'Exploring the Local: Vernacularizing Economic and Social Rights for Peacebuilding within the Protestant/Unionist Borderland Community in Northern Ireland'

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ABSTRACT

This paper explores the knowledge, understanding and opinions of the Protestant/Unionist borderland communities in Northern Ireland towards economic and social rights (ESR). The article seeks to establish whether economic and social rights have transformative potential for protecting and promoting their rights in the first instance and for building and sustaining peace within their communities. Based upon new primary data gathered from a small-scale empirical study, the article explores local grassroots experiences of ESR. It also examines the particularities of the post-conflict legacy in the borderlands and its impact upon attitudes to human rights and the peace process. The central contention is that despite the historical and political problematic perceptions of human rights for many in the Protestant/Unionist population of the borderlands, evidence shows there are opportunities to engage such communities with ESR in a meaningful and positive way. By vernacularizing economic and social rights, they can be made meaningful and useful to these communities, both for protecting and promoting their ESR and as a tool for peacebuilding within Northern Ireland.

KEY WORDS: Economic and Social Rights; Vernacularization; Peacebuilding; Protestant/Unionist; Northern Ireland.

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Where, after all, do universal human rights begin? In small places, close to home – so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighbourhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerned citizen action to uphold them close to home, we shall look in vain for progress in the larger world."

Eleanor Roosevelt, "In Our Hands" (1958 speech delivered on the tenth anniversary of the Universal Declaration of Human Rights)

1. Introduction

This article explores the attitudes of members of the Protestant/Unionist[1] borderland communities within Northern Ireland (N.I), towards economic and social rights (ESR). It seeks to explore their particular knowledge and understanding of such rights and to identify opportunities, obstacles and challenges to the use of ESR as a tool for peacebuilding within these communities. Further it aims to ascertain the implications for their use more widely in the peace process/transition across N.I. The importance of addressing economic, social and cultural rights as part of any plan for effective peacebuilding has been documented[2] and current thinking argues that such rights are essential to all stages of building and sustaining positive peace, from prevention of violent conflict, to peace-making, transitional justice and post-conflict peacebuilding.[3]

Further, this article focuses upon the particularities of the 'local' in relation to human rights within the peacebuilding process in N.I; investigating grassroots experiences of engagement with human rights and specifically ESRs. The rationale for such an approach is several fold: Firstly, it is clear that there is a lack of research examining the grassroots perspectives of Protestants/Unionists: Whilst there has been previous research focussing on Unionist political parties and a Bill of Rights (BoR) for N.I, including a debate on the inclusion of ESR,[4] little research has been undertaken exploring the views of their constituent communities. This is especially important considering the apparent disconnect between popular support for a BoR inclusive of ESR (based on survey outcomes)[5] and the party views reflected by the Unionist politicians.[6]

Furthermore, what little research that has been undertaken has been focused on urban areas and interface communities, such as Belfast and Derry/Londonderry,[7] and not on the rural border areas of N.I.[8] This research focuses upon the experiences of those who live in the rural borderlands of South Fermanagh, Tyrone and Armagh, considering the particularities of their experiences of 'the Troubles' and the peace process. These communities have been impacted significantly by the conflict and its legacy but are often marginalised in research and practice due to their liminal geographical location and the rural nature of the area. Moreover, the demographic of the these communities is reflected in the research which explores the knowledge and opinions of a cross-section of these communities including middle-class Protestants/Unionists and those sometimes referred or self-identifying as 'garden-centre prods'[9]. This choice of sample is a conscious choice on the part of the author to address the gap in literature and fieldwork concerning this particular community.

The importance of the 'local' within peacebuilding is well recognised and the 'turn' towards utilising such approaches has been acknowledged.[10] Hence, the significance and success of local approaches to peacebuilding has been debated but what remains to be discussed is the role of *local approaches to human rights* within that peacebuilding process. Consequently, the article draws upon theoretical discussions within legal anthropology, by authors such as Engle-Merry[11], Lamb[12] and Goodale[13] to explore localised social practices and approaches to ESR, in this case within Protestant/Unionist borderland communities in N.I. The 'social practice' of human rights is 'where and how human rights concepts and institutions are produced, how they circulate, and how they shape everyday lives and actions […] the social processes of human rights implementation and resistance.'[14] As such exploring the local is key to addressing ESR in this context.

The importance of exploring the 'local' spaces both physical and metaphorical is also important because these spaces are often where the struggle of post-conflict politics takes place. Grassroots groups produce these local practices, with localities acting as contested space between international interventions and policies, organisations and elites and subaltern actors. In relation to human rights, this allows rights to be adopted and adapted but also resisted. This article uses qualitative research data alongside secondary materials to explore and capture these variations and analyse how this locality and community 'vernacularize' ESR utilising national and international human rights frameworks and rhetoric. 'Vernacularisation' is 'the process by which human rights are remade in the vernacular,'[15] human rights ideas that travel from international sources to local communities and are adapted to local contexts, local institutions and take on local meanings.[16]

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The article also draws upon theories of 'mobilisation' (or lack of) around rights including finding a 'rights voice' and 'framing' of rights.[17] The concept of framing 'was developed by social movement theorists to analyse what makes an idea persuasive in a social movement.'[18] Frames can be defined as 'ways of packaging and presenting ideas that generate shared beliefs, motivate collective action, and define appropriate strategies of action.'[19] Having a frame which resonates can 'produce significant change in individual consciousness about an issue or problem or more broadly in a wider domain.'[20] Consequently, the way in which ESR have been previously framed and are currently 'framed' within the context of N.I and specifically within the Protestant/Unionist community are key to understanding how ESR can be utilised within this context.

Thus, the findings presented in this article are significant as this is the first study to date to examine these questions with these specific communities. Consequently, this article offers new, innovative and much needed data regarding ESR and their potential for building and sustaining peace within this liminal populations, the rationale being that without the engagement of such communities in peacebuilding strategies, the foundations for sustainable peace in N.I will be lacking. It should be noted that the article is limited in scope to economic and social rights and does not include consideration of cultural rights, as within the context of N.I the question of cultural rights warrants significant discussion in and of itself.[21]

Moreover, a detailed analysis of the politics and history of human rights within the conflict in N.I. lies outside the scope of this article. Many informative sources are available which provide such analysis,[22] suffice to say that the legacy of the civil rights movement, together with the

contestation of rights violations as root causes of the conflict, has resulted in the framing of human rights within Northern Ireland remaining politically and culturally difficult for Unionism. In contemporary Northern Ireland, the Political Unionist community tends to be openly hostile or at least wary of human rights, believing they are for 'them' not us.[23] For many Protestants/Unionists, even if they can see the benefit in human rights, to utilise them would be disloyal to the State.[24] Furthermore, the use of human rights rhetoric and mobilisation around rights within N.I society also concerns them.[25] Whilst Unionist politicians and parties (and consequently communities) are very reticent to use the language and framework of human rights in any positive manner, Nationalist and Republican politicians (and communities) continue to use human rights law and advocacy within their political agendas and as a tool within their communities too.[26] Not surprisingly, historically with their involvement in the civil rights movement (which included activism around many ESR issues), the reframing of civil rights as human rights is a natural and easy transition for them to make. Consequently, ESR in Northern Ireland 'were political from the moment of their emergence.'[27]

The following study was undertaken within this context. Based upon the analysis of the findings, it is argued that in the absence of any internal rights' mobilisation and rights' advocacy within such communities (the concept of 'rights silence'), there is a need to 'vernacularize' global human rights norms and legal processes and standards and translate them into 'locally meaningful' practices.[28] The central contention is that despite the historical and political problematic perceptions of human rights for many in the Protestant/Unionist communities of the borderlands, evidence shows there are opportunities to engage such

communities with ESR in a meaningful and positive way, both for protecting and promoting their ESR and as a tool for peacebuilding within N.I.

2. **The Study - Research Methods**

The empirical study was undertaken using quantitative and qualitative research methods which would optimise data collection and capture local practices concerning ESR. Through employing a multi-method inquiry using mixed data sources[29] of participant interviews, focus groups and questionnaires, a holistic understanding of the local dynamics and local dimensions of the peace process (transition) and the local knowledge, understanding and social practice of ESR could be gathered. These methods have shown themselves to be suited to gathering detailed in depth qualitative data concerning opinions and illuminating the reasons behind such views,[30] as well as allowing the researcher to gain a variety of perspectives and/or corroborate forms of data gathered.[31]

The pilot study consisted of semi-structured interviews: three individual interviews, one joint interview (with 2 people) and one lightly structured focus group session with 10 participants. In addition, several short questionnaires were distributed to participants for further responses following these interviews.[32] The questionnaires contained both closed and open-ended questions to ensure themes could be identified but also particularities and individual experiences captured.

Theoretical sampling[33] was employed, with the sample selected on the basis of their locality; their identification as members of either single identity Protestant/Unionist community groups (or groups within which a significant number of participants identified themselves as Protestant/Unionist) or mixed identity cross-community groups with a 'frontline' role within the community on issues relevant to ESR, for example helping with access to social assistance or running foodbanks. All the participants consisted therefore of members of local civil society groups and faith-based groups. Some participants were leaders within the community or their organisation and some participants were end-users of the services. Consequently, many of the participants had personal insight and experience of issues related to both ESR and the peace process in their locality. All participants identified as Unionist with exception of 1 who stated, 'not politically subscribed'. Further, participants identified their religion as Church of Ireland, Methodist, Presbyterian, Pentecostal and Christian – Non-denominational.

Research has shown that ESR violations disproportionality affect women and children, especially in conflict and post-conflict transitions.[34] As such the researcher was keen to interview as many women as possible for the pilot. In terms of participation, 2 of 7 respondents to the questionnaire were female. 1 interview was carried out with two women participants (a joint interview) and 3 of the 10 members of the focus group were women.

The limitations of this study should be noted: This was a small-scale pilot study. Therefore, the data obtained is limited in its scope. For example, it should be noted that for any future follow-on study, it would be beneficial for the sample to be widened to include a higher proportion of women participants, as well as other participants who are further marginalised within these communities, for example, further end-users of services or those not

participating in community or faith-based groups. Expanding any future sample to include such marginalised participants may well modify future findings. Conversely, this study does serve as an indicator of the views held by these communities and is invaluable as a starting point from which to build upon for a larger scale research project, particularly as this group is under-represented within current research. As such, although the study cannot claim to represent all similar communities, valuable insights can be gained from which tentative wider conclusions can be drawn, for example opportunities and obstacles that are identified within this study could also be applicable to others in similar communities along the border. Hence the research findings can be said to be transferable to some degree.[35] As such, the data gathered can inform human rights and peacebuilding policy and practice locally and more widely, including the work of national and international institutions.

3. The Study - Findings

Participants were asked a number of questions about their knowledge, understanding, opinions and experiences of ESR, the peace process and discrimination, including their views on the use of human rights in N.I. Key data from the study is presented below, along with an analysis of the main findings from the questionnaires, the qualitative interviews and the focus group. The findings are discussed within the framework utilised for the questionnaires (also used as a prompt list for the interviews and focus group). For clarity, those who completed the questionnaires are referred to as participants. Those who were interviewed are referred to as interviewees.

a) International Human Rights – Knowledge and Understanding

Participants were asked if they believed in the idea of human rights generally (be it on a moral, ethical, legal or political basis). All participants 'believed' in human rights. Except for 1 participant, they all were aware of the UN and international law regarding human rights and supported them in principle. Significantly, all participants except one were aware there was an international legal framework for ESR. However, when asked to identify in substance what they would consider as a human right and why, the responses were very much focussed on civil and political rights: The right to life (2 participants); freedom of expression (2); freedom of association (2); freedom of religion and belief; equality and non-discrimination (2). Cultural Rights were raised by two participants: the right to engage in cultural activities (not specified) and the right to march. Interestingly, the right to health was also raised as a response to this question, with one participant noting that human rights should be considered as, 'All of the current rights in the Human Rights Act 1998, however I also feel that there should be a basic right to healthcare included in this Act.'[36]

When asked the subsequent question of what they considered as ESR, 50% of the participants listed the right to an adequate standard of living including 'food, housing and clothing.'[37] Moreover, one participant noted 'it is the responsibility of the government to provide this'[38] and that, 'all humans should be entitled to an adequate standard of living as a basic right as otherwise the very poor become a disjointed element of society.'[39] Of note, one participant also stated that an adequate standard of living was necessary for a 'community to thrive'.[40] Other participants listed 'the means to earn a living or [access] benefits'[41]; 'the right to access services without fear of discrimination because of my background.'[42] Overall, the questionnaire data gathered evidenced that knowledge of the existence of ESR was good,

although detailed understanding of their content was more limited. However, during the interviews comments received included:

'I'm not convinced, if you went to some of the homes that we're going to and asked the people "Are you aware of [ESR]…?", that they would […] know what [it] meant to them in their terms.'[43]

'the majority of people that we are working with … if you were to, to ask them […] do you know what rights you have …they wouldn't have a clue.' [44]

'If you were to go down the town […] and say to someone, […] tell me what rights you have … there'd be very few people that would say I have a right to food, I have a right to health.'[45]

This would indicate that knowledge and understanding of ESR was felt to be limited within the community and was variable across participants. Furthermore, interview data highlighted misconceptions regarding the scope and nature of such rights, which led to opinions of ESR as encouraging 'systemic dependency,'[46] laziness and a lack of personal responsibility to help oneself. For example,

'What I would hear said an awful lot by members of the Protestant community would be that there's obviously a big drive for, […] a bill of rights for N.I. […], but I think what's within a lot of, particularly rural protestant's DNA is that […] short of there being a bill of rights there needs to be a bill of responsibilities for this country and that's a very different debate.'[47]

Significantly, in response to the question of whether participants were opposed to ESR on an ideological, political, religious or context dependent basis, 2 people stated they were not opposed and 3 participants gave no response. Two participants noted caveats: Participant 2 noted that although they were not opposed to such rights, and they did 'feel that the HRA 1998 needs to be amended to include the same rights as the UDHR', but that 'inclusion in a bill of rights is to[o] solid. It does not allow for change in a fluid constitutional system as we currently have in the UK'.[48] Participant 6 stated they were 'not opposed as long as we have a level playing field – giving real equality to all. Not being discriminated against.'[49] During one interview, another participant also reinforced this idea that rights might be ideologically problematic for Protestants, stating,

> '[…] unfortunately, when we hear the term rights […] its connotations are generally anti state and its connotations are that, […], basically, […] this place is broken and that it somehow needs a radical overhaul and fixing. And I think that's a cultural ... the cultural difference between maybe the Protestant and the Roman Catholic community on that.'[50]

It was also the case that some interviewees and participants tended to think of human rights in N.I as predominantly focussed upon certain cultural issues, rather than concerns around for instance, an adequate standard of living. For example, one participant noted 'when you think about rights, like you say, people will stand up and say, "I have a right to fly my flag. I have a right to march down this street."'[51]

It is evident from these responses then, that for the majority of participants it is not the idea of ESR intrinsically or indeed the substantive content of such rights, which is problematic. Rather it is the dissatisfaction or political opposition to the method of codification of such rights in the particular context of N.I or the perception that the implementation of these rights is not carried out in a fair and equal manner, that is the issue. Consequently, the responses to the questions concerning human rights and indeed ESR within the context of N.I were much more contentious and divisive. These responses are analysed below.

b) Framing Human rights in the context of Northern Ireland

Participants were asked to comment on the framing of human rights within the context of N.I and whether the way human rights have been presented in the past had either caused misunderstandings regarding rights or hindered their appeal as an approach to help achieve long-term sustainable peace. This question was posed in relation to human rights generally and ESR specifically. 100% of respondents felt that the past framing and use of human rights and ESR was problematic for them and hindered their appeal as a tool for peace. Participants noted that their understanding was clear but the issue was that human rights are 'not applied properly.'[52] Another stated that 'most definitely' the way rights had been previously presented in N.I had resulted in misunderstandings of rights but added, 'although in some instances this is through ignorance and misinformation.'[53]

Participants were also asked specifically if they supported the provisions of the Belfast Agreement 1998 (Good Friday Agreement). Four participants supported it. One did not. One

participant noted initial support but were now opposed, stating 'Unionists were hoodwinked'[54] and another stated they supported it with some reservations but did not vote in favour of it initially.[55] Subsequently they were asked if they supported the idea of the Northern Ireland Human Rights Commission (NIHRC) proposed in the Belfast Agreement[56] and were asked to elaborate on their opinion of the Commission and its work. Five participants supported the establishment of the NIHRC in principle and two did not. However, opinions gathered of the Commission were in the main negative. All 5 participants who supported the NIHRC establishment believed that the Commission was flawed for several reasons: Firstly, they believed it suffered from a lack of accountability, and that the Commission are

> 'not addressing key human rights issues necessary to build and develop a strong and robust society, but rather are focussed on "quick-wins" and issues which are largely irrelevant. As a result, they are alienating the community they were established to serve.'[57]

> 'I feel it has been led in the past by politicians and needs to be more accountable for its actions and decisions to the population as a whole in N.I. It needs to be a more stable Commission.'[58]

Secondly, participants believed the Commission was inherently biased against the Protestant/Unionist community; '[It] does not equally represent my community'[59]; 'It appears to be one-sided and not Unionist friendly.'[60] Lastly, there was the perception that the Commission had a lack of capacity to effectively deal with issues: '[they] are not able to deal with problems.'[61]

The reasons for the negative views and mistrust of the NIHRC are unclear. It may be in part due to the negative rhetoric from political leadership, or lack of engagement with the body by the community themselves, which means that they have no direct experience of the institution. This was noted by one interviewee stated,

> 'I mean around the whole area of those basic rights [...], maybe the problem has been how the Human Rights Commission [...] How it's actually been established in N.I and some of the players that are around it. It has given off an odour from early doors that it almost was a cold house for the Protestant community. And I think the mistake then the Protestant community has made is that they have not attempted to go in on mass and actually grab, control of the situation - And instead what they've done is they have basically let it go almost minus their involvement...and that has had a negative impact around a number of issues.'[62]

It may also be due to disagreements with the policies of the NIHRC on contentious issues such as cultural rights, 'Obviously the rights, cultural rights come into this as well, rights to parade and all that type of thing.'[63]

Concerning support for a BoR for N.I (as proposed under the GFA 1998),[64] only 3 of the 7 respondents supported such a Bill. Participants stated that such a BoR should include the right to life, right to freedom of expression, right to dignity, victims' rights and the right to culture 'without interference from Republicanism.'[65] Significantly, all three participants thought that ESR should also be included, with one stating 'most definitely. I believe they are the bedrock

on which all other rights are built.'[66] 1 participant was undecided as to whether they opposed

or supported a BoR but stated that if there was a BoR put in place it should include ESR.

Three respondents were opposed to a BoR, one stating that it was not required, as 'we should have

the same rights as is on the mainland.'[67] Another felt that 'the constitutional system already in use in

the UK is sufficient.'[68] These views broadly correlate with the argument that a specific BoR for N.I is

not required as it should be subject to the same protections as the UK mainland i.e. the HRA 1998 and

is a view widely advanced by the Unionist parties.[69] However, with the advent of devolution in

Scotland and Wales (as well as the devolved assembly in N.I), rights protection is becoming

increasingly regionalised and differentiated. For example, In Northern Ireland itself the human rights

and equality framework differs considerably from that in Great Britain: the Northern Ireland Act 1998

s.75, provides a separate equality framework, rather than the Equality Act 2010 which applies to

England, Scotland and Wales.[70] In Scotland, the Scotland Act 2016 sect.38 provides further devolved

legislative competence to the Scottish Parliament concerning the public sector duty regarding socio-

economic inequalities[71] including 'more powers on socio-economic rights.'[72] Most recently, the First

Minster's (Scotland) Advisory Group on Human Rights Leadership recommended an Act of the Scottish

Parliament that provides *inter alia* human rights leadership and incorporates *inter alia* civil and

political rights and economic, social and cultural rights. 'All of these further rights would apply and be

exercised only within those areas that fall within the responsibility of the Scottish Parliament.'[73] In

Wales, The Rights of Children and Young Persons (Wales) Measure 2011 was passed by the National

Assembly for Wales in January 2011. The Measure gives 'further effect in Wales to the rights and

obligations set out in the United Nations Convention on the Rights of the Child' and sets out in S. 1(1)

that the Welsh Ministers must, when exercising any of their functions, have due regard to the

requirements of the Convention on the Rights of the Child and the Additional Protocols.[74] Even the

Human Rights Act 1998 in itself is subject to differing regimes due to the various devolved statutes.

Further, with the forthcoming withdrawal of the UK from the European Union, the existing protection of human rights within the UK, as a whole, is under review.

What is interesting from the data is that the same participant who argued that the constitutional system in place was suffice acknowledges that,

> 'A bill of rights is a good method to assist in the peace process. However, I feel that although it worked well in Africa, it would not work well within the political divide in Stormont, as I feel achieving a bill acceptable to both main parties would be impossible.'[75]

This illustrates that it is not the idea of a BoR, which is problematic; rather what is challenging is the lack of faith in the political establishment and national and regional institutions to devise and implement such a bill. However, it is also the case that these findings are not in line with the large-scale referendum findings on a BoR for N.I.[76] Therefore they may represent a 'local' variation in attitudes to human rights, a local resistance to the rights agenda at national level.

This finding also highlights the issue of political representation and whether this particular community feel they are fairly represented in the peace process generally and in relation to the specific issue of human rights. To investigate whether there is a democratic deficit, participants were asked if they agreed with the policy of the political party they voted for when it came to the question of the BoR. Four participants answered yes, their views were in agreement with the party they voted for. One participant stated they were a 'floating voter'[77] and one stated they were politically unaligned.[78] Participants were also asked whether they felt public opinion was considered when politicians were debating the issue.

Three participants stated yes. One participant questioned whether there was actually a debate at all.[79] This could indicate either a feeling that the issue was not really up for debate, but rather decided, or a reflection of the current political impasse around the issue. The remaining participants thought that public opinion was not being taken into account and noted 'many underprivileged sections of our communities are ignored…[they] don't have a voice.'[80]

Considering the diversity of findings, it would seem that the question of a BoR for N.I remains contentious for those within the Unionist community, with little agreement as to whether it is a positive step towards peace or indeed a step away from the Union. Further, the lack of faith and trust within the political institutions established under the Belfast Agreement to deal with human rights is hugely problematic for the participants of this research and could be indicative of a wider problem within the Unionist community in these border areas. Finally, participants recognised the limitations of the political system itself, for example, noting changes to the political landscape, such as the establishment of UK and Eire political parties within the North would remove some of the perceived limitations on engaging with human rights:

> '[If] GB based political parties' were to organise in NI it would […] push forward your social and economic rights agenda [as you would have] left and right options here in N.I […] whereas at the moment it is all merged within one political party […] And it's simply because it's a zero-sum game, you're either pro-British or you're pro-Irish.'[81]

c) *Experiences of Economic and Social Rights*

In terms of assessing participants' experiences of the enjoyment of their ESR, 3 questionnaire respondents identified experiencing personal issues with the enjoyment of their ESR including the rights to health,[82] an adequate standard of living,[83] education[84] and social security.[85] Two participants stated they had knowingly experienced ESR violations[86] but all other participants were unsure. Others felt they had suffered from discrimination in the field of employment.[87] Specific examples cited included one participant who noted that in terms of access to healthcare 'on the mainland ex-service people get medical and mental [health] treatment within 18 weeks. This does not happen in N.I.'[88]

Other interviews illuminated the high incidence of poverty throughout the borderland communities, for example, Interviewee 5 explained his experience of poverty through his work with a foodbank:

> 'The first year we started, […] in 2000, we started from our home just gathering stuff in our dining room, eventually it took over and we no longer had a dining room and when we heard that people were in need we just put stuff in a box, drove it and gave it to them. We started […] doing hampers at Christmas, in the first year […] we gave away thirty hampers, […] the following year I think it was sixty-seven, then it was a hundred and three or something like that. But over the first year […] we gave away five hundred and forty-two food parcels […] so that's essentially supporting five hundred and forty-two families, so it tells me, that's just scratching the surface […] that there's a definite need in our community.'[89]

Other participants noted the problem of rural poverty,

> 'There are obviously, deep-seated deprivation issues within the Protestant community, as there are within the Roman Catholic community, […] in inner urban heartlands, I suppose they're more visible. But within rural areas there are pockets of deprivation as well.'[90]

> 'There's people that don't have carpets. […] We had somebody come in, […] and they hadn't had electricity for eight weeks.'[91]

Another participant highlighted the deprivation in the area but felt that legislation or indeed rights should not be a requirement for action to be taken to remedy the individual(s):

> 'the most basic of basic needs that are not being met. Now, to me, you don't need a piece of legislation … if you're a human being yourself, you don't a piece of legislation to empower you to do something about that.'[92]

However, on further discussion the participant acknowledged that this was the difference between charity and entitlement and noted the changing role of the churches in tackling poverty, 'If you look back ten, fifteen years ago … churches were not involved in [foodbanks]… and practically every church now has a storehouse of some sort.'[93] Importantly, on reflection, the same participant acknowledged the importance of ESR:

'I think that is where there needs to be … a responsibility on Government to make sure that … here's a person who's needs are currently not being met…and that person can hold the authorities, can hold the agencies to account.'[94]

An additional significant point was made by another participant who noted that for the families of victims of terrorism or Troubles related violence poverty and deprivation can be a problem because 'You will have had the main breadwinner murdered within a family, […] and that then had a domino effect upon the surviving members.'[95] This testimony illuminates the additional challenges of realising ESR in the context of a transitional or post-conflict community.

In sum, all participants had either experienced difficulty realising their own ESR or were working in frontline roles where they were helping those who were struggling to realise their rights. This finding is particularly of note due to the perception that the communities in question are in the main, well-off and middle-class. This perception ignores the demography of rural poverty and the impact of austerity measures across the province[96] as well as the negative impact upon peacebuilding in these rural border communities.[97] It also serves to highlight the impact that conflict can have on the enjoyment of an adequate standard of living.

d) *The Peace Process and Economic and Social Rights*

The rationale behind this project was to assess whether ESR could be utilised as a tool for peacebuilding within N.I, particularly in Unionist/Protestant rural border communities that remain under-researched within both peacebuilding and human rights fields. Consequently, it was crucial to assess how people felt about human rights as contributing (or not) to the wider peace process, especially to investigate feelings about the specific role of ESR. The majority of participants stated that human rights including ESR could contribute to peacebuilding within N.I.[98] However, one participant did not think human rights could contribute to wider peace efforts.[99] Another thought that human rights inclusive of socio-economic rights 'are much more important' than the peace process and felt 'they don't need to be labelled' as a specific requirement of peacebuilding.[100] Moreover one participant questioned whether there was as 'real peace process' at all noting it was an 'appeasement process' and that if there was 'not real peace [and] not real rights.'[101] They continued that 'real human rights' could be useful.[102] These findings indicate that some participants viewed ESR as of value in themselves, even if they had a lack of faith in the process of peacebuilding in N.I as ineffective, biased or indeed a 'phoney' peace process.[103] However, it is also the case that opposition to the current 'peace process' or lack of faith in it could have negative consequences for engaging this community in the use of ESR as a tool for peace and wider use of human rights as a positive framework for promoting human security.[104]

e) Discrimination

Participants also felt that discrimination within N.I was still prevalent particularly based on political persuasion[105] and religion.[106] One respondent felt there was additional discrimination based on gender and race.[107] Only one participant felt there was no

widespread discrimination in present day society.[108] On a positive note, 6 out of 7 respondents stated that ESR could be utilised to help tackle discrimination and inequality where it exists. The seventh respondent also acknowledged they could be useful but noted that 'it depends how it is done – [it's a] trust issue – it depends whose running the agencies.'[109] The issue of trust is one that will be returned to; suffice to say for now that lack of trust was raised as an obstacle to the use of human rights within this community as a tool for meeting their human needs and for enabling peace.

4. Analysis of The Findings – Identifying Local Obstacles To The Use Of Economic And Social Rights

The overall conclusion was that the respondents across all methods of data collection were not ideologically opposed to human rights generally nor specifically to ESR. Some limited exceptions viewed ESRs as 'communist'[110] and 'only interested in one type of thing ... bashing the system.'[111] However, although the participants and interviewees were not necessarily opposed to ESRs, the data gathered identified several obstacles (both local and more broadly) to embracing such rights in theory and practice:

a) *Obstacle 1 Geographical/Demographical Particularities of The Area*

A number of obstacles, at the 'local' level, were identified by participants. Many of these related to the geographical and social and communal particularities of the area which ensured their communities were marginalised from other parts of N.I: The rural nature of the border, poor transport infrastructure, limited public transport and a lack of central facilities were all

noted as obstacles to engaging with the peace process and as having a detrimental effect on the enjoyment of ESR. Participants noted, 'Northern Ireland is so Belfast centric,'[112] and 'Infrastructure doesn't serve this area very, very well at all so, and I think that's an issue.'[113]

These barriers also ensured there was a lack of national and international NGOs and Advocacy groups operating in the area. For example, when asked about local people's knowledge of ESR, respondent 5 stated that,

> 'Maybe they don't have an awareness of it [ESR] but that type of thing wouldn't be, especially in this part of Northern Ireland, wouldn't be promoted …] when you come away from the big […] population centres in N.I […] when you come here there's not that and so I think it's probably even less of a focus for other people to establish things like that [ESR] because it's Fermanagh, its agricultural.'[114]

The topography of the borderlands was also noted as a factor in peacebuilding and utilising rights with participants noting that in urban cities communities are segregated and defined where as in border areas there are very few clearly defined 'areas'. Rather, individual families live alongside neighbours from the 'other' community – often side by side on farms. As such there are less community groups working to mobilise around issues of ESR for example, housing or to utilise residents' groups for setting up initiatives. More often these communities' foster cohesion through the church.[115]

b) Obstacle 2 Different Experiences and Views of 'The Troubles'

The social and communal elements of the topography of the borderland communities was also highlighted as contributing to different experiences and views of the 'Troubles' from those living in urban areas. Consequently, participants felt that their engagement in peacebuilding was conditional on their unique experiences of the conflict being recognised and considered.

Participants talked about the different nature of the conflict in their community, that it was not a case of 'us' versus 'them' as in urban interface areas, but rather than two communities fighting each other, violence was in the form of targeted killings carried out by those based in the Republic of Ireland or those given 'safe sanctuary' in the Republic, coming over the border and then returning to safety. For some of those interviewed this meant they believed the Troubles could not be deemed a 'conflict' at all as there were not two parties at war with each other;

> 'In this area of N.I, south east Fermanagh, there was no conflict and that term even has connotations for people down here because conflict gives an impression of warring factions going at it, two or more warring factions. There weren't two or more warring factions in southeast Fermanagh there was one and it was hit and run murders. […] Basically, murder people, scoot across the border, and then had their safe haven. And that's ... so N.I, you know there's an overall almost political narrative now of this place having been a conflict and it wasn't for people here.'[116]

c) Obstacle 3 A Lack of Human Security and High level of Mistrust

The experiences of the Troubles of several participants contributed to a high level of mistrust and lack of human security within these communities;

> 'There's more of a distrust here but you know that […], and that runs deep;'[117]

> 'That in Belfast you've got peace walls and you've got demarcated ... territories and areas, [you] don't have that in rural areas. Your next-door neighbour who worked on your farm and whom you socialised with on occasions - people you would have drank with, will have gone to events with, that individual on occasions has been the person to pass on information to others to actually murder.'[118]

Consequently, some participants felt that they could not 'come together' to be reconciled as perhaps communities in Belfast do, who have in their opinion carried out attacks equally upon one another.

For certain participants this is also linked to a feeling of injustice and thus acts as a further barrier to peacebuilding,

> 'And that's why here, […] community relations and, […] inclusion, actually are more challenging because there's such a deep sense of injustice within people here. There's a four percent conviction rate in terms of the murders that were carried out, that's what it is, four percent. And people will remark well look in Belfast, or Londonderry, or Derry […] you know the IRA and the UDA or the UVF and their former people they're working together on projects and what's wrong with you lot?... And I said but you're missing the point, they did to each other what they did and that's their commonality. Their commonality of experience was violence and murder so they can work together.

But whenever you come to an area like here where people believed faith first was the big issue and secondly, they believed that the state would actually hold accountable those who carried out these crimes and it hasn't happened. That's the position that people are in.'[119]

This deep mistrust reported by some participants (not all it should be noted) extended not just to people from the Catholic, Nationalist and Republican communities but also to State bodies; local services and personnel including welfare and housing services and voluntary organisations e.g. CAB. Thus, mistrust could impact upon the enjoyment of ESR for these people, when the lack of trust prevented an individual from seeking assistance with realising their rights.[120]

This mistrust further extended to national NGOs with human rights or peacebuilding mandates. In particular, NGOs based in Belfast, as well as some academics and certain members of the legal profession were deemed by some as 'left-wing' and therefore aligned with Nationalists, 'inherently biased' and/or as contributing to the rewriting or accepting of a distorted historical narrative[121] and therefore were not to be trusted to represent the view of their community truthfully. Beirne and Knox note that despite best efforts to remain independent NGOs often fall foul of those who see neutrality as giving credence to one side/another. [122] Further, Felman notes the difficulties for human rights organisations working in conflict settings and divided societies in ensuring they are not perceived of as biased.[123] However, the mistrust noted is illustrative of the impact of rights framing within N.I, the

perception that rights are only for the 'other' community and the highly cautious approach to using a human rights agenda by Unionist politicians.

As noted previously mistrust of regional organisations set up to enable peacebuilding and human rights such as the NIHRC was also significant and a barrier to engagement with human rights both generally and as a tool for building and sustaining peace. Consequently, the findings illustrated that this continuing lack of trust of 'others' be it other communities or indeed in some cases the State itself, coupled with the strong feelings of injustice, remain an obstacle to peacebuilding. Accordingly, legacy issues need to be addressed if sustainable peace is to have any chance of success.

d) Obstacle 4 Deeply Engrained Cultural and Communal Ideals

Another challenge to embracing ESR as a tool to help members of the community realise their needs and therefore contribute to building peace is the deeply engrained cultural and communal ideals, such as individualism; pride (you don't ask for help) but also pride in the resilience of the community and 'protestant work ethic'.[124] Several participants noted that it was seen as a sign of weakness within their community to ask for help.[125] However, the negative consequences of not feeling you could ask for help were also acknowledged,

> 'People here are much more … prepared to put their head down and just get on with
> it…and make it work. And I think that's part and parcel of what we have … lived
> through, vis-á-vis, the Troubles …[It] has equipped us in a way, or has certainly give us
> the bottle, or the character just … to do that… […]I guess what we do see is that on

some occasions that will actually push people so far that instead of, [asking for help] for example, I'm in a tight spot, I can't feed my kiddies today, they start worrying about that, […], they'll get involved in some sort of criminal activity to make that happen.'[126]

There was also a feeling that rights were not something for the Protestant/Unionist middle-classes,

'The only Protestant communities who you'll see very much jump on the human rights agenda are those who are come from, Loyalist backgrounds and there's a commonality of experience between them and us… so, their Republican counterparts, but main, if you want to call it middle Ulster, is maybe a better way of putting it, are more, … wary.'[127]

However, this sentiment may be changing. As illustrated by this pilot study the combined effect of austerity measures and the effects of years of protracted conflict have ensured that even 'middle Ulster' is not able to realise fully their own ESR.

In addition, deeply conservative and Christian religious beliefs ensure that many members of the community look to the Church rather than State for support and that 'charity' from the Church is deemed more acceptable than the idea of entitlements from the State. The findings illustrated that the role of the church in ensuring the realisation of ESR was crucial in the communities due to the impact of austerity and government cuts as well as in the absence of local, national or international NGOs and CSOs working in the area. For example, Church

initiatives were responsible for providing foodbanks, referring people to social and health services and supporting the community in applying for benefits etc.

> '…it's very easy and relaxed, here is like that [but] it still has its social problems, some severe social issues and as a church in the community we just want to do what we can to help make a difference.'[128]

Moreover, the dominance of these deeply conservative political and religious ideals warrants a high level of conformity to the dominant community ideas and identity. Consequently, it is difficult to find members of the community who are prepared to challenge these ideas or argue for change. For example, Interview 2 noted that it 'almost seems disloyal' to claim rights arguing rather that responsibilities are viewed as preferable.

5. Analysis of The Findings - The Problem: 'Rights Silence'

In summary, the particularities of these communities prevent mobilisation around ESR both for their own value and for peacebuilding. The practical issues: rural location and associated problems of lack of infrastructure and transport as well as the lack of local NGOs and little engagement from national and international NGOs ensures that there is no focal point for advocacy activities. Even local initiatives to tackle poverty that are not based on human rights approaches struggle to establish themselves in this area. For example, one interviewee noted the need to establish a Christians Against Poverty group: 'I think if we had CAP in the area because they pretty much do that whole advocacy thing and people have been talking about it for four years, and they've just not done it.'[129]

Furthermore, the conservative communal and cultural ideals and the accompanying conformity it brings coupled with the strong notion of self and family responsibility, mean there is a lack of a 'voice' or leadership from within the community itself on human rights including ESR. This is also due to the lack of 'framing' of human rights that has resonance for the communities in question. Levistsky argues that lack of demand and mobilisation around social welfare rights in USA is due to ingrained communal values of family responsibility.[130] The same argument can be made concerning the lack of demand and mobilisation around ESR in these communities. These individuals look to family and self-responsibility when it comes to realising basic human needs. Failing that, people look for assistance from the Church rather than the State. Thus, the role of churches is fundamental in these communities in current approaches to realising basic human needs/rights.

The lack of advocacy also serves to prevent the development of knowledge and understanding around such rights and how they can be utilised to build peace. It also means that misconceptions and apprehension regarding ESR remain unchallenged, as acknowledged by two participants,

> 'I would acknowledge, […], that the Protestant community have not, engaged or understood their basic rights in the same way as perhaps […] maybe it's wrong to say the Roman Catholic community on mass because there obviously are differences in there as well, but the Protestant community typically view rights as a dangerous arena to become involved in.'[131]

> 'I think there's a very negative view […] amongst society in general of … rights.'[132]

In sum, the complete lack of mobilisation and advocacy and the lack of voice around ESR, along with the absence of any resonant framing for human rights generally has resulted in what the author deems, 'Rights Silence'. Rather than a 'vernacularization'[133] of rights within these local communities, that is where a local community adapt international human rights norms to better suit their needs, there is an absence of a dialogue around the positive use of human rights generally and specifically around ESR. At present, there is an absence of an 'ESR voice'.

This rights silence can be viewed as extreme 'rights resistance': 'active resistance to [...] human rights claims'.[134] After all, the ultimate way to resist the rights agenda is it ignore it. Engle Merry notes, 'Vernacularization falls along a continuum [...] at one end is replication, a process in which the imported institution remains largely unchanged from its transnational prototype. [...] At the other end is hybridization, a process that merges imported institutions and symbols with local ones, sometimes uneasily.'[135]   As such, sometimes 'imported ideas and institutions may be rejected outright. Sometimes they are subverted, such as occurs when the name and transnational referent are retained but the content of the ideas [...] is dramatically changed.'[136]   In these communities it is argued that neither replication nor hybridization is currently taking place. It is clear from the data gathered and wider evidence though, that sidestepping the politicised regional level of contested and politicised rights will provide opportunities to develop a localised rights discourse, whether that be replication or hybridisation of the international human rights framework.

Moreover, 'A key dimension of the process of vernacularization is the people in the middle: those who translate the discourses and practices from the arena of international law and legal institutions to specific situations.'[137] These local translators must work in the 'middle' - They occupy a space where they can exercise 'power and opportunity'[138] and negotiate between the local, regional, national and international contexts. Whilst these local voices are not always successful in translating and transmitting these ideas[139], the absence of such voices within these communities at present ensures that ESR are not openly discussed as a tool for empowerment, justice or peace.

6. Identifying Opportunities: What Can Be Done to Tackle the Obstacles?

It is evident that the existing 'rights silence' is prevailing, but not unsurmountable. There are opportunities within these communities to put ESR on to the agenda. A two-prong process is required: Firstly, to establish ESR as important in their own right and secondly to advocate for ESR as an essential element of building and sustaining peace. These two strands of work can run concurrently, although it is clear that the former must be a priority for the later to be meaningful.

Further, based upon the findings of the study and the 'local' obstacles identified from the data, there are several key issues to be addressed if such rights are to be accepted as a positive framework for realising basic human needs, as well as being a useful tool for building and sustaining peace within these communities. In addition, some of these issues have resonance

more widely across the Protestant/Unionist community in N.I. Consequently, certain recommendations will have broader application.

Overall, there is a need to 'vernacularize' global human rights norms, legal processes and standards and translate them into 'locally meaningful practices.'[140] One possible way to do this (conversely) could be to promote the idea of ESR as universal human rights and international norms rather than focussing on such rights as part of the BoR for N.I or indeed within the context of the peace process more widely. There may be more chance of acceptance of such rights within this international context than within the highly charged political framing of rights specific to the conflict. Beirne and Knox argue that it is precisely the universalism of the human rights discourse that gives them their strength and 'protects against the reality or perception of relativism, politicization or particulization.'[141] Moreover, in the long-term this is not to say that the BoR issue can be ignored but that in the initial stages of advocacy an international focus takes precedence. For example, international standards have been successfully utilised by NGOs working with urban communities in Belfast to tackle housing issues.[142] This approach could be used as a basis for activism by local groups around housing or health.

Semantics is important and using alternative language can be helpful for a breakthrough with rights hostile or wary communities. For example, conversations can start around common principles of meeting basic needs or to access entitlements. Smith et al note that some language is more acceptable to Unionists than others when discussing rights. For example, in

their interview with the DUP spokesperson, Little stated it might be beneficial, 'if we talk about something like principles, guiding principles, values then it could be quite different.'[143]

Developing a frame for ESR which is 'resonant with cultural traditions and narratives' is key to its appeal.[144] However, there is a question as to whether having a resonant frame actually leads to significant change. Snow et al. argue that 'the higher the degree of frame resonance, the greater the likelihood it will be successful.'[145] Therefore, another entry point into the ESR discourse could be to focus upon and to mobilise around those fundamental rights that everyone can agree to within these communities, for example, those raised by participants as essential: the rights to food, water, housing, health and education. This approach would again fit with Engle Merry's theory of 'vernacualizing' rights - making rights meaningful for local practices. However, this would be controversial as it would also entail a selective approach to human rights and whilst it avoids conflict over controversial rights, for example, equality for the LGBT community and women's rights, it would advocate for a restricted or limited human rights agenda and could undermine the interdependence and interrelatedness of all human rights. Moreover, it raises questions regarding the acceptance of the foundational principles of human rights themselves.

Ferree argues that more radical non-resonant frames may 'induce greater social change in the long run.'[146] Hence if local voices chose to utilise a more radical less-resonant frame, e.g. a full human rights agenda with no limited scope, greater change may be achieved. Of course, this carries a high risk of failure.

It is also the case that people will adopt an economic and social rights framework when they see its relevance to them personally. As Engle Merry notes, it is more common for people to adopt a rights framework for strategic and pragmatic reasons, rather than an underlying conversion or change to rights subjectivity[147] However, the research study has shown that with the participants within these particular communities did not have an underlying bias against economic and social rights. As such, when the added layer of personal (individual and community) relevance is made evident, there is optimum potential for change.

There are also specific measures that can be taken to tackle existing obstacles in relation to the local context and to regional actors and institutions. Firstly, there is a need to create awareness, increase knowledge, and broaden and deepen understanding of ESR. In this respect the state has a primary legal obligation 'to promote and ensure human rights education and training, developed and implemented in a spirit of participation, inclusion and responsibility.'[148] Thus, the state should take steps to support local initiatives to ensure that people are aware of their human rights including economic and social rights and to raise awareness, to facilitate and provide public information campaigns and training for all stakeholders. This is all the more important as the need for human rights education at a local level is acknowledged as facilitating peace, tackling inequality and fostering inclusion in communities transitioning from conflict.[149]

To enable this, educational programmes, training and capacity building are required within the local community. This will also help to challenge political rhetoric and misinformation

/misconceptions regarding such rights. This need for education is acknowledged by the participants themselves,

'[…] there are a series of fundamental social based rights which, people need almost an education around. I think there's a huge job of work around the re-education issue and enforcing it. […] Within, the Protestant sphere there certainly is huge work to be done there. Anybody who would come in with them skills could do a lot of good work.'[150] The need to ensure that this education and training went beyond the level of increasing rights-based knowledge to include capacity building within local communities for example to support people in realising their rights was also noted. One example cited was an initiative to include leaflets on the government 'Make the Call' campaign to encourage people to apply for benefits, 'We had started then putting a leaflet into each one of our [food] boxes, […] "Have you made the Call?" I think it was, […] and err, promoted that particularly through our over 60s group in the church as well. […] an old couple who didn't even belong to our church, but a couple of months later came to see me [said], "Well I'm getting £30 per week extra.'[151]

Secondly, there is a need to create a voice to mobilise and advocate for these rights in a way that is meaningful and acceptable to these communities. In response to a lack of mobilisation there is a need for persuasion, as 'persuasion is what makes rights make sense.'[152] Again, this requires a local 'legitimate voice' to take up this mantle and to develop a 'new' rhetoric around human rights. Therefore, it is necessary to build and establish trust within the communities themselves, and more widely. As interviewee 5 stated,

'I think the-, the issue of trust or distrust has to be dealt with before you can even get to that [using ESR]. Which is sad, really because none of that's going to happen overnight.'[153]

Similarly, as advocacy is a process of supporting and enabling people to, 'express their views and concerns, access information and services and defend and promote their rights and responsibilities,'[154] strong advocacy needs to come from within the communities themselves. Even if individuals on a personal level are open to the idea of ESR (and the data gathered illustrates most are), it requires someone with authority within these communities to stand up and advocate for such rights (in the minimum to argue that these communities should engage with and explore ESR as a framework and to explore the benefits and drawbacks of their use).   Local translators can reinterpret local needs and grievances into the more powerful language of human rights. 'This usually means framing the stories differently than the [victims] do, but the target actors, such as states, may be more responsive to demands framed this way.'[155] It also gives those seeking to claim their economic and social rights agency rather than interpreting their needs through a model of dependency. Local voices/translators are also best placed to assess 'to what extent they can challenge existing modes of thinking and to what extent they must conceal radical ideas in familiar packages.'[156]   As Brysk notes, 'In speaking rights to power, the messenger matters'.[157] As such, if someone with a 'legitimate social role'[158] for example a pastor or vicar acts as a voice for ESR both generally and as a means to help build peace, the community are much more likely to engage with the debate and mobilise around the cause. It is also the case that operating in this 'middle ground' outs the local translator/voice in a vulnerable position where they are susceptible to suspicion and accusations of disloyalty.[159] As such holding an integral and respected position within the

community is essential in order to protect the individual(s) to some extent from such resistance.

It is also necessary to create 'local space' (physical and metaphorical) to reframe human rights and in particular ESR and to construct political will around such rights. Drawing on resonant Christian religious, moral and cultural values, there are several possible frames that could be utilised by these communities to shape and develop such spaces including, poverty alleviation and a rights-based approach to development, ideas of compassion and maintaining the dignity of fellow members of the community, the idea of peace and reconciliation, providing for those who are vulnerable within the community and provisions for 'victims' of the Troubles (although this is more controversial as it links to legacy issues such as defining who is 'victim'). Certain frames will have more resonance than other, depending on the varying experiences of those within the communities. Another possible frame could be resilience, highlighting how ESR could contribute to resilience in these borderland communities in the transitional and post-conflict context.

Austerity offers another entry point for engagement on ESR. The ongoing negative impacts of austerity measures have generated a social crisis, creating anomalies[160] within communities that would not ordinarily have felt the need to utilise ESR. Thus, due to the extremely negative impact that austerity measures have had in N.I,[161] the resulting social crisis may provide the 'breakthrough' moment in the dominant political paradigm that will inspire mobilisation and renewed political will around ESR, particularly in communities such as these of 'middle Ulster'.[162] This phenomenon has been noted within the UK by Bell and Cemlyn who note that

austerity offers an opportunity to 'increase awareness of the need for rights (ESR), when state services and benefits are seen to be taken away.'[163]

Concerning advocacy from outside the locality, it is imperative that those who work in advocacy outside the locality (in national and regional institutions in, NGOs, CSOs and faith-based organisations, politicians and others engaged in peacebuilding and human rights) acknowledge the particulary of experiences in the borderlands and the particular challenges raised: topographical, cultural and communal. These actors need to expand their reach outside the main urban areas and engage with wider communities. State organs and the NGO sector need to think about capacity building in rural areas. Providing practical help on how using a rights approach will help these communities in their everyday lives, through access to welfare or housing services, will make human rights 'real' for these communities. Rights need to be relevant if they are to be supported and seen as useful and effective tools.

It is also acknowledged, that for some participants only single-identity group work around ESR would be acceptable in the first instance, due to their mistrust of Catholic/Nationalist communities, State agencies and NGOs. For example, training and education may need to come from within this community or from someone seen as more 'neutral'. The difficulty of mixed-identity work was admitted by one interviewee,

> 'I think because of the […] political landscape here, it probably stops people doing that type of thing, [Poverty Action Group or Poverty Truth Commission], because it's

probably going to come from a wide area and it would be people from different backgrounds [...]so there would be Catholic/Nationalist people, there would be Protestant/Unionist people and others in between and for them to all kind of come together I think would just be difficult.'[164]

On a positive note, others within these communities are already involved in cross-community organisations and joint initiatives through local NGOs, non-denominational churches[165] and foodbanks. Thus, for some mixed identity work is acceptable: 'It would be good to be able to just cut through all that.'[166] Other participants noted the differences in opinions across generations noting that youth were much more at ease when it came to mixed identity initiatives.[167] As such, one would hope that once confidence has grown, advocacy work around such rights could bridge all sections within these borderland communities through identifying common vulnerability/needs and using universal frameworks for ESR.

More broadly, there is a need to build a strong and vibrant inclusive civil society outside of urban areas. The role of the 'new' cross-community non-denominational churches was particularly evident in this study and would appear to be key to building a strong civil society not bound by conventions of political rhetoric and influence. They are also often on the frontline of tackling welfare issues, which can have a positive impact in establishing local advocacy and mobilisation around ESR. However, there are possible limitations to their use of all universal human rights, for example, with religious or cultural conflicts over same sex marriage or abortion.

Those who are interested in ESR are wary of challenging the dominant thinking, but there was a willingness to consider undertaking education and training in such rights and their use for advocacy purposes amongst the church leaders and groups interviewed.[168] As stated by Interviewee 4, the Church already helps individuals to realise their rights at a very practical level, but there is a stronger role for the Churches to play in advocacy for those struggling to realise their rights: an 'influencing up role'.[169] Although the participant felt the churches' 'fundamental and our prime role' was a spiritual one,

> 'We do have responsibility as good citizens in other areas as well. And I think that one of the issues for is […] that we have been largely silent. Because I would like to think as a pastor or as a minister in this community, we know the community. I know what the community issues are, and I feel that from my perspective, that my community that I'm working with […], their voice has not always been heard.'[170]

Lastly, it is logical to believe that if communities can see the benefit of ESR at the local level, they are more likely to support the human rights institutions within N.I. However, it is also evident that there is some 'rights resistance' within these borderland communities towards the human rights norms and institutions at the national level. Consequently, perceptions of key institutions such as the N.I Human Rights Commission need to change. To enable such a change one proposal could be for local members of these communities to visit the institution and similarly for speakers such as the Commissioner to address these communities in their own locality. Dialogue and transparent exchange of views would help to dispel misgivings and foster good relations. This is dependent on the communities themselves being willing to engage with the institutions and processes more deeply.

7. Conclusion

This research study has examined the attitudes of members of the Protestant/Unionist borderland communities towards ESR, to firstly ascertain their views of such rights and secondly, to identify opportunities and obstacles to the use of such rights as a tool for peacebuilding in Northern Ireland.

The limitations of this pilot study are noted – the sample is small. However, whilst, further research is required to substantiate wider claims of representation, this does not devalue the rich data gathered in this small-scale pilot study. The material is a starting point – a springboard and indicative of the attitudes, knowledge and understanding of ESR, and of how these communities see such rights as contributing to building and sustaining peace in N.I.

The outcome of the findings has been surprising in some regards, for example as section 5 d) illustrates the data on the use of ESR as a tool for building peace is somewhat limited given some of the participants negative views of the peace process or in fact the acceptance that such a process exists. Consequently, further research needs to be undertaken to explore more deeply how these communities think such rights might be useful form a building and sustaining peace perspective. This research has gained valuable insights to their view of such rights generally and some indicative thoughts on their contribution to the peace process, but follow-on interviews could focus specifically on this latter aspect and the scope of the study could be broadened. This finding is indicative though of the two-strand process that is needed

to tackle the obstacles identified: Firstly, to advocate and establish ESR as important in and of themselves; Secondly to advocate their relevance for peacebuilding and to explore the essential role of ESR as foundations for sustainable peace within this context.

The findings indicate that at present a 'rights silence' exists within these communities. This extreme rights resistance though can be confronted provided key steps are taken such as, finding a frame for ESR advocacy that resonates with these communities; finding and building a legitimate voice to mobilise and advocate for these rights from within these communities; training and capacity building; promoting the idea of ESR as universal human rights and international norms; focussing on specific agreed fundamental rights and using alternative language. Importantly key recommendations can be acted upon now, for example, those working at regional and national level need to think carefully about how they implement these regional/national initiatives 'on the ground' across all communities and in all areas of the province including consideration of the particularities of marginalised communities. This necessarily entails including grassroots initiatives for peace as well as top-down elite driven processes that come from the urban centre (Belfast/London/Dublin). Participation and inclusiveness is key to engagement and the effectiveness of processes.

More widely, the use of economic, social and cultural rights as a tool for sustaining peace remains under researched generally and so is still very unrepresented in the field including in N.I. Advances are being made in this area and this work should continue to be funded and developed generally, as well as also specifically within the context of N.I.

In sum, despite the historical and political problematic perceptions of human rights for many in the Protestant/Unionist communities of the borderlands, evidence shows there are opportunities to engage such communities with ESR in a meaningful and positive way, both for protecting and promoting their ESR and as a tool for peacebuilding within N.I. Significantly, opportunities exist to foster and develop an ESR based advocacy for these communities and to create an enabling local space to 'speak rights' to power'.[171] This data indicates that key measures need to be taken to ensure that local voices are heard. More can be done to involve these communities to ensure that both the peace process and the human rights agenda is inclusive for *all* those living in Northern Ireland.

ENDNOTES

[1] The use of the terms Protestant and Unionist are based upon self-identification of the participants, based on culture, religion and political persuasion.

[2] Cahill-Ripley, 'Reclaiming the Peacebuilding Agenda: Economic and Social Rights as A Legal Framework for Building Positive Peace - A Human Security Plus Approach to Peace-Building'*,* (2016) 2 *Human Rights Law Review*, 223; Cahill-Ripley and Hendrick, *Economic, Social and Cultural Rights and Sustaining Peace: An Introduction*, Report, Fredrich Ebert Stiftung: Geneva, March 2018.

[3] Cahill-Ripley, 'Reclaiming', 225.

[4] Smith, McWilliams and Yarnell*, Political Capacity Building: Advancing a Bill of Rights for Northern Ireland, Northern Ireland:* Transitional Justice Institute / Ulster University, 2014, 44 at https://www.ulster.ac.uk/__data/assets/pdf_file/0005/58271/Advancing_a_BOR_NI.pdf ; Smith, McWilliams and Yarnell, 'Does Every Cloud Have a Silver Lining: Brexit, Repeal of the Human Rights Act and the Northern Ireland Bill of Rights, (2016) 1 *Fordham International Law Journal,* 79 at 84; Smith and Harvey, 'Where Next For a Bill of Rights for Northern Ireland?' Research Project including a Draft Bill of Rights at https://www.ulster.ac.uk/research/institutes/transitional-justice-institute/research/current-projects/where-next-for-a-bill-of-rights-for-northern-ireland ; Northern Ireland Office, Consultation Paper, *A Bill of Rights For Northern Ireland: Next Steps* November 2009, para 3.20, 19.

[5] See the House of Commons Northern Ireland Affairs Committee, *A Bill of Rights for Northern Ireland: an interim statement*, Sixth Report of Session 2009–10 Report, HC 236, Session 2008-09, 24 March 2010, Written evidence from Northern Ireland Human Rights Consortium (Ev36), 47, paras 11, 12;

Northern Ireland Human Rights Consortium, *Bill of Rights Northern Ireland Overdue*, Belfast: HRC, 2014, 32.

[6]For the PUP position, see Progressive Unionist Party, 'Moving Forward' website, http://pupni.com/assets/images/policies/Justice.pdf ; Ulster Unionist Party, *Ulster Unionist Party Position on a Bill of Rights* at 2. https://uup.org/our-vision/policy-papers ; For the DUP position see Smith, McWilliams, Yarnell, *Political Capacity*, 40; Bill of Rights Forum, *Final Report, Recommendations to the Northern Ireland Human Rights Commission on a Bill of Rights for Northern Ireland*, 31 March 2008, 86.

[7] Curtis, *Human Rights as War by Other Means – Peace Politics in Northern Ireland* (Philadelphia: University of Pennsylvania Press, 2014), 39.

[8] There are limited exceptions, for example see Bell, Jarman and Harvey, *Beyond Belfast – Contested Spaces in Urban, Rural and Cross-Border Settings*, Community Relations Council and Rural Community Network, November 2010.

[9] See Spencer, 'The Garden Centre Prod Explained', Blog for The New Irishman, October 23rd 2015 http://brianjohnspencer.blogspot.com/2015/10/the-garden-centre-prod-explained.html

[10] For example, see, Mac Ginty & Richmond, 'The Local Turn in Peace Building: A Critical Agenda for Peace', (2013) 5 *Third World Quarterly*, 763; Paffenholz, 'Unpacking the Local Turn in Peacebuilding: A Critical Assessment Towards An Agenda For Future Research', (2015) 5 *Third World Quarterly*, 857; Mac Ginty, 'Where Is The Local? Critical Localism and Peacebuilding', (2015) 5 *Third World Quarterly*, 840.

[11] Engle-Merry, 'Anthropology and International Law', (2006) 35 *Annual Review of Anthropology*, 99; Engle Merry, 'Transnational Human Rights and Local Activism: Mapping the Middle', (2006) 108 *American Anthropologist*, 38; Goodale and Engle Merry (eds), *The Practice of Human Rights- Tracking Law Between the Global and the Local* (Cambridge: CUP, 2007).

[12] Lamb, 'Loyalty and Human Rights: Liminality and Social Action in A Divided Society', (2013) 6 *The International Journal of Human Rights*, 994.

[13] Goodale, *Human Rights at the Crossroads* (Oxford: OUP, 2013).

[14] Engle Merry, 'Transnational', 39.

[15] Ibid.

[16] Ibid.

[17] For example, see Brysk, *Speaking Rights to Power – Constructing Political Will* (Oxford: OUP, 2013).

[18] Engle Merry, 'Transnational', 41.

[19] Snow et al and Tarrow in Engle Merry, 'Transnational', 41.

[20] Snow quoted in Engle Merry, 'Transnational', 41.

[21] NB. Where participants raised the issue of cultural rights this has been noted.

[22] See note 4.

[23] Smith, 'The Unique Position of National Human Rights Institutions: A Mixed Blessing?' (2006) 4 *Human Rights Quarterly*, 904 at 911.

[24] Lamb, 'Loyalty', 1001.

[25] For example, see Mike Nesbitt, Leader of the UUP, Interview for Smith, McWilliams, Yarnell, *Political Capacity*, 44.

[26] Smith, 'Unique Position', 911; Smith, McWilliams, Yarnell, *Political Capacity*, 22. See for example, Joint Declaration on Human Rights and Equality (Agreed and co-signed by; Michelle O'Neill MLA, Assembly Leader and Vice-President of Sinn Féin; Colum Eastwood MLA, Leader of the Social

Democratic and Labour party as well as Naomi Long MLA, Leader of the Alliance party for Northern Ireland and Steven Agnew MLA, Leader of the Green Party NI), 13 June 2018, http://www.sinnfein.ie/contents/49774

[27] Lamb, 'Loyalty', 1001.

[28] Engle Merry, 'Anthropology', 109. See also Engle Merry, 'Transnational', 38-51; Goodale and Engle Merry, *Practice of Human Rights*.

[29] Knight, *Small-scale Research* (London: Sage, 2001), 127.

[30] Liamputtong, *Qualitative Research Methods* (4th edition) (Oxford: OUP, 2013) Chapter 3, 51 &; Chapter 4, 74; Knight, *Small-scale*, 61; 70; 87; Denscombe, *The Good Research Guide for Small Scale Research Projects* (Buckingham: OUP, 1998) Chapter 6, 87; Chapter 7, 109.

[31] Denscombe, *Good Research,* 84-85.

[32] There were 7 participants.

[33] Theoretical sampling is selecting participants who meet given criteria, Knight, *Small-scale,* 121. See also purposive sampling in Liamputtong, *Qualitative Research,* 14; Denscombe, *Good Research*, 15.

[34] Report of the United Nations High Commissioner for Human Rights, 6 June 2008, E/2008/76, para.39, https://www.ohchr.org/Documents/Issues/ESCR/E_2008_76_en.pdf

[35] Liamputtong, *Qualitative Research,* 26.

[36] Participant 2.

[37] Participant 1.

[38] Participant 3.

[39] Participant 2.

[40] Participant 1.

[41] Participant 5.

[42] Participant 6.

[43] Interview 4.

[44] Ibid.

[45] Ibid.

[46] Interview 2.

[47] Ibid.

[48] Participant 2.

[49] Participant 6.

[50] Interview 2.

[51] Interview 5.

[52] Participant 5.

[53] Participant 1.

[54] Participant 7.

[55] Participant 6.

[56] The Northern Ireland Human Rights Commission is an independent statutory body first proposed in the Belfast Agreement 1998 and established in 1999 by the Northern Ireland Act (1998).

[57] Participant 1.

[58] Participant 2.

[59] Participant 6.

[60] Participant 7.

[61] Participant 4. Other participants noted a problem but did not specify what it was: 'It is flawed in its present form,'(Participant 3) or 'Rubbish' (Participant 5).

[62] Interview 2.

[63] Ibid.

[64] The Belfast Agreement 1998, Rights, Safeguards and Equality of Opportunity, para. 4.

[65] Participant 3.

[66] Participant 1.

[67] Participant 4.

[68] Participant 2.

[69] See note 6.

[70] Northern Ireland Act 1998 Part VII Human Rights and Equal Opportunities, s.75. See also s.73-78; Equality Commission for Northern Ireland, *Gaps in equality law between Great Britain and Northern Ireland*, Equality Commission for Northern Ireland, 6 March 2014 at http://www.equalityni.org/ECNI/media/ECNI/Consultation%20Responses/2014/Gaps-in-Equality-Law-in-GB-and-NI-March-2014.pdf ; McKeever.G and Ni Aolain.F, 'Thinking globally, acting locally: enforcing socio economic rights in Northern Ireland', (2004) 2 *European Human Rights Law Review* 158.

[71] Scotland Act 2016 s.38

[72] Boyle.K & Hughes.E 'Identifying routes to remedy for violations of economic, social and cultural rights', (2018) 22:1, *The International Journal of Human Rights*, 43-69 at 47.

[73] First Minister's Advisory Group on Human Rights Leadership, 'Recommendations for a new human rights framework to improve people's lives - Report to the First Minister', December 10, 2018, p.31 at http://humanrightsleadership.scot/wp-content/uploads/2018/12/First-Ministers-Advisory-Group-on-Human-Rights-Leadership-Final-report-for-publication.pdf

[74] The Rights of Children and Young Persons (Wales) Measure 2011, Sect. 1(1) (a)(b)(c) at http://www.legislation.gov.uk/mwa/2011/2/pdfs/mwa_20110002_en.pdf. See also, Llywodraeth Cymru/ Welsh Government*, Children's Rights Scheme 2014 - Arrangements for having due regard to the United Nations Convention on the Rights of the Child (UNCRC) when Welsh Ministers exercise any of their functions,* National Assembly for Wales, 29 April 2014, p.5. https://gov.wales/docs/dsjlg/publications/cyp/140501-childrens-rights-scheme-2014-en.pdf

[75] Participant 2.

[76] See note 5.

[77] Participant 5.

[78] Participant 2. The last participant was a non-response.

[79] Participant 5.

[80] Participant 1.

[81] Interview 2.

[82] Participants 4; 1; 2

[83] Participants 1; 2

[84] Participants 1; 2

[85] Participants 4;1;2

[86] Participant 1; 2.

[87] Participant 1; 2.

[88] Participant 4.

[89] Interview 5.

[90] Interview 2.

[91] Interview 5.

[92] Interview 4.

[93] Ibid.

[94] Ibid.

[95] Interview 2.

[96] See Mac Flynn, 'Austerity in Northern Ireland. Where are we and where are we going?', NERI (Nevin Economic Research Institute) May 06, 2015 at https://www.nerinstitute.net/blog/2015/05/06/austerity-in-northern-ireland-where-are-we-and-whe/ ; Preston, 'Record numbers relying on food banks across Northern Ireland', *Belfast Telegraph*, April 15 2016 at https://www.belfasttelegraph.co.uk/news/northern-ireland/record-numbers-relying-on-food-banks-across-northern-ireland-34628832.html ; Advice NI, Social Policy Report, *Turning the Tide The Growth of Food Banks in Northern Ireland, D*ecember 2013, Belfast: Advice Northern Ireland at https://www.adviceni.net/sites/default/files/publications/Growth_of_Foodbanks_in_NI.pdf

[97] NIRWN (Northern Ireland Rural Women's Network) *RURAL VOICES - Action Research and Policy Priorities for Rural Women,* March 2018, 5; 8-9, 25.

[98] 4/7 participants.

[99] Participant 7.

[100] Participant 1.

[101] Participant 3.

[102] Unfortunately, it was not possible to follow up on what the respondent meant by 'real' human rights.

[103] See also Focus Group comments: 'But it's not a real peace'; 'just even the notion that you've got peace when you have got the Deputy First Minister as an unrepentant terrorist and murderer. I mean, how can that be part of the peace.'

[104] Without human security it is questionable as to whether sustainable peace can be achieved. See Cahill-Ripley, 'Reclaiming'.

[105] Participant 3; 4; 2; 5; 6.

[106] Participant 1; 4; 2; 6; 3.

[107] Participant 2.

[108] Participant 7.

[109] Participant 5.

[110] Focus Group: 'The human rights, all their resources … is communist ethos ... everybody's equal, everybody's the same. You know, everybody will live off the State.'

[111] Focus Group.

[112] Interview 5.

[113] Ibid.

[114] Ibid.

[115] For further discussion see Section 6.

[116] Interview 2.

[117] Interview 5.

[118] Interview 2.

[119] Ibid.

[120] Focus Group: 'You're not to trust them in such a way that they can deliver what is your right.'

[121] Interview 2.

[122] Beirne and Knox, 'Reconciliation and Human Rights in Northern Ireland: A False Dichotomy?' (2014) 1 *Journal of Human Rights Practice,* 26 at 27.

[123] Felner, 'Human Rights Leaders in Conflict Situations: A Case Study of the Politics of "Moral Entrepreneurs",' (2012) 1 *Journal of Human Rights Practice*, 57 at 59-60.

[124] Focus Group.

[125] Interview 2; 4.

[126] Interview 4.

[127] Interview 2.

[128] Interview 5.

[129] Interview 5. They also noted that the nearest CAP centre was an hour away. Consequently, this meant it was inaccessible for those who had no money and / or transport.

[130] Levitsky, *Caring for Our Own – Why There Is No Political Demand for New American Social Welfare Rights* (Oxford: OUP, 2014).

[131] Interview 2.

[132] Interview 4.

[133] Engle Merry, 'Transnational', 39.

[134] Ibid at 38.

[135] Ibid at 44.

[136] Ibid.

[137] Ibid at 39.

[138] Ibid at 42.

[139] Ibid at 40.

[140] Ibid at 99.

[141] Beirne and Knox, 'Reconciliation', 36, footnote 4.

[142] See Participation and the Practice of Rights, https://www.pprproject.org/participation-and-the-practice-of-rights

[143] Smith, McWilliams and Yarnell, *Political Capacity*, Interview with Emma Little, Special Adviser to First Minister (DUP), 44; See also Beirne and Knox, 'Reconciliation', 4.

[144] Snow quoted in Engle Merry, 'Transnational', 41.

[145] Ibid.

[146] Ferree in Engle Merry, 'Transnational'*,* 41.

[147] Engle Merry, 'Transnational', 44.

[148] United Nations Declaration on Human Rights Education and Training General Assembly A/RES/66/137, 16 February 2012, Art 7(1).

[149] Human Rights Council, 'Panel discussion on the implementation of the United Nations Declaration on Human Rights Education and Training: good practices and challenges', *Summary report of the Office of the United Nations High Commissioner for Human Rights*, A/HRC/35/6, 27 March 2017, para.29. For example of the South African Human Rights Commission are developing a nationwide policy framework for embedding human rights education within the curriculum to 'promote understanding, respect, participation and inclusion with the aim of overcome conflict, tackle inequality and promoting just and cohesive society'. OHCHR, News and Events, 'Human rights education key to overcoming conflict and inequality', 26 Dec 2017, https://www.ohchr.org/EN/NewsEvents/Pages/HumanRightsEducationKey.aspx

[150] Interview 2; 4.

[151] Interview 4.

[152] Brysk, *Speaking Rights*, 35.

[153] Interview 5.

[154] SEAP Advocacy at http://www.seap.org.uk/

[155] Engle Merry, 'Transnational', 42.

[156] Ibid, 41.

[157] Brysk, *Speaking Rights*, 55.

[158] Ibid.

[159] Engle Merry, 'Transnational'*,* 48.

[160] See Byrsk, *Speaking Rights,* 39.

[161] Participant 5.

[162] Interview 2.

[163] Bell and Cemlyn, 'Developing public support for human rights in the United Kingdom: reasserting the importance of socio-economic rights', (2014) 7-8 *The International Journal of Human Rights*, 822 at 836.

[164] Interview 5.

[165] Especially the 'new' non-denominational churches as not constrained by historical links with unionist/nationalist communities.

[166] Interview 5.

[167] Ibid.

[168] Three participants were interested in learning more about ESR through written materials and two were interested in participating in a free training seminar. 2 participants did not respond and 1 was not interested in further engagement.

[169] Interview 4.

[170] Ibid.

[171] Brysk, *Speaking Rights*.