Human Security Perspectives

Special Focus: Sustainable Peacebuilding

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Wolfgang Benedek/Matthias C. Kettemann/Heike Montag/Markus Möstl/Pascoal Santos Pereira

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Andrei Zwitser: Hybridization of Peacekeeping
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Ojot Miru Ojulu: The Role of Civil Society Organizations in Reconciliation and Rebuilding the Social Fabric of Communities: Case Study of Gambella Regional State Security Sector Reform and the Promotion of Human Rights and International Humanitarian Law in Africa

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Editors’ Preface

Starting in 2000 the European Training and Research Centre for Human Rights and Democracy (ETC) Graz and the Institute of International Law and International Relations of the University of Graz have developed a research and teaching focus on the concept of human security. With Austria’s 2003 chairmanship of the Human Security Network and the support of the drafting process of the Graz Declaration on Principles of Human Rights Education and Human Security which was adopted by the conference, the scholarship was brought to a new level. Notable successes include the Manual on Human Rights Education, a book with an eminent focus on human rights and human security that has already been translated into 14 languages and is used in human rights education worldwide. By 2011 some ten security scholars of various academic backgrounds have founded the Human Security Focus Group to streamline their research, to promote the added value of human security, and to ensure that the human rights city Graz remains a centre of excellence for human security research, teaching and practice.

It is within the framework of this focus on human security and emerging security challenges that the Institute of International Law and International Relations of the University of Graz, Austria, has organized, since 2008, the Graz Workshops on the Future of Security. In 2011, the Institute, together with the European Training and Research Centre for Human Rights and Democracy (ETC) and their Human Security Focus Group, and in cooperation with the National Defence Academy of the Republic of Austria and the Marie Curie Action “Sustainable Peace Building” which enjoys funding under the EU’s Seventh Framework Programme, organized the 4th Graz Workshop on the Future of Security dedicated to “Sustainable Peace Building: Humanizing Peace and Conflict Studies”.

Just as the three previous workshops, the 4th Graz Workshop on the Future of Security, which ran from 7-8 April 2011, was dedicated to furthering the understanding of today’s and tomorrow’s security challenges and identifying practical answers. The organizers meant to bring together promising pre- and postdoctoral researchers who made innovative contributions to the field of peace and conflict studies.
In the end, more than 40 researchers from 15 countries and four continents made it to Graz and presented their latest research on topics ranging from the role of the Security Council in peacebuilding and the relationship of counter-terrorism and human security to the role of international courts in ensuring peace.

It was no coincidence that the 4th Graz Workshop on the Future of Security was dedicated to the concept of sustainable peacebuilding. Two doctoral fellows from the “SPBUILD: Sustainable Peace Building Research and Training Network”, a Network funded under the Marie Curie Actions of the Seventh Framework Programme, were conducting their doctoral research at the Institute of International Law at the time when the workshop planning began. Heike Montag and Pascoal Santos Pereira provided invaluable help through their connection with other SPBUILD fellows. In fact, the workshop was preceded by a high-level SPBUILD Steering Committee Meeting which reinforced the importance of the Graz Workshops on the Future of Security. The aim of SPBUILD is to bridge the gap between European research, policy and practice in the field of peace and conflict studies and therefore substantially supported the workshop.

The growing importance of the individual in peace and conflict studies is underlined by the presence of human security as a common thread throughout the contributions of the workshop. The workshop itself encompassed nine thematic and multidisciplinary sections focusing on different dimensions of sustainable peacebuilding. Selected excellent contributions to these sections have now been substantially revised and enlarged. You can find them on the following pages of this edition of *Human Security Perspectives*.

Four overarching topics lend a structure to this edition. In our first chapter, on the theory and practice of peacebuilding, Pascoal Santos Pereira investigates whether the Responsibility to Protect can be considered to be one step towards a liberal international order. Andrej Zwitter then analyzes newly emerging doctrines leading to the hybridization of peacekeeping. Markus Möstl follows up with a study of civil-military coordination in the Common Security and Defence Policy of the European Union. Matthias C. Kettemann puts the theory of peacebuilding to a practical test and enquires whether the international community has learned any lessons from Libya and whether the intervention can be considered a test case for human security mainstreaming. Finally, Cristina Churruca Muguruza and Cristina de la Cruz Ayuso conduct a case study of the role of internally displaced people and draw important lessons from peacebuilding efforts.

In the following section, entitled “Lessons from the Past”, Sarah da Mota undertakes to analyze the role of human security in counter-terrorist policies during the Bush Administration. Ulrike Capdepón looks even further back and investigates the influence of human rights discourses and practices from the Southern Cone on the confrontation with the Franco dictatorship in Spain.

The third section of this edition of the *Human Security Perspectives* is dedicated to a number of different aspects of post-conflict reconstruction. Thomas Rauter discusses discretionary possibilities for the renunciation of criminal prosecution under the Rome Statute, a very topical issue in light of recent arrest warrants from The Hague in ongoing conflicts in Sudan and Libya. Ramon Blanco delineates the post-
conflict state-building dispositif and enquires whether a proper understanding of it can lead to successful conflict resolution in war-torn societies. The two concluding contributions to this section both look at the role of disarmament, demobilization and reintegration. James-Emmanuel Wanki reexamines the concepts of empowerment and local ownership in DDR endeavors in the Democratic Republic of Congo. Will Plowright draws lessons from the failure of DDR in Sierra Leone.

The last section is dedicated to human security challenges that present themselves especially in Africa. In an empirical study, Valeria Izzi investigates the impact of rumors and local narratives on peacebuilding efforts in the Kivus, Democratic Republic of Congo. Ojot Miru Ojulu presents a case study of Ethiopia’s Gambella regional state and examines the role of civil society organizations for the reconciliation and rebuilding of the social fabric of communities fractured by protracted conflicts. Finally, Marcel Banza Mwengula investigates to what extent Security Sector Reform can successfully lead to the promotion of human rights and the respect for international humanitarian law in Africa.

We would like to thank the internationally renowned academics making up the SPBUILD consortium for their comments on the papers as they were presented. This ensured both high quality debates and interesting research papers. Professor Sarah Perrigo, the workshop’s distinguished key-note speaker, deserves special mentioning.

We would also like to note with gratitude the contributions by the National Defence Academy of the Federal Ministry of Defence and Sports and the Federal Ministry of European and International Affairs. Their representatives added an essential practical dimension to an academic exchange that succeeded in connecting emerging researcher on the pre- and postdoctoral level active in the field of peace and conflict studies.

We hope that this special issue of Human Security Perspectives will meet the interests of academics and practitioners, by showing both the breadth of issues closely interlinked with human security and the importance of looking closely at local challenges. Though it is difficult to summarize the contributions, the workshop’s theme holds true: they all contribute their share to better understanding the trend of mainstreaming human security into peace and conflict studies and thus progressively humanizing the field.

Finally, we would also like to express our gratitude to Reinmar Nindler and Julia Cortolezis for their support before and during the workshop and to Julia Cortolezis and Manuela Ruß for their help with editing the contributions to this special volume of Human Security Perspectives.
I Theory and Practice of Peace Building
Responsibility to Protect: One Step Towards a Liberal International Order?

Abstract
In an international political moment in which an international intervention is legitimized by an explicit reference to a "responsibility to protect" civilians in Libya, this paper aims at tracing the evolution of this concept and tries to understand to what extent the development of this concept was central to and legitimized this specific intervention. The concept of responsibility to protect will also be analyzed under the liberal order framework to which it apparently owes much of its content. Even though a direct conceptual connection may be made between this liberal framework and the current intervention in Libya, through the conceptual corpus of the responsibility to protect, it is not clear whether the absence of such corpus would have led to a different outcome in this particular situation.

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Responsibility to Protect: One Step Towards a Liberal International Order?

A Introduction

The discussions around a responsibility to protect endangered populations, either as a responsibility of the host state, or as a responsibility of the international community have been one of the major academic and political debates on the creation of a normative framework embedded in a liberal tradition of international action. One of the main controversial issues has been the definition of a threshold for the international community to intervene when national authorities are not able or willing to assume the responsibilities they have towards their citizens, in cases of humanitarian emergencies.

This paper aims at presenting the evolution of the concept of a responsibility to protect and to understand it under the light of its liberal substratum. First, Section B is an outline of the world order after the end of the Cold War, as an introduction to the Section C, in which we line up the main ideas behind the responsibility to protect. In Section D, we will discuss some of the implications of the liberal ideas, in which the responsibility to protect lies conceptually. And finally, in Section E, we will address the current international intervention in Libya, with a "responsibility to protect background", as in these events the UN Security Council (SC) for the first time mandated an international action by using this specific conceptual corpus.

The End of the Cold War: A Brand New World Ahead?

The end of the Cold War represented the possibility of overcoming the former geopolitical framework based on the military balance of power and nuclear deterrence between the two superpowers of the time which had shaped the International Relations since the Second World War. The events in 1989 represented what, for some, was an end of History, as Western democracies and values defeated their counterpart and were therefore allowed to settle a liberal order based on rules and institutions; this liberal order would stress the priority on protecting individual rights, whereas the previous realist framework prioritized state security. This order was already drafted since 1945 with the creation of the United Nations (UN), but its potential impact in ruling international peace and security was undermined by the bipolar contention.

The international consensus on the primacy of the SC’s role was evident during the Gulf War in 1990-1 but it was soon obscured by a new set of events which impeded this procedure to be repeated. The inability of the international community in supplying a proper reply to these new wars proved that the UN structure was insufficient and inadequate for a proper response to this new kind of crises. These conflicts were not necessarily new in themselves; they rather belonged to a new typology of conflicts: the “classical” wars were mainly waged between states and the aggressor was external; in the post-Cold War era, conflicts are mainly waged inside states and the repressor is internal. These were also conflicts which rose in eroded or disintegrated states and in which identity politics became a valid central feature.

Even though major humanitarian crisis in the 1990s such as in Yugoslavia, Rwanda and Northern Iraq were not unprecedented, the international indifference could almost be considered as immoral given the dimension of the reported violations of the human rights. But a right/obligation to intervene, even for humanitarian purposes, was undermined by the principles of sovereign equality and non-interference in domestic jurisdiction, some of the most solid principles of International Relations and actual cornerstone in attempting to achieve a peaceful international community.

The dead-lock in which the international community was trapped was evident at its outmost during the Kosovo crisis in 1999, when a group of states undertook a joint military action against Yugoslavia in order to force Belgrade to stop the severe violations of human rights on the Albanian population in Kosovo. This war was waged in the name of the protection of human life and was even considered by the British Prime-Minister Tony Blair, to be fought, not for territory, but for values, and thus the first moral war to be fought for. Even if the intervening states justified their action with

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5 Kaldor (2007), 123.
6 Kaldor (2007), 80.
7 Chandler (2004), 75.
its moral legitimacy, this intervention was illegal since it lacked the formal authority of a SC resolution.\textsuperscript{8}

Legitimacy and legality could not remain in such a pronounced opposition; an exact definition and framework for the application of this obligation to intervene became a priority. Thus, in his annual report to the General Assembly in 2000,\textsuperscript{9} the UN Secretary-General Kofi Annan challenged the international community to define the exact terms of such a framework. The challenge was taken by the Canadian government which formed an International Commission on Intervention and State Sovereignty (ICISS) for that purpose.

\section*{C A Responsibility to Protect Human Lives}

The ICISS brought its final report \textit{The responsibility to protect} to Kofi Annan one year later. The title of the report points at two important elements: first, this responsibility to protect seems to spin from the “sovereignty as responsibility” proposed by Francis Deng and Roberta Cohen in the 1990s, concerning the protection of the internally displaced.\textsuperscript{10} On the one hand, this sovereignty as responsibility assumes that the sovereign state is responsible for protecting the life of the population living in its territory. On the other hand, this would imply that the state would lose its legitimate sovereignty in case it could not protect its own population. The second element is the calculated move from a \textit{right to intervention} to a \textit{responsibility to protect}.\textsuperscript{11} As a “right”, it would have been too easily associated to unilateralism or to violation of the principle of non-intervention, jeopardizing the purpose of the report by the skepticism it would raise.\textsuperscript{12} The same argument may be used for justifying the focus on “protection” instead of “intervention”.\textsuperscript{13}

The report, explicitly based on human security, presents four basic objectives for a new approach on interventions for humanitarian protection: to establish rules, 

\begin{footnotesize}
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\item[8] Chandler (2004), 59. Even though this argument was not used as a justification for this intervention, the fact that it was backed by a significant number of democracies helped to the conception of a “limited intervention” theory in which one of the legitimating criteria for intervention was the total number and the level of democracy of the intervening States (Martin Ortega, Military Intervention and the European Union, Chaillot Paper, 45 (2001), http://www.iss.europa.eu/uploads/media/cp045e.pdf (this and all subsequent websites were last checked on 1 April 2011)).
\end{itemize}
\end{footnotesize}
procedures and criteria to determine whether, when and how to intervene; to legitimate military interventions when necessary, when all alternative actions have failed; to ensure that intervention is carried out only for the purposes proposed and is undertaken with proper concern to minimize human costs; and to help to remove the causes of conflict and to establish the conditions for a durable and sustainable peace.

The document is divided in three central components which form the broader concept of responsibility to protect: the responsibility to prevent, the responsibility to react and the responsibility to rebuild. Interventions were also bound to a set of six criteria for justifying them in extreme situations: right authority, just cause, right intention, last resort, proportional means and reasonable prospects.

The ICISS emphasized two particular criteria, namely just cause and appropriate authority, the two most controversial when it comes to intervention. Interventions with a just cause would take place to stop large scale loss of life, as a product either of: deliberate state action; state neglect or inability to act; a failed state situation; or to avert large scale ethnic cleansing, carried out by killing, forced expulsion, acts of terror or rape, either actual or apprehended. As to the decision and implementation of interventions, the central role and first instance is undoubtedly assigned to the SC, as a proper, authoritative and credible institution.

Nevertheless, the members of the ICISS were critical of the SC at the same time and mapped a set of objections to its legitimacy, to the way it operates and to its structure; even some recommendations for reform are suggested in the report. Their major remark concerns the fact that the SC is not representative of the current world and that it lacks democratic legitimacy; on the one hand, the current permanent members of the SC have a veto power, but there are no permanent members from Latin America or Africa; on the other hand, it has proven to be ineffective too often, when its prompt reaction might have saved many lives. Beyond this suggested ambitious reform and a reminder on alternatives to a blockade of the SC, within the UN institutions and by the use of the Uniting for Peace procedure, the Commission also opened the way to interventions led by regional international organizations or ad hoc coalitions of neighboring states (out of area interventions would be more controversial), which can be legitimized by the UN afterwards. At this point, the ICISS gives the SC two recommendations: its inaction would push towards interventions by ad hoc coalitions, outside of the UN discipline and rules and possibly far from its guiding principles; and any successful intervention out of its authority would jeopardize the UN and its credibility.

14 ICISS (2001a), 11.
15 ICISS (2001a), 32.
16 ICISS (2001a), 49.
18 ICISS (2001a), 49-52.
19 ICISS (2001a), 55.
The timing of the formal presentation of the report in 2001 has not been fortunate since it coincided with the launching of the "war against terrorism" doctrine, after the terrorist attacks on the US in September that same year, and almost overshadowed all other issues in the international agenda. However, some of the acquis of the responsibility to protect was partially used to legitimize the occupation of Iraq in 2003, for one of the arguments for this preemptive war was the protection of human lives. But, at the same time as it was justified with a responsibility to protect, this intervention also corroborated all the objections it has been subjected to, for several reasons. First, it could be used as an instrument of external imposition of the Great Powers’ will in vulnerable states. Second, it opens the way to the possibility of legitimate but illegal actions and prevents the necessary authorization from the SC. Third, the set of criteria for intervention on the final report of the ICISS can be isolated from its context, becoming valid juridical criteria for any intervention, since meeting these criteria would be formally more important than the need for intervention; besides, each one of these criteria is subjective and may have different interpretations.

The Outcome Document that emerged from the World Summit in 2005, in its paragraphs 138 and 139, introduced for the first time a reference to a “responsibility to protect” in a document produced by the UN. First, it is explicitly stated that each state is responsible for the protection of its population from genocide, war crimes, ethnic cleansing and crimes against humanity. Second, the international community is committed to support populations from the enunciated international crimes, using preferably peaceful means, or collective action when peaceful means are inadequate or when the state failed in its particular responsibilities; any action is supposed to be taken in accordance with the UN Charter and through the SC, on a case-by-case basis. Yet the vigorous and unquestionable stress on the central role of the SC is remarkable. With these two paragraphs, the Outcome Document was able to nullify the controversies over the two most problematic criteria presented by the ICISS (just cause and appropriate authority, as already mentioned).

The inclusion of R2P in the Outcome Document has nonetheless generated divergent opinions on the importance of this achievement. Some, such as Nicholas Wheeler, were concerned that the Outcome Document did not give a proper answer on what would happen when the SC is unable or unwilling to authorize the use of

21 Chandler (2004), 60.
24 R2P is used here in reference to the whole conceptualization of the responsibility to protect within the ICISS report.
Some other were rather enthusiastic, such as Alex Bellamy, who considered the inclusion of R2P in an UN document as one of the most important developments achieved on the issue of humanitarian crisis, as it simultaneously formally recognized the responsibilities of the states to their own citizens and reaffirmed the authority of the SC when it comes to intervention.

D  R2P as the Ultimate Achievement of Liberal Peace…

R2P, referred to in the past both as an "emerging norm" by the former UN Secretary-General Kofi Annan and as a mere "concept" by the current Secretary-General Ban Ki-Moon, is quite illustrative of a liberal peace paradigm in which it emerged and in which moral values and individuals' human rights have become central inputs for international action. But although this liberal peace holds a benign concern on the protection of human lives, this discourse is quite often appropriated as to legitimize traditional power and Realpolitik goals than a genuine concern on the victims of massive abuses.

This appropriation of a profoundly liberal value (the moral obligation of protecting endangered populations) by strategists who support the use of force in their international action is illustrative of a convergence of liberal and realist concepts and backs the liberal peace as a standardization process of the international society, either by induction or coercion. Oliver Richmond states that the responsibility to protect is the heyday of the international-liberal thinking, in which peace turns into a tool for liberal hegemony. The fact that the provisions on the use of force in the UN Charter have always been dependent on the moral legitimacy of international law and on the balance of power made this convergence of morality and Realpolitik possible, either under the name of the "responsibility to protect" or the "war against terrorism". In fact, it is striking to note that self-interest was even recognized as a positive aspect for action in the supplementary volume to the report of the ICISS:

“If risks and costs of intervention are high and interests are not involved, it is unlikely that states will enter the fray or stay the course. Those who advocate

28 Chandler (2004), 73.
31 Richmond (2008), 93.
32 Hehir (2010), 223.
33 Chandler (2004), 75.
action to protect human rights must inevitably come to grips with the nature of political self-interest to achieve good ends.\textsuperscript{34}

At the same time as there is evidence of this appropriation of liberal values, there is also some concern on a paradoxically violent side of this liberal peace which aims at imposing liberal democracy, the rule of law and free market worldwide. Michael Doyle presents three theoretical traditions of pacifism,\textsuperscript{35} where these current practices derive from and which might help us in understanding this feature. First, a liberal pacifist tradition which states that there would be a diminished disposition to war in states where the interaction of capitalism and democracy is successful. In a capitalist, liberal, individual-oriented and rationalized society, the population would have much to lose with the waging of a war and would prefer to use peaceful means in order to achieve its ends. Second, a liberal imperialist tradition which claims the very opposite idea: free republics are not pacifistic. They encourage a right to property and a notion of common good; therefore a concern for the preservation of the state would increase accordingly. They would even fit as the best form of state for imperial expansion, as means to guarantee the survival of a state. A perception that their lives and properties are not safe would lead the populations to feel that the material welfare of society is facing a constant threat from the neighboring states. Third, a liberal internationalist tradition proposes an intersection of the two previous traditions. On the one hand, liberalism would have a pacifying effect on the relations between liberal states and would allow a specific kind of peace between them: a similar internal political system would have a conditioning effect on the way they relate to each other. On the other hand, these pacific restrictions between liberal states would be valid only among them and would not prevent them to use non-peaceful means in their relations with other states, since they do not have a common sociopolitical framework. Any proclaimed moral superiority of the liberal democracies in their international relations would therefore be confined to the special relationship they establish between them. Out of this confined community, the liberal peace discourse would be aimed at “disciplining those deemed responsible for such abnormal practices through conditionality and effective transnational governance regimes” and intervening “to correct abnormalities in others’ political, social and economic practices”.\textsuperscript{36}

The responsibility to protect illustrates the contradictions laying behind this liberal peace/war. First, the spread of democracy and human rights protection can be a reason both for war and for peace, since it is possible to use force to induce


democratic reforms or the application of human rights. Second, the application of a ready-made liberal democratic package can have unexpected and dangerous consequences in fragile societies, since it supports majoritarianism, ignores collective differences and can lead to a loss of sense of community and existing social bonds. Third, there is some naivety in any intervention: whenever an intervention takes place, the main argument is that the state is not able or not willing to protect its own population. But will it act otherwise after an intervention? Since that state did not have the capability to protect its population, will it suddenly have those means, even after the defined period of post-intervention reconstruction? Fourth, R2P insists in the central role of the state, even if failed, at the expense of other local capacity, equally or even better suited, since the international liberal framework lays precisely on concepts such as sovereignty, territoriality and national jurisdiction. International institutions and the rules they endorse are valid only in a world of equal, homogenous and responsible states. In fact, most of the international society’s legal framework is still shaped by state-based security concerns, rather than by human security and individual rights.

E ...Or How Libya Brought New Attention to an Old Concept

The recent and current events in Libya seem to add new important elements to the discussion on the international community’s responsibility to protect. The Resolution 1973 of the SC for the first time authorizes member states “to take all necessary measures […] to protect civilians”, after having reiterated that it was the Libyan authorities’ responsibility to protect its citizens. In a previous resolution, Resolution 1970, the SC already warned the Libyan authorities that it was their responsibility to protect their own population and that the “widespread and systematic attacks currently taking place in the Libyan Arab Jamahiriya against the civilian population may amount to crimes against humanity”. This particular reference to crimes against humanity does not seem to be a minor one, since it refers directly to one of the crimes settled at the 2005 World Summit Outcome Document as legitimizing international action when the state fails to protect its population. Since the Resolution 1973 was based on the previous Resolution 1970, there is no doubt that they are in line with the concept of the responsibility to protect and constitute already a landmark on the application of this controversial concept.

38 Richmond (2008), 92.
40 Chandler (2004), 60.
However positive the inclusion of this concept in a SC Resolution is, some remarks arise so as to how this particular event may be determinant on the forthcoming debate on the responsibility to protect. First, it seems to be a relative victory for those who support a minimalist version of a “responsibility to protect” instead of the broader approach sponsored by the ICISS in its final report. On the one hand, this constitutes a conceptual appropriation of and a clear recognition of the central role the SC in having the responsibility to protect actions and repels the possibility of a responsibility to protect action to be taken by a non-UN actor, which was not completely repudiated in the ICISS report. On the other hand, the ICISS final report stressed the importance of a comprehensive approach of the concept which would contain three different responsibilities: to prevent, to react and to reconstruct. Even though the academic discussion on R2P has derived gradually towards a more preventive approach, the reference to a international community’s responsibility to protect in the 2005 World Summit Final Outcome was self-speaking for its emphasis on the reaction aspect of R2P.

Second, the issue of the set of criteria deemed useful by the ICISS in 2001 was completely sidelined. This trend was already visible in the 2005 World Summit Final Outcome, when it stated that any collective action under the scope of the responsibility to protect was to be decided “on a case-by-case basis”. And the recent SC Resolutions on Libya confirm a practice in which too narrowly defined criteria can undermine the SC’s decisions and actions. It finally confirms that, no matter what reason leads to a collective action, the decision by the SC is still based on political reasons rather than on legal grounds. Yet, these criteria were always controversial: on the one hand, a list of criteria would always be ambiguous, vague and erode the SC’s role in international security. On the other hand, the non-compliance with the criteria could more easily justify ‘inhumanitarian non-intervention’ than ‘inhumanitarian intervention’, overemphasizing the role of the host state on the responsibility to protect.

Third, this practical application of the concept of a responsibility to protect is not particularly innovative. According to Aidan Hehir, even if it has changed the discourse on humanitarian interventions, the way the discussions on R2P evolved has gradually undermined key issues, such as the reform of the SC, the legitimacy of unilateral interventions and the threshold for intervention. One can even speculate on whether this international intervention in Libya would have been possible without ten years of debates around R2P; actually, there is no significant normative, legal or

45 ICISS (2001a), 53-4.
46 Hehir (2010), 226.
47 UN General Assembly (2005), at 139.
48 Hehir (2010), 226.
49 Chandler (2004), 69.
52 Hehir (2010), 218.
major institutional development since the crisis in Kosovo in 1999, a previous pressing situation in which the SC was bypassed since no political agreement could be attained among the permanent members with veto power.

Nevertheless, a largely non-opposing SC allowed for a timely international reaction in Libya, while a similar legally framed reply has not been possible either in Rwanda or in Darfur. The creation of a narrative of political liberation in Maghreb and the fact that Muammar Gaddafi has been a spoiler in the regular course of this narrative may have pushed for this unusual international mobilization towards a responsibility to react. Ten of the 15 members of the SC voted for that resolution, with the abstentions from Brazil, China, Germany, India and Russia. On the one hand, it can be interesting to analyze why these particular states did not vote in favor of the Resolution, especially in the case of Brazil, Germany and India. But, on the other hand, it can be even more interesting to find out why they did not vote against the Resolution, especially in the case of China and Russia, both permanent members of the SC with veto power. These two states are considered to have been the stumbling stones that impeded a SC mandate for a military intervention in Yugoslavia in 1999. Given that there is a certain similarity between Kosovo in 1999 and Libya in 2011, one can wonder on how to understand this shift and perhaps naively argue that even if the responsibility to protect rhetoric has not been genuinely embraced by these two major powers, the insistence and intensity around this concept since 2001 made them realize that it has become a fact, if not a norm yet. Of course, the victims of the atrocities in Kosovo were an ethnic minority in the Yugoslav state and both Russia and China could be claimed to fear a similar droit de regard or even intromission on their domestic ethnic conflict by the international community. The victims of the atrocities in Libya are not a minority; they are the people of Libya, without any particular social or ethnic distinction, claiming for the withdrawal of an oppressing power. But are not violations of human rights, to some extent, a reported reality both in China and Russia as well?

**Conclusion**

Michael Lipson claims that the UN action is driven by some kind of organized hypocrisy, for there would be both a discrepancy between proclaimed values and a lack of resources assigned to materialize them, and a seminal contradiction between these same values and humanitarian intervention by force. In accordance to what has been discussed in this paper, this could be an illustrative portrait of the tensions within the liberal peace, between liberal values and national self-interests. Nevertheless, a characterization of this world order as a “schizophrenic liberal peace”

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may also be accurate, since the tension between those two apparently opposed elements is needed, in order to sustain the whole building of the current international society.

As to the current situation in Libya and the illations it may have on the evolution of the concept of responsibility to protect, the R2P corpus as a whole seems strikingly inflated and diverted from the initial challenge made by the Secretariat-General in 2000 “if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica — to gross and systematic violations of human rights that offend every precept of our common humanity?” 55 The ICISS final report was as comprehensive as it could be, highlighting not only the importance of a responsibility to react, but also the responsibilities to prevent and to reconstruct. As important as these two components can be, this created a too holistic R2P corpus, missing a pressing and very precise answer the ICISS was requested for. The international reaction to the events in Libya demonstrates that, apart from an important rhetoric input, the contribution of R2P to this outcome is quite reduced.

55 UN Secretary-General (2000), at 37.
Andrej ZWITTER*

Hybridization of Peacekeeping: Emergence of New Doctrines on Peace

Abstract

The end of the Cold War led to the increase of civil wars and resulted in a trend of asymmetric conflicts that include many non-state actors in the form of combatants and non-combatants. However, the end of the political stalemate in the Security Council also increased the ability of the United Nations to intervene in these crises. The learning outcomes from these interventions brought about a change from purely military missions to what is nowadays known as integrated and hybrid missions. The term 'hybridization' is increasingly being used to describe a trend that can be followed particularly in the last two decennia of United Nations peacekeeping. Two kinds of developments in the practice of peacekeeping can be observed. On the one hand, the tasks of peacekeepers have changed. Purely military mandates have been replaced by mandates that include also political, developmental, governance building, and humanitarian tasks. On the other hand, not only the tasks have changed, but also actors to accompany the military component of peacekeeping have increased. The aim of this paper is to trace the development of hybrid peacekeeping until today. Whether this adaptation has led to an improvement in building sustainable peace remains an open question.

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Appendix 1: Resolutions and Statements of the President of the Security Council on issues related to United Nations peacekeeping (Excerpt): ........... 26

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A Introduction

The term ‘hybridization’ is increasingly being used to describe a trend that can be followed particularly in the last two decennia of United Nations (UN) peacekeeping. Two kinds of developments in the practice of peacekeeping can be observed. On the one hand, the tasks of peacekeepers have changed. Purely military mandates have been replaced by mandates that include next to military tasks also political, developmental, governance building and humanitarian tasks. On the other hand, not only the tasks have changed but also the actors to accompany peacekeepers have increased partially fulfilling UN mandated military and non-military tasks themselves. The end of the Cold War led to the increase of civil wars, the proliferation of conflict to include more and more non-state actors, both as combatants and non-combatants, and to the increased willingness of the UN to intervene in these crises. This article will elaborate on how this changed the environment of peacekeeping and how the UN started adapting to these different political environments peacekeepers found themselves in.

B Towards Integrated and Hybrid Missions: Changing Environments and Approaches

1 UNMIT and UNAMID: The Prime Examples

In many ways the history of UN involvement in East Timor also depicts how the perspective of the international community on peace operations changed since the end of the cold war. The first institutionalized peace operation in East Timor in 1999, the United Nations Mission in East Timor (UNAMET), was a purely political mission with the mandate to organize and conduct a popular consultation in order to determine whether East Timorese people would prefer autonomy within Indonesia or separation from it. Between 1999 and 2002 a peacekeeping operation, the United Nations Transitional Administration in East Timor (UNTAET), was established by the Security Council (SC) following the decision to separate from Indonesia. UNTAET’s task was to exercise administrative authority over East Timor during the transition to
independence. The United Nations Mission of Support in East Timor (UNMISET), established in 2002, was also designed as a peacekeeping mission but most of its tasks where quite atypical:

a To provide assistance to core administrative structures critical to the viability and political stability of East Timor;

b To provide interim law enforcement and public security and to assist in the development of a new law enforcement agency in East Timor, the East Timor Police Service (ETPS); and

c To contribute to the maintenance of the external and internal security of East Timor.\(^1\)

In order to perform such tasks the SC decided to depart from the typical core-military setup of peacekeeping missions and installed a structure more appropriate to fulfill the given mandate:

a A civilian component comprising an office of the Special Representative of the Secretary-General with focal points for gender and HIV/AIDS, a Civilian Support Group of up to 100 personnel filling core functions, a Serious Crimes Unit and a Human Rights Unit;

b A civilian police component initially comprised of 1,250 officers;

c A military component with an initial strength of up to 5,000 troops including 120 military observers.\(^3\)

From May 2005 to August 2006 the UN reduced its involvement to a political (peacebuilding) mission to support good governance activities. However, from April till June 2006 East Timor experienced again a peak in civil violence, which led the President of the National Parliament and the Prime Minister of East Timor to request another peacekeeping mission to stabilize the country. Subsequently, the Secretary General (SG) issued a report describing the situation on the ground, East Timor's humanitarian problem, and particularly emphasizing the underlying causes of the crisis.\(^4\) This report emphasized the multi-dimensional character and the interconnectedness of the underlying causes:

While the primary underlying causes of the current crisis are political and institutional, poverty and its associated deprivations, including high urban unemployment and the absence of any prospect of meaningful involvement

\(^1\) UNMIT Background - United Nations Integrated Mission in Timor-Leste, available online at: http://www.un.org/en/peacekeeping/missions/unmit/background.shtml (all websites used in this essay were last checked on 14 April 2011).


\(^3\) Ibid., at 3.

and employment opportunities in the foreseeable future, especially for young people, have also contributed to the crisis.\textsuperscript{5}

This perspective indeed marked a change in how crisis were conceived by the UN. At this instance the SG argued that the international community should learn from past mistakes and should employ a mission that integrated various tasks and many non-military mandates to overcome the complexity of this crisis. The new mission in East Timor should thus have a mandate based on the needs of the people. Therefore, the SG suggested that the structure of this new kind of peacekeeping operation should integrate the following components: security sector support, police components, military components, and civilian components.\textsuperscript{6} The SC followed the recommendations of the SG, and by its resolution 1704 (2006) of 25 August 2006 it established the United Nations Integrated Mission in East Timor (UNMIT) as a new kind of peacekeeping operation. One particularly interesting element in the case of East Timor was that prior to the deployment of UNMIT the East Timorese Government had requested police and military assistance from Australia, New Zealand, Malaysia and Portugal. This required that UNMIT would have to coordinate its efforts with the international security forces in a mutual endeavor.\textsuperscript{7}

Another operation is key to understand how the concept of integration led to a further development towards the idea of hybridization. The African Union (AU) and UN hybrid operation in Darfur (UNAMID), established in July 2007, already started with a hybrid mandate. The SC fitted it with the task and mandate to not only protect the civilian population in Darfur but to contribute to security for humanitarian assistance, monitoring and verifying implementation of agreements, assisting an inclusive political process, contributing to the promotion of human rights and the rule of law, and monitoring and reporting on the situation along the borders with Chad and the Central African Republic (CAR).\textsuperscript{8} Again the UN for different reasons, however, was in the situation to share the ground with other international actors. In this case the AU played a key role, but whereas UNMIT needed to coordinate with the structurally separate international security forces, UNAMID became a joint venture of a regional and international organization. Also worth mentioning is that the SC vested UNAMID with (the Chapter VII) authority to employ force in order to:

(i) protect its personnel, facilities, installations and equipment, and to ensure the security and freedom of movement of its own personnel and humanitarian workers,

\textsuperscript{5} Ibid., at 34.
\textsuperscript{6} The civilian component would cover: political affairs, planning and best practices, elections, legal affairs, human rights and transitional justice, administration of justice, democratic governance, economic development, humanitarian affairs, gender, HIV/AIDS, public information and outreach, joint operations and joint mission analysis centres, and administration. See ibid., at 112-137.
\textsuperscript{7} United Nations Security Council Resolution 1704 (2006); UN Doc. S/RES/1704 (2006), at 4(m) and at 5.
(ii) support early and effective implementation of the Darfur Peace Agreement, prevent the disruption of its implementation and armed attacks, and protect civilians, without prejudice to the responsibility of the Government of Sudan;\(^9\)

Solely from a legal and structural perspective it became already clear that the UN’s concept of peacekeeping had undergone some tremendous conceptual changes. Peacekeeping missions were more and more tailored towards the necessities to build structural peace. In case where the use of force could be necessary in order to achieve this goal another bridge was built towards peacemaking mandates. Thus, it can be said that the construction of peacekeeping missions commonly referred to as “Chapter VI\(\frac{1}{2}\)” operations had been completely rethought in these instances combining all the mandates provided to the UN from Chapters VI, VII and IX UN-Charter. One might look at it as complex-mandate-missions trying to adopt all the advancements made in peace policy, such as developmental and human security approaches with bottom up elements, reacting to a newly understood reality of conflicts often termed complex emergencies. In addition to such a rethinking, the UN also needed to adapt to the changing stakeholder field in international relations where unilateral and multilateral, as well as regional efforts coincide with the global mandate of the UN to preserve international peace and security. The example of the development of the mandate of UNIFIL below will show how both, the changing challenges exerted by the environment peace-operations face but also a change of the conception of peacekeeping lead to what can be described as ‘hybridization’.

2 UNIFIL: Adaptation to Changing Realities

In the cases of UNMIT and UNAMID we are looking at peacekeeping missions that had been created after a rather radical rethinking had taken place within the UN caused by concepts such as “human security” or the “Responsibility to Protect”, both of which demanding for multi-level and multi-dimensional approaches to peace and security. It is important to notice that the United Nations Interim Force in Lebanon (UNIFIL) was still established still during the time of the Cold War. UNIFIL experienced a qualitative change of its mandate three times since its deployment by the SC in March 1978 by the resolutions S/Res/425 (1978) and S/Res/426 (1978). These changes took place after a rethinking about peace-operations had already started. In order to give a straightforward picture of these changes I will first give a table of resolutions and corresponding mandates. Furthermore, I will link it to their historical background explicating the reasons for the change in mandates.

<table>
<thead>
<tr>
<th>Resolution</th>
<th>UNIFIL Mandate</th>
</tr>
</thead>
<tbody>
<tr>
<td>S/Res/425 (1978)</td>
<td>Confirming withdrawal of Israeli forces; Restoring international peace and security; Assisting the Government of Lebanon in restoring effective authority.</td>
</tr>
<tr>
<td>S/Res/426 (1978)</td>
<td>Establishing in accordance with S/12611: To prevent the recurrence of fighting; Ensure that its area of operation is not utilized for hostile activities of any kind; Functioning as an efficient and integrated military unit; In co-operation Military Observers of UNTSO; Following the guidelines of UNEF and UNDOF being provided with weapons of defensive character to be used only in self-defense including forceful resistance against its discharging of duties.</td>
</tr>
<tr>
<td>S/Res/511 (1982)</td>
<td>Expanding the mandate in accordance with S/15194/Add.2: protection and humanitarian assistance to the population of the area</td>
</tr>
<tr>
<td>S/Res/1701 (2006)(^\text{10})</td>
<td>Monitor the cessation of hostilities; Accompany and support the Lebanese Armed Forces (LAF) as they deploy throughout the South, as Israel withdraws its armed forces from Lebanon; Coordinate these activities with the Governments of Lebanon and Israel; Extend its assistance to help ensure humanitarian access to civilian populations and the voluntary and safe return of displaced persons; Assist the LAF in taking steps towards the establishment between the Blue Line and the Litani river of an free of any armed personnel, assets and weapons other than those of the Government of Lebanon and of UNIFIL deployed in this area; Assist the Government of Lebanon in securing its borders and other entry points to prevent the entry in</td>
</tr>
</tbody>
</table>

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Lebanon without its consent of arms or related materiel;
Protect United Nations personnel, facilities, installations and equipment, ensure the security and freedom of movement of United Nations personnel, humanitarian workers and [...] to protect civilians under imminent threat of physical violence.

Table 1: UNIFIL Resolutions and Mandates

Initially this mission was set up as a military peacekeeping mission without resorting to the legal force of Chapter VII UN-Charter. Therefore, the SG requested a military and an accompanying logistics unit of a total of 4,000 troops in strength.

In the Summer of 1982 Israel violated the ceasefire agreement brokered by the UN in the “Siege of Beirut”. This led to a slight change of the mandate of UNIFIL. The extension of the mandate on behalf of the SG by the SC cannot be seen as a change of strategy through the mandate – it was much more a reaction to the needs on the ground as the statement by the SG illustrates: “These [humanitarian assistance and protection] are obviously interim tasks, pending a decision by the Council on the status of UNIFIL.” In 2000, the withdrawal of Israel from Lebanon to the Blue Line and the subsequent decision of the SC to return the troops enabled UNIFIL to resume its original military functions. The third time the mandate of UNIFIL changed happened in 2006 after the Israeli-Hezbollah war. This time the mandate was considerably expanded to include many non-military functions. Particularly ensuring humanitarian access and the safe return of displaced persons as well as safety and security for UN personnel and humanitarian workers are noteworthy in this regard.

The example of UNIFIL shows how a change in political environment (namely the engagement of a non-state actor in the conflict, that is the Hezbollah) in a time where the concept of multidimensional missions was already born led to a radical expansion of the mandate to include many non-core military objectives. Another important difference to other peacekeeping missions should be mentioned. While UNIFIL was largely dealing with an inter-state conflict (despite the involvement of non-state militants), mandates of missions, such as UNMIT, UNAMID, or MONUC (United Nations Organization Mission in the Democratic Republic of the Congo) concerned mostly intra-state (or rather ‘asymmetric’) conflicts that required different actions. However, the increased involvement of the UN in civil wars since the end of the bipolar era made a structural change of the quality of mandates necessary. One could say that different types of conflicts required different kinds of solutions.

12 UNIFIL Mandate - United Nations Interim Force in Lebanon.
Even though the contextual analysis of individual missions provides some explanation of how and why UNIFIL and peacekeeping in general experienced qualitative changes, it is necessary to place this development in an even larger context that shows how the UN re-conceptualized its perspective on peacekeeping, security and peace.

C The Bigger Picture

Even if these two instances are the prime examples of what can be understood as hybridization of peace operations, hybridization describes also much a bigger process. This development can be observed in the SC’s growing awareness of cross-cutting issues, and it becomes clear when looking at the different topical clusters of resolutions that the SC issued.\textsuperscript{14} Also when looking at mission statistics between 2005 and 2010 of peacekeeping missions such as UNMIL (United Nations Mission in Liberia), MINUSTAH (United Nations Stabilization Mission in Haiti), or UNOCI (United Nations Operation in Côte d'Ivoire), one can see that the ratio of military and non-military personnel is decreasing (see Appendix 3).

One of the key documents referred to when explaining the change of doctrines on peacekeeping is the so called Brahimi-Report, a Report of the Panel on UN Peace Operations that aimed to analyze past successes and failures and that eventually led to a radical rethinking of the UN’s idea about the interrelation between peacemaking, peacekeeping and peacebuilding.\textsuperscript{16} Particularly the failures of UN peace operations in the 1990s, Srebrenica, Rwanda, Somalia, Cambodia, Angola, Somalia, and Sierra Leone, were among the reasons to rethink UN peace operations from scratch. The development of more robust and comprehensive mandates for peacekeeping operations, as already mentioned in Section B.1, covering Chapters VI, VII and IX UN-Charter (peacebuilding, peacemaking, and peacekeeping) was raised by this report as one of the key ingredients for more effective UN interventions.

Highlighting the importance of conflict prevention as endorsed in the UN Millennium Report (A/54/2000) the peacebuilding component of UN peacekeeping missions should encompass:

\begin{quote}
\textit{a doctrinal shift in the use of civilian police and related rule of law elements in peace operations that emphasizes a team approach to upholding the rule of law and respect for human rights and helping communities coming out of a conflict to achieve national reconciliation; consolidation of disarmament,}
\end{quote}

\textsuperscript{14} See Appendix 1.
\textsuperscript{15} See Appendix 2.
demobilization, and reintegration programmes into the assessed budgets of complex peace operations in their first phase; flexibility for heads of United Nations peace operations to fund “quick impact projects” that make a real difference in the lives of people in the mission area; and better integration of electoral assistance into a broader strategy for the support of governance institutions.  

At the same time the panel concluded that the past failures of peacekeeping missions could be attributed to the inability to respond to the realities on the ground professionally and successfully in order to defend themselves and other mission components. The panel proposed the following:

This means, in turn, that the Secretariat must not apply best-case planning assumptions to situations where the local actors have historically exhibited worst-case behaviour. It means that mandates should specify an operation’s authority to use force. It means bigger forces, better equipped and more costly but able to be a credible deterrent. In particular, United Nations forces for complex operations should be afforded the field intelligence and other capabilities needed to mount an effective defence against violent challengers.

Another doctrinal change was the emphasis to see humanitarian and development aid through the lens of long-term conflict prevention. The resulting multi-dimensionality of peacekeeping would then require an integration of decision making and information exchange within the peacekeeping mission. Multidimensional approaches can be described as a consequence of organizational learning and a call for more robust measures. These two elements are not merely a consequence of experiences in the field but also related to UN-internal re-conceptualizations regarding security and development. One of the key documents that introduced a multidimensional approach to peace and security was certainly the Human Development Report issued by the United Nations Development Programme in 1994. This report developed a new political doctrine, the concept of ‘human security’, which emphasized the interconnectedness of different security sectors (food, health, environmental, social, political, personal, and economic) and linked these to the individuals’ needs and conflicts. Finally, in 2008 the so-called Capstone-Doctrine, an internal policy handbook, was released by the UNDPKO/DFS (United Nations Department of Peacekeeping Operations/Department of Field Support). This document containing principles and guidelines for peacekeeping operations is considered the highest-level internal document binding to all

17 Ibid., Executive Summary, at ix.
18 Ibid., Executive Summary, at x.
19 Ibid., at 198-217.
22
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peacekeeping operations. 22 Not much new had been added to the Brahimi-Report but this key document can be seen as a milestone since for the first time the new conception of peacekeeping in its interconnectedness of sectors and its overlap with peacebuilding and peacemaking is laid down clearly in all its aspects.

Another aspect that seems to be crucial for the hybridization of tasks is increasingly human rights related peacekeeping mandates starting with the United Nations Observer Mission in El Salvador (ONUSAL). This inclusion of human rights into peacekeeping mandates led to a variety of obligations, among which, the obligation to provide (or at least actively support the conduct of) humanitarian aid. Maus distinguishes in this regard between three kinds of human rights bound peacekeeping mandates:

- Supporting human rights mandates ("assisting the promotion of human rights": MONUC, MINUSTAH, UNMIT)
- Parallel human rights mandates ("contribute to the promotion and protection of human rights": e.g. MINURCAT, UNOCI, UNMIL, UNMIS)
- Independent human rights mandates ("protecting and promoting human rights": UNMIK) 23

These three kinds of mandates differ in the extent to which the peacekeeping mission is obliged to involve itself in the promotion and protection of human rights. One can assume that the higher the degree of human rights obligations, the higher will be the degree of hybridization of actors.

D Conclusion

The hybridization of tasks that peacekeeping missions perform depends mostly on their mandate. It has been mentioned above that new doctrines where developed based on lessons learned from success and failures of international peacekeeping missions. These failures were to a large degree a result of employing peacekeeping strategies for interstate conflicts to the complex stakeholder field and the volatile dynamics of intrastate conflicts.

When looking into more detail at "classic" post-Cold War UN missions and follows the expansion of mandates by SC Resolution one can see an obvious trend towards hybridization of tasks and actors. Clearly, the SC often acted based on the situational requirements of specific cases. However, the way it acted differs considerably from how other situations were dealt with before the birth of concepts such as “hybrid”, “integrated”, “CIMIC” etc. Overlaps with other peace operations such as peacemaking and peace enforcement on the one end of the scale and peacebuilding

(developmental approaches) on the other end of the scale seem to become more and more the norm.\textsuperscript{24}

Whether hybridization should be seen as a general trend or rather as an addition to the strategic toolbox of UN peacekeeping remains to be seen. MONUSCO (formerly MONUC) shows that depending on the situation classical peacekeeping tasks still stand in the centre of peacekeeping. Rapid deployment capability and multi-dimensionality is one of the structural changes that feature these new mandates. Also, the UN seems to be required to cooperate more and more with other governmental actors. To conclude, however, that peacekeeping has completely changed its face would go too far. One should not forget, the core principles that defined peacekeeping from early on still keep on defining features of peacekeeping missions: consent of the parties, limitation on the use of force, neutrality and impartiality.\textsuperscript{25}

To summarize what hybridization in effect means it is useful to refer separately to the internal and external dimensions of hybridization. Internal hybridization as a process can be observed in the reformulation of the tasks and mandates, thereby expanding the classical toolbox of peacekeeping to cover the following elements:

- Protection of and assistance to humanitarian action (Chapter VI UN-Charter)
- More appropriate military deployment and mandate (Chapter VII UN-Charter)
- Incorporation of observer-, coordination-, rule of law-, and election support tasks (Chapter IX UN-Charter)
- Incorporation of human rights promotion (Chapter IX UN-Charter)

External hybridization relates to a cluster of issues predominantly concerning the cooperation with other actors in the field. Coordination with UN- and independent humanitarian actors via UN-Office for the Coordination of Humanitarian Affairs becomes one of the standard procedures determining the relations with other actors. Likewise, the coordination with regional actors (AU, European Union, North Atlantic Treaty Organization, other multilateral involvement of states) is a concern that reflects a multi-polar political sphere where regional arrangements seem to increase in importance compared to the UN's peacekeeping role. In terms of the UN concept of LRRD (Linking Relief, Rehabilitation and Development)\textsuperscript{26}, a concept that became binding to all UN-bodies under the internal oversight of the General Assembly, contribution to developmental tasks of governments UN- and independent


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Developmental actors have also been increasingly incorporated into peacekeeping missions.

All in all, both internal and external spheres of hybridization illustrate the changed perception and approach of the UN to what it means to keep peace and to build it. It seems that, to use Galtung's terminology, the UN departed from interpreting its tasks as provided by the UN-Charter in terms of negative peace (the absence of violence). Instead, it appears that the UN now understands its own role as a creator of positive peace by taking structural and cultural violence into account. Together with a more multilateral, more privatized, and increasingly skilled stakeholder field, as well as a multi-dimensional understanding of the root causes of conflicts, it seems that the cornerstones of a promising peace-operation strategy are available. It is, however, far too early to predict whether the re-conceptualization of peacekeeping based on a new understanding of peace and security will lead to better interventions and more sustainable peace. The UN is certainly addressing the failures experienced in past missions, but a re-conceptualization and restructuring of peace operations in general and peacekeeping specifically always runs the risk of running into unexpected, new problems.
Appendix 1: Resolutions and Statements of the President of the Security Council on issues related to United Nations peacekeeping (Excerpt):\(^{27}\)

Cooperation with regional organizations and arrangements: S/RES/1631 (2005);
Cooperation with troop-contributing countries: S/RES/1353 (2001);
HIV/AIDS and peacekeeping: S/RES/1308 (2000);
Post-conflict peacebuilding: S/RES/1947 (2010); S/RES/1646 (2005);
S/RES/1645 (2005);
Prevention of armed conflicts: S/RES/1366 (2001);
Protection of personnel in conflict zones: S/RES/1502 (2003); S/RES/868 (1993);

Statements of the President of the Security Council concerning peacekeeping (also covering expanded mandates) would include the following topics:

- Civilian aspects of conflict management and peacebuilding;
- Civilian police;
- Disarmament, demobilization and reintegration of ex-combatants;
- Humanitarian component in peacekeeping;
- Justice and the rule of law;
- Mine action and peacekeeping;
- Protection for humanitarian assistance in conflict situations;
- Security sector reform;
- Stand-by arrangements;

Appendix 2: Peacekeeping Operations

Figure 1: Contingent contribution per mission/deployment of different personnel types

Appendix 3: 5-Year Trends of Military/Civil Personnel Ratio in Peacekeeping Operations

Figure 2: UNMIL five-year trend of military/civilian deployment

Figure 3: MINUSTAH five-year trend of military/civilian deployment

Figure 4: UNOCI five-year trend of military/civilian deployment
Abstract

The concept of human security draws attention to the broadened scope of security threats and emphasizes the need for more comprehensive approaches to tackle these threats. With the civilian and military tools available for its Common Security and Defence Policy, the European Union is often considered to be in a particularly good position to offer the right mix of instruments required for comprehensive crisis management. But is the EU really able to live up to such expectations? What progress has the European Union made in coordinating its civilian and military tools for crisis management? By reviewing the Union’s progress in defining and conceptualizing civil-military coordination, analysing the developments made for the institutionalization of civil-military coordination, discussing pertinent questions related to capability development and reviewing some practical experiences, this contribution gives an overview of the progress the European Union has made in civil-military coordination. Overall, this paper will argue that the frequent conclusion that the European Union is already able to provide integrated responses to today’s threats and crises is premature. Despite some real progress made in terms of concepts and institutionalization, learning by doing is still the name of the game in the operational practice.

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Civil-military Coordination in the Common Security and Defence Policy of the European Union

A Introduction

In the European Security Strategy\(^1\) (ESS) and its Implementation Report,\(^2\) the member states (MS) of the European Union (EU) have publicly agreed that today's security threats are not purely military. They also consented that today's threats cannot be tackled by purely military means.\(^3\) Rather, each response to a crisis or conflict, they argue, requires a mixture of instruments. Experience has indeed shown that the traditional sequence of military intervention followed by a civilian presence for reconstruction is not applicable anymore and that integrated concepts, which utilize all tools available already from the beginning are needed.\(^4\) Such integrated approaches are in line with contemporary security concepts, like human security, which draw attention to the broadened scope of security threats and emphasize the need for more comprehensive approaches to tackle these threats.\(^5\)

The EU is often considered to be in a particularly good position to offer the right mix of instruments required for comprehensive crisis management. Javier Solana even believes that the comprehensive approach underpinning the Common Security and Defence Policy (CSDP) is its value added.\(^6\) Yet, what progress has the EU made thus far to coordinate its civilian and military tools for crisis management? Civil-military Coordination (CMCO) is usually regarded as a demanding undertaking that entails numerous steps and contentious issues. A successful implementation of CMCO would, for instance, require a joint planning, a common doctrine and joint training, joint early warning, joint situation assessment and fact-finding, coordinated

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1 Council of the European Union, A secure Europe in a better world – the European Security Strategy, approved by the European Council held in Brussels on 12 December 2003 and drafted under the responsibilities of the EU High Representative Javier Solana.

2 Council of the European Union, Report on the implementation of the European Security Strategy – Providing security in a changing world, approved by the European Council held in Brussels on 11 and 12 December 2008 and drafted under the responsibilities of the EU High Representative Javier Solana.

3 The threats were identified as the proliferation of weapons of mass destruction, regional conflicts, state failure, but also include terrorism, organized crime, and the effects of climate change.


command and control arrangements, and arrangements for the sharing of information.\textsuperscript{7}

This contribution investigates the EU’s progress in CMCO by first reviewing the EU definition and conceptualization of CMCO in Section B. Section C analyzes the developments and achievements made for the institutionalization of CMCO before Section D discusses pertinent questions related to the EU’s capability development process. Section E gives a brief overview of practical experiences of CMCO gathered in Bosnia and Herzegovina (BiH) and Section F will offer some overall conclusions explaining why the EU still has to further extend its coordination efforts for comprehensive crisis management operations.

\textbf{B \hspace{1cm} The CSDP Approach to Civil-military Coordination}

CMCO poses particularly high challenges for the EU. The institutional setup of the EU implies that not only civilian and military aspects of the CSDP have to be coordinated; it also means that the relevant activities of the European Commission, which usually address long-term needs, have to be coordinated with the more short-term measures taken by the Council of the EU under the CSDP.\textsuperscript{8}

Indeed, the first conceptual work on CMCO took up the issue of inter-institutional coordination in 2001, when the European Commission and the Council of the EU shared their relevant experiences and made proposals on how to increase coordination and how to create synergies.\textsuperscript{9} Since then, a range of documents has been approved dealing with CMCO on the strategic level within the CSDP. Most prominently, the Council adopted an action plan including a checklist for the improvement of CMCO.\textsuperscript{10} This list comprises proposals to include coordination activities in the template for crisis management concepts, joint exercises and training, and also suggestions for improvements of the coordination on an institutional level in Brussels. A further document detailing the aims of CMCO claims that on the long run a “culture of coordination” should be developed for the civilian and military aspects of CSDP.\textsuperscript{11}

Building on a non-paper by the United Kingdom, Austria and Finland, which identifies key issue areas for the further development of CMCO,\textsuperscript{12} a framework paper

\begin{itemize}
\item \textsuperscript{7} Gustav Hägglund, EU’s challenge to guarantee civil-military co-ordination in its future field operations, Helsinki, 20 September 2002.
\item \textsuperscript{8} This contribution, however, will mainly concentrate on CMCO in the CSDP.
\item \textsuperscript{9} Council of the European Union, Civil-military co-ordination, Doc. 12307/02, Brussels, 24 September 2002.
\item \textsuperscript{10} Council of the European Union, Action plan for the further strengthening of civil-military co-ordination in EU crisis management, Doc. 13480/1/02 REV 1, Brussels, 29 October 2002.
\item \textsuperscript{11} Council of the European Union, Civil Military Co-ordination (CMCO), Doc. 14457/03, Brussels, 7 November 2003.
\item \textsuperscript{12} Non-paper by the United Kingdom, Austria and Finland for a seminar on CMCO, London, 17 October 2005.
\end{itemize}
in 2006 for the first time made concrete proposals how to ensure coordination not only on the institutional level, but also in the field. The paper underlines the need for a clear strategy and precisely defined goals for all EU actors on the ground and emphasizes the need for a common understanding of the overall aims of the EU’s engagement. Moreover, that paper makes suggestions for the improvement of logistics, and addresses issues related to the co-location of headquarters and the central role of the EU Special Representatives (EUSR) for CMCO in the field.

The latest conceptual paper on CMCO outlines possible solutions for information sharing and stresses that on the long run a situation should be achieved in which EU crisis management is regarded as a joint effort by civilian and military means, which should be able to share information through established information networks.

At this point, it should also be briefly mentioned that efforts for Civil-military Cooperation (CIMIC) are also embedded into the EU’s concept for CMCO. However, there is a fundamental difference between CMCO and CIMIC. CIMIC is about the coordination and cooperation at all levels – “between military components of EU-led military operations and civil actors external to the EU, including the local population and authorities, as well as international, national and nongovernmental organisations and agencies - in support of the achievement of the military mission along with all other military functions.” It should suffice here to briefly point out that in 2008 the Council of the EU adopted a revised CIMIC concept establishing the basis and framework for the planning and execution of all CIMIC activities and outlining the guiding principles for CIMIC. According to that document, the main CIMIC functions are civil-military liaison, support to the civilian environment and support to the military force.

Thus, on a conceptual level the EU developed a detailed understanding of how civilian and military tools of the CSDP should be coordinated. The progress made in the development of the CMCO concept also had an influence on other EU concepts for crisis management. Most importantly, the relevance of CMCO was acknowledged.

16 Council of the European Union, Civil-military co-operation (CIMIC) concept for EU-led crisis management operations, Doc. 11716/08 REV 1, para. 16. An earlier version is also available: Council of the European Union, Civil-military co-operation (CIMIC) concept for EU-led crisis management operations, Doc. 7106/02, Brussels, 18 March 2002. Through CIMIC reconstruction activities, administrative support and humanitarian aid performed by the military should help to stabilize the country or region through their effects on the economic, social and political sector.
in the EU military command and control concept. While at the beginning of CMCO in 2001 the coordination between the Council of the EU and the Commission was in the focus of coordination efforts, concepts for CMCO now concentrate on the coordination within the CSDP. Overall, it can be seen from the concept papers that MS acknowledge that the overall effectiveness of EU crisis management operations can be enhanced with CMCO.

C Institutions and Structures Relevant for CMCO

An effective coordination of civil and military tools for crisis management also requires strategic coordination among the institutions and structures involved. The CSDP structures were established rather quickly and in institutional terms, the developments in the military domain were always one step ahead of the civilian domain. When the EU military staff (EUMS), tasked with early warning, strategic planning and situation assessment for military operations, was established in 2001, there was no equivalent civilian institution with which coordination would have been possible.

The first step to institutionalize CMCO was the establishment of the Civil-Military Cell in 2004, which was set up within the EUMS. In terms of CMCO, the main achievement of this cell was its “Strategic Planning Branch”, which was composed of military and civilian planners, including officers from the Commission. In this way, a permanent link to the Commission was established within the General Secretariat of the Council. Although the Civil-Military Cell was certainly supportive to the technical side of civilian operations, for instance with regard to logistics or medical evacuation, it was, however, not sufficiently equipped to perform a detailed planning for civilian missions. The planning of police missions or rule of law missions still rested upon the Head of Mission. The establishment of the Civil-Military Cell within the EUMS also gave rise to doubts about the truly civil-military character of this cell. It may thus be concluded that the Civil-Military Cell was certainly an important step, but on the long run it turned out to be insufficient for effective CMCO.

It took seven years until a civilian equivalent to the EUMS was established with the so-called Civilian Planning and Conduct Capability (CPCC). The CPCC has the mandate to plan and command civilian missions at the strategic level. Thus, since 2008 the civilian and military structures became at least comparable to the military structures. Yet, having both civilian and military structures does not necessarily mean

20 Council of the European Union, Civil Military Cell - Terms of Reference, Doc. 10580/1/04 REV 1, Brussels, 8 September 2005.
that these structures coordinate their activities for the planning and conduct of CSDP missions and operations.

The most important decision to further CMCO on the institutional level taken so far was made in 2009. The civilian and defence directorates, formerly separate entities in the Council Secretariat, were merged with parts of the Civil-Military Cell to form a new Crisis Management and Planning Directorate (CMPD). It is essential to note that the CMPD may work closely with the CPCC and the military EU Operations Centre as well as other military and civilian structures of the EU. Therefore, this directorate today is a structure composed of civilian and military personnel tasked with the strategic planning of CSDP operations and truly bridging civilian and military structures. It may, however, be questioned to what extent this institutional coordination has an impact on the field level, where so far no common civil-military structures exist.

D The Implications of CMCO for Civilian and Military Capabilities

CMCO is a complex process that also has implications for the development and training of civilian and military capabilities. Since the EU has no own assets to deploy, the MS make some of their civilian and military capabilities available for EU crisis management operations. In so-called headline goals, the MS have agreed on the numbers of civil and military capabilities they are ready to contribute to EU operations and missions.

For our analysis of CMCO, in the CSDP it is of particular importance that the process of capability-development was made on two separate tracks so far – a civilian\textsuperscript{21} and a military\textsuperscript{22} one. Both headline goals were to be reached by 2010 and reviews of the member states’ contributions show that there are still gaps in qualitative and quantitative terms. While there are some first plans on how the capability development process shall continue in the future,\textsuperscript{23} some argue that instead of two separate headline goals, integrated scenarios and the experience from civil-military operations should guide the further development of a joint civil-military headline goal, because this would better reflect the capabilities needed on the ground.\textsuperscript{24}

\textsuperscript{21}Civilian Headline Goal 2010, approved by the ministerial Civilian Capabilities Improvement Conference and noted by the General Affairs and External Relations Council on 19 November 2007.

\textsuperscript{22}Headline Goal 2010, approved by General Affairs and External Relations Council on 17 May 2004 endorsed by the European Council of 17 and 18 June 2004.

\textsuperscript{23}Council of the European Union, EU civilian and military capability development beyond 2010, Doc. 17127/10, Brussels, 7 December 2010.

\textsuperscript{24}Claudia Major/Christian Mölling, EU military capabilities. Some European troops, but not yet an army. In Ettore Greco; Pirozzi, Nicoletta and Silvestri, Stefano (eds.): EU crisis management. Institutions and capabilities in the making, Rome, 2010, 23.
CMCO also concerns the proper training of civil and military capabilities. Some training concepts of MS already address the issue of joint civil-military training. The Swedish Folke Bernadotte Academy, for instance, identified manifold interfaces relevant for civil-military training. These include public order, organized crime, border control, disarmament, demobilization and reintegration, civil protection, elections, intelligence, security provision for humanitarian actors, transport and telecommunications. Further areas would include human trafficking, witness protection or security sector reform.25

Although the EU training concept for CSDP only briefly mentions CMCO,26 there seems to be a wide overall agreement that joint trainings are one of the most important means to develop a common understanding for civil-military operations and may be a prime means to establish the aspired “culture of coordination”. Yet, the responsibility for the training of staff still rests with the MS, and in practice there is no obligation for the MS to conduct joint trainings for civilian and military staff. Further improvements for CMCO in terms of capabilities are still in progress. In December 2010, the European Council emphasized the potential of civil-military synergies in capability development and particularly highlighted the added value of dual use capabilities in this regard.27 Currently, more concrete actions are being identified on European level that should bring more tangible results in this area.28

E Practical Examples of CMCO in the CSDP

While a lot of attention has been paid to the military branch of the CSDP during its first years, it would be inaccurate to regard its military branch as the most important aspect of EU crisis management in practice.29 In fact, most of the CSDP missions were civilian in nature, or had a significant civilian component. Looking at the operational practice of the CSDP reveals that the EU conducts numerous civil-military operations or has civilian and military operations ongoing in a single theatre of operation.30 The question remains, however, to what extent these engagements are successful in terms of coordination.

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30 For an overview of the CSDP missions and operations see the CSDP website at http://consilium.europa.eu/showPage.aspx?id=268&lang=en. Prime examples are the
The most important testing ground for CMCO was BiH, where the EU for the first time conducted a military operation and civilian mission in the same country: the police mission EUPM (starting in 2003) and the military operation EUFOR Althea (starting at the end of 2005). In this case, CMCO proved to be difficult due to different, but overlapping mandates. EUFOR had an executive mandate, while EUPM was monitoring and mentoring the local law enforcement agencies, but both were simultaneously engaged in the fight against organized crime. The manner in which EUFOR implemented its mandate caused critique on the side of EUPM. EUFOR carried out its executive mandate very actively, which somehow hindered the implementation of a basic idea inherent in EUPM, namely that the local authorities should have the prime responsibility.

It was also reported that a lack of coordination led to situations, in which the EU police mission received information about EU military operations from the local police, not from EUFOR itself. Furthermore, the integrated police units of EUFOR were criticized by EUPM for carrying out operations without informing EUPM or the local authorities.

Thus, the first year of coexistence of two EU missions in BiH was characterized by contrariness in the mandates and the executions of the missions. However, with the adoption of principles and guidelines for cooperation between EUPM, EUFOR and the EUSR real progress has been achieved. Especially the EUSR’s role in mediation increased and regular meetings at different levels were established, indicating the evolution and progress of CMCO in BiH. Overall, it seems that the main problem with regard to CMCO in BiH was that there was no comprehensive planning right from the beginning. With today’s concepts and the CMPD at hand, it may well be assumed that integrated planning would play a more substantial role from the beginning.

Although BiH and further case studies show that progress has been made in the field, it is difficult to evaluate to which extent the EU has learned the lessons on CMCO. This is also due to the fact that pertinent reports by the EU are not available to the public.

civil missions and military operations in the Democratic Republic of Congo, the Former Yugoslavian Republic of Macedonia, and Bosnia and Herzegovina.

31 Jari Mustonen, Coordination and cooperation on tactical and operational level: Studying EU-ESDP crisis management instruments in Bosnia and Herzegovina, Crisis Management Centre Finland, 2006, 22.
32 Jari Mustonen, Coordination and cooperation on tactical and operational level, 22.
33 Jari Mustonen, Coordination and cooperation on tactical and operational level, 22.
34 Jari Mustonen, Coordination and cooperation on tactical and operational level, 28.
35 CMCO was reported to be successful during EUFOR RD Congo at large. In this case, the EUSR for the Great Lakes Region again played a key role and weekly meetings of representatives of EUFOR RD Congo, EUPOL and EUSEC proved to be highly valuable. Cf. Hans-Georg Ehrhart, Civil-military co-operation and co-ordination in the EU and in selected member states, Study for the European Parliament, 2007, 18 et seqq.
36 In 2008, the Council of the European Union adopted Doc. 9685/07 EXT 1 on "Civil-military Coordination in the EU Supporting action to the AU in Darfur - Case Study and
Conclusions

Concepts like human security have changed our understanding of how to best tackle today’s threats and crises. The growing demand for civil-military missions and the qualitative requirements for CMCO pose a real challenge for the EU.

On a conceptual level, it seems that CMCO is taken very seriously within the EU and the potential value added by CMCO seems to be undisputed. It appears that it became a common understanding of the MS that CMCO should be on the agenda not only for the planning and conduct of a concrete operation, but also during the routine phase.

In institutional terms, some serious problems still remain. The Lisbon Treaty diminished the pillar structure of the EU, but did not alter the still separate responsibilities of the Commission and the Council of the EU. Due to the different competences of these institutions, none of the actors may oblige the other to coordinate or to be coordinated. All documents adopted in this regard are therefore only recommendations and in no way binding. Although it seems that all actors involved basically agree on the importance of CMCO, the question remains where the limitations for coordination lie in practice. The readiness and ability to coordinate may vary from one instance to another, and might therefore hinder permanent and systematic solutions paying due attention to CMCO.

The coordination between the civil and military institutions of the CSDP, however, seems to be less problematic. It is noteworthy that the institutional framework for military crisis management was developed more vigorously from the beginning. It may well be argued that the civilian dimension came in later and for a long time was not able to alter the basic approaches for crisis management, e.g., for the planning of operations. With the establishment of the CMPD real progress was made, as this body encompasses civil and military experts that have established contacts with the main civilian and military structures of the EU. The CMPD will therefore also have a key role in further advancing CMCO.

Looking at the mere numbers of civilian and military capabilities the MS committed themselves to provide for EU operations and missions, one is tempted to conclude that the EU indeed has the ability to deploy integrated packages of civil and military instruments. Yet, when taking a closer look at the capability development process, the picture is not that encouraging anymore. In practice, not all of the personnel committed by the MS will be made available to the EU and there is no guarantee that the personnel will be trained in CMCO to any extent. How should they live and implement a “culture of coordination”?


Recommendations”. The part including the case study and the resulting recommendation has, however, not been declassified.

37 Hans-Georg Ehrhart, Civil-military co-operation and co-ordination in the EU and in selected member states, 10 et seq.
38 See Radek Kohl, Civilian crisis management: the EU way, 127.
39 Despite this progress, some argue that only a joint civil-military headquarter would reflect a truly successful institutionalization of CMCO.
Differences between civil and military components of EU crisis management operations also exist on a more structural level. Even in joint operations or missions, the civilian and military chains of command of the EU are separate and will, for many reasons, remain to be so in the future. Examples like the EU’s engagement in BiH have shown that the manifold presences of the Union on the ground, be it activities of the Council of the EU or the Commission or both, will often not be perceived as coming from one actor.

The overall conclusion that the EU is already able to provide integrated responses to today’s threats and crises would be premature. Much seems to depend on the individual case. It could, for instance, make a decisive difference if the Commission is already active in the area of operation for a longer period of time, or if the actors involved find opportunities to closely coordinate their activities; furthermore, it could make a difference if there is an EUSR with a strong mandate to coordinate the different activities of the EU; additionally, individual arrangements for coordination might considerably enhance CMCO.

In operational terms, learning by doing still appears to be the name of the game. The crisis management exercises and ongoing operations will have to inform the further advancement of CMCO. Of course, we should not forget that the entire CSDP is still evolving and despite the progress made, the process of advancing CMCO has not come to an end either. From the perspective of human security, it is at least encouraging to see that CMCO plays a prominent role in the development of the CSDP.

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40 On the occasion of the tenth anniversary of the ESDP, the Council acknowledged that more efforts regarding civil-military coordination are necessary. Council of the European Union, Ministerial declaration; ESDP Ten Years – Challenges and Opportunities, 2974th External Relations Council meeting, Brussels, 17 November 2009, 3.
Lessons from Libya: A Test Case for Human Security Mainstreaming?

Abstract

This contribution sets out to analyze the conflict in Libya through the prism of human security. After the 2010 commitment, by the Secretary-General, of the United Nations system to mainstream human security, Security Council action on Libya is the first important test case. Analyzing the Security Council resolutions on Libya and their implementation in light of the concept’s tenets, I will argue that the international community, acting through the United Nations, have failed to learn important lessons that can be drawn from the concept of human security for peace operations because they have focused, if at all, on the concept’s preventive message and its lessons from post-conflict reconstruction. They have thus left a ‘conflict gap’ that the concept of the Responsibility to Protect is meant to fulfill, but cannot. The contribution ends with lessons to be learned from Libya, provides a human security-based checklist for pre-intervention planning, design and administration and concludes that mainstreaming human security by the United Nations in all phases of the conflict spectrum is essential.

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A Introduction

Timothy Bancroft-Hinchey, director of the Russian journal Pravda’s English language website rather drastically assessed international action on Libya: it was the place, he wrote, “where international law died”.1 Happily, international law is much more resilient than Mr. Bancroft-Hinchey may suppose. In fact, international action on Libya has resulted in a vigorous discussion on the role of human rights in Security Council decision-making and has led to some hard and good thinking on the limits of suppressing legitimate demands for political change.

What is more, for the context of this presentation, the international community’s answer given in the traditional language of the UN Charter and its chapter VII can be seen as a test case for the international commitment to human security. As this analysis will show, neither the policymakers in the international community nor the decision-makers in the Security Council have taken the importance of the concept of human security for peace operations seriously. The focus on the concept’s preventive approach on the one hand and its influence on post-conflict reconstruction on the other hand have left a ‘conflict gap’. Security Council resolutions and the action taken by an international coalition in pursuance of the aims of the international community outlined therein provide the necessary evidence. They conflict with a number of central tenets of the concept of human security and the commitment to its mainstreaming into UN activities.

To put the issue into context, let us take a step back. The international commitment to human security cannot be denied. Having been much discussed, and both hailed and maligned, by scholars and policymakers since its introduction by the 1994 Human Development Report, the last two years have seen an important conceptual crystallization emerge in the international community. This conceptual development was coupled with the political will to implement the lessons a human security-based analysis of conflict scenarios provides.

After having decided, in the 2005 World Summit Outcome Document, to define and discuss the concept of human security, the international community took a first step in 2009. The United Nations General Assembly debate on human security ended with a clear call by its President for a “new culture of international relations – with the precept of human security at its core”.2 The tenets and elements of this new culture were then described a year later in the Secretary-General’s report on human security of March 2010. After presenting human security as a practical approach in light of growing interdependence of vulnerabilities that peoples and communities are faced with, he defines the key elements of its application: human security shapes

“people-centred, comprehensive, context-specific and preventive responses” that “focus attention on current and emerging threats; identif[y] the root causes behind these threats; [and support] early warning systems that help mitigate the impact of such threats”. Human security, in the Secretary-General’s words also promotes multi-stakeholder responses targeted at protecting and empowering people and communities. I will return to these tenets of human security in section C. They will provide the foil for much of my assessment of international action regarding the conflict in Libya.

With regard to implementing human security, the Secretary-General requested the General Assembly, inter alia, to “take into account the added value of the human security concept as outlined herein and to discuss how best to mainstream human security in United Nations activities” and to provide analysis of the progress in mainstreaming human security in United Nations activities in reports submitted to the Secretary-General every other year.

The discussion on how to mainstream human security in UN peace operations has not been led with the same intensity as the discussion on the value of the concept itself. This is problematic as few aspects of UN activities impact human security as intensively and directly as peace operations. One of the reasons may be that the Secretary-General himself seems to shirk away from making the concept of human security applicable to actions under chapter VII of the UN Charter. Thus, early in his 2010 report on the concept he writes that “the purpose of human security is to enable all individuals to be free from fear and want, and to enjoy all their rights and fully develop their human potential” but follows up with a clear commitment that lends itself to misinterpretation: “The use of force is not envisaged in the application of the human security concept.” In the subsequent paragraph he contrasts the application of the human security concept with the implementation of the responsibility to protect (R2P), a process in which the international community “guided by the principles of the Charter, must do its part” – including interventions – “to prevent and limit the escalation of [specific cases of genocide, war crimes, ethnic cleansing and crimes against humanity]”.

This has led to what I will term, in the following, the conflict gap in mainstreaming human security into UN peace operations. Throughout this article I will argue that excluding from the application, or mainstreaming, of human security all cases

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3 Cf. UN Secretary-General, Human Security. Report of the Secretary-General, UN Doc. A/64/701, 8 March 2001, para. 69.
4 Cf. id.
5 Id., para. 72 (b) (emphasis added).
6 Id., para. 72 (d).
8 UN Secretary-General, Human Security. Report of the Secretary-General, UN Doc. A/64/701, para. 23.
9 Id., para. 24.
Lessons from Libya: A Test Case for Human Security Mainstreaming?

concerning the use of force is counterproductive, as the concept can inform and influence the decision-making process on international interventions, their design and their implementation. In order to test the actual impact of the conflict gap in the mainstreaming of human security in UN activities, I will then describe key aspects of the two Security Council resolutions on Libya (section B) and undertake a human security-based critique (section C), focusing particularly on the conflict gap. Drawing lessons from Libya I will develop a human security checklist containing principles that could inform UN crisis management (section D). Highlighting that mainstreaming human security by the UN in all phases of the conflict spectrum is essential, I will conclude with a call for the Secretary-General’s request to the General Assembly to discuss mainstreaming human security in United Nations activities to be understood to include the mainstreaming into UN conflict management operations (section E).

B Security Council Action on Libya

As of early April 2011 the United Nations Security Council has passed two resolutions with regard to Libya. The first, Resolution 1970 (2011), was entitled “Peace and security in Africa” and the second, Resolution 1973 (2011), more to the point, “The situation in Libya”. I will briefly point out key elements of these two resolutions in order to provide a basis for my subsequent human security-based analysis.

Resolution 1970 (2011) does not explicitly determine what part of Libya’s action amounts to one of three Chapter VII scenarios – threat to the peace, breach of the peace, or act of aggression – though the Security Council confirms that it is acting mindful of its primary responsibility to maintain peace. The references to a “gross and systematic violation of human rights” and the “plight of refugees” are in line with traditional grounds for establishing chapter VII situations, but the lack of reference to any international dimension is notable for its prejudicial impact on future scenarios. The Council demands “an immediate end to the violence and calls for steps to fulfil the legitimate demands of the population” and urges the Libyan authorities, inter alia, to “[act] with the utmost restraint, respect human rights and international humanitarian law, and allow immediate access for international human rights monitors.” The referral of the situation in Libya to the ICC and the use of targeted sanctions are also notable. The use of an arms embargo against Libya, a travel ban and an asset freeze against its leadership are trusted elements in the Security

Council’s conflict management approach, as is the establishment of a sanctions committee.

Before the Security Council’s second resolution, the Human Rights Council rose to the challenge and decided, on 3 March 2011, with a reference to “gross and systematic violations of human rights”\(^\text{13}\) to suspend the membership rights of Libya.\(^\text{14}\)

The Security Council’s second resolution 1973 (2011) deplores the failure of Libyan authorities to comply with resolution 1970 (2011), underlines the “responsibility of the Libyan authorities to protect the Libyan population” and condemns especially the “gross and systematic violation of human rights, including arbitrary detentions, enforced disappearances, torture and summary executions”.\(^\text{15}\) The Council further warns that the “widespread and systematic attacks currently taking place in the Libyan Arab Jamahiriya against the civilian population may amount to crimes against humanity” and expresses its determination “to ensure the protection of civilians and civilian populated areas and the rapid and unimpeded passage of humanitarian assistance and the safety of humanitarian personnel”.\(^\text{16}\) The Council notably refers to the regional support for its action and mentions the final communiqué of the Organisation of the Islamic Conference of 8 March 2011, the communiqué of the Peace and Security Council of the African Union of 10 March 2011 and the decision of the Council of the League of Arab State of 12 March 2011.\(^\text{17}\)

In the operative part of resolution 1973 (2011) the Security Council expressly determines that the situation in Libya “continues to constitute a threat to international peace and security” (thus implying that it was one already before, at the time of its first resolution) and, acting under Chapter VII, demands “the immediate establishment of a cease-fire and a complete end to violence and all attacks against, and abuses of, civilians”, authorizes member states – acting nationally or through regional organizations – to take “all necessary measures”, thus including the use of force, to protect “civilians and civilian populated areas under threat of attack” in Libya.\(^\text{18}\) In paras. 6 and 8 the Council then establishes a no fly zone and again authorizes member states to take “all necessary measures to enforce compliance” with the ban on all but humanitarian flights. If further establishes guidelines for controlling the arms embargo, decides on a general ban on Libyan-owned and -registered flights and enlarges the asset freeze.\(^\text{19}\)

Two days after the passing of the resolution, on 19 March 2011, air strikes against Libya were initiated.

\(^{13}\) Human Rights Council, Suspension of the Rights of Membership of the Libyan Arab Jamahiriya in the Human Rights Council, UN Doc. A/RES/65/265, 3 March 2011 (without vote), preambular para. 1.

\(^{14}\) Id., para. 1.

\(^{15}\) Security Council resolution 1973 (2011), preambular paras. 4 and 5.

\(^{16}\) Id., preambular paras. 7 and 9.

\(^{17}\) Id., preambular paras. 10-12.

\(^{18}\) Id., paras. 1 and 4.

\(^{19}\) Id., paras. 17-19.
C   A Human Security-Based Critique

In this section I will analyze the international action in light of the key tenets of human security as described in the Secretary-General’s 2010 report\(^{20}\) and aim to show why the conflict gap in the concept’s mainstreaming is problematic. But first, let us address the conflict gap itself.

1    The Conflict Gap

A careful reading of the Secretary-General report on human security seems to show that he understands the concept to be, if not completely unrelated to the use of force, then at least too broad to be of actual use for a discussion of peace operations policies.\(^{21}\) In the report’s section on violent conflicts, peacekeeping and peacebuilding the UN Secretary-General refers to the role of human security before conflicts: It can be an important “conflict prevention” tool and be implemented through conflict prevention strategies regarding the most vulnerable groups, through capacity-building initiatives and through the empowerment of local and national stakeholders.\(^ {22}\) The report also elaborates on the role of human security after conflicts: The concept can be mainstreamed through integrated and multisectoral strategies that cover all aspects of recovery, while ensuring complementarity of all international initiatives, to further the prospect of recovery in “post-conflict settings”.\(^ {23}\) Earlier, the concept’s role in the “aftermath of conflicts” and in “post-conflict situations” is highlighted.\(^ {24}\)

At no point, however, does the Secretary-General refer to the importance of human security for the period between conflict prevention and post-conflict reconstruction: the conflict. By thus ignoring the importance of the concept of one of three phases in the conflict spectrum (the main phase, as some would argue), the report leaves an important lacuna.

Can this conflict gap, as the report seems to suggest, be filled by the responsibility to protect? I will argue that it cannot, as suggest both theory and very recent practice: the case of Libya to be discussed below.

On a conceptual level, the most broadly accepted commitment to the responsibility to protect can be found in the 2005 World Summit Outcome Document.

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\(^{20}\) UN Secretary-General, Human Security, Report of the Secretary-General, para. 69.

\(^{21}\) But see the relationship of human security to other not strictly peacekeeping related issues on the UN agenda, including the global financial and economic crisis, volatility in food prices and food insecurity, the spread of infectious diseases and other health threats, climate change and climate-related hazard events at UN Secretary-General, Human Security, Report of the Secretary-General, paras. 31 et seq.

\(^{22}\) Id., para. 51.

\(^{23}\) Id., para. 52.

\(^{24}\) Id., paras. 49-50.
from genocide, war crimes, ethnic cleansing and crimes against humanity\textsuperscript{25} is laid down. The international community, through the United Nations, also has a subsidiary responsibility to “help protect” populations from the above-mentioned crimes. In extreme cases, “should peaceful means be inadequate and national authorities [...] manifestly fail [...] to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity”, collective action may be taken.\textsuperscript{26}

Is Libya a case of genocide, war crimes, ethnic cleansing or crimes against humanity? Without knowing more on the situation on the ground, it is difficult to find a definite answer. The Security Council resolutions do not take up any of these terms but rather refer to a “gross and systematic violation of human rights”,\textsuperscript{27} though the first resolution’s surprising referral to the Prosecutor of the International Criminal Court (ICC) of the situation in Libya seems to suggest, in light of the jurisdiction ratione materiae of the Rome Statute, that one or more of the crimes that actualize the subsidiary international responsibility to protect may have been committed.

Nevertheless, the concept of the responsibility to protect in its internationally accepted form has been watered down considerably from the clear language contained in the Report of the International Commission on Intervention and State Sovereignty (ICISS) of 2001.\textsuperscript{28} None of the principles for military intervention\textsuperscript{29} contained in the report made it into the airbrushed R2P of the Outcome Document. A number of these principles – including the “just cause threshold”, the “right intention”, the “last resort” and “reasonable prospect” – are intimately linked with principles also underlying human security. Excluding human security in peace operations thus means blocking one of the channels through which principles dear to the original conception of the responsibility to protect may flow.

2 UN Action in Light of Human Security

Some aspects of Security Council action on Libya merit closer scrutiny in light of human security. The reasons for five important international actors – Brazil, China, Germany, India and Russia – to abstain from voting on resolution 1973 (2011) are a useful starting point for a human security-based critique.

Their key motives – fully in line with the tenets of human security – included protection of civilians, respect for the internal political process, the speed of the resolution, and the danger of international entry into a protracted conflict that might spread regionally. Apart from the permanent Security Council members Russia and China, the other three abstaining countries have been often-named candidates for

\begin{footnotesize}
\begin{enumerate}
\item[26] Id., para. 139.
\item[29] Id., at XII.
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permanent seats in the Security Council during the UN institutional reform process and can thus be considered representative of their regions. Germany, India and Brazil also have made generally credible commitments to human rights. The arguments of the abstainers thus merit some consideration.

Brazil argued that the use of force would not end violence and protect civilians, but might exacerbate current tensions and "[cause] more harm than good to the very same civilians we are committed to protecting." The protection of human beings is at the centre of human security. But human security also allows for prioritization and accepts that security challenges might exist where the personal security of one group may be increased to the detriment of another’s, provided that a proportionality of means and results is guaranteed.

China would have preferred the crisis to have ended "through peaceful means" and felt that those means had not yet been exhausted. Similarly, India warned there was "a lack of certainty regarding who was going to enforce the measures", and that "political efforts must be the priority in resolving the situation". Human security does indeed suggest, as do the precautionary principles of the responsibility to protect, using force only as an ultima ratio, but does not preclude it, when an honest analysis makes it clear that human security can be guaranteed otherwise. It is not so difficult to argue that the international community, acting through the United Nations, pursued all practical avenues of deescalating the conflict. Three weeks passed between the two Security Council resolutions, but the Libyan government patently ignored the binding demands set out in the first. (One could argue though that the Security Council could have included an ultimatum in resolution 1970 (2011) in order to exercise more pressure on the Gaddafi regime, as it had after the Iraqi invasion of Kuwait.)

Germany argued that there were "great risks" and "the likelihood of large-scale loss of life". Further, those participating in implementing the resolution could be "drawn into a protracted military conflict that could draw in the wider region". These arguments go to the context-specificity and comprehensiveness of conflict solutions that human security demands. While it is certainly true that both chapter VII resolutions failed to contain exit strategies, it is difficult to see how the Security Council could have predicted the development of the situation in Libya. There are to my knowledge no Security Council resolutions where a clear exit strategy followed a chapter VII authorization within the same resolution. This must be left to future resolutions. But demanding the development of clear military goals and limiting the use of deployment likely to counteract limited involvement, such as the use of ground forces, is very much in line with human security.

Russia highlighted that "many questions [have] remained unanswered, including how [the resolution] would be enforced and by whom, and what the limits of engagement would be" and cautioned against unpredicted consequences and a

31 Id.
further destabilization of the region. The integration of local and regional partners in a multi-stakeholder effort would be in keeping with human security. Sadly, the resolutions do not evidence much coordination with Libyan rebel forces or with Libyan civil society. Again though, these two elements are rarely part of Security Council deliberations and, as past resolutions suggest, sometimes difficult to achieve.

To the critiques voiced before the air strikes started we can add those related to the implementation of the two resolutions. Before NATO, on 23 and 24 March 2011, respectively, started to coordinate the enforcement of the arms embargo and the no-fly zone, and on 27 March 2011, decided to take over control of the whole military operation in Libya, the roles of the North Atlantic Alliance and of the coalition seemed uncoordinated, especially with regard to air strikes on Libyan ground troops. Germany’s public refusal to engage herself did little to clear the fog. Further, the concrete aim of the air strikes seemed unclear after a first phase targeted at Libya’s air defenses. Strikes against thinly populated areas where only forces loyal to Gaddafi were present seem to be based on a rather loose interpretation of the protection-of-civilians clause in the resolution. The concrete military role of some of the buildings targeted in Tripoli, including on the Gadhafi compound, seemed uncertain. Coalition forces have stepped up their attacks clearly targeted at supporting rebel forces against Gaddafi forces that are not engaged in attacks against civilians, such as around Ajdabiya on 25 March 2011. Again, this stretches the language of the resolution and contradicts some of the tenets of human security.

US President Barack Obama’s approach, which was targeted at regime change, did little to assuage concerns regarding liberal interpretation of the Security Council mandate. “Now, with respect to our national interests”, Obama said on 22 March 2011, “the American people and the United States have an interest, first of all, in making sure that where a brutal dictator is threatening his people and saying he will show no mercy [and] we have the capacity under international sanction to do something about that, I think it’s […] in America’s national interest to do something

Id.

Even outside of the Security Council it is difficult to identify the legitimate representation of the anti-Gaddafi forces. French President Sarkozy rushed forward, when he announced on 10 March 2011 that Paris regarded the National Libyan Council (NLS) as Libya’s “legitimate representative”. (Cf. BBC, Libya: France Recognises Rebels as Government, 10 March 2011, http://www.bbc.co.uk/news/world-africa-12699183.) It is doubtful whether at this early state of the conflict this declaration was in line with international law.


Lessons from Libya: A Test Case for Human Security Mainstreaming?

about it". 37 His 23 March 2011 address on Libya built on this approach and contained a commitment to the "universal rights of the Libyan people [including] the rights of peaceful assembly, free speech, and the ability of the Libyan people to determine their own destiny". These human rights, Obama went on, "cannot be denied through violence or suppression". 38 Driving home his argument for leadership change, Obama said on 26 March 2011 that "Moammar Gadhafi has lost the confidence of his people and the legitimacy to rule, and the aspirations of the Libyan people must be realized". 39

Regime change in Libya is clearly not mandated by the Security Council. As a necessary means to the mandated end of protecting civilians from Gaddafi’s forces, however, it may be covered. A human security-approach would argue strongly for a leadership that ends the insecurities of Libyans, including their political security, their food and health insecurities and, especially of late, their personal security. Thus regime change can, in effect, lead to more human security. But legitimizing the process through human security is conceptually problematic.

This section has shown that a hard look, informed by human security, at Security Council action on Libya brings forth a number of critical issues. Interestingly, the questions that this analysis raises –

- Was the Security Council authorization in the best interest of all Libyan civilians?
- Does it pay enough attention to the internal political process?
- Was the resolution adopted too quickly?
- Is there a danger of international entry into a protracted conflict that might spread regionally?
- Should implementation procedures be defined and responsibilities be allotted to enforcing states in the resolution?
- How can a clear exit strategy be included in Security Council resolutions? –

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impact not only our evaluation of the resolutions but our understanding of the concept of human security and its potential as mainstreamed into the decision-making processes on UN peace operations.

D Lessons from Libya

While the use of force is, without doubt, the worst means to increase human security, all UN action, and notably action under chapter VII, can and should be influenced by the concept of human security. This systematized process of influencing chapter VII action can be termed, taking up the Secretary-General’s own language, mainstreaming human security into peace operations by overcoming the conflict gap. Security Council action in Libya provides evidence for both, an international community progressively more amenable to reacting to non-international gross and systematic human rights violations, and more problematically, of a Security Council that seems unresponsive to some demands of mainstreaming human security in peace operations. At the same time proponents of human security will have to ask themselves how the concept of human security can help answer fundamental questions that every conflict raises: from the ultima ratio nature of the intervention to the exit strategy.

Arguing for mainstreaming human security into peace operations should not lead us to conclude that the Security Council action on Libya violates international law and stands in contradiction to principles of human security. Far from it; in fact, the Libyan resolutions showed the international community at its current best. That this best is not yet perfect, should not discourage internationally coordinated action under UN aegis but rather encourage critical thinking on improving mission design and planning.

The potential of mainstreaming human security to fill the conflict gap should be clearly described. I posit that a human security-oriented approach to the crisis would have sought to provide answers, before the adoption of the resolutions, to most points of critique raised earlier.

Recognizing the difficulties of international diplomacy and the realities of international conflicts, the application of human security-based considerations – of a human security checklist – could have convinced the abstaining states to join the majority. Such a human security-based list of principles – which could serve to facilitate mainstreaming the concept into Security Council action under chapter VII – can be informed be two sources: first, the principles for military intervention contained in the ICISS Report on the Responsibility to Protect, which have not been taken up in UN documents thereafter. I especially refer to the just cause threshold and the precautionary principles (right intention, last resort, proportional means, reasonable prospects).\textsuperscript{40} The second source is a document containing principles of a human

\textsuperscript{40} International Commission on Intervention and State Sovereignty, The Responsibility To Protect, 2001, at XII.
security approach towards European crisis policy: the Madrid report of the Human Security Study Group.\textsuperscript{41}

The authors of the Madrid Report developed six interdependent and mutually reinforcing principles: 1. the primacy of human rights (implying that the protection of civilians should be prioritized over the defeat of the enemy); 2. political authority for outside intervention which was legitimate both to local and international observers; 3. a civil-society-based bottom-up approach; 4. effective multilateralism (including a commitment to work in the framework of international law); 5. an integrated regional approach based on regional dialogue; and 6. clear and transparent strategic direction.\textsuperscript{42}

The six Madrid principles are slightly broader guidelines for crisis policies while the precautionary principles of the ICISS are clearly targeted at military interventions. Together they can be combined to form a human security checklist which can provide a foil for an analysis of the planning and administration of UN crisis management.

The question of whether an intervention has a just cause must mean, in terms of human security, whether the danger to the human security of human beings is so substantial as to warrant intervention. The primacy of human rights needs to be respected in all decision-making processes. Protecting civilians, as the SC resolutions on Libya demonstrate, needs to be the international community’s main focus. But, as we see from the Madrid principles, protection of civilians also needs to take precedence over other motives, including regime change. This is in line with the right intention principle behind an intervention which implies that the source of the imminent threats to human security must indeed be the primary target of the intervention. Only when preventive measures have failed, root causes of conflict cannot be solved in a different way, and when all non-military means of resolving threats to human security have been tried and tested, an intervention may be possible as a last resort. A human security-based approach to intervention design makes clear that the right political authority must be sought: both the international community and the local population must consider the intervention to be legitimate.

This level of commitment to an intervention can only be reached by ensuring, first, a bottom-up approach which presupposes critically engaging civil society, including marginalized and especially vulnerable groups; by guaranteeing, second, that the intervention was developed and designed through effective multilateralism and, where possible, multi-stakeholder dialogue, based on international law; and by using,


third, an integrated regional approach based on interstate dialogue and encompassing close cooperation with regional security organization. The intervention must further have a clear and transparent strategic direction and employ proportional means: their scale, impact and duration should be minimized in light of the protection objective. Finally, human security within a state can never be guaranteed so long as foreign forces are present. Only in a very limited number of cases will a long term engagement be favorable to the human security situation on the ground. Therefore, interventions require reasonable prospects of success and a clear exit strategy.

E Conclusion

Commitments to some, but not all, of the human security principles described above exist in various documents and are voiced in different phases of UN crisis management. What is missing though is a clear checklist for the pre-intervention phase. The elements of a human security checklist for UN crisis management can serve as a first step in this direction. Implementing the checklist does not necessitate fundamental change in UN crisis management policies. Rather, it requires only that the Secretary-General’s request to the General Assembly to discuss mainstreaming human security in United Nations activities should be understood to include the concept’s mainstreaming into UN crisis management operations. This is a process, in and through which the concept of human security can develop its full potential as a strategic narrative for UN crisis management.
Human Security and Peacebuilding: The Case of Internally Displaced People

Abstract
This article suggests that the protection and durable solutions for internally displaced persons (IDPs) should be a central issue on a peacebuilding agenda in the service of human security. It shows how the protection of IDPs has become an international issue, although still not a priority. The article explains the case of IDPs, their particular needs and vulnerabilities, and argues why there is a need to adopt a human security approach to address the problem of finding durable solutions to IDPs. Indeed human security should be the first priority of peacebuilding in the immediate aftermath of conflict. However, the practice of peacebuilding and the liberal peace project put human security and in particular the problem of IDPs in the periphery of politics. Liberal peacebuilding focuses on a minimalist rehabilitation that aims to return to the pre-conflict situation and does not take into account the complexity of transition processes. While critical approaches to liberal peace claim that the most marginalized sectors have been forgotten, some critics neglect the importance of promoting human rights as a form of empowerment. The latter relegate the most marginalized even by their own governments, such as the IDPs, to the role of mere victims without the right to a just peace. In the conclusion some pending issues for research are suggested.
A

Introduction

The increasing and alarming number of internally displaced persons (IDPs) has made this issue a matter of international concern so that their situation, assistance and protection is not only a humanitarian imperative but it is also a question of regional and international security. It is also a question of development. According to the Internal Displacement Monitoring Centre (IDMC) at the end of 2010, the number of people internally displaced by conflict, generalized violence or human rights violations across the world stood at approximately 27.5 million. Since 1997, the number of IDPs has steadily increased from around 17 million while the number of refugees has remained between 13 million and 16 million in the same period. The fact that in 2009 of 54 countries with internally displaced people, 23 have suffered displacement for the first time, and at least in 34 there are persons living in protracted displacement shows that there remains a large gap in the search for sustainable solutions to displacement.


2 IDMC, Internal Displacement Global Overview of Trends and Developments in 2010, Geneva April 2010, 8-10. The IDMC was established by the Norwegian Refugee Council in 1998, upon the request of the United Nations, to set up a global database on internal displacement. A decade later, IDMC remains the leading source of information and analysis on internal displacement caused by conflict and violence worldwide.

3 The IDMC, Internal Displacement Global Overview of Trends and Developments in 2009, May 2010, 4-5. There is no data available from 2010.
Despite the prominence of displaced persons over refugees in international political discourse and the recognition of their existence in almost all transition or post-conflict situations, IDPs are largely marginalized in peacebuilding processes. It is not only that the plight of IDPs is being considered mainly as a humanitarian problem. Also the critique to containment policies of forced migration⁴ and the instrumentalization of humanitarian action and development assistance for international security purposes⁵ has relegated the real protection problem of IDPs to the background. However, resolving displacement is inextricably linked with achieving peace, especially where the scale of displacement is significant. Helping displaced populations to return and reintegrate can simultaneously address the root causes of a conflict and help prevent further displacement.

The aim of this paper is to highlight that the protection and durable solutions for IDPs should be a central issue on a peacebuilding agenda in the service of human security.

Although IDPs should be an integral part of peacebuilding it is clearly not the case. Recognizing the intrinsic difficulties of finding durable solutions to IDPs our argument is that the failure to solve the plight of internally displaced people also lies in the conceptual approach that is being used to address this issue. We claim that there is a need to adopt a human security approach to address the problem of finding durable solutions to IDPs. Indeed, human security should be the first priority of peacebuilding in the immediate aftermath of conflict. The paper argues that human security, understood not only as an objective but as a policy framework, offers a perspective from which to address the plight of internally displaced people.⁶ It is a rights-based approach which should be ensured through protection and empowerment strategies. If human security becomes the main priority of peacebuilding the people in general - not only internally displaced people - would be the focus. Ultimately peace building is about “building human security”.

With this aim we will first address how the protection of IDPs has become an international issue, although still not a priority (section B). In this context, we will explain the case of IDPs, their particular needs and vulnerabilities, and why there is a need to adopt a human security approach to address the problem of finding durable solutions to IDPs (section C). Then, we will evidence how the practice of peacebuilding and the liberal peace project have relegated human security and in

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⁶ By doing so we would like to vindicate a pragmatist approach that without renouncing being critical and questioning prevailing structures of power and power relations, tries to be policy relevant and address an issue that has been dismissed and neglected in most critical perspectives to peacebuilding. On the discussion about the usefulness of human security arguments and the difficulties in attempting to be critical and policy relevant, see: Edward Newman, Critical human security studies, Review of International Studies, 36 (2010), 77-94.
particular the problem of IDPs. While critical approaches to liberal peace claim that the most marginalized sectors have been forgotten, some critics neglect the importance of promoting human rights as a form of empowerment (section D). In the conclusion we will suggest some pending issues for research (section E).

B Internally Displaced Persons as an International Issue

The history of conflict and persecution-related internal displacement is certainly as long as the history of the wars and human rights abuses that cause it. Yet it was not until the 1990s that a multitude of internal conflicts and resulting massive human displacement brought the linkages between international and national security and the protection of internally displaced persons. Internal displacement was placed on the international agenda and recognized as a legitimate matter of international concern as a result of the convergence of pressing humanitarian, regional and international security concerns and more long term broad debates in the field of security and development studies and trends in international law and relations. These trends were giving precedence to the protection of human rights over the sovereignty and integrity of states and challenging traditional conceptions of sovereignty.\textsuperscript{7}

The humanitarian concern for IDPs is related to the expansion of the international humanitarian system and the consequent growing involvement of humanitarian agencies with IDPs.\textsuperscript{8} An increase in the number of internal conflicts internationally and the associated devastation among civilian populations led to an escalation in the number of people internally displaced, and an expanding humanitarian engagement in these conflicts led to greater international awareness of the situation. According to Roberta Cohen, estimates of the global population of IDPs had increased exponentially, from 1.2 million in 11 countries in 1982 to 25 million in 40 countries by the end of the 1990s.\textsuperscript{9} Indeed the plight for IDPs was born out of the recognition that in a number of situations of uprooted persons of an exceptional magnitude (Afghanistan, Liberia, Iraq), in the absence of clear mandates and an international body with special responsibility for the protection of internally displaced persons, the international response had been “ad hoc, limited and unsatisfactory”.\textsuperscript{10}


\textsuperscript{8} For example, in Sudan in the early 1970s, where the UNHCR extended its refugee resettlement assistance to returning IDPs. See, United Nations - Commission on Human Rights, Report on refugees, displaced persons and returnees was prepared by a consultant, Jacques Cuénod, and submitted to the Economic and Social Council at its second regular session of 1991, UN Doc. E/1991/109/Add.1, at 117.


\textsuperscript{10} United Nations-Economic and Social Council, Comprehensive study prepared by Francis M. Deng, Representative of the Secretary-General on the human rights issues related to
Moreover, the massive population displacements and associated refugee flows caused by conflicts in Iraq, the former Yugoslavia and Rwanda in the early 1990s increasingly led to the view that forced displacement is an issue of international peace and security. Preoccupation in the West with containing refugee movements, and the associated international ‘humanitarian’ interventions and expanded humanitarian presence in countries experiencing large-scale displacement, led to a growing interest in protecting people within their own countries. This is reflected in the (disastrous) creation of so-called ‘safe havens’ for displaced and other civilian populations in the midst of ongoing conflicts. In a series of resolutions adopted since 1991, the Security Council started to demand international access to displaced and other populations affected by conflict and massive human rights abuse, sometimes authorizing the use of force to ensure the delivery of relief. As a response to violent conflicts involving gross violations of human rights that threatened to generate wider instability or unacceptable human suffering, the requirements of security had begun to include the protection of communities and individuals from internal violence. This development opened the way to see state sovereignty as a matter of responsibility, not just power.

The work done by of Francis M. Deng, at the time the Special Representative of the Secretary-General on internally displaced persons, and Roberta Cohen, to help address the problem of IDPs was influential in building a broader understanding of the problem of reconciling intervention for human protection purposes. They refined a conceptually distinct approach centered on the notion of “sovereignty as responsibility” underscoring that state sovereignty entails enduring obligations towards one’s own people, as well as certain international privileges. The state, by fulfilling fundamental protection obligations and respecting core human rights, would have far less reason to be concerned about unwelcome intervention from abroad. The issue of the internally displaced from the perspective of the international community was and still is that they fall within the domestic jurisdiction and are therefore not covered by the protection normally accorded those who cross

11 Sorcha O’Callaghan/Sara Pantuliano, Protective action Incorporating civilian protection into humanitarian response, HPG Report 26, Overseas Development Institute, December 2007, 42.
international borders and become refugees. As a result, increasingly emphasis was placed on the primary responsibility of states to protect their nationals as the fundamental and ultimate function of sovereignty. State security could no longer be narrowly interpreted in terms of protecting territory against external threats but should also include the protection of citizens. The focus should therefore be on ensuring the safety of people, that is to say, human security.

The awareness of the global crisis of internal displacement and of the plight of affected populations as well as the challenge to traditional notions of security and sovereignty placed the case of IDPs on the international agenda and created new opportunities for international action. A normative framework for addressing the problem, the Guiding Principles on Internal Displacement, has been developed and its use is being widely promoted at the national, regional and international levels. International humanitarian, human rights and development agencies have become increasingly engaged with internally displaced, both at the policy level and in the field. Furthermore, a UN office has been established to coordinate their efforts and ensure an effective international response.

In addition, for humanitarian as well as for strategic reasons significant international effort and resources have been applied to peacekeeping and peacebuilding. A key aspect of these activities has been the management of internal displacement and the protection of displaced people. In cases where protection and assistance of the international community to IDPs are urgently needed as in Chad, Sudan and the Democratic Republic of the Congo (DRC), to give a few examples, the international response has been inadequate and has not prevented massacres and human rights abuses. Moreover, since the attacks of 11 September 2001, leaders of major international powers have focused on addressing what they see as the greatest threat to global security (the combination of weapons of mass destruction, international terrorism and fragile states) and thus international attention on violent conflicts has decreased. As

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16 These efforts have been strengthened since 2006 with the gradual implementation of a reform of the humanitarian system. United Nations- General Assembly, Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, op.cit., at 59.


In conclusion, awareness of the global crisis of internal displacement as well as normative changes in the regime of sovereignty and non-intervention have put IDPs on the international agenda. But, although the latter has created new opportunities for international action, the protection of IDPs is not yet an international priority.

C The Case of Internally Displaced People from a Human Security Perspective

There are many reasons why people remain internally displaced within their country, varying from situation to situation and from person to person. In conflict situations uprooted people may be unable to reach the borders safely. Sometimes IDPs cannot leave their country because they lack transportation. Geographical barriers like mountains or rivers or factors such as age, disability and health can prevent their transit. On the other hand, external displacement may not be an option. The IDPs may be denied freedom of movement by their own government or face restrictions on their right to seek asylum by foreign governments. This was the case of Turkey where Kurds fled Iraqi repression in Iraq in 1991; and the case of Afghanistan in the aftermath of the terrorist attacks against the United States on 11 September 2001, because, while the Taliban restricted the possibility of Afghans to move freely within their country, neighboring countries closed their borders. As a result, the masses of refugees that were anticipated in both cases did not materialize.

The discussion about who can be considered internally displaced persons has been intense in recent years. For some, the term “internally displaced persons” refers only to people uprooted by conflict, violence and persecution, that is, people who would be considered refugees if they crossed a border. Global statistics on internally displaced persons generally reinforce this view by counting only those displaced by conflict. Others, however, consider internal displacement to be a much broader concept and to encompass the millions more persons uprooted by natural disasters and development projects. Still others question whether it is useful to single out internally displaced persons, who commonly are referred to as “IDPs”, as a category at all. Also there is no consensus on “when internal displacement ends”, that is, when
an IDP should no longer be considered as such. The more widely used definition today is the one put forth in the Introduction to the Guiding Principles on Internal Displacement. Internally displaced persons are defined as:

"Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border."

This definition is meant to be descriptive rather than normative, drawing attention to the characteristics of IDPs that make them inherently vulnerable. It highlights two core elements of the concept of internal displacement: one, the coercive or otherwise involuntary character of movement and two, the fact that such movement takes place within national borders. The main purpose of this definition is not to create a new category of persons with special rights but to ensure protection to persons in similar situations and thus "promote a more harmonious and coherent approach to human rights."

Some analysts question special protection and assistance interventions on the basis of internal displacement, arguing that these tend to detract attention from the true causes of vulnerability such as poverty, gender or ethnic minority status, or that they disregard the needs of other affected populations unable to reach a safer part of the country. However, while IDPs may not always be worse off than non-displaced populations, the opposite argument is that IDPs require special protection and assistance because displacement creates specific needs and vulnerabilities not experienced by others. To support this opinion the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin states: "Internally displaced persons lose their homes, forcing them to find alternative shelter or to live in camps or collective shelters with their specific problems. They also lose their livelihoods, means of survival and social and cultural networks, regularly leading to impoverishment, marginalization, exclusion from basic services and even stigmatization. Unlike those remaining in their homes, the displaced leave their property behind, risking its occupation by others and creating the challenge of how to have it restored. They may not be able to replace lost documentation or participate..."

21 United Nations-Economic and Social Council, Comprehensive study prepared by Francis M. Deng, Representative of the Secretary-General on the human rights issues related to internally displaced persons, op.cit. at 54.
freely in elections." Many studies corroborate that IDPs have specific needs. In summary, as Erin Mooney has pointed out, "it is difficult to deny that IDPs have certain needs that are distinct from the general population and which require special attention. What distinguishes the internally displaced are the unique needs and heightened vulnerabilities that arise as a result of forced displacement, including their need for a durable solution."

Therefore, the case of IDPs needs to be considered from a human security perspective. Human security regards internal displacement as a pressing issue because individuals and people collectively have rights that must be upheld even when they do not fit directly with the “high politics” agenda of conventional state and international security. In the security discourse, IDPs represent the starkest example of a tension between human security as a normative and ethical movement that seeks to place the individual, or people collectively, as the referent of security, and legal and political constructions such as state sovereignty. Human security is a reorientation to prioritize the security of people, especially their welfare, safety and well-being, instead of that of states. The strength and appeal of human security lies not only in its new elements but, as mentioned above, also in the growing inability of traditional concepts of security to generate adequate responses to new contexts. During the Cold War security mainly meant state security, which was largely defined in military terms. The purpose of a security policy was to defend the territorial integrity and political sovereignty of the state. Human security suggests that security so defined “does not necessarily correlate with human security and, that an over-emphasis on state security can be to the detriment of human welfare needs.” Indeed this understanding of security placed human displacement at the periphery of politics.

Human security can be understood as an objective to be achieved and as a policy framework that proposes multisectoral, integrated solutions to interconnected and

interdependent problems. Human security joins the main agendas of security, human rights and development. It is a broad and comprehensive framework in the sense that it integrates these agendas. Therefore taking up the proposal of the Commission on Human Security (CHS), we argue that in order to be effective a human security approach should also be integrated in its implementation: from those dealing with human rights and humanitarian concerns, those with security and those with development. The plight in internal displacement requires a comprehensive policy of assistance and protection. From a human security perspective a comprehensive policy is not the sum of the different strategies for displaced people, but a rights-based policy that takes the human being as the integrative factor.

To achieve human security, the CHS Report puts forward two key strategies: protection and empowerment. Protection refers to the norms, processes and institutions required to shield people from critical and pervasive threats. It implies a "top-down" approach. States have the primary responsibility to implement such a protective structure. However, international and regional organizations, civil society and non-governmental actors, and the private sector also play a pivotal role in shielding people from menaces. To protect people "requires concerted efforts to develop national and international norms, processes and institutions, which must address insecurities in ways that are systematic not makeshift, comprehensive not compartmentalized, preventive not reactive."

Empowerment strategies enable people to develop their resilience to difficult conditions. It implies a "bottom-up" approach. Empowerment aims at developing the capabilities of individuals and communities to make informed choices and to act on their own behalf. The primary question of every human security activity should not be: What can we do? It should rather be: How does this activity build on the efforts and capabilities of those directly affected? Protection and empowerment are thus mutually reinforcing. People protected can exercise many choices. And people empowered can avoid some risks and demand improvements in the system of protection.

Ultimately, the protection of IDPs means ensuring that IDPs can resume a normal life by achieving a lasting solution. It is understood that lasting solutions can be achieved through the voluntary, safe and dignified return of IDPs to their homes or places of habitual residence (so-called "return"), or the sustainable integration in areas where IDPs are sheltered (local integration) or elsewhere in the country. According to the Framework on Durable Solutions for Internally Displaced Persons a lasting solution is reached when they do not require specific assistance or have

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27 All proponents of human security agree that its primary goal is the protection of individuals. But consensus breaks down over what threats individuals should be protected from. Depending on what one considers as constituting "people's rights and safety" the scope of the definition is either narrow or broad. See Cristina Churruca, Human Security as a policy framework: Critics and Challenges, op.cit. 25-26.
28 Ibid., 16.
protection needs related to their displacement, and can enjoy their human rights without discrimination. The search for any of these durable solutions for IDPs should be understood as a gradual and often lengthy process; a complex process that addresses difficulties related to human rights, humanitarian, development, reconstruction and peacebuilding; and finally, as a process that requires coordinated and timely participation of various actors. It should be a rights-based process that enables a lasting solution; it must ensure that IDPs are able to take an informed and voluntary decision about a durable solution that suits them, and to participate in the planning and management of the durable solution by considering their needs and their rights in the recovery and development strategies. Also, processes to support a lasting settlement must be inclusive and, in pursuit of full equality, comprise the entire displaced population, particularly women, children (according to age and maturity level), people with special disabilities and those that may become marginalized.

**D Internally Displaced Persons and Peacebuilding**

Building peace in conflict-prone countries and in transition or post-conflict contexts is aimed at preventing the resumption or escalation of violent conflict and the establishment of a lasting and self-sustainable peace. The focus of international conflict management has increasingly shifted from peacekeeping aimed at maintaining the status quo to peacebuilding which strives to managing change. Peacebuilding comprises overlapping agendas for peace and development in support of conflict prevention, conflict management and post-conflict reconstruction.

In this context it is understood that assistance to the return, resettlement and reintegration of displaced person volunteers can simultaneously help address the root causes of conflict and help prevent further displacement. Unresolved problems of displacement may cause instability and thus threaten the peace process and efforts to build peace. Furthermore, durable solutions, particularly return, cannot be achieved for the internally displaced while there is a lack of security, no restoration of their property and conditions for sustainable solutions (including reconciliation in particular between local communities and returnees, post-conflict reconstruction and

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restoration of the rule of law and a legitimate government) do not occur. Thus, the search for dignified and durable solutions for displaced persons is recognized as a fundamental element for peacebuilding and the achievement of a sustainable and lasting peace. However, although there have been normative and conceptual developments regarding the process of finding durable solutions, the fact that there are at least 34 countries with people in protracted displacement means that no progress has been made in the process and that these people live in conditions of marginalization. Allowing IDPs in a situation of continued marginalization without the prospect of a lasting solution can become an obstacle to long-term stability, recovery and reconstruction in post-conflict countries.

It is assumed that peacebuilding is aimed at meeting the needs of societies emerging from conflict or leaving it. However, the attention of the liberal peace has not been the local stakeholders and communities, nor the most marginalized groups, such as IDPs. Critical studies of peace research have shown that liberal peace has been directed toward the states, elites, and international actors, issues of security and liberal institutions and norms. People become the “means” for political stability rather than the “end” of peacebuilding. Human security has been relegated to a secondary position. Yet, as emphasized by Jonathan Goodhand, based on his experience in Afghanistan and other conflicts, the ultimate peacebuilding refers to "the construction of human security" within the meaning of democratic governance.


35 The consensus of the liberal peace is characterized by the widespread belief among policy makers and "peacemakers", reflected and applied in peacekeeping operations and conflict zones in general after the end of the Cold War that the promotion of democracy, market economy and all institutions associated with the modern state are the engine of peace building. It refers to a theoretical and political concurrence. The theoretical underpinning of liberal peacebuilding is the liberal peace. The idea that certain types of (liberal constitu) societies, those with a liberal constitution with liberal democracy and market economy tend to be more peaceful. See Edward Newman, Roland Paris/Oliver P. Richmond (eds.), New perspectives on liberal peacebuilding, New York 2010, 11.


human rights, the state of law, sustainable development and equitable access to resources. Policy makers and practitioners of peace building have begun to recognize the limitations and challenges of peacebuilding, in particular in the period immediately after the conflict. The Report of the Secretary-General on peacebuilding in the immediate aftermath of conflict states that “the immediate post-conflict period offers a window of opportunity to provide basic security, deliver peace dividends, shore up and build confidence in the political process, and strengthen core national capacity to lead peacebuilding efforts. If countries succeed in these core areas early on, it substantially increases the chances for sustainable peace - and reduces the risk of relapse into conflict.” The report acknowledges that, in too many cases, the international community has failed to catalyze a response that offers immediate and tangible results. Capabilities and resources have been insufficient to meet the demands on the ground, in particular in the priority areas such as “support to the safe and sustainable return and reintegration of internally displaced persons and refugees.” In addition the few studies on the participation of IDPs in peace processes and peacebuilding find that IDPs are often not consulted. Their individual circumstances are often overlooked in the language of peace agreements, and peacebuilding initiatives often forget or marginalize them.

Building peace and in particular post-conflict reconstruction is currently understood by the United Nations and other international organizations and actors as a comprehensive and integrated complex system, which covers a wide range of programs and mechanisms in the areas of peace, security, development and humanitarian action in the short, medium and long term. Issues such as the need for consistency in strategic planning and funding mechanisms, coordination between different actors, and local ownership, among others, are issues normally discussed in the reports of United Nations and other organizations on peacebuilding. In relation to IDPs, it is explicitly recognized that the prolonged displacement is often the result of “political indifference of the authorities, development actors and donors.” In many cases, the internally displaced, having received generous humanitarian assistance in the worst part of the crisis, are forgotten in the ending of gun violence. Without

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38 Jonathan Goodhand, Aiding Peace? The Role of NGOs in Armed Conflict, Rugby 2006, 12.
39 Ibid., at 17.
assistance to rebuild their lives IDPs fall into a vicious cycle of aid dependency and prolonged displacement.\textsuperscript{44} In addition, IDPs are often encouraged or forced to return to their places of origin before it is safe or sustainable for them to do. The lack of support for transition and recovery activities, which should be focused on supporting local ownership, is also a matter of particular concern.\textsuperscript{45}

Regardless of how superficial these findings are if we do nothing or little to remedy the problems, the issue is that the underlying causes of the difficulties encountered in seeking durable solutions for IDPs and, by extension, peace building, are not explored or not recognized in the official discourse. In contrast, critical studies of peace research evidence that the lack of success of the liberal peace approaches is because the interests and Western liberal assumptions have influenced the formulation of policies that have led to counterproductive results and even failure. At the core of the criticism is the assumption that the liberal peace has tried to reproduce and impose Western models. Among the various critical approaches, we highlight those that evidence that both institutional approaches to peace building and post-conflict reconstruction, and the dominant academic view, employ a Weberian functionalist view of society.\textsuperscript{46} This functionalist view presents a society as a social system whose parts (institutions, groups and individuals) are moving towards stability and orderly development in line with Western liberal democratic values.

Mark Duffield developed this approach in his work "The symphony of the damned".\textsuperscript{47} Despite its limitations, cultural functionalism remains the preferred method of the international assistance technocracy at the expense of radical change. To this end, contemporary conflicts are understood as a kind of interruption (temporary) in the ordered pattern of development and post-conflict reconstruction in terms of a time sequencing from emergency to rehabilitation and then to development. This approach focuses on outcomes rather than processes.\textsuperscript{48}

Michael Pugh distinguishes between a minimalist rehabilitation - social engineering, that focuses on the situation back to pre-conflict society or on an act of social engineering that promotes change in civil, political and demographic structures (by holding elections, by fostering refugee returns, for example) - and a transformative rehabilitation process which he calls civil development.\textsuperscript{49} The latter is defined as a process that emphasizes change in the way power relationships are expressed (by for example, promoting transparency and accountability in both external assistance to war-torn societies and in generating local civil society). The

\textsuperscript{44} Ibid., at 78.
\textsuperscript{45} Ibid., at 19.
\textsuperscript{48} Pat Gibbons, Societies in Transition: Issues and Challenges, op.cit, 3-4.
privilege by governments and international agencies of immediate return instead of other solutions is an example of how peacebuilding can be seen as part of international assistance through social engineering. Return without the minimum conditions for sustainability poses a minimalist rehabilitation that aims to return to pre-conflict situation without taking into account the complexity of transition processes or the needs, interests and rights of displaced persons. In this regard humanitarian assistance has been geared towards social engineering rather than towards civil development based on local ownership of the peacebuilding process.\textsuperscript{60}

Some critics of liberal interventionism as Oliver Richmond and David Chandler, aiming to emphasize the local context and contingency, want to expose the paradoxes and tensions of an approach that prioritizes rights over needs.\textsuperscript{51} However, this criticism reveals misunderstanding of what a human rights-based approach means. A human rights-based approach, as opposed to one based on needs, aims to ensure the protection and welfare of people. The criticism on the imposition of human rights is in the end a critic against the idea of cosmopolitan democracy and global governance and on the global idea of the individual citizen. In this sense Chandler rails against what he considers fictional rights that separate rights from its subjects and further restrict the rights of people who become non-citizens intervened by foreign powers.\textsuperscript{52} The problem is that he assumes that all people are considered citizens with rights which is not generally the case of IDPs. Self-determination of the most marginalized sectors as IDPs requires prioritizing both needs and rights. Indeed for displaced persons in Colombia, Chad, Darfur or the DRC, resistance is a matter of staying alive. It is about the right to be considered as a citizen whose human rights should be protected.

E Conclusion

Protection policies that focus on displaced persons are not intended to grant preferential treatment compared to other populations at risk but to improve the quality of the response developed for forcibly displaced persons whose needs have been inadequately treated until recently. Indeed one of the more daunting challenges of the post-cold war era is how to make the protection and assistance afforded by refugees available to the internally displaced without interfering with the traditional protections established by the refugee regime, namely, the right to leave a country and seek asylum.

The plight in internal displacement requires a comprehensive policy of assistance and protection. From a human security perspective a comprehensive policy is not the

\textsuperscript{50} Ibid.


\textsuperscript{52} David Chandler, The Limits of Human Rights and Cosmopolitan Citizenship, op.cit.
sum of the different strategies for displaced people, but a rights-based policy that
takes the human being as the integrative factor. Ultimately, the protection of IDPs,
means ensuring that IDPs can resume a normal life by achieving a lasting solution.
The search for any durable solutions for IDPs should be understood as a complex
process that addresses difficulties related to human rights issues, humanitarian,
development, reconstruction and peacebuilding. In other words it requires a human
security approach that builds on the efforts and capabilities of IDPs.

The search for dignified and durable solutions for displaced persons is recognized
as a fundamental element for peacebuilding and the achievement of a sustainable
and lasting peace. However the practice of peacebuilding and the liberal peace
project have put human security and the plight of IDPs in the periphery of politics.
Liberal peacebuilding has promoted a minimalist rehabilitation, an act of social
engineering that focuses on the situation back to pre-conflict society and favors the
immediate return of IDPs without taking into account either the complexity of
transition processes nor the needs, interests and rights of displaced persons.

While critical approaches to the liberal peace claim that the most marginalized
sectors have been forgotten, some critics neglect the importance of promoting
human rights as a form of empowerment. The critique to the liberal peace based on
that it is an approach that gives priority to rights instead of needs has the danger of
relegating the most marginalized, even by their own governments such as the IDPs,
to the role of mere victims without the right to a just peace. We must recognize the
displaced population in terms of legal subjects to be incorporated as such in the
strategies of truth, justice and reparation.

The fragility of the state is inextricably linked to the protection of IDPs but to date
this relationship has been little studied. The heightened sense of insecurity
engendered by the so-called ‘war on terror’ has led to a focus on ‘failed states’ as a
security threat to the Western world – and world peace in general. However, there is
uncertainty about the scope and definition of failing or failed states. What are the
criteria of a fragile, weak, failing or failed state and who defines the taxonomical
boundaries? If the concept of ‘state failure’ is going to be used it should be used as
the basis for investigations into human security – that is, a state’s ability or
willingness to function in a manner conducive to the welfare of the majority of its
citizens. The question for researchers and policymakers is not which states are failed
states, but rather for whom is the state failing, and how. As Morten Boas and
Kathleen Jennings explain the concept of state failure is only useful in the context of
human security, as it enables a fuller description of the realities and coping strategies
in the state, taking into account agency, interests and incentives on the part of
various local, national and regional actors. 53

When the state is unable or unwilling to fulfill its responsibility the role of the
international community to support the protection of displaced persons and assisting
in their return or resettlement and reintegration is critical. It is necessary to study the
changes in political and legal discourse on IDPs, together with a study of decision

53 Morten Boas/Kathleen M. Jennings, Insecurity and Development: The “rethoric of the
making and institutional commitments adopted by governments, intergovernmental
organizations and NGOs. Professionals and academics should better understand the
precise impact of the idea of sovereignty as responsibility and a rights-based
protection approach on current international politics.
II Lessons from the Past
Sarah DA MOTA*

Human Security in Counter-Terrorist Policies During the Bush Administration (2001-2008)

Abstract

This article approaches the relationship between counter-terrorism and human security (HS), along with the Critical Security Studies’ main premises. It focuses on the period between 2001 and 2008 corresponding to George W. Bush’s presidency, as a case study demonstrating that humanizing peace and conflict studies has never been so crucial for a sustainable peace project. Relating counter-terrorism to a concept such as HS, which originally emerged in order to defy the traditional notion of national security, thus allows questioning state’s action in the management of counter-terrorism, particularly the role of the USA as a victim of the 11 September 2001 events and their subsequent global fight against terrorism. Many policies adopted following 11 September and the management of the military response to terrorism were surrounded by many ethical controversies, putting human rights at stake. In some cases, it has been proved and recognized that policies with no HS sensitivity have failed and revealed to be highly counter-productive. In spite of the academic and political divergences on the definition of HS and the critics referring its analytical and practical uselessness, the practice and regulation of counter-terrorism between 2001 and 2008 show that HS may be a decisive and stabilizing tool for the normative regulation of states’ international performance.

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A Introduction

Attending to the spirit of the 4th Graz Workshop on the Future of Security, on the theme “Sustainable Peace Building: Humanizing Peace and Conflict Studies”, the main goal in observing counter-terrorism in a human security (HS) perspective is an attempt to contribute to humanizing Peace and Conflict Studies, with the ontological and philosophical conviction that sustainable peacebuilding is not conceivable out of its very human and individual character. This paper observes to what extent the option of HS is taken or underestimated in the dominant patterns of counter-terrorism during George W. Bush’s administration, in order to determine whether a HS dimension constitutes any kind of reference in the way the international community has tried to address and manage international terrorism since 11 September 2001 (09/11). This paper argues that the management and governance of counter-terrorism under the Bush Administration show that HS is a decisive and counter-hegemonic tool for the normative regulation of states’ international performance.

This contribution contains two core starting points. First, a closed definition of HS is not considered in this paper. But HS is broadly conceived in terms of its inclusiveness more as an ideal-type, with the individual at its center, as opposed to the state. For the purpose of this paper, the generic definition of security within Critical Security Studies (CSS), such as the “help to humans in a situation of vulnerability faced to the unfair and oppressive systems of exclusion” will be adopted. This definition is fundamental to locate the role of the state in providing security to its citizens, relating it to the normative dimension of security. This is the main premise of CSS, remitting to topics of emancipation, freedom, vulnerability, the


human individual, and thus HS itself. Indeed there seems to be a quite spontaneous relationship between this theoretical approach and HS, since they both defy state agency. Second, in the literature about HS and counter-terrorism, HS plays a normative role under three main aspects. One has to do with the respect of human rights while countering terrorism; another is the condition of vulnerability related to the victims of conflicts, which should be an essential criterion for any hypothetical counter-terrorist action, making HS its guiding logic; and a third one is related to HS as a subterfuge for military and humanitarian interventions in fighting terrorism.

According to the original context of HS and to the regulative role internationally assumed by the Organization of the United Nations (UN) since 1945, it is considered the major actor in the making of international counter-terrorist policies. These policies consist of the resolutions of the General Assembly (UNGA) and the Security Council (UNSC), as well as all the relevant documents, initiatives, reports, and public strategies coming from any entity within the UN system. In section B, the period between 09/11 and 2004 will be focused in terms of the main counter-terrorist policies, in order to observe that HS does not represent any kind of normative reference. Section C, focusing on the period from 2005 to 2008 will illustrate the rise of the importance of HS for counter-terrorism within the UN system.

B Orientations in the Counter-Terrorist Dominium: the Work of the UN and the American Leadership (2001-2004)

This section focuses on the period between 09/11 and 2004, as an initial period dominated by a first-response policy transformation, which currently followed events of great amplitude. The substance of counter-terrorist policies can be found in two essential dimensions; one consisting of the juridical and institutional level with the UN.

as a protagonist (section 1); the second dimension focusing on the operative and practical level with the leadership of the Bush Administration (section 2). These two dimensions allow verifying a potential presence of HS in the concretization of counter-terrorism actions addressing 09/11.

1 Main International Policies and Institutional Framing

Between 2001 and 2004, counter-terrorism was subject to a legal deepening, to which the whole international structure had to adapt. Some resolutions prior to 09/11 condemned all terrorist acts as being criminal and unjustifiable and appealed states to take all necessary measures in order to prevent such acts. Other resolutions of the UNSC established sanctions regimes to specific countries or entities supporting terrorism, such as Libya, Sudan, and Afghanistan, generally in response to punctual and particular events. In juridical terms, the possible bindings of states to counter-terrorism consisted of 10 international conventions existing then, each one of them criminalizing specific sectors of terrorism.

With 09/11, the UN’s effort was redirected towards the establishment of an international juridical frame of a more global and inclusive character. In such a context, the UNSC was decisive, as the organ with the major preponderance towards that juridical impulse, since it embodies an international regime “governing the use of force in international politics”. It then became visible that international terrorism adopted irreversible contours of transnationalism which gave rise to a strong necessity of reviewing the existing principles in terms of a counter-terrorist regulation within the UN. The adaptations of the UNSC to the specific dimensions of transnational terrorism implied more generic directives without reference to concrete groups or incidents. For example, Resolution 1373 (2001), aiming at fighting the funding of international terrorism, addresses terrorism as a global problem with a range of measures centered on the financial support essential to the organization of terrorist acts. When referring to Chapter VII of the UN Charter, under which decisions are compulsory for member states, the UNSC authorized to take measures against states which do not comply with the resolution, as sanctions or coercive

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9 For more information on the existing anti-terrorist conventions, see http://www.un.org/terrorism/instruments.shtml.
12 In Chapter VII of the UN Charter, Article 39 among others gives power to the UNSC to “[…] determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken […] to maintain or restore international peace and security”. United Nations, UN Charter, available online at http://www.un.org/en/documents/charter/chapter7.shtml.
Human Security in Counter-Terrorist Policies During the Bush Administration (2001-2008)

initiatives. In this sense, the Resolution 1373 also created the Counter Terrorism Committee, in order to verify the implementation of the sanctions and anti-terrorist actions commanded by this resolution, and to provide guidelines to states. Regarding the juridical dimension of counter-terrorism, the reference to HS was inexistent. The idea of it does not seem to have been relevant in this first momentum of legal strengthening.

2 Operative Analysis: The Action of American Leadership

In this section, the analysis focuses on American actions between 09/11 and 2004. Observing and characterizing the modus operandi of the Bush Administration during this first phase thus allows verifying that the acknowledgement of HS was “tricked by the hegemonic actor” since the very beginning. The cases chosen as the most marking elements of American action during the referred period are the invasion of Afghanistan (section a) and the war in Iraq (section b). Both these events provide an overall picture of the normative framework that guided counter-terrorism in practice.

a Afghanistan: “Operation Enduring Freedom”

There are decisive factors of general vulnerability in Afghanistan that are crucial for a HS interpretation of the US intervention through Operation Enduring Freedom. Afghanistan is a country that has known an almost constant state of war since 1978, with several civil war episodes. Thus, in 2001, as the Taliban were ruling, internal warfare was still a reality in the eastern and northern territories of Afghanistan. This is important to understand the context of the general vulnerabilities – social, economic, politic, food – in which the Afghan population had been living, worsened by the government of the Taliban regime, which violated a series of international norms. To this respect, UNSC Resolution 1333 (2000) had already acknowledged “the critical humanitarian necessities” in Afghanistan, mentioning the need of an “integrated and comprehensive approach” to the narcotics trafficking, as the main sustaining resource of the regime, as well as to terrorism, human rights and development.

Behind this reality, the USA and Pakistan estimated until 1997 that the Taliban were a source of stability for the region, namely considering the construction of a pipeline, going from Central Asia to Pakistan, in a project governed by an American corporation. The consented and supported presence of Osama bin Laden by the Taliban in Afghanistan quickly altered this perspective. On 12 September 2001 the legitimate right to individual and collective self-defense was recognized by the

15 Benini/Moulton (2004), at 420.
On 7 October 2001 President Bush announced that American troops were attacking the Taliban’s training camps as well as their military facilities in Afghanistan in an operation known as Operation Enduring Freedom. With the support of North Atlantic Treaty Organization (NATO) forces, direct aerial attacks were achieved, which resulted in a rapid victory and in the intended government change. On 9 November many considered the war was terminated.

This operation was highly controversial for many reasons. Although the right to self-defense had been acknowledged, the responsibilities enounced in the UN Charter relatively to that right are not properly addressed to circumstances involving non-state actors such as Al Qaeda. So, even the UNSC had not explicitly authorized the invasion of Afghanistan, its competence in this case was not a priori adequate to the situation. According to Anthony Lang, punishment may be justified in responding to terrorism, but that punishment must follow the classical precepts of just war. For this author, the principle of self-defense ruins the very justice of punitive actions, and thus, there is a risk that the intervention comes closer to revenge than to moral justice.

Clearly, this so called “war against terror” is not at all a conventional armed conflict, since it opposes a state to an organized transnational network composed of

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19 Benini/Moulton (2004).
20 See Article 51 of the UN Charter: “Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security”.
21 According to Dr. James A. Green, Lecturer in International Law at the University of Reading (United Kingdom), interviewed by Mahmud Naqi, the three legal for self-defense are: the occurrence of an armed attack against the responding state; the necessity for the state to certify that force is the only option available; proportionality of the military response directed to the threat being faced, without excessiveness. Mahmud Naqi, Legality of attacks inside Pakistan: US needs to first satisfy itself that Pakistan is unable to suppress the militants: Dr. James A. Green, 2008, available online at http://san-pips.com/PIPS-SAN-Files/SAN-Pakistan/SAN-PAK-Article68/San-Pak-Main-A68-D.asp (21 October 2008).
individuals who are not properly combatants in the traditional sense of the term. Consequently, the implications of this altered conflictuality are very important for HS. In these circumstances, there is no possible distinction between terrorists and civil population. A priori, the US initiative seemed to agree with the idea of HS when President Bush described the limitation of civil deaths as a fundamental prerequisite of the Operation or when Donald Rumsfeld declared that no other nation had done as many efforts as the USA in avoiding civil deaths. Analyzing the US intervention in terms of justice and responsibility shows that the casualties of civilians in a vulnerable situation were never avoided. In spite of this, the death of innocent civilians was justified with reference to “unintended consequences”:

“While the US admitted that civilians were killed as a consequence of its bombing campaign, this was justified on two grounds: the deaths were an unintended consequence of attacks against legitimate targets and the US could not be blamed for these because responsibility rested solely with those who had initiated war on September 11.”

In this sense stated by Nicholas Wheeler, the Taliban and Al Qaeda still are responsible for exposing Afghan civilians to US attacks, but that does not absolve political and military leaders of the responsibility for their behavior during the invasion. Neither does international moral responsibility absolve the UNSC for taking too long in acting with coherence and in conformity with Resolution 1333 which had recognized in 2000 – as mentioned above – the necessity of an “integrated and comprehensive approach” of the problems in that country.

To sum up, if political or personal security were lacking among the Afghan population under the Taliban regime, HS should have been a concern for the international community before 09/11, since it is a necessary approach that the UN had acknowledged itself. For this precise reason, the US position in this asymmetrical conflict was disproportionate and indiscriminate. The overall outcome consisted in an environment considerably close to revenge, as the USA has remained quite unaccountable. Nearly nine months after the Operation, President Bush had a speech at the Afghan Embassy in Washington which focused for the first time on the “Afghan people” and its oppressed life before its liberation. Put in other words, HS as a security approach centered on the individual did not correspond to

23 Terrorists do not belong to a state’s Armed Forces; they do not use weapons openly; they do not wear distinctive signals; they cannot be distinguished from civilians. Oliver Kessler/Werner Wouter, Extrajudicial Killing as Risk Management, Security Dialogue, 39 (2008) 2-3, 289-308.
the American external interests at the time of the intervention, but after it, a HS argumentation served for legitimizing purposes. The well-being of the affected Afghan civilians was hardly ever a real concern of the USA.

b  Iraq: “Operation Iraqi Freedom”

The second marking moment of the operative analysis of counter-terrorism after 09/11 is the invasion of Iraq in 2003 – the Operation Iraqi Freedom. To have a notion of the human state of Iraq in 2003, some contextualization is compulsory. Kathryn Millar describes the general state of vulnerability existing among Iraqi civilians and explains that the investment made in the early 1990s was completely annulled by the second Gulf War and by the sanctions applied by the UN, creating an autarchy situation similar to a pre-industrial state, in which bad nutrition, lack of health care, unemployment, and internal dislocation dominated. The conditions of general security were appalling. Besides, Saddam Hussein’s regime counted two long wars – the first Gulf War (1980-1990) opposing Iran and the second (1990-1991) with the invasion of Kuwait – as well as several economic sanctions, a constant issue with the Curds, extended oscillations in oil price, and successive crises with the UN involving weapons of mass destruction (WMD).

In spite of that, on 19 March 2003, the US forces, along with some colligation partners, started large scale military operations against Iraq. Justifications for this operation related, among others, to the development of WMD for purposes of provision to terrorists and to the necessity of an humanitarian intervention in order to bring stability and security to a suffering population under Saddam’s regime. The ironical timing of UNSC Resolution 1540 needs to be noted here, as it was adopted in April 2004 – more than one year after the invasion. It declared the proliferation of WMD a threat to peace and security, and imposed obligations to member states to criminalize non-state actors involved in the production, transference, and use of WMD, as well as in the means of their delivery. Independent of the illegal content of this Iraqi episode, which was formally associated to the prevention of nuclear proliferation, it is striking to observe a punitive ethos similar to that of Afghanistan’s.

In global terms, this intervention seems to have generated a renewed motivation for Islamic terrorism. According to a statistical study of the Human Security Report Project, all the calculi made by different actors converge in demonstrating that there was a drastic increase of casualties due to terrorism after the invasion of Iraq in 2003, with a major emphasis on the period between 2004 and 2006. Operation Iraqi Freedom motivated a rise in the attacks made by radical Islamic groups in different parts of the world. As a matter of fact, a decrease of terrorist attacks in Iraq was

30 Anthony Lang (2008), at 507.
compensated by an increase in Afghanistan, Pakistan, United Kingdom, Spain, Indonesia, Morocco, and Algeria, among other countries. One may verify that the number of terrorist attacks is globally affected by a local event.31

The perception of the unfair nature of these interventions determined that their effects were highly counter-productive. As Anthony Lang puts it: "By linking the war with Iraq to the attacks of 09/11, the United States not only weakened its claims for the justness of that particular war, but also further weakened the potential for a just punishment of international terrorists".32 Confronted to this reality, and similarly to what happened in Afghanistan, HS emerges as an a posteriori argument for legitimizing the intervention. A case study by Pauline Kerr, William Tow and Marianne Hanson shows that after the invasion of Iraq by the USA, in a chaotic post-invasion period, when no proof of the development of WMD was found in the country, the USA invoked a HS agenda to justify the war, reinforcing the argument that its intervention had originally been based on the liberation of Iraqi people.33 HS was used as a legitimizing rhetoric, and not to achieve practical and effective results. This subsequent concern in legitimizing the war in Iraq may have been necessary for the Bush Administration to intensify the "war against terror".

C The Rise of HS (2005-2008): An Institutional Reinvention of HS Within the UN

As we have just exposed, the US approach between 2001 and 2004 revealed to have controversial and counter-productive consequences. Nonetheless, from 2005, these negative effects were recognized by the UN, which had to adapt the international counter-terrorist regulation in normative terms this time, namely with a strong emphasis on human rights. By strengthening the importance of the human dimension of security in a more normative way, in opposition to the tendency of holding states unaccountable and blaming the UN, HS can be seen as a way of introducing a counter-weight, of regulating the behavior of states, as a normative stabilizer.

As it had happened in the 1990s, the impulse to respect HS consisted of a work of institutional reinvention and multiplication. In the period between 2005 and 2008, there are two institutional paths within which HS was revived we consider to be the most relevant: the adoption of the Counter-Terrorism Global Strategy (CTGS) (section 1); and the creation of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (section 2).

32 Anthony Lang (2008), at 504.
33 Kerr/Tow/Hanson (2003), at 101.
1 The Adoption of the Counter-Terrorism Global Strategy

The CTGS was adopted on 8 September 2006 by UNGA Resolution 60/288. This resolution affirms a clear commitment to human rights as a fundamental basis for counter-terrorism. The Strategy is based on four pillars – root causes, prevention, state capacity, and human rights. From these, the pillars related to the root causes and the human rights are directly related with the human dimension of security, with their undeniable focus on the individual dimension of security, thus balancing the normative emptiness observed in the first phase. We will focus on the more relevant aspects of the Strategy, namely those concerned with HS.

The first pillar “Measures to address the conditions conducive to the spread of terrorism” focuses on the root causes of terrorism. Stopping them implies not only to strengthen the existing programs of conflict prevention, peacekeeping, negotiation, mediation, and conciliation, but also to promote inter-religious dialogue and inter-cultural tolerance in order to reduce the marginalization of vulnerable populations. By assuming that socio-economic problems are intimately related to terrorism, as a facilitating factor for recruitment, the Strategy also introduces the issue in the traditional agenda for development. This is an interpretation incontestably centered on the individual, particularly in the economic sector of HS.

The third pillar on "Measures to build States' capacity to prevent and combat terrorism and to strengthen the role of the United Nations system in this regard" consists of a plan of action for the development of the necessary conditions for the states to act efficiently on countering terrorism. Worth mentioning about this pillar is that nine working groups were created within a Counter-Terrorism Implementation Task Force (CTITF), each one of them assigned to one specific dimension of the fight against terrorism. Some of these working groups are remarkable for their clear orientation towards HS, as it the case for the Group on Supporting and Highlighting Victims of Terrorism, on Protecting Human Rights While Countering Terrorism, Strengthening the Protection of Vulnerable Targets. It demonstrates an understanding centered on the individual, and on a more operative and practical dimension of counter-terrorism.

The fourth and last pillar is on the "Measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism" since the "effective counter-terrorism measures and the protection of human rights are not conflicting goals, but complementary and mutually reinforcing." This is a normative pillar of the Strategy aimed at defining the code of conduct to adopt in the other three pillars. Its grounds have to do with the respect for humanitarian and refugee law, in a victims-oriented perspective, as well as in a suspects-oriented one. In this context, member states are expected to develop or maintain their respect for international law in their national juridical systems.

35 Ibid., at 50-76.
36 Ibid., at 77-86.
2 Creating the Figure of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism

The mandate of the Special Rapporteur was established in 2005 by Human Rights Resolution 2005/80 of the High Commissioner for Human Rights (HCHR), designating Martin Scheinin for a three years period. Formally, the Rapporteur has the function of “identifying, exchange and promote good practices concerning anti-terrorist measures which respect Human Security and fundamental liberties.” His role is essential in applying the fourth pillar of the Global Strategy concerning human rights. This means in practice a control of anti-terrorist laws and activities in certain countries considered at risk, including visits to those countries, in order to address hypothetical allegations of human rights violations. In general, the Special Rapporteur represents a compromise in trying to give more visibility and importance to the respect of human rights in the global fight against terrorism.

In the report entitled Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, the Special Rapporteur depicts the negative impact that counter-terrorism measures may have on economic, social and cultural rights of individuals, as well as the importance of promoting these very rights in preventing terrorism. Referring to his own work in specific countries, Scheinin gives some examples illustrating negative impacts, some of which are to highlight. One of them concerns the construction of a security wall in Israel on Palestinian territory, allegedly aimed at refraining from terrorism. In July 2007, during a visit, Scheinin consulted a number of governmental and non-governmental actors about the construction of that wall, which revealed to have a negative impact on the rights of the Palestinian people, because it is an obstacle to access to food, cultivation areas, healthcare services, education, and employment. The wall, as a security measure, proved to have a “counterproductive effect, contributing with conditions that are conducive to recruitment and propagation of terrorism.” The other example is related to countries such as Afghanistan and Iraq, where military actions, armed insurrections, and terrorist attacks, led to a situation where the delivery of basic humanitarian assistance was compromised. In the general education sector, religious schools were closed in some cases, or their access restricted with a counter-terrorist motive. But contrary to this is that families have the right to assure the education of their children according to their religious beliefs. Finally, in many parts of the world, the eviction and demolition of houses

40 Special Rapporteur, Promotion and protection of all human rights […], at 13.
41 Ibid., at 15.
42 Ibid., at 17.
affect people in vulnerable situations. This is a form of collective or discriminate punishment of the residents suspected of supporting terrorist groups, violating human rights, including that of proper housing.43

Throughout the report, the HCHR and the Special Rapporteur often recognize different kinds of violation by some states – without specifying which states, but with analogies of very well-known examples of the American performance. They also draw attention on the danger for member states to adopt definitions of terrorism that are strictly motivated by their own government’s interests. But this is a negative effect of the existing system developed by the UN itself after 09/11; the UN may have reinforced the international regulation of counter-terrorism, but it omitted some steps, such as what we consider to be normative stabilization.

Indeed, in 2001, other Special Rapporteurs and specialists had expressed their concern about the fight against terrorism resulting in human rights violations, as well as the fact that many resources were channeled to security instead of education, for example, which would not sustain pacific communities on the long term.44 These specialists had a clear notion of the importance of the human dimension in this fight, but human rights merely remained in the dialogue sphere between specialists, and immediate strategies of military security prevailed (2001-2004). The expression of these concerns in the human rights-related sector of the UN may be interpreted as a sign of non-consent with the unilateral and offensive practices of the USA, representing a kind of a faction against the decisions of the superpower (or the UNSC). Therefore, the HS-oriented approach could constitute a latent instrument of counter-hegemony. The internal incoherence within the UN between security tendencies and normative recommendations leads to question the functioning of the Organization itself. The UN system is definitely a system centralized in the UNSC, as an organ dominated by great powers, and the original normative mission which gave birth to the Organization turned out to play a mere secondary role.

D Conclusion

Approaching counter-terrorism after 09/11 through the concept of HS allowed to enhance the way states can create an insecurity climate, not only for the citizens within their own borders, but also for those who are outside them, given the inability to protect and respect their rights, integrity, or liberty.45 The US actions during the period of analysis between 2001 and 2004 proved that although the structures of global governance were initially and apparently reaffirmed with the attempt of the UN to reinforce the anti-terrorist laws, the counter-terrorist operative performance materialized itself into two conflicts, two wars where disrespect towards conventional rules was evident. In these conflicts, power, coercion, and counter-defensive

43 Ibid., at 20.
44 Ibid., at 5-6.
45 Keith Krause, Approche Critique et Constructiviste des Etudes de Sécurité, in L’annuaire français de relations internationales, Bruxelles 2003, at 611.
measures were the dominant principles and HS was never assumed as a normative guideline.

We observed that counterproductive effects of counter-terrorism may be reproduced when an anti-terrorist measure does not respect human rights and fundamental liberties, worsening very often the situation known before the adoption of that same measure. For that, HS got a new importance within the UN from 2005, in a clear attempt to address the failure of some states in guaranteeing individuals' security while countering terrorism. Nonetheless, one cannot be naïve in thinking this kind of institutional adjustments and reinventions does not have connections with political interests. The emphasis put on the social, economic, and cultural rights of the victims needs to be seen with caution. This could be an attempt of naturalizing the idea that terrorism and poverty are unconditionally related. In spite of some institutional efforts, the continuous despise for HS by some states in their fight against terrorism only has the effect to generate more terrorism, which may explain partly its permanence. But ultimately, states dominate the topic of HS. Thus the option of making it concrete is still theirs.
The Influence of Human Rights Discourses and Practices from the Southern Cone on the Confrontation with the Franco Dictatorship in Spain

Abstract
When in 1998 former dictator Augusto Pinochet was detained in London, it triggered global debates about the practice of universal jurisdiction, impunity and whether he should be tried for his crimes in Spain, Britain, or back in Chile. Ten years after Spanish Magistrate Baltasar Garzón had investigated in the Pinochet case on human rights charges in Latin America, he turned his attention to the investigation of the enforced disappearances during the Spanish Civil War opening the first criminal investigation into Francoist repression. Using international human rights laws, it was an attempt to vanquish the Amnesty Law and consequently, impunity in Spain, following the demands of local memory initiatives supported by international human rights organizations. Taking the Pinochet Case as a starting point, my contribution analyses transnational legal, symbolic and discursive factors and their impact on national debates of coming to terms with the past. I investigate how civil society protagonists in the local Spanish memory-movement refer to the human rights discourse, such as the figure of the ‘desaparecido’, or terms as impunity and universal jurisdiction to inscribe the Civil War past and the Franco dictatorship into the context of the international human rights discourse shaped by Latin American experiences, especially Chile and Argentina.
A The Pinochet Case as a Starting Point

When the Chilean ex-dictator, Pinochet, was arrested in London at the instigation of Spanish investigating judge Baltasar Garzón, the impact on memory discourses both in Chile and in Spain was enormous. The Pinochet Case has revealed the international dimensions at play in the way a dictatorial past is handled in the public realm. When former dictator Augusto Pinochet was detained upon the orders of an international extradition warrant, it triggered global debates about the practice of universal jurisdiction, enforced disappearance, human rights, and whether he should be tried for his crimes in Spain, Britain, or back in Chile.

The impact of Pinochet’s arrest on the Spanish discourse of coming to terms with the past indicates the discursive entanglement of transnational and local memory endeavours. After all, it was the widespread attention to and massive discussion of Chile’s dictatorial past in public debates in Spain which promptly brought the Franco dictatorship (1936/39-1975), previously a subject that was taboo, back onto the political agenda, thereby bringing about – in both Spain and Chile – a renewed debate about human rights violations under their respective dictatorships. The attempts at reassessing the Chilean military dictatorship by the international human rights movement and the global legal system were to have consequences for the memory discourse about the past that took place within Spain. The Pinochet Case not only brought Chile’s dictatorial past back onto the political agenda; by triggering such a debate it also acted as a catalyst for discussions of the Franco past with which Spain had not yet come to terms. One of the consequences of Pinochet’s indictment and subsequent arrest was that the political consensus to keep silent about the past was broken, resulting in the

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paradoxical situation of Spain forcing Chile to face its dictatorial past while refusing to face its own historical injustices. In Spain, the most profound political impact of Pinochet’s arrest was that it disrupted the silence about the past that had been carefully crafted during the ‘pacted transition’ process (1975-1982).

While the Spanish legal system actively involved itself in the process of coming to terms with the Chilean dictatorship’s past, the legal and administrative treatment of officials associated with the Franco dictatorship was determined by immunity from criminal proceedings under the 1977 Amnesty Law. The Pinochet Case provoked an intensive debate in which a central strain of the discourse proved to be the discussion about whether or not the Spanish legal system was acting legitimately in condemning dictatorships in other countries while the crimes committed during the Civil War and under the Franco regime in Spain were not even investigated, let alone prosecuted. Many argued that Spain had no legitimate right to reassess Chile’s dictatorial past in light of its own inability to confront the past with regard to Franco. As a result of the constant cross-references in the public debate and the allusion to the strong parallels between the two military dictatorships, the Pinochet affair led to a new dynamism in Spain’s public confrontation of its dictatorial past. As with the example of the Latin American experiences influencing Spanish debates on confronting the Franco dictatorship, the transnational prosecution of past human rights violations can also be shown to have had an impact on the process of coming to terms with the past in the country from which the legal pressures originated.

Transnational contacts of actors’ coalitions between Spanish and Chilean NGOs, lawyers, and local human rights initiatives created the preconditions for the cross-border collaborations required to overcome immunity from criminal proceedings in Chile. The indictments submitted by Madrid’s Audiencia Nacional (National Court) against incriminated Chilean military personnel were the result of years of cooperation between Chilean and Spanish human rights organisations, exiles’ networks, and lawyers who engaged in ongoing political lobbying. As a discourse coalition, this ‘transnational advocacy network’ (TAN) formed during the course of the Pinochet Case has a cross-border impact on the reassessment discourses within both societies. One consequence of the debates triggered by the Pinochet Case was that the political ‘pact of oblivion’ (pacto del olvido) of the Franco past, which had shaped the Spanish transition process, started to crumble as a result of outside influences, also. Thus, the Spanish experience is a surprising example of a ‘boomerang effect’ that managed to have an impact a very long time after the demise of the Franco dictatorship and the transition, contributing to the erosion of

persistent Franco historical narratives and interpretations of the Civil War past that were not questioned during the transition process.

All in all, the explanations of the transnational influence of the Pinochet Case on the domestic debates concerning the dictatorial past in Spain make it clear that national boundaries, and therefore discursive arenas, have been crumbling where coming to terms with dictatorship and human rights violations is concerned. Starting in 2000, there was a growing movement of different ‘grass-roots’ memory associations, which began to denounce the existence of unmarked mass graves and insisted on the right of the victims’ relatives to locate, exhume, and identify their corpses, as well as their right to know the fate of their disappeared relatives.

B The Impact of the Local Civil Society Memory Movement

It is noteworthy that the protagonists in local Spanish civil society who are eager for reappraisal of the traumatic past constantly refer – as a discursive strategy – to parallels with the treatment of human rights violations by the dictatorships in the Southern Cone. The public debate on the Republican desaparecidos during the Civil War and the Franco dictatorship must therefore be viewed in the context of the pursuit of Chilean military personnel by the Spanish courts, the international negotiations about Pinochet’s arrest, and the discussion about the enforced disappearances during the years of the Chilean dictatorship that this debate triggered. It was the starting point of a campaign within Spain to search for the locations of mass graves of Republican desaparecidos from Franco repression since the beginning of the Civil War. The term desaparecido used for the victims of the Franco dictatorship, a central figure for confronting this issue in Latin America, became a fundamental reference point of local civil society actors in the Spanish debate over the ensuing years, so that awareness of its transferability and applicability to Spain’s dictatorial past was able to grow.

In August 2002, for example, the Asociación para la Recuperación de la Memoria Histórica (ARMH), one of the first citizens’ initiatives from the Spanish memory culture movement submitted a petition to the United Nations’ ‘Working Group on Enforced Disappearance’ - originally set up in 1980 to find the dictatorships’ ‘disappeared’ people in Chile. In this petition, they demanded that the Spanish state should order the exhumation of the disappeared victims of the Civil War and the Franco dictatorship, who were hastily buried in mass graves. For the first time, the Spanish right-wing Partido Popular government faced some international pressure to begin to adequately address the country’s forgotten war and repression in the past. In the current discourse about the past, human rights organisations systematically refer to international law and allude to the experiences of the Southern Cone in order to assert their recently intensified demands for truth, reparation, and justice, when discussing finding the people who ‘disappeared’ in Spain.5

5 My qualitative analysis of international human rights organisations’ reports, such as Amnesty International (2005, 2006, 2008) and Equipo Nizkor (2004), as well as
An Attempt to Investigate the Crimes of the Franco Regime: From the Caso Pinochet to the Caso Garzón

On 16 October 2008, symbolically, the ten-year anniversary of the date Spanish Magistrate Baltasar Garzón had initiated the spectacular arrest warrant against Pinochet and investigated the case of human rights charges in Argentina, he turned his attention to the cases of the enforced disappearances during the Spanish Civil War, opening the first criminal investigation into Francoist repression. Following the demands of local memory initiatives and supported by international human rights organisations, this investigation used international human rights laws in an attempt to vanquish the amnesty law and, consequently, impunity in Spain.

By claiming jurisdiction for the Audiencia Nacional over the crimes of the Francoist regime, Garzón’s instruction cited transitional justice norms and universal legal standards. It argued that the crimes committed during the Civil War and the first years of the Franco-Regime (until 1951) built “a preconceived plan for the systematic extermination of political opponents.” With that, it established a direct connection to the state terrorism of Latin American dictatorships, categorizing the practice of ‘enforced disappearance’ as ‘crimes against humanity’ and genocide.

Although in the end, Garzón’s ruling was appealed in the Audiencia Nacional and sent to the ordinary regional courts to be dealt with, and despite the immediate outcry of the political right, the attempt at indicting Francoism had a crucial influence on the eruption of human rights discourses in the Spanish debate on confronting the crimes of the Franco regime. Three Spanish far-right wing groups, Manos Limpias, Libertad e Identidad and Falange Española, brought a criminal suit before the Tribunal Supremo (Supreme Court) against Garzón’s initiative, accusing him of prevaricación (i.e. breach of legal obligations and abuse of power), for ignoring the 1977 Amnesty Law. The controversy over coming to terms with the past culminated when the Supreme Court suspended Magistrate Garzón on 14 May 2010, after he had initiated investigations of the Francoist crimes. According to official numbers, about 60,000 participants across Spain demonstrated against immunity for Civil War crimes and Francoist repression and charges against the prominent and controversial judge. International human rights organisations presented protest messages. A group of opposition members from the Chilean Parliament, as well as the Chilean association

6 Interviews conducted with members of ARMH and Foro por la memoria - the most important groups of the local memory movement in Spain concerned with the exhumations of mass graves – revealed how local groups adopt the specific legal terms, figures, and metaphors shaped by Latin American experience in their local discourse.


of families of ‘disappeared’ victims, Asociación de Familiares de Detenidos Desaparecidos (AFDD), which during the Pinochet Case had collaborated closely with Garzón, expressed their solidarity with the judge and were scandalised by the incongruity of the Spanish courts’ decisions.9

Following the example set by the Argentinian victims’ association Madres de la Plaza de Mayo, the Spanish memory movement created a weekly demonstration in support of Judge Garzón at the central Madrilenian public square Puerta del Sol. Today the participants in this movement follow the symbolic practices of making long and deliberately forgotten victims visible by ostentatiously carrying pictures of the ‘disappeared’ persons, thus demanding their ‘dignification’ and ‘rehumanisation’.10 In an observable transnational transfer process, memory practices are being imported from the Southern Cone human rights movement into the Spanish context, and are assumed and adapted by local domestic civil society actors. Meanwhile, the local memory movement in Spain, especially the ARMH, had established a transnational network with Argentinian human rights organisations which supported them actively, so that a learning process from their experience with protest forms could be generated.

In April 2010, families of Spanish exiled victims of repression whose relatives were killed by Franco execution squads asked a court in Buenos Aires to investigate ‘crimes against humanity’ allegedly carried out during Civil War and the Franco regime.11 These legal actions reveal that the direction for applying universal jurisdiction principles is beginning to change. Supported by a total of ten Argentinian human rights organisations12, Nobel Peace Prize Laureate Adolfo Pérez Esquivel, and the Spanish ARMH, the aim of this initiative is to achieve a legal examination and discursive confrontation with the Franco dictatorship, applying global jurisdiction on Argentinian trials in order to overcome impunity in Spain. Even though the results of this legal action cannot yet be predicted, it illustrates how impulses are coming increasingly from Latin America to Spain as catalyst effects for confronting past human rights violations and repression.

10 Francisco Ferrándiz Martín, Fosas comunes, paisajes del terror, in Revista de Dialectología y Tradiciones Populares (Volume LXIV, Issue 1), 2009, 61-95 at 92.
11 Natalia Junquería, Familiares de víctimas piden a la justicia argentina que juzgue los crímenes de Franco, in El País, 9 April 2010.
12 The indictment is supported by the following Argentinian human rights organisations: Abuelas de Plaza de Mayo, Liga Argentina por los Derechos del Hombre, Comisión Provincial por la Memoria, Asamblea Permanente por los Derechos Humanos, Centro de Estudios Legales y Sociales (CELS), Asociación de Ex-Detenidos Desaparecidos, Federación de Asociaciones Gallegas de la República de Argentina, Instituto de de Estudios Comparados en Ciencias Penales y Sociales, Comité de Acción Jurídica, Madres de Plaza de Mayo Línea fundadora, s. Querella, 14 April 2010, at 1-2, available online at: http://www.scribd.com/doc/30169670/querella-argentina-franquismo.
D  Conclusions: Legal, Discursive and Symbolic Transfer Processes

Taking the Pinochet Case as a starting point, this article has discussed how civil society protagonists in the local Spanish memory movement strategically refer to human rights principles, such as the legal figure of the desaparecido or terms as ‘impunity’ and ‘universal jurisdiction,’ to inscribe the Civil War past and the Franco dictatorship within international human rights discourses shaped by Latin American experiences, especially those of Argentina and Chile.

Spanish memory groups refer symbolically and discursively to the experiences in Latin American countries to reinforce their demands on a national level. Thus, they are able to break the silence on the issue in Spain and demand truth, justice, and reparation – the three basic principles of transitional justice – for the victims of the Francoist repression. Groupings of the local memory movement in Spain inscribe the experience of political repression during the Civil War and state terrorism during the Franco regime within human rights discourses, increasingly adopting terms such as ‘impunity,’ ‘enforced disappearance,’ and ‘universal jurisdiction’ in their local discourse.

To conclude, the experiences of dealing with a dictatorial past and human rights violations in the Southern Cone in public debates have become an important point of reference for the Spanish civil society movement: domestic groups refer to experiences in other countries to reinforce their demands on a national level. Local memory discourses must be considered in a growing interrelation not only with reference to international norm-building processes, but also with the transnationalisation of discursive and symbolic strategies and practices from Chilean and Argentinian human rights groups, with the existing historical analogies to and interconnections with the Spanish experience of the Franco dictatorship. Spanish legal actions to end impunity in Chile and Argentina obviously triggered a powerful boomerang effect which, in turn, has a decisive impact on the discursive confrontation with the Franco past.

The restriction of universal jurisdiction mechanisms in Spanish legislation in June 2009, as well as the suspension of Magistrate Baltasar Garzón from the Audiencia Nacional in May 2010, demonstrated the ambiguities and difficulties of a legal and public confrontation with the Franco dictatorship in Spain. Finally, this case also serves as an example of the discrepancy between the implementation of transitional justice principles in the Southern Cone, supported by the pressure of Spanish tribunals, and the lack of the same principles applied for coming to terms with the repressive past in Spain.

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III Post-Conflict Reconstruction
Thomas RAUTER*

Trading Justice for Peace? Discretionary Possibilities for Renunciation of Criminal Prosecution under the Rome Statute

Abstract
The demand of "No Peace without Justice" is unalterable if one takes international criminal accountability seriously. This idea is based on the presumption that justice as the only effective accountability mechanism for past atrocities is a necessary element of every sustainable peace process. Taking a look at the Rome Statute of the International Criminal Court it is evident that the ultimate goal of the statute is to put an end to impunity for the perpetrators of the most serious crimes of concern to the international community as a whole and thus to contribute to the prevention of such crimes. Nevertheless the question is, if we should detach the legal goal of enforcing criminal prosecution in order to end impunity from the political reality that amnesties are a necessary tool to bring parties of an armed conflict to the peace negotiating table in order to end conflicts? Before touching on the issue if it is desirable that organs of the International Criminal Court as a judicial institution engage themselves not only in judicial but also political matters, as a prerequisite it is necessary to analyze if the Rome Statute provides for possibilities in this aspect. Thus it will be seen, if despite of its ultimate goal to "put an end to impunity" the Rome Statute provides for discretionary possibilities for renunciation of criminal prosecution if this would promote the peace process within a state. Such a possibility is of particular interest to the International Criminal Court since situations under the investigations of the Court are taking place within the context of ongoing violence.

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A Introduction

The basic tenor within the legal literature and the civil society is the demand “No Peace without Justice”. This proposition is based on the presumption that any trade-off would result in neither justice nor peace. Thus, justice as the only effective accountability mechanism for past atrocities is regarded as a necessary element of every sustainable peace process. The 2009 report of the United Nations (UN) Secretary-General on Mediation confirms that ignoring the demands of justice results in impunity and will undermine sustainable peace. Thus, the International Criminal Court (ICC) should not be affected by political considerations: “[I]f the jurisdiction of the ICC is established in a particular situation, then, as an independent judicial body, the Court will proceed to deal with it in accordance with the relevant provisions of the Rome Statute and the process of justice will take its course.”

Taking a look at the Rome Statute of the International Criminal Court (RS) it is evident that the ultimate goal of the statute is “to put an end to impunity for the perpetrators of the most serious crimes of concern to the international community as a whole and thus to contribute to the prevention of such crimes.” Nevertheless, the question remains if we should detach the legal goal of enforcing criminal prosecution in order to end impunity from the political reality that amnesties are a potential tool to bring parties of an armed conflict to the peace negotiating table in order to end conflicts. If the leaders of an abusive regime are willing to step down and would not hinder the transitional and reconciliatory process to sustainable peace, renunciation of criminal prosecution could prove to be an effective tool to prevent atrocities from being committed.

committed. This paper will analyze if despite its object and purpose to end impunity, the RS provides for discretionary possibilities for renunciation of criminal prosecution, if this might be necessary to achieve peace.

**B The Peace vs. Justice Dilemma at the International Criminal Court**

The challenge the ICC is faced with at the moment is that it is seeking justice and started criminal investigations at a time when the war is not over, i.e. in ongoing conflicts. One might ask if the Security Council (SC) when referring the situations in Darfur4 and Libya5 to the ICC was not actually outsourcing its task to restore or maintain peace to the ICC, or when Uganda through the referral of its own situation6 to the ICC tried to outsource its inability to end a long-lasting civil war within its national borders? It remains to be seen if the ICC, although being a judicial institution through this outsourcing would be better advised to keep political considerations like the restoration or maintenance of peace in mind.

Furthermore, although it is evidentially true that the court shall enforce criminal justice on the international level, nevertheless in order to achieve this task – since the ICC is not equipped with a police force it can rely to in order to execute its arrest warrants – it has to rely on co-operation. The ICC shall bring to justice those persons bearing the most responsibility for the commission of the most serious crimes of concern to the international community as a whole, i.e. war crimes, crimes against humanity, genocide and in the future aggression. However, the effective prosecution of these persons might not be in the interests of all actors the ICC has to rely on since in their view considerations for justice might have to yield to considerations for peace.

Consequently, possibilities for a renunciative approach to criminal prosecution under the Rome Statute shall be elucidated from the points of view of the actors concerned, i.e. states parties to the RS, the SC and the organs of the ICC.

**C Different Forms of Justice and Justice Mechanisms at, and Deferrals of, Cases to the National Level**

When facing conflicts how could and should national authorities react to the commission of international crimes in order to deliver justice? This question can only be answered if we define justice in the first step. In the narrow sense we might understand justice as “criminal justice” as a form of “retributive justice”, a system of criminal courts that holds individuals accountable on the basis of criminal laws. In a

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6 ICC Press Release, President of Uganda refers situation concerning the Lord’s Resistance Army (LRA) to the ICC, ICC-20040129-44.
broader sense justice might, however, also be interpreted as “restorative justice” that focuses on the reconciliation and rebuilding of societies rather than criminal accountability. A crime under the “restorative justice” system is regarded as a violation of the person and the community relationship that needs to be healed by other means than criminal courts for example via truth and reconciliation commissions or traditional justice mechanisms such as the “Gacaca courts” in Rwanda or the “matu oput” of the Acholi tribe in Northern Uganda. One might argue that from these different forms of justice the state is free to pick and choose from. Reliance on other forms of justice thereby might not necessarily have to lead to criminal prosecutions since the state in order to restore society and peace might choose alternative justice mechanisms and grant amnesties. We shall elucidate if the RS provides for options in this regard.

The RS is guided by the principle of complementarity. The Preamble in para. 10 stipulates that “the International Criminal Court established under this Statute shall be complementary to national criminal jurisdictions”. Under the issues of admissibility under Art. 17 RS “having regard to paragraph 10 of the Preamble” the ICC shall declare a case inadmissible where the case is being investigated or prosecuted by a State which has jurisdiction over it. The responsibility to prosecute suspected persons who allegedly have committed international crimes, thus, lies primarily with the national states and the ICC shall only function as a complimentary fall back institution if the national state is unwilling or unable to carry out the investigations or prosecutions. These two terms are clarified in paras. 2 and 3 of Art. 17 RS: A state is

10 Matu Oput means to “taste the drink made out of the bitter fruit of the Oput tree”. It is a traditional ritual where compensation is offered and the wrongdoer and the victim share this bitter drink to accept the bitterness of the past. Cf. Kasaija Phillip Apuuli, The ICC’s Possible Deferral of the LRA Case to Uganda, in Journal of International Criminal Justice (Volume 6, Issue 4), September 2008, 801-813, at 806.
11 Cf. Situation in the Democratic Republic of the Congo in the Case of The Prosecutor v. Thomas Lubanga Dyilo (ICC-01/04-01/06), Pre-Trial Chamber I, Decision on the Practices of Witness Familiarisation and Witness Proofing, 8 November 2006, para. 34, FN 38.
unwilling if the national prosecution is made “for the purpose of shielding the person” or if there “has been an unjustified delay in the proceedings” or if the proceedings were “not being conducted independently or impartially, and they were or are being conducted in a manner which, in the circumstances, is inconsistent with an intent to bring the person concerned to justice”. A state is unable to carry out investigations or prosecutions if the national judicial system collapsed or is unavailable.\textsuperscript{12}

This leads us to the question if the renunciation of criminal prosecutions as a component of a peace agreement is a sign of the “unwillingness” or “inability” of the national state to investigate or prosecute? While blanket amnesties could not be subsumed under the conditions of Art. 17 RS it might be argued that other forms of justice could be interpreted as “investigations” or “prosecutions” within the meaning of Art. 17 RS even if they might end in a decision not to bring criminal charges against the person concerned.\textsuperscript{13} The RS leaves considerable room for these considerations since the prerequisite of “criminal investigation” or “criminal prosecution” is nowhere to be found within Art. 17 RS. A prosecution, however, normally implies the imposition of criminal sanctions.\textsuperscript{14} Fact finding through truth and reconciliation commissions or traditional justice mechanisms might however qualify as “investigations”. Nevertheless, it seems that “investigations” by truth and reconciliation commissions or traditional justice mechanisms are rather to be characterized as signs of the “unwillingness” of the state concerned, since the use of these mechanisms are exactly for the purpose of shielding the person concerned from criminal responsibility and are inconsistent with an intent to bring the person concerned to justice. This seems to be especially true if one interprets Art. 17 RS in accordance with the object and purpose of the Rome Statute since it shall “put an end to impunity” and recalls that “it is the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes” and that “the most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured.”\textsuperscript{15} Consequently, the RS favors “retributive justice” requiring the state party to conduct criminal investigations and prosecutions.

This position is in accordance with the view that amnesties are generally no longer permitted under international law in relation to international crimes.\textsuperscript{16} It is easy to establish both a customary and a treaty duty to prosecute in relation to genocide.

\textsuperscript{12} Cf. Art. 17 (2) and (3) Rome Statute of the International Criminal Court.
\textsuperscript{14} Ibid.
\textsuperscript{15} Cf. Rome Statute of the International Criminal Court, paras. 4, 5 and 6 of the preamble.
acts of torture and grave breaches of the Geneva Conventions. However, the situation for other crimes within the jurisdiction of the ICC is less clear. There is no treaty provision explicitly stipulating a duty to prosecute - to the contrary there is state practice that affirms that amnesties can be granted. Nevertheless, it seems that this position shifts. Recent state practice supports that there is indeed a duty to bring to criminal justice persons bearing the most responsibility for the commission not only of genocide, torture and grave breaches, but also of crimes against humanity and other war crimes. If we not only speak of an emerging rule of customary law but already an established customary norm, any amnesties granted by national authorities are thus to be considered a violation of international law.

The question is, however, who should make the admissibility decision according to Art. 17 RS: organs of the ICC or the national state? For instance, Uganda's President Museveni has stated that Uganda's referral to the ICC was necessary "because he [Kony – leader of the Lord's Resistance Army (LRA)] was not under our jurisdiction, we sought the assistance of the ICC. If he [Kony] signs the peace agreement and returns to our jurisdiction it becomes our responsibility not any other party's, including the ICC." Thus, it is evident, that President Museveni considers a deferral of the LRA case to Uganda back to the national level obligatory. However, in case of the signing of a peace agreement between the LRA and the government of Uganda, it seems that criminal proceedings are not guaranteed, since according to the Annexure to the Agreement on Accountability and Reconciliation between the Government of the Republic of Uganda and the LRA Movement the government shall ensure that the crimes are "addressed by the special Division of the High Court; traditional justice mechanisms; and any other alternative justice mechanism established under the principal agreement". It is thus questionable if LRA leaders


19 For a detailed analysis see Robinson (FN 17), at 491; compare also the ICRC Study on Customary International Humanitarian Law, Rule 159 – Amnesty, available online at: http://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule159 and the corresponding practice relating to rule 159, especially Section B, available online at: http://www.icrc.org/customary-ihl/eng/docs/v2_rul_rule159_sectionb (All websites used in this essay were last checked on 15 March 2011).

20 As quoted in Apuuli (FN 10), at 801.

had to stand trial at a criminal court or "merely" face traditional justice mechanisms. The ICC reacted promptly within ten days requesting information from Uganda on the status of execution of its arrest warrants and the competences of the special division of the High Court of Uganda and the traditional justice mechanisms. In a further decision the pre-trial chamber cleared the "uncertainty as to who has ultimate authority to determine the admissibility of the Case: it is for the Court, and not for Uganda, to make such determination" and that "there is no reason for the Chamber to review the positive determination of the admissibility".

D Security Council Deferrals and Referrals

According to Art. 16 RS no "investigation or prosecution may be commenced or proceeded with under this Statute for a period of 12 months after the Security Council, in a resolution adopted under Chapter VII of the Charter of the United Nations, has requested the Court to that effect; that request may be renewed by the Council under the same conditions." This article is the most visible evidence where political considerations can take precedence over justice. It seems evident that the SC who bears the primary responsibility for the maintenance of international peace and security according to Art. 24 UN Charter shall also be the forum to decide if there shall be a renunciation of criminal prosecution under the Rome Statute in the interests of peace. This seems even more convincing against the background that political organs shall be concerned with politics while judicial institutions shall deliver justice. However, looking at Art. 16 RS it is evident that a SC Deferral is subjected to a condition since, as a formal requirement, the SC shall do so only under the authority of Chapter VII of the UN Charter. It has been questioned how to "contemplate a situation in which refusal to recognize a national amnesty could constitute a threat to international peace" While this criticism has a point, however, we stand again before the sufficiently known problem of who should challenge and decide upon allegedly ultra vires SC decisions in relation to a threat or breach of peace? Nevertheless, the SC is best advised to adhere to a restricted application of

23 Pre-Trial Chamber II, Decision on the Admissibility of the Case under Art. 19 (1) of the Statute, ICC-02/04-01/05-377, 10 March 2009, paras. 51-52.
25 Dugard (FN 18), at 701-02.
this provision. Only in exceptional circumstances where granting of amnesties is an inevitable precondition for the establishment of peace shall the SC temporarily suspend ICC investigations and prosecutions.\(^27\) It is interesting to see that the SC in its referral of the situation in Libya to the ICC included a reference to Art. 16 RS in the preamble of the resolution.\(^28\) A SC deferral in the interest of peace is therefore a possible scenario. However, it seems questionable if the temporary suspension of an investigation or prosecution which needs to be renewed every 12 months offers enough incentive for leaders of an abusive regime to step down. This implicates political bargaining: As long as an abusive leader alleged of having committed horrible crimes is a political factor for the stability of a region or country, the SC could and probably should renew the deferral under Art. 16 RS. As soon as the leader forfeits its political importance there is no need for the SC to prolong his impunity, leaving the door open for criminal prosecution.

Despite Art. 16 RS we shall have regard to another provision of the RS: According to Art. 13 (b) RS the ICC jurisdiction can be triggered by a SC referral where a “situation in which one or more of such crimes appears to have been committed is referred to the Prosecutor by the Security Council acting under Chapter VII of the Charter of the United Nations”. It needs to be determined who shall define the situation and identify individuals who shall be put on trial. While the SC referred the situation in Libya since 15 February 2011 “nationals, current or former officials or personnel from a State outside the Libyan Arab Jamahiriya which is not a party to the Rome Statute of the International Criminal Court shall be subject to the exclusive jurisdiction of that State for all alleged acts or omissions arising out of or related to operations in the Libyan Arab Jamahiriya established or authorized by the Council, unless such exclusive jurisdiction has been expressly waived by the State”.\(^29\) This excludes the ICC’s jurisdiction over peacekeepers of non-state parties if operations are authorized by the SC.\(^30\) Similarly, when Uganda referred its internal situation to the ICC it wanted to make sure that the ICC would only prosecute the leaders of the LRA and not its own army leaders. The Prosecutor responded by stating that “the scope of the referral encompasses all crimes committed in Northern Uganda in the context of the ongoing conflict”.\(^31\) However, no such remarks were made in relation to

\(^{27}\) Note however that the SC is not convinced that this shall be applied with regard to peacekeepers since the SC suspended ICC investigations with regard to nationals of non-state parties relating to established or authorized operations by the SC. Cf. United Nations Security Council, Resolution 1971 (2011), S/RES/1971 (2011); United Nations Security Council, Resolution 1593 (2005), S/RES/1593 (2005); United Nations Security Council, Resolution 1422 (2002), S/RES/1422 (2002).


\(^{29}\) Id., para. 6.


\(^{31}\) Situation in Uganda (No. ICC-02/04-01/06), Prosecutor v. Joseph Kony, Vincent Otti, Raska Lukwiya, Okot Odhiambo and Dominic Ongwen, Decision to Convene a Statuts
the exclusion of jurisdiction over peace keepers when the SC referred the situation to the Court.\textsuperscript{32} Could the SC when referring the situation in a country on the basis of Art. 13 (b) RS thus also exclude the ICC jurisdiction for certain individuals, such as peace keepers or even abusive leaders if the SC considers them necessary for the establishment of peace and stability? This would definitely impede the impartiality of the ICC. The court is thus advised to address these issues, stipulating that while the jurisdiction is triggered through a referral of a situation, it is the task of the office of the Prosecutor to identify individual cases.

E Peace – A Decisive Factor for ICC Organs?

The previous two chapters have been described as a fight of the ICC versus national states and the SC in the pursuit for justice since the ICC is regarded as “a legal bastion immune from politics”.\textsuperscript{33} However, we shall now consider if the agenda for peace might also be in the interest of justice.\textsuperscript{34} Admittedly a renunciation of criminal prosecution seems to be at odds with the object and purpose of the RS. The only possible provision for Court organs to take recourse to considerations of peace in order to preclude criminal prosecution seems to be Art. 53 RS, which is dealing with the initiation of an investigation by the prosecutor.\textsuperscript{35} According to this article the Prosecutor can abstain from the initiation of investigations or prosecutions if “taking into account the gravity of the crime and the interests of victims” there are nonetheless substantial reasons to believe that an investigation or prosecution is “not in the interests of justice”.\textsuperscript{36} The wording “interests of justice” is nowhere defined within the RS and thus it has been used to debate if peace might also be an integral part of the interests of justice.\textsuperscript{37} In 2007 the Office of the Prosecutor took position in a Policy Paper on the Interests of Justice.\textsuperscript{38} The paper stated that while there was no

\textsuperscript{32} As was done before when the SC referred the situation in Darfur and now again with regard to the situation in Libya. Cf. William A. Schabas (ed.), The International Criminal Court: A Commentary on the Rome Statute, Oxford University Press, Oxford, 2010, at 308 (FN 20).


\textsuperscript{34} On this topic compare particularly Kenneth A. Rodman, Is Peace in the Interests of Justice? The Case for Broad Prosecutori

\textsuperscript{35} Id., at 103.

\textsuperscript{36} Cf. Art. 53 para. 1 lit. c and para. 2 lit. c.

\textsuperscript{37} Compare further Keller (FN 13), at 246; Rodman (FN 34), at 103.

clear guidance in relation to the clear meaning of “interests of justice” the RS stipulates a presumption in favor of investigation or prosecution and that justice is an essential component to peace. Furthermore the “broader matter of international peace and security is not the responsibility of the Prosecutor; it falls within the mandate of other institutions such as the SC. Seemingly the prosecutor detaches his task to achieve justice from the political responsibility to achieve peace. However, in a later decision the pre-trial chamber affirmed that the prosecution “has been granted by the States Parties discretion” to decide whether to initiate investigations or prosecutions and that one “of the factors that the Prosecution must take into consideration at that stage is whether such a way of proceeding is detrimental to the interests of justice”. Furthermore the “States Parties have not established in the Statute or in the Rules a closed list of criteria, according to which the Prosecution must exercise its discretion”. The pre-trial chamber thus assumes that the prosecutor has been granted considerable room for maneuver in this regard. Nevertheless, if the prosecutor decides to investigate and prosecute even if this decision is contrary to the peace process, there is nothing the court could do. Art. 53 para. 3 lit b RS gives the pre-trial chamber only the authority to review a decision of the prosecutor not to proceed with the investigation or prosecution, it could however not enforce a decision on the prosecutor that he has to abstain from the initiation of investigation or prosecution in the interests of justice. This decision is solely up to the prosecutor and as the Policy Paper on the Interests of Justice shows, he doesn’t have an intention to make use of this provision in relation to issues of peace.

F Conclusion

It seems that SC deferrals according to Art. 16 RS are the only viable approach for trading justice for peace at the moment. The advantages are clear: The SC as a political organ shall also take the responsibility when making such a highly controversial political decision. Although the Rome Statute’s ultimate goal is to end impunity the possibilities of SC deferrals can be seen as a sacrifice when considerations for peace surpass the urge to deliver justice via criminal prosecutions. Nevertheless, the renunciation of prosecution according to Art. 16 RS is only of temporary nature and needs to be renewed every 12 months. It needs to be seen if the prospect of a “Get out of Jail” Card for only a limited time is enough incentive for abusive leaders to step aside preventing them from being a factor of interference in the transitional and reconciliatory process to sustainable peace.

39 Id., 3 and 8.
40 Id., 9.
41 Pre-Trial Chamber I, Situation in Darfur, Sudan, Decision on Application under Rule 103, ICC-02/05, 4 February 2009, para. 18.
42 Ibid.
43 Id., paras. 19-22.
Amnesties or alternative justice mechanisms at the national level are not to be considered consistent with the RS. As shown it is the ICC that decides if a case is admissible or not, and thus, only a genuine effort in relation to criminal investigations or criminal prosecutions at the national level could convince the court to defer a situation or case. The general attitude of the court in relation to issues of peace is characterized by a rather cautious approach. The Office of the Prosecutor avoids considering peace as an integral part of the interests of justice according to Art. 53 RS. This decision might be seen as a precaution not to defeat the Rome Statute’s own purpose. However, as shown, the prosecutor has been granted discretion when interpreting the interests of justice. It will be interesting to see, if the next prosecutor, who is to be elected for 2012, will alter this course, taking the political issue of peace into account when deciding upon the legal interests of justice. Only if a decision not to proceed with investigations or prosecutions is delivered upon the interests of justice by the prosecutor could the pre-trial chamber address this issue according to Art. 53 para. 3 RS.
Abstract

In our time, very much attention and intellectual effort are being directed to conflict-resolution activities in war-torn societies throughout the world. In this aspect, the centrality of the UN in terms of post-conflict reconstruction activities is notorious. Notoriously, state-building is a key enterprise in regard of addressing the international conflicts throughout the globe, being deployed as a key conflict-resolution tool applied globally. Although such activities are represented as mere techniques aiming to build peace, this peace is intimately associated with the institutionalization of liberal ideas in structuring realms such as the political, the economical and the social spheres. Here lays the objective of this paper. It aims, from a critical position, to discuss and deconstruct this UN model regarding the transformation of the international violent conflicts. Departing from Foucauldian concepts such as dispositif, government, discipline and biopolitics, it aims to critically analyze the post-conflict state-building practice. In a first moment, the paper delineates the conflict resolution mindset which state-building is commonly associated with and immersed. In a second moment, it seeks to (re)problematize the state-building practice as a post-conflict dispositif, rather than merely a conflict-resolution tool, and to interrogate whether (and how) this notion can be related with other Foucauldian concepts such as government, discipline and biopolitics.
A Introduction

There is no absurd in saying that it is already common-sense that peacekeeping, peacebuilding and state-building constitute the very core of the international political policies in regard of international peace in our time. Their centrality can be sensitively perceived observing the increasing efforts, both intellectually and materially, dedicated to them, especially in the 1990s onwards. Nevertheless, despite all these great material and reflexive efforts and the fact that "build[ing a] sustainable peace is a major challenge facing the international community" in our time, the reflection about such important and crucial theme, such as peace, still remains oddly marginal inside the discipline of International Relations (IR).

Certainly there is an impressive number of studies regarding peacebuilding, peacekeeping or state-building. However, their problematizations are often shallow and most of them are underpinned by a 'problem-solving' understanding of the world and consequently, in regard of the construction of international peace. In this way, much of the debates in the mainstream literature relate with, for example, how to classify the United Nation’s (UN) missions, relevant factors for their effectiveness, or even how this effectiveness might be measured. Although this kind of study is

important and needed, they are often “under-theorized”\textsuperscript{7}, frequently “idiosyncratic and atheoretical”\textsuperscript{8}, engaging in enclosed discussions, usually distant\textsuperscript{9} or having no relationship at all, with IR\textsuperscript{10} or Political Science theories as a whole\textsuperscript{10}, and generally having their inquiring narrowly limited by their policy relevance.\textsuperscript{11} It is precisely the critical analysis that evinces that this kind of reflection and epistemology regarding the international political policies in regard of peace are not neutral or impartial, quite the contrary, “[they] attempt to create and recreate a particular type of international order, (...) [where] the type of order sustained is a distinctly liberal one”.\textsuperscript{12}

In this context, this paper aims, from a critical position, to discuss this UN model regarding the transformations of the international violent conflicts. Departing from a Foucauldian standpoint, it is herein argued that the construction of peace in our time is an instrument of international normalization of ‘post-conflict’ states and their populations. This normalization operates through the government of ‘post-conflict’ states, through their discipline, and of their populations’ lives, through biopolitics, at a global scale. In order to elucidate such argument, the paper will, in a first moment, delineate the conflict-resolution mindset which state-building is commonly associated with and immersed. In a second moment, it will present the Foucauldian conceptual tools that enables the (re)problematization of the state-building practice as a post-conflict dispositif, rather than merely a conflict-resolution tool.

B Peace in the Post-Cold War Scenario

Right after the World War II and during the whole period of the Cold War, the main UN activity in violent-conflict scenarios was peacekeeping, which usually meant the deployment of a small military force aiming just to monitor the ceasefire, or patrol, a neutral territory between former combatants.\textsuperscript{13} There were three important reasons for this aspect. The first one rests in the UN Charter. Even though peacekeeping operations are not mentioned anywhere in the Charter, the simple fact of being an UN action places its legal support inevitably in the UN Charter. There, any further action than the feature aforementioned is clearly prevented. Not only the refrain from the use of force is clear, but also the prevention of interference in matters, which are

\textsuperscript{9} Bellamy, The ‘next stage’ in peace operations theory?, (2004), 2.
essentially domestic affairs of the states.\textsuperscript{14} Secondly, a general lack of agreement of the contending parts inhibited actions further than the monitoring or patrolling, since it would imply a greater intromission than what they would normally be willing to accept. Thirdly, the international scenario was pervasive with a bipolar mindset. This had, at least, three consequences: (1) the Soviet Union and the United States (US) were opposed to a more active UN in the domestic matter of their allies, or those under their area of influence; (2) in case of instability, both the Soviet Union and the US would deal directly with the matter, rather than allowing a third-party interference; and (3) with the intense ideological difference, there was little space for agreement regarding a model for the domestic governance in the ‘peacekept’ states.\textsuperscript{15}

For a long time, much of the reflection about peacekeeping was limited to diplomats and practitioners in the field.\textsuperscript{16} Hence, peacekeeping was initially reflected as simply a dispositive of “conflict management, conflict containment or conflict suppression, dealing within symptoms and not concerned with fundamental resolution”.\textsuperscript{17} Later, mainly after the end of the Cold War, more fundamental questions of the conflicts started to be the main concern: its root causes. At this point, the reflection of the Peace Studies,\textsuperscript{18} discipline which advocated the exercise of other activities beyond the simple cessation of violent hostilities between states, was recovered, incorporating the concern with the overcome of economic, political and social structures that prevent the satisfaction of the basic needs of the individuals in question. The main concern turned to the resolution of the conflicts and not their mere management.\textsuperscript{19}

It is at this point that peacebuilding enters the UN’s vocabulary.

Due to the high, and ever-growing, number of deployments on the one hand, and the enlargement and deepening of the activities performed over time on the other, two instruments have become particularly relevant to the UN’s engagement with violent conflicts throughout the globe: peacekeeping and peacebuilding. They are thought to respond to previous theoretical formulations, specifically to direct and

\textsuperscript{17} Oliver Ramsbotham/Tom Woodhouse, Introduction, International Peacekeeping, 7 (2000) 1, 2000, 1-7. at 5.
structural violence, but on a global scale. Having their primary focus on distinct, but complementary, temporal dimensions – the former focusing primarily on the short-term and the latter on the long-term – they aim to overcome both forms of violence, moving from the accomplishment of a negative peace to the construction of a positive peace. It is precisely aiming to achieve a long-term positive peace that peacebuilding is employed by the UN as a key instrument. It is at the consolidation of this peace – usually thought as the (re)creation of political institutions, enhancing state capacity, and the functioning of the state-society relations – that state-building becomes a key activity regarding peacebuilding.21

The ‘post-conflict’ state-building has become a crucial activity and one of the most pressing issues regarding peace in contemporary international relations. In nowadays’ international scenario, state-building is a pivotal instrument used to address issues regarding both the international security and development advancements. Despite the apparent distance between both discourses22, they are much closer than the inattentive look might perceive. It is their underlying rationale and the centrality of the question of ‘fragility’ that bind them together. Both discourses have as their primary concern and, consequently, target, the ‘fragility’ of the states. This ‘fragility’, understood as “weak institutions and governance systems, and a fundamental lack of leadership, political will and/or capacity to deliver on key public goods, especially in terms of protecting the poor”23, is at the very heart of the state-building debate. Indeed, the whole state-building agenda emerges as “a direct policy response to these conditions.”24

According to an UNDP/World Bank’s25 policy paper delineating the role of state-building on the world, it is the state’s ‘fragility’ that “directly threatens the security and wellbeing of populations within the territory of the state and wider regional and global security, and seriously retards progress towards achieving the Millennium Development Goals”. Additionally, ‘fragility’ is also often associated with violent

24 Ibid., at 5
25 Ibid., at 4.
conflicts, being their cause and consequence. Moreover, according to this notion, the states are the very bedrock of the international system. Therefore, the state ‘fragility’ threatens the very foundation of this system. Not by coincidence, the state-building, under this line of thought, is “one of the most important issues for the world community”; it is one of the critical, moral and strategic imperatives of our time. According to Ghani and Lockhart, the “solutions to our current problems of insecurity, poverty, and lack of growth all converge on the need for a state-building project”. Therefore, state-building, according to this rationale, is not only important for the security, wellbeing, and peace of the populations of the state under this activity; it is a crucial instrument also for the security, wellbeing and peace of the whole globe. As such, state-building is perceived as a fundamental practice to the very maintenance of the international system.

As a practice performed at the international scene in ‘post-conflict’ scenarios, state-building has more than one understanding. A more loose view, assumes state-building as ‘the process through which states enhance their ability to function’. Other understandings are much more specific than this. At its narrower perspective, state-building deals specifically with its immediate meaning; it focuses on the (re)construction of states through the strengthening and/or the (re)creation of its institutional apparatuses. In this understanding, ‘post-conflict’ state-building is a distinct phase of the reconstruction efforts which primary objective is the (re)construction of political institutions. This phase would be a part of the peacebuilding activity and would seek to create effective and legitimate governmental institutions, which could be endowed with governance instruments and are

26 Ibid., at 5.
therefore capable of providing physical and economic security to the citizens in question.\textsuperscript{35} In this understanding, state-building is intimately connected with state capacity\textsuperscript{36} and its internal governance.\textsuperscript{37} In this view, state-building "refers to efforts to reconstruct, or in some cases to establish for the first time, effective and autonomous structures of governance in a state or territory where no such capacity exists or where it has been seriously eroded".\textsuperscript{38} Paris and Sisk’s definition of ‘post-conflict’ state-building as “the strengthening or construction of legitimate governmental institutions in countries that are emerging from conflicts”\textsuperscript{39} best sums up this understanding.

In a much wider sense, state-building is analyzed well beyond this primary institutional understanding. It is analyzed as an international engagement with the domestic governing mechanisms of other states and their respective societies. This understanding includes much more than the (re)construction and strengthening of state institutions, it also reflects upon the whole set of practices on which internationals focus on the management and regulation of state-society relations. Those practices might vary as international assistance to strengthening the regulatory capacity of the state, to conditionalities, debt relief, international loans, poverty reduction strategies, and many others.\textsuperscript{40} This is a more comprehensive understanding of state-building and allows the problematization of its practices not only during reconstruction periods, but also in a different set of engagement among states and international organizations. In a ‘post-conflict’ peacebuilding setting, for instance, this would require the analyst to observe not only the ‘post-conflict’ state institutions that are being (re)constructed, or strengthened, but also the whole set of practices that seek to shape and direct the relations between ‘post-conflict’ states and their populations.

In both senses, the state-building can be seen as a social (re)engineering based on the transposition of values and ideas of the western world to war-torn societies. Either institutionally or through conditionalities, it can be said that the final objective is very much the same: the construction of liberal democracies. As already said, more often than not, the reflection about the construction of peace is centered on a ‘problem-solving’ understanding of the world. Nevertheless, this way of seeing things tends to miss much of the picture. It tends to portray the state-building activity as a neutral conflict-resolution instrument and neglects the power relations entrenched in such process. Through a Foucauldian problematic though, one is enabled to see that

\begin{itemize}
\item Fukuyama (2004), State-building: Governance and World Order in the Twenty-first Century.
\item Rotberg (2004), The Failure and Collapse of Nation-States: Breakdown, Prevention and Repair.
\end{itemize}
the state-building activity might be problematized as an instrument of maintaining and promoting a certain international order, a liberal one. As such, it that this paper now turns to the elucidation of some Foucauldian conceptual tools.

C  Foucauldian Analytical Tools

This paper aims to critically reflect about the construction of peace at the international level. It proposes the problematization of the state-building process through a Foucauldian problematic arguing that the construction of peace in our time is an instrument of international normalization of ‘post-conflict’ states and their populations. This normalization is argued to operate through the government of ‘post-conflict’ states and their populations’ lives at a global scale. The whole rhetoric, mechanisms and instruments of the state-building processes are portrayed as directed to the prevention and transformation of violent conflicts. Nevertheless, the state-building dispositif is a normalizing technology that ends up disciplining the ‘post-conflict’ states and biopolitically governing their populations. At the international level, this government operates through discipline, which works through instruments of knowing, assessing, monitoring, individualizing, ranking, rewarding and punishing individual ‘post-conflict’ states. These include standardized data collection, performance benchmarking, auditing techniques, access to credit lines, funding of projects, conditionalities, sanctions, and so on. At the national level, government operates through biopolitics, which functions through the administration and control of life-supporting processes of the mass population, such as health, education, sanitation, movement, life, death, jobs, food, and so on, in these ‘post-conflict’ states. As a normalizing technology, the state-building dispositif has a norm underpinning its activities which is the ultimate aim of its conducts. This norm is that the states should resemble liberal democracies.

Usually, state-building is considered by problematizing each aspect of it or the performance of specific actors performing determined activities, and not the process as a whole. Consequently, what is usually visible is the observation of the constitution-building efforts, the processes of money lending by the International Monetary Fund (IMF), feeding by World Food Program (WFP), security sector reforms, housing construction by the HABITAT, electoral processes assistance, development activities by the United Nations Development Program (UNDP), the financing of reconstruction efforts by World Bank (WB) and so on, individually. It is seeking precisely to avoid this discrete and partial observation of the state-building processes that this paper uses the notion of state-building dispositif.

41 Usually the word dispositif used by Foucault is translated as ‘apparatus’ to English. Nevertheless, in order to avoid translation discussions or misperceptions Mark G. E. Kelly, The Political Philosophy of Michel Foucault, New York 2009, 174, FN 12, this paper uses the original word ‘dispositif’.
1 Dispositif

Although not offering a complete definition, Foucault comes close to it while delineating what a dispositif is in an interview. He said:

“What I'm trying to pick out with this term is, firstly, a thoroughly heterogeneous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions - in short, the said as much as the unsaid . Such are the elements of the apparatus. The apparatus itself is the system of relations that can be established between these elements.

(...) I understand by the term 'apparatus' a sort of - shall we say - formation which has as its major function at a given historical moment that of responding to an urgent need. The apparatus thus has a dominant strategic function.

(...) I said that the apparatus is essentially of a strategic nature, which means assuming that it is a matter of a certain manipulation of relations of forces, either developing them in a particular direction, blocking them, stabilizing them, utilizing them, etc. (...) This is what the apparatus consists in: strategies of relations of forces supporting, and supported by, types of knowledge.”

Stretching even further the already loose Foucauldian understanding of dispositif, Agamben understands the dispositif as “anything that has in some way the capacity to capture, orient, determine, intercept, model, control, or secure the gestures, behaviors, opinions, or discourses of living beings”. With this in mind, to conceptualize the state-building as a dispositif brings a more comprehensive appreciation of the whole process than understanding it merely as a conflict-resolution tool. The elements of this state-building dispositif would be all the actors, theories, discourses, concepts, practices, instruments, institutions and so on, that are deployed to the shaping and conducting of ‘post-conflict’ states and their populations. This notion facilitates the understanding of distinct series of actions, experts, practices, procedures, concepts that may not be interrelated at all, and in fact could be very much conflicting, as part of one comprehensive and coherent whole.

Regarding the actors of this dispositif, one might think of many agents that are part of this state-building dispositif. Those might be major organizations like the UN and its specialized agencies, the OSCE, the EU, the NATO, the OECD, other regional organizations, international financial institutions such as the IMF and WB, and national development agencies/departments like the USAID, AUSAID or the DFIF. Additionally, one might also think about the international non-governmental organizations (INGOs) that operate in ‘post-conflict’ scenarios, the consultants and experts hired for specific tasks, and also the local people and NGOs of the countries.

44 Agamben (2009), What is an Apparatus? - And Other Essays, at 14.
under state-building. Surely, all these actors operate different tasks, through diverse mechanisms and most often with distinct and, not rarely, conflicting objectives. Nevertheless, they all operate within this state-building dispositif.

In order to operate smoothly, this state-building dispositif must make use of a set of theories and concepts. Perhaps the first operating concept used is the notion of ‘failed state’. This concept is at the heart of the very existence and need of the state-building dispositif. State-building emerges in the international scene in order to address the question of ‘fragility’ and this question is operationalized through the conceptualization of ‘failed states’. The concept emerges when the orthodox thinking, observing the international scene, problematizes the ‘fragility’ and the ‘lack of capacity’ of some state structures, or the ‘bad governance’ of them as source of both insecurity and underdevelopment. These states are ‘failed’ because they “no longer perform the [basic] functions required for them to pass as states”. These functions range from the provision of welfare and security to the border patrol and the rule-of-law enforcement. The state capacity to provide these functions is, therefore, central to this notion. According to the state-builders rationale, with these states unwilling, or even unable, to perform such critical tasks, space is wide open for them to become "source of many of the world’s most serious problems, from poverty to AIDS to drugs to terrorism”.

This ‘failed state’ notion is very much connected with another operating concept of this state-building dispositif which is the reinterpretation of the concept of sovereignty. The idea of sovereignty always was the very bedrock of international relations. Nevertheless, a problematization focused on the state (in)capacity could hardly be developed without a differentiation and (re)categorization of the concept of sovereignty. One might think, for instance, of positive and negative sovereignty. The positive sovereignty is the possession of state characteristics de facto and de jure whereas the negative one is the absence of the de facto characteristics, even

though possessing the de jure ones. In this rationale, it is precisely this "gap between de jure sovereignty and de facto sovereignty [that] is the key obstacle to ensuring global security and prosperity."

These two operating concepts work together constructing the "urgent need" which the state-building dispositif must address. Connecting these two concepts, on the one hand, the state-building dispositif, while designed to address 'fragility', becomes urgently needed in order to enhance international security and wellbeing of global populations. On the other hand, while being portrayed as closing the 'post-conflict' states' 'sovereignty gap', the state-building is not viewed as an external intervention. In fact, it is viewed as enhancing 'post-conflict' states capacity. Indeed, the state-building dispositif is presented as a beneficial relationship between the state-builders and state-built actors, in the sense that the former are 'reinforcing' the sovereignty and independence of the latter.

Another notion that is important to the operation of the state-building dispositif is 'good governance'. The idea of 'governance' frames the area of intervention. For the World Bank, governance means "the manner in which power is exercised in the management of a country's economic and social resources for development". Despite the importance of the term 'governance', what is the key operative word on the notion is the adjective 'good'. Here, it is perceptible that whereas the financial institutions emphasize specific macro-economic reforms, the political ones place more attention to democratic principles, human rights and rule of law. The implicit idea of this 'good governance' notion is that there is 'bad' governance. While there is a 'good' and 'correct' governance, the other side of the coin is that 'bad' and 'inappropriate' governance must be corrected. This correction would come through economic, political and social reforms such as the reduction of trading barriers and tariffs, privatization of state-owned properties, deregulation and liberalization of the economy, marketization of public services, budgetary discipline, respect for human rights, NGO engagement, rule of law and so on. This is a key element of the 'normalization' process performed by the state-building dispositif on 'post-conflict' states and their populations.

52 Hill (2005), Beyond the Other? A postcolonial critique of the failed state thesis, 146.
56 Wouters/Ryngaert (2005), Good Governance: Lessons From International Organizations, 73; Laura Zanotti, Governmentalizing the Post-Cold War International Regime: The UN Debate on Democratization and Good Governance, Alternatives: Global, Local, Political, 30 (2005) 4, 2005, 461-487 at 468.
2 Normalization

Problematising the construction of the international peace as an instrument of normalization of the ‘post-conflict’ states and their populations and the state-building dispositif as a normalizing technology surely needs a delineation of what is meant by ‘technology’ and ‘normalization’. The word ‘technology’ is herein used to capture the very essence of state-building processes. The pivotal element about technologies, in a Foucauldian sense, is that “they are technologies, not merely structures or discourses of power, though there are certainly discourses and structures involved”. This means that “they are, like other technologies, a body of technical knowledge and practices, a raft of techniques, which once developed and understood can be applied to various situations”. Additionally, they “are not socially or politically neutral but rather profoundly alter the way things operate in society”.\(^{57}\) Hence, the word ‘technology’ is used to place emphasis in the, already common-sense, standardized character of the state-building processes and their indiscriminately application in different ‘post-conflict’ scenarios across the world.

Regarding ‘normalization’, from the start, this notion operates through an underpinning ‘normal’ and ‘abnormal’ condition. In the ‘normalization’ process, one has “different curves of normality, and the operation of normalization consists in establishing an interplay between these different distributions of normality and [in] acting to bring the most unfavorable in line with the more favorable”.\(^{58}\) In a few words, the ‘abnormal’ ones must be intervened to become more like the ‘normal’ ones.\(^{59}\) Hence, in a normalization process, the ‘normal’ is the primary element and the norm which the others must follow is deduced from it. In the international sphere, it is clear who the ‘normal’ and ‘abnormal’ are. The ‘normal’ would be the Western-liberal-democratic states while the ‘abnormal’ would be the other states. The ‘norm’, according to which the states should resemble liberal democracies, is deduced from this notion. This ‘norm’ rests in the notion advanced by “Kant, Schumpeter, and many other contemporary authors, [that] have argued that liberalism has a pacifying effect through liberal, democratic principles which are the basis for state institutions, and through its adherence to free trade and capitalism”.\(^{60}\)

It is at this normalization process that the ‘failed state’ notion works perfectly. This is an a contrario concept, that is, it encompasses a subliminal, unspoken, dichotomy of what is a ‘successful’/’normal’ state\(^{61}\), which is the liberal-democratic one. The ‘failed states’ are thus portrayed as ‘abnormal’ states through analogies like

\(^{57}\) Kelly (2009), The Political Philosophy of Michel Foucault, 43-44.
“degenerative disease”\textsuperscript{62}, “serious mental or physical illness”\textsuperscript{63}, or even “dead leaves that accumulate in a forest”.\textsuperscript{64} Hence, to normalize these ‘abnormal’ states is to find instruments to implement this liberal-democracy ‘norm’ there. Therefore, the state-building dispositif emerges as a fit instrument to intervene in these states in order to normalize them and their populations, to make them resemble more like liberal democracies.

Understanding that this normalization process carried out by the state-building dispositif occurs through the government of ‘post-conflict’ states, operated through discipline, and their populations’ lives, operated through biopolitics, these conceptual tools must also be better elucidated.

3 Government

Reading the word government one of the very first things that might come to mind is, quite understandably, the state and the wide range of institutions it involves. A mental picture of large buildings, with wide corridors filled with public officials might even emerge. Within this understanding, the study of government eventually entails differentiating its systems as parliamentary or presidential, scrutinizing the distribution of power among the various levels and observing whether it is a federal or unitary state, and possibly classifying it as totalitarian, democratic, monarchic or anarchic.\textsuperscript{65} Ultimately, questions may arise about all of this, i.e. ‘who holds the power?’, ‘how is this power legitimized?’, ‘is it representative?’, ‘what is the source of this power?’.

The Foucauldian understanding of government seeks exactly to develop an analytical framework that enables reflection on the political power exercised precisely outside, above, permeating, across and beyond the state.\textsuperscript{67} Briefly defining government as the ‘conduct of conduct’\textsuperscript{68}, Foucault enlarges its meaning to cover the scope adopted here, viz. “mechanisms and procedures destined to conduct men, to

\textsuperscript{63} Gerald B. Helman/Steven R. Rather, Saving Failed States, Foreign Policy, 89 (1992), Winter, 1992, 3-20 at 12.
\textsuperscript{64} Stephen D. Krasner/Carlos Pascual, Addressing State Failure, Foreign Affairs, 84 (2005), 4, 2005, 153-163 at 155.
drive the conduct of men, to conduct the conduct of men. 69 Understanding government as the ‘conduct of conduct’, Foucault notoriously plays with the double meaning of the word ‘conduct’ and consciously sees it as “one of the best aids for coming to terms with the specificity of power relations”. 70 Whereas as a verb, ‘to conduct’, means to lead, to guide or to direct, as a noun, ‘conduct’ refers to the human actions and behaviours. 71 Connecting these two meanings, government as ‘conduct of conduct’ “entails any attempt to shape with some degree of deliberation aspects of our behaviour according to particular sets of norms and for a variety of ends”. 72

Understanding government as the ‘conduct of conduct’ frees the reflection about it from the common sense. Government in the Foucauldian sense is much more than the bureaucratic image that might emerge once reading the word, and consequentially, to govern becomes more than the mere management of the state structures. In fact, to govern, in this sense, means “to structure the possible field of action of others”. 73 Hence, government becomes an activity that does not operates solely at the state level, but indeed turns out to be apparent in the every-day aspects and places of an ordinary life such as at schools, factories, hospitals, business enterprises, religious sites, families and so on. Nevertheless, it should not be forgotten that government works simultaneously and complementarily with other Foucauldian technologies of power such as discipline and biopolitics. To clarify this, Foucault alludes to the image of a triangle composed by these technologies which has the population as its target. 74 As such, power can be exercised at the conduction of behaviors, of individuals and populations at once, ensuring the life improvement of each and all of them. 75

The activity of government is “inextricably bound up with the activity of thought [and] (...) made possible by and constrained by what can be thought and what cannot be thought”. 76 It is precisely this exercise of thinking when one governs the other that leads to the idea of governmentality. 77 Foucault understood governmentality, more than anything, as an “analytical grip” to analyze the relations of power, a framework to analyze distinct means whereby one tries to shape and direct the behavior of the other and oneself on various scales and different fields,
such as delinquents of a society, the economic policy of a state, the management of a whole social body, and so on. Through this notion, it is possible to “explore the regularities of everyday existence that structure the ‘conduct of conduct’ of individuals and whole populations. Hence, it stands for a ‘range of forms of actions and fields of practice aimed in a complex way at steering individuals and collectivities’.

4 Discipline and Biopolitics

During the modern period Foucault observes the emergence of two technologies of power that supplemented the sovereign power. They are the ‘discipline’ and the ‘biopower’. Whereas the sovereign power was exercised through killing, the discipline and biopower are exercised through correcting and enhancing life respectively. The key understanding of those techniques of power visualized by Foucault is that they operate in different levels and scales; they operate through different instruments. This fact is what allows one technique to exist without the extinction of the other. Indeed, it allows that these techniques can function simultaneously.

Discipline is a technology of power that is essentially exercised on individuals and mainly concerned with the production of their behaviors. Therefore, it can be understood as a micro-political power. Discipline is a type of power that is very much connected to the notion, previously presented, of normalization. Indeed, the ultimate aim of discipline is to normalize. It is in essence a process that seeks to correct the behaviors of deviant individuals. The operative word here is certainly the adjective deviant. In this sense, the disciplinary mechanism visualizes what should be the correct behavior and mold the incorrect ones toward this model.

Underpinning this disciplinary mechanism there are the processes of individualization and ranking. The individualization process is the one that makes sure that, for example, a mass of subjects can be treated individually. Nevertheless, through ranking, these individuals are always problematized in relation to other individuals. Hence, rank definition is a key element of the process. In fact, “discipline is the ark of rank”; it is through ranking that discipline can hierarchizes the ‘good’ and ‘bad’ or ‘normal’ and ‘abnormal’ individuals in relation to one

81 Kelly (2009), The Political Philosophy of Michel Foucault, at 43.
another. The closest the individual is from the adopted ‘norm’, the better ranked he/she is. Hence, those with low ranks must be intervened in order to resemble more like those better ranked. The ranking "has a double role: it marks the gaps, hierarchizes qualities, skills and aptitudes, but it also punishes and rewards". It is through the punishing and rewarding technique that 'abnormal' behaviors are molded and corrected, and the ‘normal’ ones invested and stimulated. Through this process, the individuals are “situated in a network of relations and defined by their position within it. (...) [R]anks reinforces discipline through mechanisms of reward/punishment such as promotion/demotion; [it] establishes systems of performance assessment and comparison linked to measurable criteria". Hence, discipline constantly "compares, differentiates, hierarchizes, homogenizes, excludes. In short, it normalizes".

On the opposite pole of discipline, biopower operates on another level; biopower is a macro-political power. It is exercised on the collectivity having the population as its target. It is a power concerned with men as a living-being; hence it is fundamentally exercised on the population’s life. Therefore, rather than an “anatomopolitics of the human body” what is perceived is a “biopolitics’ of the human race”. Biopolitics thus aims to "the management and regulation of the population, the species body and its demographic characteristics". It is a power that seeks the management and the administration of the processes of life at the level of the population.

Hence, biopolitics starts to problematize a whole set of phenomena that bind the population together, that makes it a whole. It problematizes all the "the mechanisms of life and serving as the basis of the biological processes." Biopolitics is concerned thus with phenomena like birth, death, production, illness, fertility, health, life expectancy, housing, education and so on, and with all the conditions that might influence them. Hence, biopolitics acts in two directions: not only at the life-supporting processes per se, but also at theirs surrounding conditions, at the environment that influences those processes. Ultimately, biopolitics acts where the population’s lives might be sustained or retarded. Hence, the emergence of such

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86 Zanotti (2008), Imagining Democracy, Building Unsustainable Institutions: The UN Peacekeeping Operation in Haiti, at 552.
88 Kelly (2009), The Political Philosophy of Michel Foucault, at 43.
90 Foucault (2003), Society Must Be Defended, at 243.
91 Barry Smart, Key Sociologists - Michel Foucault, New York 2002, at 99.
94 Dean (2010), Governmentality: Power and Rule in Modern Society, at 119.
power designates precisely “the moment at which the complex phenomena of human existence were submitted to the calculation and order of knowledge and power”.95

Whereas discipline had as its ultimate goal to correct the deviant individual, biopolitics targets the life-supporting processes in order to invest and foster life. Its ultimate goal is to enhance life quality and its conditions. Hence, the objective is not to kill or correct the individual, but to intervene at the level of the generality of the life-supporting phenomena. To intervene in such a way, biopolitics makes use of instruments, techniques and institutions different from sovereignty’s and discipline’s. This happens through the implementation of a whole set of instruments and institutions that ensure the enhancement of vital processes of the population. Regarding the instruments, one might think of all the instruments directed to mass populations like “forecasts, statistical estimates, and overall measures”96 and “techniques of mass surveillance, such as the census, and of mass control, such as health campaigns”.97 Regarding the institutions, one might think, for instance, of health, education, welfare, employment, sanitation or feeding systems.98

Apart from those instruments and institutions, biopolitics makes also use of the notion of average. Through the establishment of averages, what biopolitics seeks is to preserve an equilibrium intervening on the deviations. It is with this in mind that one can think that “the mortality rate has to be modified or lowered; life expectancy has to be increased; [or] the birth rate has to be stimulated”.99 In doing so, biopolitics takes control of the vital processes of ‘man-as-species’ and as a result life can be fostered and consequently managed, so life ends up being regularized100 and normalized. Here, the norm also plays a key role, since it circulates between both discipline and biopolitics.101 As Foucault properly remembers, “[t]he norm is something that can be applied to both a body one wishes to discipline and a population one wishes to regularize”.102

Hence, in a normalization processes happening in the international scenario through the construction of peace, not only the ‘post-conflict’ states are intervened in sense to normalize them, to make them to behave in accordance to the established ‘norm’, but also their relationship with their own populations and how the populations itself should behave are intervened. As such, the ‘post-conflict’ state is not only disciplined through rewards and punishments in order to correct its deviant behavior, its population is also target of a biopolitical power which seeks to control and manage all aspects surrounding its life.

95 Smart (2002), Key Sociologists - Michel Foucault, at 99.
96 Foucault (2003), Society Must Be Defended, at 246.
97 Kelly (2009), The Political Philosophy of Michel Foucault, at 43.
98 Dean (2010), Governmentality: Power and Rule in Modern Society, at 29.
99 Foucault (2003), Society Must Be Defended, at 246.
100 Foucault (2003), Society Must Be Defended, at 247.
101 Foucault (2003), Society Must Be Defended, at 253.
102 Foucault (2003), Society Must Be Defended, at 253.
D Concluding Remarks

With all this in mind, it is possible to start to problematize the state-building as a normalization technology at a global scale, as a government process that occurs at both the state and the population levels of ‘post-conflict’ states. At the state level, the discipline would be perceived mapping out instruments of knowing, assessing, monitoring, individualizing, codifying, ranking, rewarding and punishing individual ‘post-conflict’ states. Those might be majorly elements like maps, standardized data collection/reporting, statistics benchmarks, performance indicators, auditing techniques, accesses to lines of credit, project funding, conditionalities, even sanctions. This entails elucidating aspects such as: through what mechanisms the UN engagement is monitored; how ‘progress’/‘regression’ is assessed; what sort of projects are more likely to be financed/rejected, or initiatives to be encouraged/discredited. It aims at clarifying the kinds of conduct that the ‘post-conflict’ state is subject to rewards/punishments, elucidating how, when, and through what instruments the incentives/corrections occur.

At the population’s level, along with the mapping out of instruments like the writing of constitutions, passing of laws or the construction of parliaments, biopolitics should be examined focusing on the dynamics fostering the ‘post-conflict’ populations’ life, managing and controlling life-supporting processes of the mass population of the ‘post-conflict’ intervened state. Evincing biopolitics entails elucidating the processes performed in areas aimed at the population, such as health, education, jobs, movement, feeding and so on.

Instead of observing distinct spheres of state-building activities, it would be more clarifying problematizing all these practices as part of a state-building dispositif. In this way it would be clearer that these activities often end up disciplining the ‘post-conflict’ states and biopolitically governing their populations. Rather than disparate, and sometimes conflicting activities, they all aim to normalize the ‘post-conflict’ states and their populations. Ultimately, they are all part of a normalization process which aims to implement a non-written ‘norm’ in the international scenario, which is that the states should resemble liberal democracies.
Abstract

Congo’s wars have had a large regional footprint. The destabilizing consequences of the country’s conflicts have in turn widened the vortex of instability across the entire periphery of the Great Lakes region by splintering refugees, arms, rebels and lootable resources back and forth the porous and ungovernable borders of its neighbourhood. Countless attempts have been made to resuscitate the moribund polity, countless failures have amounted, and it seems fair perhaps to state that the only semblance of real success in Congo has been the international community’s engagement in pulling the country back from the brink where it has on several occasions, gone perilously close to the edge of the precipice.

The last major wave of the crisis (1998-2002) further dismantled the country's socio-economic bedrock, and systematic violence against civilians (especially in Eastern DRC) once again forced the UN to step in, leading the international community in efforts at peacekeeping, peace building and post-conflict reconstruction in the war-torn country. At the heart of the United Nation’s (UN) mandate was the task of effectively supervising the conduct of disarmament, demobilisation and reintegration (DDR) operations in the country, putting the people of Congo at the driving seat of the process. The paper argues that while DDR processes have occasioned visible progress towards more peaceful dispensations in the Congo, the various phases of the process have failed serially in addressing the local needs, interests and contexts of local peoples. Empowerment considerations have quite simply been bypassed in programme implementation phases, and local actors continue to begrudge the process for sidelining their voices and input. It is submitted that a confluence of certain aspects...
of ‘an entrenched institutional culture of development and aid agencies’ such as those related to: excessive sensitivity towards funders’ deadlines, immutable suspicion of the credibility of local actors, and in many respects, a crossbreed of sheer arrogance and superiority complex on the part of international partners; join to block the voices, interests, and needs of local peoples from being addressed in post-conflict development endeavours. The paper then concludes with recommendations on the way forward regarding the UN’s role, and DDR in the country.

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“The DDR programme has forgotten its mission.”
“The idea is good, but the execution is poor.”

2 Ibid., Community member, Luvangire, Ituri, 19 October 2009.
A Introduction

Congo remains a low point in the generally disquieting narrative of Africa's encounter with self-rule, and there is unsurprisingly an unbroken chain of consensus that present day Democratic Republic of Congo (DRC) is not a beauty to behold. Five decades after seizing independence from Belgium, the country continues to sit uneasily between the smouldering ruins of a pretty much chaotic past, and a future whose prognosis seems rather uncertain, 'unfigured' or downright bleak. Congo's well documented descent into chaos cannot be attributed to the makings of any single historical event in the country's troubled history, even though there is a lurking temptation to judge from the impropriety of the Belgian imperialist experiment in the territory that from the very inception Leopold II and his kingdom had designed Congo to fail. Since independence—with few interludes of peace to spare—Congo has segued from one episode of brutal internal conflicts to another. Put together, these confrontations have been fuelled by historical, political, economic, and even ethnic considerations, rendered more complicated to resolve by a variety of external intrusions. Effectively, in the face of mounting a priori evidence, one is forced to admit that Chabal and Daloz's (1999) phrase: "political economy of disorder" is a befitting characterisation of the prevailing state of affairs in the country. Congo's weak central government continues to crumble under the weight of endemic corruption. The virtual collapse of the formal economy and decaying state of infrastructures in the country is so staggering that it has been wryly said that it is considerably easier to start a rebellion than a business in Congo. The last major wave of the crisis (1998-2002) further fissured the country's socio-economic fabric, and the utter pervasiveness and brutality of the attacks against civilians (especially in Eastern DRC) prompted nervous international intervention. Once again, the United Nations (UN) found itself leading the international community in efforts at peacekeeping, peace building and post-conflict reconstruction in the war ravaged country. At the core of the UN's mandate was the task of effectively supervising the conduct of disarmament, demobilisation and reintegration (DDR) activities throughout the country, putting the people of Congo at the heart of the process. 

3 Congo, DRC are used interchangeably in this paper. Zaire is used sometimes to contextualize Mubutu's reign.
5 See Aljazeera, DRC Congo: Africa's Sleeping Giant?, http://english.aljazeera.net/programmes/africa-states-independence/ (All websites used in this essay were last checked on 1 April 2011).
7 See for instance, SC Resolution 1291, UN Doc. S/RES/1291 (2000) of 24 February 2000 mandating MONUC to develop and action plan for the implementation of the Lusaka Ceasefire Agreement, with DDR as key component of the plan; SC Resolution 1565, UN
This paper is somewhat modest in scope—seeking only to contribute to an ongoing conversation—given the immense research done on the subject already. It surveys selected DDR programmes conducted in the Democratic Republic of Congo, and questions the extent to which local ownership and empowerment considerations have truly been mainstreamed in their practice. Structurally, this work unfolds through six parts. Section A (the current section) introduces the work. Section B charts through the conceptual mists of ‘empowerment’ and local-ownership showing how both concepts present rhetorically noble aspirations locked down and diluted by the inertia of ‘development politics’ and neo-liberal context of institutional agency. As well-conceived policies trickle down the veins of development institutions, they tend to be watered down by considerations that are self-serving of organisations’ interests, at the expense of the legitimate needs of local peoples. Limited attention is paid towards unleashing the potential for transformative development often trapped in post-conflict contexts, such as those related to the redynamisation of gender roles and social relations through training programmes and entrepreneurial ventures that favour women’s empowerment and attempt at closing gender gaps. Brief definitions of disarmament, demobilisation and reintegration are then attempted. Section C narrowly situates the background of the conflicts in Congo, and then establishes the context of the UN’s role and the DDR processes in the country. Section D building on MacKenzie’s boom and bust approach, undertakes an analysis of selected DDR processes, highlighting the miscarriage of empowerment and local ownership considerations in their practice. It is argued that a confluence of certain aspects of ‘an entrenched institutional culture of development and aid agencies’ such as those related to: excessive sensitivity towards funders’ deadlines, immutable suspicion of the credibility of local actors, and in many respects, a crossbreed of sheer arrogance and superiority complex; join to block the voices, interests, and needs of local peoples from being addressed in post-conflict development endeavours. Section E provides a short assessment on local security initiatives. The last section of the work (F) shares lessons learnt, provides a conclusion, and makes suggestions on the way forward.

Constructing on Mackenzie’s paradox of empowerment boom versus bust, the paper argues that the conceptual explosion of empowerment within DDR and post-conflict reconstruction has only been matched by limited concrete evidences of practical application, with very scant instances in which programmes have actually occasioned a palpable shift from the status-quo to more empowering, localised, inclusive, representative and gender-balanced development approaches. Albeit the rhetorical flourishes in which the concept is dressed in policy blueprints, in practice,
local ownership considerations are often kept at the tangents. The absence of broad-based grass-roots consultation in the design and implementation of such programmes means that DDR processes become impervious to the needs, interests, and expectations of local peoples, constituting a vital missing link which deprives the process of long-term sustainability guarantees. This logs an urgent call on the need to address the embedded tension in current peace building agenda by balancing external influence in funding and design of post-conflict reconstruction programmes with the imperative of enhancing local ownership at the micro, meso and macro levels. Post-conflict development approaches must be engineered to find the voices of local peoples in the sites and places where they belong; and then sequence programmes and projects to minister to the local needs, and interests of beneficiaries from the bottom-up. Peacebuilding in post-conflict reconstruction should genuinely mainstream empowerment and local ownership considerations (local cultural and social resources, traditional systems, capacities and institutions) with external resources coming in to synergize local aspirations, fund programmes and lubricate the process. However, it is argued that this can only be successful with the guarantee of effective security governance especially amongst civilian populations.

B Conceptual Considerations

1 Empowerment & Local Ownership: Charting Through Conceptual Mists

Empowerment is one of the current buzzwords in development lexicon today, and its conceptual explosion is easily evident through the mere perusal of development policy blueprints and project reports. Phrases like ‘local empowerment’, and more recurrently ‘women’s empowerment’ continue to grace the content of policy statements, reports and mandates of international development agencies, such that the empowerment goal now appears to be a unifier within development circles. The World Bank defines empowerment as:

“The process of increasing the capacity of individuals or groups to make choices and to transform those choices into desired actions and outcomes. Central to this process are actions that both build individual and collectives assets, and improve the efficiency and fairness of the organisational and institutional context which governs the use of these assets.’

The institutional flurry surrounding the term ‘empowerment’ and the cascading pervasiveness currently characterising its use, are intended to signify an ‘ethos change’ in the mentality of development agencies towards more locally guided, inclusive, and locally led development processes and outcomes. The Organization for Economic Cooperation and Development (OECD) for instance, has explicitly

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9 MacKenzie (2009), 203.
mandated increased investment in the areas of gender equity and women’s empowerment as fundamental to the enhancement of economic, political and social conditions of peoples in developing countries.\textsuperscript{11} In short, since the emergence of empowerment at the highest levels of international development policy, the ‘circle of international concert’ has convened on plethoric occasions--intensifying with the Beijing Conference--to reassert the pre-eminence of women’s empowerment. As Wee and Hayzer\textsuperscript{12} (1995) have pointed out, the UN has quite robustly earmarked women's empowerment as well as their political, economic and social advancement in decision making processes as sine qua non for sustainable development. People-centred empowerment especially that concerned with women’s holistic emancipation, received serious highlight as a key development goal at the Copenhagen Declaration of the World Summit on Social Development.\textsuperscript{13} Building on these gains, a Millennium Development Goal (MDG) was further set at the Millennium Development Summit (2000), dedicated specifically towards ensuring the consolidation of global efforts at enhancing women’s empowerment and gender equality\textsuperscript{14}. Another bold step was subsequently taken in the right direction with the integration of the Gender Empowerment Measure (GEM) and the Gender-Related Development Index (GDI) into the UN’s Human Development Index ratings. These developments clearly reflect a lively pedigree of policy commitments at the highest levels to values of empowerment, and demonstrate that the concept is not just a footnote in international development repertoire, but a firmly mainstreamed policy prescription that has received serious institutional attention for years.

Just as fashionably employed as empowerment, ‘Local ownership’ is a protean concept, and even when narrowly used, remains a cornucopia of varied interpretations. As a catchphrase on the lips of most agencies for development cooperation, it is often deployed out of keenness to reflect a policy re-orientation towards an approach that is more accommodative of the ideas and values of local peoples. In the domain of peace building, this entails a preference for home-grown solutions to conflict problems; grassroots centred ideas for post-conflict reconstruction, and for partnerships to be locally driven.\textsuperscript{15} The impetus behind this new orientation is to be found in the desire – at least as reflected across a broad range of policy blueprints – to dismantle what in effect is often a patron-client


\textsuperscript{12} Vivienne Wee/Noeleen Hayzer, Gender, Poverty and Sustainable Development, Singapore 1995.

\textsuperscript{13} MacKenzie (2009).


relationship between donors and recipients communities. Like empowerment, local ownership is the brainchild of many efforts to mainstream a more people-centred bottom-up approach to all forms of development assistance; right from the conception, through the design, to the implementation and monitoring phases. The Rome Declaration on Harmonization (February 2003) for instance, specifically flagged local ownership as key to the success of aid delivery. It called on donor states and agencies to respect four principles of harmonization, including that: recipient countries coordinate development assistance; donors align their aid with recipient countries’ priorities and systems; donors streamline aid delivery; and that donors adopt procedures, policies and incentives that enhance harmonization.

With respects to post-conflict reconstruction and development, the push factor behind the current relevance of the principle of local ownership is a very simple one: since it is within the relationships defining peoples and local communities that conflicts escalate—it is there that we must return in search of prospects for peace, security, reconstruction and development. Post-conflict development interventions must fully recognise, and tap from local systems, capacities and institutions first, blending the technical expertise of external assistance with the tenacity and know-how of indigenous peoples and mechanisms. Local ownership is key to sustainability, rallies the support of grassroots participants, and is capable of positively transforming wartime divides into dividends of peace. In the post-conflict reconstruction processes in Sierra Leone and Liberia, for instance, local mechanisms, traditional African institutions, and grassroots organisations have indeed been very instrumental in keeping the peace and denting prospects for return to civil violence and organised crime. In the course of the DDR processes in these countries, local peoples made a significant impact by setting up vigilante organisations to restrain ex-combatants from resorting to violent means of livelihood, while working to ensure that former child soldiers engage in some form of entrepreneurial activities or go back to school.

Notwithstanding their large following, empowerment and local ownership, like most instruments in the hands of powerful institutions, have fallen into the taint of institutional power, the reason why a growing cohort of feminist, postmodernist, and postcolonial scholars now criticize their bearing. Megan Mackenzie in her work *Empowerment Boom or Bust? Assessing women’s post-conflict empowerment needs*, joins a long queue of critics in expressing qualms about the blind institutional romance with ‘empowerment, calling for more trenchant analysis of what

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16 For instance, the Development Assistance Committee (DAC) of the Organization for Economic Cooperation and Development (OECD, 1996), in its policy guidelines entitled ‘Shaping the 21st Century’ emphasizes the need for sustainable development initiatives to be locally owned. This new orientation considerably defined the basis for consultations leading to the UN Millennium Development Goals in the year 2000.


18 For further analysis, see Oghogho Edomwonyi, The Importance of Local Ownership of the Post-Conflict Reconstruction Process, Conflict Trends Journal of African Centre for Constructive Resolution of Disputes, 4 (2003), 43-46.
development agencies especially those involved with post-conflict development work, actually do with the concept on the ground. At the core of her work is a forthright interrogation of the underlying paradox of loud rhetoric and limited action now associated with the handling of ‘empowerment’ in the conduct of DDR engagements. Her apparent disillusionment with the status quo perhaps gains sufficient voice when she submits that “over the last decade perhaps no term, has been both generously employed and woefully ill-defined as ‘empowerment’.19

‘Local ownership’ too has confronted serious criticisms. The principle has been demurred for its vagueness especially on policy papers, official communications and memoranda, which have unintentionally drawn attention firmly on the idea.20 Saxby strikes a nodal point in her remarks that literature directly addressing local ownership and its conceptualisation or implementation is disproportionately modest.21 At best, many attempts at operationalizing the concept for practical use have simply been very cursory and contextually detached in their bearing.22 As Matthies23 has echoed, this paucity is further exacerbated by the fact that most studies inspired by the need to explore local ownership considerations in development and peace work end up with a lopsided preoccupation of the role of external actors and outsiders, not the potentials of local actors they initially set out to analyse. There is therefore urgent need for ‘local ownership’ to be problematised and critiqued in order to gain broader comprehension of its implication in the connect between policy and practice, in conflict transformation and post-conflict development work.24

Lene Hansen has firmly maintained that policy processes and discourses tend to ‘construct’ problems, subjects and even objects in a similar time and pattern as they configure policies to address them.25 As a critical corollary, Kothari pinpoints ways in which development institutions groom and represent constructs of ‘local’ and represent similar terms within their policies as if they were a fixed entity.26 She buttresses the need to redress the various respects to which policies claiming to be inclusive or

20 Reich (2006).
representative of the interests and needs of peoples at the grassroots, actually (mis)represent local processes and contexts in ways that instead tend to legitimize current development policies, thereby cementing the dominating role of development agencies. One finds typical resonance with post-conflict development programmes in Africa which tend to be complexioned in ways that suit the expectations of donors, development bureaucrats and western experts; essentially ‘muting-out’ the voices of local peoples. Mulugeta for instance, indicts Ethiopia’s UNDP-ILO backed Commission for the Demobilization and Rehabilitation of Former Army Members and War Veterans (1991-1997) for brushing aside local views, while replicating donor stereotypes and expectations of what Ethiopian society is deemed to requires in their frame of planning and design; a factor of significant influence in the failure of initial DDR attempts in the country. Meaningful and obligatory community grassroots consultation must therefore be a defining creed of both the local ownership and empowerment gospels. Meyer, stressing on the politics of language and discourse in development policy and practice, particularly lobbies the need to harness women’s voices as a precursor to the success of post-conflict development and peacebuilding programmes. In fact, MacKenzie succinctly gives mouth to Meyer’s mind when she expresses that “women’s ability to speak for themselves, to describe their own needs, and their own objectives, most importantly to have their voices heard is paramount to women’s empowerment”.

Combined together, Foucault’s doctrine on discipline and power, and Hansen’s inferences on the trinity of language, policy and power provide a useful window on which to understand ways in which powerful development organisations deploy language and discourses such as ‘empowerment’ and ‘local ownership’ to manipulate and control audiences and beneficiaries. These concepts then become conduit pipes through which development organisations project and safeguard their interests of securing power, staying in business-as-usual, and constructing a particular economic, political, social and even gender order befitting of their interests. Using Ernesto Laclau and Chantal Mouffe’s discourse analysis platform as templates, MacKenzie builds on empowerment as the by-product of a peristalsis of “hegemonic shifts within development approaches”.

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“Specifically, empowerment discourses act as signals that development actors are at least attempting to appear to be responding to criticisms from marginalized actors. Relying on Gramscian concepts, Laclau and Mouffe explain that when hegemonic actors experience such criticisms or threats, the result is often the attachment of empty signifiers such as ‘empowerment’ to ‘nodal points’ or dominant ideas that structure hegemonic concepts such as ‘local’, ‘grassroots’ and ‘indigenous’. In turn, the language of policies can be altered without transforming the pre-existing hegemonic logic of the policies.”

Keeping the conceptual and epistemological drags aside, there exist remarkable a priori arguments for the relevance of genuinely mainstreaming local ownership and empowerment considerations at the core of disarmament, demobilisation and reintegration initiatives in the DRC. The desire and readiness of local peoples and grassroots communities across plundered villages in Ituri and Kivu to return to peace, to end the rapes and amputations, for instance, represents a priced ‘psychosocial resource’ which development partners in the DDR process could effectively harness. Generally, there is immense transformatory potential in allowing grassroots communities to take the lead in development work; and local peoples feel empowered when they are respected, their views considered, and their traditional resources tapped into. Laurie Nathan passes across an important message when he posits that “a process-oriented approach that respects and empowers local actors is more likely to yield good results in the long-term than a product-oriented approach that undermines local actors”. There is perhaps no force as potent in bringing vim to post-conflict development, widening people’s imagination of sustainable peace while at the same time empowering them to transform structures of war into structures of peace, as local ownership. De Coning succinctly puts it this way:

“There is wide recognition that externally driven post-conflict peacebuilding processes are unsustainable. Peacebuilding activities must be needs-based, and priorities such as sequencing and pace of delivery need to be informed by the dynamics of the conflict system, through local ownership and meaningful internal and external coordination. It is also widely understood that peacebuilding activities that are not grounded in the socio-cultural belief systems that shape the worldview of internal actors cause dysfunction. Achieving a balanced and meaningful partnership between internal and external peacebuilding agents is thus one of the most important success factors of any post-conflict peacebuilding system.”

35 See Nathan (2007).
37 De Coning (2007).
It then becomes imperative for development agencies to discard some of the canards and misconceptions about the incompetence of local actors and communities which have unfortunately spilled into their institutional culture, and embrace local ownership and active grassroots participation in order to achieve success and sustainability. It is a difficult goal, but it is certainly one that is worth all the efforts.

2 Disarmament, Demobilisation And Reintegration

Disarmament, demobilization and reintegration are critical phases of post-conflict development. Disarmament refers to the process of systematically collecting both small arms as well as light and heavy weapons used by combatants within the context of a specific combat or war zone. Demobilization describes the process by which all parties pertaining to a conflict begin conducting operations aimed at disbanding their military structures, and combatants, as presage to reinsertion into normal, useful civilian life. Finally, reintegration refers to the process whereby ex-combatants, their families and immediate communities are enabled economically and socially to be productive elements within the context of a normalized civilian life.

C Situating Conflict In DRC And Implementation Of DDR Process

Five decades since the country attained independence, the so-called ‘Congo question’ remains an Aegean stable to clean at the heart of Africa. Any serious attempt to muster a comprehensive understanding of the sources of the current fiasco in the DRC requires a painstaking excavation through many sedimentary layers of a rather ‘unsettled history’. At the very bottom lies a cauldron forged in no small part by the brutal workings of a Belgian colonial project in the territory which went terribly bad, callous Cold War politics, and in many respects, the more recent triplets of economic greed, international resource hunting, and political misrule. Today, Congo is theatre to one of the biggest humanitarian tragedies since the dawn of the 21st century. With more than four million people dead, it is easy to understand why many have described the conflicts there as ‘Africa’s great war or summarily as the ‘third World War’. Because this work is however not mainly focused on a historical analysis of the conflicts in the DRC, it therefore delimits its brief situation of

40 See Paul Nugent, Africa since independence, Basingstoke 2004; also see Anstey (2006), 35–67.
the Congolese conflict from the more recent attempts to overthrow Mobutu’s second republic.

Generally, the end of the Cold War did not herald for Africa, the same exciting prospects it echoed for the rest of the world. Unable to rely on the financial blank cheques which the great power allies provided many African countries simply on the basis of their ideological proclivity (disregarding the conduct of African regimes), the ensuing reconfiguration of international politics with the end of the Cold War presaged what Bryden, N’diaye and Olonisaken have aptly described as “corresponding shifts in internal order of many African states”. The haemorrhaging of unconditional superpower support deprived repressive African regimes – the likes of Mobutu Sese Seko’s Zaire – the financial and military wherewithal to crack down on dissent. Effectively, these contributed towards creating space for greater popular voice and incited clamour for democratic reform. Long overdue movements for political, economic and democratic change were consequently fast-tracked across the continent, emboldening waves of popular uprisings from Cairo to Cape Town.

In the case of the DRC, the trigger to the collapse of Mobutu’s 32 years old ‘Zaire Reich’ came from a rather inauspicious angle. As the simmering ethnic hatred between Hutus and Tutsis boiled over in the form of genocidal violence in Rwanda, the spill-over reached Kivu province in the eastern parts of Congo when the Hutu militia – Interahamwe – used Hutu refugee camps in Congolese territory as launchpads for their carnage against Tutsis. In response, Tutsi led Rwandan forces invaded Zaire by October 1996 to put an end to the Hutu onslaught, and in the process, provided support to a coalition of internal Congolese armed dissidents (Alliance des Forces Démocratiques pour la Libération du Congo-Zaïre–AFDL) led by Laurent Désiré Kabila. What ensued was a brutal campaign of large scale violence in which Rwandan forces sought to annihilate not just Hutu militia men, but accompany refugees fleeing with them as well. A Mandela-led peace initiative foundered, and by 17 May 1997, Kabila had toppled Mobutu’s regime and driven him out of the country. Kabila later declared himself president, repealed the Transitional Act, and outlawed political opposition to his rule. His fumble in ousting the Rwandan and Ugandan contingents that had propelled him to victory from Congo by July 1998, proved costly and plunged the country once again into civil war. Laurent Kabila however managed to hang in office and maintain control over Kinshasa and indeed a large chunk of the western part of the country, partly benefitting from Angolan,

44 P. Laurence, SA Mediators’ Mat Take Fall for New War in DRC, The Sunday Independent, 20 August 2006, 6.
Chadian, Sudanese, Zimbabwean and Namibian forces. A second mediation attempt by South Africa was scuppered once again. The splintering of ex-Mobutu soldiers, various armed factions and the significant presence of foreign troops rendered negotiations on Congo’s conflict a complex labyrinth to chart.

A breakthrough was achieved with the signing of the Lusaka Cease-Fire Agreement on 10 July 1999, ushering the deployment of MONUC to strengthen the ceasefire by November 1999. The largest ever UN peacekeeping force in history with an annual budget of USD 1 billion, MONUC had at the core of its mandate four key functions: robust implementation of the Lusaka ceasefire agreement, human rights oversight and monitoring/reporting of violations, overseeing transition to free and fair elections, and importantly, responsibility over disarmament, demobilisation, reintegration, rehabilitation repatriation and resettlement phases. Laurent Kabila’s assassination in January 2001 by a bullet from his bodyguard’s rifle ironically proved beneficial as his son Joseph Kabila who succeeded him immediately paved the way for democratic transition, leading to an Inter-Congolese Dialogue (ICD) at Sun City, South Africa (25 February–19 April 2003). Elections were subsequently conducted in 2006 in which the incumbent Joseph Kabila emerged victorious. Kabila’s victory has however failed to yield the expected dividends of peace partly because Congo is still infested with many demobilised armed groups including the FDLR and Mai Mai; and the eastern part of the country continues to be the site of some of the fiercest fighting the country has experienced. In the course of these attacks, battlefields are shifted into communities and villages were civilians are often caught at the crossfire with grievous consequences. In ways that are far reaching that usually estimated, women’s bodies have become the battlefields on which Congo’s wars are being fought. The amounts of rape and sexual violence – and the impunity with which such acts are perpetuated – in places like Ituri and Kivu, have quite frankly attained sub-human dimensions. Even the strong presence of the United Nations has failed to dissuade the dastardly human rights violations currently taking place in the territory. The framework for the initial implementation of the DDR in the DRC was founded on the 1999 Lusaka ceasefire agreement intended to mark an end to the so-called

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47 See SC Resolution 1291 mandating MONUC. Mission de l’Organisation des Nations Unies en République Démocratique du Congo (United Nations Organisation Mission in the Democratic Republic of Congo), established by Resolution 1279 (S/RES/1279) of 30 November 1999, under Chapter VII of the UN Charter. Supporting the government of the DRC and administered by the UN Department of Peacekeeping Operations (DPKO), the mission comprises four phases: the first involves establishing peace; the second: supervising ceasefire; the third: DDRRR (disarmament, demobilisation, reinsertion, rehabilitation, and reconciliation); and the fourth: supports DR Congo’s political transition and organisation of elections. The mission initially included 17,030 troops, 760 military observers, 391 police instructors, and 750 members of constituted police units. SC Resolution 1756, UN Doc. S/RES/1756 (2007) of 15 May 2007 extended the mission until 31 December 2007, was has recently been re-mandated as MONUSCA to emphasise the stabilisation component.


second Congolese war. The rather complicated nature of the Congolese conflict largely defined by the huge presence of foreign armies, meant that the country was bound to experience DDR+ (Disarmament, Demobilisation, Reintegration (reinsertion) Repatriation and Resettlement) phases, although in this paper, our focus is limited to the disarmament, demobilisation and reintegration dimensions. The spate of repeated external intrusions in the Congolese war widened the spectrum of stakeholders in the conflict, contributing immensely in denting many attempts to reach viable ceasefire agreements. In fact, at a phase of the conflicts, Congo’s war zones were littered with the armies of as much as eight different countries. Consequently, a main objective of the Lusaka accord was to ensure the repatriation of all alien and irregular combatant groups from Congo as a prelude to the peace process, including forces of the Rwandan army, as well as demilitarization and disbandment of the Hutu militia – interahamwe, under the close supervision of MONUC.

It is also worthy to note that MONUC’s role in Congo was supplemented by various forms of bilateral and multilateral support to the country. For instance, the European Union (EU), backed by EU Council Joint Action 2005/355/PESC of 2 May 2005 and within the framework of the European Security and Defence Policy, provided technical support operation within the context of the security-sector reform which comprised of two strands: the EU Security Sector Reform Mission in the Democratic Republic of Congo (EUSEC DRC) established in June 2005 (40 experts directed at supporting armed forces reform); and the EU Police Mission in DR Congo (EUPOL DR Congo), (39 personnel dedicated to police reform).

Effectively, vacillations between failed ceasefire agreements and the re-escalation of active conflict phases meant that a simple straightforward path to post-conflict development in DRC would be impossible to reach. Consequently by 2004, four separate but related DDR processes had been established: the first aimed at foreign forces, the second at Congolese forces, the third towards the pacification of Ituri, and the fourth geared at Child soldiers. These are summarized in the below.

**Key Segments of the DDR+ Process in the DRC**

| a) Foreign forces: | The Lusaka accord emphasized the repatriation of all armed foreign forces from Congo. At the time, FDLR was approximated to consist of about 20,000 combatants and dependents, although the general number of foreign armed groups in Congo was unclear. |
| b) Congolese forces: | The Global Accord and the national DDR program (Programme National de désarmement, démobilisation et de réinsertion - PNDDR) that ensued targeted the following groups for army integration and DDR: FAC (100,000 elements); RCD-Goma (45,000 elements); RCD-National (10,000 elements); RCD-K/ML (15,000 elements); MLC |
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| (30,000 elements); and the Mai (30-50,000 elements). The World Bank and the MDRP\(^{50}\) provided funds to the national DDR programme – PNDDR in this regard. |

| The relative success of the Global Accord notwithstanding, armed confrontations ensued in the North eastern Ituri province of the DRC, involving at least seven additional factions with combined strength of approximately 50,000 combatants. The Bunia intervention by the Interim Emergency Multinational Force combined with additional international pressure compelled warring parties to endorse a separate peace agreement by May 2003, in Dar es Salaam – Tanzania. An additional UNDP-led and MDRP–donors financed DDR programme was initiated for factions which were non-signatories to the Global Accord. |

| All parties to the Congo conflict used children directly in military combat or in indirectly in supplementary roles. In pursuit of international law, and the spirit of the respective peace agreements, various armed groups agreed to the disbandment and release of child soldiers. In the course of the transitional period (December 2002 to October 2006), the Congolese government, supported by MDRP and partners (Specialised NGOs, UNICEF etc) successfully reintegrated approximately 30,000 children associated with various armed factions in the conflict. |


A national commission for the implementation of the DDR process in Congo (CONADER) was set up by presidential decree in December 2003, to administer the national DDR plan (PNDDR), which was itself adopted by decree in May 2004, creating a legal nation-wide framework under the supervision of the UN mission in the country. The PNDDR was to run alongside a military component Structure Militaire d’Intégration - SM\(^{51}\). Together, the joint PNDDR/SMI process commenced

\(^{50}\) MDRP – Multi-Country Demobilization and Reintegration Programme, was established by Seven countries of the sub-region and international partners. It was funded by a multi-donor trust fund (MDTF) and complimentary IDA, a secretariat was set-up to coordinate the facility, hosted within the World Bank. Thirteen donor partners and the IBRD provided US$ 560 million - including US$ 260 million coming from the MDTF, US$ 64 million sourced from bi-lateral financing; and US$ 240 million in the from IDA. The bulk of the funding was allotted to the DRC (US$ 200 million) with the largest caseload to manage with respect to the DDR process. With exhaustion of initial financial allocations by 2008, the World Bank and AfDB mobilized supplementary funds to the tune of US$ 75 million for the completion of the DDR process, and of this amount US$50 million streamed in from IDA and the AfDB provided US$ 25 million.

work with a caseload figure of approximately 300,000 ex-combatants, making provision for about 150,000 ex-fighters which included 30,000 child soldiers. These formed the basis for planning and budgeting, although organisations like the International Crisis Group faulted this number as an exaggeration of the actual number of elements. It is worthy to note that the DDR process in Congo was delineated into two phases: phase 1(2004-2006), and phase 2 (September 2008-June 2010).

D Boom Or Bust? Examining Local Ownership And Empowerment Considerations In Selected DDR Phases

The importance of the DDR process to any quests for lasting peace in the Democratic Republic of Congo has already been abundantly established by research and realities on the ground. Beginning from 1998, through repeated phases of conflict re-escalation, Congo has been the receiving point of huge supplies of weapons for various armed groups and militias mushrooming across the country, which continue to augur dangerously for prospects towards the return to durable peace. But DDR is not just about eliminating the threats of weapons; it should also be an attempt at reworking structures of war into structures of peace. It is about un-teaching people the ways of violence and re-teaching them the ways of peace. DDR should not be about quick-fix palliatives to ‘a people's warring instincts’, it is about walking alongside ex-combatants in their journey towards transformation; giving men and women so immersed in the ways of war, a reason to abandon violence and resort to peace. It is also about providing people with the tools and skills with which to begin their long walk towards peace, so that in the process, they could initiate the much needed reconciliation with themselves and by extension, the communities within which they are reintegrating. Fundamental to this process, stakeholders must

54 Further insights, see: Amnesty International, Democratic Republic of Congo: DDR and the Reform of the Army, London 2007; Anstey (2006); and more recently, Rouw/Willems (2010), all of which are cited in this work.
create environments where dividends of peace are projected and valued above and beyond dividends of war, and where efforts are painstakingly mustered to attend to the needs of both former combatants and the communities receiving them as well. Based on Pretty’s framework on Typologies of Participation, this will effectively require the ‘active participation’ of local peoples and communities in all phases of the process, right from the conception, design, and post-implementation phases. But Congo is about war, and assuming that it is easy to mainstream active community participation in the design and implementation of DDR processes amounts to naivété.\textsuperscript{56} Community participation has never been set as an easy goal, but as a challenge which development agencies must endeavour to overcome as a precondition to success.

In this section of the paper, various phases of the Congolese DDR process are examined; looking principally at the respects to which local ownership and empowerment considerations are factored into the delivery of programmes and initiatives. How involved are local actors and organisations at important phases of the process?\textsuperscript{57} Have their voices and expectations been met? Have promises made been fulfilled? Do ex-combatants feel more empowered, and do local communities feel a sense of ownership over the DDR process? These questions frame the context of this segment of the paper.

1 \textbf{Whose DDR? Failed Interactive Grassroots Participation And ‘Missing’ Local Voices}

It must be stated here in advance that even without sufficient initial groundwork preparations, the inception of disarmament processes in the DRC was greeted with much popular enthusiasm.\textsuperscript{58} A combination of factors, including war fatigue, desire for peace and the financial dividends offered in return for disarming, incentivized people towards MONUC/CONADER run Centres de transit et d’orientation – CTOs (disarmament and demobilization centres) to hand in their weapons. Oftentimes, many combatants did so despite serious risks of deadly retribution from their commanders and fellow militiamen who interpreted participation in the disarmament process as a form of betrayal,\textsuperscript{59} and a senile attempt to offset hard earned balance of power gains over other warring factions.\textsuperscript{60} In Ituri, most of the commanders of armed factions, including those of groups like the FAPC and UPC, took to various degrees of summary killings and intimidations to deter their members from joining the disarmament process. Amnesty International for instance, was reliably informed that on the night of 15-16 February 2005, FAPC commanders ordered the murder of one Mr. Roger Chaolin, a FAPC combatant from the Mahagi Beaudouin camp for attempting to disarm. In another instance, one combatant, Uruber, attempting to

\begin{footnotes}
\footnote{56 Rouw/Willem (2010).}
\footnote{57 Douma/van der Laar (2008).}
\footnote{58 Amnesty International (2007).}
\footnote{59 Amnesty International (2007).}
\footnote{60 Onana/Taylor (2008).}
\end{footnotes}
enter the disarmament process was abducted, and transported to the Sii camp where
"After gouging his eyes out, he was told to flee and then shot in the back by fellow
fighters". It is within the context of such brutal reprisals that many Congolese
combatants opted for disarmament anyway; testifying to the overwhelming degree of
enthusiasm that initially welcomed the commencement of the DDR programme in the
country.

Nevertheless, what accounted for the methodical waning of popular appeal
regarding the DDR process is partly explained by the dismal failure of both national
and international implementers of the programme (Rouw and Willems, 2010) to take
advantage of the huge ‘psychological resource of local enthusiasm’ initially mustered
across the country. The failure to actively consult local peoples eager to be part of
the process at all phases of the programme – from disarmament, through
demobilisation to reintegration – dealt the Congolese DDR a strategic, tactical and
operational blow from which it was hard to recover.

At the level of disarmament in Ituri, for instance, the MONUC-backed DRC
operational plan – the so-called Plan Opérationnel pour le désarmement et la
Réinsertion Communautaire en Ituri – identified three major phases: awareness
raising, disarmament and community reintegration. It is important here to cast the
spotlight on ‘awareness–raising’ and isolate the phrase for trenchant examination in
order to measure and articulate the degree and depth of local community
consultation involved. Pretty (1994) has established a useful framework for
measuring the typologies and degrees of participation in projects. Based on his well-
reviewed schema, awareness-raising is positioned on the lowest echelon of
participation, only synonymous to ‘passive participation’ where “people participate by
being told what is going to happen ... a unilateral announcement by an administrator
or project management without listening to people’s responses [such that], ‘information
shared belongs only to external professionals’.” This approach is
diametrically antithetical to the precepts of interactive participation which should be
the guiding ethos enshrining all forms of post-conflict reconstruction and
development work. As Pretty once again proffers, interactive participation enables
people to “participate in joint analysis, which leads to action plans and the formation
of new local institutions or the strengthening of existing ones; it tends to involve
an interdisciplinary methodology that seek multiple perspectives ... [such that local
groups] ... take control over local decisions, and so people have a stake in
maintaining structures or practises”. Opting for awareness-raising instead of
interactive participation was a costly mistake that would later have rippling
consequences throughout the DDR experience in Congo, as will be discussed later.

Pro-institutionalists tend to present two notable arguments for the usual bypass
of interactive local participation in DDR processes: the chief argument is mostly that

64 Pretty (1994).
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DDR programmes are phased in when pockets of brutal fighting still persists, and as a consequence, affected societies are torn apart by chaos. In the midst of such fiasco, it is difficult to mobilize community input through interactive broad-based local consultations, since relevant local structures are shredded by conflicts. Consequently, external partners argue that they are often left with little choice, but to make do with the range of external expertise readily available to them at the moment. The second and rather subsidiary argument derives from the point of cost-effectiveness in which case implementing agencies generally tend to find awareness-raising cheaper and less controversial than interactive participation. This is basically a supply side logic hinged on implementers’ eagerness to meet funders’ budget lines, wrap up programmes within stipulated deadlines, and keenly brandish quick institutional achievements. Both arguments are premised on two default assumptions that are at best mislaid and at worst, jaundiced. First: that the technical expertise of international bureaucrats supersedes, and can supplant the ‘relatively’ limited know-how of local peoples; and second, that it is cost-effective to inform local communities on what implementing agencies intend to do, than it is to painstakingly find their voices and mainstream their expectations right at the core of the DDR process. In fact, these fallacies are not just confined to the Congolese DDR process alone. They loudly echo a disturbing sequence of brazen marginalisation of local actors and contexts characteristic with the UN’s work in particular, and most externally funded programmes in general, across sub-Saharan Africa. MacKenzie for instance, chides the DDR processes in Sierra Leone (which by the way is often cited as a relatively successful case) for similar shortcomings. In any case, the above excuses mute out the voices and inputs of local communities, deprives them of ownership over programmes, and leaves people at the grassroots weaker, worse off and more disempowered.

With respect to disarmament in Congo, the true costs of sidelining local input in the conception and design of the disarmament programme in the country are visible in two unfortunate ways, which are discussed below.

a  Hyper-simplification of Disarmament: ‘All Guns Are Welcome But Some Fighters Are Not’

One major area where the disarmament project floundered was with its hyper-focus on guns and perhaps in comparison, relatively limited focus on the combatants themselves. It is understandable that owing to the bouts of severe violence and human rights violations prevalent in eastern Congo, MONUC was mandated to prioritize the de-gunning of the region. Consequently, combatants were strictly required to present their weapons in order to be granted access to the PNDDR run Centre de transit et d’orientation. Many combatants who could not present weapons were summarily sent away, and given limited options of joining a crash UNDP

65 Rouw/Willems (2010).
66 Rouw/Willems (2010); Joost van Puijenbroek/Désiré Nkoy Elela/Éric Mongo Malolo, Processes DDR en Ituri: Succès, faiblesses et perspectives, IKV PAX Christi and Reseau
supervised manual labour - for cash-scheme. There are two pitfalls with the gun-in-the-hand prerequisite for disarmament. The first derives from the fact that not all combatants owned guns; in fact more than twenty combatants, especially those from the Mai Mai could share a single rifle while in the jungle.67 The second has to do with specific choice of instruments for violence. Nowhere has it been prescribed or pre-ordained that being a militiaman requires one to only carry a gun as a weapon of war. Machetes (which by the way are designed to be agricultural implements) are routinely used in African warfare in perpetrating large scale violence. Dispiriting images of Tutsis hacked to death in the course of the Rwandan genocide, for instance, are forever burnt into many memories. Mai Mai militiamen armed with armes blanches who were turned away simply resorted to stealing the ID cards of demobilized people to secure benefits. All together, the above considerations point to a quintessentially myopic misreading of the local context of the Congolese war which could have been remedied had a process of interactive local participation been conducted bringing onboard the valuable insights of local actors. In the end, most militiamen simply returned to the jungle were they regroup as combatants or returned to their communities where they underwent self-demobilisation without the necessary psychosocial support and assistance provided at the Centre de Transit. Within their communities, they continue to pose as security threats,68 experimenting with armed brigandage and other forms of violence and rascality.

The DDR programme in Ituri provisionally targeted 15,000 elements of armed groups in the region who endorsed the Acte d’engagement de Kinshasa, for the disarmament process. The chief aim of this project was to disarm combatants, reduce the proliferation of weapons and pacify Ituri. By the end of the programme in June 2005, 15811 combatants had been demobilized, unfortunately with only an estimated 20 % of firearms being secured. The Eighteenth report of the United Nations Secretary-General on the Situation in the Congo stressed the lurking potential for full-scale insecurity when it underlined that “70 % of the 6,200 weapons collected were defective and not in a serviceable condition”.69 This points embarrassingly to loopholes in the UN drafted system, and the possibility that ex-combatants might have gamed the system.70 Insecurity continues to ride roughshod over people’s lives, rapes are common, deadly armed banditry is rife, and as a

67 Rouw/Willems (2010).
68 Rouw/Willems (2010).
70 In an Interview with Amnesty International before his arrest, Floribet Njabu, leader of the FNI expressed his doubts about the disarmament process, disclosing that both Ngiti and Lendu communities still had stockpiles of weapons hoarded allegedly for their own security. He also intimated that some of the defective weapons that were being exchanged for cash with MONUC and CONADER accounted only for a minute proportion of the actual arsenals. See Amnesty International (2007), 29.
consequence of the weak integration process, many have simply returned to the bush to rearm and remobilize.\textsuperscript{71} A rather grim appraisal of the state of DDR in the country is provided by a UN official involved in the process. Rouw and Willems capture his sobering assessment this way: "... disarmament has not been successful given the number of arms in communities. Reintegration has also failed, and because demobilized "only have to pick up their arms and go back" demobilization cannot be seen as successful either".\textsuperscript{72}

**b Missed Opportunity To Tap Into Local Grassroots Intelligence On Arms And Weapon Stockpiles**

Further to the above, MONUC, CONADER and other international partners involved in the disarmament process missed valuable opportunities to harness local grassroots intelligence on weapon stockpiles, militia operations and strategies for encouraging more voluntary, dedicated disarmament and demobilisation of militia members and members of armed groups. As one ex-combatant in Kavumu, South Kivu, puts it, "we know where they are and they will come in when we tell them we have a better life".\textsuperscript{73} It generally follows rational logic that local communities have better knowledge of the activities of their constituent members; are well aware of those members who own firearms illegally; and are privy to information on weapon caches within their communities that will remain unknown to any foreigner, the urban expert, or the MONUC disarmament specialist. This wealth of intelligence can be helpful for effective disarmament in the DDR process, or for following-up community disarmament processes. However, as Rouw and Willems (2010) once again submit, "this function of the community seems largely untapped",\textsuperscript{74} owing to the marginalisation of grassroots involvement in, and ownership of, the DDR process. A Congolese community, in the course of a recent research exercise, posed a telling question as "to whom they should go right now, with their knowledge of illegal firearms; the FARDC or MONUC?"\textsuperscript{75} In effect, the marginalisation of local input continues to gravely undermine the prospects for DDR’s success in Congo. As Onana and Taylor (2008) have pointed out, after having learnt its lessons well, it was largely in an attempt to remedy these deficits that the EU strongly advocated for a more inclusive and broader consultation process with local stakeholders in order to improve and expand coordination during the start of the SSR process in the country.

2 **Overpromised Or Under-delivered? The Demobilisation Process That Failed The Demobilized**

\textsuperscript{71} Puljenbroek et al. (2008); Bouta (2005), 28.
\textsuperscript{72} UN official, Bunia, Ituri, 12 October 2009, in: Rouw/Willems (2010).
\textsuperscript{73} Ex-combatant, Kavumu, South Kivu, 4 December 2009, in: Rouw/Willems (2010).
\textsuperscript{74} Rouw/Willems (2010), 27.
\textsuperscript{75} Rouw/Willems (2010), 27.
Systematic miscarriages of local ownership considerations in the Congolese DDR process, and the numerous accounts of documented public agitations in the country owing to problems associated with demobilisation, behoves a more measured look at the process. Unfortunately, given the limited scope of this paper, this cannot be fully undertaken here.

Nevertheless, it is important to highlight well in advance that demobilisation played a crucial securitization role by disbanding militias and other armed groups, dismantling their command structures, while channelling ex-combatants towards more admissible forms of livelihoods with either the Congolese military (through the Structure Militaire d’Intégration-SMI) or for re-skilling and integration into civilian life (through CONADER). However, the modus operandi of the demobilisation process sparked consternation and even vitriolic public outrage on many occasions. As a reference case, 50 demobilized men delegated by their fellow colleagues stormed the CONADER office in Bunia on the 21 May 2005, venting their grievances and denouncing the snail pace of the demobilisation process. Perhaps, the vocal interjection of one ex-combatant Peter Ucan (who went through the demobilization process in Aveba), readily provides an emotional prism through which to understand the perception of the DDR process by demobilised themselves. He laments:

“These people have tricked us. We risked our lives to hand in our weapons, because our chiefs who owned these weapons are angry with us. Some of our friends have been killed because they joined the programme. Now, we can no longer live in our villages, because people are looking for us to kill us. We are incapable of feeding our families and cannot even pay the rent. The solution is for these people to give us our weapons back. If we have these weapons, people will respect us”.

Similar protests took place in Kasenyi, Mahagi, Kwandroma and Aveba, in which many hundreds of demobilized ex-combatants remonstrated against delays in the reintegration process, and irregularities in the payment of their filet de sécurité.

But anger over delays in the payment of dues is just one facet of a contagion of multiple local disappointments with the demobilisation process, which could force the remobilisation of demobilised fighters. One of such is the question of broken promises. Congolese government officials and International NGOs promised many local peoples and communities reintegration kits and other benefits at the end of their demobilisation programmes, which are yet to be fulfilled many years after. Where kits have been provided, they usually do not match the professional orientation, needs and desires of the demobilized (most of whom were forced into trade and skill programmes that did not match their desire). As such, recipients have simply sold

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76 Amnesty International (2007); Onana/Taylor (2008); Puijenbroek et al. (2008); Boutu (2005); Rouw/Willems (2010).
77 Amnesty International interview with Peter (not his real name) a former member of the FNI armed group, Bunia, January 2006, cited in Amnesty International (2007), 19.
78 ‘Security net’ - money paid to cover initial living expenses immediately after demobilization.
Whose DDR?

them off to make some money.\textsuperscript{79} The general perception amongst local people is that CONADER suffered from serious mismanagement problems leading to the swindling of large chunk of ex-combatant’s resources into private pockets.\textsuperscript{80}

Local communities too are beginning to feel offended owing to the fact that the “demobilized are just dumped into their communities while they still have the esprit of the military”\textsuperscript{81}, without even undertaking prior consultations with them. Two main issues accompany the massive return of demobilized ex-combatants to communities: first, when they return without appropriate skills or with little or no economic opportunities to feign for themselves, they tend to brutalize their communities through theft, aggression and acts of violence. In this respect, they are met with animosity and further stigmatized. On the other hand, when they finally begin to successfully integrate within their communities, harnessing their training for productive purposes, they tend to constitute a source of envy for other locals. One community member climaxes this resentment thus: “They first went out to loot and steal, and now they receive support through DDR. They gain twice while the communities suffer”.\textsuperscript{82}

Consequently, there is an urgent need to sensitize local communities on the need to be more receptive to these returnees; and support them through the process of reintegration. Some local chiefs and communities in the eastern parts of Congo have expressed their willingness to welcome ex-combatants and provide them with necessary support, though they generally fault MONUC and CONADER for not involving them in the process, and for not taking their own views into account.\textsuperscript{83} For instance, they highlight that most communities need to be equipped and empowered to handle the demobilized through the establishment of skills updating and follow-up centres to ensure that there is appropriate suivi (follow) of the process. Without these, massive hopelessness will seal the fate of many ex-combatants, and drive them back to the ways of violence.

Women too have expressed dissatisfaction with demobilisation, especially those women who were actively involved in combat operations with militias. They feel grossly marginalised in the whole scheme of things; discriminated against (they do not benefit from the process as men do); and when they’ve opted to stand as dependents to men at demobilisation centres in order to reap some of the benefits, they are simply turned away. Rouw and Willems (2010) aptly channel the height of women’s discontent through the figure of one ex-combatant Congolese woman interviewed: “[she] showed her demobilisation card and at the same time showing her combat pants she was still wearing under her traditional skirt...she was demobilized but could go back at any time if she wanted to”.\textsuperscript{84} It is difficult to imagine the hardships faced by Congolese women in the course of the country’s wars. The many challenges they further encounter during the DDR process only add salt to

\textsuperscript{79} Rouw/Willems (2010).
\textsuperscript{80} UN Official, Bunia, 9 October 2009, in: Rouw/Willems (2010).
\textsuperscript{81} Local Congolese Chief, in: Rouw/Willems (2010).
\textsuperscript{82} Community member, Akara, Ituri, 2 October 2009, in: Rouw/Willems (2010).
\textsuperscript{83} Rouw/Willems (2010).
\textsuperscript{84} See Rouw/Willems (2010).
injury. There is consequently an urgent need to prioritise women’s economic and psychosocial empowerment in the course of DDR operations.

3 Whose Reintegration? The Sidelining Of Local Contexts And Realities

Reintegration is easily the most complicated and controversial of the three DDR phases in the Democratic Republic of Congo. Actually, the problems with the DDR process in Congo begin right at the semantic level where there are cries to clearly problematize and conceptualise the meaning of ‘R’ in the DDR. While in the English acronym R - denotes ‘Réintegration’, in the French, ‘R’ – stands for Reinsertion which is not the same as reintegration. As a matter of fact, reintegration as a concept is still currently under-theorised, under-conceptualized and difficult to operationalise in the practical sense. Consequently, many actors involved in reintegration programmes continue to find the concept a hard bone to chew. The United Nations itself has grappled with the concept for a while, vacillating between various interpretations in the course of the last two decades or so. For instance, In 1999, UN Department for Peacekeeping Affairs (DPKO) DDR Guidelines for instance, defined reintegration as the “assistance measures provided to former combatants that would increase the potential for their and their families’, economic and social integration into civil society”. By 2000, barely a year later, the Secretary-General of the UN moved to broaden the meaning of the concept as “the goal of ensuring that warring factions can once more join civil society may require not only direct assistance to demobilized combatants, but also broader support to the country’s efforts to adapt the social and economic environment so that it can reabsorb them”. A more standardized clarification for both concepts would only come six years later. Currently, reinsertion is seen in terms of the range of social, economic and psychological assistance given to ex-combatants and their families in order to ensure that they can once again join civil society life, while reintegration is regarded as a much more engaging, long-term social process requiring the prioritisation of local input and ownership. Unfortunately, some organisations in the reintegration process in Congo simply abandon ex-combatants to their fate, claiming that their responsibilities ended with ‘reinsertion’ of former fighters into their communities. However ludicrous, this presents a strong terminological wall behind which incompetence can safely hide.

86 UN DPKO, Disarmament, Demobilization and Reintegration of Ex-Combatants in a Peacekeeping Environment: Principles and Guidelines, Department of Peacekeeping Operations 1999. (cited in Rouw/Willems (2010)).
88 UN Inter-Agency Working Group (UN IAWG) on DDR, Integrated Disarmament, Demobilization and Reintegration Standards (IDDRS), 2006.
Keeping the semantic debates aside, reintegration activities in DRC have been criticised for disregarding the local context within which ex-combatants live in the rush to secure quick peace, even though there are clear guidelines prescribing that reintegration be regarded as a long-term process. Local people have also faulted the process for not taking their views in to consideration in the course of implementing reintegration programmes. Rouw and Willems (ibid) highlight a multiplicity of instances where the UNDP and her partners got the priorities of local Congolese people wrong; such as training people in electrical skills even when they came from communities and villages without electricity supply; providing an electricity driven grinding mill to a community that had never been supplied with electricity in its entire life, or summarily providing people with ‘luxurious’ electronics like digitally mastered radio sets when they basically had little or nothing to eat. As a reaction to this mismatch, many ex-combatants have sold-off their reintegration kits and other benefits for money.

The search for durable employment opportunities for ex-combatants remains a chief challenge plaguing their holistic reintegration into normal civilian life. In light of this, it is easy to see how utterly wanting in scope the three days UNDP run course for preparing ex-combatants towards civilian life in Ituri was. As Marriage further explains, each ex-combatant was only provided with USD 50, and with a month’s food supply for their families. One FNI-spokesman stroke an important chord when he questioned whether such little assistance was really expected to transform their esprit de guerre (warring spirit). Consequently, there have been mounting calls for the establishment of community-based support centres to help ex-combatants continue practising the productive skills they acquired at transit centres. Dwelling further on the need for better understanding of the local economic contexts surrounding the reintegration of ex-combatants, one former fighter in Mangange Nogera, North Kivu told a research team only recently that if he were consulted, he’d propose that one motor bike (costing about USD 600) be provided for every four ex-combatants, as that would be more than enough to provide for their livelihoods and the sustenance of their families.

4 Sexual Violence, Poor Community Sensitization And The Feminisation Of Stigma In Congo

Sexual violence and its related stigmatization are serious concerns underlying the reintegration process in Congo. Unfortunately, women’s bodies are a significant part of the battlefield on which Congo’s wars are being fought. The utilization of rape as a weapon of war has meant that there is a high incidence of rape victims being reintegrated into communities, oftentimes, with little or no psycho-therapeutic attention to alleviate their trauma. The impunity associated with rape of women in

89 CICS (2006).
90 UN IAWG (2006), ibid.
91 Cited in Bouta (2005), 28; Rouw/Willems (2010).
92 Rouw/Willems (2010), 37.
Congo has attained sub-human levels, and further exacerbating their pain is serious community stigmatization associated with victims of rape. As a matter of fact, Vinck et al conducted a study in which one-third of their respondents reported that they were not ready to admit victims of sexual violence into their community. Generally, stigmatization defines the security perception of women, and fuels tension which might in turn aggravate many minor community based conflict system. Because stigmatization feeds on misinformation, there is urgent need to involve recipient communities at the core of reintegration programmes, and actively engage them in information, sensitization and behaviour change programmes. At the same time, more should be done to educate communities on the hazards of rape, while local initiatives and rape prevention/support networks should be encouraged within the reintegration phase.

In light of the overarching aim of this paper, gaining a clearer understanding of the respects to which grassroots empowerment and local ownership considerations are marginalised within current DDR processes in Congo; requires a more panoramic look beyond specific DDR phases. Achieving this entails widening our prisms to accommodate issues of somewhat cross-cutting dimensions. This is the purpose of the next section of this paper.

5 DDR Implementation Chain And The Marginalisation Of Local NGOs

A fundamental issue bedevilling the DDR process in the DRC has to do with the rather cumbersome contracting chain through which post-conflict development operations are both coordinated and funded. As an example, the United States Agency for International Development (USAID) functions in the Congolese DDR process with two US-based profit making subsidiaries – ARD and MSI – who through other chains, function with international NGOs, who in their turn, work with local NGOs. What this does in effect is that it complicates the command chain, and alienates local grassroots based NGOs several complex chains away from the design, execution and monitoring of various DDR phases. While national NGOs are mostly victimized, this is by no means a practice confined to the international players in Congo alone. As a matter of fact, the national DDR mechanism CONADER contracted key components of the reintegration phase to international NGOs, marginalising local Congolese NGOs who are much closer to the grassroots, in the process. In many ways than the contrary, the post-conflict development implementation chain in Congo is redolent of a Las Vegas casino where a coterie of extremely rich and influential elites snowball favours and contracts across their ranks.


94 Puijenbroek et al. (2008), 16-17.
This trend generally produces two sad consequences. Firstly, it continues stridently with the failed culture of exempting local NGOs from participating in the Congolese humanitarian economy, hence trivializing the pertinence of including local views, voices and brains in the direct design and implementation of DDR programmes. Secondly, it makes key international players in the process very vulnerable to serious but elementary mistakes linked to the understanding of the local contexts within which they operate. For instance, a recurrent complaint amongst local chiefs, Congolese NGOs and even some international partners in Ituri, is that the UNDP routinely provides incorrect lists of ex-combatants, and consequently, often selects ineligible beneficiaries for their projects. In many ways, the active involvement of local NGOs in huge internationally driven development endeavours such as those related to the DDR process can lead to very rewarding outcomes for all. First, there is enormous potential for a two-way process of capacity-building and transfer – local organisations strengthening the knowledge base of external partners with respect to the Congolese setting, while international partners can of course transfer some of their expertise and technical know-how in project administration and management to local NGOs. This is crucial in enhancing continuity and safeguarding sustainability. Besides, it can also build on the confidence of local actors, empowering them with skills to continue following-up on implemented projects long after the bandwagon of international development experts have left. Unfortunately however, by keeping them at the tangents, international partners in Congo are inadvertently disintegrating the very bedrock upon which DDR's success should be rested. This concern has very much contributed in fanning the embers of the serious credibility / reputation deficits currently associated with most international organisations operating in Congo, which are addressed subsequently.

6 The Credibility / Reputation Deficits Of International Organisations In Congo

The truth of the matter is that most international organisations in the DDR process in Congo suffer from credibility / reputation deficits in the eyes of the ordinary Congolese. The general feeling is that these organisations spend huge sums of money fuelling their cars, organising transportation and maintaining the luxurious lifestyle of their personnel, to the rude neglect of salvaging the real and meaningful plight of common Africans. Perhaps to strengthen this standpoint, a UN official in Congo admitted in the course of a recent research interview that about a third of MONUC's budget allotment was directed towards transportation related costs for staff, and many other international partners spend substantial sums on chauffeurs

95 Chef de coutumier, War Palara, Ituri, 1 October 2009; Chef de chefferies, Djokot, Ituri, 3 October 2009; USAID, Goma, North Kivu, 27 November 2009; Local NGO, Bukavu, South Kivu 30 November 2009; Local NGO, Bunyakiri, South Kivu, 1 December 2009, in: Rouw/Willems (2010).

for their personnel, sometimes to tunes that poignantly supersede allocations to local NGOs for DDR work.97

Ex-combatants and local NGOs further view international organisations as riddled with wasteful bureaucratic red tapes, often based kilometres away in the cities; and principally detached if not disconnected from the nitty-gritty of daily life amongst local Congolese people. To support the perceived detachment of the UN from the daily goings on and sufferings of local inhabitants, an ex-combatant -lifting up his radio set, quipped “see, the UNDP gave me a radio, but I cannot eat a radio. I will probably sell it for food.”98 Local NGOs remain aggrieved by the lack of trust which international organisations display towards them. The shared feeling is that international organisations find them incompetent in their so-called western ‘expertise’ –the reason why they continue to deal with other international partners. Consequently, the DDR programme unfortunately became a process encrusted with western stereotypes and canards about Africans, a trend which put paid to the working relationship between external and internal partners, thereby depriving it of the mutual respect and cooperation it badly needed to be successful.

From the Congolese standpoint however, one can explain the narcissistic attitude of international organisations in terms of a capacity deficit as well, since they are incapable of understanding the basic daily realities and difficulties faced by local people.99 Furthermore, despite the strong local community-based orientation of the UN Integrated DDR Standards (IDDRS) which emphasizes the necessity of mainstreaming community participation 698 times throughout the entire document,100 there is quite compelling evidence to support the fact that international organisations seem to be in a rush to brandish quick results, and meet their relatively short project cycles. This partly explains the sidelining of active community involvements, and the relatively brisk pace of pursuing programmes without paying sufficient attention to the long-term impact of interventions.

7 Linking DDR, Security Sector Governance And Grassroots Driven Development

It is profoundly important understanding the strong nexus between the success of the DDR process and the broader success of security sector governance in Congo. To their credit, both international and national partners in the country demonstrated foresight in recognising the need to synergize resources and coordinate quite closely around both priorities. For instance, SMI and CONADER’s PNDRR collaborated closely in the demobilisation of ex-combatants. However, with the prevailing difficulties to undertake comprehensive human rights based reform of the military and the resurgence and remobilization of armed factions and militias in eastern Congo,

98 Ex-combatant, Mudaka, South Kivu, 4 December 2009, in: Rouw/Willems (2010).
99 Rouw/Willems (2010).
100 See Rouw/Willems (2010).
the spectre of an unsettled security climate looms large with unbridled attacks mounted across villages and communities, and massive rape of women becoming more rampant and systemic. Against this backdrop, the current angst over the long-term success of international efforts in the country and Congo’s own future security prospects seem justifiable. Increasingly, the United Nations is coming under immense pressure to put an end to impunity, and MONUC’s veneer of credibility has once again been badly bruised by repeated allegations of massive systemic rape in communities where its peacekeepers were supposed to be in control. Consequently, never has any time been more right in the course of Congo’s recent troubled history to prioritize the security of citizens than now. In light with recent developments effective security sector governance in general and the protection of civilians in particular, are key to the attainment of meaningful peace even as they are essential to guaranteeing the long-term success of all post-conflict development programmes in the country.

In the face of increasing security demands matched by dwindling supply from the Congolese state and United Nations forces, some groups like the Lendu and Mai Mai have simply re-armed, claiming they are motivated to do so in order to guarantee their group security. Whatever the reasons, such developments augur pessimistically for lasting peace and security in the country. On a rather positive note, the security vacuum is also being filled by community based local security initiatives such as the Haki na Amani\(^{101}\) in the Ituri region and the Kyaghanda\(^{102}\) in the Northern Kivu province, which are now taking the bull by the horns by providing security to local peoples.

### E How Local Security Initiatives Are Making A Difference

Based on traditional African communitarian security and justice-seeking principles, both Haki na Amani and Kyaghanda act as vanguards to community security in their respective environments and provide avenues for communities to come together and resolve their conflicts amicably based on a doxa of traditional values and systems. Organised in barzas\(^ {103}\) where aggrieved people are allowed to vent out their grievances, both organisations generally provide relief and support to victims of violence, accompanying them to avenues where they could seek justice.\(^ {104}\) As one local Congolese puts it, they “are doing the work the government is supposed to do. The government should handle things like we do ... The barza really helps solving

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101 Translated as ‘Justice and Peace’ in Swahili.
102 Refers to a traditional veranda at the Nandes. Symbolically a sacred venue supportive of ‘vision societale’ or ‘communal vision’. Usually dedicated to cultural meetings, serves as a venue for ancestral rites, and customary dispute settlements. Every family tends to have a kyaghanda (see Mwana wa vene, 2005, cited in Rouw/Willems (2010)).
103 Venue where community issues are discussed.
The focus is not just on hard security concerns, but also on soft concerns such as health, water, education and community solidarity. Kyaghanda is the more widely known of the two and even benefits from wide international support from Nande in the Diaspora. As a socio-cultural organisation, it meets weekly and prides itself with providing an opportunity for people to find dignity in themselves. While both organisations do not have a direct bearing on the DDR process, they generally provide lively support to the youth and assist in the reintegration of ex-combatants. Based on reciprocity of trust, they provide enabling community environments and help foster a spirit of solidarity which facilitates the reintegration of former combatants – routinely following-up on their progress within communities. By involving and rallying local peoples, they provide vital lines of ownership, belonging and empowerment which are absent in the processes led by international organisations and MONUC. The tightly knit nature of these organisations also means that they are less susceptible to corruption and the influence peddling of particular members.

F Conclusion And Recommendations

Only a few months ago, the Democratic Republic of Congo commemorated fifty years since the territory gained political independence from Belgium, although the truth be told, Congo is not yet free (Wanki, 2011). The nation continues to be shackled by various reincarnations of violence, greed and misrule – some of these factors are externally driven, others are quite simply internally motivated. Resting unsteadily on the needle tip of political instability and violent conflicts, Congo’s current profile paints a sorry portrait of one of Africa’s most richly endowed countries, torn asunder by the demons of desperately tyrannical colonial past, an unsavoury history of post-colonial upheavals, and terrible dimensions of poverty, underdevelopment and bad governance. All together, these have formed an overlapping sequence of tragedies, each inflicting profound human and material causalities in its turn.

The more recent bouts of conflicts in the country, especially those rattling eastern Congo continue to remind us that the international community did the right thing deploying the largest ever United Nations force there. But even with its immense resources and considerably large peacekeeping footprint, MONUC (now MONUSCO) has found itself somewhat inadequate in measuring up to the prevailing security challenges in the country. The United Nations is still recovering from the credibility deficit suffered as a result of the recent massive rape of Congolese women in areas where it was suppose to exact oversight; and with respect to the overall conduct of DDR processes, critical fingers continue to point to serious and avoidable flaws in the UN-supervised programme. Perhaps in the several failures in DR Congo, UN cynics might have finally found sweet fodder after all, and many critics around the world are

105 Cited in Rouw/Willems (2010).
106 Rouw/Willems (2010).
beginning to attract sympathizers even as they continue to be summarily dismissive of the political and humanitarian utility of the United Nations in a world clearly drifting towards the twilight of global security.

This paper initially set out to join an ongoing conversation centred on the various respects to which local ownership and grassroots empowerment considerations have been mainstreamed in the design, implementation and follow-up of disarmament, demobilisation and reintegration programmes in the DRC. As the foregone discussions have unveiled, while DDR processes have occasioned visible progress towards more peaceful dispensations in the Congo, the various phases of the process have failed serially in addressing the local needs, interests and contexts of local peoples. Empowerment considerations have quite simply been bypassed in programme implementation phases, and local actors continue to begrudge the process for its myopic intransigence and utter disregard of their voices and inputs. Some of the issues with Congo’s DDR experience are tied to the specific local challenges of the country; still others point to the need for a broader shift, through strategic, tactical and operational level, of post-conflict reconstruction and development mindset in order to allow more space and power to local peoples and communities who after all, should own the process.

The following recommendations should thus be considered in this light:

- There is now serious need to follow Jenning’s (2009) advice and delink disarmament and demobilisation phases, which are basically securitization operations, from the R+ phases: reinsertion, reintegration, rehabilitation etc.; which are chiefly developmental in orientation. Such delink should further require that even the hugely military dimensions of especially disarmament operations be mainstreamed with adequate civilian capacities to ensure that disarmament moves beyond just physical disarmament to entail mental and psychological disarmament. UNESCO got it abundantly right when it expressed that since wars are started in the minds of men (and women), disarmament must commence in their mind as well.

- There is urgent need to develop at the highest levels of the UN, separate operational guidelines that set clear expectations and standards for operationalizing local ownership and grassroots empowerment in DDR processes. This should establish strong monitoring components within DDR programmes, and quotas for local actors to ensure that local peoples participate interactively in the design, implementation and monitoring of various phases of DDR. International organisations must be mandated to sequence their programmes and projects with selected local organisations, and be assessed partly in terms of what they have done in building indigenous capacity of local organisations, as well as the respects to which local communities have been actively involved in the execution of specific DDR phases. They should also respect local actors, see them as partners, and jettison canards about Africans.
- There is need for bottom-up conceptualisation of DDR programmes based on the contextual realities of specific conflict settings. The cut-and-paste approach wherein DDR templates for one country are simply switched to the next country or region obstructs effectiveness in execution, and leads to costly miscarriages in development management.

- Special instruments should be established with DDR process to mainstream gender equality and monitor its practical implementation throughout the treatment of caseloads, from disarmament, through demobilisation, to reintegration phases. Post-conflict settings provide important opportunities for deconstructing stereotypical gender roles and empowering women towards gender equality. It is important to further compel both national and international actors to mainstream prescriptions of UN Security Council Resolution 1325 in their work.

- Security Sector Reform and effective security governance especially amongst civilian populations should be seriously prioritised as prerequisite to success of DDR processes in the DRC.

- Finally, rape of Congo’s women shames the collective conscience of humanity. International effort must be mustered more effectively and robustly in investigating allegations, fighting impunity and catering for victims.
Abstract
This article questions the core assumptions of Disarmament, Demobilization and Reintegration programs, and their ability to create lasting peace in post-conflict environments. Through analyzing the case study of Sierra Leone, it can be shown that the program was plagued by massive failures which created increasing instability. In addition to a failure to deal adequately with former child soldiers, the DDR program also failed to be adapted to the needs of women, while it also excluded certain armed groups. This article will argue that the example of Sierra Leone, often celebrated as a success story, raised key questions as to the legitimacy of the core assumptions of DDR.

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A Introduction

In the literature on peacebuilding, Security Sector Reform (SSR) dominates the discourse of normative policy prescriptions. Advocates of SSR stress the interrelationship of conflict resolution and development, asserting security as a prerequisite to any kind of long-lasting peace.¹ SSR programs are frequently enacted in Sub-Saharan Africa, in the form of massive Disarmament, Demobilization and Reintegration (DDR) campaigns, which seek to overcome the structural security-related causes of violence through reforms targeting former belligerents.² Typically, this has involved attempts to disarm rebel groups and challengers to state power, and incorporate them into the state security apparatus. However, in the attempts to reach successful conclusion of DDR programs, a myriad of counterintuitive processes take hold, yielding results directly contrary to the aims of the DDR program itself. The law of unintended consequences looms large over DDR campaigns, and it is now noticeable that DDR itself acts as a means to fuel and not quell violence in developing countries. This paper will seek analysis of DDR by focussing on the specific case study of Sierra Leone, and will put forward an argument that ‘cookie-cutter’ approaches – which ignore local contextual factors in favour of a metanarrative solution to conflict – not only can fail, but can worsen the security situation. Additionally, this paper will address the massive complexities of operating DDR campaigns in an operational environment dominated by both child soldiers and individuals who have been coerced into combat roles against their will. In the example of Sierra Leone, and with DDR in general, the contours of violence are smoothed over to enforce top-down notions of peace, which ignore the experience of the individuals actually involved in conflict, and the multiple roles they played and continued to play in an insecure and unstable climate.

B Disarmament, Demobilization and Reintegration

In order to seek a sustainable peace, it is necessary for former combatants to invest in the peace process itself. In order to achieve this, the long-term peacebuilding must be presented to individual combatants as being more beneficial than the war

economy, though the existence of some form of peace dividend.\(^3\) The standardized program for the United Nations (UN) has become DDR, and it has operated such programs in geographically and culturally variant conflict zones including Afghanistan, Haiti, Uganda, Sudan and many others.\(^4\) As the UN’s Operational Guide to the Integrated DDR Standards states:

\[\text{"The objective of the DDR process is to contribute to security and stability in post-conflict environments so that recovery and development can begin. The disarmament, demobilization and reintegration of combatants together make up a complex process with political, military, security, humanitarian and socio-economic dimensions."}\(^5\)

Essentially, this view is one which seeks to turn belligerents of conflict into stakeholders in the peace process.\(^6\) However, a key conceptual flaw which quickly emerges from this broad approach is rooted fundamentally in the concept that DDR campaigns are frequently commenced not in post-conflict situations, but in areas of on-going conflict. The question, therefore, arises as to whether DDR is intended to act as a means of peacebuilding once conflict has ceased, or as a peacemaking method while conflict is on-going. This is not merely a conceptual flaw, it is a major source of the ill-defined and undifferentiated concepts which make SSR and DDR programs a source of contention for the intended beneficiaries of the programs.

In order to assess the conceptual ambiguities of DDR, it is necessary for this paper to focus on a narrow operational range, in order to assess DDR as a means of peacebuilding. DDR programs are a reflection of what Jane Chanaa terms the institutional dimension of SSR. The purported aims of such programs are to mould existing, ineffective security apparatuses into more effective institutions able to maintain security, and create an environment conducive to sustainable development. Specific objectives of such programs include: building capacity within the military; seeking professionalized standards; demobilizing overstaffed militaries; incorporating rebel groups into government forces; and a reorientation of the military away from politics.\(^7\) These aspects largely fall into the ‘disarmament and demobilization’ aspect of DDR, in which removing weapons and removing an individual from the fighting ranks of an armed group is deemed a success.

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C  Rehabilitation and Child Soldiers

The rehabilitation of former fighters is a slightly less clear concept. For many, they have never ‘left’ society, and have little or no desire to be ‘reintegrated’ back into it by members of the humanitarian international community. Socio-economic reintegration of former fighters into society is a difficult prospect, especially in environments where those fighters were used as means to operate war crimes or genocide against the civilian population. It is seen as necessary to provide them with a “transitional safety net” to encourage their successful ‘return’ to society, and ensure they do not operate continued crime or violence. This transitional assistance frequently comes in the form of education, or a demobilization payment to allow them to integrate socially and economically back into society. These solutions, however, are short-term, and do not address long-existing grievances between former combatants. To civilians, government forces, or victims of atrocity, the gifting of training and resources to former rebels through DDR programs is interpreted as a reward for rebellion, while the victims of their action receive little or nothing.

In many of these programs, former child combatants are put through the programs in the same manners as adults, and their specific needs – as young, frequently uneducated, traumatized, unskilled, and unprotected former combatants – leaves them more susceptible than adults to re-recruitment to violence. This can occur through a return to old rebel groups, or to new ones, as well as integration into village defence units (e.g. the Kamajors in Sierra Leone), or into criminal gangs or networks. It needs almost not be said, but is important to remember that different former combatants have different needs. Special target groups within DDR campaign – such as women, children, as well as disabled veterans – can be ignored or missed in the DDR campaign which seeks quick results. A failure in the rehabilitation of child combatants leads to a flaw in the peacebuilding process which, if left unchecked, will prolong the effects of violence, or lead to its return. Current demographic trends predict larger populations of young males, while trends in rural conflict show the increasing involvement of children.

If peacebuilding fails to address the concerns of young combatants, a permanent and sustainable peace is impossible. Though DDR programs are tweaked slightly from country to country, the core assumptions remain the same. These assumptions are that by putting fighters through DDR, their desire to fight can be removed, and they will ‘return’ to society as productive members. Ignored are the diversity in the experiences of disparate conflicts, as well as different forms of fighters (i.e. children or adults) as well as the multi-varied roles that an individual child can act out in combat (e.g. as fighter, porter, bushwife, human shields, etc.). DDR, therefore, is

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smoothing the contours of violence, by universalizing the experience of individuals and assuming that there is one single panacea to cure what ails them.

D Exclusion at the Micro-Level: Women, Girls and DDR

In order to show the manner in which this has occurred, focus will now be placed on the process of DDR campaigns in Sierra Leone. It is well beyond the scope of this article to provide prolonged analysis of the conflict, or the peace process which occurred, and therefore emphasis will be focussed here on DDR programs and the manners in which they have addressed the needs of former child combatants. As David Keen noted, the Sierra Leonean Civil War was one dominated by brutality, and the pervasiveness with which both government and rebel groups incorporated children into their military structures. At the close of the conflict, the United Nations Mission in Sierra Leone (UNAMSIL) began operating DDR programs for both rebels and government soldiers. The program has been widely regarded as a success, due to the fact that conflict did not re-emerge. A report by the World Bank asserted that the program was a success, not because it created sustainable livelihoods for the former combatants (it didn't), but because individuals were removed from armed groups and 'returned' to society. There is a very clear confirmation bias present in this view; the DDR programs were successful due to the absence of war, and due to the absence of civil war, the DDR programs were a success. Ignored are the plights of the actual individuals involved, as well as the open admission of the report that they were not assisted in gaining sustainable livelihoods.

In addition to this, the DDR programs contained a number of noted failures in practice which made its own task more difficult, while also ignoring contextual factors on the ground. Many of the children who were coerced into adopting combatant roles in the Sierra Leonean Civil War were girls. They were forced to adopt roles in both rebel groups that ranged from fighters, to porters, to bush wives, to sex slaves, and many others. Chris Coulter noted that in Sierra Leone "no specific measures were put in place to ensure that female fighters disarmed." Girls were not given the demobilization pay that their male counterparts were, and were not granted assistance in their reintegration for either themselves or their dependants. This was largely due to the stinginess with which international donors approached the program, and resulting necessity to reduce the number of former fighters for whom

DDR can be considered an option. In the Sierra Leone case, this was accomplished through a narrowing of the definitional parameters for who can be considered a ‘combatant.’\textsuperscript{14} Children, especially girls, are the easiest group to cut out, due to the fact that young girls do not fit into pre-conceived notions of war as an adult male activity. As Laura Sjoberg observed, the record of the DDR campaign in Sierra Leone was ‘abysmal.’\textsuperscript{15} Even though 10-50\% of combatants in various armed factions were female, only 8\% of the children who went through DDR campaigns were female.\textsuperscript{16} This presents an appalling failure of the DDR program to acknowledge the realities of the Sierra Leonean Civil War, and the manner in which to seek national reconciliation. As Scott Gates noted, the study of girl soldiers is still in its infancy, and there is a paucity of data on fundamental questions such as how and why they fight, as well as how to overcome stigmatization.\textsuperscript{17} The failure of the UNAMSIL DDR program was not a failure of the girls themselves it was also a failure to the conceptual understanding of child soldiers and their many manifestations.

The issue of accountability is one which has not yet been effectively dealt with by DDR programs. In Sierra Leone, it was decided that individuals guilty of atrocity and war crimes would not be held to trial if they were under the age of 18. Whereas the idea of bringing children to court may seem unsavoury, it can act as a source of national dialogue, and contributing to the creation of narrative of the experience of war, even if it does not result in conviction. As Julia Sloth-Nielson noted, the arbitrary designation of the ‘eighteen year cut-off’ was effectively a Western imposition contrary to traditional notions of adulthood. As a result, children who had committed atrocity were not given any special treatment – either punitive or treatment-based – which not only ignored their crimes, but their role as victims.

There are larger problems with DDR, however, that exist beyond failures to rehabilitate and reintegrate the combatants themselves. Accusations exist that the DDR program in Sierra Leone was a direct factor in prolonging the conflict. Due to the fact that child soldiering was illegal, the attempts of the international community to push the rebel group Revolutionary United Front (RUF) into DDR campaigns are seen as a direct cause of their intransigence to the peace process, and their return to the bush to further conflict in 2000.\textsuperscript{18} There exists a further criticism, related to the concept of credible commitment. It takes more than a few weeks or months to rehabilitate a former combatant of conflict, especially a child, and there was a distinct lack of continued effort on the part of the UNAMSIL mission to continuously engage with former child combatants. Therefore, in spite of the success noted by the World Bank, the reality on the ground was that DDR programs were underfunded,

\textsuperscript{14} Bouta, et al. (2005), 17.
\textsuperscript{16} Sjoberg (2010), 153.
\textsuperscript{17} Michael G. Wessells, Girls in Armed Forces and Groups in Angola: Implications for Ethical Research and Reintegration, in Scott Gates/Simon Reich (eds.), Child Soldiers in the Age of Fractured States, Pittsburgh 2009, 184.
\textsuperscript{18} Karen Wells, Childhood in a Global Persepctive, Cambridge 2009, 164.
temporally limited, while they also effectively excluded many former combatants. Calling this a success would be to ignore the realities of confirmation bias, and asserting that the programs were successful solely because there was no further conflict. One could equally regard the situation from the opposite view: given the shortcomings of the DDR programs, it is perhaps a miracle that conflict didn’t re-emerge.

E Exclusion at the Macro-Level: The Kamajors and Village Defence Units

One local response to the civil war was the creation of ad hoc village defence units by members of the Mende ethnicity. Called ‘Kamajors’, these community organized armed groups were created in the face of increasing rebel activity by the RUF, as well as the brutal government response. The Kamajors were created from pre-existing traditional hunting societies, though they reformed themselves in order to conduct active military campaigns against rebel attacks on civilians at the local level. Due to Kamajor success against the RUF, the government incorporated Kamajor units into the state’s official security system. In addition to forcibly recruiting child soldiers, the Kamajor units quickly became involved in the same methods of predation and violence that typified the rebels they were supposed to be fighting. The Kamajors were a new form of actor in the Sierra Leonean war; a highly decentralized group of affiliated militia with little political coherence beyond a purported claim to end rebel atrocities. Upon entering the maelstrom of civil war, the Kamajors were a fourth group of actors after the governments, rebels, and the Economic Community of West African States Monitoring Group (ECOMOG) in a complicated war of predation and mass atrocity in which all sides were complicit in gross human rights violations.

The Kamajors present a conceptual grey area, and as village defence units they do not fit easily into categories of violent actors in conflict. Though they were recruited and deployed largely in and around their own villages, they were technically incorporated into government military structures and used in a coordinated attack against the rebels. Additionally, though the groups origins were as traditional hunters, they quickly initiated large numbers of children and captured rebels into their ranks. Finally, in addition to fighting rebels and halting rebel abuses, they quickly became involved in their own forms of predation on civilian populations under their control. Because of their nature as armed village defenders, it is very difficult to quantify the exact number of Kamajors. David Keen has noted that there were likely between 15 and 20,000 Kamajors by 1997.

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Whereas the exclusion of girls from the DDR process can be seen as an act of exclusion of individuals on the micro level, the role of the Kamajors in the peace process is important in order to show the manner in which DDR often excludes entire groups of fighters on a macro-level. Although the Kamajors were incorporated into the government security structures, they were never officially government fighters. They were actively excluded from the main DDR programs, which David Keen has noted occurred due to an inability of funds. Another bizarre reason for their exclusion was related to the weaponry used by the Kamajor groups. As they were largely disconnected from the broader weapons trade, the Kamajors developed their own forms of home-made firearms, mortars and munitions. Since these were not ‘conventional’ weapons, they were not accepted as eligible for involvement in the DDR programs. Naturally, the conventionality of weaponry matters little for the civilians suffering under predatory armed groups. Though the home-made weapons used by the Kamajor were worth little in the region arms trade, their ability to generate instability is undeniable.

The exclusion of the Kamajors also threatened the success of DDR in terms of those who were allowed into the programs, specifically in terms of the rebels that opposed the government. The fact that the Kamajors were not disarming was cited as a key concern by RUF leaders, leading to foot-dragging on their part and a refusal to commit to DDR processes. There was a very clear security dilemma present in this situation; the desire of the communities and villages to maintain their defence capabilities created insecurity for the rebels themselves. The implications of the exclusion of the Kamajors from the DDR process were great, and present a key reason the Sierra Leonean DDR program cannot be viewed simply as a success. In any conflict, disarming only a portion of the population will necessarily create feelings of insecurity in their opponents. In addition to this, the failure to disarm groups who had taken part in massive human rights abuses simply continued practices of predation which were key causal factors in the initial outbreak of violence. The highly decentralized nature of the Kamajors meant that though the government forces sought to coordinate the village defence units, they were unable to assert direct control over them.

In order for any peace process to be considered successful, it must be said to have incorporated all belligerents and armed groups by granting individuals a reason for taking part in the process of DDR. The exclusion of the Kamajors from the DDR process not only denied them the benefit of any kind of peace dividend, it also made continued illegitimate violence appear as the only means of survival for the group itself. As Joy Allie has noted, after the conflict was over, the Kamajors continued to take part in predatory violence, while also concealing their weapons caches from

23 Joy Allie (2005), 62.
Smoothing the Contours of Violence: The Failure of DDR in Sierra Leone

inspection, as well as selling their services to other armed groups in West Africa.\(^{25}\) Kamajor exclusion, therefore, not only threatened the DDR programs, as well as the Sierra Leonean peace process, but contributed directly to continued regional insecurity.

F DDR and Crime?

Johan Galtung has conceptualized the difference between *positive* and *negative* peace. While the latter is simply an absence of war, the former is a peace which embraces social justice as a mechanism for overcoming structural violence.\(^{26}\) Too often in the literature on peacebuilding, a DDR program is perceived to be a success based on the sole condition that war has not re-emerged. This certainly seems to be the case with the example of Sierra Leone, as noted in the World Bank’s designation of the DDR program as a success due to the fact that “peace has prevailed since 2002.”\(^{27}\) Though it is certainly true that the conflict is over, the country is still plagued by structural violence which reflects itself through increasing crime rates. A recent study by Annie Barbara Chikwanha has concluded that crime is increasing rapidly in Sierra Leone, including an increase in the prevalence of rape by over 1000% between 2002 and 2008.\(^{28}\) When individuals are not engaged actively in a DDR program which actively seeks to provide long-term survival techniques, there is a great risk that individuals will adopt criminal or predatory practices against civilian populations. As noted by Porto, Alden and Parsons, there is a paucity of data on individuals who have taken part in DDR programs, and survival strategies they adopt for the long-term once DDR has been completed.\(^{29}\)

Quite clearly, more research is needed in case specific studies such as Sierra Leone in order to establish what long-term livelihood strategies are adopted by former fighters long after DDR programs have finished, and international funders have departed. There are great risks to both former fighters and civilians when emphasis on DDR is placed solely on seeking an absence of war. Additionally, it is hugely problematic to measure success or failure solely by assessing the number of individuals who have taken part in the programs. As Humphreys and Weinstein have argued, the fact that a combatant may have left a rebel group does not necessarily mean they will reintegrate back into their communities or into the legitimate

\(^{25}\) Joy Allie (2005), 62.


\(^{27}\) Peeters/Cunningham/Acharya/Van Adams (2009), 99.


\(^{29}\) Porto/Alden/Parsons (2007), 2.
economy. Though one source of insecurity – the rebel group – may be demobilized and disarmed, new threats to security can quickly arise to take their place, if underlying structural causes are not addressed, and if the individuals who take part in DDR programs are not offered viable long-term survival strategies. Fithen and Richards notes that if "social exclusion was a cause of war then peace requires society to be reformed along more inclusive lines [...] reintegration of ex-combatants into unreformed communities risks reproducing conditions causing war."

G Implications of Failed DDR Programs

Criticisms of DDR can be said to fall into two categories: those which assess methods, and those which assess the core assumptions and concepts of DDR itself. The latter can be said to be a rejection of the core tenets of DDR ideas, while the former exist more as criticisms as to how it is operated. Most criticisms of the Sierra Leonean DDR campaign fall into the first category, and assert small failures in an overall success story. As noted above, those who assert the Sierra Leonean case study as a success story do so largely under the justification that conflict has ceased in the country. Though this is technically true – in that there is no active war occurring – it is also necessary to assess the structural violence which continues in the country.

DDR in Sierra Leone failed the majority of combatants involved in the civil war. In addition to failing to offer adequate programs to child soldiers, women and girls were actively excluded from involvement. Additionally, sustainable livelihoods were not offered to the combatants, and instead, an emphasis was placed solely on breaking their link with the armed groups. Though this may succeed in ending a single rebellion, it offers little in any quest to create a situation of positive peace in which social justice overcomes structural causes of violence. Additionally, the exclusion of certain armed groups cannot be justified either from a perspective of short or long-term goals. Though these may appear to be criticisms of methods of DDR, they are more relevant to addressing the concept of DDR itself, and the core assumptions which support it.

The justification of DDR programs in post-conflict nations such as Sierra Leone are based on the assumption that a poorly funded, badly run DDR program is better than no program at all. However, this is not necessarily the case. Though, as noted above, more research is needed to discover the paths of individuals after DDR, the continued high levels of violence which have remained in the country since the end of the conflict speak to the fact that badly run DDR programs can create new forms of structural violence. In disarming one group and not another, DDR in Sierra Leone

has created a situation in which one group of former belligerents have sought peace while the Kamajors – the largest armed group from the conflict – remain armed and operating both predation and corruption. Additionally, the failure to deal with the large numbers of traumatized youths – especially girls – necessarily creates new groups both in terms of victims and perpetrators of violence, in that vulnerability is increased in the face of an increase in the number of armed individuals experienced in violence against civilians. The example of Sierra Leone raises many questions, the most pertinent of which is perhaps whether the greatest success story of DDR is a success at all, and whether or not an underfunded and exclusionary DDR program can actually create more insecurity than it solves.

**Conclusion**

DDR programs operate on a set of core assumptions which smooth the contours of violence, and fail to understand the experience of the individuals involved. The role of DDR in the Sierra Leonean peace process is one which shows a number of conceptual and practical flaws. The failure of the UNAMSIL mission to correctly understand the role of both children and girls in the conflict led to a direct exclusion of former child combatants from the DDR process. Not only were they not granted the basic “transitional safety net” afforded to their adult male counterparts, their special needs as children or as girls were ignored. Additionally, though the DDR campaign is often treated a success in its post-bellum incarnation, the manner in which DDR was enacted during the war was one which favoured rebels (and their forced recruitment of child soldiers), at the expense of those willing to take part. It accomplished this by allowing the rebels to limit their involvement in DDR, and later, to effectively withdraw from it. If DDR programs are ever to seek success beyond simply removing individuals from rebel groups, an increased understanding must be granted to the highly contextual factors of different conflicts, and the experience of different actors within those conflicts.
IV Challenges in Africa
Valeria Izzi

“No Nkunda No Job”: Rumours, Local Narratives and Peacebuilding in the Kivus, Democratic Republic of Congo

Abstract

Issues related to rumours and local narratives have been largely overlooked by the literature, policy and practice on peacebuilding. Yet peacebuilding is, at its core, a project of social transformation, and its success depends significantly on the establishment of a relationship of trust between local people and external ‘helpers’. This article examines the legitimacy and strength of the social contract between the international community and local populations in the Kivus (DRC). It argues that the widespread climate of suspicion and mistrust surrounding the presence of international actors is, in itself, a fundamental obstacle to peacebuilding efforts, and it therefore deserves a much greater attention than it has been the case so far.

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A Introduction

The provinces of North and South Kivu, in eastern Democratic Republic of Congo (DRC), have been affected by violence on a massive scale for almost two decades. Killings, forced displacement, rapes and other forms of sexual violence are routinely used in a scale that defies quantification and even imagination.¹ Neither the Sun City Peace Agreement, which in 2002 put a formal end to the hostilities, nor the internationally-supported transition period, culminating in the 2006 elections, have succeeded in bringing peace to the east. Starting in mid-2007, a series of targeted political, diplomatic and political initiatives have intermittently revived and frustrated hopes for peace.

Home to the world’s largest (and, according to some, least effective²) United Nations (UN) peacekeeping mission, Eastern DRC has received international assistance that spans the whole gamut from relief to recovery. Much has been written on the success of these efforts, or lack thereof. Rather than dwelling on the overall question of impact, this paper focuses on one specific and under-analyzed aspect of international intervention in the Kivus: namely, the reputation of the international community in the eyes of the local population, and the legitimacy and strength of the ‘social contract’ between international and local actors.

The article is organised as follows. It starts by presenting the concepts of ‘rumour’ and ‘narrative’ and their relevance for conflict studies and conflict resolution theory (Section B). It then turns to the specific case of North and South Kivu, to discuss local narratives of conflict (Section C) and local perceptions of external interventions (Section D). The article concludes by drawing some implications for future practice.


² The Economist, Is This The World’s Least Effective Peacekeeping Force? Congo, Rwanda and the UN, 4 December 2004.
Rumours, Local Narratives and Peacebuilding in the Kivus, Democratic Republic of Congo

B Rumours and Narratives – What Are They, and Why Do They Matter?

In all societies, rumours\(^3\) have political relevance: the persistence of conspiracy theories surrounding the birth certificate of U.S. President Barack Obama is a powerful reminder of this.\(^4\) However, the weight of hearsay increases significantly when institutions that could dig deeper to verify and scrutinize information – such as the press or the judiciary – are malfunctioning or lack independence.\(^5\)

For all their undeniable political significance, rumours remain understudied by political scientists.\(^6\) Stephen Ellis has made a compelling case for giving scholarly attention to Radio Trottoir (loosely translated as ‘pavement radio’ or ‘bush telegraph’) as a modern expression of oral culture in Africa: consisting of rumours, jokes, puns and anecdotes passed on by word of mouth, Radio Trottoir serves a political function, providing a means of self-defence for the poor and the powerless.\(^7\) The political significance of this medium can be gauged by attempts to control it: repressive regimes often consider as a serious offence the peddling of rumours critical to the government.\(^8\)

Rumours play a crucial role in the process of turning of experiences into narratives, leading to "the formation of social worlds that open up a space for action".\(^9\) A narrative is, in essence, a "process of storytelling"\(^10\), crucial in shaping the

3 Rumours can be defined as “unverified account[s] or explanation[s] of events circulating from person to person and pertaining to an object, event, or issue of public concern”, Peterson, Warren & Noel Gist, Rumor and Public Opinion, The American Journal of Sociology, 57 (1951) 2, 159-167, 159. See also Tamotsu Shibutani, Improvised News. A Sociological Study of Rumour, Indianapolis: The Bobbs-Merrill Company, Inc., Indianapolis, IN, 1966. For a seminal study of how rumour is formed and transmitted in Africa at a time of political tension, see David Bettison, Rumor Under Conditions of Charismatic Leadership and Racial Political Tensions, African Social Research, 6 (1968), 41-62.


8 Ellis (1989), 327.


10 Morten Ælsgård/Kathleen M. Jennings, War in the Great Lakes Region and Ugandan Conflict Zones: Micro-regionalisms and Meta-narratives, in Fredrik Söderbaum/Ian Taylor
understanding of ‘self’ in relation to ‘other’. Narratives provide authoritative understandings about the nature of perceived collective threats, connecting “the fears, insecurities, and problems of the moment both with past tribulations and with a forward-looking political program”. In other words, narratives do not just describe social realities: they play a fundamental role in shaping them. Through rhetorically defining the ‘other’ as enemy or threat, contentious narratives lead to over-simplification of the conflict; as tensions escalate, the importance of images contained within narratives increases, which in turn deepens polarisation and insecurity.

Traditionally, conflict resolution theory and practice have tended to downplay the importance of contrasting narratives, focusing, instead, on identifying common interests and shared goals. As the failure to resolve deeply rooted identity conflicts became apparent, alternative methods of conflict resolution have emerged, which focus on understanding contentious narratives as an essential first step in order to transform them. When remains far less explored, however, is how external interventions aimed at resolving conflict and building peace are themselves perceived and interpreted, and how they come to constitute a component of local narratives of ‘self’ and ‘other’.

### C Rumours and Local Narratives of Conflict in the Kivus

Rumours play a fundamental role in shaping narratives and social dynamics in the DRC, at all levels. In the words of an acute observer of Congolese politics, Jason Stearns,

“[s]ometimes it seems that by crossing the border into the Congo one abandons any sort of Archimedean perspective on truth and becomes caught up in a web of rumors and allegations, as if the country itself were the stuff of some post-modern fiction.”

This is due, in part, to a structural deficit on the part of the institutions that should serve to counterbalance such rumours (the Parliament, the judiciary, the press), but it

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also reflects the need to give meaning to difficult lives: conspiracy theories may be “easier to swallow than the complex, tangled reality”.  

Landmark events in the recent history of Congo are surrounded by a fog of rumours - a case in point being the assassination of President Laurent-Desiré Kabila in 2001 and the rise to power of his son Joseph. Unveiling the ‘truth’ behind different rumours is at times less illuminating than learning to navigate them, understanding they came into being, and the impact that they have on socio-political dynamics. While elites skilfully manipulate grassroots rumours for their own political ends, rumours also create their own reality, which becomes, at least to some degree, uncontrollable. At the local level, the lack of access to clear and verifiable information facilitates the emergence of positions that mirror stereotypes and prejudices. The borderland position of the Kivus is particularly conducive to the proliferation of conspiracy theories: Goma, the capital of North Kivu, has been dubbed as a “city of rumours”. Two powerful narratives of conflict in the Kivus – both of them crucially nurtured by

18 During the rule of Mobutu Sese Seko, access to power was often explained through recourse to supernatural symbols like mermaids and snakes. See Bob W. White, La Quête Du: Rumeurs, Réussite et Malheur en République Démocratique du Congo, Sociologie et sociétés, 39 (2007) 2, 61-77; Bob W. White, The Elusive Lupemba: Rumors about Fame and (Mis)Fortune in Kinshasa, in Theodore Trefon, Reinventing Order in the Congo – How People Respond to State Failure in Kinshasa, London 2004, 174-192.
rumours - deserve to be examined more in detail here. The first is the notion of ‘autochthony’, which juxtaposes communities that define themselves as ‘indigenous’ to others that are dismissed as ‘foreigners’; the second, closely related, is the narrative of ‘external conspiracy’, claiming that the war in the DRC is the making of external powers, plotting against the DRC to support ‘foreign’ communities and loot the riches of the Congolese soil.

1 The Narrative of Autochthony

The dichotomy between autochthons (originaires) and foreigners (non originaires) is certainly an over-simplified representation of inter-community dynamics in the Kivus; however, as a narrative, it is essential to understanding the conflict. The discourse of autochthony expresses itself through speeches, images and, crucially, rumours; it borrows energy from recent events as well as deep-seated mythologies of the past - primarily the Hamitic hypothesis - and conspiracy theories about Nilotic machinations against Bantu autochthones. In doing so, autochthony operates as

“a loose qualifier, a binary operator [...] policing a distinction between in and out [...]. Dangerously flexible in its politics, nervous and paranoid in its language, unmoored from geographic or ethno-cultural specificity [...] the idea of autochthony has permitted comparatively localized instances of violence to inscribe themselves upward into regional, and even continental, mega-ethnic logics, with dangerous implications for the future”.

The history of migration, cultural assimilation and inter-marriage in Congo, like in most of Africa, makes the issue of identity extremely fluid and slippery; conversely, narratives of autochthony resort to a mythologized idea of ethnic purity, paradoxically recuperating categories that were introduced during colonial times. The issue of indigenous status is intimately tied up with access to political power and control over land, and depends crucially on the discursive creation of an opposite. In the Kivus, the term ‘non originaire’ is essentially synonymous with people of Rwandan descent,

24 Jackson (2006), 108.
which constitute tiny but politically significant minorities in both provinces, commonly identified by their use of the Kinyarwanda language. Communities of Hutu and Tutsi have been living in North Kivu since time immemorial. Tensions only started simmering in the 1930s, when the Belgian colonial power organized a mass migration of workers from Rwanda to North Kivu (Mission d’Immigration des Banyarwanda), to work on plantation and cattle farms. Subsequent events in post-independent Rwanda added to this initial influx with several immigration waves, increasing population density and causing competition for fertile land. In South Kivu, people of Rwandan descent are known as the Banyamulegwe. Compared to the Rwandophones of North Kivu, they constitute a much more established community, having severed virtually all links with their origins in Rwanda. Nonetheless, they are still considered as foreigners by the majority of the population of South Kivu. In the words of a Banyamulengue politician interviewed by Jason Stearn: “The truth is, we have no idea when we left Rwanda. According to historians, it was in the mid-nineteenth century. All I know is that my great-grandfather was born in the Congo. But they still call us Rwandans! Imagine calling Americans British”. In both Kivus, manipulation by the regime of Mobutu Sese Seko (1965-1997) added to this volatile mix. Since independence, the citizenship of Rwandophone minority "has been switched on and off as expediency dictated, a key element in the divide-and-rule strategies of political elites". This often led to localised tensions, for example in Masisi (North Kivu) in 1993. The sudden arrival of almost two million Rwandan refugees in the immediate aftermath of the 1994 genocide turned these local conflicts into war on a large scale. Even though most of the refugees were civilians, the camps around the provincial capital Goma also sheltered Hutu extremists (interahamwe) and perpetrators of the Rwandan genocide, many of whom regrouped and rearmed, forming the first nucleus of the Democratic Forces for the Liberation of Rwanda (Forces Démocratiques de Libération du Rwanda, FDLR). Today, the FDLR are still referred to as a ‘foreign’ armed group, and their return to

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28 Prunier (2009), 48.
31 The exact time of the Banyamulengwe’s arrival is a very sensitive topic and the subject of much controversy. See Vlassenroot (2002), 502.
34 Jackson (2007), 481.
Rwanda is seen by many Congolese as a necessary (and possibly sufficient) condition for the conflict to end.\textsuperscript{35} The political leadership of the FDLR is in Germany, an element that reinforces the narrative of the FDLR as a ‘foreign’ and externally-controlled force, and adds fuel to the conspiracy fire.\textsuperscript{36}

In direct opposition to the FDLR, the National Congress for the Defense of the People (Congrès National pour la Défense du Peuple, CNDP) was created in 2006 under the leadership of Laurent Nkunda. The CNDP claimed to be primarily concerned with the protection of Congolese Tutsi, and initially could count on political, financial and logistic support by the Rwandan government. In January 2009, in an unexpected U-turn of events that took many observers by surprise, Nkunda was deposed as head of the CNDP and arrested in Rwanda, and an accelerated process was started in order to integrate CNDP members into the national army.\textsuperscript{37}

The third important force to be reckoned with in the Kivus is constituted by the Mai-Mai. More precisely, rather an organized armed group, ‘Mai-Mai’ is a catch-all label to indicate a plurality of armed groups, loosely defined by the fact of being local in origin and composition, and claiming to defend local communities from armed groups that are considered either foreign in origin (like the FDLR) or externally-supported (like the CNDP). Their name literally means ‘water-water’ and comes from a belief that bullets can be turned into water because of magical protection of the Mai-Mai warriors.\textsuperscript{38}

For all their ideological differences, the way in which these armed groups actually behave is remarkably similar. All of them, as well as the Congolese army (Forces Armées de la République Démocratique du Congo, FARDC), have been responsible for massive human rights abuses against the civilian population. Irrespective of their origin, they are all involved in the exploitation of the abundant mineral resources of the Kivus. At the same time, they compensate for the deficit of the state by providing some sort of governance (even if not up to moral standards) in some of the areas


\textsuperscript{36} In November 2009, the chairman of the FDLR (Ignace Murwanashyaka) and his deputy (Straton Musoni) were arrested in Germany. In October 2010, the FDLR Executive Secretary, Callixte Mbarushimana, was arrested in France under a sealed warrant from the International Criminal Court (ICC) for crimes against humanity and war crimes allegedly committed in the Kivus. These arrests are considered a serious blow to the FDLR. BBC News, FDLR Inc: Congo’s multinational rebels, 18 November 2009; BBC News, Rwanda Rebel FDLR Leader Mbarushimana Held in France, 11 October 2010.


under their control. The armed groups’ relations with each other are also not straightforward: confrontation alternates with collaboration in a series of shifting alliances aimed at maximizing profit. Yet this tactical collaboration does not invalidate the importance of narratives of identities as a mobilizing factor and a raison d’être for the various groups.

2 The Narrative of External Conspiracy

Strongly related to the discourse of autochthony is the other prominent narrative of conflict in the Kivus, namely the idea that conflict is externally-induced, the result of foreign machinations by DRC’s small but powerful eastern neighbour, Rwanda, backed by its Western supporters (primarily the United States and the United Kingdom). The two narratives overlap neatly, as the Rwandophone groups in eastern DRC are seen as the longa manus of Rwanda across the border. Like most narratives, this rendition is overly simplistic and overlooks many important dimensions of the complex relation between the government of Kigali and the population of Rwandan descent in the Kivus.

In collective memory, the start of the war coincides with the arrival of the refugees in 1994, while preceding inter-community tensions are overlooked or dismissed as unrelated. Many, perhaps most, Congolese are convinced that the Rwandans invaded Congo as agent of the West: in particular, the Rwanda-US connection is “an article of faith in eastern DRC.” Since 1994, Rwanda has received exceptionally high levels of foreign aid; in everyday conversations, this ‘donors’ darling’ status is


often brought up as a proof of an international conspiracy against the DRC. Current events are interpreted to reinforce this narrative: for example, the news of former British prime minister Tony Blair taking up the role of unpaid advisor to Rwandan President Paul Kagame in 2008 generated widespread resentment at the local level, as yet the umpteenth proof of Western conspiracy.

It is difficult (and beyond the limited scope of this article) to determine how much truth there is in these allegations. Labelling them as ‘rumours’ or ‘conspiracy theories’ should not in any way be seen as an attempt to absolve European countries and the United States from the responsibilities of their actions (and, perhaps more importantly, their omissions) in Eastern DRC. What is important for our purpose here is to observe how the geopolitics of the conflict are reduced, in the mind of many self-defined autochthones in the Kivus, to very simplistic terms: Western powers support Rwanda, and Rwanda supports the Rwandophone population in the DRC, with the common denominator to loot the riches of Congo. In reality, the situation is much more complex and nuanced.

D The International Community and the ‘Social Contract of Acceptability’ in the Kivus

The extreme weakness of the social contract between the Congolese government and its citizens has led some observers to marvel at the very survival of Congo as a state. Rather than guaranteeing security, the police and the army are among the main abusers of human rights and perpetrators of violence. It is not an exaggeration to say that, at least in the Eastern provinces, the overwhelming majority of the population has never received any social services from the state. UN and donor agencies, international non-governmental organizations (NGOs), and internationally-funded local NGOs fill in, however inadequately, for this deficit of state functions. While in principle the idea of the state is still very strong among the population, a large part of the people in eastern DRC has come to expect more from the international community than from the government. Consequently, frustration for inadequate provision is directed primarily towards ‘les ONG’ (a catch-all definition to indicate the international community in general), which are perceived as possessing virtually bottomless resources. The impact on this shifting of expectations certainly warrants further analysis in the context of statebuilding efforts.

The footprint of the international community in the Kivus is very uneven: logos of international agencies and international NGOs are ubiquitous on cars and buildings in the provincial capitals of Goma and Bukavu, but in many remote and hard-to-access areas international actors appear as unreachable as the state. By and large, the reputation of the international community vis-à-vis the local population – what we could call the ‘social contract of acceptability’ – is extremely poor: aid is commonly perceived as being corrupt, mismanaged, ineffective and expat-heavy, and international practitioners are often seen as conflict tourists, at best clueless about the context, and at worst motivated by hidden agendas.

The reasons why the international community fares so poorly in the perception of people in the Kivus are complex and multifaceted. In part, one could argue that the ’success’ of the international community is measured against an almost impossible task: replacing a state that has all but failed to respond to the provision of human security and social services. At least to some extent, however, negative perceptions reflect actual flaws in the approach and modus operandi of the international community. Local people have many stories of broken promises and frustrated expectations (e.g. pledges of aid not delivered, pilot interventions that were never scaled up, and project interrupted for no apparent reasons), and often speak about cases of corruption and nepotism in the management of good and resources. In such a climate of mistrust, rumours and conspiracy theories circulate freely.

1 A Failure of Human Security

The most visible expression of international presence in Eastern DRC is the UN peacekeeping mission – known formerly as MONUC (Mission de l'Organisation des Nations Unies en République démocratique du Congo), and recently renamed MONUSCO (Mission de l'Organisation des Nations Unies pour la stabilisation en République démocratique du Congo). Already before the establishment of MONUC in 1999, the UN did not enjoy great popularity with the average Congolese: in the eyes of many, the UN is associated with the darkest page of post-independence Congo (including the secession of Katanga and South Kasai, and the assassination of Prime Minister Patrice Lumumba). The arrival of MONUC peacekeepers did little to improve this image. While criticism of peacekeeping missions is not unusual, local
condemnation of MONUC has been particularly fierce. Congolese people blame UN peacekeepers for a failure to protect the local population: MONUC personnel are seen as more concerned with their own safety than with that of the people they are mandated to protect. Congolese popular wits quickly turned the acronym MONUC into ‘Monique’ “because ‘like a beautiful woman it costs a lot of money and does nothing’”

It is beyond the scope of this paper to discuss whether MONUC could have performed more effectively given the limitations of its mandate and resources. Many commentators agree that, for all MONUC’s faults, the situation would rapidly deteriorate if the mission were to be terminated. Among the Congolese population there is, however, a widespread perception that MONUC has been, at best, incompetent and, at worst, complicit with armed groups and external enemies. Several scandals involving MONUC personnel – including sex exploitation, gold trafficking, and arms smuggling – have reinforced these negative perceptions. A common rumour shared by several Congolese in Goma in mid-2008 was that MONUC officers often use their helicopters for weekend flights into nearby Virunga national park, or even taking tourists for fees to see the summit of the Nyiragongo volcano.

The fact that a great proportion of the MONUC military staff in Eastern DRC speaks neither French nor Swahili has certainly not helped to promote communication and collaboration. An anecdote narrated by Séverine Autesserre dramatically illustrates this point:

“In May 2004, large-scale fighting broke out in the eastern city of Bukavu. [...] a boy and his mother watched several soldiers enter their neighbor’s house.

51 Prunier (2009), 437.
54 Izzi/Kurz (2009), 16.
[..] they understood that their neighbor was about to be raped. The boy ran to look for help at the UN peacekeeping base, but when he arrived at the checkpoint of the base, the Uruguayan soldier on duty spoke no Swahili and no French. The boy tried to explain several times what was happening, but he could not get through. Finally, the soldier broke into a large smile, made a sign to say that he had understood, and went inside the camp. He came back a few minutes later with a pack of cookies, which he handed to the boy.

At times, negative feelings have broken out into violent anti-MONUC protests: for example, in November 2007, protesters attacked the MONUC base in Goma out of frustration for peacekeepers’ inaction faced with the advances of the CNDP at the outskirts of Goma. MONUC spokespersons blamed these attacks over disinformation and deliberately-spread false rumours. Further violent protests took place the following year. As The Time commented,

"[t]here can be no greater indictment of a peacekeeping mission than when it is attacked by the people it was sent to protect."

Dissatisfaction regarding MONUC spills over the rest of the international community. Most Congolese are unaware of the subtle differences in mandates and roles among various agencies, and

"usually considered all foreigners – UN, non-governmental organizations, diplomatic staff, and academic researchers – to be “MONUC staff” and heap […] on them all the negative connotations that the phrase carries. The categorization, combined with a widespread perception that the peacebuilders were unsuccessful […] resulted in a growing antiforeigner sentiment."

The fact that all expatriates rely heavily on MONUC for transportation and logistic support feeds into the common perception that ‘MONUC’ and the ‘international community’ are one and the same.

2 Why Are These People Here?

The presence and operate of the international community is constantly filtered through existing narratives of conflict. Given the strength of the ‘external conspiracy’ thesis, it is not surprising that the actions and behaviours of aid agencies are often interpreted according to the national affiliation of the agency and/or the nationality of

55 Autesserre, The Trouble with the Congo, p. 41.
58 Autesserre (2010), 90-91.
the aid workers. For example, in South Kivu, many people automatically assume that
the International Rescue Committee, for the fact of being a US organisation, is
biased towards the Rwandan government –

"[The reasoning behind this rumour seems to be that the administration of
former US President Bill Clinton supported the Tutsi-based regime of President
Paul Kagame in Rwanda]."\(^{60}\)

As a proof, people often quote to the fact that the time of entry of the IRC, in
1996, coincided with the arrival of the Rwandan forces that supported Laurent
Kabila.\(^{61}\)

Local perceptions are influenced not only by the actual contents of programmes
and interventions, but also (and perhaps primarily) by international aid workers’
*modus operandi* and lifestyle. In his study of the contribution of development to
structural (and eventually direct) violence in Rwanda, Peter Uvin examined how the
discrepancy in lifestyle between aid workers and beneficiaries inevitably undermines
the credibility of the former as messengers of development, infantilizing poor people
and depriving them of their self-respect and their creativity:

="This intellectual and social arrogance humiliates people and undermines the
credibility of the development enterprise […] How credible are the slogans of
development coming from foreigners with their foreign travel, nice houses, and
drinks at the poolside of the Hotel des Milles Collines that cost more than the
monthly income of farmers?".\(^{62}\)

In the eyes of many Congolese, aid workers waste money earmarked for the
Congo on large cars, high salaries, and beautiful houses.\(^{63}\) Rumours about aid
workers’ ‘hidden agenda’ are commonplace, and the expatriates’ very motivation to
work in Eastern DRC is the object of criticism and suspicion. The expression “No
Nkunda No Job” is a common refrain in North Kivu, and many Congolese claim to
have heard aid workers jokingly pronounce it while partying or drinking.\(^{64}\) Whether
this is true or not, the expression conveys the widely-held local belief that expatriate
aid workers hold a vested interest in the continuation of hostilities (epitomised by the
figure of warlord and former CNDP leader Laurent Nkunda), as this allows them to
continue working ‘in the field’, receiving rich salaries and fringe benefits, and enjoying
a lavish lifestyle on the picturesque Goma lakefront.\(^{65}\) Common people are also

\(^{60}\) Dijkzeul/Wakenge (2010), 1147-1148.
\(^{61}\) The Rwandan-supported rebels imposed staff members on the humanitarian
organisations and controlled the local administration, including the health institutions.
\(^{62}\) Uvin, Peter, Aiding Violence - The Development Enterprise in Rwanda, Hartford, CT
1998, 130.
\(^{63}\) Autesserre (2010), 90.
\(^{64}\) The phrase is commonly quoted in English even if the conversation takes place in French
or Swahili.
\(^{65}\) Valeria Izzi/Christof Kurz, Etude Sur La Sensibilité Aux Conflits du Programme PEAR
painfully aware that the lifestyle of international aid workers contributes to the perpetuation of the war economy: the houses that aid workers rent, the hotels they stay in, the restaurants where they eat and the nightclubs where they relax, are often (directly or indirectly) owned by warlords or their cronies.

3 Where Are Our Jobs?

One particularly strong grievance against the international community is the claim that international agencies privilege ‘foreigners’ (meaning, Congolese originating from other areas) at the expense of ‘locals’ in access to employment for internationally-funded projects. This claim deserves to be singled out for closer examination: in the Kivus, opportunities of salaried employment are essentially limited to international organisations and internationally-sponsored local NGOs; thus the fact of providing jobs is essential to the social contract of acceptability between the local population and the international community. As discussed by Sévérine Autesserre for South Kivu:

“Apart from the militias, nongovernmental and UN organizations were among the only sources of jobs with a decent income available during the transition. These were legal and peaceful positions, but they were scarce, and competition over them could lead to violence, and even, in South Kivu, murder. In Uvira, Baraka, and Fizi, for instance, nongovernmental organizations were threatened with the most dire consequences should they continue to hire ‘foreign’ staff – meaning staff non-native of the city where the agencies were working. One nongovernmental organization working in Baraka even had a ‘foreign’ staff member killed. None of the official complaints filed with the authorities achieved anything. Rather, local authorities condoned these practices of intimidation”.

The interconnection between conflict narratives and access to employment is poignantly analysed by Johan Pottier with regard to the district of Ituri, in north-eastern DRC. Following the outburst of violence between Hema and Lendu in 1999, a number of foreign NGOs (like the British Oxfam and the Italian COOPI) flew to Ituri from other provinces of DRC, bringing their Congolese staff, unaware of local sensitivities towards non-originaires. In doing so, “they ran straight into a barrage of criticism and hostility […] the ethnic status of ‘imported’ Congolese NGO staff was a matter of serious political agitation […] Hema demagogues openly accused the humanitarian community of partiality, of being blinded by ignorance. The accusation

66 Autesserre (2010), 155.
67 The contraposition between Hema and Lendu in Ituri resembles for many aspects the dichotomy autochtones/non autochtones in the kivus. For an analysis of local narratives in Ituri, see Johan Pottier, Representation of Ethnicity in the Search for Peace: Ituri, Democratic Republic of Congo, African Affairs, 109 (2009) 434, 23-50.
never died down”. The Hema educated elite presented the NGO tendency not to recruit non-Iturians as part of an internationally-sponsored genocide against the Hema. In the words of Professor Karimagi Pilo, key Hema spokesman in Bunia, interviewed by Pottier:

“The UN and the international NGOs are implicated in the genocide of the Hema, and in Ituri’s destabilization [...] NGOs keep bringing Congolese workers from Kinshasa or Kivu, claiming they cannot recruit locals because they need neutral staff. Tell me, how can someone from Kinshasa be neutral when the Kabila government is fully responsible for the conflict in Ituri?”

E Conclusions

The humanitarian and development communities now recognise that local perceptions – whether factually accurate or not – have real consequences, and therefore they matter for aid agencies “in terms of their legitimacy (doing the right thing), effectiveness (doing things right) and security (doing things safely)”. In an effort to increase the conflict sensitivity of their interventions, many agencies have developed methodologies of analysis for better understanding the context where they work. However, international actors continue to lack the knowledge, the tools, and – to a large extent – the interest to assess how their actions and behaviours are filtered through prominent local narratives of conflict, and how these local reinterpretations can affect the chances of success of their interventions.

This is all the more important for peacebuilding, which, as a socially transformative process, relies crucially on a relation of trust between the local population and external ‘helpers’. Eastern DRC represents a meaningful case to consider in this respect, given the particular weight that rumours and conspiracy theories carry in shaping social dynamics. As this article has tried to show, the ‘social contract’ between local population and the international community is characterized by mistrust, suspicion, and widespread rumors. By and large, international actors working in the Kivus are aware of these negative perceptions (although not always conscious of the nuances

71 This is, again, not something unique to the DRC: for example, the narrator of the best-selling book What Is The What tells of similar scepticism among South Sudanese refugees in the Kakuma camp in Kenya, and widespread rumours that the government of Karthoum had paid the UN to kill all the refugees through the ink applied to fingers for the census. See Dave Eggers, What is the What – The Autobiography of Valentino Achak Deng, 2006, 386.
or the reasoning behind them), but they tend to consider them as an inevitable side effect of a conflict-ridden environment.

Can something be done about this? There is no easy answer to this question. To some extent, aid in the DRC will always be perceived negatively, simply because it is too short a blanket: even if resources were greater and delivered more efficiently, they would still only reach a very limited part of the population and address a very limited part of their needs. Moreover, the anti-foreigner sentiments in the Kivus have deep roots that go back in history and are not easy to reverse.

This said, however, there is certainly scope to reinforce the social contract between external actors and the local population. Doing so requires more than cosmetic changes: negative perceptions and rumours reflect, at least to a certain extent, actual limitations and flaws of external interventions. More coherent policies, better communication and more transparency are all essential for improving perceptions. A more systematic reflection is needed with regard to the ways in which the very presence of the international community (as opposed to what the international community does) can feed into the war economy. Codes of conduct should be used to regulate a number of very sensitive and possibly harmful dimensions of the international presence – such as the procurement of goods and services, the renting of offices and private residences; the standard ‘per diem’ and refund of transportation expenses for workshops and similar events; the recruitment of local staff; as well as standards of behaviour that expatriate staff should conform to in both their professional and their private life. Defining and implementing these measures is challenging, but necessary: there are no shortcuts to trust.
Abstract

Today, the question is not anymore whether civil society organizations have a role to play in peacebuilding or not. It has become unimaginable to talk about peacebuilding without mentioning civil society organizations. Given the significant number of various civil society organizations working on peacebuilding and the extent of both financial and moral support they receive from the international community, civil society organizations have become increasingly indispensable partners in peacebuilding programs taking place around the world.

It is beyond the scope of this paper to exhaustively discuss the role of civil society organizations in peacebuilding. However, the paper strongly argues that civil society organizations can play important role in reconciliation and connecting local communities fractured by protracted conflicts. In the aftermath of protracted conflicts, not only are the physical infrastructures and state institutions damaged and weakened, but also the social and cultural fabrics of communities are damaged. Peacebuilding that ignores this so called ‘soft infrastructure’ risks relapse into violence and might end up reinforcing the very conflict structures it wants to end. By discussing the experience of Gambella regional state, this paper underscores the civil society organizations’ role in the bottom-up approach to peacebuilding as an important factor for sustainable peacebuilding across the continent.

In the first section of the paper, I will introduce the Gambella Regional State of Ethiopia followed by an analysis of the dynamics of the conflicts (main actors and layers of the conflicts) in the region. Then in the third section, I will discuss about the peacebuilding work of civil society organizations in Gambella regional state. Finally, I will recap the importance of civil society organizations in community-based peacebuilding in a brief conclusion.

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The Gambella regional state is one of the nine member states of the Federal Democratic Republic of Ethiopia. It is located in the southwestern Ethiopian lowlands bordering the Jonglei and Upper Nile states of the southern Sudan. According to the latest census, Gambella Region has a total population of 306,916.¹

The region is home to five indigenous groups namely the Anywa, the Nuer, the Majangir, the Opo, and the Komos. Even though these groups are of Nilo-Saharan linguistic origin, they nevertheless form a homogenous ethnic identity. They see themselves and are seen by others as different ethnic groups and ethnic boundaries are mainly constructed, among others, along linguistic lines, distinct cultural practices and political traditions, and diverse subsistence economic systems. For instance, while the Anywa are predominantly cultivators, the Nuers are pastoralists and the Majangir combine shifting cultivation with hunting.²

In addition to the indigenous groups, since the 1980s Gambella has also witnessed a huge influx of diverse ethnic groups from the central/highland parts of the country. This wave of migration has introduced a new category of people in Gambella known as ‘highlanders’. The category ‘highlander’ is only applicable in Gambella context and it is generally used to collectively refer to other Ethiopians in the region who do not belong to the five indigenous groups of the region. The identity boundary between the five indigenous ethnic groups versus the ‘highlanders’ is constructed along: the linguistic origins, the ‘highlanders’ being mainly from Semitic and Cushitic linguistic origin, and the indigenous groups being from the Nilo-Saharan linguistic origin; racially, the brown ‘highlanders’, i.e. lighter in skin color, being contrasted with the black indigenous peoples; culturally, highlanders share a common traditional dish known as injera made out of teff flour, while the indigenous

peoples of Gambella mainly eat corn and sorghum as their traditional dish. Most significantly, since the incorporation of the Gambella region into the contemporary Ethiopian state at the beginning of the twentieth century, the imperial Ethiopian state has been introduced through, identified with and represented by the brown skin highlanders in the region. Therefore, from the locals’ vantage point, the brown highlanders and the central Ethiopian state are only two sides of the same coin.

Socio-economically, until recently the Gambella region and its people have been among the most marginalized communities in Ethiopia. Despite some progress being made particularly in the area of social services, capacity building, and basic infrastructures, the socio-economic gap between the local communities and the highlanders remain staggering. The private sector of the region is totally controlled by the highlanders leaving the indigenous populations heavily dependent only on diminishing government jobs. Taken all these in to account, it would not be surprising then why Gambella has been one of the conflict ridden regions of Ethiopia.

**B Understanding the Conflicts in the Gambella Regional State**

The conflicts that have ravaged Gambella over the years are multifaceted and multi-layered. They range from indigenous versus migrants, indigenous versus other indigenous, even sub-clans versus sub-clans within indigenous groups. Although it would have been preferable to discuss every layer of the conflicts, this paper limits itself to some of the most protracted and deep-rooted conflicts in the region namely the Anywa-Nuer conflict and the indigenous-highlanders conflict. In line with the principal objective of the paper, which is to shed light on the important role of the civil society organizations in community based peacebuilding, this paper does not exhaustively discuss the different phases of these conflicts.

**1 Actors of Conflict**

**a Nuer**

The Nuers are pastoralists whose economy largely relies on cattle. Besides cattle herding, they also practice limited cultivation. The traditional Nuer political system is based on clan and sub-clan structures. Each sub-clan has its own chief. In some instances, magicians also play leadership role in Nuer society. According to the 2007 national census, the Nuer population comprises 46.5% of the total population of Ethiopia.

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the Gambella region making them the largest group in the region. Currently, according to the regional districts division along ethnic lines, the Nuers own four out of the 12 administrative districts of the Gambella regional state.

**b Anywa**

The Anywa are traditionally farmers growing mainly maize and sorghum. Occasionally, they also practice hunting. Their settlement pattern follows four major rivers in the region namely the Baro, Alwero, Gilo and Akobo. These rivers provide the Anywa with plenty of fish, which makes it one of their traditional diets. Traditionally the agrarian Anywa had developed a more centralized political system consisting of village states headed by either a Nyeya (King) or Kwaro (headman). The king or the headman, through various administrative structures, looks after the well-being of the villagers from food production to justice and security matters. According to the latest national census, the Anywa population comprises 21.17 % of the total population of the Gambella Regional State. Currently the Anywa owns five out of the 12 administrative districts of the Gambella Regional State.

**c Highlanders**

The category ‘highlanders’ is only meaningful in the context of Gambella where it simply refers to non-Gambella Ethiopians who have migrated to the region from the highland parts of the country. Highlanders in Gambella are mainly of the Amhara, the Oromo, the Tigrians, and the Kampata ethnic origins. The majority highlanders migrated to the region in search of opportunities as civil servants or traders. Under the Derg regime’s ‘resettlement program’, over 60,000 highlanders were resettled in Gambella from over populated and infertile regions of the north and southern Ethiopia but most of them returned to their respective home regions after the 1991 regime change in the country. According to the 2007 national census, highlanders collectively comprise over 25 % of the total population of the Gambella regional state.

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2 Types of Conflicts

a Anywa-Nuer Conflict

The Anywa-Nuer conflict in Gambella is one of the most prominent and protracted of all conflicts in the region. Its historical roots can be traced back to the eastward migration of the Jikany-Nuer group in the second half of the 19th century. This eastward migration of the Nuer from South Sudan to Ethiopia in search for access to and control over vital natural resources such as pasture land and water was accomplished at the expense of the Dinka and the Anywa territories. According to Kelly, by the end of the 19th century, the Nuer had already expanded their territory fourfold. Hence, the 20th century, commenced by a major Nuer encroachment into traditional Anywa territories and that marked the genesis of the Anywa-Nuer conflict.10

Initially, these communities had managed to share these resources amicably through their traditional conflict resolution mechanisms. During the dry seasons when water and pasture lands become scarce in many Nuer areas but are abundantly available in Anywa territories, the Nuers would ask the permission of an Anywa chief to give them land for that period of need. In order to avoid any conflict with the local Anywa communities, the Nuer would carefully herd their cattle from trespassing into local Anywa farmlands and even in case of unintentional incident in which Nuer cattle destroys an Anywa farm, both the disputants would peacefully resolve their differences through their local chiefs. This peaceful mode of interaction however was short lived. The gradual eastward migration of the Nuer overtime not only resulted in their territorial expansion but also demographic significance.11 When they grew in number, the Nuer became reluctant of herding their cattle away from their neighbors' Anywa farms and were ready for confrontation when asked why they were not looking after their cattle.12 As a result of their early interaction with the imperial Ethiopia, the Anywa acquired firearms from the Ethiopian authorities and in the first three decades of the 20th century they managed not only to contain Nuer territorial expansion but also launched counter-offensive against the Nuer to recover lost territories.13 However, latter on the Nuer also began the ivory-for-firearms trade and in due course they reached a military balance with the Anywa.14 This in turn led to the

11 Feyissa Dereje, Making sense of the Conflict Situation in the Gambella Region in National Terms, 2.
stabilization of relations and inter-ethnic exchanges. Thus, confrontation based on a balance of power gradually gave way to socio-economic cooperation.\textsuperscript{15} Since then, the Anywa and Nuer had lived a relatively harmonious relation based on cooperation, albeit small scale skirmishes and occasional cattle raiding incidents occurred on both sides.

Nevertheless, the escalation of the Sudanese civil war in the 1980s, the influx of hundreds of thousands of southern Sudanese refugees into the Gambella region in the same period, and the political ramifications in Ethiopia in the next decade (1991), turned the mode of relation between the Anywa and the Nuer from cooperation to competition and to violent conflicts. These new developments brought with them new actors and structures of conflict which drastically changed the intensity and nature of conflict among the Gambella communities.\textsuperscript{16} Hence, from 1991 to 2002, although with some interruptions, the Anywa and the Nuer had been caught in violent conflicts that had claimed considerable number of lives from both sides.

b Indigenous Versus Highlanders/Central Government Conflict

Another level of conflict in Gambella regional state is between the indigenous peoples and the highlanders. As already mentioned, for most of the indigenous peoples, the central government and the highlanders are perceived to be the same. Thus most often any conflict that involves the indigenous peoples and the highlanders also extends to central government or any conflict that involves the central government and the indigenous peoples also extends to ordinary highlanders in the region.

One of the factors in indigenous-highlanders conflict is the highlanders’ monopoly over the business sector in the region. Because of their better social network with the centre and long experience in business, the highlanders are more successful and progressive in the business sector in the region. But this seems to be not the only reason for the highlanders’ dominance in the business sector. The overall system has also contributed its share in terms of protecting the interests of the highlanders while suppressing the few indigenous peoples who were trying to enter the business sector. Some of the Diaspora indigenous peoples have tried to invest in their homeland Gambella in transport sector, hotel, agriculture and others. But after a while, their assets were confiscated and many of them banned from business branded as supporters of ‘anti-peace forces’.\textsuperscript{17} The highlanders’ business men took

\textsuperscript{15} Medhane Tadesse, Gambella: The Impact of Local Conflict on Regional Security, 7.
\textsuperscript{16} Feyissa Dereje, Making sense of the Conflict Situation in the Gambella Region in National Terms, Max Planck Institute for Social Anthropology, Halle/S 2005.
\textsuperscript{17} “Ant-peace forces” is an expression used by the Ethiopian government to refer to armed liberation movement fighters like the Oromo Liberation Front (OLF) and the Ogaden National Liberation front (ONLF). For example, a track owned by Anywa business men was confiscated by the military due to what seems to be an obvious conspiracy of track owner highlanders and an Anywa grinding mill including a community grinding mill in Gog district were all also destroyed by the military again due to what seems as a clear conspiracy of highlanders who own grinding mills.
advantage of what the government calls 'anti-peace forces' to conspire against any local person whom they perceive as a competitive business rival. This has created economic grievances among the Gambella indigenous peoples.

Another factor of the conflict between the indigenous and the highlanders is what Dereje calls the 'paradoxical position of the highlanders in the regional politics'. On one hand, the highlanders are formally/constitutionally excluded from the regional politics. According to the regional constitution, Gambella belongs to its indigenous peoples. The preamble of the Gambella Peoples National and Regional State constitution, echoing the country’s constitution, starts with “We the nationalities and peoples of the Gambella regional state” exclusively referring only to the five indigenous groups. On the other hand, the highlanders are connected with the higher form of power, the federal government and the army, turning them into ‘significant others’ in the regional politics. Although highlanders are not overtly visible in the regional government politics, many ordinary indigenous peoples believe that they are the ones influencing important political decisions behind the local government. As such, many ordinary indigenous peoples blame the highlanders even ordinary ones for decisions or political moves that they perceive as against their interests.

C Reconciling and Connecting Communities: Civil Society Organizations and Peacebuilding in Gambella Regional State

1 Civil Society Organizations (CSOs) in Ethiopia in General and in Gambella in Particular

While the acts of ‘Charities’ and community based associations per se have length heritage in Ethiopia, the emergence of modern civil society organizations and NGOs could be particularly traced back to the catastrophic famine crises of 1973-1974 and 1984-1985. Due to lack of trust towards NGOs, the then military regime of Mengistu Haile-Mariam (from 1974-1991) had suppressed the development of civil society in the country and limited their activities only to emergency relief operations. With the fall of the military regime in 1991, the number of NGOs both local and international began to rise overwhelmingly. Even though the exact number of registered NGOs at

18 Feyissa Dereje, Making sense of the Conflict Situation in the Gambella Region in National Terms, Max Planck Institute for Social Anthropology, Halle/S 2005.
19 For the purpose of this paper, the term civil society is defined as non-state and not-for-profit organizations such as faith based institutions, community based associations, NGOs, and Social movements.
the moment is not known, according to the Consortium of Christian Relief and Development Association (CCRDA), its membership has grown from only 13 NGOs in 1974 when it was registered to 334 as of February 2010. Out of these 334 member NGOs of CCRDA, 73 % (243) are local NGOs, and 27 % (90) are international NGOs.21

Generally speaking, the activities of civil society organizations in Ethiopia have evolved through three dominant phases over the last five decades. The first phase was the relief and rehabilitation phase (from 1970s and 80s) in which the then civil society organizations focused only on relief and rehabilitation activities as response to the above mentioned famine crises in the country.22 Since the regime change in 1991, ‘development’ became the new guiding principle of many civil society organizations in Ethiopia. Many development oriented civil society organizations were established and those that were established as relief organizations before tailored their visions towards development approach.23 This change was mainly motivated by both the prevailing discourse among international organizations and the new government policy directed towards eliminating the source of hunger, malnutrition, and poverty through sustainable development programs. Yet, Civil Society Organizations moved from sustainable development discourse to democratization, good governance, human rights and advocacy to ensure public engagement, responsibility, and accountability in national development policies and related public matters. This was again inspired by the change of discourse among international organizations that the eradication of mass poverty in the Third World could not be achieved unless the unjust aid policies in the developed countries and the weak, corrupt and dysfunctional governance institutions in the Third World countries are not properly addressed. Thus NGOs began to either expand their mandates or new specialized NGOs were purposefully created to deal with issues of lobbying, good governance, human rights, institutionalized Conflict Resolution and so on. Some of the examples include, the Ethiopian Human Rights Council (EHRRC), established in 1991 to advance the cause of human rights, rule of law and

21 Consortium of Christian Relief and Development Association (CCRDA) formerly known as CRDA is an indigenous non-profit umbrella organization. It is an association of Non-Governmental Organizations (NGOs) and Civil Society Organizations (CSOs) engaged in relief, rehabilitation, and diverse developmental activities focusing on poverty alleviation. It is the first legally registered association of NGOs/CSOs operating in Ethiopia and serves as a forum for collective vision and action. It allows resource mobilization and sharing of experiences of effective and sustained impact. CCRDA builds capacity to ensure efficiency and quality are met, efforts are not duplicated and lessons can be learnt. All these are geared towards championing transformational development. See http://www.crdaethiopia.org/aboutCRDA.php.
22 CRDA was one of the organizations established by Church institutions particularly as response to the 1973-1974 famine, see http://www.crdaethiopia.org/aboutCRDA.php.
23 Amhara Development Association was created in May 1992, see http://www.amharada.org/about.html, Oromia Development Association was established in March 1993, see http://wmoda.org/aboutus.php?abt=rest#est, the Tigray Development association was founded in August 1989, http://temp.tdaint.org/aboutus_t.html.
democracy in Ethiopia;\textsuperscript{24} the Ethiopian Women Lawyers Association (EWLA), created in 1995 to raise awareness on women’s legal rights and ensure gender equality;\textsuperscript{25} the Research Centre for Civic and Human Rights Education (RCCHE), founded in 1999 to encourage the participation of poor in social and political matters and promote democracy and human rights in Ethiopia, and so on.\textsuperscript{26} However, because of the 2008 NGOs Law (Proclamation for the Registration and Regulation of Charities and Societies), many of the later organizations have either stopped operation or adjusted their mandates to fit the new law particularly those working on democratization, human rights, conflict resolution and advocacy in general.\textsuperscript{27}

The history and characteristics of CSOs in Gambella regional state of Ethiopia is not that much different from their evolution at the national level. In fact, except the Presbyterian Churches (later became part of the Ethiopian Evangelical Church Mekane Yesus) that began operating in the region since the early 1950s, Civil Society Organizations had been almost non-existent in the region due to long distance of the region from the capital where many NGOs are located, unfavourable living conditions in the region, historical marginalization of the region from the centre and others. The Gambella regional state only appeared on the scene of national NGOs towards the end of 1990s as a consequence of the intensification of ethnic conflicts in the region. Hence, with the exception of the Church institutions, most of the Civil Society Organizations that opened their sub-offices in the region or that were locally established were mainly created as a response to ethnic conflicts in the region. The introduction and development of the civil society organizations in Gambella regional state is therefore intimately linked with Peacebuilding. For instance, the Gambella Peace and Development Council (GPDC) was formed by faith based institutions at the height of Anywa-Nuer conflict in 2002 in the region as a forum for their mutual intervention in conflict resolution activities in the region. Other national and international organizations such as RCCHE and Pact Ethiopia opened their sub-offices in the Gambella regional state in the aftermath of the 2003 conflicts in the region with peacebuilding projects aimed at reconciliation and encouraging


\textsuperscript{25} Information about EWLA is available online at http://blog.world-citizenship.org/wp-archive/640.

\textsuperscript{26} RCCHE, see the website at http://storage.paxchristi.net/AF77E06.pdf.

\textsuperscript{27} In February 2009, the Ethiopian parliament adopted a law called Proclamation for the Registration and Regulation of Charities and Societies (CSP). The law, among other things, restricts NGOs that receives more than 10% of their financing from foreign sources from engaging in human rights, conflict resolution, children rights, gender equality, and a host of other advocacy related issues. It also creates a new agency with extraordinary broad powers to interfere with and even shut down the operation of local NGOs, with severe limitations on the right to appeal its decisions to the court. See CCRDA website for more information about the CSP and its impacts on the civil society organizations in the country, see http://www.crdaethiopia.org/index.php.
The Role of CSO in Reconciliation and Rebuilding the Social Fabric

community dialogues (Restoration of community stability in Gambella 2004-2009).\(^\text{28}\) Even for other community based associations, the conflict situation had made them to reorient their activities toward conflict resolution. Without denying the limitations of civil society organizations in the Gambella region which will be discussed latter, it is to be stressed here that civil society organizations played great role in reconciliation and connecting conflicting communities in the Gambella regional state. The following table only summarizes different activities that civil society organizations have undertaken to restore trust and rebuild destroyed social capital among the conflicting communities.

Table 1: Major Civil Society Organizations in Gambella and their Peacebuilding activities\(^\text{29}\)

<table>
<thead>
<tr>
<th>Activities</th>
<th>Ethiopian Evangelical Church Mekane Yesus East and West Gambella Bethel Synods</th>
<th>Gambella Peace and Development Council</th>
<th>Don Bosco Catholic Church</th>
<th>Research Centre for Civil and Human Rights Education</th>
<th>ZOA Refugee Care</th>
<th>ACORD Ethiopia</th>
<th>Pact Ethiopia</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reconciliation</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td></td>
<td></td>
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<td>Community Peace Dialogues</td>
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<tr>
<td>Training of Trainers</td>
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<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
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<td></td>
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<tr>
<td>Sport and Art for Peace</td>
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<td>x</td>
<td>x</td>
<td>x</td>
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<tr>
<td>Peace Choir</td>
<td></td>
<td></td>
<td>x</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Youth and Women Peace groups</td>
<td></td>
<td></td>
<td>x</td>
<td>x</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>People Connecting Projects</td>
<td></td>
<td></td>
<td>x</td>
<td>x</td>
<td>x</td>
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</tbody>
</table>


\(^\text{29}\) The above table is not an exhaustive list of all the civil society organizations that were involved in peacebuilding in Gambella. It only presents the major actors who had projects or clear objectives of peacebuilding in their operations only as far as the knowledge of the author is concerned. The activities and projects mentioned above were also from the experience of the author alone.
Achievements of Civil Society Organizations in Gambella

In the Gambella regional state, civil society organizations have been instrumental in reconciliation and bridging the fractured communities through various activities/projects. As a result of the conflicts and mistrust that had developed over time, the communities in Gambella have been divided in every aspect of social life. There is nowhere in which this communities' polarization is more noticeable than the regional capital itself where the settlement pattern follows ethnic lines and schools, health services, churches, including recreational areas (Sports, social clubs, movie places, etc.) are divided along ethnic origins. This in turn had reinforced the conflict situation creating a vicious circle of violence in which the resolution of one conflict is nothing more than the beginning of another level of violence in the region. It was in such context that different civil society organizations launched various initiatives aimed at connecting communities and enhancing social cohesion for sustainable peace in the region.

Despite their limitations, these activities have tremendously diminished the scale of violence and tensions among the conflicting communities in the region. They secured an environment where the communities could discuss and debate deep-rooted issues that were impossible to be discussed before. They contributed to the normalization of relationships, containing violent conflict incidents at their early stage as possible, producing local peace forces within each community and building socio-economic bridges across communities that were imperative for inter-community communications, exchange, and friendly interaction.

For instance the community peace dialogues that were conducted by Pact Ethiopia and the East and West Mekane Yesus Churches were able to bring elderly, women and youth groups from different communities to freely discuss their concerns and proposed solutions for their own problems. Although the causes of conflicts and proposed solutions narrated by each group were sometimes contradictory, at least these forums provided an opportunity for the groups to understand and learn more about the other side of the story to the conflict.

To the credit of the civil society organizations, their activities also contributed a lot to the normalization of relationships among the communities. Villages and roads that were inaccessible for other communities before became accessible and former exclusive socialization places (markets, sport fields, movie places, restaurants, bars etc.) became open and safer for other communities. These normal inter-community interactions made it harder for the conflict entrepreneurs to manipulate differences and mobilize communities around those perceived differences. Moreover, some of those who took part in the Training of Trainers (ToT) became volunteer ambassadors of peace in their respective villages and undertook their own initiatives to propagate and promote the culture of peace and tolerance among their communities. As the awareness grew and new possibilities for peace took roots in and between communities, it became difficult for violence to spread across villages as it used to be. The trend had been that, when a violent conflict occurs in one village, it will instantly replicate itself in the nearby villages and goes on and on to the point that some villagers end up killing each other without really knowing why (only just
because their neighbour village is fighting). What the civil society organizations achieved in this area was to set up local conflict early warning systems that could detect potential violence and take proactive measures to neutralize such incidents. Even though the efficacy of these systems was different from place to place, at least in some places they prevented potential conflicts and contained the spread of violence to other places. For example, the Anywa-Majangir conflict was gradually not only defused but also transformed by the proactive actions of the local peace ambassadors on both sides. In some places civil society organizations have also introduced joint projects between adversary groups such as joint associations, joint cultural events, multi-ethnic football teams and even joint service delivery activities designed specifically to strengthen social cohesion through mixed user committees or joint development committees. For example, the East and West Mekane Yesus Churches, with financial support from HEKS (Swiss inter Church Aid), started an initiative aimed at combining women empowerment and peacebuilding. The organizations selected two villages that had been fighting one another. A group of thirty women, fifteen from each village were selected for the project to work on the same vegetable farm. After they received the necessary technical training, they were provided with tools, seeds, and a small start-up capital. With close monitoring from the project coordinator, they managed to forge close and friendly working relationship and earn small income for their families. Although the income generation component was not very successful as expected to be, at least the peacebuilding part worked out well and the women group acted as a bridges between the villages.

3 Limitations

In spite of the achievements that civil society organizations have made in reconciliation and connecting adversary communities, there were some external and internal limitations that have undermined their peacebuilding activities.

Firstly, as it is true in many conflict situations, conflicts dramatically alter both the socio-economic and political environment in which the civil society organizations operate. In conflict situations, governments under the pretext of national security and public order could sometimes adopt rules and regulations that are unfriendly to the work of civil society organizations. In Gambella region, although the local government was cooperative in most of the peace initiatives of the civil society, the conflict had created an environment of fear and mistrust between the local authorities and the general population. Similarly, due to the insecurity and fear induced by the conflict, civic engagement in some instances was very low and people were not willing to come forward for dialogue on issues they perceived as sensitive.

Secondly, as it can be noticed in the table 1, even though the government security forces were part of the problem in many aspects, most of the activities of the civil

30 The Anywa-Majangir conflict is another conflict that has not been discussed in this paper. It started in 2001 and lasted until 2003. At the moment the relationship between these communities is peaceful though some scars remain as a result of the lives and property lost during this conflict.
society organizations were mainly directed only to the grass-root communities. None of the civil society organizations had a programme on dealing with top decision and policy makers or advocacy programme directed to government policies or de facto practices that perpetuate the conflict situation. This had an adverse effect on the grass-root peacebuilding activities as a violence orchestrated by the security forces could directly affect or undermine the confidence building at the community level.

Third, as it is the case in many conflict situations, conflict can affect the internal relationships and institutional composition of civil society. It affects civil life at all levels, changing behaviour and attitudes of individuals including civil society organizations staff and members; it shifts social perceptions between groups, limiting social and economic exchanges, altering power relations between and within regions and communities. Conflict can polarize organizations along conflict fault lines and drive some to take sides in the conflict.31 Most of the communities and faith based organizations in Gambella were established along ethnic lines. Regardless of their efforts for peace, symbolically they remain divided and identified with the conflict parties. The local organizations tried to remedy this problem by forming an umbrella/network organization called Gambella Peace and Development Council (GPDC). Other internal issues, such as lack of capacity for most of the local organizations and the fact that most of the small youth and women groups were formed at the wake of the conflict and totally dependent on external aid, undermined the work of the local organizations and made their activities unsustainable after the termination of external support.

D Conclusion

This paper has tried to shed light on the dynamics of ethnic conflicts in the Gambella region of Ethiopia and the vital role of civil society organizations in reconciliation and connecting the adversary communities. Despite their limitations, the civil society organizations have been instrumental in mending the fragmented communities and providing a safer environment for intercommunity dialogues to take place. Although high level political negotiations and peace agreements are vital steps for peacebuilding, rebuilding the social fabric of communities is imperative for sustainable peacebuilding. In this regard, civil society organizations, given their close attachment to communities and their knowledge about indigenous conflict resolution strategies, are well placed to facilitate the bottom-up approach to peacebuilding and therefore they should be supported to carry out this task effectively in post conflict reconstruction situations.

The Security Sector Reform and the Promotion of Human Rights and the International Humanitarian Law in Africa

Abstract

The security sector reform (SSR) can be considered as one of the prerequisites for sustainable peace and development in countries emerging from civil wars and those where the human security is not fulfilled. In this regard, Africa is the continent where there are serious needs to implement the SSR, especially regarding the armed forces and the police services.

Often members of armed and police forces (e.g.: in Democratic Republic of Congo) are sources of violence and others insecurity situations ignoring fundamental humanitarian rules and principles. In order to improve the protection of lives and dignity of populations, the SSR can substantially contribute in securing human rights and enforcing the international humanitarian law (IHL) as post-conflict reconstruction efforts’ may fail causing a return to violence (e.g.: post-electoral crisis in Côte d’Ivoire).

In general, this paper argues that the SSR, along with many other efforts to reform African institutions, is not only vital for sustainable peace and development, but also it is the predominant criterion for the respect of human and peoples’ rights and the IHL. Therefore, the SSR must be democratised and political actors must effectively involve the civil society and the local populations in the elaboration, the implementation and even the funding of SSR initiatives. The coming African Union policy on the SSR – to assist African States and to appropriate SSR efforts in the continent – must go in that direction giving priority to the socio-economic development of the continent.

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A  Introduction

The security sector reform (SSR) has recently become part of the global discourse of the international peace and development agendas. Still, the SSR is not new. Numberless examples related to the SSR can be found throughout the history especially in the aftermath of revolutions, regimes change as well as many armed conflicts that characterised the evolution of the humanity. However, since more recently the SSR benefits from important consideration in activities and policies of states and international organizations. The Security Council of the United Nations (UN) tends to incorporate the SSR in the mandate of current peacekeeping missions. At present, the mandates of four out of six UN peacekeeping missions taking place in Africa\(^1\) include assisting host governments in SSR: the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (S/RES/1925 (2010)); the African Union/United Nations Hybrid operation in Darfur which mandate including supporting the Darfur Peace Agreement of 5 May 2006, which Article 29 includes the SSR (S/RES/1769 (2007)); United Nations Operation in Côte d'Ivoire (S/RES/1739 (2007)); and the United Nations Mission in Liberia (S/RES/1509 (2003)).

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conditions of individuals shall determine harmoniously the conduct of the SSR. Therefore, despite of the absence of direct violence, the SSR can also be motivated in countries such as Burkina Faso and Ethiopia, where peoples’ “freedom from want” and “freedom to live in dignity for all” are to be improved, especially due to the lack of equal socio-economic opportunities, bad governance and human rights abuses.

In 1994, due to the overwhelming number of violence situations and the serious human rights violations that persist in the continent, the Chairperson of the African Commission on Human and Peoples’ Rights (ACHPR) “expressed that in order to resolve the crises in Africa new institutional structures should be established taking into account the present situation in Africa and the aspirations of the African people.”

It is obvious that some of these new institutions to establish or to improve are related to the security sector. The SSR generally refers to the better renewal of structures and institutions in charge of the security in particular in war-torn countries.

The present paper is related to a narrow aspect of the SSR limited to the traditional security services namely the armed forces and the police. And it argues that the SSR, along with many other political and socio-economic efforts to reform African institutions, is not only vital for sustainable peace and development, but also it is the predominant criterion for the respect of human and peoples’ rights and the international humanitarian law (IHL). Therefore, the security issues must be democratised and political actors must effectively involve the civil society organizations and the local populations in the elaboration, the implementation and even the funding of SSR initiatives. This essay is divided into sections addressing: the context of armed forces and the police in Africa; the interrelation between the SSR, the development and the promotion of human rights and the IHL; the importance of civil society organizations and African populations in SSR initiatives; and the relevancy of community works to be performed by members of armed and police forces.

B Overview of the Context of Armed Forces and the Police in Africa

The ill-functioning of armies and police services in Africa is to be observed since the colonial period when the first professional armies and police forces were created. These latter have essentially evolved from the protection of colonial powers to the support of dictatorships and authoritative regimes, always to the detriment of local populations. Since the democratisation period in 1990s, the Resolution 14 (XVI) 94 of

3 The SSR can include a broad range of military and civilian institutions such as intelligence services; and security services coast guards; border guards; customs authorities; tribunals and courts; penitentiary organs; and Defence ministry.
the ACHPR condemns the planning and executing military coups d’états and unconstitutional changes of government considered as human rights violations. Consequently, the ACHPR has affirmed that “the best government is one elected by, and accountable to, the people.” This democratic requirement implies civilians’ oversight on African States institutions. But, to bypass it, some military officers officially resign from their military responsibilities only for electoral purposes; while they maintain their influence among the army’s members. After being elected, they (re)establish hidden or latent military and authoritative regimes (e.g. Burkina Faso).

In countries like the Democratic Republic of Congo (DR Congo), the armed forces and the police are not clearly separated. In this country, the environment of armed forces and the police is characterised by: struggle to control the government; internal division due to the ethnic clientelisme, causing parallel chains of command; and lack of discipline, and the culture of impunity due to the absence of disciplinary and justice measures. These misbehaviours create resentment inside the armed forces. Meanwhile outside the army, civil-military relationships are qualified as hostile. There is mistrust and mutual disrespect between civilian population and members of the armed forces and the police. They commit numerous exactions on civilian population; in return, civilians disrespect and consider them as useless and low status people in the society. Therefore, in the event of armed conflicts, the fate of civilians cannot be expected to be respected and protected neither by regular armed forces or dissidents or militias groups ignoring fundamental humanitarian rules and principles and disregarding even the observance of the so-called African values neither in peace nor in conflicts period.

Still, it must be mentioned that there is a huge debate about the role of the so-called African values in relation to the promotion and protection of human life and dignity. Based on historical customs and traditional law of African societies, African values are sometimes contested. In fact, some of them are degrading in relation to human condition (e.g. in the DR Congo, the practice of some “purification” ceremonies imposed by a family-in-law to a widow after the death of her husband, while the law stipulates that the marriage ends by the divorce or the death of one spouse). Therefore, in order to avoid those values that are not promoting human life and dignity, the Article 29 para. 7 of the African Charter on Human and Peoples’

Rights can be invoked as it refers to “positive African cultural values”\(^8\). In the frame of the present paper, what is relevant is to underline that positive African values (e.g. the respect of the community life (Ubuntu); immunity of women, children and elders; absence of starvation; and privilege of reconciliation as disputes settlement) constitute unavoidable means to enforce respect of human rights and humanitarian law taking into account specific context of African countries. The SSR must take into account the specificity of each society while dealing with structural changes needed inside armed forces and the police as well as in the society to improve the conception and the conduct of these security bodies.

### C The SSR and Development in Africa

Despite, the existence of diverse definitions, the SSR is considered as “the transformation of the security system, which includes all the actors, their roles, responsibilities and actions, so that it is managed and operated in a manner that is more consistent with democratic norms and sound principles of good governance, and thus contributes to a well-functioning security framework.”\(^9\)

The purposes of the SSR are various (in short, medium or long term) in order to (re)establish a strong, (re)unified, professional and republican armed forces and the police which sole mission is to protect the civilian population and the country. This can take place by: recruiting and creating a new army (e.g. Liberia); (re)integrating and (re)unifying members of different armed groups into one national armed or police forces (e.g. the Central African Republic); to combat the culture of impunity (e.g. Sierra Leone), to seek reconciliation (e.g. Burundi); to balance government military spending (e.g. Uganda), or to consolidate peace and democracy (e.g. DR Congo).

These measures represent the conditions to constitute a pledge of a lasting and effective peace and security for the consequent socio-economic development. As such, they will guarantee political stability that will attract national and international investments for the development of both the countries and the continent as a whole. Besides, they can have an important impact in promoting and securing human rights, the IHL, and positive African values. The United Nations (UN) and the African Union consider this interrelation between security, human rights and development as one of the prerequisites for sustainable peace and development.\(^10\)

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8 Other articles of the African Charter on Human and Peoples’ Rights, adopted on 27 June 1981, omit the adjective “positive” and just refers to African historical tradition and the values of African civilization (at its preamble, Article 17 para. 3; and Article 18 para. 2). Still, the term “positive values” may appear redundant.


Furthermore, SSR is also regarded as a conflict prevention tool. But, if armed conflicts are unavoidable, a successful SSR may improve the observance of human rights and the IHL in the case of relapse into future armed conflicts. In contrast, the SSR failure such as the shortcoming to have neutral and reunified army, as proved by the December 2010 post-electoral crisis in Côte d’Ivoire, can immediately trigger a return to violence with serious and even worse human rights and IHL violations (e.g. direct attacks against civilians, and personnel and vehicles of UN mission) compared to the 2002-2006 civil war in this country.

D SSR and the Promotion of Human Rights and the IHL in Africa

The implementation of human and humanitarian law, in Africa, is challenged by breaches such as massive scale of sexual and gender based violence, recruitment of child soldiers (referred to as Kadogos in Swahili); mass killings and targeted assassinations of human rights defenders; forced recruitment into armed groups; systematic practice of torture; arbitrary arrests; and extortion from the population as well as many others crimes. These latter abuses are sometime committed indifferently by members of rebel or governmental armed forces. More recently in April 2011, the International Committee of the Red Cross and Amnesty International have attested that serious suspicions of humanitarian law violations (particularly killings of hundreds of civilians) were committed in Côte d’Ivoire, by both sides during armed confrontations between pro-Gbagbo and pro-Ouattara soldiers or militants, especially in the town of Douékoué. The Liberian approach on SSR is a model on how the army can avoid having perpetrators of human and humanitarian law violations among its members. In its SSR post-conflict response following the 1999-2003 civil war, the Liberia recruited in its new army only those individuals who did not commit such abuses. While unfortunately in other countries (e.g. D.R. Congo), and disregarding human rights abuses, endeavours to (re)unify and create republican

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armed forces have been essentially constituted by automatic (re)integration (if not a juxtaposition) of members of former belligerents armed groups into the new national army or police forces.

Instead of appearing as an opportunity to reward former belligerents and to consecrate impunity, the SSR must redress ill-functioning security bodies, particularly in relation to past, present and the prevention of future human and humanitarian law violations; not only judicial and disciplinary measures are needed to address human rights and humanitarian law violations committed by members of armed groups. Therefore, it shall be admitted that the SSR represents states’ positive actions to fulfil their international obligations related to human rights and the IHL. It materialises a means to implement the right of African populations to peace and security and states’ obligation to respect and ensure respect of the IHL in all circumstances. Although it is the responsibility of states, the promotion of human rights and the IHL welcomes the involvement of as many stakeholders and mechanisms as possible in order to “(...) increase the incentive for states to comply with their obligations.”

The SSR, as a matter of international cooperation, involves different actors at bilateral (e.g. Liberia and United States) and multilateral levels (e.g. UN, African Union, European Union and international non-governmental organizations (NGOs)). Civil society actors have a relevant role to play in the SSR. For example, through the publicity of states’ SSR activities, they can obviously help to obtain popular support and local ownership as expression of peoples’ right of self-determination. But if civil society organizations, in particular human rights and humanitarian NGOs, are essential and clearly allowed to spread, to educate, to inform and to defend human rights at national, continental and international levels, they may also encounter difficulties to be accepted by governments in order to work in the SSR area.

16 As expressed among other in the Articles 1, para. 3 and 55(C) of the UN Charter.
17 The right of self-determination is based on the Articles 1, para. 2 and 55 of the UN Charter; the UN General Assembly’s Declaration On Principles Of International Law Concerning Friendly Relations And Cooperation Among States In Accordance With The Charter Of The UN, A/RES/25/2625, 24 October 1970; and the Common Article 1 of the International Covenant On Civil And Political Rights and the International Covenant On Economic, Social And Cultural Rights of 16 December 1966.
18 NGOs can participate in jurisdictional procedures of the African Court of Justice (Article 5(3) of the Protocol to the African Charter of Human and Peoples’ Rights and non jurisdictional procedures of the ACHPR (Article 55 of ACHPR; and Articles 72, 75 and 76 of the Rules of Procedure of the ACHPR)).
E The Implication of Civil Society Organizations in SSR Initiatives

1 Civil Society’s Difficulties to Work in SSR Area

More generally, the civil society and local population are at least limited at the policy and planning stages of the SSR (e.g. assisting in seminars and workshops). Further implementation endeavours are not transparent to them. Traditionally there is a total exclusion of any non-governmental component, in all security related issues. These latter are, wrongly or not, regarded by government and military components as completely secret and strategic area. The above mentioned hostile civil-military relationships neither can bring any advantage about civilians’ involvement in the SSR. Civil society actors face several risks and threats. Incarcerations and assassinations of human rights defenders (e.g. in DR Congo and Uganda) and infringements to the press freedom (e.g. in Cameroon) illustrate further obstacles for civilians to interact in security related matters. Also, the fact for SSR to be based on negotiations (e.g. peace agreements) between former belligerents (government and dissident group); or on the unilateral initiative of the victorious government (e.g. Angola) or a former rebel group (e.g. the Patriotic Front in Rwanda) excludes the civil society from active participation in SSR processes.

2 Improving the Participation of Civil Society Actors and the Population in SSR

It is up to civil society stakeholders to overcome their limited involvement in SSR either in a precarious peace or in a relatively stable environment. It is observed that “in the difficult conditions that usually prevail after war, when new governments are struggling to get on their feet and address the many challenges of economic and social recovery, public discussions on military or police reform have been rare.”

Generally speaking, in spite of endeavours to establish democratic regimes in Africa, the legislative and judicial organs remain under strong control of the executive. Civil society organizations, which often operate outside governments’ control apparatus, are well placed to contribute strengthening democracy in general and ensure responsibility and accountability in security sector of their respective governments. Civil society actors need to be creative and active in the democratization and reform of the armed forces and the police. The SSR is of common interest to the population, the government, and the international community. For a viable community development to take place, the civil society organizations need to be actively engaged in not only social development issues but also in the development of security sector legal framework.

Civil society actors could advocate for legislative measures to regulate SSR dispositions often based only on peace agreements. Due to the important role of family in Africa, families of armed forces and police members must take part in the SSR dialogue. For instance, in order to represent the diversity and multiplicity of civil society organizations, associations of militaries’ wives and children (that more generally work isolated from other civil society components) can be empowered in that sense. In addition, civil society organizations together with the population, can contribute directly or indirectly to fund part of SSR.

Besides, financial and material resources necessary for the SSR depends essentially on international and state contributions. If the state SSR funding does not include mechanisms of the contribution of the population, this can be created; and if they already exist, they must be improved. State can establish special taxes or receive local and Diaspora donations. However, such a solution can be seen as adding unacceptable burdens to the existing poverty conditions of African populations, victims of armed persons’ abuses. Still, this economic insecurity does not mean that people are totally dispossessed.

Considering various exactions committed against civilians by armed forces and police personnel in some African countries, it can be admitted that populations already pay diverse kinds of non established "taxes" through many bribes, particularly at check points and traffic lights. Such practice is not to be encouraged. African governments must address these illegal situations as they perpetuate the corruption of members of armed and police forces. One of the alternatives could be the creation of new and legal taxes at determined check points. Still this shall be justified for example as contributing to the good functioning of armed and police forces as well as to fight corruption. Civil society organizations can play an important role in this process. They can help in the consultation, the justification, the identification of areas in which new taxes can be established and the follow-up of such new taxes management.

In other case, where there is no justification to create additional taxes, existing traditional population contribution mechanisms (e.g. payment of traditional taxes) must be improved (e.g. by parliament and democratic budget control) clarifying and informing the amount of population contribution to the security area. For example, civil servants must be informed in relation to the part of their salaries’ taxes intended to security spending. This may make militaries and policemen aware that they are paid by the civilian population and therefore could create a spirit of accountability not only through the government (or donors) but also and above all through their own populations.

The participation of the population to fund the SSR may contribute to strengthen the local ownership and to bring more maturity and a responsible follow-up of everyday life of the armed forces and the police. Besides, it may serve the reconciliation between the army, the police and the population improving their mutual relationships and their perceptions.

This suggestion related to the autonomous funding by local populations is also pertinent to be extended in any other African endeavours beyond the frame of the SSR initiatives, at local, national and continental levels. For instance, the New
Partnership for Africa’s Development (NEPAD) implementation stumbles due to the fact that its functioning budget depends essentially on external contributions that are not totally provided. The appropriateness of Africa’s security and development by Africans is linked to their capacity to be the primary initiators and contributors or active partners of all aspects of development initiatives. To envisage an increasing part of African funding should not exclude international donors’ commitment. Such a solution will also bring advantage against unpredictable events such as the current economic and financial crises and consequent austerity measures that main development donors’ countries are facing in particular. It is clear that in 2000, the Millennium Declaration did not intend that the Millennium Development Goals (MDGs) funding would be challenged as proved today.

Besides, in order not to be demanding only with civil society actors, the performance of some community works in relation to the safety and the well being of local populations or of determined grass-roots organizations can be conceived in return by the military actors.

**F SSR and Community Works**

Following the suggestion made for SSR funding, community works by members of armed and the police forces can be envisaged where they do not exist or be improved in the case they are already performed. These activities are to be planned and implemented according to each local context. It is difficult to state them in the frame of the present paper. Still, they can be constituted by activities that are beyond security related tasks and the possibility for armed and police forces to be requisitioned by the authority in exceptional circumstances (e.g. in the case of mobilisation if [national] emergency is declared). Some examples of community works can be enumerated such as: by removing useless swamps where anopheles multiply, to combat malaria in urban areas; by supporting farmers to harvest rapidly when heavy rain, when bushfire or insect invasion are announced, in rural areas; and by advising or by helping pastoral communities keeping predator animals away from their cattle.

The initiative to perform such activities can be taken by civil society organizations or by military/police hierarchy. Also, they can be included in the frame of SSR initiatives. They contribute to the establishment of an atmosphere of mutual assistance and mutual understanding between the army, the police and local populations. They can be regular or occasional activities. They can take place in interaction between local populations, civil society actors and members of armed and police forces (civil-military community works); or be performed individually.

**G Concluding Remarks**

The development of Africa depends on multi sector responses among which the fundamental one is related to the security services working effectively and only for
the well-being of African populations. The SSR cannot operate in an isolated way. It
must be coordinated with other security related measures (e.g. the disarmament,
demobilisation, repatriation, resettlement and/or reintegration of former belligerents);
initiatives intended to strengthen the political and judicial systems; as well as to
address socio-economic challenges intended to develop or reconstruct especially
war affected countries, or to rehabilitate African economy creating jobs and attracting
foreign investments.

Lasting peace and socio-economic development of the continent must take roots
from the respect of humanitarian rules and principles as well as positive African
values. Despite the illiteracy rate in the continent, most of the African population are
well aware and respectful of their African traditional knowledge. It is up to faculties of
law of African universities (through holistic studies) to address the relevancy of
positive traditional practices and values especially inside African armies.

In order to transform the armed forces and the police as an asset for communities
and continental development, Africans must demonstrate determination and ambition
to achieve peace and development initiatives at the continental (e.g. the NEPAD) and
at the international (e.g. the MDGs) levels. The effective civil oversight and local
ownership of SSR initiatives will constitute a bulwark to avoid state misuse of its
prerogatives and it will help to humanise armed and police forces not only for a new
Africa but also for a better world. The coming African Union policy on SSR to assist
African states and to adapt SSR efforts in the continent must go in the direction that
address the well-functioning of armed and police forces taking into account the
human security approach in order to effectively protect and empower their
populations to benefit from their human and economic potentials.
4th Graz Workshop on the Future of Security
Sustainable Peace Building: Humanizing Peace and Conflict Studies
7-8 April 2011 | University of Graz, Austria

Programme

Thursday, 7 April 2011 | RESOWI-Zentrum, A2, SZ 15.21

8:00 Registration

9:00-9:15 Welcome remarks
Willibald Posch
Dean of the Faculty of Law, University of Graz, Austria

Introductory remarks
Wolfgang Bonnert
Head of the Institute of International Law and International Relations, University of Graz. Director of the ETC of the University of Graz, Austria

9:15-9:45 Keynote address: Gender and Human Security
Sarah Fettig
Postgraduate Research Director of the School of Social and International Studies, University of Bradford, UK

9:45-10:45 Section 1: HUMAN RIGHTS AND HUMAN SECURITY
Chair: Paula Duarte Lopes
Senior Lecturer, School of Economics, Researcher, Center for Social Studies, University of Coimbra, Portugal

Discussant: Gerd Oberfellner
Senior Lecturer, Institute of International Law and International Relations, University of Graz, Austria

Presentations:
Matthias C. Kottmann (Graz, Austria)

Helike Montag (Bochum, Germany/Graz, Austria)
The United Nations Security Council and Post-Conflict Peace Building

10:45-11:15 Coffee break
11:15-12:30  **Section 2: NEW CHALLENGES TO HUMAN SECURITY**

**Chair:** Sarah Perrigo  
Postgraduate Research Director of the School of Social and International Studies, University of Bradford, UK

**Discussant:** Wolfgang Benedek  
Head of the Institute of International Law and International Relations, University of Graz/Director of the ITC of the University of Graz, Austria

**Presentations:**
- Cristina Churuca Muguruza/Cristina de la Cruz Ayuso (Bilbao, Spain)  
  Human Security and Peace Building: The Case of Internally Displaced People
- Sarah da Mota (Coimbra, Portugal)  
- Mohammad A. Hussen (Addis Abeba, Ethiopia//Graz, Austria)  
  Humanizing Security or Sexualizing Humanity? The African Union’s Dilemmas on Human Security

12:30-14:00  **Lunch break**

14:00-15:15  **Section 3: MEDIA AND PEACE BUILDING**

**Chair:** Iñigo Basterrechea  
Lecturer, Faculty of Social and Human Sciences, University of Deusto, Spain

**Discussant:** Markus Moke  
Senior Lecturer, Institute for International Law of Peace and Armed Conflict, University of Bremen, Germany

**Presentations:**
- Cristina Sala Valdés (Bilbao, Spain//Coimbra, Portugal)  
  Uses of Media in Contexts of Violent Conflict: Developing Processes to Impact Base Communities
- Sandra Panic (Novi Sad, Serbia//Graz, Austria)  
  Peace Building and Democracy in Serbia: The Contribution of Media
- Sylvia Stoll (Madrid, Spain//Bochum, Germany)  
  Using Media as a Tool for Peace Building

15:15-15:45  **Coffee break**
### Workshop Programme

#### 15:45-17:00 Section 4: TRANSITIONAL JUSTICE

**Chair:** Luc Roychot  
Senior Academic, Institute for International and European Policy, University of Louvain, Belgium

**Discussant:** Hans-Joachim Heintze  
Senior Lecturer, Institute for International Law of Peace and Armed Conflict, University of Bochum, Germany

**Presentations:**
- Ulrike Capdepon (Hamburg, Germany/Madrid, Spain)  
The Influence of Human Rights Discourse and Practices from the Southern Cone on the Confrontation of the Franco Dictatorship in Spain
- Thomas Rauter (Salzburg, Austria)  
Trading Justice for Peace? Unconstitutional Possibilities for Rehabilitation of Criminal Prosecution under the Rome Statute
- Astrid Reisinger Coraciiri (Graz, Austria)  
Post-Conflict Justice Between the International and the Local

#### 17:00-17:30 Coffee break

#### 17:30-18:30 Section 5: PERCEPTIONS OF PEACE AND CONFLICT

**Chair:** Jolke Emmers  
Senior Lecturer, Centre for Conflict Studies, Utrecht University, Netherlands

**Discussant:** Ayse Bektul Celik  
Senior Lecturer, Faculty of Arts and Social Sciences, University of Istanbul, Turkey

**Presentations:**
- Branja Šetkovac (Belgrade, Serbia)  
A Question of Perception? Peace Building vs. Humanitarian Colonization
- Valeria IZZI (Pisa, Italy)  
"No Nuns No Job": Local Perceptions, Narratives and Peace Building in North Kivu, Democratic Republic of Congo

#### 19:30-22:00 Workshop dinner

Restaurant Kreislohekeller  
Saakistraße 12, 8010 Graz
Friday, 8 April 2011 | RESOWI-Zentrum, G2, SZ 15.22

<table>
<thead>
<tr>
<th>Time</th>
<th>Section 6: INTERNATIONAL INTERVENTION</th>
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| 09:00-10:15 | Chair: Gerd Oberfellner  
Senior Lecturer, Institute of International Law and International Relations, University of Graz, Austria  
Discussant: Ursula Werther-Pietsch  
Federal Ministry for European and International Affairs of the Republic of Austria  
Presentations:  
Paolo Pinto (Colintra, Portugal/Graz, Austria)  
Responsibility to Protect: One Step Towards a Liberal International Order?  
Jan Feszl (Vienna, Austria)  
UN Missions between Mandate and Marketplaces: The Case of Sudan  
Vedran Dzilic (Vienna, Austria/Washington, USA)  
Building Impossible States: Lessons (Not Learned) from International Statebuilding in Sudan and Bosnia and Herzegovina |
| 10:15-10:45 | Coffee break |

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<tr>
<th>Time</th>
<th>Section 7: CIVIL-MILITARY COOPERATION AND COORDINATION</th>
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| 10:45-12:00 | Chair: Jochen Rehl  
Head of Defence Policy Unit, Bureau for Security Policy, Ministry of Defence and Sports, Austria  
Discussant: Sven Biscop  
Director, Higher Studies Security and Defence, Egnont – The Royal Institute for International Relations, Belgium  
Presentations:  
Matthias Mästl (Graz, Austria)  
Civil-military Coordination in the Common Security and Defence Policy of the European Union  
Jovana Jezdimirovic Rantio (Coimbra, Portugal)  
Redevelopment of CIVIC: What Needs to be Done?  
Andrij Zwiller (Groningen, Netherlands)  
Hybridization of Peacekeeping: Emergence of New Doctrines on Peace  |
| 12:00-13:30 | Lunch break |
## Workshop Programme

**13:30-14:45 Section 8: MENDING TORN SOCIETIES**

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<tr>
<th>Time</th>
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<tr>
<td>13:30</td>
<td><strong>Chair:</strong></td>
<td>Wolfgang Benedek</td>
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<tr>
<td></td>
<td><strong>Head of the Institute of Int'l Law and Int'l Relations, University of Graz/Director of the ETC of the University of Graz, Austria</strong></td>
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<td>13:45</td>
<td><strong>Discussant:</strong></td>
<td>Christian Pippin</td>
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<td><strong>Senior Lecturer, Institute of International Law and International Relations, University of Graz, Austria</strong></td>
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<td>13:30-14:45</td>
<td><strong>Presentations:</strong></td>
<td>Benedikt Hardi (Bozen, Italy) The Balassano/Bosnian HVO KMNI Recommendations and Their Relevance for Ethnic Conflicts in the South Caucasus</td>
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<td>Ojjo Mru Ojulu (Bradford, UK/Bochum, Germany) The Role of Civil Society Organizations in Reconciliation and Rebuilding the Social Fabric of Communities Fragmented by Protracted Conflict: Case Study of Gambella Regional State of Ethiopia</td>
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<td>14:45-15:15</td>
<td><strong>Coffee break</strong></td>
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**15:15-16:30 Section 9: BUILDING SOCIETY, REFORMING THE STATE**

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<th>Time</th>
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<td>15:15</td>
<td><strong>Chair:</strong></td>
<td>Ernst M. Fohrberger</td>
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<td><strong>Head Research Management, National Defence Academy, Ministry of Defence and Sports, Austria</strong></td>
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<td>15:45</td>
<td><strong>Discussant:</strong></td>
<td>Aga Kwidzinski</td>
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<td><strong>Researcher, National Defence Academy, Ministry of Defence and Sports, Austria</strong></td>
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<td>15:30-16:30</td>
<td><strong>Presentations:</strong></td>
<td>Ramon Blanco (Colmbrn, Portugal) Conflict Resolution in War-Torn Societies? Delegitimizing the Post-Conflict State-Building Disposals</td>
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<td>Marcel Banza Mwengula (Gibraltar, Spain/Bochum, Germany) The Security Sector Reform and the Promotion of Human Rights and the International Humanitarian Law in Africa</td>
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<td>James-Emanuel Waniki (Limerick, Ireland) Who is BMP? (Re-)Examining the Questions of ‘Empowerment’ and ‘Local Ownership’ in DDR-Implications in the DRC</td>
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<td>16:30-16:45</td>
<td><strong>Best Paper Award Ceremony</strong></td>
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<td>16:45-17:00</td>
<td><strong>Closing remarks</strong></td>
<td>Wolfgang Benedek</td>
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<td><strong>Head of the Institute of Int'l Law and Int'l Relations, University of Graz/Director of the ETC of the University of Graz, Austria</strong></td>
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<td>17:00</td>
<td><strong>Closing cocktail</strong></td>
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A The Concept of Human Security

The concept of human security is a political concept with legal implications and a security model with paradigmatic potential for international affairs. It militates for a new perception of threats and a humanized conception of security. It thus aims at balancing the concept of state sovereignty with a concern for the individual, complementing state-oriented security concepts by including threats that would not be classified as threats from a traditional, state-centred perception of security.

The concept of human security is holistic and not sectoral, participative instead of exclusive, preventive and not reactive, and entertains a close relationship with the concepts of human rights and human development. It seeks to identify and eliminate the root causes of conflicts and promote sustainable, bottom-up conflict-resolution processes, and not superficial top-down solutions without long-term stabilizing effects.

Having been introduced into the international security discourse by the 1994 Human Development Report, the concept has evolved and solidified over the past one and a half decades. Figuring prominently in the World Summit Outcome Document of 2005, the last years have been crucial for the evolution of human security on the United
Nations level as they saw the move away from purely conceptual work to the mainstreaming of human security in all UN activities through a multi-stakeholder approach.

In 2010, human security has experienced its international coronation when the UN Secretary-General, in his report on the concept, requested the General Assembly to take into account the “added value of the human security concept.” In Graz, we work on developing strategies to flesh out this added value and to facilitate the concept’s international implementation.

B Human Security Focus Group

Starting in 2000 the European Training and Research Centre for Human Rights and Democracy (ETC) Graz and the Institute of International Law and International Relations of the University of Graz have developed a research and teaching focus on the concept of human security.

With Austria’s 2003 chairmanship of the Human Security Network and the support of the drafting process of the Graz Declaration on Principles of Human Rights Education and Human Security which was adopted by the conference, the scholarship was brought to a new level.

Notable successes include the Manual on Human Rights Education, a book with an eminent focus on human rights and human security that has already been translated into 15 languages and is used in human rights education worldwide.

By 2011 some ten security scholars of various academic backgrounds have founded the Human Security Focus Group to streamline their research, to promote the added value of human security, and to ensure that the human rights city Graz remains a center of excellence for human security research, teaching and practice.

"In today’s increasingly interlinked world, where threats can potentially spread rapidly within and across countries, human security is a practical approach to the growing interdependence of vulnerabilities facing peoples and communities. As a result, the application of human security calls for people-centred, comprehensive, context-specific and preventive responses. […] Furthermore, such an approach promotes multi-stakeholder responses that enable the protection and empowerment of people and communities. Together these aim to advance freedom from fear, freedom from want and freedom to live in dignity for all.”
C    Successful Initiatives

- Yearly Graz Workshop on the Future of Security. The 4th Graz Workshop on the Future of Security will take place from 7-8 April 2011 and will be dedicated to “Sustainable Peace Building: Humanizing Peace and Conflict Studies”


- An annual lecture series on “Understanding Human Rights” at the University of Graz, based on the Manual

- International Summer Academy on Human Security and Human Rights since 2003. The Summer Academy 2011 took place from 10-20 July 2011 and was dedicated to the implementation of Human Security at the local level

- Human Security Perspectives, a peer-reviewed electronic journal

- "Human Security in the Western Balkan region: the impact of transnational terrorist and criminal organisations on the peace-building process of the region”, a project funded under the EU’s 6th Framework Programme

- "Future of Security", a project analyzing the influence of the concept of human security on international law and European security policy supported by the research fund of the Austrian National Bank

- "Student Exchange Programme in Human Security", enjoying funding from the European Commission’s Education, Audiovisual and Culture Executive Agency (EACEA)

- a contribution to the EU COST 28 project on “Human Security and EU Crises Management”

- consortium partner in the project "Multi-stakeholder Partnerships in Post-Conflict Reconstruction: The Role of the European Union" (MULTIPART), funded under the EU’s 7th Framework Programme

- consultancy for, and research cooperation with, renowned international research and policy institutions, including UNESCO, OSCE, the Austrian
Ministry for Foreign Affairs, the Joint Forces Command of the Austrian Armed Forces, its Federal Academy for Defence and international teaching programmes and institutions from the European Inter-University Center for Human Rights and Democratization to the London School of Economics

D Human Security Scholars

- Wolfgang Benedek, Head of the Institute of International Law and International Relations, University of Graz and Director of the UNI-ETC Graz
- Gerd Oberleitner, Institute of International Law and International Relations, University of Graz/ETC Graz
- Matthias C. Kettemann, Institute of International Law and International Relations, University of Graz
- Markus Möstl, Institute of International Law and International Relations, University of Graz/ETC Graz
- Heike Montag, Institute of International Law and International Relations, University of Graz/University of Bochum
- Pascoal Santos Pereira, Institute of International Law and International Relations, University of Graz/University of Coimbra
- Veronika Apostolovski, ETC Graz
- Maddalena Vivona, ETC Graz
- Barbara Schmiedl, ETC Graz
- Simone Philipp, ETC Graz
- Alline Pedra, ETC Graz

E Key Publications


2010


2009


Kettemann/Möstl, Die Bedeutung menschlicher Sicherheit [The Meaning of Human Security], Global View 1/2009, 10


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