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Review of Peacebuilding Studies

What is "Human Resource Development in Asia for Peacebuilding"?

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The Hiroshima Peacebuilders Center (HPC)[1] has been running the "Program for Human Resource Development in Asia for Peacebuilding" for three years since its inception during its pilot phase in 2007. While HPC runs the program commissioned by the Ministry of Foreign Affairs of Japan (MOFA), it has been continuously faced with a fundamental question as regards the nature of the program; what is "human resource development"?

In the context of the program, HPC especially needs to understand the mission of human resource development for the purpose of "peacebuilding." Furthermore, HPC's work concentrates upon human resources in "Asia." The mandate given to HPC, "human resources development" for "peacebuilding" in "Asia," represents the characteristic nature of the program. These requirements, "human resource development," "peacebuilding," and "Asia," signify challenges involved in the program.

Most fundamentally, the mandate of human resource development requires some demanding tasks. For example, there are numerous institutions that provide training. Those who have specific organizations or specific destinations for specific jobs should receive very specific training. Thus, the concept of human resource development may contain elements of training. HPC actually organizes training sessions for six weeks as a major part of the program in the Primary Course and the Senior Specialist Course. But training is in essence an opportunity for skill development. By contrast, human resource development goes beyond such skill-oriented opportunities. HPC intends to provide an environment for human resource development rather than for skills development, believing that the former is more comprehensive than the latter. HPC understands that the former is about careers, while the latter is about skills. For instance, HPC has been mandated to provide various kinds of career development support to young professional participants of the program including mentoring, information dissemination, etc., while running its own roster system. This is a fundamental characteristic of the program.

Human resource development, in essence, requires individualistic approaches. Each individual has his or her own career development plans, expertise, experiences, knowledge, preferences, personal circumstances, etc. HPC does not assume any particular professional or organizational background, when it selects program participants. This policy HPC to keep not only its own distinctive dynamics, but also its own special subtlety, is for the sake of coherence of the program. Although HPC is unable to

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[1] In Fiscal Year 2009 *Peacebuilders* (PB) run HPC as the main contractor with the Ministry of Foreign Affairs of Japan in cooperation with Hiroshima University. HPC was initially created in the Institute for Peace Science of Hiroshima University (IPSHU) with the help of (PB), a non-governmental organization based in the city of Hiroshima.

consult sufficiently and permanently with individual participants, it should always focus on how the HPC program can help them develop their own careers by considering individual factors not only through the channel of career development support, but also through the HPC Coursework and Overseas Attachment. This is a demanding task, though this constitutes the very essential gist of the program.

Furthermore, HPC is engaged in human resource development for peacebuilding. The numerous training centers in many parts of the world focus more or less on peacekeeping operations. Organizational staff training or capacity building programs provide job training occasions, but they usually do not deal with peacebuilding as a whole. HPC needs to cover a broad range of topics in the category of "peacebuilding." The importance of each agenda of peacebuilding would vary in accordance with the circumstances of each distinctive case of peacebuilding and it also changes in accordance with the development of the theories and practices of peacebuilding. Since peacebuilding is an ongoing policy issue area that is critical and dynamic in many parts of the world, it is very challenging to conduct training sessions based on updated peacebuilding theories and practices.

The geographical range represented by "Asia" provides another exciting element in the program. Forty-five young professionals and 10 senior professionals have participated in the program from Japan for the past three years. In addition, 52 more professionals have also joined in the program from many countries in Asia ranging from East Asia to the Middle East and including South Korea, China, Timor-Leste, ASEAN countries, India, Afghanistan, Central Asian countries and Iraq. The participants from Asia tend to be government officials, such as diplomats in each country's foreign ministry. They bring divergent perspectives and exciting stimuli to the program, since dynamism among the participants is a core issue in this human resource development program. Also, this is a remarkable network of Asians who are interested in peacebuilding, which has unexhaustive potential for further developments in the future. It is not easy, however, to maintain a coherent structure of the program with such a divergent group of people.

HPC was also entrusted to organize some events to make intellectual contributions in the field of peacebuilding. HPC once hosted a meeting of the "Community of Practice" of the United Nations Peacebuilding Support Office (PBSO) by inviting to Japan many UN practitioners working for peacebuilding throughout the world. HPC has also organized symposiums and workshops in Tokyo and Hiroshima by offering a forum for experts in peace operations training centers and related organizations in Asia, Africa and Europe and for those in charge of civilian peacebuilding affairs in the United Nations, in European organizations, and in governmental organizations of countries such as the United States.

Through these challenging program tasks, HPC aims to achieve several important goals. First, it aims to organize the program for the goal of human resource development. There is a clear limit for HPC in helping those who develop their own careers in professional fields. Unlike the case of skills-oriented training, it is difficult to set a clearly identifiable target of human resource development, which requires a wide range of approaches to enhance people's overall development instead of their technical skills or

capacities. However, HPC tries to cultivate the way it can provide more opportunities for them to more smoothly and effectively develop their possibilities of their lives. Second, HPC must never forget that it is promoting "peacebuilding" and no other policy goal. It must respect the identity of those who associate themselves with "peacebuilding," while the definition of "peacebuilding" ought to remain broad. HPC always wishes to help those who are determined to devote their future to the cause of "peacebuilding," and, thus, it shall not conduct career development support purely for personal reasons. Third, HPC sets the goal of maintaining an Asian perspective as its strategic orientation. This does not mean that HPC underestimates its partnerships with organizations in other regions. To the contrary, it pursues its strategic cooperation with various kinds of networks of bilateral, multilateral and civil society organizations in Africa, America, Europe, and the United Nations. Nevertheless, HPC is committed to Asia as the home region of those whom it is supposed to take care of. "What is Asia?" is sometimes a question used to examine the validity of peacebuilding policies in line with the need for examining African contexts for the same reason, if, for instance, we discuss peacebuilding in those regions. But it is also a matter of identity of those who are the participants of the program.

In order to achieve these goals, HPC adopts its own guidelines for organizing the program. First, it aims to respect networks in the field of peacebuilding. It aims to create a community of those who practice peacebuilding. For those who devote themselves to peacebuilding, it is still often difficult to identify a professional community where they can gather. HPC needs to promote and facilitate such a community to emerge not only in Japan and Asia, but also globally. Establishing networks is the key to developing comprehensive human resources through the channels of facilitators, mentors, senior colleagues, friends, supporters, etc. Networking constitutes the philosophical foundation for organizing both practical trainings and career development support. Second, HPC respects problem-solving approaches. Human resource development for the purpose of peacebuilding is, by definition, an open-ended task, not only in time, but also in contents. It is simply wrong to present an open-ended task as something systematically describable in advance. No matter how much we talk about coordination, integration, or some other mantra, we do not believe that an organizational chart explains the way we conduct peacebuilding. No matter how often we use jargon and acronyms like DDR or SSR or CIMIC, we do not believe that technical knowledge alone provides the solid basis for peacebuilding. No matter how much we refer to examples of projects, programs and policies, we do not believe that peacebuilding can be translated into an accumulation of separate small pieces. The key is to develop an ability to cope with open-ended tasks. We recognize the need for peacebuilding, since it is problems in achieving peace that create the need for peacebuilders, not vice versa. Third, HPC believes that peacebuilding is always contextual and locally oriented. Peacebuilding is never like an empty box to be filled by international jargon with an estimated budget. Peacebuilding in Sierra Leone cannot be the same as peacebuilding in Sri Lanka. This is, first of all, a matter of promotion of local ownership in the strategy of peacebuilding, but it is also more than that. A Japanese peacebuilder working for the government of Japan in Ache cannot appear to be like a Korean peacebuilder working for an NGO in Afghanistan. We analyze tools in accordance with our analysis of contexts. HPC tries to present peacebuilding as concretely as possible, so that the participants can remind themselves of the fact that peacebuilding is a matter of people who desperately aspire to

obtain peace, not of those academics or officials who write papers, deliver speeches and receive salaries.

The publication of this volume, *Review of Peacebuilding Studies*, ought to be understood in line with the goals of human resource development in Asia for peacebuilding. The editors want to promote human resource development for the sake of peacebuilding from an Asian basis, as part of the process of networking, problem-solving and context-searching. Through this publication, we want to promote a higher level of networking among those who are involved in peacebuilding. We also wish to stimulate discussions leading to solving problems for peacebuilding. We certainly hope that the publication help us identify who we are and who we help.

Finally, I need to stress that this publication is not an official part of the "Program of Human Resource Development in Asia for Peacebuilding" commissioned by the Ministry of Foreign Affairs of Japan. Rather, this is an independent product of *Peacebuilders*, although HPC is its program-implementing body. This means that no responsibility arising from this publication belongs to the Ministry of Foreign Affairs of Japan. The fact that *Peacebuilders* publishes this volume as a reflection of its engagement with the program should not prejudice the fact that responsibility for opinions in each article only belong to the authors and responsibility for publication of this volume only belong to *Peacebuilders*.

Integrating Political Processes and Peacebuilding

Andrew Ellis

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The purpose of this article is to place political processes foremost in peacebuilding processes, to argue that the choice of constitution and electoral rules are critical in gluing together a society post-conflict or keeping it glued together, that dialogue, diversity and recognition of local sovereignty are essential elements in the institutional framework elements of peacebuilding, and that 'temporary' initial choices often become fixed features of future governance and should be considered with care within the real political choices available. It does not seek to lay down a blueprint for international actors: to the contrary, successful external support to transition processes is founded on the objectives of sustainability and local ownership. It is fundamentally context driven, and based on a comparative and not a prescriptive perspective.

This article looks primarily at two key elements of democratic state-building: the formation of constitutions and the holding of elections. It argues that every situation is different and diverse approaches to peace and democracy building are essential. There is no fixed formula for success. Each situation needs to be considered on its own merits; creativity, improvisation and responsiveness are needed. The level of international support contributes significantly to some processes – but in others, a relatively successful process has been built with little or no external support. International actors cannot assume that external support will necessarily be either desired or effective, and need to engage with and be guided by participants in the process of reform in considering whether assistance can be of value and if so, in what form.

South Africa is often lauded as 'the' model of inclusive and participatory democratic peacebuilding following long years of political repression and conflict that accompanied apartheid. However, during these years of conflict there was a reasonably strong state and institutions; a relatively well-organised and disciplined opposition; high levels of social mobilisation; strong leadership on both sides of the fence; and extensive international pressure and support for a peaceful and democratic outcome to negotiations regarding a new constitution. Few other countries will be able to match these factors, or provide the strong domestic leadership that was largely responsible for charting the new path.

In a post-conflict setting, where clear authority does not exist, the process of peace and state building may require more improvisational measures. In the case of post-independence Georgia, the initial home-grown attempt at democracy blew up in a series of political and secessionist conflicts during which the state effectively collapsed. Immediately in the wake of these conflicts, a new constitution for Georgia was created through a hurried and largely undemocratic process aided by a few foreign advisers, and was negotiated between the standing government and some members of a diffuse opposition. Popular participation in the creation of Georgia's constitution was limited to ratification. A university professor,

not a state or international organisation, took the lead to help quickly and quietly assist the drafting of a new constitution. He commented later: "Many times they asked us, 'What should we do?' We kept saying that wasn't our decision. We were there to provide a context and help facilitate, not to write the document."

In Nepal, a well-organised insurgency gave rise to a slower, but more democratic process which in April 2008 led to the election of a constituent assembly to negotiate a new constitution. International attention has been high, but involvement by the international community has been limited because of mistrust by some of the domestic stakeholders. In other post-civil war situations, for example, El Salvador and Guatemala, international commitment was high, and peace accords and constitutional reform were negotiated in a slow and relatively transparent, public manner – with differing acceptance of the results, related in particular to different levels of buy-in by the respective elites.

Less remembered now, by contrast, is the largely successful imposition by the victors of prefabricated constitutions and electoral systems in post-war Germany and Japan. A more recent attempt at post-war democracy imposition on a previous dictatorship - Iraq - has however met with much less success.

Where the international community is more engaged, there are likely to be more "inclusive" processes for peace and state building, reflecting – we should admit - the biases of the international community. Charles Call and Susan Cook[1] have said that, "In practice, the international community is more bound and determined to create democratic political regimes in post-war settings, recreating the core institutions of state and society largely along Western lines of thought. The largest donors and international organisations have coalesced around a standard post-war political package that Marina Ottaway calls the 'democratic reconstruction model,'[2] involving constitution-making, elections within two years of the end of hostilities, funding for civil society, and extensive state institution-building." The results have been rather mixed: "Of the 18 single countries that experienced UN peacekeeping missions with a political institution-building component between 1988 and 2002, thirteen (72%) were classified as some form of authoritarian regime as of 2002."[3]

Should we be disappointed? Not necessarily: it is wrong to assume that there is a route to unimpeded progress all the way towards democracy in all or even most transitions - and there were presumably, also five success stories among the 18 countries above. There may be limits to what is achievable at a particular time. Nonetheless, these outcomes should suggest openness to a greater variety of approaches to peacebuilding. There are not yet enough clear answers to how one should proceed in the quest for building a durable peace in the wake of conflict, but suffice to say that this process may prove more successful by adopting a humbler attitude that emphasizes the word "facilitation".

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[1] Charles T. Call and Susan E. Cook, 'On Democracy and Peacebuilding', *Governance After War: Rethinking Democratization and Peacebuilding.* Special issue (Vol. 9:2, Spring 2003) of *Global Governance* (co-edited by Charles Call and Susan Cook), p. 1.
[2] Marina Ottaway, *Democracy Challenged* (Massachusetts: Carnegie Endowment for International Peace, 2003), pp.205-206.
[3] Ibid, pp 2-3.

Peace Processes and Constitution Building

Once the drafting by the occupiers of the constitutions of post-Second World War Germany and Japan had largely faded from memory, so did the importance of constitution building as part of a peace process. Both as part of a peacebuilding process and more generally, the importance of constitution building have only recently been recognised again. The political role of a constitution in defining not only institutional structures but relationships in society has come to the fore. The framework, or process, of constitution building in the peacebuilding context and the imperatives and constraints which face the international community in supporting this area are important. There are a wide variety of domestic stakeholders. These may include: those who are seeking power or are otherwise stakeholders in post-conflict state and society, including signatories to peace agreements and participants in (possibly continuing) conflict – not all of whom may be committed to the peacebuilding process; emergent political parties and movements; members of any existing legislative body; ministries, executive agencies and local authorities; the judiciary and media; civil society organisations; and, organisations involved in peacekeeping and security – both state security forces and others.

The international and regional arena can add further complexity to the stakeholder analysis, as one or many institutions or governments seek to become involved, even if they do so in an uncoordinated or competitive fashion. These actors can include: organisations involved in peacekeeping and security operations, UN agencies, the international donor community, regional and sub-regional organisations, technical advisers on constitution building attached to UN agencies, the European Commission, US agencies, and others.

Ideally, constitution building processes should be based on democratic principles including ownership, transparency, accountability, inclusivity, credibility, legitimacy, empowerment and education, and an overall commitment to dialogue, local ownership and broad, inclusive stakeholder participation. Interventions which depend on importing external 'experts' with ready-made 'solutions' (often copies of what is done in the country of origin of the 'expert') are particularly unlikely to be appropriate and may well be harmful. But, adoption of a new constitution has also sometimes been regarded as the point for the international community to exit from a peacebuilding effort – and while it is a clear point in time, it may not be the best contribution to an effective assistance process. The challenge for peacebuilders is to support the design, timing and sequencing, and implementation of constitution building processes, looking at the whole cycle of constitutional development in ways that maximize their contribution to the building of stable and sustainable democracy in a stable and sustainable state. The proper role of foreign experts should better be described as advisers and facilitators.

The very broad and inclusive process that worked in South Africa widened public understanding and active support for new institutions and frameworks. A participatory and/or representative constitution building process can provide a forum for the negotiation of solutions to the divisive or contested issues that led to violence, or for a negotiated transition from an authoritarian regime. However, the legitimacy of a new constitution does not always depend on how inclusive the process of making it has been: the

process amendment of the 1945 Constitution of Indonesia was handled within the People's Representative Assembly, and although external involvement was to some extent sought, there was limited enthusiasm for it.

The Universal Declaration of Human Rights provides that everyone has the right to take part in the government of his country, directly or through freely chosen representatives. The United Nations Committee on Human Rights has recognised a specific right to participate in constitution making. Such participation may involve at minimum an electoral process, electing a constitutional convention or holding a referendum to adopt a constitution. However, wider forms of participation are increasingly considered best practice, and have tried to build on the South African model in creating an open constitutional debate, in which citizens are actively involved in agenda-setting and content, not only ratification. The institutional architecture can take the form of either a constitutional commission or a constitutional assembly.

Genuine public participation requires the existence of personal security and freedom of speech and assembly, and a commitment to inclusion by the transitional holders of power –whether domestic or international actors. A strong civil society and open channels of communication in society facilitate this process, and it takes time to build these after conflict. The necessary time, resources and continuing commitment are not always available. Where few institutions exist, even the direct involvement of citizens during constitution building may not be followed by institutionalisation, and elite 'politics as usual' can re-emerge. Ethiopia and Uganda are examples of this.

Participatory and inclusive processes also tend to broaden the constitutional agenda. They may threaten established power structures, which react by undermining, amending or preventing the adoption or enforcement of a new constitution, as in Kenya, Colombia and Guatemala. Reaching long-term ownership and sustainability is likely to require both elite buy-in and popular support.

Even where negotiation, inclusion and participation take place, the substance of the constitution matters. Thailand's 1997 Constitution was not robust enough to deal with the institutional challenges it subsequently faced. And constitutions written by one faction or dominant interest may seek to entrench or protect the power of that group, as happened to some degree in Chile, where the military sought to protect itself from possible retribution by the public and politicians.

Symbolism can be especially important in constitution building. Indonesia's 1945 Constitution facilitated authoritarian regimes, but is a symbol of national independence and unity. Successful root and branch change to adopt a democratic presidential system thus required amendment, not a new constitution.

The perception of history is also critical in shaping new options and excluding others. The memories and the current view of events between 1945 and 1959 made both federalism and parliamentarism unsupportable options in the Indonesian constitutional process.

There are windows of opportunity in post-conflict transitions during which major changes can be made, but they do not remain open forever. As the author's experience in Indonesia between 1999 and 2003 showed, the reality of constitution building, amendment and implementation is tumultuous and messy. Crazy and silly ideas fly around alongside thoughtful and sensible ideas – and it is not always evident which are which. People take positions for short-term interest and for sectional or even venal reasons. Minor or irrelevant issues briefly look critical to the whole process. There are misunderstandings, blind alleys and background noise. When stories of the wisdom of founding fathers are later told, all of this has been edited out.

Rather than relying on prefabricated formulas, the lessons of experience for the international community are to offer a facilitative approach by listening, seeking a practical measure of inclusiveness, and offering patient and non-prescriptive approaches, while accepting and understanding local ownership and sovereignty issues. An ability to understand cultural, political and historical motivations, issues, symbols and sensitivities, will be critical: state building is not simply the application of legal knowledge. The value of experts will be judged by their ability to offer case studies and best practices from other countries, and to facilitate decision-making.

Peacebuilding and the Electoral Process Framework

Elections can be the foundation of constitution making, when a constituent assembly is formed, or be the first public expression of a constitution. Either way, foundation elections are of critical importance in establishing the legitimacy and effectiveness of national authorities -- and also measure the effectiveness of assistance providers. In designing a strategic plan for creating an electoral system and framework, needs analysis takes into account a variety of domestic actors, including:

- Those who are seeking power or are otherwise stakeholders in post-conflict state and society, including signatories to peace agreements and participants in (possibly continuing) conflict – some of whom may be committed to the peacebuilding process while others are spoilers.
- Organisations involved in peacekeeping and security – both state security forces and others.
- Stakeholders in the electoral process, including emergent electoral management bodies; emergent political parties and movements; members of any existing legislative body; ministries, executive agencies and local authorities; media; domestic electoral observer organisations; and civil society organisations.

International and regional actors may include:

- Organisations involved in peacekeeping and security operations;
- UN agencies undertaking electoral work: primarily the UN Development Programme (UNDP), the Electoral Assistance Division of the Department of Political Affairs (UNEAD), and the UN Department of Peacekeeping Operations (DPKO);
- The international donor community;

- Regional and subregional organisations;
- Electoral technical advisers attached to UN agencies, the European Commission, US agencies, and others;
- International electoral observation missions; and
- International vendors of equipment and technology

After conflict, initial electoral events are recognised as a central – indeed unavoidable - element of the peacebuilding process. They perhaps even attract too much emphasis, because they are clear, identifiable and newsworthy. Indeed, they have sometimes been regarded as the benchmark for the international community exit strategy from a peacebuilding effort – an event-based approach which is likely to prove fundamentally unsatisfactory.

The challenge for peacebuilders is to facilitate the design, timing and sequencing, implementation and assessment of electoral processes – which are fundamentally political questions - in ways that maximize their contribution to the building of a stable and sustainable democracy in a stable and sustainable state. This challenge urges us to keep in mind the following recommendations, observations and lessons:

- Electoral assistance should be viewed as a long-term process which engages throughout a series of electoral cycles. Even more so than constitutions, election laws are malleable, and are often changed with alarming frequency as the weaknesses of any electoral system are discovered – or as parties seek to gain advantage of it.

- You can have a good enough election in a politically flawed peacebuilding process (Iraq is a good case in point): it is difficult to have a politically sound peacebuilding process without a good enough election at some point. A good enough election is not just about technical competence and independence of the electoral administration, but also about the political environment and conditions.

- Electoral processes are a core element of peacebuilding, but cannot be viewed in isolation. The design of electoral processes cannot be separated from the process of constitution building, the development of political party systems, the division of power within either a unitary or a federal state, the definition of legislative bodies, and broader support for the building of democratic governance and the rule of law. These fields are inextricably linked, and all of these issues are addressed simultaneously during processes of transition. Decisions taken in each one of these fields are likely to have an impact on how things work in the others.

- Any peacebuilding intervention is less likely to succeed without a commitment to dialogue, local ownership and broad stakeholder participation. Just as in constitution building, interventions which depend on importing external 'experts' with ready-made 'solutions' (often copies of the system used in the 'expert's country of origin) are particularly unlikely to be appropriate and may well be harmful. At the same time generally accepted 'best practice' has been developed over

the past 15 years in various knowledge resources (handbooks, guidelines, training courses and networks like the ACE Electoral Knowledge Network at www.aceproject.org).

- Electoral legislation is highly political, and its form inevitably advantages some stakeholders and disadvantages others. Areas that are often thought of as technical but which have political sensitivity include electoral system design, franchise qualifications and evidence requirements for registration, boundary delimitation, absentee and external voting issues, counting and tabulation design, and dispute resolution mechanisms.

- The definition, timing and sequencing of electoral events can be crucial to a peacebuilding process. Issues include the possibility and relative timing of elections to a constituent assembly, legislative bodies and local government bodies. Electoral events that take place early – as for example in Bosnia and Herzegovina after the Dayton Accords in 1996 – run the risk of entrenching parties to a conflict in the conduct of 'war by other means'. However, delay in holding elections poses questions as to who if anyone holds legitimate authority during the period before elections, and failure to hold elections before the end of the period of euphoria which follows almost any peace agreement may carry its own dangers. In 2007-2008, while Nepal's 6-month postponement of elections for technical reasons was accepted by participants in the process and the 2008 elections to the Constituent Assembly subsequently went well, further delays could have jeopardized the peace agreement.

Nor should it be assumed that a route to a successful peacebuilding process can always be found. Despite the efforts that went into no less than fourteen peace agreements and despite the international acceptance of elections as free and fair, the victory of Charles Taylor in Liberia in 1997 is perhaps summed up by his campaign slogan: "He killed my ma, he killed my pa, I will vote for him" as he made it clear that if he did not win, he would go back to war.[4]

- Even if there is no rush to hold an electoral event, no electoral process in a peacebuilding context ever has enough time. This is an inevitable result of the political negotiation process, in which the value of concessions is likely to be higher the later they are made, and the technical and logistic side of electoral planning is unlikely to be an important factor in the minds of those reaching political agreements. The compressed timetables of the final stages of the elections in Palestine in 1996 and in Cambodia in 1998 are two examples.

- There is usually a deep lack of trust in electoral processes held in the peacebuilding context – which means that errors and rough edges in processes that are accepted as just that in established democracies often lead to suspicion and to damage to the credibility of electoral processes in transitions. Electoral authorities with less capacity and little institutional memory may be expected to meet a higher standard than those which have been running elections for years in

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[4] Martin Meredith, *The State of Africa: A History of Fifty Years of Independence* (London: Free Press 2006), p.568.

well-resourced countries. (There are exceptions: the level of community confidence in the Palestinian electoral process of 1996 meant that solutions were found in polling stations when some ballot boxes turned out not to be big enough, and there was little or no negative comment.)

- There is often an underlying tension between the need to put systems and processes in place that are robust enough to be credible for a first election, and the long-term sustainability of electoral processes. The challenge is often that an election is good enough, rather than as good as possible. The challenge is to begin the establishment of an institutional memory for holding elections (and possibly referendums), in the light of the many claims on the limited financial and human resources that may be available within a country. Support for electoral institutions should consider the building of long- term capacity or the renewal of capacity in case of potential staff turnover and should address the entirety of the electoral cycle, not only the most visible part immediately surrounding polling day.

- In designing and establishing electoral administration, a structure that enables fearless independence – not bending to government, political or other partisan interests - is essential. A structurally independent electoral management body is often the favored way of achieving this, though it is not the only way of doing so. The independence of electoral administration can be threatened not only by overt political restriction or pressure, but by financial mechanisms which prevent it from accessing money when it is needed.

- In building an electoral administration, key questions include identifying competent and credible independent people (or designing a structure in which partisan interests are mutually policing), ensuring that gender issues are taken into account in electoral staffing, and beginning to build institutional memory through organisational and staff development. While international technical advisers can provide useful support, they should avoid substituting electoral administration staff but work alongside counterparts throughout the process.

- Once laws and structures have been put in place during a transition, it can be difficult to remedy mistakes in subsequent electoral cycles, because incumbent politicians and officials will have vested interests and because electoral management may not be exciting enough to attract political time. This is particularly likely if laws and regulations are very detailed.

- Civic and voter education and the training of electoral personnel are often regarded as marginal or 'soft' elements of electoral planning when electoral support budgets are being negotiated with donors – but cutting back on them can be a false economy with significant negative impact on the perceived credibility or legitimacy of an electoral process, particularly in a post-conflict context where new systems and processes may be introduced or people may be apprehensive about voting and its consequences. However, if donors continue to fund these items in the longer term, there will have little chance of their being institutionalised or sustained, so it is important that they are an integral part of strategic planning and budgeting.

- The use of new equipment and technology can sometimes be valuable, in particular for managing vast amounts of data such as the electoral register or the results, but the temptation to throw money at technical solutions to help an electoral process needs to be resisted – especially late in the day. Before any investment, a feasibility and sustainability assessment should be conducted. On the political side, the issue is whether voters, political parties and candidates will perceive the equipment as a contribution to electoral integrity or a 'black box' which increases the suspicion of fraud. On the technical side, maintenance, the need for trained operating personnel, and potential obsolescence all need to be considered. Commercial vendors of equipment and technology (for example for identity and registration systems) have their own interests, which are not the same as those required to build sustainable electoral administration.

Representation, accountability and the electoral system

Electoral system design is a key political choice, not only in assembling the electoral framework, but more generally in the institution building process. Discussions about electoral systems and the design of legislatures talk a great deal about representation and accountability. The difficulty is that representation – and its counterpart, accountability – can take at least, five different forms. Representation can be geographical, linking the representative to a specific area and to constituents within it. It can be based on an ethnic, tribal or other identity. It can be ideological; and it can be party political, which is not necessarily the same. It can be descriptive, seeking to ensure that an elected assembly contains women and men, old and young, or poor and rich. These definitions are sometimes in competition with each other: for example, it is known that the number of women elected increases when multi-member district electoral systems are used, but these may loosen geographical representation. The form of the legislature depends on the choices made about what forms of representation are most important. The chosen basis of representation and accountability is an important factor in incentives for accommodative or 'winner take all' behaviour by those who hold or gain power. Do elected legislators respond primarily to the entire electorate, all voters, party supporters, party members, party activists, party leaders, or whoever is going to give them their next job? The last option may, for example, be particularly relevant if term limits are introduced – as John Carey has shown in relation to Costa Rica.[5] Term limits are not however the only factor: some constellations of electoral systems and institutional frameworks are intrinsically more likely than others to promote turnover of elected members. This relationship is not simple: well over 90% of incumbents are re-elected to the US House of Representatives using a first-past-the-post electoral system, but the same system while it was used in Papua New Guinea produced a turnover rate closer to 50% in recent years. The incentives for the PNG members to take benefit from their position while they were in a position to do so are self-evident – as are the consequences for the coherence of the Parliament.

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[5] John Carey, 'Presidentialism and Political Parties in Costa Rica', in Shugart and Mainwaring (eds.), *Presidentialism and Democracy in Latin America* (Cambridge: Cambridge University Press, 1997).

Much has been written about the importance of the geographical link in representation. However, longstanding conventional wisdom may not in fact be true. John Curtice and Phil Shively[6] have shown that in a broad range of countries, this link is significantly valued only by that small group of the electorate who make actual contact with their elected representative between elections. The distinction these people draw is between electoral systems in which they vote for parties, and electoral systems in which they vote for candidates. Otherwise, people do not feel better represented either by a single member for their district, or by a group of members, often from a spread of parties, in a multimember district.

The politics of identity

Identity is another controversial basis of representation. In post-conflict transition, it is well recognised that such identification can entrench the warring factions into the political process, leaving little or no space for new and cross cutting political forces to develop – as happened in post-Dayton Bosnia. And such identity, once established in the political system, may be hard to break.

However, identity can work in very different ways. To take three very different examples, compare and contrast the ethnic political identification of the vast majority of the people of Guyana, the collective and tribe or village based politics of Papua New Guinea, and the 'aliran' or 'channel' identification – secular nationalist, traditionalist Islamic and modernist Islamic being the major examples - which has long been a major aspect of political loyalty in Indonesia. The first is a reflection of the long-term entrenchment of two ethnic communities. The second reflects a society where a state which was never strong has delivered less and less and has not had reserves of popular loyalty on which to fall back. While identity is only arguably an inevitable element of tradition, it is a barrier to complete atomisation. The third has been a mechanism which has assisted the development in the democratic era since 1999 of a coherent political system in a vast and diverse country which nonetheless does for the most part possess legitimacy – and which formed the underlying basis of loyalties going back to the first free and fair elections in 1955. The real danger in institutional frameworks is perhaps not identity itself, but the entrenchment of zero-sum politics.

Do ideological differences always exist?

Much of the conventional wisdom relating to the development of political systems contends that political party systems are most likely to be effective and stable when they reflect ideological divisions, and that electoral debate and campaigning consists ideally of offers by parties to the electorate of competing ideologies and policies. Leaving aside the extent to which this paradigm exists even within developed democracies, its value when conflict and human security issues play an important role is highly questionable. The politics of identity and/or the politics of leadership may be an inevitable part of the environment in which democracy builders are working. For example, in less developed countries where

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[6] John Curtice and Phil Shively, 'Who represents us best? One member or many?', in Klingemann (ed.), *The Comparative Study of Electoral Systems* (Oxford: University Press, Oxford forthcoming 2009).

poverty levels are high and the subsistence economy remains a primary way of life, people are unlikely to view programmatic competition between contestants in an election as very relevant - even when the state has managed to achieve some relevance and legitimacy in the minds of most of the people. It is likely that all parties or candidates participating in a contest will advocate similar, developmental policy aims – improvements in education or health or infrastructure. There will not be a clash of ideologies between pro-development and anti-development political forces. There may be differences in the pecking order given to potential spending in different geographical communities, tending to make the election a head count between competing areas. Otherwise, it probably makes sense in practice for voters to judge competing politicians and parties on how good they will be at practical service delivery. How competent will they be? How corrupt will they be? Will they appropriate public resources for sectoral or private purposes? The result is a choice based on leaders, not on programmes.

Are early elections desirable in transition?

How to get there from here, the timing, sequencing and phasing of the transition, is integral to the way the whole process of building a new constitution and new legislature will function in practice. The first universal elections in South Africa in 1994 took place after the process of transition had been underway for several years. By contrast, the early elections held in Bosnia in 1996 under the Dayton Agreement led to the freezing into place of zero-sum identity politics in which the participants in the conflict played the major roles. The lesson drawn from these experiences is that it may not always be advisable to hold early elections for bodies that are not transitional in nature.

But if holding early elections is undesirable, who holds power until elections do take place? When does democracy delayed, become democracy denied? One approach is to divide the drafting of a constitution for the long-term from immediate legislative needs, and therefore create both a constituent assembly – opening the opportunity for wider participation in the constitution building process - and a separate lawmaking body. But the way in which these bodies are constituted, chosen, and organised and the procedures they use will be critical in determining their success or failure. Is it easier to get coherence and the beginnings of reconciliation by initially focusing on local level institutions for practical service delivery on the ground? While this sounds attractive, the question of who can legitimately hold national power (and be responsible for the context and resourcing of the activity of the local institutions) in the interim remains, and examples of the 'local first' approach are hard to find in practice. One intervention which may have captured this idea was the World Bank's initiative in setting up village committees as soon as possible after the conflict in East Timor [7] – but this action was clearly not welcomed by the UN transitional authority. OK, we've been elected – what do we do next? Transition is often accompanied by euphoria, which may last perhaps for a year or eighteen months. During this period, it is possible to make fundamental structural and political changes that would take years in less fluid times, or would just not happen. Two examples are Boris Yeltsin's 'Let's abolish the Communist Party' intervention of 1990,

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[7] World Bank-Civil Society Collaboration – Progress Report for Fiscal Years 2000 and 2001, <http://siteresources.worldbank.org/CSO/Resources/ProgRptFY0001.pdf>

and BJ Habibie's 1999 disengagement of Indonesia from East Timor and introduction of the largest big bang devolution ever. Great political changes usually need lots of implementing legislation in order to work. After a transitional election, legislatures are likely to be full of new members who may be committed to change but inexpert in legislative detail just at the time when skill at effective legislating is most needed. In the field of election administration, we have already started to learn the lesson that capacity building and training before hand is often the only effective way for enough people to be around at the moment that the wave – or even tsunami - of transition breaks who know how to run what is the largest enterprise that the state ever undertakes. The same lesson is waiting to be learnt in relation to the need for legislative capacity building in advance.

This needs to engage not only those seeking to become the new legislators, but those who will be serving the new legislature as its secretariat and expert advisers. The experience of the support programme to the new legislature of Afghanistan – which despite its acknowledged limitations has been conceived on a scale which begins to address these issues – will be instructive and important.

Legislative oversight through a transition – the Cinderella function

Legislatures are there to make laws: it's what the name says. And the period after conflict may be a time when this job is particularly important. However, legislatures have other functions too. Oversight becomes particularly important when the euphoria has gone. The expectations of transition were always impossible to meet, and disillusion begins to set in. At this time, a legislature has a particular opportunity to establish itself as a major channel for popular feedback. In a parliamentary system, the function of opposition in the parliament is to be the watchdog of effective government performance: in a presidential system, the whole legislature has a role. But oversight is not glamorous. Newly elected members are often far more engaged with the task of law-making than with the task of holding to account. How can elected members most effectively get engaged in the importance of longer-term oversight activity? Are the new institutions sustainable? The event driven approach to transitions too often used by donor agencies does not sit well with the development of the human and organisational capacity to run democratic institutions that are both 'good enough' and sustainable within the national budget in the longer term. First elections are often visible and well-funded, and may even set standards that are too high: second and third elections are equally important in developing long-term electoral capability. Even when donors make commitments to follow up electoral assistance programmes, the political will may not in practice outlast polling day. Electoral observation reports are rightly independent, but then gather dust rather than being used as an input to future development programme planning. One result may be the international community supporting replays of the same semi-authoritarian election scenario every four or five years, where the technical election performance may improve, but no progress towards democratization is visible.

The same is true of legislative bodies. The newly elected assembly may not lack friends while the international community is engaged, but will it be able to access domestic, financial and human resources to sustain its activities? A newly democratic legislature may inherit a budget allocation process entirely dependent on an executive ministry, and a secretariat whose members are supplied by an executive civil service in which the legislature has probably not previously been the most prestigious career channel. Even though these issues may not have high visibility at the time of transition, arrangements of this kind almost certainly need to be changed if the legislature is to maintain the clout to play its proper role in the longer term.

Everything is linked together

Each element of an institutional framework can have an impact on the way the others work, sometimes in unexpected ways or in unexpected places. For example, on average worldwide, majoritarian electoral systems lead to one-and-a-half less significant parties in the legislature than proportional systems[8] – with consequences for the way governing coalitions are built and remain together (or fail to do so). Majoritarian electoral systems can also regionalize representation, with parties which are strong in particular regions winning all the seats in those regions, and none where they are less so – potentially entrenching regionalism or even separatism into the dimensions of national debate. Presidentialism can engage the whole membership of the legislature in oversight: parliamentarism does not, which has consequences for the way that executives are held to account. Presidentialism is thought to work better if electoral systems tend to give presidents a significant block of legislative supporters, if presidents have little or no power to legislate by decree, and if political parties have some control over their elected members but not draconian control. Bicameral systems often emerge from a perceived need for a forum of representation of regional interests, which affects the way each legislative chamber works, and probably requires two electoral systems. It is no good, therefore, defining approaches to any of these issues alone. As one tries to do so, something will pop up or work differently somewhere else in the institutional framework.

The lesson is that integrated democracy building, looking at all aspects of change together, is the key to the process of successful institutional framework design – and to successful assistance to that process. The process is political, involving political stakeholders and actors. It cannot be wished away by seeking to drop ideal solutions from outside as technical fixes, however well they may look as if they will work. Imposed frameworks are likely to be dismantled by local political forces later, either by amendment or by force. Angola's experience in 1992, with a two-round presidential election in a winner-take-all institutional framework leading to the resumption of armed conflict by the loser, is as good an example as any.

The interests of the political actors restrict the practical range of solutions that can be agreed during a post-conflict transition. The ability of armed groups excluded from a negotiation to disrupt the process

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[8] Pippa Norris, *Electoral Engineering: Voting Rules and Political Behavior* (Cambridge: University Press, 2004), pp 81-95.

tends to incline agreements towards the design of inclusive institutions which will involve all or most of these groups – although sometimes questions of transitional justice may have an impact on who may participate. The resulting frameworks tend to require the continuing construction and maintenance of coalitions after elections have taken place.

It can be argued that any new institutional framework needs time to settle down, and that it takes some time for both the political participants and the electorate to fully appreciate and explore the possibilities and incentives of a new system. It has indeed been suggested in the specific context of elections that a new system should be allowed to function for three elections before it is changed except in cases of obvious disaster.[9] Leaving aside the question of what constitutes an obvious disaster, once any system is in place, there are winners and losers – and the winners may not want to change the rules that have assisted them. An effective long-term institutional framework may well differ from one which is useful or indeed achievable in the short term after transition – a distinction characterised by Andrew Reynolds as parallel to that between emergency medicine and convalescent care.[10] But there is no guarantee that the patient will wish to make the change in treatment; without economic collapse or further violent conflict, it may be difficult to get past the new power holders. The consequence is that transitional negotiators and designers do not only need to think about the emergency itself, but what the convalescent stage may look like and how the further transition may later be made. What is possible now – and what happens later? It is therefore not enough to seek to produce a framework to get through the short term that is conducive to inclusion of all of the contenders.

There are two additional tasks. The first is to try to ensure that solutions are robust against the effects of changes that the political context suggests may be made as initial drafts and proposed agreements go through the process of approval and adoption. The second is that discussions need to consider not only the desirability – or even necessity – of inclusive frameworks, but the need for systems that can lead to stable political institutions and governments in the longer term. This is not always easy to envisage, let alone design. The political groupings involved in the process may well change, as will the individual personalities involved.

Where the international community is taking the leading role in a transition, there is a further constraint on these tasks. The international actors are only present for a limited time, before interest or support wanes on the domestic agenda or international politics moves on to the next great cause, and political and financial pressures grow to declare victory and go home. Elections make a splendid visible peg on which to hang this declaration. Local participants in negotiations – whether democrats or not – are fully aware of this. Warlords know that if they only wait long enough and make a few concessions; the international presence will almost certainly be gone sooner or later.

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[9] Rein Taagepera, 'Designing Electoral Rules', in Andrew Reynolds (ed), *The Architecture of Democracy* (Oxford: Oxford University Press, 2002).
[10] Andrew Reynolds, 'Constitutional Medicine', *Journal of Democracy* 16:1 (2005), pp. 54-68.

Even when a transition is domestically driven, there are limits on what can be agreed. The experience of Chile described by Lisa Baldez and John Carey is instructive.[11] In the constitutional and legislative package put together to reach agreement over the end of military rule, several provisions protected the position of the outgoing military and froze the system against change. These included a provision that further system change would require a 60% majority to pass an organic law, an electoral system which made this a steep hurdle, and the inclusion of appointed and *ex officio* seats in the Senate to try to ensure that this chamber would resist any change that was unwanted by the outgoing power. At the same time, the constitution provided that the legislature could not increase the budget over the president's proposal and that if no agreement was reached on the budget within sixty days, the president's budget would take effect, and a law was put in place guaranteeing a minimum level of military spending. The return of democracy was thus accompanied by constraints on both the composition and the powers of the legislature. Change in these negotiated provisions only became politically feasible some fifteen years later.

Summary: Towards joined-up democracy building

It is easy and tempting for peacebuilders to seek mechanistic and technical solutions and the outcome of the late 1940s could be thought to support the view that they work. However, there are a wide range of experiences since the last thirty years which suggest that such solutions are at best ineffective and at worst counterproductive, and that those who peddle such solutions may well be selling snake oil.

Joined-up democracy building recognizes that the design and building of the framework and practice of democracy is a complex and interlinked process, about which more is known about some parts than others. It is a political process which requires a holistic approach based on facilitating difficult political choices, and not a set of unrelated operations merely involving solutions of a technical nature. Practical knowledge and experience is helpful about constitutions, legislatures, electoral systems, party systems and a range of other issues – and just as importantly about the relationships between them.

Any solution to any particular situation is thus bound to be complex, and tailored to the constraints of the political and power dynamics in which it is formed and the negotiating skills of the parties involved. The devil is always in the detail, and some provisions of transitional agreements may turn out to have unintended and surprising effects. The way in which any solution works may change over time. Solutions themselves may be changed over time – but only if resistance by incumbents can be overcome. The possibility of later change does not absolve participants and advisers in the design of institutional frameworks from the need to try to get it as right as possible at the beginning.

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[11] Lisa Baldez and John Carey, 'Budget Procedure and Fiscal Constraint in Post-transition Chile', in Haggard and McCubbins (eds.), *Presidents, Parliaments and Policy,* (Cambridge: Cambridge University Press, 2001).

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'Best practice' is being assembled by the IDEA Constitution Building Project in various knowledge resources. (handbooks, guidelines, training courses and networks), which will become progressively available in and beyond 2010.

The Evolving Nature of Integrated DDR

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Profile of the author:

Desmond Molloy served for twenty years as an officer in the Irish Army, primarily in an internal security role, including UN missions in Lebanon and Cambodia. Mr. Molloy is also qualified in financial management and outdoor education. Availing of early retirement, he honed his skills in emergency and security coordination with UN agencies and NGOs in Congo, Bosnia, Rwanda, East Timor, Kosovo and Ethiopia. He entered the DDR scene initially as Reintegration Coordinator, DDR Section UNAMSIL, Sierra Leone and subsequently as Chief of DDR Section UNAMSIL, (2001-2004). As Chief of the integrated DDR Section of MINUSTAH, Haiti, (2004-2007), he led the piloting of the concept of an integrated DDR mission in a hybrid DDR environment.

1. Introduction

Since its inception as a tool of post-conflict intervention in the mid-eighties, the dynamic evolution of DDR has seen a metamorphosis from a logistical process to a holistic concept impacting and influencing a broad range of cross-cutting issues in the transition of a post-conflict state, from stabilisation to development. This paper reviews, from a phenomenological perspective, the experience and mechanisms driving that evolution. It considers the overarching frameworks of implementation within the Human Security Agenda[1] and reviews briefly the tensions and complementarities associated with the major cross-cutting issues that influence and impact the eventual outcomes of DDR.

2. DDR : From logistical process to holistic concept

In Section two we trace, in a phenomenological journey, the development of DDR from a multi-faceted process to a holistic concept implemented in the context of human security agenda. We review the development of an integrated approach to DDR in addressing the multiple complementarities and tensions associated with cross-cutting issues.

Broad perception and expectations of the process of DDR, especially among funders and the political and diplomatic representation at country and trans-national level such as at the UN General Assembly, has remained in a conventional mode aligned with the expectations created by the massive DDR processes,

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[1] Human Security is a concept developed by UNDP and launched in the Human Development Report 1994 to securitize the development issue drawing focus and funding to the plight of humans rather than purely to state security. The objectives of the concept are represented in the Millennium Development Goals (MDGs).

undertaken in the resolution of major civil wars close to the end of the twentieth century.[2] These were considered as largely logistical military hands-on processes for contributing to the immediate cessation of violence, stabilisation of the peace process by removing surplus small arms from the post-conflict environment in the context of a Comprehensive Peace Agreement (CPA), the dismantlement of the command, Control and Communications (CCC) capacity of armed factions. And thereby the capacity for remobilisation, and drawing the disarmed elements, those who had perpetrated violence into the process, perhaps through the offer of some reintegration incentives, financial, educational or vocational, that would assist them in disassociating from the belligerent armed structures, a life without arms and resettled as civilians in their community.

We have seen the movement towards a more community-focused process being driven largely by the practitioners facing reality and challenges on the ground[3] or the development agencies who are taking a long-term view of national recovery.

In negotiating a CPA, belligerents are drawn to the table in self-interest with the objective of maximising their benefits, minimising their loss of power, avoiding prosecution for criminal acts and gaining political advantage. A DDR process as widely understood often contains the elements that permit faction commanders to realise most of the above objectives while off-loading the problem of unemployed soldiers. As such, a DDR option is a misused carrot which while contributing to the cessation of violence, can be perceived to offer too much to the belligerent. Such was the case in both Sierra Leone[4] and Liberia[5].

A degree of amnesty is usually associated with the DDR process as most former combatants are exempted from facing normal justice for crimes, often heinous crimes that they may have committed during war. The UN does draw a line as regards to those most responsible for Crimes against humanity and crimes of war in accordance with International Humanitarian Law. This position was reflected in the exemption clause included by the UN in the Lomé Accord of July 1999, the operational CPA which offered the framework for peace in Sierra Leone, as US negotiator Jesse Jackson, steamrolled a total amnesty for all perpetrators of crimes and specifically for Foday Sankoh, the notorious leader of the RUF, in the Sierra Leone civil war. This UN exemption was later exploited by the Special Court for Sierra Leone in charging those considered most responsible for grave crimes, including Sankoh. But, despite this, the cost in justice foregone by those who are the greatest victims of the hostilities is usually extraordinary.

On the other hand, the priority for the international facilitating agencies such as the UN in negotiating the CPA is a speedy cessation of violence and rapid stabilisation of the peace. To this end, objectives mentioned in the CPA are the bare essentials, avoiding potential sticking points likely to arise if expected

[2] Security Council Resolution (SCR) 1738, 2004, which authorised the establishment of the new UN Stabilisation Mission in Haiti called for a comprehensive DDR program despite the absence of any basis for such a process.

[3] Desmond Molloy. 'DDR in Sierra Leone: Lessons Learned', DPKO, 2004.

[4] Pricilla Hayner, Negotiating Peace in Sierra Leone: Confronting the Justice Challenge, Humanitarian Dialogue Report, December 2007.

[5] Wolf Christian Paes, 'Eyewitness: Challenges to DDR in Liberia'. International Peacekeeper, Vol 12, #2, Summer (2005).

outputs, including those associated with cross-cutting issues, were specified. Controversial issues in particular are avoided; the potential for transitional justice mechanisms[6], human rights issues, the gender perspective[7], reparations to victims, etc. These issues are not reflected in program documents, but rise in prominence after the initial stabilisation and struggle for position in a complex, transitional environment.

In the cases of Sierra Leone and Liberia, the priorities were initial cessation of violence, the immediate disarmament of militias, the numbers of arms collected and the number of ex-combatants engaged in reintegration programs. Movement towards a community-focused process was an afterthought.

The perception remains, particularly in humanitarian circles, that DDR rewards the criminals and ignores the victims. Sometimes there is a truth in this. Elements which voluntarily disarmed, irrespective of their status, are seen to gain monetary and material benefits which are not available to the vast majority of victims of war. Often, the major victims of civil total war, where abominable atrocities and systematic rape have been tools of shock and terror, women and those injured and abused in the violence, remain destitute without recourse to any major internationally sponsored program of support while the perpetrators relatively thrive. In seeking an end to hostilities, war-weary civil society is initially acquiescent to the sacrifice of criminal justice, but as the situation stabilises and threat of a return to armed violence recedes, a civil society benefiting relatively less from economic and social peace dividend than the perpetrators, may progressively express its dissatisfaction with social injustice.

Both the theory and implementation of DDR processes have evolved dramatically since its inception. The DDR program in Sierra Leone from 2001 to 2004 was a turning point in the attitude of planners and implementers in delivering DDR. Though ad hoc, efforts were made as the program gained pace and the short-comings as regards to inclusion of civil society in the benefits of the peace dividend became obvious, to include the broader community and in particular the vulnerable groups, in the benefits of the DDR program. Despite this, women[8] and the maimed, including the amputated victims of the horror, were largely failed by the process. A more systematic effort was made to address this weakness in the development of the DDR program in Liberia. However, in the general chaos that blighted that program, the absence of professional DDR staff, adherence to unrealistic time tables and significant bilateral pressures, benefits were dissipated away from the target groups[9] towards those more able to exploit UN implementation incapacity and the extraordinarily weak inclusion criteria for the DDR program.

In Sierra Leone, DDR Section of the UN Mission in Sierra Leone (UNAMSIL) worked in a spirit of goodwill and collaboration with its sister UN developmental agency, UNDP. Many lessons were learned,

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[6] Johanna Herman and Chandra Lekha Sriram, DDR and Transitional Justice, Paper prepared for Tromsø University / NUPI conference on DDR, unpublished, August 2008.
[7] Desmond Molloy, 'The Gender Perspective as a Deterrent to Spoilers: DDR in West Africa', *Conflict Trends*, (Fall, 2004).
[8] Ibid.,
[9] Paes, 2005, Op Cit, pp253 – 261.

documented and brought forward to contribute to the institutional memory, in as far that the UN has an institutional memory, being more prone to dumping babies out with bath water and repeatedly reinventing the wheel.[10] As the holistic implications of DDR emerged and in seeking a neutralisation of the process of collecting weapons from an act of the victor in subjugation of the vanquished, to a more conciliatory and constructive process contributing to the early recovery of communities in conflict, a more inclusive concept for DDR evolved in Sierra Leone. This stated that DDR is a concept which places weapons beyond use in the context of contributing to improving community security through social and economic investment.[11] It is clear that the objective of stabilising community security through social and economic investment is beyond the scope of a DDR program alone and that besides addressing the short-term objectives of cessation of violence and stabilisation of the security environment, the medium to long-term objectives of strengthening community security through investment requires strong collaboration and linkages with all national recovery efforts.

In Liberia, it was intended that such an integrated approach, based on goodwill, will function to capture the synergy of applying relevant institutional strengths where required. Unfortunately, early in the process, the good intentions were suspended and goodwill between the Mission in Sierra Leone (UNAMIL) and working partners, primarily UNDP, was in short supply and much of the potential synergy was lost.[12] The lessons of this fiasco were well learned.[13] While it was realised that DDR is closely aligned and a facet of Security System Reform (SSR), particularly through the absorption of an appropriately vetted number of ex-combatants into the restructured, re-tasked and right-sized national armed force, the focus was on the former belligerent, as the beneficiary and an expedient end to the conflict.

What did emerge from both of these programs, Sierra Leone and Liberia, was some clarity regarding the necessity for an integrated approach to plan and implement DDR, which could address these shortfalls and broaden the impact of DDR on the community, spreading the peace dividend and stabilising the environment in collaboration with all actors in the peacebuilding[14] and recovery process. An intervention mission approved by the UN Security Council (UNSC) and implemented by UN Department of Peacekeeping Operations (DPKO) cannot act alone as the implications of a DDR program reach far beyond the lifetime and the objectives of a DPKO mission are usually planned for four to five years. They stretch into the transitional peacebuilding phase of a post-conflict environment, termed 'early recovery' by development agencies, and further into the developmental phase.

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[10] Molloy,Desmond, *DDR: A Shifting Paradigm and the Scholar/Practitioner Gap*, Occasional Paper #1, *Pearson Peacekeeping Center Occasional Paper*, Canadian Peacekeeping Press. July 2008.
[11] Bengt Ljunggren and Desmond Molloy, unpublished, 2004. The concept of DDR as an aspect of Community Security was initially developed by Ljunggren and first presented by Molloy at the Human Security Workshop, Rockefeller Foundation Bellagio Italy in April 2004 and subsequently cited in Molloy, The Gender Perspective as a Deterrent to Spoilers: DDR in West Africa, *Op Cit.*
[12] Wolf-Christian Paes, 'Eyewitness: Challenges to DDR in Liberia', *International Peacekeeper*, 12:2 (Summer 2005)
[13] Desmond Molloy, *Liberia 2002-2008: DDR and its Pitfalls*, 2008, unpublished.
[14] A definition of Peacebuilding is discussed in Section 3.

At some of the highest levels, as UNAMSIL was established, there remained the perception that DDR was a logistical process, which can contribute to political solutions in an immediate post-conflict environment. A professional and dedicated civilianized DDR Section was an afterthought in the organisation of UNAMSIL and was only established in June 2001, almost two years into the DDR process, which had been viewed as a military hands-on operation. In Liberia, the UN Mission in Liberia (UNMIL) was launched in 2003 without professional DDR staff and when it did hire in mid-2004, it went for military experience rather than a holistic humanitarian or community focused capacity. In Haiti, when the Chief of DDR tried to explain to the Principle Deputy Special Representative for the Secretary General of the UN,(PDSRSG) that prerequisites didn't exist for DDR and that conditions were not ripe for certain planned operations, he was told that this opinion was not wanted and that he should just implement. There has been a perception that as a logistical process, anyone can do it. The extraordinary complexity of DDR has often been missed with disastrous consequences, as currently in Haiti. The development of an integrated approach and a stake for multiple UN agencies in the process of implementing DDR programs as outlined in the integrated DDR Standards (IDDRS) is beginning to offset this phenomenon.

Since the turn of the twentieth century the demand for DDR has proliferated in proportion to the numbers of peace interventions, whether by the international community or by national governments with international assistance. By mid-2003 it was becoming clear, particularly in light of the uninformed launch of the Liberian DDR program, that there was an absence of coherence, coordination or collaboration in the planning and implementation of DDR programs across the world. Hard-learned lessons were not being applied constructively and there was a danger of mistakes being repeated in the absence of a functioning authoritative forum of good practice among planners and practitioners.

However, strong and energetic leadership in the DDR Unit in DPKO Headquarters, then headed by Kelvin Ong, launched a process to develop, in broad consultation, a definitive guideline addressing the complexity of implementing integrated DDR including the collaboration of all relevant UN agencies and major implementation partners; the IDDRS.[15] This is a dynamic and comprehensive document, to be amended and adjusted with experience and as new partners and issues emerge, managed by an Inter-Agency Working Group on DDR (IAWG), representing the partners. It is to be a living document reflected in practice.

The concept of the integrated approach to implement DDR was field tested in the pilot Integrated DDR Sections of the UN Mission in Haiti (MINUSTAH) and later in the UN Mission in Sudan (UNMIS). In Haiti, the Integrated DDR Section in collaboration with the UNDP was established largely on verbal directives from DPKO HQ. In the absence of authoritative institutional directives or formalised mechanisms for harmonisation of the relevant institutional administrative, logistical, human resource management and financial systems, goodwill was pushed to its limits. While many of the initial assumptions regarding the DDR environment proved inaccurate, it was extremely difficult, even over

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[15] IDDRS, The Standards, the Operational Guide and further relevant information may be downloaded at www.unddr.org.

three years of extraordinary effort, to make progress in large-scale disarmament of criminal gangs in Haiti. Program direction and structure was altered several times, on an average every four months, to address the dynamic reality of the environment of armed violence and gradually moved from DDR to Community Violence Reduction (CVR). Some observers have considered the working relationships within the Integrated DDR Section as disintegrated [16] Despite a programmatic quagmire and stresses of interpersonal dysfunction within the DDR Section, much progress was made in developing the concept of integration and identifying major challenges in optimising the approach to achieve institutional objectives, while creating synergy through harnessing the institutional strengths of either institution.[17]

In a very different environment in Sudan, the scope of the integrated approach to implementing DDR was further tested in a complex and volatile zone of operations spawning many lessons on what can work effectively in the field. [18]

In both missions, institutional and personal facets of collaboration were tested in a live environment. It can be expected that the results will eventually be reflected in the evolving IDDRS.

3. The Operational Framework: Early Recovery v. Peacebuilding

Here we review the development of the overarching framework for the implementation of DDR vis-à-vis the Early Recovery Concept of the Development Agencies and the Peacebuilding Concept of the General Assembly of the UN.

In approaching the development of projected *outputs* and ultimately, *outcomes*, for DDR, it is critical to clarify the framework in which the program is set. During the past few years, the legitimisation of the efforts to broaden the perception of DDR from a short-term PKO intervention into a more holistic process contributing to human security was the popularisation of the concept of Peacebuilding (PB) with the associated creation by the UN General Assembly of the Peace Building Commission. The concept of PB and the role of the Peacebuilding Commission has been the elephant in the room at many recent high-level planning and policy meetings of UN agencies, collaborating in post-conflict rehabilitation. Instead, frequently discussed is the new Guidance Note on Early Recovery by the Cluster Working Group on Early Recovery (April 2008). On reviewing this document, it seems to be a concept similar to PB. It may be considered the operationalisation of Peacebuilding. The Cluster Group concept was launched by the UN's Inter-Agency Standing Committee in 2005 to address gaps in humanitarian response through

[16] Robert Muggah, Desmond Molloy and Maximo Halty, '(Dis)integrated DDR in Sudan and Haiti: Practitioners view to overcoming integration Inertia', in Robert Muggah (ed.) *Security and Post-Conflict Reconstruction, Dealing with Fighters in the Aftermath of War* (New York: Routledge, 2009).
[17] Molloy, A Shifting Paradigm... 2008, Op *Cit.*
[18] Robert Muggah, Desmond Molloy and Maximo Halty, '(Dis)integrated DDR in Sudan and Haiti: Practitioners view to overcoming integration Inertia', Robert Muggah (ed.) *Security and Post-Conflict Reconstruction, Dealing with Fighters in the Aftermath of War* (New York: Routledge, 2009).

strengthening the humanitarian coordinator system. It adopted a 'lead agency concept'[19] to insure coherence in addressing nine different humanitarian sectors; protection, camp coordination and management, water sanitation and hygiene, health, emergency response, shelter, nutrition, emergency telecommunications, logistics and early recovery.

In the Early Recovery Guidance Note, Early Recovery is defined by UNDP as the restoration "*of the capacity of national institutions and communities to recover from a conflict or natural disaster, to enter transition or 'build back better' and avoid relapses... It is a multi-dimensional process guided by developmental principles that begins in a humanitarian setting, and seeks to build on humanitarian programmes and catalyze sustainable development opportunities...to generate and/or reinforce nationally owned processes for post-crisis recovery...restoration of basic services, livelihoods, transitional shelter, governance , security and rule of law, environment and other socio-economic dimensions, including reintegration of displaced populations...It strengthens human security...*"

This sounds very close to PB as outlined in Molloy 2007, The Role of International organisations in Peacebuilding[20] as follows:

"The Report of the Secretary General's High-level Panel on Threats, Challenges and Change of 2004, "A more secure world: Our shared Responsibility", identified the institutional gap addressing the needs of peacebuilding as the capacity "to avoid state collapse and the slide to war or to assist countries in their transition from war to peace". Such a consideration was omitted from the Charter of the United Nations, as the focus in the immediate post-World War II period did not consider the proliferation of internal conflict. The Report, highlights the unique role of the United Nations in this area, arising from its legitimacy and goes on to recommend the establishment of a Peacebuilding Commission tasked "*to identify countries which are under stress and risk sliding towards State collapse, to organise, in partnership with the national Government, proactive assistance in preventing that process from developing further; to assist in the planning for transitions between conflict and post-conflict peacebuilding: and in particular to marshal and sustain the efforts of the international community in post-conflict Peacebuilding over whatever period may be necessary.*"

These recommendations were enacted by the General Assembly in a resolution of September 2005 entitled, "2005 World Summit Outcomes" which announces the decision "*to establish a Peacebuilding Commission as an inter-governmental advisory body*"... tasked with "*the reconstruction and institution-building efforts necessary for recovery from conflict and support the development of integrated strategies in order to lay the foundations for sustainable development*".

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[19] Cluster Group on Early Recovery in cooperation with the UNDG –ECHA Working Group on Transition, *Guidance Note on Early Recovery*, (April 2008), p 7.
[20] Desmond Molloy, *The Role of International organisations in Peacebuilding*, TUFS, 2006, unpublished.

One may suspect that the ascendancy of PB and creation of the Commission posed some level of threat to the traditional turf and independence of action of the UN development agencies and that the launch of the Early Recovery Concept seems an effort by the UN development agencies to redefine themselves and to wrestle back their relevance in emphasising their role in the implementation of what is in effect PB and distancing themselves somewhat from the Peacebuilding Commission, apparently a bureaucratic and moribund institution of the General Assembly, mired in budgetary and staffing conflict.

Early Recovery places responsibility for these post-conflict and crisis-transitional and medium-term interventions clearly back in the humanitarian sphere and under the responsibility of the Resident Representative, UN Development Program (UNDP) and the Country Directors of each Agency and Non-Governmental Organisation (NGO) working partner, rather than, pointedly, the overarching responsibility of the Special Representative of the Secretary General (SRSG) where there is a Peace Keeping Operation(PKO).

The concept and framing of early recovery may be an effective counter-attack by the UN development agencies to any additional layer of oversight imposed by the Peacebuilding Commission, particularly while emphasising the humanitarian setting of early recovery interventions, many of the collaborating working partners identified in the Guidance Note, particularly NGOs, who according to UNDP fall within the coordination of the Resident Representative, operate outside of the UN sphere and would be resentful of any remote UN bureaucratic interference, guidance or otherwise. UNDP Resident Representatives have generally, over considerable time and consultation, established the collaborative relationships with the humanitarian circles which will facilitate the operation of the Early Recovery concept. This strengthens the relevance of the UN development agencies. Practically, it does seem far more efficient to have the specialist agencies with long-term commitment to a country, lead, develop and implement the transition programs which provide the base for their longer-term interventions rather than the ad hoc short-term structures of a PKO dabbling in medium-term humanitarian and developmental issues. Further, considering the Peacebuilding Commission as an advisory institution rather than an implantation structure, it is wise to pursue the cluster system permitting the appropriate agencies to develop their collaborative overarching theoretical framework for their programs. It is within this framework that the majority of the reintegration aspects of DDR programs are implemented. The highly volatile period termed 'reinsertion', a period twelve months from the initial demobilisation, when disarmed elements need clear and uninterrupted support in the early phase of reintegration to offset disgruntlement generated by unreliable cash flows and associated poor implementation of projects, remains in the prevue of the PKO and is currently funded through the assessed budget of a PKO mission. After this special period, the lion's share of the reintegration package, some of the follow-up on individual disarmed beneficiary monitoring and mentoring beyond the lifetime of the PKO, but especially in the establishment of Community Security and macro-economic, governance and rule of law interventions that permit a transition to development, must be driven by the development agencies and funded through voluntary contributions.

The newly defined Early Recovery concept with its clear lines of responsibility offers a conducive environment for the development of appropriate structures and tasking of integrated DDR Sections in the context of PKOs. Within this framework greater scope exists for consideration the medium and longer-term impacts and objectives, in addition to the immediate violence reduction and stabilisation objectives. The author's belief is that the concepts of PB and Early Recovery, the implied relationships, tasking and reporting lines, are not mutually exclusive and in fact, Early Recovery may be seen as the effective operationalisation of the concept of PB.

4. DDR: The Shifting Paradigm, tensions and complementarities with cross-cutting issues

How has the concept of DDR evolved to include cross-cutting issues, and what are they?

Drawing from the experience of Sierra Leone, Liberia and Haiti, an emerging concept of DDR is as, "*the placing of surplus and offending weapons beyond use, in the context of improved Community Security by enhancing livelihood opportunity through social and economic investment in the community*".[21] Such a concept opens a broader range of options to violence reduction beyond or in addition to the physical collection of weapons. It projects DDR as a holistic, longer-term developmental concept rather than a discrete and time-bound process with disarmament as a logistical component. It brings DDR further into the realm of social engineering. The concept of "placing weapons beyond use" allows for an option other than the physical surrender of weapons to a victor or third party and offers a face-saving and confidence-building mechanism to overcome a potential crux in the signing of a CPA. It requires demonstration of good faith supported by credible verification mechanisms. This concept also opens space for reduction of violence and peacebuilding where a conventional, logistical disarmament is not possible, as has been the case in Haiti throughout 2004 and 2005. Before accessing the toolbox of lessons learned in Sierra Leone and Liberia to contribute to the design and implementation of an effective DDR process, a common philosophy and understanding of the DDR Concept needed to be developed by DDR practitioners and disseminated to partners in peace. This was achieved in December 2006 with the publication by the UN of the IDDRS.

No DDR process, even a successful one, can be superimposed on another post-conflict environment. Processes must be painstakingly custom-designed to meet specific needs. However, when they are designed and implemented within the parameters of the appropriate Common Concept for DDR and a planning framework, the dysfunctional and often disastrous impact of poorly designed and implemented DDR processes can be avoided. With the benefit of extensive experience in the design and delivery of DDR processes, the wording of a Common Concept which describes a philosophical approach and can address the optimal delivery of DDR.

> *DDR is a concept which focuses of placing weapons beyond use in the context of improving Community Security through social and economic investment in the community.*

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[21] Bengt Ljunggren. *Community Security,* UNDP, Sierra Leone, unpublished, 2004, *Op Cit.*

Cross-cutting issues

The following sub-section takes a cursory look at the major cross-cutting issues, or specific factors associated with those issues, from a phenomenological perspective and beyond. These issues represent much of the shifting paradigm, the development of a holistic and community based concept for DDR. However, we will review in some detail the relationship between DDR and mechanisms of transitional justice. This, primarily because it is a topical issue of discussion in academia just now and one which is under review in the context of the development of IDDRS.

a. *The position of DDR in the initial peace negotiations*

The political dimensions of DDR are considered in some detail in the Stockholm Initiative on DDR (SIDDR) which issued its final report in March 2006.[22] It stated that…

"DDR should be viewed as a central element of any peace negotiation or peace process, that it has to be dealt with in the context of other ongoing peacebuilding, security and development processes, and that it must be adapted to specific cultural, social, economic and political."

But, this view and the report in general misses the following critical phenomenon associated with the political dimension of DDR.

Often, when time is ripe for early peace negotiations, the priority of the outlawed elements, usually the vanquished rebels or those most susceptible to prosecution in the context of Crimes against Humanity or against Human Rights will be the terms of the DDR program, particularly an associated amnesty. The DDR element of negotiations is often manipulated by parties to allow room for manoeuvre in maintaining influence and power and maximising their take from the process. Such was the case of the Revolutionary United Front (RUF and Sankoh) in Sierra Leone and the National Union for the Total Independence of Angola (UNITA and Savimbi).

For this reason, the DDR is often held in contempt by those seeking broad justice. There is some ground for this contempt as DDR programs usually offer an escape route for some criminals responsible for the commission of heinous crimes, even if those most responsible fall within the net of transitional justice mechanisms. For this reason, discussions on DDR should not be to the forefront of the initial peace negotiations but have a light footprint and be held in reserve as a final carrot to press home advantage for compliance by belligerents, with the main terms of a peace accord. DDR is the ace in the hand of the international intermediary coordinating the negations. As it is usually the international community that will be required to forward the lion's share of the funding for a DDR program, it is a specific element of

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[22] Final Report of the Stockholm Initiative on DDR as presented to the Secretary General of the UN in March 2006.

the negotiations where the international community holds sway to impose internationally acceptable standards.

The Initial negotiations should be used by DDR staff to assess the scope, scale and cost of a DDR program, identify caseload, develop basic criteria, design the implementing institutional framework and identify the major cross-cutting issues. It is a time to commence the development of IoAs considering the qualitative impacts in addition to obvious quantitative elements and benchmarks that will contribute to the implementation and evaluation of the program.

b. *DDR as an aspect of SSR*

Rather than being a cross-cutting issue, SSR has an overarching relationship with DDR. It may be clear how the influence of 'right sizing' and re-tasking of armed forces impacts the DDR process and vice-versa. However, other aspects of SSR; Small Arms Control (SAC), reform of police, judiciary and custodial services, the development of the appropriate legislative framework and the return of Rule of Law (RoL) which impacts the stabilisation process and democratisation in general, are also critical to the implementation of an effective DDR program. This is particularly so in attempting to achieve a sustainable degree of Community Security.

DDR implementation in the absence of SSR offering an appropriate 'right-sizing' and tasking of armed forces to address real needs in the post-conflict context is a classic recipe for the re-emergence of armed violence. The example of the eruption of violence in East Timor in 2006, after five years of UN investment in peacekeeping and peacebuilding is such a case. This conflict arose as a result of the retention of an unnecessary armed force (in light of a neutral threat analysis) and a similarly armed police force, both politicized and with opposing loyalties.[23]
In Sierra Leone, the resizing and re-tasking of the Sierra Leone Army, (SLA) was treated as an issue independent of the DDR process, and in fact, independent of the peacebuilding effort, being considered the realm of the bilateral support being implemented by Great Britain. The degree of collaboration between UNAMSIL and the British contingent supporting the retraining and restructuring of the Sierra Leone Army (SLA), was sporadic despite the presence of British staff officers in UNAMSIL HQ. There was no significant contact with DDR. The perception within the DDR Section regarding the ex-combatants being 'vetted' and absorbed into the new SLA was that the process had been politically 'hijacked' and some undesirable people were being absorbed for political value rather than their potential contribution to the stability of Sierra Leone. Some senior British officers engaged in the process agreed with this analysis.[24] But unlike the problems in East Timor, this issue has not rebounded and come to the fore.

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[23] Desmond Molloy 2007, *East Timor: A UN or State Failure*, TUFS 2007, unpublished.
[24] Informal discussions between author and senior British Officers, Lungi, Sierra Leone, August, 2004.

In Haiti, the inability to reign in Haitian National Police (HNP) who contributed more to the problems than solutions, to comply with, never mind uphold RoL, the gross corruption of the judiciary and the penal system and the collusion of members of the legislature with criminal gangs[25], made the implementation of an effective DDR program impossible.

Further, the issue of an illegitimate Armed Force of Haiti[26] and efforts at its reconstitution, considering that the old one had been an instrument of the elite for decades, continues to contribute to instability.

Without a background of legitimate SSR, DDR tends to be illusionary as any legislative sanctions cannot be enforced. An appropriate environment of effective SSR is crucial for the implementation of DDR. DDR is an aspect of this SSR process. There must be collaboration in planning and implementation to ensure coherence and the development of appropriate synergies between SSR and DDR.

The concept of DDR viewed in the context of the SSR agenda is often closer to the traditional view of logistical "right-sizing" of security forces and the expedient removal of a volatile caseload from a dynamic security environment, a physical security viewpoint rather than a holistic Human Security perspective. The difference and conflict between philosophies regarding the priorities of DDR are particularly marked when viewed through the prism of transnational organisation, the UN, WB etc, implementation compared to implementation through bilateral, or levered "alliance of the willing" interventions e.g. US or Russian interventions in their perceived zones of influence or interest. Such philosophical divergence makes collaboration between intervening powers and the transnational organisations difficult and has in the recent past contributed to significant international tensions and failure to meet perceived objectives.

c. *The position of children associated with armed factions*

The issue of children associated with fighting factions is probably one of the most emotive and topical issues to be addressed in the context of DDR and is also one of the best covered, if the least observed. The Cape Town Principles, outlining a common understanding of the issue and approach by the major child-focused agencies and NGOs, coordinated by the UN Fund for Children (UNICEF), were developed in 1997 and served as guidance for DDR implementation in processes undertaken since then. These Cape Town Principles were then formalised as the Paris Principles in February 2007 and have been incorporated into the IDDRS.

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[25] It can be noted that President of the Inter-parliamentary Committee on Security and Justice in Haiti is reputed to be one of the biggest cocaine traffickers in the Caribbean.

[26] The Armed Forces of Haiti having been demobilised by Presidential Arrete in 2004, with considerable orchestration by certain members of the Haitian elite, partially remobilised in opposition to the State in 2004 /2005, occupying public buildings by force in order to pursuit grievances. This issue continues to pose problems for the Government of Haiti.

All children, any persons under the age of eighteen years, associated with fighting groups, armed or unarmed, whether as fighters, slaves, sex slaves, bush wives or camp followers as viewed as victims and in the context of DDR are the focus of special care, attention and protection by professional child-focused agencies with the emphasis on reintegration into the community.

This issue of abuse through the use of child soldiers has not gone away. It remained a major issue in the Sierra Leone and Liberian DDR process. It continues as an issue in conflict areas including Democratic Republic of Congo (DRC), Sudan and with the Lord's Resistance Army (LRA) in Uganda. However, the specific inclusion of the use of child soldiers as a Crime against Humanity in the Special Court for Sierra Leone, under the auspices of ICC, sent a signal that has not been missed by the abusers. Amnesty from prosecution on this issue is a major target of perpetrators in DRC and Uganda, and is indeed a sticking point in peace negotiations.

d. *The position of women associated with armed factions*

While the treatment of girls under the age of eighteen years is covered by the Paris Principles as mentioned in the previous paragraph, the position of women associated with the fighting factions, whether as fighters, slaves, sex slaves or camp followers remains invidious. Despite clear principles and the engagement of some professional gender sensitive agencies to handle women in the context of the DDR process, offering care, protection and due process, the position of women entering the DDR program is fraught with difficulties. Often, as in the case of Sierra Leone, sex slaves or bush wives are hidden by fighters and not permitted to come forward into the process. Another difficulty was where commanders disarmed women fighters and gave their weapons to men in order to permit them to gain the benefits of the program while depriving the women fighter of the evidence of their status, their weapons. This excluded many women from the process and from inclusion in studies identifying the impact of DDR on women. This fact may go some way to explain why Humphreys and Weinstein did not find any correlation with difficulty to reintegrate and being female[27].

Further, the status of women fighters returning to their communities was often in contrast to that of male fighters. Considered more as prostitutes or spoiled women, reintegrating women fighters or women associated with the armed groups were often shunned and stigmatised within their communities, sometimes forcing them to settle where they were not known. While some faith-based NGOs did attempt to address this problem in some specific areas of Sierra Leone, the program did not have any mechanism or a support system to deal with this issue.

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[27] Macartan Humphreys and Jeremy Weinstein, of Columbia University and Stanford University respectively, in their large N survey of the attitudes, motivations and status of the participants in the Sierra Leone DDR process, Preliminary Report, *"What the Fighters Say"* and subsequent follow-on analysis using quantitative methodology (regression analysis) made some findings, including this one, which were contrary to the practitioner's perception.

As with women in society at large, in the context of Security Council Resolution (SCR) 1325, appropriate quantitative and qualitative IoAs are necessary to draw program focus on the issue of the access of women associated with armed factions to the benefits of the DDR program and to appropriate reintegration support thereafter.

e. *Post-conflict youth policy as an aspect of DDR*

As with the civil war in Sierra Leone and Liberia and the criminal engagement in Haiti, much of the susceptibility for youth recruitment to violent activities is stoked by the exclusion of the youth from political, social and economic engagement with society. In a post-conflict environment, the rapid and participative development of a national youth policy to redress the sense of exclusion and to create a sense of stake in society and in the development of the state, are critical factors. Those disarming elements engaging in the DDR process often remain the most influential youth in society having been 'all powerful' by way of the gun, the vocal minority, and also they remain the sector of society likely to contribute most to destabilisation of the security environment. The Minister for Youth Affairs and Sport in Sierra Leone recognised this point in 2003 and in collaboration with the DDR program, both DPKO and UNDP, developed a travelling road show to gain youth input into the development of a new youth policy. It would seem that the result contributed to the post-conflict stabilisation amongst the most volatile sector of society.

The creation of a national process to address this sense of exclusion and to develop a youth policy in broad consultation with government, civil society, youth organisations and the international community is an important block in peacebuilding. The DDR program with its experience with the most volatile elements of youth must contribute.

f. *DDR and Cultural Sensitivity*

A DDR program that ignores the cultural life view and values of the community in which it is to be implemented is unlikely to attract the collaboration of that community. This cultural sensitivity must also consider a broad range of the cross-cutting issues such as the gender perspective, child soldiers, attitudes to SAC, human rights and transitional justice, informal and formal. A DDR program that does not have bottom-up support will not succeed. Community and peer pressure regarding disarmament, demobilisation or in placing weapons beyond use, is a critical factor in establishing a DDR program. Usually, the demonstration of such cultural sensitivity requires a light foreign footprint and the application of "Do No Harm" principles.[28] This takes prior local knowledge, early investment in the community, and a perception within the community of the non-threatening and benevolent contribution of the program to their way of life. Creation of such a perception takes time, patience and a developmental approach,

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[28] Mary Anderson, *Do No Harm Concept*, Work from 1999-2004. This outlines a socially conscious methodology for addressing community conflict. It is a critical concept which has gained global credence and is adapted by most responsible agencies intervening in situations of community conflict. http://www.cdainc/publications/dnh.

resources often in short supply where a DDR program is necessary. Such cultural sensitivity is usually missing in DDR programs implemented in the context of major military interventions by powerful states, bilateral interventions and can be an afterthought even in interventions driven by transnational organisations.

g. *Human Rights and DDR*

The cross-cutting impact of human rights issues permeates DDR at all levels. This is often   represented by concern about the abandonment of justice for victims through broad amnesties; the nature of transitional justice mechanisms; the protection of participants in the DDR process from retribution without due process; the treatment of children and girls in the context of DDR; the gender perspective associated with DDR; an imbalance of benefits to participants, those who terrorised society, vis-à-vis the community; the implications of SSR including the appropriate vetting of ex-combatants being absorbed into the armed forces, police, justice and penal systems. DDR Programs must demonstrate strong consideration of the impact of the program on human rights in accordance with basic international standards; the conventions and treaties on human rights. This may be covered through frequent consultations with the UN Human Rights working group or cluster and, more importantly, the implementation of appropriate action points.

h. *Political recovery and DDR*

The movement from the use of armed violence by conflicting parties to an instrument in the monopoly of the State, to be used only legitimately in the protection of the rule of law, is a huge leap from a period of armed conflict in which political dialogue was the first casualty. While peace negotiations, the signing of a CPA or wonderful statements of non-violent intent may be delaying tactics or devious manoeuvring of parties in conflict-pursuing interests, good willed participation in the DDR program is the concrete expression of a genuine commitment to the use of political means in pursuing those interests. Broad participation, its launch often marked by extensive media hype, is a major confidence builder which facilitates the elements of the CPA which guarantee political *inclusion.*

i. *The role of women in peace negotiations and in post-conflict society as vectors of peace and the mainstreaming of the gender perspective*

Near the end of a civil war, a bloody one, women often make up over fifty per cent of the population. Often, as those who have suffered most, based predominantly on their gender, throughout the conflict, women have the potential to be significant vectors of peace and would seem to have a basic right to have their requirements considered in a post-conflict environment. However, rarely are women well-represented or the gender perspective considered in the development of peace negotiations or in the terms of a subsequent

peace process, including the elements of DDR.[29] Their potential contribution to stabilisation of the peace is usually lost.

UN SCR 1325[30] on Women, Peace and Security highlights the necessity to strengthen the gender perspective, especially as regards the impact of war on women and the contribution of women to conflict resolution and sustainable peace was issued in 2000. However, this SCR remains observed largely only in lip service. In compliance, through a process of 'mainstreaming', a facet of UN terminology gradually becoming a euphemism for operationally ignoring, the gender perspective is usually dealt with by the insertion of a sentence in a program document to acknowledge the issue, but representing little concrete action.

The issue which often relates to the rights, well being and contribution to stabilisation of more than 50% of the population of the subject post-conflict society must become a greater focus of the Human Security Agenda, including DDR as an aspect of that.

j. Technical and socio economic baseline data for DDR

Credible baseline data so necessary for planning is often in short supply at the beginning of a DDR process. In Haiti other than Muggah's 'Securing Haiti's Transition' of 2005[31] completed during start-up in collaboration with the Integrated DDR Section, few studies had provided baseline data on the small arms environment or the socio-economic position of armed gang members in Haiti and practitioners had to depend for the most part on anecdotal qualitative data and local information. This contributed to the initial misidentification by the international community of the former Armed Forces of Haiti as the major threat requiring DDR in the early stages of the UN mission.

No significant socio-economic or technical small arms study was done to support the development of reintegration options or to coordinate with broader national economic recovery. While such a study was commissioned in 2006, it failed to produce effective results due largely to poor planning and supervision.

The need for early development of appropriate baseline data has been a tenet of DDR for the past ten years. Yet, this prerequisite is constantly a panicked after-thought in an information vacuum.
The early engagement of the scholarly community bringing modern techniques of social science and rigor in developing critical baseline data for planning purposes of not only security system interventions, but all aspects of the multi-billion dollar international interventions must be a new and focused priority of international community planning'.

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[29] Desmond Molloy, *DDR: The Gender Perspective.* 2004, *Op Cit.*
[30] UN Security Council Resolution 1325 on Women, Peace and Security, 31 Oct 2000.
[31] Muggah Robert. *Securing Haiti's Transition: Reviewing Human Insecurity and the Prospect for DDR*, Small Arms Survey, Geneva 2005, Commissioned by Swiss DFAE.

Such studies should include a small arms survey, a review of armed factions providing the scope, sizes, armament and motivation, geographical disposition and leadership structures of factions, the position of children and girls associated with armed factions, women and the armed factions, human rights and the potential use of mechanisms of transitional justice, relevant SSR issues. Socio-economic analysis of society is required by region to identify the scope and limitation of reintegration opportunities to include the infrastructural limitations; access, security, literacy levels, educational facilities, social services, poverty levels, employment levels, livelihood data, potential for employment, natural resources, critical investment needs, traditional structures of community leadership, etc.

k. *DDR v Mechanisms of Transitional Justice*

While Disarmament and Demobilisation (DD) of defeated armies have been integral to conflict resolution throughout history, the Romans in some cases favoured mass crucifixion, the concept of major international support to the process absorbing surplus fighters through the reintegration of masses of ex-combatants into their communities (R), during the lifetime of a UN mission, has arisen only in the past twenty years. As we saw it in 2001 DDR was a narrow discipline which consisted of a number of multifaceted and interrelated tasks including disarmament considerations as an aspect of the negotiated settlement, advocacy for weapons collection programs, military administration of disarmament and demobilisation of ex-combatants, handling of SALW[32] and various ammunitions, development of database, ex-combatant reintegration into new armed forces or civilian life, with a secondary task of preparation of communities to receive disarmed and demobilised elements. Basically it was about the collection of weapons and the expedient dealing with the result and potential spoilers; masses of unemployed soldiers. The success of these processes very much depends on and impacts on other aspects of the political and institutional development of the host country in the post-conflict period. A recovering society needs some form of closure as regards the injustice that has been perpetrated against society in the waging of the conflict. The legislative framework and legal system of a fragile post-conflict state may not be in a position to deal with such crimes because of limited capacity, resources or the political implications of addressing them in the context of a CPA and the perception of 'victor's justice'. In such a case, mechanisms of transitional justice, formal and informal, ICC, national or traditional, can provide a way forward to accountability, truth seeking and facilitate reconciliation. However, there is considerable mutual impact giving rise to "potential tensions and complementarities" between both processes, DDR and Transitional Justice.[33]

The disarmament of belligerents and the demobilisation of armed factions thereby neutralising the capacity to intimidate society can facilitate the implementation of mechanisms of transitional justice.

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[32] Small arms and light weapons (SALW) are defined as those personal fire arms from shot-guns and pistols up to and including light/medium man-portable machine guns and shoulder launched rocket propelled grenades or anti-aircraft missiles.
[33] This matter is considered in some detail DDR *and Transitional justice*, Johanna Herman and Chandra Lekha Sriram, A paper prepared for the Tromsø Conference on DDR, October 2008, for the NUPI panel studying the Political Economy of DDR, of which this author is a member.

From the viewpoint of the demobilising combatants, the spectre of these mechanisms of transitional justice prosecuting those who may enter the DDR process can have a retarding impact and delay the cessation of violence. As such, a mutual sensitivity regarding timing of the launch of mechanisms of transitional justice and clear sensitisation of the DDR caseload and the community is necessary, manifest through collaboration between DDR practitioners and prosecutors.

By the end of the Mission in Sierra Leone in 2005, the philosophy of DDR had progressed beyond that of a logistical process to a more holistic concept. From the many lessons learned, it was clear that DDR is a concept which aims to *"place weapons beyond use, in the context of improving community security through social and economic investment"* In the meantime, the development and acceptance of this concept has moved DDR from being purely a tool associated with peace-keeping and stabilisation of a post-conflict environment, to a longer-term process in the realm of Peacebuilding or Early Recovery.

It was realised that all of these aspects of developing a sustainable peace associated with DDR are dependent on the ascendancy of a mindset among the population that is ready to make difficult decisions and some sacrifices for peace. As mentioned, the CPA developed at Lomé in 1999, as brokered by the Rev Jesse Jackson, had offered amnesty to all belligerents for crimes committed in the context of the war. In light of International Humanitarian Law, this could not be acceptable to the UN which made a point of exempting itself with an exception clause in the CPA as regards amnesty for those *most* responsible for crimes against humanity.

Despite the development of chambers of the International Criminal Court to deal with those most responsible for heinous crimes against humanity during the conflict and/or a national Truth and Reconciliation Commission, elements of a transitional justice system, the cost of achieving a commitment to voluntary disarmament by the most volatile sectors of society is often in subjugation to the desire for vengeance or simply justice, by the broader community and the creation of space for some element of amnesty for those individuals who have been part of the attack on society. The line is usually drawn, as was the case at Lomé, at those who have been most responsible for the worse crimes and who can be pursued through mechanisms of transitional justice.

The dilemma for combatants is that by entering the DDR process and availing themselves of the benefits, they may also expose themselves to prosecution in the context of transitional justice. This concern did arise in the case of Sierra Leone.

Concern among DDR implementers is that the launch of mechanisms of transitional justice too early in the DDR process will drive critical leaders, those who can deliver their fighters to the program and also the greatest potential spoilers, underground. This gives rise to tension between the DDR implementers and the prosecutors in transitional justice. The example of the prosecutor of the special court for Sierra Leone, David Crane, attempting to kidnap the indicted President of Liberia, Charles Taylor, as he attended a peace conference to end the war in Liberia, and thereby almost scuttling the peace process, is one that

cautions DDR practitioners to the dangers of the uncoordinated and poorly timed launch of mechanisms of transitional justice.

On the side of formal mechanisms for transitional justice, such as the mechanism under the ICC as in Sierra Leone, concerns in the prosecutor's office regarding the DDR program include the reticence of DDR programs to make data-base on participants, often listing details of service, unit, locations, armament and actions in which the participant was engaged, which might contribute to prosecution evidence, to any third party. To pass such information on would discourage participation in the DDR program and would also reduce the potential for accuracy and truth in the data collection. DDR practitioners believe that a client/practitioner relationship exists which should guarantee total discretion, much like a doctor/patient or journalist/source relationship.

This informal practice caused deep suspicion between members of the DDR Section in Haiti and the Joint Mission Assessment Cell (JMAC), the intelligence unit of the UN mission, which felt that all information on gangs and individuals should be made available to them to assist the planning of arrests, offensive military actions and other interventions.

Complementarities lie largely in the capacity of transitional justice mechanisms to facilitate accountability and reconciliation and to contribute to improved community security as society realises that the impunity associated with the state of conflict is ended.

TRCs and DDR

Hand-in-hand with institutions of the ICC or support to national chambers in dealing with crimes against humanitarian law, post-conflict countries often consider the mechanism of Truth and Reconciliation Commissions (TRC) following the South African model. The unfortunate fact is that it seems that such a mechanism needs the impermater of giants such as Nelson Mandela or Bishop Desmond Tutu and a facilitating context before they can be effective. In reality, TRCs rarely reach the truth[34] However, in the case of Sierra Leone it seems that the TRC did contribute somewhat to inculcating the concept of reconciliation. The attempt at a TRC in Haiti (1995/1996) was less useful and eventually, in a cloud of marronage,[35] fizzled out without significant publication... following considerable intimidation of some witnesses.

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[34] Tim Kelsall, 'Truth, Lies, Ritual: Preliminary Reflections on the Truth and Reconciliation Commission in Sierra Leone', *Human Rights Quarterly* 27 (2005), p 361-391.

[35] Marronage – (Haiti) Confusion may well be a mystery carefully nurtured in the traditional smoke and mirrors of Haitian life and culture that communicates through the ubiquitous Créole (Less than 20% of the Haitian population speaks French while the remainder speaks a French based Créole.) language speaking in proverbs and riddles, devised over centuries to confuse the "Blanc". This language is accompanied by the almost impenetrable fog and confoundation of that particular Haitian phenomenon, seen as a fundamental cultural trait of Haitian life, "La Marronnage", where even the clearest statement or action may or may not mean the opposite. La Marronnage – "(...)c'est la défection. Comme fil conducteur (qui) nous permet de mieux saisir les contre valeurs de cette contre-économie, de cette contre-culture, de cette contre-société. (...) Cette

Informal mechanisms of transitional justice and DDR

However, traditional transitional justice mechanisms, rituals and ceremonies specific to location, community, clan or tribe, common primarily in African countries, have been used effectively in facilitating an environment for reconciliation in the context of DDR; cleansing ceremonies, courts of community elders, etc. The most celebrated example of such a community based transitional justice mechanism used in the context of DDR is probably the Rwandan *Cacaca* grass-roots courts. However, it is noted that the effectiveness of this mechanisms was diminished by attempts to nationalize it and standardise its procedures by the Kigami government.[36]

A cautionary note to practitioners concerns emerging anecdotal evidence that in certain 'cleansing ceremonies' associated with the powerful secret community societies of Sierra Leone, the Poro and the Bundu[37], cases where it is alleged that reintegrating child soldiers were in fact drowned in water based cleansing ceremonies and female reintegrates subject to female genital mutilation (FGM).

What is important as regards the effectiveness of such informal mechanisms of transitional justice and the preservation of their credibility and impact locally is that they remain in the hands of the community without external influence, footprint or cooption, having been initially vetted as genuine ceremonies of reintegration and reconciliation.

DDR and Transitional Justice mechanisms: Indicators of Achievement (IoAs)

Though scholars of both disciplines have been prevaricating for years,[38] projected outputs highlighting the complementarities between the DDR process and Transitional Justice Mechanisms have not yet been included in the planning of any programs, in either discipline. Quantitative indicators and benchmarks would contribute to the formalisation of recognition of the complementarities and help reduce the tensions. Such quantitative indicators could include, among others, in the case of formal mechanisms of transitional justice, the number of meetings between the Chief DDR and the Prosecutor, a benchmark of a point in time after the launch of the DDR program before which indictments will not be published; the establishment of a liaison office between the DDR implementer and the prosecutor's office.

In the case of informal or traditional mechanisms of transitional justice, quantitative indicators of achievement could include number of meetings between DDR staff and leaders of the community based

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culture riposte (est) une réaction collective et structure de fruite. (…) La fruite suppose la dissimulation, dispersion et clandestinité (…)", Barthélemy G., Créole et Bossale, Conflit en Haïti. IBIS rouge 2000.

[36] Herman and Leckha Sriram, DDR and Transitional Justice, 2008, *Op Cit.*

[37] Poro and Bundu, traditional community based societies prevalent in Sierra Leone, male and female respectively, which dominate Sierra Leonean societal life. They maintain a strong coercive hold over members of each community. Cloaked in secrecy, they maintain that secrecy with severe sanctions, including death.

[38] Herman and Leckha Sriram 2008, *Op Cit.*

initiative; appropriate vetting for humanitarian standards and motivation; number of sensitisation meetings with target communities; agreement regarding liaison between the DDR implementer and the leaders of the traditional mechanism of transitional justice in the community.

DDR in Colombia and the dispensation of Justice.

Some progress has been made in maintaining a semblance of justice in the structure of the current Colombian DDR process[39], which may offer an example of how systems contributing to justice may be adapted. The situation of violence in Colombia is quazi-political with the cocaine trade, the same cocaine which is fuelling the Haitian criminal chaos, as the main motivator for rebel factions. In the light of robust military and police actions to counter the armed rebel factions, primarily Revolutionary Armed Forces of Colombia (FARC) and National Liberation Army (ELN), rebels have the option of favourable consideration should they surrender themselves to the national justice system in a process of collective or individual disarmament in the context of a Demobilisation, Reintegration and Reconciliation Program. A broad amnesty as regards breaches of International Humanitarian Law is not offered but lenient or suspended sentencing can be offered to those deemed fit and who offer totally truthful confessions as decided by a Commission for Reparation and Reconciliation. Individual reintegration package in the traditional DDR mode, education or entrepreneurial support with psychosocial and health- related assistance and some support to dependents are designed and based on detailed personal profiling. Early in the program from 2002, prior to the establishment of the Commission for Reintegration in 2005, this was managed by the Ministry for the Interior and Justice and did not offer community support, either psychosocial or physical, in preparing them to receive demobilised persons. As the numbers demobilising rose dramatically after 2005, this matter was exposed and addressed by the newly established commission. Since the process started in 2002, 46,000 have demobilised, 33,000 of these since 2005. Collective demobilisations have been particularly successful with greater risk of revenge attacks by their factions on those who demobilise individually. In 2006, the program was restructured and strengthened. Greater emphasis was placed on providing socio-economic support to the receiving communities and contributing to broader reconciliation. This initiative is linked and is complimentary to the National Development Plan. Major challenges to the process are created by the large numbers of demobilised elements in the community, the presence of significant numbers of Internally Displaced Persons (IDPs) in regions of settlement and in the high level of illegal activities in Colombian society, particularly narco-trafficking. At the meeting in France where this information was gathered, the representative of the Commission for Reintegration offered a rosy picture of the process but one must remain cognizant of the accounts of the brutally robust methods of interrogation of disarmed elements in a society wracked by criminal or political violence. However, the process does offer an example of a structured adaptation of the DDR concept which does not sacrifice justice and embraces clear national ownership with an appropriate level of international cooperation.

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[39] Alejandro Eder Garces, Presentation of the Columbian DDR Process, Author attended this presentation at the IDDRS Assessment Workshop, Talloires, France, 26 May 2008 as expert resource.

5. Conclusions

DDR in the context of international intervention has evolved from a logistical process to a holistic concept, impacting and being influenced by a broad range of inter-dependent cross-cutting issues. IDDRS are established as the definitive guidelines for planning and implementation of DDR programs, approved within the UN system and more broadly by the IATG representing the educational institutions preparing practitioners for the field. In addition to these structured guidelines, the concept of integration has taken hold in the UN system and is carried to the humanitarian world in the context of the Early Recovery concept, perhaps operationalising the Peacebuilding concept, within the Human Security Agenda. The challenge now is to ensure that the parameters of IDDRS, integration and Early Recovery are considered in the negotiation of peace agreements at all levels and in the planning and implementation of DDR programs throughout the post-conflict stabilisation phase and into the development phase. International assistance must be conditional upon these criteria.

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Sexual Exploitation and Abuse in a Post-conflict Phase: Its Relation to Revictimisation

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Introduction

Sexual Exploitation and Abuse (SEA) can exist in any country in the world. It can be found in different forms and is committed by different actors such as the state, any institutions, family members or strangers both in peace time and times of conflict. Consequently, the term SEA tends to draw an image of either systematic domestic violence in peace time or sexual violence in war time. The scope of this paper is limited to cases of SEA committed by members of the international community, not only UN Peacekeepers but also humanitarian workers (both United Nations and non-UN) in a post-conflict phase. The West Africa cases in early 2000 are used to outline some typical characteristics of SEA. From the time, preventative efforts on SEA by the international community made significant progress. Despite the progress made in international protection, victims/survivors[1] support seemed not to reach them with sufficient strength.

Though there are series of ethical issues involved with SEA, the goal of this paper fundamentally stays practical, to raise awareness on a problem of SEA with a review of international reaction, seek for a stronger protection mechanism and support for victims/survivors by spotlighting an issue of revictimisation. Revictimisation is used as a key to draw more victims'/survivors' oriented approach and fill the gap for support. First, it seeks to provide definitions of SEA in a post-conflict phase committed by members of the international community. It attempts to disentangle threads of related concepts such as SEA and Gender-Based Violence (GBV). Also, two different categories of the SEA would be presented to show some characteristics of SEA by applying on cases of West Africa. Second, aiming at more comprehensive support to victims/survivors revictimisation is utilised to have better understanding on the environment which could be embedded causes of SEA. Also, it discusses a possible support mechanism at the time of incidents with prevention of revictimisation in a process and promotion of resilience for both individual and community for future prevention. As there are a series of guidelines for support being published, the contents listed are not new, but advocate a victim/survivor-centred approach at all levels.

1. Historical Overview

In any literature SEA is treated as the issue itself.[2] A famous UN "Zaid report" points out the widespread misconduct of SEA by UN staff, peacekeepers and civilian workers through 1990. They were in Bosnia

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[1] People victimised by SEA in this scope would be called as victims/survivors as sexual exploitation would require usage of victims and survivors are more often used in sexual abuse.

[2] Victoria Jennett. 'Sexual Exploitation in Peace-keeping Missions', U4 Expert Answer. p.1.<

and Herzegovina and Kosovo in early 1990s, Cambodia and East Timor in late 1990s and West Africa and Democratic Republic of Congo in early 2000s.[3] But international attention on this matter was not prominent until early 2002, when the scandal of SEA in West Africa was broadcasted.[4] Save the Children UK disclosed the reality of SEA in West Africa and it was communicated through the British Broadcasting Corporation (BBC) around the world in early 2002. The report identified SEA on refugees by international actors operating in Liberia, Sierra Leone and Guinea. 'Over 40 aid agencies - including the UNHCR itself - were implicated and 67 individuals - mostly local staff   named by the children.'[5] In the report they listed over 40 agencies including Office of the United Nations High Commissioner for Refugees (UNHCR), a primary refugee agency, and claimed high prevalence of the problem. As a response to the scandal the UN Office of Internal Oversight Services (UNOIOS) conducted investigation and submitted a report to the UN General Assembly in late 2002.[6] However the findings of the report concluded that previous findings of the SEA were 'misleading and untrue.' This conclusion could have contributed UN's strong rather focus on prevention than care and treatment.

Subsequently a resolution was passed at the General Assembly to 'condemn(s) any exploitation of refugees and internally displaced persons, especially sexual exploitation'.[7] It was integrated into the administrative restriction by the Secretary General's Bulletin on *Special measures for protection from sexual exploitation and abuse* issued in 2003. It became a 'ground for administrative action or disciplinary measures, including summary dismissal'.[8]

Finally the so-called Zeid report, the subtitle; *A comprehensive strategy to eliminate future sexual exploitation and abuse in UN peacekeeping operations,* was submitted to the General Assembly by prince Zeid Ra'ad Zeid Al-Hussein in June 2005.[9] He was the Secretary-General Kofi Annan's Adviser on Sexual Exploitation and Abuse by UN Peacekeeping personnel, Permanent Representative of Jordan at the time. The strategy covers four areas; 1) the rules on standards of conduct, 2) the investigation process, 3) organisational, managerial and command responsibility, 4) individual disciplinary, financial and criminal accountability. It contains series of practical recommendations. And following movements within UN are along with those recommendations. A letter was also submitted from UN Secretary General to the Security Council to declare "Zero Tolerance Policy" and disseminated throughout the UN system in 2005.[10] Flowingly, the UN comprehensive strategy on assistance and support to victims of sexual exploitation was

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, http://www.u4.no/pdf/?file=/helpdesk/helpdesk/queries/query118.pdf, accessed on 15 January 2009.

[3] UN Doc, A/59/710, 24 March 2005.

[4] Vanessa Kent, 'Protecting civilians from UN peacekeepers and humanitarian workers: Sexual exploitation and abuse', Chiyuki Aoi, Cedric de Coning and Ramesh Thakur (eds) Unintended consequences of Peacekeeping Operations (Tokyo: United Nations University Press, 2007) p. 47.

[5] 'Child   refugee   sex   scandal,'   BBC   News,   Tuesday,   26   February   2002,   22:33   GMT, http://news.bbc.co.uk/2/hi/africa/1842512.stm, accessed on 17March2008.

[6] UN Doc, A/57/465, 11 October 2002.

[7] UN Doc, A/RES/57/036, 22 May 2003.

[8] UN Doc, ST/SGB/2003/13, 9 October 2003.

[9] UN Doc, A/RES/59/710, 24 March 2005.

[10] UN Doc, S/2005/79, 9 February 2005.

finalised in 2006.[11] The strategy was adopted at GA in 2008.[12] To guide them at more practical level, *the Statement of Commitment on Eliminating Sexual Exploitation and Abuse* by UN and Non-UN Personnel was endorsed by 21 UN and 24 non-UN entities in December 2006.

Reaction of the international community at the field level was flexible in Sierra Leone. According to the IASC reports, the main response at the national level was creation of the Coordination Committee for Sexual Exploitation and Abuse (CCSEA), 'an interagency committee charged with…prevention and response.'[13] IASC is a coordination body for humanitarian assistance which binds both UN and non-UN humanitarian actors. They attempted to focus on three important themes, 1) Prevention, 2) Response (basic care to survivors), and 3) Management and implementation issues (ensure accountability) in their action plan.[14] Consequently, they created a Sierra Leone version of "Standards of Accountability" and disseminated it to the humanitarian community. It was utilized as a base of operating code of conduct in Sierra Leone at the time. In another term, emphasis was more on Prevention and Management implementation. In the final report there was a comment on 'response' to victims/survivors which SGBV programmes had some funding issues.

During these processes reports on SEA incidents continued and only statistics available is from a UN system. All 41 UN entities received a total number of 371 allegations which included 357 allegations of SEA from UN Department for Peacekeeping Operations (UNDPKO) in 2006.[15] The highest numbers of allegations, a total of 147, were reported in the United Nations Mission in the Democratic Republic of Congo (MONUC). UNDPKO received 53 allegations in 2003, 105 allegations in 2004, and 340 allegations (123 cases for civilians, 24 for police and 193 for military) in 2005.[16] Increasing numbers of reporting along with the timeline could have three explanations as follows, 1) improved reporting system inside UN system, 2) increased number of UN peacekeeping personnel, and 3) under-reporting. First explanation presents improved recognition of SEA and a strengthened reporting system in UN. Second, the number of peacekeeping personnel was increased by 14 per cent in 2006 as compared to the previous year. In 2007 global UN's deployments of uniformed personnel grew up to 83,000. In addition, there is nearly 20,000 civilian staff in UNPKO.[17] As of 29 February 2008 a total of 75,243 members are in the field under UN Peacekeeping operations.[18] Third, under-reporting is still considered serious as Csaky calls it as 'chronic under-reporting of abuse' and series of reasons of under-reporting in a report from Save

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[11] UN Doc, A/60/877, 5 June 2006.

[12] UN Doc, A/RES/62/214, 7 March 2008.

[13] IASC,, IASC Task Force Mission Report: Liberia and Sierra Leone (2002).

[14] IASC, 'Report of the Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crisis, (2008), pp.8-15.

[15] UN Doc, A/61/957, 17 September 2007.

[16] UN Doc, A/60/862, 24 May 2006.

[17] Center on International cooperation at New York University, Annual Review of Global Peace Operations 2008 briefing paper. New York: Lynne Rienner, 2008, p. 2.

[18]The United Nations Peacekeeping Operations: <http://www.un.org/Depts/dpko/dpko/contributors/gender/2008gender/feb08.pdf>, accessed on 19 March 2007.

the Children.[19] The report listed nice different reasons for under-reporting as follows; 1) fear of losing aid, 2) fear of stigmatisation, 3) negative economic impact as losing virginity of a daughter would bring less dowry, 4) threat of retribution or retaliation, 5) acceptance of or resignation to, abuse by not knowing their own rights, 6) they do not know how to report, 7) they feel powerless to report with their assumption of being discriminated, 8) lack of effective legal service, 9) lack of faith in the response. Though these reasons seem to be valid, there is still no comprehensive statistics available on the side of humanitarian workers, especially NGO workers. Lack of statistics on SEA is a static problem of this issue.

2. SEA by Peacekeepers and Humanitarian workers in a Post-Conflict Phase

1-2-1. Definition of basic terms

This problem of SEA in a post-conflict phase is defined differently by different stakeholders with their own scope and agenda. The following part seeks to clarify basic definitions related to SEA and detangles threads of concepts.

Gender-Based Violence (GBV)

GBV is a fairly wide term and includes all form of discrimination and human rights violation 'directed against a person on the basis of gender or sex.'[20] As similar to the case for not having one agreed definition of "gender" there is no standardised definition of GBV even inside the UN system. Oosterveld points out all UN agencies emphasize that "gender" is a socially construct and learnt concept rather than innate with a hope of being "constructive ambiguity."[21] GA reflected 'at least one out of every three women around the world has been beaten, coerced into sex, or otherwise abused in her lifetime.'[22] UNHCR in their guidebook explains that gender is used as a weapon and not a reason of these abuses and violations. Vulnerability of victims/survivors is exploited by the environment built up by the gender-based discrimination. Therefore understanding of this term is inevitable to understand implication of SEA as a form of GBV.[23]

Sexual Exploitation

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[19] Corinna Csàky. 'No one to turn to- The under-reporting of child sexual exploitation and abuse by aid workers and peacekeepers'. Save the Children Fund, May 2008 p.12.

[20] IASC, Report of the Task Force on Protection From Sexual Exploitation and Abuse in Humanitarian Crisis, (2003) p. 3.

[21] Valerie Oosterveld 'The Definition of "Gender" in the Rome Statute of the International Criminal Court: A Step Forward or Back for International Criminal Justice?', the President and Fellows of Harvard College Harvard Human Rights Journal, 18 (2005).

[22] Referred to by General Assembly. In-Depth Study on All Forms of Violence against Women: Report of the Secretary-General, 2006. A/61/122/Add.1. 6 July 2006. 41.

[23] UNHCR, 'Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons', Guidelines for Prevention and Response, 2003, p. 8.

Sexual exploitation is defined as 'any abuse of a position of vulnerability, differential power, or trust for sexual purpose' as a common recognition by IASC.[24] They are listing these acts as below; to perform in a sexual manner, forced undressing and/or nakedness, coerced marriage, forced child bearing, engagement in pornography or prostitution, sexual extortion for granting of goods, services, assistance benefits, sexual slavery, paedophile and human trafficking. Difficulty in sexual exploitation is that criminality of the act depends on legislation of each country. In some cases perpetrators emphasise willingness of consent by victims/survivors. The willingness of consent might ease the contents of persecution. It is important to note that sexual exploitation for children would be treated as a sexual abuse because children are not capable of taking responsibility of making judgment or will of consent on such behaviours.

Sexual Abuse

Sexual Abuse is defined as an 'actual or threatened physical intrusion of a sexual nature, including inappropriate touching, by force or under unequal or coercive condition.'[25] On the contrary to sexual exploitation, criminal justice treats sexual offence as a crime in many countries and understanding of the definition by general public is rather stronger than the one for sexual exploitation.

Different Usage of Basic Terms

Historically, Violence Against Women (VAW) was more common to address 'any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women.'[26] The definition submitted in the Declaration on the Elimination of Violence Against Women (DEVW) was the first agreed definition of such act by international body.[27] The usage of term VAW was gradually shifted to GBV not to undermine the existence of boys' victims/survivors. Consequently GBV is an umbrella term which contains SEA.

As described in Table 1 below, a scope of this paper is wider then SGBV by UNHCR and SEA by UNDPKO by including more categories of victims/survivors. But it is narrower than GBV drawn by DEVW to cover perpetrators being family, community and even state. SEA committed by these various perpetrators is not a scope of this paper though it is aware of seriousness of the issue. UNPKO uses SEA for more of the issue of conduct and discipline for their staff. UNHCR is a primary user of the term SGBV to make a direct link between GBV and SEA to describe this particular problem with a scope to seek support to their beneficiaries. Another point in Table 1 is inclusion of humanitarian workers such as International NGOs. This paper deliberately uses "Sexual Exploitation and Abuse" to grasp a detailed picture of the problem and to seek practical support to victims/survivors.

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[24] IASC 'Report of the Task Force on Protection From Sexual Exploitation and Abuse in Humanitarian Crisis', 2003 p. 3.
[25] Ibid.
[26] UN Doc, A/48/49, 20 December 1993.
[27] Luisa Blanchfield, 'United Nations System Efforts to Address Violence Against Women', Congressional Research Service Report to Congress, Congress Research Service, 2008, p. 4.

Table 1: Usage of Basic Terms by different Stakeholders

Institution	UN Declaration on the Elimination of Violence against women (DEVW)	UNHCR Refugee support agencies	UN Secretariat UNPKO	Scope of this paper
Term	Gender-Based Violence (= Violence Against Women) (GBV)	Sexual and Gender-Based Violence (SGBV)	Sexual Exploitation and Abuse (SEA)	**Sexual Exploitation and Abuse (SEA)**
Contents	**Sexual Violence Physical Violence Psychological Violence**	**Sexual Violence Physical Violence Emotional/Psychologi cal Violence Harmful/Traditional Practice Socio-economic Violence**	**Sexual Exploitation Sexual Abuse**	**Sexual Exploitation Sexual Abuse**
Perpetrators	Family Community state	Intimate partners Family members, close relatives and friends Influential community members Security forces and soldiers **Peacekeepers Humanitarian aid workers**	**UN staff UN Volunteer Individual contractor, consultants Military observers Civilian Police Peacekeepers**	**UN staff UN Volunteer Individual contractor, consultants Military observers Civilian Police Peacekeepers Humanitarian workers**
Victims/Survivors	Women	**Refugees and IDPs**	**Most vulnerable population (especially women and children)**	**Most vulnerable population (especially women and children)**
Area of interest	**Legal protection**	**Protection of Refugees/IDPs**	**Conduct and Discipline UN staff**	**Protection of Survivors**

1-2-2. Two Categories of SEA at different location settings: Rural and Camp settings and Urban settings

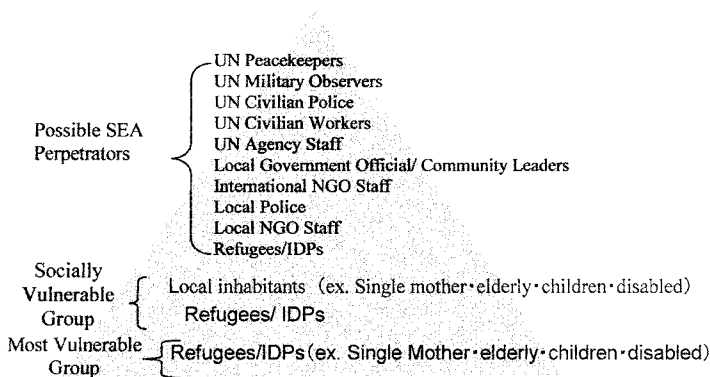Following examples of SEA in West Africa would be presented for better understanding of real cases and categorised into two following location settings, Rural and camp settings and Urban settings according to IASC report in 2002.[28] As compared to 'ethnic cleaning' in the Balkans motives of SEA in this paper is

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[28] 'IASC Task Force Mission Report: Liberia and Sierra Leone', October 2002, pp21-31.

neither group-oriented nor politically aimed. These SEA are also different from some of sexual crimes, 'hate rape' driven by anger and frustration and 'economic rape' for financial gain in Democratic Republic of Congo but highly opportunistic in nature.[29] With the assumption it is important to understand the environment which surrounds SEA.

The so-called Mano-River Union countries; Sierra Leone, Liberia and Guinea, are closely interlinked with their geographical locations, and political and ethnic ties. They have mass movements of people within the region due to Sierra Leone internal conflicts in early 2000. They have some similar characteristics as followings; smaller security threats secured by international intervention, stable relationship between the host government and the international society, existence of refugee/IDP resettlements or camps, malfunctioned judicial system and extreme poverty. The Table 2 below presents tendency of actors involved in each location settings.

Table 2: Presentation Power Pyramid in a Post-Conflict Society

Possible SEA
Perpetrators
{
- UN Peacekeepers
- UN Military Observers
- UN Civilian Police
- UN Civilian Workers
- UN Agency Staff
- Local Government Official/ Community Leaders
- International NGO Staff
- Local Police
- Local NGO Staff
- Refugees/IDPs
}

Socially Vulnerable Group
{
- Local inhabitants (ex. Single mother·elderly·children·disabled)
- Refugees/ IDPs
}

Most Vulnerable Group
{
- Refugees/IDPs (ex. Single Mother·elderly·children·disabled)
}

Rural and Camp settings

One of the differences between rural and camp settings and urban settings would be a difference of actors involved. In rural and camp settings local populations are villagers and displaced populations residing in camp. In the camp settings, provided basic human needs do not include clothing and shoes for example.

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[29] Meredeth Turshen and Clotilde Twagiramariya (eds), *What women do in war time: Gender and conflict in Africa*, (UK: ZED Books, 1998).

Their only method of obtaining cash would be selling aid items, agricultural products or doing some physical job surrounding camp.[30] Refugees tend not to have legal work rights in the country of asylum. In this rural and camp setting in post-conflict phase the international community could be only source of cash. Save the Children reports high prevalence of transactional sex for children (under 18 years old) in both camps and returnee communities in Liberia as 'men can have sex with young girls for very little in return.'[31] In exchange they receive the followings; small amounts of money, material things such as fashionable clothing, cell phones, perfume, watches, things for styling hair, etc. NGO workers may offer to give the girls a ride in their vehicle, basic food items such as bulgur wheat, beans, cornmeal, oil, etc. Community does not like it, but have come to accept it because of poverty and the dire situation in the camps. Victims/survivors face severe economic deprivation, pressure from parents, and influence from friends.

Urban settings

Refugees and IDPs would be more assimilated with local inhabitants in urban settings. According to the urban population survey conducted in Abidjan, a capital of Côte d'Ivoire, 30% of randomly surveyed population reached there after conflict seeking for work (30%), security/escaping conflict (13%), education (27%), and joining their family (17%).[32] They list their challenges are the following; access to potable water, access to social services, household difficulties, and mobility within the city. Though the challenge may be bigger with IDPs vulnerability of each individual depend on multiple aspects. Perpetrators may not be aware of legal status of victims/survivors being refugee, IDPs and local inhabitants. One of characteristics in urban settings is lack of community policing or community protection. Medicines Sans Frontiers (MSF) conducted assessment of trauma on people in Freetown, a capital of Sierra Leone in 2000.[33] '99% witnessed people being wounded or killed, at least 50% lost someone close to them…7% had been amputated, 16% were tortured by a warring faction, 33% had been held hostage….' A report on rape was rather low 2% due to 'avoid serious repercussion from their family or to evade the stigma.'[34] SEA cases could take a form of prostitution which brings some tendency to undermine seriousness of the issue.

2. Revictimisation and SEA- towards a comprehensive approach

Tackling Structural Violence

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[30] Save the Children UK, 'From camp to community: Liberia study on exploitation of children,' Discussion Paper, 2006, p. 9.

[31] Ibid, p. 11.

[32] Karen Jacobsen, Internal Displacement to Urban Areas: the Tufts-IDMC Profiling Study Abidjan, Côte d'Ivoire: Case 2, (Feinstein International Center, Tufts University) in collaboration with Internal Displacement Monitoring Centre, Geneva, 2008.

[33] Mulhern & Kam Jong, Assessing Trauma in Sierra Leone, Psycho-Social Questionnaire, Freetown Survey Outcomes, Medecins San Frontieres, 2000, p. 3.

[34] Ibid., p. 10.

This chapter aims to discuss on how it is possible to bring more effective support to victims/survivors by spotlighting a concept of revictimisation. Revictimisation is a key concept as to explain embedded causes of SEA in structural violence, promote more effective support by preventing "revictimisation" in an immediate response and hint strengthen resilience. Anderson argues a concept of revictimisation in sexual violence causes the 'connections between previous abuse and later victimisation and effective prevention strategies.'[35] With the theory a concept of revictimisation is utilised to link past, present and future of SEA cases through Chapter 2. In a process of examining SEA at different stages, a theory of a structural violence is presented to explain embedded causes of SEA. Gultung denotes condition of structural violence as social injustice.[36] Both structural violence and social injustice may require complete definitions. In this paper the structural violence is understood as elements which negatively influence victims/survivors. With the argument this section 2-1 suggests four elements of Structural violence linking SEA and victims/survivors and providing hints for effective supports. They are as followings; 1) war trauma, 2) international legal protection, and 3) conduct and discipline of each organisation which perpetrators belong to.

2-1-1.   War Trauma

With the definition of revictimisation above victims/survivors of SEA might have experienced similar abuses during the war time. The past experience would bring them higher vulnerability and more over-expose them to SEA in a post-conflict society. Taking Sierra Leone as an example, Physicians for Human Rights (PHR), an NGO, reports that approximately 'one of every eight household members (13%) had been subjected to one or more incidents of conflict-related sexual violence.'[37] Another study internationally proves the prevalence rate of assessed PTSD in refugee camp settings as follows; 37.4% in Algeria, 28.4% in Cambodia, 15.8% in Ethiopia, and 17.8% in Gaza.[38] With this frequency of PTSD in the post-conflict society, local inhabitants would be already traumatised in war, exposed to risk of another SEA and any other abuses in a post-conflict phase. Understanding the psychological condition and trauma of victims/survivors is important as the international community underestimates impact of war experience and the linkage between the trauma and vulnerability to SEA in a post-conflict phase.

2-1-2.   International Legal Protection

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[35] Janet Anderson, 'Sexual Assault Revictimization', The Washington Coalition of Sexual Assault Programs Research & Advocacy Digest, 6:3 (May, 2004), p. 1.

[36] Johan Galtung, . 'Violence, Peace, and Peace Research', Journal of Peace Research, 6:3 (1969), pp. 167-191.

[37] PHR report, p.2. The PHR report captures some of the different types of sexual violence that women were subjected to. Of the ninety-four internally displaced women reporting their own experience of sexual violence to PHR, interviewees reported among other things: rape (89 percent); being forced to undress/stripped of clothing (37 percent); gang rape (33 percent); abduction (33 percent); molestation (14 percent) and insertion of foreign objects into genital opening or anus (4 percent).

[38] De Jong, J.T.V.M., Komproe, I.H., Van Ommeren, M., El Masri, M., Mesfin, A., Khaled, N., Van de Put, W.A.M., &Somasundaram, D. 'Lifetime events and posttraumatic stress disorder in 4 post-conflict settings', Journal of the American Medical Association, 286 (2001), pp. 555-562.

The Red Cross movements provide a table below to clarify coverage of protection between International Humanitarian Laws (IHLs) and International Human Rights Laws (IHRLs). They call the transitional phase between conflict and peace time as "Internal insurrection" and suppose the coverage by IHRLs. If a fragile state in a post-conflict phase is an implementing body of IHRL in a post-conflict phase, protection in reality would be limited and there would be a legal vacuum (Table 3). Apart from the international IHLs, it is also important to note that Rome Statute of the International Criminal Court includes gender perspective into their persecutions (?) in Section VI.[39] Though their focus is more on rape as crimes against humanity during war, International Criminal Tribunal for the former Yugoslavia (ICTY) and International Criminal Tribunal for Rwanda (ICTR) made significant developments dealing with the crime of rape and other crimes of sexual violence.[40] In other term international punishment on sexual violence and related acts requires tragedy of the magnitude and SEA in a post-conflict phase is not included in their scope.

Gtr5Table 3: Application of International Legal Instruments[41] → Legal Coverage in Reality

International /Internal Conflict	Internal insurrection	Peace
International Humanitarian Law	International Human Rights Law	

International/Internal Conflict	Internal insurrection	Peace
International Humanitarian Law	Legal vacuum	International Human Rights law

There are series of international protection tools which could be crucial for issues of SEA as listed below.

International Humanitarian Law

- International Humanitarian Law:

  Chapter IV: the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949.

  Part III. I. 27: Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.

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[39] ICC Statute, 1998.
[40] Kouki Abe, 'Kokusaiho ni Okeru Feminist Approach', Yasuko Yamashita and Mamiko Ueno(eds), *Fenimism Kokusaiho no Kochiku*, pp. 3-40.
[41] Japanese Red Cross, Handbook on International humanitarian Law, 2000, p. 10.

Protocol I: 76. Protection of women 1. Women shall be the object of special respect and shall be protected in particular against rape, forced prostitution and any other form of indecent assault.

International Human Rights Law

- The Convention on the Elimination of All Forms of Discrimination against Women (1979) Article 5: Sex Role Stereotyping and Prejudice: elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotype roles for men and women
- The Convention of the Rights of the Child (1989) Article 19: Protection from all forms of physical and mental violence/ Article 34: Protection from all forms of sexual exploitation and sexual abuse.

Inside a UN system, there are series of General Assembly Resolutions as below touching upon violence against women. The *Declaration on the elimination of violence against women* is also important to define the violence against women. Identification of prevention of violence against women in a particular situation continued.[42]

- *Resolution52/86* (1997) Crime prevention and criminal justice measures to eliminate violence against women
- *Resolution54/134* (1999) International Day for the elimination of violence against women
- *Resolution56/131* (2001) Violence against women migrant workers
- *Resolution57/179* (2002) Working towards the elimination of crimes against women committed in the name of   honour

Security Council Resolution 1325 on Women, Peace and Security (2000) was the first Security Council Resolution to touch upon impact of war on women and a role of women in conflict, promotion of protection and empowerment of women. The resolution reaffirms *'the* need to protect the rights of women and girls during and after conflicts.'[43] Following Security Council Resolution 1820 is the highlight of recognising Sexual violence as a security issue.[44] In the resolution, two followings are requested related to SEA, 1) specific training of troops on categorical prohibition of sexual violence, 2) develop mechanism for protecting women and girls in and around UN- managed camps. As 1820 being supplementary to fill the gap which 1325 contained and further prevention of SEA would be expected to promote.

3. Conduct and Discipline

In a post-conflict society where there is no functioning legal system or a perpetrator with legal immunity, conduct and discipline of each organisation would be a key for punishment in a real term and greatly

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[42] UN Doc, A/RES/48/104, 20 December 1993.

[43] UN Doc, S/RES/1325, 31 October 2000.

[44] US statement of intent in sponsoring UN Doc, S/RES/1820, 19 June 2008.

influential to practical prevention. Legal status of foreign alleged perpetrators in their country is never clear and too complex to understand from the side of victims/survivors. This complexity is one of challenges which SEA in a post-conflict contains. Table 4 below provides six different types of international personnel with legal status in a post-conflict phase and the disciplinary proceedings to be adhered to. First five different categories of UN staff are used by UNPKO on their compilation of guidance and directives on Disciplinary issues.[45] The last category of international NGO is added to complement reality of SEA presented in Section 1-2-2. It makes a comprehensive list which would cover reality of SEA on the ground. Hampson and Kihara-Hunt provide a list of UN personnel categorised into 10 different groups provided with different legal status, location of their disciplinary authority and criminal jurisdiction.[46] Their list would be more detailed in three different ways such as; 1) inclusion of two categories of local staff working for UN, 2) division UN civilian staff into two, very senior staff and official, and 3) inclusion of Non-UN official mission staff and International Governmental Organisation staff. Their detailed list would be very useful to examine individual cases.

Table 4: Types of International Personnel in Post-conflict phase with Legal Status

Types of international personnel	Legal status (Criminal Jurisdiction)	Disciplinary Documents
UN members of national contingents	Absolute immunity/ (State of Origin) Status of Forces Agreement	Sending State: disciplinary/ criminal justice UN Code of Conduct and We are UN Peacekeeping pocket card Secretary-General's Bulletin on International Humanitarian Law Directives for Disciplinary Matters Involving Military Members of National Contingents We are United Nations Peacekeepers Ten Rules: Code of Personal Conduct for Blue Helmets
Military observers Civilian Police	Functional immunity/ UN Charter Convention on the	Directives for Disciplinary Matters Involving Civilian Police Officers and Military Observers Undertaking by United Nations Military Observers/Civilian police officers
UN civilian personnel /UN volunteers	Privileges and Immunities of the United Nations/ Specialised Agencies	UN Staff Rules and Regulations Revised Disciplinary Measures and Procedures (ST/AI/371) Secretary-General's Bulletin on status, basic rights and duties of staff

[45] Compilation of Guidance and Directives on Disciplinary Issues for All Categories of Personnel Serving in United Nations Peacekeeping and Other Field Missions, http://pbpu.unlb.org/pbpu/library/Disciplinary%20Package%20-full%20version%20(4%20March%2005).pdf, accessed on 18 Jan 2009.
[46] Francoise J. Hampson   Ai Kihara-Hunt, (eds), 'The Accountability of personnel associated with peacekeeping operations', *Unintended consequences of Peacekeeping Operations*, (Tokyo, NY: United Nations University Press, 2007) pp. 195-220.

		Secretary-General's Bulletin on sexual exploitation and abuse
UN Individual contractors and consultants	No immunity/ Host state	Secretary-General's Bulletin on sexual exploitation and abuse (especially when implementing UN funded progrrammes)
International NGO staff		Disciplinary proceedings depending on each organisational culture

UN members of national contingents (UN Peacekeepers)

The absolute immunity for UN national contingent members may be well-known; however, fatality on lack of linkages between legal processes at the host country and back in sending country is rather unknown.

Absence of disciplinary authority on the side of UN is legally bound in the Memorandum of Understanding (MOU) between the sending state and UN, and we see a struggle of UN not being able to touch criminal jurisdiction of the troop contributing state but try to maintain the standardised behaviour applied for other UN civilian staff. The Model MOU was revised for the sending state to comply with standards of conduct, keep the discipline and empower pre-deployment training and more over to engage UN with investigation. The UN requests for reporting of incidents to the UN Secretary-General. Criminal jurisdiction of the sending country would totally depend on their legal frame work, political background, and cultural norms. There are 119 countries providing uniformed personnel, which include countries to send Military Observers and Civilian Police.[47] Judicial system and disciplinary proceedings of each country would be different, and existence of military law, military tribunal (court-martial), and summary military tribunal would be a good example. UN recommends not call upon possible use of on site courts martial to solve a problem of a crime which requires a formal complaint from a victim for prosecution. SEA perpetrators are to be prosecuted by a state of their origin. Proper criminal prosecution of these crimes back in a sending state would be a challenge due to lack of witness and unwillingness of the sending state to prosecute their own citizen. Additionally, sexual exploitation would be an example which might not be legally regulated in many countries as a crime. The principle of *'nulla poena sine lege, nulla poena sine crimine, nullum crimen sine poena legali'* says there is no law to rule the crime there is no crime. There is an excellent report of the *Expert group meeting on good practices in legislation on violence against women* which advocate for realistic change in legislation such as changing definition of rape and the consent in 2008.[48] But improvement in the current legal prosecution procedures in each country may be more realistic and necessary along with such changes suggested.

UN Military Observers/Civilian Police/Civilian Staff

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[47] Ibid.,

[48] United Nations, Good practices in legislation on violence against women, Report of the expert group meeting, organised by UN Division for the Advancement of women, (UN Office on Drugs and Crime, 2008).

 Three different categories of UN staff; military observers, civilian police and civilian staff, are in the legal status called functional immunity. Military Observers and Civilian police, so-called uniformed personnel, are recruited by their sending state government and individually contracted to UN. Additionally, the category of UN Civilian staff includes civilian staff from UNPKO and other UN funds and programmes and specialised agencies. A statistics from UNDPKO provides a total number of 2,528 are deployed as military observers; a total number of 11,041 civilian police are also deployed as of 31 December 2007.[49] A total number of 4,862 international civilian staff is operating in UN Peacekeeping operations. Within the same UN family a several thousand staff is serving with UN funds and programmes and specialized agencies when we would roughly mention of the number of staff in high risk volatile environment.[50] Despite of their functional immunity perception of the local society would be wrong to determine that they have more power and stronger immunity, especially in rural and camp settings. To deal with such cases provision of SG Bulletin and revision of staff rules and regulation is completed in a precise matter.

UN individual contract workers/International NGO staff

UN individual contract workers and international NGO staff enjoy no immunity in their operating country. Criminalisation of sexual acts is not a problem. But improper judicial system in the post-conflict country disturbs the legal process for these perpetrators. Disciplinary proceedings heavily reply on each institutional and organisational code and staff regulations. Declaration of the organisational commitment to eliminate SEA as recommended by UNDPKO could be one of the options to promote the awareness amongst all stakeholders. In the commitment, an appointment of a SEA focal point should be done at the senior level to 'receive complains and reports on cases of sexual abuse and sexual exploitation and to take the lead in developing and implementing SEA preventive measures.'[51] The SEA focal point does not have to be a full-time position with other areas of responsibilities. It is rather important for them to be engaged as a senior staff officer with other responsibilities as a full-time position of a focal point could be misunderstood as a watch dog. There is no monitoring mechanism for implementation of these recommendations. UN funds and programmes or NGOs who has actual operations on the ground prepared series of victim/survivor sensitive guidelines. There are issued to be addressed inside of a UN system, empowering of Model MOU in favour of protecting victims/survivors, establishment of compensation system in both UN and troop contributing states.

Considering legal conditions set for each different category of perpetrators one could not assume if legal prosecution of each case is the best for victims/survivors. Revictimisation while seeking for justice and compensation seems unavoidable at this stage. Institutional or organisational commitment to prosecute perpetrators and protect victims/survivors would be a key to bring justice and a proper support system.

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[49] Ibid.,
[50] UNSSC, SSAFE< http://www.unssc.org/web/programmes/PS/sss/programme.asp>, accessed on 19 March 2008.
[51] Implementation Guidelines for the Field on the Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse (2003).

2-2. Response to Direct Impact of SEA and Revictimisation

If the section above touches upon structural violence, as to explain an embedded cause of SEA this section argues more on direct support to victims/survivors at the time of incident. Serious and potentially life-threatening health outcomes of SEA are paramount. A need for prompt response to these direct impacts of SEA is commonly accepted, but, provision of support to victims/survivors is rather neglected. Immediate response on safety and health care tends to be treated lightly as a case often stays at the stage, not proven, not examined (especially in medical examination by police), not categorised yet for level of criminality. Revictimisation in a process of prosecution is well-known as common even in developed countries. In other words, this stage would be the third time for victims/survivors to be abused and exploited after victimisation in war and SEA. First, ensuring security of victims/survivors would be a priority. Their protection from perpetrators is essential as perpetrators may try to intimidate victims/survivors for their own gain and even try to pay cash or threat them to keep the victims/survivors from reporting incidents. They may try to psychologically attack and undermine the value of victims/survivors by saying that no one would believe them. Keeping the privacy of victims/survivors in the process of medical care and legal prosecution would be a key to prevent revictimisation. Immediate medical care is another acute need for them. UNHCR defines non-fatal outcomes of SEA as below (Table 5). All stakeholders need to be aware of these impacts, together with consideration of revictimisation. Alternatives for prevention of possible Sexually Transmitted Infections (including HIV/AIDS) and unwanted pregnancy should be considered, though these options may not be even available in post-conflict settings. Counselling and psychological support at this stage for victims/survivors should to be considered as one of the highest priorities.

Table 5: Sexual Exploitation and Abuse Outcomes

Physical outcomes[52]	Psychological and emotional outcomes[53]
• Disability • Somatic complaints • Chronic infections/Chronic pain • Gastrointestinal problems • Eating disorders/Sleep disorders • Miscarriage • Unwanted pregnancy/Unsafe abortion • Sexually Transmittable Infections (STIs), including HIV/AIDS • Pregnancy complications • Gynaecological disorders/ Menstrual Disorders	• Feeling of guilt and shame • Uncontrollable emotions such as fear, anger, anxiety • Nightmares • Suicidal thoughts or attempts • Numbness • Substance abuse • Sexual dysfunction • Medically unexplained somatic complains • Social withdrawal. • Post -Traumatic Stress Disorder

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[52] WHO, Clinical Management of Rape Survivors: Developing protocols for use with refugees and internally displaced persons. Revised edition, 2004 P. 27.
[53] UNHCR, Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons, 2003, p. 23.

• Sexual disorders	(PTSD)

Prompt Socio-Economic support and Revictimisation

UN finalised the victim support policy paper in March 2008. It was first drafted in 2006 and it took time for finalisation due to the practical issues of compensation. The policy itself is quite comprehensive to include, medical care, legal services, support to deal with psychological and social effects of the experience and immediate material care (food, clothing, and safe shelter "as necessary"). All fees related to legal process should be smoothly covered by the organisation which a perpetrator belongs to. Sometimes, medical examination for proving the case would require some fees and victims/survivors may not be able to afford such fees. Such kind of medical fee should be covered by the organisation as a temporal solution. Completion of the guidelines by the UN is awaited as it would be a model for supporting victims/survivors.

2-3. Promote Resilience

1. Victims/Survivors

With an attempt to gear revictimisation in supporting victims/survivors, a final approach is promotion of resilience in both victims/survivors and their community. Promotion of resilience at individual level is a final stage of SEA victims/survivors' support. They need to regain their self-esteem with promotion of retroactive justice. Participation of victims/survivors to legal prosecution may not always be the best methodology. However, acknowledgement of a fact that SEA is a crime and perpetrators punished either legally or disciplinary should provide awareness on their rights. More importantly their condition of vulnerability requires provision of basic education and employment opportunities in a long term.

It is very important to raise awareness on the issue of sexual activity among children (persons under the age of 18). It should be prohibited, regardless of local majority on age of consent. 'Mistaken belief in the age of a child is not a defence.'[54] Young pregnancy and following abortions could be extremely harmful to their health when traditional practices such as Female Genital Mutilations (FGM) may be common. Young girls would have to drop out from school due to pregnancy. If the mother stays illiterate, she will lose an opportunity for highly-paid work. UNHCR provides a list of most vulnerable categories of people who could be exposed to SEA. They are as following; 1) unaccompanied and separated children, 2) former child soldiers, adolescents, especially they could be considered to be free of Sexually Transmittable Diseases (STDs) by perpetrators, 3) mentally and physically disabled children, 4) working children (inclusive of street children), 5) girl mothers, 6) children born to rape victims/survivors, and 7) boys as victims/survivors. Empowerment of these groups with education and employment opportunities would promote their resilience.

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[54] Ibid.,

2. Community

As explained in Section 2-1., community in a post-conflict phase may be highly traumatised. Re-establishment of social, moral values would be important to change tolerance to SEA. After experiencing brutality of war, people in the country also become paralyzed on impact of violence.

In some society, sexual violence is treated as a stigma and considered as a shame on the side of victims/survivors. The victims/survivors may be excluded from the community-based safety net. The same exclusion could be applied when a woman delivers a baby, 'children born as a result of SEA', as an outcome of SEA.

In longer term gender mainstreaming should be an important task to create a gender-sensitive society. It is most important to increase the number of people who have greater understanding on gender issues and sensitivity of handling support to victims/survivors. Establishment of gender unit or gender officer post in public sector, proper training modules for all actors would be essential for future prevention.

3. Conclusion

This paper dealt with advocacy on elimination of SEA in a post-conflict phase and its effective support to victims/survivors in association with a concept of revictimisation. Alleged perpetrators are members of the international society in a post-conflict phase, namely UN peacekeepers and humanitarian workers. West Africa cases are presented to explain some of characteristics observed in different locations, settings. A concept of revictimisation is used to highlight necessity of more effective support to victims/survivors. Structural violence explained as embedded cause of SEA here covers four aspects of Revictimisation, namely, war trauma, international legal protection, conduct and discipline and categorisation of vulnerable group. Revictimisation is used to provide a point of consideration, dealing with response to direct impact of SEA. Promotion of resilience at both community and individual level would be for prevention of revictimisation in the future. All these attempt to provide more effective care for victims/survivors.

The results of this exercise could only provide a reason why SEA in a post-conflict phase is prevalent. This structural violence embedded in a post-conflict society should be widely understood within all stakeholders as risk which vulnerable population faces. On the other hand, perpetrators are taking full advantage of lack of protection. If a motive is more opportunistic, implementation of all legal protection should be the best way for prevention, while promotion of resilience at all rate would be essential.

The Youth in Timor Leste: From the Perspective of Crisis Prevention and Peacebuilding

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Abstract

The root causes of the crisis that occurred in Timor Leste in 2006 and the following turbulence in 2007 are multiple and inter-linked, including political, ethnical (east-west), historical, institutional, economic and social aspects. The common denominator, however, was the involvement of a large number of young people. The link of youth and violence has been increasingly identified as an important issue in the context of conflict/crisis and its prevention. The 'securitisation' of the youth issue has been in the spotlight not only because of the large youth involvement as combatants in the contemporary violent conflicts, but also with the escalating problem of urban violence and youth gangs. This article is based on a desk review of literature and documentation on youth in Timor Leste and consultations with relevant stakeholders. It addresses the youth/crisis linkage in the context of Timor Leste and reviews some projects/programs and national policies conducted in Timor Leste for the support of the youth.

Introduction

The root causes of the crisis that occurred in Timor Leste in 2006 and the following turbulence in 2007 are numerous and inter-linked. Notable causes include political, ethnical (east-west), historical, institutional, economic and social aspects[1]. The common denominator, however, was the involvement of a large number of young people. As a result of political mobilisation or mere opportunistic reasons, young people have engaged in violence, creating an insecure and unstable environment hindering the socio-economic development of the country.

The link between youth and violence has been increasingly identified worldwide as an important issue in the context of conflict/crisis and its prevention. The 'securitisation' of the youth issue, has been in the

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[1] In the vast violence following the 1999 referendum, about 70% of the private and public assets were destroyed and it is estimated that two thirds of the population became externally or internally displaced. See Christine Schenk, 'Post-Conflict Reconstruction Needs Assessment in Timor Leste- Lessons Learnt and Good Practices' Working Paper No.7 Needs Assessment in Post-Conflict Situation Case Study-Timor Leste, April 2004. In 2002 Timor Leste finally achieved its independence appearing to have started its path towards sustainable development as the newest nation in the world. The April/May 2006 upheaval came as a surprise for many in the international society, resulting in losses in human lives and destruction of property and infrastructure. 30 deaths and 5,000 destroyed or damaged houses were recorded in Dili and the districts, creating a mass of internally displaced persons of an estimated number of 145,000 people. The situation was once calmed down but it deteriorated again following the Presidential and Parliamentary elections in April/June 2007 when violence irrupted in Dili and other districts leading to further destruction and displacement.

spotlight not only because of the large youth involvement as combatants in the contemporary violent conflicts, but also with the escalating problem of urban violence and youth gangs. The Secretary-General's High-Level Panel Report on Threats, Challenges and Change in 2004[2] noted, "*While it may not reach the level of war, the combination of a surging youth population, poverty, urbanization and unemployment has resulted in increased gang violence in many cities of the developing world.*" Timor Leste is not an exception.

This article is based on a desk review of literature and documentation related to the youth issue in Timor Leste and consultations with relevant stakeholders. It addresses the youth/violence linkage in Timor Leste and reviews some programmes/projects and national policies conducted in Timor Leste for support of the youth. Considering the fact that previously the youth issue in Timor Leste was almost neglected until its uprising as a security matter, there is a need to understand the youth's heterogeneous needs and enable positive participation of youth in the peacebuilding process of Timor Leste.[3]

The Situation of the Youth in Timor Leste
The involvement of Timorese youth in violence

The recent crisis in Timor Leste revealed not only the social-political division within Timorese security sector, government and society in general, but also the large existence of the youth involved in martial arts groups and gangs who perpetrated mass destruction activities in 2006 and 2007. Even after the turmoil of these years, violence and gang disputes between rival martial arts groups, based on political affiliation, east and west division and personal or group disputes are regularly reported in Dili and other districts such as Baucau and Viqueque.

There are some 15-20 martial art groups with around 20,000 members (mostly male) registered.[4] Besides martial arts groups, there are disaffected (anti-government) groups, groups that were previously involved in the resistance movements and magic or mystical groups (that were formed as clandestine organization under Indonesian occupation). According to Scambery's study on gangs and youth groups in Dili, sometimes the membership and the characteristics of the groups overlap, so these groups are not clearly categorized separately. These disputes among rival gangs are said to predate independence. Under the Portuguese colonial rule, gangs were used as a tool for repression in the same manner as were gangs and militias during the Indonesian occupation.[5]

The engagement of youth into violence could possibly be a result of the prevailing perception of impunity, frustration over the limited economic and educational opportunities, or political manipulation or a

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[2] Report of the Secretary-General High-Level Panel "A More Secure World: Our shared responsibility" A/59/565 (December 2, 2004), P26.
[3] Youth issue will feature as one of the priority areas for the UNDAF 2009-2013.
[4] James Scambary, 'A Survey of Gangs and Youth Groups in Dili, Timor-Leste' A Report Commissioned by Australia's Agency for International Development, AusAID (Sep.2006).
[5] AusAID. A survey of gangs and youth groups in Dili, Timor-Leste, 2006.

combination of all of these factors. In the following section, the background context in which these youth are situated will be addressed.

Background for Youth/Violence Linkage in Timor Leste

The Youth Bulge and the Limited Socio-economic Resources

Although the UN General Assembly and UNICEF defines youth as individuals aged between fifteen and twenty four, the definition of youth is considered to be a social construct and it is acknowledged differently from country to country. In Timor Leste, the youth is defined by the National Youth Policy,[6] the first document that outlines the orientation for the development of youth in the national context. It states that the youth are those between sixteen and thirty years of age. This age bracket accounts for about one-quarter of the total population in Timor Leste.[7] With the annual population growth rate of about 3% and the present average fertility rate of 7.8 children per woman, this youth population is expected to keep growing in the near future, estimated to become 37% of the total population in 2010.[8]

It has been explained and also observed that the youth bulge, meaning an unusual high percentage of youth in the total population, leads the host country into increased insecurity, high criminality rate and tendency to conflict. According to Gunnar Heinsohn, a youth bulge occurs when 30 to 40 % of the total population is constituted by young males (15-29 years old) and a high birth rate of four to eight children for each woman, while Huntington (1996) argues that societies are particularly war-prone when the number of young people aged 15-24 reaches a 'critical level' of 20% of the overall population in a country. This youth bulge argument became particularly strong after September 11, 2001, which suggests that the high proportion of youth in the Muslim population created the basis of the recruitment of young people into terrorist networks.[9]

The logic behind the idea is that under resource scarcity, youth bulges strain the socio-economic institutions such as the labour market and education system, causing exclusion. This exclusion from opportunities, adding to the gap between their expectations and the real situation, breed grievances. These grievances do not necessarily erupt into a collective violent action, but add to the vulnerability of the society towards conflict. The combination of youth bulge and other factors such as economic stagnation,

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[6] The National Youth Policy was approved on 14 November of 2007.

[7] Young people aged 15 to 35 years accounts for about 1/3 of the Timorese people. Under 30 years old shares about 70% of the total population (National Census 2004). For reference, in Afghanistan 68% of the population is under 25, in the Palestinian Territories 67% is under 24, in El Salvador and South Africa 20% is between 15-24. (From *World Population Prospects- The 2006 Revision* (UN-DESA Population Division and UNDP "Youth Programming in Conflict Prevention and Recovery).

[8] Economic and Social Development Brief, IFC and ADB, August 2007, p.73, National Census 2004.

[9] Prior to 911, Samuel Huntington in "The Clash of Civilizations and the Remaking of World Order"(1996) argued that the 'youth bulges' have contributed to the radicalization in Muslim societies.

rather than the demography as a single independent variable, increases the risk of occurrence of violent conflicts, as the study of Henrik Urdal (2004) shows.

In Timor Leste, the youth bulge coincides with economic stagnation. The market has not been able to absorb the emerging labour force which is growing by the rate of 4-5% annually.[10] The unemployment rate is 43% (national average), being particularly high in the urban areas of Dili and Baucau (59%).[11] Employment opportunities are still severely in short supply due to limited public and private investment.[12] In the short-term, the main source of economic growth is the Government spending, since there still is a need to create a more attractive environment for private investment.[13] However, limited capacity in executing the governmental budget has decreased the chances for public investment, which would create more jobs and through it a basis for further economic development.

On the other hand, a key factor that affects the conflict potential of youth bulges is the opportunity for migration, according to Urdal (2004). Migration would work as a safety valve for youth discontent. However in Timor Leste, the large-scale rural-urban migration has overstretched urban areas. While 56% of the youth are employed in the agricultural sector, many migrate to Dili and other urban areas finding no opportunities. The increase of young people finding no jobs has promoted growth of the population of young people (especially young men) engaging in organized crime and violence. Overseas migration is another option. However, there is still a need to establish sound policies for labour migration management and procedures. In addition, there is a real and high risk of low-skill migrant workers being exploited abroad. Moreover, 75% of the Timorese population lives in rural areas, and does not have access to sufficient education, skills training, and economic development services programmes, not to mention information and services for migration.[14]

Another aspect that should be mentioned is the gap between the education level young people have and the actual benefit from education. The more educated the young people get, the greater is the disappointment they face with the gap between their expectations and reality. At present, young people (15-29) are the most educated generation in Timor Leste, with 77% having received some primary education, 17% secondary education, and 2% post-secondary education.[15] However, after completing some level of education, the school-to-work transition takes men the average of five years or even longer for many. The

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[10] National Census 2004, Project Proposal for UNDP/Spain MDG Achievement Fund, Thematic Window for Youth, Employment and Migration.

[11] Same as above, Youth unemployment rate in rural areas is 15%.

[12] Formal Sector (mainly civil servants, but also include NGOs, UN and private sectors) absorbs 12% of the total labor force, and in the informal sector there are problems of job insecurity, under-employment, below-subsistence payment. (National Census, 2004).

[13] Same as above, p.15.

[14] UNDP, *Timor Leste Human Development Report 2006.*

[15] IFC and ADB, Economic and Social Development Brief, August 2007, p.75.

transition time for youth to form better-off conditions is seven years, two years longer than the average transition time for poor youth[16], due to the above mentioned limitation of the labour market.

Because of the above mentioned range of factors, adding to the security concerns, dissatisfaction and a sense of marginalisation emerges in many of the Timorese youth. These constrains of society impede the achievement of the transition to adulthood, strengthening the frustration and anxiety that the phase of 'youth' tends to imply from physiological and social terms.

National Identity Crisis and Disconnection of Youth to the Society

The involvement of youth in violence can also be explained by the disconnection of youth from the community and larger society, and their connection with groups that are involved in violent and criminal actions.

Post-independence, Timor Leste now faces a national identity crisis. The fight to achieve independence from foreign rule and occupation that bound the country together to some extent has not been replaced with a clear, alternative national objective that could be shared by all Timorese. Instead, *"the identification with Loromonu or Lorosa'e has become a serious vulnerability for East Timor, susceptible to manipulation in a context of new nation-building where people search for belonging and stability as identities are shifting"*.[17]

Lorosa'e- Loromonu[18](East and West) dispute has been deepening animosity and fighting between people from the two regions. The direct trigger for the 2006 crisis was the dismissal of 'westerners' members of the national army (the later called 'petitioners') who claimed discrimination in terms of treatment and conditions compared with those from the east. This issue was not responded properly by the Government, and escalated into street violence such as looting, arson, intimidation and large destruction of the infrastructure by youth gangs. They claimed affiliation with different political interests and sought the disintegration of the army and police force. The East-West division has been dismissed by some as being politically driven, however not only fighting between westerners and easterners predates the 2006 crisis[19], but also the division between two regions has deepened and continues to be associated with violence and further friction.

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[16] Ibid., The average transition age is 17 years old.
[17] Trindade, Jose and Bryant Castro, 'Technical Assistance to the National Dialogue Process in Timor-Leste, Rethinking Timorese Identity as a Peacebuilding Strategy: The Lorosa'e-Loromonu Conflict from a Traditional Perspective (The European Union's Rapid Reaction Mechanism Programme)', 2007, p.12.
[18] East(Baucau, Viqueque, Lautem) and West (Bobonaro, Covalima, Oecussi, Liquica, Ermera, Aileu, Ainaro, Manatuto and Manufahi).
[19] Mentioned in Scambery, 'A Survey of Gangs and Youth Groups', based on Dionision Babo Soares, PhD thesis, 'Branching from the Trunk: East Timorese Perceptions of Nationalism in Transition'.

The roots of the east-west division are related to the dispute on who won the war, commercial rivalry over market dominance and land dispute[20]. Easterners claimed that they contributed more to the resistance than the westerners, who collaborated with members of the Indonesian occupation anti-independence militia. The dispute over the market can be traced back to the Second World War when easterners started flowing into Dili. It is also connected with education and employment. The easterners have a higher percentage of literacy and better nutrition due to better soil. Therefore, people from the Eastern region are more educated and have more access and opportunities of employment.[21] Land disputes have also been witnessed during the 2006 turbulence, and the current burning of houses and intimidation campaign against easterners revolves around individual property disputes for illegal occupation in the past by easterners after 1999.

Another issue to be briefly mentioned here is the language. According to the 2004 National Census, three out of ten young people aged between 15 and 29 years said they are not literate in Tétun. The National Census also shows that more than a quarter of young people aged between 15 and 35 years (27%) are not literate in any of the four major languages in Timor-Leste. There are more than 15 languages and dialects.[22]Therefore, the language per se has no national commonality, and creates a sense of exclusion, especially when the ability in certain languages is required as criteria for job opportunities.

Lorosa'e- Loromonu identification as well as affiliation to gangs and martial art groups are opportunities for the young people to (re)construct their identities, rebel against the present institutions that exclude them, and to create a sense of belonging, security, recognition and participation which they can not receive in their own society.

Coercion or willing choice

In some cases, youth are captured as victims of military groups and exploitative warlords that coerce the participation into conflict/ violent acts, not voluntarily. This argument has developed along the children soldier and their accountability problem, but can also be applied to the youth. On the contrary, there is the argument that says that there is some volunteerism in the participation of youth (adolescents) into violent conflicts[23], for reasons such as employment opportunity, to sustain their livelihood, to act for a reason, to express their independence from the family, or as a fast-track to adulthood. Paul Collier (2000) assumes that the willingness of young men to join a rebellion depends on their other income-earning opportunities, but the extent of how voluntary it is remains a question.

For my own knowledge there are no reports on physical coercion on young people to participate into violent groups or actions. However, there are reports that this disenfranchised and frustrated youth tend to

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[20] Ibid., Trindade, Jose and Bryant Castro, 'Technical Assistance to the National Dialogue'.

[21] Jose and Bryant Castro, 'Technical Assistance to the National Dialogue'.

[22] The number and the categorization of languages and dialects are not consistent.

[23] Krijn Peters, 'Re-examining voluntarism youth combatants in Sierra Leone', 2000, and UNDP Bureau of Crisis Prevention and Recovery, *Youth and Violent Conflict- Society and Development in Crisis?*, (2006). .

be an easy target for politicization and are more easily involved into the rent-a-mob phenomenon.[24] Therefore, it can be said that these youth may not be victims of coercion, but victims of circumstances.

Responses to the Youth/ violence issue in Timor Leste

Although the Timorese Government as well as the international community were aware of the youth demographic bulge, limited effort and investment was directed to youth before 2006. This resulted in the alienation and marginalization of the Timorese youth, eventually leading to their involvement in the turbulence and violence in 2006 up to today. The impact of international assistance on the conflict dynamics was assessed as direct and negative on the area of youth, and the youth sector was identified as 'in crisis', with the need to be addressed urgently and effectively in order to prevent future conflicts.[25] Adding to the point of view in crisis prevention, addressing the youth crisis has been raised as today's economy's third priority by the ADB and World Bank report (2007).[26]

The recently approved National Youth Policy and National Recovery Strategy will be introduced as the Government initiatives to address the youth, as well as the engagements of UNDP on the linkage of youth and crisis. As for activities by other actors on the youth issue, see Annex Examples of Youth Initiatives taken in Timor Leste.

National Youth Policy of Timor Leste

The Government has only recently begun to address the situation of Timor's youth populatio n. The Secretary of State for Youth and Sport commissioned a National Youth Survey (2005), and drafted the National Youth Policy of Timor Leste, adopted in November 2007.

The National Youth Policy is the first document that defines the orientations for the development of youth in the national context. It captures the youth as the key element of nation-building and development. It has as its objective to 1) encourage young people, men and women, to exercise their rights and duties as responsible citizens; 2) discover and promote the potential of young people through education and vocational training; 3) promote national unity through community service, socio-cultural activities and youth exchange; and 4) train young people, men and women, to be healthy now and in the future. The key strategies are identified as: 1) mobilise and encourage youth associations, including those involved in sports, to participate in a collective manner in programs for poverty reduction and community development; 2) establish a link between formal education and after-school reality by introducing practical learning for secondary and tertiary students in their last semesters. For this purpose, students

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[24] Scambery, 'A Survey of Gangs and Youth Groups' and USAID, *The Crisis in Timor Leste: Causes, Consequences and Options for the Conflict Management and Mitigation*, 2006.

[25] Scanteam, Analysts and Advisers, 'Review of Development Cooperation in Timor Leste' (made for Embassy of Norway), 2007. Also ADB and World Bank, *Economic and Social Development Brief*, 2007. mentions the same content.

[26] 1st economic priority: transparent management of petroleum revenues, 2nd: budget execution, 4th: creating an environment for private investment, 5th: improving service delivery.

could be placed in community service in the public or private sector; 3) establish more vocational training opportunities for young people to obtain employment, with particular relevance to self-employment and temporary work abroad; 4) provide literacy training to young people who cannot read and write; 5) help the most disadvantaged young people through the establishment of self-help groups; 6) provide training for young people to become responsible citizens. Each of these key strategies will be worked out in more detail in a strategic plan and in the sector investment program of the relevant ministries and Secretariat of State.

In the National Youth Policy, three groups are identified as priority target groups: 1) the majority of young people who have benefited from access to education and health, but have difficulties in the practical implementation of their learning in the labour market; 2) young people who have difficulties in accessing essential resources (e.g. illiterate youth) and 3) young people who have experienced or are experiencing serious disadvantages, e.g. young people with disabilities. However, very few or none is mentioned on the different characters of the youth, especially those involved in martial art groups and gangs, how to address them, and the need for reconciliation and conflict resolution among the youth.

It is also stated in the National Youth Policy, the establishment of a National Youth Fund that would be a special resource to finance initiatives of the youth groups to undertake activities. The National Youth Council which is the umbrella for various youth organisations having branches in every thirteen districts was acknowledged and stated in the National Youth Policy as the support body for the implementation of the policy and government programmes on youth. The Secretariat of State for Youth and Sport would be responsible to establish a proper mechanism, and administer and monitor the correct use of funds for youth initiatives. Being properly established and funded, this National Youth Fund could be a supporter for the institutional capacity development of youth organisations, which has been assessed as necessary.[27]

The Secretary of State for Youth and Sport (SSYS), previously under the Ministry of Education, is responsible for the design, implementation, coordination and evaluation of the policy defined and approved by the Council of Ministers in the areas of welfare promotion and the development of young people, physical education and sport. The Secretariat of State for Youth and Sport is also responsible for establishing partnerships and institutional cooperation to ensure the better implementation of strategies of the National Youth Policy. At the present moment, the Secretary is developing a national action plan for the national youth policy.

National Recovery Strategy

In November 2007, the National Recovery Strategy (Hamutuk Hari'i Futuro) was approved by the Council of Ministers. It identified the following national recovery priorities to address both the immediate

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[27] Lene Ostergaard, 'Timor-Leste Youth Social Analysis Mapping and Youth Institutional Assessment (Commissioned for the World Bank Timor Leste)', 2005.

impact of the crisis as well as pre-existing community-level vulnerabilities: 1)Hamutuk Hari'I Uma: facilitating durable return and reintegration of IDPs (Internally displaced persons); 2) Hamutuk Hari'i Protesaun: responding to vulnerabilities through the establishment of necessary safety nets as food security strategy and psycho-social and other supports; 3) Hamutuk Hari'i Estabilidade: enhancing public safety and security; 4) Hamutuk Hari'i Economia Sosial: promoting sustainable livelihoods opportunities, 5) Hamutuk Hari'i Confiansa: trust building within and among communities as well as between people and the government through better access to information and dialogue. This strategy has as its prior aim, the return and reintegration of the IDPs and focus on the IDP itself and also on the community that will accept them. An inter-ministerial approach is taken, with various Ministries such as the Ministry of Social Solidarity, Ministry of Security and Defence, Ministry of Economy and Development, Ministry of Infrastructure and others involved.

The youth issue is addressed mainly under the Hamutuk Hari'i Confiansa and the Hamutuku Hari'i Estabilidade. Although in the National Youth Policy there was no clear strategy raised on these points, in the National Recovery Strategy it is written that the Secretary of State for Youth and Sport is charged with the development and coordination of a strategic response to conflict and instability stemming from martial and ritual arts groups (under the component of Hamutuku Hari'i Estabilidade). Under the Hamutuk Hari'i Confiansa, the Secretary will actively engage with youth and martial arts groups to support their organizational capacities to positively contribute to their communities. Moreover, community dialogue, improvement of relationship between the people and the Government through public information and participation of government officials in the community dialogues, promotion of internal tourism as an opportunity to Timorese people visit and learn from their fellow citizens, and development of a common and shared popular history, are elements of the Hamutuk Hari'i Confiansa, which would benefit the young people in terms of national identity and a sense of Timorese citizenship.

Programmes and Projects on Youth[28]

After the 2006 crisis, it was observed that there was a "rush" to support youth projects.[29] Based on the premise that the situation of social exclusion of the youth creates ground for further youth involvement in violence, several projects aiming the creation of employment opportunities and skills training for increasing youth employability have been implemented.[30] With the youth unemployment rate estimated to be at almost 43% at the national level and 58% in Dili, and the school-to-work transition time span being five years for poor families and higher for better-off families as mentioned above, these projects for

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[28] At the Annex: Examples of Youth initiatives undertaken in Timor Leste, it is possible to have a glance on the areas of intervention in the youth related issues.

[29] Scanteam, Analysts and Advisers, 'Review of Development Cooperation' p.70.

[30] STAGE (Skills Training for Gainful Employment), Servi Nasaun (Work for Conflict Prevention and Meeting Basic Needs) Project and Serbisu Ba Dame (Work for Peace) Project have youth as one of the main targets. Youth Employment Promotion Initiation project (YEPIP) and Youth Employment Promotion (YEP) project targeting specially the young generation.

increasing youth employability or direct employment creation have been necessary and effective for the early recovery and socio-economic stability, even being for short-term basis.[31]

Besides employment creation, other areas of intervention such as vocational/ skills training, promotion of literacy, sports and community activities, peace education, HIV/AIDS prevention have also been undertaken. However, the initiatives taken have been limited in its scale, scope and sustainability. For example, some youth centres have already stopped functioning because of lack of donor funds, initiatives as sport activities and vocational training are usually taken on temporary terms, and although the youth issue should be addressed in a cross-cutting manner, coordination among stakeholders has not been enough. It is expected that by entering the implementation phase of the National Youth Policy and National Recovery Policy, the programmes and projects of various stakeholders would be based on, and also coordinated under these policies.

The Way Forward

It is unanimously acknowledged and underlined that job and economic opportunities will help in preventing the rent-a-mob phenomenon and decrease the involvement of youth in violent and criminal groups.[32] Putting into consideration, the still existing restrictions in absorbing the youth work power due to the under-developed private sector and limited market, innovative and entrepreneurial ways to integrate the youth in the economy will be needed. For example, support for small-scale community employment or small business/entrepreneurship programs and agricultural training are some ways that could be more sustainable and actually have some hope in creating a job for young people as self employed.[33] Moreover, other windows of approach besides employment creation and vocational training have to be simultaneously considered. Job creating/ income earning are one of the most practical and beneficial ways for the youth to feel empowered, but not the only approach to address the sense of disempowerment and **disenfranchisement of the youth.**

Programmes that capture and develop the positive role of the youth as agents of change should be more considered and enhanced as means to connect the youth to their communities and   society, contributing not only to the prevention of the youth linkage to violence, but also for the peacebuilding process of the

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[31] From the point of view of conflict/ violence prevention and recovery, UNDP Bureau for Crisis Prevention and Recovery Initiative on Youth Programming in Conflict Prevention and Recovery started in 2005 with the objective of better understanding the linkage between youth and violent conflict Youth programming areas have been employment, volunteerism, empowerment/participation, and peacebuilding/ violence prevention, with the backing rationale based on the demography (high percentage of youth in the population), youth vulnerability and marginalization, youth as threat to security, and youth as agents of change. (Several studies have been conducted under this initiative, with the aim of capture lessons learned from UNDP experience working with youth and further develop programming guidance: "Youth and Violent Conflicts"(2006) , "A Desks Review of UNDP Programme: Youth Programming for Conflict Prevention and Recovery-Lessons Learned from UNDP experiences"(2007), and Case Studies of Kosovo, Cyprus and Liberia).

[32] International Crisis Group, Resolving Timor Leste's Crisis, Scambery, 'A Survey of Gangs and Youth Groups',.

[33] Scambery, 'A Survey of Gangs and Youth Groups',, USAID, *The Crisis in Timor Leste*, Ostergaard, 'Timor-Leste Youth Social Analysis Mapping'.

nation. One approach would be the strengthening of the capacity of youth organisations. An assessment commissioned by the World Bank[34] on the capacity of a number of Timorese youth organisations, showed that there are series of deficiencies in relation to youth organisations' administration structures, their capacities and management practices, program implementation and their relationship with other organisations. The capacity development of youth organisations could promote the networking of youth in their perspective communities, and facilitate the positive youth engagement in social, development and recreational[35] activities. **Nevertheless, youth organisations need to be supported and integrated in to national initiatives on peacebuilding/ recovery and development, such as development partners meetings and relevant consultations.** Under the present financial, economic and international assistance limitation, it would be essential that the participation of young people in these youth organisations would be basically voluntary. The effectiveness of the youth organisations and enhancement of youth participation could contribute to the strengthening of the sense of belonging/affiliation of the youth to society.

Moreover, since martial arts groups is one of the major concerns in Timor Leste, to increase the focus on martial arts as a sports activity by encouraging them to participate in tournaments and competitions would be one option. The transformation of martial art groups into peaceful sport groups should be encouraged.

Before the youth issue turns into a serious security problem, youth interventions have to be implemented not only in responsive or preventive manners, but in a way enhancing proactive engagement of young people in community assistance, community development and recreational activities. These do not necessarily need to be directly linked to economic development or income generation. The promotion of contribution to the community from the youth's side could create the sense of belonging and satisfaction, and ultimately contribute to the larger peacebuilding process of the country.

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[34] Ostergaard, 'Timor-Leste Youth Social Analysis Mapping'.

[35] As other constructive activities for the youth from the point of view of crisis prevention would be sport competitions with other groups (from origin of both east and west) as a means of conflict prevention/ non violent conflict resolution, and musical or artistic activities. For these activities not finish when the funding/project ends, it would be essential to have the involvement of the youth as central actors of the organization and planning of these sports and cultural events.

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Annex: Examples of Youth Initiatives undertaken in Timor-Leste*

Area of activities	Stakeholders	Policies/Programmes/Projects
National Policies	Secretary of State for Youth and Sports, Ministry of Health, Ministry of Education, relevant UN agencies	• National Youth Policy (support by UNICEF/WB) • Draft Migration Labour Policies (support by IOM) • HIV/AIDS National Strategic Plan (supported by UNICEF) • National Literacy Strategic Plan (supported by UNICEF)
Employment	Secretary of State Professional Development and Employment, Ministry of Infrastructure / Secretariat of State for Public Work, Ministry for Economy and Development, Ministry of Agriculture and Fisheries, ILO / UNDP / FAO / UNOPS, AusAID, USAID	• Work for Conflict Prevention and Meeting Basic Needs Projects (UNDP/ILO2006) • Recovery, Employment & Stability Programme for Ex-Combatants & Communities (RESPECT) Project. (UNDP/UNOPS 2006: one of the targets was unemployed youth) • Work for Peace : Seribisu Ba Dame (UNDP/ILO2007) • STAGE Project (UNDP/ILO 2004-2009 youth as one of the targets • YEPP Youth Employment Promotion Project (UNDP/ILO target 68,000 2008-2011)
Skills Training	Secretary of State for Professional Development and Employment, Ministry of Infrastructure/ Secretariat of State for Public Work, Ministry for Economy and Development, Ministry of Agriculture and Fisheries, ILO/UNDP/FAO, USAID, World Vision International, Timorese Young Entrepreneurship Initiative (local NGO with support by USAID)	• Small grants to job seeking support private firm Timor-Leste Development Agency (ETDA) and local NGO for youth training (USAID) • Business Development Centres • Establishment of youth centres (some as vocational training centres) by Government and International Organisations
Literacy	Ministry of Education, UNICEF, SIDA/USAID, Xanana Gusmao Foundation, Crystal Foundation, Fundasaun Futuru ba Comunidade, Timor Aid	• Government Non-formal Education • UNICEF/SIDA (target : 15-24 years old) • USAID and local NGOs (target: rural adolescents and adults)
Sports/Community Activities	Secretary of State for Youth and Spots, UNICEF, UNDP, Save the Children, Plan International, Care,	• Sports and Peace Promotion Events (UNICEF) • Children and Youth Development Programme (Save the Children, Youth

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* The stakeholders and activities are examples, therefore these are not exclusive.

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	Concern, KnK	Centres: skills training, sports) • Peace through Sports (Plan International)
Migration	Ministry for Social Solidarity, ILO, IOM, UNDP	• Enhanced Migration Management (EMM) project (IOM) technical support to the government) • Support to Timorese Youth through Livelihood and Employment
Peace Education	Ministry of Education, Ministry for Social Solidarity, UNICEF/UNDP/UNHCR, CARE International, Edge-ucate AustCare, Catholic Relief Services, USAID, Norway, NZAid, Ba Futuro (local NGO), Catholic church	• Peace Education in Pre-Secondary Schools program (UNDP/ CARE/ USAID target 12-15, 30,000 schools) • Conflict Prevention and resolution training to martial arts groups (UNHCR/ Catholic Church/support by Norway) • Training programme : peace practice and conflict resolution' for out-of-school youth (UNICEF preparation stage age 12-22 or above)
Participation	Secretary of State for Youth and Sports, WB	• Youth Leadership for Economic Development (LED) program (funded by WB) • Youth parliament (UNICEF)
Youth with Special needs	Secretary of State for Youth and Sports, Ministry of Social Solidarity (Department of Social Service)	• One of the target of the National Youth Policy
HIV/AIDS	Ministry of Health, UNICEF	• Adolescents and HIV/AIDS prevention through Life Skills training (2006-2009) • HIV/AIDS National Strategic Plan

Spontaneous Returnees in South Sudan: Challenges for UNHCR's Peacebuilding

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Abstract

UNHCR South Sudan is organising repatriation of South Sudanese refugees as Comprehensive Peace Agreement (CPA) has been signed in 2005. By the end of 2007, it had repatriated 77,000 refugees from countries of asylum, with assisting transportation, giving food and other items. However, UNHCR now faces certain challenges regarding assistances to those who came back spontaneously outside of organised repatriation movement. One can say that UNHCR's reaction to spontaneous returnees at the field level highlights mandate-reality gap of a UN agency. In addition, it is also possible to say that issues related to spontaneous returnees may highlight the bridging gap from repatriation to recovery and development in South Sudan, as spontaneous returns usually indicate that commercial transportation networks have started to develop in the region.

(This report is prepared by Tatsuhiko Furumoto as a private individual, not as a former UNHCR staff member, and does not necessarily reflect the policies or views of UNHCR)

Background

The North-South conflict in Sudan came to an end in January 2005 as the Comprehensive Peace Agreement (CPA) has been signed. The region now seems to be on the track of stability and recovery. A census has been conducted in April 2008, and a referendum is scheduled in 2011, based on the census result. However, two decades of conflict has left scars in various forms in South Sudan. According to UNHCR, during the time of the conflict, it is estimated that about half million people became refugees and approximately 6 million people became internally displaced. Various forms of infrastructures have been destroyed.

Ever since the CPA has been signed, UNHCR South Sudan has been working on repatriation of those refugees, mainly from Central African Republic, Democratic Republic of Congo, Uganda, Kenya, Ethiopia and Egypt. It also assisted repatriations from other countries of asylum such as Syria, Liberia, and Zambia. By the end of 2007, UNHCR had repatriated approximately 77,000 refugees from those countries. The year 2008 was especially challenging for UNHCR South Sudan because the target number of repatriation in a single year was 80,000, which is more than it has achieved in the past two to three years. In fact, according to UNHCR, by the first half of the year 2008, 60,000 refugees have repatriated with the support of UNHCR.

Meaning of Spontaneous Returns

Before shedding light on "spontaneous returns", one can say that it is useful to briefly explain UNHCR's "organised repatriations", which later will be compared to spontaneous returns. In the South Sudan return operation, UNHCR has been assisting refugee returns mainly by organising "convoys" from refugee camps in countries of asylum to respective locations where returnees are going back to. Refugees register themselves first for organised repatriations, assemble at the departure point, and then proceed to South Sudan by transportations arranged by UNHCR. On arrival in South Sudan, refugees are taken to a transit center, called a "waystation," where they receive food for three months and non-food items (NFIs). Assisted by UNHCR, returnees will make a final travel from waystations to their destination with those items.

However, assistance is not given to returnees without any conditions. In principle, UNHCR South Sudan assists only those returnees who go back to the country by voluntary decision and in an organised manner. The decision of return needs to be from refugees' own will and not by force. When they decide to go back to South Sudan, they must receive Voluntary Repatriation Forms (VRFs) from the UNHCR office. A VRF is a document that is issued to refugees who return to their countries of origin in a repatriation movement organised by UNHCR. It proves that the returnees are indeed the persons of UNHCR's concern and therefore entitled for assistance upon their arrival in South Sudan. After they arrive in South Sudan, it is supposed to be kept by the returnees as it functions as an ID card necessary for issuing official documents in the future, such as a passport.

At the same time, there is another repatriation movement other than organised repatriation, which is called "spontaneous returns". Spontaneous returns are, usually, also based on refugees' own will to return to their country of origin, but the movement of people happens outside of UNHCR's organised repatriations. Basically, in spontaneous returns, refugees take commercial transportation on their own to come back to their hometown. Because the return is done outside of UNHCR's organised repatriation, those spontaneous returnees do not have any VRFs. Furthermore, they often do not even have any documents such as ration cards that can certify their refugee status.

Spontaneous returnees are, in principle, not entitled for assistance from UNHCR because, there is no proof to show that they were persons of UNHCR's concern in the country of asylum. However, South Sudan started to have several cases of spontaneous returns from the end of 2007. As the number of spontaneous returnees increased, UNHCR South Sudan started to face challenges at policy level regarding support to these people. The rest of the report will summarize how UNHCR coped with spontaneous returnees by categorising types of spontaneous returns and try to highlight a transitional stage from humanitarian work to recovery and development in South Sudan.

Current Situation of Spontaneous Returns in South Sudan

In principle, it is difficult to grasp the number of spontaneous returnees in South Sudan because of its nature. Spontaneous returnees cross borders of Sudan on their own and go back to villages of their choice without reporting to any organisations. Therefore, even local authorities do not have a concrete data about spontaneous returns. The moment when spontaneous returnees draw the attention of the Government of South Sudan (GoSS) is usually when the number of those returnees coming back to a certain village increases to a point that local authorities (such as county commissioners) cannot ignore.

However, it is possible to partially recognize the size of spontaneous returnees by combining some statistical data. According to the statistics by UNHCR, numbers of refugees accommodated in four major settlement locations in Uganda at the time of August 2008 were as follows; approximately 53,000 in Adjumani, approximately 51,600 in Arua, approximately 28,000 in Moyo and approximately 26,600 in Hoima. The total population was approximately 160,000. However, when UNHCR revalidated the number of refugees in those four areas in February 2008, the number of those remaining in the camps declined significantly. There were approximately 31,200 in Adjumani, 18,800 in Arua, 14,400 in Moyo and 16,200 in Hoima. According to the result of the revalidation, the total number of those who still remained in camps in Uganda was approximately 80,500, which is about half of the number recognized about six months ago. During this period, UNHCR assisted repatriation of 15,200 Sudanese. Based on information received from UNHCR field offices in South Sudan, South Sudan Return and Rehabilitation Commission (SSRRC) which is South Sudanese government agency that takes charge of refugee and IDP returns, and other international organisations, it is realistic to assume that most of the remaining are spontaneous returnees. That means approximately 64,300 people have come back to South Sudan from Uganda by their own means between August 2007 and February 2008 and proceeded to their respective cities and villages.

In fact, some cases of spontaneous returnees have been seen in villages in the south of Central Equatoria State at the end of 2007 and beginning of 2008. According to the writer's own experience and information presented at the Return Working Group (RWG), which is a coordination meeting for refugee and IDP returns among the SSRRC, UN agencies and NGOs, for example, in one village called Kit One, which is about 100 km south of Juba, where almost nobody had been living during the time of war, there appeared a group of returnees in October 2007. As a result of an assessment mission in November by SSRRC and international organisations including UNHCR, it was verified that the majority of 66 households with 145 individuals found in Kit One have come back spontaneously from Uganda. In another example, SSRRC recognized spontaneous returnees of 144 households with 542 individuals in Lobonok, which is near Kit One, in February 2008. Those returnees are said to have come to South Sudan by their own means and were assisted in reaching Lobonok by the support of the county commissioner, who is a local authority of the Government of South Sudan.

Though they are spontaneous returnees without VRFs, agencies other than UNHCR are able to give assistance if they are in serious need. For example, as in the case in Kit One, World Food Program (WFP) has provided food to those 145 people and an NGO has provided NFIs. However, those people are, in principle, not entitled for UNHCR's assistance in South Sudan. There are two main reasons for this. The first reason is that, as is mentioned, as far as a "returnee" does not have VRFs, there is no proof that the person really was a refugee or not. According to UNHCR, unlike other humanitarian agencies, UNHCR's mandate is solely for refugees and assistance is only for those who can prove it, and it's afraid that if it were to start assisting self-claimed returnees without VRFs, many South Sudanese who are not refugees will start coming to UNHCR to ask for assistance. For UNHCR, such a result would not only hamper UNHCR's daily work because of such a large number of individual requests to deal with, but would also have a danger of making UNHCR support those whom UNHCR is not mandated for. The second reason for UNHCR is that even if they really are refugees

who just did not receive VRFs from the country of asylum, it is difficult to verify every one of them to give assistance due to mechanical and staffing constrains.

For those reasons, UNHCR does not assist spontaneous returnees as a matter of policy. Instead, UNHCR is trying to increase its public information campaign in settlement camps in the countries of asylum to inform refugees that they are not entitled for assistance (food and NFIs) if they come back without VRFs. However, at the same time, as more and more spontaneous returnees came to be reported by SSRRC and international organisations, their expectations of UNHCR to take further steps to assist them was likely to rise. For example, as for the case of spontaneous returnees in Lobonok, by the time of the middle of March 2008, the Return, Reintegration and Recovery (RRR) unit in United Nations Mission in Sudan (UNMIS), a unit that plays a coordinating role for refugees and IDP returns and reintegration, had suggested that UNHCR join a joint assessment mission to verify if they had refugee status in other countries in order to give assistance.

Having these in mind, however, spontaneous returns are in nature, not a uniform movement but rather takes various forms, and therefore, it is difficult to argue about spontaneous returnees as a whole. The next part of the report will, therefore, discuss the UNCHR's practical reaction to these returnees by categorising spontaneous returns in different stages.

Practice of assistance to spontaneous returnees

At the moment, it is possible to categorize cases of spontaneous returnees in three different situations. Depending on the situation, UNHCR takes/can take different actions.

Small number of spontaneous returnees who directly visit UNHCR's office

Occasionally, spontaneous returnees directly come to the office of UNHCR and ask for assistance. Sometimes these returnees are single and in other cases, they are heads of households. They do not come as a group, but arrive independently at the UNHCR office, asking for food and NFIs for themselves or for their families.

When a small number of spontaneous returnees visit the UNHCR office, the reaction is rather positive. Officers who deal with repatriations interview those people to verify if they really were refugees or not. Often, officers ask their names, the name of camps they had stayed in and a ration card number, if any. Officers will also check if there is any contradiction about the returnee's story. In order to check contradictions, officers will ask the returnees to narrate entire story of the returnees' travel from camps to South Sudan and describe how camps they stayed looked like, as well as reasons for why they came back outside of organised repatriation. Then, the officer can send the information to the officer in charge of the camp where the "returnees" came from. If the returnee is found on the database, the office in the country of asylum can revalidate the data of the returnee and produce VRF. Then UNHCR South Sudan can treat the returnee as "assisted self-returnees" and give food and NFIs. Of course, if the returnee is not found on the database, there is no guarantee that the returnee was a refugee, and therefore, he/she cannot receive assistance at all. However, it needs to be reiterated that UNHCR does not have an obligation (it is not mandated) to assist returnees if they come

back to South Sudan without VRFs, and that the fact that UNHCR treated some of them as assisted self-returnees does not mean that UNHCR made a decision at policy level to open up its assistance to spontaneous returnees.

Small to middle-size groups of spontaneous returnees found in villages in South Sudan

This is a case like Kit One or Lobonok that were mentioned in the previous section. This category of spontaneous returnees is likely to be reported by SSRRC to international organisations in the RWG meetings. They are people who do not directly come to the UNHCR office but try to settle down in villages of their origin. However, because of the prolonged conflict, they often find their home villages completely devastated and not conducive for starting a new life, and therefore, need humanitarian assistance.

This is the most sensitive area for UNHCR South Sudan in terms of spontaneous returnees. They do not actually come to the UNHCR office, but considering the possible number of spontaneous returnees indicated by the statistics, they can be found in various villages in South Sudan. However, those areas are likely to have various types of people such as; 1) refugees who came back with VRFs but spontaneously, 2) refugees who came back with only a ration card (and did not register for repatriation), 3) refugees who came back without any document, 4) IDPs who came back from other areas in South Sudan, and 5) those who stayed in the village during the period of conflict. Based on practical experience in the first category of spontaneous returnees mentioned above, one may say that the first three types of people have the possibility of receiving assistances from UNHCR. However, as was mentioned, UNHCR's role with spontaneous returnees is highly limited. UNHCR South Sudan does not have the resources and personnel to visit each village, look for possible spontaneous returnees, verify that they really were refugees, and send food and NFIs. Therefore, at the moment, UNHCR can make a response only at the request of the SSRRC or through suggestions from the RWG to organize assessment missions. In coordination with other international organisations, UNHCR may be able to check people by name in the village and verify them. It may be possible to find some returnees who came back with VRFs, but one can say that the majority do not have any documents, and therefore, it can take days till UNCHR can find records of these people. One can only say that UNHCR's reaction to these spontaneous returnees in the field is still uncertain.

Large size of spontaneous returnees fled to certain area of South Sudan

It is not clear if such a situation will occur or not, but there is a possibility that a large number of people like several thousands, may flee to a particular area in South Sudan where there is not enough food and water to accommodate them, which could create an emergency situation in South Sudan.

Such a case has not actually happened in South Sudan by the time this report was written in 2008. However, if such a situation were to occur, the Humanitarian Coordinator, the most senior UN humanitarian official in the field, is expected to refer to the case and then UN agencies are expected to tackle the case as an emergency. Then, the question for UNHCR will not be if UNHCR is mandated for those people, or if it is possible to verify them anymore. Therefore, UNCHR's decision to assist these people will be simpler because it can deal with those returnees in the context of emergency.

Conclusion

As is clear from the above, the second category of spontaneous returnees, small to medium size groups in villages in South Sudan, is the most difficult case to deal with for UNHCR. It not only involves issues of mandate like in the first category, but also issues of personnel and resources, and a system to verify those returnees. At policy level, these cases are needed to be considered carefully each time with a limitation of mandate of UNHCR. However, although it depends on each case, UNHCR is trying to take some action for those spontaneous returnees at the field level, based on the formal request from the Government of South Sudan, SSRRC, or RWG. Together with the practical reaction for the first category, one can say that these are examples of efforts to fill the mandate-reality gap in UN agency.

At the same time, as peacebuilding in South Sudan goes on, one can say that commercial transportation at Sudanese borders and within South Sudan will develop more and more. Such a development in transportation network has a possibility of causing large movements of people including economic migrants, for example, to Juba, center of South Sudan. And the fact that "spontaneous returnees (regardless of if they really were returnees or local Sudanese)" started to attract attention of the Government of South Sudan and international organisations may be an indication of such development. Then, one can say that the stage of peacebuilding started to shift from repatriation of refugees to recovery and development. If such people are in need for food and NFIs, it may mean that more recovery and development type of work is now needed in the field to contribute to daily life of local people. Therefore, it is possible to say that issues related to spontaneous returnees indicates not only the mandate-reality gap of one UN agency, but also a need of appropriate coordination among other UN agencies and NGOs to fill the gap between repatriation and recovery/development.

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References and notes should be typed in the form of the following examples:

1. Lawrence Freedman, The Evolution of Nuclear Strategy (London: Macmillan, 1981), pp. 51-53
2. Freedman, Evolution of Nuclear Strategy, p.152
3. Bruce Cumings, 'Japan and the Asian Periphery', in Melvy P.Leffler and David S. Painter (eds.) Origins of the Cold War (London: Routledge, 1994), pp. 226-229
4. New York Times, 13 May 1987
5. Cumings, 'Japan', p. 216
6. J. P. Cornford, 'The Illusion of Decision', British Journal of Political Science, 4 (1974), pp. 231-43.

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