trust and public confidence in peace efforts?

2.2.3. Normative Function: Legal Boundaries

Beyond their analytical and relational value, human rights also fulfill an important normative function in peace mediation by establishing legal boundaries of negotiations. As universally recognized and binding standards, they provide clarity on what is acceptable and what falls outside the limits of lawful agreement-making. Human rights help define a framework of ethical and legal »red lines,« indicating which issues must be addressed, such as victims' rights, and which outcomes, such as blanket amnesties for international crimes, are impermissible under international law.⁵⁹

⁵⁶ DPPA-OHCHR Practice Note, p. 13.

⁵⁷ Manikkalingam, pp. 5 f.

⁵⁸ Compare Bell, *Journal of Human Rights Practice*, Vol. 9, No. 3, p. 363.

⁵⁹ Månsson, p. 39; Parlevliet, p. 38; DPPA-OHCHR Practice Note, p. 18.

Moreover, the involvement of institutions such as the International Criminal Court or regional human rights bodies, as well as the application of international legal frameworks, can impose clear legal constraints on the negotiating parties. They encourage negotiation within the limits of what is legally and normatively acceptable, requiring parties to confront sensitive issues they might otherwise avoid. For example, to avoid externally initiated human rights or criminal accountability investigations, parties may be motivated to develop domestic solutions that meet minimum international standards.⁶⁰

A common challenge in peace mediation is that conflict parties often hold divergent views on what human rights mean or which standards apply. In such cases, referencing universally recognized norms, such as core UN treaties or regional human rights instruments, can provide a shared foundation for dialogue. Mediators can reinforce this by facilitating training and capacity-building to establish a common vocabulary and foster mutual understanding.⁶¹ In polarized settings, using internationally recognized legal terms, such as genocide, torture, or war crimes, can help humanize discussions and introduce greater clarity. Framing accusations in legal rather than emotional terms offer a more neutral and credible basis for negotiation.⁶²

The normative function is therefore primarily concerned with defining the legal boundaries of peace negotiations. The guiding question is what legal and normative standards must guide the negotiation process to ensure that the outcome is compatible with international human rights obligations.

2.2.4. Strategic Function – Guiding Transitional Justice

In peace mediation, human rights are not only normative guidelines or legal boundaries, they can also serve as pragmatic instruments to shape concrete and context-sensitive outcomes. This strategic function refers to the tactical use of human rights to address transitional justice issues during peace negotiations, including truth-seeking, accountability, reparations, and guarantees of non-recurrence.⁶³

⁶⁰ DPPA-OHCHR Practice Note, p. 12.

⁶¹ DPPA-OHCHR Practice Note, p. 17.

⁶² O'Neil, p. 2.

⁶³ Manikkalingam, p. 4.