

Violent conflict, human rights and the state:

**Lessons and questions from recent armed
conflicts in Guatemala, Liberia and Nepal**

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Contenentes

- Human rights and the accountability of the state
- Origins of violent conflict and the breakdown of the state-citizen compact in Liberia, Guatemala and Nepal
- Legacies of conflict: challenges and weak state capacity
- Towards a strong, accountable state: a development state with a human rights approach

Human rights approach and the state

- Approach (tools and policies) that is still being developed
- Implies need to evaluate policies with a HR criteria and not only in terms of efficiency and equity
- Broader than development approach:
 - Eg poverty: concerned with deprivation in human freedom (from want, fear, thought and belief) and dignity

Human rights and the state: basic issues



- HR must be viewed as an integrated set of complementary rights
- Equity is a fundamental dimension of HR: equality of rights, non-discrimination, participation
- Accountability: the state is the main duty bearer
- State: result of a state-citizen compact:
 - Rights and responsibilities of citizens
 - Duties of the state

Origin of violent conflict in Liberia, Guatemala and Nepal



- General research results: low incomes, overdependence and mismanagement of natural resources, youth bulge, horizontal inequality
- Many of these can be associated with:
 - State weakness and poor governance
 - Inability of state to provide for security and basic needs
 - Break-down of state-citizen compact as a fertile ground for revolt and insurgency

Breakdown of state-citizen compact + economic growth



- Cases of L, G & N: evidence of breakdown when state does not fulfill basic functions
- Revolt arises when injustice is combined with perception that material needs of the excluded could be met but aren't (Barrington Moore)
- In L, G and N: state fails and is incapable of fulfilling HR in spite of material progress

Breakdown of state-citizen compact + economic growth



- Guatemala

- Rapid economic growth (60s and 70s: 5-7% GDP growth) based on cattle, sugar, cotton, ISI -also Nicaragua and El Salvador-
- Failure of state to provide: health and education, infrastructure in remote regions & higher share of increased income
- Closed political system that progressively deteriorated already weak State-citizen compact

Breakdown of state-citizen compact + economic growth



- Liberia
 - Dual and unequal economy (plantation and mining vrs traditional agriculture)
 - Economic and social infrastructure concentrated in urban and coastal zones
 - Social indicators below other countries with lower GDP
 - Concentration of political power (Americo-Liberians) and of state that does not fulfill basic duties (basic HR)

Breakdown of state-citizen compact + economic growth

- Nepal
 - Economy grew during conflict: “resilience amidst conflict”
 - Strong changes in local inequality
 - Perceptions of unfairness
 - Development of “parallel state” in rural areas

Legacies of conflict: weak state & right to physical integrity and justice



- In all 3 cases: weak rule of law
 - Extreme weakness of judiciary
 - Changes in behaviour: expectations of honesty to expectations of corruption and violence
- Extreme cases of insecurity:
 - Liberia: UN peace keeping military and police force
 - Guatemala: 10 yrs after Peace Agreement widespread common and organized crime

Weak capacity of state to fulfill rights to health and education



- Limited capacity to mobilize domestic financial resources: low tax burdens (9-13% of GDP in all 3)
- Extremely high rates of child malnutrition in all 3
- Low expenditure (based on domestic resources) on health and education in all 3

Internal and external financing of HR expenditure (% of GDP)

	Guatemala ^a 2005	Liberia ^b 2004-07	Nepal 2006/07
Education	2.5	2.8	3.6
Internal	2.4	1.5	2.6
External	0.1	1.3	1.0
Health	1.1	6.4	2.7
Internal	0.9	1.5	1.3
External	0.2	4.9	1.4
Total HR	5.5	14.9	8.7
Internal	..	5.1	5.3
External	..	9.8	3.4

Sources: Ministries of Finance, Liberia RFTF (UNDP) Liberian donor assistance provided does not correspond to fiscal years but rather the cumulative period from 2004 to November 2006 so an annual average was created; internal financing figures are from FY 2006/07

Uncontrolled economic activity

- Part of the weakness of the rule of law
- Expansion of informal sector, small and large
- Drug trafficking
- Trafficking of women, boys and girls, including unregulated adoptions
- Money/laundersing disguised as remittances

Responsibilities of a state in a post-conflict situation

Conflict prevention policies

- Employment for youth
- Food security
- Institutions of the judiciary and security
- Meeting basic education and health needs
- Basic infraestructure (roads)
- Removing discrimination
- Reversing mismanagement of natural resources
- Rebuilding social capital

Required: Development state with a human rights approach



- Need for a development state:
 - promote broad-based pro-poor growth model, to avoid pattern that fueled past conflict
 - not a weak state that cannot deal with renewed expectations and pressures that could also fuel new conflicts
- Need for a HR approach: basis for trust, social cohesion
 - But, fulfilling rights have costs (scarcity)
 - Meeting minimum threshold
 - Progressive realization of rights

A development state with a human rights approach

- Crucial role of rural development strategy
 - Not only for equity: to improve productivity, income, consumption, nutrition
 - To promote rural middle class as a source of stability
- Effective state that may
 - Protect workers rights in export sectors,
 - Favour new dynamic sources of income,
 - Manage macroeconomic imbalances associated with remittances and K inflows

A development state with a human rights approach



- Need for rebuilding social contract, that includes:
 - Collective agreement on role of the state
 - Implicit or explicit fiscal pact
 - Central role of accountability
 - To ensure state restraint and that it meets its obligations (HR approach)
 - To avoid “resource curse” (Collier)
 - To have transparency and facilitate quasi-voluntary tax payments

Issues of social contract and fiscal pact



- HR approach and social/fiscal pact lead to focus on negotiations, bargaining:
 - Experience of liberal democracies: social or welfare rights and property rights
- Explicit and long lasting social contracts, including fiscal pacts, usually arise after major upheavals (political changes, war, restoration of democracy)
 - Sweeden 1938, Costa Rica 1948, Spain 1976, Chile 1990.

Issues of social contract and fiscal pact



- The process of (tax) negotiation is as important as the result (M. Moore)
 - Process aids governance by leading to long term agreements between state elites and societal actors
 - Process is difficult when great power asymmetries exist
- International cooperation:
 - Danger of perverse incentives
 - Should favour symmetric negotiations leading to development state with HR approach
 - Requires great political sensitivity

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