

## Chapter 1

# Approaching Peacebuilding from a Security Governance Perspective

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### **Introduction**

It may seem counterintuitive, but the number of active armed conflicts in the world is in steady decline.<sup>1</sup> This may be largely attributed to the numerous interventions of the international community in war-torn countries since the end of the Cold War – interventions aimed at making, keeping and building peace.<sup>2</sup> These interventions, however, have shown mixed results. While the number of active armed conflicts is in decline, the number of post-conflict<sup>3</sup> states or state-like entities under international tutelage is on the rise.<sup>4</sup> This is because making and keeping peace appears to be easier to achieve than building it. Yet, if the transition from armed conflict to sustainable peace fails, then, in the long run, post-conflict situations may easily become pre-conflict situations. As UN Secretary-General Kofi Annan has noted, roughly half of all countries that emerge from war relapse into violence within five years.<sup>5</sup> Building peace after conflict in a sustained and sustainable manner – as daunting a task as it may be given the formidable challenges this entails – is the key to preventing such outcomes.

It is fair to acknowledge that post-conflict peacebuilding<sup>6</sup> has become one of the primary concerns in current world politics. International organisations, as well as Western donor countries, have in recent years begun to prioritise and mainstream peacebuilding in their external policies. This trend has recently been evidenced by the decision of the United Nations to reinforce its peacebuilding capacity, namely by creating a Peacebuilding Commission – an intergovernmental advisory body whose main purpose is to improve the coordination among relevant actors (see Annex A).<sup>7</sup> While substantial improvements have been made over the years in the international

community's peacebuilding capacity, there are still considerable gaps in the development of concepts, policies and practice that would facilitate post-conflict peacebuilding and make it more effective.

One such gap lies in the security dimension of post-conflict peacebuilding. In the early 1990s, the primary emphasis in post-conflict interventions was on economic and social reconstruction whereas the broader – and politically more sensitive – tasks of building up domestic capacity to provide security (beyond the externally assisted direct provision of security in fragile environments) were often neglected. Yet, if peace is to be lasting, the security needs of both the state and its population must be addressed equally and in parallel with political and socio-economic aspects of reconstruction. Equally important, in its security dimension – just as in the political and socio-economic aspects – post-conflict peacebuilding requires due attention to governance, particularly good governance in the security sector.<sup>8</sup> If the population is threatened by unaccountable and poorly managed police, armed forces or intelligence units; if the state monopoly of legitimate power is undermined by armed non-state actors; if former combatants, including child soldiers, are not disarmed, demobilised and reintegrated; if the proliferation and misuse of small arms and light weapons (SALW) is not curbed; if anti-personnel landmines are not cleared and their victims remain unassisted; if legal regimes are not enforced, perpetrators not prosecuted, victims of past crimes not provided with reparations – then building peace will be elusive and the relapse into conflict almost unavoidable.

Thus, security governance issues such as security sector reform (SSR), disarmament, demobilisation and reintegration (DDR), rule of law and transitional justice need, and indeed increasingly seem, to be recognised by international security and development actors as priority peacebuilding tasks. In July 2005 the United Nations Security Council acknowledged 'that security sector reform is an essential element of any stabilisation process in post-conflict environments' and 'that it is inextricably linked with the promotion of the rule of law, transitional justice, DDR and the protection of civilians, among others...' (see Annex B).<sup>9</sup> The recognition of these security-related issues, which have received little or only partial attention in the past, as essential elements of post-conflict peacebuilding certainly is an important, although insufficient step. On the conceptual level, what has to follow is the exploration of the linkages between these issues. On the policy level, good practices that have been developed in these areas must be consolidated. Finally, on the practical level, these security-related issues must be coherently and consistently integrated into post-conflict peacebuilding programmes.

This book aims at addressing these gaps in concept, policy and practice. It sets out to develop a conceptual and empirical understanding of the security governance dimension of post-conflict peacebuilding, to identify major challenges in this evolving policy field and to outline specific recommendations where appropriate. Hence, it examines a number of key issues that must be addressed by both the post-conflict societies and the international community as they confront the task of rebuilding after conflict – issues such as SSR, DDR, as well as rule of law and transitional justice. These issues are all part of an emerging security governance agenda in post-conflict peacebuilding.

This chapter introduces the analytical framework that underlies the essays in this volume. It begins with a brief conceptualisation of security governance which appears to provide a useful perspective from which to approach ‘new’ security issues, such as those related to post-conflict peacebuilding, escaping the traditional state-centric notion of security. This is followed by a description of what is meant by post-conflict peacebuilding and, in particular, its security governance dimension. Finally, by introducing the chapters of the book, it outlines the emerging security governance agenda in post-conflict peacebuilding.

### **Security Governance<sup>10</sup>**

Since the end of the Cold War, with the proliferation of new security threats and the ‘securitisation’<sup>11</sup> of non-traditional security issues, our understanding of what security is has been evolving. Not only has the concept been widened and deepened, it has also been approached from new analytical perspectives, offering insights on new phenomena and developments which traditional security analysis had difficulties grasping. Governance is one such perspective which has recently been applied to security (as to many other issue-areas in international affairs). Whilst the notions of security and governance are part of both the academic and policy discourses and, despite their complexity, are well understood, the same could not be said of ‘security governance’ which is still a concept in its formative stage.<sup>12</sup> Yet, it is a concept which promises to produce policy-relevant insights on the security dimension of post-conflict peacebuilding.

*Security*

For much of the Cold War period, 'security' has been understood in terms of national security, which was largely defined in military terms. This did not preclude the acceptance of broader concepts such as common and cooperative security, but these were clearly linked to national security concerns in the politico-military field. The post-Cold War world, however, has been marked by a substantive widening and deepening of this traditional concept in both the academic and the policy discourses on security. On the one hand, it was increasingly noted that security might be endangered by more than military threats alone, which led to the inclusion of political, economic, societal and environmental aspects.<sup>13</sup> In the meantime, non-military issues have put down roots on the international security agenda though some scholars have criticised the 'securitisation' of these issues, and disagreements still exist about the importance of the non-military aspects of security as compared to the military ones. On the other hand, there is a growing recognition that in the age of globalisation, and with the proliferation of internal wars and 'failed states', individuals and collectivities other than the state could and, indeed should, be the object of security. Following this view, security issues should not be addressed on the traditional national and international levels alone, but take into account the security concerns of communities and individuals. This led to the emergence of alternative security concepts such as 'societal security' and 'human security'.<sup>14</sup>

The concept of human security in particular has gained much recognition in the international policy arena. Though still an ill-defined concept, it covers a wide range of problems such as anti-personnel landmines, small arms and light weapons, violations of human rights and international humanitarian law, children in armed conflict, trafficking in persons, as well as, in its wider notion, all aspects of human development such as economic, food, health and environmental insecurity. On the practical level, the narrow approach to human security largely reflects the security dimension of post-conflict peacebuilding.

What makes these problems 'new' or 'non-traditional' security issues is not that they are truly novel concerns, but rather that they are becoming explicitly characterised and treated as security concerns – in other words, they are being 'securitised'. For illustration, since the end of the Cold War, the UN Security Council has seen a steady expansion of the range of issues brought before it, including human rights abuses, small arms and light weapons, children in armed conflict, etc. – issues which are also considered

to be, in one way or another, part of the human security and peacebuilding agendas.

### *Governance*

The concept of ‘governance’ is quite recent and has come into use in the context of globalisation, reflecting a growing shift of perspective from *government* to *governance*.<sup>15</sup> In its basic notion, governance refers to the structures and processes whereby a social organisation – from the family to corporate business to international institution – steers itself, ranging from centralised control to self-regulation.<sup>16</sup> From a political science perspective, governance ‘denotes the structures and processes which enable a set of public and private actors to coordinate their independent needs and interests through the making and implementation of binding policy decisions in the absence of a central political authority’.<sup>17</sup> As a political phenomenon, governance covers a wide range of rather different developments such as the introduction of self-government at the local level or in certain policy sectors; the outsourcing of central government functions to the private sector (including security functions to private military and security companies); the increasing network-type of cooperation between states, international organisations and private actors as illustrated by the transitional governance of post-conflict societies under international auspices. What these developments have in common is that they reflect the fragmentation of political authority among public and private actors on multiple levels of governance as well as the emergence of formal and informal cooperative problem-solving arrangements and activities.

The governance concept thus contains both horizontal and vertical dimensions. Horizontally, it refers to the multiplicity of non-state actors such as international organisations and private actors, with the latter ranging from non-governmental organisations (NGOs) to multinational corporations (MNCs), to epistemic communities and even armed groups.<sup>18</sup> Vertically, it signals the growing interaction of these actors at various territorial levels – national as well as subnational and international – which is encapsulated in the notion of ‘multi-level governance’.<sup>19</sup> At the state and substate levels, governance is largely exercised by governments – hence governance *by* governments – except for weak states or so-called failed states where the government is forced to share power, particularly the monopoly of coercive force, with other actors – be it international organisations, foreign powers, armed rebel groups or criminal organisations. At the level of the international system, in the absence of a world government, governance

takes the form of governance *with* (multiple) governments by way of rule-based cooperation among governments, international organisations, as well as transnational private actors. If social behaviour in a global issue-area – such as the Internet – is steered by ‘private regulations’, one may even speak of private governance or governance *without* governments,<sup>20</sup> but this is still the exception rather than the rule.<sup>21</sup>

Thus, as Rosenau holds, *governance* is a more encompassing phenomenon than *government*.<sup>22</sup> At the same time, the former offers a conceptual perspective which helps to grapple with the complexity of the contemporary world in which governments are still the central actors in domestic and also in international affairs, though they increasingly are seen to share authority with non-state actors on multiple levels of interaction.

The concept of ‘governance’ has been applied to different levels or geographic spaces (see above), to different types and constellations of actors (corporate governance, private governance, multi-level governance), and to normative concepts (good governance). It has also been used to analyse different issue areas such as economic, environmental, health and human rights governance, and security governance – the last being the focus of this volume.

### *Security Governance*

If the widened and deepened concept of security is combined with the multi-actor, multi-level concept of governance, one may expect to arrive at an understanding of security governance which is devoid of any analytical utility. However, this will not be the case if we accept the perspective that every issue-area, including security in all its dimensions, is subject to certain systems of governance characterised by more or less fragmented political authority, whether it be on the national, subnational or international level. Consequently, it is the context of security governance which matters most.

Security governance is observable at the different levels of analysis discussed above: at the global, regional, national and local levels. At the *global level*, the frame of reference is the UN system which provides the most universal structures for dealing with security issues, ranging from arms control, disarmament and non-proliferation of weapons, to conflict prevention, peacemaking, peace enforcement, peacekeeping and post-conflict peacebuilding. Global security governance is clearly dominated by state and intergovernmental actors although the role and influence of nongovernmental organisations appears to be growing in ‘new’ security issues, particularly in areas such as disarmament and nonproliferation of

smaller weapons (SALW, anti-personnel landmines), complex peacekeeping and post-conflict peacebuilding.<sup>23</sup> At the *regional level*, security governance refers to broad dynamics in the development of security arrangements in a given region. Measured by the degree of fragmentation of authority in security policymaking, Europe is certainly the region which has witnessed the greatest transformation of the security system in terms of a development from government to governance. Not only have national governments and regional organisations such as the Organisation for Security and Cooperation in Europe (OSCE), the North Atlantic Treaty Organisation (NATO) and the European Union (EU) expanded their security functions in the post-Cold War period, but also a variety of private actors, ranging from charities to private security companies, have emerged in local, regional and transregional security governance.<sup>24</sup> At the *national level*, security governance refers to the organisation and the management of the security sector. The security sector includes all the bodies whose main responsibilities are the protection of the state and its constituent communities – ranging from the core structures such as armed forces, police and intelligence agencies, to those institutions that formulate, implement and oversee internal and external security policy such as executive government and parliament. More often than not, non-state actors, armed groups as well as civil society organisations, also play an important role in national security governance – the former by providing or jeopardising security, the latter by strengthening governance mechanisms (see Chapters 2). In the emerging literature on the subject, security governance at the national level is generally referred to as ‘security sector governance’.<sup>25</sup> Finally, at the *local level*, security governance refers to the relevant internal security arrangements which may be dominated by national security forces, local police, or – in failed and war-torn states – by armed non-state actors such as rebel groups or forces controlled by warlords (see Chapter 3).

In sum, security governance is an analytical perspective which helps to capture complex governing mechanisms in a given issue-area characterised by a constellation of different types of actors operating at different levels of interaction. As will be discussed below, post-conflict peacebuilding exhibits the typical features of security governance: in most cases it is multi-layered, with a broad range of security actors participating in formal and informal governing arrangements and activities.

### Post-Conflict Peacebuilding

After the end of the Cold War, the United Nations and other international actors began to intervene more frequently in war-torn and failing states. Such interventions were in most cases triggered either by the threat such states posed to regional stability or by the sheer extent of the humanitarian crisis that intrastate conflicts had caused. Given the nature of these interventions, traditional peacekeeping soon turned out to be an insufficient instrument for meeting the new security challenges. The multilateral peace operations in the 1990s became multidimensional, robust and complex to the extent that peacekeeping was supplemented by the much more comprehensive task of post-conflict peacebuilding. While the record of post-conflict peacebuilding is mixed and the international environment has become less conducive to such action in the wake of 9/11 and especially the war in Iraq,<sup>26</sup> peacebuilding remains much in demand given the large number of 'post-conflict' societies striving to avoid relapse into conflict and to achieve sustainable peace.

#### *Peacebuilding – the Broad and the Narrow*

While external assistance for post-war rebuilding goes back to the reconstruction of Europe and Japan after World War II, the term 'peacebuilding' is relatively recent. It came into widespread use through the UN after the end of the Cold War. In 1992, then UN Secretary-General Boutros Boutros-Ghali defined peacebuilding in his *Agenda for Peace* as 'action to identify and support structures which tend to strengthen and solidify peace to avoid relapse into conflict'.<sup>27</sup> Treating conflict as linear, the *Agenda for Peace* clearly associated peacebuilding with the post-conflict phase, following conflict prevention, peacemaking and peacekeeping. Peacebuilding was therefore the same as *post-conflict* peacebuilding, 'becoming necessary only *after* preventive diplomacy had failed to avert armed hostilities, *after* peacemaking had established the framework of a negotiated settlement, and *after* peacekeeping had monitored an agreed ceasefire and presumably facilitated the restoration of a threshold of order'.<sup>28</sup>

In the 1990s, the concept was further developed and expanded to combine conflict prevention, conflict management and post-conflict reconstruction. The *Supplement to an Agenda for Peace* (1995) emphasised that the term applies not only to post-conflict settings but to the whole conflict spectrum – before, during and after conflict.<sup>29</sup> In 2001, the UN Security Council clarified the expansive notion of peacebuilding in that it



was now ‘aimed at preventing the outbreak, the recurrence or continuation of armed conflict’, and should therefore focus on a broad range of activities such as ‘fostering sustainable development, the eradication of poverty and inequalities, transparent and accountable governance, the promotion of democracy, respect for human rights and the rule of law and the promotion of a culture of peace and non-violence’.<sup>30</sup> According to this notion, peacebuilding means not only keeping former enemies from going back to war, but also addressing the root causes of conflict and even fostering development and the promotion of democracy in countries not affected by conflict. Indeed, many peacebuilding activities are the same as those of development cooperation or democracy promotion. However, peacebuilding is distinct from these in that it is a conflict-sensitive approach, which makes peacebuilding an instrument for conflict prevention, conflict management and post-conflict reconstruction.

Since the term peacebuilding has been broadened in scope, it has become a widely used but often ill-defined and contested concept, resulting in deficiencies in analysis, policy and practice. More often than not, the definition used and the approach adopted largely depends on the institutional interests of the actors involved. For analytical purposes, however, it is helpful to distinguish between the broader concept of peacebuilding as extending beyond post-conflict societies and including activities that occur during armed conflict and in the absence of warfare, and the narrower concept of peacebuilding, which refers exclusively to post-conflict settings. Also, a distinction can be made between the more modest objective of the narrower concept of peacebuilding, which is to prevent the resurgence of conflict and to create the conditions necessary for a sustainable peace in war-torn societies, and the multi-disciplinary approach of the broader concept, which aims not solely at avoiding the recurrence of war, but also at strengthening the fabric of peace through socio-economic development and democracy building. Peacebuilding therefore needs the qualifier ‘post-conflict’ to clarify when such settings are the subject of discussion. In other words: The term ‘post-conflict peacebuilding’, broadly used in UN Security Council documents,<sup>31</sup> reflects the narrower concept of peacebuilding.

### *Dimensions of Post-Conflict Peacebuilding*

Engaging in post-conflict peacebuilding presents particular opportunities, and also poses special challenges. On the one hand, in post-conflict societies, international engagement and local receptiveness to external support often converge to create a window of opportunity for political, economic and

social reforms which may transform the conditions that originally led to armed conflict. On the other, typical post-conflict features such as an adverse security situation, weak political institutions, and precarious socio-economic conditions make post-conflict peacebuilding a daunting task. Approaches to post-conflict peacebuilding are therefore inherently complex, and have to be tailored to the specific local context. Lessons drawn from practice since the early 1990s are seldom amenable to generalisation. However, there appears to be a consensus that post-conflict peacebuilding is a multidimensional process of transformation from war to peace comprising three equally important and mutually reinforcing dimensions: (1) the security dimension; (2) the political (governance) dimension and (3) the socio-economic dimension (see Table 1.1).<sup>32</sup>

**Table 1.1: Peacebuilding as a Multidimensional Process<sup>33</sup>**

<b>Reform and Reconstruction Activities</b>	
<b>Security Dimension</b>	DDR of Ex-Combatants Mine Action Control of Weapons (particularly SALW) SSR
<b>Political Dimension</b>	Support for Political and Administrative Authorities and Structures Good Governance, Democracy and Human Rights Civil Society Empowerment Reconciliation Transitional Justice
<b>Socio-economic Dimension</b>	Repatriation and Reintegration of Refugees & Internally Displaced Persons Reconstruction of Infrastructure and Important Public Functions Development of Education and Health Private Sector Development, Employment, Trade and Investment

The linear sequencing of peacebuilding activities is usually not to be recommended because of the close relationship between these three reform areas. There can be no sustainable socio-economic development without security of individuals and society and accountable political institutions, no political development without a basic level of security and improvement in the standard of living, finally no long-term security without progress in political and socio-economic development. Peacebuilding should therefore pursue development in all three dimensions at the same time and in a balanced way.<sup>34</sup>

When the international community first became involved in peacebuilding as such in the early 1990s, the primary emphasis was on *economic and social reconstruction*. Achieving sustainable, poverty-reducing development is particularly important in post-conflict societies as it is difficult given the usual challenges of very low levels of development, high numbers of internally displaced persons, deficient infrastructure, defunct education and health services, collapsed economic institutions and structures, and above all the legacy of a war economy which served, and may still serve, the interests of the parties of the past conflict. Consequently, post-conflict peacebuilding in the socio-economic dimension has to focus on the repatriation and reintegration of refugees, the reconstruction of infrastructure and important public functions, the development of education and health services; and private sector development, employment, trade and investment.

Illegitimate or weak government institutions, poor or non-participatory governance, violations of human rights, a marginalised civil society and a widespread sense of injustice and impunity constitute the political legacy of conflict. Addressing the issues of *political development* in post-conflict societies is a formidable challenge, not least because societal expectations may be higher than the capacity of the local government is able to deliver. Consequently, post-conflict peacebuilding in the political dimension encompasses the rebuilding of national political authorities; good governance, democracy and human rights; civil society empowerment; and reconciliation and transitional justice.

Finally, the security situation is often precarious in post-conflict settings with armed non-state actors still playing a role – including potential peace-spoilers such as former combatants waiting for demobilisation and reintegration into civilian life, and a state security apparatus undergoing reconstruction or being ill-prepared to provide security for the state and its population. In addressing these challenges, post-conflict peacebuilding in the security dimension must involve both the direct provision of basic security in fragile environments as well as the broader tasks of building up domestic capacity to provide security. This includes activities such as DDR, mine action, control of SALW, and SSR in particular.

The three-dimensional approach in post-conflict peacebuilding also puts high demands on the providers of external assistance, in most cases bilateral and multilateral security and development actors. To be effective, these actors need to coordinate internally their external peacebuilding policy. This should include a coherent governmental approach including the ministries of foreign affairs, defence and development – also known as the

‘3-D formula’, signifying Diplomacy, Development and Defence. Some Western donor countries, the UK being the leading example, have already chosen such an approach while others are considering it. In practice, however, the coordination of peacebuilding activities across the range of different governmental actors proves to be an extremely laborious task. The development of an analogous coherent approach to peacebuilding will most probably be even more difficult for international organisations such as the UN or the EU. Yet, the recent decision to restructure the UN’s peacebuilding activities gives some hope at least for the emergence of a more coherent, more consistent, and better coordinated approach by the most relevant actor in this policy field.

#### *The Security Dimension from a Governance Perspective*

As already mentioned, a minimum of security is considered a prerequisite for post-conflict peacebuilding. Some of the security challenges that generally confront post-conflict, and only post-conflict, societies include the needs to disarm, demobilise and reintegrate large numbers of combatants, including child soldiers; to curb and remove remnants of war such as small arms and light weapons, anti-personnel landmines and unexploded ordnance; to carry out sweeping reforms in the security sector in order to establish effective security forces and governance mechanisms; to disband non-statutory armed forces, or to integrate them into the new statutory ones; to establish the rule of law under transitional administration; to redress past crimes and atrocities with some urgency, and to seek reconciliation in this context.

These needs and challenges reflect the wider and deeper notion of security, in that they largely represent security issues where the military aspect is only one dimension: DDR, combating SALW, and mine action have as much to do with societal and even economic security as with military security. SSR encompasses military as well as non-military component parts. DDR and the engagement of armed groups may have a military dimension, but these activities are primarily of a political nature. Also, security-related issues with a legal dimension constitute essentially political and societal security issues. Moreover, these needs and challenges reflect a deeper notion of security because they transcend national security. The fight against SALW and landmines are a case in point as these issues are to a considerable extent addressed on the international level. When it comes to norms and standard setting, then the other issues discussed here also exhibit a strong global and regional dimension. Finally, almost all of these

issues are viewed as an integral part of the evolving human security agenda; they are judged on their merits in improving the security of individuals and groups rather than that of the state.

These security needs and challenges in post-conflict peacebuilding also reflect a governance rationale. First, the multitude of actors involved beyond state actors is formidable. International organisations and transnational private actors play a key role in externally-assisted peacebuilding. Second, post-conflict peacebuilding is not only a multi-actor endeavour, it is also multi-layered. All territorial levels of interaction are involved – from the substate to state, up to regional and global levels. International regimes and conventions set normative frameworks in areas such as SALW, mine action, child soldiers, human rights law and international humanitarian law. In many post-conflict states, armed non-state actors, such as irregular paramilitary forces and remnants of armed rebel groups, remain significant players on the substate level of security governance. Finally, highly political issues such as SSR or transitional justice embody a normative governance dimension in the sense that they clearly presuppose the existence of political institutions that are capable of enforcing the principles of good governance and democratic accountability.

These broad security issues have been recognised in the framework of the UN Security Council as being essential elements of post-conflict peacebuilding (see Annexes B, C, and D). Moreover, the international security and development community appears to have incorporated this set of issues into its policies and programmes, though without necessarily addressing them comprehensively.<sup>35</sup> Approaching these issues from a security governance perspective permits us to treat them as a coherent group of peacebuilding activities which exhibit strong linkages.

### **Towards a Security Governance Agenda in Peacebuilding**

In analysing the emerging security governance agenda in post-conflict peacebuilding, three overarching themes can be discerned (see Table 1.2). They comprise issues which deal with: security sector reform and governance (Part II); disarmament, demobilisation and reintegration (Part III); rule of law and transitional justice (Part IV). This broad categorisation reflects the evolving security governance agenda in post-conflict peacebuilding – at least with regard to the current discourse on peacebuilding in the framework of the UN Security Council (see above).

Part II of this volume addresses issues related to security sector reform and governance. It begins by discussing the central role of reforming and, in most post-conflict settings, reconstructing the security sector commensurate with the principles of good, preferably democratic, governance (Chapter 2). In order to facilitate security sector reform and governance, two important but difficult and therefore often neglected tasks have to be tackled: to engage constructively the remnants of armed non-state actors to prevent them from spoiling the fragile peacebuilding process (Chapter 3), and to enable civil society in order to help strengthen the governance of the security sector (see Chapter 4).

**Table 1.2: Key Security Issues in Post-Conflict Peacebuilding**

Overarching Themes	Key Post-Conflict Peacebuilding Tasks
<b>Security Sector Reform and Governance</b> (Part II)	SSR Engagement of Armed Non-state Actors Civil Society Empowerment
<b>Disarmament, Demobilisation and Reintegration</b> (Part III)	DDR of Former Combatants DDR of Former Child Soldiers Action on SALW Mine Action
<b>Rule of Law and Transitional Justice</b> (Part IV)	Legal Regimes under Transitional Administrations Transitional Justice Anti-human Trafficking

Part III introduces a number of issues related to disarmament, demobilisation and reintegration, understood here in a broad sense. This includes disarming, demobilising and reintegrating former combatants (Chapter 5), as well as tailoring DDR to the needs of child soldiers (Chapter 6). Furthermore, it covers the reduction and eventual elimination of the threat of SALW (Chapter 7) and anti-personnel landmines (Chapter 8), which both contribute to insecurity and undermine reconstruction if not properly addressed.

Part IV discusses a number of measures aimed at restoring the rule of law and guaranteeing the protection of individuals and communities. These include the implementation of legal regimes under transitional administrations which have a dual responsibility to apply the rule of law in their own conduct and in their administrative functions (Chapter 9); the pursuit of (transitional) justice through prosecution, truth commissions, provision of reparations, reforming institutions and promoting reconciliation

(Chapter 10); and the combat against trafficking in human beings which inhibits transitions from war to peace and is a clear evidence of a breakdown of the rule of law (Chapter 11).

The volume concludes with a review of the main issues and challenges of security governance in post-conflict peacebuilding based on the findings of the previous chapters. Concentrating on key cross-cutting issues, it will emphasise the need for integrated, holistic and long-term approaches to security governance in post-conflict peacebuilding.

## Notes

- 1 Since the early 1990s, the number of such conflicts has dropped from some 50 to 30 (in 2004). See Harbom, L., Wallensteen, P., 'Armed Conflict and Its International Dimensions, 1946-2004', *Journal of Peace Research* vol. 42, no. 5 (2005), pp. 623-635.
- 2 Call, C., 'Institutionalizing Peace: A Review of Post-Conflict Peacebuilding. Concepts and Issues for DPA' (31 January 2005), pp. 6-8. See also: Dobbins, J. et al., *The UN's Role in Nation-Building: from the Congo to Iraq* (RAND: Santa Monica, 2005); Doyle, M.W., 'War Making and Peace Making. The United Nations' Post-Cold War Record', Crocker, Ch., Hampson, F.O., Aall, P. (eds.), *Turbulent Peace. The Challenges of Managing International Conflict* (United States Institute of Peace Press: Washington D.C., 2001), pp. 529-560.
- 3 'Post-conflict' is a problematic term. What is generally called post-conflict does not really mean after the end of conflict as conflict never really ends. At best, it refers to a situation after the cessation of violent conflict or after the conclusion of a peace agreement.
- 4 Tschirgi, N., *Post-Conflict Peacebuilding Revisited: Achievements, Limitations, Challenges* (International Peace Academy/WSP International: New York, 2004), pp. 10-17.
- 5 United Nations General Assembly, *In larger freedom: towards development, security and human rights for all*, Report of the Secretary General, Addendum: Peacebuilding Commission, UN Doc. A/59/2005/Add.2 (23 May 2005), p. 1.
- 6 Following recent practice in UN documents and in line with related terms such as 'peacemaking' and 'peacekeeping', the term 'peacebuilding' will not be hyphenated in this book (as proper British English would suggest).
- 7 United Nations General Assembly, *2005 World Summit Outcome*, Final document of the High-level Plenary Meeting of the General Assembly, UN Doc. A/60/L.1 (15 September 2005), pp. 25-26.
- 8 Ball, N., 'The Challenge of Rebuilding War-Torn Societies', Crocker, Ch., Hampson, F.O., Aall, P. *op. cit.*, pp. 719-736 (723-725).
- 9 United Nations Security Council, *Statement by the President of the Security Council*, UN Doc. S/PRST/2005/30 (12 July 2005), para. 10.
- 10 This section draws on Hänggi, H., 'Making Sense of Security Sector Governance', Hänggi, H., Winkler, T. (eds.), *Challenges of Security Sector Governance* (LIT: Münster, 2003), pp. 3-22 (4-8).

- 11 See: Sheehan, M., *International Security. An Analytical Survey* (Lynne Rienner: Boulder, 2005), pp. 52-55; Waever, O., 'Securitization and De-securitization', Lipshultz, R. (ed.), *On Security* (Columbia University Press: New York, 1995).
- 12 See: Krahmann, E., 'Conceptualizing Security Governance', *Cooperation and Conflict* vol. 38, no. 1 (2003), pp. 5-26.; Webber, M., 'Mea culpa – Security Governance in Europe: Theory and Application', paper prepared for the Fifth Pan-European International Relations Conference, The Hague (September 2004).
- 13 See: Sheehan, M., *op. cit.*; Buzan, B., *People, States and Fear: An Agenda for International Security Studies in the Post Cold War Era*, 2nd edition (Harvester/Wheatsheaf: London, 1991);
- 14 For the concept of societal security see Waever, O., Buzan, B., Kelstrup, M., Lemaitre, P., *Identity, Migration and the New Security Agenda in Europe* (Pinter: London, 1993). For a discussion of the human security concept from different perspectives see contributions in *S+F – Sicherheit und Frieden/Security and Peace* no. 1 (2005) and in Brzoska, M., Croll, P.J. (eds.), *Promoting Security: But How and For Whom?* (Bonn International Center for Conversion: Bonn, 2004).
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- 24 Krahmann, E., *op. cit.*, p. 10. See also: Webber, M., Croft, S., Howorth, J., Terriff, T., Krahmann, E., 'The Governance of European Security', *Review of International Studies*, vol. 30, no. 1, 2004, pp. 3-26.
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- 27 United Nations General Assembly, *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-keeping*, Report of the Secretary General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992, UN Doc. A/47/277-S/2411 (17 June 1992), para. 21.



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- 30 United Nations Security Council, *Statement by the President of the Security Council*, UN Doc. S/PRST/2001/5 (20 February 2001).
- 31 For illustration, in May 2005, the UN Security Council held an open meeting on 'Post-conflict peacebuilding'. See United Nations Security Council, *Statement by the President of the Security Council*, UN Doc. S/PRST/2005/20 (26 May 2005).
- 32 This categorisation draws on: OECD, *Introductory Tip Sheet on Peacebuilding* (OECD: Paris, 2005), available at URL <[www.oecd.org/dataoecd/13/33/35034078.pdf](http://www.oecd.org/dataoecd/13/33/35034078.pdf)>; Norwegian Ministry of Foreign Affairs, *Peacebuilding – a Development Perspective* (Norwegian Ministry of Foreign Affairs: Oslo, 2004). For a similar approach which, however, distinguishes between four categories of 'post-conflict reconstruction' (security, justice and reconciliation, social and economic well-being, governance and participation) see *Post-Conflict Reconstruction Task Framework* (Center for Strategic and International Studies and Association of the United States Army: Washington, DC, 2002), available at URL <<http://www.csis.org/isp/pcr/>>.
- 33 This table draws on the strategic framework for Norway's role in peacebuilding. See: Norwegian Ministry of Foreign Affairs, *op. cit.*, pp. 16-34.
- 34 See: Ball, N., *op. cit.*, pp. 723-725.
- 35 The Development Assistance Committee (DAC) of the Organisation for Economic Co-operation and Development (OECD), for example, has recently adopted guidelines on what counts as Official Development Assistance (ODA) in conflict prevention and peacebuilding. These guidelines cover to a considerable extent the security governance agenda of post-conflict peacebuilding. OECD DAC, *Conflict Prevention and Peace Building: What Counts as ODA?* (3 March 2005). See Annex E.