Chapter 2

Post-Conflict Security Arrangements

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Introduction

This article will discuss the necessary components in any post-conflict security arrangements authorized under the United Nations Charter. Whether the arrangements are implemented by a UN peacekeeping operation, a regional organization, a sub-regional organization, or by multiple partners, there are certain issues that need to be addressed for peace and security to be sustainable. These include not only the provision of physical security but also disarmament, demobilization and reintegration; establishment of the rule of law; and facilitation of transitional justice. The main argument can be summarized quite simply: peace does not equal the absence of war and democracy does not equal the holding of elections.

Physical Security

The establishment of physical security in the territory in question will necessarily come first in an international intervention. No matter if the operation is authorized under Chapter VI or Chapter VII of the UN Charter, it must put an end to violence and guarantee the safety both of its own staff and of the civilian population.

Instituting physical security is of course greatly aided if there is a ceasefire or peace agreement in existence that the peace operation is supporting. This agreement gives the operation a legitimacy among the warring parties that a UN Security Council mandate may not necessarily achieve since it may be seen as an edict imposed by outsiders. A

ceasefire or peace agreement also provides a measurement against which its signatories can be held accountable.

One useful ingredient in such an agreement is the establishment of a ceasefire control committee that includes representatives from the warring parties and the international community. In Liberia for example, the Comprehensive Peace Agreement of August 2003 set up a Joint Monitoring Committee with military representatives of the three factions and of the UN Mission in Liberia (UNMIL). The Committee, headed by the UNMIL Force Commander proved a very useful tool in keeping the dialogue, maintaining contact with the factions, obtaining necessary information, and most importantly, in collectively monitoring the ceasefire and documenting any violations.

Disarmament, Demobilization and Reintegration

While holding the former warring factions to a ceasefire will end violence, it will not necessarily bring a sustainable peace. Another component of the peace agreement - and a crucial one - is therefore the disarmament, demobilization and reintegration of former combatants, or DDR. DDR programmes are now increasingly included in mandates for peace operations. Disarmament entails the collection and disposal of weapons and ammunition while demobilization is the process by which armed forces downsize or disband completely. The purpose of a demobilization process is the break-down of the command structure of a fighting unit. For the individual fighters - if demobilization is successful - it is the beginning of a process in which they cease to be combatants and start thinking of themselves as civilians.

Now, the reintegration phase of a DDR programme constitutes a much larger challenge than the disarmament and demobilization phases. Reintegration in this context means the social and economic inclusion of the ex-combatants into communities. If these former fighters are not provided with a livelihood, they are more likely to fall prey to the rhetoric of spoilers, including warlords who may promise wealth in return for taking up arms again.

But how do you reintegrate former combatants if there is nothing to reintegrate into? And when communities are shattered and the unemployment rate hovers around 70-80%, which is common in countries emerging from conflict?

In a post-conflict society, creating employment opportunities becomes a crucial ingredient in the peace process. Not only ex-combatants, but also other idle youth must find viable alternatives to warring and marauding. Hence, it is crucial that reintegration projects are timely, well funded and tied to other development programming.

But as it is now, the reintegration phase has, in many cases, been disconnected from disarmament and demobilization by the international community. While disarmament and demobilization activities are generally included in peacekeeping mandates and therefore to a large extent funded through the budget of a peacekeeping operation, reintegration is dependent on voluntary contributions. As evidenced earlier in Sierra Leone and currently in Liberia, this has led to considerable delays and gaps in the DDR programme, which in turn have fuelled unrest among ex-combatants.

This disconnect must urgently be addressed as it may have a detrimental effect on future peace processes. The possibility of including funding for the full DDR programme in the budget of future peacekeeping missions should be seriously considered.

Rule of Law

As has been attempted to demonstrate in this article, a sustainable peace requires more than just physical security. A serious attempt to turn a society around includes economic development. Furthermore, economic development requires governance reform, the rooting out of corruption and the establishment of democratic institutions. And for this the rule of law is needed.

The disintegration of the rule of law in crisis countries has led to a situation where violence, arbitrary killings and human rights abuses go unpunished, which in turn has led to mob justice and general lawlessness. When people's lives and possessions can be randomly taken away, they become afraid to invest in the future. And without investments - whether it is planting for the next season, sending the children to school, buying equipment for a business, or joining a civil society group - there can be no development.

We need a police force which can prevent crime and bring lawbreakers to justice. We also need a judicial system with courts that can try accused criminals, and a corrections system which can house tried prisoners in a humane way. There must also be a functioning system for property rights and legal channels for dispute settlements. And it is vital that the whole structure of rule of law is overseen by a democratic leadership and functions according to international legal norms and with respect for human rights. Not until there is public trust in these institutions, will there be a foundation for peace and democracy.

As the international community has learned in places like Bosnia, Croatia, Serbia, and Haiti, the approach of conducting elections without sufficient institution-building, has not led to democracy, but rather to a situation where the old corrupt and autocratic leadership is being reinstalled.

Implementing an Integrated Rule of Law Strategy

UNMIL was the first UN Mission to start implementing an integrated rule of law strategy. As the Deputy Special Representative of the Secretary-General in Liberia, the author of this article worked with the mission's various components to address the rule of law in a coherent manner. This included a holistic approach to restructuring and training a new police service, instigating professionalism in the judiciary, training corrections officers and monitoring the human rights situation.

This integrated approach allowed us to address issues such as juvenile justice across the board - from the time of arrest, through police detention and prosecution, to court hearings and juvenile detention. It is strongly recommended that peace operations include a consolidated approach to the rule of law as this is an invaluable tool in peace-building.

Police (and Army) Restructuring

At this point it should be added that in regard to the restructuring of the police - as well as the army - it is crucial that old structures are completely dismantled and that new institutions are built with the help of fresh recruits who have been selected in an open and transparent process and according to agreed standards. In this process, diversity in terms of gender, ethnic and geographical representation, cannot be over-emphasized.

While members of the old army and police force should be welcome to apply to the newly structured organizations, they should have to undergo the same selection and vetting procedures as new recruits. To ease economic hardship as well as to prevent unrest, it is however important that some type of pension system is set up for those who have served many years but do not qualify for employment in the new institutions.

It is important to stress that, as in all other post-conflict security arrangements, one has to be pragmatic. In Liberia for example, to avoid a vacuum in local law enforcement, UNMIL had to make use of the existing police as an interim measure before a sufficient number of new recruits could be trained. Internal candidates were therefore, after being vetted for past human rights abuses, selected and trained as an interim police service.

As another example, due to the overall poor educational level in the country, one may have to recruit officers with less education than preferred. As part of the professional training, general education may therefore be necessary.

Transitional Justice

Establishing the rule of law after a period of violent conflict is a particularly daunting task if the recently resolved conflict included widespread human rights abuses, violations of humanitarian norms and generalized impunity. But when a country is attempting to overcome a gruesome past, that past must be thoroughly unearthed through an adequate investigation and truth recovery.

Many would argue against revisiting a recent history laden with pain. They would say that such an investigation could negatively affect the search for peace, upset interim political stability, lead to the recurrence of hostilities and cause undesirable psychological suffering. They claim that, for the youth in particular, it is favourable that the past is forgotten. However, these arguments are outweighed by other concerns: first, we cannot change the past, but we can together form a better future. Secondly, as George Orwell said "whoever controls the past controls the future." Because of this it is essential that as many voices as possible engage in the process of remembering. Thirdly, the setting up of truth recovery processes and their ability to contribute to reconciliation have been forcefully asserted. Finally, the importance of acknowledgement of wrongdoings and the uncovering of truth is also commonly expressed as healing for victims or survivors. Traumas of the past will not disappear by simply ignoring them.

In regard to human rights violations, the choices made by any transitional government should take into consideration the specifics of the social and political environment in which it operates. It should seek to immediately establish either truth and reconciliation commissions or trials, or even both. "Forgive and forget" is always a tempting option but sooner or later it will prove to be useless, even harmful. There are two main needs to be satisfied through remembering: the need to learn from disaster as not to repeat it and the need to ensure that the record of thousands of infinitely valuable human lives not simply be blotted from the record.

Conclusion

In conclusion, in order for peace to be sustainable and democracy to take root, several processes must take place. These include the establishment of physical security; the disarmament, demobilization and reintegration of former combatants; the establishment of the rule of law and a thorough investigation into abuses and atrocities committed during the conflict.

Emphasis should also be given to something that was being alluded to throughout this article: in order for a peace process to have a chance to be successful, the parties to the conflict must be genuinely involved. Post-conflict security arrangements may be perfectly planned and laid out but if the people they are supposed to assist are not committed, the arrangements will unravel. The greatest challenge for the international community is therefore to keep all stakeholders - former factions, civil society, transitional leaders - involved in every step of the way.