AFTER THE WAR IS OVER, WHAT COMES NEXT?

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Community-Level Peace Building:
Lessons From the South African Peace Committees

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The views expressed in this paper are those of the author and not of USAID.

The Genesis of the Peace Committees[1]

As part of a multi-year transition to majority rule in South Africa, 27 South African organizations committed themselves to reducing politically motivated violence by signing the National Peace Accord (NA) in a highly publicized ceremony on September 14, 1991. Violence had plagued South Africa since the 1980s as its apartheid regime—which legalized political and economic domination by white South Africans—began to crumble. From 1985 through 1990, an estimated 9,000 deaths were attributed to politically motivated violence. By early 1991, the violence was threatening the peaceful transition of the country's political structures that had gotten under way a year earlier when State President Frederik de Klerk, leader of the ruling National Party, announced anti-apartheid organizations would no longer be banned and political prisoners would be released. De Klerk and Nelson Mandela, the highly respected opposition leader who had been detained by the government for 27 years, agreed to participate in a multiparty process aimed at creating a more peaceful environment in which to conduct the broader negotiations for a new constitutional arrangement. These discussions eventually led to the signing of the NA.[2]

The NA's main objective was "to bring an end to political violence in our country and to set out the codes of conduct, procedures and mechanisms to achieve this goal." Codes of conduct for the political parties and the police force were developed that defined how these groups were to operate during the transition to multiparty rule and provided means of monitoring their behavior. In order to help consolidate the peace process, guidelines were established for local socioeconomic reconstruction and development efforts.

The accord also established two mechanisms to "deal with the investigation of incidents and the causes of violence and intimidation and ... actively combat the occurrence of violence and intimidation." The first was the Commission of Inquiry Regarding the Prevention of Public Violence and Intimidation, which became known as the Goldstone Commission, after its chairman, Judge Richard Goldstone. The second was a network of regional and local dispute resolution committees, which subsequently became known as "peace committees." The work of the regional and

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National Peace Accord

"We, participants in the political process in South Africa, representing the political parties and organizations and governments indicated beneath our signatures, condemn the scourge of political violence which has afflicted our country and all such practices as have contributed to such violence in the past, and commit ourselves and the parties, organizations and governments we represent to this National Peace Accord.

"The current prevalence of political violence in the country has already caused untold hardship, disruption and loss of life and property in our country. It now jeopardizes the very process of peaceful political transformation and threatens to leave a legacy of insurmountable division and deep bitterness in our country. Many, probably millions, of citizens live in continuous fear as a result of the climate of violence. This dehumanizing factor must be eliminated from our society....

"In order to effectively eradicate intimidation and violence, mechanisms need to be created which shall on the one hand deal with the investigation of incidents and the causes of violence and intimidation and on the other hand actively combat the occurrence of violence and intimidation."

Source: National Peace Accord, September 14, 1991, preamble.

local committees was to be overseen by a National Peace Committee and its secretariat. The peace committee network was established because the institutions of state were unable, for a variety of reasons, to find nonviolent solutions to inter-group conflicts. Indeed, in some cases, state institutions created or contributed to violence.

The Structure and Mandate of the Peace Committees

The NA created the *National Peace Committee* in order to help "implement the Accord and establish the institutions of peace." Each signatory organization had one or two seats on the National Peace Committee, with senior politicians predominating. The 60-person committee was chaired by John Hall. Hall, a businessman who had been in contact with the ANC since the early 1980s, had co-chaired the NA preparatory committee with Bishop Desmond Tutu in mid-1991. The NPC vice-chairman was Bishop Stanley Magoba, president of the Methodist Church and a former inmate of Robben Island, whose infamous prison had housed scores of political prisoners. The National Peace Committee played a marginal role in the subsequent transition, meeting only twice before the April 1994 election. Hall has characterized the National Peace Committee as a "watchdog," or monitoring, body.

> **The National Peace Committee**
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> **Mandate:** "to monitor and to make recommendations on the implementation of the National Peace Accord as a whole and to ensure compliance with the Code of Conduct for Political Parties and Organizations" [paragraph 8.2, National Peace Accord].
>
> **Membership:** Representation from each signatory of the National Peace Accord.

The National Peace Committee nominated the members of the *National Peace Secretariat* (NPS) whose main task was to establish and coordinate the peace committees at the regional and local levels.[3] Its members were primarily senior politicians. Created on November 8, 1991, the NPS accorded high priority to the areas most affected by the violence, the Witswatersrand-Vaal River (Witsvaal) region around Johannesburg and the KwaZulu-Natal region.

The Secretariat established the boundaries of the 11 regions the regional committees were to serve, and worked with regional leaders to establish those committees.[4] In contrast to the National Peace Committee, the Secretariat met relatively often. It also met from time to time with the chairpersons of the regional peace committees to review their progress and engage in planning for each region.

The National Peace Secretariat

Mandate: "to establish and co-ordinate Regional Dispute Resolution Committees and thereby Local Dispute Resolution Committees" [paragraph 7.3.2, National Peace Accord].

Membership (as of November 4, 1992) : Antonie Gildenhuys (Chairperson); Chris Fismer (National Party); Peter Gastrow (Democratic Party); Senzo Mfayela (Inkatha Freedom Party); Jayendra Naidoo (ANC Alliance); Deon Rudman (Ministry of Justice); Tokyo Sexwale (ANC Alliance); Johan Steenkamp (National Party); Suzanne Vos (Inkatha Freedom Party)

While the process of setting up *regional peace committees* was frequently contentious as the various participants in the process jockeyed for position or had to be convinced to take the peace accord seriously, by April 30, 1993, 10 RPCs were established, and the 11th and last was in the process of being set up in the Northern Cape. The National Peace Accord stated that regional and local committees would "gain their legitimacy by representing the people and the communities they are designed to serve" (paragraph 7.4.2.) In consequence, RPC members were recruited from a wide variety of civil society organizations, local and tribal authorities, and the security forces. The day-to-day administration of the RPCs was overseen by an elected executive council and carried out by a professional staff. Regional peace committees had a varied mandate, but an especially important task was to establish local peace committees and oversee their functioning.

There was no limit on the number of *local peace committees* that could be established, and by the time the national election was held in April 1994, there were just over 260 LPCs in existence. The staff of local peace committees were appointed by the regional peace committees on a consensus basis. Their brief was to establish the LPCs and implement the National Peace Accord. The success of local peace committees was therefore highly dependent on the quality and personal characteristics of the staff. While the capacity and dedication of both LPC and RPC staff was generally quite high, biased or inexperienced staff could, and in some cases reportedly did, jeopardize the effectiveness of the entire enterprise.

Efforts to establish LPCs often ran up against a "Catch-22" situation. Where tensions existed but violence was latent, communities often questioned the need for peace committees. Once violence flared, however, community leaders were often more willing to have committees established, but the polarization resulting from the violence greatly increased the difficulty in establishing committees. In addition, the creation of local peace committees was often disrupted by individuals and organizations who believed that the existence of mechanisms to resolve disputes would run counter to their personal or institutional interests. While such problems existed throughout South Africa, the most serious problems in this regard occurred in the regions of KwaZulu-Natal and Witsvaal.[5]

Peace Committee Resources

Under the terms of the National Peace Accord, the financial resources of the peace committees were to be provided and administered by the Department of Justice.[6] This responsibility was transferred to the Home Ministry in 1994. Although the government provided the bulk of the financial resources for the peace committees, there were two other sources of funding: private enterprise in South Africa and foreign governments through their aid agencies. Money was channeled through the National Peace Secretariat. The government never specified the amount it planned to allocated to the peace committees. Rather, it stated its intention to provide all necessary resources.

According to the South African Auditor General, expenditures by the National Peace Secretariat amounted to 65,159,313 Rand (around $20 million)

> **Regional Peace Committees**
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> **Mandate:**
> C advise the National Peace Committee on causes of violence and intimidation in the region
> C settle disputes leading to violence and intimidation by negotiating with the parties to the dispute and recording agreements reached
> C monitor all peace accords applicable in the region and settle disputes that arise from their implementation
> C consult with regional authorities to limit or prevent violence and intimidation
> C oversee the work of the local peace committees
> C inform the NPS of efforts to prevent violence and intimidation within the

during fiscal years 1993 through 1996. Since the peace committee network began to be established in fiscal year 1992 and the expenditures registered for fiscal year 1993 are extremely modest (less than 48,000 Rand), it is clear that the 65 million Rand figure is an understatement. The Consultative Business Movement seconded staff to the peace committees in 1992 and may have assumed other expenditures as well.[7]

Five "donation funds" were established from FY 1994 through FY 1996. These were the National Peace Secretariat Training Fund, the Party Political Secondees Fund, the National Peace Secretariat Marketing Fund, the Capital Fund, and the Overseas Development Agency Fund. The latter two were financed by the British government and provided resources to acquire communications equipment and train peace monitors, respectively. The Danish government contributed to the Secondees Fund and, perhaps, to the Training Fund. The five funds appear to have accounted for some 10 million rand (just over $3 million) additional expenditures. Foreign donors provided the bulk of this additional financing.

The Peace Committees in Action

There is widespread agreement among former staff members and observers of the South African peace committees that the structural causes of violence and the struggle for power among the major political parties limited the capacity of the committees to significantly reduce violence in South Africa prior to the 1994 elections. Yet even the NA's most severe critics do not believe that the peace committees were a complete failure. Conversations with South Africans who were involved in the peace committees at all levels suggested six crucial, interrelated functions that the committees fulfilled, to one degree or another, and against which their success can be measured.[8]

1)   Open channels of communication.
2)   Legitimize the concept of negotiations.
3)   Create a safe space to raise issues that could not be addressed in other fora.
4)   Strengthen accountability.
5)   Help equalize the power balance.
6)   Help reduce the incidence of violence.

These functions are clearly much broader than the specific tasks the regional and local peace committees were mandated to carry out. Virtually every element of the committees' official mandates (listed in the relevant boxes on the preceding pages) can be classified as contributing to at least three or four of these functions. In general, the peace committees succeeded in carrying out both their NA-mandated tasks and the broader functions identified by former peace workers. However, the ability of any given committee at either the regional or local level to carry out any specific task varied substantially based on the environment in which the particular committee was operating.

Local Peace Committees

Mandate:
C   create "trust and reconciliation" at the grass roots, including among the members of the security forces
C   eliminate conditions detrimental to peaceful relations generally and the NA in specific
C   settle disputes leading to violence and intimidation by negotiating with the parties and recording agreements reached
C   promote compliance with the peace accords
C   reach agreement on rules and conditions for marches, rallies, and other public events
C   liaise with the local police and magistrates regarding the prevention of violence and cooperate with local Justices of the peace
C   address issues referred from the NPC and the RPC
C   report to the RPC, including making recommendations as appropriate.

Membership: LPCs "will be constituted by drawing representatives reflecting the needs of the relevant community" [paragraph 7.4.7, National Peace Accord].

The environment in which the peace committees had to function was extremely complex. There were factors that facilitated their work and factors that complicated it—sometimes to the point of impossibility. The interaction of these positive and negative factors determined what the peace committees were able to achieve. Not surprising, there were wide variations in the way each factor influenced the work of individual peace committees, and there were significant regional differences as well. Peace committees areas where secret, state-sanctioned paramilitary hit squads known as the "third force" operated with impunity—notably KwaZulu-Natal and the townships around Johannesburg in the Witswatersrand-Vaal River region—experienced considerably more difficulty in achieving their objectives than committees in areas such as the Western Cape where "third force" activity was less pervasive and the police and armed forces generally participated constructively in the work of the peace committees.

Police and the Peace Committees in the Western Cape

"It was critical to the success of the process in the Western Cape that the South African Police accepted the authority of the peace structures. Although there sometimes was a discrepancy between what was said by police at peace committee meetings and the behavior of the SAP on the ground, they basically complied with the NA. High-ranking police and army officials participated in the peace structures, which was very important."

Source: Author's interview with former peace committee staff member, April 1997.

Enhancing Police Accountability

"Initially it was difficult for us to monitor the activities of the police around-the-clock, but once a business enterprise donated three armored vehicles, we were able to monitor police activity during the night time as well as during the day. The police understood that they had to be accountable at all times, and the level of violence declined during the night hours."

Source: Author's interview with former LPC staff member, May 1997.

Viewed as a whole, the peace committees had a mixed record, and it is impossible to make a definitive assessment of their success or failure. The peace committees were unable to stop violence completely but often limited its occurrence. Virtually every former peace committee member or staffer interviewed by the author in 1997 maintained that the committees "saved lives," particularly through their monitoring of public events. The peace committees were unable to end impunity on the part of the security forces, but they were able to help equalize the balance of power between those in power and ordinary citizens on specific issues and to strengthen the concept of accountability. A very high value was placed on the capacity of peace committees to promote communication between individuals and groups where none had existed or seemed possible before. The capacity of the committees to address the underlying causes of conflict was circumscribed, but even in the most violence-ridden areas peace committee staff were able to mediate conflicts and create a safe space within which problems could be discussed. And while the peace committees were unable to transform the "struggle" mentality, they were able to help South Africans take their first steps toward understanding the value of negotiations and how to engage in them constructively.

Learning from South Africa

The growing number of complex political emergencies and major political transitions around the world has led to considerable interest in mechanisms to minimize violent conflict. Because the peace committees that operated in South Africa from 1991 through 1994 to assist the transition to majority rule had a limited but nonetheless important positive impact on the peace process, the question has arisen if this mechanism might not be replicable in other transition countries. An examination of the South African peace committee experiment demonstrates that it does offer a number of lessons for conflict management elsewhere in the world, in terms of what to emulate, what to avoid, and the limits of peace committees as a conflict management tool. It also provides an indication of the environment in which peace committees will be most successful.

Lesson 1: Peace committees can be valuable conflict management tools.

The South African experience demonstrates that peace committees, at the local, regional, and national levels, can help manage conflict in deeply divided societies. The South African peace committees illustrate that *under the appropriate conditions* efforts to engender dialog and bring opposing parties together to solve mutual problems can contribute to reducing violence, breaking negative patterns of inter-group and interpersonal interactions, and fostering the constructive relationships that are the basic building blocks of peaceful societies.

In South Africa, peace committees were employed primarily as a short-term tool to help manage conflict during an interim period while the country's political transition was being negotiated. In other countries, it may be useful to explore the possibility of using peace committees in a preventive mode, prior to the outbreak of hostilities, and to support political transitions over the medium-term. The South African government elected in April 1994 ceased funding the peace committees because it felt that the institutions of state would be able to represent the interests of all citizens once multiparty rule was in place. In fact, the legacies of apartheid cannot be overcome that rapidly, and it is clear that there is a continuing need for trust building and relationship strengthening, particularly at the local level. This same need exists in other countries engaged in significant political transitions. Until adequate mechanisms of governance are in place, and the history of state dominance repression can be overcome, innovative methods of building trust among the different groups within society will be required.

> **Seeing with New Eyes**
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> "The peace committees were extremely important at the personal level. People from different groups met for the first time *as equals*. This enabled them to see each other in a different light and to build relationships based on mutual respect and trust."
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> Source: Author's interview with former peace committee member, May 1997.

Lesson 2: Concept should not be confused with structure.

The peace committee *concept* is transferable, but the precise form such committees assume should be developed locally. Many former peace committee members and staff interviewed in

1997 stressed that the South African peace committees were highly context-specific and cautioned against blindly transferring the South African peace committee *structure* to other countries with different social, political, and economic conditions.

Indeed, the South African experience demonstrates that cultural and historical variations may require different approaches even within the same country. Many of those interviewed argued that different structures were required in different parts of the country to take into account different patterns of authority. Others noted that the way in which peace committees dealt with the same problems varied according to local needs. The objective, they stressed, should be to ensure consistency of goals and principles, rather than the duplication of specific structures.

> **The Need for Regional Variation**
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> "There should have been sufficient flexibility within the NA to allow a completely different approach to creating peace structures in KwaZulu-Natal. The NA was drawn up by urban slickers, and while it recognized the traditional leadership, the structures it prescribed were designed with urban needs in mind. This shows that a rigid, prescriptive approach to designing peace structures within the 'same' society is not desirable."
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> Source: Author's interview with former peace committee member, May 1997.

Lesson 3: While peace committees can be a valuable conflict management tool, they are not appropriate in every setting. It is important to evaluate the environment into which peace committees are to be introduced to determine if a sufficient number of key enabling factors are in place.

The South African experience with peace committees illustrates that certain environmental factors increase the likelihood that the committees will be able to make a positive contribution to a political transition. These elements do not always have be present to justify the creation of peace committees. However, the absence of a significant number of them will call into question the viability of peace committees.

It is difficult to say how many of these factors need to be present to justify an investment in peace committees. An evaluation of the South African experience suggests that the first two factors discussed below—political will and the attitude of the security forces and other armed groups—are especially critical. No matter how talented the staff, how inclusive the committees, or how rooted in local communities, efforts by peace committees to find community-based solutions to problems generating violence will not succeed if the major players do not accept the need for a fundamental transition and if armed groups can operate with impunity. Some South Africans have gone so far as to suggest that no attempt should be made to develop peace committees in the absence of a formal mandate at the national level. This is probably true for the establishment of a national network of peace committees. However, if there is sufficient capacity and will at the local level, it may make sense to invest resources in supporting individual groups, with the understanding that such groups are constantly in danger of being thwarted from above.

The 14 most important environmental factors influencing the relative degree of success experienced by South African peace committees are as follows.

Political will. The work of peace committees at the local and regional levels will be greatly facilitated if there is sufficient political will on the part of the parties to the conflict to commit to a major political transition and if these actors have sufficient capacity to compel their members at all levels to ensure that their actions are consistent with the goals of that transition. A major stumbling block that confronted the South African peace committees and is likely to be replicated in other transition countries is that the desire to maximize political advantage during electoral periods can reduce the willingness of political parties to cooperate with peace committees and seriously undermine their effectiveness.

Attitude of the security forces and other armed groups. An end to impunity on the part of the security forces and all other armed groups, formal and informal, state and nonstate, is critical to the effective functioning of peace committees. In South Africa, the ability of "third force" death squads to continue their activities through the entire transition period essentially unhindered severely jeopardized the ability of the peace committees to carry out their mandated tasks.

Responsible, dynamic leadership. The work of peace committees will be greatly facilitated by the support of individuals in positions of leadership who are highly respected in their own communities and who are able through the force of their personality and convictions to keep the political transition moving forward.

> **Political Considerations Take Precedence Over Commitment to the Peace Process**
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> The Inkatha Freedom Party joined a local peace committee in KwaZulu-Natal in March 1992. Three months later, the local IFP leadership formally suspended participation. The local peace committee staff were told that the national IFP leadership had objected to the decision to withdraw, but nevertheless failed to compel the local IFP leader to resume participation in the LPC. LPC staff assumed that this decision was based on the calculation that participation in the peace committee would harm the IFP politically in this particular area.
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> Source: Author's interview with former peace committee staff member, April 1997

Civil society. Without a civil society that is sufficiently well-developed to make a constructive contribution to the political transition, it is unlikely that peace committees will take root.

Accountability. For peace committees to function effectively, official actors must be held accountable for their actions. This process can be facilitated if peace committees are mandated to monitor the activities of key actors such as political parties, the security forces, local government structures, and the media.

Developing relationships of trust. Where key stakeholders have had the opportunity to develop relationships of trust with each other over an extended period of time, the work of peace

committees is facilitated. Relationships can be built under fire, but it is more difficult.

Local ownership of peace committees. The greater the sense of ownership of the peace committees within the communities they are meant to serve, the more effective they will be. The ability to draw on community members to supplement the efforts of the salaried staff will help build ownership of the work of the peace committees.

Inclusivity. Peace committees benefit from the inclusion of all relevant stakeholders in the work of the peace committees, particularly groups that are often marginalized such as women, youth, the displaced.

Even-handed approach. Peace committees will be successful to the extent that they are able to be even-handed in all of their undertakings and to inculcate the value of even-handedness among all participants in the political transition. Even-handedness may be misinterpreted as support for the "other" side, but is critical to the process of bringing opposing groups together and building relationships of trust.

Communicating peace. Peace committees need to break the monopoly warring parties have over information. They need to be proactive about informing the largest possible number of citizens about the nature of the committees and how these committees can benefit them. Radio, video, and theater presentations are components of effective communications strategies in countries where there are high rates of illiteracy and television the print media do not reach beyond urban areas. Innovative methods of combating rumor are extremely important.

Financing. It is important to develop methods of delivering financial support to peace committees in a timely and effective

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Rooting Peace Committees in the Community

"The ANC and the National Party made a deal. The peace committee structures were an important mechanism that enabled them to say: 'These are the parameters within which we can govern the country and monitor the security forces as we move toward elections.' At the community level, however, this was not evident. Rather, all community members saw was people coming in to facilitate conflict management. There was no input from the communities when the committees were set up. There was a sense of urgency to get the peace process under way; but there could have been a more sensitive approach."

Source: Author's interview with former peace committee staff member, May 1997.

Lack of an Adequate Budgeting Process

"If there were budgets for the peace committees, these were not communicated to either RPC or LPC staff. We had tremendous difficulty in accessing resources. The national secretariat should have indicated how much would be spent in priority areas and then within that, how much could be spent at the local level. Then indicative budgeting could have been done. Staff could have been authorized to spend against this budget. However, the NPS staff lacked proper project managers."

"You could not just go out and rent an office and then get the approval of the Department of Justice. There were many bureaucratic hoops to jump through."

Source: Author's interview with former peace committee staff members, May 1997.

manner, based on the principle of local control over resources with a high standard of accountability.

Organizational flexibility. Successful peace committees are able to respond according to needs on the ground and have an organizational ethos that values contingency planning. One of the most important innovations among the South African peace committees—which saved an unknown but not insignificant number of lives—was the decision to extend their mandate and engage in proactive monitoring of public events. The objective was to prevent demonstrations, public meetings, funerals, and other formal and impromptu events from degenerating into violence and often required peace committee staff and unpaid peace monitors physically positioning themselves between armed disputing parties.

Staffing. The ability to identify staff with the appropriate mix of skills and personality to operate effectively in an uncertain, high-tension, constantly changing environment will enhance the success of peace committees.

International support. An international observer force with a pro-active mandate can enhance the legitimacy of peace committees and provide critical technical support. Donors can fill critical gaps in the resources available to peace committees by providing financial, material, and technical support but should consult closely with the committees to ensure that the appropriate resources are being provided.

Lesson 4: Build on what exists locally and take local ownership seriously.

Although the local peace committees in South Africa could have been better rooted in the communities they served, the decision to create a peace committee network and its implementation was entirely driven by South Africans. Furthermore, large numbers of highly committed South African citizens participated in the work of the peace committees in the belief that their involvement could lead to a more peaceful political transition. Had the concept of peace committees not developed organically from within South African society, it is highly likely that the South African peace committees would have been a good deal less effective than they proved to be.

When contemplating the applicability of peace committees to other societies, it is important to recognize that the peace committee concept almost certainly will not be viable in the absence of significant pre-existing local commitment. Efforts to develop civil society institutions in South Africa and other countries have demonstrated that nongovernmental organizations and "committees" arise like mushrooms when funding is available, but that these structures are frequently not rooted in society and have little capacity to work at the community level.

It is not easy for outside actors such as development assistance agencies to identify appropriate local partners. It requires time and the commitment to devote resources to getting to know the relevant actors, identifying those that should be supported, and determining how external resources can most usefully support their efforts. It is a process that will be most effective when it is field-driven, so that the context within which support is provided is understood. Headquarters

can determine the broad parameters within which assistance will be provided, but the determination of who receives resources for what purpose should be made on the ground following a lengthy, detailed examination of the options.

The assistance provided should also respond to needs on the ground as expressed by the individuals and organizations receiving the assistance. Every effort should be made to enter into a genuine dialog with local stakeholders about their needs and to base funding decisions on the results of these consultations. A great deal of resentment is created when local ownership is given lip service but actual funding decisions are based primarily on donors' agendas. The level of resentment in South Africa is particularly high in view of the strength of civil society organizations there.

Lesson 5. Be prepared to make a long-term commitment to conflict management.

There are no quick-fix solutions to violent conflicts. Breaking the cycle of violence requires building a complex web of constructive intergroup and interpersonal relationships. These relationships will only be built as trust develops among the different stakeholders, and creating trust is a long-term proposition. Enduring change probably cannot be achieved in less than a generation. It is likely that a peace committee structure designed to meet the needs of an interim transition period such as the one in South Africa in 1991–1994 will need to be transformed—probably several times—as the political system becomes progressively more mature. However, the South African experience points to the need for some type of continuing forum to promote intergroup and interpersonal dialog and problem solving at all levels of society.

This time frame poses a problem for external actors, which have tended to provide intensive support to political transitions for a period of two to three years and consider five years to be "long-term." The international community as a whole and the development assistance community in particular are slowly coming to the realization that post-conflict environments require lengthy commitments. It is uncertain, however, whether they will be able to act on this realization in any meaningful way, such as moving to a 10-year rolling planning cycle for post-conflict countries.

At a minimum, donors need to explore how to make their support for specific conflict management mechanisms such as peace committees more sustainable. One way to increase sustainability would be to provide peace committee staff members with skills that will enhance their effectiveness. Intensive political transitions may not be the optimal environment for providing training in areas such as mediation, administration, and financial management, but the South African experience shows that there is a demand for such assistance. Indeed, many younger peace committee staff members were reportedly frustrated and angry by the failure of more senior staff to arrange such training for them. Another avenue would be to monitor the activities of peace committees at the local level during the interim transition period with a view to determining whether any of them should continue to exist in the next stage of the transition and what sort of support they might need to continue their work.

Conclusion

The South African experience has demonstrated that peace committees have the potential to make a significant contribution to conflict management. To do so, it is important not to attempt to duplicate specific structures, but to agree on the goals and principles that the peace committees should further and how these committees will interact with the institutions of state.

The South African experience has also shown that the potential contribution of peace committees will only be realized if an enabling environment exists. Extensive interviews with South Africans involved in the work of the peace committees have identified the central features of that enabling environment. The most critical of these are the political will to engage in a fundamental political transformation and the capacity to translate that will into action as well as the ability to prevent the security forces and other armed groups from acting with impunity.

The South African experience also strongly suggests that the peace committee concept will probably not be viable in a society that lacks significant, pre-existing local commitment among civil society organizations to working constructively to support the political transition. While external actors, including donor organizations, can play an important role in fostering local initiatives, it is important that these initiatives develop organically and not merely in response to the offer of external financial assistance.

Endnotes

1. This paper is based on a report to USAID prepared by Nicole Ball with the assistance of Chris Spies, *Managing Conflict: Lessons from the South African Experience*, October 1997.

2. Key NA signatories included the government, the security forces, the major political parties represented in Parliament (such as the National Party, the Democratic Party, and the Labor Party), the ANC, the Inkatha Freedom Party, the Communist Party of South Africa, and the Congress of South African trade Unions (COSATU). The Pan Africanist Congress and the Azanian People's Organization did not sign the accord because of strong non-collaborationist views, but attended the conference and indicated their support for the spirit and objectives of the accord. Three right-wing parties (the Conservative Party, the Afrikaner Volksfront, and the Afrikaner Weerstandsbeweging) refused to participate in any aspect of the process, which they viewed as a form of capitulation to the ANC.

3. Details of the powers, functions, and duties of the NPS are found in "Internal Peace Institutions Act, No. 135 of 1992, 4 November 1992, as amended by Judicial Matters Amendment Act, No. 143 of 1992 and Internal Peace Institutions Amendment Act, No. 149 of 1993, " paragraph 4, as well as the National Peace Accord.

4. These eleven regions covered the entire territory of South Africa with the exception of three "independent" states created during the apartheid era that had chosen not to sign the NA—Bophuthatswana, and Transkei, and Venda—and Ciskei, which had signed the accord but

subsequently withdrew from active participation in its implementation.

5. Mark Shaw, *Crying Peace Where There is None?*, Research Report No. 31, Johannesburg: Centre for Policy Studies, August 1993, p. 7.

6. *National Peace Accord*, paragraph 7.3.4.

7. CBM was a voluntary association of senior business leaders that supported a constructive transformation of the South African political system in order to create a stable foundation for economic growth and development.

8. South African conflict management experts divide peace-related activities into three categories: peacekeeping, peacemaking, and peace building. In order not to overburden the reader with multiple classifications, this report will limit itself to the assessment of the peace committees based on their original mandate compared with these six functions. Readers interested in this classification should consult, *inter alia*, Andries Odendaal and Chris Spies, *Local Peace Committees in the Rural Areas of the Western Cape: Their Significance for South Africa's Transition to Democracy,* Occasional Paper/Track Two, Cape Town: Centre for Conflict Resolution, September 1996, PP. 6-9.

Police Reform, Human Rights, and Democratization in Post-conflict Settings: Lessons from El Salvador

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Central America's military and police forces gained international renown for their repression and brutality during the civil wars that swept the region in the 1980s. Yet with the partial exception of Costa Rica after it abolished its military in 1948, the region has never known accountable, professional, civilian police forces that prioritized the protection of citizens. Beginning in the 19th century, public security institutions, while conforming to certain democratic forms, were oriented toward protecting the interests of an agrarian elite and a military institution that increasingly exercised autonomy as an informal ally and protector of that elite.[1] During the civil wars of the 1980s, internal security forces became deeply involved in counterinsurgency efforts and were responsible for many of the 300,000 deaths attributed to these internal wars.[2]

Thus it is unsurprising that issues of public security and policing were central to political negotiations in the three conflicts settled through negotiation in the region—Nicaragua in 1990, El Salvador in 1992, and Guatemala in 1996. In El Salvador and Guatemala, far-reaching efforts to demilitarize policing were launched. Similar police reforms have been undertaken in post-authoritarian settings of Haiti, Honduras, and Panama, marking the most sweeping attempt in the region's history to create civilian, humane, and professional police forces.

In each of the Central American cases, removing the military's power has been a core element of reforms. In other settings, "police reform" may connote something different: depoliticalization (as in post-communist Eastern Europe), decentralization (as in post-war Germany), increased responsiveness to ethnic concerns (as in Los Angeles or Bosnia) or better oversight systems (such as in New York City). But in Latin America and the Caribbean, demilitarizing public security—ending the extraordinary military control over and nature of policing—is correctly viewed as a first step in the ability of elected civilian officials to exercise political power. It is also crucial for whether new democratic regimes can deliver certain fundamental goods: protection, order, and justice.

Unfortunately, crime waves that tend to follow political transitions appear to be accentuated following transitions from war to peace. Central America has been no exception, with dramatic surges in common crime since the termination of internal wars. The inability of new civilian police forces and justice systems to control this crime has raised questions about the choices made during negotiations, including the exclusion of military means to confront these threats.

This paper examines one the most significant attempts to demilitarize public security after civil war in the post-Cold War period: El Salvador. After briefly describing the public security reforms themselves, the paper develops a series of lessons based principally on the Salvadoran case, but drawing on other reform experiences where they may be useful.

I. Negotiations and Public Security Reforms in El Salvador

Initiated in 1992 as part of a peace accord ending that country's 12-year civil war, El Salvador's police reforms are among the earliest post-cold war efforts by international and

national actors to revamp policing and public security as part of a peace settlement monitored by the United Nations. Police reforms were central to the peace process itself, permitting the conservative Salvadoran government and the leftist Farabundo Martí National Liberation Front (FMLN) to overcome an impasse regarding the status of the government armed forces. Then-UN Secretary General Boutros Boutros Ghali declared the creation of El Salvador's new police "one of the fundamental elements of the peace accords and perhaps the single component with greatest hopes."[3]

A key factor in the forging of these reforms was the balance of forces between the two sides and the nature of termination of the conflict. Following a failed but politically significant "final offensive" by the FMLN in late 1989, both sides recognized that a strategic stalemate had developed.[4] That stalemate created the conditions for a detailed series of political agreements reached before a cease-fire occurred. One early lesson international observers took away from the El Salvador experience is that a detailed political accord, backed by genuine political will on the part of the signatories, is a huge factor in the success not only of a peace process but of negotiated reforms to the institutions of the state.

The Salvadoran accords provided for several reforms to the public security system. These included the following:

A. The removal of internal security responsibilities from the military except in exceptional circumstances, and the reduction by almost half of the size of the military. The three security forces—the Treasury Police, the rural-oriented National Guard, and the urban-oriented National Police—would be dissolved. Paramilitary civil defense patrols were disbanded and legally barred. The military intelligence system was to be abolished and replaced by an intelligence service reporting directly to the president.

B. The creation of a new National Civilian Police (PNC) as the sole national-level public security force, with responsibilities for maintaining order and protecting citizens, and a doctrine that explicitly emphasizes human rights. The PNC leadership must be civilians, and the legislature can remove the PNC director for human rights abuses committed by the force.

The two sides eventually agreed that at least 60 percent of both the officer-level and basic agent personnel of the PNC would be drawn from "civilian" applicants, that is, people who had not served as combatants during the war. No more than 20 percent of the PNC could be ex-members of the old National Police; and no more than 20 percent could be ex-guerrillas. Ex-combatants from both sides were required to pass entrance requirements on an individual basis, although relatively high education requirements were relaxed to facilitate their entry into a new police academy.

C. The creation of a new National Public Security Academy (ANSP) responsible for recruitment, selection, initial training, and in-service training for all PNC sworn officers and agents. The Academy is separate from the PNC. Its civilian director reports to the Public Security Minister and is advised by a politically diverse Academic Council set up under the accords.

D. The creation of an ad hoc commission to review the files of military officers and recommend names to be purged (more than 100 were purged in this manner) and a UN-supervised Truth Commission to prepare a report with names and specific responsibilities for the most egregious human rights violations of the war (the Truth Commission report was completed and made public in March 1993).

E. The creation of a Human Rights Ombudswoman's office with powers to investigate human rights abuses, including inspection of military and police installations with no advance notice. Reforms to the judiciary aimed at reducing the partisanship of its appointment process and decentralizing power from the Supreme Court were also included.

A two-year interim arrangement was agreed upon whereby the urban-oriented national police would patrol the cities and be demobilized as the new PNC were deployed. "Transitional Patrols" (PATs) of not-yet-graduated ANSP trainees patrolled former conflictive zones until fully trained graduates could deploy. The United Nations, through its observer mission (ONUSAL), provided UN civilian police to monitor the conduct of the national police and of the PATs. These police also provided guidance in the field to new PNC agents during the first few months of deployment. Bilateral assistance mainly from the United States and Spain supported curriculum development and training at the ANSP as well as equipment and advice on structuring the new PNC.

II. Special Circumstances of Post-Conflict Settings

While an increase in common and violent crime seems to accompany many processes of democratization, the surge in crime in post-conflict settings has been more pronounced. Several factors account for this crime surge. Because large numbers of combatants and non-combatants depended on the war for a livelihood, its termination usually renders a significant number of people unemployed. The end of a war leaves thousands of weapons and ammunition available on the black market, but also a surplus of people trained in their use. Trained in the use of arms, organized into tightly knit groups, and familiar with the ways of crime, members of prior security forces could easily turn into significant organized criminal networks. Furthermore, patterns of widespread use of violence in society have generally emerged during years of conflict, and internal conflicts often occur in poor countries where war has rendered them poorer still. In many cases, a rise in common crime is followed by an increase in organized, violent crime.[5]

El Salvador is a case *par excellence* of post-conflict crime surge. Polls show that, since the end of the war, crime has become the top concern of the population, ranked by 95 percent as "very serious."[6] By 1995 and 1996, political commentators noted how the country's major newspapers had become virtual crime reports, with the first few pages routinely dedicated to the previous day's worst crimes and most significant arrests. And the news reflected genuinely dramatic increases in violent crime. From 1992 to 1994, for example, reported homicides rose from 3,229 annually to 9,135.[7] Thirty-four percent of urban interviewees reported in January 1996 that they or an immediate family member had suffered a violent crime in the prior four months.[8] In 1995, deaths by homicide exceeded the average annual number of deaths **during the 12-year war**,

and by 1996 El Salvador's homicide rate reached 140 per 100,000, the second highest in the world.[9] Less dramatic crime surges occurred in post-conflict Nicaragua and recently in Guatemala.[10]

Such circumstances make it difficult for newly reformed police forces to gain the breathing space necessary to gain experience and effectiveness. This situation is complicated further when political groups have an interest in delegitimizing the new political system and its public security institutions, as occurred in El Salvador and Haiti. In El Salvador and Guatemala, unprecedented reports of local communities taking the law into their own hands in frustration has led to the execution of several thieves caught by common citizens. These circumstances have prompted some calls for the remilitarization of public security, and raised questions about a trade-off between civilianizing police reforms and police effectiveness. While the jury is still out on this question, some careful analysis of the police reform experience in El Salvador sheds light on where the costs and benefits of certain choices may lie.

III. LESSONS

1. Policing is inherently political, in that police forces' missions and activities always provide security for certain social groups over others. Consequently, those who benefit from the old public security system can be expected to resist reform efforts.

Resistance to reform is among the most central political and policy issues surrounding reform efforts. Two sectors can be expected to resist reforms: the economic elites who benefitted under the old system (and the parties that represent them), and the state institutions that directly control the public security apparatus. In most of Latin America, that is the military. In El Salvador, an important element of the strategic stalemate that permitted the negotiated settlement was a recognition on the part of business elites that the military and its security forces were no longer able to protect its interests.[11] Although economic elites did not press for police reforms and repeatedly expressed concern that reforms might render the police ineffective, those elites generally did not stand in the way of the creation of a civilian-controlled force during negotiations.[12]

More salient, however, was the military's resistance to the agreed-upon public security reforms. Although the government announced the dissolution of the National Guard and the Treasury Police a month after the February 1992 cease-fire, both units were essentially transferred intact into the army and renamed. Under pressure from the FMLN and international actors, the government disbanded these units, but subsequently transferred more than 1,000 of them into the new police force in violation of the accords.[13] The military also upset a plan to use one of its facilities for the new police academy, converting the facility at the last minute into a new military academy and contributing to a delay in opening the academy.[14] It also delayed demobilization of the National Police by several months, and denied transfer to the PNC of hundreds of small weapons donated to the old security forces by the United States, which would have primarily law enforcement applications.[15]

2. Conversely, sectors that feel unprotected by the old security system can be expected to back reforms aimed at more humane, accountable, and citizen-oriented policing. Yet even where political parties take up the banner of "democratizing" public security, they often seek to use reforms to their own advantage as well, including violating the letter or spirit of agreed-upon reforms.

In El Salvador, the FMLN was the force behind reforms to the military and security forces and can largely take credit for them. Despite the FMLN's reneging on important agreements during the peace process, the guerrilla organization largely complied with the agreements regarding public security and the judiciary.[16] Nevertheless, the FMLN did succeed in "smuggling" some of its own combatants into the new force in the guise of non-combatants.[17] The numbers of these "smuggled" ex-combatants appears to be far fewer than alleged by conservative sectors in El Salvador that mistakenly include several hundred people who entered the PNC legitimately as non-combatants.[18] Yet these efforts at favoritism succeeded in some cases.

In addition, during ongoing negotiations between the government and the FMLN over the implementation of the accords, the FMLN on a few occasions sacrificed the letter and spirit of the agreements in order to gain advantageous treatment of its own members. On one occasion, the FMLN permitted the entry into the PNC of one former National Police instructor who had failed an admissions exam, in exchange for gaining an extra slot in the officer ranks.[19] On another occasion, the FMLN apparently permitted the appointment of former military officer Capt. Oscar Peña Durán as PNC Deputy Director for Operations, gaining certain concessions regarding economic opportunities for the FMLN.[20] Similar examples of a reform-minded party making appointments based on political loyalty rather than competence occurred in Haiti.[21]

3. During major police reforms, government officials often create parallel police units that undercut the institutional development and legitimacy of newly reformed police forces.

One of the serious problems that has plagued new police forces in El Salvador and Haiti is the formation of "parallel" units that duplicate specialized divisions of the newly reformed police. In El Salvador, Public Security Minister Hugo Barrera formed several special units reporting directly to him that were composed largely of individuals who had not passed through the new police academy. One of these, an anti-kidnaping unit, wholly duplicated the function of the anti-kidnaping squad of the PNC's Criminal Investigations Division but was funded by private businessmen and headed by a Venezuelan citizen. Part of the impetus for this unit, Barrera reported, was the need for a prompt and effective response to kidnaping given the PNC squad's lack of experience.[22] Similar reliance on personally trusted units recruited through separate channels and duplicative of newly formed units also occurred in Haiti after the new police was created. While the importance of effective responses to increased crimes is apparent, the choice for expediency—in this case hiring individuals on an *ad hoc* basis outside of institutional channels—undermines the legitimacy of the new force and the development of its own in-house capabilities.

4. In seeking to demilitarize public security, questions of a) composition and b) missions and

doctrine are just as important as the hierarchical separation of the police from military command.

Most scholars and practitioners conceive of the "demilitarizing" public security primarily in terms of the hierarchical separation of the police forces from military command. Removing the police from the Defense Ministry or the armed forces command is deemed paramount. Yet it is more useful to conceive of the "demilitarization" of internal security along three dimensions: a) hierarchical command, b) composition, and c) mission or doctrine. While structural separation from the military is a necessary step toward the differentiation of external defense functions from those of internal security, it is not sufficient. Since 1985, for example, Guatemala's police forces have responded to a civilian ministry rather than the Defense Ministry; however, the personnel, doctrine and conduct of the police has remained highly militarized. Three government attempts at further demilitarization of the police failed in the face of military resistance before the 1996 peace accords.[23] An infusion of new civilian personnel and a reorientation of doctrine and missions are also important for the effective demilitarization of policing.

The incorporation of previously disenfranchised political and social groups into the police can be both a means of political reconciliation as well as a source of legitimacy for the new police. The incorporation of former guerrillas into the PNC was a source of legitimacy and popular support for the new force in areas where guerrilla support was strong.[24] In addition, the entry of FMLN members into the PNC served as an informal guarantee of the personal security of ex-combatants. Although high standards of entry into newly reformed police forces are generally important for the effectiveness and reputation of a new police force, relaxing such standards to ensure representation of important political, religious, gender, or ethnic groups into the police force may be worthwhile if such groups would otherwise be excluded or severely under represented in police forces. In El Salvador, the mixed training of ex-combatants from the two sides to the conflict led to a surprising degree of cooperation among them.[25]

In some cases, attention to diverse composition of police forces can advance transparency and accountability as well. The presence of ex-soldiers, ex-guerrillas, and civilians in the PNC has led to some cops leaking information on questionable or abusive police action to the press or to congressional overseers. In one instance, the top FMLN legislator on the National Assembly's Public Safety Committee publicized information he had received on an internal PNC order to erect roadblocks for the indiscriminate search and detention of vehicles coming into the capital purportedly for the illegal occupation of buildings. The PNC director then publicly renounced the order.[26] Without changes to doctrine, mission, and training curriculum, that is, reconceptualizing the very object of police protection, attempts to remove the military influence in policing could well founder. The idea that policing is to protect and serve individual citizens rather than the regime or the state is novel in most of Latin America, and requires emphasis and institutionalization.

5. International actors and assistance can of course provide valuable assistance in police reforms in post-conflict settings. But their contribution can be especially important in questions of composition and doctrine of newly reformed police forces.

The dissolution of the old security forces and the separation of the police from military hierarchical command were proposals of the FMLN dating from the early 1980s. But the decision to set a minimum of 60 percent non-combatants within the PNC resulted from plans and persuasion by a team of European and Canadian consultants hired by the UN mediator to draft laws for the PNC and for the new academy.[27] Negotiators from both sides attribute the influx of new civilians to this international influence, and consider it positive in hindsight. [28]In addition, UN advice and bilateral assistance from the United States, Spain, Norway, and other countries were fundamental to the transformation of the doctrine and training curriculum of the new force. International assistance can be especially helpful in ensuring that policing is representative of and responsive to sectors which were not organized parties to the conflict but who might be left out of new institutional arrangements. These include women, whose unprecedented participation as police officers in El Salvador, Haiti and Panama was backed by international actors, and indigenous or other ethnic groups.[29]

6. In countries where the prior security forces were repressive or politicized, reformers face a "demobilization dilemma." Although retaining significant numbers of the old force would undermine needed changes in the organizational culture and practices of the police, getting rid of all former security personnel also carries costs for public security.

The difficulty of this demobilization dilemma can be minimized through a) adopting a strong preference for new recruits with no military background, but not excluding entirely former security personnel from the newly reformed force; b) adopting stringent selection criteria and vetting procedures for all personnel based on their individual capacities; c) initiating significant reintegration programs for demobilized combatants; and d) constructing effective mechanisms of accountability to catch problematic personnel who make it through the vetting process.

The "demobilization dilemma" stems from the question: What should be done with members of existing security forces which have repressive or politicized images and organizational cultures .[30] But in such settings, reformers are "damned if they do" and "damned if they don't" draw upon former security forces personnel in newly created police forces. They are damned if they do because police reformers must pay attention to how the public will view the new force. Even if former security personnel are vetted and retrained, they may still be met with rejection from a populace emerging from years of repression. In El Salvador, the presence of large numbers of former security forces personnel in El Salvador would have sullied the reputation of the new force, especially in former zones of conflict. Just such popular rejection occurred in Haiti when former soldiers were deployed as interim police following the 1994 U.S. intervention.[31] Similarly, the new National Police created in Panama experienced this problem when the same military personnel deployed with the same uniforms as used during the Noriega regime.[32] Even a few individuals can preserve an organizational culture that tolerated abuses and corruption and that focused on protecting certain elites and the state from potential threats.

Yet a blanket exclusion of ALL such former security personnel also carries high costs. As mentioned earlier, turning to organized crime is an appealing choice for well-organized, trained, and unemployed ex-combatants. Interviews with public security personnel and news reports of the composition of arrested gangs in El Salvador indicate that demobilized ex-policemen are

responsible for a high number of armed assaults and robberies in that country.[33] Furthermore, starting from scratch with all new cops and no experienced mentors creates a gap in criminal investigations that is difficult to fill. Former investigators often have networks of informants which are not easy to reconstruct. Finally, a blanket exclusion will be perceived as unjust bias, and may undermine any loyalty that ex-combatants might feel toward the process of political reconciliation, jeopardizing that process.

The Salvadoran experience points toward a few ways that the problems of this dilemma might be minimized (though not erased; that's why it is a genuine dilemma). First, reformers should seek to maximize the hiring of new, civilian personnel without totally excluding former security forces personnel in their individual capacities. In El Salvador, over 60 percent of the senior and mid-level officers and 88 percent of the basic-level cops and sergeants were drawn from civilian life.[34] The presence of these new civilians in the PNC has contributed to more courteous conduct and to increased transparency in the organization. In addition, concerns about the lack of management skills of civilians vis-a-vis ex-combatants were contradicted by the equal or higher marks they received in performance ratings of UN police monitors.[35]

A second means of minimizing the demobilization dilemma is the adoption of stringent admissions requirements applied on an individual basis. The wholesale transfer of two old security units shows the danger of not applying admissions criteria on an individual basis and of drawing upon too many former military personnel. In 1993 hundreds of investigators and support personnel from the old Anti-Narcotics Unit (UEA) and the old Special Investigative Unit (SIU) were transferred into the PNC. The transfer infected the new institution with criminal conduct and human rights problems. The majority of these personnel performed badly, blockaded themselves in their offices as protest against additional training to adapt them to the new civilian institution, and ultimately resigned en masse.[36] Two critical years were wasted trying to preserve a group of agents who lacked commitment to civilian, rights-oriented policing.

Furthermore, the use of admissions tests reassures former combatants that the selection process will be fair. A blanket exclusion of all former soldiers could well have fueled resentments already felt by demobilized combatants. During the transition period between 1992 and 1995, demobilized combatants, frustrated at the lack of job opportunities or adequate compensation for wartime service and suffering, organized more public protests and building takeovers than perhaps any other sector. Incorporating some of these ex-soldiers into the new police served as a "divide-and-conquer" strategy to prevent further disruption of the process by ex-combatants.

Finally, the presence of reintegration programs for demobilized combatants and of oversight mechanisms are also important for minimizing the "demobilization dilemma." Despite shortcomings of reintegration programs in El Salvador, they appear to have helped a significant number of ex-combatants find employment.[37]

7. Special effort should be taken to ensure the early establishment of a reformed effective criminal investigations unit, as its slow development can seriously cripple investigations and, in turn, the public security system's effectiveness and reputation.

This point is among the most important to ensure that new forces keep pace with rising crime. Because of the early decision to simply transfer the old SIU into the PNC as its Criminal Investigative Division (DIC), minimal training was done of new specialized investigators. Subsequently, upon the early 1995 mass resignation of the members of the SIU, a process of selecting the most promising active-duty police for specialized training was delayed until 1996. The lack of investigative capacity has seriously impeded the ability to obtain prosecutions in serious criminal cases and to dismantle organized crime. This is a crucial factor in El Salvador's record-breaking crime rates. Moreover, the perception of ineffectiveness undermines public confidence in the new public security system, contributing to people taking the law into their own hands and to a loss of faith in democracy itself. When the "Black Shadow," a ring of vigilante executioners in eastern El Salvador, was exposed in 1995, public opinion was split between support and rejection of the ring.[38]

8. Oversight units should be developed and deployed simultaneously with mainline operational units in order to avert the development of bad habits and inculcate an expectation of accountability among the police and the public. Equally important are external mechanisms of accountability for police conduct, such as the press, NGO's, legislative oversight, and the exercise of civilian courts' authority over cases of police abuses.

It is important to situate the role of public security reforms in the overall situation of human rights in El Salvador. The end of the war resulted in a dramatic improvement in the human rights situation of the country.[39] In contrast to police practice during and before the war of routinely torturing detainees, cases of torture, "disappearances," and politically motivated killings have become the exception rather than the rule.[40] Military officers, government ministers and economic elites no longer enjoy the certainty of impunity that they did before 1992.[41] While the justice system cannot be relied upon to prosecute, convict and imprison criminals, there is now a reasonable chance that human rights abuses, corrupt practices and other abuses of authority will be denounced, publicized and investigated. At the same time, the transition did not preclude the continued existence of groups implicated in political violence and accustomed to impunity. Organized crime continues to exist with protection from some elements of the PNC and other agencies of the state.

Within this context, the overall performance of the PNC is perceived by most of the population as more humane and more courteous than the old security forces. A survey carried out by the UCA in December 1995 found that 49 percent of respondents thought the PNC's conduct was better than the old National Police, 26 percent thought it the same, and 18 percent thought it worse.[42] Yet abuses attributed to the PNC rose steadily between 1994 and 1997.[43] The overall result is positive, but not as positive as one might expect for a police force less than four years old, founded amidst high hopes in the wake of a brutal war. Widely publicized incidents of police agents beating and shooting some demonstrators in strikes and building occupations have appeared to color the public's impressions.[44]

The deployment of internal oversight units was extremely slow in the Salvadoran police reform. The accords mandated the creation of an Inspector General for the PNC to report directly

to the Minister of Public Security; an Internal Control Unit within the PNC for investigating corruption; a Disciplinary Unit within the PNC to investigate and make recommendations of administrative sanctions for abuses by PNC personnel, and a Disciplinary Tribunal within the PNC for acting on those recommendations. Unfortunately the PNC Disciplinary and Control Units were not established until one year after the PNC's first deployments. The PNC's first Deputy Director of Operations and the Disciplinary Unit's first director were accused of bias against former FMLN members in internal disciplinary investigations.[45] In addition, the unit's work was extremely slow and encountered difficulties in becoming operational.[46] Furthermore, the Disciplinary Tribunal often fails to take the unit's recommendations, reducing the sentence in up to half of the cases according to one member of the Disciplinary Tribunal.[47] Although the pace quickened in early 1996, complaints of slack punishment for PNC officers increased over the same period.[48]

More harmful has been the slow and problem-plagued development of the Inspector General's office. One of the novelties of the Salvadoran reforms requires the Human Rights Ombudswoman to approve the Public Security Minister's choice for PNC Inspector General. After a delay of a year and a half, the government finally appointed an Inspector General in October 1994. However, he was dismissed for incompetence and, according to some reports, a drunken shooting spree.[49] After the Human Right Ombudswoman refused to confirm the appointment by Public Security Minister Hugo Barrera of a close friend of his to the post, Barrera failed to nominate anyone for several months in 1995. Finally in October 1995, former leftist politician Dr. Victor Valle was appointed to the post. However, Valle has complained publicly and privately that Minister Barrera has hamstrung his efforts to obtain resources and access to information.[50]

External mechanisms of accountability—especially the Human Rights Ombudswoman and the press—have been more effective in bringing attention and subsequent action to human rights cases than internal mechanisms. These external instruments have frequently pushed authorities to investigate complaints. In September 1995, for instance, an excellent investigative story by the *Diario de Hoy* exposed the alleged involvement of an entire PNC substation in the killing of a young man from a well-to-do family.[51] The Human Rights Ombudswoman's office has become the most utilized mechanism for receiving citizen complaints of abuses of all types, surpassing other government agencies and even non-governmental groups in this function. In addition, during their tenure, ONUSAL's Human Rights Division, and its successors the UN Mission in El Salvador (MINUSAL) and the Office of Verification (ONUV), sparked investigations when they would otherwise not have occurred.[52]

9. The absence of far-reaching and rapid judicial reforms can undermine the effect of police reforms.

Left until the last minute in the negotiations, judicial reforms were far less specific than police and military reforms. Consequently, the enactment of judicial reforms such as purging the bench, depoliticizing the Supreme Court, and streamlining procedures and laws did not occur very quickly or completely. PNC agents continue to express frustration at the problems with the judiciary that often result in the release of suspects, although PNC agents' own procedural errors

and inexperience at times contribute to such outcomes.[53] In general, would-be police reformers should vastly step up their attention to both the judiciary and the prison system.

10. Peace agreements should take into account the time required for developing new or reformed public security institutions.

During the early stages of the peace talks, negotiators underestimated the amount of time required to train and deploy an entirely new force. The FMLN, for example, at one point assumed that the new force could be up and running within a few months. International police assistance officials commonly say that five years is a minimum reasonable time frame for deploying a self-sustaining police force.[54] Where entirely new forces are created, the process is more cumbersome than simply providing a few months of training. It involves the drafting and passage of laws governing the organizations, the development of new curriculum, often the construction of new buildings, vetting procedures, the development of institutional policies and procedures, and the development of specialized units. In El Salvador, development of the Public Security Academy and the PNC met agreed upon time lines only a few months late, but would not have done so absent heavy international pressure. Political, financial and organizational factors figured into the delays.

11. Public education programs involving nongovernmental organizations (NGOs) and the press may be necessary to ensure that new models of policing are understood and given a chance by citizens and organizations of civil society.

This lesson is drawn from the experience of both El Salvador and Haiti. In the former, a collection of active and well-organized popular nongovernmental groups developed during the war. While El Salvador's experience with democratic political practices was minimal, these groups formed the basis for continuing input and critique of reformed state institutions after the transition from war to peace. They were, however, slow to begin developing proposals for positive reforms in the public security sector and played a minimal role in the conceptualization of the new security system. Human rights NGOs, accustomed to denouncing state coercive institutions, have in the past three years shifted their focus to monitoring police abuses and making positive suggestions about how public security authorities might improve police conduct. Moreover, a public relations campaign by the PNC and the academy helped inform the population about the concept and improved nature of the new police force.

In Haiti, by contrast, no such public education effort transpired. Skeptical of the new U.S.-influenced police force, the Aristide government remained publicly cautious about it. Questions about the influence of former military officers in the new police led to quick denunciations by the population of incidents of excessive use of force and other abuses of authority early in the HNP deployment. In the poor slum of Cité Soleil, the police and community members developed an antagonistic relationship shaped partly by the presence of criminal gangs. While human rights NGOs have quickly adapted to the new political situation and made suggestions for changes in the way the police function, the new force continues to lack significant public confidence.[55]

One area where reformers have faced stepped up international pressure is the adoption of

"community policing" approaches. The international donors have themselves been slow to raise these approaches, ill-equipped to advance them, and unclear about exactly what they mean.[56] Early experiences suggest that the way in which community policing is organized and conceived in the United States may be less pertinent for developing countries than adherence to the broader concept of prioritizing the community and citizen involvement. Rather than focusing on how the police are organized or carry out patrols, the objectives of community policing might best be pursued by improving citizen access to police stations and decision makers, by setting up informal dialogue with community organizations, and by ensuring that communities have a voice in decisions about policing them. Up until now, public education efforts in El Salvador have focused largely on showing the effectiveness of new police forces
in fighting crime rather than incorporating citizens into public security decision making.

CONCLUSION

The experience of El Salvador's police reform might lead one to conclude that removing military influence over public security in post-conflict or post-authoritarian settings is relatively easy. Such optimism would be ill-founded. Be it demilitarizing public security, depoliticizing public security, or making public security more representative and accountable, such reforms depend heavily upon the political conditions present. In El Salvador, several conditions conspired to facilitate reforms to the state coercive institutions: the relative balance between the parties; the shift in international factors toward favoring a negotiated settlement; the absence of questions of ethnic or religious identity separating the parties; and the war-weariness of the population. Experience shows that police reform is no "magic bullet" to solving political conflicts or consolidating peace processes. Such reforms generally *reflect* the political context in which they occur more than they *shape* it. If political will is lacking among the parties who sign an agreement to terminate a conflict, then agreed-upon changes to the public security system alone are unlikely to create that political will and prevent a reversion to conflict. The experience of Bosnia to date may be illustrative.

At the same time, the Central American experience demonstrates that public security reforms are an important element of many peace agreements and can be significant in the consolidation of peace processes. The lessons presented here show that, despite the severe limits and constraints faced by would-be police reformers, choices about new public security institutions *can* make a difference, both for the consolidation of peace and for the nature of state-society relations under a new regime. Moreover, they show that norms of human rights and democratic governance, reinforced by some features of post-Cold War global politics, have permeated the arena of public security in the developing world in ways which may seem permanent, but which remain fragile and have not been fully realized in practice. Institutionalizing those norms in the face of real obstacles and conforming them to the desires of citizens is a challenge which post-conflict reformers will face for many years.

Notes

1.William Stanley has called this arrangement the "protection racket state" in El Salvador during the 20th century. See his *The Protection Racket State: Elite Politics, Military Extortion and Civil War in El Salvador*

(Philadelphia, PA: Temple University Press, 1996). In the Dominican Republic Haiti, Nicaragua, and Panama the arrangement was somewhat different as the interests of a personalistic dictator received more attention.

2. The figure is from George Vickers, "Renegotiating Internal Security: The Lessons of Central America," draft paper presented at the Woodrow Wilson Center conference on Comparative Peace Processes in Latin America, March 13–14, 1997. I am indebted in numerous ways to both George Vickers and Bill Stanley, with whom I have collaborated and exchanged ideas for several years on policing and human rights in Central America. I have drawn extensively on their ideas in this paper, although I take full responsibility for all flaws herein. Research conducted as a 1995–96 Peace Scholar of the U.S. Institute of Peace, as an affiliate of Stanford University's MacArthur Consortium on International Peace and Security, and as a grantee of the Stanford Center on Conflict and Negotiation
was helpful in the preparation of this paper.

3. UN Secretary General Boutros Boutros Ghali in report to the General Assembly, A/50/517, October 6, 1995, para. 7.

4. On this stalemate, see Terry Lynn Karl, "A Negotiated Revolution" *Foreign Affairs*. Spring 1992.

5. Robert Perito, Deputy Director, International Criminal Investigative Training Assistance Program (ICITAP), U.S. Justice Department, in remarks before conference at National Defense University on "Policing the New World Disorder," Washington, DC, September 16, 1997.

6. The 95 percent figure is from CID-Gallup poll published January 1997. See also polling by the Instituto Universitario de Opinion Pública, published in *Estudios Centroamericanos (ECA)*, by the Universidad Centroamericana, October 1995, where 37 percent reported crime to the principal problem facing the country, 20 points ahead of the second problem. Both cited in Vickers, *op cit.*, p. 13.

7. Reliable statistics are hard to come by, and reporting has probably improved over the past three years. These figures are from the Director of Statistics, State Prosecutor's office (fiscalia).

8. Three of every ten families had been affected according to a January 1996 poll carried out by Gallup. "Piden Mano Dura Contra el Crimen," *El Diario de Hoy*. January 30, 1996, p. 2.

9. El Salvador's rate passed even Colombia, and was matched only by South Africa. See World Bank study cited in *Los Angeles Times*, September 6, 1997, p. 2.

10. See Vickers, *op cit.*, p. 12-14.

11. In a massive but ultimately unsuccessful "final offensive" in November 1989, the guerrillas demonstrated that the military's promises of imminent victory were false and showed the FMLN's ability to take control of rich neighborhoods of the capital whose residents had never before laid eyes on guerrilla combatants. Consequently, economic elites who had ignored the increasing corruption and autonomy of the armed forces before the 1989 offensive became more convinced of the need not only of a negotiated settlement, but also of less corrupt, professional public security forces over whom they might regain some political control. Author interviews with government negotiators David Escobar Galindo and Col. Mauricio Vargas; and with business sector representative Luis Cardenal, December 1995-January 1996.

12. *ibid*.

13. See Report of the Secretary General to the UN Security Council, May 26, 1993. Also see William Stanley, *Risking Failure: The Problems and Promise of the New Civilian Police in El Salvador* (Washington Office on

Latin America/Hemisphere Initiatives), September 1993, p. 17.

14. See Stanley, *ibid.*

15. See U.S. General Accounting Office, "El Salvador: Efforts to Satisfy the National Civilian Police Equipment Needs," Washington, DC: GAO/NSIAD-93-100BR.

16. The most egregious violation of the accords was the discovery in 1993 that the FMLN had hidden weapons depots in El Salvador and Nicaragua and lied about their existence to the UN observer mission.

17. Personal interviews with anonymous ex-FMLN PNC officers and agents, Fall 1995, January 1996.

18. Many of these persons were members of popular organizations affiliated with the FMLN during the war, but were entitled to entry under the "civilian" quota because they in fact were never combatants. The government, through the new academy, arranged for special recruitment and education for them in order to facilitate their entry into the academy. See copies of correspondence among the ANSP, the FMLN, and ASPAD, the nongovernmental organization contracted to conduct the education and recruitment, author files.

19. Personal interviews with several senior PNC officers, and with FMLN Commanders Atilio Montalbo and Claudio Armijo, both members of the COPAZ Subcommittee for Public Security, San Salvador, September 1995-January 1996.

20. *ibid*., plus personal interviews with a UN official monitoring the talks, January 1996; and with FMLN negotiators Shafick Handal and Salvador Samayoa, San Salvador, January 1996, May 1996.

21. Examples include Aristide's attempt to appoint as Police Chief an ex-military officer Celestin whose questionable qualifications and alleged involvement in corruption led the Haitian Senate to reject his appointment (see Rachel Neild, "The Haitian National Police," Washington, D.C.: WOLA, March 18, 1996, p. 6); the allegations by US and UN officials that senior police commissioner appointments of ex-military officers and others were based mainly upon personal loyalty to President Aristide; and the preservation of a Presidential Security Unit (autonomous from the new police force) whose senior leaders have been implicated in political murders and whose loyalty to President Aristide reportedly left his successor feeling unable to replace them.
    Personal interviews with officials of the U.S. Departments of State and Justice, March-April 1996, Port-au-Prince and in Washington, D.C., October 1996. See also U.S. House of Representatives Committee on International Relations Majority Staff report, "Haiti Quagmire," October 22, 1996. In general, see National Coalition for Haitian Rights/Washington Office on Latin America/Human Rights Watch, *The Human Rights Record of the Haitian National Police,* January 1997.

22. Personal interview, San Salvador, May 1996.

23. The attempts occurred in 1988, 1991, and 1994. See Mario Rene Cifuentes, "Desafios de la Desmilitarizacion del Orden Publico," Paper presented at WOLA/SAIS/North-South Center Conference on "Demilitarizing Public Order and Protecting Human Rights: The International Community and Police Reforms in Central America and Haiti," Washington, D.C., November 1994.

24. Early polls of such areas showed a tremendously high favorable rating for the PNC in mid-1993, with over 70 percent of respondents reporting the PNC's work as either "good" or "very good" and less than 5 percent reporting it "bad" or "very bad". Subsequently popular approval ratings dropped but remained more positive than negative. See polls cited in William Stanley, *Protectors or Perpetrators?*, Boston: Hemisphere Initiatives/Washington Office on Latin America, January 1996.

25. See my "Police Reform and Post-Conflict Reconciliation: The Case of El Salvador," Paper presented at Workshop of the MacArthur Consortium on International Peace and Security, Stanford, CA, February 1996.

26. Personal interview with the FMLN legislator and with the PNC Director, San Salvador, December 1995.

27. Personal interviews with UN mediator Alvaro de Soto, New York, October 1996; with team leader Dr. Jesus Rodes, Guatemala, November 1995; and with lead negotiators of the government and the FMLN, Fall 1995-January 1996.

28. *ibid.*

29. Women comprised six percent of the PNC as of May 1997; 7 percent of the Haitian National Police as of August 1996; and 9 percent of the Panamanian National Police as of August 1997.

30. Not all former security forces have such reputations, as was the case with the former Somali police under Siad Barre. See Ganzglass, "Reforming the Justice System in Somalia," *International Peacekeeping*, 1995; and John Hirsch and Robert B. Oakley. *Somalia and Operation Restore Hope*. Washington, D.C.: US Institute of Peace. 1995

31. See National Coalition for Haitian Rights/WOLA/HRW, *op cit.*

32. See Richard Shultz, Jr., *In the Aftermath of War: U.S. Support for Reconstruction and Nation-Building Following Operation Just Cause*, Undated Manuscript.

33. See personal interviews cited above, San Salvador.

34. Figures based on Academy graduation figures, January 1996.

35. See Stanley, *op cit.*, WOLA/Hemisphere Initiatives, January 1996.

36. *ibid.*. According to one international official, of roughly 100 former investigators of the SIU brought into the PNC, 13 were implicated in planning, committing, or in a few cases covering up politically motivated assassinations (List of suspects and their alleged criminal activities provided confidentially to the author, May 1996). Human rights abuses attributed to the PNC rose sharply after UEA personnel were deployed throughout the country in late 1993. See also Human Rights Watch, Americas, "El Salvador—Darkening Horizons: Human Rights on the Eve of the March 1994 Elections," March 1994, 5-6; and Stanley and Call, 1997.

37. Reintegration programs are discussed at more length in other papers for this conference. Oversight units are discussed in more detail below.

38. See polls of the Universidad Centroamericana, cited in Stanley and Call, 1996.

39. By "human rights," I here mean the common (and incomplete) concept prevalent among North Americans of civil and political rights.

40. See, for example, annual reports of the Salvadoran Human Rights Ombudsperson for 1994-95 and 1995; reports of the PNC Inspector-General, May 1996, August 1997.

41. I am grateful for discussions with Salvador Samayoa in clarifying my thinking on this point.

42. Survey of 1,225 urban and rural respondents from all 14 departments of the country conducted by the Public Opinion Research Institute of the UCA. Reported in "Evaluan el ano 1995," *Proceso*, January 17, 1996, No. 693, p. 12. The question asked if the "forma de actuar" of the PNC is better, the same or worse than the "antigua Policia Nacional". In rural areas, the Guardia Nacional maintained more of a presence, calling into question the applicability of the question in those areas.

43. In a March 1995 survey that asked, "Do you believe the PNC respects the rights of the population?" the results showed 39 percent responded "yes"; 22 percent said "no"; and 33 percent said "sometimes." IUDOP poll of the University of Central America, reported in *Estudios Centroamericanos*, March-April 1995. See also reports of the PNC inspector general.

44. In a poll taken right after a November 23, 1995 protest, even though respondents were roughly divided in their opinions about groups' occupying buildings as a form of social protest, a clear majority—66 percent against vs. 23 percent for—were opposed to the means utilized by the PNC to confront such occupations. See "Encuesta de Evaluación del año 1995," IUDOP, University of Central America, December 1995, #52, pp. 33, 35.

45. Author interview with three PNC top-ranking officers. See also WOLA's "Protectors or Perpetrators?..." January 1996.

46. Author interview with Subcommissioner Pablo Escobar Banos, head of the Disciplinary Unit December 1995. Between its opening in March 1994 and September 1995, the unit had received between 2,000 and 2,500 complaints. During that time, it had concluded investigation and passed on to the Disciplinary Tribunal only 657 cases.

47. Author interview with PNC officer on the Disciplinary Tribunal, May 1996.

48. PNC Inspector General's Report to the National Assembly, May 1996.

49. See WOLA, "Protectors or Perpetrators?...", January 1996.

50. Personal interviews with Inspector General Victor Valle and with Public Security Minister Hugo Barrera, May 1996.

51. See *El Diario de Hoy*, September 14-15 and 19, 1995, on the Panchimalco killing of Adriano Vilanova. The police were ultimately exonerated, although suspicion continues of their involvement.

52. See WOLA/Hemisphere Initiatives, "Protectors or Perpetrators? The Institutional Crisis of the Salvadoran Civil Police, written by William Stanley, Washington, D.C. January 1996.

53. Personal interviews with 16 PNC top-ranking officers. Fall 1995-January 1996.

54. This figure was commonly mentioned at a conference sponsored by the National Defense University in September 15-16, 1997 which brought together officials of U.S. Justice Department's police assistance agency, ICITAP, and UN coordinators of UN Civilian Police deployments. Washington, D.C.

55. See National Coalition for Haitian Rights/WOLA/HRW, *op cit*.

56. These observations are based on research conducted for "Police Aid and the New World Disorder: Institutional Learning within the U.S. International Criminal Investigative Training Assistance Program," chapter in Oakley, Dziedzic, and Goldberg (eds.) *op cit.*, and upon personal observations in Haiti. By "ill-equipped," I refer to the tendency of police advisers to come from the ranks of national investigative police (e.g., the FBI, the DEA, French

gendarmes, Canadian Mounties, etc.) rather than local street or rural cops who patrol communities.

Demilitarization, Demobilization, and the Social and Economic Integration of Ex-combatants: Lessons from the World Bank Africa Experience

by Nat J. Colletta

The World Bank

Background

 Africa was among the first battlefronts and final casualties of the cold war. Many devastating conflicts have persisted for 20 years or more. Some countries (such as Ethiopia, Eritria, Namibia, South Africa, Uganda, and more recently, Angola, Chad, Liberia, and Mozambique) are emerging from years of cold war politics and internal civil strife, but pernicious internal struggles continue to plague others (Sierra Leone, Somalia, DR Congo, CAR, Republic of Congo, and the Sudan, for example).

 The damage inflicted on the social and human capital as well as the economic potential of these countries has been horrific. Of the estimated 80 million to 110 million land mines spread across 64 countries around the world, about 20 million are strewn across nearly half the countries of Africa. The impact of warfare on disinvestment, the destruction of physical infrastructure, and the deterioration of social and human capital through disability, death, and displacement is impossible to quantify. Armed conflict is surely one reason why at least 250 million people in Sub-Saharan Africa—nearly half the population—are living below the poverty line in the mid-1990s.

 While war-ravaged countries are among the poorest in the world, their neighbors, in which hundreds of thousands of people seek refuge from the devastation of war, often feel the effects evironmentally and socially. Over the past decade the African continent hosted about half of the world's displaced people, and by 1994, 21.4 million Africans had fled their homes because of conflict. Of these, 6.2 million were living abroad, representing 38 percent of the world's refugees.

 Despite these dire circumstances, the governments of the continent have devoted a substantial percentage of gross domestic product (GDP) to military expenditures (3.1 percent in 1992). Expenditures for defense have crowded out those for human development. For example, in many countries in Sub-Saharan Africa defense expenditures surpass those for health and education combined.

 The ideological camps that once fueled military buildups receded with the end of the cold war, making it possible for many African governments to begin to downsize their militaries and reduce defense expenditures so that human and material resources may be shifted to development activities. Demobilization and reintegration programs for military personnel constitute a vital part of demilitarization in particular, and of transitions from war to peace in general.

 Indeed, increased demilitarization is a precondition for reviving civil society, reducing poverty, and sustaining development in Africa. The realization of this objective demands disarmament, demining, and demobilization of forces, as well as the reintegration of ex-combatants into productive civilian roles. Demilitarization also requires reducing the destructive flow of arms as well as conversion where appropriate.

 World suppliers of arms continue to sell large quantities of military hardware to war zones, and this could be an obstacle to a rapid transition to peace. In the past, principals in the

cold war armed local factions or entire countries; internal factions now rely on the control and sale of precious natural resources (ranging from forest woods to diamonds and oil) to sustain their arms purchases. The path to peace is thus littered with mines, both underground and in the form of violent sociopolitical rivalry.

The millions of displaced people scattered within and around the borders of warring countries are a grim reminder of the human consequences of such conflicts. The relationship between poverty and conflict is clear. What a world unblemished by internal conflicts would have looked like is hard to imagine.

In his speech at the 1995 annual meetings of the World Bank and the International Monetary Fund, James D. Wolfensohn, president of the World Bank, declared that a priority of the Bank is to anticipate and be organized for post-conflict economic development programs. A demobilization and reintegration program (DRP) for ex-combatants is the key to an effective transition from war to peace. The success of this first step following the signing of a peace accord signals the end to organized conflict and provides the security necessary for people affected by war to reinvest in their lives and their country.

The Fundamental Elements of a DRP

Early on, our primary entry point was within the context of public expenditure reallocation, that is, shifting scarce financial resources away from defense and to the social and productive sectors. This was an effort to address the crowding out effects of military expenditures on social and economic development. However, as Bank experience and understanding evolved, we have come to appreciate the developmental linkages between demilitarization, social and economic reintegration of war-affected populations, and the overall reconstruction process.

The essential elements of any DRP are: (1) a *demobilization phase* accenting disarmament, discharge, orientation, and relocation to a community of the ex-combatant's choice; (2) a *reinsertion phase*, marked by the provision of a transitional safety net of cash and in-kind payments spread out over a several month period, roughly equivalent to a single growing season; and (3) *social and economic reintegration* assistance in the form of access to productive assets (particularly land and capital), training and employment, and information and counseling services.

While targeting ex-combatants, particularly the most vulnerable and their families as units, is important, area-based interventions that also provide inputs to the rehabilitation of social infrastructure in recipient communities is equally important.

The basic ingredients for success are: a) political will, b) careful preparation based on rapid assessments of the opportunity structure and a profiling of the needs of ex-combatants and their families, and c) transparent institutional arrangements with a simple monitoring and feedback system to ensure flexible but accountable implementation (to both donors and the community).

Reinsertion and reintegration are not distinct phases after demobilization. Rather, they form part of a seamless web of transition from military to civilian life, without a clear beginning or end.

As reinsertion and reintegration proceed, the needs of ex-combatants change and call for different support measures.

A successful DRP requires several actions: a) classifying ex-combatants according to their characteristics, needs, and desired way of earning a livelihood (mode of subsistence); b) offering a basic transitional assistance package (safety net); c) finding a way to deliver assistance simply, minimizing transaction costs while maximizing benefits to ex-combatants; d) providing counseling, information, training, employment, and social support while sensitizing communities and building on existing social capital; e) coordinating centrally yet decentralizing implementation authority to districts; and f) connecting to ongoing development efforts by retargeting and restructuring existing portfolios.

Key Lessons from Experience

There are several key lessons drawn from Bank experience that warrant close consideration by Bank staff, client governments, donors in the design and implementation of DRPs. These lessons are summarized below.

Political Dimensions

When a country is moving from war to peace, demobilization and reintegration issues should be addressed at the earliest stages of the peace negotiation process. Strong political will and leadership, expressed in terms of commitment, realism, and pragmatism, are crucial factors for successful program implementation. National reconciliation should be actively promoted through transparent policies and conflict resolution efforts at the community level. These can reduce suspicion and help rebuild trust.

The question of land ownership and distribution needs to be treated carefully and openly. Both traditional and legal rights to the land, as well as historically rooted inequalities, have to be taken into account.

Targeting

Ex-combatants constitute a specially vulnerable group in need of priority targeted assistance. Socioeconomic data should be collected to reveal their characteristics, needs, and aspirations so that appropriate program interventions can be designed.

Careful analysis of the opportunity structure for ex-combatants (in particular, the demand for labor and the availability of land, credit, information, and provision for skill development) is a prerequisite not only for program design but also for targeted counseling and adequate placement.

An authentic, nontransferable, and noncorruptible identification system is of paramount importance for avoiding targeting errors.

The particular challenges confronting veterans' depends (the family), as well as female soldiers, child soldiers, and disabled ex-combatants, warrant the development of specially targeted interventions.

Demobilization

Ex-combatants should be released or discharged from military quarters as soon as possible so that they do not become a serious threat to security. Prior to discharge, they should receive information about civilian life—rights and duties, opportunities and constraints. If feasible, post-discharge orientation, with a focus on social support and economic opportunities, should be provided in the communities where ex-combatants settle.

Especially in transition from war to peace, neutral international monitors and technical assistance can facilitate the design and implementation of demobilization programs.

Reinsertion

Entitlement packages, which provide a safety net during the transition from war to peace, should reflect the needs of ex-combatants and their families in different socioeconomic environments. Such packages help ex-combatants and their families bridge the difficult period between demobilization and reintegration.

Monetizing the entitlement packages has several advantages over in-kind provision: transaction cost can be reduced, leakage can be better controlled, and beneficiaries can make flexible use of the entitlement.

Using local banks for transferring cash in installments allows ex-combatants to access financial assistance throughout the reinsertion phase. Staggered payments made to beneficiaries through local banks also help spread benefits and ex-combatants throughout the country. The capacity of the banking system or alternate payment systems, especially in rural areas, must therefore be evaluated before transfers begin.

Reintegration

Ex-combatants should be assigned to target groups and subgroups on the basis of their mode of subsistence and thus on their differing needs and aspirations. This allows for the development of a differentiated, relevant, and cost-effective approach.

Ex-combatants should receive no more support than is necessary to help them attain the standard of living of the communities into which they are reintegrated.

Reintegration in urban areas is more complex than in rural areas and requires a more diversified approach. All support measures should be based on a careful matching of opportunities

and actual needs. Support measures should, to the extent possible, be demand-driven.

Social Dimensions

It is the interplay of a community's physical and social capital and the ex-combatant's financial and human capital that ultimately determines the ease and success of reintegration.

Efforts to strengthen social capital—for example, by using existing community organizations and channels of communication—enable communities to take development into their own hands and facilitate reintegration of ex-combatants.

Informal networks of ex-combatants—discussion groups, veterans' associations, and joint economic ventures—are key elements for successful economic and social reintegration. Such associations can be extremely helpful when social capital has been depleted.

A community is a critical adjunct to assistance for ex-combatants. Community sensitization and political awareness are paramount in this effort.

Care should be taken that ex-combatants are not stigmatized as unfit for military service or as conveyors of disease, violence, and misbehavior.

Institutional Concerns

To put scarce resources to optimal use, program components should be ranked by simplicity of implementation, with the simplest components first on the list.

Central coordination of DRPs by one civilian agency with overall responsibility, balanced by decentralization of implementation authority to district and communities through existing organizational structures, makes for a powerful institutional arrangement.

Administrative costs need to be held down. The higher the transaction (administrative) costs, the smaller the resources available to ex-combatants.

The effectiveness of program interventions in relation to ongoing development initiatives is maximized by careful coordination within government and among other project promoters.

Once the major program objectives have been fulfilled, remaining activities should be integrated into the government's mainstream development efforts.

Elected representatives of ex-combatants, as well as field-based staff, can perform crucial roles in facilitating reintegration.

Local communities should be involved directly in decision making, especially on important

local matters, so that scarce public resources are allocated in a transparent and socially accountable manner.

Management Aspects

Staff training to improve skills and knowledge should begin before demobilization and should emphasize practical problem solving.

The most important contribution of a monitoring and evaluation system is to consistently improve ongoing operations—by keeping abreast of major trends in the program and by regularly reporting to and advising management.

Use of an external auditor improves management of funds. The external auditor, in addition to ensuring control of program resources and transparency, gives confidence to the donors and to the beneficiaries.

External Assistance

Timely availability of resources facilitates smooth operations. Donor budget cycles and disbursement and auditing procedures have to be closely meshed with implementation schedules for DRPs.

Capacity building and close coordination among the government, NGOs, community-based groups, and donors are central elements of cooperation. Coordination of donor support by a lead donor has proved very effective.

Economic Impact

The peace dividend needs to be understood in social and economic terms, as well as financial terms. The reinvestment of some savings from military downsizing into the development of a disciplined, high-quality defense force can itself produce a peace dividend by increasing security, building confidence, and reducing public fear.

It is useful to link a country's overall macroeconomic reform program, especially as it concerns the public expenditure mix, to the planned reintegration program.

Jump-starting the economy by rehabilitating critical infrastructure also can be linked to reintegration programs that involve training and employment schemes for both reconstructuring material assets and building human and social capital.

Continental demilitarization is a precondition for reviving civil society, reducing poverty,

and sustaining development in Africa. The realization of this objective hinges on disarmament, the demobilization of forces, and the reduction of the flow of arms into the continent, on the one hand, and on the reintegration of ex-combatants into productive civilian roles, on the other.

Revitalizing civil society entails the promotion of local associations, community participation, and peer accountability, all of which reduce individual fear, enable collective condemnation of violence, and strengthen local security. These are the minimal conditions for encouraging people to reinvest in their communities both emotionally and financially.

The Sacred Trilogy

In the end, DRPs are important programs for not only freeing up resources, but also addressing the pressing needs of war-affected populations, and building the confidence of nationals to invest in their own lives and foreigners to invest in the countries.

For the past three decades civil wars have destroyed lives, skills, and assets, undermined institutional competence and accountability, caused incalculable personal dislocation and suffering, and intensified ethnic hostilities. In sum, internal strife has wrought havoc on civil society throughout the world.

There is now little doubt that development cannot be sustained without political stability and underlying security. Orderly demobilization, reinsertion, and reintegration of military personnel are central contributions to the restoration of civil society and the peaceful return to productive civilian life of hitherto destabilizing forces. Equally important are the establishment of a transparent legal system, a professional army and police force, and an independent judiciary and the implementation of economic reforms aimed at promoting growth and expanding employment opportunities.

The trilogy of security and good governance, the restoration of social capital, and macro-economic reform are the critical enabling conditions for the reconstruction process to be launched and progress to the stage of sustainable development.

From Demilitarization to War to Peace Transition

Operational experience and field research have enlarged our conceptualization of the technical aspects of DRPs. We can now identify at least three interwoven technical phases of any DRP: demobilization, including disarmament and discharge; reinsertion, including resettlement; and reintegration. Our analysis has also brought into clearer focus the need for two more dimensions in the transition from war to peace, that is conflict prevention and reconciliation (see attached figure).

Conflict Prevention: Arms and Development

Overall, arms exports to Sub-Saharan Africa have declined markedly since the late 1980s, but sales of small weapons, especially antipersonnel mines, continue to be a lucrative business. The use of such weapons results in a most inhuman form of warfare that affects the civilian population more than it does the fighting army. For example, the estimated 100 million landmines spread across 60 countries kill 24,000 people each year, mostly in developing countries. About 20 million mines carpet several countries in Sub-Saharan Africa. From 8 million to 10 million mines and unexploded ordnance are deployed in Angola alone.

It costs nearly $1,000 to deactivate a mine costing as little as $3 to purchase. Worse yet, the mere threat of these mines has hampered market forces—the movement of people, goods, and services—and resettlement of large tracts of arable land. Agricultural development has been retarded across Africa. The donor community may be able to accelerate the pace of demining by increasing funding and promoting new mine-clearing technology, but in the long run the manufacture and sale of small arms must be reduced if development is to be sustained. The negative connection between arms proliferation and protracted insecurity, on the one hand, and sustainable development, on the other, is self-evident.

The Conference on the Convention on Conventional Weapons, held in November 1995 in Vienna, addressed this issue. It was unable to reach consensus on a reform of the global governance regime for land mines. Discussions continue in capitals around the world. A laudable effort has also been launched by Nobel peace laureate Oscar S. Arias. In *Human Development Report 1994*, a publication of the United Nations Development Program, he proposed a Global Demilitarization Fund that would finance activities from demining to demobilization. Such efforts deserve the support of the development community. The recent success of the campaign to ban landmines is a hopeful sign that we are turning a major corner in the global efforts to move from war to peace.

Reconciliation: From War-torn to Civil Society

At the end of this seamless web of war-to-peace transition, reintegration in its full sense implies reentry into political and social as well as economic life. One of the legacies of protracted civil strife, however—in addition to the destruction of physical and human capital—has been the displacement of millions of people and the debasement of social capital. Of the estimated 70 million displaced persons in the world, about half are in Sub-Saharan Africa. More than a fifth of the people in nine African countries are displaced, as is a staggering two thirds of Liberia's population.

Social capital goes beyond the basic level of human association and trust that welds a civil society together; it also encompasses organizations, networks, and unwritten mores and rules. Field data for all three country case studies point to the importance of social support—be it family, religious groups, or ex-combatants themselves—in easing the reintegration process. Such social support provides not only psychosocial sustenance to returnees but also the pathways for becoming economically productive members of society (via informationandfinancial assistance, among other critical things).

Rebuilding social capital means a revitalization of civil society, and revitalizing civil society entails the promotion of local associations, community participation, trust and confidence building, and the establishment of peer accountability. It reduces the level of individual fear, enables the collective conditions that must be met if people are to reinvest in their communities, emotionally and financially. The state of social capital is also a barometer for external investors.

When it comes to reintegration, donors have a role beyond promoting employment and training for ex-combatants or rebuilding service structures. This role is the promotion of civil society. In many fragile sociopolitical environments, NGOs and secular and religious groups are at work organizing reconciliation activities, open community meetings, and other activities for free and transparent public exchanges between formerly hostile groups and individuals.

In Namibia church-led repatriation committees rebuilt trust between former adversaries in combat, now neighbors in development. In Somalia, in an attempt to rebuild civil society in the wake of the breakdown of bureaucratic authority, NGOs are working to reestablish the council of elders as a time-tested means of interclan governance. In South Africa a Truth Commission is trying to heal the wounds of years of violence under apartheid. In Mozambique the UNESCO-sponsored Culture of Peace Program seeks to use veterans as community peace promoters. In Cambodia the Thai Buddhist monastic order is providing technical assistance to revitalize *wats* and Buddhist temples, rekindling the moral authority and religiously rooted associational basis for civil society.

The most desirable outcome, for a country and its people, is the prevention of conflict. Where conflict has nonetheless occurred, the work of reconciliation has to be done. Reconciliation means bringing people to have faith again in civil institutions, in justice, and in the rule of law. In the final analysis, lasting reconciliation must be built on forgiveness.

Development Assistance at a Crossroads

Donors are increasingly seeking to establish early warning systems and rapid response mechanisms to forestall problems with DRPs, and to link relief and development efforts more closely if problems nonetheless arise. A major agenda item at the Halifax Summit of the Group of Seven industrial nations in June 1995 was to address ways of preventing and responding to crises. The Bretton Woods institutions and the United Nations were called on to reinvigorate coordination to facilitate a smoother transition from emergency to reconstruction, from war to peace.

Because most conflicts, particularly on the African continent, cannot be viewed as purely local problems, multilateral institutions are often cast in a prominent role. Refugees who stream across borders to avoid devastation often turn local hostilities into regional conflicts and neighboring countries host warning armies for cross-border warfare. Zaire, Uganda, and Rwanda, the Sudan, Eritrea, and Uganda, and Liberia and Sierra Leone are home to just a few of the many regionally interlinked wars. Regional wars will end only when regional answers are found.

Reform of national military and security establishments, whether post-conflict or in peacetime, is not within the purview of the multilateral institutions, nor do these institutions have a

comparative advantage in this area. Moreover, the World Bank cannot by itself implement projects to rebuild social capital in war-torn societies. What the Bank can do is promote a secure and stable environment for development by supporting the removal and nonproliferation of mines and other antipersonnel weapons; encourage the realignment of national public expenditures from nonproductive to productive sectors; assist in the demobilization and reintegration of ex-combatants into a productive civilian life; finance the reconstruction of physical assets; and helping rebuild social capital. These are vital areas for Bank intellectual leadership, resource mobilization, and donor coordination.

Given the current political environment in Sub-Saharan Africa, the demand for such leadership will not diminish in the foreseeable future. On the contrary, more and more countries are appearing on the radar screen, from Sierra Leone and DR Congo to Sudan and Somalia. By honoring their requests for guidance, the Bank can lend credence to the role of a DRP as a central element in the reconstruction and development of war-torn societies and can play an important leadership role in the larger transition from war to peace.

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Challenges to Voluntary Repatriation

by Dennis Gallagher

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This paper attempts to sort through an increasingly complex and urgent debate about repatriation. At the heart of the debate is the question: How strictly and widely should the principle of voluntary repatriation be observed?

There are many parties to this debate besides representatives of the United Nations High Commissioner for Refugees (UNHCR), including refugees, refugee leaders and affected populations, intergovernmental organizations, governments, and nongovernmental organizations, as well as foreign policy and development analysts. Their views on repatriation are influenced by their location, roles, mandates, and interests. Whereas UNHCR focuses on issues pertaining to the protection and assistance of refugees, other actors focus on issues of security, peace, and development. Where there is coincidence among these interests fundamental problems are not likely to occur but where there are differences of view and priority controversy can easily result.

Until recently, there did not appear to be a major difference of perspective among these various actors: the principle of voluntary repatriation was broadly applied and generally respected by all constituencies. Today, in view of returns to Vietnam, Haiti, Iraq, the Great Lakes of Africa, Bosnia, and Myanmar, to name a few, there is doubt that consensus currently exists as to whether and when repatriations will occur, who decides, and what principles and policies will guide those decisions.

A Few "Facts"

In the decade of the 1980s refugees repatriated to their countries at the rate of about 170,000 per year. Since 1989 the numbers of refugees repatriating to their countries annually has increased by more than seven fold, to about 1.3 million per year. During the decade of the 1980s, UNHCR spent less than 4 percent of its funds on voluntary repatriation programs. In the 1990s, it is expending more than 16 percent of its funds on repatriation. Annual expenditures for repatriation in the 1980s averaged $17 million and in the 1990s they are averaging nearly $157 million, a nine-fold increase. (Annual expenditures on repatriation by UNHCR now hover around $200 million per year, a level higher than UNHCR expended on its entire program in 1978.)

Aggregate Numbers of Repatriates & Expenditures by Decades					
	Total number of repatriates	UNHCR's Expenditures (US$ thousands)		Ratio of funds spent on repatriation	Per-capita cost
		Total	On Repatriation		
1969-78	-	522,312.2	2,884.4	0.55%	-
1979-88	2,558,700	4,394,452.3	166,930.3	3.80%	$65.24
1989-96	14,329,606	7,756,219.2	1,255,109.7	16.18%	$87.59

Sources

Numbers: Barry N. Stein & Frederick C. Cuny. "Refugee Repatriation during Conflict: A New Conventional Wisdom." 1996.

"Facts" about repatriation are shaky and our understanding of repatriation efforts are shaky too. For example, it is not clear whether resources provided for UNHCR programs in countries of origin are reducing the amount of money that is given a refugee or refugee family as a part of their repatriation package. This is an important question because analysis should be available as to whether and under what circumstances it is better to give resources directly to refugees to support their repatriation or to give project aid to the areas to which the refugees are repatriating. Similarly, it is important to be able to compare the effectiveness of resources spent in countries of asylum used to prepare refugees for repatriation with resources spent in the country of origin to support the reintegration of refugees. There are many examples of types of projects that support repatriation and reintegration (projects that help returnees acquire documents needed to show citizenship, encourage dissemination of human rights principles, increase the capacities of community health, education, and other service systems to deal with the influx of repatriates.) but little evidence is available on the impact of these efforts and how they contribute to sustainable efforts to reintegrate refugees and jump-start local economies.

Little effort, to date, has been put into establishing a reliable data base that enables analysis that underpins answers to such questions and concerns. Why? The standard view seems to be that each repatriation is so different from the other that such information and data are not very useful. The key factors by which repatriations tend to be judged are: do the refugees in fact repatriate; are they mistreated after they return; does the repatriation cause political instability and renewed displacement? The answers to these basic and essential questions do not require much data collection.

But as nearly $200 million a year is being spent on repatriation programs by UNHCR alone, a framework for analysis, and data to support it, are needed to provide a better basis for assessing

the specific and overall impacts of such investments. Information and data collection should yield program insights on what impacts these expenditures are having on the reintegration of repatriates. Analysis should yield insights as to whether UNHCR investments in repatriation help initiate a process of rehabilitation and development that other institutions buy into. It should also yield insights as to how increased investments in repatriation are affecting the direction and priorities of UNHCR and other organizations responsible for implementing repatriation and reintegration programs.

In short, the recently scaled-up debate about whether, when,and under what conditions repatriation occurs needs to be informed by factual analysis at both the case and aggregate levels.

Voluntary Repatriation: the Preferred Solution?

The United Nations High Commissioner for Refugees is mandated to promote durable solutions to refugee problems. Of the three durable solutions voluntary repatriation is often referred to as the "preferred" solution. Why, to whom,and under what circumstances is this likely to be the case?

Several basic assumptions underpin the view that voluntary repatriation is the preferred solution to refugee problems. First, there is an assumption that most refugees want to return to their homes when circumstances permit it. Second, there is an assumption that most states would prefer refugees to return to their homes rather than permanently settle in countries of asylum or permanently resettle in a third country. Third, there is an assumption that countries of origin not only have an obligation to accept refugees back home but would welcome and benefit from their return.

Clearly, where all these assumptions are correct there can be no challenging that voluntary repatriation is the best solution. But, there are many cases in which one or more of these assumptions is not correct. It is not uncommon for countries of origin to declare readiness to accept refugees back but where refugees are not convinced of the extent and truthfulness of these claims. Conversely, there are circumstances where refugees are determined to go back but where the international community or the country of origin feel the timing and conditions of return are not yet appropriate.

Many refugees, individually and collectively, prefer not to return to their country of origin because they feel such violence has been perpetrated on them that a permanent breach has been created. Jews, for obvious reasons, did not want to return to Germany and to other countries that persecuted them. Hundreds of thousands of Vietnamese refugees and asylum-seekers struggled mightily to exit their country with the aim of gaining temporary asylum in the region and then permanent resettlement in a third country, such as the United States, Canada, Australia, or France. It is not untypical that when solutions other than voluntary repatriation are possible many refugees seek to avail themselves of them. There is even concern that the availability, even possibility, of other solutions can stimulate further exodus of disgruntled populations or have the effect of dampening the willingness of refugees to repatriate.

The policy of the state of Israel is to be a homeland for Jews. This represents an exception to the assumption that nation states prefer refugees to repatriate. This is not the only example that can be cited. Following partition of British India a massive population transfer occurred with Hindu and Sikh refugees crossing from what had become Pakistan into India and Muslim refugees crossing from India into the newly created Pakistan. Though both countries indicated that refugees were welcome to return this was an option few accepted. Many individual refugees have made important contributions to the countries that have granted them asylum. The countries that are the beneficiaries of the contributions of these refugees are not eager for them to repatriate. In part, recognition of this led the United States and other Western states to adopt policies that put refugees on a fast track to legal residence and citizenship.

Finally, countries of origin are not always eager for refugees to return home. The example of Central America serves as a current case in point. In meetings with President Clinton during his recent trip to that region, several leaders urged that Central American "refugees" not be sent home precipitously because this would have adverse impacts upon their economic recovery and potentially on their political stability. Neither the government of Ethiopia nor the government of Eritrea seems particularly anxious to welcome back the remaining refugee populations still resident in Sudan, preferring, it seems, to raise bureaucratic barriers to and financing contingencies upon their return. The government of Bhutan has questioned whether Bhutanese refugees of Nepali descent are indeed legal residents of Bhutan. They, therefore, challenge the right of these "refugees" to return. The complex case of Bosnia underscores that parts of countries may welcome the return of refugees but these might not be the areas of the country from which the refugees fled. To date, only about 30,000 Bosnian refugees have returned to areas in Bosnia where they previously lived and where they would have to live as a minority. There is concern that if refugees repatriate only to areas in which their ethnic groups are in a majority the repatriation will have the effect of further reinforcing the ethnic division of the country and the prospects for its eventual partition.

Repatriation: the Most Feared Option?

Refugees, by definition are people who have fled from danger. The primary responsibility and aim of the refugee regime is to protect refugees from being returned to dangerous conditions, particularly where they would be targeted for persecution because of their religion, politics, or ethnicity. History is replete with situations where people have been forced to return to their country only to face persecution and death. It is because repatriation can be so dangerous that there is insistence on the principle of voluntarism.

Just at the end of World War II, the Supreme Headquarters Allied Expeditionary Force (SHAEF) recommended that all German displaced persons be returned to Germany after the war. Fortunately, this decision was not upheld and Jews were exempted. Unfortunately, another decision was not reversed. "After identification by Soviet Repatriation Representatives, Soviet displaced persons will be repatriated regardless of their individual wishes." Within a few months more than 2 million Soviet citizens were repatriated. Many were returned involuntarily and many were killed, imprisoned, or relocated. These instances were fresh in the minds of the people drafting the refugee convention. A purpose of the refugee definition enshrined in the refugee

convention was to be able to distinguish refugees from other persons displaced by wars and to extend international protection to them.

In international refugee doctrine, the ultimate responsibility for the decision to repatriate rests with the individual refugee, not with states, UNHCR, or other representatives of the refugees. While UNHCR is expected to help refugees gain the information they need to make decisions about repatriation—for example by arranging "scouting" missions of credible refugee representatives to their countries to explore the conditions for and attitudes toward their return—UNHCR technically cannot decide for the refugees whether they will return. UNHCR can have significant influence on this decision, however, by limiting the period of support for an organized repatriation. It can reduce, or even withdraw, material assistance to refugees in countries of asylum, although it can be exposed to significant criticism if and when it does so. It can establish programs that support the reintegration of refugees in countries of origin and set timelines for how long they intend to continue them. Finally, a cessation clause can be invoked that declares that the causes of refugee exodus have been addressed and thus UNHCR no longer needs to assume a protection responsibility for the refugees.

While a purpose of the refugee definition was to be able to identify individual refugees from amongst other migrants and displaced persons, circumstances evolved quickly where this concept of international refugee protection was extended to a much wider class of people. This expansion was reflected both in the mandate of UNHCR and in regional conventions, such as the refugee convention of the Organization of African Unity. Large groups of people in Africa and elsewhere, internationally displaced by internal conflicts, gross human rights violations, and man-made disasters, were deemed to be refugees under the terms of these regional conventions or, alternately, UNHCR's mandate. Without resorting to individual refugee determination procedures, on a prima facie basis, mass movements of people were declared to be of concern to the United Nations High Commissioner for Refugees. On this basis, international protection and assistance was extended to them. The principle of voluntary repatriation, initially defined to enable protection for a subset of people who had been displaced internationally, came to be applied to entire mass movements of people. Only two things can happen to delimit this protection: the cessation clause can be invoked or the refugees can be individually screened to determine whether they indeed have a well-founded fear of persecution should they be returned to their country.

From the 1960s up through the 1980s there was little interest on the part of donor states, host states, countries of origin, or international or regional agencies to treat these movements of people in any other way than as mass refugee movements. With a few important exceptions, host countries in Africa, Central America, and Asia responded hospitably to these mass movements of refugees exhibiting little inclination to encourage the refugees home. After all, most of the refugees were either fleeing decolonization struggles or communist regimes or were resisting apartheid. No short-term solution to these conditions was often in sight. Donor states exhibited their solidarity with host states by making funds available to support what often turned out to be extended periods of asylum. With asylum secure, time could be taken to ensure that repatriation would be safe for the entire refugee population. Tripartite agreements, entered into by the country of origin, the country of asylum, and UNHCR, as the representative of the refugees, spelled out

the terms of the repatriation. In some instances, this meant the international community was very slow off the mark to support even voluntary repatriations.

The winding down of colonialism and the demise of communist and apartheid regimes changed enormously the context within which refugee problems are responded to and solutions found to them. First, donor states with little vested interest in the outcome of internal conflicts are less willing to provide resources to support long-term relief for refugees displaced by the conflicts. Second, host states not only are less certain that resources will be available to help offset the expenses of aiding refugees but they no longer gain political advantage from extending generous asylum to masses of refugees. Third, in a historical period where ethnic and religious differences are reasserting themselves, domestic opposition has grown to providing hospitality to strangers or to groups that can potentially upset the ethnic, racial, and religious balances in one's own state. Fourth, the possibilities have increased for the international community to work inside of countries of origin to aid internally displaced persons, repatriates, and other populations affected by conflicts.

All in all, these factors have contributed to the weakening of the institution of asylum. The result is that asylum is both less safe and less secure almost everywhere. In some instances, the option of repatriation is less dangerous than remaining in asylum. The Iraqi Kurdish refugees could not survive in the mountains over the winter and were prohibited from moving further into Turkey to get away from these extreme conditions. They ultimately had little choice but to agree to be escorted back to and protected in their territory by the military, the immediate threat of death in the mountains outweighing the longer term danger of Iraqi vengeance when the military removes or reduces its protective cover.

The Right of Refugees to Repatriate

If refugees want to repatriate to their country they have a right to do so. There are many instances, however, where the international community has refused or has been reticent to assist them to do so. The reason offered for such refusal typically is that the situation is still too dangerous for them to return and that the international community cannot associate itself with assisting returns under such circumstances. Further, the UNHCR may not be able to establish a sufficient presence in the country to monitor whether repatriating refugees are being treated properly upon their return.

When El Salvadoran refugees insisted that they be allowed to return to their country from Honduras prior to the conclusion of the conflict, UNHCR initially declined to assist the repatriation. Similarly, Tigrayan refugees returned to Tigray from Sudan against the advice of UNHCR while the conflict was still under way there. In this case there was concern that supporting a return of refugees to an area of a country controlled by rebel movements without the consent of the official government of the country of origin could be perceived as a partisan political act. Ultimately, UNHCR agreed to help transport the refugees to the border but did not provide assistance inside Ethiopia's Tigray province. Cross-border aid was provided to the

repatriates inside Tigray via the relief arm of the Tigrayan People_s Liberation Front on a bilateral and semi-clandestine basis.

Stung by criticism that it was not acting swiftly enough to assist refugees who wanted to return to their country even prior to the end of conflicts, UNHCR began to experiment with facilitated repatriation. After the Soviet Union left Afghanistan there was a belief that large numbers of refugees would return. This did not happen. UNHCR was confronted with a situation of declining donor support for assistance programs in Pakistan. To stimulate return to Afghanistan, UNHCR began buying back the ration cards of refugees if they agreed to return to Afghanistan. Additionally, they provided refugees with repatriation packages and transportation to the border. They helped negotiate safe passage back to the areas to which the refugees were returning. More than 300,000 refugees returned to Afghanistan through these arrangements within a year. Subsequently, more than 1 million refugees returned to Afghanistan as it became clearer that certain areas of the country were reasonably safe for return, even though the internecine struggle in Afghanistan had not ceased.

The case of Rwandan refugees in Zaire and Tanzania has proven to be among the most problematic of any refugee situation the international community has confronted. Soon after the mass exodus from Rwanda into these states key donor states, the government of Rwanda, host states, as well as the UN decided that repatriation was essential to avert renewed conflict in Rwanda. Efforts to promote repatriation failed, by and large. Refugees remained in the camps, captives of the Hutu extremists. The international community proved incapable of breaking the control extremists held over the general refugee population. Ultimately, it took the action of a Tutsi-led military force to break up the camps and provide "opportunity" for the refugees to go back to Rwanda. In the meanwhile, hundreds of millions of dollars had been spent on relief programs for the refugees while rehabilitation and development activities inside Rwanda were kept on hold awaiting the repatriation of refugees.

In the Rwandan case it clearly was not sufficient to voice that refugees have a right to voluntarily repatriate. Only positive actions could have promoted this possibility. The international community proved incapable of separating the extremist leaders from the general population and of moving the camps away from the border where they were less a threat to Rwanda. The failure or inability of the international community to gain control of the camps through security arrangements, registration, food distribution, the allocation of health and others services, and perhaps by screening the camp population to determine whether they deserved refugee assistance and protection led to circumstances where repatriation, even of willing repatriates, was done under coercive conditions. Repatriation was not a viable option for many of the Hutus who fled Rwanda. Failure to deal with this reality and create possibilities for them in the region ultimately decreased the chances that refugees who wanted to return to Rwanda could do so voluntarily.

Repatriation as the Only Option

An often forgotten third aspect of the United States commitment to the post-World War II recovery of Europe was that in addition to assuming a major share of the burden for the military

security of western Europe and providing development assistance through the Marshall Plan, the U.S. would also help relieve western Europe of the burden imposed on them by the massive exodus of refugees from Eastern Europe and the Soviet Union. In fulfilling this commitment, during the decades of the 1950s and 1960s the United States resettled several million refugees from Eastern Europe and the Soviet Union. Western European states permitted hundreds of thousands of refugees from these areas to integrate in their countries as well. Had the United States and other immigration states such as Canada and Australia not been willing to help with this influx western European states might have had to take a much stronger stand against large-scale migration from the East.

In 1980 the United States alone resettled more than 225,000 refugees from Indochina, Cuba, Eastern Europe, the Soviet Union, and elsewhere. The availability of resettlement in the United States and elsewhere helped to secure asylum first in states that were reticent to receive refugees if the consequence was a long-term burden. In 1979, at the International Conference on Indochinese Refugees, hosted by UNHCR in Geneva, third states assured countries in Southeast Asia that if they provided temporary asylum to refugees from Vietnam, Laos, and Cambodia, western states would agree to resettle the refugees at high rates over the ensuing years. Without this commitment to resettlement, states such as Thailand, Indonesia, and Malaysia were prepared to push Vietnamese boats back to sea and Cambodian refugees back into Cambodia.

In both of the above instances, the availability of third-country resettlement as an option secured at least temporary asylum for refugees. Since the latter part of the 1980s the commitment to third-country resettlement as a solution has declined. The longstanding gentlemen's agreement between the United States and western Europe has ended, so far as handling population movements from the East is concerned. That is evidenced by the fact that the United States is playing almost no role in absorbing the large-scale movements of people into western Europe resulting from the break up of the Soviet Union and of Yugoslavia. The Comprehensive Plan of Action on movements of people from Indochina brought to an end the exodus from this area, creating conditions for Indochinese asylum seekers whose cases for refugee status were turned down in individual status determinations to return to their countries of origin.

In the 1960s and 1970s, several African countries that had experienced significant refugee flows set aside large tracts of land on which refugees were provided the opportunity to settle. During this period, hundreds of thousands of African refugees moved to these settlement areas in Somalia, Tanzania, Uganda, Zambia, and Zaire. By the 1980s, both because land was becoming more scarce and also because new refugees kept coming, the African states stopped making land available for settlements. In any case, few of these settlements ever became self-sufficient. Furthermore, most refugees in the settlements did not acquire citizenship in these countries and the accompanying privileges concerning property rights, commerce, and access to services. For African refugees, the possibility of third-country resettlement never really presented itself except on an exceptional basis.

Since the late 1980s little support has been provided to any durable solution except repatriation. By process of elimination repatriation has emerged as the only possible avenue for addressing most refugee situations.

Repatriation as the Least Worst Option

When other solutions are not available and asylum collapses, imposed or forced repatriations can all too easily be the result. There has been a precipitous decline in the interest of states to support the principle of voluntary repatriation. Indeed, many of the states that articulated the greatest commitment to this principle have themselves constrained access to asylum and participated in the practice of forcible return of asylum seekers.

Each country that engages in forced or imposed repatriations has special reasons for doing so. The United States has returned Cuban and Haitian asylum seekers on the basis that those seeking asylum can apply for refugee status in these countries under agreements between the countries and the United States. Germany takes the position that Bosnians were granted temporary asylum until conditions in their country permitted safe return. Now that "peace" prevails in Bosnia, refugees can return safely to areas of their country where they are in a majority without risk of persecution.

The more visible recent examples of forced or imposed returns are the Iraqi Kurds, Muslim Rohingas from Burma, and Rwandan Hutus from Tanzania and Zaire. The mass movement of Iraqi Kurds into Turkey was represented as a threat to regional security. Under the terms of UN Resolution 688, the Iraqi Kurds were not allowed asylum in Turkey and were repatriated with the assistance and protection of a UN-sanctioned military force.

In late 1991 Rohingya Muslims began fleeing Myanmar in the wake of scaled up attacks, persecution and discrimination against them. Bangladesh allowed them entry but made it clear that they could not stay. Difficult negotiations occurred between the Bangladesh government, the government of Myanmar, and UNHCR that resulted in agreement that Myanmar would accept the refugees back and that UNHCR would be granted access to the returnee areas so they could monitor returnees' circumstances. Given the abominable human rights record of Myanmar and the repeated pattern of persecution of the Rohingya minority in Myanmar, many refugee and human rights advocates have questioned the propriety of UNHCR's involvement with what they see as an "imposed" if not outright "forced" repatriation. These groups worry not only about the condition of this repatriation but also about what precedent is being set for the terms of any repatriation of refugees from Myanmar that now have very insecure asylum in Thailand.

While not challenging that the repatriation to Myanmar is occurring under less than ideal conditions, some defend UNHCR's actions by saying it is the best that could be achieved under the circumstances. UNHCR could have protested loudly and not been involved with the repatriation. They doubt, however, that this would have prevented a repatriation from taking place; rather the repatriation would have occurred under even worse conditions than it did. Refugees have an opportunity to make the case with UNHCR that they have particularly

compelling reasons for not returning to Myanmar. UNHCR has also gained access, albeit more limited than they might have wanted, to the areas in Myanmar to which the Rohingya have returned. They are therefore in a position both to assist with their reintegration and monitor their safety. Dennis Macnamara, the UNHCR director of protection, says under the circumstances, the position UNHCR has taken is the "least worst option."

This characterization can be even more aptly applied to the repatriations from Zaire and Tanzania to Rwanda. Although in these cases the more accurate characterization may be one of "too little too late." These repatriations occurred so suddenly and on such a large scale that UNHCR had to decide quickly between refusing to be of help to the refugees in their return or to do what they could to help the refugees get back to Rwanda safely. Many suffered and died in the repatriations and, no doubt, there are many repatriates now languishing in Rwandan prisons who, if their cases were reviewed, would not be found to be implicated in the genocide.

For the refugee regime and for the defense of the principle of voluntary repatriation the Great Lakes crisis has been disastrous. The camps never were brought under control and they continued as safe havens and bases of operations for the perpetrators of the genocide. Efforts to assist and protect the refugees in asylum did not ultimately save them from forced dispersal either back to Rwanda or further into Zaire, areas to which UNHCR and the rest of the humanitarian and human rights community have only extremely limited access. Not only was there a failure to prevent the genocide and a failure to prevent a disorderly and forced breakup of the refugee camps, efforts to protect particular refugees determined by screening procedures to be convention refugees from forcible return to Rwanda in many instances have not succeeded. Hundreds of millions of dollars were spent on addressing the humanitarian crisis in the Great Lakes. Only the most complicated of calculations could reach an accurate determination as to whether the intervention actually saved lives.

The failure in the Great Lakes to establish a suitable context for international action makes it all the more important that the more positive cases of refugee repatriations to places such as Namibia, Mozambique, Central America, Cambodia, Eritrea, and Ethiopia be emphasized.

Repatriation: a Link to Post-conflict Peace and Development

During the 1980s there were two international conferences on assistance to refugees in Africa (ICARA I and II) in which African states raised the issue that refugees had substantial impacts on their economies and that international aid should help defray the costs of these impacts. While few additional funds were raised as a result of these two conferences they did lay the groundwork for subsequent debates on the relationship between refugee aid and development and on area-based strategies for assisting refugees and local populations. The second ICARA conference entitled "Time for Solutions" encouraged African states to integrate the refugees after so many years of providing them with temporary asylum. Unfortunately, refugee funds could not be made available for these purposes and the development authorities of donor and host states did not see the integration of refugees as a priority for the use of scarce development resources.

Some of the dialog and ideas that began at ICARA took greater shape in the context of finding solutions to the problems of refugees and displaced persons in Central America. A regional conference that came to be known under its Spanish acronym CIREFCA placed the issue of the repatriation of refugees firmly within a framework of promoting regional peace and development. Indeed, the main theme of CIREFCA was that repatriation, peace, and development were intricately linked and that none of these possibilities could move forward independently of the other. Within this framework, initially difficult discussions between refugee and development agencies as well as between international agencies and indigenous nongovernmental organizations took a more positive shape.

For UNHCR the idea of Quick Impact Projects (QIPs) grew out of its Central America experience. QIPs became a mechanism and means for UNHCR to rapidly support, with modest resources, projects that would both facilitate return and reintegration of displaced populations as well as alleviate bottlenecks to the recovery of local economies. While some controversy continues as to whether UNHCR is able to select projects that provide a sustainable transition into the process of development, the commitment of UNHCR to designing and implementing QIPs led to its more active engagement in countries of origin. Obviously, UNHCR's justification for increasing its presence and program in countries of origin has to be based on helping refugees reintegrate back into their societies. A focus on reintegration, however, means that UNHCR must address the needs of the overall community as efforts to help repatriates alone are likely to create rather than heal differences. Via QIPs then UNHCR has sought to become a quick entry point, at the grass-roots level, for supporting the process of economic recovery and community reconciliation.

UNHCR's involvement with assistance projects in countries of origin draws it into a more operational role in settings where, in the past, its principal role had been to monitor compliance of the country of origin with the terms of tripartite repatriation agreements. UNHCR has become both a partner with other international agencies in the design and implementation of post-conflict reconstruction and development strategies and a competitor with other agencies for the resources to implement these transitional strategies. Though this type of involvement in countries to which refugees are repatriating represents an expansion of UNHCR_s program activity it is also quite constrained as involvement is limited to the period of refugee repatriation and the immediate post-return process of reintegration. Having had a major presence in countries such as Cambodia and Mozambique during and for a year or so after the repatriations, UNHCR quickly scaled down its staff and project profile after this. It is therefore in UNHCR_s interest to use its potential early influence on post-conflict recovery to draw the attention, expertise, and resources of other development actors to programs, approaches, and perspectives that will assure the continued integration of refugees into their communities in safety and dignity.

Concluding Observations

Though repatriation is occurring at unprecedented levels, the mantra that repatriation is the preferred solution to refugee problems is no longer repeated by humanitarian advocates with the same conviction as in recent past. The other durable solutions to refugee problems—settlement in the country of asylum and resettlement to third countries—have fallen into disuse and efforts

need to be made to resuscitate them as strategic options for securing first asylum and protecting the voluntariness of repatriation. For now, the unavailability of other durable solutions to refugee problems coupled with the decreasing commitment to asylum means that repatriation, by default, is the only possible recourse for addressing many refugee situations.

Voluntary repatriation of refugees is a concept that is fundamental to the refugee regime. It must be vigorously defended by UNHCR and other refugee advocates. The refugee definition contained in the 1951 refugee convention was devised to distinguish refugees from the much larger group of people who migrate because of wars and other disturbances. The concept of voluntary repatriation was intended to protect refugees from being returned to situations where they would face persecution and death and to protect their right to return to their country when they wished to do so. The principle of voluntary repatriation came to be applied widely to mass movements of people across borders caused by internal conflicts, famine, and other man-made disasters. This wide application of the principle of voluntary repatriation was encouraged because there was little desire to send people back to communist, colonial, and apartheid regimes. In this new political era, while there is continued willingness of the international community to respond to humanitarian emergencies, there is also greater impatience for persons displaced by them to return to their homes as soon as possible after the acute emergency is over. In the face of such pressures, the key question for UNHCR is how, both conceptually and practically, it can separate those individuals and groups of priority concern from large aggregate populations to ensure that no one who has a well-founded fear of persecution is returned against his will.

Repatriation is occurring under a great diversity of circumstances: while conflicts persist, when basic human rights issues that caused the repatriation have not been addressed, and as part of peace plans. Refugees go back on their own, they are encouraged to go back by UNHCR and other agencies, and they are compelled to return because of the insecurity of asylum. It is a paradox that it is precisely in the cases where refugees are least likely to go back voluntarily that UNHCR assistance and protection is most needed. The more problematic the repatriation the more UNHCR needs to be present to aid the repatriates and to monitor their situation upon return. At the same time this readiness to aid repatriates and monitor their situation upon return should not be implemented in a manner where UNHCR can be accused of enabling problematic repatriations. This can be a fine line to walk and UNHCR needs to continue to learn lessons on how to walk it.

As telling as situations are where repatriations do occur are the situations where they do not occur. Of particular concern are situations, such as in the Great Lakes of Africa, where refugees are trapped in refugee camps by leaders that block their return. The right of refugees to return to their country can be a right as difficult and vital to protect as the principle of voluntary repatriation.

Many peace settlements are tenuous. Their sustainability depends on many factors, including the successful repatriation and reintegration of refugee populations. Repatriation, in this sense, is less a solution per se than an aspect of the process of building peace and a climate within which reconciliation, rehabilitation, and development can proceed.

UNHCR has significantly expanded its presence in countries of origin to aid and monitor repatriations and the reintegration of refugees. Of the $200 million UNHCR is expending annually on repatriation an increasing proportion of these resources is being spent in countries of origin on projects aimed at facilitating the reintegration of refugees. The implications and impacts of UNHCR becoming more operationally involved in countries of origin needs further examination. Significant improvements are required in the collection and analysis of data and information to guide policy and program decision making as well as to enable evaluation of results. In any event, UNHCR's engagement with repatriates is brief. It can help facilitate the process of reintegration of refugees but, as this is a longer term task, attention to and responsibility for it needs to be handed off to development agencies.

The international community, in facing the present challenges of repatriation, must make choices fully bearing in mind that the principles and policies it sets now will have an effect not only on the moment but will also set a precedent for refugee protection in the years ahead.

Moving Beyond Ethnic Conflict: Community Peace Building In Bosnia And Eastern Slavonia (Croatia)

by Iain Guest

"When I look back on the process of history, I see this written over every page: that the nations are renewed from the bottom, not from the top."

—Woodrow Wilson
(*The New Freedom*, 1914)

There has been much controversy about the role of ethnicity during modern conflict, but relatively little analysis about its impact on peace building. This paper looks at how communities are responding to the challenge in two regions of the former Yugoslavia—Bosnia and Eastern Slavonia—that have both suffered from vicious ethnic conflict.

To some, the notion of "community peace building" might seem contradictory. The war in Bosnia was fought out in communities: indeed, few features were so shocking, or incomprehensible, as the way neighbor turned on neighbor. It is hardly surprising that the task of rebuilding is thought to begin at the national, rather than local level.

There are good reasons for rethinking this, particularly in Bosnia. Almost two years have passed since the historic peace agreement on Bosnia was signed in Dayton, Ohio. In spite of many positive developments, even the staunchest supporters of Dayton would concede that much remains to be done. NATO troops have even resorted to seizing television transmitters in the Serb Republic in an effort to stop nationalist propaganda.

Some feel that it is futile to force Bosnia's different ethnic groups to live together, and that the best way to peace lies through partition. Others argue that partition has never worked historically, and that it would be a sure recipe for further ethnic cleansing in Bosnia. For them the only solution is to persevere. More than anything, this involves holding together the two "entities" that were created at Dayton (the Serb republic and the Bosnia-Croat Federation).

This paper explores a third possibility—that the real future for peace in Bosnia lies in the communities. It is based on three propositions:

 # The "ethnic challenge" lies in preserving what remains of Bosnia's pluralistic society.

 # A community-based approach can draw on a civil society that reflects pluralism.

 # By addressing local needs, aid programs can cut across ethnic divisions.

This "bottom up" approach poses obvious problems for international agencies. Many are centralized and bureaucratic, whereas working in communities involves decentralization and flexibility. Many are ill equipped to deal with local politicians, particularly nationalists. There is always the risk of village programs dissolving into

myriad individual projects that perpetuate the fragmentation of Bosnia and are hard to justify on grounds of expense.[1]

In spite of this, many agencies are also trying to adapt. The World Bank has made a major commitment to microcredit. The UN Development Program has funded integrated community projects in central Bosnia. The UN's refugee agency (UNHCR) has launched income-generation projects for refugee women. USAID's Office of Transitional Initiatives (OTI) has given small grants to community initiatives that would otherwise not have received funds. The UN's Office in Vienna has funded volunteers in Pacrac (Croatia) and Gornji Vakuf.

This newfound interest in community peace building is not made easier by a peace formula that has divided Bosnia and increased the power of nationalist politicians through elections. The existence of an "inter-entity boundary line" (IEBL) cuts across pre-war trading links and deprives small businessmen of their markets and even their raw materials.

In some respects, donors have also made their own task harder by ignoring Bosnian civil society. They often insist on using expatriates, even when Bosnians could clearly do the job. This, more than anything else, accounts for the high cost of many local projects. Second, donors have encouraged the creation of Bosnian nongovernmental organizations in the image of the western NGO, and treated "independence" from government as an end in itself. This has angered the politicians. NGOs are subject to crippling taxes in both entities, and the Federation parliament is considering a law that would greatly reduce their freedom of action.

The next few months are likely to see increased interest in community peace-building in Bosnia. This paper takes a very preliminary look at how it could be given better support. Its findings should be seen as the basis for discussion, rather than firm recommendations. They are based on a visit to the region in July by a team from USAID's Center for Development Information and Evaluation (CDIE). The team conducted more than a hundred interviews, but these were chosen to illustrate different approaches rather than to provide a comprehensive picture. Security considerations prevented the team from conducting extensive research in the Serb Republic. Nor was there sufficient time to follow up interesting possibilities, like the role of mixed marriages. The report was drafted by Iain Guest, who recently completed a senior fellowship at the US Institute of Peace.

Defining the Challenge

Until it was recognized by the United Nations on April 5, 1992, the territory covered by Bosnia last knew independence in 1463, when it was invaded by the Ottoman Turks. It was then absorbed into a series of political arrangements. The last of these was

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[1]   According to one estimate, the cost of managing projects under $35,000 can amount to 33 percent of the project costs.

the Federal Republic of Yugoslavia, set up after World War II.

Yugoslavia was a careful balance of territorial republics and ethnic nationalities held together by Tito and the Communist party. This system began to unravel in the 1980s under the pressure of growing economic differences between the republics; the retreat of communism; the rise of nationalism in Serbia and a corresponding fear of Serbian hegemony in other republics, notably Croatia. Bosnia was particularly vulnerable because 41 percent of the population were Muslim, 37 percent Serb, and 17 percent Croat. Nationalist Croats and Serbs looked outward towards Croatia and Serbia, rather than uniting to prepare Bosnia for independence.

Bosnian Serbs began preparing for war in late 1991, and in early 1992 they linked up with the Serbian army to attack non-Serbs in a broad arc of northern Bosnia. A second front opened in the war in the spring of 1993, when Croats and Muslims began fighting in Central Bosnia. The international community responded to the crisis with humanitarian aid until early 1994, when the United States brokered a cease fire between Croats and Muslims. This led to the creation of the Muslim-Croat Federation. In 1995, the Croatian army recaptured most of the territory seized by Croatian Serbs in 1991, and advanced into Bosnia with the Bosnian army. This, combined with NATO bombing, forced the Bosnian Serbs to the negotiating table at Dayton.

Pluralism survives. Ethnicity in Bosnia before the war has been widely debated and frequently misunderstood. What matters most for purposes of this paper is that fact that no single ethnic nationality was in a majority. This helped to produce an integrated pluralistic society. Much of it disappeared during the war, yet significant elements still survive in the region between Tuzla and Zenica which was relatively untouched by the war. Even in areas that lost large numbers of refugees to flight there are still ethnic minorities struggling to retain their cultural identity, and culturally distinct groups like the Roma. Finally, there are the ethnically mixed families that were such a notable feature of pre-war Yugoslavia. They suffered terribly during the war and they are also vulnerable to discrimination during peace. But having a foot in both camps also gives these families an obvious interest in inter-ethnic cooperation. It is surely no coincidence that so many community initiatives reviewed by this mission were led or supported by persons of mixed ethnic background.

All this suggests that the real "ethnic challenge" in Bosnia is vastly more complex than holding together the two entities created at Dayton. The prospects for success will also depend on the region. While there is very little tolerance for pluralism in Western Hercegovina and Eastern Bosnia, the prospects are better in Banja Luka and in the Croat-held municipalities of Central Bosnia which are more dependent on Sarajevo than Zagreb. There are also real possibilities in towns like Gornji Vakuf, which were split down the middle by fighting and are struggling to reintegrate. **Ultimately, however, "interethnic" is not *geographical* so much as an *attitude* that is grounded in respect for**

differences—be it ethnicity, gender, or culture. This is not to be confused with "reconciliation." Reconciliation is also a state of mind, but based on our limited survey we would conclude that the wounds are still too raw. Any attempt by outsiders to promote reconciliation for its own sake will likely be met with anger and suspicion.

The community approach. From 1945 through 1990, political ideology came from the top in Bosnia, nuch as in any other communist society. But life revolved around the communities. Indeed, elaborate attempts were made to respect ethnic proportionality down to the level of the community council. This, in turn, was able to draw on a loose network of informal associations that linked professional and other interest groups. In a pluralistic society, these naturally cut across ethnic lines.

The war had a paradoxical effect on community life in Bosnia. On the one hand it was obviously shattering. On the other hand, it *reinforced* the sense of community in pockets of central Bosnia, where people were isolated and besieged. The war also produced a second generation of civil associations. Some, like the Roma of Tuzla and mixed marriages association of Zenica formed because they were denied humanitarian aid.[2] Others, like the Medica counselling center for women in Zenica, addressed the needs of war victims. Many community radio stations sprung up to serve isolated communities. A third generation of civil associations has emerged since the Dayton agreement.

The upshot is a rich, varied, and vibrant civil society comprising almost 500 local associations.[3] Most relevant to pluralism are the advocacy groups. We interviewed businessmen from both sides of the inter-entity line who are campaigning for restored trading links; relatives of missing Croatians and Bosnians who are pressing politicians for information and better social benefits; cruelly disabled war victims who have shrugged off their injuries to demand access for their wheelchairs; Roma who have joined together to resist eviction from their communal village; Serbs in Croatia and Bosnia who are fighting off discrimination and harassment.

All are driven to act as well as organize. In the process they have engaged in the political process without joining a political party or provoking politicians—an important distinction. In the course of their struggle, the Roma of Tuzla mobilized their entire membership to register for municipal elections and even appealed to Roma in Europe to get out the vote among Bosnian refugees. Hundreds of refugee families from Busavaca have also formed, and registered to vote, as part of their effort to return home. We would not want to exaggerate their achievements or underestimate their vulnerability, but this activity has laid a strong foundation for civic action at the grass roots as Bosnian attempts to

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[2]   Humanitarian aid is still distributed through four Bosnian organizations, each of which has an ethnic or religious constituency. Representatives of the Roma and mixed marriages said that their members had failed to qualify.

[3]   PHARE, a Bosnian organization funded by the European Union to draw up a registry of Bosnian civic associations, distributed 371 questionnaires during the first phase and received 176 replies. It has identified 480 separate organizations.

rebuild.

These campaigns are also characterized by strong leadership and weak organization, although the implications of this are sometimes missed by outsiders. The kind of "leadership" required for advocacy emerges naturally and probably cannot be taught at conflict-resolution training. But it is prone to burnout, which can be disastrous if there are no successors waiting in the wings. As a result, the most resilient initiatives are likely to be those that have a democratic structure while drawing on the inspired example of individuals.

We found no automatic link between budget and effectiveness. Many of the most efficient campaigns run off a shoestring budget and have no salaried officers. Tired of long hours without pay, some organizers are increasing membership fees, which is one quick way to lose members. There is no obvious way out of this dilemma, but it is clear that the wrong kind of *outside intervention* can tip the balance disastrously. A one-off grant that is given without investigation and withdrawn without explanation can force an organization into spending all its time on fund raising at the expense of campaigning. This is more likely to happen when an organization is set up for its own sake rather than emerging naturally from an issue. Often it has more to do with the donors' own bureaucratic requirements than local needs.

Many donors also judge the success of an organization by its ability to survive without foreign funding. While this is important, there is no automatic correlation between effectiveness and "sustainability." Indeed, it can be positively harmful if organizations are extended beyond their useful life. **Given the piecemeal nature of community projects,** *replicability* **may be more important for the growth of civil society than** *sustainability***.**

The link between civil society and ethnic integration. Many of these initiatives not only *define* civil society in Bosnia; they *are* the fabric of an integrated, multiethnic society. This is perhaps best understood with professional associations that cut across ethnic divisions. Most Americans would also understand the contribution that minorities make to pluralism, and the need to support the Serbs of Croatia and Bosnia. But the link is less obvious when it comes to "women's issues." Women are extraordinarily active in peace building in Bosnia and Croatia, but often this has more to do with discrimination than gender. In the Bosnian city of Zenica, where the government is fiercely Muslim, Croat and Serb women have been dismissed from work, and their children have been penalized for not attending Islamic religious education. Two of the mothers formed the Multinational Association for mixed marriages. But this is about discrimination, not marriage.

It is easy to miss the fact that such groups provide the glue for pluralism. Instead, visitors are likely to be frustrated by the unwillingness to seize business opportunities or the seemingly aimless course of meetings. This illustrates some of the dilemmas that face donors in deciding who to support and how. What if a group *fails* as a business but *succeeds* as an interethnic community initiative? What, moreover, if this was not intended

by the donor? Will they prove sufficiently flexible to bend the rules and change course? The answer could determine whether a campaign or organization sinks or swims. This makes it doubly important for donors to understand the challenge, as well as respond appropriately.

Problems in the International Approach

To a large extent, the international aid effort in Bosnia is driven by the need to hold the country together. This in turn influences the donors' view of "inter-ethnic cooperation," which is seen largely in terms of inter-entity cooperation. It has resulted in a range of different approaches, some of which are not helping pluralism or community peace-building.

Undermining Small Business. Before the war, Bosnia's economy cut across today's ethnic divisions, and this leads many to assume that economic self interest can trigger inter-ethnic cooperation. One manifestation is to be found in Northeast Bosnia where a large market ("Arizona") has been established by NATO to attract traders from both entities. Judging from numbers, Arizona has been a dramatic success. But the market is completely unregulated and businessmen on both sides complained that it encourages the dumping of foreign goods, thus undercutting their own efforts to increase productivity and revive pre-war markets. There is, moreover, no evidence that Arizona is producing long-term reconciliation. One trader who was interviewed by the *New York Times* at Arizona observed: "I am quite ready to sell brandy to Serbs in the morning and shoot them in the afternoon."[4]

Inter-entity youth programs. It is widely assumed that bringing young people together from different ethnic backgrounds can nurture reconciliation and even influence the older generation. We certainly saw this in Gornji Vakuf, where Croat and Muslim teenagers and their parents regularly mingle at a youth center on what used to be the front line. For three years, the Osijek peace center has also been arranging holidays for young Croats from Osijek and Serbs from Vukovar, which have helped to open up travel between these two sensitive cities. But in general, donor-initiated youth programs are expensive and hard to justify if their stated goal is ethnic reconciliation.

The director of one Mostar center, set up by the European Union at a cost of 750,000 Dmarks, agreed that the results have been disappointing: of the 400 youngsters attending classes during the current cycle, she said, only 56 were from the Croat side of Mostar. The overt emphasis on ethnicity may also carry a personal cost. One young Serb from Vukovar who attended a conference in Holland in 1994 with several young Croatians from Osijek was reduced to tears on a live television show when a Dutch journalist pressed her to explain Serbian war crimes. It was, she said, a sobering example of the way

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[4]   "At Last, a Unifying Force in Bosnia: Making Money," by Chris Hedges, *NYT* October 17, 1996.

that the outsider's "obsession" with ethnicity can deepen one's sense of ethnic isolation.

Building an Independent Media. All agree that the media can contribute to civil society, and at first sight the media in Bosnia are healthy and competitive. According to one estimate, there were 145 print publications, 92 radio stations, 29 television stations, and 6 news agencies in Bosnia as of mid-1996.[5] Many of the most notable initiatives have been nurtured by donors and are openly geared to bridging the ethnic divide. They include the Open Broadcast Network (TVIN), which makes programs for five prominent Bosnian television stations; the Free Elections Radio Network (FERN) which was set up with Swiss funds and runs out of the OSCE headquarters in Sarajevo; and *Ogledalo* ("Mirror"), a paper printed in Cyrillic for its Serb readers and in Latin for readers in the Federation and distributed free inside leading newspapers on both sides of the IEBL.

In addition to their inter-entity reach, these initiatives have several notable features. First, they expect the media to play a responsible social role in promoting interethnic harmony. This was demonstrated by NATO's recent seizure of television transmitters in northeast Bosnia. There have been many other less dramatic examples. The OSCE and Radio FERN proscribe ethnically loaded phrases and FERN even refuses to play local music in case hateful messages slip in through the lyrics. Second, there is the expense: TVIN cost $10.3 million to establish; FERN 2 million Dmarks. *Ogledalo* pays 300 Dmarks for a single feature. Third, it is hard to see them as anything other than short term, particularly as the major international player on the media (the OSCE) is set to withdraw from Bosnia shortly.

This burst of energy should be seen as a short-term *communications strategy* that uses the media to get across the message of peace building, not *a strategy for the long-term development of a democratic media*. Indeed, some of the donor activities are probably inconsistent with such a long-term goal. Any "message" is propaganda even if it preaches ethnic integration, and any message imposed by armed NATO troops in the name of free expression clearly involves a huge paradox. Our interviews also suggest excessive dependency on foreign material and funding risks undermining the credibility of a media that is still criticized for its role in the immediate pre-war years.[6] A deeper concern is whether it is sapping local capacity. The editor of Mostar Radio recalled how the EU administration in Mostar had hired his best English-speaking journalists for the EU's information office. That, he said, "did us more damage than the entire siege."

Capacity Building and Training. Many donors and nongovernmental organizations view "capacity building" as helping Bosnian organizations design projects and apply for grants. This is obviously important for agencies that rely on nongovernmental partners, like the UN refugee agency. But it also carries risks.

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[5] "Monitoring the Media," by Mark Wheeler (Institute for War and Peace Reporting/Media Plan, Sarajevo. 1996).
[6] By March 1992, the Bosnian Serbs had seized 5 of the 11 television transmitters that broadcast government programs to Northwest Bosnia. Television was openly used to propagate ethnic hatred during the war.

First, it encourages the idea that civil society consists of donor-initiated organizations and projects. Second, it renders these organizations vulnerable to a sudden loss of funding caused by a policy shift in the donor capital. Third, it encourages donors to employ their own nationals even where this is inappropriate. In one example, Handicap International has deployed a team of French expatriates in Bihac to train Bosnian deminers, treat mine victims, and teach mine awareness to local children. This formula has been used to great effect by HI elsewhere in the world, but it seems less appropriate in Bihac where there have been almost no mine accidents for months. Moreover, the Bosnians organized an efficient civil defense during the war and have a good deal more experience in mines than their French trainers. When we visited, HI was trying to keep its large team occupied in providing physical therapy for paraplegics and even funding a milk factory, neither of which have anything to do with mines. Yet the project was receiving 300,000 ECUs from the EU over a six-month period. At a time when the EU was suspending aid to the beleaguered Serb human rights team in Vukovar even the local EU administrator agreed that this was hard to justify.

Nongovernmental organizations. By employing expatriates and advocating the independence of nongovernmental organizations as an end in itself, donors are provoking the local authorities and undermining their chances of nurturing Bosnian civil society. This has had several unfortunate consequences. NGOs in Bosnia are charged 65 percent on the salary of each Bosnian employee to cover social benefits and income tax. This burden is so onerous that very few NGOs even pay it, but there is a growing likelihood that it might be enforced. The second pressure comes from a proposed law that would restrict NGOs to humanitarian work and give responsibility for their registration to the government instead of law courts. This would prevent NGOs from contributing more broadly to civil society and place them firmly under government control.

Expatriate NGOs have responded to these threats with some profound soul-searching. One influential paper warned that they were too preoccupied with providing services and recommended the creation of a $50-million foundation to support Bosnian civil society.[7] American NGOs support the idea and reportedly agreed to fund a small secretariat to develop a proposal. But several prominent Bosnians expressed concern that this would create another institution under expatriate management—which to them is part of the problem. Indeed, they spoke of being treated like "second class citizens." NGOs can ill afford such disagreements at a time of growing pressure and declining funds. But the sense of competition appears to have extended to funders. The World Bank and European Union are both supporting separate civil society initiatives that barely communicate with each other. All this diverts from the real challenges: finding a *modus vivendi* with government and developing a legal framework for *all* nongovernmental activity, not just the registration of organizations.

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[7] "Service Delivery or Civil Society?" by Ian Smillie, CARE Canada December 1996.

The Way Forward—Pluralism through Community Development

There is an important distinction to be made between funding projects whose *principal aim* is to promote democracy and interethnic cooperation, and supporting community development projects in the hope that they may *indirectly* produce the same results. **Our research suggests the latter is much more likely to succeed—but only if the projects *succeed as development*.** The issue facing donors is thus how to intervene effectively at the community level. We found an extraordinary amount of energy, but also mistakes being made. Some are caused by forcing the ethnic link; some by a failure to make the transition from emergency assistance to development; and some by a simple failure to capitalize on opportunities.

Microcredit. Microcredit is one of the fastest-growing donor activities in Bosnia. After an experimental stage in which the World Bank helped administer $600,000 from the Dutch government, it has launched an ambitious program of microcredit in the Serb Republic and Federation. By July 1997, the Bank had given 662 loans worth 1.85 million Dmarks. The Bank's plans call for as many as 10,000 loans to be given out over the next two years.[8] There has also been considerable interest from bilateral donors. The United States has provided $5 million for income-generating schemes through the Bosnia Women's Initiative. This money is being channelled through the office of the UNHCR to several large nongovernmental organizations. The Swedish and Dutch governments are also providing loans.

Up to now, these microloans have had almost no interethnic impact. This is because most were made to individuals, or individual family enterprises, which meant they did not reach beyond familial patterns of employment Many were also intended to help socially vulnerable groups, particularly refugee women. But as microlending has evolved, so have the possibilities. Like many organizations, the Tuzla-based Bosnia Support Group (BOSPO) has shifted from individual to group (solidarity) loans in an effort to improve the rate of repayment. One of BOSPO's newest groups comprises a Croat beautician, two Muslims from Tuzla and two refugees from Srebrenica. In Zenica, Radmila Saric, a Bosnian Serb who produces mushrooms, turned to World Vision for a loan after a consignment of compost was lost during transport from Croatia. World Vision put her in contact with a Croat and Muslim in Bosnia who also grow mushrooms, and she now sells her surplus to the Muslim.

But the potential to expand such interethnic ties is unlikely to be realized until microcredit becomes more economically viable. According to the World Bank, 597 loans produced only 1,128 jobs during the pilot phase and only generated an average income of 100 Dmarks a month. Almost a fifth of BOSPO's initial borrowers defaulted.[9] By tripling

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[8] Bosnia and Herzegovina Local Initiatives Project, pilot phase evaluation, World Bank, Sarajevo, May 1997.

[9] Ibid., page 16.

the size of loans to 1,500 Dmarks, and lending to solidarity groups instead of individuals, BOSPO has raised its repayment rate to 100 percent. **But microlending is unlikely to fulfil its economic potential until it is delinked from refugee and social programs and integrated into a broad economic strategy at the community level.**

Small Business. Businesses are seen in economic, not social, terms by the donors. Unlike family enterprises, they also nurture the kind forward and backward linkages that in turn encourage interethnic ties. One group that received funds from the Travnik Business Center comprises three Muslims, three Croats, and a Serb who are interdependent: some produce eggs, some chicks, and some cartons and boxes. Another beneficiary, a Croat chicken farmer, plans to buy chicken feed from Hercegovina for other farmers in Travnik. As a Croat, he can more easily travel to Croat-controlled Hercegovina.

Another successful initiative started in Gornji Vakuf in 1994, when Croat and Muslim began meeting at a cafe on the front line. This has developed into a handicrafts cooperative with 140 members (32 Croats, 108 Bosniacs) and two directors from both ethnic communities. But the real success of the project is economic rather than ethnic. Most of the women are the main providers for their family and this has given them a strong incentive to expand business, diversify products, and seek contacts abroad. The cooperative has won a contract to supply a Norwegian firm with 100 sweaters. The firm sends an official every month to advise on design and style, and ensure quality control. This Norwegian connection shows how foreign support for Bosnian civil society can move from "psychosocial" programs to helping business. **It is particularly important to exploit foreign markets for Bosnian handicrafts, because the market inside Bosnia has passed saturation point.**

Housing At The Community Level. The link between pluralism and the repair of houses has long been clear. Almost a third of all the houses in Bosnia were damaged or destroyed, and this acts as an obvious barrier to the repatriation of refugees. But it also raises a difficult question: should housing repairs be *used* as leverage to encourage the return of refugees, particularly those from minority areas? In early 1996, USAID concluded that it could not, and that any such linkage would hamper badly-needed reconstruction efforts. Instead USAID funded an emergency program under OFDA that repaired 2,500 housing units in majority areas.

Working in Gornji Vakuf, a team of international volunteers has tried to repair houses while at the same time promoting interethnic ties. Backed by funds from the UN Development Program and the UN Office of Vienna, the volunteers drew up a list of 28 damaged homes on both sides, with help from municipal leaders and two respected teachers. The homeowners were then given six weeks of technical training in building skills, and provided with coupons for building materials. Volunteers and homeowners then formed work teams to rebuild the houses.

There is wide agreement that as a *political intervention* this was a success,

because it showed how two sides of a split community can work together. It could also pass muster as *a short-term economic intervention*, given that each house cost $6,500, compared with the $10,000 spent by OFDA. But the *long-term economic impact* has been less impressive: only three of the 28 homeowners went on to find jobs. The volunteers told us that six weeks of technical training was obviously not enough to teach professional skills and blamed their donors for not providing sustained funding. But this is only part of the picture. Even with skills, the homeowners might have found it hard to find work in a town where jobs are scarce and there is little disposable income.

The real question for donors is not how they can use housing to better promote interethnic cooperation, but how can they can *repair more houses*. This is particularly important because donor funding is slowing at precisely the time that houses cost more to repair and are increasingly inaccessible. The situation is further complicated by the fact that the U.S. Congress has forbidden USAID to fund housing.[10] Yet donors are not helping by ignoring opportunities. One presented itself on May 23, 1997, when Croat and Muslim refugees from Busavaca forced the city authorities to declare an "open city" and receive back all refugees. This depends squarely on the repair of almost 600 damaged houses in Busavaca. As of August, agencies had only set aside funding for 20 and work had not started.

Busavaca is a strong argument for rethinking the entire approach to housing in the months ahead. **Donors must work together to follow up opportunities and concentrate limited funds in towns where they can do most good. Homeowners should be given incentives to repair their own houses, and even work in interethnic teams. Finally, new sources of local, private funding—including microcredit—must be found for housing.**

Economic Organizations. Organizations are starting to emerge that are multiethnic at the board, management, and loan officer level. Even if their actual loans are "ethnically blind," this ensures that the ethnic implications will be well understood. In Eastern Slavonia*,* Opportunities International uses Serbian and Croat loan officers and the Board's members include a Serb, Croat, and Muslim.[11] The director is a Hungarian Jew.

The Association of Independent Businessmen of Bosnia also shows how organizations can help promote integration. The Bosnia-wide association had 3,500 members when the war broke out in 1992. In November 1996, OTI arranged for the first post-war inter-entity meeting between some of its more prominent members. A series of joint meetings then led to the establishment of a Bosnia-wide coordination council

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[10]   Under the 1996 Omnibus Appropriations Act, USAID has been forbidden to make funds available for "new housing reconstruction or repair or reconstruction of existing housing in Bosnia and Hercegovina."

[11]   Opportunities International is a US-based private voluntary organization with 54   partner organizations in 60 cities worldwide. Its Croatian partner *Stedno Kreditna Zadruga* (NOA) has completed 73 loans, at an average value of 13,000 Dmarks. 17 are in the UNTAES region of Eastern Slavonia.

comprising five businessmen from the Serb Republic, and five from the Federation. OTI funds helped open offices in Brcko and Tuzla, pay for one full-time secretary, and provide an e-mail link between the Serb and Federation associations. This helps overcome the lack of telephone communications between the two entities. **But it is also important that these inter-entity contacts not be expected to substitute for a full-blooded economic policy aimed at breaking down the barriers to cross-entity trade, which remain formidable and deep-rooted.**

Infrastructural Aid. Infrastructural repairs are likely to involve some degree of interethnic cooperation precisely because electricity lines, water pipes, and roads knew no ethnic boundaries before the war. The right kind of international intervention—in the form of a repaired bridge or railway—can even open up an entire region to trade. After long negotiations with the town council of Samac, in the Serb Republic, USAID has won permission to repair a bridge that links Samac with its former suburb Prud, now in the Federation.

USAID has committed $182 million for municipal infrastructure. Of this, $5 million has been set aside for projects up to $50,000.[12] But donors face the same dilemma over infrastructural aid at the local level that they face over housing: do they use aid to promote interethnic ties to restore pre-war ethnic ties, or do they concentrate on the economic benefits and assume that the ethnic results will follow? In one successful example of conditionality, Samac received funds from USAID to upgrade the town's electricity generation on the understanding that the electricity would be shared with Prud. But interethnic linkage is also exceptionally vulnerable to individuals of bad faith. (In Tuzla, one intransigent Croat was able to hold up a European project to bring clean water to 100,000 people, mainly Muslims, for a whole year.)

This illustrates the dilemma over conditionality. If a donor's conditions are not met, the project does not go ahead. Money is unspent (which can be politically difficult) and people in need go without essential services. At the same time, no one wants to play into the hands of the nationalists and subsidize separate services, which often seems to be the only viable alterative.

Is there any way around this dilemma? Some donors try to approach it indirectly. *UMCOR* recently invited department heads from Bosnia's three railway systems (which are all separate) to discuss technological advances that have occurred in Europe's railway system since the war in Bosnia. As professionals, the officials were intrigued and stimulated, but can do little on their own without a political breakthrough.

USAID's experience in Samac suggests that the prospects will depend on the utility, and that the chances are better with electricity than water. The Serb town council

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[12]   This credit is provided under the Community Infrastructure Rehabilitation Project (CIRP) of USAID's Municipal Infrastructure and Services program.

agreed to share its electricity with Prud because the entire western part of the Serb republic depends on electricity generated in the Federation. Any resistance by Samac might have produced serious retaliation against the Serbs. Water, by contrast, is produced at the local level, which makes it highly vulnerable to nationalist politicians who put separation before economic development. **In general, conditionality would be more successful if donors were to coordinate sanctions, instead of going it alone and undercutting each other. But the international community should also shift the emphasis from punishment (sanctions) to rewarding individual communities that respect the principles of Dayton and pluralism. This would make better use of resources and lessen the chance of donors blocking their own aid programs**.

The Media. The media is clearly an important source of support for civil society and pluralism. But how can donors get out the short-term message of ethnic harmony, which is so vital to the current emergency, without stifling the long-term development of a democratic media? In fact, they have already started.

Instead of avoiding ethnic issues altogether, editors are beginning to cover issues that have an *indirect* bearing on ethnicity, like the increasingly nationalistic content of education curriculum. After *Ogledalo* ran a detailed article, OTI funded a project to research religious education in Tuzla and Bjieljina. As well as clarifying a critical issue for Bosnia's future, this project has brought together researchers from civil society groups on either side of the IEBL.

Donors are also looking for a less intrusive way of curbing propagandistic transmissions than seizing transmitters by force. Whatever solution is chosen, it should involve Bosnians as soon as possible. This could include support for local media monitoring. Bosnian editors know that credibility is enhanced by monitoring and that credibility attracts advertisers. As a result, more and more are turning to Media Plan, a Bosnian group that was established before the September 1996 elections. *Ogledalo* plans to ask Media Plan to survey its readership. The editor of Radio Mostar also told us that Radio Mostar reacted strongly (and positively) to being criticized by Media Plan of bias toward the Muslim SDA party. Radio FERN, whose impact has also been questioned, might also benefit from Media Plan's scrutiny.

Donors can reduce the dependency of Bosnian media on outside funding by commissioning locally-made programs and purchasing advertising time. OTI allowed itself to be charged at an above-the-market rate for election spots on radio, which showed imagination, and TVIN commissions programs from its members. But reducing dependency on foreign material should not mean cutting ties with foreign contacts. Several Bosnian radio stations exchange material with independent stations elsewhere in the Balkans, like Radio B 92 in Serbia.

As with other elements of civil society, media training should address real needs. It would be presumptuous for outsiders to train Bosnian journalists who cut their

teeth covering the war. On the other hand, Bosnians have little experience with commercial journalism, or the many other demands made on journalists in this electronic age. The only journalism training currently on offer is a 10-week course for younger journalists that is taught by BBC staff at a school supported by the Open Society Institute. Donors could explore other possibilities: courses in free market economics; management practices that create firewalls between money-raising and news reporting; ethics; polling techniques; circulation; and advertising. If the goals are clear, there can be no better training than exposure to foreign newsrooms. But once again, without clear goals these short stays are likely to produce little.

Donors face a dilemma when it comes to community-based media. On the one hand, many local radio and TV stations won enormous local credibility by their courageous reporting in the war. On the other hand, local media outlets are also vulnerable to local political pressure. There are no clear answers to this, except to point out that the risk will be less in multiethnic towns like Tuzla than hard-line nationalist towns like Livno . It is certainly no reason for the international community to ignore local initiatives. One thing is certain. **Community media will continue to be hurt as long as its journalists are enticed away for donor initiatives at inflated salaries.** Once again it comes down to hard choices. Which, it might be asked, does more for Bosnia's media—hiring a local journalist for FERN at an inflated salary, or subsidizing his continuing employment by commissioning radio programs from the local station?

The Outlines of an Integrated Strategy of Support.

If there is one main conclusion to emerge from this preliminary paper it is the following: the way to promote pluralism at the community level in Bosnia is not through imposed, donor-driven projects but rather through community development. But for this to succeed in ethnic terms, it must first succeed as development. This underscores the importance of turning the lessons learned into an integrated strategy while there is still a significant international presence in Bosnia. Donors could consider the following elements:

Intervention at the national level. The international community can best help community peace building by intervening at the national level, where the most serious obstacles exist. Much more needs to be done to ensure free trade between the two entities (which is supposed to exist under Dayton, but is blocked by nationalist politicians in the Serb republic). There will certainly be no reconciliation between the nationalities of Bosnia until refugees return, homes are rebuilt, disappearances are explained, and war criminals are brought to justice.

Legal structures. Bosnia needs a legal and policy framework to help small businesses and nongovernmental organizations. It would make most sense to establish two different NGO categories—one profit, the other non-profit—and make the latter tax-exempt. But this should be part of a wider legal framework that governs all

nongovernmental work in all the areas examined in this report. Most important, donors must explain to Bosnians how independent nongovernmental organizations benefit Bosnia.

A strategy for minorities. The challenge of pluralism is about protecting and preserving minorities. This will call for increased human rights monitoring even as the OSCE and UNTAES prepare to step back from Bosnia and Croatia. There are important institutions in place that could help. One example: the multiethnic team of human rights ombudsmen in the Federation, which is ideally placed to reach out to minorities. Helping minorities may also involve some tough choices, including the use of intermediaries that support ethnic separatism. The Serb Democratic Forum in Croatia is one example. Many donors, including USAID, find the SDF's style too aggressive and partisan, particularly when accompanied by thinly disguised charges against Croats. But the SDF has credibility with the Serbs. Given their growing predicament in Eastern Croatia, supporting the SDF may be a necessary evil.

Communications. Information technology can contribute to civil society. This is well understood by USAID's Office of Transitional Initiatives (OTI), which has helped the Serbs of Zenica improve their collection of human rights data by providing a computer and linked up businessmen on either side of the IEBL by e-mail. But in general, donors have yet to exploit the full potential of the Internet. The Internet links the two Bosnian entities, which cannot communicate directly. It also links Bosnian civil society with friends abroad. The countries of the former Yugoslavia are linked on the Internet by a loose network, Zamirnet. But Zamirnet is short of funding. Donors should establish a community-based network throughout Bosnia as a matter of urgency, if the Internet's contribution toward peace building is to be realized.

Institutional changes. The ideas contained in this report will require multilateral and bilateral donors to make significant institutional changes. It is not clear whether this is yet understood. Major donors are competing where they should be cooperating, and the institutional roles need adjusting: for example, it is inappropriate that the UN refugee agency (UNHCR) is the largest funder of housing, and coordinator of so much microlending. Governments are also keen to declare the emergency over for institutional reasons, even if this may not correspond to the facts. Serbs of Vukovar could face discrimination when the town reverts to Croatian rule at the end of this year. At this sensitive moment, the European Union has suspended its help for Serb human rights monitors in Vukovar—not because it was unimportant, but because the aid was channelled through an emergency fund that is being discontinued. USAID was also criticized for abruptly ending "psychosocial" programs still needed by refugees, rape victims, and other war victims.

Indicators. Our research has underlined the importance of clear indicators in evaluating this new and difficult area of community peace- building. Indicators would: help define vague notions like "democracy building" and "capacity building;" measure the impact of inter-entity seminars, youth exchanges, and media projects; and help donors

explain and defend programs to skeptical politicians of constituents.

But the risk is that in applying indicators, donors will make demands on overburdened community initiatives that undermine their impact and weaken the goal of building pluralism. This is greater when it comes to "interethnic" projects, which may fail in terms of their stated goals but produce important unintended results.

Donors need to strike a better balance between flexibility and rigor. Once again, they could help their own cause with greater consistency. At present, they tend to be much stricter towards vulnerable community initiatives—particularly women's groups—than huge, multimillion dollar initiatives like TVIN. While there is growing consensus on *organizational indicators* (management, funding, etc.) there is more confusion when it comes to *programs*, particularly those that deal with social issues, like the aftermath of rape. At the very least this calls for more research, and NGOs can clearly contribute. NGOs have led efforts to design indicators for social and economic rights that could be useful in peace building.

Foreign Links Abroad. Another theme running through this report is that Bosnian civil society should maintain and expand links with foreign friends—and that this need not imply a relationship of dependency. In fact, the benefits often cut both ways. Medica, the renowned women's organization in Zenica, was founded by a German gynecologist who now runs a Medica support group in Germany that raises funds for the Bosnian organization and also serves as a valuable educating tool for German women. This report has also underlined the need to identify markets for Bosnian handicrafts outside the region. Overall, international NGOs could probably do as much to help Bosnian civil society at home as in Bosnia itself.

Dealing with local politicians. Perhaps the toughest challenge facing international agencies is how to work with local politicians while remaining true to their own goals. Local politicians can make or break promising initiatives. They are also liable to quick dismissal if they break ranks with their political party or make concessions to another ethnic group. Some feel that this illustrates the futility of trying to promote change from the bottom up. Others see it as an argument for avoiding politicians altogether. But this does not follow. The kind of obstacles described here are a product of a peace plan that has enhanced the power of nationalists. It is not an argument for bypassing government. If anything, donors need to do more to provide local government with more resources and capacity. Many civic associations have managed to work with local politicians. We were also told repeatedly that even "hard-line" politicians can be coopted as parents, teachers, or businessmen, and given an excuse *not* to act as politicians. Conversely, politicians often have no option but to object if donors arrive with their own political agenda in the form of a "multiethnic" project.

Post-war Demobilization and the Reintegration of Ex-Combatants into Civilian Life

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Post-war Demobilization and the Reintegration of Ex-Combatants into Civilian Life[1]

Termination of several armed conflicts has in recent years created conversion opportunities—to redirect resources from the military to development purposes. In the past decade, several countries in Sub-Saharan Africa and Central America conducted large scale demobilizations after the termination of wars. These are positive signs and might create opportunities for sustainable peace and human development. However, demobilization has shown to be a complex process. It is closely linked to security issues; and the impact of demobilization depends largely on how the ex-combatants[2] are able to reintegrate into civilian life. This paper provides an overview of recent demobilization experiences and identifies on the bases of these experiences some of the risks and other issues that are involved, and several general lessons that have been learned.

Contexts and Approaches of Demobilization

Several demobilizations—mostly after civil wars—have taken place since the late 1980s in Central America as well as in Africa. The peace processes that started in Central America in the late 1980s led to demilitarization in El Salvador, Nicaragua and—more recently—Guatemala (Spencer, 1997). In a separate process in Haiti, its armed forces were abolished—leaving only about 750 people in the national police and palace guards (Dworken *et al.*, 1997).

Table I.   Demobilizations in Central America

El Salvador — 30,000 members of the regular armed forces were demobilized between 1992 and mid-1993; 8,000 Frente Farabundo Martí para la Liberación Nacional (FMLN) opposition forces were demobilized in 1992

Guatemala — 24,000 'military commissioners' were demobilized in September 1996; with the Peace Agreement of December 1996 the government commits itself to reducing the armed forces by 33 per cent in 1997 and full demobilization of the 'Voluntary Civil Defense Committees'; about 3,600 guerrillas of the Guatemalan National Revolutionary Unity (URNG) were demobilized in early 1997

Haiti — 6,250 soldiers of the armed forces were demobilized between the re-establishment of the Aristide Presidency in late 1994 and April 1996

Nicaragua — the national (Sandinista) armed forces demobilized 65,000 soldiers between the end of the 1980s and 1992; 23,000 'contras' were demobilized in 1992

Source: BICC data

In Africa, particularly the end of Apartheid and the peace processes in Southern Africa, as well as the fall of the Derg regime in Ethiopia, have created opportunities for several major demobilizations in Southern and East Africa. Also in Asia, Europe and North America some large scale demobilizations have taken place (see BICC, 1996 and 1997), but these will remain outside the scope of this paper.

Table II. Demobilizations in Africa

Angola — a demobilization of about 73,000 ex-combatants of the Angolan Armed Forces (FAA) and the National Union for the Total Independence of Angola (UNITA) has been agreed upon in 1994; after initial progress in encampment and demobilization, the demobilization is seriously in jeopardy; many of the about 20,000 UNITA fighters formally demobilized might still be under UNITA command

Djibouti — 9,000 soldiers are planned to be demobilized

Eritrea — 55,000 ex-fighters of the Eritrean People's Liberation Front (EPLF) have been demobilized since 1993

Ethiopia — almost half a million soldiers of the defeated Derg army were demobilized in 1991; between 1992 and 1994, another 22,200 fighters of the Oromo Liberation Front (OLF) were demobilized

Liberia — between November 1996 and February 1997 20,332 fighters have officially disarmed and demobilized, including 4,306 children

Mozambique — 70,000 soldiers of the government forces and 20,000 of the Renamo opposition forces were demobilized in 1992-1994

Namibia — all of the about 30,000 people fighting for South African forces in Namibia and 13,000 combatants of the People's Liberation Army of Namibia (PLAN) were demobilized in 1989

Uganda — 36,350 soldiers were demobilized between the end of 1992 and October 1995

Somalia — several—but thus far largely unsuccessful—demobilization efforts have been made since 1992

Sierra Leone — demobilization plans were shelved after a military coup in May 1997

South Africa — an integration of seven armed forces into the new South African National Defense Force (SANDF) is ongoing since 1994; the demobilization (rationalization) of about 30,000 armed forces personnel is planned

Source: BICC data

Each case of demobilization involves a distinct political and socio-economic context. Decisions to demobilize have been based on specific military, political and socio-economic circumstances. Recent demobilizations in Africa and Central America have been the result of one or more of the following factors (BICC, 1996):

- \#   A peace accord between fighting parties
- \#   Defeat of one of the fighting parties
- \#   Perceived improvement in the security situation
- \#   Shortage of adequate funding
- \#   Perceived economic and development impact of conversion
- \#   Changing military technologies and/or strategies

Although most demobilizations in the past decade occurred after the termination of a violent conflict, the contexts and approaches are rather diverse. To clearly see differences, we can for example look at Ethiopia, Mozambique and Uganda. In Ethiopia, the defeat of the Derg army in 1991 led to its total demobilization. In Mozambique, the two fighting parties agreed in 1992 to stop fighting, demobilize, and create a much smaller new national army, consisting of volunteers from both parties. In the case of Uganda, armed conflicts had virtually disappeared several years before the demobilization was initiated, and a considerable number of soldiers of the army of the previous regime had already been absorbed in the new National Resistance Army (NRA). The objectives of demobilization in Uganda were threefold: budgetary, social and military (Mondo, 1994). It would lead to a 'peace dividend' by significantly reducing military expenditures—and the reallocation of those resources to productive and social priority sectors. The social goal was to resettle ex-soldiers and their families in their home district and reintegrate them peacefully, productively and sustainably. The military objective was to retain a leaner, better-trained and motivated armed force.

Some countries have opted for first unifying and then demobilizing. For example, since the April 1994 general elections in South Africa, the old South African Defense Force (SADF), Umkhonto We Sizwe (armed wing of the ANC), Azanian People's Liberation Army (armed wing of the Pan-Africanist Congress), and the armies of four former 'homelands' (Bophuthatswana, Ciskei, Transkei and Venda), are being integrated in the new South African National Defense Force (SANDF). Subsequently, the number of people in the SANDF is being reduced. Countries that opt for this sequence appear to consider that the financial costs of maintaining a large army for a longer period are lower than the social and political costs of an expedited demobilization.

Demobilization and Resettlement

The entire process and the institutions involved are different in each case. Generally, once the decision to demobilize is taken, practical plans have to be worked out and financing ensured. The combatants that are to be demobilized are usually brought to assembly areas, where they are registered, disarmed and given an identification card. The disarmament is a very critical procedure as I will elaborate later. In assembly areas they may also receive health care and be assisted with reorientation and counseling. In Uganda, for example, the ex-soldiers and their dependents went through pre-discharge briefings, providing them details on how to open a bank account, how to start income generating activities, environmental and legal issues, family planning, and AIDS prevention. At time of demobilization, a 'package' in cash and/or kind is usually provided to assist the ex-combatants in the initial stages of resettlement. These may include foodstuffs, civilian clothing, household utensils, building material, seeds or agricultural implements. In Uganda, the package also included the payment of school fees for veteran's children for the period of one year. In some cases, the demobilized receive a cash payment at the time of demobilization and then at subsequent intervals. In Mozambique, the combatants received six months' severance pay at demobilization as well as reintegration subsidies, representing a further 18 months' pay (United Nations, 1995a). Considerable support is often required to transport the ex-combatants to where they will resettle.

One of the constraints for the resettlement of ex-combatants and returnees is caused by landmines in the areas where they would want to resettle. Their exact location is often unknown; and they thus continue to threaten to kill or maim indiscriminately, long after the end of the fighting. The problem is particularly bad in Angola and Mozambique. Estimates of the number of mines in Angola alone range between nine and 20 million. It will take decades and a massive human and financial effort to clear these mines and allow all potential agricultural land to be used.

Reintegration into Civilian Life

Once the ex-combatants are demobilized and have settled together with their families in the area in which they want to begin a new life, the reintegration process starts. Although often at least some support is being provided, most of the effort rests on the shoulders of the ex-combatants and their families. They have to build up a new livelihood. Field level research shows indeed that the reintegration is not one general process, but consists of thousands of *micro-stories*, with individual and group efforts, and with setbacks and successes. Some interesting and useful research has been done at this level, but to really value the distinct circumstances and particularly assess the support received from communities and the role of women in the reintegration process, additional research should focus at specific groups of ex-combatants in specific regions.

Reintegration has economic as well as social aspects. Social reintegration is the process through which the ex-combatant and his or her family feel part of, and are accepted by, the community. The history if the war and the degree of general reconciliation play a role in the way the ex-combatants are received. For example, the demobilized fighters in Eritrea were quite different from the soldiers demobilized in Ethiopia. In Eritrea, they were all very committed and disciplined, and had just ended a war of three decades, victoriously. The population perceived them as the liberators of the country. And they themselves generally trusted their leadership and had patience when required. Some other factors such as rituals and gifts could also play a role. In Mozambique some ex-combatants spent a good part of their initial demobilization money on gifts to village elders. That played an important contribution to being accepted in the village, becoming part of the 'social security' and sometimes being allowed to marry one of the young women in the village. The latter had also important economic implications, because in some regions land is passed on through the female line. Most ex-combatants had to undergo cleansing rituals in order to be accepted. These rituals have an impact both on the acceptance by the community as well as on the ex-combatants themselves. The Ugandan government made efforts to create a general willingness among the population to help the former soldiers reintegrate into society. Despite the different character and record of the NRA (now called the Uganda People's Defense Force), the history of Uganda in past decades has caused a general fear and disrespect for soldiers. To help overcome these perceptions, the Uganda Veterans Assistance Board conducted campaigns to sensitize soldiers and communities.

Economic reintegration is the process though which the ex-combatant's household builds up its livelihood, through production and/or other types of gainful employment. The economic reintegration is for ex-combatants often difficult in societies where it is already difficult to start

an economic activity or find employment. It is important to note that in some cases, such as Uganda, the combatants released are the ones with the worst perspective for reintegration, because of little skills and education, or health problems. Factors such as the availability and accessibility of agricultural land, housing and business space are also often constraints. Despite the above constraints, the experience with reintegration has not always been very negative. Recent research in Ethiopia shows that the ex-soldiers are indeed generally poor, but they are not significantly worse off than civilians in the same location without a military background (Ayalew and Dercon, forthcoming).

Also the status of the (new) armed forces and civil-military relations could play a role in demobilization and reintegration processes. Retraining and reorientation of the armed forces personnel and balancing the ethnic and regional composition of the armed forces might be required. In addition, it might strengthen people's confidence in the future if human rights violations of members of the armed forces are dealt with. But this might create a dilemma. They should be appropriately punished, but heavy punishment might also increase tensions between the military and the rest of society.

Psychological adjustment also appears to be hard—it might be difficult for ex-combatants to adjust their attitudes and expectations. Military personnel and guerrilla fighters are trained in top-down methods of management, which often contradict the appropriate approaches for management and entrepreneurship in the civilian sector. Ex-combatants go through a personal process of adjustment, after losing a predictable environment with a certain social status—positive or negative. They are forced to rethink their ambitions and capabilities. In addition, large numbers of the demobilized suffer from psycho-social problems due to post-traumatic stress disorder. For example, a very high incidence of this disorder is believed to exist among ex-combatants in Angola and Mozambique. Empirical data on this phenomenon is still very limited and the most effective types of counseling or other therapies remain subjects of debate.

Security Risks and Arms Control

After the termination of the violence and at the time of demobilization, there are often two closely related problems with weapons. One is that the (new) governments has large stocks of so-called 'surplus weapons,' for which no further need exists. Large amounts of weapons and weapon scrap are often just left to decay, and might thus cause environmental pollution. An even larger danger is that these weapons will be stolen or exported—often to other conflict areas. Indications exist, for example, that weapons from Eritrea, Ethiopia and Uganda have been shipped to the SPLA in Sudan, and large numbers of Ethiopian weapons have ended up in Somalia.

The second security problem exists if the combatants are not properly disarmed and armories not well protected. Weapons might remain or fall in the hands of ex-combatants and other people. The availability of 'uncontrolled' light weapons causes dangers at different levels. It increases the risk that disputes between individuals are settled with deadly violence, since most ex-combatants have learned little else than using violence to solve problems. These weapons could also fuel banditry; and political groups could more easily arm themselves and disturb non-violent and democratic political processes. Disarming the soldiers and guerrilla fighters is complicated, since many own more than one weapon. So, if they turn in one, another might be hidden elsewhere.

Large stocks remain often unreported, since the parties might not be entirely sure that the peace will hold—or they might speculate on future income. In El Salvador, arms, munitions, mines and other military equipment of the FMLN opposition forces were turned in to UN observers. Nonetheless, investigations by the UN Observer Mission in El Salvador (ONUSAL) found after the demobilization over 100 arms depots in El Salvador, Honduras and Nicaragua belonging to the FMLN (United Nations, 1995b). The weapons that were reclaimed by the UN in Mozambique were handed over to the (new) government, but it appeared not to be able to adequately control these weapon stocks. Large numbers of weapons have ended up on the (regional) black market. Former Renamo fighters are blamed for frequent armed attacks on vehicles. Also in El Salvador, the current availability of weapons is said to cause more violence than during the civil war. Nobody really knows the number of weapons in circulation in those countries, and they are often easy to smuggle across national borders. Estimates put the number of weapons in civilian hands in Angola at one million (*Angola Peace Monitor*, vol. II, issue 11). Estimates for Guatemala are about as high.

The way in which the disarmament is implemented differs case by case. It depends particularly on the context: whether the demobilization is after a defeat of one party, right after a peace agreement, or as a result of a decision to reduce the size of the existing army. The disarmament of combatants is not always difficult. In Uganda the weapons were left in the barracks when the soldiers moved to the demobilization centers. In Eritrea, all weapons used by the EPLF had been registered during the war. A complicating factor for disarmament and arms control remains that in some regions, such as the Horn of Africa, ownership of arms is culturally accepted. In some areas a man without a gun is not considered a 'real man'.

Focusing on the supply of weapons, even in a relatively peaceful situation, might not be the best or only way. Some people argue that the weapons are not the problem, but that the people that would use these weapons are. This demands strengthening of local security arrangements and possible political campaigns, involving community leaders and elders. Others argue however that the availability of weapons militarizes societies and that unrestricted trade of light weapons across boarders destabilizes regions (Gamba, 1995).

An additional threat to security after demobilization is caused by ex-combatants trying to apply their skills elsewhere. The use of ex-soldiers as mercenaries in official and private armies is increasing. Many of them originate from armies that have recently contracted. A South

African firm, *Executive Outcomes*, is for example known having provided mercenaries to several African countries. It employs mostly ex-members of the former SADF.

Demobilization and Reintegration Policy?

Opportunities, problems and policy issues concerning demobilization and reintegration are receiving increasing attention among governments, international development agencies and NGOs. Also the UN recognizes the demobilization and reintegration of ex-combatants as critical parts of post-war peace-building, and has made it—literally—part of its agenda. It has been highlighted in several major UN policy documents (Boutros-Ghali, 1994, p. 7; and 1995, para. 50) and the *Copenhagen Declaration* adopted by the World Summit for Social Development in 1995.

Despite the involvement of international agencies with the issue, some people would argue that demobilization is a mere logistical exercise. Soldiers have to be disarmed and brought back to their communities. The rest of the effort comes down to development work in general terms. Some would also argue that it is unfair that ex-combatants receive targeted support. These combatants were the ones that created all the havoc and made development and life impossible for others. Many other groups of people suffered and should be supported in setting up their livelihoods again. We should for example note that when peace returns, ex-combatants are usually not the only group that has to reintegrate. Returning refugees and internally displaced people usually outnumber the ex-combatants. In Mozambique, for example, about 90,000 combatants were demobilized. However, at the time of the cease fire in 1992 it was estimated that about 1.5 million Mozambicans lived as refugees abroad and about 3.5 million were internally displaced.

Indeed, in most efforts to support reintegration, policy makers face a dilemma on whether or not to treat the ex-soldiers and guerrillas as a special target group. Support programs have to strike a balance between dealing with the specific needs of these people and not creating discontent among the rest of their often poor communities and other war-affected groups—which could jeopardize true reintegration[3]. **It is argued that therefore ex-combatants should not receive more support than necessary to help them attain the standard of living of the communities in which they try to reintegrate.**

Keeping in mind the above dilemma and the fact that each demobilization is different, I believe that the experience over the past decade has taught us that reintegration of ex-combatants requires support efforts for at least four reasons:

1. **Demobilized soldiers and fighters require support from a humanitarian point of view. Upon demobilization, they are out of a job and often away from their home. Therefore, they require the provision of basic needs for some time and physical resettlement.**

2. In some cases it can be argued that the demobilized combatants have sacrificed several years of their life to liberate their country and to improve the development perspectives for their compatriots (e.g. EPLF in Eritrea, or MK and APLA in South Africa). In other cases, some of the demobilized might have been recruited into the armed forces under pressure (e.g. Derg army in Ethiopia and the Renamo in Mozambique). In those cases support could be justified as a type of compensation for foregone education or other investment. If on these grounds promises are made and not fully lived up to, this could lead to frustration and unrest, such as currently in Zimbabwe, more than 15 years after demobilization.

3. A third reason why it would make sense to support ex-combatants is because of their potential contribution to the general development in their community, and the country as a whole. Their skills and other capabilities might lead to new employment opportunities (Nübler, 1997). Exposure to other parts of the country and different experiences of ex-combatants might also have a positive impact on development.

4. Lastly, but in some cases most importantly, there is a more negative argument. Lack of attention for the risks involved in demobilization could jeopardize peace-building and human development. Without support, demobilized soldiers and guerrilla fighters might have great difficulties re-establishing themselves in civilian life, and frustrated ex-combatants may threaten the peace and development process by getting involved in criminal activities or violent political opposition. In Nicaragua, for example, at several points in time, groups of ex-soldiers have rearmed themselves and resumed fighting (Spencer, 1997).

Dealing with the specific reintegration issues of demobilized combatants does not imply that policy design had to start from scratch. Experiences with returning refugees and internally displaced people as well as with the retrenchment of public servants within structural adjustment programs contain useful lessons.[4]

Lessons Learned

The diversity of demobilization experiences among countries is so great that drawing general lessons is hazardous. However, with the appropriate care, and always putting demobilization within the broader peace-building and rehabilitation issues, we might draw some general lessons from the available research and other information on demobilization and reintegration—particularly in Africa and Central America.

1)   Successful demobilization requires cessation of hostilities, political will and the support of all parties.

Demobilization has little chances to succeed if one of the major parties is not fully committed. One of the main lessons learned from the UN Operations in Somalia (UNOSOM) is

that "There must be clear guidelines for disarmament and demobilization, and their activities must be carried out with the agreement of the parties" (Friedrich Ebert Stiftung *et al.*, 1995, p. 38). Expectations that the relative power of the fighting factions would continue to be defined by military capability, made significant disarmament and demobilization impossible in several instances such as Angola, Liberia and Somalia. The 1991-92 demobilization in Angola failed completely largely because both the government and UNITA were unwilling to cooperate and were maintaining secret armies in violation of the *Bicesse Accords*.

Demobilization also requires a clear and credible central authority and implementing agency. If it is the government, it should be able to guide and secure the process with sufficient oversight; and its police force should be in the position to intervene if the security of the ex-combatants or others is threatened. In cases where the demobilization is the result of a peace agreement between two or more parties, this role may be played by an independent outside entity. For example, in El Salvador, Mozambique and Namibia, the UN was the neutral facilitator in sorting out details during the process, and it stepped in and mediated when the peace process showed delays or was at risk.

For demobilization to contribute to peace and development, it needs to be embedded in a broader process of peace-building and national reconciliation. Bridges need to be build between groups and individuals from formerly conflicting sides. In a safe and supportive environment these people could interact and cooperate. Various policies and programs at different levels, including NGO activities, may contribute to such a process. Ultimately, the fundamental causes of the conflict and potential future conflicts have to be dealt with.

2) Planning for demobilization and reintegration support should start early.

In cases where demobilization is the result of a peace agreement, it is most effective if it explicitly provides the framework for the exercise. It would deal with the specifics of the disarmament process, the political and social reforms and the conditions and management of demobilization and reintegration support. The Rome Peace Accord created such a framework in Mozambique, including an agreement on the role of the UN Operations in Mozambique (UNOMOZ). This made it possible to overcome sensitive disputes between the formerly warring parties (United Nations, 1995a).

Clearly, there is a tension between the political uncertainty that usually exists in a country emerging from a war and the need for advance planning. Nevertheless, important preparatory work includes the mobilization of resources, needs assessment, sensitization of stakeholders, and linking demobilization with reintegration efforts. Programs for resettlement and reintegration should start soon after the end of the war, since armies might begin to disintegrate before formal demobilization—combatants taking their weapons with them. Similarly, if the encampment takes too long and the demobilized have to do without information and opportunities to see their relatives, violent activities and rebellion could undermine the demobilization, as well as the total peace process. Clarity about resettlement and reintegration programs will provide confidence to the ex-combatants and their leaders in the peace

agreement and their future in society. In Namibia, no structured reintegration efforts were planned prior to the demobilization. It was assumed that with the excitement of independence, reintegration would simply happen. Subsequently, planning and programming started in reaction to the destabilization threat from some ex-combatants (Preston, 1994).

3)   Sufficient provision of basic needs in the encampment stage is critical.

Disarmament and demobilization are complex and sensitive logistical exercises. They require effective management and substantial resources for accommodation, registration, transport and the provision of basic needs. If the provision of basic needs, such as water, sanitation, shelter and food, is insufficient at the encampment and discharge stage, frustration is likely to occur. In Angola in late 1991, for example, living conditions and provision of basic needs in some of the camps were extremely poor. This contributed to widespread desertion. At that point, only emergency assistance by some UN agencies was able to provide some improvement. As with the previous lesson, quick visibility of the benefits of peace is required.

4)   Careful disarmament of the combatants is essential.

A number of general methods to cope with 'surplus weapons' after wars have been suggested (Laurance and Wulf, 1995): 1) suppliers buy the weapons back; 2) civilian usage; 3) scrapping; 4) mothballing; 5) letting them decay; or 6) export to other countries. Buying the weapons back appears to be the most attractive option. The willingness on the part of the ex-suppliers is however limited. Using the weapons for policing purposes is also an attractive option, but not relevant for all types of weapons. Scrapping and mothballing are possible, but require the type of resources that are usually not available in post-war situations. To reduce the environmental and security costs of surplus weapons in the countries concerned, external financing and expertise could thus facilitate scrapping or converting these weapons.

Several methods to control light weapons have been or are being tried. The police forces in Mozambique, Swaziland and South Africa are currently cooperating to reduce the flow of small weapons from Mozambique to South Africa. Special South African policemen are cooperating with the Mozambican Police to seek and destroy illegal weapons inside Mozambique. Caches that are found are often destroyed on the spot. Importation and trade of arms and ammunition can be restricted. The question remains of course how effective the police forces are to implement such a measure. Another possible method to reduce the number of weapons among the civil population in post-war areas is to establish a 'gun buy-back program'. These encourage citizens to voluntarily turn in weapons—with no questions asked—by providing them monetary or in-kind incentives. In the countries in which these schemes have been tried, it has been learned that they can only operate for a limited period, in order not to generate a trade of arms into the country. And the price given should be higher than the black market price (Laurance, 1996). It has also been suggested to focus control not on the arms themselves, but on the ammunition. This has to be replaced all the time and since very little is produced in the countries concerned, control is likely to be easier.

5)   A large range of possible instruments exists to facilitate the reintegration.

As argued above, there are several reasons to support the reintegration of ex-combatants. This support might be costly, but long-term costs for society could be even larger if the ex-combatants would not be able to find their livelihoods outside the armed forces. It could lead to increasing unemployment and social deprivation, which could again lead to increasing crime rates and political instability. Governments should, therefore, create a general environment that facilitates reintegration and provide specific services in a responsive and flexible way. A general environment of economic growth is probably the most important factor for successful economic reintegration. The experience shows that governments and NGOs are indeed using various instruments to directly support the ex-combatants and facilitate reintegration (see box I).

Box I: Possible components of resettlement/reintegration support programs

- cash payments
- foodstuffs
- civilian clothing
- household utensils
- building material
- provision of tools
- seeds or agricultural implements
- counseling
- legal and/or business advice
- job placement
- general referral services
- land distribution
- housing support
- public works and other (temporary) public sector job creation
- wage subsidies
- credit schemes
- managerial and technical training

6)   Support programs to be designed on the basis of the needs and aspirations of the ex-combatants and their communities.

In order to be responsive to the real needs, the reintegration assistance programs could best be designed and amended in a continuing dialogue with ex-combatants, their families and communities. The adjustment process is also facilitated if the process is as demilitarized as possible. Some general lessons

have been learned and a large set of possible components of support packages has been developed, as we saw under lesson 5 above. However, there is no blueprint. The appropriateness of the support depends case by case. An involvement over time is necessary, since the ex-combatants themselves are also going though a learning and adjustment process after leaving the forces. For example, they have to find out themselves what is possible—whether the sometimes over-ambitious plans that they had while still in the army make sense after they arrive back in the village. The need for this joint learning implies also that the actual implementation of the programs should be as decentralized as possible. Obviously, good communication with the 'center' should ensure that general lessons are being learned.

7)   Reintegration support to benefit the entire community.

Above, I indicated the dilemma of targeted support to ex-combatants and the need to balance between supporting them and the other war-affected groups. From a short-term point of view, one may be inclined to please the ex-combatants to forestall a return to arms. From a long-term perspective, ex-combatants should as soon as possible be treated just like everyone else. A consensus appears to be developing that special efforts for ex-combatants are necessary during the demobilization and resettlement, but that support in the reintegration phase should be as much as possible community-based and part of general post-war rehabilitation efforts.

8)   Special consideration and support for certain groups of ex-combatants.

Reintegration programs have thus far generally taken too little consideration of female ex-combatants, their children and the wives of ex-combatants. In the FMLN forces in El Salvador as well as in the EPLF in Eritrea about one-third of the fighters were women. These female ex-fighters as well as other women in war affected communities have usually acquired new roles during wars, and are often expected by men to return to their traditional roles. Thus, reintegration creates tensions. A high divorce rate has for example been observed between ex-fighters in Eritrea (Klingebiel *et al.*, 1995). In Uganda, wives from returning soldiers, who came from other regions, were very often not accepted by his family and the community.

Special additional support is also needed for former child soldiers. Many of them have become adults in the meantime, but still require extra care and assistance. They should first of all not undergo assembly (Ball, 1997). An adequate structure is needed to assist child soldiers in beginning new lives. Their experiences have a profound impact on their social and emotional development. They lack parental care and access to school, and their environment inhibits the development of social values. Many are seriously traumatized by the brutal experiences they have undergone and the violent acts committed. Special protection and rehabilitation programs are therefore necessary, especially for girl soldiers whose existence is often denied and who

face multiple problems after demobilization. Relocation to areas of origin is often more difficult for young ex-combatants. Assistance in family tracing, special care for the orphaned and physical and psychological rehabilitation may facilitate reintegration. The success of reintegration will also depend on opportunities to gain access to education, training and employment.

Also health care and special assistance to the disabled are important components of effective reintegration programs. A large proportion of the demobilized combatants in Central America and Africa had a disability, one way or an other. Incidence of HIV/AIDS has also shown to be high among the demobilized in several countries.

9)   International development agencies should be able to provide flexible support.

In several of the countries implementing demobilization and reintegration programs, economic conditions are such that the activities cannot be funded solely by national resources. Several of the agencies involved in development cooperation have over the past few years largely overcome their initial reluctance to get involved in development activities that closely relate to the military and other parts of the security sector. Multilateral, bilateral and non-governmental development agencies provide support in many cases of demobilization for the financing of UN operations, demobilization packages, special services during demobilization, technical assistance, and programs to facilitate reintegration.[5]

Findings with regard to demobilization and reintegration processes that specifically concern the international development agencies are that they should be well prepared to deal with (unexpected) requests for support and need to be involved in the planning processes early on. Demobilization support also requires a large degree of flexibility and willingness to coordinate at all levels on the side of the donors, even more so than in with more traditional development cooperation. Slow procedures and specific rules and regulations have affected the effectiveness of the support. It should be noted that in the process of program design and negotiations in post-war situations, the national officers dealing with the donors are often not very familiar with their policies and procedures. The continuing dialogue with the target groups (see lesson 6) also requires responsiveness on the side of the external agencies.

Final Observations

This paper concludes that on the one hand demobilization does not automatically have a positive impact. It should be undertaken as an integral component of a broad conflict resolution and development strategy. Even then, the benefits don't come easy. Demobilization and efforts to support reintegration are complex and costly, and there are several risks that could derail the whole process. On the other hand, however, if demobilization is managed well and general lessons from the past are drawn, it is likely to make an important contribution to sustainable peace and human development.

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Endnotes

. This paper draws on an earlier review by the author of demobilization and reintegration experiences in Sub-Saharan Africa (Kingma, 1996).

. The term *combatants* is used to reflect that the demobilized could be former government soldiers as well as former members of armed opposition groups.

. Special treatment of ex-combatants may also affect the morale of soldiers remaining in the army. Protests and eve mutinies in the new Mozambican army (FADM) were partially caused by high payments to the demobilized (*Africa Confidential*, 14 April 1995).

4. A recent BICC study drew lessons for demobilization from public sector retrenchment programs in Sub-Saharan Africa (Kiggundu, 1997).

5. Some institutions involved have already reviewed initial activities in support of demobilization and reintegration (for example Colletta *et al*, 1996a and 1996b; Clark, 1996; Spencer, 1995).

War Crimes and Truth Commissions: Some Thoughts on Accountability Mechanisms for Mass Violations of Human Rights

by Neil J. Kritz

The views expressed in this paper are those of the authors and not of USAID.

War Crimes Tribunals and Truth Commissions: Some Thoughts on Accountability Mechanisms for Mass Violations of Human Rights

by Neil J. Kritz*[1]

The field of human psychology has taught the lay world a principle regarding personal emotion that is now taken as a given: to ensure good mental health and stability, it is crucial that individuals emerging from massive abuse and trauma develop appropriate mechanisms to confront and reckon with that past experience, facilitating closure rather than repression. Figuring out what approach or mechanism will be most helpful to the healing process will vary from person to person, and will be determined in part by the background and makeup of the particular individual as well as by the nature of the trauma endured. But for both victims and perpetrators of past abuse, dealing with the fact and consequences of its occurrence is essential.

Societies shattered by the perpetration of atrocities likewise need to adapt or design mechanisms to confront their demons, to reckon with these past abuses. Otherwise, for nations as for individuals, the past can be expected to infect the present and future in unpredictable ways. To assume that individuals or groups who have been the victims of hideous atrocities will simply forget about them or expunge their feelings without some form of accounting, some semblance of justice, is to leave in place deep resentments and the seeds of future conflict. Confronting this past in a holistic and meaningful manner will be a painful and delicate process, but a vital one.

Recent years have seen a paradigm shift, still under way, in attitudes toward the need for accountability and nations' confrontation with their own painful past. While diplomats and negotiators involved in efforts to curtail violent disputes previously might have dismissed any focus on past atrocities to be an obstacle to stability and the resolution of conflict, today it is increasingly recognized as an integral and unavoidable element of the peace process. As examples, although recent peace accords to conclude civil wars in El Salvador, Bosnia, and most recently Guatemala may each have their respective weaknesses in ensuring accountability, they all reflect this paradigm shift, acknowledging and incorporating basic principles to deal with the legacy of past violations and recognizing that a durable peace would be unobtainable without them.

The last 50 years have seen the development, in nearly as many countries, of a variety of mechanisms of accountability for mass abuses. The present essay will offer some observations regarding the effectiveness of some of these approaches and some modest

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guidelines as to their appropriate application.[2]

Criminal Trials

In helping societies deal with a legacy of past mass abuses, the process of criminal accountability can serve several functions. Prosecutions can provide victims with a sense of justice and catharsis—a sense that their grievances have been addressed and can more easily be put to rest, rather than smoldering in anticipation of the next round of conflict. They provide a public forum for the judicial confirmation of historical facts. They can also establish a new dynamic in society, an understanding that aggressors and those who attempt to abuse the rights of others will henceforth be held accountable. Perhaps most importantly for purposes of long-term reconciliation, this approach makes the statement that specific individuals—not entire ethnic or religious or political groups—committed atrocities for which they need to be held accountable. In so doing, it rejects the dangerous culture of collective guilt and retribution that often produces further cycles of resentment and violence.

Confidence that legal or political protection from prosecution will follow the commission of mass crimes only gives confidence to those who would contemplate perpetrating them. It also conveys to victims a very real sense that their powerlessness and helplessness are more assured. A variety of factors may ultimately require limiting prosecution to senior key individuals or certain categories of perpetrators, as will be discussed further below. Total impunity, however, in the form of comprehensive amnesties or the absence of any accountability for past atrocities, will be immoral, injurious to victims, and in violation of international legal norms. It can be expected not only to encourage new rounds of mass abuses in the country in question but to embolden the instigators of crimes against humanity elsewhere as well. In short, criminal prosecution in some form must remain a threat and a reality.

International Prosecution of Mass Abuses

When trials are undertaken, are they better conducted by an international tribunal—like those in Nuremberg and Tokyo or those for the former Yugoslavia and Rwanda—or by the local courts of the country concerned? There are sound policy reasons for each approach. An international tribunal is better positioned to convey a clear message that the international community will not tolerate such atrocities, deterring, one hopes, future carnage of this sort both in the country in question and worldwide. It is more likely to be staffed by experts able to apply and interpret evolving international standards in a

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[2]The present essay deals only with mechanisms of accountability. These, by definition, are focused on the perpetrators of abuse and their allies. Although not examined in the essay, a comprehensive and holistic approach to dealing with a legacy of past atrocities should also include a range of victim-focused efforts, such as programs for compensation and rehabilitation and establishment of memorials and commemorations.

sometimes murky field of the law. It can more readily function—and be perceived as functioning—on the basis of independence and impartiality rather than retribution. Relative to the often shattered judicial system of a country emerging from genocide or other mass atrocities, an international tribunal is more likely to have the necessary human and material resources at its disposal. An international tribunal can also do more than local prosecutions to advance the development and enforcement of international criminal norms.

Finally, where the majority of senior planners and perpetrators of these atrocities have left the territory where the crimes were committed or are otherwise inaccessible for apprehension and prosecution by national authorities (as is the case in both Rwanda and Bosnia), an international tribunal stands a greater chance than local courts of obtaining their physical custody and extradition. The corollary to this point, not always apparent in the approach of the international tribunals for the former Yugoslavia and for Rwanda, is that these international entities, as the only bodies able to do so, should focus their energies more heavily on the investigation and prosecution of the leadership ranks of those responsible for the atrocities in question than on the rank and file.

The Yugoslavia and Rwanda tribunals are in several ways an improvement on the Nuremberg model. Their rules of procedure incorporate positive developments over the past 50 years with respect to the rights of criminal defendants under international law. To the extent that Nuremberg was perceived as a prosecution of World War II's losing parties by the victors, the current tribunals are nothing of the sort. The countries that supply their judges and prosecutors are not parties to the conflict, and the Yugoslavia tribunal has investigated and indicted alleged war criminals from each side of the conflict.

Location and Accessibility of International Tribunals

At the time of the creation of the ICTY, location of the seat of the tribunal in the *locus delicti* was plainly not an option. A war was raging in the former Yugoslavia and the crimes in question were still being committed. In this context, the Hague was a reasonable place to put the new tribunal.

Following the 1994 genocide in Rwanda, the physical infrastructure of the country was in a shambles. The genocidaires had absconded with much that wasn't nailed down, and gutted much of what was. In examining options for the international tribunal, some in the UN also felt that it would be difficult to ensure the safety of tribunal staff in a country still in the early throes of clearing the dead and the rubble and trying to cobble together a new order. Given these considerations of logistics and security, the UN chose to place the seat of the Rwanda tribunal in Arusha, Tanzania. This location increases the challenge the tribunal faces in getting its message across to its primary audience, namely, the people of Rwanda. They, more than the rest of the world, need to see the tribunal at work, to be reminded on a daily basis that the international community is committed to the establishment of justice and accountability for the heinous crimes of 1994.

There is good reason why the post-World War II international prosecution of war

criminals took place in Nuremberg and Tokyo, not in the Hague or some other foreign location. Had the latter been the case, the Nuremberg principles would still have been established, but no doubt with a less immediate impact on the ground. For an international tribunal to be maximally effective, victims and perpetrators should be able to feel that its activities are not far removed from them.

The basic principle applies not only to criminal tribunals, but also to other international bodies addressing past abuses. The effectiveness and local impact of the UN Truth Commission for El Salvador was undoubtedly enhanced by its extended physical presence in the country. The Commission's international staff was located in El Salvador for six of the Commission's eight months of work, and the three Commissioners were in the country two weeks per month on average. It is axiomatic that the weaker the connection between the international operation and the local population, the easier it will be for its work to be ignored or dismissed as an alien effort irrelevant to concerns in the country.

The statute of the Rwanda tribunal authorizes it to sit outside of Arusha as it deems appropriate; the tribunal would be well advised to exercise that authority and conduct some of its proceedings in Rwanda. Particularly for a country like Rwanda, where a substantial percentage of the population cannot benefit from newspaper or television coverage of the trials, the process of justice should be accessible and visible. In addition, at a time when some Western observers raise concerns over due process in Rwanda's domestic genocide trials, hearings of the tribunal inside the country would also serve as an important visible model and standards-setter for the local efforts. At the same time, sitting for tribunal cases inside Rwanda would more readily convey the concept that the international and domestic trials are complementary parts of an integrated, holistic, and multifaceted approach to justice.

When an international tribunal determines that it cannot hold its sessions in the country where the alleged crimes took place, it is extremely important to ensure maximum access for the people of that country—again, both the victims and the perpetrators—through means other than physical attendance at hearings. Efforts undertaken to broadcast proceedings from the Hague into the former Yugoslavia, or from Arusha into Rwanda, and to enable witnesses to participate in some ICTY hearings via video links, are important steps in this direction.

For international tribunals to be maximally effective, more attention will need to be given to both the physical accessibility of proceedings and the dissemination of objective information to the local population.

Domestic Prosecutions

Prosecution of war crimes before domestic courts can also serve some important purposes, distinct from those that underlie international trials. It can enhance the legitimacy and credibility of a fragile new government, demonstrating its determination to hold

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individuals accountable for their crimes. Because these trials tend to be high-profile proceedings that receive significant attention from the local population and foreign observers, they can provide an important focus for rebuilding the domestic judiciary and criminal justice system, establishing the courts as a credible forum for the redress of grievances in a nonviolent manner. Finally, as noted in 1994 by the UN Commission of Experts appointed to investigate the Rwandan genocide, domestic courts can be more sensitive to the nuances of local culture, and resulting decisions "could be of greater and more immediate symbolic force because verdicts would be rendered by courts familiar to the local community."[3]

Finally, even where an international tribunal has been established to prosecute war crimes, an additional factor motivating separate local efforts at justice is the sheer pressure of numbers. For reasons of both policy and practicality, the international tribunals for Rwanda and the former Yugoslavia can be expected to limit their prosecutions to a relatively small number of people. By way of comparison, the Nuremberg operation had vastly more substantial resources than its two contemporary progeny. At peak staffing in 1947, for example, the Nuremberg proceedings employed the services of nearly 900 allied personnel and about an equal number of Germans—more than four times the number of staff of the Yugoslavia tribunal. The authorities at Nuremberg had virtually complete control of the field of operations and sources of evidence, and the prosecution team had the benefit of paper trails not matched in the Yugoslav and Rwandan cases. Even with these advantages, the Nuremberg trials ultimately involved the prosecution of only some 200 defendants, grouped into 13 cases and lasting four years. The two current international tribunals *combined* will not ultimately prosecute this many cases, nor need they; even half the number will be a major success.

This means that, even if the international bodies achieve their maximum effectiveness, there is an important complementary role for domestic process. In the case of the former Yugoslavia, the cases of thousands of war criminals—Bosnian Serbs, Croats, and Muslims—and tens of thousands of their victims will not be addressed by the international tribunal, and reconciliation requires that Bosnian society come to terms in some fashion with this legacy and these people. My own discussions with Bosnian authorities from each of the three ethnic groups indicate that they collectively claim at least 25,000 war crimes cases and regard some 5,000–8,000 of these as appropriate for prosecution. This dimension of the problem of war crimes in Bosnia has received surprisingly little attention in the Western policy community, particularly considering its potential impact. But it is a reality that Bosnia needs to deal with whether by prosecution or otherwise.

Managing the Numbers

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[3]Preliminary Report of the Independent Commission of Experts Established in Accordance with Security Council Resolution 935 (1994) (29 September 1994), p. 31.

Where prosecutions are undertaken, how widely should the net be cast? There is a growing consensus in international law that, at least for the most heinous violations of human rights and international humanitarian law, a sweeping amnesty is impermissible.[4] International law does not, however, demand the prosecution of every individual implicated in the atrocities. A symbolic or representative number of prosecutions of those most culpable may satisfy international obligations, especially where an overly extensive trial program will threaten the stability of the country. This approach has been adopted, for example, in Argentina, Malawi and in some of the countries of central and Eastern Europe in dealing with the legacy of massive human rights abuses by their ousted regimes. In several cases ranging from Nuremberg to Ethiopia, given the large number of potential defendants, an effort has been made to distinguish various categories of culpability and design different approaches for each.

The Rwandan case demonstrates the need for pragmatism to temper an absolutist approach to prosecution. Following the 1994 genocide, many senior members of the new government insisted that *every person* who participated in the atrocities should be prosecuted and punished. This approach, however, would put more than 100,000 Rwandans in the dock, a situation that would be wholly unmanageable and certainly destabilizing to the transition. To compound the problem, the criminal justice system of Rwanda was decimated during the genocide, with some 95 percent of the country's lawyers and judges either killed or currently in exile or prison. By mid-1997, some 115,000 Rwandans were detained on allegations of involvement in the genocide in prisons built to house a fraction of that number, while the national Ministry of Justice still had just seven attorneys on its staff. Justice for war crimes in Rwanda requires a creative approach that takes into account the staggeringly large number of potential cases and the overwhelmingly small number of available personnel to process them.

After extensive deliberation and input from a number of experts in various countries, the Rwandan government enacted legislation in 1996 that attempts to respond to this challenge. The law creates four levels of culpability for the genocide: 1) the planners and leaders of the genocide, those in positions of authority who fostered these crimes, particularly notorious killers and sexual torturers; 2) others who killed; 3) those who committed other crimes against the person; and 4) those who committed offenses against property. All those in the first category are subject to full prosecution and punishment. Provision of a series of incentives for people in categories 2) and 3)—by far the largest categories—to come forward voluntarily and confess will, it is hoped, shift some of the burden for preparing cases away from prosecutors and investigators, rendering the number of cases remaining for prosecution slightly more manageable. Specifically, those in these two groups who participate in the "confession and guilty plea procedure," which includes a full confession of their crimes, including information on accomplices or co-conspirators, will benefit from an expedited process and a significantly reduced schedule of penalties.

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[4]*See, e.g.,* Diane F. Orentlicher, "Settling Accounts: The Duty to Prosecute Human Rights Violations of a Prior Regime," 100 *Yale Law Journal* 2537-2615 (1991).

Notably, Rwanda has also introduced an intriguing innovation. Unlike South Africa's amnesty program, in which perpetrators need only confess to their crimes (and some have done so accompanied by a vigorous defense and justification of their actions), those Rwandans who confess to their role in the 1994 genocide in exchange for lenient treatment need to do one more thing: they need to formally apologize to their victims. In managing overwhelming numbers, the Rwandan program assumes that victims will more easily accept leniency for those who committed atrocities if the latter express some remorse. It assumes that in this way, the process of criminal accountability may become more effective in facilitating national reconciliation. Finally, those in category 4) will not be subject to any criminal penalties.[5]

Ensuring fairness and transparency in domestic trials

The mere holding of trials will not, by itself, contribute to a sense of justice or process of reconciliation; in addition to supplementing trials with some of the other mechanisms discussed below, these goals need to be consciously incorporated into the strategy of prosecution. Adherence to the universal norms regarding fair trials is an essential element in this equation. The Bosnian case is illustrative.

In a situation like Bosnia, however, one confronts a still deeply divided society, both politically and structurally. Jurisdiction over prosecution rests in the authorities of two ethnically dominated substate entities, such as the Federation of Bosnia and Herzegovina and Republika Srpska. Unfortunately, too many players in Bosnia today view trials for war crimes not as a method of advancing accountability and reconciliation, but rather as one more means of continuing the conflict. On one side of the ethnic divide, the Bosniak/Croat-dominated Federation has emphasized the prosecution of Serbs for wartime atrocities; in the trials in Republika Srpska, the defendants have been Bosniaks. These trials can still serve an important and constructive societal function, but need some course corrections to do so. In cases on each side of the divide, there have been difficulties in enabling defense attorneys or witnesses to cross the "inter-entity boundary line" to participate in war crimes trials, essential to ensuring the trials' legitimacy and credibility. Trials conducted under such circumstances are hardly ideal vehicles for achieving a sense of justice, healing or confidence-building between the parties. Instead, they can have the opposite effect.

Given the extent to which such war crimes trials will automatically be suspect on each side of the conflict as political exercises, prosecution authorities are well advised to conduct trials that are public and accessible to all and that uphold international fair trial standards—including those regarding right to counsel and the introduction and examination of evidence and witnesses. The Bosnian domestic trials, *if* they are conducted in accordance with such standards, will necessarily facilitate communication and

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[5]A useful article describing the efforts at justice is William A. Schabas, *Justice, Democracy, and Impunity in Post-genocide Rwanda: Searching for Solutions to Impossible Problems*, 7 CRIMINAL LAW FORUM 523 (1996).

participation across the ethnic divide. They can expose people in each community to the fairness of the criminal justice process on the other side, including its respect for the defense rights of ethnic minorities. They can also expose each ethnic community to the facts of wartime abuses suffered by the other.

Prosecution and judicial authorities in Bosnia's Muslim, Croat, and Serb communities recognize the need to move in this direction. The credibility and constructive impact of their respective efforts in the war crimes area will be greatly enhanced by measures to more aggressively ensure the rights of the accused and to expand opportunities for victims on each side to be exposed to and participate in trials on the other. A July *Roundtable on Justice and Reconciliation in Bosnia and Herzegovina* brought together a group of 22 senior officials from each of the three Bosnian ethnic communities responsible for dealing with war crimes. They discussed collectively, for the first time, how the legacy of war crimes will be addressed in their divided country. Prosecutors and judges from each side agreed on recommendations to facilitate cross-entity cooperation in these matters, including measures to allow the participation of defense counsel and witnesses in each other's trials.[6]

Enforcement Capacity

While the authorities in charge of the Nuremberg and Tokyo trials had complete control of the field, the current Rwanda and Yugoslavia tribunals have not had that luxury. This has been manifest in efforts to enforce the tribunals' orders, particularly regarding arrests. There may be an international doctrine gradually emerging which holds that, at least in the aftermath of widespread atrocities, justice is a necessary element of any stable peace. If so, this is nothing less than a sea change in international thinking on this question. But sea changes occur gradually, and there is not yet an accompanying doctrinal acceptance of the responsibilities that come with establishment of these international criminal tribunals. States and municipalities cannot expect their courts to enforce criminal law on their own without the enforcement power of the police; the international community similarly cannot create these international criminal tribunals without being willing to provide these institutions with assistance and muscle to enforce their orders and decisions. We have recently seen some positive developments on this point for both tribunals, a trend that will, it is hoped, continue.

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[6]The Roundtable, convened from July 2–4 in Strasbourg, was jointly sponsored by the United States Institute of Peace, the OSCE Office for Democratic Institutions and Human Rights, and the Secretary-General of the Council of Europe. The Bosnian participants included the Minister of Justice of Republika Srpska, judges of the Supreme Courts of the Federation of Bosnia and Herzegovina and of Republika Srpska, chief prosecutors, cantonal ministers of interior, and leaders of the three respective war crimes commissions. Other participants included senior officials from the International Criminal Tribunal for the Former Yugoslavia, the Office of the High Representative and the International Police Task Force, experts with relevant experience from other countries that have grappled with this difficult question (e.g., a member of South Africa's Truth and Reconciliation Commission), and those engaged in legal institution-building in Bosnia.

This principle applies to domestic prosecution of war crimes as well. Despite discomfort in some circles regarding police assistance, particularly in countries in which the police have been an instrument of abuse, it is increasingly recognized that stability and the rule of law cannot be established in the absence of a reformed and credible police force. International assistance to the process of domestic criminal justice generally needs to include properly coordinated police training and material assistance.

The Role of the Media

Even where war crimes trials are characterized by fairness, transparency, and public access, any positive impact on public sentiment can still be undermined by a politicized, non-objective local press. In Bosnia, for example, the media constitutes an obstacle to the process of justice as a means to reconciliation. Local media should provide objective information regarding wartime atrocities and their prosecution on all sides, thereby providing the kind of exposure and public education regarding the trial process and the suffering inflicted on others referred to above. Instead, the media dominated by each ethnic group routinely and rapidly lionizes every member of that group accused of war crimes, automatically portraying them as heroes and martyrs regardless of the facts available or the fairness of the trial process. In such cases, it is vital that a program of media training on the process of justice be undertaken, so that the media can provide responsible coverage and serve a positive function in the process of justice and reconciliation.[7]

The Need for Better Interaction Between Those Involved in Parallel Processes of Prosecution

The draft statute for the permanent international criminal court recognizes the central role of domestic accountability mechanisms, declaring that the international body is be "complementary to national criminal justice systems in cases where such trial procedures may not be available or may be ineffective."[8] This concept of "complementarity" is one of the more nettlesome problems facing those designing this permanent institution. As the present essay suggests, however, the basic tone and balance implied are correct.

There are obviously times when an international institutional response is necessary, either as a complement or as an alternative to a country's domestic reckoning with its own past abuses and atrocities. El Salvador, Bosnia and Rwanda arguably each fit this category. Unfortunately, however, this has resulted in some circles in an almost reflexive inclination to internationalize the accountability solution. This automatic preference for

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[7]At the Strasbourg roundtable referred to above, some Bosnian participants went further and suggested that regulation of, or pressure on, those who control local media may be required to supplement such training.

[8]Report of the International Law Commission on the work of its 46th session, UN GAOR, 49th Sess., Supp. No. 10, at 44, UN Doc. A/49/10 (1994).

international responses should be resisted.   The international donor community and the institutions for accountability that it creates need to promote the careful balance between the two, avoiding   any action or attitude which could be viewed as dismissive towards national efforts at achieving justice in favor of an international response.

Both of the current experiments in international prosecution have demonstrated that improved lines of communication between international tribunals and local prosecution officials is essential.   In the case of the Yugoslavia Tribunal, some confusion regarding the division of labor and authority between the two remains.   At the July 1997 roundtable, which included both Bosnian officials responsible for war crimes prosecutions and senior officials of the ICTY, participants confirmed this ongoing uncertainty regarding such matters as the "rules of the road" which regulate local arrests and criminal proceedings; they were unanimous in identifying the need for regularized communication between local prosecutors and the Tribunal.   In the case of the Rwanda Tribunal, improved lines of communication with Rwandan officials has enhanced the tribunal's work and credibility.

There are several reasons which should be obvious to assign a higher priority to effective interaction between an international tribunal and the domestic authorities and population of the country in question. First, the latter constitute the principal target "audience" for the tribunal's work. Victims and perpetrators of war crimes alike have to be able to see both that the international community will not tolerate genocidal atrocities, and that all accused will be treated fairly and objectively.   Second, national and local officials possess important information that will be valuable to the tribunal.   Third, it must be recognized that one of the first casualties (if not causes) of wide-scale abuses is the ineffectiveness of local institutions of accountability. In keeping with the medical imperative to "do no harm," international responses to these abuses need to be structured in such a manner as not to further undermine their credibility by usurping their authority and being dismissive of the vital role to be played by local institutions of justice. Finally, the international tribunal should serve as a reasonably accessible model of judicial and prosecutorial professionalism and standards of criminal procedure for the local system of justice; to do so, it needs to be less resistant, in fact more consciously proactive, in its interaction with domestic justice officials than has tended to be the case in the last few years. The ultimate goal must be to make the local system sufficiently robust so as to help prevent the occurrence of future atrocities.

Consideration should also be given to expanded contact between the judges and staff of international tribunals and their local counterparts on matters unrelated to the coordination of their respective war crimes work.   It is, of course, essential that an international tribunal maintain an arms-length relationship with local authorities, maintaining both the reality and appearance of neutrality and independence.   But neutrality does not require being continuously cocooned inside the tribunal, and such an approach arguably undermines support.   If, as should be the case, international tribunals are staffed by highly qualified personnel, seasoned professionals with a commitment to justice and a knowledge of their own legal systems, then they can help in the reconstruction of the system of justice in their host country through a variety of forms of interaction, such as

participation in discussions and exchanges on due process and fair trial standards, lectures at local law schools or judicial training academies, or interaction with the general public. This could be accomplished without taking their time away from their primary mission and without compromising the tribunal's neutrality.   To the contrary, if done well, actively engaging with the public can be a useful tool in promoting awareness and support of the tribunal's work.

Non-criminal Sanctions

In virtually all cases of mass abuses, accountability via criminal trials—whether international or domestic—must necessarily be selective. Mass atrocities of the kind under consideration can only be perpetrated by a large number of people. Given the enormous numbers, prosecution of every single participant in the planning, ordering or implementation of the atrocities in question—not to mention all those who collaborated with them—would be politically destabilizing, socially divisive, and logistically and economically untenable.

As a consequence, the approach to accountability which is often applied to the largest number of people in societies dealing with the aftermath of war crimes, repression or other mass abuses is the use of a variety of non-criminal sanctions.   Because of positions held in the former regime, or because of nominal implication or a more significant role in the machinery of abuse, individuals may be excluded from certain elected or appointed office.   They also may be excluded from positions outside the government sector from which they might be able to have an influence on society; depending on the country, this has ranged from senior posts in the banking industry to the press to jobs as schoolteachers.   Such exclusions are often temporary, allowing a "cooling off" period to rebuild confidence in these institutions before allowing anyone from the old order to participate anew.

Examples of the use of non-criminal sanctions are numerous. In the Czech Republic, Lithuania, and post-communist Germany, administrative purges have temporarily removed those affiliated with past abuses from certain positions in the public sector, with a particular emphasis on those who are alleged to have collaborated with the former secret police. In post-war France, the process of "epuration" affected tens of thousands of people. Nearly 1,000 politicians, 6,000 teachers, and 500 diplomats were vetted for possible collaboration with the Vichy regime. Such measures were not limited to positions in government, but were extended to the private sector as well. Separate purge committees were set up for writers, composers, artists, the press and entertainers, among others. Italian authorities dismissed some 1,600 government employees following its own "epuration" process. he Greek government's handling of accountability for abuses committed during the 1967-74 rule by a military junta, separate from the prosecution of more than 400 former officials or members of the military, involved the administrative dismissal of as many as 100,000 people.

In El Salvador, an "Ad Hoc Commission" established under the peace accords,

composed of three Salvadoran civilians, reviewed the human rights record of military officers and, in a confidential report to the President and the UN Secretary-General, recommended the removal or demotion of more than one hundred of them—including the Minister and Deputy Minister of Defense—on the basis of their involvement in past abuses. Implementation of these recommendations meant a greater degree of accountability than many in El Salvador had thought possible.

A little-noticed and little-enforced provision of the Dayton peace accords defines as a confidence-building measure the obligation of the parties to promptly undertake "the prosecution, dismissal or transfer, as appropriate of persons in military, paramilitary, and police forces, and other public servants, responsible for serious violations of the basic rights of persons belonging to ethnic or minority groups."[9] It is significant to note that this provision for accountability extends to a much broader class of individuals than simply those indicted for the commission of war crimes. This recognizes a simple reality: even though it's not necessary or possible to prosecute everyone who committed abuses, how secure will a community member feel if the local police include the very criminals who last year tortured his son or gang-raped his wife? What confidence can returning refugees be expected to have in the new order if the current mayor personally helped torch their homes in the campaign of ethnic cleansing?

If properly administered, non-criminal sanctions can serve many important functions. They obviously make much more plausible the processing of large numbers of cases. They can provide society with a sense that justice and accountability have been established, and facilitate greater confidence in the credibility of the institutions and personnel of the new order. They allow victims the knowledge that those responsible for their suffering will not be permitted to remain in their positions of influence.

Arguably, however, even though employed so often, non-criminal sanctions against those implicated in past abuses have rarely been applied fairly. By their nature, administrative purges tend to be large scale and do not generally afford those affected anywhere near the level of due process protections that are provided to defendants in criminal proceedings. Because of their less formal and less public method, purge processes are also more easily subject to manipulation to serve inappropriate political purposes of the new regime to ensure its consolidation of power. Finally, if extended too broadly, purges have the potential of creating a large new, ostracized, and unemployed element within society, with destabilizing consequences.

Notwithstanding the fact that this accountability mechanism may be the most broadly applied, it has also received the least scholarly analysis and evaluation and has been the focus of minimal foreign technical assistance at best. Given the certainty that non-criminal sanctions will continue to be employed, creative thought and assistance needs to

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[9]Dayton Agreement, Annex 7, Article I, Paragraph 3(e), 35 I.L.M. 89 (1996).

be given to this mechanism in the future. [10]

Historical Accountability: The Use of Truth Commissions

Over the past decade, several countries attempting to deal with the aftermath of massive repression have established commissions of inquiry or "truth commissions," generally comprised of eminent citizens charged with investigating the violation of human rights under the old regime (or during the civil war, as the case may be) and producing an official history of those abuses. In many of these countries, much of what had occurred was already generally known; what truth commissions can add is a meaningful *acknowledgment* of past abuses by an official body perceived domestically and internationally as legitimate and impartial. Such an entity cannot substitute for prosecutions—and rarely affords those implicated in their inquiry the due process protections to which they are entitled in a judicial proceeding—but it can serve many of the same purposes, to the extent that it: 1) provides the mandate and authority for an official investigation of past abuses; 2) permits a cathartic public airing of the evil and pain that has been inflicted, resulting in an official record of the truth; 3) provides a forum for victims and their relatives to tell their story, have it made part of the official record, and thereby provide a degree a societal acknowledgment of their loss; and 4) in some cases, establishes a formal basis for subsequent compensation of victims [11] or punishment of perpetrators. An increasingly standard feature of the truth commission mandate has been to analyze and report on not simply individual abuses, but the broader context in which they occurred and the structural elements of the government, security forces and society which made this pattern of violations possible—a context not generally obtainable in a criminal trial. Based on this assessment, the commission is then charged with proposing specific steps which ought to be taken to deal with past abuses and to preclude their repetition.

An advantage of the truth commission approach is that it can be organized and visibly begin functioning relatively quickly. To the extent that the international criminal tribunals for the former Yugoslavia or for Rwanda serve as guides, it can take years before trials by such tribunals actually begin. It will similarly take time to rebuild a weakened domestic criminal justice system to the point where it can undertake credible trials for war crimes or similar mass abuses. A truth commission can more promptly begin holding hearings and collecting testimony and documentation, which can then be turned over for use in prosecutions. In this sense, a commission of inquiry can also "buy time," relieving some of the immediate pressure for action while the courts and prosecutions are being organized.

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[10]The United States Institute of Peace plans to undertake a comprehensive comparative analysis, beginning in 1998, of the use of non-criminal sanctions in transitional societies.

[11]This approach was utilized, for example, in Chile, where one's identification in the report of the Commission on Truth and Reconciliation was automatic proof of one's eligibility for the compensation program. This prevented victims from having to go through a new and potentially painful process of proving their victimizations to administrators of this assistance.

Related to the time within which a truth commission can be organized is the amount of time allotted for its task. A truth commission should facilitate a degree of national consensus and closure regarding the facts of a troubled history. To be an effective catalyst, it is important that a truth commission's mandate be of limited duration. In Uganda, by way of illustration, the Commission of Inquiry into Violations of Human Rights was created in mid-1986 to examine the abuses committed under the Obote and Amin governments from 1962-86, a formidable task. A Supreme Court justice chaired the six-member body. Public hearings were accompanied by extensive television, radio and newspaper coverage, and by the hope of Ugandans and foreign observers for a significant process which might help to heal and to stimulate concrete corrective measures in response to past abuses. Unfortunately, the Commission of Inquiry dragged on for nearly a decade (partly owing to funding shortages, despite infusions from various foreign governments and foundations). Arguably, its effectiveness over time was reduced in inverse relation to its longevity, as people lost confidence in the Commission's potential as a mechanism for accountability and change.

On the other end of the spectrum with respect to timing and truth commissions, a mandate must be realistic in allowing a commission to properly fulfill its mission. The recently established Clarification Commission in Guatemala, provided for under the 1996 peace accords, has the daunting task of examining the "human rights violations and incidents of violence" committed over a 35-year period, during a civil war which left up to 150,000 dead or disappeared. It is expected to produce a report of "objective information about what transpired during this period [including] all factors, both internal and external" and recommend specific "measures to preserve the memory of the victims, to foster an outlook of mutual respect and observance of human rights, and to strengthen the democratic process."[12] To do all this, the Commission is granted up to a year, a Herculean challenge to be sure.[13]

A common misperception is that the use of truth commissions and the holding of trials are mutually exclusive. This is not necessarily the case. The first truth commission of note, established in Argentina in 1983, produced significant amounts of information which

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[12]*Agreement on the Establishment of the Commission for the Historical Clarification of Human Rights Violations and Incidents of Violence that have Caused Suffering to the Guatemalan Population* (June 23, 1994).

[13]It bears noting that the use of truth commissions is still a relatively new phenomenon. Some very good research and analysis has been done with respect to this mechanism for dealing with past abuses. That said, many of the assumptions made about the effects and value of truth commissions, including those relied upon in the present essay, are based to some degree on instinct and anecdotal evidence, primarily from members and staff of the commissions and from those who testified before them. There is a need to develop more reliable empirical information. What were the effects of the truth commission on the much larger number of people in any of the countries in question—whether victims, perpetrators, or other members of society—who chose not to participate in the commission's investigations? What is the long-term impact on accountability and reconciliation where the truth-telling process was accompanied by a minimal program of criminal accountability? Further research is warranted.

was then utilized by the authorities in their prosecution of members of the military junta which had ruled the country. The two processes were complementary to one another.

South Africa has introduced a major innovation in its truth commission. In stark contrast to the blanket amnesties adopted in various Latin American countries emerging from periods of repression, amnesty is provided on an individual basis in South Africa for abuses committed under apartheid. The price of such amnesty is that the individual must apply and provide full details of their crimes to the Truth and Reconciliation Commission—a powerful incentive to come forward and assist the Commission in its work.That still doesn't mean, however, that South Africa has completely opted for truth-telling and amnesty instead of prosecution. Arguably, the only reason why the Truth and Reconciliation Commission has been as effective as it has been in eliciting thousands of confessions of apartheid-era crimes is because the threat of prosecution remains real. Any individual who did not apply for amnesty and submit a confession by the stated deadline is now at far greater risk of prosecution, given the extensive amount of inculpatory evidence obtained by authorities through the confessions of others. The degree to which criminal trials will expand following the conclusions of the Commission's amnesty application review process remains to be seen.

A powerful example of the utility of truth commissions in establishing a societal consensus on the history of past abuses, and of their ability to co-exist with and complement criminal trials, can be found today in Bosnia and Herzegovina. Three separate war crimes commissions exist, dominated respectively by Bosniak, Serb and Croat members and interests. Each has served some of the functions of a truth commission, insofar as they have provided a cathartic opportunity for victims from their respective ethnic communities to come forward and tell their story, ensuring that the suffering they endured and atrocities committed against their friends and relatives are memorialized in a formal manner. It is the intention of each of these commissions that their work will contribute to the process of prosecution of war crimes.

At the July 1997 roundtable referred to earlier, leaders of the three commissions also acknowledged, however, that they are in the process of creating three separate truths, three conflicting versions of history, the dissemination and perpetuation of which will facilitate not reconciliation but a hardening of the conflict between their ethnic communities. If, on the other hand, ways can be found to work together, each side being exposed to the abuses committed against the other two, verifying and acknowledging the victimization of their neighbors and producing one consensus on the atrocities suffered on all sides during the war, the process can be an important component of the effort at achieving justice and reconciliation. The participants (including local and international prosecutors) called for the creation of one Bosnia-wide truth commission to achieve these ends. Efforts are now under way to move this process forward, with the hoped that this commission will be established in the coming months.

Lessons Learned

To recap some of the principle lessons discussed thus far:

Prosecution strategy will generally need to be selective, and should factor in questions of capacity and stability. Foreign assistance will often be useful first to develop this strategy, and then to train or advise the personnel necessary to the proper functioning of the justice system (including judges, prosecutors, investigators, defense counsel, and police). Attention should also be given to the physical infrastructure and resource needs of the justice system. The priority to be given to the process of criminal accountability for past mass abuses should not be viewed in isolation, but rather should contribute to the medium-term development of a general system of justice and adherence to the rule of law.

The process of criminal justice should be fair, adhering to international standards of due process, and should be transparent, visible and accessible to the population of the country. Public outreach and education with respect to the criminal process should be used for the immediate goals of justice and reconciliation and to develop an appreciation for the rule of law. The media should be incorporated into this effort, lest they undermine it.

Efforts should be undertaken to facilitate constructive and creative interaction between those involved in the international and national prosecution processes, while maintaining the independence of each.

Vetting and non-criminal sanctions will often be an appropriate component of the overall process of reckoning with past abuses, but assistance is necessary to ensure that this process is transparent, fair and not susceptible to political manipulation.

Truth commissions and criminal justice should not be seen as mutually exclusive. Truth commissions can help establish a societal consensus regarding the broader context and pattern of past abuses in a way not generally achievable in individual criminal trials. Truth commissions should be of limited duration, be given realistic mandates and resources, and should produce historical consensus as well as prospective recommendations.

The process of justice and reconciliation will be shaped by the particular circumstances and history of the country in question, but should be informed by the prior experience of other countries dealing with similar issues. Foreign donors should facilitate this process.

For every country emerging from the horror of genocide, war crimes, or crimes against humanity, or other massive abuses of human rights, achieving justice requires a determination of the proper balance between domestic and international treatment of the problem. That balance point shifts from case to case owing to a variety of factors. Criteria need to be developed to objectively evaluate the availability and effectiveness of domestic procedures in each case, and to decide where the international community should intervene in a formal, institutionalized manner and where it would be wiser to let local institutions and society grapple on its own with the legacy of past abuses. The following

guidelines should inform this evaluation:

A Framework for Determining When International or National Mechanisms Are Called For

1. While the wide-scale abuse of human rights is underway, local mechanisms of accountability are severely compromised and eroded. If the national institutions of justice were actually functioning properly to uphold basic rights and the rule of law, the atrocities in question would not likely be occurring. During this phase, therefore, it is incumbent on the international community to take on the task of accountability for the abuses in question.

To prevent the continuation of mass abuses, the response must be prompt, a quality that has not characterized recent efforts at international criminal accountability. Delays in funding, staffing and organization of the two international tribunals for the former Yugoslavia and Rwanda have undercut their impact to date. It took a year and a half for the Yugoslavia tribunal to issue its first indictment; in the Rwandan case, while the architects of genocide moved about in various countries with relative impunity, the international tribunal did not manage to open its first trial until some two and half years after the genocide.[14]

This argues strongly in favor of the creation of a permanent international criminal court, which would presumably not be hampered by the kind of start-up delays that have accompanied these ad hoc tribunals. A standing ICC would be able to initiate an investigation upon the first evidence of war crimes, genocide or crimes against humanity, issue indictments promptly and hopefully serve as a very real threat and deterrent to those contemplating the perpetration of these atrocities by making it clear from the outset that they would be held internationally accountable.

Once the core crimes in question have already occurred and ceased, any number of unique circumstances may affect the handling of accountability in the particular case. As a general matter, however, the following prioritization may be useful in determining the appropriate division of labor between international and domestic players.

2. In most countries emerging from a period of massive abuses, the personnel, facilities and culture of the legal system will have to be professionalized and put on the right track (again or for the first time) through a multi-year process. In the rare instance where the national institutions of justice move rapidly into action, without any outside assistance, to deal with these atrocities immediately upon their cessation, there will be legitimate concerns regarding their independence and objectivity and regarding the actual

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[14]In his final report to the Secretary of the Army on the Nuremberg proceedings, chief prosecutor Telford Taylor noted that after the initial IMT trial, the need to organize new structures, administration, and staffing for the 12 trials to follow delayed the war crimes program by almost a year. The delay had its cost. "If the trials … had started and been finished a year earlier," observed Taylor, "it might well have been possible to bring their lessons home to the public at large far more effectively." These words ring at least as true half a century later.

and perceived fairness of any trials which ensue. In this instance, it is important that the international community assume an active monitoring role, both to ensure the fairness and credibility of the process and to reinforce the notion that even where the process is wholly internal, the international community has a strong interest in accountability for mass abuses.

3a. In most cases, the best scenario would be for the international community to provide appropriate assistance to enable a society emerging from mass abuse to deal with the issues of justice and accountability itself. In every case, the ultimate goal is to establish the institutions, structures and culture which combine to form the rule of law. This is the antithesis of, and antidote to, genocide, war crimes and other mass abuses of human rights. National or local handling of accountability for these atrocities is an important first step in this process.

The establishment of credible independent national courts that will adjudicate disputes, defend rights and hold criminals to account, as well as the use of other domestic mechanisms of accountability, serve a function which cannot be over-emphasized: they allow a society which previously has been victimized and made to feel powerless against the atrocities which engulfed it to reclaim a sense of control over its own destiny. Wholly internationalized responses imply that the country in question is still powerless, still incapable of dealing with its own demons. Instead, for the lessons of an accountability process to be most effectively integrated into the life and culture of the nation, the nation should feel a sense of ownership and investment in that process. This approach calls for a partnership role for the international community in the empowerment of a society victimized by abuse.

The role of outsiders may an informal one. The Special Prosecutor's Office dealing with the abuses of the Mengistu era in Ethiopia, the genocide justice program in Rwanda, and the Truth and Reconciliation Commission in South Africa, as examples, are each completely domestic operations, designed, organized and given their mandate by a national process. Nonetheless, each has also received extensive external assistance, both in the form of financial resources and in terms of intellectual input and technical assistance from numerous foreign government agencies, NGOs, individual foreign experts, and UN bodies. This international assistance has played an important role in shaping these programs of accountability, while leaving the ownership of and responsibility for these programs in local hands. Under this arrangement, the international community must play the same monitoring role referred to above.

3b. Alternatively under this second category, the international role in a domestic process may be a more formal one. One example of this approach is the "Clarification Commission" established this year in Guatemala. As in El Salvador, it was felt that the polarization of local society would make a wholly domestic commission non-viable. At the same time, there was a desire to have a more Guatemalan-owned and less external process of accounting. The result mandated by the peace accords is a national commission, with members representing different Guatemalan perspectives and with an international

chairman. As currently envisioned, the Truth and Reconciliation Commission of Bosnia and Herzegovina will similarly be a Bosnian commission with mixed Bosnian and international membership and an international chairman. Along similar lines, some of the human rights and judicial institutions created in Bosnia under the Dayton accords are national institutions which include foreign membership.[15]

This type of arrangement may combine the best of both worlds: it focuses energy on the development of viable national systems of accountability and justice (the international role in which can be reduced and withdrawn when they are self-sustaining). The incorporation of a formalized international presence can render the national mechanism more credible more quickly, ensure that the national process comports with international standards, and facilitate broader international financial and technical assistance to the national institution. In addition, this approach will generally cost far less than creation of a new international institution.

As an example of this question of allocation of international financial resources, the international community is currently spending approximately $41 million a year on the International Criminal Tribunal for Rwanda. The tribunal is serving several important functions, not the least of which is the indictment, apprehension and eventual trial of several key leaders of the genocide who would likely not have been apprehended in their countries of refuge and returned for trial by Rwandan authorities. That said, investing $41 million per year in the rebuilding and training of the Rwandan legal system could produce one of the better justice systems in the region. Although a permanent international criminal court will avoid the incurring of major start-up costs with each new case, this consideration of the cost of pursuing justice through the ICC versus a more substantial investment in the rebuilding of the domestic justice system of the country in question should, at least in some cases, enter into the calculation of which cases will be taken up by the international body.

To be helpful, the international community also needs to act responsibly with respect to the domestic trial process. This entails not only the donation of resources; it also requires a realistic and informed appraisal of the domestic situation in the country in question. Once again, the recent Rwandan experience, with over 100,000 potential genocide defendants, demonstrates the point. Under optimal conditions and with an massive infusion of foreign assistance—neither of which were to be had in Rwanda—it would take years to rebuild a properly functioning legal system in a land so ravaged by genocide, draft and adopt new legislation, appoint and train new investigators, judges, prosecutors, and related staff, repair courthouses to usable condition, and outfit them with, if not computers or typewriters, at least paper and pens for case records, to name but a few of the necessary measures antecedent to the holding of credible trials. Despite all of this, beginning very shortly after the 1994 massacres, some voices in the international

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[15]These include the Constitution Court of Bosnia and Herzegovina and the Commission on Human Rights. It should be noted that these latter institutions deal primarily with current abuses rather than wartime atrocities.

community continuously pressed the new Rwandan government to promptly begin the process of domestic prosecution. When Rwandan authorities actually began the first trials in the beginning of 1997, many of these same voices then harshly criticized the Rwandans for starting them too soon, complaining that the Rwandan criminal justice system was not yet ready to ensure proper and fair proceedings. The international community could contribute far more productively to the domestic process of justice and accountability if it would be more forthcoming in its assistance to the domestic system and more pragmatic and realistic in its evaluation.

4) The next best arrangement is likely to be complementary international and national mechanisms of accountability. Again, Bosnia and Rwanda are the most obvious examples of this approach.

At least two situations would warrant this arrangement. First, without undermining the importance of bolstering national institutions and of national ownership and integration of the process of accountability, there will be cases of crimes so horrific that the international community, for its own sake and the preservation of fundamental universal principles, will be obliged to hold the key planners or perpetrators accountable to all of humanity.

In addition, there will at times be those cases which are too volatile for national mechanisms of accountability to properly handle. In particular, where the transition from the period of mass abuse is the result of a negotiation rather than the defeat and routing of those responsible, the principal leaders of the former regime may be beyond the political reach of the national system of justice. Even if trials of mid- or lower-level participants in past atrocities may be undertaken locally, the attempted prosecution of the principals by domestic authorities could be destabilizing to the new order. Pinochet in Chile, Karadzic and Mladic in Bosnia, Pol Pot in Cambodia, and possibly de Klerk in South Africa come to mind in this regard. In such circumstances, an international criminal court could serve a useful function by handling those cases which the domestic system cannot.

5) Finally, when national efforts at accountability are wholly implausible, an international mechanism becomes essential. This situation may occur, for instance, where domestic capacity has been too heavily devastated by the loss of personnel, the destruction of equipment and facilities, and the erosion of credibility to undertake the effort. It may also be the case when the same elites behind the mass abuses in question continue to dominate the political scene, precluding any serious domestic effort at accountability. This was the case in El Salvador. In a bold move, the UN truth commission decided to issue conclusions regarding the culpability of specific individuals without the benefit and due process protections of a regular criminal procedure; the commission had determined that this step was necessary to establish some minimal level of accountability because none could be had in the still-corrupted Salvadoran courts.[16]

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[16]Buergenthal, *supra* note 2, at 522.

A permanent international criminal court will enable the international community to take on this task far more promptly and effectively than the current arrangement of ad hoc tribunals. Assigning priority to national mechanisms of accountability and granting them some deference and support is generally preferable, but when there is nothing to defer to, international institutions must be able to assume the task of rendering justice in an efficient manner.

6) In a nation's effort to acknowledge and establish accountability for past egregious abuses of human rights, the private sector can also play an important role. It is far preferable that mechanisms for reckoning with these abuses be official mechanisms, demonstrating the state's commitment to the process. Where that commitment is not forthcoming, however, private initiatives by elements of civil society take on heightened importance, whether on their own or as a complement to international efforts at accountability. A significant example of this approach comes from the transition from military rule in Brazil. When the government took no action to deal with the legacy of wide-scale violations of human rights, a project was undertaken under the aegis of the Catholic Church. The resulting report, *Brasil: Nunc Magis*, which used official documents to analyze the nature of the military regime and its abuses, sold over 100,000 copies during within the first ten weeks of its publication.

Conclusion

In all likelihood, it will be the exceptional case in which the use of just one of the accountability mechanisms discussed herein will be the optimal solution; more often, the challenge will be to determine the best-suited mix of approaches. A truth commission followed by prosecution, like in Argentina? Both international and domestic prosecution, à la Rwanda? Trials for some and administrative sanctions for others, following the model of some of the post-World War II and post-communist transitions? In the end, there will be no uniform, mechanistic solution applicable to all cases. With the aid of the international community, each society emerging from genocide, war crimes or sustained mass repression will need to find the specific approach or combination of mechanisms which will best help it achieve the optimal level of justice and reconciliation.

Unfortunately, mass abuses yet to occur will no doubt provide opportunities for the evolution of whole new mechanisms for accountability not presently conceived. Eventually, if domestic and international efforts to ensure accountability for mass abuses become sufficiently well coordinated and effective, they will hopefully someday be needed with less frequency.

From Bullets to Ballots
A Summary of Findings From Six Post-conflict Election Studies

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$\mathbf{S}$ince the end of the cold war, peace accords ending internal conflicts have been followed within a short time by elections. These post-conflict elections seek both to promote democracy and to consolidate peace under the most difficult possible conditions.

Many war-torn societies have no prior experience with democracy, thus no electoral institutions. All are polarized politically, with deep distrust and antagonism between former enemies who often remain armed to some degree. Harsh economic conditions characterized by massive unemployment, high inflation rates, and food shortages erode public confidence and add to the atmosphere of mistrust. The shattered transport and communication infrastructures turn the logistical task of organizing elections into a nightmare.

The international community plays a central role in post-conflict elections. Bilateral donors, international organizations, and nongovernmental organizations have performed remarkable logistical and organizational feats in many countries. Nevertheless, large gaps exist in our understanding of the effectiveness of electoral assistance programs in war-torn societies and above all of the impact of post-conflict elections on the consolidation of peace and on further democratization.

This evaluation seeks to narrow the existing gaps. It asks three sets of questions:

Planning and conduct of elections. Who took the initiative for elections? What were the objectives and expectations? How were the elections planned and conducted? What problems attended the planning and implementation processes? What were the results of the elections? How were they perceived and accepted by the contending parties?

International assistance. What was the nature of international assistance? How did the assistance affect the conduct and outcome of elections? What problems did the international community encounter in delivering its assistance?

Effects of post-conflict elections on democratization and reconciliation. How did elections promote or hinder these processes? What factors and conditions affected the impact of elections on democratization and reconciliation processes?

To answer these questions, the study evaluated elections in six countries. Only countries in which elections had taken place at least two years previously were selected. That made it possible to evaluate the longer term effect on democratization and peace consolidation. Furthermore, documentation had to be easily available, and all regions had to be represented. On the basis of these criteria, USAID's Center for Development Information and Evaluation selected Angola, Cambodia, El Salvador, Ethiopia, Mozambique, and Nicaragua. It commissioned well-known scholars with both extensive knowledge of a country and election-monitoring experience to prepare the case studies. The six reports were presented and discussed at a workshop in November 1996 and revised. The results were incorporated into a synthesis. This report summarizes the synthesis findings.

The Country Context

The countries included in the study were diverse. Although they had all experienced civil war, the nature of the conflict, the way in which it unfolded, the process that led to a peace accord, and the degree of involvement of the international community varied significantly.

Angola

Two movements, the Movimento Popular de Liberação de Angola (MPLA) and the União Nacional Para a Independencia Total de Angola (Unita), had fought each other since the country became independent in 1976. With Soviet and Cuban support for the MPLA and South African and U.S. support for Unita, the conflict acquired an international dimension that made it more intractable. With the end of the Cold War and the beginning of the transition from apartheid in South Africa, external supporters lost interest. In May 1991 the MPLA and Unita negotiated an end to the deadlocked conflict. Presidential and parliamentary elections were held in September 1992.

Despite a United Nations presence (the UN Angola Verification Mission —UNAVEM), the combatants never completely demobilized. That created a dangerous imbalance. International assistance removed the logistical obstacles to elections but could not change the political situation. Elections were thus held under extreme political tension, with Unita leader Jonas Savimbi stating openly that he would not accept elections results if he lost. When initial election results showed the MPLA was winning, Unita returned to war.

Cambodia

After the Khmer Rouge seized power in 1975, Cambodia experienced 42 months of bloody rule in which a fifth of the population died. In 1978 the Vietnamese defeated the Khmer Rouge and installed a new government. Civil war engulfed the country as the remaining Khmer Rouge continued their resistance and a new monarchist coalition, the Unified National Front for an Independent, Peaceful, and Cooperative Cambodia (Funcinpec), came into existence. In 1991, a peace agreement was finally signed in Paris.

Because Cambodia had been devastated by the Khmer Rouge first and then by the war, the UN played a much broader role in Cambodia than in any of the other countries under discussion. It virtually administered the country until the elections.

Organizing the elections was a major logistical undertaking, given the destruction of infrastructure and the large-scale displacement of the population. The complete absence of a democratic tradition made free elections even more difficult. Furthermore, demobilization failed. The Khmer Rouge refused to allow UNTAC in the areas it controlled, and it demobilized no troops. The government army, estimated by the UN to number about 130,000, demobilized only 42,000 men. Many of them remained in village militias. Funcinpec and other groups demobilized only token numbers. Yet despite these and other problems that

forced a postponement, the elections were held successfully in May 1993. A coup in 1997 overturned the results, killing or exiling Funcinpec leaders.

El Salvador

An endemic conflict between a socialist-oriented insurgency and a military counterinsurgency escalated into civil war during the 1980s. The war pitted the leftist Frente Farabundo Martí para la Liberación Nacional (FMLN) against right-wing death squads. The turmoil caused 75,000 deaths, displaced half a million people internally, and caused 250,000 others to flee the country. Paradoxically, elections also played an important role in this period, with the centrist Christian Democratic Party and the rightist Arena being the most important contenders.

A peace agreement was signed in January 1992, but elections were not held until March 1994. The interim allowed for a successful demobilization of combatants and allowed the FMLN to start transforming itself from a guerrilla movement into a political party. Held in a climate of "institutionalized distrust," the elections were nevertheless peaceful.

Ethiopia

A three-month war between the leftist regime of Mengistu Haile Mariam and a number of ethnic-based liberation movements ended in May 1991 with the routing of Mengistu. The victors, the most dominant among them the Tigrean People's Liberation Front (TPLF), established a government of national unity, then organized local and regional elections for June 1992. The coalition functioned under extreme tension because of rivalry among the different factions, in particular between the TPLF and another movement, the Oromo Liberation Front..

The tension marred election preparations. Institutions functioned poorly, and the cantonment of rival troops was partial at best. Lack of experience in competitive elections and limited international involvement compounded the situation. Irregularities occurred in the registration of voters, and the opposition parties were often prevented from registering their candidates. These factors helped cause the Oromo Liberation Front to withdraw from the elections on the eve of the balloting and to decamp its troops. Elections went ahead anyway, but they were not competitive multiparty elections.

Mozambique

War between the ruling Marxist–Leninist Frente de Liberação de Moçambique (Frelimo) and the insurgent South Africa–backed Resistencia Nacional Moçambicana (Renamo) came to an end with an agreement negotiated in October 1992 with much international support. The international community played a central role in the Mozambican elections, as it did in running the country (it financed 60 percent of Mozambique's national budget).

In the wake of the Angolan disaster, the international community was determined to keep Mozambican elections from failing. It financed and supervised the demobilization of combatants and the preparation of elections. It even set up trust funds to help Renamo

transform itself from an armed group into a political party and to help other political parties establish themselves. The international community also battled all along the political apathy of the two sides to make the agreement work. Despite delays in the demobilization process, leading to a postponement of elections until October 1994, international involvement allowed obstacles to be overcome.

Nicaragua

Resistance to the leftist Sandinista regime in Nicaragua grew during the 1980s, and war between the government and the U.S.–supported Nicaraguan resistance—the contras—escalated, displacing over 15 percent of the population. Elections in 1984, deemed neither free nor fair, brought no change. A cease-fire was reached in 1988, and elections were held in February 1990. The international community played a central role in helping organize the elections, monitoring the vote, and finally convincing the defeated Sandinistas to accept election results. The contras were not demobilized before the elections but, politically marginalized, they neither disrupted the process nor were a factor in the outcome.

Conduct and Outcome of the Elections

All post-conflict elections largely followed a similar pattern: the parties to the conflict entered into a peace agreement, which included a commitment to multiparty elections; electoral institutions were organized; an attempt was made to demobilize or at least encamp the armed groups, including the government army; laws concerning elections, political parties, and the media were enacted or amended; voters and then candidates were registered; elections were held. The international community provided major support for these tasks. Despite these similarities, the conduct of elections and their outcomes varied significantly among countries.

Initiative for the Elections

Initiative for elections came from both internal and external pressure. Externally, the demise of the Soviet Union created pressure to move toward elections. Major donor countries made it clear they supported elections. In Central America, furthermore, a regional momentum existed to end all conflicts and move toward democracy. Internally, support for the elections came from organizations of civil society committed to democracy and human rights. It came too from opposition parties hoping to gain power and from incumbent governments that saw no other way out of the conflict. Not all organizations that supported elections were committed to democracy; some only saw elections as a means of gaining power. Indeed, the parties that lost elections usually resisted accepting the outcome initially, leveling accusations of fraud.

In most cases, the election date was unrealistic, leaving insufficient time for preparations and also for further negotiations aimed at consolidating the peace. The short preparation time in Angola and Ethiopia contributed to the elections' shortcomings. El Salvador, which held very successful elections, had the longest preparation time. Opposition parties usually demanded early elections, but the international community contributed to the problem by providing logistical support that allowed a shortened preparation time.

Design and Planning of Elections

All six elections were held under extremely difficult logistical and political conditions. International assistance solved most of the logistical problems, producing election that were technically acceptable, although not problem free. These logistical feats made possible elections that would have otherwise been prevented by political conflict. But the international community could not solve the underlying political problems. This led to renewed conflict in Angola, a political deadlock in Ethiopia, and an unorthodox political compromise—a system with two prime ministers that collapsed in 1997—in Cambodia.

Electoral institutions were superficially similar in all countries. Each had a national election commission composed of representatives of major parties and of technocrats. Each had similarly composed regional and district councils, and polling station officials assisted (and kept under surveillance) by party representatives.

Neutrality was better ensured by reciprocal controls by party representatives than by the professionalism of technocrats. The most serious violations occurred when electoral institutions failed to include representatives of all parties. That was the case in Ethiopia at the provincial and, more serious, local level.

With the exception of Ethiopia, which only conducted regional and local elections in 1992, all countries chose to elect the parliament on a system of proportional representation. Angola, El Salvador, Mozambique, and Nicaragua also held presidential elections. Cambodia opted for a parliamentary system.

Proportional representation encouraged the formation of many parties, as expected. However, only the major parties that had been involved in the conflict received a significant number of votes. Thus, proportional representation did not change the nature of the contest in the short run.

Parliamentary systems are considered to be more conducive to power sharing than presidential ones. Indeed, Cambodia, with a parliamentary system, devised an unusual power-sharing system with two prime ministers after the elections. But Nicaragua, with a presidential system, also introduced an important measure of power sharing when the defeated Sandinistas were given the important defense portfolio and were thus put in charge of demobilizing the contras. This probably avoided a crisis.

Problems in Election Preparation

Three kinds of problems were encountered in election preparation:

Logistical problems, which might have been insurmountable for the national government, but were solved in an impressive fashion by the UN, bilateral donor agencies, and international nongovernmental organizations.

Procedural issues with political implications—for example, registering voters, legalizing political parties, training polling station officials—that were often open to technical solutions with the help of the experienced election organizers.

Political conflict among parties, which was not open to a technological solution and

often proved intractable. The incomplete demobilization of competing armies exemplifies such intractability. International support and expertise could not make up for the lack of political will. Incomplete demobilization contributed to resumption of hostilities after the elections in Angola, Ethiopia, and eventually Cambodia.

A Technical Success

Compared with the problems encountered in the preparation period, the elections themselves were largely uneventful. Voter participation was high everywhere, ranging from 85 percent in Nicaragua to 92 percent in El Salvador. Familiar forms of fraud such as buying votes and stuffing ballot boxes appear to have been rare. All six countries encountered violence and intimidation in the weeks and months preceding the elections but very little during the voting. This has implications for the optimum international monitoring of post-conflict elections—it suggests the international community should center its efforts less on election day and more on an ongoing assessment of the preparations.

From a technical point of view, the elections were a success. With the exception of the Ethiopian elections, which were not officially certified by the international observers, all elections were accepted as "free and fair" by the international community, despite many irregularities.

The political outcome was more mixed. Except in El Salvador, the losers were initially unwilling to accept the election results. The major parties, when defeated, at first claimed fraud. International pressure, however, prevailed on all parties to accept results in most cases. In Mozambique, for example, Renamo sensed defeat and threatened to pull out of the electoral process on the eve of the voting. In the end, though, strong diplomatic pressure and an extra $1 million contribution to the Renamo trust fund persuaded its leaders to participate. In Angola, by contrast, Unita utterly refused to accept defeat. Its leader, Jonas Savimbi, expected from the outset to win the elections. He declared repeatedly that only massive fraud could deprive him of victory. He returned to war when election returns showed that the MPLA had won.

The elections in El Salvador and Nicaragua succeeded politically. The outcome was accepted by the opposition, and democratically elected governments were formed. In Nicaragua the new government made concessions to its erstwhile adversaries: it signed a "protocol of transition" and appointed a Sandinista as head of the armed forces to oversee demobilization of the contras. Such measures alleviated the Sandinistas' security concerns and contributed to their surrendering political power.

By contrast, the elections in Angola and Ethiopia ended in renewed conflict. Angola precipitated a return to civil war. In Ethiopia the most important opposition parties, including the Oromo Liberation Front, pulled out of the process a few days before the elections because of their frustration with government recalcitrance. The elections thus consolidated the power of the Ethiopian People's Revolutionary Democratic Front as a de facto single party, which was tightly controlled by the Tigrean People's Liberation Front. That left the country with neither a power-sharing government nor a loyal opposition.

Elections in Mozambique and Cambodia require a more nuanced evaluation. In

Mozambique the formal political outcome of the elections was positive. However, the degree of intervention by the international community, the dependence of Renamo on foreign funding, and the intense pressure that had to be exercised by the international community to keep the election process on target—all these raise questions about the political will of Mozambican leaders and the technical capacity of Mozambican institutions to sustain democracy independently.

In Cambodia the outcome of the elections was exceedingly complex. Funcinpec won the largest number of seats and theoretically could have formed a coalition with smaller parties, leaving the former ruling party, the Cambodian People's Party, in the opposition. But the CPP controlled the civilian administration and the military, and it was not inclined to play the role of loyal opposition. A tense and dangerous impasse was resolved with the formation of a joint government by Funcinpec and CPP, characterized by the appointment of two prime ministers. The uneasy alliance finally collapsed in 1997, when the CPP again seized power. putting an end to the democratic experiment.

Table 1. Outcome of Elections			
Country	**"Free and fair" by International Observers**	**Losers' Reaction**	**New Government Formed According to Democratic Principles**
Angola	yes	reject and return to war	no
Cambodia	yes	negotiate power-sharing pact	?
El Salvador	yes	accept	yes
Ethiopia	no formal certification	opposition withdraws before elections, fighting	?
Mozambique	yes	accept, but election-eve crisis	yes
Nicaragua	yes	obtain concessions, then accept	yes

In conclusion, in all countries the political parties' commitment to a democratic transition remained weak in the immediate aftermath of the elections. The role of the international community was crucial in the early days in persuading all political parties to accept the election results, even when the vote counts did not live up to their expectations.

Consequences for Democratization and Reconciliation

Post-conflict elections are expected to contribute to both reconciliation and democratization. The two are intertwined. Without reconciliation (that is, the transformation of armed conflict into political contention) there can be no democracy.

Elections are only one of the many factors that affect reconciliation and democratization. Elections are events, whereas reconciliation and democratization are longer-term processes. Elections can make only one among many contributions to these processes. The common assumption is that the contribution will be positive. The case studies suggest that, unfortunately, elections can also have a negative impact. The most blatant case is that of Angola.

One measure of the success of post-conflict elections is whether they led to the formation of lasting democratic government institutions. The picture here is mixed. In El Salvador, Mozambique, and Nicaragua, the elected governments are still in power, and democratic institutions are becoming consolidated. In Ethiopia the 1992 local elections were followed by national elections, first for a constituent assembly and then for the parliament. Though marred by lack of genuine competition, these elections showed at least respect for the procedures of democracy. In Angola, despite the disastrous resumption of civil war, the parliament elected in the 1992 elections still functions. Unita deputies finally took their seats in early 1997, although war still continues. Cambodia presents the most discouraging picture. The elected government was overthrown in 1997, and there is no indication at present it can be reinstated or the democratic institutions revived.

In most cases, electoral institutions needed for the next elections have been allowed to weaken. Voter registries have not always been kept up to date, and little effort has been made to ensure that the experience gained by election officials (particularly polling station workers) would not be lost. Some countries will have to make a fresh start for future elections.

Another measure of the success of the elections in fostering democracy is whether the political parties and organizations of civil society formed in the election period survived. Again, the picture is mixed. The transformation of military movements into political parties has succeeded in El Salvador, Mozambique, and to an extent in Ethiopia. It has not in Angola and Cambodia. New political parties formed to contest the elections, on the other hand, have almost all disappeared. Some democracy-promoting nongovernmental organizations have survived in all countries, although most remain fragile, have little grass-roots support and are dependent on donor financing. Many have already disappeared. Finally, the independent press has generally survived after the elections, although it struggles financially in many countries. In Ethiopia, furthermore, journalists remain subject to constant harassment.

As for reconciliation, in the aftermath of post-conflict elections three countries (El Salvador, Mozambique, and Nicaragua) have made significant progress. The former warring groups have been more or less integrated into the emerging pluralistic democratic system. To capture political power, they continue to follow democratic means. In the two Central American countries, several factors contributed to this successful outcome. They include previous exposure, though limited, to democracy; absence of deep ethnic or geographic cleavages; genuine commitment to the peace process; and the positive influence of and pressure from other states in the region. In Mozambique, successful demobilization and reintegration of armies, heavy dependence on foreign assistance, war fatigue, and discontinuation of outside support to rebels were major contributing factors.

Reconciliation remains elusive in Angola, despite new negotiations and agreements. In Cambodia, the hope for reconciliation was dashed in early 1997. Ethiopia, finally, enjoys

peace but without reconciliation. Indeed, the 1992 elections led to a premature closing of the democratization process. Parties that were members of the transitional government before the elections stopped cooperating and even briefly went back to war. Several international attempts at reopening talks failed to achieve results. The intransigence of the ruling party and of the opposition alike has so far prevented a relaunching of the process of reconciliation and democratization.

In conclusion, the overall effects of post-conflict elections on reconciliation and democratization have been positive in some countries and mixed or even negative in others. El Salvador, Mozambique, and Nicaragua can be cited as successful examples. The other three countries present a less encouraging picture.

Factors Affecting the Elections and Their Political Outcome

Several factors and conditions affected the outcome of elections.

International involvement. Without continual pressure and persuasion from the international community, the march toward democratization and reconciliation would have been slowed, if not derailed. USAID and other donors were aware of the need for such involvement. Consequently, immediately after elections, they were quick to put in place a variety of programs to continue strengthening organizations of civil society and to help the new governmental institutions, such as parliaments, to work more smoothly. Equally crucial was the role of the international community in encouraging major parties to continue dialog and mutual adjustment.

Presence or absence of democratic traditions. Whether participatory social institutions existed was particularly relevant. Such institutions include local political units, voluntary associations, a relatively independent media, previous competitive elections, and an emerging middle class economically independent of the state. The two Central American countries, which had some limited experience with democracy, are making satisfactory progress toward democratization and reconciliation. The remaining four states had no democratic tradition at all and little tradition of free participation in democratically organized voluntary associations. In all these countries progress toward democratization has been halting, and many authoritarian tendencies are still evident.

Ethnic cleavages. Significant ethnic cleavages existed in at least four countries, and they affected elections and consequent political developments. In Ethiopia virtually all political organizations were constructed along ethnic lines. In Angola the MPLA and Unita had different ethnic constituencies, although neither movement could be considered to be strictly ethnic. The situation was similar in Mozambique. The role and power of ethnic Vietnamese was a major issue dividing the parties in Cambodia. Although there were some ethnic tensions in Central America, these were less important than the other cleavages that existed. Ethnic cleavages do not appear to prevent completely democratization and reconciliation, but they do make both processes more difficult.

Economic growth. The expectation that democratic stability would promote economic growth, and thus alleviate poverty and economic stagnation, helped the democratization process. Moreover, the leaders who came into power after elections were fully aware that

future international assistance depended largely on their adherence to essential democratic norms.

Demobilizing and reintegrating armies. These post-conflict elections show that significant progress toward demobilization and reintegration of the opposing forces is paramount to the success of elections and even more to a lasting process of democratization. All countries where demobilization was incomplete (Angola,Cambodia, and Ethiopia) experienced renewed fighting either immediately after the elections or later.

Continuing dialog and negotiations. All post-conflict elections were preceded by negotiations and a peace agreement—this is what made the elections possible in the first place. But between the signing of the peace agreement and the holding of elections, countries differed widely in the extent to which open channels were maintained among the major parties. In Angola contacts between Unita and the MPLA appear to have been minimal and formal; thus, the mutual distrust was not lessened in any way. By contrast, opposition parties constantly negotiated with the ruling party in Nicaragua to resolve mutual disagreements and to deal with potential conflict. They were therefore in a position to strike a mutually satisfactory bargain after the elections.

International Electoral Assistance

International assistance was broadly divided into three categories: technical and logistical assistance, political assistance, and financial assistance.

Technical and logistical assistance aimed to solve organizational problems. It included helping set up and providing technical support to electoral institutions, training polling station officials, and transporting election material around the country. In some cases, as in Mozambique, the international community did most of the work in these areas. In countries with a stronger administrative structure, the international community assisted domestic institutions. All cases revealed the considerable technical expertise of international organizations and nongovernmental organizations in organizing elections. In Angola and Cambodia, in particular, the international community accomplished remarkable logistical feats.

Assistance to improve the political context included, in general, training political party officials, promoting civic education, and strengthening prodemocracy nongovernmental organizations. In particular those capable of supplying monitors for the elections. In some cases it involved promoting further negotiations among rival parties to solve conflicts that arose during the preparation of elections. Some of the countries that most needed improvement in the political climate received very little assistance in this regard. In Angola and Cambodia, for example, demobilization and logistical problems absorbed most of the attention of the international community. Political tasks fell to second priority. Similarly, the short time frame given for election preparation also caused the international community to concentrate their efforts on technical tasks. It is understandable why this happened, but it is also unfortunate.

Financial assistance. The transitional elections were very expensive, with much of the cost defrayed by the international community. The cost for Cambodia has been estimated at $2 billion—including the cost of the UN mission. In Mozambique the cost of the elections

alone has been estimated at $85 million, with larger amounts spent on the UN mission and demobilization. The Angolan transition was probably cheaper up to the time of the elections, because the UN mission was kept small and the process lasted only 16 months. The failure of the elections, however, produced further high costs for the international community (and of course to Angolans). The UN mission was still operating in Angola in early 1997. This suggests that in evaluating whether the costs of elections are too high, the cost of failure should also be considered.

Post-conflict elections in war-torn countries will always be expensive, but some of the costs were probably too high and established unrealistic expectations and standards for the future. Polling-station officials were in some cases paid salaries that were extraordinarily high in relation to the country's per capita income. And air transport was used frequently to expedite the process. Such expenditure levels can create a dangerous precedent.

The United States contributed significantly to all aspects of these transitions. It was involved to some degree with the negotiations of the peace agreements in all cases and later supported the election effort through international and nongovernmental organizations. A major component of bilateral U.S. electoral assistance in all countries was support for what can broadly be defined as civil society. Through organizations such as the National Democratic Institute, International Republican Institute, and International Foundation for Electoral Systems, USAID promoted voter and, more broadly, civic education. It also provided training for personnel of local human rights and democracy organizations, political party officials, and election monitors. When the situation allowed, these activities continued after the elections. They became part of a sustained effort at promoting democracy.

These issues arise with regard to international electoral assistance:

Time. In most cases, not enough time was allocated to organizing the elections. Although the international community did not always decide the timing, it did contribute to the problem by its willingness to compress election preparations into a short time frame. In Angola, for example, the date of September 29–30, 1992, was chosen during negotiations at the insistence of Unita. But no elections would have taken place at that time without the international community's logistical support and its disregard for political conditions.

Political intervention. Assistance aimed at improving the political context had to tread a fine line between promoting democracy and promoting particular political parties. In Mozambique, for example, the international community set up a trust fund to finance the transformation of Renamo from a guerrilla movement into a political party. It was argued that there could be no credible elections if Renamo did not make the transition.

For the same reason, the international community provided support in Nicaragua not only to prodemocracy organizations but also to the National Opposition Union. (The UNO was a broad-based coalition of 14 parties, united only in their opposition to the Sandinistas.) Under the circumstances, this assistance was justified.

Countries in which a democratic transition is more problematic (because of chaos reigning in the country, or weakness of opposition parties owing to earlier repression, or control by previous single parties over all government resources) are also the ones where

prodemocracy programs more easily acquire partisan overtones. Donors need to establish clear criteria on the more political forms of assistance.

Sustainability. The far-reaching role of the international community raises a question long familiar to agencies involved in economic development programs, that of sustainability. Is the political development represented by these elections sustainable? There are reasons for concern. Many of the country studies point with alarm to the disappearance of electoral institutions funded at great expense for the post-conflict elections.

It is also unclear whether civil society organizations that were fostered by the international community during post-conflict elections can become self-supporting in a reasonable time. This relates not only to the many nongovernmental organizations that carry out civic education (and draw their support exclusively from the international community) but to political parties as well.

The most difficult question concerns political sustainability. The more the success of elections was due to international intervention, the more fragile was the outcome. In post-conflict elections, the tendency by the international community has so far been to do whatever possible to make the elections a success. Unless sustainability is taken into account in designing programs, future elections may still require exorbitant amounts of international support—or be doomed to failure.

Lessons, and Recommendations for Donors

The six evaluations yielded a number of lessons leading to recommendations for assistance in the future. The following are key.

☞ *International electoral assistance is essential.* Case studies indicate that without substantial international assistance, elections would not have materialized in Angola, Cambodia, and Mozambique, and they would have been less credible in El Salvador and Nicaragua. The Ethiopian elections, which saw the lowest level of international involvement, were also the least credible of the six.

In a climate of deep mutual distrust and antagonism, the international presence helped prevent gross irregularities and widespread fraud. It strengthened the legitimacy of nascent democratic groups and provided a reasonable assessment of the situation to others in the international community. However, in countries where one of the major parties lacked the will to abide by election results, international monitoring was ineffective (as in Angola) or even served to lend legitimacy to uncompetitive elections (as in Ethiopia).

In addition to direct assistance, the international community played a vital though less visible interventionist role. Diplomats, donor agency staff, and technical experts constantly mediated between major contestants, exerted subtle and not-so-subtle pressure for ensuring "free and fair" elections, and in many cases persuaded major contestants to accept the voters' verdict. For example, without intense international pressure, it is doubtful the Sandinistas in Nicaragua or the Cambodian People's Party in Cambodia would have accepted the election outcome. Diplomatic interventions were as essential as the direct assistance.

Recommendation: In cooperation with other international agencies, continue to provide economic and technical assistance for post-conflict elections to promote peace and democracy in war-torn societies. It should also step up efforts to promote dialog and reconciliation among the parties.

☞ *Three measures can reduce the divisive effects of post-conflict elections.* In practically all case-study countries, political parties appealed to parochial loyalties to gain votes. There is little doubt that in many instances elections left a bitter legacy, aggravating existing tensions and cleavages.

Case studies point to three measures that can reduce the divisive effects of political contestation. First, the experience of Nicaragua and Mozambique suggests that constant discussions, consultations, and negotiations between leaders and representatives of rival parties during the planning and conduct of elections tend to promote a better understanding and appreciation of the opponent's perspective and can resolve many differences. Negotiations on election rules and practices are particularly important to reinforce commitment to elections and acceptance of their results by all parties. Postelection power sharing is another issue that should be the object of preelection negotiations. Whenever possible, parties should be encouraged to enter into discussions concerning longer term policy issues.

Second, developing and enforcing a comprehensive code of conduct produces positive results. Formulating such a code involves a sustained dialog among rival political leaders. That results in a broad consensus on complex and controversial issues that may surface later in elections.

Third, civic- and voter-education programs, when efficiently and effectively organized before elections, can help create a positive atmosphere.

Recommendation: While planning elections, formulate appropriate strategies to prevent and control the divisive effects of political contestation. Such strategies may involve 1) promoting an ongoing dialog between rival political parties to plan and manage elections, 2) developing a code of conduct for political parties, and 3) designing and implementing extensive civic and voter education programs, starting before elections and continuing in their aftermath.

☞ *Stringent time frames have adverse consequences.* Elections need adequate time for planning and execution. In Angola, Cambodia, Ethiopia, and Mozambique, the original timetables for holding elections were based on unrealistic assumptions. The planners underestimated the obstacles created by deficient transportation and communication systems, the government's limited capacity, difficulties in donor coordination, and above all, the lack of political will.

Demobilization could not be completed in several countries; voter education programs could not be carried out effectively or could not be initiated at all; sustainability issues were not addressed because experts were under more pressure to meet unrealistic deadlines than to build institutions and infrastructures that could be used in the future; the overall cost of elections was inflated by reliance on air transport; and the postponement of elections made necessary by unrealistic schedules created further confusion and misunderstandings.

Although stringent time schedules are counterproductive, flexibility must not become an excuse for inaction. A longer timetable needs to include realistic target dates to complete specific tasks, and donors must pressure parties to move forward.

Recommendation: Budget adequate time for planning and conducting elections. The time frame should be based on an in-depth assessment of the existing situation and not on unrealistic political expectations; it should include intermediate target dates. Flexibility should be built into the election calendar to deal with unexpected problems or seize fresh opportunities but must not be allowed to become an excuse for inaction.

In the zero-sum game of international assistance, post-conflict elections are costly and come at the expense of other activities that promote development and democracy. Moreover, it is doubtful that in an environment of ever shrinking budgets for international assistance, considerable resources will be available for promoting reconciliation elections in the future.

Several measures can reduce the overall costs of elections. First, a reasonable and flexible time frame can result in appreciable economies. Second, election procedures can be designed in line with the country's financial capacity. Third, greater use of local manpower and expertise can save resources; when indigenous experts are not available, donors can try recruiting them from neighboring countries. And fourth, donors can improve their coordination and division of labor. For
example, instead of many countries and organizations sending their own "observers" to monitor an election, a few may, by common consent, be entrusted with the responsibility.

Recommendation: Take the lead in examining the cost-effectiveness of reconciliation elections and suggesting ways to reduce their overall costs without sacrificing efficiency and effectiveness. The goal is to create electoral mechanisms the national governments will be able to support by themselves in the medium term.

☞   *The construct of "free and fair" elections needs revisiting.* Most international observer missions have become increasingly sophisticated in evaluating elections and in issuing nuanced reports that assess both progress made and continuing problems and that take into consideration the perceptions of the major parties and the general population. However, both the political pressures under which the international organizations and foreign governments operate and the reporting by the media often give the impression that elections are simply judged as "free and fair" or "not free and fair." Such assessments have little discriminatory value.

Recommendations: First, continue efforts to ensure that all international and domestic observers rely on the same professional criteria in judging elections. Second, broaden efforts to increase the media's sophistication in reporting about elections. Third, when there is no choice but to accept flawed elections to prevent more violence, acknowledge the flaws lest the credibility of the electoral process be undermined in the eyes of the citizens.

☞   *Promoting democracy is a long-term endeavor.* The experience of all countries studied indicates that democratization requires continual reconciliation efforts among the former warring parties, reform of the security forces, rebuilding of law-enforcement agencies and the judiciary, observance of human rights, strengthening of civil society, and rapid economic

development alleviating poverty and unemployment.

Recommendation: Accompany assistance for post-conflict elections with a long-term strategy to nurture democratization and economic development, and with a firm commitment of resources.

☞ *Certain preconditions are essential for the success of post-conflict elections.* Poor conditions do not necessarily make it impossible to hold elections, but they greatly reduce the chances for lasting results. The following preconditions are crucial:

- Existence of a state capable of performing the essential functions expected of it. To some extent, international assistance can make up for the weakness of the state, as happened in Cambodia and Mozambique, but this is extremely costly.

- A working consensus among former warring parties about the structure and functioning of the government and relations between national and subnational units. If there is no such consensus, it is unlikely the losers will accept election results. International assistance cannot make up for an absence of consensus.

- A demonstrable political commitment on the part of the major conflicting parties to carry out the agreed-on peace accord. In theory, the international community could make up for the lack of commitment by creating strong peace-enforcing mechanisms. The cost of such undertaking, though, makes such solution unlikely.

- Significant progress toward demobilization and reintegration of ex-combatants. Here, too, strong international peace-enforcing mechanism could in theory be a substitute, but probably not in practice.

Recommendation: Provide technical and material support for elections only if 1) there exists a functioning state; 2) major political parties agree about relationships between national and subnational units and about structure and functions of government; 3) warring parties demonstrate a commitment to implement a peace accord; and 4) significant progress has been made in demobilizing and integrating armies belonging to conflicting parties.

☞ *There are interim alternatives to early elections.* In countries where preconditions for elections are not met and elections thus entail a high risk of failure, interim alternatives to elections need to be considered. Such alternatives would need to satisfy a number of requirements:

1. They entail less risk of return to conflict or consolidation of authoritarian regimes than early elections held under unfavorable conditions.

2. They help consolidate the peace agreement and create interim mechanisms for governing the country until elections are held.

3. They are sufficiently low cost to be sustainable. This rules out the possibility of a de facto international trusteeship.

4. They have as the end point the holding of free and fair competitive elections. The time required to get to elections will undoubtedly vary from country to country.

The countries studied offer some indications of measures that could serve as interim alternatives to early elections. They indicate, for example, that the countries with the most successful elections were also the ones in which a continuing process of negotiations took place in the interim between the original peace agreement and the elections. Such process helped solve specific problems and develop consensus on basic issues. It also consolidated the peace agreement as the parties learned to work with one another even before the elections. This suggests that one interim alternative to early elections may be to continue negotiations on a broader range of issues than those reached in the peace agreement.

South Africa offers an example of the importance of lengthy negotiations in a successful transition under unfavorable circumstance. That country took four years to get to its post-conflict elections. There were three interim alternatives to early elections. The first were all-party negotiations, which brought about agreement on a new constitution and on the necessity to form a government of national reconciliation. The second was the establishment of peace committees. The third was creation of multiparty "transitional executive councils" to supervise certain governmental functions.

Circumstances vary from country to country. Efforts to consolidate peace and generate a consensus that will eventually allow elections should be adapted to each country's most urgent needs. But in all cases transitional institutions need to initiate programs of political liberalization and economic reconstruction.

Recommendation: In cooperation with the State Department and bilateral and multilateral agencies, explore alternatives to early elections in extremely polarized societies (such as Burundi, Somalia, or the Congo) for an interim period. During this time peace can be consolidated, essential state institutions can be rebuilt, and a climate for democratic contestation created.

Scientific Cooperation and Peace Building:
A Case Study of USAID's Middle East Regional Cooperation Program

by Krishna Kumar
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U.S. Agency for International Development
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Policy makers view scientific research as a universal enterprise with a common language and methodology that transcend national boundaries. They regard the joint pursuit of science, technology, and knowledge as inevitably and inexorably creating an intellectual climate and institutional structures conducive to peace and cooperation. These were the underlying premises of USAID's Middle East Regional Cooperation Program (MERC), launched in the aftermath of the Camp David Peace Accords of 1978 to support scientific and technical cooperation between Israel and its Arab neighbors. Congress, in funding the program, assumed it would advance the normalization of relations between Israel and Egypt, as well as promote peaceful relations where hostilities continued between Israel and other Arab states.

The Center for Development Information and Evaluation's (CDIE) recent assessment of the MERC Program,"Scientific Cooperation and Peace Building: A Case Study of USAID's Middle East Regional Cooperation Program," critically examines some of these premises to determine their validity. The report studies scientific cooperation between Israel and the Arab states, primarily Egypt, reviews various modalities of cooperation and considers their implications for peace building. This paper is drawn, in part, from that report. It raises, and seeks to answer, three questions. Did scientific cooperation contribute to peace building between the two countries? If so, how did it contribute? What lessons can be drawn from the MERC experience about the employment of scientific cooperation programs in peace-building efforts elsewhere?

The MERC Program

The Camp David Peace Accords paved the way for scientific and economic cooperation between Egypt and Israel. The accords were a watershed in Israeli–Arab relations. It was the first time that an Arab state had agreed to Israeli preferences for a bilateral, as opposed to multilateral, peace process. The peace-time accords offered recognition of Israeli sovereignty by Egypt in exchange for Israel's return of the Sinai Desert to Egypt. As envisioned by the accords' supporters, both Israel and Egypt would enjoy the fruits of peace, as normalization of relations generated bilateral trade agreements, joint research, transfers of technologies, cultural exchanges, and an exchange of ambassadors.

The U.S. Congress established the Middle East Regional Cooperation (MERC) program soon after ratification of the accords. Congressman Henry Waxman (D-CA), a member of the Subcommittee on Europe and the Middle East, sponsored an amendment to the 1979 Foreign Assistance Bill. The amendment set aside $5 million of the USAID budget for activities to promote Israeli–Arab cooperation. Congress assumed it was giving peace a modest, but important, push in the right direction. Since MERC's inception in 1979, the U.S. Congress has continued to earmark funds for it—$5 million a year until 1990 and $7 million a year thereafter. USAID administers these funds in the form of direct grants. Scientists and research institutions submit project proposals to USAID for review and selection. U.S. intermediary institutions and participating Middle East research institutions administer the individual projects, allocating resources and providing direction and guidance to Middle Eastern participants.

Over the years, the USAID/Washington office managing the MERC program has refined project selection criteria to reflect the changing situation in the Middle East. The original criteria emphasized development of the scientific infrastructure in participating states. Revised guidelines put more stress on fostering collaborative research efforts through regional networks of participating scientists and institutions and developing local institutional capacity. New projects work in greater concert with the demands of regional economic development and the objectives of the peace process.

MERC has supported a wide range of cooperative scientific and technical projects. While some projects focus exclusively on scientific research, most also have training and institution-building components. Some provide technical assistance like traditional USAID projects. The majority of early projects involved scientists from Egypt, Israel, and the United States; after Oslo I, other Middle Eastern countries, including the Palestine Authority, have participated as well.

As the data in Table 1 indicates, the agricultural sector, followed by the mariculture and health sectors, received the major share of funds. Out of $73 million, more than $29 million have gone to agriculture, accounting for about 40 percent of allocated resources. If mariculture and livestock projects are included in the agricultural sector, the percentage rises to nearly 60. During the past few years, MERC has started diversifying its grants. It has funded projects in the environmental sector, water resources, and direct institutional peace building.

Initially, the projects were large. Agriculture or mariculture projects, with multiple sub-projects or phases, received millions of dollars in MERC funding. For instance, Phase I of the cooperative marine technology program received $6,933,000 and the first cooperative arid lands agriculture project $6,362,000. Recent projects in resource management, environment, health, and water tend to be much smaller in scope and size. Examples include the international coral reef conference funded at $128,000 and the elimination of childhood lead poisoning at $189,000.

The MERC Program and Peace Building

Although USAID has studied and evaluated the scientific and economic impacts of individual projects, no attempt has been made, to date, to directly examine the effects of the MERC program on peace building, presumably for two reasons. First, it was

3

Table 1. List of MERC Projects

Name of Project	0158	Amt (000)	DATES		Sector
			Autho.	PACD	
Cooperative Marine Technology - I/II	.01	6,933	8/80	9/86	M
Cooperative Arid Lands Agriculture - I/II	.03	6,362	5/90	3/95	A
Tri-national Agricultural Technical Exchange and Coop	.05	3,686	7/84	7/91	A
Cooperative Marine Technology - III	.08	6,362	8/85	4/93	M
Vector Borne Diseases	.13	5,538	7/89	6/93	H
Integrated Agro-Industrial Development - Maryut I	.14	2,655	6/89	11/92	A
Tri-national Nubaseed Development	.17	3,439	12/88	9/93	A
Regional Infectious Disease Research -NAS/IOM	.18	4,293	9/89	9/96	H
Tri-national Animal Health Research	.21	3,403	7/90	6/95	L
Wastewater Reuse-Shared Mountain Aquifer	.24	1,010	7/90	5/93	E
Cooperative Marine Technology - IV	.26	2,964	10/92	3/97	M
Integrated Agroindustrial Development - Maryut II	.27	5,964	8/92	7/97	A
Morocco Cooperative Agricultural Development II	.28	4,599	9/92	6/97	A
Tropical Disease Research -NIH/NIAID	.34	3,000	9/93	9/97	H
Crop Devastation by Parasitic Weeds	.35	3,000	9/93	9/97	A
Saltwater Intrusion Monitoring	.36	423	7/94	2/97	E
Wastewater Reuse-Shared Mountain Aquifer	.37	847	7/94	12/97	E
Jordan/Israel/West Bank Arthropod Control	.38	2,754	7/94	9/00	H
Education for Peace	.41	433	9/95	9/97	D
Regional Environmental Network-EcoPeace	.42	492	9/95	3/97	D
Regional Water Data Banks	.43	1,100	8/95	8/98	E
Aqaba Regional Marine Peace Park	.44	150	8/96	9/97	E
Dead Sea Transboundry Park	.46	150	9/95	9/97	E
Animal Disease and Zoonoses Control	.47	2,307	5/97	5/00	L
Elimination of Childhood Lead Poisoning	.48	189	5/97	5/99	H
Neoplastic & Immunosuppressive Poultry Diseases	.49	1,189	5/97	5/00	L
International Coral Reef Initiative Conference	.51	128	5/97	5/98	E
Dead Sea Rift in Jordan and Israel	.52	197	5/97	5/98	E
TOTAL		**73,567**			

A-Agriculture D-Democratization E-Environment H-Health L-Livestock M-Mariculture r:\fy1997\evaluation

considered unwise to gather systematic information on this subject, lest it give the impression to participating scientists and their institutions in the Middle East that a primary purpose of the program is political. Second, the effects of the program on peace tend to be difficult to conceptualize, much less put into operation.

The evaluation team discussed this subject extensively with participating scientists, administrators, and scholars during its trip to the Middle East. Open-ended discussions indicated that while the MERC program does make a contribution, its effects are modest. By creating and facilitating contacts at the individual and institutional levels, the program has helped strengthen constituencies for peace.

Positive Images and Perceptions

The Israeli and Egyptian scientists who came into contact with each other in MERC projects were clearly affected by the experience. Initial encounters, which began with considerable hesitation, if not overt hostility, blossomed, in many cases, into close professional and then personal relationships. Many of the researchers regularly contact their present and past counterparts, exchange gifts, arrange for family visits and phone each other after unpleasant political incidents.

Such relationships have helped dissipate long-held stereotypes, negative images, and perceptions of peoples from the antagonistic countries. For most Israeli or Egyptian scientists, MERC conferences or workshops constituted the first chance to meet one another in a peaceful environment. A recurrent theme in the team's interviews was that the contacts drastically changed negative images of the ?other," first of colleagues, and later of their compatriots. Many scientists and technical counterparts found they had the same yearning for peace and coexistence. The scientists were acutely aware of the need for consolidating peace in the Middle East.

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Transformation of Stereotypes

Israelis saw us as terrorists, and we invariably saw them as oppressors who have taken our lands and continue to deny us our legitimate rights. But our gradual engagement eroded these stereotypes. When I gave a lecture at [an Israeli] university, the hall was packed to the full. My lecture was attended by professors, scientists, students and senior university officials.

—A Palestinian Scientist

As one who participated in all three wars with Arabs, I must confess that I see them differently than I did in the past. My contacts with Egyptian scientists have changed my whole thinking. They are nice, friendly people who want peace as much as we do. I hope that our leaders realize that.

—An Israeli Agricultural Specialist

</div>

Despite their concern for peace, there is little evidence that the scientists had a direct influence on the foreign policies of their governments. An overwhelming majority of the scientists

interviewed defined their mission as doing science and not peace. As a result, they had little or no involvement in politics. Only a few played any advocacy role to promote peace in the region. And fewer still were asked by their governments to give policy advice on foreign affairs. Thus their influence on foreign policies seems to be marginal.

**Promoting Institutional Cooperation**

Second, and more important, the MERC projects promoted cooperation between Egyptian and Israeli institutions. Two features of this cooperation with implications for peace building include:

Evolution from Indirect to Direct Cooperation. No direct scientific cooperation existed between Israel and Egypt before the MERC program. The very notion of such cooperation was considered ?unrealistic," if not politically dangerous. In Egypt, public sentiment was against it, many professional organizations and syndicates were opposed to it, and the universities did not favor it. In Israel, mainstream scientific communities were skeptical of the prospects for meaningful scientific interactions with Egypt. The Israeli government was indifferent, though not hostile. In such circumstances, cooperative projects were a path-breaking institutional innovation.

It is telling that Egyptian and Israeli institutions did not sign formal bilateral or even trilateral (including the United States) cooperative agreements for early MERC projects. Rather Egyptian and Israeli institutions entered into separate agreements with the same U.S. institutions. Cooperation between the participating organizations of the two countries was mediated through the U.S. intermediary institutions, as indicated in Figure 1.

US Institution

Figure 1

Egyptian
Institution   Israeli
Institution
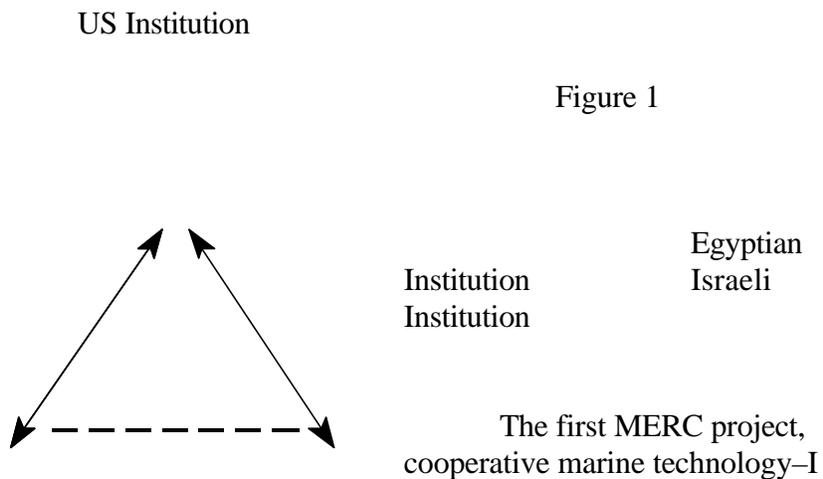
The first MERC project, cooperative marine technology–I (CMT–I) provides a good example. In this project , two separate agreements were signed: one between the New Jersey Marine Science Consortium (NJMSC) and the Oceanographic and Limnological Research Institute (IOLR) in Israel and the other between the NJMSC and the Egyptian National Institute of Oceanography and Fisheries. The meetings of the participating institutions were organized by the New Jersey consortium and were held in the United States or a third country acceptable to both Israelis and Egyptians. Often communications by Israelis and Egyptians were addressed to the U.S. institution, which then sent it to the participating institutions.

The first health project, epidemiology and control of arthropod-borne diseases, relied on the same type of arrangements. In the first era of the MERC program, only the cooperative arid land agricultural research program could be labeled a truly trilateral endeavor, as all parties signed the agreement.

In the highly volatile environment of the early 80s, such arrangements were often a political necessity to protect the participating scientists and their organizations from extremists, particularly in Egypt. They shielded scientists from possible political criticisms, and, indeed, from potential physical harm. For example, Egyptian scientists in CMT– I insisted they only had a bilateral agreement with a U.S. institution, and not a trilateral relationship that included Israeli institutions. When questioned by critics, they would argue that while they themselves did not favor institutional cooperation with Israel, they were not in a position to prevent U.S. institutions from entering into separate cooperative agreements with the Israelis.

The absence of formal agreements between Israelis and Egyptian institutions, however, did not pose major obstacles to institutional cooperation. Scientists from participating institutions could share their data and findings, attend workshops and meetings, and undertake collaborative research activities. Once the initial ice was broken and the political climate improved, there was less need for cooperating institutions to hide behind such informal arrangements between Israel and Egypt. They entered into trilateral (involving the United States) and multilateral (with or without United States) agreements as presented in Figures 2 and 3. A survey of current MERC projects shows that more than 50 organizational entities in Israel, the Arab states, and the United States are or have been involved in ongoing trilateral and multilateral cooperative relationships.

US Institutions   US Institutions   Institutions in other Arab States

Israeli
Institutions

Egyptian
Institutions

Israel
i Institutions
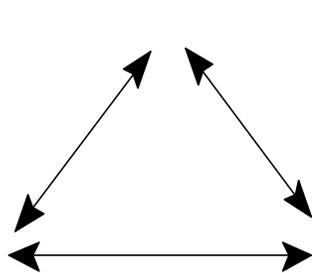
Egyptian

Institutions
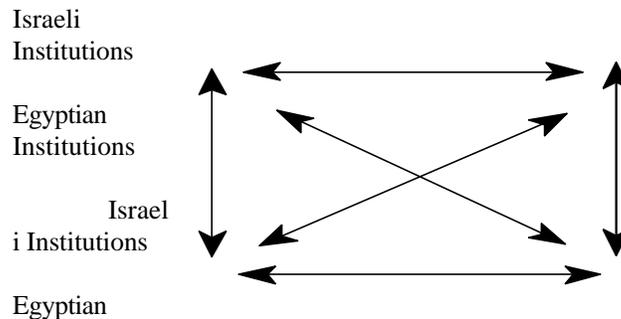
Figure 2

Figure 3

In their interviews with the CDIE field evaluation team, government officials, scientists, and other experts in Israel and Egypt indicated that, in the absence of MERC or a similar program with guaranteed funding and the U.S. imprimatur, scientific collaborative projects would not have materialized between their institutions. MERC grants provided an inducement to reluctant scientists and concerned institutions to enter into cooperative arrangements in spite of the obvious political risks and a hostile environment.

Institutionalization of Cooperation. Second, MERC projects helped institutionalize scientific cooperation activities, albeit on a small scale, between selected Israeli and Egyptian educational and research organizations. Because of ongoing and past MERC projects, these institutions now have established procedures, organizational structures, and more important, networks for collaborative pursuits. As a result, they do not depend as much on the U.S. intermediaries as they did in the past. For example, in the cooperative marine technology–IV project, the U.S. partner played a diminished intermediary role, and the lakes management subproject had no U.S. research partner. Moreover, they have been able to seek funds from other bilateral and multilateral donor agencies for their joint projects.

So far, the fruits of such institutionalization are most visible in the agricultural sector. Over the past few years, Israeli institutions established training programs for thousands of Egyptian farmers. Hundreds of farmers have visited agricultural fairs held in Israel. Institutional cooperation has facilitated an easy two-way flow in agricultural technology. Not surprisingly, trade in agriculture has also grown.

Routinization of Institutional Interactions

It was apparent to the evaluation team that not only was there a desire on the part of each and every participant to continue the collaborative relationship, but, in fact, many of the scientists had already taken steps to ensure that the collaborative efforts would continue into the future. Joint proposal planning sessions had occurred prior to the arrival of the team in the region...There is
great enthusiasm to develop this activity into an even more regional concept by endorsing the inclusion of other country participants in the follow-on activities.
<div align="center">—Final Evaluation Report, 1995</div>
<div align="center">Tri-national Animal Health Research</div>

The activities carried out by EcoPeace represent a substantial contribution to regional cooperation and collaboration. Almost without exception every activity was found to involve extensive collaboration between Israel and Arabs.
<div align="center">—Final Evaluation Report, 1996</div>
<div align="center">EcoPeace</div>

There are also indications that the MERC program is helping develop institutional infrastructures for scientific cooperation between Israel and other Middle Eastern countries. MERC's highly successful tri-national animal health research project (TAHRP) generated the 1996 formation of a Regional Veterinary Oversight Council (RVOC) with the chief veterinary officers of Egypt, Israel, Jordan and the Palestinian Authority. The council will initiate and coordinate regional veterinary projects. The MERC program also funded a nongovernmental organization

(NGO), EcoPeace, which has begun to play an important role in facilitating regional cooperation to solve environmental problems. The new generation of MERC projects have a greater regional focus.

Constituencies for Cooperation

Cooperation has enhanced the research capacities of all agricultural institutions and has generated a body of knowledge that is being utilized to increase agricultural production and productivity, benefitting farming populations. This has helped generate and nurse constituencies that have a stake in continuing agricultural cooperation between Israel and Egypt, thereby indirectly contributing to peace building.

In Egypt, strong constituencies for cooperation include: research institutions and scientists who participate in cooperative projects, business people involved in international trade of agricultural commodities and equipment, and progressive farmers interested in obtaining technology from Israel. The Egyptian Ministry of Agriculture, led by Deputy Prime Minister Youssef Walli and supported by these constituencies, has pursued its own agenda for cooperation, downplaying the concerns of the foreign policy establishment. In this regard, two eminent Israeli scholars have noted:

> Fifteen years of close agricultural cooperation...have made significant differences in the governmental relations between the two countries...Cooperation has created a stronghold of friendship with the Egyptian MOA and created at least one strong supporter of normalization between Israel and Egypt at the highest level of the Egyptian Cabinet. This is no small achievement.

In sum, despite the modest size of the MERC program, it has contributed to peace building on three levels. MERC projects have promoted individual contacts, albeit on a small scale, among scientists in the region. Initial contacts have produced professional and personal relationships, dissolving old stereotypes and reducing feelings of hostility. The MERC program has initiated and sustained important linkages between a number of universities and research institutions in Israel and Egypt. These institutions now take their own initiative in expanding regional cooperation. Finally, the scientific and economic benefits generated by MERC projects, particularly in the agricultural sector, have nurtured political constituencies.

Limitations of Cooperation in MERC Projects

MERC projects have contained two inherent limitations in the promotion of cooperation and peace building.

First, cooperation has been limited in a majority of the MERC projects. Most of the studies undertaken could be described as parallel investigations, rather than collaboration, in the sense that the scientists worked independently on similar, though not the same, research problems in their own countries. Participants in earlier projects did not work jointly on a research problem following a single research design, gathering and analyzing data for joint publication. A consequence of this strategy has been that opportunities for individual and institutional cooperation have been reduced.

> **Problem Areas in Scientific Cooperation**
>
> The Wastewater Reuse Project has strengthened the ties among a relatively small group of Israeli and Egyptian researchers that first came together under the Marine Technology subproject activity. This group consists of approximately 10 Israeli and Egyptians who periodically visit each other's countries, remain in contact by telephone and fax, and meet at professional meetings and conferences.
>
> —Final Evaluation Report, 1993
> Technological and Environmental Health
> Aspects of Wastewater for Irrigation
>
> The scope of this project has been quite narrow, concentrating on modeling of salt-water intrusion in coastal areas. Consequently the number of parties involved in the project has been quite small as has the number of personnel from governmental agencies.
>
> —Final Evaluation Report, 1996
> Monitoring and Modeling of Salt-Water
> Intrusion in Gaza and Morocco

Cooperative activities were often confined to participation in annual or biannual meetings and workshops, some technical advice, and occasional site visits in many MERC projects. The case was different with those agricultural projects and mariculture projects that had research stations and training components. In such projects, more intensive interactions were required, resulting in greater individual and institutional relationships.

Second, the number of scientists and administrators who came into constant contact with their counterparts in a typical project was limited. In most projects, a national coordinator, principal investigators, and occasionally a few scientists met once or twice a year. As joint collaborative research was limited, junior scientists did not interact with their counterparts. Interviews with scientists indicated that, in most projects, only 10 to 20 scientists from Israel and Egypt regularly interacted with each other during the life of a project. Well-funded international research projects tend to have an "elitist bias" and MERC projects were no exception.

Factors Affecting Performance and Their Impact on Peace Building

Political climate, national priorities, institutional asymmetries, availability of and access to managerial resources and funding have influenced MERC project performance, with implications for peace-building efforts.

The overarching climate of mutual distrust and hostility between Arab states and Israel has been the most critical element. General bureaucratic inertia and political opposition to scientific cooperation have placed obstacles in the way of project progress both during periods of political tension and, to a lesser extent, during periods of relative peace. Egyptian scientists have had difficulty obtaining visas for overseas trips or the exchange of data; Israeli censors have not permitted Palestinians team members access to materials considered politically sensitive. The political climate had an effect on project viability, limiting opportunities for cooperation.

The governments' commitment to and support for cooperative projects has been the second most important factor. When governments considered a MERC project of prime national interest—producing tangible economic benefits and consonant with the political agenda—the roadblocks created by an unfavorable political climate have been overcome. These projects generally make a strong case for further cooperation, contributing to peace building.

For example, Egypt has viewed cooperation with Israel as essential to modernizing Egyptian agriculture in a cost-effective manner and the Ministry of Agriculture has supported MERC projects. However, MERC projects in the mariculture, health, or environment sectors, despite their practical relevance and applicability, have not been perceived as matters of prime national interest and have not evoked like support from the government, influential leaders, powerful ministries, and their clientele. As a result, their possible contribution to peace building has been minimized.

Asymmetries in the institutional infrastructure for science have influenced project design, implementation, and output, at times constraining the nature of cooperation. The Israeli scientific infrastructure in certain sectors is highly developed and at par with the industrialized countries; the academic scientific community is relatively free from direct government interference in project implementation. In Egypt, the scientific infrastructure is relatively less developed; direct ministry project management is still evident in Egyptian public sector research institutions. Israeli scientists were reluctant to engage in joint research based on a common design and methodology partly in light of these differences; the first generation of MERC projects has generally involved independent, parallel, and not collaborative research activities. Of note, improvements in Egypt's scientific infrastructure in the last decade have narrowed the divide between Israeli and Egyptian research capacities, which may permit more meaningful interactions and more extensive linkages between the two countries.

The quality of management was another critical variable for performance. U.S. intermediary institutions, responsible for the administration of individual MERC projects in often unfavorable political environments, have performed a host of functions: finding qualified scientists, developing joint research proposals, negotiating with USAID, obtaining the necessary clearances from governments, providing technical assistance, disbursing grants, organizing site visits and workshops, and publishing reports. To discharge these responsibilities, the intermediary institutions have required not only scientific expertise but also managerial skills and political sensitivity. When the intermediary lacked these capacities, the projects suffered and opportunities for cooperation were reduced.

Most of the MERC projects have faced some financial and managerial problems, albeit at varying levels. First, differences in reporting requirements and accounting procedures between USAID and participating institutions prevented projects from obtaining allocated resources on schedule. Second, when intermediary institutions lacked experience with USAID regulations, the procurement of necessary materials (such as equipment and machinery) was often delayed. Third, in Egypt, principal investigators have often lacked the authority to manage the planned activities. Such authority was frequently vested in an administrative staff not always conversant with technical details and research outputs. These problems frustrated cooperative efforts.

POLICY LESSONS FOR FUTURE PROGRAMS IN CONFLICT SITUATIONS

1. The impacts of scientific cooperation on peace building are discernable at three levels.

This analysis of the MERC program indicates three ways in which it has contributed to peace building between Israel and Egypt. First, participating scientists from the hostile countries developed professional and then personal relationships, which helped dissipate old stereotypes and enmities among them. Scientists from the two countries began to see each other as colleagues, with a shared yearning for peace. Second, the projects helped to initiate and solidify institutional linkages. For example, the participating institutions jointly prepared MERC-type collaborative research proposals for other donor agencies, further strengthening the institutional relationships between them. Finally, the projects that produced tangible benefits helped build political constituencies for cooperation. While not always effective, these constituencies were often integral to continued support for peace building. The constituencies surrounding the Ministry of Agriculture in Egypt were the most conspicuous example of this.

2. The overall impact of scientific cooperation on peace building tends to be quite limited.

The MERC experience demonstrates that the overall effects of a scientific cooperation program are likely to be limited for several reasons. First, the political context continues to affect the nature and frequency of scientific interactions. Second, only a relatively small number of scientists are apt to be involved in collaborative pursuits, even under the best of circumstances. Despite expenditures exceeding $100 million during the past two decades, the number of Israeli and Egyptian scientists who came into personal contact with each other has been small, not more than 100. Third, attitudinal change in a small cohort of scientists does not affect the foreign policy behavior of the concerned countries. In neither Israel nor Egypt did participating scientists demonstrate political activism. Nor did their governments call on them for policy advice concerning relations between the two countries.

3. In addition to conforming to the norms of "good science," cooperative science projects should pursue a scientific agenda that broadens support for peace building.

Good science is a necessary, but not sufficient, condition for peace building. MERC's experience suggests that in conflict situations, scientific cooperation projects should meet a few other requirements as well. While such requirements will differ from country to country, the following three requirements are mentioned by way of illustration.

First, as far as possible, the projects should focus on those problem areas perceived to be of prime national concern by the participating governments. Such a focus helps gain political support for cooperation. As explained in the previous chapter, one reason agricultural cooperation between Israel and Egypt thrived, despite continual political tensions, has been that the MOA in Egypt regarded cooperation with Israel as extremely useful in solving the agrarian problems facing Egypt.

Second, as a corollary to the first, applied research projects that produce visible, positive results have a better chance of winning government approval and, if successful, can demonstrate the benefits of scientific cooperation. None of the projects funded by MERC was designed to solve a theoretical puzzle; all focused on applied research, including furnishing the infrastructure to

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execute it. This proved to be a prudent policy. Basic research is a long-term endeavor; it does not produce the more immediate results that can rally constituencies for cooperation.

Third, the projects should be designed to facilitate the participation of a large number of scientists on both sides. As mentioned earlier, one limitation of many MERC projects has been their reliance on a small number of scientists. Consequently, the contribution of such projects to generating professional and institutional linkages across national boundaries has been limited. However, those agricultural development projects with larger training and agricultural demonstration components expanded opportunities for cooperation at all levels.

4. Two prerequisites must precede scientific cooperation projects.

MERC's experience points to two essential prerequisites for initiating scientific cooperation in conflict situations. First, scientific cooperation cannot be undertaken in times of military conflict or extreme political hostilities. A political settlement is the primary prerequisite to scientific cooperation. The MERC program was only feasible when the peace accords had been signed and all active hostilities had ceased between Israel and Egypt. Only in the aftermath of OSLO I and the Israeli–Jordanian Treaty did it expand to other countries. Second, the involvement of a third party that has friendly relations with the hostile countries is essential. In the absence of USAID involvement, for example, the prospects for cooperative projects were negligible, if not nonexistent. State Department and USAID support provided legitimacy to the idea of scientific cooperation and substantial grants to induce resource-starved scientists and institutions to cooperate with one another.

5. Different modalities of cooperation need to be appraised and pursued.

Scientific research projects, as opposed to technical assistance interventions, generally focus on collaborative research based on one research design using a common theoretical framework and research methodology to solve the same problem. The MERC experience demonstrates that such joint collaborative research is often not politically feasible during the early stages, when considerable distrust remains and hostilities prevail among the scientists and their institutions. MERC projects utilized different modalities of cooperative research.

In the post-conflict setting, scientists may initially cooperate only at the design phase. Or they may focus on parallel research, in which separate teams work more or less independently on different, but related, topics. Interaction may be limited to occasional workshops. Later, when some trust has been established, cooperation has become more routine, and the benefits more widely visible, the scientists can initiate and engage in collaborative joint research.

6. Conflict situations often pose major problems for project participants.
Solutions to these problems should be developed during the planning stage.

Because of continuing political tension, cooperating scientists in MERC projects faced two sets of problems. First, the threat of personal and professional ostracism loomed large, especially when tensions were high. Indeed, many Egyptian and Palestinian scientists took considerable risks in cooperating with their Israeli counterparts. Second, as a result of political resistance to their

efforts, the scientists encountered problems in exchanging information, visiting cooperating institutions, and inviting their counterparts for site visits. These obstacles delayed implementation or made deadlines difficult to meet. The obvious lesson is that project design in conflict situations should allow for these problems and some practical remedies. For example, MERC project designs have incorporated greater flexibility with deadlines, budgetary allocations, and fungibility, as well as a readiness to hold meetings in third countries.

7. Multilateral scientific initiatives are better situated to overcome political obstacles than bilateral projects.

In conflict situations, multilateral research projects are more acceptable politically than bilateral ones. Many of the recent MERC projects involve three and even four countries in the Middle East, giving them a regional character. Project leaders indicated that this regional focus has facilitated public acceptance and legitimization and helped to marshall the necessary political and scientific support.

8. Donor agencies should use caution in promoting scientific cooperation programs as a tool for peace building.

In light of the obstacles, prerequisites and other lessons highlighted above, donor agencies should be extremely cautious in replicating scientific cooperation programs and in selecting the contexts for their implementation.

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ANNEX 1

PARTIAL LIST OF PERSONS MET

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Human Rights Monitoring and Institution-building in Post-conflict Societies: The Role of Human Rights Field Operations

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"The connection between human rights and peace and security is laid out in the Charter and has been amply confirmed by recent experience. An analysis of developments and trends in the area of human rights should be incorporated in the early warning activities of the organization; human rights are a key element in peace-making and peace-building efforts and should be addressed in the context of humanitarian operations."
— Kofi Annan, *Renewing the United Nations: A Programme for Reform*, July 1997.[2]

In recent years, the key role of human rights protection in peace-making and peace-building has been reflected in the establishment of substantial human rights field operations in a number of countries, by the United Nations, by the UN jointly with a regional organization, or by a regional organization alone. In some cases this has occurred before peace negotiations have been concluded, to pave the way to a settlement, and the operation has then remained to help build the peace. In other cases, the human rights field operation has been deployed when armed conflict has already ended. Despite many difficulties encountered in these early operations, their experience confirms the valuable role they can play. Yet the human rights dimension is as yet only partially and inadequately incorporated in the post-conflict strategies of which it should be a part, and international organizations and donor governments must strengthen the organizational and funding arrangements necessary for its fuller realization.

The Development of Human Rights Field Operations

The pioneering human rights field operation was in **El Salvador**. UN-brokered peace negotiations led to commitments by both government and armed opposition to respect human rights and invite UN verification of their observance. In July 1991 the human rights division of ONUSAL was established, with an international staff of 101, including 42 human rights observers. The huge UN Transitional Administration in **Cambodia**, established in February 1992, initially provided for 10 human rights officers (out of a total UNTAC deployment of some 20,000). This was later increased so that there was one human rights officer in each province and a substantial headquarters and training staff. The Human Rights Component, however, remained a relatively small one.

The Organization of American States established a small International Civilian Mission under military rule in **Haiti** in September 1992. In February 1993 this was absorbed into a large joint UN–OAS human rights mission (MICIVIH). The UN–OAS budget for MICIVIH provided for 280 international staff. At its peak before its first evacuation in October 1993, it reached around 200, the largest human rights presence in any single country up to that time. This was exceeded in

Guatemala, where peace negotiations led to a human rights verification mission (MINUGUA) established in November 1994, with an authorized strength of 245 international staff, including 10 military liaison officers and 60 civilian police observers.

These four human rights field presences had their origins in attempts to negotiate and oversee political transitions. Part of a new generation of UN peace operations, they were conceptualized and mounted by the UN's political departments in New York, in virtual isolation from its human rights mechanisms and supporting staff in the Centre for Human Rights in Geneva.

By the time the proposal to create the post of UN High Commissioner for Human Rights (HCHR) was debated prior to the 1993 World Conference on Human Rights, the disconnection between the New York initiatives and the Geneva-based system was well-remarked. Bridging that gulf was a major motive of those who lobbied for the creation of the post. The General Assembly resolution that established the post in December 1993 made no explicit reference to peace-keeping and human rights field operations, but gave the HCHR the responsibility "to coordinate the human rights promotion and protection activities throughout the UN system," and "to rationalize, adapt, strengthen, and streamline the UN machinery in the field of human rights with a view to improving its efficiency and effectiveness".[3]

The first high commissioner, José Ayala-Lasso, took up his post on 5 April 1994. The next day, genocide was unleashed in **Rwanda**. The high commissioner visited Rwanda and called for a special session of the Commission on Human Rights. This mandated a special rapporteur on Rwanda, and requested the high commissioner "to make the necessary arrangements for the Special Rapporteur to be assisted by a team of human rights field officers." Initially a small team was envisaged. Subsequently the high commissioner appealed for funding for a team of 21. During a second visit to Rwanda in late August he agreed with the government that as many as 147 officers would be deployed, corresponding to the 147 communes of the country. This Human Rights Field Operation in Rwanda (HRFOR) depended on voluntary funding (rather than the UN regular or peace-keeping budgets, from which the New York-run operations were funded. That, together with the lack of Geneva-based systems or experience for mounting a large field operation, resulted in painfully slow deployment. The figure of 147 was never reached. By February 1995 there were 85 officers. Later that year the operation reached a peak of about 130 international staff.

HRFOR was the first large human rights field operation responsible to the high commissioner in Geneva, rather than to the political or peace-keeping departments in New York. The high commissioner became personally convinced that the future of human rights lay in the field. By the time of his resignation in February 1997, he was responsible for human rights field offices in 11 countries in all regions.[4] In addition to Rwanda, these included substantial presences in two other major conflict or post-conflict situations, Cambodia and Burundi, and a lesser role in a third, the countries of the former Yugoslavia.

The office of the HCHR in **Cambodia** is the only field presence where funding has been fully incorporated in the regular budget of the UN. The Human Rights Component of UNTAC

lobbied for the continuation of its work beyond UNTAC's withdrawal, and this passed to the Centre for Human Rights after a hiatus, since the Centre had had no involvement during the peace-keeping operation. As of mid-1997, it had an international staff of 17, including those engaged in a judicial mentor program.

The office of the HCHR in **Burundi** is intended to be the largest of the Geneva-run field presences after Rwanda. It began as a technical cooperation effort, intended as "preventive action." In June 1995, however, the government agreed to the deployment of 35 human rights monitors. Owing to funding delays, this deployment began only in April 1996. By mid-1997, 15 observers had been deployed, with the intention of further expansion toward the agreed 35.

The Human Rights Field Operation in **Former Yugoslavia** is a misnomer, not only because it does not cover all the territory implied, but also because it invites inappropriate comparison of the role of its 12 international staff with larger field operations. Following the Dayton Agreement, the main human rights monitoring mandate for **Bosnia** and **Herzegovina** was bestowed upon the OSCE. That left it to the high commissioner to define for himself a threefold contribution: conducting human rights training for international personnel, making available human rights experts to the High Representative, and supporting the work of the Special Rapporteur and Expert on Missing Persons.

The HCHR also has a small foothold in two more post-conflict situations. The government of **Zaire** signed an agreement in August 1996 accepting a two-person human rights office, the functions of which include monitoring, technical cooperation, and training, both for governmental institutions and NGOs. This had been recommended by the Special Rapporteur on Zaire and supported by the Commission on Human Rights. Its future in the Democratic Republic of Congo remains to be determined. The office in **Abkhazia, Georgia**, consists of a single UN professional, working in tandem with a single OSCE official. But it set an important structural precedent. It was funded as part of the peace-keeping presence, yet reports to the HCHR through the head of the UN Mission, UNOMIG.

While the HCHR's field presences were being extended, the case for the more consistent incorporation of human rights components in multidimensional UN peace operations was being pressed.[5] Other such operations, including UNAVEM III in **Angola**, UNOMIL in **Liberia** and UNTAES in **Eastern Slavonia**, had human rights officers included in their staffing. UNTAES had failed to establish a human rights unit until the summer of 1997, UNOMIL had three human rights officers, while UNAVEM III had 14 officers in place in early 1997, when a major expansion of the human rights presence (to over 50 officers, nearly half of them UN Volunteers) was recommended for the follow-on operation, MONUA. Elsewhere, the mandate for human rights monitoring was given to a regional organization: as noted, in addition to OAS participation in the joint OAS/UN mission in **Haiti**, the OSCE became responsible for human rights monitoring in **Bosnia and Herzegovina,** and assumed joint responsibility with the UN in **Abkhazia, Georgia**.

It is too early to reach any definitive or overall evaluation of even the first generation of

human rights field operations, while only El Salvador and Cambodia are concluded. However, it is certainly not too early to regret the absence of on-going evaluation within the UN system which would contribute to an eventual assessment, while in the meantime enabling some clear lessons to be learned and applied in later phases or operations.[6] An interim evaluation can currently be informed by comparative assessments made outside the UN[7], writings by those who have participated in such operations[8] and external studies by NGOs.[9] Most of the existing literature is focused on the early phases of operations and thus unable to assess the longer-term institution-building role of the operations and already somewhat outdated.

Peace-keeping Operations and Human Rights

Any situation that requires a peace-keeping operation also demands close attention to the human rights situation. There should therefore be either a human rights component within the operation, or a strong relationship of cooperation with a human rights field presence managed outside the peace-keeping operation itself.

Human Rights Within and Outside Peace-keeping Operations

The multi-donor Joint Evaluation of Emergency Assistance to Rwanda noted retrospectively that "peace-keeping operations did not acquire a human rights component until after the crisis had erupted" and that "with only a small civilian police unit and no human rights cell, the mission [UNAMIR] had very limited ability to investigate violent incidents."[10] This was despite the fact that the special rapporteur of the UN Commission on Human Rights, who had visited Rwanda in April 1993, had recommended in his report that a mechanism for the protection of civilian populations against massacres should be set up. That mechanism, he suggested, should include international teams of human rights observers and a civilian police force.[11] The Arusha Peace Agreement itself provided for a "Neutral International Force," which, in addition to supervising the integration of the armed forces of the two parties to the civil war, would "guarantee the overall security of the country and especially verify the maintenance of law and order by the competent authorities and organs," "assist in catering for the security of civilians," and "assist in the tracking of arms caches and neutralization of armed gangs throughout the country."[12] Yet when the peace-keeping operation, UNAMIR, was mandated by the Security Council in October 1993, the mandate was more limited. The secretary-general was pressed by member states to make the maximum economies and reduction in its strength. No human rights component or officers were included.

The Role of Civilian Police

UN civilian police have a crucial human rights role to play wherever they are deployed, and UN human rights components have benefited from working alongside them. Both sides have usually had difficulty in defining their respective roles and reconciling their organizational cultures, but have also gained much from cooperation and joint action.[13] UN civilian police operations have played major human rights roles in **Namibia**, **Mozambique**, and **Bosnia and Herzegovina**, where there were no or few UN human rights staff. MINUGUA in Guatemala is

unique in incorporating police and military officers fully under the civilian direction of a human rights mission.

Recruitment of substantial numbers of civilian police is difficult, since unlike military personnel they are not standing by for deployment by units. It is even more difficult to ensure that those recruited by individual governments are well trained in respect for human rights in law enforcement in their own countries and that when they become UN personnel they will act and encourage others to act in accordance with international standards. Some are drawn from countries where the police engage in frequent human rights abuses. Even those from countries with a tradition of democratic policing are often unaware of international criminal justice and human rights standards. It is therefore essential that police available for international service are identified ahead of time and given appropriate training in their own countries; that high standards are applied in the selection (a requirement that may conflict with the need to assemble a large force rapidly); that the UN provide clear guidance on international criminal justice and human rights standards; and that high priority be given to training in the peace-keeping operation after deployment.

Military Peace-keepers and Human Rights

The first requirement of the military is to act fully in accordance with international humanitarian law. This needs to be incorporated in training and instructions. Military peace-keepers are less directly engaged in law enforcement than civilian police, but in practice may find themselves involved in internal security functions to which human rights standards are more relevant than humanitarian law. Some human rights training is therefore a necessary part of their preparation. They may be witnesses to human rights violations by the military or other agents of the host government, or by armed opposition or other groups. They need to have been given guidance as to whether their mandate does or does not provide for them to intervene, and how to report what they have witnessed. In no cases should UN personnel remain silent witnesses to human rights violations. The responsibility and channels for reporting must be clear to them.

Monitoring the Human Rights Performance of Peace-keepers

The extent to which UN peace-keepers act in accordance with international humanitarian and human rights standards needs to be kept under adequate scrutiny. After troops from three NATO countries have been accused of serious human rights violations in Somalia, there can be no complacency that this will automatically be the case. It is sometimes suggested that the human rights component of a peace-keeping operation should have the responsibility of investigating allegations of abuses by UN military or police, but this is to place too great a strain on working relationships. The position of a UN human rights unit with a monitoring mandate certainly becomes impossible, however, if alleged violations by UN personnel are not investigated. Separate arrangements for this must exist and operate with transparency.

Such arrangements have yet to be incorporated satisfactorily in UN peace-keeping operations. A still greater challenge exists in the developing practice of the UN authorizing or operating alongside interventions by a regional organization or ad hoc group of states. For

example, ECOMOG, the West African peace-keepers sent to Liberia by the Economic Community of West African States (ECOWAS), has been accused of responsibility for human rights abuses. Despite the presence of a small UN operation, UNOMIL, with a mandate to investigate human rights violations, it was not clear how there could be effective accountability in such circumstances. Some arrangements for scrutiny and investigations ought to exist in every case, but this runs counter to the desire of members of the Security Council to promote alternatives to UN military operations and to avoid the use of their own forces.

Human Rights Institution-Building in Post-Conflict Societies

The Relationship Between Human Rights Monitoring and Institution-building

In general, human rights field operations should be conceived as integrating preventive, monitoring (verification) and assistance (technical cooperation, institution- or capacity-building) functions. This has not been the view of all analysts. A USAID study argued that "attempting to reform a legal system may not be well-suited to transitional bodies such as human rights monitoring missions."[14] Others have suggested, with some justification, that in the case of Rwanda the operation initially attempted to usurp functions properly those of UNDP. But in relation to the administration of justice, there is a complementarity between UNDP's long-term project management capability, the criminal justice expertise of the UN Crime Prevention and Criminal Justice Division, and the capacity of a human rights field operation to make available professional human rights expertise and utilize its unique outreach to identify needs and be supportive at the local level. This has enabled field operations to play an important role in developing justice systems.

It can be argued that carrying on these two types of activities in tandem could threaten each. Monitoring inevitably creates a conflictive relationship with the government, poisoning the climate for cooperation. Institution-building may produce too close a relationship with government, undermining the willingness to maintain tough-minded monitoring. The overwhelming consensus of those who have had responsibility for human rights field operations in post-conflict situations is, on the contrary, that the relationship is an overwhelmingly positive one.[15] In an integrated operation, the monitoring identifies needs for training and resources, the technical cooperation ensures that those needs can be addressed, and the monitoring again provides feedback on the effectiveness of technical cooperation projects in improving aspects of the human rights situation to which they are directed. Certainly in a situation where institutions have been destroyed or have never existed, such as post-genocide Rwanda, to point to human rights violations while offering no linkage to assistance is to invite dismissal, and to pursue technical cooperation while ignoring serious on-going violations is naive and unacceptable.

As one human rights director wrote of the El Salvador experience:

"...human rights monitoring and institution-building were inextricably linked. This relationship is, without doubt, the key to an operation of this kind which goes beyond the mere proving and denouncing of violations or of traditional technical assistance programs

which often have no relation to practical results or people's daily lives."[16]

Police, Prisons, and Judicial Reform

The key requirement for a post-conflict society is a functioning criminal justice system capable of maintaining order while respecting human rights— a well-trained civilian police force, an independent judiciary, and humane prison and detention facilities. Typically, these existed to only a limited extent if at all before the conflict. To the extent they had existed, they were militarized, politicized, or destroyed by the conflict. And they face serious criminality in a society unable fully to integrate ex-combatants or to prevent ready access to arms.

The first conditions for a civilian police force are a process of recruitment that screens out abusers and selects those with the attitudes and abilities appropriate to democratic policing, and a high quality training programme that includes a strong human rights component. However, the overall quality of training and the resources with which the police are equipped are as important to their respect for human rights in practice as the specific human rights content of their training. Unless police are able to prevent and detect crime by acceptable methods, the pressures to resort to abuse will quickly undermine any human rights training.

Overall training of new police forces has usually been undertaken on a bilateral basis. For example, the United States (through ICITAP, the U.S. Department of Justice's International Criminal Investigative Training Assistance Program) conducted training in El Salvador and Haiti, Spain did training in Guatemala, and France offered training in Cambodia. An international civilian police presence can play a mentoring and monitoring role, as UN CIVPOL have done in Haiti and for a more limited time in El Salvador. In Bosnia the IPTF mandate extends to vetting and downsizing, and since late 1996 to investigating human rights violations by police.

A human rights field presence can contribute to human rights training, as the Office of the UN Centre for Human Rights has done in Cambodia, as HRFOR has done with both the Gendarmerie and the Communal Police in Rwanda, and as MICIVIH has done by teaching a course on police ethics based on UN standards for law enforcement agents for the Haitian National Police (HNP). It can also undertake monitoring supportive of senior officers seeking to check incipient abuse, and can work to strengthen internal control mechanisms, such as the office of the inspector general in the HNP.

Creating a new police force is a long-term undertaking, but building a strong and independent judicial system is an even longer-term task. The experience to date has not been happy. Competition among bilateral donors has been insensitive to local legal and cultural traditions, and to the need for the national government, legal community, and civil society to define their own needs.

Multilateral donors are also not well equipped. UNDP should play the coordinating role, but has lacked the expertise at headquarters and country levels to do so effectively. It has been slow to define and develop the human rights content of its governance programs. Human rights

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field operations cannot substitute for the role major donors need to play. But they have played an important role in making known to the national justice ministry and potential donors the realities of the state of the justice system. They can also support reform efforts through the regular contacts of legally trained staff with local judicial officials, and provide feedback on the impact or lack of impact of assistance and training programs. The most extensive such effort is the judicial mentor program in Cambodia, conceived by the Human Rights Component of UNTAC. As well as advice on day-to-day functioning of the courts, this program offers human rights training to local officials, as do the human rights field operations in Haiti and Rwanda. To varying extents, all human rights field operations have been involved in developing central programs of reform with the respective ministries of justice.

The needs of the judiciary and the police are generally well recognized by donors. There is less immediate readiness to assist in reform of penal administration and improvement of prison conditions, yet this should be seen as the third and equally essential leg of the criminal justice system. Not only is the humane treatment of prisoners a major human rights issue in itself, but efforts to reform the police and courts will be quickly undermined if detainees are not delivered to courts and convicted prisoners do not serve their sentences. Human rights field operations have played a particularly important role in arousing concern and encouraging assistance to prisons, since this emerges inevitably from their monitoring of unacceptable conditions of detention. For example, in Haiti MICIVIH developed a prison reform project in collaboration with UNDP, the UN Crime Prevention and Criminal Justice Division and USAID.

National Human Rights Institutions, NGOs, and Human Rights Education

Human rights field operations will and should always have a limited life. However, the task of developing institutions for the protection and promotion of human rights is a long-term one, in which the role of civil society as well as government is crucial. Short-term human rights operations must consciously seek to avoid displacing indigenous human rights activity, and do all they can to support and encourage it. The extent to which nongovernmental organizations can be directly associated in their work will vary, according to the political and security context, and according to different areas of activity. Human rights promotion is usually best implemented by local actors, with international operations playing only a supporting role. International and local actors should normally maintain the their autonomy in monitoring and investigation. The international operation should plan for the sustainability of human rights protection beyond its own withdrawal. This will be facilitated if a UN human rights presence is not completely withdrawn at the end of a peace-keeping operation. A limited presence can be sustained under the mandate of the HCHR.

Some post-conflict societies (El Salvador, Guatemala) have had vigorous NGO activity throughout the conflict. Others (Rwanda) had active NGOs but saw them severely weakened by the conflict. Still others (Cambodia) never had a civil society. The Human Rights Component of UNTAC played a key role in stimulating and assisting, through Asian and western NGOs, the establishment and development of NGOs in Cambodia. There has tended to be greater tension where an active civil society preceded the international presence. Human rights field operations have not always given the priority they should have to working with NGOs. NGOs, for their part,

are not always understanding of the constraints of an intergovernmental organization, nor quick to adapt their own role as the country moves from a conflict to a post-conflict situation. Exit strategies are hard to plan when field operations have an uncertain life. However MICIVIH, for example, has undertaken training efforts with Haitian NGOs to try to transfer aspects of its experience before its mandate ends.

The opportunities to support the development of national human rights institutions established by governments or parliaments, but, it is hoped, with full guarantees of independence, have varied greatly. They have so far been very limited in Cambodia, Haiti and Rwanda. In El Salvador, ONUSAL worked closely to strengthen and transfer tasks to the National Counsel for the Defense of Human Rights. In Guatemala, MINUGUA gave priority to strengthening the Office of the Human Rights Counsel (or ombudsman).

There is general agreement that developing a culture of respect for human rights is at the heart of institutionalizing human rights protection, but it is much harder to analyze how strategic contributions can be made toward this end and to evaluate the effects of activities. Among the human rights field operations, UNTAC's Human Rights Component embarked on the most extensive human rights education program. In El Salvador there was a conscious decision that human rights education should largely be a field for indigenous activity. In Rwanda, HRFOR has carried out human rights education activities in three areas: formal education, training, and seminars aimed at various professional groups; popular education and mass awareness campaigns, including theatre productions and radio plays; and promotion of the rights of women, children, and other vulnerable groups. In Haiti, MICIVIH trained local trainers from civil society organizations in human rights promotion and civic education techniques. After local elections it placed increasing emphasis on local officials and state agencies.

Lessons Learned

Despite the relative novelty of efforts to incorporate the human rights dimension into post-conflict peace-building, several lessons are sufficiently clear to require reflection in the planning of multilateral and bilateral agencies.

1.   Human rights is a key element of post-conflict peace-building, essential to the durability of the peace, and an early warning if (as in Rwanda) human rights indicators reveal the post-conflict situation is turning again into a pre-conflict situation.

2.   A local human rights presence or human rights field operation can make an important contribution, not only to act as a dissuasive presence but also to diagnose the factors contributing to human rights violations and encourage and support the assistance projects necessary to address them.

3.   Such a human rights field presence may appropriately be incorporated in the international community's overall peace-keeping and peace-building presence, or may stand alongside it, according to the circumstances. In either case, there should be a close working relationship with the peace operation, and in particular with any international police presence.

4.   A human rights field presence should have an integrated mandate, incorporating both monitoring and institution-building, since these activities are properly complementary and mutually supportive.

5.   An international human rights presence must at all times be conscious of the need to strengthen and not displace the national capacity to address human rights issues, and should have a strategy of contributing to their development as it plans towards its own downsizing and departure.

6.   Institution-building is a long-term task, not susceptible to the quick fix. It will continue long beyond any temporary international human rights field presence. There should therefore be close cooperation with those agencies, most notably UNDP, whose presence will continue. The involvement of the Office of the HCHR during the peace-keeping and peace-building mandate will also allow for longer-term human rights institution-building to be sustained.

7.   The coordination of the work of multilateral and bilateral agencies in the field of human rights institution-building must be improved. UNDP and the Office of the HCHR both have key roles to play, and require a strengthening of their professional resources at headquarters and in-country for this purpose. The HCHR has been asked by the secretary-general to carry out an analysis of the technical assistance provided by the UN entities in areas related to human rights. This should give rise to proposals for improving complementarity of action both within the UN system and with other multilateral and bilateral donors in post-conflict situations.

8.   The Office of the HCHR should be strengthened in its capacity to give professional direction to any human rights presence in the field, and to be the link between human rights operations and mechanisms and the overall political, peace-keeping, humanitarian, and development activities of the international community.

9.   Donor governments should agree on funding arrangements that allow human rights field operations to be mounted and managed effectively.

10.   Bilateral donors should review their own professional capacity and modalities for contributing to post-conflict human rights institution-building, especially to the training of civilian police forces, an independent justice system, and humane prison and detention facilities.

Notes

1. Previously Secretary General, Amnesty International, 1986-92; Director for Human Rights/Deputy Executive Director, UN/OAS International Civilian Mission in Haiti (MICIVIH), 1993 and 1994-95; and Chief, UN Human Rights Field Operation in Rwanda (HRFOR), 1995-96.

2. *Renewing the United Nations: A Progamme for Reform*, Report of the Secretary-General, UN document A/51/950, 14 July 1997, p.64.

3. A/RES/48/141, 20 December 1993

4. The countries were Bosnia and Herzegovina, Croatia, Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia (managed together as the Human Rights Field Operation in the former Yugoslavia, HRFOY), Abkhazia (Georgia), Burundi, Cambodia, Colombia, Gaza (Palestine), Rwanda, and Zaire.

5. See Amnesty International, *Peace-Keeping and Human Rights*, January 1994; and Alice Henkin (ed), *Honoring Human Rights and Keeping the Peace: Lessons from El Salvador, Cambodia and Haiti*, Aspen Institute, 1995.

6. The Lessons Learned Unit in DPKO undertakes evaluations of DPKO-managed peacekeeping operations only. The European Commission has commissioned two evaluations of the European Union participation in HRFOR, carried out in mid-1995 (by Roel von Meijenfeldt) and late 1996 (by Ingrid Kircher and Paul LaRose-Edwards).

7. Alice Henkin (ed.), *Honoring Human Rights and Keeping the Peace: Lessons from El Salvador, Cambodia and Haiti*, Aspen Institute, 1995, is the outcome of a comparative assessment that had the participation of UN human rights directors from the three country operations. It is being extended in 1997 to include experience from Guatemala, Rwanda, and Bosnia, as well as later experience from El Salvador, Cambodia and Haiti. See also studies commissioned or supported by interested governments: Stephen Golub, *Strengthening Human Rights Monitoring Missions: an options paper prepared for the Office of Transition Initiatives, Bureau for Humanitarian Response, USAID*, December 1995; Paul LaRose-Edwards, *UN Human Rights Operations: Principles and Practice in United Nations Field Operations*, for the Human Rights and Justice Division, Canadian Department of Foreign Affairs, May 1996; Karen Kenny, *Towards Effective Training for Field Human Rights Tasks*, International Human Rights Trust, commissioned by the Department of Foreign Affairs, Dublin, Ireland, July 1996.

8. In addition to the papers by Diego García-Sayán (El Salvador), Dennis McNamara (Cambodia) and Ian Martin (Haiti) in Alice Henkin (ed.), op.cit., see: William O'Neill, "Human Rights Monitoring vs. Political Expediency: the Experience of the OAS/UN Mission in Haiti," and Reed Brody, "The United Nations and Human Rights in El Salvador's Negotiated Revolution," both in *Harvard Human Rights Journal*, Vol.8, Spring 1995; and William Clarance, "The Human Rights Field Operation in Rwanda: Protective Practice Evolves on the Ground," in *International Peace-Keeping*, Vol.2 No.3, Autumn 1995, and "Field Strategy for Human Rights Protection," in *International Journal of Refugee Law*, Vol.9 No.2, 1997.

9. See two studies by the Lawyers Committee for Human Rights, *Haiti: Learning the Hard Way—The UN/OAS Human Rights Operation in Haiti 1993-94* and *Improvising History: a Critical Evaluation of the United Nations Observer Mission in El Salvador*, both 1995; African Rights, *Rwanda, "A Waste of Hope:" The United Nations Human Rights Field Operation*, March 1995; and Amnesty International, *Rwanda and Burundi: A Call for Action by the*

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International Community, September 1995.

10. Joint Evaluation of Emergency Assistance to Rwanda, *The International Response to Conflict and Genocide: Lessons from the Rwanda Experience*, Study 2, Early Warning and Conflict Management, p.37, 78.

11. UN document E/CN.4/1994/7/Add.1, 11 August 1993; reproduced as Document 20 in *The United Nations and Rwanda, 1993-1996*, UN Blue Books Series, Vol.X, 1996.

12. *Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front* (The Arusha Peace Agreement), Annex VI; reproduced as Document 19 in *The United Nations and Rwanda* (op.cit.).

13. See the comments by Diego García-Sayán, "The Experience of ONUSAL in El Salvador," in Alice Henkin (ed.), *Honoring Human Rights and Keeping the Peace: Lessons from El Salvdor, Cambodia and Haiti*, Aspen Institute, 1995, p.35-36; and Lawyers Committee for Human Rights, *Improvising History: a Critical Evaluation of the United Nations Observer Mission in El Salvador*, 1995, p.28-39.

14. Stephen Golub, op.cit., p.17.

15. This was apparent at the Aspen Institute conference "Honoring Human Rights: From Peace to Justice,"12-14 September 1997, which reviewed experience in El Salvador, Cambodia, Haiti, Guatemala, Rwanda, and Bosnia, as well as in smaller human rights field presences. The papers and recommendations from this conference are scheduled to be published in spring 1998.

16. Diego García-Sayán, "The Experience of ONUSAL in El Salvador," in Alice Henkin (ed.), op.cit., p.38.

Social Reintegration in Post-conflict Societies

by Kimberly A. Maynard, Ph.D.

At the end of the cold war, the international community watched the global balance shift unleash hidden animosities and new power struggles. With them came the birth of a different kind of conflict, unprecedented in measure. Yesterday's ideologically rooted, interstate conflicts have thus been replaced by internal strife of a communal, intergroup nature. Today, these more numerous and pernicious conflicts are fought on a local level between neighbors and community members across identity lines, affecting millions of ordinary citizens. In their wake, they leave a swath not only of destroyed infrastructure and ruined markets, but indeterminable social and psychological damage. Recently, as many countries' fragile peace becomes more tenuous and violence threatens to reignite, the international community is taking a fresh interest in this critical post-conflict period.

The response of the international community in the aftermath of such turmoil has traditionally concentrated on physical and economic reconstruction, often overlooking the key determinants of social and psychological well-being. At the same time, the attention given to broad recovery programs loses sight of the critical role of the individual. In recent years, however, we have watched how conflict seeps down through all aspects of society, ultimately pooling in the lowest element, that of the community and its members. Consequently, to ignore the grass roots is to overlook a critical component of the rehabilitation equation.

This paper takes a timely look at the post-conflict community and its internal requirements for rebuilding social cohesion. It examines the key components in contemporary armed violence and their repercussions on community life. It then introduces a holistic conceptual framework for social reintegration involving five consecutive phases of community healing. Within these phases, it offers examples of international rehabilitation efforts in recent post-conflict contexts. The paper concludes with a vision of future involvement incorporating lessons learned from past experience.

Ingredients in Today's Conflicts

The cessation of the cold war elicited a resounding shock from international observers about the intensity of intergroup animosity harbored throughout the world. The number of major armed conflicts—defined as those accumulating more than 1,000 deaths—rose from 32 in 1989 (Ahlström, *Casualties of Conflict*, p. 4), to 47 in 1993 (Wallensteen and Axell, ?Conflict Resolution," p. 7). More notable than the increase, however, is the fact that all of these contemporary conflicts were between identity-based elements internal to the country. The West's tendency to codify the majority of these violent struggles as ?ethnic" oversimplifies the root causes. Fundamentally, they are borne of intense animosity between identity groups, including, but not limited to those based on culture, ethnicity, geographic affiliation, language, nationality, race, religion, or tribe. As a result, today's armed battles can be broadly labeled ?identity conflicts."

The force of the 1990s, identity conflict is borne of divisions in society and thrives on their expansion. It is rooted in the fundamental characterization of self—that element of identity that most determines one's relationship to others. It is this point of personal distinction in the

individual that grows the separation between people of differing dialect, ethnicity, family lineage, or religion. The underlying foundation for modern conflict finds companionship and motivation in others with similar feelings. Its mutuality becomes the shared pivot point in the execution of collective violence inspired by a growing sense of group self and its distinction with respect to others. Although the face of identity conflict has appeared in the past, its emergence at the turn of the decade as the prevalent form of violence has produced such notable trouble spots as Burundi, the Caucasus, Chechnya, Rwanda, Sierra Leone, Somalia, Tajikistan, and former Yugoslavia. Many transitional governments evolving out of communism have been embroiled in identity conflict spurred by social enmity among their highly diverse populations.

Three attributes characterize identity conflicts: extreme partition, widespread citizen involvement, and societal implosion. In the first, identity-based opposition and separatism elicits a deeply rooted individual sense of distinction that cuts through all relationships and societal structures. In and of themselves these distinctions do not create conflict, as one can observe in the many years of relatively peaceful coexistence of mixed populations. When that fundamental characterization of self is threatened, however, it becomes a rallying force creating the will to fight to the extremes witnessed in Butare, Monrovia, and Srebenica. This hostility seemingly bypasses most ideological considerations, moral regard, and even logic.

The second characteristic—widespread citizen involvement—stems from its grass roots nature. No longer confined to battlefields, isolated targets, or contested territory, the violence now visibly flows into houses, communities, schools, religious grounds, and communal property. No area is sacred; all land and structures are potential battlegrounds. Combatants are often untrained, ordinary citizens of all ages and social stature, or new recruits gathered from the local populace. Correspondingly, victims are also common citizens. Since much of the fighting takes place in the community across identity lines, it involves business associates, neighbors, medical professionals, and educators as well as relatives of mixed blood. The oft-ensuing massive refugee flow equally represents all aspects and tiers of society.

A third trait of identity conflict is the resultant implosion of civilized life. Though all conflict by definition can contain fierce fighting and inhuman brutality, today's bitter hostilities lay ruin to the fundamental structures that make up community. In past conflicts, groups of individuals often united around common, tangible goals, leaving the foundation of the broader society relatively intact, even in defeat. In contrast, when every citizen is a potential victim and a potential combatant as in identity conflict, the social fabric of society is destroyed, torn apart from the inside. The ever-present threat of violence erodes community cohesion to virtual nonexistence while a culture of fear prevails, often scattering members around the region. Furthermore, the intensity of the animosity across identity lines, and the ruthlessness with which it is expressed separates the integrated aspects of mixed cultures. A consequence of identity conflict, accordingly, is social collapse. The once present moral and social order that glued mixed populations together in a common culture essentially disintegrates. Without some semblance of social relationship, the polarized elements close the door to creative problem solving, and the society ceases to function effectively.

Repercussions of Contemporary Conflict

Although the ruinous consequences of armed violence have been documented since Greek civilization, the number of people effected by identity conflict is considerably more than in previous eras. This is both a function of the sheer prevalence of such conflict worldwide, and of its indiscriminate and grass-roots nature, which defines virtually all humans and all territory as fair game. Negative repercussions are felt at all levels of society through death, disease, dislocation, and famine resulting from large-scale human migration, food insecurity, and failed economic, political, and social structures. The ensuing casualties and societal disruption undermine the basic means of survival, often sending the country into a terminal tailspin and creating a complex emergency. In today's conflicts, in fact, 90 percent of all deaths are civilian casualties from massacres, personal vendettas, grass-roots involvement, indiscriminate attacks, or collateral killings in cross-fires (Ahlström, *Casualties of Conflict*, p. 19). In World War I, this figure was 5 to 8 percent (Independent Commission on International Humanitarian Issues, *Modern Wars*, p. 25; Ahlström, *Casualties of Conflict*, p. 8).

A more consequential fallout from identity conflict and the ensuing complex emergency is economic devastation. During the course of a crisis, national financial resources are usually depleted through expanded military expenditures, looting, corruption, and, in some cases, humanitarian assistance to citizens. Conflict also undermines domestic economic production by destroying livelihoods, discouraging investment, disrupting trade and commerce, and dissuading capital formation. Ultimately, these failings ruin individual and national economic solvency, depleting the country's ability to care for itself.

Because of its plebeian nature, the physical destruction including possible land mines that accompanies most identity conflicts goes beyond military targets and encompasses everything from airports, railroads, health facilities, homes, roads, and schools, to agricultural land, businesses, cultural centers, factories, religious institutions, and water and electrical systems. Such structural damage is generally concentrated more in some areas with varying degrees of severity, leaving other sections totally unscathed. Less visible than the material destruction but equally devastating, communal violence has a far-reaching effect on individual and community life. Intimate exposure to brutality, and subsequent displacement and civil disorder commonly leave individuals psychologically scarred and the intricate network of social interaction deeply torn. Since armed violence is no longer primarily the domain of trained fighters on the battlefield, but is within the realm of ordinary citizens in house to house combat, these psychological and social effects are necessarily plebeian and widespread.

Furthermore, while men still incur the majority of physical casualties, the profile of the victim is changing as conflict moves from the battleground to the home front. Psychologically, children and women are disproportionately affected as witnesses to attacks on family members, or the victims of rape or assault. During the 1994 Rwanda conflict, for instance, more than 91 percent of children experienced a death in the family (1994 UNICEF Rwanda survey) and a large number of women were raped, often publicly. Moreover, the loss of family members due to violence can be disproportionately deleterious psychologically to women, children, and the elderly who depend heavily on the familial structure.

The social consequences can be equally grave. Internecine violence demolishes the normal patterns of daily life, creating greater confusion, distrust, and apprehension about future

prospects. Amid the enmity and adversity of a violence-ridden community setting, members face the ruins of their lives alone. The more seriously traumatized are often unable to provide for themselves or others and may become marginalized, requiring continual, long-term care (Kumar et al., *The International Response*; Maynard, ?Rebuilding Community"). Consequently, some individuals carry the extra burden of having to support newly dependent members with extremely limited resources.

Paradoxically, the widespread upheaval that severs social cohesion also damages the conventional support structures that might have aided psychosocial recovery. In effect, intense violence can impair traditional welfare safety nets for disadvantaged or dependent individuals, suspend formal education, and seriously disrupt public health services. These institutions along with the family unit comprise the primary forms of psychological and social support in most societies. The alienation and disunion characteristic of identity conflicts, however, may have rendered both of these sources of succor incapable of providing adequate assistance.

Furthermore, the conflictual elements invariably remain an undercurrent in the society and undermine recovery efforts. This is particularly acute when displaced neighbors return and the community is forced to confront the contending issues—both the original problems that led to the violence, and the repercussions that ensued (Maynard, *Reintegrating Communities in Conflict*). As a result, post-conflict recovery efforts must incorporate not only physical, economic, social, and psychological elements, but conflict issues as well.

Building a Framework for Recovery

The multidimensional nature of complex emergencies clearly requires an equally multifarious approach to rehabilitation. Ultimately, the process of rebuilding must incorporate all elements and levels of society, addressing basic human needs such as selfhood, security, and physical well-being, and focus on durable social reintegration rather than temporary social overlap (Gutlove et al., ?Towards sustainable peace in the Balkans"). By extension, to have a whole community effect, it must attend to the healing of both the victims and the victimizers. The methodology employed necessitates contribution from a broad range of disciplines, including community development, conflict studies, psychology, public health, humanitarian assistance, and sociology.

Though the sources of input are extensive, an operational framework must cater to each particular situation individually. This requires extensive participation from country experts. Local citizens especially play a critical role in explaining historical roots, identifying capacities, eliciting potential activities, advocating actions, locating local resources, carrying out programs, counseling on cultural practices and implications, and pinpointing critical locations or populations. Moreover, a conflict wide response needs to incorporate the intergroup dynamics at the leadership, individual, and community levels, since each influences the opinions, attitudes, and perceptions of the other, ultimately affecting the grass roots.

As one can see, such a holistic approach requires expanding the concept of peacemaking from that of negotiating settlements between leaders to one inclusive of rebuilding a sense of trust, morality, and participation population wide. The following section outlines a five-phase healing process for communities torn apart by identity conflict.[1] In

reviewing these steps, several things are important to consider. Most critical perhaps is the fact that rebuilding community cohesion requires time. Given the profundity of the wounds left by identity conflict, an adequate recuperation period is crucial. Likewise, the process is based on the principle of participation. The more members involved in each phase, the greater the opportunity for healing. Ideally, participation includes members from each identity group, both sexes, a variety of ages, representative occupations, and all levels of social status and class. Finally, each phase builds on the others. While there may be a high degree of overlap, each step nevertheless requires a firm foundation in the previous phase.

1. Establishing Safety. First and foremost to any recovery is ensuring a modicum of security. In communities tormented with repeated violence, safety is the most compelling motive for action. Unstable conditions tend to be exacerbated by the return of community members who fled during earlier bouts of fighting. Property disputes, threats, intimidation, as well as large numbers of internally displaced persons, damaged infrastructure, unemployment, competition for sparse resources, and possible land mines add to the sense of instability. Individuals may feel threatened by other individuals or gangs, identity groups as a whole may feel at risk of large-scale retribution or attacks based on association, and the community at large may be afraid of other regions, the military, or government persecution. In a highly militarized, post-identity-conflict society, the abundance of weaponry and difficulty in distinguishing civilians from fighters makes eradicating the physical threat of violence more difficult. Moreover, economic insecurity can be equally destabilizing if competition for resources is strong and the lack of income threatens famine and disease. Establishing safety, therefore, includes ensuring absence of aggression, property assurance, access to community resources, and minimal income generation.

Technically disengaged from the conflict, international organizations such as peacekeeping forces, international military contingents, and the UN High Commissioner for Refugees, in the case of returning migrants, potentially provide a unique security service. As an impartial party, their presence alone–and that of most international entities–usually serves as a significant pacifying force. Ideally, by maintaining strict nonpartisanship, their actions, personnel, and resources are viewed as unbiased, lending them opportunities for greater peacemaking. However, the short time frame of some peacekeeping operations serves as only temporary safety, inadequate for building the genuine sense of stability necessary for sustainable community rehabilitation.

Alternative protection programs offer additional means for international security. Structures using civilians and nonviolent tactics for safeguarding communities are particularly common in Central America, but are underutilized in post-identity-conflict situations. These witness and protection programs post individuals and teams in areas of explicit tension, accompany individuals thought to be in particular danger, and occasionally instigate conflict resolution efforts. The use of such structures as a reliable method of protection, however, may be dependent on their increased professionalism, consistency, and coordination with other international elements.

While foreign entities can play an important tempering role in hostile environments, establishing internal sources of order and the capacity to provide security fulfills the longer-term safety needs. International assistance can increase, accelerate, refine, and routinize police

force training and the development of an adequate justice system, critical to eradicating a culture of impunity. Various forms of such programs have been established in Bosnia, Somalia, and Rwanda. Finally, foreign organizations can advocate, help establish, and empower local organizations dedicated to maintaining peace. Made up of noncontentious, mutually respected and diverse individuals, associations such as peace committees and community watch groups can help prevent community violence, mediate between contentious individuals and groups, serve as go-betweens for international agencies and the local community, support local peace initiatives, and provide incentive and support for local authorities to advocate for conciliatory actions.

2. Communalization and Bereavement. Communalization, the act of sharing traumatic experiences, perceptions, resulting emotions, and responses with other people in a safe environment essentially begins the healing process. This generally occurs in conjunction with a period of mourning over the losses and can only be done in an atmosphere of safety. Both grieving and communalization may require substantial recovery time, particularly given the extreme nature of the violations in identity conflict. Understandably, individuals involved in violent conflict frequently vehemently avoid revisiting the painful experience and resulting emotional content. Nevertheless, honest expression of painful violations has been found to assuage the sense of injustice, while mourning losses eventually subdues the anguish. The venue may be a group, community, or national setting, as in the context of a women's organization, an organized public affair as in a symbolic burial ceremony, or informal gatherings among friends and family. Over time, the process of communalization and bereavement ideally leads to acknowledgment of wrong-doing and forgiveness.

International organizations have supported various projects specifically intent on externalizing and sharing the traumatic events. One example is training programs on traumatic injury in conflict-torn societies. Another is through art, music, dance and drama. Particularly popular with children's programs, these activities not only strive to activate the imagination and social awareness, but to revitalize cultural traditions critical to healing a tormented community. Communalization in international programs also occurs through conflict resolution activities attempting to settle disputes and diffuse tensions. Third-party resident conflict experts are rare at the grass-roots level, however; more common is community training programs attempting to impart skills in facilitation, problem solving, and negotiation. Since such skills training usually spans no more than several days, and the process of communalization and bereavement requires a significant amount of time, their formats do not engage the process, but rather emphasize the value of, and techniques to initiate sharing and grieving. Some go so far as to try to establish a new paradigm of interaction. In addition, several organizations have attempted to rehabilitate and strengthen existing indigenous dispute resolution systems that may have broken down through the course of disintegrating community relations. This might include revitalizing the elders council, the role of the traditional peacemaker, the justice circle, the tribal court, representative committees, or the mediating role of women's organizations.

Foreign agencies may also encourage, provide resources for, and otherwise support a public process of exploration. This might include paying tribute to the losses through a ceremonial burial for the dead, providing a public symbol in recognition of those killed, holding religious prayers, or a more extensive process of public review such as in South

Africa's Truth Commission. Though such public procedures are invariably delicate, shared exploration of the violations and expression of grief can be a catalyst for individual and community psychological and social healing.

3. Rebuilding Trust and the Capacity to Trust. The third phase in community rehabilitation is reconstructing confidence and redeveloping reliance on each other. Betrayal during the course of combat, particularly in today's identity conflicts, undermines faith in others and spawns suspicion. Without normal community wide interdependence, however, the community will likely remain unable to function effectively. Trust is essential to community transactions in trade, economic cooperation, mutual assistance, reconstruction, care for dependents, decision making, and future development. Renewed confidence in a violence-torn society includes general belief in the good intentions of other community members, reliance on them for common services, taking a responsible role in society, and commitment to the joint future of the community.

Relief and development projects may have trust-building attributes. Conventional reconstruction programs attempt to return the community to its pre-conflict state and re-establish a sense of normality. By selecting projects that require the benevolence of adversarial parties for the benefit of all, international organizations can jump-start the trust-building process. For example, in several conflict-torn situations, international NGOs instigated housing reconstruction projects for returning refugees and displaced persons that required the labor and even material contribution of the local population. The personal investment in the fate of the returnees resulted in their greater overall accommodation, and the gesture of good will on the part of the community was a large first step in restoring trust. Foreign agencies can specifically gear such projects to intergroup interaction by designating roles for people of mixed identity make-up and requesting tasks requiring growing levels of trust. Organizations using local purchase for materials, for instance, can consider explicitly buying across conflict lines, thereby establishing confidence in the manufacturing, deliverance, and quality of goods produced by the dissimilar groups.

Foreign organizations can establish a similar milieu of commitment and reliance through credit incentives and joint small enterprise programs that encourage interaction as a condition to funding. For example, small business start-up credit may be granted more readily to those proposing cross-conflict partnership, those hiring across identity lines, or those intending to locate in shared areas, high-tension zones or in areas traditional to other groups.

4. Reestablishing Personal and Social Morality. In armed violence, morality and social rules have been thrashed, creating a kind of social anarchy. Healing psychological and social wounds necessitates reconstructing the concept of ethic*s* and reestablishing guidelines for individual behavior. Social mores might include acceptable standards for appropriate contact between each segment of the population, standards of honesty, forbidden grounds, responsibility to family and community, personal accountability, role of loyalty and obligation, and methods for handling various emotions such as anger, injustice, betrayal, envy, jealousy, and the like. The development of healthy social standards is essential to building group faith and providing a foundation for social interaction. Moreover, it helps place boundaries on specific actions, thereby delineating inappropriate or offensive behavior that could eventually build tension and lead to resumption of hostilities.

Simply recognizing the need for such rules and order may be the first step in the process. The second step is acknowledging the immorality of past acts, which was actually begun in phase two in the process of divulging grievances. Next, delineating and firmly asserting a moral order sets the code of conduct as a legitimate social structure. This may be an informal, verbal process of fixing limitations on individual behavior, and may also be an institutional procedure defining legal boundaries and ramifications for violation. The last step in the process is maintaining the established codes. For institutionalized ethical rules of behavior to be effective, members of society must be held accountable for their actions. A sense of responsibility for individual behavior, then, should be part of community life, and any deviance must be regarded seriously.

Ethics are fundamentally very personal, evolving from cultural, historical, and societal influences. Therefore, foreign organizations play a somewhat peripheral role in supporting and encouraging renewal of a moral climate. However, international entities can offer discussion forums on rebuilding moral guidelines for government and community leaders, and support public dialog in which the population engages in debate over new rules for human conduct or reviews past infractions. Clearly, funding and technical assistance for rejuvenating the judicial system can play a major part in reestablishing social ethics. Similarly, international organizations can support the media's important role in the debate on moral standards. Promoting ethical conduct in social institutions also merits international advocacy. UNICEF, for example supported school curriculum revision in Rwanda and Lebanon to eliminate biased and stereotyped material and promote discussion of moral principles.

5. Reintegration and Restoration of Democratic Discourse. The last phase in rebuilding social cohesion is the process of systematizing diverse contributions to community affairs. If a healthy society is one that accepts an amalgamation of its varied components, then the reintegration of dispersed societal elements can restore the community spirit and help ensure its sustainability. Though not without contention, such a community has the skills and structure with which to handle disputes peacefully. This broad inclusiveness supports participatory discussion that allows the community to make comprehensive decisions, plan for the future, and implement development strategies.

The process of reintegration centers on reconstructing inclusive systems of interaction. In a deeply divided society such as those recovering from identity conflict, this requires problem-solving approaches that accommodate some elements of all parties' interests, incorporating meaningful participation from a broad base of community members, and focusing on long-term effectiveness, rather than short-term productivity. In addition to obvious challenges such as reconstruction of water systems, hospitals, roads, and houses, decisions in post-conflict societies arise about care of unaccompanied children, assistance to widows, burial sites for the dead, and opening of schools. Even more contentious are such problems as land ownership, new leadership, council membership, and political affiliations. International organizations can take advantage of the pending issues to help lay the foundation for the decision-making process, thereby contributing to democratic dialog. Accordingly, they can help establish ground rules, procedures, and methods for handling disagreements, and provide guidance and facilitation during the initial discussions of common needs. Optimally, this will lead to consensus on projects and procedures for implementation. A healthy decision-making structure ultimately can be used as a format for rediscovering unity, discussing differences, and

developing a common vision, all of which contribute to intracommunal reintegration.

One example of a democratization mechanism the international community can support is rebuilding traditional decision-making structures, such as elders councils, religious institutions, committee formats, and citizen plenary sessions. Though elements of these pre-conflict establishments may have been biased or oppressive, the process of correcting the inequities and empowering the institutions may itself help move the society toward a more rooted, participatory, and harmonious structure. Similarly, a strong civil society provides access to the democratic process. In a healthy political structure, by definition, civil society offers a format for citizen participation in, and influence on decision making. International support for the revival of indigenous, new, or preexisting charity, civic, nongovernmental, work-related, or task-oriented groups can contribute to this process.

Another way of encouraging integration is through the selection of projects that benefit both sides of a mixed community and that require intergroup participation. Road reconstruction, repair of telephone lines and public utilities, and rehabilitation of shared social ministrations, such as hospitals and schools, are good project candidates. International organizations that focus on such activities can invite long-term, intergroup interaction if they intentionally employ staff representative of all sides, identify equally diverse project participants, hold joint meetings, insist on cooperative decision making, request in-kind labor and material donations, and orchestrate shared management and maintenance of projects.

Another catalyst for integration, Quick Impact Projects (QIPs) implemented during the potentially destabilizing period when forced migrants return home, not only provide an immediate economic boost to the home community, but can jump-start social reintegration through immediate return on cooperative efforts. In Cambodia, for instance, QIPs in water, sanitation, agriculture, fishing, and income generation significantly facilitated returnee reintegration. Supporting independent media is yet another means of fostering open discussion on issues of rehabilitation, publicizing successful intergroup cooperation and programs rebuilding community relations, and presenting discussions on topics of civic import.

These five phases of healing present a generic, ideal progression of a segregated and hostile population into a respectful, cooperating community committed to mutual future development and sustainable peace. In reality, the process of reintegration, rebuilding community cohesion, and eventual reconciliation is unduly complex and undoubtedly prolonged. There is no cathartic cure for the wounds of violence. Nevertheless, as actors in post-conflict settings, the international community has little choice but to approach recovery in a comprehensive, yet visionary manner. This entails addressing identity conflicts from a holistic view, incorporating not only a range of disciplines and levels of society, but a longer time frame and more sectors of activity.

A Vision of the Future

Looking back at the seven years since the end of the cold war, one can legitimately argue that the global response to complex emergencies has progressed in some significant ways. Research and programming in post-conflict recovery, for example, has begun to receive greater attention, revealing interesting possibilities for future and ongoing field work. Equally

visible, however, is the need for further changes. In the years to come, one can envision the international community refining its understanding and attitude toward intercession based on lessons learned from past experience to encompass the broader picture and incorporate the realities of today's evolving global dynamics.

In this vision, international organizations will take the full spectrum of the healing process into account, using and developing local capacities in each phase. Scholars, practitioners, and policy makers will combine efforts to create reality-based programs that more closely reflect the needs of the community recovering from identity conflict. They will draw on the expertise of a full range of disciplines and country experts to gain a thorough understanding of the broader, conflict wide picture and specific local conditions. International NGOs will rely on local capacities, building skills and resources as well as civil society. Issues of gender and identity will be incorporated into all programs, attempting to bridge the gaps and encourage reintegration. Moreover, the plight of community residents will be of equal concern to that of refugees and internally displaced persons, and rehabilitation efforts will focus on whole community needs.

At the same time, the international eye will not turn away when the crisis begins to abate. To the contrary, the camera will continue to portray images of activities addressing each phase in the recovery process. Acknowledgment of the extensive recovery time needed for healing will translate to long-term commitment in funding, organizational support, devotion of staff, and acceptance of personnel and programmatic hazards. Exit strategies will be a prime consideration for all international entities; timely departure to avoid dependency will entail a careful transition incorporating training, funding mechanisms, and capacity building.

Most important, our future actions will be based on a conceptual framework for post-conflict recovery and placed in a strategic plan that we constantly adjust to fit new realities. In this view, not only do we meet the continually changing needs of reconstruction aid, but we expand our concept of humanitarianism itself. We are gradually understanding that affecting the physical condition of individuals does not necessarily ameliorate their condition nor reduce the potential for greater pain. In fact, international aid is evolving beyond the process of simply saving lives to incorporating an integrated response to the entire range of factors causing physical and nonphysical human pain. Such a collective vision can serve as a common focal point for refining our global capacity. With this philosophy, perhaps we can roll into the 21st century with new ideals for international aid in post-conflict societies.

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Refugee Repatriation, Return, and Refoulement During Conflict

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This paper discusses the challenge of contemporary repatriation, which has been transformed from relatively small voluntary repatriations that are safe and follow fundamental changes to large returns to troubled countries where repatriation is often violent, compelled, and premature. Because the nature of return has a direct effect on the nature of the reintegration program, the paper discuss issues such as protracted complex emergencies; reintegration of returnees and restoration of civil society; coordination and closure of assistance; and rehabilitation, development, and funding shortfalls.

This decade has seen a great variety of refugee repatriation and return. Although virtually all of the individual numbers and totals are suspect, they do reveal a broad pattern. Of the 14 million refugees who have returned home in the 1990s, almost 90 percent are spontaneous returns, refugees making their own decision to go home without waiting for significant international assistance. In addition, they are not returning to post-conflict societies, they are returning during conflict to societies where there is no peace to keep or it is a fragile peace at best.

Contemporary voluntary repatriations are unlike almost any that have occurred before. In most cases, the peace is fragile, security is tenuous, and the economy and infrastructure of the homeland are devastated. Most returns involve hundreds of thousands, even millions, of refugees returning swiftly and irregularly to ravaged homelands. Almost all of the returns are outside, or only marginally aided by, the system of international repatriation assistance. Mixed in with these movements are equal or greater numbers of internally displaced persons in great need.

Most voluntary repatriations occur amidst conflict, without a decisive political event such as national independence, without change in the regime or conditions that originally caused flight, with only a lull in the fighting or a shifting around of the contending parties. Countless refugees return home in the face of continued risk, frequently without any amnesty, without a repatriation agreement or program, without 'permission' from the authorities in either the country of asylum or of origin, without international knowledge or assistance, and without an end to the conflict that caused the exodus. Many refugees return to regions controlled by parties to the conflict other than their national government. Refugees are the main decision-makers in voluntary repatriation, they determine how they will move and the conditions of reception. Refugees apply their own criteria to their situation in exile and to conditions in their homeland, and will return home if it is safe and better by their standards. Refugees strive for an outcome that achieves relative security and some small degree of control over their lives.

Other forces, however, particularly in the country of asylum, increasingly are trying to influence refugee decision-making and limit its voluntary character through pressure, harassment, and direct violence. Although refugee decision-making is under unprecedented pressure, refugees retain a modicum of choice. In 1996, although civil war in Zaire permitted or forced a half-million Rwandan refugees to return home in the largest and swiftest repatriation in memory, several hundred thousand other refugees made the decision to flee further away from their homeland.

It is a paradox of the 1990s that we speak a perverse truth when we refer to a number of

international, governmental, and nongovernmental humanitarian and relief agencies as "refugee agencies." These refugee agencies, such as the United Nations High Commissioner for Refugees (UNHCR), the United States Agency for International Development (USAID), and the International Rescue Committee (IRC), are being forced by circumstances to act as if they themselves were refugees. The violence of thugs, extreme nationalists, armed refugees, governments, and other parties to the conflict, the inaction of the international community, the spreading global threat to asylum, the weakness and collapse of numerous states, and fragile incompletely implemented peace accords, increasingly mean that those who provide aid are under attack, inadequately protected, and forced to choose between unsatisfactory and even tragic and terrible choices. A number of current refugee returns are forcing refugee agencies to choose the "lesser evil" and the "least worse" course of action. Refugee agencies do not have the luxury of an exit strategy. Even if the return is involuntary, denying assistance to the victims is hardly an option.

Definition of Terms

Some of the terms in my paper's title—repatriation, return and refoulement—need some clarification.

Voluntary repatriation refers to two things, the refugee goes home voluntarily and there is a restoration of the bond between citizen and fatherland. **Return** is a better term for most problematic situations as it simply notes the fact of going home.

Refoulement refers to the expulsion or return of a refugee to a place where his life or freedom would be threatened. Refoulement, which is prohibited by Article 33 of the Refugee Convention, is increasingly being resorted to by asylum countries either directly, as in the United States' interdiction and return of Haitians, or more frequently indirectly as the global threat to asylum leaves refugees with little choice other than going home. During summer 1997, "UNHCR has had to protest three major, blatant acts of refoulement" (Vieira de Mello, 1997).

Asylum is not part of my title but it is essential for voluntary repatriation. **Asylum** is sanctuary, safety, and security. Asylum protects refugees while they heal, while their homeland changes or at least conditions moderate, while they make decisions about voluntarily going home. The push–pull model of migration is very old, however, it is useful in describing a major change in refugee decision-making in the 1990s.

While the pull from the country of origin often remains unchanged, the push by the country of asylum has greatly increased. Thus, the role of the country of asylum in the process of voluntary repatriation has greatly increased. The global threat to asylum, and therefore to voluntary repatriation, is diverse. It is sometimes caused by the country of asylum's security or economic concerns, other times by fragmentation or danger in the country of asylum.

Premature repatriation is a result of the lack of asylum. It is a repeat of the refugee experience. Premature repatriation comes when both the country of origin and the refugees are not

ready for it. Conditions at home have not changed sufficiently to pull the refugees home. Neither the refugees nor their homeland are reconciled or ready for the return. Premature returnees are pushed out by threats, attack, and expulsion rather than pulled by peace and safety at home. In a flagrant abuse of basic humanitarian standards, a country of asylum refoules the refugeesor civil conflict, danger, and fragmentation in the asylum country forces the unreconciled refugees to flee homewards.

It is essential that we maintain an image of truly voluntary repatriation. Voluntary repatriation requires asylum, it respects the refugees, and allows them to make unpressured decisions. Today voluntary repatriation is becoming rare. UNHCR, in a series of Conclusions of its Executive Committee, has outlined the proper conditions for an ideal repatriation.

> \# fundamental change of circumstances, removal of the causes of refugee movements
> \# voluntary nature of the decision to return, freely expressed wish
> \# tripartite agreements between origin, host, and UNHCR to provide formal guarantees for the safety of returning refugees
> \# return in dignity under conditions of absolute safety

These basic principles of protection and voluntary repatriation need to be recalled precisely because they are under great threat and are often violated or ignored. Today we talk of premature repatriation, rescue repatriation, and violent repatriation as well as expulsion, deportation, and refoulement. High Commissioner for Refugees Ogata (1997a) recently noted: "We cannot ignore the fact that the voluntary nature of repatriation is increasingly being undermined by a mounting number of forcible returns in situations which are far from safe."

Many repatriation programs are intertwined with peace accords and multidimensional peace-building efforts. Compelling refugees to "repatriate too early" may give relief to the asylum countries through "a dangerous shifting of the burden back to the country of origin. Premature repatriation puts refugees at risk and may jeopardize a successful transition from war to peace" (Ogata, 1997b).

The Transformation of Repatriation

Repatriation has been transformed in the 1990s in both positive and disturbing ways. The most important positive change has been in the scale of repatriation; 14 million returns between 1990 and 1996 in contrast with less than 4 million returns from 1975 through 1989. However, fully half of the 14 million returns have been to very troubled countries such as Afghanistan, Angola, Bosnia-Herzegovina, Burundi, Iraq, Myanmar, Rwanda, and Somalia. And many of the other returns were to states that are now stable and peaceful but were on the knife edge of conflict and peace at the time of repatriation.

Repatriation today often is violent, compelled, and premature. Its hallmarks are the global threat to asylum and the militarization of repatriation. Repatriation has become a battleground: Rwandan refugees who were been denied a durable solution in exile formed an army in order to

fight their way home. Rwandan refugees in Zaire and Tanzania militarized their camps and violently prevented voluntary repatriation of those they held hostage. Salvadoran and Guatemalan refugees forced their way home with political repatriations accompanied by international witnesses and the media.

In Bosnia-Herzegovina and Croatia, groups have marshalled militias and thugs to prevent the repatriation of minorities to their areas.

In Abkhazia, Nagorno-Karabakh, Bhutan, and elsewhere repatriation is violently blocked. In this decade the search for durable solutions to refugee problems has undergone a transformation from a "reactive, exile-oriented and refugee-specific approach" to a "proactive, homeland-oriented and holistic approach" (UNHCR, 1995). Initially, throughout most of the cold war, the pace of voluntary repatriation was slow and reactive, with the timing largely determined by the refugees themselves. The ideal repatriation was voluntary, safe, and followed a fundamental change in the country of origin. A long exile was expected and refugees received protection and assistance "until the day they chose to return" (UNHCR, 1995).

A "homeland-orientation" is the equivalent of a repatriation-orientation. The shift towards repatriation is due to several factors including the end of the cold war and the lack of durable solutions other than repatriation. The end of the cold war created opportunities for peace and repatriation in Afghanistan, Angola, Cambodia, Central America, Ethiopia and Mozambique, although some of these disputes proved to have an independent life of their own. Humanitarian intervention in the country of origin, which was not feasible during the cold war, has attempted to improve conditions in Bosnia, Cambodia, Haiti, Iraq, Liberia, Rwanda, and Somalia.

Repatriation not only has become the preferred durable solution, it is the only available durable solution. Less than 1 percent of the world's refugees are resettled in third countries and almost none of the countries of asylum are prepared to offer permanent status to their refugees. By default, if the number of refugees is to be reduced it will be by means of repatriation.

Proactive policies focus on the country of origin rather than the conditions of exile. Instead of passively waiting for conditions to change, refugee agencies "must work actively to create conditions conducive to their safe return" (Ogata 1995). UNHCR's Executive Committee (UNHCR, 1995b), while retaining its prior commitment to voluntary safe return, now emphasizes:

>   #   "the right of all persons to return to their country"

>   #   "the prime responsibility of countries of origin" to establish conditions for safe and dignified return

>   #   "the obligation of all States to accept the return of their nationals" "calls on all States to promote conditions conducive to the return of refugees and to support their sustainable reintegration."

Repatriation has been connected to international peacekeeping efforts. In Albania, Bosnia,

Cambodia, Haiti, northern Iraq, Liberia, Rwanda, Somalia, and Zaire, United Nations or other multilateral peacekeeping forces have responded to threats to international peace and security, often with the objective of facilitating the voluntary, orderly repatriation of refugees or of protecting returnees.

Refugee returns are linked to much larger processes of peace with repatriation and reintegration viewed as a measure of successful peace-building. In Cambodia and Mozambique full refugee repatriation prior to the elections was crucial for the legitimacy of the new governments. In Central America refugee repatriation and reintegration was a principal part of the regional peace process. In Bosnia many view return of refugees to communities where their group is a minority as a litmus test for the entire peace process.

Premature repatriation often leads to militarized repatriation. Imposed returns mean unreconciled refugees return to an unsettled and conflicted homeland. There is an increased need for military protection of refugees from home elements not ready for their return, for military protection against refugees not ready to accept their place in their homeland, and for military protection of assistance programs and aid workers.

Donor countries and host countries share a concern with cost and speed. Both sets of countries want rapid repatriation in order to be rid of the problem and to lower their costs. Return is keyed not by a homeland orientation, in terms of creation of conducive conditions in the homeland, but by asylum concerns of a protracted massive refugee burden.

The global threat to asylum has been increasing for years. The threat includes denial of access to territory, rejections at the border, and legislative restrictions. Safety during asylum is jeopardized by attacks on refugee camps, the militarization of camps, violence against vulnerable refugees, forced recruitment of refugees, abusive detention, intimidation both for and against return, and forcible returns (Ogata, 1997a). Confronted with massive influxes, asylum states fear security problems as well as the economic and social burden.

Major Issues and Problems

The nature of the return has a direct effect on the nature of the reintegration program. Voluntary repatriation of 1.7 million refugees to Mozambique in the context of a peace accord was a prelude to fair elections and a remarkably peaceful and successful process of reconciliation, reconstruction, and development. The mixed return, amidst rebellion and violence, of 1.3 million refugees from Zaire and Tanzania to Rwanda has been a prelude to renewed guerrilla activity and insecurity in northern Rwanda. The forced return of Rohingya refugees from Bangladesh to Myanmar has been followed by renewed persecutions and another exodus.

Repatriation and reintegration assistance has to be sensitive to the types and conditions of return. There are several clusters of repatriation issues and problems that present major challenges to the refugee assistance and policy communities and that could mar hopes for the future. These issues are: protracted complex emergencies; reintegration of returnees and restoration of civil society; coordination and closure of assistance; and, rehabilitation, development, and funding

shortfalls.

Protracted Complex Emergencies

Not all refugee situations are part of complex emergencies. However, virtually all complex emergencies involve refugees or internally displaced persons. Sometimes the refugee–displaced person component is not the dominant portion of the overall complex emergency; other times, the refugee and displaced persons problem is the most important and visible aspect of the emergency.

Complex emergencies involve protracted internal conflicts of unusual violence and cruelty; guerrilla conflicts without a clear front line; structural deterioration of the framework of societies, including the inability of a nation to feed itself and the collapse of the institutions of conflict resolution; failed development policies; and even failed states. In the resulting emergencies, the role of international assistance is huge and decisive.

Refugee flows and the plight of displaced persons are often of great importance as a factor justifying United Nations involvement in a complex emergency. However, whether the refugee problems are a ancillary or a major issue, they are rarely treated as the central issue. The primary concern is to end the conflict and engage in post-conflict peace-building.

The failed states, weak governments, guerrilla factions, warlords, and combatant authorities lack the capacity to cope with the disasters they have caused. However, they are able to deliberately deny humanitarian access to vulnerable populations and to make humanitarian and relief workers direct targets of violence. As a result, the international community has increasingly resorted to multifunctional peacekeeping operations to get assistance to civilian victims of complex emergencies. International forces are deployed to facilitate and protect humanitarian operations while attempting to remain neutral and impartial between the warring parties.

Complex emergencies lack clear stages or endings. What looks like the end of a crisis or the start of progress may prove to be false. In many cases, multiple cease-fires and peace agreements have been signed but the signatories lacked the institutional and governmental capacity to follow through on their commitments and deliver peace.

Comprehensive peace settlements that attempt to resolve complex emergencies often include refugee repatriation and a role for refugee agencies as part of a much larger package. Annex 7 of the Dayton Peace Accords gives UNHCR responsibility for the repatriation of refugees and the displaced but its programs are heavily dependent on the policies and actions of governments and other international agencies. As the international pullout from Somalia indicated, other parties may suffer a failure of political will, may limit mission goals so that humanitarian and nation-building activities receive insufficient protection or time to be accomplished, may fail to fund rehabilitation or development activities, or engage in other half-measures that contribute to the failure of the comprehensive package. Humanitarian activities may be endangered or curtailed, leaving returnees and other casualties to face renewed threats.

Reintegration of Returnees and Restoration of Civil Society

Voluntary repatriation of refugees to their homeland is a sign that safety and control over one's own life has the possibility of being restored, but repatriation is only a beginning, it does not necessarily mean the bond of trust and loyalty has been restored between citizen and state. People who are physically home but are not participating in the economic and political life of their country are still uprooted persons. In many cases they may be back in their homeland but far from their own communities. The danger exists that repatriation alone is a relocation that converts refugees into internally displaced persons.

Reintegration of returning refugees is a complex political, economic, social, and cultural process that goes beyond a simple physical reinsertion of refugees in their home communities. Violence and conflict and the passage of time have an effect on individuals and societies. Refugees may undergo major cultural and social transformations, while conflict and politics transform the homeland. Many of those who stayed behind may have been on the other side of the conflict. Others who stayed have sufferings and experiences not shared by the repatriates.

Internal conflict, in particular, can polarize and politicize even the most friendly and benign activities, thus contributing to social disintegration and the violent resolution of disputes. When civil institutions are weakened and attacked and security interests are paramount and pervasive, participation in civil society can be dangerous. Populations are uprooted when violence replaces consensus-building, when normal, legitimate concerns and needs are labeled subversive.

Most of the money spent on international assistance for refugee reintegration is concerned with improving the economic status of the returnees and their communities. This focus is understandable given the devastation caused by civil conflicts and the significant groups of needy and vulnerable people. However, the long-term obstacles to reintegration are only partially rooted in economics. The roots of the original refugee flows are deep and entwined around resentments of power and privilege, mutual suspicions, and fundamental economic and social injustices. Reintegration will be precarious without the re-creation of political or humanitarian space and a functioning civil society at the local, regional, and national levels.

However, we need to be cautious about the impact of resources whether for civil society or development. Many ethnic or political leaders have extreme agendas that they will not abandon in order to receive conditional aid. Taliban, Bosnian Serbs, Rwandan Interhamwe, Abkhazia, and other groups consider their policies more important than international assistance.

Coordination and Phase Out of International Assistance

Although holistic reintegration goals are sometimes given rhetorical voice in repatriation planning, it is rare to find solid attempts to achieve them. The emerging conceptualization of reintegration as a part of a larger, more complex process is not accompanied by any internationally recognized institutional framework for reintegration or reconstruction assistance. However, recent comprehensive peace settlements in Central America, Cambodia, and Mozambique have provided for international assistance programs that were accompanied by a significantly higher level of national political will and international commitment and funding to the tasks of reintegrating

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uprooted populations and rebuilding societies.

Holistic reintegration assistance is not a one-agency task, indeed, rather than being a single task, reintegration is intertwined with conflict resolution and post-conflict development. No international agency can plan and direct, initiate and complete the full range of activities needed to reintegrate returnees. UNHCR can begin the process of return and reintegration. However, it is not a development agency and thus cannot complete the job. The United Nations Development Program (UNDP) is a development agency, but it is not likely to be present at the creation of a reintegration program that it may be called upon to complete. Further complicating the picture is the role of the refugees themselves. Most repatriation is refugee-initiated rather than agency-initiated. Most repatriation is to societies amidst conflict, even to regions controlled by nongovernmental forces. Programs and plans made for such returns cannot know what end and closure conditions they will have to confront.

If reintegration assistance is part of a comprehensive peace settlement or a complex emergency there may be dozens of UN actors from its political, military, and humanitarian divisions both at headquarters and in the field. In addition, ad hoc task forces, working groups, emergency teams, and other special relationships will form within and between many agencies and offices (UN 1994c). The complexity of the UN response is mirrored by nonunitary structures in the primary bilateral donors. And recent programs have involved numerous regional international organizations and more than 100 international NGOs.

Of all the organizations and agencies involved, none necessarily stands out from the others as the leader in an emergency or a repatriation. Each of the separate entities has its own mandate, governing boards, independent fundraising, and resources. The existing system does not view a complex emergency as a whole problem. It is unable to offer a coherent and comprehensive approach and solution.

UNHCR can participate in a refugee situation without asking for permission. Refugee camps may be assisted for decades. However, if refugees voluntarily repatriate to their country of origin, UNHCR will run into mandate limitations. Although UNHCR has an abiding concern that returnees be firmly reintegrated into their societies, UNHCR assistance and involvement is limited to their return and an initial, albeit lengthening, arrival and settling in period.

In providing segmented assistance during a repatriation many agencies have to deal with a situation in which they will launch a program or process even though they are unlikely to be present at the finish. Pressed by other demands on their resources, many agencies need to bring some of their assistance programs to a conclusion. The decision to phase out an operation is normally made independently, based on an agency's mandate and on achieving certain criteria, such as repatriation or attaining food self-sufficiency. A problem for agencies seeking to phase out their involvement is the need to find other agencies to take over their unfinished work. Lacking coordination and a comprehensive approach at the beginning of a repatriation, agencies find their necessary departure may be dependent on and entangled with the operations and decisions of other parties. Experience has shown that waiting to make a handover to another party can be open-ended.

"As we try to phase down in Mozambique, the challenge is to ensure that others have a stake in the reintegration process and will continue when we leave" (Ogata 1995).

Interagency collaboration within the UN system tends to be weak. Childers and Urquhart (1994) concluded that for each emergency: "The 1991 reform did not overcome the separatism and built-in competition that is so pervasive in the UN system even in the face of the human desperation of emergencies." Now we have the 1997 reforms, which again promise a major restructuring to deal more effectively with complex humanitarian emergencies.

Rehabilitation, Development, and Severe Funding Shortfalls

There is a need to arrange better funding for repatriation activities. UNHCR and the UN system rely on voluntary contributions to fund their repatriation and rehabilitation activities. This means that the availability of resources is unpredictable and often inadequate, and repatriation opportunities may be lost. Persistent funding difficulties, in terms of funding appeals that are under subscribed, have been greatest for reintegration programs in countries affected by armed conflict, such as Afghanistan, Azerbaijan, Georgia, Liberia, Rwanda, Somalia, and Tajikistan. However, even the peaceful return of more than 100,000 ethnic Tuaregs to Mali has gone unsupported, receiving a mere $1.3 million towards an appeal for a $17.6 million reintegration program (UNHCR, 1997). Overall, "repatriation programs in Africa . . . are dramatically under funded" (Vieira de Mello, 1997x).

At a time when humanitarian needs are expanding, a third window for financing emergency rehabilitation activities is needed. Funding windows already exist for emergencies and development, but resources are lacking for post-conflict rehabilitation. The distinction between rehabilitation and development is important because a great deal of contemporary repatriation is not to post-conflict societies ready to engage in development efforts.

Rehabilitation is assistance to restore victims to self-sufficiency and viability, and to reduce their vulnerability. While rehabilitation activities should be consistent with development objectives, they are implemented only to the extent that they satisfy specific needs imposed by the crisis.

Refugee return often occurs amidst conflict, very early in the process of reconciliation and peace-making and often before any resumption of development is possible. Attempting to tie reintegration assistance to national development may be a laudable goal but it is most likely to be an unrealistic goal, at least at first. At the time of refugee return the most pressing needs are for rehabilitation and reconstruction. Development is a very distant goal.

Permanent emergencies and protracted complex political emergencies are much more than a transitory delay in the development process. Two, three, and four decades of internal conflict and disaster in Afghanistan, Angola, Sudan, and elsewhere reflect the development of normalized, institutionalized, systematic, long-term disasters that have shattered and reversed the development process.

Countries in the throes of complex emergencies are terrible candidates for development or relief-linked development. Past development failures have contributed to the onset of a complex emergency. At one time these devastated countries had "a functioning civil and social administration, a transport system and a modest, but real, economy" (Duffield, 1994). Now, those advantages have been lost and their absorptive capacity for receiving aid is very low. Without peace and political stability their likelihood of development is meager.

A development orientation does not serve the real needs of the victims of a complex emergency. Their needs are more direct and immediate than development, more modest and attainable. A certain modesty in the face of violence and intractable problems is advisable. It is very rare for lives torn apart by violence, displacement, and disaster to be rebuilt with little cost. Rehabilitation and reconstruction with a focus on food security would set more proximate and realistic goals for the international community when coping with complex emergencies. When refugee assistance moves from humanitarian aid toward development aid there is a shift in leverage in favor of the donors.

Humanitarian aid has a compelling dramatic immediacy about it that makes it difficult for donors to stand on the sidelines. Returnee assistance, however, is after the emergency. Conditions have stabilized, the danger is past, and whatever the compelling arguments in favor of development aid, the drama and urgency are missing. Donors asked to fund unsatisfactory development projects—developed from government or agency "wish lists" without a suitable institutional framework for implementation in societies with disrupted development processes—can sit on their purses. Increasingly, donors are resorting to "conditionality" regarding development aid to homelands, demanding progress on human rights, judicial and prison reform, demilitarization, democratization, and other issues, before funding projects.

Acceptance of rehabilitation as the strategic goal of humanitarian and reintegration assistance, particularly during complex emergencies, is based on the potential of rehabilitation assistance to improve conditions for victims of conflict. In designing a rehabilitation strategy a number of constraints and weaknesses present during a complex emergency need to be confronted. These include: limited access to and weak knowledge of the field; limited capacity and experience to design, plan, and implement assistance at the local and national levels; fragmented assistance efforts and authority; substantial population dislocations; and widely varying conditions throughout the society.

This leads to a rehabilitation strategy that responds to local conditions and opportunities to provide assistance; is simple and focused on timely, quick-impact assistance; is flexible and avoids plans and designs that cannot keep up with fluid conditions; and monitors and reacts to, supports, enables, and facilitates the initiatives, decisions, and coping strategies of the beneficiaries.

Conclusion

Within the wide range of conditions that surround refugee returns, there are several worlds of repatriation. Much repatriation is voluntary to changed societies, takes place in the context of a

peace agreement that is being negotiated, signed, or implemented, and has substantial international support, such as in Cambodia, Mozambique, and perhaps Liberia, ranging from money and assistance to international peacekeepers to committed diplomatic support. Other repatriations are premature and compelled to conflicted homelands, lack a peace agreement, or have an agreement that the parties are unable or unwilling to implement, and lack sufficient international backing. The lessons from the first world of successful repatriation are difficult to apply in the second world of involuntary repatriation because of the presence of violence and the international communities reaction to violence.

Never again. After the Holocaust, after the Rwandan genocide, after the militarization of refugee camps by mass murderers, the international community signs conventions, passes resolutions, learns the lessons of the past, and pledges "never again." Lessons are easy to learn, but difficult to apply. Especially if the parties knew they were ducking a right but tough action the first time.

Although there are repeated references to compassion fatigue, the reality is that there is great kindness, benevolence, and charity toward refugees and other victims. However, humanitarian action cannot substitute for political action, in particular a willingness to confront violence. Many political leaders are focused on keeping their military interventions casualty-free. In Bismarck's words, they "will not sacrifice a single Pomeranian grenadier," when they support humanitarian rather than national interest goals. Indeed, recent bruises to American soldiers were enough to lead some to call for withdrawal from Bosnia.

There may be times when the international community should be grateful that a 'durable solution' of repatriation has not been achieved. Many premature returns represent a failure by the international community to provide for and protect refugees. One needs to question why adequately protected and nourished refugees would return home during conflict conditions to a country ruled by the government that originally caused the flight. A lack of a 'solution', nonreturn, may be a positive reflection on the attitudes and efforts of host countries, on the support of donors, on the protection by international agencies, and on the voluntary nature of return.

The international community has endorsed repatriation as "the most preferred solution, where feasible." In practice this has meant it is virtually the only solution available and repatriation's feasibility is rarely examined. It may be time to question whether some refugees are ever going to be able to go home, time to abandon the idea of repatriation in all cases. Recently the idea of partition has returned as an option in international discussions about Abkhazia, Bosnia, Nagorno-Karabakh.

Lastly, there is voluntary repatriation during conflict. Confronted with the harsh reality of temporary asylum and no durable solution, many refugees explore the possibility of going home. In the absence of coercion, refugee-induced repatriation is a self-regulating process. Refugees will voluntarily repatriate if and when they believe they will receive sufficient protection. Protection, security, and more control over one's fate are the key variables in repatriation during conflict. Protection is a perceived political "space" that provides refugees not only relative physical security, but also material and moral support. The space may be so narrow that only single

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refugees can return, or it may be understood so broadly as to permit a collective return.

There is a need to actively assist voluntary repatriation during conflict. These returns reflect the refugees' own needs, standards, and judgment of their situation, that they may have a better chance of survival amidst conflict at home than amidst the dangers—sanitation, food, disease, attack—of camps and asylum.

"Lessons" for Discussion

Peace agreements are a poor indicator that the post-conflict stage has begun. Peace first is not a requirement to promote reintegration and rehabilitation. In fragile and partial peace there are opportunities to provide assistance.

All aid is local. In a complex emergency marked by an absence of central government control over large areas of the country it is important to think in terms of pockets of return and safety and to promote the development of civil society in those areas. These more peaceful pockets represent a localized post-conflict area within a country at war. It is useful not to be bound by sovereignty and to assist whichever party controls the area.

Assistance needs to be simple, flexible, and reactive. Refugees are returning spontaneously, perhaps prematurely. There is no national development plan and a lack of capacity to implement one if it existed. Simple assistance reflects a belief that you cannot design and plan for the many choices open to the people amidst conflict and that complexity would overwhelm the capacity of available systems. Reactive reflects a belief that it is better to assist returnees in what they choose to do than plan the wrong thing and then try to cajole them to fit your design.

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International Assistance to Internal Security Reforms:
Some Lessons From Central America
and the Caribbean

by George R. Vickers

Washington Office on Latin America

INTERNATIONAL ASSISTANCE TO INTERNAL SECURITY REFORMS:
Some Lessons From Central America and the Caribbean[1]

After decades of dictatorship and civil conflict, all but one of the countries in Central America and the Caribbean now have democratically elected governments. That is not the same thing, however, as saying that the countries of Central America and the Caribbean are now democratic societies. The legacy of authoritarianism remains manifest in corrupt and inefficient judicial systems, abusive law enforcement institutions with little capacity to investigate and solve crimes, continued impunity for the powerful, and in the residue of authoritarian political culture that acts as a drag on efforts to consolidate democratic electoral transitions by making accountable the key institutions responsible for protecting and promoting democratic values and practices. Rampant crime and enduring economic hardship pose a serious threat to the long-term sustainability of faith in the democratic option.

The international community has a significant stake in the outcome of the struggle to consolidate democracy in Central America and the Caribbean. The United Nations and the Inter-American system have played key roles in designing and brokering the democratic transition as well as in verifying and helping to implement democratic reforms. The United States, Canada and the countries of Europe and Scandinavia are heavily invested in supplying the moral, political and financial support essential if democratic forces are to prevail over the legacy of authoritarianism. The models and lessons of Central America are being applied to other post-conflict and post-authoritarian situations elsewhere in the world, and a failure to consolidate democratic reforms in this hemisphere will have profound ramifications.

Nowhere are the stakes higher nor the challenges more formidable than in efforts to demilitarize and professionalize mechanisms for maintaining internal security and public order. Prior to and during the civil conflicts that engulfed Central America during the nineteen seventies and eighties, responsibility for maintenance of public order and internal security was usually part of the role and mission of the armed forces. Militarized internal security forces, together with paramilitary "death squads" organized by and linked to these forces, were responsible for many of the most notorious and brutal practices of torture and assassination. Somewhere in the neighborhood of 300,000 Central Americans died violently during these conflicts, the majority of them non-combatants.[2]

Given the central role played by internal security forces in repressing civil unrest, it is not surprising that a principal topic of negotiations aimed at ending the conflicts was how to restructure and "demilitarize" responsibility for internal security. In the context of negotiations, the focus was on separating responsibility for public order from the role and mission of the armed forces and establishing civilian control. While there were important differences in the circumstances under which internal security reforms were undertaken in different countries, there were also important similarities in the nature of reforms undertaken to prevent a recurrence of past abuses. These included:

! Reducing the size of the military and subordinating it to civilian control.

! Redefining the role and mission of the armed forces to focus on protection from **external** threats.

! Separating the police from the military and giving police the sole responsibility for maintaining **internal** security and public order.

! Professionalizing the military and police by reforming doctrines, codifying procedures, improving training and standards and raising salaries.

These negotiated reforms, as well as similar reforms undertaken in Panama and Haiti where the United States used force or the threat of force to remove repressive military regimes, were designed to correct the perceived flaws of existing military-controlled public security forces in order to prevent a recurrence of massive abuses. The reforms did not anticipate the very different security threats that confronted public order forces in the post-conflict situation.

This paper examines the role of the international community in designing and assisting internal security reforms in Central America and the Caribbean, the obstacles to reform posed by post-conflict conditions, and some of the lessons suggested by these experiences.

THE ROLE OF INTERNATIONAL ACTORS

To an important extent, the experiments with reforming structures for the maintenance of public security in Central America and the Caribbean bear a foreign stamp. This may seem obvious in places like Panama and Haiti where U.S. military forces were in a position to impose and direct such reforms, but it is also the case in El Salvador and Guatemala where internationally mediated negotiations produced agreements on post-accord security reforms.

International Mediation and Public Security Reform in El Salvador

In El Salvador, for example, at the outset of negotiations the Farabundo Marti National Liberation Front (FMLN) insurgents demanded the dissolution of the armed forces, and later proposed the creation of a merged force that would combine the government and guerrilla armies. Both proposals were rejected by the government side. What eventually emerged was an agreement to limit the role of the armed forces to external defense, to substantially reduce the size of the army, to dissolve the security forces and the military's intelligence apparatus (National Intelligence Directorate--DNI), and to create in their place a new national civilian police force and an intelligence agency under direct executive control.

The new National Civilian Police force (PNC) was to be made up of individuals who had no history of direct involvement in the armed struggle, with two specific exceptions: equal numbers of former National Police and former FMLN would be allowed to join the force, on the condition that they jointly constitute less than half of the force. All entrants would have to pass rigorous admission requirements and participate in a training program at a new civilian National Academy for Public Security (ANSP) established to train cadets and officers for the new Civilian

Police.

The negotiators recognized that there would be a <u>transitional period</u> during which existing security forces were being dissolved and new police recruits were being trained and deployed. The accords provided that during this period the old National Police would be responsible for public order. To avoid the presence of the National Police in Conflict Zones, the accords permitted the deployment of Auxiliary Transitory Police (PATs) units made up of PNC cadets under UN supervision and leadership.

The idea of the PNC and the public security academy grew out of the need of the FMLN to have some assurance that its members would be safe as they rejoined public life and participated in the politics of the country. Police reform can thus be viewed as something demanded, and won, by the Farabundo Martí Liberation Front (FMLN) rebels, even though it was not their original priority in seeking to demilitarize Salvadoran Society. Yet to a large extent, El Salvador's police reform bears a foreign stamp. The government, though amenable to the idea of a police force that was separate from the Ministry of Defense, wanted simply to "civilianize" the existing security forces rather than replace them with something completely new. The FMLN favored a new force, but was primarily interested in assuring that their own personnel be assigned to police FMLN zones of influence. The vision for a truly national, apolitical, professional force came largely from United Nations advisors, rather than from the Salvadoran parties themselves.[3]

During the peace negotiations, the United Nations embraced the idea of a new civilian police force and proposed a set of specific parameters for the new police institutions that would ensure not only the protection of the FMLN, but a broader guarantee to all Salvadorans that the police would no longer be an instrument of political repression. United Nations advisors drafted proposals for the police reform sections of the accords, as well as initial drafts of enabling legislation. The United States briefed negotiators on the types of training and assistance the U.S. was prepared to offer following an accord. The Salvadoran parties each made minor modifications to these proposals and eventually agreed to them. The doctrine of the new police emphasized the defense of individual rights. A core goal of the new institutions was therefore to provide a style of policing that placed greater emphasis on skill rather than force, investigation rather than coerced confessions, and public service rather than intimidation.

In a sense, the PNC and the new ANSP were an experiment in whether the international community could transfer the norms and institutions of civilian policing to a society that had never had a genuine police force. Because of the radical nature of the reforms, and because they were to be implemented in a highly polarized, uncertain post-civil war context, all parties understood from the beginning that the United Nations and bilateral donors would play a crucial role in implementation. A technical team of United States and Spanish police advisors designed the curriculum of the new police academy, and foreign instructors provided much of the teaching during the first two years of the academy. At the urging of the United States, the United Nations mission and the Salvadoran government reached an agreement under which UN police officials gave advice and practical training to the new force as it began to deploy.[4] The UN missions (ONUSAL, then MINUSAL after April 1995) closely monitored the development of the new institutions and used their political leverage to influence public safety policies and the selection of

top officials.[5] Several countries, including the United States, Spain, Chile, Norway, France, Sweden, and Germany, as well as the European Union, provided material and technical assistance and added their voice to international pressures for faithful implementation of the project as outlined in the peace accords and annexes.

The United States Role in International Police Reform

Although the United Nations has played a critical role in promoting reforms of public security in Central America and verifying implementation of those reforms, the United States and Spain have been the principal actors providing hands-on technical assistance and training. For the United States, the nineteen-nineties has opened a new chapter in a long (and not always salutary) history of international police assistance.

Between 1962 and 1974 the United States operated an active program of international police training through the Office of Public Safety (OPS), a semi-autonomous agency within the U.S. Agency for International Development (AID). OPS focused on the separation of police from military functions and took a long-term approach to institution-building, providing training, technical assistance and equipment to recipient countries. Although OPS relied heavily on U.S. civilian police for trainers and advisers, its director came from the Central Intelligence Agency and a key part of its mission was to train foreign police forces in communist tactics and ideology and to help them build intelligence networks to combat communist subversion.[6]

Because of reports that OPS assistance was being used by police forces engaged in human rights abuse, the U.S. Congress shut down the program in 1974 and a year later banned nearly all international police assistance. A decade later a growing awareness of the weaknesses of criminal investigation capabilities of law enforcement units in Central America led to a modification of the congressional ban to permit "programs to enhance investigative capabilities conducted under judicial or prosecutorial control."[7] This authorization became the basis for the establishment within the U.S. Department of Justice of the International Criminal Investigative Training Assistance Program (ICITAP), which is today the main instrument for U.S. assistance to police training efforts worldwide.[8]

A key focus of ICITAP's program during the late 1980's was the creation and training of a Special Investigative Unit (SIU) in El Salvador that was designed to investigate high-profile and politically sensitive cases. A three-member cabinet-level civilian board oversaw the SIU, and cases were assigned directly by El Salvador's president. A retired U.S. military officer employed by the State Department advised the unit, which received extensive training and equipment from ICITAP. Although U.S. officials praised the unit for securing evidence in important corruption cases and the 1980 assassination of Archbishop Romero, following the 1989 killing of six Jesuit priests and two women by Salvadoran military officers the head of the SIU advised top-ranking military officers on what key evidence to destroy.[9] The members of the SIU were all active-duty military officers supervised by two colonels, and the unit was never able to free itself from the political constraints that inhibited effective law enforcement more generally in El Salvador.

Following the U.S. invasion of Panama in 1989, ICITAP was assigned the challenging task

of training a new civilian police force from scratch. The new Panamanian government decided to create a temporary police force out of former soldiers of the Panamanian Defense Forces, while opening a civilian training academy whose graduates would replace the former military personnel over a period of years. ICITAP offered a three-week course for the interim police beginning in May, 1990, and the U.S. military continued to conduct joint patrols with the interim police throughout 1990.

ICITAP's involvement in Panama taught it how difficult is the process of police reform in post-authoritarian regimes. In addition to highlighting the importance of establishing internal discipline mechanisms, the difficulty of recruiting cadets with adequate educational backgrounds, and the corrupting impact of including former members of militarized internal security forces in the new police, the time-frame needed to deploy a capable civilian police force proved considerably longer than anyone imagined. Eight years later, ICITAP is still involved in Panama.

The Division of Labor Between Bilateral and Multilateral Actors

El Salvador provided the first collaboration between ICITAP and the United Nations. In addition to working jointly with Spanish police advisers and Salvadoran government officials to design the curriculum for the ANSP, ICITAP trained half of the first class of top and mid-level PNC supervisors in Puerto Rico (the other half were trained by the Spanish). ICITAP helped recruit, vet and train the initial target of 5700 basic-level recruits and 240 officer-level candidates, and has continued to play a key role in supporting the ANSP, where it continues to fund several instructors. The agency also provides ongoing technical support to the director of the PNC and to a new criminal investigations division that is the successor of the SIU.[10]

Under the terms of the Salvadoran peace accords, the United Nations was designated as the coordinator of international support for police reform. At the ANSP there were instructors supported by the UN, the European Union, Spain and ICITAP. The UN also fielded some 300 civilian police (CIVPOL) drawn from around the world who provided accompaniment and field training for newly deployed PNC agents. ICITAP placed its instructors at the ANSP through a bilateral agreement with the Salvadoran government rather than through the UN, and UN officials complained that ICITAP did not coordinate closely with the UN political officer and principal technical adviser. Police issues were, however, included in weekly coordination meetings between the U.S. ambassador and the UN head of mission.

The relationship between the UN and the United States with respect to police reform in El Salvador was complicated by the fact that the U.S. had a prior history of working with the SIU and between 1992 and 1997 the U.S. provided or obligated more than $32 million to the project, more than all other donors combined. The UN was also quite critical of the increasing tendency of Spain to undertake bilateral programs of support for the PNC and ANSP with little or no consultation or coordination with other donors.

Lessons from both Panama and El Salvador shaped the effort to create a new civilian police force in Haiti after U.S. troops landed there in September, 1994. The U.S. undertook a three-step program that involved neutralizing the Haitian armed forces, establishing an Interim

Public Security Force (IPSF) to provide public security, and developing a new, permanent Haitian National Police (HNP) force. The IPSF was drawn from vetted members of the old Haitian armed forces, but President Aristide directed that no more than ten percent of the new HNP could be composed of former army personnel. Ultimately, the IPSF was made up from 3500 ex-army personnel vetted by two groups of U.S. and Haitian government officials, plus 1089 Haitian refugees in Guantanamo who were given a 21-day training course by ICITAP. The ex-army personnel were also given a six-day ICITAP course.[11]

The State Department also organized a force of 920 international police monitors from 26 countries to monitor the deployment and performance of the IPSF and the HNP. ICITAP provided a three-day orientation course for these monitors. When the U.S.-led Multinational Force was replaced by the UN Mission in Haiti (UNMIH) in March, 1995, some 900 CIVPOL took over the monitoring function, and this was later reduced to three hundred.

The much closer coordination between international military and police operations in Haiti, and the clearer delineation of tasks between multilateral and bilateral actors involved with police reform helped prevent many of the misunderstandings that hindered "whole force" police reform projects in Panama and El Salvador. However, the most recent multilateral police reform project, in Guatemala, suggests that these problems are intimately entwined with the political context in which police reform takes place.

Public Security Reforms and the Guatemalan Peace Accords

The recently concluded peace negotiations in Guatemala reflect both the very different correlation of forces from El Salvador and the fact that the mediator and parties to the negotiations had an opportunity to observe the process of reform in El Salvador and to analyze the strengths and weaknesses of that process.

The internal security reforms of the Guatemalan agreement are modeled on those in El Salvador, but with important differences that reflect the very unequal battlefield strengths of the parties to the negotiation:

! With regard to reforming the police, the Guatemalan accord, like the one in El Salvador, calls for the creation of a public security academy to provide a minimum of six months training to all members of a new National Civilian Police (PNC).

! The new PNC is to have sole responsibility for maintaining public order and internal security. The accord does not provide for any vetting of current members of the police, nor does it prevent military officers "downsized" from the army from joining the police. As interpreted by the Guatemalan government, the accord permits the retention of almost all members of the old police.

! Local communities are to be involved in the recruitment process, and the new force is supposed to reflect the multiethnic character of the country.

!   The Guatemalan accord does not establish firm deadlines for implementing many of the
        security reforms, although it does set very ambitious timelines for increasing the size of the
        new police force from the current 12,000 members to 20,000 by the end of 1999.

        In mid-1996, before the Guatemalan government and the URNG began negotiations on
civil-military issues, the Minister of the Interior announced that Guatemala would be adopting the
"Spanish Civil Guard model" of policing and negotiated a major cooperation package with that
one donor. During subsequent negotiations the Guatemalan government sought to write its
agreement with the Spanish Civil Guard into the peace accords as the center of its police reform
efforts. Under pressure from the UN and other bilateral donors, however, the government agreed
to revise current public security legislation and structures, "based on the present accord, and for
which [process] it will request international cooperation and that of MINUGUA, taking into
account international standards in this area."

        In fact, while ICITAP and MINUGUA (the UN Mission in Guatemala) continue to provide
cooperation to police reform efforts in Guatemala, the current division of labor puts the Spanish
Civil Guard contingent in charge of overall restructuring, particularly in the operations of the new
training academy. ICITAP is concentrating its own $3 million assistance program on training and
restructuring a criminal investigations unit and the crime laboratory, courses for command levels,
support for an internal investigations unit, and training for investigators from the Human Rights
Ombudsman's office.

        Although MINUGUA is offering technical support for police reform, the Guatemalan
Ministry of the Interior has not made MINUGUA a full partner in planning and implementing the
overall program. The accord limits the UN's verification role to only a few aspects of reform, and
to date the mission has been hesitant to comment publicly on progress in implementing police
reforms.[12]

POST-CONFLICT SECURITY CONDITIONS AND OBSTACLES TO REFORM

        In all of the post-conflict and post-authoritarian experiments with internal security reform
in Central America and Haiti, reforms were primarily oriented to the past--to correcting flaws of
existing repressive internal security mechanisms and trying to prevent a recurrence of the massive
abuses that occurred under those systems. The reforms did not (and to some extent could not)
adequately address the security conditions that prevailed in the post-conflict period. Those
conditions have presented enormous challenges to the reform process. Among the central features
of the post-conflict security situation are the following:

!   There is massive infrastructure damage to the country, particularly in conflictive zones.
        There was also an uneven impact of the conflict between conflictive and non-conflictive
        zones.

!   The conflict caused significant internal displacement, and the post-conflict period has
        brought a return of refugees and internally displaced.

! There was an economic crisis with high unemployment at the end of the conflict.

! Large military and internal security forces remain in place and are a significant political force. In Central America there were no effective civilian public order forces independent of the military.

! Members of insurgent forces awaiting demobilization feared for their personal safety and their economic prospects.

! With bad economic conditions and a plentiful supply of guns and people who know how to use them, crime has increased dramatically.

These conditions pose immense challenges to successful reforms of internal security mechanisms. Rampant and rising crime threatens to overwhelm the capacity of nascent civilian police forces, and generates public support for hard-line elements resisting the reform process.

The Impact of Crime on Support for Reform

El Salvador has been overwhelmed by crime. It has the highest murder rate in the Western Hemisphere, well above that of Colombia. Everybody talks about crime and has personal stories to relate, in addition to the more spectacular crimes luridly portrayed in the media. In an October 1995 IUDOP poll 37% said crime was the principal problem (20 points ahead of the second ranked problem); a June 1996 IUDOP poll listed combating crime as the most important task for the government. A January 1997 CID-Gallup poll had 95% rank crime as "very serious", ahead of economic problems.

Emboldened by polls showing citizen concern about crime, hardline forces successfully forced the government to pass tough anti-crime laws in 1996. The new laws reduced the rights of defendants by permitting extra judicial confession in some circumstances and forms of preventive detention. The already stuffed jails quickly filled to overflowing.
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Guatemala faces a similar epidemic of crime. Car theft and kidnaping are everyday occurrences, with some ransom demands as low as $1000. Private security squads have multiplied as the wealthy seek an alternative to the police, but in one recent incident the members of a private security squad were arrested in the act of kidnaping members of a family they were hired to protect. There are increasing incidents of vigilante justice against petty criminals, and there has been widespread support for a new law that reinstated the death penalty.

In both El Salvador and Guatemala organized crime is a particular threat to institutional reform through infiltration and corruption of police units. In October, 1996, Guatemalan authorities broke up an organized crime ring that included the Vice Minister of Defense and other high ranking military officers, top police officials, customs officers and private businessmen. According to officials the ring was stealing thirty percent of all customs duties. Other military and police officials have been implicated in smuggling activities. In El Salvador, police investigative units have been accused of covering up criminal activity by organized crime.

In these circumstances, a crack, veteran police force would be challenged. The Haitian National Police and the National Civilian Police in El Salvador and Guatemala are neither. Massive crime is only one of the major challenges to successful reform of internal security, however.

Resistance to Reform

The peace accords in El Salvador and Guatemala envisioned a professional, apolitical, and rights-based police force, using a community grounded presence to prevent crime and employing modern investigative techniques to solve them. The United Nations and international police training groups, from the U.S. and Spain in particular, have pushed this conception.

This vision is not universally shared by all the key actors in the two countries. There are other conceptions that have been competing for influence. Some in the business community wanted a force whose leadership would address crimes they wanted solved, while avoiding white collar crime. Some involved in war-time death squads or corruption wanted to assure their continuing influence in a new police force. Still others retain a belief in using the police as a repressive force to advance personal or partisan political agendas.

While it is too soon to assess the final outcome of this struggle among competing visions, the experiences to date highlight a number of serious problems[13]:

1. **Resistance by the military and by officers who would be adversely affected by terms of the accord**. The Salvadoran government tried to avoid dissolving the old security forces by relabeling them as new military units. Although the UN mediated an agreement whereby the security forces would be definitively dissolved and the Legislative Assembly repealed laws creating the two security forces, many National Guard and Treasury Police members continued to serve in public security roles when the National Police incorporated over 1,000 of them along with entire units from one of the demobilized attack battalions[14]. In addition, the government steadily postponed or rescheduled planned demobilizations of the old National Police on the grounds that crime was out of control. The official demobilization of the old National Police took place more than two years later than the date set in the accords.

    In Guatemala, the accords called for the dissolution of the Mobile Military Police (PMA). While the accords permitted ex-military to join the new PNC, they were required to go through the same selection and training process as new recruits. To get around this requirement, the Guatemalan government transferred the PMA into the Treasury Guards and interpreted the six-month training requirement to apply only to new recruits. For members of the old police force and the Treasury Guards it set a shorter training course of three months.

2. **Infiltration of the new police by criminal and corrupt elements**. In El Salvador, two special law enforcement units composed of military personnel, the Comisión de Investigación de Hechos Delictivos (the Commission for the Investigation of Criminal

Acts, better known to U.S. officials as the Special Investigative Unit or SIU--see above discussion) and the Unidad Ejecutiva Anti-Narcotrafico (UEA, the Executive Anti-Narcotics Unit) were transferred wholesale into the PNC.

The transfer of these units represented a major violation of the peace accords and of the *Ley Organica* of the PNC. The United States had previously invested millions of dollars in training these units, and argued that they would provide an investigative capacity for the PNC right at the beginning. Under terms of a special agreement, detectives from the SIU and UEA were to be transfered as individuals, pending a screening process to be verified by the United Nations and retraining at the ANSP. In practice, the training never took place, hundreds of additional security forces and military personnel were transferred into these units *after* the agreement was signed, and public security officials resisted, until late 1994, fulfilling their obligation to send UEA and SIU members to the civilian academy.

Preserving these units proved to be false economy. They brought with them a culture of impunity and brutality that was completely at odds with the spirit and doctrine of the PNC. After considerable vacillation, in late 1994 the government finally decided that it would rotate them through a normal course at the academy. This triggered strikes by both units. By March of 1995, most members of these units were gone, leaving the government to start from scratch to develop new investigative units, but relieved of the potentially cancerous presence of representatives of the old order.

3. **The Creation of Parallel Police Forces**. One of the most serious problems confronting the PNC in El Salvador was the formation of "parallel" police units not contemplated in the accords (or the *Ley Organica* of the PNC) and comprised largely of non-Academy graduates. The Public Security Minister formed several special units directly under his control that bypassed the Director of the PNC and carried out operations independent of other units.

In addition, a few years ago private sector individuals concerned about kidnappings formed their own anti-kidnapping unit headed by a Venezuelan named "Zacarías." This unit operated outside of the PNC with private funding. The Minister of Public Security treated this unit as *de facto* members of the PNC operating under the authority of the Ministry, even though none of its members are ANSP graduates. This unit duplicated the official kidnaping unit of the Criminal Investigations Division.

In Guatemala, MINUGUA has reported the existence of an illegal anti-kidnapping unit operating out of the *Estado Mayor Presidencial*, a military-staffed intelligence unit based in the office of the President of the Republic that has been accused of many major human rights abuses in the past.

4. **The Failure of Internal Discipline**. The design of the PNC in El Salvador included several mechanisms for internal regulation: a Control Unit responsible for evaluating police procedures, organization, and general discipline; a Disciplinary Unit responsible for investigating violations of regulations and laws by PNC personnel; a Disciplinary

Tribunal that adjudicates cases; and an Inspector General's office empowered to investigate any aspect of the functioning and regulation of the PNC.

Effective functioning of all of these institutions is essential to ensuring that the PNC develops an organizational culture of probity and accountability. Unfortunately, these institutions were established months after the PNC began to function, and have not lived up to their mandates.

The PNC functioned without an Inspector General until October 1994. The first IG was dismissed for failing to perform his job effectively and, according to some reports, a drunken shooting spree. The Minister nominated as a replacement an attorney with whom he had long standing personal and professional ties. Human Rights Ombudswoman Victoria de Avilés rejected that appointment on the grounds that the nominee was too close to the Minister and would not show sufficient independence. A stalemate ensued until a new IG was named in October, 1995.

Although the Guatemalan accords have only recently been signed, many of the same issues that arose in El Salvador seem likely to arise in Guatemala. After the accords were signed, for example, the Guatemalan government proposed and the congress approved a new *Ley Organica* for the police. The new law does not incorporate key provisions of the accords including the creation of a new police academy, and makes no mention of internal discipline units. There is already talk of transferring military officers into the police to help install "discipline" in the new force.

THE LIMITS OF INTERNATIONAL INFLUENCE

From the outset, it was predictable that there would be serious resistance to the police reforms. The history of "nation building" efforts by world powers is rife with examples of the resistance of domestic political and institutional orders to changes promoted by outsiders, even where the international actors have substantial material resources to offer.[15] Domestic political actors, especially those who occupy official positions within the state, have tremendous capacity to resist pressures to give up prerogatives in the interest of democratization or state reform. Even where a majority of state officials strongly embrace reform, those who are opposed can put up effective resistance, especially if they are well-placed within the bureaucracy. The fact that the lead international protagonist of change in El Salvador would be the United Nations rather than a bilateral actor did not necessarily improve the odds of success. The reforms provided for in the peace accords were to be implemented by a governing party (the Nationalist Republican Alliance, ARENA) with a history of involvement in political violence, close ties to the armed forces, and defense of impunity[16].

Despite the potential for resistance to or distortion of the new institutions, international actors did have some important political resources for seeing the projects through. The peace accords in El Salvador provided a detailed road map for the creation of the ANSP and PNC that specified a timetable, who could join the new force, who was empowered to make and confirm key appointments, how the new PNC and ANSP would be structured, how it would be internally

regulated, and what doctrines they would uphold. Since all these elements were included in the text of the peace accords, and since the United Nations was given broad powers to verify the peace accords, the UN had license to involve itself in verifying the government's implementation of the ANSP and PNC. These were extraordinary powers, well beyond those usually enjoyed by international agencies attempting "nation building." International clout was supplemented by the fact that the Salvadoran government faced enormous financial burdens associated with post-war reconstruction, demobilization and "reinsertion" of former combatants, and institutional reforms mandated by the peace accords. The government was highly dependent on receiving a clean bill of health from the United Nations: major criticisms of its implementation of the peace accords could translate into reduced financial support from abroad and a potentially disastrous inability to carry out essential post-war policies.

The presence of the UN observer mission with its extraordinary powers, and the relative enthusiasm of bilateral donors to contribute during the initial cease-fire and reconstruction phase, were inherently short-lived. From the start it was clear that the international community's role would decline over time and that in the long run, the democratic and apolitical nature of PNC and ANSP would depend on the choices made by Salvadorans. When donors failed to respond as generously as hoped to UN requests for aid for the new police project, it became clear that the international community's contribution would be more qualitative than quantitative. Only nine percent of project costs were financed by international donors in 1993 and 1994 (mostly by the United States), with the balance falling on the government. With a relatively brief window of political influence, and with few resources to work with, international agencies could only hope that during the first few years of the project, they could inculcate enough democratic policing doctrine, institutionalize healthy enough procedures and methods, teach enough technique, and raise high enough public expectations that the new force would remain genuinely civilian-controlled, professional, apolitical, and accountable to the public[17].

The UN belatedly tried to create a domestic actor with a stake in internal security reform by recommending the creation of a National Council of Public Security composed of prominent individuals to oversee the PNC and to design solutions to ongoing problems. The Council was established in early 1996, but has yet to develop a unified vision of its role and mandate. One problem has been the limited time commitment of the high-profile members.

In Guatemala the basic framework is the same as in El Salvador, but the UN has tried to begin much earlier to focus on strengthening the involvement of domestic actors. The domestic verification mechanism includes representatives of civil society as well as the parties to the negotiations. MINUGUA began in-country verification of the human rights accord a year and a half before a comprehensive settlement was reached (compared with four months in El Salvador), and included institutional strengthening as a primary task from its inception. The Guatemalan accords also called for the establishment of technical commissions with membership drawn from affected sectors to work out detailed plans for implementing each of the agreements.

LESSONS LEARNED

The very different historical contexts in which internal security reforms were attempted in

Central America and Haiti make facile generalizations dangerous. The domestic and international dynamics in each country differed in critical ways, and there were significant differences in the components of reform projects undertaken in different countries. In some ways that makes it all the more striking that some of the same problems have repeatedly been manifest. While it may be going to far to say that there are clear "lessons" to be learned from police reform efforts in Central America and the Caribbean, it is certainly possible to make some observations about key elements of reform projects that seem to have a strong impact on the chances of success.

The first and most important observation is that **political will** by the national government to carry out agreed-upon reforms is essential to success. Among the benchmarks of political will are the following:

! Has the government named reform-minded officials to key posts?

! Do these officials have sufficient power and commitment to confront sectors opposed to reforms of internal security?

! Are government officials able and willing to discipline cases of abuse by the post-accord security forces?

! What is the track record of post-accord security forces in investigating cases of political violence and organized crime?

! Are military and public security budgets transparent and subject to effective oversight?

A second observation is that the **time span** needed to accomplish fundamental reforms of internal security mechanisms is substantially longer than the one to three year period typically provided for in peace accords. What is involved is not simply the creation or strengthening of institutions, but the transformation of political culture. Systems with no legal tradition of oral trials in which public security forces have traditionally been instruments of state repression, lacking basic training in criminal investigation and forensic science, cannot overnight be transformed into systems boasting professional, rights-based police forces. The task is made more difficult by the continuing deep polarization of societies that makes the historical victims of police repression suspicious and/or dismissive of even the possibility of reform.

A third observation, which follows from the last, is that greater attention must be paid to ensuring that **domestic organizations have the capacity** to monitor and oversee internal security reforms. International assistance and verification will necessarily be of limited duration, and cannot succeed without the active support and involvement of quasi-governmental and non-governmental actors who can continue to press for reform after the international presence is gone.

The quality of police leadership plays a crucial role in success or failure of the reform effort. Given the strong legacy of authoritarianism, the attitude and example of top and mid-level officials sets the tone for the behavior of rank-and-file police officers. The recruitment and training of officials committed to, and capable of, building and supervising a demilitarized and

professional police force must be a top priority of the reform process.

Vetting and retraining of officers who served in the military or in the old security forces is essential. The record suggests that officers with a history of abusive behavior will repeat that history in the new force and their behavior will poison efforts to create a different institutional culture. Even when officers do not have such a history it is essential that they be re-trained in the new doctrine and procedures of the reformed institution. It is also a mistake to transfer intact into the new force units from the military or old security forces. They invariably become centers of resistance to the reform process.

Internal discipline mechanisms must be established and staffed at the very beginning of the reform process. This is important symbolically as a statement of seriousness about reform, and practically as an essential step to prevent the spread and consolidation of corruption and abuse within the new force. Internal disciplinary mechanisms must have sufficient independence and authority to carry out their responsibilities.

There are other important priorities, of course. Raising standards and salaries to attract better qualified personnel is essential, as is an ongoing program of advanced training to supplement the basic course. But in the absence of attention to the issues cited above such measures are unlikely to lead to a more professional public security force.

The last, but by no means the least, observation concerns the process of **transition** from the old force to the new. In a context of rampant and rising crime, with a potential security vacuum created by the withdrawal of the military from internal security functions, the experience of Central American countries suggests that there is no satisfactory way to provide interim security free from the risks of abuse and involvement of elements of the old security forces. The best that can be achieved is to make this involvement as transparent as possible and to build a firewall between the interim mechanisms and the creation of a new force. In El Salvador (and in Haiti) this was done by providing international police monitors to accompany the interim force, but this is an expensive option that is not available in Guatemala.

In El Salvador and Guatemala interim security measures have also included assigning military units to police duties under the command of civilian police officials, but there are reasons to doubt the effectiveness of civilian control in these situations. Nevertheless, the alternatives to such "messy" arrangements are even worse. Failure to reduce crime leads to both vigilante actions by outraged citizens and to calls for a return of repressive measures. Speeding up the training and deployment of new police forces is ineffective in reducing crime and tends to generate disillusionment with the reform process before it can be consolidated. While far from satisfactory, it seems better to accept the need for "impure" mechanisms of interim security while the new force is adequately trained and gradually deployed to maximize the chances of success in the long-term.

The experiments with police reform in Central American and the Caribbean demonstrate the limits of and obstacles to internal security reform, but they also demonstrate the possibility of building a national consensus to create civilian institutions capable of respecting rights and

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providing citizen security. It is still a bit early to judge how successful these new public security forces will be at restoring public confidence in the ability of democratic governments in the region to provide basic security, while at the same time avoiding the corruption and repressive excesses of their predecessors. The obstacles to success are formidable and the temptations to revert to more familiar patterns are substantial. The international community's challenge in trying to increase chances for success must be to remain engaged for the long haul with technical assistance and support, to help countries learn from their own and others' experiences, and to respectfully insist that there are basic values and principles at the root of law enforcement in a democratic society.

Endnotes

1. Sections of this paper appeared in an earlier paper by the author, Vickers, "Renegotiating Internal Security."

2. Although there is no definitive tally of deaths, the best estimates are that approximately 140,000 died during Guatemala's civil war, 50,000 during the civil war against Somoza in Nicaragua and another 30,000 in the "contra war" against the Sandinistas, and 75,000 in the conflict in El Salvador.

3. Interviews, UN officials. One UN official who participated in the negotiations said that the FMLN envisioned their forces being "sheriffs" in areas where they had large numbers of supporters. UN advisors convinced them to consider a more institutionalized, national force. The accords were fairly specific regarding the doctrine, mechanisms of civilian control, and initial makeup of the PNC. A draft of the *Ley Organica* of the PNC was annexed to the accords. The police experts who designed the reform represented Canada, Spain, France, Sweden, and Venezuela. The mission was headed by Jesús Rodes, director of the Escuela de Policía de Cataluña, who also served as a UN advisor on police issues during the peace negotiations (Costa 1994). The United States also briefed the negotiators on the types of training and equipment the U.S. was prepared to offer if a settlement was reached.

4. The Police Division of the United Nations Observer Mission in El Salvador was originally deployed to accompany the old National Police during the transition phase and to ensure that the PN did not commit abuses. As the new civilian force began to deploy, ONUSAL police provided practical training and advice, until that relationship was suspended by the government in September 1993. By the time the training relationship was restored in mid-1994, ONUSAL's police division was scaling back, making it impossible to return to the close, daily support that the mission provided at the outset.

5. The original United Nations Observer Mission in El Salvador (ONUSAL) was replaced in April 1995 by a smaller mission called the International Mission of the United Nations to El Salvador (MINUSAL), which was to verify government compliance with the remaining elements of the peace accords, including land transfers, judicial reform, and public security.

6. According to a declassified 1962 State Department report, the CIA had personnel "integrated in AID police programs in ten of the 27 countries in which AID has programs..." See U.S. Department of State, "Interdepartmental Technical Subcommittee on Police Advisory Assistance Programs."

7. This language was included in Section 534(b)(3) of the Foreign Assistance Act in 1985.

8. For a fuller discussion of ICITAP's history and evolution, see Call, "Police Assistance and the New World Disorder."

9. For a fuller account see Whitfield, <u>Paying the Price: Ignacio Ellacuría and the Murdered Jesuits of El Salvador</u>. Also see *Report of the UN Truth Commission for El Salvador*.

10. As of March, 1997, ICITAP continued to maintain an FBI project manager in El Salvador, five U.S. teaching fellows, five Chilean carabinero instructors at the ANSP, and five advisers to various PNC divisions. For a fuller discussion see Call, *Police Assistance*, pp. 13-16.

11. For a fuller description of the police reform effort in Haiti, see Neild, *The Haitian National Police* and (CITE RN UPDATE). Also see National Coalition for Haitian Rights/Washington Office on Latin America (WOLA)/Human Rights Watch, *The Human Rights Record of the Haitian National Police*.

12. For a more complete analysis of initial progress in Guatemalan police reforms, see Garst, *Poor Start to Guatemalan Police Reform.*

13. For a comprehensive account of progress and problems in the implementation of the internal security components of the Salvadoran peace accords, see the following reports of Hemisphere Initiatives: Vickers et al., *Endgame: A Progress Report on Implementation of the Salvadoran Peace Accords*; Popkin et al., *Justice Impugned: The Salvadoran Peace Accords and the Problem of Impunity*; Stanley et al., *Risking Failure: The Problems and Promise of the New Civilian Police in El Salvador*; Spence et al., *A Negotiated Revolution? A Two Year Progress Report on the Salvadoran Peace Accords*; Popkin et al., *Justice Delayed: The Slow Pace of Judicial Reform in El Salvador*; Spence et al., *The Salvadoran Peace Accords and Democratization: A Three Year Progress Report and Recommendations*; Stanley et al., *Protectors or Perpetrators? The Institutional Crisis of the Salvadoran Civilian Police*; Spence et al., *Chapúltepec: Five Years Later: El Salvador's Political Reality and Uncertain Future*.

14. United Nations, *Report of the Secretary-General on the United Nations Observer Mission in El Salvador,* p. 10. Also see Stanley, *Risking Failure: The Problems and Promise of the New Civilian Police in El Salvador*, p. 17.

15. Shafer, *Deadly Paradigms: The Failure of U.S. Counterinsurgency Policy*; MacDonald, *Adventures in Chaos: American Intervention for Reform in the Third World*; Peceny, *The Promotion of Democracy in U.S. Policy During Interventions*; and Peceny, "Two Paths to the Promotion of Democracy During U.S. Military Interventions."

16. See Pyes' Pulitzer Prize winning series of articles in the *Albuquerque Journal*, and Stanley, *The Protection Racket State*. See also declassified documents of the CIA Directorate of Intelligence: "El Salvador: Dealing with Death Squads"; "El Salvador: D'Aubuisson's Terrorist Activities"; "Members and Collaborators of the Nationalist Republican Alliance (ARENA) Paramilitary Unit Headed by Hector Regalado"; and "El Salvador: Controlling Rightwing Terrorism."

17. The most important international actors were ONUSAL, the United States Justice Department's International Criminal Investigations Training and Assistance Program (ICITAP), and the Spanish government's police training program.

Lessons and Guidance for Donors

Key Points from the Development Assistance Committee's Guidelines on Conflict, Peace, and Development Cooperation[1]

by Bernard Wood

Background to the DAC Effort

$\mathbf{A}$t the Development Assistance Committee's (DAC) High Level Meeting in May 1995, development cooperation ministers and heads of aid agencies focused on the growing demands and opportunities for development cooperation to contribute more pro-actively to conflict prevention and post-conflict rehabilitation and reconstruction. The OECD Committee decided to launch a program of work with three aims:

    # to draw out lessons from experience on the linkages between conflict, peace, and development cooperation

    # to seek ways to improve the efficiency, effectiveness, and coherence of members' efforts in these areas

    # to provide practical policy guidance to those called on to design and implement programs in these complex, often ground-breaking areas.

The DAC established a special task force for this purpose in late 1995[2]. One of the principal tasks of this group was to develop guidelines in the areas of conflict, peace, and development cooperation. The task force work has drawn primarily on the operational experience of development cooperation agencies and the knowledge and expertise of outside experts and practitioners, as well as the growing body of academic research in these fields. The topic areas covered were selected as issues of particular concern in the design and implementation of development cooperation for conflict prevention and post-conflict recovery. They ranged from broad policy questions to more technical and operational areas of assistance.

The Task Force on Conflict, Peace and Development Cooperation worked intensively over some 18 months and arrived at a wide range of good practices and new approaches to recommend. The guidelines were accepted by the DAC High Level Meeting in May 1997, together with a covering policy statement by ministers and heads of agencies. The following presentation distils some of the key points from this whole body of work.

Principles for Peace building and Reconciliation through Development Cooperation

Development cooperation can play an important role in conflict prevention and Peace building, and work in war-torn or conflict-prone countries must be seen as an integral part of the cooperation challenge. Wars have severely set back development in many countries, including some of the poorest, and responses to complex emergencies have come to represent a major claim on development cooperation budgets. More fundamentally, helping strengthen the capacity of a society to manage conflict without violence must be seen as a foundation for sustainable development.

Humanitarian assistance cannot substitute for sustained political commitment and action to avert crisis and support peace. Humanitarian agencies increasingly have encountered moral

dilemmas as they have attempted to respond to the needs of vulnerable populations in conflict situations. The humanitarian community cannot be the sole vehicle for response to complex crises. Development cooperation must play its role in conflict prevention, Peace building, and reconciliation, alongside the full range of other instruments available to the international community–economic, social, legal, environmental, and military. All the instruments the international community can bring to bear on the root causes of these crises are required. There is a clear need for international responses that are more coordinated, coherent and integrated–between governments, and inter-governmental and non-governmental organizations NGOs).

Developing countries are ultimately responsible for their own development. This cardinal principle of development cooperation must be respected–even in countries in crisis, and even when division is rife and local capacities are severely weakened. The task of international assistance is to help strengthen a country's indigenous capacities. This must be done in ways that are even-handed and that encourage broad participation throughout society. This also means ensuring that programs address the special needs of women and children, who often bear the brunt of the consequences of conflict.

Although prolonged economic decline itself can be a source of conflict, economic growth alone does not prevent or resolve violent conflict, and can sometimes even intensify tensions in society. Development cooperation efforts should strive for an environment of "structural stability" as a basis for sustainable development. This concept embraces the mutually reinforcing objectives of social peace, respect for human rights, accountable military forces and broadly shared social and economic development; supported by dynamic and representative political structures capable of managing change and resolving disputes through peaceful means.

Special Roles of Development Cooperation in Different Phases of Conflict and Peace

Experience has confirmed that deep-rooted societal conflicts do not follow any standard, predictable patterns or cycles. Many of the measures for conflict prevention and peace building may also be useful in reaching durable peace after a violent conflict. Bearing in mind the need for flexible approaches, it is useful to chart here some of the main lines of action for development cooperation in different phases of conflict. A primary objective of development cooperation in every phase is to enhance the rule of law and promote popular participation in democratic processes. (Critical areas of assistance are outlined in the guidelines.)

The task force found that development assistance will have the most impact in addressing conflict when it is designed and timed to address the root causes of violent conflicts, in ways that are relevant to local circumstances. Within overall efforts by the international community to promote peace building and conflict prevention, development assistance programs will find their most important role in promoting the democratic stability of societies. Where tensions have not escalated into violence, a great number of possible measures can be geared to help defuse the potential for violent conflict. These range from more traditional areas of assistance, such as economic growth and poverty reduction programs, to democratization, good governance (including

justice and security systems) and respect for human rights. There is growing interest in innovative activities to strengthen mechanisms for enhancing security at lower levels of armaments and military expenditures.

Where organized armed violence has wound down but where it is still unclear if the situation will again deteriorate, it is important to move beyond saving lives to saving livelihoods, and at the same time helping transform a fragile process into a sustainable, durable peace in which the causes of conflict are diminished and incentives for peace are strengthened. Where ethnic or even genocidal violence has occurred, concerted effort will be needed to help overcome the enduring trauma, promote reconciliation, and help prevent renewed outbreaks of violent conflict.

When civil authority has broken down, the first priority is to restore a sense of security. This includes restoring legitimate government institutions that are regarded by citizens as serving all groups and that are able to allay persisting tensions, while carrying out the challenging and costly tasks of rebuilding. Efforts by developing countries and international assistance must fit within the context of a sound, even if rudimentary, macroeconomic stabilization plan. Post-conflict situations often provide special opportunities for political, legal, economic, and administrative reforms to change past systems and structures that may have contributed to economic and social inequities and conflict. Initiatives for participatory debate and assessment of the role of the military in relation to the state and civil society have been productive in post-conflict settings. In the wake of conflict, donors should seize opportunities to help promote and maintain the momentum for reconciliation and needed reforms.

In situations of open conflict, other policy instruments such as humanitarian assistance, diplomatic initiatives, and political or economic measures tend to move to the forefront of the international response. Contrary to many past assumptions, we have found that a sharp distinction between short-term emergency relief and longer-term development aid is rarely useful in planning support for countries in open conflict. Development cooperation agencies operating in conflict zones, respecting security concerns and the feasibility of operations, can continue to identify the scope for supporting development processes even in the midst of crisis, be prepared to seize on opportunities to contribute to conflict resolution, and continue to plan and prepare for post-conflict reconstruction.

The guidelines are primarily concerned with the role of development cooperation, but some activities and approaches described in this summary of key findings involve broader areas of international assistance and cooperation. The rules and procedures governing the use of development assistance funds will determine the extent to which development agencies can be used to fulfil these Guidelines. Nevertheless, examining the issues from a more integrated perspective should help promote greater coherence and coordination amongst all the actors involved.

Foundations for Peace building: Good Governance and Civil Society

Basic Principles

Peace building involves both long-term preventive measures and more immediate responses before, during, and after conflict. It depends on and, at the same time, seeks to foster a spirit of tolerance and reconciliation. Broad acceptance throughout society of the legitimacy of the state and the credibility of the institutions of governance is a key aspect of forging such a civic spirit. When human rights are respected, when society is governed by the rule of law, and when ordinary men and women are involved in the political process, resort to violence to effect political change is obviously less likely. Efforts to support participation, democratisation and peace building, through strengthened institutions of governance, are clearly interlinked.

In countries divided by inter-group conflict, certain elements of civil society may be able to play an important role in building bridges between polarized groups, promoting dialogue and reconciliation. Conditions of insecurity, sometimes aggravated by the exploitation of ethnic, religious, and cultural differences, contribute to a climate of social distrust. However, sociopolitical conflict itself can also provide a stimulus for the emergence of new actors and institutions specifically dedicated to the cause of peace. These can include human rights networks, peace activist groups, and independent media organizations. Other stabilization points or "voices of peace" can be found among community and religious leaders, traditional forms of authority, in trade unions and professional associations.

Women can play special roles as bridging partners in dialogue, peace negotiations, reconstruction, and rehabilitation strategies and contribute their special experience and perceptions to peace-building and reconciliation efforts. In many instances, women's organizations can help in preventing and ending hostilities by acting as informal negotiators, lobby groups, campaigners, and demonstrators. Women often have less inhibition and more legitimacy than militarized men in protesting against violent conflict and pushing for peace.

In the case of "failed states," or in countries where certain areas are controlled by nongovernment or antigovernment authorities, local level, nonstate mechanisms may be the most effective means through which peace building and conflict management can be animated. Even though not all elements of civil society necessarily work toward peace, the opportunities often exist, even in crises, for a society to develop and strengthen commonly held values and goals. By identifying and supporting key actors and mechanisms dedicated to peace and reconciliation at the community level, and avoiding inadvertent support to "forces of war," donors can make an effective contribution to peace building.

Building Blocks for Peace Building and Reconciliation

Given their sensitive and complex nature, governance-oriented assistance programs need a strong base of political commitment in both donor and recipient countries over the long term. Assistance efforts should consistently emphasize the strengthening of partner-countries' own capacities for good governance. Mechanisms to help strengthen political will for reform in partner countries often involve elements of policy dialog and incentives. The *DAC Orientations on Participatory Development and Good Governance*, Development Cooperation Guidelines Series,

OECD 1995, provide a sound framework for these efforts. In discussing the design of development cooperation programs with partner countries, donors can, without proselytizing or understating the complexities, consistently emphasize the need for good governance, the rule of law and respect for human rights, and the development of a strong civil society, as a basis for long-term stability.

The various elements in a vigorous civil society do not necessarily set out to achieve a broad consensus. Yet the chances for a society to develop and strengthen commonly held values and goals, and the ability and willingness of the individual to participate in mainstream society are vital components of peace building and sustainable development. In the longer term, donors can contribute to this through, among other activities:

support to government institutions and other organizations, including the business community, which are able to establish or maintain social networks enhancing participation in mainstream society, or who support commonly shared values, such as cultural and athletic programs

support for access to information through education, and institutions such as citizens advice bureaus, and local media

support to local NGOs and community-based organizations to help them become more capable and responsive to their constituencies

Although DAC members usually rely to the maximum extent on measures of positive support, they may need to call on persuasion and policy dialog when working with some partner governments to promote constructive steps toward improved governance. Policy criteria focused on promoting democracy, the rule of law, human rights, and good governance should be integrated in a wider range of development assistance programs in this area.

The most basic tenets of democratic practice require broad acceptance by the state and civil society. Democratization is thus a complex, gradual, and participatory process whereby citizens, civil society, and the state create a set of norms, values, and institutions to mediate their relationships in a predictable, representative, and fair manner. Development cooperation efforts in support of improved governance and participation must be framed over the long-term horizon, based on coherent strategies consistently applied by different donors and multilateral agencies. This requires effective coordination among all actors involved in the design and implementation of programs.

Approaches to governance must be adapted to national circumstances. For example, when dealing with authoritarian and semi-authoritarian states, the scope for constructive dialog may be severely limited, and donors may have to restrict their assistance to nongovernmental sectors committed to reform. In the case of countries in transition to democratic systems, support may concentrate on strengthening civil society actors and democratic political processes. Donors must also be careful to avoid precipitating political and economic instability through pressing too sudden an introduction of democratic institutions.

Respect For Human Rights

The fundamental freedoms that should be protected by the rule of law are essential for healthy relations between the state and civil society.

DAC members must support the international principles contained in the UN Charter, and elaborated in the Universal Declaration of Human Rights (1948), and the Vienna Declaration (1994). They must also comply with the provisions of the international and regional conventions to which they have adhered, such as the Convention for the Prevention and Punishment of the Crime of Genocide (1948), the UN Convention on the Elimination of all Forms of Discrimination Against Women (1979) the Red Cross Conventions (Geneva 1949) in the field of humanitarian law, and the Additional Protocols (1977), which aim to provide protection to persons not taking an active part in conflict and to the victims of conflicts, as well as the Convention on the Status of Refugees (Geneva 1951). More generally, internationally recognized human rights and fundamental freedoms should be explicitly promoted and supported through development cooperation and humanitarian aid initiatives and policy dialog.

Active nongovernmental interest groups can be important vehicles for donor initiatives in support of human rights, by providing information in a given country and building a constituency for promoting human rights vis-à-vis governments and public opinion. Similarly, targeting groups that are close to or represent the victims of injustice and misuse of power can also be effective (such as women's groups, farmer cooperatives). Channelling aid through effective international NGOs benefits from their influence, professionalism, and neutrality, and local human rights groups may gain protection and enhanced capacity through association with international networks.

Donor assistance in this area should be used as part of a wider promotion of just and sustainable development, providing vulnerable and disadvantaged groups with knowledge about their human and legal rights, as well as the rights and responsibilities associated with citizenship. Efforts to strengthen the rule of law and respect for human rights must place emphasis on the institutions and processes which formulate and interpret law and social policy (legislatures and courts), as well as on those which implement and enforce them (government departments, police forces, military actors). Experience has shown these approaches work best when integrated into an overall strategy, rather than in isolation.

Democratic Processes

Fostering popular participation in the governance agenda is essential to peace building. Participation strengthens civil society and the economy by empowering individuals, communities, and organizations to negotiate with institutions and bureaucracies, thus allowing civil society to influence public policy and to provide a check on the power of government. Participation also aids in dealing with conflicting interests in a peaceful manner. It follows that the creation of a climate and the capacity for constructive interaction between civil society and government is a critical component for long-term peace building.

Democratization enables a population to articulate its needs and interests and to protect

the rights and interests of marginalized groups and the most vulnerable. A democratic system also provides mechanisms for the peaceful resolution of conflicts, including the distribution of political and economic power, and mechanisms for legitimately transferring political control. By supporting and consolidating democratic institutions, which include political parties and representative bodies, donors can contribute to building peace and stability.

Strengthening Systems of Security and Justice

To be effective, justice systems, including security forces, must recognize and protect the rights of the individual and be accessible to all. They must be impartial and politically independent. Ineffective justice and security systems may encourage people to take the law into their own hands. As elements of security and justice systems can have an important role to play in conflict prevention, international assistance in these areas can be very potent elements of conflict prevention and development strategies.

Successful support in these areas depends on the willingness of the recipient government to accept the need for, and recognize the value of, effective justice systems to overall good governance, social stability and harmony, and good economic management. Dialog with governments may be required to persuade them of the advantages of effective, internationally sanctioned norms of law and justice. Security and justice systems are basic responsibilities of the state and are at the core of a country's sovereignty. Efforts should not undermine but rather strengthen respect for the state's monopoly over the legitimate use of force within the rule of law.

In order to maximize the effectiveness of their assistance, donors must have a broad awareness of their agencies' and nations' skills, experience, and cultural background, which may indicate how best to target development assistance. Donors should also draw on the knowledge and expertise of a range of fields, including foreign affairs, defense, and development cooperation.

Reinforcing Civil Society for Peace building and Reconciliation

The institutions of civil society play a vital function in representing different interest groups, but when they confront resistance or inadequate accommodation processes, heightened tensions, oppression and increased levels of violence can result. Support to civil society should maintain the objective of helping to reconcile group interests over the longer-term. "Citizen diplomacy" at various levels can provide capacities for this reconciliation.
In regions of latent or manifest violence, actors within civil society may be inhibited by intimidation or attack from playing a peace-building role. Information and communication networks may be especially vulnerable. Group divisions may also be exacerbated and special efforts may be required to help protect the human rights of people in minority situations. However, these same conditions may also generate the impetus for the emergence of new actors and institutions, such as human rights networks and peace activist groups. In certain circumstances this may also include the re-emergence of traditional forms of authority and techniques of conflict management and resolution.

While seeking to identify sources of peace-building strength in society, development

agencies need to be alert to the risk that their support for particular social institutions and authorities can be misused, misrepresented, or misunderstood. Some traditional groups may be elitist and oppressive; some NGOs or other local groups may be instruments of contending factions. These alternative or supplementary peace-building agents should be subjected to the same scrutiny that the work of other "partner" institutions typically receive, and their most positive aspects built upon.

Specific areas for donor support should include the following broad areas: a) promoting dialog and cooperation in divided societies; b) supporting the freedom of, and access to, information for all members of society; and c) supporting appropriate traditional institutions of authority.

Supporting Post-conflict Recovery: Operational Priorities

Basic Principles

The objective of post-conflict reconstruction is not to return to pre-crisis conditions but to lay the foundations for sustainable peace and development. When civil authority has broken down, the first priority is to restore legitimate state administration, regarded by its citizens as serving all groups and able to allay the tensions that inevitably persist in the post-conflict period.

Past systems and institutions may have contributed to creating economic and social inequities, and to fuelling conflict. Post-conflict situations provide special opportunities for political, economic, and administrative reform. Critical areas for action include: land tenure and administration, judicial practice, and internal security systems.

Whatever the phase of the conflict, donors should work to foster internal consensus on a set of appropriate policies and programs that reflect the economic, social, and cultural environment of the country concerned. National and local authorities or groups, including representatives of the parties in conflict, should participate in the formulation of programs, paving the way for national ownership of the development process.

From the outset of a political dialog on such critical issues as governance and participation, all groups, including the marginalized, should be encouraged to express themselves. Freedom of association and the encouragement of political parties need to be included in the political agenda. Public participation in the process of political reconstruction requires that the civil and human rights of the participants will be respected.

From an operational standpoint, priority areas of support for post-conflict reconstruction include helping to: restore internal security and the rule of law, legitimize state institutions, establish the basis for broadly based economic growth, and improve food security and social services. Countries may also require reforming security forces and legal systems or helping establish completely new structures where the former are viewed as illegitimate by society.

A number of other priority areas more uniquely related to the special needs of countries

recovering from violent conflict are discussed in more detail in the Guidelines. These include reintegrating refugees and internally displaced persons, demobilizing former combatants and removing the threat of land mines, often a *sine qua non* for the normalisation of economic activities.

Priority Areas of Support

Restoring Internal Security, State Institutions and Civil Society Participation

The security of the individual and respect for basic human rights is the cornerstone of political and economic stabilization. Rebuilding credible institutions is vital at the central level as well as at the local and community levels, as they will have a determining influence on the entire reconstruction effort, ranging from the restoration of productive sectors of the economy, the return of capital, to the collection and disposal of weapons. Within their rules and procedures, and in concert with other forms of assistance, development cooperation should strive toward these broad goals.

Many aspects of the rule of law may need to be assisted in order for the overall system to become effective. They include: a) training of police, lawyers, and judges; and b) capacity building in the resolution of civil disputes, including those relating to property rights and access to land.

Peace agreements may also place national elections at the top of the political agenda. More generally, political institutions must again be seen as legitimate and competent. Elections are important mechanisms for establishing political legitimacy, but they do not in themselves create or sustain democracy. Democratization must be understood in the broader context of changing relations both within the government and civil society.

Another one of the most debilitating legacies of violent conflict is the polarization of social relations. Conditions of insecurity create lasting social distrust. Rebuilding bridges of communication between social groups and promoting participation in political life are essential requirements for social reconciliation.

Improving Food Security and Social Services

Improving food security is basic to any systematic approach to helping prevent conflict and to linking relief with disaster preparedness and sustainable development. This includes work to improve agricultural productivity, access to markets and distribution systems, and market-based measures to stabilize farm-gate prices. The restoration of basic services in health, education, water supply, and increased life opportunities for women and children are also essential priorities.

Building Administrative Capacity

Whatever the urgency of addressing other needs, the development of technical and administrative capacity in the principal departments of government cannot be postponed without jeopardizing the sustainability of the reconstruction process. Where the shortage of skilled manpower is a critical constraint, it may be necessary for donors to make staff available to the government on a short-term secondment basis. As demonstrated in various UN-sponsored programs, it is sometimes also possible to mobilize members of exiled diasporas through special incentive programmes.

Special Needs of Countries Recovering from Conflict

Restoring a Working Capacity for Economic Management

Countries in crisis or recovering from violent conflict urgently need to mobilize domestic and external financial resources for economic reconstruction in the face of exceptional constraints. Often critically short of expertise in macroeconomic management, newly established authorities also have to wrestle with competing demands of peace building and economic stabilization. The need to preserve peace and stability, rehabilitate essential infrastructure, reform public institutions, jump-start the economy, and create employment opportunities places heavy demands on budgetary resources. At the same time, the need for a stable, balanced economy and the restoration of private investors' confidence requires that inflationary pressures be contained.

The formulation of a sound—if rudimentary—macroeconomic framework for reconstruction is thus a priority. The objective should be to provide a realistic assessment of the cost of reconstruction and peace-building activities and ensure consistency with the resources likely to be available as well as the country's absorptive capacity. This would contribute to reducing the risk of inconsistencies between the political agreements reached in the course of peace negotiations and the financial resources available to implement them, thus fostering economic stabilization. Formulated as a joint effort involving existing or emerging authorities and the principal parties involved in the peace process, this macroeconomic framework can also be instrumental in ensuring proper use of the assistance provided by official and nongovernmental organizations.

During the immediate post-conflict phase, the focus of a government's economic policies should be to ensure that the priority expenditure required for peace building and reconstruction (including payments to demobilized soldiers, rehabilitation of war-damaged infrastructure, and the provision of basic social services) are programmed in a manner consistent with the need to return to a stable macroeconomic environment (appropriate budgetary and monetary policies, normalization of financial relations with creditors, including IFIs).

It is also essential that these public expenditures are clearly accounted for within a budget consistent with a) an available external budgetary and project support in line with the country's debt-servicing capacity (taking into account that donor funding is likely to taper off over time), and b) domestic financing that is noninflationary and does not pre-empt the capital needs of re-emerging private sector activity.

Reintegrating Uprooted Populations

The forcible displacement of people is a clear indicator of conflict in society, of social insecurity, and of the inability of a government to protect its citizens. Conversely, the establishment of the rule of law, respect for human rights, civil peace, and security help to encourage the successful return, with dignity, and reintegration of refugees, internally displaced persons, and demobilized former combatants.

The presence of large numbers of refugees creates economic and social burdens for host neighbouring countries that can be politically destabilising. The safe and orderly return of refugees to their country of origin, where conditions allow, can be important to maintaining political stability in the region.

Reintegration is often the first major step towards national reconciliation. It must take place within a legal framework that includes guarantees for returning *bone fide* refugees and ex-combatants. Displaced people also need to be convinced that they will not be victimized when they return. The needs of uprooted populations must be addressed explicitly as part of peace negotiations to ensure that reintegration and demobilization strategies are part of the formal agreement. The responsibility of states for protecting their citizens, whether returning refugees or other war-affected groups, is a crucial consideration.

In addition to restoring basic security, reintegration priorities include access to water and sanitation; agricultural inputs, including credit to improve food production; transport and communications infrastructure; social services, such as health and education, as well as assistance in the field of legal and civil documentation. In this connection it is very important that recurrent costs related to public services (such as salaries for teachers and health workers) created under the reintegration phase be clearly accounted for when considering budgets for public expenditure, both at national and local levels. The resolution of disputes related to land-holding must be addressed as early as possible.

The process of reintegration cannot be initiated on a large scale until areas of return have been identified as safe or low-risk. Emergency mine surveys, mine clearance and awareness activities are a high priority in this context. Moreover, it is also clear that repatriation can be sustained only if consolidated by timely and effective development-oriented efforts on a much wider front. Operational linkages have to be established from the outset between returnee aid and development.

Demobilisation and Social Reintegration of Former Combatants

The successful demobilization and reinsertion of former combatants in civilian life is a key to political stability and to rebuilding war-torn societies. In post-conflict situations, it is often a high priority for governments, which call for international assistance with various aspects of demobilisation programs.

Where demobilization has been poorly conducted, unpaid or undisciplined troops may turn to banditry, preying on villagers and road traffic, or even remobilize to form insurgencies challenging the established regime. Apart from its impact on political stability, the resulting insecurity can have devastating effects on economic activity. The challenge is to devise cost-effective demobilization programs that are satisfactory to the former combatants themselves.

Political circumstances in neighbouring countries can have a major influence on the success and credibility of national demobilization efforts, which must then be viewed in the wider context of political and military relations at a regional level. Providing support for the reintegration of former combatants presents donors with two special challenges:

> # First, some donors face legal restrictions in terms of support to military organizations, even for the purposes of demobilization and discharge.

> # Second, the lingering risks that hostilities will resume may be a strong deterrent to the funding of programs in support of demobilization.

At the same time, the knowledge that programs have been put in place to assist demobilized combatants may have helped bring about the demobilization agreement itself. Once agreements are reached, implementation must follow rapidly to reduce the risk of relapse into conflict. Lead time is necessary for preparing demobilization programs. Decisions to support them cannot await the conclusion of peace accords, but must be based on an assessment of the probable success of political negotiations.

The Clearing of Land Mines

Few consequences of conflict in recent decades have been more traumatic than the death and maiming caused by land mines, often planted purposely in a random fashion. The great majority of victims are innocent civilians in pursuit of their livelihoods. Though weapons of war, land mines continue to constitute a threat long after the armed conflict has abated.

The prevalent and unpredictable security threat posed by remaining mines is a major obstacle to the resumption of normal life and economic, social, and political development The human suffering caused by land mines has become a matter of rising concern to the international community in the last decade. In facing the aftermath of a series of civil wars, humanitarian agencies are confronted with two critical challenges:

> # In the short run, major resources are required to attend to casualties needing medical care and physical rehabilitation

> # Over the long term, the task of identifying and removing the land mines over the whole territory affected will require considerable efforts and resources, probably extending over decades and diverting scarce resources that could otherwise be devoted to reconstruction and development.

A growing number of countries now hold that the case for banning the production, trade, and use of land mines is incontrovertible. The General Assembly of the United Nations has repeatedly called for a moratorium on the export of anti-personnel land mines, and the secretary-general has made a strong plea for introducing a total ban on the use of such mines. On a parallel track, the Ottawa Process aims for completion of an international agreement to ban anti-personnel mines.

Notes

1. These critical areas of assistance are outlined in greater detail in the 1997 DAC Guidelines on Conflict, Peace and Development Co-operation. The full text of these Guidelines, which will continue to be refined, is available via Internet at http://www.oecd.org/dac, or by contacting the Secretariat directly.

2. Participating were: Australia, Austria, Belgium, Canada, Denmark, the European Commission, Finland, Frame, Germany, Ireland, Italy, the International Monetary Fund (IMF), Japan, Netherlands, Norway, Portugal, Sweden, Switzerland, the United Kingdom, the United States, United Nations Development Programme (UNDP), and the World Bank. Invited organizations included the United Nations High Commission for Refugees (UNHCR) and the Department of Humanitarian Affairs (UNDHA).