

# IFP CAPACITY BUILDING AND TRAINING CLUSTER

## A GUIDANCE FOR INTEGRATING PEACEBUILDING INTO DEVELOPMENT

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INITIATIVE FOR  PEACEBUILDING



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## ABOUT IFP

The Initiative for Peacebuilding (IfP) is a consortium led by International Alert and funded by the European Commission. IfP draws together the complementary geographic and thematic expertise of 10 civil society organisations (and their networks) with offices across the EU and in conflict-affected countries. Its aim is to develop and harness international knowledge and expertise in the field of conflict prevention and peacebuilding to ensure that all stakeholders, including EU institutions, can access strong independent analysis in order to facilitate better informed and more evidence-based policy decisions.

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## ABOUT PDCI

Partners for Democratic Change International (PDCI) is a global partnership of 20 independent, local organisations in Europe, Africa, the Americas, Indonesia and the Middle East that work to advance civil society, good governance and a culture of change and conflict management worldwide. The PDCI Secretariat was established in 2006 to enhance network communication and expand contacts with both EU institutions and the NGO community active in Brussels. To learn more, visit <http://pdci-network.org>.

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## ACRONYMS

<b>APFO</b>	Africa Peace Forum
<b>CECORE</b>	Center for Conflict Resolution
<b>CHA</b>	Consortium of Humanitarian Agencies
<b>CNDD-FDD</b>	National Council for the Defence of Democracy-Forces for the Defence of Democracy
<b>CPA</b>	Comprehensive Peace Agreement
<b>DAC</b>	Development Assistance Committee
<b>DDR</b>	Disarmament, Demobilisation and Reintegration
<b>FAO</b>	Food and Agriculture Organisation
<b>FEWER</b>	Forum on Early Warning and Early Response
<b>FNL</b>	National Forces of Liberation
<b>GAD</b>	Gender and Development
<b>ICRC</b>	International Committee of the Red Cross
<b>ICRW</b>	International Center for Research on Women
<b>ICTJ</b>	International Center for Transitional Justice
<b>ICTY</b>	International Criminal Tribunal for former Yugoslavia
<b>IDPs</b>	Internally displaced persons
<b>IfP</b>	Initiative for Peacebuilding
<b>IJs</b>	International judges
<b>IPs</b>	International prosecutors
<b>KLA</b>	Kosovo Liberation Army
<b>MOPR</b>	Ministry of Peace and Reconstruction
<b>NAPs</b>	National Action Plans
<b>NGO</b>	Non-governmental organisation
<b>ODA</b>	Official development assistance
<b>OECD</b>	Organisation for Economic Co-operation and Development
<b>OHCHR</b>	Office of the High Commissioner for Human Rights
<b>OSCE</b>	Organisation for Security and Co-operation in Europe
<b>PDCI</b>	Partners for Democratic Change International
<b>SADC</b>	Southern African Development Community
<b>SSR</b>	Security sector reform
<b>SWOT</b>	Strengths, Weaknesses, Opportunities, Threats
<b>TRC</b>	Truth and Reconciliation Commission
<b>UNDP</b>	UN Development Programme
<b>UNIFEM</b>	UN Development Fund for Women
<b>UNMIK</b>	UN Interim Administration Mission in Kosovo
<b>UNSCR</b>	UN Security Council Resolution
<b>WID</b>	Women in Development
<b>YCL</b>	Young Communist League

## EXECUTIVE SUMMARY

This manual is designed to be used by development practitioners to help them mainstream peacebuilding into development assistance. It aims at evidencing the added value of peacebuilding for development but also at building the capacity to programme development interventions with higher conflict sensitivity.

The need for such a manual has been evidenced by a study conducted under the supervision of PDCI in seven new EU donor countries, within the IfP, that showed that not all state and non-governmental actors are aware of the importance of integrating and applying a peacebuilding perspective as part of development interventions at the policy formulation, programming, project implementation and assessment stages.

This manual is designed to be useful for government and non-state actors involved primarily in development work, as policymakers, programmers, donors and/or implementers.

Chapter 1 introduces peacebuilding by discussing meanings associated with conflict and the principles underpinning peacebuilding approach(es). It also looks at policy developments on the linkages between security and development at the EU level. Chapter 2 looks in greater detail at the programming of peacebuilding policies within development interventions, particularly at peacebuilding issues within official development assistance (ODA).

The following chapters deal with cross-cutting issues of peacebuilding and development:

- Gender;
- Human security;
- Transitional justice; and
- Mediation.

# INTRODUCTION: PEACEBUILDING AND DEVELOPMENT

International and national donors are increasingly recognising the linkages between security and development, viewing these as mutually reinforcing areas of intervention, both of which are necessary for building sustainable peace and development. This recognition implies that the actors active in those fields – local, national, international, and governmental or not – need to address these twin goals through concerted and integrated policies and programmes.<sup>1</sup>

In practice, it is increasingly accepted that development interventions must take into account conflict dynamics, which are often at the root of systemic poverty and instability. Indeed, development interventions that do not take into consideration drivers of conflict cannot be sustainable, just as securing peace is not enough to ensure communities will grow and flourish.

There are an increasing number of resource and training materials on peacebuilding available to governments, donors, practitioners and civil society, particularly to those actors engaged in development. This demonstrates a growing recognition that effective sectoral and disciplinary approaches require greater attention to and coherence with other sectoral and programmatic interventions.

A study conducted by Partners for Democratic Change International (PDCI) on peacebuilding and development aid showed that there is a need for increased recognition of the whys and wherefores of peacebuilding and for enhanced capacity to understand and mainstream peacebuilding within the development sector. Besides this observation, any actor interacting with the development field should be aware of peacebuilding. This manual aims at evidencing the added value of peacebuilding for the development field and at building capacity to mainstream peacebuilding into development assistance. Therefore, this manual targets any actor active in the development sector.

## **Box 1. External Assistance and Peacebuilding**

As part of the IfP project, PDCI with other organisations have committed to explore the policy and practices in the Central, Eastern and Southern European Member States with a view to supporting and raising awareness among governments and civil society around more effective peacebuilding and a national foreign assistance programme.

PDCI has been supervising research in Poland, Slovenia, Bulgaria, Czech Republic, Spain, Portugal and Greece. It focused on the external assistance and peacebuilding priorities of new and old EU Member States. From this research, seven country case studies have been published as well as a synthesis report: 'Does Peacebuilding Matter in Development Aid?'<sup>2</sup>

The following lessons have been learned through this research. Newer EU Member States in Central and Eastern Europe are rapidly developing their capacities as EU donors in the field of international development cooperation in line with international policy frameworks. This includes enhancing coherence and effectiveness in external assistance planning, programming, implementation and monitoring processes to ensure greater impact on the ground in recipient countries. Non-state actors in new Member States are also participating, to

1 [http://www.un.org/esa/peacebuilding/Library/Peacebuilding\\_as\\_link\\_IPA.pdf](http://www.un.org/esa/peacebuilding/Library/Peacebuilding_as_link_IPA.pdf)

2 [http://www.initiativeforpeacebuilding.eu/pdf/Does\\_Peacebuilding\\_Matter\\_in\\_Development\\_Aid.pdf](http://www.initiativeforpeacebuilding.eu/pdf/Does_Peacebuilding_Matter_in_Development_Aid.pdf)



differing degrees, in overseas development assistance (ODA) planning and programming processes, and are increasingly acting as implementing partners. National non-governmental organisation (NGO) development platforms are engaged in capacity-building of the civil society sector in order to develop their capacity as implementing partners to national governments and the EU. This includes disseminating information about EU development policies and building project-management capacity.

Nonetheless, the study showed that not all state and non-governmental actors are aware of the importance of integrating and applying a peacebuilding perspective as part of development interventions at policy-formulation, programming, project-implementation and assessment stages. And those actors who are knowledgeable about peacebuilding as a concept are not systematically applying a conflict-sensitive approach to external assistance planning, programming and implementation and evaluation phases.

This manual is designed to help development practitioners integrate peacebuilding principles in their work.

Chapter 1 focuses on the concept of peacebuilding, its principles and how they facilitate the transformation of violent conflicts into peaceful dispute resolution. This chapter evidences the linkages between peace, security and development. The second chapter looks in greater detail at the programming of peacebuilding policies within development interventions, particularly at peacebuilding issues within ODA. Later chapters deal with the cross-cutting issues of peacebuilding and development.

## CROSS-CUTTING ISSUES

This manual examines a set of cross-cutting issues and approaches which complement support and intersect the peacebuilding approach. These include:

- Gender;
- Human security;
- Transitional justice; and
- Mediation.

Each of these approaches contributes a distinctive dimension to peacebuilding and, if integrated into development work, can result in more comprehensive and coherent interventions. Human security, for example, looks specifically at the various security risks that can jeopardise development gains if not addressed in a preventative or systematic manner. Gender highlights the different needs, experiences and capacities of women and men, girls and boys, which are especially highlighted during conflict transformation and in development phases, where women and girls suffer disproportionately due to socially constructed norms, roles and expectations. Transitional justice brings human rights to the forefront of peacebuilding and development work, recognising that sustainable development requires that violations of human rights be adequately addressed. Finally, mediation is a constructive process which should be complemented by effective dialogue to be sustainable. Development practitioners, if aware of those processes, can programme their interventions to foster enhanced dialogue which will have the double effect that development achievements will be more sustainable and peace will be more likely to last.

## TARGET AUDIENCE

This guidance is aimed at government and non-state actors involved primarily in development work, as policymakers, programmers, donors and implementers.

## STRUCTURE OF THE GUIDANCE

Following an introductory chapter on peace, security and development, each chapter is structured in a similar manner. Each begins with an introduction of the theme in question, the principles underlying the approach

and key definitions. The manual then explores each approach from a programming and project-management perspective, demonstrating how the approach can be integrated into a development intervention to enhance the impact of development work on beneficiaries. A number of exercises and tools are also included in each chapter to ensure that the guidance is relevant and practical.

Chapter 1 introduces peacebuilding, the key terms associated with conflict and the principles underpinning peacebuilding approach(es). It also looks at policy developments and the linkages between security and development at the EU level. Chapter 2 looks in greater detail at the programming of peacebuilding policies within development interventions, particularly at peacebuilding issues within ODA. Chapter 3 looks at integrating a gender perspective into development interventions, thereby ensuring that women's (especially vulnerable women's) needs, experiences, roles and concerns are taken into account during the planning and implementation of development work. Chapter 4 looks at the importance of human security as a complementary approach to development, as it focuses on human insecurities, the "downside risks" that may jeopardise development achievements or set back the development process. Chapter 5 looks at transitional justice as a cross-cutting issue, ensuring that development interventions incorporate a justice-sensitive approach that addresses human rights abuses and promotes their protection. Chapter 6 looks at mediation techniques, the different process skills that are integral to inclusive, participatory, locally owned development processes, such as communication, facilitation, negotiation, consultation, mediation and problem-solving skills.

# CHAPTER 1: WHAT IS PEACEBUILDING?

## Exploring the Linkages between Peace, Security and Development

### Objectives of this chapter:

- To explore the linkages between security, peace and development in policy and practice
- To strengthen understanding of “conflict”
- To introduce definitions and basic principles of peacebuilding

### Contents of this chapter:

- I. What Is Conflict?
- II. Initiative for Peacebuilding's (IfP) Approach to Peacebuilding
- III. Peacebuilding Principles
- IV. EU Policy on Linkages between Peacebuilding, Security and Development

## I. WHAT IS CONFLICT?

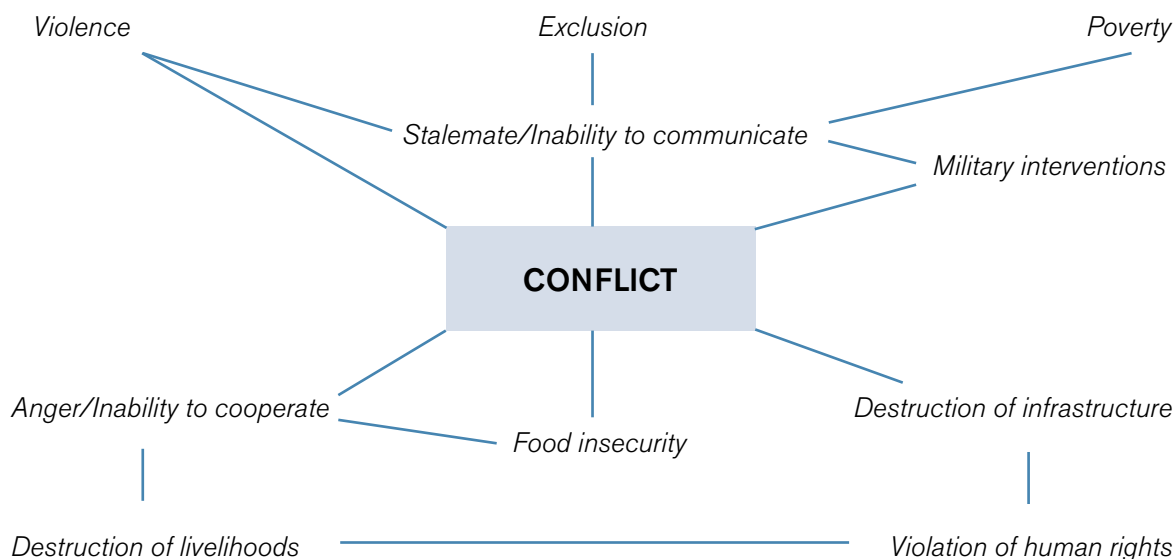
Peacebuilding is, at its heart, about managing conflict in non-violent ways. What exactly do we mean by conflict? A common definition comes from the sociologist Lewis Coser who defines social conflict as 'a struggle over values and claims to scarce status, power and resources'. Conflict evokes a myriad of images, ideas and concepts, many related to violence, upheaval, insecurity and resulting poverty. Other ideas associated with conflict include breakdown in communication systems, unwillingness to compromise and aggression. The term conflict is widely contested and there is no one definition which suits policymakers and practitioners.

### Facilitating discussion

#### The conflict web – A brainstorming tool

What terms, images, concepts or messages do you associate with the word "conflict"?

- Is it possible to have positive associations with the word conflict?
- Why is it that reactions to conflict tend to be negative?
- Can you identify situations during a development intervention where conflict may be regarded positively?



Sometimes we associate conflict with breakdowns in *processes of human communication* (unwillingness to compromise, negotiate, problem-solve); sometimes we associate it with particular types of *behaviour* (violence, aggression) or *emotions* (anger, hatred); and sometimes we think of the *actions that lead to conflict* (violations of human rights, political/social exclusion, discrimination) or primarily its *consequences* (poverty, destruction of livelihoods, infrastructure, food insecurity, environmental impacts).

#### Peacebuilding definition:

'Peacebuilding assumes that conflict is a natural part of human existence, and that the goal is to transform the destructive ways we deal with conflict to lead to more constructive outcomes.'<sup>3</sup>

This quotation highlights that peacebuilding is a particular approach to conflict, one that focuses on how conflict is managed or resolved.

3 Caritas International (2002). *Peacebuilding: A Caritas training manual*. Available at [http://www.caritas.org/upload/pea/peacebil-ing\\_1.pdf](http://www.caritas.org/upload/pea/peacebil-ing_1.pdf)

## II. INITIATIVE FOR PEACEBUILDING'S (IFP) APPROACH TO PEACEBUILDING

'Our approach to peacebuilding is long-term and people-centred. We are committed to tackling the structural causes and drivers of conflict. Peacebuilding is universally-relevant and context-specific. Our approach recognizes the importance of justice, the centrality of human rights, and the responsibility of individuals and institutions to uphold and safeguard these.<sup>4</sup>

### Facilitating discussion – Guiding questions Peacebuilding principles

*There are a number of principles which underpin peacebuilding theory and practice in this definition.*

- *What principles inform the IfP's approach to peacebuilding?*
- *Are these compatible with the principles underpinning development theory and practice?*
- *What are the differences?*

## III. PEACEBUILDING PRINCIPLES

There are a number of different principles that underpin peacebuilding in theory and practice. The IfP focuses on five foundational principles, from which a series of other principles can be derived:

- **Locally owned:** Peacebuilding, like development, is a people-oriented process; it is centred on those most affected by conflict and is rooted in local contexts. Peacebuilding emphasises the need for strategies, approaches and interventions that are based on local needs, resources and capacities and that empower local populations to implement these strategies.
- **Inclusive:** Peacebuilding focuses on the most vulnerable and the marginalised, recognising that violent conflict is most often rooted in discrimination, exclusion and marginalisation, particularly of minorities and women. Inclusion refers not only to identifying vulnerable groups, but also to enabling their participation in peacebuilding and other political, social, economic and development processes through capacity-building and empowerment initiatives.
- **Long term:** Peacebuilding, like development, is a long-term process, even if interventions themselves can be in the form of crisis-response measures. There is no "quick fix" or set blueprint for peacebuilding processes. Long-term commitment, however, provides the space for peacebuilding to empower individuals to build locally relevant sustainable institutions and practices that address root causes of conflict.
- **Human rights and justice-centred:** The roots of conflict can be found in the violation of basic political, civic, economic, social and cultural rights. Without addressing human rights-based violations, peace will not be sustained, and development achievements will be precarious at best.
- **Comprehensive:** Peacebuilding interventions are multidimensional in essence and strive towards coherency with other sectoral and disciplinary approaches. Peacebuilding encompasses a broad range of activities throughout the entire span of a conflict – from preventative and early-warning actions to post-conflict rehabilitation and reconstruction.

4 IfP Project consortium partners' definition (2007).

## IV. EU POLICY ON LINKAGES BETWEEN PEACEBUILDING, SECURITY AND DEVELOPMENT

'Policy-makers, donors and civil society actors need to make substantial steps towards developing a shared understanding of peacebuilding and its relation to development assistance that would encourage greater coherence in planning, programming and implementation processes.'<sup>5</sup>

In the Council Conclusion on Security and Development of November 2007, the Council reiterated that 'there cannot be sustainable development without peace and security, and without development and poverty eradication there will be no sustainable peace'. Conflict prevention in particular is prioritised as a means of strengthening the effectiveness of development cooperation, and civil society is recognised as a key actor, whose activities span peacebuilding and development.

Importantly, the Council stated that the nexus between security and development should inform EU strategies, policies and programming, in order to enhance the coherence of EU external actions. This means that, at both policy and operational level, the linkages between security, peace and development (and the human rights which underpin these) should be taken into account.

Peacebuilding as a methodology aims to identify the roots of violence which may be based on violations of human rights which lead to discrimination, marginalisation and exclusion. Discrimination, marginalisation and exclusion in turn prevent certain groups from accessing goods and services that form the basis of a developed society – food, clean water, infrastructure, health, education, justice – and participating in the political, social and economic processes of a state. Therefore, without addressing the continued or potential exclusion of different groups of society (e.g. women, demobilised soldiers, disillusioned youth, marginalised minorities), development gains will not be sustainable.

Chapter 2 looks in greater detail at how the nexus between security and development can be operationalised in practice, by looking at how peacebuilding interventions can be financed and supported through ODA frameworks.

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5 PDCI (2009). 'Does peacebuilding matter in development aid?'  
Available at [http://www.initiativeforpeacebuilding.eu/pdf/Does\\_Peacebuilding\\_Matterin\\_Development\\_Aid.pdf](http://www.initiativeforpeacebuilding.eu/pdf/Does_Peacebuilding_Matterin_Development_Aid.pdf)

## CHAPTER 2: CONFLICT AND DEVELOPMENT

### **Integrating a Peacebuilding Perspective into Development Assistance and Interventions**

#### **Objectives of this chapter:**

- To understand peacebuilding policy initiatives and how peacebuilding activities can be programmed within development frameworks
- To understand conflict sensitivity and its importance to sustained development
- To apply a conflict-sensitive approach to programming and project-management cycle (planning, implementation and evaluation)

#### **Contents of this chapter:**

- I. Peacebuilding and Development Cooperation Policies
- II. Policy Programming; Eligibility of Security-related Activities for ODA
- III. Programming Conflict-sensitive Development Interventions
- IV. Conflict Sensitivity in the Programme Cycle

## I. PEACEBUILDING AND DEVELOPMENT COOPERATION POLICIES

While the EU does not have a specific peacebuilding policy in place, it is increasingly acknowledged as an important peacebuilding actor which recognises the synergies and essential links between security, peace, human rights and development.

Some EU Member States have developed peacebuilding policies as well as integrating peacebuilding within their development cooperation policies and programming. Spain, for example, integrated both conflict prevention and peacebuilding into its 'Master Plan for Spanish Cooperation 2005–2008'. Like EU policy, the Master Plan highlighted the need to move beyond strict divisions between security and development in the light of new types, sources and methods of engaging in conflict. The policy frames peacebuilding in terms of 'interrelation', or as a link between security and development fields.

In 2007 Spain took a new step by adopting a 'Peace Building Strategy Paper', which aimed to 'integrate peacebuilding as one of seven strategic lines of Spanish development cooperation'. The policy states that 'development is the first line of defence in building a collective security system that seriously addresses the prevention of violent conflict'.

The policy includes a definition of peacebuilding, which covers phases of conflict prevention, crisis management and post-conflict reconstruction. It also highlights the importance of civilian instruments and resources, limiting the role of the military. Peacebuilding is also seen to cover three mutually reinforcing aspects:

- Security and defence (e.g. security sector reform (SSR), small arms control, demining);
- Social and economic development (e.g. repatriation of refugees and internally displaced persons (IDPs), attention to vulnerable victims, basic infrastructure development); and
- Political development (e.g. support for institutional reform, strengthening judicial systems, democratic governance, respect for human rights).

These Spanish policies demonstrate both how to integrate peacebuilding into development cooperation policies as well as how to develop a stand-alone peacebuilding strategy.

## II. POLICY PROGRAMMING: ELIGIBILITY OF SECURITY-RELATED ACTIVITIES FOR ODA

Discussions regarding the eligibility of peace and security-related activities for ODA are ongoing within the Development Assistance Committee (DAC) of the Organisation for Economic Co-operation and Development (OECD). The expansion of peace-related activities accepted as ODA, such as Disarmament, Demobilisation and Reintegration (DDR), prevention of child soldiers and the enhancement of civil society's role in the security sector, reflects the growing recognition of the interrelatedness of peace and development. However, there is concern among peacebuilding, humanitarian and development NGOs about accepting military expenditures as ODA and about discussions related to terrorism and counter-terrorism activities.

Table 1 provides examples of peace- and security-related activities currently eligible to be reported as ODA activities.



**Table 1: Eligibility of Security-related Activities for ODA**

Eligible	Comments
Rehabilitation assistance to demobilised soldiers	
Conversion of production facilities from military to civilian outputs	
Rehabilitation of basic national infrastructure	
Monitoring, training or retraining of civil administrators and police forces in routine policing functions	Training in counter-subversion methods, suppression of political dissidence or intelligence-gathering on political activities is not reportable as ODA
Training in customs and border-control procedures	
Counter-narcotics activities	Includes destruction of crops, interdiction of narcotics supplies, support for training of military personnel in anti-narcotics activities
Training in economic stabilisation policy	
Repatriation and demobilisation of armed factions, disposal of weapons	
Explosive-mine removal	Mine clearance carried out for non-developmental reasons (i.e. for military training) is not eligible
Prevention of recruitment of child soldiers	
Enhancement of civil society's role in the security system	
Civilian oversight and democratic control of security expenditure	

Peacebuilding stresses the importance of coherence not only between programme interventions and projects within specified sectors, but also between sectors. Development programme interventions in the education sector can have a positive or negative impact on development processes within the food security or health sector. Likewise, development interventions can have a positive or negative impact on the security sector and vice versa. Identifying positive or negative externalities – negative consequences and positive impacts – can make peacebuilding and development interventions more comprehensive and coherent, by minimising negative impacts, developing mitigating strategies and encouraging positive multiplier effects.

### Facilitating discussion – Guiding questions Inter-sectoral impact of security activities

Refer to the list of security activities that can be financed through ODA funds and reflect upon the following questions:

- Do any of these activities relate explicitly to development interventions?
- Do any of these activities require a certain level of development to have taken place in order to be successfully implemented?
- How might such security-related activities impact positively or negatively on development processes? For example, what might be the positive and/or negative impact of the following activities on development processes?
  - The conversion of production facilities for military inputs to civilian inputs
    - Buildings for community use – school facilities, storage facilities, etc.
    - Ostracising military community, decrease in military facilities
  - Prevention of child soldiers
    - Children attend school and learn critical skills for labour market
    - Increased burden on poor or female-headed households
  - Rehabilitation of demobilised soldiers
    - Reintegration into communities of belonging; less looting
    - Tension within communities; soldiers' placement in family altered

### III. PROGRAMMING CONFLICT-SENSITIVE DEVELOPMENT INTERVENTIONS

Peacebuilding can be programmed into development interventions already under way or it can be integrated into the entire planning and implementation process. The most effective means of integrating peacebuilding is by adopting and applying a *conflict-sensitive approach*. Conflict sensitivity examines the interaction between context and interventions. It involves the capacity to act upon this understanding to avoid negative impacts and maximise positive impacts. Conflict-sensitive interventions refer to all aspects of the context such as socio-economic and political tensions, root causes of conflicts and structural factors that have the potential to become violent if not addressed in an adequate way. Thus, interventions – in all their variety (project, programme, sectoral and macro) – need to include work with all relevant parties to reduce conflict or minimise the risk of further conflict.

Not all peacebuilding interventions are conflict-sensitive – activities might fall within the peacebuilding “sector” without truly taking into account drivers and roots of conflict. Failing to take into account drivers of conflict can result in unsustainable development gains and can fuel new or latent conflicts. The impact of interventions is never neutral, and when applied in a conflict setting it can reinforce or prolong the conflict or it can strengthen people’s capacities to disengage from fighting and engage in peaceful options for solving problems.

Mary Anderson<sup>6</sup> has identified various ways in which programmed interventions can impact upon conflict. These relate to resource transfers involved in all external assistance and corresponding interventions, where complex power relations manifest themselves. These resource-transfer patterns can exacerbate or trigger conflict:

- **Theft** of aid goods (food, medicines, materials) for personal consumption, or to trade for other commodities or buy weapons;
- **Market effects**, where aid can either contribute to a war economy or disrupt normal market processes, or encourage a peace economy by supporting local processes and stimulating trade;
- **Politics of distribution**, where aid is unequally distributed or, when targeting the most needy, still serves to disrupt local structures;
- **Substitution effects**, where aid replaces local resources, and local resources and capacities are instead channelled towards sustaining a conflict; and
- **Legitimisation effects**, where aid serves to empower some and disempower others.

Other ways that interventions can impact upon or exacerbate conflict dynamics include the presence of armed guards to protect aid and the power structures that are established as a result; competition between or overlapping activities of assistance agencies; impunity for international workers; different values for different lives; and the negative publicity for affected countries.

#### Facilitating discussion – Guiding questions Impact of programming on conflict

*Think of a development intervention you have implemented in a conflict-affected or conflict-prone country or region.*

- *Did the intervention have any unforeseen negative or positive impacts on conflict dynamics?*
- *How did you respond?*
- *How would greater conflict sensitivity help you to better anticipate the potential impact of development interventions on conflict dynamics?*

Peacebuilding programming must be based on peacebuilding principles. In Chapter 1, we discussed the following foundational principles for peacebuilding work: locally owned, inclusive, long-term, human rights- and justice-oriented, and comprehensive.

6 M. B. Anderson (1999). *Do not harm: How aid can support peace or war*. Boulder, CO, US: Lynne Rienner Publishers Inc.

These principles are useful in guiding the programming of a development intervention with a peacebuilding perspective as well as integrating a peacebuilding perspective into an already created development project.

At the heart of the conflict-sensitive approach is conflict analysis, which is used to inform conflict-sensitive programming.

## IV. CONFLICT SENSITIVITY IN THE PROGRAMME CYCLE

In each stage of the programme cycle – planning, implementation, monitoring and evaluation – key steps must be taken to integrate conflict sensitivity. This means to incorporate conflict analysis into needs assessment and programme design and to identify the wider impact of planned activities on factors relevant to conflict.<sup>7</sup>

### PLANNING, RESEARCH AND ANALYSIS

Conflict analysis is the ‘systematic study of the profile, causes, actors and dynamics of conflict. It can help development, humanitarian and peacebuilding organisations to gain a better understanding of the context in which they work and their role in conflict’. Conflict analysis is applicable at all levels (local, national, regional), to all actors (government and non-state actors) and at all programme phases (planning, implementation and evaluation). It can be used to inform existing programmes (makes these more conflict-sensitive); define new interventions; and understand the reasons or drivers, motivations, issues and actors involved in conflict.

The Conflict Sensitivity Resource Guide<sup>8</sup> defines the common features of a conflict analysis, consisting of an analysis of:

- Profile;
- Actors;
- Causes; and
- Dynamics.

#### Box 2. Features of a Conflict Analysis

a) The **profile** looks at both the broad and specific context in which the intervention will take place. Key aspects which inform the profile include:

- Political, economic and social structures (e.g. governance and finance systems);
- Physical geography (e.g. mountainous terrain, wealth or lack of resources);
- Current issues and environment (e.g. elections, legislative reform, HIV, IDPs);
- Impact of above on different groups (e.g. disenfranchised groups, isolated communities); and
- History of conflict/tension at local, national or regional level.

b) The analysis also looks at actual or potential **causes** of conflict. These may be structural or institutionalised factors which contribute to or exacerbate tensions, or “triggers” – events or actions that may incite or escalate conflict. Conflict itself will often generate new factors which serve to extend the conflict, for example, actors who profit from a conflict. It is important to look at all potential and actual causes of conflict, producing a multidimensional picture of the various factors contributing to a conflict situation. Key aspects to focus on include:

7 Africa Peace Forum (APFO), Center for Conflict Resolution (CECORE), Consortium of Humanitarian Agencies (CHA), Forum on Early Warning and Early Response (FEWER), International Alert and Saferworld (2004). *Conflict-sensitive approaches to development, humanitarian assistance and peace building: Tools for peace and conflict impact assessment*. Available at <http://test.alertinternational.co.uk/publications/conflict-sensitive-approaches-development-humanitarian-assistance-and-peacebuilding-res>

8 Ibid.

- Structural causes (e.g. poor governance, disenfranchisement, illegitimate government);
- Contributing causes (e.g. human rights violations, proliferation of arms);
- Triggers (e.g. elections, flood, inflation, assassination of political or social figures); and
- New causes (war economy, profiteering, exploitation of natural resources).

c) A conflict analysis also identifies **actors** contributing to or affected by conflict. The analysis should distinguish between the *different motivations, interests, needs and capacities* of the actors, as well as how they *relate* to each other, at what *levels* they are most active (local, national, regional, etc.) and what their *influence* is (high, medium, grass roots). An actor or stakeholder analysis therefore looks at:

- Main actors;
- Motivations, interests, capacities, values;
- Institutional capacities for peace (entry points for negotiating peace); and
- Spoilers (those benefiting from conflict environment).

d) Conflict **dynamics** refers to the relations between causes, actors and the context. It provides an overview of the possible scenarios that may play out in a given context, based on an analysis of historical causes of conflict, the role of actors and structures in place. This component also helps identify entry points for actors and interventions to contribute to building peace. Some key issues that can be discussed include:

- Current conflict trends;
- Entry points for peacebuilding; and
- Planning for best and worst case scenarios.

Conflict analyses can be used to inform different components of the planning phase. A conflict-sensitive planning phase will consist of:

- **Defining an intervention:** The analysis will often reveal where needs and opportunities are greatest, in addition to what the key causes of conflict are. Analysis can be used by development actors to identify and target the poor or most vulnerable and begin to address their needs. The analysis can also make a development intervention more effective by identifying roots of potential conflict within the particular sector or among the particular actors targeted. A traditional Strengths, Weaknesses, Opportunities, Threats (SWOT) analysis can be used to determine whether an organisation has the mandate, capacity and resources to implement an intervention and address the potential of conflict effectively.
- **Defining the intervention process:** This includes identifying the main beneficiaries, project staff (including local and international staff) and partners (local and international). In all cases, a conflict analysis (with a needs/stakeholder assessment component) should be used to highlight the potential impacts of an intervention on the different actors. For example, if a specific group of beneficiaries is selected, how will this impact other groups not selected? Could this lead to tension between groups?
- **Developing indicators and risk-management scenarios:** Indicators and risk-management/mitigation strategies are planning tools that will help monitor and assess the impact of an intervention, as well as identify strategies for responding to changes in the intervention environment or needs of the beneficiaries or broader community. Conflict-sensitive indicators can form part of the conflict-analysis baseline. Throughout the intervention, the potential for conflict, its exacerbation or decrease in intensity can be measured against the baseline in order to modify project activities as needed.
- **Developing exit strategies:** Conflict-sensitive exit strategies are those which make a link between the sustainable structures and processes established as a result of the intervention and the intervention environment, to ensure that the remaining structures and processes do not unintentionally serve to exacerbate or create conflict (e.g. taking into account recruitment processes and impact among employment in a community, competing with local structures, etc.).

## Facilitating discussion – Case study

### Conflict analysis: The who, what and how

Refer to the case study 'Landlord-Tenant Dispute in Kibera, Kenya'. Discuss the 'who', 'what' and 'how' of the conflict situation.

The 'who' refers to different actors engaged in or impacted by the conflict. It also examines relationships and power dynamics between actors. It is helpful to think in terms of primary actors (contributors to a conflict) and those impacted by conflict to get a better idea of the variety of stakeholders and their relative influence.

The 'what' refers to the drivers, roots and underlying causes of conflict. It is helpful to think of the causes as the roots of a tree. The branches of the tree can be thought of as the consequences or effects of these root causes.

The 'how' refers to factors contributing to the escalation or de-escalation of conflict. It is helpful here to link causes to actors. How (and why) is conflict being sustained (e.g. exploitation of natural resources, continued abuse by state institutions)? On the other hand, what factors are or may contribute to a resolution of management of conflict, that is, what are the entry points for negotiating peace (local civil society, peace process, community development projects)?

## IMPLEMENTATION

Refer back to the definition of peacebuilding in Chapter 1. Peacebuilding is not only a set of specific activities but also a framework for effectively responding to and managing conflict. Peacebuilding skills are essential process skills that all actors involved in development should learn and exercise through their work. Peacebuilding process skills include communication, negotiation, basic mediation, facilitation and problem-solving skills. When mobilised, these capacities ensure that peacebuilding principles of local ownership, empowerment, inclusion, comprehensiveness and participation are implemented in practice.

In Chapter 5, we will learn more about these specific skills and how they can make development interventions more effective, relevant and sustainable. While these capacities are relevant to all phases of programming and project-cycle management, it is during implementation that it becomes evident whether interventions are truly guided by their principles. Likewise, guided by such principles, a conflict-sensitive approach to implementation utilises the conflict-analysis and process skills to ensure that interventions are properly managed, monitored and modified as required.

## MONITORING, EVALUATION AND IMPACT ASSESSMENT

Monitoring and evaluation are important components of any intervention, in any sector. Regular monitoring helps ensure that interventions are being implemented effectively and responding to changes in the environment or beneficiaries' needs. Conflict-sensitive monitoring uses conflict analysis as a baseline to measure changes in conflict dynamics and adjust intervention activities accordingly.

Evaluation is typically undertaken midway through and/or at the end of an intervention, in order to assess the intervention's design and implementation, as well as its ability to achieve outputs and outcomes and contribute towards meeting the intervention's long-term goals. While evaluation exercises are undertaken to measure the achievements of the project itself against a tailored evaluation framework, increasingly donors and implementers are interested in assessing the broader impact of the intervention not only on beneficiaries, but on whole communities and their interrelations.

Impact assessment looks at the impact of an intervention on the main components of a conflict analysis on the profile, causes, actors and dynamics. This assessment provides important information which can be used to guide future interventions and/or serve as an introductory conflict-analysis baseline for extended interventions. Did the intervention make a positive impact in a conflict-affected community? Did it exacerbate tensions?

One way of designing a conflict-sensitive impact assessment which integrates a peacebuilding dimension would be to base the framework on peacebuilding principles and the components of the conflict analysis. This would ensure that the methods used are consultative and participatory, and that the type of data collected is broad in scope, for example, interviews with beneficiaries but also other stakeholders, qualitative data sources, media reports, etc.

**Table 2: Conflict-sensitive Impact Assessment Using Peacebuilding Principles**

	<b>Profile</b>	<b>Causes</b>	<b>Actors</b>	<b>Dynamics</b>
<b>Locally owned</b>	Do stakeholder/beneficiaries feel ownership of the process and services/structures developed as a result?	Did the intervention serve to address the needs and concerns of beneficiaries and their perceptions regarding root causes?	How were those not targeted by the intervention impacted? Who are the actual and potential change agents? Who are potential spoilers?	Did the intervention create any tension or competition with local structures or businesses? Was the process compatible with/complementary to locally led activities?
<b>Inclusive</b>	Do beneficiaries feel more part of a community, with a stake but also a say in the conflict process? Did the outcomes impact beneficiaries/communities equally?	Were needs and perceptions of beneficiaries/local actors taken into account regarding root causes?	Were all targeted stakeholders included, e.g. women, youth, minorities? Were participatory methods used? Did any stakeholders feel left out? Have beneficiaries been empowered?	Did the intervention respond to changes in conflict dynamics effectively – was it sufficiently flexible?
<b>Long term</b>	What was the impact on the environment, political, social or economic processes? Are the outcomes (impact on conflict dynamic) sustainable? Why or why not?	What are the long-term impacts of the intervention on root causes? Are the outputs (impact on conflict causes/actors) sustainable? Why or why not?	Who are the actual/potential change agents or spoilers? Did intervention reach those targeted? What are the sustainable changes as a result?	What was the impact on employment? Will end of intervention leave a gap and unemployment?
<b>Human rights- and justice-centred</b>	Did the intervention respect human rights of all involved? Did it have an impact on processes of justice? What are the sustainable structures/processes left behind?	How did the intervention serve to combat human rights-related violations? How did it serve to strengthen justice for the vulnerable?	Who are potential contributors to peace, justice and human rights? Who are main violators? What are entry points for change?	What impact did the intervention have on human rights and justice initiatives or processes (government or internationally supported)?
<b>Comprehensive</b>	How did the intervention contribute to a change in the broader profile of the conflict? How did it contribute to peace?	How did the intervention impact on other root causes of conflict not specifically targeted?	How did the intervention impact different groups of stakeholders and their relations (beneficiaries and others)?	Was the intervention compatible with other external interventions? Did the intervention create linkages across communities/groups?

*Adapted from: Caritas International (2002). Peacebuilding: A Caritas training manual.*

Available at [http://www.caritas.org/upload/pea/peacebil-ing\\_1.pdf](http://www.caritas.org/upload/pea/peacebil-ing_1.pdf)

## CHAPTER 3: GENDER

### Integrating a Gender Perspective into Development Interventions

#### Objectives of this chapter:

- To explore the meaning of gender and tools of gender mainstreaming
- To highlight the importance of integrating a gender perspective in peacebuilding and development
- To demonstrate how gender can be integrated into the programme/intervention cycle through selected tools and techniques

#### Contents of this chapter:

- I. What Is Gender?
- II. Critiques of Gender Mainstreaming
- III. Legal Framework for Gender, Peace and Security
- IV. The Importance of Gender in Peacebuilding and Development Phases
- V. Gender in the Programme Cycle

## I. WHAT IS GENDER?

The IfP refers to *gender* as the 'roles, relationships, experiences and expectations attributed to men, women, girls and boys on the basis of their sex. These different roles and relationships are socially constructed, that is, they are influenced by local contexts and other forms of social differentiation, such as age, ethnicity, class, caste, religion and socio-economic status, and are an important basis for understanding the dynamics and impact of conflict'.

In any area and at all levels, a *gender mainstreaming perspective* is the 'process of assessing the implications for women and men in any planned action, including legislation, policies and programmes. It is a strategy for making the concerns and experiences of women as well as of men an integral part of design, implementation, monitoring and evaluation of policies and programmes in all political, economic and social spheres, so that women and men benefit equally and inequality is not perpetuated'.<sup>9</sup>

The ultimate goal of mainstreaming is to achieve gender equality.

This chapter looks at selected tools for mainstreaming a gender perspective into development interventions. It highlights that the tools of gender mainstreaming are applicable both to peacebuilding and development and can therefore be used to ensure that a peacebuilding perspective is also integrated into development planning, implementation and assessment. It is partly based on the UN Development Programme (UNDP) publication 'Gender Mainstreaming in Practice: A Toolkit'.<sup>10</sup>

## II. CRITIQUES OF GENDER MAINSTREAMING

Many critiques and challenges to the gender mainstreaming approach exist. 'Gender Mainstreaming in Practice' highlights the following critiques:

1. A commonly voiced concern is that the emphasis on gender mainstreaming is taking away focus and funding from initiatives that specifically target women.
2. Others argue that mainstreaming processes do not recognise the diverse needs and experiences of women suffering multiple forms of discrimination.
3. A one-size-fits-all approach to gender mainstreaming has also been critiqued as imbued with Western norms and ignoring social and cultural differences.
4. Finally, one of the major critiques of gender mainstreaming is that it has remained at the policy level, without any real operational impact.

These and other critiques need to be taken into account and efforts made to adapt to – as well as derive information from – local contexts. It is also important to regard gender mainstreaming as only one strategy towards achieving women's equality.

### Facilitating discussion – Group discussion What does gender mean to you?

*In small groups, discuss what gender means to each participant. How is it relevant in your work? What are the challenges to mainstreaming a gender perspective in your work (i.e. time, resources, lack of guidance or support, etc.)? What do you need from your organisation to integrate a gender perspective more effectively? Why do you think it is important to integrate a gender perspective into peacebuilding work in particular?*

<sup>9</sup> This is the concept as defined by the UN in its 'Report of the Economic and Social Council for 1997'. Available at <http://www.un.org/documents/ga/docs/52/plenary/a52-3.htm>

<sup>10</sup> UNDP (2007). 'Gender mainstreaming in practice: A toolkit'. 3rd edition. Available at <http://europeandcis.undp.org/gender/show/6D8DEA3D-F203-1EE9-B2E46DEFBD98F3F1>



*It may be most useful to use a SWOT framework to assess your and your organisation's capacity to mainstream gender.*

<b>STRENGTHS</b>	<b>WEAKNESSES</b>
<b>OPPORTUNITIES</b>	<b>THREATS</b>

### WOMEN IN DEVELOPMENT (WID)

The “Women in Development” concept arose in the early 1970s as researchers looked at the division of labour based on sex. It is based on the idea of women’s traditional inferior position within the labour market and society more generally. Measures to address these inequalities were to be found within existing structure, institutions and processes by focusing on women as direct beneficiaries of services and programmes. The WID approach meant recognising women as active agents rather than passive victims, who play an important role in political, economic, social and cultural life of society. One of the major criticisms of the WID approach is that it focused exclusively on women. As a result, it was easy to isolate and marginalise measures and programmes which directly targeted women as beneficiaries. In addition, these measures and programmes did not engage men or work with men to identify and address roots of inequality. The Southern African Development Community (SADC) *Gender Mainstreaming Resource Kit* states that ‘the problem of WID was that it provided women with additional resources but no power to manage these resources. The WID concept led to increased workloads and heavy schedules for women and prevented their empowerment’.<sup>11</sup>

### GENDER AND DEVELOPMENT (GAD)

In the 1980s the GAD approach emerged as a result of WID and its shortcomings, concentrating on the unequal relations between men and women due to “uneven playing fields”. The term “gender” replaced women to emphasise that both men and women need to be involved in processes aimed at progressing towards gender equality and rooting out inequalities. The concept also focused on how gender mediates all aspects of a given society: structures, institutions, processes, relations and practices. However, the concept still recognised that, as women are usually in a disadvantaged position vis-à-vis men, specific attention needs to be paid to women’s needs, concerns and perspectives.

## III. LEGAL FRAMEWORK FOR GENDER, PEACE AND SECURITY

### UNSCR 1325

On 31st October 2000 the UN Security Council passed Security Council Resolution (UNSCR) 1325, calling on governments – and the Security Council itself – to include women in negotiations and settlements with respect to conflict resolution and peacebuilding. The resolution reaffirms the important role of women in the prevention and resolution of conflicts, and the need to implement fully international humanitarian and human rights laws that protect the rights of women and girls during and after conflicts.

The key points of UNSCR 1325 are:

- Increasing the representation of women at all decision-making levels;
- Integrating a gender perspective into peacekeeping missions;
- Appointing more women as special representatives and envoys of the Secretary-General;
- Supporting women’s grassroots organisations in their peace initiatives;

<sup>11</sup> SADC (2008). *Gender mainstreaming resource kit*. Available at <http://www.genderlinks.org.za/article/sadc-gender-mainstreaming-resource-kit-2008-09-22>

- Involving women as participants in peace negotiations and agreements;
- Ensuring protection of and respect for human rights of women and girls;
- Protecting women and girls from gender-based violence; and
- Integrating a gender perspective into DDR of former combatants.

In order to implement UNSCR 1325, a number of states have developed National Action Plans (NAPs), in line with NAPs for Gender Equality. Like the broader NAPs for Gender Equality, the NAP for implementation of UNSCR 1325 provides a framework for implementation of policy commitments on gender and gender equality, with a focus on including women in conflict prevention, resolution and peacebuilding processes including a gender perspective in developing interventions and reporting processes, and ensuring that men's and women's different security needs and roles are taken into account. Effective NAPs, both for Gender Equality and UNSCR 1325, are those which include gender-sensitive, specific, measurable, relevant and time-bound objectives, indicators, timeframes and actors responsible for implementation of the different activities.

## UNSCR 1820

UNSCR 1820 is complementary to and mutually reinforces UNSCR 1325, as UNSCR 1820 strengthens an area where implementation of UNSCR 1325 remains particularly weak, namely sexual violence prevention and response. Unanimously adopted in June 2008 by the UN Security Council, it stresses the need to eliminate all forms of violence against civilians, particularly women and girls during and in the wake of armed conflict.

Key provisions of the resolution recognise a direct relationship between the widespread and/or systematic use of sexual violence as an instrument of conflict and the maintenance of international peace and security; commit the Security Council to considering appropriate steps to end such atrocities and to punish their perpetrators; and request a report from the Secretary-General on situations in which sexual violence is being widely or systematically employed against civilians and on strategies for ending the practice.

UNSCR 1325 (2000) and related resolutions 1820 (2008), 1888 (2009) and 1889 (2009) call for a stronger commitment by national and international actors to addressing the challenges faced by women in conflict areas. Ten years after UNSCR 1325, the UN Secretary-General report of April 2010 recommends a global set of indicators on the implementation of UNSCR 1325 in four key areas: women's participation in all aspects of conflict prevention and peacemaking; prevention of violence against women; protection of women's rights during and after conflict; and women's needs in relief and recovery. These indicators address the impact of war on women and stress the importance of women's involvement in conflict resolution and peacebuilding.

## IV. THE IMPORTANCE OF GENDER IN PEACEBUILDING AND DEVELOPMENT PHASES

Peacebuilding as an approach embraces the integration of gender, as it aims to ensure the active, inclusive participation of all persons, particularly vulnerable groups. Women and men are affected by conflict in different ways, due to their different roles, responsibilities, needs and activities. Therefore, responses to conflict that do not take into consideration women's specific needs and roles cannot be effective or sustainable. This is true for development interventions as well. A gender perspective is critical to ensure development activities reach targeted beneficiaries. It is important to recognise that women and men play distinct roles and have different experiences in the context of armed conflict, peacebuilding, peacekeeping and conflict resolution.

Gender-sensitive interventions can include:

- Projects specifically addressing women as a target group as a result of their unequal development opportunities;
- Gender-focused projects targeting both men and women as beneficiaries; and
- Projects that integrate a gender perspective into the planning, implementation and evaluation processes.

In many cases, mainstreaming gender into all phases of the programme cycle of a general (i.e. non-gender-focused) development is more cost-efficient than developing stand-alone gender projects to address a particular aspect of an intervention. In addition, integrating a gender perspective will ensure greater sustainability of outcomes, as the needs of a greater number of beneficiaries – both men and women – will be addressed.

## V. GENDER IN THE PROGRAMME CYCLE

### PLANNING, RESEARCH AND ANALYSIS PHASE

Gender analysis interprets information about actual or potential situations from a gender perspective, thereby providing the basis for any successful gender mainstreaming process. The aim of gender analysis is to identify and provide explanations for differences between men's and women's roles, responsibilities, experiences, opportunities, needs and activities. Like gender mainstreaming, gender analysis is about *asking the right questions* to unearth differences between men and women, girls and boys that may be taken for granted or so engrained in the institutional or social culture that they are not questioned.

Its goal is to 'provide quantitative and qualitative information and data that can enable informed decision-making for the benefit of both men and women'.<sup>12</sup>

The basic components of a gender analysis as defined by 'Gender Mainstreaming in Practice' are:

- *Sex-disaggregated data* refers to data, statistics and other types of information that distinguishes between men and women as subjects and also refers to age and socio-economic backgrounds (i.e. level of education, living in rural or urban areas).
- *Analysis* refers to the interpretation of sex-disaggregated data, asking what the data means or may possibly mean.
- *A gender perspective* takes the analysis phase one step further, by looking at the causes or consequences of differences in data between men and women. The added dimension of the gender perspective is what makes gender analysis applicable to and relevant for policymaking and project or programme formulation. A gender perspective is based on *asking critical gender questions*, to examine structural gender inequalities as well as the causes and effects of these inequalities.

A gender perspective is based on recognised gender theories regarding relations, roles and responsibilities. These theories look at structural roots of gender inequalities and can be used to justify the integration of a gender perspective into interventions by highlighting how seemingly gender-neutral activities and processes are, in fact, gendered and will result in differential impacts on men and women given their specific roles and responsibilities in their society.

#### Box 3. Examples of Gender Relations Theories

Our societies are shaped by a **gender-based power structure**, which divides the population into men and women, and values their contributions unequally. This power structure is so long-standing and pervasive that many of us have come to see it as "normal" and "natural" – although it is not.

The **gender-based power structure is systemic** – which means that this power structure shapes the institutions and systems in which we participate, even if as individuals we support gender equality.

Because gender is largely a **cultural and social construct**, gender roles and relations can and do change over time.

12 UNDP (2007). Op. cit.

The **gendered division of labour** (i.e. the fact that most paid and unpaid work is generally divided between “men’s work” and “women’s work”) is the starting point for many gender imbalances and inequalities in society. Because men and women frequently occupy/work in different spaces, their needs, priorities, experiences and perspectives are influenced by the lived realities that more often than not limit women’s choices and opportunities.

**Access to** resources is distinct from **control over** resources, and control over resources in virtually all societies is unevenly distributed between men and women.

**Resources** include not only material resources but also time, knowledge and information. Because of their multiple roles in the home and community, women are often “time-poor” – but for the same reasons they are rich with knowledge and experience that is not always valued.

**De jure** (legal) gender equality does not always translate into **de facto** (practical) gender equality.

**Culture, attitudes and stereotypes** profoundly influence access to and control over resources, and thus the realisation of de facto gender equality.

*From: UNDP (2007). ‘Gender mainstreaming in practice: A toolkit’.*

### Exercise: Gender Analysis

The following exercise looks at a gender-sensitive versus gender-neutral analysis. Use a gender-sensitive approach to determine the reasons why women may or may not have been active in a village meeting to discuss water-management systems.

Gender-analysis phase	Gender-neutral assessment	Gender-sensitive assessment
<b>1. Non-sex-disaggregated data vs sex-disaggregated data</b>	A village meeting is held to discuss more effective water-management systems in an area affected by drought and at risk of conflict due to competition for scarce water resources. 56 individuals attended. The village is comprised of 350 persons.	
<b>2. Analysis of data: what does this information mean?</b>	About 1/6th of the village attended the meeting. This is reasonably good attendance from the adult population during a period of tension.	
<b>3. Gender perspective based on gender theory relations</b>	Women did not attend the meeting because: <ul style="list-style-type: none"> <li>• Women are not interested in water-management issues</li> <li>• Women have limited knowledge of issue</li> <li>• Women are not able to make effective decisions about water management</li> <li>• Women have no role to play in conflict prevention or resolution</li> <li>• Women do not need to attend as they will benefit from new policies or programmes in any case</li> </ul>	

*Adapted from: UNDP (2007). ‘Gender mainstreaming in practice: A toolkit’.*

## Example of Gender Analysis

Gender-analysis phase	Gender-neutral assessment	Gender-sensitive assessment
<b>1. Non-sex-disaggregated data vs sex-disaggregated data</b>	A village meeting is held to discuss more effective water-management systems in an area affected by drought and at risk of conflict due to competition for scarce water resources. 56 individuals attended. The village is comprised of 350 persons.	A village meeting is held to discuss more effective water-management systems in an area affected by drought and at risk of conflict due to competition for scarce water resources. 56 individuals attended, including 47 men and 9 women. The village is comprised of 350 persons, of which 189 are women and 161 are men. The chairperson and all key speakers were men.
<b>2. Analysis of data: what does this information mean?</b>	About 1/6th of the village attended the meeting. This is reasonably good attendance from the adult population.	About 1/6th of the village attended the meeting. Nearly five times as many men attended as women. Women are not represented in decision-making roles as regards water management.
<b>3. Gender perspective based on gender theory relations</b>	Women did not attend the meeting because: <ul style="list-style-type: none"> <li>• Women are not interested in water-management issues</li> <li>• Women have limited knowledge of issue</li> <li>• Women are not able to make effective decisions about water management</li> <li>• Women have no role to play in conflict prevention or resolution</li> <li>• Women do not need to attend as they will benefit from new policies or programmes in any case</li> </ul>	As women are mainly responsible for water-related tasks, such as gathering water and using it for washing and cooking, and would be affected by any eruption of conflict, reasons for which women did not attend the meeting may be because: <ul style="list-style-type: none"> <li>• Women were not invited or not encouraged to join</li> <li>• The meeting was held at an inconvenient time (e.g. during children's bedtime or before or after a meal)</li> <li>• Male decision- and policymakers did not consider women's presence important or necessary</li> <li>• Women are not considered effective problem-solvers or able to contribute to conflict-prevention activities</li> </ul>
<b>Key gender questions</b>		<ul style="list-style-type: none"> <li>• Was the meeting held at an appropriate time for men and women?</li> <li>• Were there arrangements made for childcare?</li> <li>• Were women informed about the meeting in appropriate ways?</li> <li>• Are women normally encouraged to participate in decision-making processes or are they systematically excluded?</li> <li>• How is tension playing out and how is it affecting men and women differently?</li> <li>• How would conflict impact upon women's abilities to collect water?</li> </ul>

Gender analyses should be complemented by *gender-sensitive needs assessments*, which is a tool for determining the different needs and concerns of men and women in the targeted intervention area in a participatory, consultative manner. Needs assessments are critical to both peacebuilding and development interventions, and can be used to identify security-related concerns that can be integrated into a development intervention to ensure more sustainable, effective impact.

## GENDER-SENSITIVE IMPLEMENTATION

How a project is implemented is a reflection of how committed one is to the principles underlying the intervention. The processes and procedures mobilised to organise and implement project activities and make decisions, as well as govern project and project-beneficiary relations, are critical to fully integrating a gender-sensitive approach. As such, project implementation should serve as a model to project beneficiaries.

This means ensuring that women are included in management and decision-making bodies; that women's inputs are valued equally with men's inputs; that gender biases and stereotypes are continuously identified and addressed; and that procedures are developed to address gender inequalities. Gender inequality has become engrained in institutional and personal landscapes and relations to such a degree that, even if we personally adhere to gender-equality principles, the environment in which we interact and work is very gendered, very often to the detriment of women. Mainstreaming gender through tools such as gender analysis and gender-sensitive monitoring highlights gender inequalities and makes us more sensitive to the different needs and experiences of men and women.

Many skills, techniques and principles critical to effective peacebuilding are also important to gender mainstreaming. Participatory and consultative approaches, inclusion of vulnerable groups, including women and girls, and promoting local ownership are just a few of the principles and approaches that peacebuilding and gender perspectives promote. Participatory approaches are necessary not only during the implementation phase, but also during the planning of an intervention and evaluating its impact.

## GENDER-SENSITIVE MONITORING AND EVALUATION

### GENDER-SENSITIVE MONITORING

Gender-sensitive monitoring, like general programme/project monitoring, focuses on monitoring progress towards achieving outputs (activities) and outcomes (impact), sometimes referred to as *substantive monitoring* as well as monitoring the implementation process itself (*implementation monitoring*). Gender-sensitive monitoring is used to identify gaps or challenges to implementation that can then be addressed by modifying the project plan; provide input into future interventions; and pinpoint specific challenges to integrating a gender perspective or in reaching specific beneficiaries due to gender inequalities.

As in gender mainstreaming, gender-sensitive monitoring requires asking the right questions to obtain information that is disaggregated by sex and gender. These questions can be both quantitative as well as qualitative in nature, to ensure that perceptions as well as facts are recorded.

### GENDER-SENSITIVE EVALUATION

Gender-sensitive evaluation is a systematic process of determining whether an intervention has achieved its objectives and contributed towards its overall goals, measuring the impact and developing a repertoire of best practices and lessons learned to inform future initiatives. Evaluation is also used to establish accountability for resources expended and allocated, to donors, partners and especially to stakeholders and beneficiaries. Evaluation can include assessment of:

- Intervention inputs;
- Intervention outputs;
- Intervention outcomes; and
- Intervention process.

To ensure gender sensitivity, evaluation procedures, like monitoring processes, must ask the right questions and disaggregate responses by sex, socio-economic background and age to have a clearer picture of impact. Gender-sensitive evaluation looks at:

- **Evaluation criteria:** Who determines the criteria used? Is gender equality included as a principle or criteria measure?
- **Evaluation actors:** Who is conducting the evaluation? Is gender expertise listed as a criterion in the Terms of Reference? Are all stakeholders included, with a balance of men and women?
- **Evaluation process:** Will participatory methods be used? Will the results be disseminated to both men and women and will their feedback be solicited?

Engendering the evaluation process is necessary to ensure that the results of the evaluation are valid and reflective of a representative group of stakeholders. This will ensure that the evaluation data can be used to inform policy processes and also provide a solid basis for the development of subsequent or future initiatives.

## GENDER-SENSITIVE INDICATORS

Indicators are benchmarks for assessing progress in achieving outcomes and objectives. They can be qualitative or quantitative in nature; a comprehensive monitoring and evaluation framework includes both types of indicators. Indicators can be used to measure progress towards achieving outputs and outcomes (*substantive monitoring*) or in assessing the implementation process itself (*implementation monitoring*).

Different types of indicators are often used to measure specific components of an intervention. These include:

- **Input indicators:** Describes what is put into an intervention, i.e. hours trained, financial expenditures, etc.;
- **Output indicators:** Describes the intervention activities, i.e. number of trainings and people trained, type of participants (i.e. policymakers, senior staff, NGOs, etc.); and
- **Impact indicators:** Describes actual change in situation, including of men and women, such as changed attitudes among participants, changed practices or procedures, etc.

Gender-sensitive indicators are critical to gender-sensitive monitoring and evaluation. They track changes in gender relations in a given society over a specified period of time (i.e. the project duration). In this way, it is possible to assess progress in achieving gender equality by measuring changes in the status of men and women over time.<sup>13</sup> Gender-sensitive indicators are disaggregated by sex, so that it is possible to measure how an intervention is impacting both men and women.

Examples of gender-sensitive indicators are:

### Quantitative:

- Number of women included in planning phase of intervention; number of women included in decision-making bodies; number of women positioned in management roles;
- Number of female stakeholders included in consultations, needs assessments or planning meetings;
- Degree to which male and female stakeholders from different socio-economic backgrounds and age are included (i.e. rural areas, elderly, youth); and
- Breakdown of intervention benefits, e.g. increase in employment, increase in political participation, access to health services, access to justice, allocated to men and women.

### Qualitative:

- Level of active participation by men and women, including how women's and men's inputs are received and perceived disaggregated by age and background, through different phases of the intervention/project cycle; and
- Degree of input by men and women into decision-making processes, and how input of each are received and perceived.

Indicators can only be effective when there are both *targets* and *baseline data* in place. Baseline data (including sex-disaggregated data) provides the starting point for an intervention: it provides a picture of a particular situation at the start. Targets are developed as intervention goals, i.e. the number of beneficiaries to be reached or a percentage change in positive or negative development patterns such as literacy/illiteracy, primary school attendance, drug use, youth employment/unemployment. Gender analysis is thus critical to developing gender-sensitive indicators, as it provides both sex-disaggregated baseline data and targets.

<sup>13</sup> This section on gender-sensitive indicators is adapted from the Food and Agriculture Organisation (FAO) (2001). 'Gender sensitive indicators: A key tool for gender mainstreaming'. Available at [http://www.fao.org/sd/2001/PE0602a\\_en.htm](http://www.fao.org/sd/2001/PE0602a_en.htm). The section on gender-sensitive monitoring and evaluation is adapted from UNDP (2007). Op. cit.

## CHAPTER 4: HUMAN SECURITY

### **Integrating a Human Security Perspective into Development Interventions**

#### **Objectives of this chapter:**

- To introduce human security definitions, principles and critiques
- To demonstrate the added value of a human security approach to development
- To apply the human security approach to the programming and project-management cycle (planning, implementation and evaluation)

#### **Contents of this chapter:**

- I. What Is Human Security?
- II. Definitions and Critiques
- III. Human Security Programming Principles
- IV. Why is Human Security Important to Development?
- V. Integrating Human Security in Different Phases of Programming and Project Cycles



# I. WHAT IS HUMAN SECURITY?

The human security concept was formally introduced in UNDP's 'Human Development Report' of 1994. The report highlighted that traditional security frameworks focused exclusively on threats posed to the *state*, not threats posed to the *individuals and groups* within the state. Human security is positioned as a complement to state-centred definitions of security, broadening the scope of threats, challenges and issues that "security" can refer to. This shifting of focus from the state alone to the individual is recognised as an important paradigm shift in international relations and security disciplines.

Human security specialists point to several important themes which serve as a foundation for human security theory and practice:

- The individual is positioned as the "referent object" of security, rather than the state.
- The relationship between the security of the state and the security of people is strengthened.
- Recognition that threats to security are posed by a multitude of actors and actions beyond other state actors alone.
- Recognition of solutions beyond military capacity and actions.<sup>14</sup>

## Facilitating discussion

**Brainstorm the types of security threats that nations, people and communities face today. These can be international, regional or local and affect all persons or specific groups.**

**Table 3: A More Comprehensive Approach to Security**

	State Security	Human Security
<b>Referent Object</b>	State	Individuals and Communities
<b>Threats</b>	External, military attacks directed against the state; structured violence	Physical violence, socio-economic, environmental, food, health, community and political threats, structured and unstructured violence
<b>Means</b>	Defence, investment in military means; institutionalised	Empowerment and protection through the promotion of human rights and human development; institutionalised and non-institutionalised
<b>Actors</b>	State institutions	International, regional and national government and NGOs; states; and people themselves as active participants in determining their wellbeing

*From: 'Applying human security in crisis management and peacebuilding'.*

The need for a new approach to security emerged from the recognition that traditional security paradigms were unable to address the variety of new and emerging threats as well as new security realities. These include:

- A shift from interstate to intrastate conflict, particularly in the post-WWII era, as well as conflict being waged by non-state actors;
- The civilian impact of conflict, as a result of the changing nature of conflict and technological advances in weaponry;
- Emergence of new security threats, including environmental threats and destabilising threats arising from impoverishment, lack of political or social inclusion, discrimination, organised crime, infectious diseases or terrorism;
- Failures of international forces in addressing conflict, particularly in Somalia, Rwanda and the Balkans; and
- Globalisation, resulting in the recognition that threats (and actors) do not necessarily respect state borders and that many systems (finance, transport, trade, markets, environment, development) are interconnected and require regional or international cooperation.

<sup>14</sup> This chapter is based on the 'Applying Human Security in Crisis Management and Peacebuilding' training manual developed by Hitomi Kubo and Elianna Konialis for training in Tuusula, Finland, 21st–23rd April 2009.

In addition, as we shall see, human security can be viewed as an important complement to human development theory and practice. This is because, while development looks at the variety of human needs as well as enabling factors, human security pays attention to what have been termed “downside risks”, the types of threats, issues and challenges which may disrupt, undermine or destabilise a development process and place individuals and/or groups in a state of insecurity.

## II. DEFINITIONS AND CRITIQUES

While human security has been accepted as an important development in security theory and practice, there is no officially recognised or accepted definition. Most debates centre on “narrow” versus “broad” definitions of human security. The “narrow” definition views human security primarily as *freedom from fear*, while the “broad” interpretation positions human security as *freedom from fear* as well as *freedom from want*. The Centre for Peace and Human Security defines each in the following manner:

- *Freedom from fear* refers to protection of individuals from direct threats to their safety and physical integrity, including various forms of violence arising from the actions of external states, from the action of the state against its citizens, from the actions of groups against groups, and from the actions of individuals against individuals.
- *Freedom from want* refers to protection of basic needs and the economic, social, cultural and environmental aspects of life and livelihoods.

Critics of the broad interpretation fear that including such a broad range of issues as security threats will result in a securitisation of all issues, rendering the concept vague, imprecise and of limited analytical use. Others respond that it is precisely the breadth of the concept that makes human security such a novel and effective tool and that it is important to develop a sound analytical framework to operationalise human security successfully.

In identifying human security as a complementary policy approach to development theory and practice, it is valuable to apply the broad definition of human security. In this way, the various sectors covered by development work (e.g. education, health, livelihoods, infrastructure) can be systematically analysed to identify potential destabilising factors and develop effective preventative or resolving strategies. Human development essentially aims to expand people's choices in a sustainable manner; a broad interpretation of human security is in line with this approach as it looks at the multitude of threats and challenges that serve to constrict people's choices.

### TYPES OF HUMAN INSECURITY

The UNDP report defines seven different types of security that together comprise human security. Viewed from the opposite perspective, it organises the different types of security threats that individuals and communities face beyond military threats posed to national security. These categories include:

- **Economic security:** Ensure people have means to a livelihood or access to a safety net in case of livelihood destruction (with special emphasis on the poor, marginalised and vulnerable).
- **Food security:** Basic nutritional requirements are met and access to food is assured (distribution systems in place and prices reflect local capacities to pay them).
- **Health security:** Access to health services and medicines, and low exposure to diseases, particularly those easily treatable. Preventative strategies and facilities in place as well as sanitation systems and access to clean water.
- **Environmental security:** Decreased vulnerability to natural and manmade disasters through implementation of standards, early warning systems and mitigation/coping strategies.
- **Personal security:** Refers to vulnerability to physical, mental and psychological violence and/or abuse. Marginalised (women, girls, disabled, elderly, minorities) groups are particularly vulnerable to violence.
- **Community security:** Refers to the systems in place that allow communities to develop and flourish, underpinned by shared values and identities. Supportive practices build inclusive social capital and bonds, while destructive community practices build identity by marginalising those that are different.

- **Political security:** Institutions (in particular security sector) and actors that respect human rights and allow for political participation of all groups.

Threats to these seven components of human security, or human insecurities, can occur at any time or can be long term and pervasive. *Pervasive threats*, such as large income disparities, unequal distribution of or access to resources, violation of personal security or threats from the security forces, or *sudden or unforeseen threats*, such as famine, financial crises or pandemics, can trigger violent conflict in stable or at-risk areas. Such threats, as well as personal and community insecurity, are greatly exacerbated during violent conflict. If longer-term insecurities are not addressed in the post-conflict reconstruction or development stages, there is a risk that the country or region will slide back into conflict. Likewise, sudden, unforeseen or time-limited threats can throw the development trajectory off-course.

It is important to note that these components of security are *inter-linked and mutually reinforcing*. Economic insecurity impacts upon access to health services, medicine and nutritional food, while environmental insecurity can impact upon the ability to produce food and sell it at affordable prices. Political insecurity can have a very real impact upon personal and community security, and violation of the human rights of certain groups impacts upon their security in all other domains.

**Exercise: Components of Human Security**

List the different types of threats to each component of human security. Include types of threats that are primary during violent conflict, post-conflict reconstruction and development phases. Remember to think about threats that may cross state borders as well as those affecting vulnerable or marginalised groups particularly or solely. Some threats may fall into more than one category.

Type of Security	Examples of Security Threat	Description of Threat
<b>Economic Security</b>		
<b>Food Security</b>		
<b>Health Security</b>		
<b>Environmental Security</b>		
<b>Personal Security</b>		
<b>Community Security</b>		
<b>Political Security</b>		

Review the table. Put a star beside those threats that can persist even during development phases.

**LINKAGE TO PEACEBUILDING**

It can be said that the aim of peacebuilding is to create human security.

The IfP distinguishes between human security and peacebuilding by positioning *human security* as a ‘concept for policy’ that looks at the various needs, threats and vulnerabilities that must be addressed to achieve peace, security and development, while *peacebuilding* is a ‘series of actions’ to improve security and stability and lay the foundations for sustainable peace.

**III. HUMAN SECURITY PROGRAMMING PRINCIPLES**

Different sets of human security principles have been developed by commissions, consortia and academic institutions. The following principles are based on those developed by the Centre for Peace and Human Security at Science-Po University in Paris. These principles were selected because they complement the principles of peacebuilding discussed earlier and because they highlight the added value that a human security approach can

bring to development policy and practice. The principles themselves are based on the broad definition of human security as freedom from want and fear as well as the seven components of human security developed by the UNDP.

- **People-centred:** Human security places the individual at the centre of security policy, programmes and practice. This means ensuring that the needs, concerns, resources and opinions of individuals themselves are taken into account and inform policies, programmes and projects. It also means empowering individuals to become “agents of change” in their own lives, communities and beyond.
- **Comprehensive and multidimensional:** Human security recognises that, as the threats to security are multiple and intertwined, responses and solutions must also be holistic in approach.
- **Inter-sectoral and coherent:** Human security is by nature a multidisciplinary approach, linking the fields of security, peacebuilding, human rights, post-conflict reconstruction and development. This approach can contribute to developing greater coherence among the multitude of actors and programmes involved in providing assistance. Applying a human security perspective during different phases of support (i.e. during conflict, post-conflict and/or development phases) necessitates moving beyond rigid disciplinary domains.
- **Context-specific:** Like peacebuilding, human security takes the local context, and particularly locally identified needs, concerns and issues, as the starting point for human security analysis. Building on the principle of comprehensiveness, it is important to analyse regional, national and, where appropriate, international dynamics and factors as well as to recognise the impact of externalities on local development and conflict.
- **Prevention, protection and empowerment:** As stated above, human security looks at the risks to security and identifies potentially destabilising factors, actions, actors and issues that pose a threat to security. These are then analysed and formed into preventative strategies to help communities and actors address potential threats more effectively. The processes of engaging local actors in consultation and development as well as participation in the implementation of strategies results in local ownership and empowerment.

These principles can help guide the process of programming a human security intervention on its own, or for ensuring that a human security perspective is integrated into the programming of a development interaction.

## IV. WHY IS HUMAN SECURITY IMPORTANT TO DEVELOPMENT?

**Table 4: Comparison between Human Security and Human Development**

	<b>Human Development</b>	<b>Human Security</b>
<b>Essence of definitions</b>	Widening the range of human choices, whether economic, social, cultural or political (Mahbub ul Haq)  Enlarging people's freedoms as the means and the end of development (Amartya Sen)	Enabling people to exercise choices freely, while also guaranteeing that the opportunities brought by development today will not be lost tomorrow (UNDP, 2004)  Freedom from fear, freedom from want and a life of dignity
<b>Values</b>	Wellbeing	Security, stability, sustainability of development gains
<b>Orientation</b>	Moves forward, is progressive and aggregate: “Together we rise”	Looks at who was left behind at the individual level: “Divided we fall”
<b>Timeframe</b>	Long term	Combines short-term measures to deal with risks with long-term prevention efforts
<b>General objectives</b>	Growth with equity. Expanding the choices and opportunities of people to lead lives they value	“Insuring” downturns with security. Identification of risks, prevention to avoid them through dealing with root causes, preparation to mitigate them and cushioning when disaster strikes
<b>Policy goals</b>	Empowerment, sustainability, equity and productivity	Protection and promotion of human survival (freedom from fear), daily life (freedom from want) and the avoidance of indignities (life of dignity)

*From: Tadjbakhsh, HDR Networks, February 2008*

Human security can be seen to link the two fields of security and development, sectors and phases that are often conceptualised and programmed separately. It looks at the various types of real or potential threats that, if left unaddressed or unplanned for, may jeopardise the development process or set it back.

## SIMILARITIES AND DIFFERENCES

Human security and development approaches share many similarities: both focus on *people* as the main point of reference; both take a long-term perspective and plan accordingly; both are concerned with the marginalised and those excluded from development; both are multidimensional – development looks at the scope of needs and factors based in poverty that need to be put into place to allow people to realise their potential, while human security looks at the variety of risks that can undermine this process.

The two approaches necessarily differ as well, which allows for complementarity and ensures that there is no overlapping of mandates or resources. Some differences include:

- **Orientation:** Human development focuses on progress and expansion of people's choices, while human security looks at the risks that threaten choice and development.
- **Timeframe:** While both approaches are concerned with long-term sustainable development, the emergence of downside risks means that human security approaches must also be able to address sudden, short-term crises that arise.
- **Focus:** While development aims at equitable development, ensuring that marginalised, poor and vulnerable groups are not excluded and benefit from the development process or "growth with equity", human security looks at the particular threats and risks that the marginalised, poor and vulnerable face especially during crises or periods of instability ("downturn with security").
- **Scope:** While broad in the range of issues addressed, human security essentially looks at threats to basic needs and freedoms, while human development is much more expansive in scope, looking beyond basic needs to quality of life.
- **Policy:** Human development policies are driven by empowerment, sustainability, equity and productivity, while human security policy focuses on protection and survival (freedom from fear), basic needs (freedom from want), and addressing basic indignities and violations.

## ADDED VALUE

Human security refers to the 'assurance that the process and outcome of development is risk-free'. In this way, it looks at how to ensure that the achievements of human development are sustainable and secured, and not undermined by threats or risks. "Downside risks" that can jeopardise or destabilise a development process are broad and varied, and can include conflicts, natural disasters, pollution, financial crises, ill health, impoverishment or other threats. Human security, like human development, is both an objective as well as an approach.

'If Human Development is about people and expanding their choices to lead lives they value, Human Security recognizes the conditions that menace survival, the continuation of daily life and the dignity of human beings. It refers to the guarantor of the continuation of Human Development, its prerequisite, as well as a prioritization of its most urgent variables. By focusing on the "negatives", human security complements development's "positive" approach; together, the two approaches provide a more comprehensive, realistic and effective means of designing and implementing sustainable development interventions.'<sup>15</sup>

## V. INTEGRATING HUMAN SECURITY IN DIFFERENT PHASES OF PROGRAMMING AND PROJECT CYCLES

Consult the five principles of human security once again. How can these principles be mobilised during the programming of a development intervention? This section looks at different phases of planning and implementing a development intervention, introducing several select tools for integrating a human security perspective into development work.

### PLANNING, RESEARCH AND ANALYSIS PHASE

The planning, research and analysis phase is undertaken in order to:

- Establish participatory and consultative systems and procedures to highlight the needs, concerns and capacities of affected communities;
- Identify insecurities on the basis of expressed needs and concerns;
- Develop priorities;
- Identify root causes of insecurity and sectoral inter-linkages;
- Develop prevention and response strategies that also ensure local ownership and empowerment;
- Highlight and engage different actors.

During the planning, research and analysis phase of a development or peacebuilding intervention, a broad analysis is undertaken to “scope out” the local context. These may be referred to as “situation” or “conflict” analyses. As in the conflict analysis described in Chapter 1 for peacebuilding interventions, such an analysis looks at:

- The *profile* of country or region targeted for an intervention, including physical geography, socio-economic statistics, political and economic structures, and cultural traditions;
- The *causes* of conflict or *opportunities* to enhance development;
- The *actors*, including parties to conflict, those marginalised or cut off from development or peacebuilding interventions, and the capacities of local actors; and
- The *dynamics*.

### HUMAN SECURITY NEEDS ASSESSMENT

The Human Security Needs Assessment is used to identify the actual needs, concerns and vulnerabilities of the affected community using participatory methods; this ensures that the intervention developed is people-centred and locally relevant. It is also used to identify existing capacities and resources, so that interventions build on existing resources and practices, promoting local ownership. Lastly, the assessment develops prevention strategies in addition to needs-based strategies to ensure that downside risks are taken into account.

The assessment aims to:

- Identify vulnerable groups and situations and how they are impacted by vulnerabilities;
- Identify factors/gaps and root causes that contribute to vulnerability and/or insecurity;
- Assess existing needs, capacities and resources;
- Increase local awareness of vulnerabilities and risk factors and their consequences; and
- Empower individuals and communities to be part of the process.

How does this differ from a development-oriented needs assessment?

Threats	Needs/Vulnerabilities									Existing Capacities
	Local			National			Regional			
	Sex	Age	Status	Sex	Age	Status	Sex	Age	Status	
<b>Economic</b>	e.g.			e.g.			e.g.			e.g.
<b>Food</b>	e.g.			e.g.			e.g.			e.g.
<b>Health</b>	e.g.			e.g.			e.g.			e.g.
<b>Environment</b>	e.g.			e.g.			e.g.			e.g.
<b>Personal</b>	e.g.			e.g.			e.g.			e.g.
<b>Community</b>	e.g.			e.g.			e.g.			e.g.
<b>Political</b>	e.g.			e.g.			e.g.			e.g.

Threats	Needs/Vulnerabilities									Existing Capacities
	Local			National			Regional			
	Sex	Age	Status	Sex	Age	Status	Sex	Age	Status	
<b>Economic</b> Increased poverty Unemployment Collapse of state economy Organised economic crime	e.g. - Lack of access to employment opportunities - Increased female-headed household poverty - Illegal economic networks at local level			e.g. - War economy - No social welfare net in place - Illegal economic networks at national level			e.g. - Regional economic instability - Regional economic networks - Lack of regional integration to respond to economic shocks - Collapse of trade due to instability			e.g. Agricultural practices Remittances
<b>Food</b> Hunger Famine Collapse of food supply	e.g. - Malnutrition (esp. women, girls, infants) - Lack of access to basic food - Collapse of local market delivery			e.g. - Inability of state to provide for equitable distribution of food - Destruction of trade/distribution routes			e.g. - Reliance on external food aid - Rioting - Abuse of food aid			e.g.
<b>Health</b> Disease Unsafe food Unsafe water	e.g. - Spread of disease, impact on children - Lack of access to healthcare, esp. for women/girls - Increase in water-related diseases			e.g. - Lack of mental health services - Collapse of services for reproductive health of women			e.g. - Spread of disease over borders - Lack of cross-border health strategies			e.g. Indigenous/local health practices Support systems
<b>Environment</b> Illegal exploitation of natural resources Pollution Natural disasters	e.g. - Lack of decision-making regarding local resources - Unsafe living environment - Contamination of water supplies			e.g. - Lack of early-warning/response systems - Underdeveloped legislative systems for natural-resources management			e.g. - Contamination of regional water systems - Lack of regional early-warning systems			e.g. Adaptive strategies Natural recovery processes Indigenous practices – respect for environment
<b>Personal</b> State violence – torture by state agents Increased crime Gender-based violence Displacement	e.g. - Lack of protection for children/women – child soldiers, gender-based violence			e.g. - Collapse of rule of law - Tension between displaced and host communities (resentment) - Lack of reconciliation/rehabilitation services			e.g. - Regional instability or involvement - Tension between displaced and host communities (resentment)			e.g.

<b>Community</b> Inter-group violence Exclusion Violation of cultural rights	e.g. - Loss of traditional relationships, values	e.g. - Lack of legislative framework for cultural/ minority rights - Lack of ability to protect vulnerable groups	e.g. - Fuelling cross-border ethnic strife - Lack of regional social cohesion	e.g. Adaptive strategies Coping mechanisms Traditional support systems
<b>Political</b> Impunity Corruption	e.g. - Corrupt local officials - Non-functioning/weak civil society	e.g. - Lack of rule of law - Violation of human rights - Lack of good governance	e.g. - Lack of regional civil society - Lack of regional mechanisms/sanctions for human rights abuses	e.g. Civil society networks (international/ local) Local leadership

*Adapted from: 'Applying human security in crisis management and peacebuilding'.*

## INTER-SECTORAL COHERENCE FRAMEWORK – A PLANNING TOOL

This planning tool is intended to improve policy and programme coherence among the sectors involved in an intervention. The Coherence Framework tool is important because it highlights the potential impacts of an intervention, not only on beneficiaries and their environment, but also on other programme, projects and donor interventions. The tool highlights how:

- Interventions in one sector can have a negative impact on other sectors;
- Coherence is necessary to limit and address negative external impacts;
- To multiply positive impacts on other sectors;
- To identify and capitalise on entry points for cooperation and integration between sectors, programmes and actors;
- To share knowledge, lessons learned and expertise; and
- To be more efficient in pooling resources and avoiding duplication.

Type of security/ sector	Development intervention	Potential impact on human security/Other sectors	
		Positive	Negative
<b>Economic</b>	e.g. Micro-credit schemes	Food security – increase in food production	Competition among receiving and non-receiving groups or communities
<b>Food</b>	e.g. Community garden initiatives	Increase in economic revenues for those selling goods	Competition with other producers or traditional producers of certain goods
<b>Health</b>	e.g. Rebuilding healthcare system	Lower morbidity, infant-mortality rates	Replacement of state responsibility for healthcare
<b>Environmental</b>	e.g. Implementing environmental standards	Lowering pollution and increasing food security	Ignoring agricultural traditions or imposing standards that are difficult to meet
<b>Personal</b>			
<b>Community</b>			
<b>Political</b>			

*Adapted from: 'Applying human security in crisis management and peacebuilding'.*

## IMPLEMENTATION PHASE

The most important principles and practices to keep in mind during the implementation of a human security intervention include:

- **Participatory approaches:** Ensuring meaningful engagement and participation of the local population, including the marginalised and most vulnerable.
- **Local capacity-building:** Building on local resources and capacities as well as empowering local communities to identify and address their insecurities.



**Local ownership:** Transforming meaningful participation into actual ownership of results, by ensuring local individuals recognise and have a stake in the process.

Specific participatory approaches (techniques, methods and practices) are described in detail in Chapter 6.

## HOW TO INTEGRATE HUMAN SECURITY INTO EVALUATION AND IMPACT ASSESSMENT

Like development interventions, human security interventions need to be properly evaluated in order to measure whether outcomes were achieved and assess impact, not only on beneficiaries but on broader groups as well (in line with the focus on externalities). The Human Security Impact Assessment is intended to improve programmatic planning and response, creating better coherence between different sectoral approaches and contributing to a more systematised approach to insecurities.

This particular tool is an evidence-gathering tool, one component of a broader impact assessment, which focuses on the impact of the intervention on different groups of people (beneficiaries, external actors, different communities, etc.). This tool should be complemented by an assessment of the intervention's impact on different sectors and interventions by other actors. The Inter-sectoral Coherence Framework, for example, can be used again here as an evaluation tool.

Target Group	Positive Impact	Reasons	Negative Impact	Reasons
Women				
Men				
Rural population				
Urban population				
Poor population				
Rich population				
Middle class				
Religious minorities				
Elderly				
Children				
Youth				
Special needs				

*Adapted from: 'Applying human security in crisis management and peacebuilding'.*

## CHAPTER 5: TRANSITIONAL JUSTICE

### **Mainstreaming Transitional Justice into Peacebuilding and Development Programmes**

#### **Objectives of this chapter:**

**The purpose of this chapter is to assist the peacebuilding and development workers to:**

- Address transitional justice issues in their country programmes and activities
- Understand how to mainstream transitional justice into peacebuilding and development programmes
- Raise awareness of transitional justice mechanisms

#### **Contents of this chapter:**

- I. What Is Transitional Justice?
- II. Countries in Transition
- III. A Holistic Approach
- IV. Transitional Justice Measures
- V. Development of Transitional Justice Initiatives
- VI. Transitional Justice Case Studies
- VII. Mainstreaming Transitional Justice into Peacebuilding and Development Programmes

## I. WHAT IS TRANSITIONAL JUSTICE?

Transitional justice is an approach to systematic or massive violations of human rights that both provides redress to victims and creates or enhances opportunities for the transformation of the political systems, conflicts and other conditions that have been at the root of abuses. Transitional justice deals with the legacy of massive human rights abuses. It focuses on ways and means to deal with such legacies in order to achieve sustainable peace.

Transitional justice refers to a range of measures that societies undertake to reckon with legacies of widespread or systemic human rights abuses as they move from a period of violent conflict or oppression towards peace, democracy, the rule of law and respect for individual and collective rights. In making such transitions, societies confront the painful legacy or burden of the past in order to achieve a holistic sense of justice for all citizens, to establish or renew civic trust, to reconcile people and communities, and to prevent future abuses.

A transitional justice approach thus recognises that there are two goals in dealing with a legacy of systematic or massive abuse:

1. To gain some level of justice for victims.
2. To reinforce the possibilities for peace, democracy and reconciliation.

To achieve these two ends, transitional justice measures often combine elements of:

- Criminal justice;
- Restorative justice; and
- Social justice.

Transitional justice is not a special form of justice. Rather, it is justice adapted to the often unique conditions of societies undergoing transformation away from a time when human rights abuses may have been a normal state of affairs. In some cases, these transformations will happen suddenly and have obvious and profound consequences. In others, they may take place over many decades.

## II. COUNTRIES IN TRANSITION

### JUSTICE IN TIME OF TRANSITION

In the late 1980s and early 1990s the political transition that took place in Eastern Europe and Latin America raised issues of justice. At that time human rights activists were concerned about how to address the systematic abuses of former regimes and still reinforce the political transformation that was under way. The changes were called “transitions to democracy”. The term was then renamed “transitional justice” or “justice in times of transition”.

Transitional justice measures that were adopted include:

- Prosecutions, usually of regime leaders;
- Truth-telling initiatives, such as opening up state archives and establishing official truth commissions;
- The creation of reparation programmes for victims; and
- The vetting of public employees, especially (but not exclusively) members of the security forces.

### RECOGNITION OF HUMAN RIGHTS VIOLATIONS

Transitional justice emerged as part of a recognition that dealing with systematic or massive abuses requires a distinctive approach that is both backward- and forward-looking: transitional justice measures aim not only to dignify victims, but also to help prevent similar victimhood in the future. The long-term goals of transitional

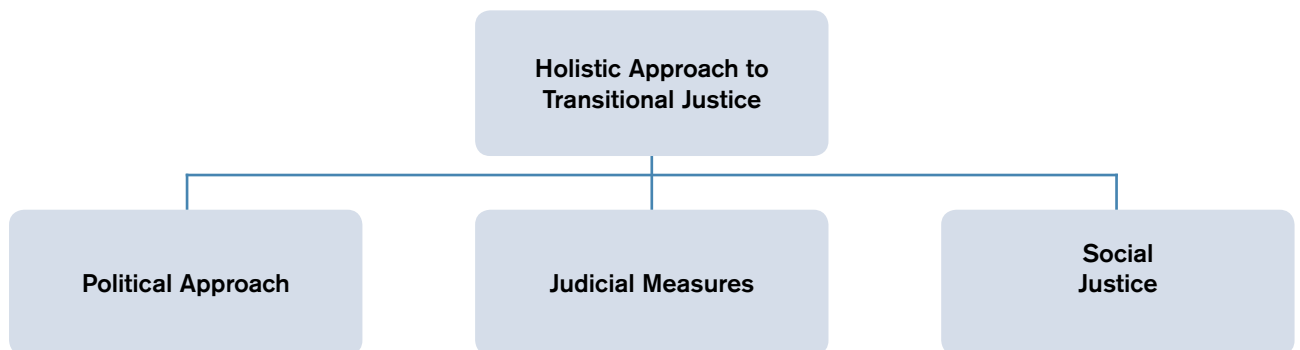
justice measures are to promote peace, democracy and reconciliation, with the idea that these conditions help to prevent the systematic or massive violation of human rights.

### III. A HOLISTIC APPROACH

Although transitional contexts always involve many moral, legal and political dilemmas, the challenges of dealing with systematic or massive human rights violations can be among the most politically sensitive and practically difficult. The political balance of power is often delicate, and successor governments may be unwilling to pursue wide-ranging transitional justice initiatives – or they may be unable to do so without putting their own stability at risk.

In the wake of massive violations, interest in criminal justice often takes centre stage, both because of the need to hold accountable those responsible for massive violations, and because of the inherent drama of courtroom trials. This was the case in Argentina, where the public was riveted by the trials of the military junta leaders in the early 1980s. But criminal justice can encounter problems as a stand-alone approach to seeking justice. Especially with instances of massive abuse, such as genocide, there may be tens or even hundreds of thousands of victims and perpetrators. How can they all be dealt with fairly through the judicial system, when there is likely to be an acute caseload problem? Plus, the judiciary may be dysfunctional, since the majority of police, prosecutors and judges may be too weak or corrupt, or too few in number, to be able and willing to act in the public interest and ensure victims' rights to justice.

Aside from the question of whether judicial measures have the capacity to redress systematic or massive violations of human rights, there is the question of whether they are adequate, by themselves, to do so. Indeed, transitional justice operates on the conviction that they are not. The many problems that flow from past abuses are often too complex to be solved by judicial measures – such as trials – alone. After two decades of practice, experience thus far suggests that, to be effective, transitional justice should be holistic. That is, it should be made up of several initiatives that complement and reinforce each other.



### IV. TRANSITIONAL JUSTICE MEASURES

The elements of transitional justice initiatives often include:

- **Criminal prosecutions:** Judicial investigations of those responsible for human rights violations. Prosecutions frequently give great weight to investigating those considered most responsible for massive or systematic crimes.
- **Truth commissions:** Ad hoc commissions of inquiry established in, and authorised by, states for the primary purposes of investigating and reporting on key periods of recent past abuse. They often make recommendations to remedy such abuse and to prevent its recurrence.

- **Reparation programmes:** State-sponsored initiatives that aim to contribute to repairing, on a massive scale, the material and moral consequences of past abuse experienced by certain classes of victims. They typically distribute some mix of material and symbolic benefits to victims.
- **SSR:** Wide-ranging programmes to transform the military, police, judiciary and related state institutions from instruments of repression and corruption into instruments of public service and integrity.
- **Remembrance efforts:** Museums, memorials and other means of preserving public memory of the victims and of raising moral consciousness about past abuse, in order to build a bulwark against its recurrence.

Practically and conceptually, the various measures of transitional justice call for one another. This logic becomes clear when one considers the possible consequences of implementing any one of them in isolation from the others.

Without any truth-telling, institutional reform or reparation efforts, punishing a very limited number of perpetrators can be viewed as scapegoating or a form of political revenge. Truth-telling – in isolation from efforts to punish abusers, reform institutions and repair victims – can be viewed as nothing more than words. Remembrance efforts are also likely to seem shallow and insincere when not complemented by more robust efforts. Reparation without any links to the other transitional justice measures may be perceived as “blood money” – an attempt to buy the silence or acquiescence of victims. Similarly, reforming institutions without any attempt to satisfy victims’ legitimate expectations of justice, truth and reparation is not only ineffective from the standpoint of accountability, but also unlikely to succeed in its own terms.

Implementing these measures with the appropriate structure and sequence can be a complex challenge. There are a few general rules that bear mention:

- **Maximise complementarities, minimise contradictions:** Transitional justice measures should be structured in a way that helps to maximise complementarities and that minimises conflict or contradiction.
- **Clear interrelations among measures:** Interrelationships among measures should not be too vague or too complex, which may have the counter-productive effect of causing confusion about each measure’s aims and thereby inhibiting public participation and support.
- **Preserve democracy and peace:** The different measures of transitional justice should ideally be sequenced in a manner that helps preserve and enhance the constituent elements of the transition itself – democracy and peace – without which all transitional justice possibilities may diminish in scope and quality.

## V. DEVELOPMENT OF TRANSITIONAL JUSTICE INITIATIVES

Transitional justice today is a diverse and vibrant field. As it has grown, it has found common ground with social justice movements, as well as the fields of conflict resolution, peacebuilding and historical memory, to name a few.

As transitional contexts have shifted from the post-authoritarian societies of Argentina and Chile to the post-conflict societies of Bosnia and Herzegovina, Liberia and the Democratic Republic of the Congo, new practical challenges have forced the field to innovate and expand its boundaries. Ethnic cleansing and displacement, the reintegration of ex-combatants, reconciliation among communities and the role of justice in peacebuilding have all become important new issues for transitional justice practitioners to tackle. The reintegration of ex-combatants, for example, is an important issue for several reasons. Firstly, among the ranks of ex-combatants there may be perpetrators or even masterminds of massive human rights violations. Secondly, in general, ex-combatants often receive money and job training as incentives to disarm, whereas victims typically receive little or nothing at all in order to help rebuild their lives. Such imbalances are morally reprehensible, and also unwise. They may foster resentment, making receiving communities more reluctant to reintegrate ex-combatants, and may threaten post-conflict stability.

As transitional contexts have shifted geographically from Latin America and Eastern Europe to Africa and Asia, transitional justice practitioners have also engaged with local – sometimes called “traditional” – justice measures, which can offer an important complement to transitional justice. In some countries, such as Sierra Leone and Uganda, communities may wish to use traditional rituals in order to foster reconciliation of warring parties or reintegrate ex-combatants. In such cases, the role of transitional justice is to ensure that a holistic approach is taken – one that may include the ritual, but that does not exclude the possibility of criminal justice for those most responsible for serious crimes or the implementation of other justice measures, such as reparations, to provide additional forms of redress.

Globally, from Australia and the US to Guatemala and South Africa, social justice movements have adapted transitional justice measures in order to gain redress for legacies of systematic injustice. These movements often focus their efforts on abuses relating to long-term exclusions generated by socio-economic, racial or gender inequality, instead of the physical abuses, such as murder and forced disappearance, that were at the heart of many early transitional justice efforts.

As the field has expanded and diversified over the past 20 years, it has also developed an important foundation in international law. One part of the legal basis for transitional justice traces its initial inspiration to the 1988 decision of the Inter-American Court of Human Rights in the case of *Velásquez Rodríguez v. Honduras*, in which the court found that all states have four fundamental, or minimal, obligations in the area of human rights. These are:

- To take reasonable steps to prevent human rights violations;
- To conduct a serious investigation of violations when they occur;
- To impose suitable sanctions on those responsible for the violations; and
- To ensure reparation for the victims of the violations.

The essence of the decision has been explicitly affirmed by the subsequent jurisprudence of the court, and implicitly affirmed and endorsed in the jurisprudence of the European Court of Human Rights and UN treaty body decisions such as the Human Rights Committee. It has also been directly incorporated into many important UN documents such as the 1997, 2004 and 2005 reports of UN special rapporteurs on the fight against impunity, and the 2004 report by the Secretary-General on ‘The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies’. The 1988 creation of the International Criminal Court was also significant, as the court’s statute enshrines state obligations which are of vital importance to the fight against impunity and respect for victims’ rights.

## VI. TRANSITIONAL JUSTICE CASE STUDIES

*Explore the role that transitional justice can play in a post-conflict situation using the following case studies from Kosovo, Nepal and Burundi.*

*Analyse the issues related to transitional justice and the mechanisms deployed in each case. Particularly examine how the approach taken may have affected prospects for sustained peace and justice.*

### Case Study 1: Kosovo

In its declaration of independence of 15th February 2008, the parliament of Kosovo committed to confront the painful legacy of the recent past in a spirit of reconciliation and forgiveness and undertook to respect the principles of the Ahtisaari plan (article 2.5 of which highlighted the need to put in place mechanisms of transitional justice). The international community has initiated the few transitional justice processes that have taken place so far in Kosovo, in relation to criminal prosecutions and missing persons.

The International Criminal Tribunal for former Yugoslavia (ICTY)<sup>16</sup> was created by virtue of UNSCR 827. This resolution was adopted on 25th May 1993, as a reaction to the threat to peace and international security

16 Official website of ICTY: <http://www.un.org/icty/>

represented by the grave violations of the humanitarian laws in the territory of former Yugoslavia since 1991. In accordance with this resolution, the ICTY has multiple objectives. The main goals are: to judge persons responsible for serious violations of the humanitarian laws, to achieve justice for the victims, to prevent new violations of the humanitarian laws, to hinder revisionism by seeking and imposing the judiciary truth, and to help build back peace and reconciliation in former Yugoslavia.

Its jurisdiction reads as follows:

- Temporal jurisdiction: Crimes committed since 1991.
- Territorial jurisdiction: Crimes committed in the territory of former Yugoslavia.
- Personal jurisdiction: The ICTY has jurisdiction over physical persons excluding moral persons.
- Competence: The ICTY has competence to judge four types of crimes: the serious violations of the 1949 Geneva Conventions, violations of the laws and customs of war, crimes against humanity and genocide.

As of June 2008, proceedings had been concluded against 113 persons: 9 were acquitted, 55 were sentenced, 20 indictments were withdrawn, 16 persons died before or after their transfer to the tribunal, and the proceedings against 13 accused were transferred to a national jurisdiction pursuant to Rule 11 *bis*. Proceedings are ongoing against 48 additional persons.

In addition to the case against Slobodan Milosevic, the ICTY has initiated several cases involving atrocities committed in Kosovo, against both Serbs and former Kosovo Liberation Army (KLA) members.<sup>17</sup>

### Internationalised Panels<sup>18</sup>

On 10th June 1999, the Security Council of the UN issued UNSCR 1244 authorising the establishment of the UN Interim Administration Mission in Kosovo (UNMIK). Under its Pillar I (Police and Justice), UNMIK set up an interim programme to bolster trust in the judiciary by taking controversial cases out of the hands of Serb or Albanian judges without building a new international court. UNMIK Regulation 2000/6 of 15th February 2000 provided for the appointment of an international judge and an international prosecutor to work within the existing domestic judiciary along with their local counterparts. This arrangement was meant for the Mitrovica District only but was extended throughout Kosovo. This temporary system was to provide capacity and independence to the domestic judiciary. It was further reinforced with Regulation 64 which allowed for a panel of judges to be appointed with an international majority. This possibility was mainly used in cases of inter-ethnic violence.

'The creation of the various aspects of the Kosovo system of international judges (IJs) and international prosecutors (IPs) must be understood as a series of reactive developments to the needs and political reality of the immediate post-conflict situation, as opposed to any planned or strategic transitional justice initiative to deal with past crimes.'<sup>19</sup>

Indeed, 'The IJP program functions very much as a parallel system with a particular focus on sensitive cases, including organized crime, drug trafficking or corruption, perpetrated by networks supported through Kosovo's powerful clans, which local judges are reluctant to try themselves'.<sup>20</sup>

This UN justice hybrid system had an interesting potential to develop a model to be duplicated elsewhere but its results fell short of expectations. IJs and IPs have worked mostly in parallel to their local counterparts, rather than together with them, hence limiting the bolstering effect the system was intended to have on the domestic judiciary. The UNMIK system is likely to be replaced by the forthcoming deployment of judges and prosecutors through the EU rule of law mission.

17 See indictments in Pavkovic et al., IT-03-70; Milutinovic. Available at [www.un.org/icty/cases/indictindex-e.htm](http://www.un.org/icty/cases/indictindex-e.htm)

18 This information is taken from the International Center for Transitional Justice (ICTJ) website: <http://www.ictj.org/en/where/region4/510.html>

19 T. Perriello and M. Wierda (2006). *Lessons from the deployment of international judges and prosecutors in Kosovo*. ICTJ. March 2006. p.1. Available at <http://www.ictj.org/static/Prosecutions/Kosovo.study.pdf>

20 Ibid.

## Missing Persons

The International Committee of the Red Cross (ICRC) compiled the first list of missing persons in Kosovo in 1999. According to their data at the end of 2006, there were 2,137 persons missing, four-fifths of whom were of Albanian ethnicity. In 2002 UNMIK established an Office for Missing Persons and Forensics, the authority in charge of finding the bodies and carrying activities related to the missing persons. There is also a Commission for Missing Persons in the government of Kosovo, which was created in 2003, but whose role is secondary. Cooperation between the relevant authorities in Serbia and Kosovo is crucial to resolve the fate of the missing persons. A large number of bodies found in mass graves in Serbia were returned to Kosovo by June 2006. The strong objection of Belgrade to the recently proclaimed self-independence of Kosovo might have a negative impact on this process.

## Case Study 2: Nepal

In April 2006 an extraordinary mobilisation of Nepalese civil society forced the monarchy to surrender power. The subsequent Comprehensive Peace Agreement (CPA) led to the installation of an interim government and agreement on a schedule for elections. These events also provided the opportunity for renewed debate on truth, justice and accountability in relation to the mass violations that had taken place before the ceasefire.

### Truth and Reconciliation Commission (TRC)

A Truth and Reconciliation draft bill was prepared by the Ministry of Peace and Reconstruction (MOPR). The draft included a number of problematic provisions, including a narrowly conceived mandate, insufficient guarantees of independence and impartiality of commissioners, provision of amnesty for those who had committed gross human rights violations, a requirement that victims forgive perpetrators to receive reparations, and lack of sufficient consultation with stakeholders in the preparation of the bill.

Although the transitional justice model includes mechanisms to deal with a history of mass violations, the debate in Nepal has been confined largely to the proposed TRC. There is a need to broaden the parameters of national interest to include prosecution of those responsible for serious violations, reparations for victims, reform of security-sector organisations and creation of appropriate memorials to assist healing.

### Commission of Inquiry to Find the Disappeared Persons

*1991:* In Nepal, many commissions of inquiry have been appointed to investigate major human rights violations and political violence. Following the first Jana Andolan, under Sections 3 and 4 of the Inquiry Commission Act 1969, the interim government formed the three-member Malik Commission, headed by Janardhan Malik, in 1990. This was mandated to investigate the loss of life and damage to property that had taken place during the People's Movement; establish the causes of and individuals responsible for the incidents mentioned above; and submit a report recommending action to be taken against those found responsible. Another high-level inquiry commission was formed under the chairmanship of Krishna Jung Rayamajhi, to investigate human rights violations that occurred during the second People's Movement, Jana Andolan II, of April 2006. However, the failure to implement the recommendations of these previous commissions has meant a failure to uphold the rule of law or develop a culture of respect for human rights.

*2007:* On 1st June 2007 the Supreme Court of Nepal passed a landmark judgment on disappearances. The court ordered the Nepalese government to form a commission of inquiry, which respected international standards in order to investigate cases of enforced disappearances as well as enact legislation that would criminalise disappearances. At the end of November 2007 the government reactivated the discussion on enforced disappearance by asking the ministry to give renewed attention to the issue of enforced disappearances in Nepal. The government asked the Home Ministry to draft a bill establishing a Commission for the Disappeared.



## Reparations

The Interim Constitution of Nepal provides compensation to those held in preventative detention contrary to law or in bad faith and those subjected to physical or mental torture or cruel, inhuman and degrading treatment when in detention. Compensation may also be provided for any damage done to a person from the act of any official carried out in contravention of law or in bad faith during a state of emergency. Further but limited means of compensation are provided under Nepal's Civil Rights Act, Torture Compensation Act and Public Security Act. The Supreme Court of Nepal has ordered compensation in *habeas corpus* applications in cases of enforced disappearances, but these amounts have not been paid. In the same case, the court also determined that the constitutional right to an effective remedy includes the right to reparation.

On 25th April 2008 the government of Nepal provided NRs 100,000 as relief to certain families of those killed during the most recent armed conflict. Media reports indicate that beneficiaries have not received the full amount. In the recent past a victim committee built a memorial commemorating 38 people killed in a bomb explosion carried out by the Maoists three years ago. It appears that this memorial was established with the support of the army but without official state sanction or acknowledgement. A government task force established to advise the government on relief and reparations has recommended direct relief to different conflict victims, such as those internally displaced or killed and victims of destroyed property, mutilations and abduction. However, the task force fails to recommend relief to raped, tortured, illegally detained and other conflict victims. Insufficient information has been made public on which to assess this proposed reparations scheme.

Further, unapproved policy guidelines on IDPs envisage a broad range of measures to support those who seek to return to the area from which they were displaced, but no provision is made for resettlement. The guidelines provide for the restitution or return of IDPs' property, legal assistance to IDPs' widows, trauma counselling and psychological support to IDPs, and educational and medical support to IDPs, particularly children subject to socio-economic assessment. April media reports indicated resistance from Maoists and Young Communist League (YCL) to the restoration of property to IDPs. It remains unclear how the unapproved guidelines are implemented in practice.

## Transitional Justice Debate and Mechanisms

As the Nepali transition unfolds, challenges related to dealing with the legacy of massive past human rights abuses are more and more evident. The national survey on victims' perceptions of truth, justice, reparations and reconciliation<sup>21</sup> shows that most victims do not have a clear knowledge of their rights, let alone knowledge of existing mechanisms to guarantee them.

The release of the TRC draft bill and its subsequent discussion among government and civil society and victims' groups also showed a great deal of confusion regarding existing tools and mechanisms to deal with the legacy of human rights violations committed during the internal conflict.

The inclusion of transitional justice mechanisms as part of the CPA, as well as the current post-conflict scenario, has created the need to develop and strengthen the capacity of the stakeholders so that they are not excluded from the debate and process of developing policy. This capacity-building is especially important among victims and their families. In addition, a fragile, under-budgeted and uncoordinated policymaking apparatus limits government capacity to obtain and provide tangible information to support decision-making.

21 ICTJ (2008). 'Nepali voices: Perceptions of truth, justice, reconciliation, reparations and the transition in Nepal'. Available at <http://www.ictj.org/images/content/8/3/830.pdf>

### Case Study 3: Burundi

The Arusha Accord on peace and reconciliation in Burundi,<sup>22</sup> signed in August 2000, called for:

- The establishment of a TRC; and
- An international judicial commission of inquiry.

In December 2004 the Burundian parliament passed a law establishing a TRC. Subsequently, the UN mission's final report<sup>23</sup> (known locally as the 'Kalomoh Report') was issued in March 2005.

Calling for a reconsideration of the Arusha Accord formula, it proposed the establishment of twin transitional justice mechanisms, comprising a truth commission and a special chamber to try those bearing greatest responsibility for acts of genocide, war crimes or crimes against humanity.

The UN Security Council endorsed the Kalomoh Report and in Resolution 1606 (2005)<sup>24</sup> called on the UN Secretary-General to 'initiate negotiations with the [Burundian] government and consultations with all Burundian parties concerned about how to implement [the report's] recommendations, and to report to the Council by 30 September 2005 on details of implementation, including costs, structures, and time frame'.<sup>25</sup>

#### TRC

In 2005 the truth commission law had been abandoned, and the government of Burundi intended to establish an ad hoc commission to negotiate the Kalomoh proposals with the UN. The ad hoc commission was established in October 2005 and submitted its first memorandum for negotiations in February 2006.

#### Amnesty

In March 2006 the first round of negotiations between Burundi's government and the UN in Bujumbura ended without agreement on amnesty for war crimes, crimes against humanity and genocide. The two parties also failed to agree on the independence of the special tribunal's prosecutor and to reach an understanding on the interrelationship between the truth commission and the special tribunal. A year later (March 2007) an informal round of negotiations between the UN Office of Legal Affairs/Office of the High Commissioner for Human Rights (OHCHR) delegations and the government ended without a joint communiqué.

#### Outreach

Transitional justice debates were stagnant until UN High Commissioner for Human Rights Louise Arbour reached an agreement in May 2007 with the government to organise popular consultations on transitional justice options involving civil society organisations. In November the UN and the government signed an agreement to this effect, expressing their resolution to consult with the public on how to address past abuses. A six-member, tripartite steering committee, consisting of the government, UN and civil society representatives, is to prepare for and run the consultation process.

#### Reconciliation, Return of Refugees, Land Issues, Reparation and Peacebuilding

According to the UN High Commissioner for Refugees, 389,000 Burundian people returned home from their refuge in Tanzania between 2002 and 2007. Returning refugees pose a critical challenge for community integration and land ownership. Although the return is the result of amelioration of the security settings and the direct effect of the political dispensation following the 2005 elections, the community in which the return operates is still tainted by ethnic antagonism. The returnees are irremediably grappling with reintegration

22 Peace agreement. Available at [http://www.usip.org/library/pa/burundi/pa\\_burundi\\_08282000\\_toc.html](http://www.usip.org/library/pa/burundi/pa_burundi_08282000_toc.html)

23 <http://www.ictj.org/static/Africa/Burundi/s2005.158.kalomoh.eng.pdf>

24 <http://www.ictj.org/static/Africa/Burundi/sres.1606.2005.eng.pdf>

25 In the meantime the former Hutu rebel National Council for the Defence of Democracy-Forces for the Defence of Democracy (CNDD-FDD) won elections in mid-2005, while a splinter group of the Palipehutu movement, National Forces of Liberation (FNL), stayed out of the peace process.

in the community, but also with difficult issues pertaining to reunion with family members left behind. The issue of property and ownership of land in particular constitutes such a thorny equation that the government created a commission to settle disputes. By and large, there is a need for common ground of settling disputes as well as for education to pacific coexistence.

While issues of land and other property rights constitute crucial dilemmas for peaceful coexistence and reintegration, they offer an opportunity for the communities and the national government to work towards original and innovative means of reconciling torn and antagonistic groupings beyond the ethnic lines; this is also the opportunity to reflect through authentic reparatory techniques which take into consideration imperatives of social reintegration, compensation, restitution, rehabilitation and community empowerment.

## VII. MAINSTREAMING TRANSITIONAL JUSTICE INTO PEACEBUILDING AND DEVELOPMENT PROGRAMMES

Effective peacebuilding and prevention of relapse into conflict depend on many factors of a political, economic, social and security nature. One of the factors that have sometimes been overlooked in the aftermath of conflict is the legacy of massive human rights abuses. Transitional justice is a field that focuses on ways and means to deal with such legacies. Failure to deal with legacies of massive abuse introduces a risk factor for achieving sustainable peace.

Transitional justice refers to a range of approaches that societies undertake to reckon with legacies of widespread or systematic human rights abuse as they move from a period of violent conflict or oppression towards peace, democracy, the rule of law and respect for individual and collective rights.

In making such a transition, societies must confront the painful legacy, or burden, of the past in order to achieve a holistic sense of justice for all citizens, to establish or renew civic trust, to reconcile people and communities, and to prevent future abuses. A variety of approaches to transitional justice are available that can help wounded societies start anew.

These approaches are both judicial and non-judicial, and they seek to encompass broadly the various dimensions of justice that can heal wounds and contribute to social reconstruction. Transitional justice incorporates a realistic view of the challenges faced by societies emerging from conflict or repression, and an appreciation of their unique cultural and historical contexts, without allowing these realities to serve as excuses for inaction. All stakeholders in the transition process must be consulted and participate in the design and implementation of transitional justice policies.

### Facilitating discussion

**Discuss how transitional justice can be integrated into peacebuilding and conflict prevention**

#### 1. Security Sector Reform

A justice-sensitive approach to SSR applies transitional justice expertise to deal with legacies of massive and serious abuse and understands that addressing rather than ignoring an abusive past makes for better SSR. Four dimensions of reform are particularly relevant to transform abusive security systems:

- Building effective accountability mechanisms for both past and present abuses, in particular, vetting processes, external oversight (parliament, judiciary, ministry, dedicated oversight bodies, media, etc.) and internal discipline, to sanction past abuses and discourage further abuses;
- Advancing the inclusion of all citizens, but especially victims of oppression, violence and abuse by ensuring their participation in the SSR process itself, building their representation among the security sector's personnel, and by empowering victims to know, make known and enforce their rights and needs as citizens vis-à-vis the security sector;

- Promoting the legitimacy of the security sector to overcome the fundamental crisis of trust characteristic of a situation marked by a legacy of serious abuse; trust-building measures include not only actual reforms (such as building effective accountability and adequate representation) but also verbal and symbolic reform measures that reaffirm a commitment to overcoming the legacy of abuse and an endorsement of democratic norms and values; and
- Enhancing internal coherence both within SSR and external of SSR with other transitional justice measures, such as criminal prosecutions, truth-telling and reparations, to increase the effectiveness of each of these measures.

**Small group task:** Discuss and report back what issues related to transitional justice need to be considered in programmes related to SSR. Have a look at the examples and list other relevant issues.

*Example questions to be considered in security sector programmes:*

- What efforts are being made in SSR to overcome a culture of impunity and to establish effective accountability mechanisms for both past and present abuses?
- What efforts are being made in SSR to advance the inclusion of all citizens, in particular of victims and other marginalised groups?
- In addition to the establishment of accountability mechanisms and in addition to efforts to advance the inclusion of all citizens, are verbal and symbolic reform measures taken to promote the legitimacy of the security system?
- What efforts are being made to ensure internal coherence of programming throughout SSR and external coherence of SSR programmes with other transitional justice efforts such as criminal prosecutions, truth commissions or reparation programmes?

## 2. Strengthening Democracy and Civil Society Participation

Democracy is, by definition, the very purpose of the transitions. One of the most important and difficult challenges confronting a post-conflict society in transition is the re-establishment of faith in the institutions of the state. A government that takes a firm line on the perpetrators of past abuses demonstrates how committed it is to the rule of law and to the notion of justice. A government that puts the past on the public agenda establishes values of openness and transparency and either implicitly or explicitly condemns the secrecy and suppression that characterised the predecessor regime. In territories where state institutions existed as tools of oppression, building trust in the idea of the state requires a transformation in the way such institutions are seen. How a nation deals with its past also has repercussions for the present. The success of the new regime is often judged, both by locals and by the international community, by its treatment of the past – how victims and perpetrators are treated as viewed by these groups, each other and the society in general.

**Small group task:** Discuss and report back what issues related to transitional justice need to be considered in programmes related to democracy and civil society. Have a look at the examples and list as many other issues as possible.

*Example questions to be considered in democracy and civil society strengthening programmes:*

- Is the country seeking to fight against impunity for past human rights violations?
- Have there been any trials for human rights violations?
- Is the burden of proof on the victims or on the perpetrators?
- Have victims filed judicial complaints? If yes, what kind of response did they receive?
- How can the establishment of the facts about past atrocities, for example by a truth commission, strengthen democracy by uncovering the institutional causes and consequences of past conflict as well as recommending constitutional, legal and institutional reforms to consolidate democratic practices?

### 3. Women's Empowerment

Peace processes and processes of political change which prompt or underlie transitional moments are profoundly gendered. For example, while women have often been at the forefront of peace initiatives throughout a conflict, men predominantly, if not exclusively, negotiate peace agreements. Often the forms of accountability sought in the post-conflict/post-regime environment tend to reflect the gender biases that manifest in the prior context and that do not cover the needs of women.

**Small group task:** *Discuss and report back what issues related to transitional justice need to be considered in programmes related to women's empowerment. Have a look at the examples and list as many other issues as possible.*

*Mainstreaming Transitional Justice in Women Empowerment Programmes:*

- *For example, have women's needs been taken into account to frame the accountability mechanisms in the post-conflict and post-regime society?*
- *What were the forms and functionality of gender-based violence during the war?*
- *What roles did women play in the conflict (victims, perpetrators, combatants, activists)?*
- *Is sexual violence, and specifically rape, legally considered a crime both within and outside the conflict setting?*
- *What are the different experiences and needs of men and women in accessing judicial services?*

## CHAPTER 6: MEDIATION AND DIALOGUE

### **How Mediation and Dialogue Can Contribute to Peacebuilding**

#### **Objectives of this chapter:**

- To understand what is meant by mediation and dialogue
- To understand the complementarity of mediation and dialogue
- To understand the value of mediation and dialogue for peacebuilding and development

#### **Contents of this chapter:**

- I. Understanding What Mediation Is
- II. The Peacebuilding Potential of Mediation
- III. Mediation and Dialogue
- IV. Mediation in the Programme Cycle
- Conclusion

# I. UNDERSTANDING WHAT MEDIATION IS

## Definition

'Mediation can be defined as a voluntary and confidential method through a structured process where one or more impartial third parties assist parties to reach a mutually satisfactory solution. The mediator provides a framework and conducts the mediation, but makes no substantial suggestions or decisions in the case.'

Try to draw the key principles of mediation from this definition.

## Key Principles:

- **Extension:** Mediation is an extension of the parties' own efforts to manage their conflict. Where they fail, a third party (mediator) is called in.
- **Outsider:** Thus, mediation involves the intervention of an outsider, an individual, a group or an organisation, into a conflict between two states or other actors.
- **Non-coercion:** This intervention is non-coercive, non-violent and ultimately non-binding.
- **Objective peace:** Mediators enter a conflict, whether internal or international, in order to affect it, change it, resolve it, modify or influence it in some way. Their overriding interest is to reduce violence and achieve a peaceful outcome.
- **Added value:** Mediators bring with them, consciously or otherwise, ideas, knowledge, resources and prestige. These are used throughout the process to advance the cause of conflict resolution.
- **Appropriation:** Mediation is a voluntary form of conflict management. This means the adversaries in an intractable conflict choose whether or not to begin or continue mediation, and they retain their control over the outcome (if not always over the process) of their conflict, as well as their freedom to accept or reject any aspects of the process or the ultimate agreement.
- **Ad hoc:** Mediation operates on an ad hoc basis only. Once completed, a mediator departs the arena of the conflict.

Mediation is widely used in all sorts of disputes, ranging from divorces to civil lawsuits to very complex public policy problems to international conflicts. Many disputes that have not responded to negotiation can still be settled through mediation. Even when conflicts are seemingly intractable, they sometimes yield to mediation.

Mediation is of particular importance in long-running, deep-rooted conflicts, as this type of conflict is rarely resolved without such outside assistance. Even if the full range of grievances cannot be resolved, mediation is often useful for dealing with particular limited aspects of the wider conflict.

Mediation skills can be employed in all of the following contexts:

- Prior to conflict through preventative diplomacy;
- During a conflict through peacemaking activities;
- After a conflict to promote implementation modalities and agreements; and
- During peacebuilding efforts to consolidate peace and lay the foundation for sustainable development.

## HOW MEDIATION WORKS

Although a mediator cannot force an outcome, the process is very often effective. The key is the ability of the mediator to create a more productive discussion than the parties could have had by themselves. To do this, mediators help the parties determine facts; they show empathy and impartiality with the parties; and they help the parties generate new ideas. Mediators also exercise political skill and use persuasion to get people to soften hardline positions.

## STRATEGIES

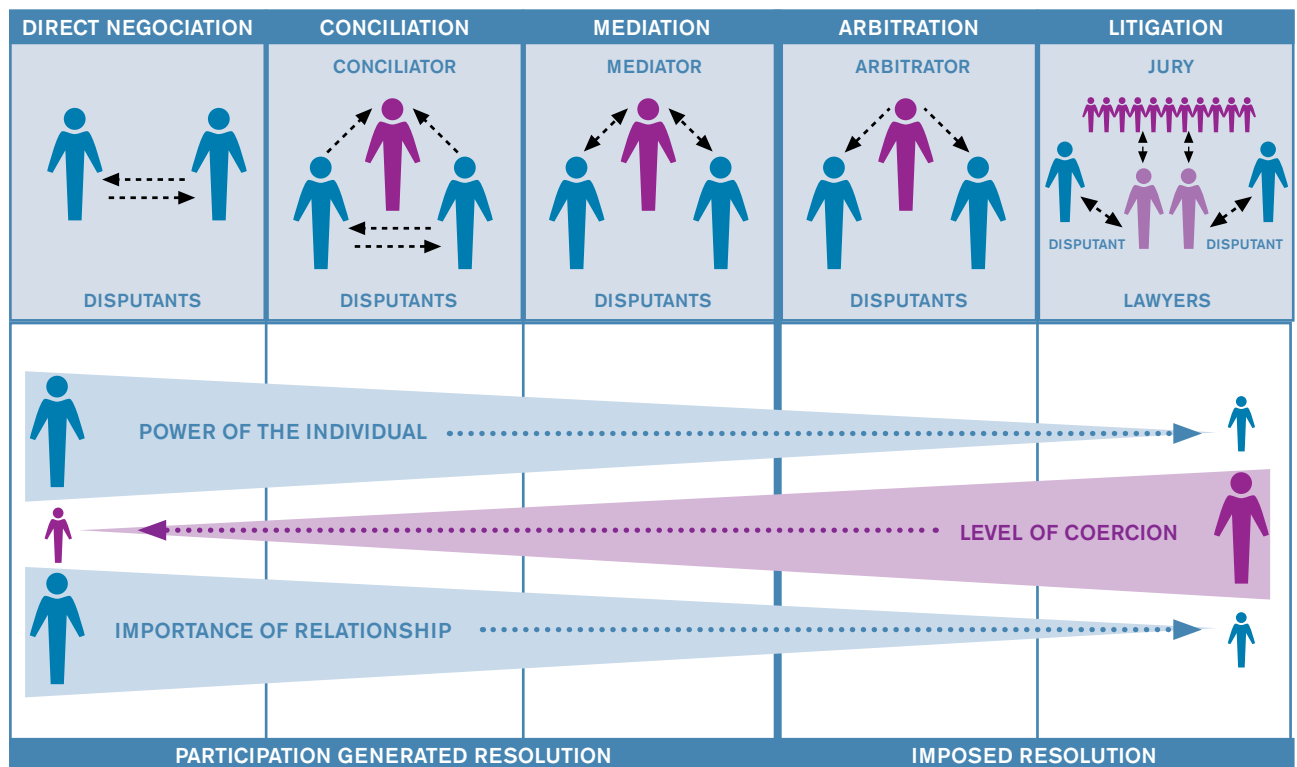
1. **Communication-facilitation strategies** describe mediator behaviour at the low end of the intervention spectrum. Here a mediator typically adopts a fairly passive role, channelling information to the parties, facilitating cooperation, but exhibiting little control over the more formal process or substance of mediation. This is a very important role in the context of intractable conflicts, where parties in conflict lack direct channels of communication, have different conceptions of the central issues and/or do not even have the opportunity to explore any options that might benefit both.

2. **Procedural strategies** enable a mediator to bring both parties together, in some neutral environment, where the mediator has the opportunity to control aspects of interaction. This is very significant for parties in an intractable conflict who may not have had an opportunity to interact together in any other place save the battlefield. Procedural strategies help to minimise stress and disruption that arise when two or more conflictual parties who have little history of peacemaking get together to deal with their intractable conflict.

3. **Directive strategies** are the most powerful form of intervention. Here a mediator works hard to shape the content and nature of a final outcome. This is done by offering each party in conflict incentives, promises of support or threats of diplomatic sanctions. When a mediator engages in such behaviour, the parties are confronted with new resources or the prospect of losing resources which might be crucial in any intractable conflict. This may change the value they attach to their conflict and produce behaviour that is more consonant with the requirements of conflict resolution.

**Facilitation of discussion**  
**Differentiate mediation from other types of dispute-resolution methods**

**Table 5: Fundamental Methods of Dispute Resolution**



From: *Partners for Democratic Change*<sup>26</sup>

26 <http://www.partnersglobal.org/how/conflict-resolution>



## WHO ARE MEDIATORS?

Given the complexity of intractable conflicts, the level of violence associated with them and the dangers they pose, it is remarkable that so many political actors are prepared to intervene in these conflicts to transform them, settle them or simply to ensure they do not become even more dangerous. It is useful to think of all potential mediators in intractable conflicts as falling into one of the following three categories.

1. Individuals;
2. States; or
3. Institutions and organisations.

### Box 4. Being a Good Mediator According to Martti Ahtisaari

**Being “all-partial”:** Mediators cannot be absolutely neutral; they need to support one party over the other if one party strongly misbehaves. Mediators should be good advisers for both – or good confidants for both.

**Inclusion:** Mediators should include all parties in the transformation process.

**Integrity and independence:** Mediators, especially in international peace mediation, have to display and enact their independence. Therefore, the independence of the mediator underlines their integrity.

**Assistance role:** Mediators shouldn't think they are the most important. The parties are important in the peace process not the mediator.

**Language:** Positive wording rather than harsh language works best, also as a sign of respect to human dignity.

**Mediation support:** In most cases, mediators need support from others in order to engage successfully in peace processes (technique training, sparring partner/supervision, etc.).

**External stakeholders connection:** The way in which the mediator consults and works with the international community is crucial. Mediators need to be realistic and include the support from the major actors concerning a conflict.

**Directive approach:** Mediators need to know what they want from the process and in which direction they are guiding it.

## II. THE PEACEBUILDING POTENTIAL OF MEDIATION

Peacebuilding is essentially about long-term processes of changing the structures, attitudes and behaviours which drive and sustain conflict and instability. However, there are critical junctures in conflictual situations where agreement needs to be reached among the conflict parties to resolve and collectively address key issues. In many settings, the conflict parties can be motivated, assisted and financed by third parties to sit down together to talk through these issues. If accepted, the third parties can provide important support through mediation and expert advice.

Mediation and dialogue processes, and their professional application, can increase the likelihood for sustainable peace. Their application ranges from the official level between political elites to a societal level. At best, mediation processes are embedded and/or complemented through dialogue processes. Techniques and methodologies applied and substantive approaches can vary according to the underlying and contextual issues that have driven the conflict. While mediation and dialogue processes might differ in terms of contextual issues, there are nevertheless some key principles as well as techniques that form the backbone of its practice.

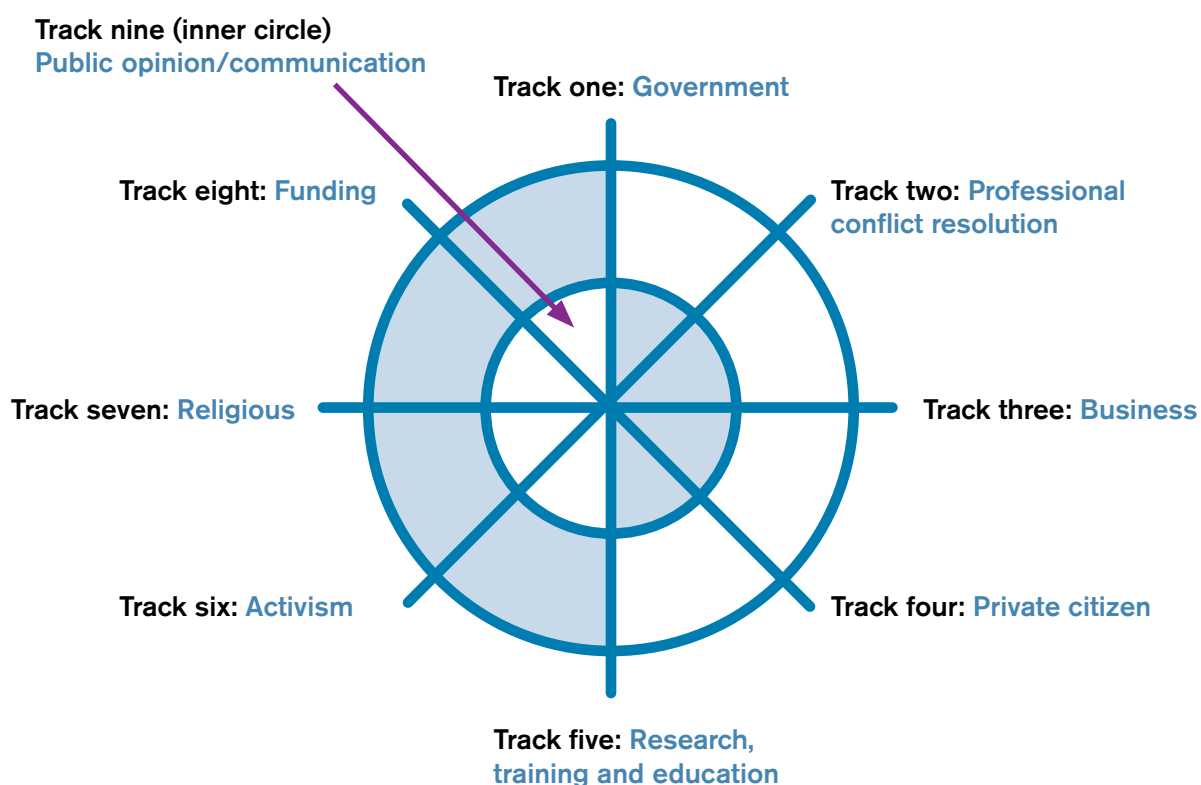
Despite the potential for mediation and dialogue facilitation to be a key mechanism for conflict resolution and peacebuilding for the EU more generally, both tools are still underutilised and not yet fully understood.

## III. MEDIATION AND DIALOGUE

### MEDIATION LEVEL

#### MULTI-TRACK DIPLOMACY

For a long time, diplomacy and mediation were considered the monopoly of state representatives (according to a state-centric conception of security in a realistic conception of international relations). Then the concept of Track I and Track II diplomacy was developed, reflecting the above-mentioned point that not only states can be mediators. Although they are not perfectly exclusive in practice, Track I refers to traditional official efforts and Track II includes everything else. Finally, the multi-track model, recently developed by Louise Diamond and John McDonald, helped to differentiate Track II into many other tracks describing different actors' spheres.



### OFFICIAL AND UNOFFICIAL MEDIATION

**Unofficial mediation:** Unofficial mediation and dialogue have many names, such as private diplomacy, public peace processes, problem-solving workshops and transformative mediation. It 'denotes various informal, unofficial forms of interaction between members of adversary parties that attempt to influence public opinion, develop strategies, or organise resources toward the resolution of the conflict', observes Ronald Fisher, Director of the Division of International Peace and Conflict Resolution in the School of International Service at American University. In reality, unofficial interactive conflict-resolution processes have grown to become hybrid relationship-product processes. This trend is partly due to the weariness of talking for the sake of talking, often resulting in a lack of tangible change in protracted conflict settings.

	<b>Official</b>	<b>Unofficial</b>
<b>Outcomes and timing</b>	Intermediate or final solutions to the conflict	Personal change of the participants, “humanisation”, trust-building
<b>Participants</b>	Official leaders with political power to change the course of a conflict	Civil society leaders, students, entrepreneurs, journalists, ex-combatants, etc.
<b>Legal enforcement of agreements</b>		Agreements that can be broken, no enforcement mechanisms
<b>Resilience</b>	Frequently collapse at the onset of violence and proceed when it subsides, making it possible for those opposing a peace process to undermine it with violence	Can survive the different conflict phases in order to keep communication channels open and to continue confidence-building, which is vitally important in protracted conflicts where levels of violence fluctuate
<b>Impartiality and neutrality</b>	Politically motivated	Guided by professional principles of neutrality and impartiality
<b>Coercion</b>	In many cases is imposed on the warring parties	Voluntary process
<b>Security framework</b>	Traditional security	Human security
<b>Relationship between parties</b>	Usually manage the peace process more strictly and are far less accommodating to the parties	Consist of genuine respect and mutual learning

## COMPLEMENTING OFFICIAL MEDIATION WITH UNOFFICIAL DIALOGUE

Unofficial dialogue processes in various spheres of society precede official negotiations, unfold parallel to official negotiations and continue after official negotiations either collapse or are crowned with an agreement. Without unofficial dialogue processes, official mediation may yield an agreement acceptable to the leaders but not to the public at large or to certain powerful factions that have not been involved in the cross-conflict dialogue and who may become spoilers of the official peace process. The legitimacy of governments to “make peace with the enemy” is rooted in people’s understanding that such an agreement will be beneficial to them and in people’s readiness to conclude peace with the opponent. The preference of the state leadership regarding the conflict certainly matters, but two other factors that define the shift are the relative weight of the war constituency and peace constituency in society, and the sensitivity of the state leadership to public opinion.

## CHALLENGES OF UNOFFICIAL DIPLOMACY

- **Mediation and dialogue projects are slow to adjust to changes in the conflict context**

- **Selection of participants**

- In official mediation, the participants are usually well known, but more problematic can be their readiness to engage in mediation process; and
- For unofficial mediation, the selection of participants is very tricky as it is seen by some practitioners as being the key to mediation success.

- **No clear link between dialogue and structural change**

When dialogue becomes a substitute for action, there are two results. First, it assuages the conscience of members of the oppressor group to the point they feel they do not have to do anything else. Their conscience is soothed and satisfied. On the other hand, for the members of the oppressed group, it becomes a safety valve for venting their frustrations. In both cases, it becomes a means for reinforcing the existing oppression and therefore serves to perpetuate it. Critics of dialogue processes in situations of protracted asymmetric conflict denounce dialogue that is not paralleled by change at the macro-level. Inter-communal and intra-communal dialogue ‘may generate a false consciousness of peaceful relations when the underlying processes are much more malign’.<sup>27</sup> This is not to say that dialogue for the purpose of dialogue is a futile process. But pure dialogue projects need to be balanced with other conflict interventions.

27 A. Austin, M. Fischer and N. Ropers (Eds.) (2004). *Transforming ethnopolitical conflict: The Berghof handbook*. Berghof Research Center for Constructive Conflict Management. Wiesbaden, Germany.

▪ **Dialogue as a surrogate to reconciliation – where is the justice part?**

Dialogue and justice are believed to reinforce each other and promote reconciliation when they are synchronised and when a restorative justice approach has been tried prior to or parallel with the application of a conventional legalistic approach. It is crucially important to include in dialogue projects dissidents from the conflict sides who uncover their own side's crimes and actively seek truth and justice.

Unofficial mediation and dialogue are important strategies for addressing the issue of justice by means of humanising relationships between the conflict parties and the disaggregation of the parties.

▪ **Dialogue and mediation do not translate in the change in the public opinion structure**

Dialogue at the unofficial level is important to counter war rhetoric, as well as the perception of helplessness and self-victimisation of the public. However, the issue of conducting dialogue and mediation publicly is difficult for participants. Dialogue through mass media is a creative way to solve the publicity and outreach dilemma.

▪ **Sustainability of unofficial dialogue**

Key to any conflict intervention effectively promoting peace is its “staying power” – the ability to stay engaged in the conflict transformation.

There are several suggestions that may help eschew situations of interrupted dialogue:

- Parties involved need to be able to define an optimal timeframe for the selected composition of a dialogue initiative;
- Parties involved need to be skilled in navigating in a changing conflict environment in order to keep dialogue relevant and timely;
- Parties need guaranteed long-term funding (the first two obstacles concern evaluation and adjustment capacity of the parties on the ground and a third party; the third obstacle concerns not only the parties involved, but also international donor policies); and
- Unofficial dialogue and mediation should not be isolated processes, but need to be linked with civil society projects, university programmes, economic initiatives and the media. This way, the spirit of dialogue will be sustained in the society.

## IV. MEDIATION IN THE PROGRAMME CYCLE

### MEDIATION PLANNING

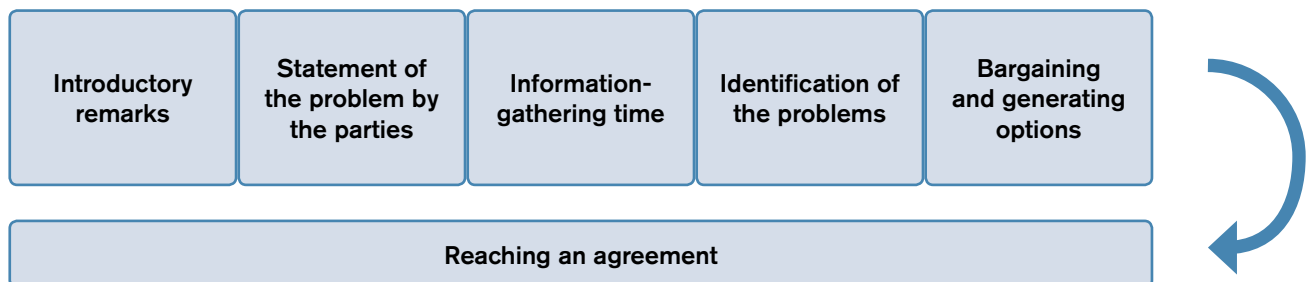
Mediation is an effective and useful way of dealing with intractable conflicts. This is not to suggest that every intractable conflict can be mediated. Many conflicts are just too intense, the parties too entrenched and the behaviour just too violent for any mediator to achieve very much. Some intractable conflicts go on and on with little signs of abatement. They cease to become intractable only when there is a major systemic change (e.g. change of leaders, collapse of country, etc.). How then can we distinguish between conflicts that can be mediated and those that cannot? When should mediators enter an intractable conflict, and how can they increase their chances of success?

1. A mediation initiative is more likely to be successful if it is predicated on knowledge and understanding rather than on good intentions only.
2. A ripe moment describes a phase in the life cycle of the conflict where the parties feel exhausted and hurt, or where they may not wish to countenance any further losses and are prepared to commit to a settlement.
3. Mediation here requires leverage and resources to nudge the parties towards a settlement, but also acute psychological understanding of the parties' feelings and grievances. No one aspect or form of behaviour will suffice to turn an intractable conflict around.
4. Mediators of high rank or prestige are more likely to possess these attributes and thus are more likely to be successful in intractable conflicts – thanks to their capacity to appeal directly to the domestic constituency and build up support for some peace agreement.
5. Mediation in intractable conflicts is more likely to be successful where the leaders are accepted as legitimate by all concerned, and where they have considerable control over their territory.
6. Mediation in intractable conflicts is more likely to be effective if there are no sections in each community committed to the continuation of violence.
7. Where an intractable conflict involves a major power, or major powers have interests (vital or otherwise) at stake, it is very unlikely that mediation will be attempted, and, if attempted, very unlikely that it will succeed.



All these factors provide some guidance on when mediation might make a contribution to intractable conflicts, and when this will be extremely difficult. Other factors are present too, such as commitment to mediation and a willingness to achieve a suitable outcome, desire to stop a cycle of violence, etc. These may be hard to identify and assess, but their presence or absence will certainly affect the process and outcome of any mediation effort.

## MEDIATION PROCESS



### Three Types of Mediation Processes

- **Power-based, deal-brokering mediation:** In this model, mediators bring their power to bear on the parties by threatening punishments and promising rewards (“sticks and carrots”) in order to broker a deal. Power-based mediators usually direct the process resolutely and use manipulative tactics to get the parties to reach an agreement.
- **Interest-based, problem-solving mediation:** In this model, mediators use a more facilitative style and often promote the ownership of the process by the parties. Interest-based mediators focus on generating creative options for an agreement that satisfies the underlying interests of all parties as a basis for conflict resolution.
- **Transformative, long-term mediation:** In this model, mediators intervene on different levels with the aim of changing the relationship between the parties, as well as their perceptions of themselves and other parties. According to this logic, conflict resolution is a long-term process, which happens through the empowerment and recognition of a broad variety of actors in conflict societies.

## EVALUATING MEDIATION

- **Difficulties in evaluating mediation**
  - Complexity of context;
  - Subjectivity of success;
  - Flexibility inherent in mediation;
  - Multiplicity in mediation styles;
  - Multiplicity of mediation aims and scope;
  - Result focus of evaluations; and
  - Confidentiality of mediation.

### Facilitating discussion

#### Brainstorm about what are the criteria for evaluating mediation

- **Evaluation criteria<sup>28</sup>**
  - **Relevance:** How does the intervention respond to the needs of the broader conflict context?
  - **Effectiveness:** Has the intervention reached its objectives?
  - **Impact:** What are the short- and long-term effects of the intervention?
  - **Sustainability:** Do the benefits of the intervention continue after its termination?
  - **Efficiency:** How do the costs of an intervention relate to its benefits?
  - **Coherence (and co-ordination):** Is the intervention consistent with the larger policy context in which it takes place?
  - **Linkages:** Does the intervention link with activities and policies in other peacebuilding sectors?
  - **Coverage:** Does the intervention cover a broad range of stakeholders, issues and regions?
  - **Consistency with values:** Is the intervention consistent with the norms and values of donors or implementing agencies?

**Exercise: Apply the evaluation criteria to a mediation case.**

28 [http://www.initiativeforpeacebuilding.eu/pdf/Evaluating\\_Peace\\_mediation.pdf](http://www.initiativeforpeacebuilding.eu/pdf/Evaluating_Peace_mediation.pdf), p.13.

## CONCLUSION

Any conflict can be resolved. It is a question of willingness of parties involved, the international community in supporting conflict resolution and the ability of a good mediator to work with the parties.

Unofficial mediation and dialogue should be neither overestimated nor underestimated as peacebuilding strategies. They operate at the subjective level of people's emotions, fears, illusions and revelations, and are at times regarded as a secondary "soft" type of intervention compared to "hard" aid, peacekeeping or political negotiations. Unofficial mediation and dialogue have their unique place in the spectrum of conflict transformation and conflict resolution strategies. At the same time, unofficial mediation and dialogue are crucial in multitask and multistrategy peace initiatives.

# ANNEX I

## Source Material

In this annex, you will find a list of the sources which informed the various chapters and which are a good basis for further work.

### Chapter 1: What is Peacebuilding?

- M. Maiese (2003). 'What it means to build a lasting peace?'  
Available at <http://www.beyondintractability.org/essay/peacebuilding/>
- Catherine Morris. 'What is peacebuilding?'  
Available at <http://www.peacemakers.ca/publications/peacebuildingdefinition.html>
- Caritas International (2002). *Peacebuilding: A Caritas training manual*.  
Available at [http://www.caritas.org/upload/pea/peacebil-ing\\_1.pdf](http://www.caritas.org/upload/pea/peacebil-ing_1.pdf)
- APFO, CECORE, CHA, FEWER, International Alert and Saferworld (2004). *Conflict-sensitive approaches to development, humanitarian assistance and peace building: Tools for peace and conflict impact assessment*.  
Available at <http://test.alertinternational.co.uk/publications/conflict-sensitive-approaches-development-humanitarian-assistance-and-peacebuilding-res>

### Chapter 2: Conflict and Development

- IfP publications [http://www.initiativeforpeacebuilding.eu/capacity\\_building\\_and\\_training.php](http://www.initiativeforpeacebuilding.eu/capacity_building_and_training.php)
- International Peace Academy (IPA) Report (2004). *The security, peace and development nexus: Conflict, peace and development in the 21st century*.  
Available at [http://www.ipacademy.org/media/pdf/publications/security\\_dev\\_nexus.pdf](http://www.ipacademy.org/media/pdf/publications/security_dev_nexus.pdf)
- UN conflict prevention, peacebuilding and development <http://www.un.org/esa/peacebuilding/>
- Caritas International (2002). *Peacebuilding: A Caritas training manual*.  
Available at [http://www.caritas.org/upload/pea/peacebil-ing\\_1.pdf](http://www.caritas.org/upload/pea/peacebil-ing_1.pdf)
- APFO, CECORE, CHA, FEWER, International Alert and Saferworld (2004). *Conflict-sensitive approaches to development, humanitarian assistance and peace building: Tools for peace and conflict impact assessment*.  
Available at <http://test.alertinternational.co.uk/publications/conflict-sensitive-approaches-development-humanitarian-assistance-and-peacebuilding-res>

### Chapter 3: Gender

- IfP publications: <http://www.initiativeforpeacebuilding.eu/gender.php>
- UN INSTRAW: <http://www.un-instraw.org/>
- UNIFEM: <http://www.unifem.org/>
- A portal on Women, Peace and Security: <http://www.womenwarpeace.org/>
- R. Strickland and N. Duvvury (2003). *Gender equity and peacebuilding: From rhetoric to reality*. International Center for Research on Women (ICRW).  
Available at [http://www.icrw.org/docs/gender\\_peace\\_report\\_0303.pdf](http://www.icrw.org/docs/gender_peace_report_0303.pdf)
- ICRW: <http://www.icrw.org/>



- UNDP (2007). 'Gender mainstreaming in practice: A toolkit'. 3rd edition. Available at <http://europeandcis.undp.org/gender/show/6D8DEA3D-F203-1EE9-B2E46DEFBD98F3F1>

#### Chapter 4: Human Security

- Human Security Gateway: <http://www.humansecuritygateway.com/>
- Commission on Human Security: <http://www.humansecurity-chs.org>
- Comprehensive Training Manual: Applying Human Security in Crisis Management and Peacebuilding

#### Chapter 5: Transitional Justice

- IfP publications on transitional justice:  
[http://www.initiativeforpeacebuilding.eu/democratisation\\_and\\_transitional\\_justice.php](http://www.initiativeforpeacebuilding.eu/democratisation_and_transitional_justice.php)
- The Advocates for Human Rights. *The road to peace: A teaching guide on local and global transitional justice*. Available at <http://discoverhumanrights.org/3e4d356b-9922-4a97-afa7-918957e53e86.html?Nodeld>
- ICTJ publications: <http://www.ictj.org/en/news/pubs/index.html>
- P. de Greiff and R. Duthie (2009). *Transitional justice and development: Making connections*. Advancing Transitional Justice Series. Available at [http://www.ssrc.org/workspace/images/crm/new\\_publication\\_3/%7B1ed88247-585f-de11-bd80-001cc477ec70%7D.pdf](http://www.ssrc.org/workspace/images/crm/new_publication_3/%7B1ed88247-585f-de11-bd80-001cc477ec70%7D.pdf)

#### Chapter 6: Mediation and Dialogue

- A. Herrberg and M. Savolainen (2009). 'What is a good mediator? Personal insights on the essentials of a good mediator – Martti Ahtisaari'. IfP Mediation Cluster. Available at [http://www.initiativeforpeacebuilding.eu/pdf/WHAT\\_IS\\_A\\_GOOD\\_MEDIATOR.pdf](http://www.initiativeforpeacebuilding.eu/pdf/WHAT_IS_A_GOOD_MEDIATOR.pdf)
- C. Honeyman and N. Yawarajah (2003). 'Mediation'. Available at <http://www.beyondintractability.org/essay/mediation/>
- A. Herrberg with C. Gündüz and L. Davis (2009). 'Engaging the EU in mediation and dialogue: Reflections and recommendations'. IfP Mediation Cluster. Available at [http://www.initiativeforpeacebuilding.eu/pdf/Synthesis\\_Engaging\\_the\\_EU\\_in\\_mediation\\_and\\_dialogue.pdf](http://www.initiativeforpeacebuilding.eu/pdf/Synthesis_Engaging_the_EU_in_mediation_and_dialogue.pdf)
- N. Mirimanova (2009). 'Mediation and dialogue: Official and unofficial strands'. IfP Mediation Cluster. Available at [http://www.initiativeforpeacebuilding.eu/pdf/Mediation\\_and\\_Dialogue\\_Official\\_and\\_Unofficial\\_Strands.pdf](http://www.initiativeforpeacebuilding.eu/pdf/Mediation_and_Dialogue_Official_and_Unofficial_Strands.pdf)

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