



Edited by

Henni Alava

Exploring the Security-Development Nexus

Perspectives from Nepal, Northern Uganda and 'Sugango'

EXPLORING THE SECURITY- DEVELOPMENT NEXUS

Perspectives from Nepal,
Northern Uganda
and 'Sugango'

Editor

Henni Alava

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Abstract

This Report, commissioned by the Ministry for Foreign Affairs in Finland and undertaken by an independent research team organized by the Institute of Development Studies at the University of Helsinki, charts out the possibilities for and the challenges posed by outside interventions in conflict and post-conflict situations in the global South. The Report combines theoretical reflection on the ‘security-development nexus’ and on the role of development aid in conflict, with case studies on conflict-affected areas in Nepal and in Northern Uganda and its borderlands with South Sudan and the Democratic Republic of the Congo. The research team welcomes the tendency of Finland and other donors to pay increased attention to what are called fragile situations, and recommends that they continue to work more intensely in conflict and post-conflict situations, whether these occur in the traditional long-term partner countries or in regions where their previous involvement as donors has been less systematic. The Report, however, argues that these fragile situations are immensely complex and difficult to manage, and the international discourse and guidelines concerning such situations still suffer from many gaps and deficiencies. Thorough knowledge of local conditions is a must in any intervention.

In order to provide the overall context, Juhani Koponen reviews the broad outlines of the discourse concerning a ‘security-development nexus’. He argues that the notions of security and development are both so inclusive and malleable that their mutual coherence is still far from having been achieved, and it is safer to consider them as two different endeavours, with their own goals and means, however close the links between them may appear at the level of this discourse. To support his argument, Koponen provides an overview of the background and history of the ‘security-development nexus’. He emphasises that none of the considerations in the current discourse around this nexus can be taken to be new as such, what is new is that they now appear in a new configuration. Koponen’s introduction discusses how and to what extent the nature of armed conflict has changed, and traces how the discourses of both humanitarianism and development have become more interventionist as the human rights regime has become more prominent. This leads further to an analysis of recent changes in the concept of state sovereignty, and the emergence of the new concepts of ‘fragile state’ and ‘state building’, which are seen as rather vague and internally contradictory notions.

In Chapter 2, Lauri Siitonen focuses on the question of the role of development aid in relation to conflict and postconflict situations. Siitonen discusses the re-emergence of security as a key concern of the development agenda, and traces the evolution of the idea of the increased responsibility of ‘outsiders’ in fragile situations. He argues that, although care should be taken in allocating more responsibility to aid than to political actors in conflict situations, during fragile situations such as regime transitions, the role and thereby responsibility of external actors may grow to be larger than is usual in assistance to long-term development. In such situations, donors should take responsibility for setting clear standards and establishing codes of conduct: and they should behave according to their own principles. Chapter 2 also presents some lessons learned from past experience, and dilemmas related to security and development aid.

Chapter 3 presents an article by Sudhindra Sharma, the team’s Nepali researcher, which analyses the on-going post-conflict transition in Nepal. Sharma argues that a number of significant challenges remain that must be solved in order for lasting peace and development to be secured in Nepal. Some of these challenges are further affected by a lack of efficient mechanisms for use by international actors to coordinate and monitor the peace process. However, the core of many of these challenges is the fact that, at the level of popular rhetoric, Nepal has become a new state – one marked by “federalism” and “secularism” for example. This, despite the fact that there are hardly any institutional designs or structures in place to substantiate these claims of a ‘new’ Nepal. To enable an understanding of how this change in popular rhetoric has come about, Sharma briefly traces recent events and outlines the core issues currently under political debate in Nepal. These issues include federalism, and the integration of Maoist ex-combatants into state security forces. The chapter analyses how the absence of political mechanisms to guide needed reforms, the extremely low levels of trust and commitment to power-sharing between political parties, and the lack of public dialogue on the issue of state restructuring, have combined to leave a vacuum that is presently being filled by identity-based organizations, some of which are expounding extremist positions. These developments are evidenced in pervasive instability in Nepal. Sharma argues that the state and the political parties in Nepal have to a great extent failed to address the concerns of ordinary Nepalis. To conclude, Sharma envisages four different scenarios that might possibly unfold in Nepal in the future.

In Chapter 4, Fabius Okumu-Alya, a Ugandan researcher based in Gulu in Northern Uganda, discusses reconciliation and post-conflict reconstruction in Northern Uganda, based on field research carried out in the region from February to June 2009. The study focused on two core themes: the prospects and challenges for peace, stability and development in Northern Uganda; and the potential and capacity of existing development aid frameworks to support human security and development objectives in the post-conflict situation. The chapter outlines the on-going transitions in Northern Uganda from conflict to peace, and from relief aid to long-term development initiatives. This research reveals that questions of post-conflict community resettlement, reconstruction, rehabilitation, re-integration and reconciliation, all remain to a large extent unanswered. Okumu-Alya argues that, to address the complex issues of peace-building, security, reconstruction and development in Northern Uganda, different actors will need to work together to design comprehensive policies and interventions to support the related moves from prolonged conflict to sustainable peace, and from reliance on relief aid to comprehensive community development.

The author of Chapter 5, Wolfgang Zeller, adopts a different approach to analysis of the ‘security-development nexus’ using evidence drawn from fieldwork in ‘Sugango’, that is, the border triangle of Sudan, Uganda and Congo DRC. Zeller discusses ideas that are of general relevance to understanding the reasons and nature of protracted conflict in many areas of the so-called developing world. The chapter critically examines four analytical distinctions that are often employed to simplify and organize the messy reality in the region: 1) the boundaries between Uganda, Sudan and Congo; 2) the distinction between “war” and “peace”; 3) the distinction between “government forces” and “rebels”, and the 4) distinction between “legal” and “illegal” activities, particularly in reference to cross-border trade. Zeller describes how such distinctions facilitate the description of some aspects of reality, but at the expense of obscuring other, rather crucial, factors. In this messy reality, ‘post-conflict’ does not adequately describe the situation in ‘Sugango’; and it becomes evident that the simmering conflict and widespread suffering cannot be addressed through the dissemination of development aid alone. In areas of pervasive protracted conflict, all available resources, including aid, become more or less closely entangled with the conflict economy. Thus, what is needed is an increased commitment to negotiating peace, combined with national and international control of conflict resources.

Tiivistelmä

Tässä raportissa, jonka Suomen ulkoasiainministeriö on tilannut Helsingin yliopiston kehitysmaatutkimuksen laitoksen organisoimalta itsenäiseltä tutkijaryhmältä, selvitetään mitä mahdollisuuksia ulkopuolisilla on puuttua etelän konflikteihin ja konflikteja seuraaviin tilanteisiin ja mitä ongelmia puuttumisyrytyksissä voidaan kohdata. Raportissa käsitellään teoreettisemmalla tasolla turvallisuuden ja kehityksen sidokseksi kutsuttua ilmiötä ja kehitysavun roolia konfliktitilanteissa ja niiden jälkeen, ja yhdistetään tämä tarkastelu tapaustutkimuksiin konfliktialueilta Nepalista ja Pohjois-Ugandasta ja sen raja-alueilta Etelä-Sudanista ja Kongon demokraattisesta tasavallasta. Tutkijaryhmä pitää Suomen ja muiden avunantajien lisääntyvää panostusta ns. hauraisiin tilanteisiin tervetulleena ja suosittaa että ne edelleen tehostaisivat toimintaansa konflikteissa ja niiden jälkeen, olipa kyse maista jotka ovat niiden perinteisiä kumppaneita tai alueista joilla niiden aiempi toiminta on ollut hajanaisempaa. Raportissa argumentoidaan että sellaiset tilanteet kuitenkin ovat erittäin monimutkaisia ja vaikeasti hallittavissa ja kansainvälisessä keskustelussa tarjotut toimintaohteet ovat vielä vaillinaisia ja vajavaisia. Keskeinen vaatimus jokaisessa interventiossa on paikallisten olojen perinpohjainen tuntemus.

Juhani Koponen tarjoaa yleisen kehikon tarkastelulle hahmottamalla ‘turvallisuuskehitys -kytköstä’ koskevan keskustelun päälinjat. Hän argumentoi että sekä turvallisuuden että kehityksen käsitteet ovat niin laajoja ja moneen tarkoitukseen sopivia että käytännössä niiden keskinäistä johdonmukaisuutta on vaikea saavuttaa, ja on varmempi pitää niitä erillisinä toimintalinjoina omine päämäärineen ja keinoineen vaikka niiden yhteydet saattavatkin keskustelussa näyttää tiiviiltä. Väitteensä tueksi Koponen käy läpi keskustelun historian ja osoittaa että nykykeskustelun näkökohdat eivät ole sinällään uusia mutta ne ovat tulleet uudella tavalla yhteen. Luvussa selvitetään kuinka ja missä määrin aseellisen konfliktin luonne on muuttunut ja kuinka humanitarismin ja developmentalismin keskustelut ja käytännöt ovat tulleet interventionistisemmiksi kansainvälisen ihmisoikeusregiimin voimistumisen myötä. Valtiosuvereiniteetin todetaan muuttaneen muotoaan ja johtaneen ‘hauraan valtion’ ja ‘valtionrakennuksen’ käsitteisiin, jotka kuitenkin nähdään epämääräisinä ja sisäisesti ristiriitaisina.

Lauri Siitosen luku keskittyy avun rooliin konfliktitilanteissa ja niiden jälkeen. Siitonen kuvaa kuinka turvallisuus on palanut avainasemaan kehitysgendalla ja seuraa

miten ajatus ulkopuolisen lisääntyvästä vastuusta hauraissa tilanteissa on kehittynyt. Vaikka avulle on konfliktitilanteissa varottava antamasta enemmän vastuuta kuin poliittisille toimijoille, hauraissa tilanteissa kuten hallitusvallan vaihtuessa, ulkopuolisten toimijoiden osuus ja siten myös vastuu voi nousta suuremmaksi kuin tavallisessa pitkän ajan kehitysavussa. Sellaisissa tilanteissa avunantajien tulee asettaa selvät käyttäytymisnormit ja -ohjeet ja myös itse käyttäytyä omien periaatteidensa mukaisesti. Luvussa sivutaan myös turvallisuus- ja kehitysavussa havaittuja ongelmia ja mitä niistä on opittu.

Sudhindra Sharma, ryhmän nepalilainen tutkija, analysoi Nepalissa meneillään olevaa konfliktinjälkeistä muutosprosessia. Hän argumentoi että pysyvän rauhan ja kehityksen tiellä on vielä monia haasteita. Joitain niistä monimutkaistaa se ettei kansainvälisillä toimijoilla ole riittäviä mekanismeja rauhanprosessien koordinoimiseksi ja seuraamiseksi. Useimpien ydin kuitenkin on että retoriikan tasolla Nepalista on tullut uusi valtio, jota luonnehtivat esimerkiksi 'federalismi' ja 'sekularismi' mutta retoriikan toteuttamiseksi on olemassa tuskin mitään instituutioita tai rakenteita. Osoittaakseen kuinka tähän muutosvaiheeseen on päädytty, Sharma luo lyhyen katsauksen Nepalín lähihistoriaan ja hahmottaa poliittisen keskustelun keskiössä olevat kysymykset kuten federalismin ja maolaisten entisten taistelijoiden integroimisen valtion turvallisuusjoukkoihin. Kun poliittiset mekanismit tarvittavien uudistusten ohjaamiseksi puuttuvat, keskinäinen luottamus ja sitoutuminen vallanjakoon ovat poliittisten puolueiden välillä pohjalukemissa ja valtion jälleenrakennuksesta ei käydä julkista keskustelua, on syntynyt tyhjiö jota nyt täyttävät identiteettipohjaiset organisaatiot joista eräät edustavat äärimmäisyysnäkömyksiä. Tämä kaikki on johtanut jatkuvaan epävakautteen Nepalissa. Sharma argumentoi, että valtio ja poliittiset puolueet eivät ole kyenneet vastamaan tavallisten nepalilaisten huolenaiheisiin, ja hahmottaa Nepalille neljä mahdollista tulevaisuuden skenaariota.

Fabius Okumu-Alya, ugandalainen tutkija Gulusta Pohjois-Ugandasta, käsittelee Pohjois-Ugandan konfliktinjälkeistä sovittelu- ja jälleenrakennustyötä alkuvuodesta 2009 suorittamansa kenttätöyön pohjalta. Hänen tutkimuksensa keskittyy kahteen teemaan: rauhan, vakauden ja kehityksen näkymiin ja haasteisiin Pohjois-Ugandassa ja nykyisten kehitysapumekanismien mahdollisuuksiin edesauttaa inhimillisen tur-

vallisuuden ja kehityksen päämääriä nykyisessä konfliktinjälkeisessä tilanteessa. Luku hahmottaa meneillään olevaa siirtymävaihetta sodasta rauhaan ja hätäavusta pidemmän tähtäyksen kehitysaloitteisiin Pohjois-Ugandassa ja osoittaa että kysymykset konfliktinjälkeisestä yhteisöjen jälleenasutuksesta, jälleenrakennuksesta, kuntouttamisesta ja sovinnosta ovat yhä suuressa määrin auki. Okumu-Alya argumentoi, että vastatakseen rauhanrakennuksen, turvallisuuden, jälleenrakennuksen ja kehityksen monimutkaiseen kysymykseen Pohjois-Ugandassa on eri toimijoiden lyöttäydyttävä yhteen ja kattavan politiikan ja interventioiden avulla tuettava siirtymistä pitkällisestä konfliktista kestäväan rauhaan ja hätäavusta kattavaan yhteisökehitykseen.

Wolfgang Zeller lähestyy ‘turvallisuus-kehitys -sidosta’ ja kehitysapua eri näkökulmasta ”Sugangossa”, eli Sudanin, Ugandan ja Kongon Demokraattisen Tasavallan raja-alueella tekemänsä kenttätyön aineiston perusteella. Zeller käsittelee ideoita joilla on yleistä merkitystä monien kehitysmaiden pitkäaikaisten konfliktien syiden ja luonteen ymmärtämisessä. Hän nostaa kriittiseen tarkasteluun neljä analyttistä erottelua joita usein käytetään Sugangossa vallitsevan sotkuisen todellisuuden yksinkertaistamiseen ja järjestämiseen: 1) Ugandan, Sudanin ja Kongon (DR) valtioiden rajat; 2) ‘sodan’ ja ‘rauhan’ ero; 3) ero ‘hallituksen joukkojen’ ja ‘kapinallisten’ välillä; ja 4) ero ‘laillisten’ ja ‘laittomien’ toimien välillä, etenkin rajat ylittävässä kaupankäynnissä. Zeller osoittaa kuinka nämä erottelut auttavat kuvaamaan todellisuuden tiettyjä puolia samalla kun ne hämärtävät sen toisia puolia. Todellisuudessa ‘Sugangon’ alue ei ole tilanteessa jota voitaisiin kuvata ‘konfliktin jälkeiseksi’ eikä alueella kyteväan konfliktiin ja laajaan kärsimykseen voida reagoida tyydyttävästi yksistään kehitysapua antamalla. Pitkittyneiden konfliktien alueilla kaikki tarjolla olevat resurssit, apu mukaan lukien, kietoutuvat enemmän tai vähemmän tiiviisti konfliktitalouteen. Tarvitaankin enemmän pitkäjänteistä sitoutumista rauhanpyrkimykseen sekä konfliktiresurssien kansallista ja kansainvälistä valvontaa.

Authors

Henni Alava received her MSocSc degree in Development Studies at the University of Helsinki in 2008. Her thesis discussed the interactions of conflict and development in Northern Uganda; and her current PhD research delves into the politics of development in the aftermath of violent conflict in that same geographical region.

Juhani Koponen is Professor of Development Studies at the University of Helsinki. He has specialised in global, Finnish, and Tanzanian development policies and development cooperation, in particular from a historical perspective.

Fabius Okumu-Alya is the Director of the Institute of Peace and Strategic Studies at Gulu University, Uganda. He is a professional lawyer, who has carried out research in the area of peace and conflict studies, and into justice and legal systems during periods of transition.. He is currently working on a doctorate thesis on restorative and retributive justice systems for a degree in Law (LL.D) at the University of South Africa (UNISA).

Sudhindra Sharma is Executive Director at Interdisciplinary Analysts, a research and consulting organisation based in Kathmandu, Nepal. He was recently named a Doctor in Development Studies at the University of Helsinki in 2009; he completed his PhD in Sociology at the University of Tampere in 2001. In addition to research on foreign aid, he has focused on the study of religions, namely Hinduism and Islam, and on quantitative methodologies used in social science research.

Lauri Siitonen is Senior Lecturer in Development and International Cooperation at the University of Jyväskylä, Finland. He completed his Doctorate of Social Sciences, with a major in Political Science, at the University of Turku, Finland. His research interests include development policy analysis, aid regimes, democracy assistance, Finland’s development policy, and Tanzania. His most recent research is focused on aid and post-conflict development in Nepal.

Wolfgang Zeller completed his M.A. degree in Geography at the University of Helsinki in 1999. In 2002 Zeller embarked on a doctoral dissertation project at the Institute of Development Studies in Helsinki, on “Everyday State Formation in the Borderland of Namibia and Zambia”. In 2009 Zeller relocated to the University of Edinburgh to take up a position as the coordinator of the African Borderlands Research Network (ABORNE), of which he is a founding member.

Acronyms

AMMAA	Agreement on Monitoring of the Management of Arms and Armies
CA	Constituent Assembly
CAR	Central African Republic
CDI	Community-driven initiative
COAS	Chief of Army Staff
CoH	Cessation of Hostilities
CPA	Comprehensive Peace Accord (Nepal)
CPA	Comprehensive Peace Agreement (Sudan)
CP	Congress Party
CPN (Maoist)	Communist Party of Nepal (Maoist); referred to in text as Maoist
CPN (UML)	Communist Party of Nepal (United Marxist-Leninist), referred to in text as UML
CSO	Civil Society Organisation
CSOPNU	Civil Society Organisations for Peace in Northern Uganda
DANIDA	Danish International Development Agency
DDR	Demobilization, decommissioning and reintegration
DED	German Development Service
DRC	Democratic Republic of Congo
EDF	Equatorial Defence Force
EHAP	Emergency Humanitarian Assistance Programme
EVI	Extremely Vulnerable Individual
FPTP	First-Past-The-Post
FRNF	Federal Republican National Fronts
GHD	Good Humanitarian Donorship
GoSS	Government of South Sudan
GoU	Government of Uganda
GUSCO	Gulu Support the Children Organisation
HIV and AIDS	Human immunodeficiency virus and acquired immunodeficiency syndrome
ICC	International Criminal Court
ICDC	Interim Constitution Drafting Committee
ICG	International Crisis Group
ICISS	International Commission on Intervention and State Sovereignty
ICJ	International Court of Justice
IDA	International Development Association
IDMC	Internal Displacement Monitoring Committee
IDP	Internally displaced person
IHRICON	Institute for Human Rights and Communication Nepal
INSEC	Informal Sector Service Center
JMCC	Joint Monitoring Coordinating Committee
KIDDP	Karamoja Integrated Disarmament and Development Programme
LRA	Lord’s Resistance Army
MFA	Ministry for Foreign Affairs (of Finland)
MJF	Madhesi Janadhikar Forum
MoU	Memorandum of Understanding

NA	Nepali Army
NAADS	National Agricultural Advisory Services
NATO	North Atlantic Treaty Organization
NC	Nepali Congress
NEFIN	Nepal Federation of Indigenous Nationalities
NGO	Non-governmental organisation
NSC	National Security Council
NSP	Nepal Sadbhavana Party
NUREP	Northern Uganda Rehabilitation Programme
NURP I / II	Northern Uganda Recovery Program I / II
NUSAF	Northern Uganda Social Action Fund
OCHA	(United Nations) Office for the Coordination of Humanitarian Affairs
OPM	Office of the Prime Minister
PAC	Public Accounts Committee
PEAP	Poverty Eradication Action Plan
PLA	People’s Liberation Army
PRDP	Peace, Recovery and Development Plan for Northern Uganda
PRSP	Poverty Reduction Strategy Plan
PS	Proportional System
RPP	Rastriya Prajatantra Party
RPP-N	Rastriya Prajatantra Party Nepal
SATP	South Asia Terrorism Portal
SDIP	Social Development Sector Strategic Investment Plan
SIDA	Swedish International Development Agency
SPA	Seven Party Alliance
SPLA	Sudan People’s Liberation Army
SPLM	Sudan People’s Liberation Movement
SSR	Security sector reform
SUV	Sport utility vehicle
TMDP	Tarai Madhesi Democratic Party
TRC	Truth and Reconciliation Commission
UML	United Marxist Leninist
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commission for Refugees
UNICEF	United Nations Children’s Fund
UNMIN	United Nations Mission in Nepal
UMNSC	United Muslim National Struggle Committee
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
UPDF	Uganda People’s Defence Force
US	United States (of America)
WFP	World Food Programme
WTO	World Trade Organisation
YCL	Young Communist League

Conclusions and Recommendations

This Report has welcomed the shift that has taken place in international development policy and discourse whereby more emphasis is now focused on what are called fragile states and fragile situations, instead of concentrating development efforts primarily on easier cases promising more immediate success. We think Finland would be well advised to follow the same lines and work more intensely in projects focused especially on conflict and post-conflict situations, whether they occur in the traditional long-term partner countries, such as Nepal, or in regions where previous Finnish involvement has been much less systematic, such as Northern Uganda and its borderlands with Southern Sudan and the Democratic Republic of the Congo. However, this Report has also attempted to show that not only are those situations immensely complex and difficult to manage, but that also the international discourse and guidelines for such situations still suffer from many gaps and deficiencies and as such cannot provide detailed guides for action. Therefore, rather than providing a list of specific guidelines here, we wish instead to raise some crucial issues which we see as requiring special attention when working in fragile states and situations.

Choosing the appropriate channels through adequate understanding

Conflict and post-conflict situations and their concomitant humanitarian crises are complex and multidimensional, and the longer they linger the more complex they become. They involve soldiers and civilians and everyone in-between; they take place in remote localities with heavy involvement of national actors and intrusion of international resource flows, and their spillover effects extend far beyond their apparent borders. It is clear that there can be no technically-oriented quick fixes in such situations. On the contrary, if outside intervention, be it emergency humanitarian aid or more long-term development assistance, is not based on in-depth understanding of the complexities involved, such intervention is likely to become part of the dynamics that keep the conflicts going and civilians suffering.

Thus, the first requirement for a successful engagement would appear to be an in-depth understanding and conceptualisation of the situation. The problem is that such an understanding is not easy to achieve. The borderline between war and peace is elusive; and ‘emergencies’ that continue for decades are no longer emergencies but deep-rooted political crises. Nobody can claim to have a complete understanding of what drives such situations, but help may be gained from local academic expertise, and from national and international scholarly study. Perhaps most important,

however, in achieving understanding is maintaining an open mind and sensitivity to the complexity: the actors involved at various levels should recognise that there are no easy solutions, that they themselves may become part of the problem, and that, further, even when engaging in humanitarian aid in “hot spots”, there are ways to minimize potential harm that may be done.

Another basic issue is the choice of actors and channels of action. As a bilateral donor, Finland is a small player, but as a member of the European Union, the potential range of Finland’s activities becomes much wider. In the international arena, there are many multilateral and non-governmental organisations involved in these issues and Finland can choose to support them. The choice whether to work bilaterally or multilaterally, through the EU or the multilateral organisations, naturally depends on the countries in question and the tasks at hand. We have the feeling that there are cases where Finland, despite being a loyal EU member, could more boldly use its reputation of traditional non-alignment to be more active in initiating e.g. mediation efforts. In any case, at all stages of planning, implementing and assessing humanitarian and development interventions in conflict-affected regions, Finland should direct its funds to conflict-affected regions through actors that have long-term, in-depth knowledge of the area. Projects and other activities funded directly or indirectly by Finland in such areas should employ sufficient staff with knowledge of the operating contexts, rather than prioritising technical know-how, and the staff should be well trained in conflict sensitive approaches to aid.

Long-term commitment to peace-building and state-building

Protracted conflicts require protracted peace processes – even more than they require aid, the role of which should be understood in relation to the complexities of the conflict context. A major factor contributing to the downfall of peace negotiations in situations like that in Northern Uganda has been the lack of patience on the part of donors and other international actors. For assistance to “do no harm” in conflict-affected communities, it is essential to understand the multiple dimensions of complex protracted conflicts, and to take into account cross-border, regional and geopolitical factors.

One of our strongest recommendations is that Finland should commit herself to and advocate for the EU to also commit to long-term engagement in countries affected by conflict. If international actors wish to step in to support conflict resolution processes, they must have strong political will to remain patient in the face of major setbacks. They must not give up, and pack up and leave when the first obstacles arise. Processes of comprehensive national reconciliation in countries recovering from violent conflicts are bound to take time.

Peace-building must be followed by what is called state-building. The establishment of strong democratic state institutions that are responsive to the needs of citizens is a prerequisite for lasting peace. This, of course, is primarily the responsibility of the people of the countries concerned. Outsiders may only support the process. One important thing they can do is promote dialogue between all relevant political actors in post-conflict situations. Finland should advocate for the EU to promote and partake in such dialogues within the countries concerned. Signatories of peace agreements, and political parties in post-conflict governments, should be encouraged to adhere to the commitments they have made.

Institutional knowledge capacity in conflict-affected regions

An area where outsiders can make a major contribution is knowledge generation and its institutionalisation in the partner countries. Much of the knowledge created through both academic and donor-commissioned research on the security-development nexus ends up simply filling the already full bookshelves of Northern institutions. This may be a necessary evil in the short-term. In the long term, however, it is crucial that local theoretical and practical expertise is supported in countries and regions affected by conflict. Research conducted and expertise built in local institutions is by definition informed with a deeper understanding of the local context. Such expertise, if utilised, could contribute to improving the over-all track record of international engagement in conflict areas.

Finland, and the EU, should provide support to academic research and training in relevant institutions in conflict-affected regions. On Finland's part, such support could be provided through partnership programmes between Finnish universities and universities in conflict-affected regions in the South. A simple but important mode of assistance would be providing funding for institutions related to peace and development in conflict-affected areas to update their resource centres and libraries.

In addition to strengthening academic institutions, there are many other ways to support knowledge generation, from the education of journalists to the promotion of regular public opinion polls.

Control of conflict resources

International trade in conflict resources is a major factor in prolonging conflict and derailing peace processes; it is also an area in which Finland and other outsiders can do much more than they have done so far. The arms trade (especially trade in small arms and light weapons), providing arms to conflicting parties in developing coun-

tries, operates through numerous loopholes in national and international legislation. It is intimately linked with the weak control of trade in ‘conflict minerals’ and the international financial system. This complexity is further compounded by the ongoing transformation of the international environment where the rules of the game are changing and new players such as China are gaining more influence.

In international negotiations, Finland should advocate for the development of systems through which trade in conflict minerals and small arms, and the financing of such trade, could be better controlled. The capacity of Foreign Ministry staff to analyse the relevance of international trade in minerals and small arms to apparently local conflicts should be strengthened. Finnish engagement in international negotiations regarding conflict resources on the one hand, and on the other, Finnish bilateral and multilateral engagement in countries affected by trade in these resources, should both be based on strong evidence and on field-based understanding of the issues involved. In order to ensure this, Finnish and international academic and civil society expertise should be sought in specialised issues that are relevant in areas of Finnish engagement. State representatives in Finland should aim to engage Finnish arms manufacturers, potential users of conflict minerals (e.g. Nokia and other Finnish electronics industries), and financial institutions, in dialogue on how to improve and enforce industry’s ethical standards regarding these issues.

Northern Uganda and South Sudan: The Primacy of Peace

The fundamental prerequisite for economic, social and human development in the borderlands of Uganda, Sudan and Congo DRC is peace. This should be the top priority for all international actors engaged in the region. Finland should actively lobby for the EU and the UN to support attempts to find a peaceful solution to the region’s interlinked conflicts. This is one of the cases where we feel Finland’s reputation of traditional non-alignment in big power politics may be helpful.

Uganda has never been a major bilateral partner country with Finland, and we see no pressing need to initiate major bilateral development cooperation with it now. Both the practical and the political preconditions for it are lacking. However, there are strong grounds for Finland to provide assistance to Northern Uganda through other channels: local and international organisations, or bilateral instruments such as the newly created ICI, Instrument for Institutional Cooperation. Any support for aid activities in the region should be based on a thorough assessment of interventions to date. Direct bilateral aid to South Sudan may be justified because of Finland’s previous engagement in Sudan and the current political situation in the country, but care must be taken that possible aid resources will not remain confined to Juba and its immediate environs.

Instead of direct involvement in Uganda, it is recommended that Finland grasp opportunities as a EU member state, and through working in the UN context, to draw attention to current key issues in the region. All interventions in the region should be based on an in-depth understanding of the history and current state of conflict and intervention in the area. To this end, Finland and the EU should support critical analysis and research as a prerequisite to improving the rather poor track record of international intervention in the area. It is particularly recommended that Finland should fund long-term cooperation with those people who have expert knowledge of the region, and should help build capacity in local institutions of higher education such as the Universities of Gulu and Juba, and elsewhere in the area.

Northern Uganda

Despite the close to three-year silence of the guns that has followed the Juba peace process, the risk of a new flare-up of armed hostilities remains high: reducing this risk should be the primary concern of all international actors engaged in the region. Within the EU and the UN system, Finland should advocate for a peaceful solution to the armed conflict between the Lord’s Resistance Army and the Government of Uganda. Attempts at a military solution have repeatedly failed to bring lasting peace and have caused massive harm to civilians. The EU should openly recognise that members of all government and rebel forces fighting in the region have committed atrocities. If and when windows of opportunity open for new peace negotiations in the region, international actors should not rule out negotiating with any of the involved parties. In the meantime, Finland should advocate for the EU and the UN to support structures already established by peace actors on the ground, including implementing the signed protocols from the Juba peace process.

A comprehensive peaceful resolution of the Northern Ugandan crisis requires national reconciliation in Uganda. Through the EU and the UN, Finland should advocate for the Government of Uganda to allow for, and to be active in supporting, the commencement of such a process. Donors such as the EU should remain particularly alert for and react to any signs of restrictions of democratic rights and freedom of the press, as these would form the cornerstones of any meaningful process of national reconciliation in the country.

There are still serious, unmet, humanitarian and development needs in Northern Uganda. Although only a few years ago the area was flooded with aid agencies and programmes, the situation has recently changed dramatically. With the onset of relative peace in Acholiland, numerous humanitarian and development actors have ceased operating in the region; and the focus of intervention has shifted to the neighbouring Karamoja region. While there is indeed a great need for assistance to Karamoja,

the abrupt phasing out of assistance to the rest of Northern Uganda, which is only gradually recovering from decades of conflict, may seriously undermine prospects for long-term peace and development in the region.

While this report strongly recommends that donors do not turn their backs on Northern Uganda, it is nonetheless recommended that any assistance to the region be based on careful deliberation and analysis. While the humanitarian and development needs of the conflict-affected population in Northern Uganda are real and palpable, Uganda’s track record regarding respect for human rights is dubious, and the continuing presence of the Uganda People’s Defence Forces (UPDF) in eastern DRC is worrying. This Report also reveals that some Ugandan leaders have skilfully exploited the political and economic opportunities created by intense development aid to the region.

Among the many post-conflict issues that require immediate attention in northern Uganda is the reintegration of former rebel fighters into community. Donors should facilitate research and dialogue on questions of reconciliation and justice in the region, while allowing the national system of justice, and the population affected by the conflict, to retain the freedom to choose the most appropriate methods for dispensing justice and creating forgiveness in the region.

With more and more opportunities arising for moving from conventional humanitarian aid to interventions focused on long-term development in northern Uganda, it is essential that the meaningful participation of affected communities is ensured at all levels. While support to the local populations from government and district institutions, as well as from donors and international NGOs, is required, such assistance should be provided in a way that seeks to reduce the symptoms of a “dependency syndrome” acquired during the prolonged period of displacement. Although agriculture remains the foundation for northern Uganda’s prospects of economic development, diversification of the economy would be an important step towards the creation of a peace economy in northern Uganda.

Questions regarding land ownership present some of the most serious post-conflict challenges in northern Uganda, and should be taken into account by all development actors in the region. Donors should encourage the Government of Uganda to secure land tenure for the internally displaced and returning populations, and to provide compensation to those who lost their access to land through war. Donors should particularly advocate for resolving inconsistencies in Ugandan national land legislation, as a matter of priority for the population of Northern Uganda.

South Sudan

In such a politically precarious situation as that which prevails in South Sudan, the role of outsiders is delicate. In terms of a political solution, there are good arguments both

for and against the two options of either keeping Sudan united or of forming a separate state of South Sudan: and only the Sudanese can make that decision. What outsiders can do in this respect is make sure that the procedures for making the decision are transparent and fair, and meet the agreements to which the parties are already committed; outsiders can also aim to ensure that all the people involved can make their voices heard. In terms of aid, there is scope and need for well-targeted interventions outside of what is locally referred to as the “Juba circus”. Bilaterally, Finland has previously supported forestry projects in the North, and during the politically difficult years worked through universities. Similar efforts have been embarked upon in the South. These should be intensified and expanded to cover several universities, both in Juba and elsewhere in the South, and should begin to deal with development of all natural resources more generally. The relevance and effectiveness of existing multilateral aid arrangements in South Sudan should be assessed before deciding on new support for the region.

Nepal: building a new state

In Nepal, the return to an open civil war seems unlikely, although other forms of violent political action may well continue and even intensify. The ultimate aim of the Nepali people is transforming the traditional Hindu Kingdom into a modern secularised republic. Giving modern substance to a federal democratic republic is a Herculean task in the current, post-conflict, highly politicised environment in which the electorally successful former rebels, the CPN (Maoists) are pitted against the traditional political parties. In addition, the crucial question of the position and organisation of the armed forces in the new republic remains unresolved. During this fragile transition, Finland should try to promote dialogue between all relevant political forces in Nepal, while continuing to assist those state and non-state actors who are delivering tangible benefits to the common people of Nepal.

Finland should advocate for the EU to play a more pro-active political role in Nepal. The EU would be in position to promote healthy deliberations among all political parties in order to sort out their mutual differences, including all outstanding issues such as the integration (and where relevant re-integration and rehabilitation) of the Maoist ex-combatants into the state security sector. The EU should call for the establishment of high-level political mechanisms to further institutionalise negotiations among political parties. The bottom-line in Nepal should be that there should be no resumption of armed hostilities between the Maoists and the state security forces. The EU should encourage all political parties to form a coalition government, and gently pressure all parties, particularly the big three – the Maoists, the Nepali Congress and the UML – to adhere to the pledges they have made to the Nepali people. The mechanisms for monitoring the peace process should also be strengthened.

Nepal is among Finland’s traditional long-term partner countries. We think that the Finnish decision not to leave the country during the years of the civil war was wise, as Finland can now continue its development activities on a more sustainable basis; and we do not think that there is any reason for any major reorientation of Finnish aid to Nepal.

Although there is a tendency in post-conflict situations for donors and aid agencies to listen primarily to and interact with political parties, the priorities of Finnish and EU development cooperation in Nepal should be derived from the needs of the common people rather than those articulated exclusively by the parties. Public opinion surveys in Nepal have revealed that in fact the priorities of the common man and woman diverge from those of the political parties. While political parties accord primacy to state restructuring and drafting a new constitution, the common man and woman expect the state to address poverty, price increases, and unemployment. In post-conflict contexts the “freedom from fear” cannot be disentangled from the “freedom from want”.

In fragile contexts, activities normally undertaken by the state are often undertaken by non-state actors. For instance, justice and security are often regarded as quintessential state functions, but non-state service providers can actually be perceived as more expedient and cost-effective than their state counterparts. It may therefore be necessary for donors to consider whom to strengthen. While there are donors working on policing (such as the United Kingdom), more needs to be done in the area of justice. To assist in this regard, Finland could help in mapping which types of justice services are provided by state, and which by non-state, actors. Informal dispute resolution mechanisms, and non-state indigenous justice providers, could be supported until such time when the state justice system is able to provide more effective and efficient services to those sections of the population that have hitherto had no access to it.

Since poverty and unemployment breed crime and violence, it is important for the state to tackle the socio-economic root causes of insecurity. The major challenge for Nepal is creating jobs for hundreds of thousands of youths every year. Increasing employment opportunities would also decrease general social unrest, as well as the likelihood of violent conflict in the country. Finland could facilitate employment generation by helping the government to launch investments e.g. in medium-scale hydropower projects.

Finland should continue to provide development aid to Nepal through project-based funding. Keeping in mind the principles of aid harmonisation, aid should ideally be channelled through basket funding mechanisms. However, during the current post-conflict transition, in which the political process remains contentious, there is a high possibility of misappropriation of funds by political parties in the government. In such circumstances, basket funding should be used cautiously, and a temporary emphasis on the project modality is justified.

1. The security-development nexus, state fragility and state building

A beginner's guide to discussion and some suggestions for orientation

Juhani Koponen

Introduction

The term 'security-development nexus' can be seen as a neat and tidy expression of the widespread feeling that security is becoming an integral part of development, and vice versa. While some see it as self-evident that there can be no security without development and no development without security, others decry the 'securitisation of development' which submerges development under security considerations. Most, however, agree that the security-development nexus is strong and inexorable. This has brought questions of the state, and state sovereignty, to the fore. On the one hand, security and development are back to being seen as quintessential state functions, although many of these functions have in fact been outsourced to NGOs and other non-state actors. A problem is now seen in the inability of some states to fulfil the functions expected of them, something that has come to be called 'state fragility'. The answer to the problem of a 'fragile state' is offered in 'state building'.

This exploratory paper will outline the basics of the security-development nexus discourse, in order to provide a context for the case studies presented here. The main argument of this study is that both security and development are such broad and malleable notions that the present discourse does not give a firm enough foundation or a clear enough orientation to indicate as to where to go on the ground. Thus, the present introductory study is something of a traveller's guide.

As in any traveller's guide, first there will be a brief overview of the background and history of the discourse, arguing that none of the concepts in the present discourse can be taken to be new as such, but that we are undoubtedly in a new situation in which these issues appear in a new light. This will be followed by a look at the changing conceptions of both security and development, suggesting that the two concepts themselves, and the ways in which they work, have much in common. Both are normative notions that have multiple meanings and that can be used for differing purposes. Next will be a discussion of 'armed conflict', including how and to what extent the nature of armed conflict has changed, and questioning whether it is justified to make a sharp distinction between 'old' and 'new' wars; a distinction which is related to the debate concerning the causes of armed conflict.

Finally there will be an examination of the discourses of humanitarianism and development, following how they have both become more interventionist with the growing prominence of questions of human rights, and how such intervention has affected ideas of state sovereignty. This leads into the concept of ‘fragile state’, which should be kept distinct from the older concepts of ‘weak’ or ‘soft’ state. After a discussion of ‘state building’, which is increasingly being offered as a solution to the problem of fragile states in post-conflict situations, the study concludes by pointing out some differences that still exist between the concepts of security and development, showing that their actual coherence is still far from having been achieved. It may thus be safer to take them as two different endeavours, however close the links between them may appear to be at the level of discourse.

Security and development – twin notions?

It is widely assumed that security concerns have been more frequently connected with development since the end of the Cold War – an assumption that could probably be shown to be empirically true. In particular, it appears, this has happened since 9/11, an event which severely shook the Western, and above all American, ideas of what security is and how it can be achieved. After 9/11, international development efforts gained new momentum. The secular, declining trend in global development aid became a rise, and a new trade negotiations round, with a ‘development agenda’, was started under the auspices of the World Trade Organization (WTO) in Doha. A whole new international ‘aid architecture’ was established, based on the ideas of recipient ‘ownership’ and aid harmonisation. While this directed aid to well-performing ‘donor darlings’, the danger of overlooking problematic cases and turning them into ‘donor orphans’ was recognised: this gave birth to the ideas of ‘fragile states’ and the need for ‘state building’ in them.

However, this does not mean that security concerns were not present in previous development thinking. Rather an argument can be made that security has been an integral part of development thinking and action, or ‘developmentalism’, since its inception in the 1940s. Indeed, one can argue that one of the basic driving forces of international developmentalism was a search for security for the West. This is perhaps best exemplified in the famous ‘Point Four Program’ presented in the Inaugural Address of U.S. President Harry Truman, in January 1949. If not quite ‘the invention of development’, as is claimed in some of the more far-fetched retrospective assessments (cf. Rist 2002), this speech was a major landmark in the emergence of developmentalism. For the first time in international history, Truman put forward the demand for global development intervention, and elevated this as a kind of a transnational ideology for the post-war international system. He argued that it was the duty of the

better-off peoples to assist the peoples of the 'underdeveloped areas' who made up more than half of the inhabitants of the world, and who were living in conditions approaching misery. Why? Because "their poverty is a handicap and a threat both to them and to more prosperous areas." (Truman 1949)

Here it is, plainly spelled out: global development is needed because the poverty of the underdeveloped areas is a threat not only to the areas themselves but also to the 'more prosperous areas', what was then understood as the West. But the point is that, in early developmentalist thinking, it was not the job of development to tackle this threat directly. A separate security apparatus was in place for that purpose; development was to support it by chasing poverty out. What was needed was a development drive: 'a bold new program of making the benefits of our scientific advancement and industrial progress available for the improvement and growth of underdeveloped areas.' This was something from which 'all countries, including our own', will greatly benefit, Truman said. Yet he made an important exclusion when he specified that such assistance was to be given only to 'free' and 'peace-loving' people, i.e. free not only of colonialism but also of communism. Poverty was a security threat to be tackled by assisting those poor countries which had chosen a non-communist way to modernisation.

The introduction of the notion of security as a key concept in the language of international relations has been dated to the same post-war decade as that of development, the 1940s (Bueger & Venneson: 7). Truman's 1949 speech exemplifies this well: security figured prominently in it. Plainly, the primary thrust behind the speech was political and strategic. Truman himself later said that he had Africa or Asia in mind less than countries such as Greece and Turkey, European countries that were at the time seen to be in immediate danger of being overrun by Communists. Most of Eastern Europe had already 'gone to the Communists', as the Americans put it. The Cold War had started in earnest just before Truman took over the idea of development and made it 'Point Four' or the fourth major pillar of US foreign policy. The three others were support to the United Nations, the Marshall Plan, and the establishment of a new military alliance, NATO. Thus global development intervention and the Cold War went hand in hand: development in the Third World was explicitly seen as one of the means of ensuring the security of the West.

In fact, security and development have much in common as notions. Both are broad normative concepts whose empirical referents are vague, and whose operational meanings are constantly changing. Both carry a positive value charge: they claim the high moral ground as a 'good' thing that must self-evidently be advanced by all fair-minded people. These qualities make them useful in political discourse, as they can be used for several practical purposes. Looking at issues through the lenses of security or development gives the issues extra weight. Both notions can thus be evoked in order to procure resources for several pre-existing purposes, which become connected with

security or development only retrospectively. Both also uphold specific apparatus that have developed around them: discourses, institutions and mental and material structures. Militaries, civil ‘crisis management’ personnel, or humanitarian actors produce ‘security’; and the aid industry, the developmentalist configuration or complex, whatever the preferred name, produces ‘development’.

The content of both concepts has changed substantially since the late 1940s. Although Truman fleetingly referred to economic security as: “the security and abundance that men in free societies can enjoy,” for him security was basically a domestic, political and military matter with national, regional (North Atlantic) and international implications. This has been the dominant understanding until today. Security has been something that is shaped by the threat of armed conflict, especially conflict between states, and protected by arms. Since the mid-1990s, however, a competing perspective has made its presence felt. This view sees that, for most people, security means something entirely different, such as security of employment, income, health, the natural environment, or security from crime. According to this ‘human security’ notion, pioneered in the Human Development Report 1994 by the United Nations’ Development Program UNDP, security should mean not only ‘freedom from fear’ but also ‘freedom from want’ (UNDP 1994). Yet much of the older thinking has retained its strength and its hold on the imagination. It is fair to say that most talk on security, especially in the context of the security-development nexus, remains focused on conflicts; but the definition has been increasingly broadened with the incorporation of selected items from the human security agenda.

The concept of development has also changed. It has been suggested in the security-development discourse that ‘development’ has been ‘radicalised’ and now sets out to transform whole societies (Duffield 2001: 37 ff.) This is debatable. True, development has apparently taken on new tasks such as the promotion of democracy and good governance, but in practice these are mainly instruments, used rather as a means of intervention than as substantive goals. What one could argue is that development has been moderated and diversified. Its original ideal was modernisation, that is, a thorough transformation of economic and social structures whereby the present developing countries would catch up with the already developed ones. In global development policy, this has been replaced as an official goal by the much more modest goal of poverty reduction. It is true that the lure of modernisation continues to beckon to leaders and people alike in poorer countries, and some have embarked on its course, China being the most obvious example. But development policy and assistance is firmly fixed on poverty reduction, as codified in the Millennium Development Goals: halving of absolute poverty with improvements in some basic social indicators. In this sense the goals of development have been radically narrowed down. Development no longer aims at creating economic and social structures in the South that are similar to those in the North.

From old to new wars

During the Cold War, what was expected and dreaded was the Third World War, but what came to be was a plethora of Third World Wars (in Niall Ferguson's phrase, as quoted by Collier 2009: 129). In the South, the Cold War was far from cold: there was no lack of open armed conflict during it. In fact, statistically measured, the incidence of armed conflict increased steadily from the early 1960s to the early 1990s, after which it began to decline. The actual numbers depend on the definition of war, but the trend is clear, whatever the definition and whatever database is used. Until the end of the 1950s, the world annually experienced some four major wars, resulting in more than 1,000 battle-related deaths per year, and a dozen minor conflicts, with more than 25 deaths per year. Then the numbers started to climb, reaching a peak in the early 1990s. In 1991, the corresponding figures were 17 wars and 35 minor conflicts. Contrary to what is often assumed, after 1990 the incidence of war started to decline, although during the last few years the trend has reversed and has started to rise again. By one reckoning, we are now down to five ongoing wars and 27 minor conflicts (Collier 2009, 4-5).

A Cold War grid was superimposed on most of the fighting that was interpreted as 'proxy' war between the main protagonists: capitalism and communism. This meant that much of the internal conflict dynamics went unnoticed. Most fighting in fact had strong anti-colonialist dimension. As the era of the Cold War and early economic development assistance overlapped with that of decolonisation, many basically anti-colonial struggles gained extra momentum from Cold War considerations. The anti-colonial credentials of development came to be challenged in cases where a local nationalist movement was somehow involved in Cold War controversies: the movement was led by communists or by others cooperating with the Soviets or the Chinese, or supported by these powers.

The most spectacular case was that of Vietnam. What had started as an anti-colonial struggle against the French turned into a full-scale war between the nationalist, communist-led forces in both the Northern and Southern parts of country on one side of the conflict, and the United States and its Cold War allies in the South, leading to the decisive victory of the nationalists. In other cases, internal splits were more evident from the beginning, and outside inference only made the pursuit of a particular group's objectives that much stronger. The Horn of Africa, with its astonishing twists and turns (Ethiopia and Somalia both switching sides in the Cold War), may serve as an example of such internal divisions.

The case is often made that present armed conflicts are fundamentally different from previous conflicts: what we are now seeing are termed 'new' wars in contrast with 'old' ones. With some oversimplification, the main characteristics of the 'new'

wars are seen as follows (see e.g. Kaldor 2006, Kaldor 2007: 1-15 and Hoffman & Weiss 2006: 53 ff.): New wars are no longer fought between states – rather, the parties to the conflict include a wide array of both state and non-state actors and forces. The former ‘geopolitical’ aim of controlling territory has given way to the control of resources or populations; and political and ideological reasons have given way or been increasingly submerged under economic interests. While the previous wars were financed with tax revenues or official loans, the present combatants rely on plunder and other illegal activities.

Humanitarian or development aid has also become an increasingly important conflict resource. Although meant for civilians, often leaks to combatants. Indeed, the formerly clear distinction between combatants and civilians has been blurred: not only is it not always possible to distinguish a combatant from a civilian, civilians as a rule suffer most in present conflicts. Especially the fate of women, as victims of sexual and other violence, has come to the fore. New wars tend to vary in intensity, simmer; and last a long time. Instead of a declaration of war, these conflicts start by stealth and subside in the same manner, without a formal armistice. They often flare up anew and linger on. Some of today’s conflicts, such as those in the Democratic Republic of the Congo, originally started almost half a century ago.

Whereas the ‘new war’ definition to a great extent reflects what is actually happening on the ground, from a historical perspective the definition appears rather shallow. As Martin van Creveld has shown in his historical studies, many of the characteristics attached to ‘new’ wars have been present in human warfare for a very long time (the following summary is based on Creveld 2007). What he calls ‘trinitarian’ warfare draws a very sharp line dividing parties in the conflict into three, separating “the armed forces, whose task is to fight and die, from the government, whose task is to direct, on the one hand, and from the civilian population, whose task is to pay and suffer, on the other.” Creveld argues that this is a fairly modern invention, which has been in place from the eighteenth century onwards, and which was first deployed in the French revolutionary wars and widely used afterwards. All along, other forms of warfare, such as guerrilla and counterinsurgency operations, have also been operational. In a sense, it could be argued, the shift towards ‘new’ wars is in fact a return to the old, largely forgotten past. Whether this shift justifies the label of ‘new barbarism’ that has been attached to recent warfare, is quite another thing (see below).

Whatever historians will say of the deep roots of security concerns in development thinking and the much deeper roots of much of what appears new in ‘new’ wars, it appears that we need to recognize that there are many, genuinely new, elements involved, both in the wars themselves and especially in the ways they are understood. Above all, war no longer seems to be governed by a Clausewitzian rationality – continuation of politics by other means. The new conflicts seem much more mindless.

Their causes and consequences are contested; and the extent and forms of violence they are engaged in do not seem to bear much relation to their aims and achievements. No longer is the question one of fear that localized conflicts may flare up into a nuclear confrontation between the mightiest armies on the earth, but rather fear that the consequences of endless peripheral conflicts will spill over into other countries in the form of uncontrollable movements of humans, diseases or illegal drugs, and increasing criminality and terrorism. Underdevelopment, in the form that Truman described it, was an indirect threat to more prosperous areas, as it could contribute towards a global war. Now war is simmering all over the place, as an integral part of underdevelopment, threatening to suck the North with it into dangerous instability.

Mindless violence or network wars?

It is no wonder that much effort has been put into attempts to understand the causes of these 'new' conflicts. One of the explanatory models in circulation, that of 'new barbarism', has been alluded to above. It assumes that tight state discipline and the balance of nuclear terror during the Cold War era kept a lid on many potential local conflicts. With these constraints gone, all sorts of 'primordial' forces have reasserted themselves, leading to endemic hostilities between competing ethnic, religious and other groups. This has been a favourite explanation for the disintegration of Yugoslavia and the bloody wars among its successor republics. It has been favoured not only in much journalistic writing but also by several scholars, especially among North American political scientists, who have advocated it. The grandest argument along these lines is no doubt the 'clash of civilizations', postulated by Samuel Huntington (1993). He sees the world divided into nine cultural, basically religious, blocks whose fault lines are so deep and unsurpassable that a conflict must ensue. Sometimes this type of argumentation is more materialistically linked to factors such as population growth and competition of scarce resources ('Malthus with guns', in Paul Richards' pithy expression, see: Richards 2005: 6).

Cultural factors, including ethnicity and religion, undoubtedly have a role in conflicts, as they have in all social life; and that role may have become more important recently, with the rise of what is called 'identity politics' in which people are mobilised more along their cultural affinities than their (real or putative) material interests. Yet, as many researchers have noted, ethnic differences alone will hardly lead to armed conflict, let alone sustain prolonged wars. It has been clear for most anthropologists (at least since the work of Fredrik Barth in 1969) that instead of representing essential 'ancient hatreds', ethnic consciousness emerges at the boundaries of groups, and that when ethnic tensions arise they are most acutely felt at the edges. Scarcity of resources has most probably contributed to some conflicts (Rwanda and Burundi are obvious

candidates); but in other places it has rather been an abundance of resources that has been seen to have led to the outbreak of armed conflict and enabled the continuation of civil violence (the ‘resource curse’ theory e.g. in the cases of Angola, Congo (DRC) and West Africa). Even ‘new’ wars do not ‘break out’ on their own: someone is needed to organise them. As Richards says, someone has to take on the task and the risks of mobilising people to war. Fighters have to be trained, weapons obtained, a strategy devised, and so on. (Richards 2005: 4)

To find the organisers and the organising principles of these so-called ‘new’ wars has been an aim in what is known as the ‘greed or grievance’ discussion. It starts from the empirical observation that warring parties, especially on the rebel side, commonly justify their violent actions by referring to a felt grievance, such as a neglect or marginalisation in national development and politics. Paul Collier, a former World Bank economist turned Oxford don, is perhaps the most influential proponent of this thread in the discussion. He goes on to argue that what in fact drives rebellions is simply the greed of their leaders: in today’s context, war is a means to access otherwise poorly accessible natural resources such as rare metals or alluvial diamonds. Together with his younger colleagues, Collier has econometrically examined a great number of recent conflicts and the statistical interrelationships between their different variables. He believes that his findings show that deepening and worsening poverty does promote conflict; but conflict is basically driven by the individual greed of the rebel leaders, grievances being used as a smoke screen to cover this (see Collier and Hoeffler 2004; cf. Collier 2007, Ch. 2)

Again, not all researchers are convinced by greed or grievance explanations and have tried to provide alternatives to them. Even Collier himself has, in his more recent studies, withdrawn from it, now arguing that motivations – such as greed or grievance – matter less than what the actual circumstances are, and that wherever a rebellion is feasible it will occur (Collier, Hoeffler & Rohner 2009; Collier 2009: 134). A group of ethnographers around Paul Richards have proposed what they call an ethnographic approach. This starts from the premise that war needs to be understood in relation to patterns of violence already embedded in the society concerned. There is no single explanation of war: it only makes sense as an aspect of ongoing social processes. War is “one social project among many competing social projects” and needs to be analysed as such so as “to grasp its character as but one among many different phases or aspects of social reality.” Then we can understand how “many wars are long periods of (uneasy) peace, interrupted by occasional eruptions of violence, that war is often ... a state of mind shared among participants, that ‘peace’ can often be more dangerous and violent than ‘war’, and [that] fighting draws upon the social and organisational skills people deploy to sustain peace.” (Richards 2005: 5) In this perspective, war is very much a reflection of the society in which it occurs.

There are also explanations attaching more importance to the social structure of the societies concerned. An obvious suggestion, which has been probed in several studies, is that social inequalities would be conducive to conflict. Some studies have failed to detect a correlation (e.g. Collier); whereas others have found strong evidence for its existence (e.g. Stewart 2001, 2005, 2006). Such differences seem to be a direct consequence of differing ways of conceptualising and measuring inequality. Collier and his colleagues have measured income inequalities statistically between individuals, while Stewart has taken a more qualitative approach and complemented cross-country comparisons with extensive case studies. Her argument is that social inequalities tend to lead to conflicts when they are horizontal, i.e. when there are discernible groups of people who are evidently in an unequal position relative to other groups in the society, and the situation is particularly prone to conflict in cases where such inequalities are increasing e.g. because of the impoverishment of a major group. Her empirical examples for this type of conflict are Sri Lanka, where the situation of the Tamil population deteriorated compared with the Sinhalese majority; and Chiapas, which at the start of the conflict was among the poorer areas of Mexico and becoming even more impoverished.

Another major characteristic which has been given much attention as a possible source of conflict is demographics: the high proportion of young people, especially young males, seen as a 'bulge' in the population concerned. As combatants in warring armies invariably are mostly, although by no means exclusively, young males, it could be assumed that the presence of large numbers of young males may be conducive to conflict. This argument gains force when the simple demographic fact of the youthfulness of population is merged with the social fact of the lack of meaningful employment or other sources of sustained livelihood for the youth in many impoverished countries. Again, comparative studies (e.g. Richards, ed.) show that that kind of situation does not necessarily lead to an armed conflict – we have a number of countries in Africa and elsewhere with such a population structure which have not experienced any substantial armed conflict during their independence. But it has also been shown in one conflict after another that the combatants are composed of young people, mostly male, and the length and character of the conflict depends very much on how the young males come to see their positions and prospects. 'Youth' here is obviously a broad category, covering anything from captured children to biologically mature but unmarried, unemployed and otherwise 'socially handicapped' men.

There are also writers who, rather than attempting to explain new wars through a single or a few variables, see new war as systems. A prime example is Mark Duffield (esp. 2001), who thinks that a search for the causes of war is not particularly useful: rather war can be taken as a given. In Duffield's view, new wars should not be regarded as social regression or as expressions of breakdown and chaos. In contrast, they should

be seen as systems of social transformation, as sites of innovation and reordering, and processes that result in the creation of new types of legitimacy and authority. New wars are a form of non-territorial network war that, instead of conventional armies, oppose what Duffield calls transborder resource networks.

Transborder resource networks include but are not limited to state incumbents : these networks also involve social groups, diasporas, strongmen, and so forth. Network resources are refracted through legitimate and illegitimate forms of state-nonstate, and global-local, flows and commodity chains. In Duffield's functional logic, such network wars, far from being a peripheral aberration, reflect the contested integration of stratified markets and populations into the global economy. New wars thus provide new forms of protection, legitimacy and rights to wealth. Rather than regression, the new wars are part of global social transformation: the emergence of new forms of authority and zones of alternative regulation. They are the method by which transborder shadow economies are integrated into the global economy (Duffield 2001, 6, 13-14, 190-93; see also the paper by Zeller in this volume).

Thus the explanations for conflicts in the post-Cold War era range from contingent local factors to global systemic forces; and no dominant scholarly opinion is in sight. A more commonsensical approach would perhaps regard the attempts to find common causes behind each and every current war too ambitious, too sweeping, but would not deny the influence of certain common factors. It would argue that, despite shared commonalities, each conflict has its own characteristics and causes. Such an approach would look for certain common structural causes, which could be seen to expose communities to conflict and increase the likelihood of it. These common causes would include the social and demographic composition of the populations concerned; however, these commonalities must be seen in relation to other, more immediate and contingent triggering factors, where both motivations and inequalities may play a part. Similar structural conditions do not always lead to conflict, although many conflicts do have similar structural backgrounds.

The securitisation of development, and the changing concept of sovereignty

Although there is a great deal of disagreement about the causes and the basic nature of the new wars, one thing on which most writers agree is that the attitude of outsiders to these wars has changed. The "outsiders" have become more concerned about armed conflicts in the global South, and more interventionist in their dealings with them. It is this concern that has led to what is seen as the merging of security and development, and the emergence of a nexus between security and development that is evidently so unbreakable that people like Duffield (2001) prefer to speak of the 'securitisation of

development'. Although the trend has accentuated after 9/11, it was already evident during the 1990s. It can be seen to reflect changes both in humanitarianism and development during the previous two decades. Perhaps the most important change has been in how humanitarianism and economic development are seen in relation to one of the basic building blocks of the post World War Two international system: state sovereignty. Once an arcane concept of international law, used as an expression of the idea of ultimate power, sovereignty has become a deeply contested issue with a huge discussion emerging around it.

During the Cold War, the guiding principle in all international interaction was non-interference in the internal affairs of sovereign states. Regardless of what interference and how much there was in practice (which often was quite a lot), interference in internal affairs was never the explicitly declared aim or even the means of interaction. Now, with the 'West' being renamed the 'North', this has changed. On the humanitarian scene, the 'old' apolitical humanitarianism has to increasingly compete with 'new' humanitarianism that does not evade taking sides in conflicts. In development thinking, structural adjustment and the subsequent stress on 'good governance' in the late 1980s and 1990s broke the sovereignty taboo: macroeconomic conditionalities introduced in the 'policy dialogue' have remained, although the governance language has allowed for a rhetorical change from conditionality to ownership. The rise of 'human development' and the combination of development with human rights in the form of 'rights-based development' has further strengthened the change towards increased interventionism.

Humanitarianism has kept many commonly shared values, such as the respect for human life, but we clearly now have two broad forms of it, partly overlapping and partly competing, and the more recent one seems to be gaining the upper hand. (Hoffman & Weiss 2006; Weiss 1999; Slim 2000a) The 'old' humanitarianism, with the International Committee of the Red Cross (ICRC) as its beacon since its inception in the mid-19th century, aims at ameliorating the consequences of armed conflicts. It is concerned with protecting and helping the victims of conflicts, irrespective of who they are and why they are in need of help and protection. It is geared to save individual lives in on-going war: to enable humanitarian access to all victims of war, such humanitarianism must remain neutral and impartial. Dealing with the causes of conflict could thus not be, and has indeed never been, within the interests of old 'Dunantist' humanitarianism.

New, or 'solidarity' humanitarianism has a rather different point of departure. Saving human lives is the overriding aim for it as well, but it maintains that often this is not possible without partiality. If the best option would be to prevent conflicts in advance, the second best option is surely to stop them from continuing and spreading, which may call for active involvement on the part of one conflict party against

another. In this sense the ‘new’ humanitarianism is explicitly more political than the ‘old’. It may take the form of ‘peace enforcement’ or ‘humanitarian intervention’, allying with one protagonist in a conflict against the other. Or it may aim at prevention of recurrence of the conflict by means of active post-conflict reconciliation and reconstruction.

Whereas the ‘old’ humanitarianism was codified in the Geneva Accords and International Humanitarian Law, which regulate the treatment of victims of war and the protection of civilians, the ‘new’ humanitarianism, on its part, relies to a great extent on the emergence of the human rights regime in international politics. Human rights have indeed increasingly become the language of both humanitarianism and developmentalism. Originating in the great 18th century revolutions, the idea of universal human rights has been on the international agenda since the United Nations Declaration of Human Rights in 1948, but only recently has it gained more weight as a guide for practical action. The emergence of the security-development nexus has given a boost to this tendency to emphasise human rights. “We will not enjoy development without security, we will not enjoy security without development,” are the frequently quoted words of Kofi Annan, but what is often forgotten is that he immediately added: “And we will not enjoy either without respect for human rights.”

Much of this emphasis on human rights in the context of the so-called ‘security-development nexus’ is now embodied in the idea of a ‘Responsibility to Protect’, also promoted by Annan, discussed by an international commission and accepted in a Resolution proposed at a United Nations summit conference in 2005. This Resolution says that if a certain population is in grave danger and the state concerned is incapable or unwilling to protect it, the ‘international community’ has both the responsibility and the right to step in and come to the rescue. (for background, see e.g. Krasner 2004: 95) This was no doubt influenced by the Rwandan genocide in 1994, during which Annan was the highest official responsible for UN peacekeeping forces that had to stand aside, powerless to prevent the killings. Now some scholars openly advocate military intervention as a cost-effective way for also solving less extreme difficulties (e.g. Collier 2007).

In the larger framework of development thinking and practice, a similar shift from non-interference to interference in the internal affairs of sovereign states can be discerned, although there the pendulum has already started to move back towards the non-interference position. The crass conditionalities of structural adjustment in the 1980s have given way to the harmonisation of different donors’ aid agendas under the lead and ‘ownership’ of recipient governments. However, the macroeconomic conditions forcibly introduced by structural adjustment remain non-negotiable beneath all the suave talk of ‘recipient ownership’. Although the recipients are no longer bluntly told what to do, they are expected to know it without saying, and to find the right

policy themselves: otherwise they cannot realistically expect to get substantial assistance from major donors. The key to successful development is seen in ‘governance’ where the respect for human rights plays an increasingly important part. While human rights can be seen as a “countervailing force to challenge and make just demands of power” (Slim 2000b: 493), in practice ‘rights-based development’ may work rather differently. It seems to mainly encompass various individual and property rights that the recipient governments are expected to respect. As their performance in these regards is continuously monitored by various indicators, there is constant, subtle, and not always so subtle, interference going on.

Duffield (2001) sees all this as part of a new project on which the North has now embarked: to impose ‘liberal peace’ on the endemic Southern warfare, which, as we saw above, he understands as network war. Liberal peace means a non-territorial, mutable and networked governance, the aim of which is to transform the dysfunctional and war-affected societies into cooperative, representative, and, especially, stable, entities. A new governance network, combining Northern states, NGOs, and business and military interests, has been set up to undertake the task. This new governance network has been created by taking over the apparatus which was formerly geared to produce development: it has been given the task of producing security by transforming societies. There has been a shift from humanitarian intervention (in the 1990s) to conflict resolution and post-war reconstruction. As Duffield states, “The new humanitarianism has invested developmental tools and initiatives with ameliorative, harmonizing and transformational powers that, it is hoped, will reduce violent conflict and prevent its recurrence ...” Development and security have been merged, development has been ‘securitized’. At the same time, the development apparatus has been given a new lease of life. Its own survival has become dependent on its security function: while it ostensibly attempts to impose peace, it also has a vested interest in stoking up unending war... “The new wars have become a lifeline for the aid and development industry.” (Duffield 2001: 11, 34, 120)

In this process, the weaker Third World states seem to be losing much of their internal sovereignty while doing their utmost to retain at least the vestiges of external sovereignty. Some writers, most famously Robert Jackson (1990), see this development as being connected to what is called a gap between *de jure* and *de facto* sovereignty. Decolonisation produced a great number of new states which were given international legal recognition of their independence and sovereignty. In reality they were too weak to exercise their power and assert factual sovereignty. Outwardly, they have all the trappings of statehood from membership in the United Nations onwards, and these are upheld by elaborate rituals. But on the ground, fewer and fewer states seem to correspond to the Weberian ideal of the state as an institution ‘claiming the monopoly of legitimate violence within a certain geographical area.’ Even in the out-

wardly peaceful states, a growing number of security arrangements are outsourced to private ‘security providers’, and several sorts of militia, both pro- and anti-government, are popping up. In conflict areas, large swathes of territory are entirely beyond the writ of the state.

Yet sovereignty remains a highly appreciated and desired possession; even most rebels seem to be after it. A possible explanation to this is provided by the argument that, in the weaker Third World states, the use of sovereignty is changing. From an actual ability to run a modern state with a disinterested bureaucracy and the monopoly of legitimate force in order to deliver collective goods to citizens; sovereignty is becoming a resource that, if possessed, can be used to negotiate and bargain with parties, be they local or multinational, that are interested in the commercial exploitation of resources in the country concerned. The value of sovereignty is found in that it lends an appearance of legitimacy to such transactions and the security arrangements needed to protect them. Even if the state is not be able to exert much effective political control and deliver even basic goods and services to its citizens, its leaders can use sovereignty to manipulate commercial contacts and recruit these contacts as personal allies. (Reno 2001)

Fragile states and state building

The result seems paradoxical. While these processes have consumed and moulded the sovereignty of the Third World states, the state has made a spectacular comeback. The attention of developmentalist discourse and action regarding conflict-affected countries in the South has turned back to the state, where fragility is now seen as the key problem, and state building as the answer to the problem. States are seen as retaining central responsibility for assuring the safety and security of their citizens, protecting property rights, and providing public goods to enable a functioning market. Many do more in terms of welfare, notes a group of researches for OECD, while adding that it is true that states can also be a source of oppression and insecurity (OECD/DAC 2008: 7) Thus the OECD recognises in *Principles for Good International Engagement in Fragile States and Situations* that “state building is the central objective of international engagement in fragile states.” (OECD/DAC 2007). This can be seen as a recognition that the development machinery has in recent years been too focused on aid effectiveness and the concomitant stress on ‘good policy’ and ‘good governance’ countries, while conflict-ridden fragile states and fragile situations have been overlooked. According to the official talk in donor circles, this situation must be redressed.

What is new in the fragility and state building discourse is not the idea that some states are stronger than others, or that the global South suffers from untypically weak states. The discourse of ‘big powers vs. small states’ has been part of the system of in-

ternational relations from its inception. The conception of many if not all developing countries as internally weak has been around at least since the 1960s, when Gunnar Myrdal coined the notion of the 'soft state' in his monumental studies of Asia. What is new is the discursive dominance of the concept of 'fragility', and the suggestion that state fragility is something that is immediately problematic or even dangerous to outsiders. Previously the dilemma for the small states was how they could function, or whether they were viable at all in a system dominated by big powers. In this equation, 'soft states' were primarily seen as a problem for themselves. Myrdal defined a 'soft state' as one which is unable to enforce the laws and stipulations it itself drafts, and whose administration suffers from vices such as nepotism and corruption. (Myrdal 1968) This 'softness' obstructs their development and makes them meaningless for the rest of the world. Even if the whole Indian subcontinent would sink into the ocean tomorrow, the rest of the world would barely notice, Myrdal memorably claimed.

Myrdal was writing at a time when the Green Revolution was in its inception, and the rise of Asia was yet to begin. Still, some academic writers continue to echo Myrdalian tones. Manuel Castells sees much of today's developing world as a bottomless "Fourth World", without economic or political functions in the globalised system: a "black hole" in global informational capitalism (Castells 1998, 164-165). Nonetheless, the dominant tone has changed. The fragile state discourse asserts the contrary: fragile states do have an influence and need to be influenced. Robert B. Zoellick, the President of the World Bank, has argued that "fragile states are the toughest development challenge of our era" (Zoellick, 2008). One problem with them is that they trail badly behind in any follow-up exercise of the progress towards the Millennium Development Goals. Without taking them onboard, it is clear that this set of goals will not be achieved by the 2015 deadline. But insecurity is closely involved: "States are fragile when state structures lack political will and/or capacity to provide the basic functions needed for poverty reduction and to safeguard the security and human rights of their populations." (OECD/DAC, 2007) These fragile countries are seen to exert such limited control over their own territories and populations that they also produce instability in their neighbourhood, and may have a tendency to turn into terrorist havens.

No matter that the concept of a 'fragile state' remains fuzzy, and that it is far from clear which countries should be included under it, i.e. where the borderline between state fragility and 'non-fragility' lies. That the Development Assistance Committee (DAC) of the OECD has apparently broadened the definition to extend beyond the state alone, and has begun to refer to 'situations of fragility', (OECD/DAC, esp. 2008), has shifted attention away from the issue of which particular states are to be regarded as fragile. However, this has not changed the overall picture substantially, and has not even done away with attempts to construct lists of fragile states (for a recent example, see *European Report on Development 2009*:16). Originally, the word

'fragile' was just one among many, and often used as a substitute for other labels such as 'failed', 'failing', 'crisis', 'weak', 'rogue', 'collapsed', 'poorly performing', 'ineffective', and so on. Development jargon even invented the phrases 'difficult partners' and 'Low-Income Countries under Stress' before the concept of fragility and the label 'fragile state' gained the conceptual upper hand. Now the definitions have converged, but there still are many competing terms (for an overview, see Cammack et al. 2006).

The present operational definitions are based on an ideal picture of what the state is and which substantive functions both its people and the 'international community' can expect it to fulfil. 'Fragility' then arises from an unwillingness or incapacity of a state to fulfil such expectations. Both DAC and the European Union have singled out a number of tasks that a fragile state is either unwilling or incapable of handling. These have been variously defined as: the rule of law, protection of human rights and fundamental freedoms, security, safety and justice, enabling conditions for the pursuit of economic livelihoods, poverty reduction, service delivery, the transparent and equitable management of resources, and access to power (OECD/DAC 2008, Council of the European Union 2007). More recently, the internal expectations of the citizens of a state have been given increasing emphasis. In the 2008 DAC discussion paper, the state is assumed to be based on an implicit social contract, the outcome of a never-ending bargaining process between the society and the state. The fragile state is seen "simply as one unable to meet its population's expectations or manage changes in expectations and capacity through the political process." (OECD/DAC 2008b) Similarly, the EU terms state fragility as the breakdown of the social contract.

The discourse is replete with heavily normative goals. Here, state building is seen as a task on its own, not to be confused with immediate peace building or technical institution building, or the construction of national identity through nation building. In OECD/DAC papers, state building is also termed as "developing state resilience." This is because the opposite of state 'fragility' is not seen to be 'stability' but 'resilience': the ability to cope with changes in capacity, effectiveness, or legitimacy of the state. Such state building must be understood as support for the state-society contract, and the gradual institutionalisation of state building as a continuous process which takes place at all levels of state-society relations. Its goal is to assist in the building of "effective, legitimate and resilient states," a resilient state being one that is able to effectively deliver services and fulfil functions that match the expectations of social groups.

It is less clear what the actual contents of these normative goals for state building are and how they are going to be attained. It is emphasised that state building is not meant to become an outsiders' project, but an endogenous process, in which external actors have an auxiliary but legitimate role. In its *Principles for Good International Engagement*, DAC says that "a durable exit from poverty and insecurity for the world's most fragile states" consists of "... state building ... [which] will have to be driven by

their own leadership and people.” For outsiders, this suggests a fairly straightforward strategy of supporting the ‘national reformers’. In each country, there are such reformers “who promote positive, inclusive state building dynamics.” The task of the outsiders is to align with these actors, “to help [the] reformers to build effective, legitimate, and resilient state institutions, capable of engaging productively with their people to promote sustained development” (OECD/DAC, 2007).

The DAC 2008 discussion paper outlines a more complex strategy. As the state is assumed to be based on an implicit social contract, the degree of resilience of the social contract should shape state building strategy. The DAC paper outlines different situations and recommends different approaches. Where the state leadership has a credible strategy for fostering the social contract, a joint multi-donor strategy of direct support to the state budget is enough. In situations in which the problem lies in the state’s inability to extend the rule of law, supporting the long-term development of legitimate security and justice structures should be a core goal for outsiders. Where a basic social contract is not in place, or is weak, or highly exclusionary, a two-part basic strategy is suggested: 1. political collaboration with the government in order to promote necessary political reforms; and 2. support to service-delivery functions of the state, if viable, or alternative service delivery mechanisms are not present or functional. In authoritarian political contexts, donors should find opportunities for engagement with state institutions which might have only minimal impact on state legitimacy, e.g. health. In such contexts, diplomatic and political mechanisms, not development assistance, should be the primary mode of bilateral and multilateral engagement (OECD /DAC 2008b: 9, 26-27).

Much of this still lies in the realm of discourse; the contours of the state building approach are only now taking shape on the ground. Yet state-building has already found its critics. Engberg-Pedersen and his colleagues find it too narrow and too state-centred. They have a definition of their own for a situation of fragility: “institutional instability undermining the predictability, transparency and accountability of public decision making processes, and the provision of security and social services to the population.” In fragile situations thus defined, the state may be absent or very weak, and non-state authorities often perform state-like functions with respect to the provision of security and social services. Then, a narrow focus on the strengthening of the capacity and legitimacy of the state to abide by the social contract, could be ill-advised, as it would bypass many indigenous institutions that are in fact taking care of these functions. (Engberg-Pedersen et al. 2008a) Another line of criticism might target the normative conceptualisation of state resilience based on a contract theory of the state. One could argue that whatever the weaker Third World states have been lacking, it has hardly been what in common parlance is taken as resilience: against heavy odds, they have withstood numerous external and internal shocks and yet sur-

vived as states. To understand why this is so, it might be necessary to drop the basic assumption of an underlying state-society contract. Doing this would challenge most of the proposed strategies.

The security-development nexus revisited

In the light of the above discussion there cannot be much doubt that in our dominant discourses an ever tightening connection is seen between the concerns of security and those of development. If the security-development nexus is understood thus, there does not seem to be much ground for disagreement with this view. It may even be true that, in the final analysis, there can be no security without development and no development without security, although one should be clear about *whose* development and security it is one is referring to. But if the security-development nexus is taken to imply so close a connection between the two concepts that security and development always automatically reinforce each other, and that they can both be smoothly and unquestionably promoted at the same time with the same resources and means, we enter onto more shaky ground. As the above discussion shows, there are still wide uncharted areas in the conceptual landscape. Both security and development are broad notions and there is a real possibility that in some of their renditions they will conflict, in particular if security is understood as something that we enjoy *here* and development is something that is done by and for them *there*.

The relationship between poverty and armed conflict is a case in point. At first sight, they seem to go hand in hand. The countries that are lowest in the GNP rankings (if they even reach a rank) are the most conflict-ridden ones: Somalia, Afghanistan, Sierra Leone, and so on. But a closer look immediately raises the question of whether poverty in these cases is the cause of conflict or rather its consequence, or perhaps even if a clear causal connection can be established. In longer-term comparative statistics, it is easy to see that there are countries at different levels of economic development among both conflict participants and non-participants. Even countries with very high income levels may take part in conflicts, even if the conflicts they participate in are mainly in poorer countries that are located far from their own territory. Thus if there is a connection between poverty reduction and armed conflict, it may have the shape of an inverted U, weakening at quite high levels of economic development and mainly safeguarding the more prosperous areas from being exposed to armed conflict. 9/11 was an obvious break in this pattern; that is why it had such an enormous impact.

An implication of the above is that poverty reduction, the major goal of global development policy, does not automatically lead to improved security in the sense of absence of armed conflict. It may even lead to increased proneness to conflict if it raises

expectations it cannot meet, or favours certain groups or areas over others. The same is even more true with the older development ideal, that of modernisation, which, as argued above, is no longer promoted in development policy but which many developing countries themselves embrace. Even the slightest acquaintance with history advocates caution here. The European modernisation process was shot through with wars; indeed, there is a strong case to be made that the present European nation-states, now living peacefully within the confines of the European Union, were born out of warfare in which their basic state structures were shaped (Tilly 1990).

Neither does there seem to be much empirical evidence for the view that poverty necessarily produces terrorism. Even the connection between terrorism and fragile statehood may not be as robust as is widely claimed (see Beall, Goodfellow & Putzel 2006: 52-54; and Bueger and Venneson 2009: 21). The internationally best known terrorists originated from middle-income countries and higher income brackets, Osama bin Laden and the al-Qaida 9/11 hijackers being the prime examples. There must be many poor people among the suicide bombers in Iraq, Afghanistan and Pakistan, but little is known of them. It is well known that Afghanistan under Taleban rule in the late 1980s and early 1990s provided a safe haven for al-Qaida, but whether it was a fragile state then is a moot point. Afghanistan might have been closer to an effectively centralised state then than at most other moments of its history. What now provides the 'terrorist breeding ground' there is the continuing conflict which started with the Western invasion in late 2001. Somalia, not only a fragile but an outright failed state, has allowed a number of its disgruntled fishermen to turn into pirates; and the Islamist armies on the mainland probably harbour a number of al-Qaida and other foreign combatants. However, terrorist connections in any other African fragile states are, as far as is known, non-existent.

Looking at things the other way around produces what appears to be an intuitively attractive argument: improving security surely promotes development. Again, this has a great deal of merit at the general level and a good deal of empirical evidence to support it but it overlooks some of the complexities on the ground. Wars have costs: Collier (2009: 137-9) estimated that the economic costs of a typical civil war in a poor country are the equivalent of losing around two years of national income, or some 20 billion USD, and the 'true cost' is even higher as the figures make no allowance for social and spillover effects – which someone must bear. But it is a common, disappointing experience, that the advent of peace does not release all the resources previously used for war to be spent in peaceful development. More often than not, the expected 'peace dividend' fails to materialise. One reason may be that those who had been involved in war must make good their losses. This is true even if they had been on the 'right' side. Tanzania's military intervention in Uganda, and Vietnam's intervention in Cambodia back in the 1970s, cost them both dearly even though

there was an almost universal condemnation of the regimes they helped to get rid of. In the present 'new war' conditions, a cessation of hostilities does not necessarily lead to lasting peace. In Uganda, the Tanzanian intervention contributed to the series of violent incursions that have plagued the northern part of the country since then (see Okumu-Alya's chapter in this book). On the other hand, war can also be good for the economy: it commonly stimulates some economic activity. Even if most people suffer, some materially benefit from wars. This is one of the reasons why wars are sometimes so difficult to stop.

None of this is to argue against seeing security and development as closely interconnected, or against paying attention to these connections in practical work. Rather the argument here is that the conceptual landscape in which security and development meet is still so poorly charted that considerable caution is needed when navigating it. Both security and development are broad normative notions whose operational meanings keep on changing, and the ways in which they relate to each other cannot automatically be assumed in advance. As positively charged notions with multiple meanings, both lend themselves to the pursuit of other, narrower interests, such as procuring extra resources for the security and development apparatuses already at work. This may be to a great extent what the clearly visible trends towards the 'securitisation of development' and the 'developmentisation of security', discussed above, signify; the actual coherence between security and development is probably much looser than implied in the strict interpretation of the notion of a security-development nexus.

Perhaps the safest course would be to acknowledge that in spite of all the overlaps and intertwining within the nexus, for practical purposes security and development still continue to be two different businesses, both having actors, resources and logics of their own. Both may well aim, in human development language, to "enable all individuals to enlarge their human capabilities to the full and to put those capabilities to their best use in all fields" (UNDP 1994); but they do so in different ways and with different emphases. The core of security continues to be the 'freedom from fear' while development deals with 'freedom for want'. Both security and development have to do with the state and power but in different ways: both deal with the preconditions for human life, but security deals with the political preconditions while development is concerned with the economic and social ones. In the long run, it is reasonable to expect that development will produce security and security will produce development, provided that both pay attention to both 'here' and 'there'. Meanwhile, it has to be acknowledged that on the road there will be many cases where things will not work out that way. In such cases, both security and development considerations should be weighed on their own merits, neither axiomatically overriding the other.

2. The role of development assistance in fragile situations

Lauri Siitonen

Mary Anderson (1999: 68) makes the important argument: “People and societies fight wars for their own reasons; outsiders cannot prevent war (...) To allocate too much power to aid, to operate as if aid can make war or bring peace would be to disrespect recipient societies’ right and responsibility to choose.” Indeed, outsiders cannot be taken to be responsible for the deeds and choices of others. However, it is argued here that during fragile situations such as regime transitions, the role and thereby responsibility of external actors may increase compared to what is usually the case in assistance to long-term development. Furthermore, the argument is put forth that in such situations donors should take responsibility for setting clear standards and codes of conduct – and should themselves behave according to these principles.

The first section below will provide a conceptual background, analysing the reasons for the re-emergence of security on the development agenda and the debate ensuing from this re-emergence. Subsequently, the two key terms, ‘failing’ state and ‘fragile’ state, will be considered. Thereafter the responsibility of ‘outsiders’ in fragile situations and the role of donors in state-building will be discussed. The final section concludes the discussion by pointing out some dilemmas and lessons learned concerning security and development assistance.

Background

Current development policy is shaped by a concern with states described as “fragile”, “weak”, “failing”, “failed”, “collapsed”, “at risk” or “precarious” (OECD 2006: 17). The current concern seems to have emerged from a combination of various sources over three main periods of time (see e.g. OECD 2008: 11):

(1) With the end of the Cold War at the turn of the 1990s, policy-makers again found a relationship between reconstruction/development and security, the two basic foundations of the UN and the World Bank. The initial interest in this relationship in the early 1990s was shown by proposals for unifying these two main goals of the UN (Boutros-Ghali 1995). The primary response was framed in terms of forcible UN interventions for humanitarian purposes e.g. in Bosnia and Somalia. At the same time, the shift towards a post-Washington consensus emphasised the important role of the state in development.

(2) During the 1990s, disappointment with this initial policy line grew, as the expected peace dividends were not forthcoming. Furthermore, the appearance of “new”

(and too often “dirty”) wars – many of which were civil wars causing mainly civilian casualties – caused increasing attention to be paid to the concept of human security (UNDP 1994) and the need for international norms regarding the responsibility of states to protect their populations. The 1990s saw a four-fold expansion in overall emergency aid funds (Riddell 2007: 38). Similarly, the focus shifted from humanitarian assistance to “the new humanitarianism” (Duffield 2001), which included conflict prevention and transformation and introduced the principle of “do no harm” into all aid interventions in conflict-ridden situations (Anderson 1999). Accordingly, human security was still mainly considered a challenge primarily for development.

(3) It was only after 2001 that fragile states increasingly became the targets of broader strategic interest within the donor community, due in good part to the growing concern with the possibility of weak states becoming safe havens for terrorism and organised crime, as well as vectors of transmission for other threats. One major change from the early 1990s has been that humanitarianism, which has traditionally aimed at remaining neutral, is now increasingly challenged by the so-called comprehensive approaches to stabilisation led by military actors (Cornish & Glad 2008). Not only has underdevelopment become dangerous and destabilising (Duffield 2001), the recipe for development has also changed: supporting state structures, or state-building, has been adopted as a major task for the new development agenda (OECD 2008). At first, the concept of a “fragile state” became the catchword for international actors such as the OECD (2006; 2007). Recently, however, the use of the term ‘fragile state’ has also been criticised (e.g. Engberg-Pedersen, Andersen & Stepputat 2008b), and has been replaced with “fragile situations” (ibid; OECD 2008).

Overall, the newly found connection between security and development – security as the condition for development, and development as a means to build security – emphasises the importance of fragile situations, such as regime transitions. During such situations, the role of external actors may become greater than is usually the case in assistance geared towards long-term development: this has been widely discussed in the aid literature (Anderson 1999; Macrae 2001; Ruohomäki 2005). External donors may, for example, foster positive changes by supporting sovereignty, institutional structures and the positive collective esteem of state-society complexes. Alternatively, donors may also become actors destabilising the situation, by, for instance, eroding state legitimacy, distorting institutional development or provoking elements of negative collective esteem. Before looking into the possible roles of donors, a short discussion on two key terms – ‘failing’ and ‘fragile’ states – is in order.

On ‘failing’ and ‘fragile’ states

As stated above, the current security-development discussion is built around the concept of states described as “fragile”, “weak”, “failing”, “failed”, or “collapsed”. First of all the term *failing state* should be defined. Even when globalisation is likely to undermine the capacities of all states to control their territories and the movements of people, most states – notably western states – seem to have proved rather *resilient* vis-à-vis the challenges of globalisation (Batt and Lynch 2004: 2). Nevertheless, certain types of ‘strong’ states may prove unexpectedly ‘weak’. The communist states in Europe in the late 1980s were a case in point. Interestingly, all three communist federal states (Czechoslovakia, the Soviet Union and Yugoslavia) broke up at this time, though in very different ways. Nevertheless, none of these states collapsed altogether, but maintained their national core (i.e. Bohemia as the core of the Czech Republic, Serbia as the core of Yugoslavia, and Russia as the core of the Soviet Union). Post-communist elites were able to reconstitute new ‘nation-states’ around national identities. The key state enterprises and security apparatus survived and were gradually transformed through cooptation between the old nomenclature and the new nationalists (ibid.). This experience is by no means limited to post-communist states: after the First World War, Austria survived as the so-called *Reststaat* of the fragmenting Habsburg Empire.

A number of weak states, such as Afghanistan, can be said to be in danger of becoming a ‘failed’ state. However, a complete ‘failure’ of a state, in the sense of the disappearance of institutional structures, legitimate power and political authority, is a relatively rare event. The most notable case is Somalia, which can be said to exist today only ‘virtually’, due to international recognition.

If only a very limited number of states are likely to be entirely failing, what, then, is a *fragile state*? The concept of “fragile state” has become a catchword for international actors such as the OECD (2006; 2007). A more recent OECD publication, *Concepts and Dilemmas of State Building in Fragile Situations* (OECD 2008), has replaced ‘fragile states’ with the notion of ‘fragile situations’. This study significantly emphasises that it is “more accurate to describe states as experiencing fragility, rather than as being fragile” (ibid: 19) Furthermore, the study introduces *resilience* as a feature of states, their “ability to cope with changes in capacity, effectiveness or legitimacy” (ibid: 17).

Fragility may mean different things to different states. In this context, we are mainly interested in the connection between fragility and violent conflicts. Today, most violent conflicts take place in less developed countries. Obviously not all developing countries are facing serious security threats, whereas some relatively developed countries, too, may experience more or less serious security threats, such as the USA in 2001. Likewise, small industrial countries may look ‘weak’ as far as external security and economic dependence are concerned, but within their territories they may be

fairly legitimate holders of power.

Furthermore, ‘weak’ states may prove durable due to ‘strong societies’¹: “cohesive dominant classes and informal power networks; resilient clan or extended family ties that redistribute resources; large unregistered sectors of economic activity” (ibid: 3). In other words, states may not be ‘failing’ in all dimensions at once: political authority, institutional structures, and legitimate power. Therefore, careful analysis is needed to specify areas of weakness.

The literature proposes three broad categories of fragile states/situations (OECD 2008):

1) States where there is an existing or emerging social contract between the state and its citizens, by which the state undertakes to assist and protect them in the face of disasters.

2) States that are weak and have extremely limited capacity and resources to meet their responsibilities to assist and protect their citizens in the face of disasters.

3) States that lack the will to negotiate a resilient social contract, including assisting and protecting their citizens in times of disaster.

Furthermore, the literature on fragile states/situations makes recommendations and warnings concerning the role of donors in such situations, outlining the scope of their responsibility and the modes of intervention. We begin with a discussion of the question of the responsibility of outsiders in fragile situations.

Responsibility to protect

The UN General Assembly Decision of 20 September 2005, while emphasising the primary responsibility of each state to protect its own population, unanimously adopted the overall principle of collective ‘Responsibility to protect’ (UN 2005). The decision drew partly from the report by an independent International Commission on Intervention and State Sovereignty, entitled *The Responsibility to Protect* (See ICISS 2001 and discussion in Hossain et al. 2006: 12-15). Other international organisations, such as the OECD (1997; 2001; 2006; 2008) and the EU (2003), have echoed a similar understanding of collective responsibility as a moral imperative.

In a somewhat provocative way, and quite contrary to the moral tone of the UN decision, Luttwak (2004: 36) has attacked UN peacekeeping missions for not allowing wars “to run their natural course.” According to Luttwak, wars have been interrupted early by imposing cease-fires and armistices that only artificially freeze conflicts, letting belligerents rearm and continue killing indefinitely. The argument comes to a cynical conclusion: “It might be best for all parties to let minor wars burn themselves out” (ibid: 37).

¹ The continuation of the Habsburg empire until the First World War is a case in point.

It appears that neither line of thought is likely to directly inform current thinking in most donor countries. First of all, it is hardly possible for a small donor such as Finland to offer to ‘pay for the peace’, or otherwise intervene with massive resources, military or financial, in order to affect the course of a war. In fact, nothing short of an explicit decision by the UN Security Council would necessitate a non-allied country such as Finland to take political action (i.e. set a trade blockade) and even less to directly intervene in a war far away from her borders. International recommendations, such as those adopted by the UN General Council, do not yet constitute a legal case for action.

Then again, there are strong moral and political grounds for responding when people need protection. A clear majority of Finns consider that development aid in general contributes to international security; and they particularly appreciate humanitarian aid. (Turja 2009). Furthermore, almost every other Finn (42 per cent) would target development aid to post-conflict countries (ibid.). The majority of leading Finnish NGOs have expressed their interest in allocating part of their activities to post-conflict and post-disaster countries.² Most of them are already involved in the sector (MFA 2008: 36). The current Finnish security and defence policy strategy (2009) also emphasises the idea of “comprehensive security”. After all, small donors do have a number of options to provide good services: from diplomatic and political channels to development and relief aid, and even including civil-military crises management.

It has been proposed that the responsibility of outsiders could be stated as follows: the primary responsibility of donors and other international humanitarian actors is to “support states to fulfil their responsibilities to assist and protect their own citizens in times of disaster.” (Harvey 2009: 4). In particular this is the case regarding the ‘first category’ of fragile situations identified above, where there is an existing or emerging social contract and the state undertakes to assist and protect its citizens. In such situations the role of international actors is mainly to support: to build capacity and advocate for more effective responses (ibid; OECD 2008). However, should the state be too weak to meet its responsibilities, the question of state-building becomes acute.

State-building and sovereignty

In order to understand the current discussion on state-building, it is necessary to recognise the important policy shift over the past decades from state reduction to state rebuilding. During the early 1980s, the prevailing donor ‘knowledge’ criticised large state sectors as a major reason for failed development, particularly in Sub-Saharan Africa. Economic reform was seen as the primary remedy, imposed through condi-

² Finnish Red Cross, FinnChurchAid, Finnish Evangelical Lutheran Mission, Fida (Mission and Development Organization of Pentecostal Churches of Finland), Plan Finland, Save the Children Finland, and World Vision Finland.

tional aid packages known as Structural Adjustment Programmes. During the following decade, economic conditions were added with 'second generation' conditionality; democracy, good governance and respect for human rights were set as conditions for continued assistance. Whatever the merits of increasingly conditional aid, it contributed to the weakening of the state in a number of poor countries while at the same time feeding conflicts over decreasing state resources. Whereas foreign aid was by no means the only (or even the major) reason for violent conflicts, nevertheless escalating conflicts led to growing insecurity within weakening states that lacked capacity, effectiveness and legitimacy to cope with the challenges.

After having directly contributed to the weakening of state structures in a great number of developing countries, donors suddenly realised the risks linked with such policies. The 2002 US National Security Strategy claimed that 'failing states' were now more of a threat to the US than 'conquering states'. On a similar note, the 2003 European Security Strategy identifies 'state failure' as one of the 'key threats' confronting Europe. Though at least implicitly distancing itself from the US strategy, the European strategy recognises that "none of the new threats is purely military; nor can any be tackled by purely military means" (EU 2003: 7). Instead, the European Security Strategy calls for a new "strategic culture that fosters early, rapid, and when necessary, robust intervention" (ibid: 11). In any case, a concern for state-building has come to dominate donor policies, and with that emphasis, the state has come back strongly to fore of the development agenda after a decade of being ignored.

Although a complete 'failure' of a state (in the sense of the disappearance of institutional structures, legitimate power and political authority all at the same time) is a relatively rare event, states still have different kinds of weaknesses, some of which may become potentially dangerous to the survival of the state. In particular, three dimensions of weakness can be found to correspond with interests that are intrinsic to states: maintaining sovereignty (i.e. political authority), survival of institutional structures, and ensuring the internal and external legitimacy of the state-society complex. Each dimension reveals emerging issues that are currently discussed or may be emerging in the development agenda. Below in the following paragraphs, the two first dimensions (sovereignty and institutional structures) are discussed; and the third dimension (legitimacy) will be addressed in the subsequent section.

Sovereignty is a significant dimension since, more often than not, the political rivalry in question concerns control over state (or part of state) power, or the wish of substantial ethnic, religious, linguistic or cultural minorities to reject "the identification of the state with a nation to which they did not feel they belonged" or who are subject to large-scale exclusion or internal suppression (OECD 2008: 67).

Harvey (2009: 2-3) notes that donors are simultaneously committed to the OECD (2007) Principles for Good International Engagement in Fragile States and Situa-

tions, the Paris Declaration on Aid Effectiveness (2005) and the Good Humanitarian Donorship initiative (GHD, 2003). These three commitments entail balancing commitment to state-building with respecting developing countries' ownership of development strategies while ensuring autonomy of humanitarian objectives (e.g. from the political, economic, military or other objectives, as defined in GHD). The question is, if humanitarian actors are to become more developmental, should development actors also pay attention to humanitarian principles that donors have committed to? The following examples show that this has not always been the case.

There is an overall consensus that aid intervention in a fragile situation should be efficient, involving smooth transition from relief aid to development assistance. What is not always understood is that relief and development have historically different backgrounds and therefore also have different relations to the *sovereignty* of the recipient. For a long time, until the early 1980s, respect of recipients' sovereignty was a general norm, based on the legal principle of self-determination of nations. Even with the introduction of conditional aid, the idea of long-term development continues to be something that takes place within a state. The state may no longer be the primary actor in development, but it still provides the political and institutional framework for development. Relief aid, for its part, is preoccupied with goals other than long-term development, and therefore does not require the presence of a state. Macrae (2001) offers comparative evidence for the finding that the primary determiner of the mode of aid is the political context (juridical and factual sovereignty).

Transition from relief to development aid takes place only when conditions for sovereignty are first considered to be met. For example in Ethiopia after the fall of the Mengistu regime (June 1991), sovereignty was clear and recognised by the major western donors and a smooth transition from relief to development took place. But in Uganda (1984–1986), where sovereignty was locally contested, transition was delayed until the government was able to take full control. An extreme case was Cambodia before the 1990s elections (1991–1993), where sovereignty was internationally contested, and therefore 'post'-conflict aid was mainly provided indirectly, through NGOs and in the form of relief aid. If political considerations are to define the mode of aid, transition from relief to development is not likely to be efficient, nor smooth, in a great number of cases. In the worst case, this may result in eroding state legitimacy and thereby even lead to continuation of the conflict.

Survival of institutional structures is closely related with available resources and the quality of governance. Although most conflicts take place in countries categorised as the 'least developed', absolute poverty as such does not seem to explain the occurrence of armed conflicts. It is only with the collapse of institutional structures that conflicts become 'global' security threats in the eyes of the rich world; this is the case in e.g. countries like Afghanistan, ('post'-war) Iraq or Somalia. Once such a 'global' security

threat has been identified, there is a tendency to emphasise security objectives rather than poverty reduction or institutional building.

The relationship between poverty reduction and fragility is far more complex than meets the eye. In the long run, poverty reduction is believed to stabilise societies and thereby enable peaceful development. However, poverty reduction may require far-reaching social, political, and economic reform that may be domestically destabilising (Batt and Lynch 2004: 9). In particular, if reforms substantially weaken institutional structures, there is a danger that political authority will collapse, which in turn may trigger conflict. Thus, countries undergoing democratic transition are more prone to conflicts than autocracies or well developed democracies. Then again, there is no automatic relation between the democratic transition and conflict; smooth transition and avoidance of conflict very much depend on the abilities and possibilities of new democracies to respond to local needs and demands.

A major task for new democracies is addressing the challenge of inequalities such as, for example, the presence of absolute poverty in close proximity to relatively high prosperity. There has recently been some academic debate over whether or not inequalities correlate with occurrence of violent conflicts (as discussed by Koponen in this volume). In any case, Stewart (2000; 2002) claims that the correlation is particularly strong in the case of horizontal inequalities, rather than vertical inequalities. Whereas vertical inequalities exist and are more or less legitimised, or at least tolerated, in most societies, the social practices that keep up horizontal inequalities (based, for instance, on caste, ethnicity, gender, race, religion, or political opinion) are a potential source of conflict. Brown and Stewart (2006) identify two ways in which aid allocation can negatively impact horizontal inequalities: First, aid allocation may lead to a distribution of resources that favours well-off groups. Second, programmes and projects may be ‘captured’ and become skewed in favour of one or more groups. An example of such a programme might be one that gives aid to a government that practices exclusionary policies.

The lesson to be learned is that donors should take responsibility for setting clear standards and codes of conduct vis-à-vis recipient states. First of all, donors should avoid policies that intentionally or unintentionally weaken the sovereignty of weak states. Secondly, where states are weak but are willing to meet their responsibilities, a combination of substitution and capacity-building is likely to be appropriate. However, donors should be patient enough so as to not push recipients to make reforms that could weaken institutional structures. Aid allocation also needs to be based on transparent and clear principles. Finally, when states lack the political will to assist and protect their citizens in times of disaster, the role of development assistance vis-à-vis state-society complexes needs to be carefully analysed.

State-society complexes

The idea of state-society complexes is based on socially constructed collective identities (e.g. ‘Finnishness’). A state-society complex can be thought to draw, for example, from a social contract between the state and its citizens in which the state claims a monopoly on the use of force in exchange for a promise to protect its citizens.³ A state-society complex is based on the internal and external legitimacy of the state, and thereby on a certain, collective, self-esteem (e.g. ‘uniqueness’ of the ‘nation’; ‘glory and power’ at others’ expense, or ‘virtue’ in being ‘a good citizen’ of the international society) (Wendt 2000: 233-238).

It has been mentioned above that the concept of ‘fragile states’ is problematic because, among other things, it categorises as ‘fragile’ states that, despite willingness and capacity, may be unable to manage fragile situations. Indeed, violating the collective self-esteem of state-society complexes – intentionally or unintentionally – may have serious consequences: “Non-recognition, like other forms of international embargo, drives states into illicit activities” (Batt and Lynch 2004: 2). The underlying social process is well-known from social psychology: a person who is continuously branded as a criminal is likely to act according to the expectations and become a criminal.

A prominent example of such ‘branding’ is the tendency of donors to label countries receiving aid according to their level of ‘good’ governance. As Duffield (2007: 178) notes, there is no agreed threshold separating good enough governance from bad governance. As a result, the idea of ‘good enough governance’ has replaced the good governance agenda and blurred the criteria. In the worst case, incoherent donor policies may support the formation of negative collective self-esteem in recipient countries.

Altogether, it is important to avoid “masking the worst effects of misrule” (Harvey 2009: 3). Most of all, governments should not be allowed to evade their responsibilities towards their citizens. Such governments are often partially responsible for causing violent conflicts and manmade disasters in their countries, thus making it very difficult for donors to decide on the most appropriate ways for dealing with them. Should governments lack the will to protect their citizens, a combination of state substitution (through NGOs and international organisations) and advocacy is deemed relevant. As first priority in making decisions in fragile situations, donors should adopt the long-term task of advocating state-society complexes based on positive collective self-esteem instead of making the easy choice of branding countries as ‘difficult’.

³ The contractarian position, i.e. consent as justifying political authority, is contested by theoreticians such as Hegel and Marx, but is given here only as an example.

Conclusions

Over the past decades there has been a propensity among donors to avoid directly supporting aid recipient states for various reasons: ideological reasons (neo-liberalism), political calculations (Cold War) or because of a general suspicion of recipient states' capacities and accountability to their citizens. After the turn of the Millennium, aid policies have changed to the extent that today donor states are committed to respect the recipient countries' ownership of their own development.

It has been argued here that, in fragile situations, the role of external actors may expand to become larger than is the case in providing development assistance in non-fragile situations. As a result of this increased role, the demand for respecting the principle of "do no harm" in such situations has also increased. The position taken here is that outsiders have a primary responsibility to support states existing in fragile situations to fulfil their responsibilities to assist and protect their own citizens in times of disaster. However, when states are too weak to take that responsibility, donors should take the responsibility for setting clear standards and codes of conduct vis-à-vis interests that are intrinsic to states: maintaining sovereignty (i.e. political authority), survival of institutional structures, and ensuring the internal and external legitimacy of the state-society complex. Particular care should be taken so as to not weaken the sovereignty of states, which could lead to weakening of the state and, possibly, to a state failure. Similarly, donors should be patient and allow enough time for implementation when demanding reforms which could weaken the institutional structures.

Finally, when states lack the political will to assist and protect their citizens in times of disaster, the role of development assistance vis-à-vis state-society complexes needs to be carefully analysed. It is particularly important to avoid fostering negative collective self-esteem by branding states as 'fragile' or 'difficult'. Instead, the difficult task ahead is to advocate and support state-society complexes based on positive collective self-esteem.

3. A Former Kingdom's Fragile Post-Conflict Transition The Security-Development Nexus in Nepal

Sudhindra Sharma¹

Introduction

A distinctive feature of the post-conflict transition in Nepal is that at the level of popular rhetoric Nepal has become a new state, marked for instance by “federalism” and “secularism”, but there are hardly any institutional designs or structures in place to substantiate these claims to newness.² Despite the fact that years of active armed conflict have officially come to an end, a number of significant challenges remain that must be solved in order for lasting peace and development to be secured in Nepal. At the core of many of these challenges is the tension between rhetoric and reality. In reality, the on-going post-conflict transition and the over-all political process in Nepal remain handicapped by a number of historical as well as recently arisen constraints. Among the historical constraints are a long history of mistrust between the various political actors in the country, and the deep ethnic and regional fragmentation of the state. Among the more recent are constraints created by increased, identity-based agitation and violence in Nepal, and the inadequacies of the systems for monitoring the peace process.

The disparity between rhetoric and reality is seen, for instance, in the case of secularism. Nepal was formerly a Hindu kingdom. The state was affiliated with religion, and between the state and Hinduism a particular kind of relationship prevailed. Except for declaring some of the religious occasions of minority faiths as national holidays, the same state-religion relationships that existed during the time the country was Hindu still continue to characterise relationships between state and religion even after the country has formally been declared secular.

It is unclear why institutional designs and policies to operationalise the concepts associated with a secular state are conspicuous only by their absence, just as it is unclear why these concepts associated with the “New Nepal” have gained such prominence. In fact, political parties provide circular arguments for justifying their adherence to such concepts. The need to adhere to these concepts was not specified in the

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² Political Scientist, Hari Sharma at the Social Science Baha on 25 August 2009.

12 Point Memorandum of Understanding signed between the Seven Party Alliance (SPA) and the Maoists, which provided the directive principles for the People's Movement II. When asked what gave these concepts their importance and prominence, the political parties say it is mandated by People's Movement II. When further probed as to who defines that mandate, the answer is political leaders. But the fact of the matter is that political parties did not even have sufficient discussion among themselves, not to mention deliberating this with the common people, to reach any conclusions on the relationship between the state and religion. For instance, a referendum has not been undertaken to ask the common people if they want the country to be secular or if they want the state to be aligned with Hinduism. Even though political parties may have decided in an ad hoc manner to adhere to the concepts of a secular state, the constituent assembly will have to design institutional structures so as to give substance to concepts which are inherently elastic, therefore flexible and contested.

This study seeks to facilitate understanding of the origins of the current disparity between the popular rhetoric of a 'new' state of Nepal and the lack of institutional structures in place to substantiate this idea of 'newness'. In order to do this, the study will first briefly summarise the events of the last three years, from May 2006 to September 2009. This will be followed by a discussion of the lack of a high-level political mechanism for facilitating political negotiations and power-sharing among political actors in Nepal. Two particularly pressing questions and challenges arise in this context: the role of the Maoists and the extent to which they have transformed themselves from an armed force into a political party; and secondly, the question of security sector reform in the current post-conflict transition.

The study then moves on to argue that the absence of political mechanisms to guide needed reforms, the extremely low levels of trust and commitment to power-sharing between political parties, and the lack of public dialogue on the issue of state restructuring, have left a vacuum that is presently being filled by ethnic or other identity-based organisations, some of which are expounding extremist positions. The discussion of this general trend deliberates on the question of federalism, which is intimately linked to the rise of identity-based agitation in Nepal.

The political vacuum and the extremist agitation movements that are filling it are evidenced in pervasive instability in Nepal. Therefore a comparison of statistics on violence before and after the official peace agreement is also presented here. The question of internally displaced persons will also be discussed in this context, as this is a group that is particularly strongly affected by the volatility of the post-conflict transition in the country. A more general characteristic of state-society relationships in Nepal will then be assessed, which is that the state and political parties have to a great extent failed to address the concerns of ordinary Nepalis.

The study then turns to a discussion of the role of the international community

in Nepal's post-conflict transition, and argues that the challenges discussed here are further compounded by the inefficient and insufficient mechanisms used by international actors for coordinating and monitoring the peace process. Finally, four different scenarios are presented for the type of state that Nepal could possibly evolve into in the future.

Trials and tribulations of the post-CPA political process

A Comprehensive Peace Accord (CPA) between Nepal's government and the rebel Maoists was signed by the Prime Minister G. P. Koirala and the Maoist Chairman Prachanda on 21 November 2006, formally ending the armed conflict that had raged since February 1996 (SATP 2006). The government and the Maoists also signed the 'Agreement on Monitoring of the Management of Arms and Armies', forming a nine-member Joint Monitoring Coordinating Committee (JMCC) comprising three members each from the government, the Maoists and the United Nations (UN). The UN formally approved the agreement on arms and armies management between these two sides on 8 December, 2006.

Even though the first meeting of the 330-member interim legislature (the term used in place of 'interim parliament'), including 83 representatives from the Maoists, unanimously endorsed the Nepal Interim Constitution 2063, protests against it began soon after its endorsement, spearheaded by the Tarai-Madhesi.³ In addition, ethnic organisations held street demonstrations in Kathmandu under the leadership of the Nepal Federation of Indigenous Nationalities (NEFIN), and the organisations of Tharu communities announced a Tarai bandh, or general strike and closing of the markets in protest. A bill to amend the interim constitution to incorporate the issues raised by Tarai-Madhesi and Janajati activists was approved in March 2007.⁴

No sooner had the disagreements between the government and the Madhesi Janadhikar Forum (MJF) and NEFIN been solved, than the country faced a political deadlock when Maoist ministers walked out of the government, claiming that their demands had not been met. For the second time in six months, the SPA postponed the date for the CA election.⁵ Maoists signed a 23-point agreement with SPA on 22 December and rejoined the government at the end of December 2007.⁶ Also in

³ Commitment to delimit electoral constituencies based on population and geographic characteristics, to increase the number of constituencies in Tarai based on population, and to hold a CA election based on a system of proportional representation, brought protesting Madhesi groups to the negotiation table.

⁴ NEFIN demanded a federal state based on ethnic identity, the right to self-determination, and a change in the national animals and colour, while organisations of the Tharu demanded an autonomous Tharu region.

⁵ Demands of the Maoists were to change the electoral system to a fully proportional one and to have the interim legislature parliament declare the country a republic.

⁶ Six parties form the SPA, however, Nepali Congress and Nepali Congress (Democratic) reunited into one party. The six parties include Nepali Congress (NC), Communist Party of Nepal (Unified Marxist-Leninist, UML), Nepal Sadbhavana Party (Anandi Devi), Janamorcha Nepal, Nepal Workers and Peasants Party (NWPP) and the United Left Front.

December, the MJF with the Nepal Sadbhavana Party (NSP)⁷ and the Tarai Madhesi Democratic Party (TMDP)⁸ formed the United Democratic Madhesi Front (UDMF) to begin new protests in the Tarai. When a new date was set for the constituent assembly election to take place on 10 April 2008, the government met new protests launched by UDMF⁹ in the Tarai. At about the same time, the government signed an agreement with a coalition of hill and Tarai ethnic groups, and the Federal Republican National Fronts (FRNF) called a strike threatening to disrupt the elections.¹⁰

The general public was eager for the much awaited and long-delayed elections for the Constituent Assembly. There were apprehensions that either the royalists or the various armed militant groups, especially those operating in the Tarai, would disrupt the election. Fortunately none of that happened and the election of representatives to the constituent assembly got underway. The electoral system was a 'First-Past-The-Post' (FPTP) system which elected 230 members, combined with a proportional party system (PS) which elected 345 members from party lists, for a 40:60 ratio¹¹. Another 26 members were nominated by the interim cabinet's consensus, making total of 601 members.¹²

On the Election Day there was a reasonable turnout with 62 percent of eligible voters casting their ballot, which was average by Nepali standards.¹³ The final results, which were announced by the Election Commission on 25 April 2008, presented a clear picture. The CPN (Maoist) party stood first with a total of 220 seats. The Nepali Congress came second with 110 seats, and CPN (UML) third, with a total of 103 seats.¹⁴ There was some irony in the fact that the election results gave the Maoists, who had championed the proportional system, most of their seats from the FPTP system; while NC and UML, which had been opposed to the proportional system, were its evident beneficiaries. The composition of the CA is more diverse in terms of caste, ethnic background and gender than the earlier parliament.¹⁵

⁷ Nepal Sadbhavana Party (Anandidevi) split, forming another Nepal Sadbhavana Party headed by one of the leaders, Rajendra Mahato.

⁸ Tarai Madhesi Democratic Party (TMDP) was formed by former Nepali Congress Minister Mahanta Thakur.

⁹ UDMF demanded greater representation in the CA polls and a single Madhesi federal state.

¹⁰ In this agreement the government promised to set up a federal republic which would emphasise the rights of ethnic groups, guaranteeing their proportional representation in all branches of the state.

¹¹ A First-Past-The-Post (FPTP) system refers to an election system in which the candidate who receives the highest number of votes wins. Coming second or third in the FPTP system is of no consequence; the one who comes first wins while all the others lose. In contrast, in the Proportional System (PS), all votes matter. Political parties get to send their representatives in the parliament based on the proportion of votes they receive throughout the country. In Nepal, in the 601 member assembly, excluding the 26 members who were nominated by the cabinet, 230 assembly members (i.e., 40 percent) came through FPTP while 345 assembly members (i.e., 60 percent) came through PS. In the run-up to the election, 13 people were killed. (INSEC 2009.)

¹² PS had slightly more turnout because government officials, security personnel and Maoist PLA members, who could not be in their respective home constituencies on the polling day, were only allowed to participate in the PS as temporary voters. In the past elections of 1991, 1994 and 1999, voter turnout figures were 65.15 percent, 61.86 percent and 65.79 percent, respectively.

¹³ The MJF with 52 seats (FPTP 33 and PS 22) and the TMDP with 20 seats (FPTP 9 and PS 11) were positioned as fourth and fifth parties, respectively.

¹⁴ Out of 575 elected seats in the CA, there were 196 Madhesis, 192 Janajatis, 191 women, 47 Dalits and 22 representatives from least developed regions in Nepal. Out of the 29 women elected directly under the FPTP system, 23 are CPN (M) party members. Many media and political analyses of the elections interpreted that the continued presence of the Maoists in rural areas paved the road for their victory. (For further details see ICG 2008a and 2008b.)

In a survey carried out by the Kathmandu-based research organisation, Interdisciplinary Analysts (IDA), a few months after the Constituent Assembly election, the reasons given by people for voting for particular political parties indicated that those who voted for the Maoists did so because they associated them with change and not because they were very clear on what the Maoist ideology was (Sharma & Sen). So the vote for the Maoists was largely a vote for change. That they were hitherto untried and that they stood for 'new Nepal' was the main justification given by those who had voted for the Maoists.

The first session of the CA convened on 28 May and formally declared the country a federal republic and directed King Gyanendra to vacate the palace. A letter was sent to the ex-king asking him to leave the Palace within 15 days. Gyanendra held a press conference at the Palace on 11 June 2008 and then left the premises. On 13 July 2008, the interim constitution was amended for the fifth time to make provision for the election of a President by the CA and formation of new government on the basis of the majority votes. Dr. Rambaran Yadav of the Nepali Congress (NC) and Parmananda Jha of the Madhesi Janadhikar Forum (MJF), both of Madhesi origin, were elected as the first President and Vice-President of the Republic of Nepal. Likewise, an election through a majority vote for the Prime Minister was undertaken, which elected CPN (Maoist) Pushpa Kamal Dahal 'Prachanda' as the Prime Minister. The 24-member cabinet was formed with representatives from all the major parties, among them the Maoists, UML and MJF. NC decided to act as the primary opposition in the Constituent Assembly by deciding not to join the government. From the results of the Constituent Assembly elections to the actual formation of the government, some three months went by while the parties negotiated.

One would have assumed that, with the formation of the Constituent Assembly, there would be deliberations within the Assembly to sort out differences among political parties, and that all political parties would give priority to the formulation of the new Constitution. That was not to be. Not only were CA proceedings stalled by various political parties for months on ends, street-agitations that contested amendments to the Constituent Assembly continued. One such agitation-movement was that of the Tharus, an ethnic community inhabiting the Tarai. Similarly, the Muslim community, through the newly formed United Muslim National Struggle Committee (UMNSC), submitted demands to the government.¹⁶

Ideally the CA could have become a neutral forum for divergent interests to sort out their differences through negotiations; unfortunately that was not to be. As of the end of September 2009, only 5 out of the 10 proposed concept papers had been

¹⁶ They demanded the incorporation of the word "Muslim" into Article 33 and Article 3, termination of the ordinance on reservation, a fresh population census, and formation of a National Muslim Commission. There were 19 agitating organisations whose demands were not just for the correction on enlisting but for the withdrawal of the ordinance.

completed. As of the end of November 2009, when this paper was written, it increasingly appears that the Constitution would be the victim of the myopic manoeuvrings of the political parties.¹⁷

The collapse of the Maoist-headed coalition

In April 2009, Prime Minister Prachanda summoned the Chief of Army Staff (COAS) General Rukmangad Katwal, seeking an explanation as to why the Nepalese Army was, in the Maoist's eyes, defying the government. As the crisis between the Nepalese Army and the Maoist leadership deepened, 17 political parties in the Constituent Assembly that perceived the move by the Maoists as blatant interference into the Army's internal affairs petitioned the President in protest. Major coalition partners in the Maoist-led coalition, the UML and the MJF, withdrew their support to the Maoists, arguing that Prachanda had not sought consensus among all political parties before taking action on COAS. Sensing an impending vote of no-confidence against his government, Prachanda resigned on 4 May 2009.

This was not the first time after the People's Movement II in Nepal that a politics of consensus was undermined by the politics of the majority. Politics of consensus, symbolised by the 12-point MoU between the SPA and the Maoists, which had made possible the People's Movement II, had formally ended in July 2008 when the Fifth Amendment of the interim Constitution deleted this provision. Subsequent events have seen the principle of majority and not consensus guide political action; for example, the election to the CA and the election of the President and Prime Minister from among CA parties were based on competition and majority; not on consensus.

Ironically, the Maoists did not realise when they launched their offensive against General Katawal that the event could end in their own political checkmate (ICG 2009b). However, the manner in which the Maoist leader responded to the crisis – resigning from the Government saying that he was quitting on principle – may have endeared them to the public, since this gave a clear message that they were not interested in clinging to power indefinitely. Even though their nine month long rule was largely disappointing, 'lacklustre' in their own admission, the style of their departure may have made them more popular among the people (Nepal News 2009).¹⁸ As for the political parties' anxieties concerning the Nepalese Army, especially as it related to whether the chain of command would be tampered with politically, in turn causing a backlash in the form of a coup or a coup attempt, nothing of the sort happened.

¹⁷ For a further discussion of the constitution formulation process, see Chautari (2009).

¹⁸ There is some speculation as to the real reason behind Prachanda's confrontation with the Nepali Army and his eventual resignation. It is alleged that he was under tremendous pressure not to sign the new Peace and Friendship Treaty with China, a treaty that would give Nepal as good facilities as offered by the Peace and Friendship Treaty with India. Prachanda was looking for a pretext not to sign the treaty with China. Resigning on the allegation that the NA was not cooperating with the elected government provided him with precisely that pretext.

The second-in-command and a favourite of the Maoists, Kul Bahadur Khadka, retired in July; the incumbent COAS Rukmangad Katwal retired in August; and General Chatra Man Singh Gurung, who was the third in command at the time of the Nepalese Army – Maoists row (in April 2009), formally took over as the new COAS in September 2009. At the time of writing, that is the end of November 2009, the Maoists have been asking for a parliamentary session to discuss what they consider to be an unconstitutional action taken by the President; the rest of the political parties, however, have not agreed to this.

Backed by 21 parties, Madhav Kumar Nepal of the UML was elected as the new Prime Minister on 23 May 2009. Within the next two months, the Cabinet expanded to include 33 Cabinet Members and, contrary to expectations of its imminent collapse, the UML-headed new coalition, which includes the NC as a coalition partner, has at the time of writing continued for six months.

Ambitious concepts and poor institutional designs

One of the distinctive features of the peace process in Nepal has been that the top leaders of the three main political parties – the Maoists, the NC and the UML – have repeatedly negotiated resolutions to contentious issues at the eleventh hour. Much has depended on informal interpersonal relationships among these top leaders. While this approach has, to date, succeeded in rescuing the country from the imminent collapse of the Comprehensive Peace Agreement, the absence of a more institutionalised high-level political mechanism for solving contentious issues has meant that the process has not been as expedient as it could have been. A more institutionalised system could perhaps also have lessened friction among political leaders.

The success of the peace process depends to a large extent on power-sharing arrangements. Once Prime Minister Prachanda resigned in May 2009 and the Maoist-led government collapsed, the Maoists decided not to cooperate with the new government led by Madhav Kumar Nepal of UML. They stalled the Constituent Assembly for over two months, allegedly in support of “civilian supremacy”. What the actions of the political parties illustrates, with NC preferring not to join the Maoist-led government and the Maoists preferring not to join the UML-led government, is the unwillingness of the political parties to work with one another. The political stakeholders have not been willing to undertake power-sharing arrangements: this leads to the possibility of the breakdown of relationships among political constituents. Although choosing not to join a coalition government may be a part of normal party democracy, in the context of Nepal coming out of a decade-long conflict, where contentious issues such as integration of the Maoist combatants into the state security apparatus, for instance, have not yet been discussed and settled, a major political force deciding

not to join the coalition government could eventually jeopardise the peace process itself.

In discussing power sharing arrangements, what is generally overlooked are the constituents of the old state and whether or not these are adequately represented in the power-sharing arrangements so as to smooth the process and ensure the sustainment of the peace process. Parliamentary democracy, which underlines the existence of political parties such as NC and UML, are only one of the constituents of the old state: the other is the (former) constitutional monarchy. By deciding to end the monarchy, the Constituent Assembly has deliberately excluded the monarchy from the power-sharing arrangement. In doing so it has also invited in an element of instability which has the potential to undermine the peace process.¹⁹

The Maoists: same or transformed?

An important question regarding the potential for success in the peace process in Nepal concerns the real intentions of the Maoists, whether they are genuinely committed to the principle of political pluralism and the values underpinning liberal democracy, or have they only adopted the trappings of parliamentary democracy while their intentions for state-capture and the imposition of a totalitarian regime remain intact.

There are a number of reasons for raising questions as to the Maoists' real intentions. First, the Maoists appear to simultaneously speak two languages: while the top Maoist leaders have verbally repeatedly mentioned that they are committed to competitive, plural politics, their Party resolutions (which are kept highly secret) continue to characterise the current transition as one of 'strategic offensive' and envision the eventual establishment of a People's Republic. Second, they have not given up violence, continue to house their cadres in occupied government or private houses, and espouse the use of violence for achieving their goals, while their cadres continue to use coercion and threats against members of other political parties. Third, they have proposed banning political parties whom they accuse of supporting feudalism and imperialism. The other leading parties fear that even after becoming the largest party in the Parliament and leading the Government, the Maoists are not willing to abide by the Constitution and are unwilling to forego their control over a parallel government structure.²⁰ In other words they continue to behave like a state within a state.

Belief that the Maoist's intentions are unchanged, and that they are simply using the peace process to buy time for a final bid for capturing state power through a violent revolution, was given credence by video footage showing Prachanda speaking

¹⁹ Though the Nepali Army is an important constituent of the peace process, the inability to involve the army or its interests during the drafting of the 12-point MoU in November 2005 and in other important agreements since, appears in retrospect an important failing.

²⁰ Interview with Dr. Ram Sharan Mahat, Nepali Congress Central Committee Member, and Pradeep Gyawali, UML Politburo Member, on 26 August 2009.

to PLA combatants. In the Shaktikhore videotapes (named after the cantonment site where the tapes were filmed sometime in January 2009), which were leaked to private television channels soon after Prachanda resigned in May 2009, Prachanda makes several assertions. He says that he had hood-winked UNMIN into vastly inflating the number of verified Maoist combatants, that their plan to seize power by violent means was intact, and that they viewed the proposed “democratisation” of the NA as a means to politicise it (ICG 2009b). He also admits that he had used government funds meant for the upkeep of combatants in cantonments to buy arms. That he had not eschewed violence was apparent when he made the remark that he would “break the arms and legs of those that went against Maoist decisions.” Though the broadcast of the tapes was followed by public outcry for clarifications, Prachanda simply dismissed the tapes as “irrelevant”. He did not refute the claims he had made in the video, which could be understood to mean that he stands by the claims he makes in the video.²¹

There are high level Maoist leaders such as ‘Kiran’ (Mohan Vaidya) and ‘Gaurav’ (CP Gajurel) who have not publically acknowledged their adherence to parliamentary democracy. Once the government headed by Prachanda collapsed and the Maoists exited the government, this leadership line has become more vocal. It has called for a renewed strategic push for revolutionary struggle. Two streams are clearly discernable within the Maoists at this juncture: one represented by Prachanda and Baburam Bhattarai, the so-called moderate line; and the other represented by ‘Kiran’ (Mohan Vaidya) and ‘Gaurav’ (CP Gajurel), the so-called hard-line. There are, however, no substantive differences between the two streams, although the later identifies the present (i.e., after the Maoists exited from government in May 2009) as a suitable time for revolutionary struggle. The Maoist party has also witnessed a break-up. Some former Maoist cadres prefer Matrika Yadav’s line and have established what they consider as a pure Maoist party, perceiving the main party as having become ‘revisionist’ (i.e. ‘traitor’ in the Maoist lexicon).²²

The Maoist party is thus presented with a serious challenge: to define who they really are, a party-state or are a political party just like any other. As a Maoist party, they like to think of themselves as a party-state, not just a political party. As a conventional Maoist party that has been indoctrinated on Maoism, they talk about state capture,

²¹ According to an observer of the Maoists, “These people are very interesting because when they meet international delegation, leaders from other political parties and the media, especially foreign ones, they present themselves as very decent people, speaking in soft-tones and sounding very reasonable. When they speak to their cadres, talk to villagers or intimidate/threaten cadres of other political parties, they reveal their true selves and intentions. There is no concealment in their threats and use of violence. The video tape was a revelation of their true intentions.”

²² Dissatisfied with the unification of then CPN (Maoist) and Janamorcha Nepal, Matrika Yadav refused to stay in the Unified CPN (Maoist), and formed a new party with the old name, CPN (Maoist). It was reported in eKantipur.com that Matrika Yadav has been preparing to take an armed contingent and declare a ‘people’s war’ using Madhes and Tamasaling as a base after the new constitution is promulgated (eKantipur 2009).

violent revolution and a People's Republic. But the realities in which they find themselves are different. They do not constitute the only political party in the CA, they do not even have a simple majority; they are simply the single largest party. They have had to form a coalition with other political parties, but in running the government they have not worked in consonance or consultation with other coalition partners. They have been prone to make unilateral decisions (based on the directives of the politburo) as has been witnessed, for instance, in the COAS row. This has undermined political coalition and has alienated coalition partners. Moreover, they are not the only entity that has access to the means of coercion, and their attempts to control the NA have failed in the past.

If the Maoists see themselves not as a party-state, but as simply one political party among others, they would in principle be acknowledging political pluralism. By that very token they would appear to be almost another UML – a communist party that in accepting multiparty democracy and in fighting in elections acknowledges political pluralism. Thus the dilemma before them is whether to identify themselves as a party-state and attempt to undertake state-capture through violent means; or to identify themselves as one political party among many and therefore negotiate and compromise on their doctrines, in the process becoming increasingly like the UML during the early 1990s.²³ The Maoists face the typical dilemma of a former revolutionary party in a multi-party democratic system.

Reconfiguring the security sector in post-conflict Nepal

Finding an appropriate template for reforming the security sector is a key challenge for the peace process in Nepal. Particularly crucial elements of this process include finding an appropriate way to deal with the former Maoist rebel forces, and bringing the Nepalese army under democratic rule in a way that allows for long-term stability in the country. Whether the conflict and its resolution should be understood under the template of Security Sector Reform (SSR) or of Demobilisation, Decommissioning and Re-integration (DDR) is a contentious issue. DDR is a narrower template which focuses primarily on the rebels and seeks to demobilise, decommission and reintegrate the combatants into society. In cases where former rebels have clearly lost the armed conflict, this process has generally been adopted. In Nepal, the conflict was resolved politically, with neither the Nepalese Army nor the Maoist combatants/People's Liberation Army either winning or losing. In contrast to DDR, the SSR template is larger in scope: not only does it call for the reform of the entire security sector but also underscores the importance of civilian control over the armed forces.

In practice, both templates are used in Nepal. In as far as the former rebels have

²³ Based on interview with Dr. Prakash Chandra Lohani, Co-Chairman of the Rastriya Janashakti Party, on 26 August 2009.

been kept in cantonments, their weapons removed to warehouses and guarded by the UNMIN, this shows the DDR processes at work. Re-integration, however, has not yet taken place. SSR has also been underway in that new policies have been formulated for keeping the army firmly under civilian rule. Formulating a national security policy, delineating the composition of the National Security Council, and ensuring that the rule of law is followed by the army, are some of the procedures that are being carried out. However, many of the issues involved with the reform of the security sector are unresolved, due to a large extent to the stand-off between the Maoists and other political parties.

Integration of the Maoist combatants/PLA into the state security apparatus is one of the most contentious issues in Nepal. It is a topic that has generated dispute among the political parties and has been an uphill task for the governments formed after the Constituent Assembly (CA) elections. It is a critical ingredient of the peace process, and the success of the peace process greatly depends on how the integration of the Maoist combatants/PLA into the state security apparatus is resolved. Before analysing further the issue of Maoist combatants/PLA integration, it is important to examine the history of the Nepalese Army (NA).

The history of Nepal is in one sense a history of the Nepalese Army.²⁴ Nepalese Army history dates back to around 1740 AD when the Shah Kings of the principality of Gorkha sought to expand their kingdom. Once King Prithvi Narayan Shah embarked upon the expansion campaign, the troops increased in size and skills and became the nucleus of what today is called the Nepalese Army. In the 20th century, upon request from the United Kingdom, an ally of the Nepali state, the Nepalese Army participated in World War I and World War II.²⁵

From its very inception, the Nepalese Army had a symbiotic relationship with the Shah dynasty – a link that was abruptly severed in May 2008 after the elected Constituent Assembly formally ended the monarchy in Nepal. For reasons that remain unclear, the army restrained from resisting this change. Whatever the reasons, the army's neutral stance was one of the factors that facilitated the fairly smooth transition from monarchy to republic.

Currently, attempts are underway to bring the army more firmly under democratic control. With the termination of the monarchy, the President of Nepal has been designated as the Supreme Commander-in-Chief of the Nepalese Army – a title that previously belonged to the monarch.²⁶ Over the years, the Nepalese Army has developed

²⁴ International Crisis Group, 2009 quoting *The Nepalese Army: A force with history, ready for tomorrow*, Directorate of Public Relations, The Nepalese Army.

²⁵ *The Nepalese Army: A force with history, ready for tomorrow*, Directorate of Public Relations, The Nepalese Army.

²⁶ Article 144 of the Interim Constitution of Nepal 2063 states that the control, the authority of mobilisation, and the management of the Nepalese Army will be with the Cabinet of Ministers which is also authorised to appoint the Chief of Army Staff (COAS). Similarly, Article 145 states that the National Security Council (NSC), which provides for the Prime Minister as the Chairperson, the Defence Minister, the Home Minister and three other ministers appointed by the Prime Minister as members, will be responsible for the mobilisation and employment of the Nepalese Army. See *The Nepalese Army: A force with history, ready for tomorrow*, Directorate of Public Relations, The Nepalese Army.

bureaucratically and has equipped itself with well trained and well-resourced army personnel. There have been a few initial attempts taken towards democratisation.²⁷ However, due to a relatively short history of civilian rule over the army, the institution lacks sufficient contacts with non-military people.

The signing of the Comprehensive Peace Agreement on 21 November 2006, which formally announced the end of the armed conflict, assured the engagement of the UN to verify and monitor the arms and armies in Nepal. It was decided that Maoist forces and arms would be kept in cantonment sites; and an equal number of NA forces and arms would be under similar surveillance, and the troops confined to barracks. The 'Agreement on Monitoring of the Management of Arms and Armies' (AMMAA) guided the confinement of Maoist combatants/PLA into seven main and 21 sub-cantonments.

Three of the five major tasks of the UN Political Mission in Nepal (UNMIN) are related to arms and armies: 1) monitoring of the management of arms and armed personnel of the Nepalese Army and the Maoist combatants/PLA; 2) assisting the parties through the Joint Monitoring Coordinating Committee (JMCC) in implementing the peace agreement on the management of the arms and armed personnel of both sides; and 3) assisting in the monitoring of the ceasefire arrangements.²⁸

UNMIN completed its first round of registration of fighters and weapons in February 2007, indicating that there were 30,852 fighters and 3,428 weapons in the cantonments.²⁹ UNMIN also stated that there were significant numbers of children in the cantonment who had been recruited after 25 May 2006. UNMIN completed its verification of Maoist soldiers at the end of 2007, which showed 19,692 out of the 32,250 personnel in the cantonments to be genuine militias. Although the Maoist chief said that 3,000 disqualified minors would be discharged by February of 2009, no proper programmes for their rehabilitation and discharge have come forth, and the disqualified minor soldiers, at the time when this report was prepared in November 2009 still reside inside the cantonments.

Integration of the Maoist combatants/PLA into the Nepalese Army has become a contentious issue. Although the various agreements and commitments made have guided the process, there are certain ambiguities that are making the resolution of this

²⁷ The Nepalese Army itself has indicated its awareness of the need for some change, although concrete action has been limited to raising a Madhes-based battalion and taking such steps as advertising recruiting drives in languages such as Bhojपुरi and Maithali.

²⁸ The others included (4) to provide technical support for the planning, preparation and conduct of the election of a constituent assembly in a free and fair atmosphere, and (5) to provide a small team of electoral monitors to review all technical aspects of the electoral process (International Crisis Group, 2007).

²⁹ As to where the rest of the weapons were, Prachanda said these were buried along the river banks and were all washed away due to swollen rivers. This incredible story is the official reason why the ratio between combatants and weapons is 10:1 i.e., one weapon for each ten combatants.

issue difficult.³⁰ To begin with, nowhere do these agreements mention integrating the Maoist combatants/PLA into the Nepalese Army: integrating the Maoist combatants/PLA into state security apparatus is not tantamount to saying integration into the NA.

The Interim Constitution was amended for the fifth time on 13 July 2008 by further detailing Article 146, stating that the Army Integration Special Committee (AISC) would be formed. This Committee, which included two members from each of the four major parties, was tasked with monitoring the integration and rehabilitation of the Maoist combatants.³¹ The AISC met for the first time on 16 January 2009 to complete the initial tasks of defining its terms of reference and procedures, and has met a few times since then. The Committee decided to appoint an eight-member panel of technical experts in March 2009 to recommend integration and rehabilitation options for the Maoist combatants/PLA.³²

Maoist leaders have called for the bulk entry of Maoist combatants/PLA into the Nepalese Army (NA). This has been strongly opposed by the NA, who has demanded that entry be based on individual merit. Political parties who are opposed to politically-indoctrinated Maoist combatants/PLA integrating with a largely professional NA are also opposed to the move, stating that the security sector is not synonymous with the NA, and that new forces such as the Border Security Force or Industrial Security Force could be created to integrate the Maoist combatants/PLA into the security apparatus.³³ The former rebels have not been rehabilitated because of the continuing Maoist combatants/PLA integration stalemate.³⁴ More than twelve thousand Maoist combatants/PLA that have been disqualified by the UNMIN continue to live inside UNMIN-monitored cantonments because of disagreements between the 22 political parties and the Maoists over what should be done about them; and many of them are in need of psycho-social counselling.

Various issues should be sorted out before the rehabilitation process actually begins.

³⁰ The CPA signed in November of 2006 states that "the Interim Council of Ministers shall work to supervise, integrate and rehabilitate the Maoist combatants." (Art. 4.4). Similarly, the Agreement on Monitoring or Arms and Armies' (AMMAA) signed between government and Maoists in late November 2006 states "those who are eligible for integration into the security forces will be determined by a special committee as agreed in the Comprehensive Peace Accord (For the full text of the agreement, see Sambidhan 2006). This integration process will be determined in subsequent agreement with the parties" (AMMAA, Art 4.1.3) Likewise, Transitional Provision for the Combatants, Article 146 of the Interim Constitution, states: "the Council of Ministers shall form a special committee to supervise, integrate and rehabilitate the Maoist Army, and the functions, duties and powers of the committee shall be determined by the Council of Ministers."

³¹ The Prime Minister heads the eight member committee, two members each from CPN(M), Nepali Congress, CPN-UML and Madhesi Janadhikar Forum.

³² This technical body would be involved in questioning combatants to learn their preferences for joining industry or finding other jobs rather than integrating into the NA, and would work out ways for rehabilitation, and study and suggest models of integration.

³³ Observers of the Maoists allege that the integration of Maoist combatants/PLA into the state security forces poses the Maoist leadership with a dilemma. It would be good for the Maoists that their soldiers are integrated into the state security forces in that they then would not have to sustain a private army, and could compete with other parties on equal footing. On the other hand, at the moment, the cantonment reflects their strength, so they don't want to lose that strength prematurely. It need not come as a surprise that a section of the Maoist leadership wants integration only after the new Constitution has been formulated, although their public position is that it has to be done immediately.

³⁴ This section is primarily based on the interview with Mrs. Shobha Gautam, Human Rights Activist at IHRICON, Thapathali on 1 April 2009.

Ex-combatants need to be asked if they really want to join the Nepalese Army, or whether they would prefer to choose something else, like continuing as party cadres, joining other professions, going abroad as a work-force, or re-integration, that is, returning to their original communities. For women combatants the reintegration into society is in certain ways even more complex and painful than for men.³⁵ Many male and female combatants have begun cohabiting together and the women have given birth to children. The legal status and rights of these women in relation to their partners and those of the children in relation to their fathers is thus unclear. There is no accurate data on how many are legally wed, how many are living together, how many have had babies and how many are pregnant. Tackling this issue is important, yet difficult.

Visions of federalism – making sense of identity-based agitation

While no high-level mechanisms exist for channelling the political process, and while crucial questions regarding the post-conflict transition remain unanswered, the existing vacuum is being increasingly filled by identity-based movements in Nepal. This question is intimately related to that of federalism, for no unanimity exists as yet over the content of federalism in the Nepali context.

While federalism is a principle that all political parties have formally agreed to adhere to and abide by, there are serious disagreements over what federalism will mean in practice. The definition of federalism ranges from exclusively ethnicity-based federated units to the upgrading of the 'zones', the administrative units that had been in vogue during the non-Party Panchayat system (1960-1989). Given the differences among the political parties on the criteria for designating the federated units, it is becoming a herculean task for the political parties to forge a consensus on this issue and its incorporation in the new constitution. Without agreement on the content of federalism, the entire process of writing the new constitution could be in jeopardy.

The idea of a federal structure in place of the then unitary state was floated by the Maoists in 1996 when it began the insurgency against the Nepali state. The terminology entered the Interim Constitution in 2063 B.S. (The Nepali era is known as Bikram Samvat or B.S.); and the first sitting of the Constituent Assembly consequently announced the transformation of Nepal into a federal democratic republic. Unfortunately, the adoption of the concept without a consensus on the substance has meant that it has emerged as one of the most important bottlenecks in the peace process. Mobilisations within the CA and outside (in the form of agitation movements)

³⁵ It may even be the case that Maoist women combatants may be accepted by their respective families but not by the community – this may lead to entire families being ostracised. In such cases it may be necessary for the concerned woman-combatant to be rehabilitated and resettled in a new place.

for pressuring the government to adopt a particular definition and operationalisation of the concept is testimony to its contested nature. For instance, no sooner had the declaration that Nepal would be a federal democratic republic been made, than the Madhesi political parties launched a nation-wide protest movement demanding that the entire Tarai should be a single federal unit.³⁶

The construction of a pan-national, supra “Madhesi” identity was premised on the assumption that all the various castes and ethnic communities inhabiting the Tarai, who were not from the hills, could be identified as “Madhesi”. According to this claim the four broad groups which together formed the “Madhesi” identity were: Madhesi castes, Madhesi-Janajati, Madhesi-Dalit and Muslims.³⁷ Ironically, the constituents of these groupings were to later contest the categorisation. The Tharus, who make up nearly 7 percent of the population of Nepal, rejected their insertion into “Madhesi-Janajati” and contested that very label – Madhesi-Janajati (Interdisciplinary Analysts 2008).

The Tharus, a Janajati group inhabiting the length and breadth of the Tarai, contested the idea of pan “Madhes” arguing that the whole idea was a fabrication. Stating that those who called themselves “Madhesis” were simply migrants from India, the Tharus claimed that they were the original inhabitants of the land of the Tarai.³⁸ The Nepal Federation of Indigenous Nationalities (NEFIN), the umbrella body of the ethnic communities in Nepal, as discussed above had contested the insertion of Tharus as “Madhesi” and had claimed that the Tharus were their own i.e., indigenous, ethnic community.³⁹

Soon, another group that had contributed a sizeable component to the “Madhesi” construct – the Muslims – joined the fray. According to the 2001 Census 4.2 percent of the population of Nepal were Muslims, with an overwhelming proportion of these living in the Tarai. The Muslim community joined cause with the Tharu and con-

³⁶ In contrast to the ethnicity-based federated units that the Maoists had envisaged, the Madhesi groups clamoured for a language-based federated unit, claiming that the people inhabiting the area they wanted declared as a single unit spoke Hindi as the common language. Within that federated unit they proposed various language zones as sub-units. Thus within the Madhes federal unit there would be a Maithali zone, a Bhojpuri zone and an Awadhi zone. Paralysing life in the Tarai for over two weeks, the Madhesi political parties were able to make amendments in the Interim Constitution to ensure their demand was met.

³⁷ The Hindu society being a hierarchic society, these categories are based primarily on vertical differences among groups, with Muslims, not being in the Hindu fold, being a separate entity. Thus while the differences between “Madhesi” and “Pahadia” was horizontal – one referring to the plains people and the other to the hill people – the differences within the “Madhesi” category were vertical. Once categorised this way, the Madhesi population could claim that they comprise around 35 percent of the total population and then stake their claim to receive commensurate affirmative action or a quota system, in addition to having their own federated unit.

³⁸ The Tharus launched protest movements in the Tarai in March 2009 against an ordinance on reservation that had categorised all Janajati (indigenous) groups of Tarai as “Madhesi-Janajati”. These groups opposed “Ek Madhes Ek Pradesh” and wanted a Tharu-state. Their demand was for federalism based on ethnicity – something that the hill-based ethnic communities too were advocating.

³⁹ According to NEFIN, Janajatis make up 36 percent of the total population of the country according to the 2001 census: there being 43 ethnic caste groups identified as indigenous nationalities, out of which 5 are from the mountain region, 20 from the hills, 7 from Inner Tarai and 11 from the Tarai region.

tested the “Madhesi” label: it saw itself exclusively as Muslim and not as Madhesi.⁴⁰

The main political parties, NC and UML, have not enthusiastically championed federalism, but as they have already committed to it, they want to introduce a moderate form of it. Therefore, they are advocating for a combination of factors as the criteria for creating federal units, including geography and economic transactions, in addition to language. Certain small political parties such as Janamorcha Nepal and RPP Nepal, on both the left and the right, totally reject the idea of Nepal as a federal state, and advocate for the state to remain a single political unit.

One of the distinctive features of Nepal's post-conflict transition is the plethora of identity-based movements, and recourse by these identity-groups to protest through what is called in the Indian sub-continent an ‘agitation movement’. Agitation, or protest outside the decision-making process and normal means of persuasion, as a method for demanding change in society received legitimacy through the success of the April 2006 People's Movement II. The decisive changes caused by the success of this agitation movement have led to the method being adopted and emulated as the template for change. While the April 2006 People's Movement II was not based on identity politics, subsequent agitation movements have been. Agitation movements make further sense when placed in the context of the way in which the Nepali nation was constructed, and how the Maoists, and since them other political parties, have contested this particular construct.

The birth of the Nepali nation was a slow process. It took more than two centuries for the Gorkhali Empire to be transformed into the Nepali nation state.⁴¹ When Nepal was being forged as a modern nation in the 1950s, three institutions were involved in constructing the national identity: the monarchy, Hinduism, and the Nepali language.⁴² Nepal was seen as a single nation tied together by allegiance to the monarchy and adherence to Hinduism, and bound together by a common *lingua franca*, Nepali.

The dominant thinking during the 1950s, when the modern nation of Nepal was being forged, was that only a homogeneous nation is a strong nation. In order to forge

⁴⁰ Some of its demands were: insertion of the word “Muslim” in Article 33 and Article 3, to amend all constitutional and legal provisions that conflicted with or overshadowed the identities of Muslims, to protect political, economic social, cultural and educational rights of Muslims, to form a national Muslim commission, to take steps toward declaring official holidays on Muslim festivals and to carry out the community's population census with the involvement of Muslims. The Muslims are a community that are spread throughout the Tarai, although concentrated in four clusters: Sunsari, Rautahat, Kapilvastu and Banke district. Given their dispersion in the Tarai, they realise that federalism does not serve their interests and have largely remained largely silent on the issue.

⁴¹ For a discussion of how this process evolved, see Burghart (1996). Burghart argues that the emergence of the nation state of Nepal was a culmination of various episodes and included (1) the demarcation of a defined border (1816), (2) overlapping of the boundary of the realm with the boundary of possession (1860), (3) the interpretation of the country in terms of species (1860), (4) designation of Nepali as the official language of Nepal (1930), (5) the implicit differentiation of kingship from the state (1960) and (6) formulation of a culturally unique polity (1960).

⁴² This has parallels with Thailand. In the earlier part of the twentieth century when the idea of the Thai nation came into being, the Thai nation was conceived of as a trio involving “nation-religion-monarch” (*chat-satsana-phramahakasaŋ*). See Wyatt, 2001. The idea could be traced even further to the United Kingdom and Russia. The phrase seems to have been adopted from the British, ‘god, king and country’. Likewise, the Russian apologist for autocratic rule, Uvarov, advocated autocracy, orthodoxy and nationality in 1872. (See Anderson, 2006).

a strong nation, the state deliberately tried to homogenise all the people through a process known as Nepalisation, which in turn involved affirming the three institutions. The process of Nepalisation can also be seen as a continuity of the process of Sanskritisation, a process that was aggressively followed by the state from the nineteenth century onwards, and which led to non-Hindu tribal people becoming Hinduised. When the modern nation was being fashioned during the 1950s, there was no question that the plurality of ethnic communities, language groups and cultures in the nation was not recognised. The country was seen to be plural, but plurality was not perceived to be an asset.

When the Maoists began their insurgency against the Nepali state in 1996, they floated the idea of a federal structure based on ethnic identities and the right of self-determination for all federal units. This strategy was put forward with the intention of attracting the support of various ethnic communities that had their own grievances against the Nepali state, with the intention of combining forces to weaken and destroy the old state. Many ethnic activists had been unhappy with the way the state had, in their perception, tampered with their histories, languages and identities. Building upon these sentiments, the Maoists were instrumental in forming “Liberation Fronts” for these ethnic organisations. Many of these ethnic liberation fronts in Nepal worked in tandem with the Maoists in their attempts to defeat the old state. The structure of the new state was sealed when the rest of the political parties committed themselves to the idea of federalism, although federation was not necessarily understood by all parties as being based on ethnicity.

What the end of the monarchy signalled, with the Maoists and the rest of the political parties coming together on the issue of federalism and creating the “new Nepal”, was that plurality was publically acknowledged. Not only that, the differences between and among the various ethnic groups, languages and religions were highlighted. Furthermore, not only was plurality acknowledged, it was seen to be an asset. Indeed, the ethnic communities were now elevated to the status of nations. The new political dispensation likewise resolved to adopt measures so that the various groups that make up Nepal would have adequate representation in the legislature and in the state bodies.

This necessitated the counting and recounting of the various groups (ethnic communities and castes) that make up the country's population; therefore the constant recourse to census figures in Nepali politics. Duffield (2007) draws a parallel between the final days of a liberal colonial government and the collapse of a modern developing state, stating that both are marked by continuously classifying people on the basis of castes, ethnicity or religion. This resonates with the situation in contemporary Nepal. Just as the attempt at classification of the Indian population by the colonial rulers in British India was resisted by the Indian National Congress, who saw it as a strategy

for 'divide and rule', any attempt at a similar classification was resisted in Nepal as long as it remained a single political unit under the monarchy.

According to the political discourse which is becoming prevalent in contemporary Nepal, the country is not a nation, but a multi-national state. In this view, ethnic groups, or in contemporary parlance, nations, are seen as the building blocks of the multi-national state. For this reason the federal structures should rightfully be based on these ethnic 'nations'. In place of earlier, coercive policies aimed at forging a common nation, there is now to be a federal arrangement based on a social contract. This means that the state is conceived of as a union, and any party to the union could decide to depart from it, or in plain language, secede.

What the new discourses on federal nationalism however do not do, is identify the centripetal forces which enable the peoples representing different languages, religions and cultures to become bound together: the symbols of the nation. If in the earlier construct, the three pillars of the nation were seen as Hinduism, the monarchy, and the Nepali language, were all seen as working together to unite the people inhabiting Nepal (even if this was done forcibly in some instances), no commensurate mechanisms are currently visualised for bringing the various Nepali people together under the political governance of the new state.

The quota, or the federal unit or units, that one group or meta-group is entitled to, depends on how the Constitution or the bylaws have categorised this group or meta-group. One of the bases for the state's classificatory scheme for classification of groups is the census, but the census only lists people in terms of castes or ethnic groups, not in terms of broader categories. How to formulate a broader category or a meta-group, in such a way to show how and why it is entitled to a commensurate federal unit or a given affirmative action, then becomes a politically charged affair, with claims and counter-claims among various groups. Agitation-based identity movements can be seen as part and parcel of such claim-counter-claim processes.

One of the consequences of the major parties' inability to reach a consensus on federalism, when that lack of consensus exists within the weak rule of law and order situation throughout the countryside, has been that certain leaders of ethnic and Madhesi communities are imposing their own personal views of what constitutes the federated units onto the rest of the population. According to a recent report of the Carter Center, a few of the more well-organised ethnic-based groups, such as the Tharus of mid and far western Tarai, and the Rais and Limbus of the eastern hills, are taking unlawful steps to strengthen their ability to push for autonomous states, and are even raising their own armies for this purpose. They are seen to be engaging in various kinds of unlawful activities similar to those the Maoists engaged in during the conflict, such as forced donations, threats and extortions (The Carter Center 2009).

Violence and internal displacement in post-CPA Nepal

Even after the signing of the Comprehensive Peace Agreement (CPA) in November 2006, killings and other human rights violations have occurred: these are amply illustrated in the Annual Yearbook of Human Rights published by the Informal Sector Service Centre (INSEC). For instance, in the year 2008 there were 729 cases of abduction and 541 killings, of which 487 were attributed to groups other than the Maoists. The Annual Yearbook of Human Rights began recording people killed by other groups only from 2002 onwards. While the number of those whose deaths were attributed to Maoists came down sharply from 2007 onwards, the number of deaths attributed to other groups has continued to increase over the years.

Table 1: Number of persons killed in Nepal from 1996-2008

Year	Killed by State	Killed by Maoist	Killed by other groups	Total
1996	59	22	-	81
1997	16	32	-	48
1998	334	75	-	409
1999	328	141	-	469
2000	180	219	-	399
2001	243	390	-	633
2002	3266	1337	297	4900
2003	1217	646	373	2236
2004	1606	1113	403	3122
2005	815	709	371	1895
2006	313	256	327	896
2007	37	15	499	551
2008	50	4	487	541
Together	8,464	4,959	2,757	16,180
%	52	31	17	100

Source: Human Rights Yearbook, INSEC, 2009

Even during the latter days of the armed Maoist conflict, the nature, location, and groups who were involved in killings and human rights violations began to change; and this shift continued after the CPA was reached. While it was the state and the Maoist rebels who were responsible for most of the killings during the conflict period, after the conflict formally ended it was other political parties, fringe groups, Tarai-based armed groups and ethnic groups demanding a separate state that were primarily responsible for the killings.

In the early stage of the Maoist insurgency, people killed by state security forces were those accused by the police as being involved with the Maoists or their informers;⁴³ and people killed by the Maoists were those who were alleged to be police informers, cadres of other political parties, and lower level functionaries.⁴⁴ With the prolongation of the conflict, killings of people spread to other regions such as the far-west, west, central and eastern regions.

After the formal end of the Maoist conflict, people killed by state security forces have been primarily protesters and cadres of armed groups.⁴⁵ Tarai, and particularly eastern, central and western Tarai, has been the region that has been the most seriously affected. The 'criminal' and the 'political' have merged in the Tarai armed groups, which have taken advantage of the weak law and order situation. Those being targeted have been the people of hill origin, lower level state functionaries, and relatively well-off individuals: the latter have also been the targets of kidnappings and ransom-seeking. Because of the activities of the armed groups, people in the Tarai live in an intimidating environment amidst considerable insecurity. Of late, the rise of ethnicity-based separatist movements, especially those in East Nepal, has led to the deaths of several people.

The UN Guiding Principles have defined internally displaced persons (IDPs) as "persons or groups of persons who have been forced or obliged to flee or leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised State border" (UN 1998 cited in Niroula 2008). The Government of Nepal endorsed the National IDP policy in 2007.⁴⁶

The estimated number of IDPs in Nepal varies from 50,000 to 500,000. Identification of the exact number of IDPs is difficult due to the lack of a proper identification mechanism.⁴⁷ The estimate most often applied by the UN and other international agencies is 50,000 to 70,000 (Pandit 2008). A nationwide survey completed by Interdisciplinary Analysts (2009) for the Nepal Election Commission (with fieldwork carried out in November 2008) shows that 0.4 percent of sample respondents had left

⁴³ These were people living mostly in the mid-western region, the cradle of the insurgency. In terms of their caste/ethnic backgrounds, these were Magars, an ethnic group which has a marked presence in the mid-west and who made up the bulk of the fighting force of the PLA.

⁴⁴ Low level functionaries could be school teachers, petty bureaucrats, police or army personnel. Maoists also targeted business owners and shop-keepers.

⁴⁵ These were killed during actions taken by agitation-movements. However, the number of those killed by state security forces is miniscule compared to the numbers of people killed by other armed groups.

⁴⁶ The Nepali national IDP policy defines IDPs as: "A person who is living somewhere else in the country after having been forced to flee or leave one's home or place of habitual residence due to armed conflict or situation of violence or gross violation of human rights or natural disaster or human made disaster or situation or with an intention of avoiding the effects of such situations" (Niroula 2008).

⁴⁷ Identifying the exact number of IDPs is an extensive process, for which a proper mechanism needs to be developed for Nepal's context. Registration of IDPs cannot be completed unless the displaced people voluntarily come forward for the registration. Other issues which make the estimation of IDPs difficult is the porous Nepal-India border, which causes internally displaced persons to also move back and forth across the international border. The emergence of armed groups in the Tarai has led to new incidents of internal displacement.

their homes for reasons of security: this can be inferred as constituting the proportion of IDPs in the population of Nepal. Interpolating this proportion at the national level indicates that altogether some 101,371 people are internally displaced in Nepal (Interdisciplinary Analysts 2009). (This figure, however, takes into account only those who have been displaced due to security reasons and not for other reasons.)

While the government has taken a few policy initiatives in the matter, such as the adoption of an IDP policy, formation of Local Peace Committees, the development of a 'return and re-integration package', and the identification and registration of IDPs, there are still major weaknesses in these initiatives.

Transitional security and transitional justice

A successful peace process requires functioning transitional security as well as free and fair transitional justice. In order to ensure that Constituent Assembly election was held on time and that the Maoists were not alienated in the run up to the CA elections, the police force were given directives by the then Home Minister not to be confrontational, not even against lightly armed forces such as the Maoist-affiliated Young Communist League (YCL). This directive to the police force not to be confrontational and not to take stern action against lightly armed-groups continued to be operative even after the CA elections. The inability of the police force to begin effective policing then created fertile ground for the proliferation of various armed groups, especially in the Tarai. Just as the Maoists had their YCL, other political parties too formed their youth wings: these youths did not hesitate to take law and order into their own hands.

What has been particularly disconcerting is that various political parties have started affiliating with these armed groups. Common criminals have forged relationships with political parties in a process known as "the politicisation of criminals", where common criminals begin to take the form of political parties. The failure to get started with a Truth and Reconciliation Commission, together with the merging of political and criminal activity, has fostered a culture of impunity in Nepal. Those who have committed heinous crime continue to receive protection and shelter from political parties. In the absence of properly functioning state and its security apparatus, criminal bands camouflage themselves as political entities. These cultivate contacts with locally influential politicians who protect them and those who have personal feuds against individuals or families get the support of such groups to threaten or murder their enemies. These then invent a politically inflected name of a group which then takes responsibility (The Kathmandu Post 2009).

A longitudinal survey that aimed to track changing perceptions of the public on safety, security and the provision of justice in Nepal, found that as many as two per cent of the population reported being victims of crime and violence in 2007. Though

this percentage may appear small, in absolute terms the number is large: converted into numbers this means that 520,000 persons reported being victims of crime and violence during the past one year alone. This shows the extent of the weakened law and order situation in the country. Fear of crime is even more widespread, with 40 percent of the total population saying that they are worried about becoming victims of crime. This anxiety is higher in the Tarai than in other parts of the country: in the Tarai 47 percent expressed their fear of becoming victims of crime. This response is not surprising given that there are scores of armed groups operating in the Tarai (Interdisciplinary Analysts and Saferworld, 2009).

In a transitional situation, transitional security must be coupled with transitional justice.⁴⁸ It is crucial that the various actors in Nepal perceive such justice mechanisms as impartial and fair. A “Truth and Reconciliation Commission (TRC)” has been an integral part of transitional justice in states emerging from conflict. A TRC may enable prosecution of the offenders while providing justice to victims: through these measures the post-conflict government could win the trust and confidence of the people.⁴⁹ A TRC, along with a free and fair election process, would go a long way in healing the wounds created by the conflict in Nepal. A major task for such a commission would be to list the crimes that occurred during conflict, to categorise them based on the seriousness of the crime, and then to begin the reconciliation and prosecution process.⁵⁰

In 2008 a task force was formed to prepare a Bill on a Truth and Reconciliation Commission for Nepal⁵¹. A draft Bill was prepared by this task force which, once made public, was strongly criticised by the civil society and by international agencies, which stated that it did not adhere to the principles of international law and human rights agreements. For instance, the draft Bill did not acknowledge rape as a severe crime, and it contained statements such as ‘giving total pardon to all human rights violations that may have occurred while performing duty’. Subsequently a new draft Bill was prepared after consultations in all of the five regions of Nepal, but this new Bill has not been endorsed. This is because both the Maoists and the Nepalese Army are reluctant to expedite the reconciliation and prosecution process, which, if carried out, would take many of their senior officers to court. The new TRC Bill has not to date been sent forward to the Constituent Assembly for discussion and a final vote.

⁴⁸ This section is primarily based on the interview with Mrs. Shobha Gautam, Human Rights Activist at IHRICON, Thapathali on 1 April 2009. “One of the reasons why there has been a delay in the formulation of the Truth and Reconciliation Bill is that potentially it could drag all the top leaders – those associated with the state and the Maoist leadership – because they were in one way or the other responsible in ordering human rights abuses during the conflict”. Interview with Mrs. Shobha Gautam on 25 August 2009.

⁴⁹ Prosecution and the dispensation of justice in the context of a TRC includes approaches such as first bringing the culprit to public attention, letting him/her acknowledge his/her crime in public and then giving pardon or small punishments commensurate with the crime; for major crimes, cases may be filed in a court.

⁵⁰ “Both sides – the Maoists and the state – were involved in cases which violate international laws. In the peace accord, it was proposed to establish truth commission to look into the issue of disappearances, and another committee which will look into rehabilitation but neither have been established. Those affected will feel that the peace process has not provided any solace to their personal lives”. Interview with Pradeep Gywali, UML Politburo Member, 26 August 2009.

⁵¹ The task force was headed by CPN (M) leader and two other MPs from NC.

Concerns of the Ordinary Nepali

While political parties have their own visions for the country and their own strategies for achieving those visions, the ordinary people also have their own individual perceptions and priorities. In a post-conflict context, there may be a tendency for the media to listen to and report on only the discourses of the political parties. – This is understandable in that, after all, it is through the agency of the political parties that political changes occur. There are cases, however, wherein the concerns of the political parties and the concerns of the common man and woman are distinct and do not converge.

In the case of Nepal, public opinion surveys have revealed that the priorities of the common man and woman are quite different from the agendas of the political parties. A nationwide survey conducted by Interdisciplinary Analysts and Saferworld (2009) in August 2008 points out that the concerns of the average Nepali person are quite distinct from those inherent in the slogans of the political parties. While political parties accord primacy to state re-structuring and the Constituent Assembly, people expect the state to address poverty, price increases, and unemployment. People also expect the government to address development related issues at the local level.

A silver lining in what the people identify as the major challenges facing the country is that conflict related issues do not figure prominently. People's identification of major challenges at the national and local levels seems to be predicated on the belief that active hostility between the state security forces and the Maoists has ended, ostensibly with the Maoists having entered the government. This is probably the reason why conflict related issues were not identified as contentious either at the national or at the local levels. With the Maoists once having joined the government and the conflict resolved – so believe the people – conventional activities of the state such as overcoming poverty, eradicating unemployment, and promoting development should be prioritised.

In response to the question in the 2008 Survey as to what were the major problems of the country, some 41 percent of respondents mentioned poverty followed by price increases (34 percent) and unemployment (29 percent). *Bandh* (general strikes and the similar *chakkajam*) was mentioned by 10 percent, and crime/lack of safety was mentioned by 9 percent. The 2008 Survey also attempted to discover the public's opinion about major problems at the local level: 35 percent mentioned lack of roads, followed by price increases (26 percent), unemployment (22 percent), poverty (21 percent), and lack of domestic water (17 percent).

The overwhelming majority of Nepalis tend to think about their 'security' not only in terms of crime and violence but also in terms of socio-economic development. They identify progress in key areas of socio-economic development as being of key significance in determining their level of security. Poverty, unemployment, and

the rise in prices for essential goods are the most highly-ranked sources of insecurity. Many related aspects of under-development were also identified as sources of insecurity, including the lack of roads, food, water (domestic and for irrigation), land, and electricity, and limited access to education.

Weak monitoring

Keeping track of whether or not the peace process is progressing as envisaged requires a sound monitoring system. The peace process could reach its logical end if it is regularly monitored by the bodies that have been mandated to perform that role. It would not be incorrect to say that the peace process has been weakly monitored by the UNMIN as well as by national agencies such as the National Human Rights Commission.

The UN Political Mission in Nepal (UNMIN) was established on 23 January 2007 with a 12-month mandate. The Security Council extended UNMIN's mandate in January 2008, again in January 2009, and for the fourth time in August 2009. The Mission was downsized after the completion of the CA elections in 2008. UNMIN is responsible for monitoring the weapons at the storage areas of the seven main Maoist combatant/PLA cantonments and at the Nepali Army's Chhauni barracks.

There is room for raising doubts with regards to UNMIN's role during the period it has been active in Nepal. Major political parties such as the Nepali Congress have viewed UNMIN's role critically, and expressed disappointment over what it considers "UNMIN's soft spot" towards Maoist combatants/PLA.⁵² Likewise, the NC and UML allege that there has been constant intimidation and violence by Maoists cadres against their own party cadres before and during the CA elections, but that UNMIN did nothing about it (Adhikari 2008). A serious issue is the mismatch between the number of guns and the number of combatants, only around 3,100 guns were found for 31,000 combatants. It has been reported in the media that Maoists had sold arms to Maoist groups in India, and that Laxman Tharu, a leader of the Tharu, a Janajati group inhabiting the Tarai, had said in an interview that he had been given arms for safe-keeping by the Maoist combatants/PLA. Why there is a 1:10 mismatch between the arms and combatants is an issue that has not been raised in Nepal to the level that it should have been.⁵³ The UNMIN has also failed to come out with a clear statement on this issue.

Allegations have also been made in the media that the Maoists have hidden their experienced combatants, and that those in the cantonments are not among the most experienced troops. The allegation is that their real combatants have retained all their

⁵² UNMIN's military personnel live in the PLA cantonment areas and socialize much more frequently with the PLA than they do with the NA. Interview with Nepal UNMIN Chief, Karen Landgren, 27 August 2009.

⁵³ Interview with Mrs. Shobha Gautam, Human Rights Activist, IHRICON, 1 April 2009.

weapons and continue to be fully equipped while living in anonymity, and that they can always be called up by the Maoist leadership in times of need. The media has also provided evidence that the murderers of businessman Ram Hari Shrestha and Journalist Birendra Shah are hiding inside PLA cantonments. Although the cantonments should be monitored by UNMIN, it has no records of people coming in or going out of the cantonments. PLA camps have thus emerged as safe havens for criminal Maoist cadres, and UNMIN can be argued to have been complicit in all of this.⁵⁴

Scenarios

In a context where the politics of consensus, which underpinned the formulation of the 12-point MoU between the SPA and the Maoists, and which manifested itself in People's Movement II, has given way to the politics of the majority (marked, for instance, by the competition among the political parties during CA elections and the subsequent voting for the President and Prime Minister and the collapse of the Maoist-led coalition), the likelihood for rifts between political parties is high. With competition and majoritarianism defining inter-party relationships, there is a very real danger that these relationships could degenerate into open dispute and eventually to violent conflict. Thus the growing trust-deficit, with the Maoists on one side, and the rest of the political parties on the other, has a real possibility of threatening the peace process.

Given the current political instability, it is not possible to say with any certainty which direction the polity in Nepal will take in the months to come. For the sake of simplicity, four possible scenarios for the political future of the country are envisaged.

Scenario 1: Gradual deterioration

The country's political situation deteriorates, but does so gradually. Bickering among the political parties, with Maoists on one side and the rest of the political parties on the other side, continues to make parties move according to their own short-term interests; and distrust between them grows. There are a series of coalition governments. Sometimes the Nepali Congress, at other times the Maoists, decide not to cooperate with the government. The lack of cooperation from certain political parties leads to chronic instability.

As the governments are not able to deliver on stability, at the ground level things continue to deteriorate. However, they do so gradually. Because of the weakened law and order situation on the one hand, and interference with the police force by political parties on the other, the police force continues to remain demoralised. As a consequence, criminal elements thrive.

In this scenario the youth wings of each of the political parties take law and order

⁵⁴ UNMIN refutes these claims saying that its mandate is limited. Interview with Karin Landgren, RSG, 27 August 2009

into their own hands and begin retaliation against other groups. They do so with increasing impunity. Likewise the activities of criminal gangs and Tarai-based criminal-political groups escalate, as a consequence of which more and more people are killed. Likewise, separatist movements in the far-western and mid-western Tarai and the eastern hills proliferate. With these developments, Nepal can once again be defined as a state in a situation of internal armed conflict.

Political instability in turn leads to a delay in the formulation of the Constitution. Because of growing differences among the political parties, the passing of the various clauses of the Constitution is delayed, and the Constitution formulation process reaches stalemate. The deadline for the formulation of the Constitution passes; since there is no Constitution, the country continues to be governed according to the Interim Constitution. Political parties follow self-interest policy that undermines the long-term interests of the country.

Even though things are not moving in a positive direction, all political parties, at least verbally, continue to pay lip service to the idea of lasting peace and a new Constitution created through the Constituent Assembly.

Due to political instability and deterioration in enforcing the rule of law and maintaining order, the economy is not able to take off. Increasing numbers of businessmen and industrialists begin to close down or transfer their capital and industries abroad. With more and more youth completing their education only to realise that the chances for them finding gainful employment are slim, increasing numbers of youth take to criminal activities or leave the country in search of jobs.

Scenario 2: Gradual improvement

The coalition government faces many difficulties, but because of a common minimum understanding among the political parties, things move ahead in a positive direction, albeit gradually. While the Maoists create problems, they do not formally breach the 12 Point Memorandum of Understanding, and do not take up arms, so a minimum understanding continues between the Maoists on the one side and the rest of the political parties on the other. In spite of their differences on many issues, the big three – Maoists, NC and UML – are able to forge a coalition government; and in spite of the various problems, the coalition government is able to provide a degree of stability.

There is no unanimity among all political parties regarding the fundamentals of the new Constitution. Through serious negotiation, the political parties are able to hammer out compromises. Thus, though the new Constitution is not formulated on time, the Constitution formulation process moves ahead in the Constituent Assembly.

The Nepalese Army cooperates with the coalition government. The issue of the PLA is in the process of being resolved. The Army has decided to take in Maoist com-

batants – not on an en mass group basis but on the basis of individual merit. Some ex-combatants have been integrated into the Nepali Army, while a new state security apparatus called the Border Security Patrol has been formed so as to provide meaningful employment for other ex-combatants.

Since there is a degree of consensus among the political parties and since there is some resolve in the government to check growing criminality and violence, the government is able to deploy the Nepal Police and the Armed Police forces more effectively, as a consequence of which crime reduces, albeit gradually. Likewise the government is making some efforts to end the culture of impunity. As a result of these factors, the economy picks up and is able to absorb more and more people. With possibilities of finding gainful employment enhanced, restiveness among the youth declines.

Scenario 3: From bad to worse

Growing distrust among the political parties leads to civil strife, which then leads to a proxy war in the country between Nepal's two powerful neighbours, China and India. There is growing distrust between the NC-UML on one side and the Maoists on the other, as a consequence of which there is a standoff between the two sides. Maoist cadres begin to take law and order into their own hands and target the cadres of other political parties. Maoists begin to use YCL for violent encounters, and occasionally PLA also begins to come out and engage in such encounters. Noting the escalation in violence, the NC-UML first begins to deploy their own youth wings. Realising that these are vastly outnumbered, NC-UML combine and use their access to the police and the army to deploy these against YCL and PLA. Soon there is an all-out confrontation between the YCL/PLA and Armed Police/Nepali Army, and active armed conflict erupts.

Soon the domestic forces invite their external allies to join them. The international forces are not directly involved, but the struggle is carried out through proxies. Supporting the Maoists tacitly are the Chinese, who feel there is a need to counter-balance the growing influence of India and the West in Nepal. China supports PLA/YCL, while India and the West supports the NC-UML coalition, which in turn mobilises the Nepal Armed Police Force and the Nepalese Army against the Maoists. Strife escalates into a civil war; and there are more and more casualties.

Both democracy and development are on the back-burner. More and more physical infrastructures are destroyed. There is an escalation in the number of Internally Displaced Persons (IDPs), while hundreds of thousands of Nepalis cross the border into India as refugees. These processes in turn lead to the emergence of a humanitarian crisis.

Scenario 4: From bad to best

All the political parties in Nepal follow an “enlightened” policy. A coalition government that includes all of the political parties is formed. In spite of their differences on how the state should be run, all political parties cooperate with each other and manage to formulate the Constitution on time. This ensures that the peace process comes to its logical and intended end of a lasting and sustainable peace. The problem of the PLA’s integration into the state security forces is solved. The Nepalese Army is not restive and remains firmly under civilian rule. Based on the new Constitution, a new election takes place; and in an election that is largely free and fair, a new government is formed. Nepal is in the process of being rehabilitated. Democracy and development are back on track. Democratic institutions are fully functioning, and development activities are moving ahead full steam, bringing development equally to all parts of the country, and all segments of the population.

Among the four scenarios outlined above there is a high possibility of the country evolving toward either towards Scenario 1 (Gradual Deterioration) or Scenario 2 (Gradual Improvement). Irrespective of whether the country evolves into the situation envisaged in either scenario, there is a continued need for donors, including Finland, to remain engaged in Nepal.

4. Reconciliation and Post-Conflict Reconstruction in Northern Uganda

Fabius Okumu-Alya

Introduction

This chapter presents the findings of a study conducted in war-devastated Northern Uganda from February to June 2009, covering the security-development nexus and international assistance, reconciliation, and post-conflict reconstruction in the region. The study identifies priority areas for potential humanitarian and development-oriented interventions to assist the conflict-affected population's path towards dignity, self-reliance, and community rebuilding in the current situation of relative peace in the region. The chapter also sets forth the pertinent challenges in the aftermath of violent conflict in Uganda, some of which pertain to the decrease in humanitarian assistance.

The research focused on two core themes: the prospects and challenges for peace, stability and development in Northern Uganda; and the potentialities and capacity of existing development aid frameworks to support human security and developmental objectives in the post-conflict situation. The research assessed policy approaches to the concept of the so-called security-development nexus by examining foreign aid intervention during the Juba peace process¹: how such assistance evolved; what types of challenges existed for aid activities in the volatile conflict situation; and whether and how that assistance contributed to long-term development and sustainable peace. This included assessing the role of donor aid during the conflict: how foreign aid was targeted in terms of relief or reconstruction, who the beneficiaries were and who was excluded, as well as the political implications of donor aid in the region. The study also covered the rather controversial area of justice, assessing the role of three different kinds of institutionalised jurisprudence, i.e., the International Criminal Court (ICC), Ugandan state or national (municipal) courts, and “traditional” African justice systems, concepts, norms and practices.

The study combined desktop and library research with fieldwork that took place in Northern Uganda between February and June 2009. The fieldwork included interviews and focus group discussions, with close to two hundred respondents, including

¹ Peace talks between the Lord's Resistance Army (LRA) and the Government of Uganda (GoU) began in Juba, South Sudan, in June 2006. The talks effectively ended in April 2008, when the LRA leader Joseph Kony refused to sign a peace agreement. A military attack was launched by the Uganda People's Defence Force (UPDF) on LRA camps in Garamba National Park in Congo DRC. The operation was officially a joint operation between the UPDF and Congolese and South Sudanese government forces. In practice, however, the operation was primarily conducted solo by the UPDF, with prior military intelligence assistance from the United States. Kony was not caught, nor the LRA militarily defeated. However, relative peace prevails Northern Uganda, as there are no active LRA forces present in the region. For more on the operation, see Zeller's paper in this volume.

government officials, representatives of the internally displaced persons and returned communities, and civil society organisations (CSOs).

It was found that the post-conflict early recovery phase in Northern Uganda is characterised by major transformation activities. However, questions of post-conflict community resettlement, reconstruction, rehabilitation, re-integration and reconciliation remain important and, to a large extent, unanswered. Comprehensive socio-economic development in a secure, peaceful and stable environment is a precondition for a successful return process of the internally displaced persons. The complexity of the recovery phase presents some Herculean challenges for successful post-conflict development initiatives. Humanitarian agencies and development-oriented organisations have been shifting focus from providing immediate assistance to finding long-term solutions to structural problems. The move towards more sustainable, long-term development programs has been particularly aggravated by the pull-out of many relief-oriented Non-Governmental Organizations (NGOs) following the end of active armed conflict. The framework for transferring focus from relief to long-term development programming has also been fragmented. Many variables thus still play into the success or, conversely, failure, of comprehensive community rebuilding in Northern Uganda.

The present chapter is constructed as follows: First, a contextual background to the current situation in northern Uganda will be provided, including a brief discussion of the situation in South Sudan, after which the conceptual framework that informs the study will be outlined. The chapter will then describe the institutional and policy framework for intervention in Northern Uganda as a background for assessing development in general in Northern Uganda, and in particular the role of humanitarian assistance, including the unintended consequences of prolonged aid to the region. Finally, the chapter will outline the on-going transition from conflict to peace, and from relief aid to long-term development initiatives in Northern Uganda. The conclusions will then summarise and present some of the key challenges to peace and development in the current situation in the region.

Contextual background

Unlike the rest of the country, Northern Uganda has not benefited from the recent trends of economic growth and propitious development policies and actions in Uganda.² This is due to historical and socio-political reasons. Since the time of independence in 1962, the region has been suffering from a lack of peace, security and prosperity

²Ethnographically, the society in the region comprises the ethnic communities of Acholi, Alur, Aringa, Congolais, Langi, Lendu, Madi, Lugbara, Kakwa, Karamojong, Kebu, and Kumam, and part of Iteso. The present study focuses mainly on the people from the Acholi and Lango sub-regions, which currently occupy the districts of Gulu, Kitgum Pader and Amuru (in Acholi); and, Lira, Apac, Oyam, Dokolo and Amolatar (in Lango). Historically, the Acholi and the Langi derived from the Nilotic Luo and the Nilo-Hamites, respectively. These two ethnic groups are inter-related linguistically and socio-culturally, albeit from different origins.

and is therefore lagging behind the rest of the country in all spheres of development. Since the end of Milton Obote's first presidency in 1971, the region has been vulnerable to a series of national regimes. Enduring all of these regimes in a litany of wars and violent conflicts, it has become an endemically depressed, disadvantaged and unprivileged region, striving to thrive through a further litany of structural imbalances and injustices, socio-economic and political exclusion, under-development and perpetual marginalisation. These problems arose from diverse factors including, among others, the colonial legacy of "divide-and-rule" policy that provided the colonial masters with a convenient administrative and political tool, while creating the infamous North-South bifurcation that still tends to perpetuate development and security problems in the region today.

A further compounding factor is the incessant insecurity brought about by the emergence of a series of millenarian protests, political disruptions, resistance movements and armed rebellions since 1986, all with varying degrees of popular support (Amnesty Commission Report 2007-2008: 14 & 31, Hansen and Twaddle 1994: 3). The 1986 capture of state power in Kampala by the current President Museveni's guerrilla forces marked the starting point of several armed conflicts in the country (Finnström 2008a).³ Since then, for more than two decades, Northern Uganda has been intensely affected by successive armed rebellions.

Although the Government of Uganda (GoU) has militarily defeated most of the armed rebellions in Uganda, the war of attrition orchestrated by the Lord's Resistance Army (LRA) against the GoU has persisted. It has been the longest, most atrocious, protracted and internecine armed conflict the country has ever experienced; and it has left in its wake a number of negative impacts on human security and socio-economic development. On several occasions, many violent as well as diplomatic approaches have been adopted to try to resolve the conflict, albeit ambivalently. All have proven to be unsuccessful. Peace talks failed, military interventions turned into humanitarian disasters, and hope for a better peaceful livelihood became skepticism towards Northern Uganda ever becoming a stabilised region. It is difficult to predict the end of the armed conflict or even to be certain as to whether a long-term peaceful end is in sight for the region.

The decades of violent conflict have created a number of problems for Northern Uganda. There has been unprecedented loss of civilian life, disintegration of the social fabric, squandered human and economic resources, and ecological degradation. Widespread abject poverty was generated, which served to perpetuate the conflict;

³ Armed rebellion was the norm rather than the exception in Uganda after its independence. Rebellion was widely accepted as the sole and legitimate means to express political grievances and attain political power. Repressions and violence, not limited to the notorious, diabolical reign of terror of Idi Amin, has been a constant feature of the Ugandan political system. This is aptly demonstrated by the 1966 Buganda crisis, the 1966 Pigeon-Hole (Interim) Constitution, the 1971 Amin military coup, the short-lived post-Amin regimes that were wracked by socio-political in-fighting as well as the wars in Luwero, West Nile, Acholi, Lango, Teso and Kasese regions, to mention but a few.

this in turn, deeply undermined the region's socio-political structures, and deepened the fragility of state institutions in the region. The war shattered the region's economy and weakened its population, which used to thrive in vast, lush fertile equatorial zones with huge agricultural potentials. It destroyed infrastructure, producing new forms of inequality and social injustice that greatly exacerbated the historical inequities and structural injustices that have existed since independence. In the absence of peace, numerous opportunities were lost as resources were diverted, and the region's potential for agricultural production could not be utilised. As a consequence, the region's economy was shattered; and all development initiatives were seriously undermined, as were Uganda's over-all efforts to ensure long-term stability and peace.

The conflict helix has informed all development efforts in the region. In most cases, the region has been characterised by periodic interventionist policies and projects, for which the Government of Uganda has often been unwilling to provide sufficient funding. Consequently, the region has predominantly rested on donor support. Annual budgetary allocations for the region have clearly proved inadequate, or continuously remained too small to achieve substantial human development or security in the region. This unfortunate situation is exacerbated by government policies that place considerable emphasis on the lead of the private sector. On its own, without considerable public sector investment, the private sector does not seem adequately prepared or even interested in the Northern region.

Apart from the unspeakable suffering to which the Acholi people have been subjected through violence, murders, body mutilation, child abductions, rape and pillage, the hallmark human tragedy in the conflict was massive, prolonged internal displacement, which left the people with no control in their quotidian life. The forced displacement of industrious agricultural communities from their pre-war, natal, ancestral homesteads into over 200 squalid camps scattered in Northern Uganda, was done hastily and without prior preparation. Camp life was not a refuge, but a welter of human indignity and misery. It contributed to the weakening of the cultural and traditional fabric which had provided a source of cohesion and a framework for families, clans and ethnic communities. In 2003, the humanitarian crisis appeared to be a real source of concern to Jan Egeland, the then United Nations (UN) Under-Secretary for Humanitarian Affairs, who described the conflict situation as "... the biggest forgotten, neglected humanitarian emergency in the world ... and a moral outrage" (Wendo 2003: 1818).⁴ Indeed, the war has caused enormous human and environmental suffering.

It is still quite disheartening that the population in Northern Uganda is today made up of the greatest number of vulnerable groups in the country, including traumatised veterans, children and adults. The region also suffers from high rates of HIV

⁴ Jan Egeland visited Northern Uganda war zones in November 2003 and spent nights with the IDPs in the various camps.

and AIDS infection. Moreover, apart from the physical violence meted out to the population, the region continues to suffer from socio-economic and holistic human development deficiencies. The human security predicament has not been limited to humanitarian issues; it cannot be lamented in isolation from the concomitant general development deficit. Underdevelopment in Northern Uganda is clearly linked to security. Development deficiencies arise on the one hand from competition over scarce resources, particularly disputes over land, and on the other, from the generally poor system of governance in Uganda, including structural injustice, a political culture of corruption, and the lack of accountability of political leaders. The various emerging socio-political conflicts in the region have tended to perpetuate the difficulties of implementing development during the post-conflict return process.

Traditionally, Northern Uganda's economy was dependent on agriculture, specifically animal rearing and food cultivation. With large-scale displacement spanning over a decade this became no longer possible; and until recently, production has been very low. Instead, a population that had previously provided the rest of Uganda with basic foodstuffs became dependent on food aid (CSOPNU 2006). As a result of the work of the evil genie released from the disastrous conflict, the region began its vertiginous descent into hell. It immediately degenerated into a paroxysm of inevitable under-development and continuous security predicaments. The intense period of turmoil undermined the prerequisites for sustainable development in Northern Uganda. Consequently, the region remains the poorest in the country, lagging behind on numerous development indicators. In comparison to the rest of the country, it falls disproportionately short of achieving many of the UN Millennium Development Goals (MDGs). The region is thus also extremely vulnerable to renewed conflicts.

The people of Northern Uganda desire sustainable peace, security and development. It is vital for them to build a foundation for preventing future violent conflict, so as to ensure sustainable peace, and social and economic development. The process is however shrouded by many uncertainties surrounding issues of human security and human development. The persistence of the conflict has diverted scarce national resources from development, and has thus diminished the country's ability to gain benefits from globalisation. Even with the current lull in armed conflict, re-establishing the development process and building a durable peace appears very difficult, especially under the conditions of the current recession in the global economy, and the fact that Uganda is a weak state. Uganda may have military and political might, but the state lacks the economic muscle that can sustain development: over 50% of the national budget is donor-funded; and most of the government activities are taken over by NGOs and other international agencies. All this implies that efforts towards post-war recovery and reconstruction, including the improvement of com-

munity livelihoods, constructive community transformation and sustainable peace in Northern Uganda, require holistic, development-oriented interventions and conflict transformation strategies.

Because peace-building, the maintenance of law and order, and development in post-conflict environments are all immensely delicate affairs involving multiple actors, in-depth understanding of the issues involved is required if development ventures are to succeed. Yet currently there seem to be very few institutionalised systems of training and/or continuous action-oriented research on the problematic of peace, security and development in Africa in general. Collaborative research projects such as the one under which this study was conducted, provide important opportunities for sharing some of the 'lived' experiences of conflict-affected populations, and for analytically discussing questions relating to the so-called security-development nexus.

Before presenting the analytical framework for this study, there will be a brief discussion of the situation in Southern Sudan, as it also has a huge bearing on the prospects of peace in Northern Uganda. Southern Sudan has been in limbo between war and peace since the end of the 22-year long civil war between the North and the South of Sudan in 2005. Outwardly, a precarious peace prevails, and development activities have started to gain momentum, but every now and then the peace is punctuated by violent incidents between armed groups with affiliations to different local peoples. It is commonly believed that some of the armed groups active in the South are supported by the North, and are being used as proxies in the continuing political competition. Elections covering the entire country are scheduled for Sudan in April 2010. In 2011 the people of Southern Sudan are to decide in referendum whether they wish to remain an integral part of Sudan or to secede and form a new independent state of their own. There are fears in Southern Sudan that the referendum may not be held, as it is widely believed that the Southerners would opt for independence. Either way, tensions between Northern Sudan and Southern Sudan are bound to increase and may again escalate into open hostilities. Were this to happen, the likelihood of a resurgence of armed conflict in Northern Uganda is also likely to increase.

After decades of civil war, Southern Sudan is one of the most underdeveloped areas in the world in terms of infrastructure and basic facilities. However, this is no longer a simple question of money. Under the 2005 peace accord, both sides agreed to share Sudan's considerable oil wealth: – Southern Sudan is entitled to receive half the state revenues from the oil found in its territory. While there have been some disputes about the extent of the territory and the actual proceeds, the construction boom in the Southern capital Juba is a clear indication that money is flowing in from somewhere. While the multitude of donors and other international actors concentrate on Juba, substantial areas of Southern Sudan are underserved by any kind of service providers.

Conceptual framework

Today, post-conflict reconstruction and the building of peace in societies emerging from conflict have assumed centre stage in the development policies of Western bilateral donors and multilateral organisations. It is widely viewed that post-conflict reconstruction supports the transition from conflict to peace in the affected country, through supporting the development of the socio-economic framework of the society. In this sense, reconstruction becomes the basic building block for establishing the enabling conditions for a functioning peacetime society within the framework of good governance and the rule of law. It follows that in many conflict-afflicted societies, the period immediately after the initial cessation of hostilities will be particularly challenging.

Establishing a functioning civil administration, guaranteeing security to returnees and displaced persons, and providing basic infrastructure services, food and shelter, are daunting tasks under any conditions. How these are handled will usually shape the tempo and efficacy of post-conflict reconstruction, demobilisation, reintegration and peace-building efforts. In most cases, the transition from conflict to sustainable peace and development is multifaceted with uncertain outcomes. This is because the nature of a particular conflict determines the nature of the peace and the development interventions to be adopted. The solutions proposed must thus directly address the factors that produced and sustained the conflict in the first place. The unique conflict situation of Northern Uganda provided a perfect test case for analyses of post-conflict situations in which a linear progression from conflict to peace negotiations and from peace agreements to peace and development has often been assumed.

Conceptually, the present research was informed by international trends concerning peace, security and development. Challenges to a nation's vital security interests usually impact adversely on peace and development, and on the livelihoods and economic security of the citizens. This implies that peace-building and development are paramount in contemporary national development policies of conflict-prone and war-affected countries. The nexus between security and development in Africa is at the heart of the new security architectures of the regional body, the African Union (AU), as well as in all the regional economic communities (REC) on the African continent, including those in East and Southern Africa, and the New Partnership for Africa's Development (NEPAD). It is in this context that most donor aid policies have increasingly started incorporating concerns related to the nexus where state fragility, human rights, human (people-centred) security, and development all converge. The recognition of the importance of this nexus is in line with international trends, in particular in recent documents of the Organization for Economic Cooperation and Development's Development Assistance Committee (OECD 2006).

Likewise, the concepts and practices of security and development have received attention in Finland's official development policy, which emphasises their promotion and integration into international development assistance. Finland explore the linkage between the concepts of broad security, humanitarian aid, and development cooperation through active participation in peace-building processes initiated by multilateral actors such as United Nations (UN).

In addition to drawing from the prevailing policy paradigm concerning security and development, the conceptual framework of this study is informed by scholarly and policy-oriented literature on the links between security and development (Buur et al 2007, Duffield 2001 & 2007, Kaldor 2007). In recent years, there has been an increasing global recognition of the securitisation of development, with emphasis on post-conflict recovery. States and international institutions are cognizant of the fact that peace, security and democratic governance are pre-conditions for sustainable development. As such, some security mechanisms of regional economic communities (RECs) have been advocating for the creation of a more robust system of post-conflict peace building. The need for the adoption of such a comprehensive strategy led the African Union's (AU) pan-continental socio-economic programme, NEPAD, and the AU, to develop post-conflict reconstruction frameworks in June 2005 and July 2006, respectively (Centre for Conflict Resolution: 2008). Likewise, in December 2007, a long-term framework for future cooperation between the European Union (EU) and Africa was established during the EU-Africa summit in Lisbon, Portugal. Among the four Africa-EU joint strategic priority areas defined at the summit meeting were peace, security, and key development issues. It was recognised that greater synergisation of these concepts would go a long way to addressing the challenges of threats to human security, and help fulfil the Millennium Development Goals.

Starting from an anthropological premise, Paul Richards (2005) posits a key conceptual point of departure; war is a long-term struggle organised by social agents, and implemented through social action to achieve political ends. In his view, neither the means nor the ends can be understood without reference to a specific social context, especially the socio-political realities. He seems to be restating a paradoxical assumption that, in order to understand war as one among the many aspects of social life, we must deny it a special status. In the end, he rightly argues that the transition from war to peace is not achievable through military defeat alone or solely through negotiation by leaders and diplomats, but is reliant upon successful conflict transformation. This entails not only primarily top-down decisions made by, for example, external donor agencies but *"re-directing the social energies deployed in war to problem-solving ventures on a cooperative basis."* By implication, such a re-direction of social energies is linked to a "problem-solving" approach to conflict transformation (Mitchell & Banks 1996, Dukes 1996) that calls for an extensive understanding not only of the large-scale

context and history of the conflict, but also an intimate familiarity with the daily socio-political realities of life in the former conflict zone. In a related anthropological argument, Finnström (2008a) adopts an existentialist approach when he places emphasis on putting *meanings in use*, that is, a kind of knowing by engagement through an interactive socio-cultural and political process of interpretations of the politics and practices of war.

Post-war recovery and constructive community transformation is a vital component of transformative peace-building and prevention of renewed conflict in societies emerging from conflicts. Bruchans (2002: 19-21), for instance, posits that the three-dimensional “Triple R” approach – rehabilitation, reconstruction and reintegration – should be adopted in post-war recovery. She argues that this approach enhances the integral repair of the damages caused by war which, in turn, paves the way for normalisation of harmonious co-existence in society and for resumption of development-oriented interventions. In this context, post-conflict development programme activities have to be the ultimate measures of the return of a society to normal life. Such development activities should be assured all the requisite resources needed for effective implementation, so that they can replace relief operations which should be reserved for emergency situations. At the same time, development should usher in a “peace dividend” that needs to be sustained in favour of development in order to prevent the risk of relapsing into armed conflict or the recurrence of conflict.

Conflict theorists like Simon Fisher et al. (2008: 20-23), on the other hand, argue that the approach for rebuilding or reconstructing such things as the war-shattered infrastructure or the economy, must first redress historical inequities and structural injustices. They believe that, in order to meet developmental requirements and cause real change in the communities, a transformative technical approach (incremental activity which aims to make a practical difference in a specific domain, without necessarily challenging the deeper context) will be required. This type of approach will, (however,) seek to affect the underlying dynamics which brought about the manifestations of violence in the first place, working at crucial levels including that of political decision-making. This approach is intricately linked to peace building and development.

On the other hand, other scholars (Dress 2005, Doyle & Sambianis 1999) maintain that preventing conflict begins and ends with the protection of human life and the promotion of human development. They argue that sustainable peace must be built on measures that address the “core grievances”: structural injustices, causes of poverty, and its alleviation, social empowerment and the reduction of horizontal inequalities. Dress (ibid.) argues that preventing the recurrence of armed rebellion largely depends on ensuring security, well-being and justice for all. He notes that peace building and conflict prevention are multi- and interdisciplinary processes because

they involve interactions among many fields, including conflict prevention, human rights, development economics, governance and democratisation. These scholars look at sustainable peace as a concept that combines human security, human development and the protection of human rights, all of which are needed for an enduring peace.

This exposition of a continuum from conflict to peace and from security to development uniquely underscores the relevance of the security-development nexus paradigm to the context of war-ravaged Northern Uganda. Such contextual understanding is premised on the contention that the link between security and development is intricately complex, yet indisputably interwoven. This link is shown for instance by noting that peace, security, and development all fall into the category of Third Generation Rights. Likewise, a key conceptual premise here is that development is a precondition for realising a sustainable peace and ensuring security. Indeed, development can be another name for peace; and this reinforces the common belief and the mantra that there can be no development without peace and security, and there can be no peace and security without development.

It is clear that security is a critical linchpin for development. It is also a service that must be provided by the state, falling as it does under, among other obligations, the state responsibility to protect. All this tends to offer a rationale for the statement that issues of peace, security and development are interwoven and interdependent in many transitional societies. Such societies however need to move away from an idealised development agenda toward humanitarian and relief assistance interventions that are impact-based, development-oriented, and peace-building.

The above trends are further informed by current debate in Africa and beyond on how international assistance to war-ravaged societies can effectively promote development, peace and security during community reconciliation and post-conflict reconstruction. The debate finally translates into a problematisation and interrogation of the so-called security-development nexus, using Northern Uganda as a case study. The over-all framework derives from the re-conceptualisation of development as human development, security as human security, and peace as an inclusive, integral component of the development agenda. Within this paradigm shift, the orientation is towards lasting peace and holistic human development in societies emerging from violent conflicts. This type of thinking has led to the emergence of a new post-conflict/crisis model of development that can be applied in post-war situations.

This interventionist model offers an opportunity to respond to the profound challenges facing the humanitarian and development industry in the 21st century, in so far as efforts to realise sustainable peace in post-conflict transition societies are concerned. In the new model, primacy is given to given to institutions of higher learning to inform and/or implement interventions in complex political emergencies. In most cases previously, only humanitarian, human rights and development-oriented organisations and

agencies have been involved critically in the provision of aid, with little input from academic circles. Such actors, however, tend to erroneously treat the issues of humanitarian assistance, reintegration and reconciliation as activities autonomous from the important tasks of enhancing human rights and building a participatory system of government. This limitation can be overcome by academics through policy-oriented research, which can then be applied to inform appropriate interventions by the state and other actors.

Institutional and policy framework for Northern Uganda

Applying the security-development nexus paradigm in the context of Northern Uganda implies assessing the Government of Uganda's (GoU) institutional framework, policy, and legal responses to the conflict. There are indications that since 1996/7 the need to establish security and peace throughout the country has been centrally linked to all GoU initiatives to achieve national poverty eradication objectives. A number of policies, some finalised and others still in draft form, are in place. Some of them are general, while others are more specific to the region and have a bearing on the issues of security and development. Relevant policies at a national level include the National Gender Policy (1997), Poverty Eradication Action Plan⁵ (PEAP) (2001, 2004c), the National Food and Nutrition Policy (2003), the Housing Policy (2003), the Decentralization Policy (1993), and the Social Development Sector Strategic Investment Plan for 2003-2008.⁶ Those specifically targeting Northern Uganda include the Consolidated Humanitarian Action Plan (2004a), National Policy on Internal Displacement (2004b); the PEAP *supra*, and, the Peace, Recovery and Development Plan (PRDP) for Northern Uganda (2007). All these are guided by the 1995 Constitution of the Republic of Uganda (as amended). Article 8A thereof, introduced in the 2005 Amendment, redefines the National Objectives and Directive Principles of State Policy as binding. These Principles provide for a broad range of social policy issues that include the right to development, balanced and equitable development for all areas of the country, and fulfilment of the fundamental rights of Ugandans to social justice and economic development.

On September 8, 2000, 189 countries signed the UN Millennium Declaration in a commitment to work collectively to attain eight ambitious Millennium Development Goals (MDGs) by 2015.⁷ The genesis of MDGs is the collective or solidarity rights of peace, security, development and environment. Developed countries have taken on the obligation to cooperate with developing countries to improve human welfare on

⁵ The PEAP is also known as the Poverty Reduction Strategy Plan (PRSP) in other countries.

⁶ All the legislation, action plans etc. referred to here can be found in the references under "Republic of Uganda".

⁷ 1) Eradicate extreme poverty and hunger; 2) Achieve Universal Primary Education; 3) Promote gender equality and women empowerment; 4) Reduce child mortality; 5) Improve maternal health; 6) Combat HIV/AIDS, malaria and other diseases; 7) Ensure environmental sustainability; and 8) Strengthen a global partnership for development (UNDP 2007).

a global scale and build a multi-generational sustainable development capacity (UN General Assembly 2000). Programmes related to the MDGs in Uganda are being carried out under PEAP *supra*. While currently in transition from a humanitarian crisis to a development context, Northern Uganda is certainly lagging far behind the rest of the country, as measured by basic infrastructural services such as schools, roads and transport network, rural electricity, access to clean and safe water, health services, or the availability of financial institutions. This lack of basic infrastructure is inhibiting national progress towards MDGs. By adopting PEAP, the government proclaimed an overarching policy for guiding public action for poverty eradication in the country. As the principal guide to all GoU development activities, PEAP provides a framework for the development of detailed sectoral plans, and outlines the macro-economic framework and policy choices that are meant to enable GoU to achieve the overall objectives of reducing poverty. The amended version of PEAP (2004) provides the overall strategy for achieving good governance, peace and development in the country. Good governance and human rights, as set forth in Pillar Three of PEAP, are the key factors in eradicating poverty and improving the livelihoods of Ugandans. People are to be assisted to fight poverty through government support to improve rural standards of living, as well as identifying areas for community-based investments. Significantly, PEAP also includes security, conflict resolution and disaster management as an additional Pillar. This is meant to accommodate and meet the concerns of the specific situation in conflict-afflicted Northern Uganda.

Another important part of the policy framework which concerns the area of the study is the Northern Uganda Social Action Fund (NUSAF). This is a World Bank/GoU five-year USD 100 million project whose overall objective is to empower communities by enhancing their capacities to systematically identify, prioritise, and plan for their needs, and implement sustainable development initiatives that improve socio-economic services and opportunities. NUSAF works to assist local governments to tackle poverty and bring about development through participatory community efforts under the decentralisation framework. Through a direct financing mechanism, the project makes funds available for communities to implement sub-projects identified and managed by them. As part of the government's broader Northern Uganda Reconstruction Programme (NURP), NUSAF was fully operational between February 2003 and March 2009 in the then 18 (now 29) districts of Northern Uganda.⁸

NUSAF is intended to assist Northern Uganda in catching up with the rest of the country in terms of development, by enhancing community capacity to systematically identify, prioritise and plan for their needs within their own value systems, and

⁸ Gulu, Kitgum, Pader and Amuru (in Acholi sub-region); Lira, Apac, Oyam, Dokolo and Amolatar (in Lango sub-region); Moroto, Kotido, Nakapiripirit, Kaabong and Abim (in Karamoja sub-region); Soroti, Kumi, Katakwi, Kaberamaido and Pallisa (in Teso sub-region); Arua, Nebbi, Moyo, Adjumani and Yumbe (in West Nile sub-region). More new districts have been added to this list following their recent creation by the government.

ultimately to improve economic livelihoods and social cohesion. To do this requires cognizance of the factors that have inhibited the region from participating in mainstream development efforts; these inhibiting factors should be addressed through interventions implemented and funded at community level. The NUSAF projects are funded in five thematic areas, namely, Community Driven Initiatives (CDI), Vulnerable Group Support (VGS), Community Reconciliation and Conflict Management (CRCM), the Youth Opportunities Programme (YOP), and the Labour-Based Safety Net Programme (LBSNP). The CRCM in particular provides funds for community-based initiatives aimed at empowering communities to overcome local conflict.⁹ By the time of closure of the initial five-year in March 2009, about 47% of the population in Northern Uganda had been supported to access improved social services, 336,200 people obtained access to safe drinking water, and about 19,075 people now have improved sanitation facilities. The NUSAF Programme has been renewed for a further three-years, with a EUR 480,000 project meant for community livelihoods improvement and development interventions. The implementation of this project is however bedevilled by a poor political culture of systemic corruption and gross financial impropriety, to the chagrin of GoU and the donor community. A few cases of graft from the project are now before courts of law in the country.

The National Policy on Internal Displacement (Republic of Uganda 2004b) was adopted and approved by the Cabinet in August 2004. Its main objective is to mitigate the suffering of the internally displaced people by providing humanitarian assistance during displacement and return. It also provides guarantees against involuntary displacement as well as for voluntary and safe return. For the purposes of resettlement, the policy provides for the land and property rights of the displaced persons. It has safeguards against the arbitrary loss of property, except as may be permissible under the Constitution of Uganda and other national laws. Institutionally, local authorities are entrusted with the responsibilities of protecting properties left behind against pillage, destruction, arbitrary and illegal appropriation, occupation or use. The local authorities are also entrusted with the responsibilities of recovering land which might have been acquired illegally, or to resettle the returning population where recovery of land is not possible. Such functions appear to be based on the assumption that the local government administrative structures have sufficient capacity to discharge such functions, and would themselves not be affected by the disruptions which caused the displacement in the first place.

Similarly, the 1998 UN Guiding Principles on Internal Displacement (UNOCHA 2002) stipulates that government authorities are responsible for compensating the

⁹ The other major aims were to improve peoples' livelihoods in crucial key areas, namely: community participation, empowerment, leadership development and resource mobilisation; peace building and conflict management; supporting and facilitating vulnerable groups especially youth and women in conflict; and institutional development and capacity building.

displaced for property and possessions lost due to displacement. In Northern Uganda, this cost is tremendous. Prior to the conflict the Acholi sub-region reportedly had 130,000 head of cattle. Cattle rustling by Karamojong warriors as well as slaughter for food by the Ugandan army and LRA during the conflict reduced livestock dramatically.¹⁰ From interviews with the district technical officials, it was estimated that Gulu district alone lost 4,000-10,000 livestock in total, including cattle. It will therefore take decades to restock the livestock lost. Most claimants have opted for cash payments instead, but this involves complex processes such as registering bank accounts and knowing the right people.

In a related development, the promotion of value addition for agricultural produce in the country is one way sought by the government to help farmers enhance their income, as well as increase use of agricultural products. This approach is contained in yet another very important intervention for agricultural livelihoods improvement known as the National Agricultural Advisory Services (NAADS). Through NAADS, GoU provides funds for the recruitment of District and Sub-County NAADS Coordinators. In each district of Northern Uganda, specific funds are allocated for implementing NAADS programmes. The funds are utilised for technology, enterprise development, and the institutional development and social organisation of farmers. Farmers are guided in selecting the technology of their choice, and are then supported in acquiring improved seeds and livestock breeds. Resources are also provided for accessing advisory services through which farmers can hire private service providers. NAADS implements provision of extension services to the farmers and has been restructured to also facilitate the provision of inputs and provide linkages that will empower farmers to market their produce, in some cases in partnership with larger producers, or through processors. In its recent move to increase farmers' incomes, NAADS has provided funds to allow for the establishment of agro-processing plants for various farm products.¹¹

NAADS has however been criticised for failing to implement a structural transformation of the agricultural sector through increased mechanisation, water catchment, or new methods of harvesting and irrigation. Unfortunately, the implementation of this very important, multi-billion Uganda shillings programme is turning out to be a disaster for the people it is meant to help, as it is increasingly being marred by financial impropriety and misappropriation on the part of spending agencies. Quite often the officials in the districts are accused of gross abuse and poor accountability. In 2003, the President suspended the programme following public outcry over the misappropriation

¹⁰ The Karimojong are a tribe of cattle keepers living in north eastern Uganda who believe that they have a divine right to cattle and are notorious for cattle rustling (Minority Rights Group International, 2008).

¹¹ Gulu was one of the four selected districts that joined the rest of farmers countrywide to showcase the various technologies applied in promotion of value addition on agricultural produce. The district participated in the 17th Source of the Nile National Agricultural and Trade Show in Jinja from July 20th-26th July 2009 focusing on the theme *Promoting Value Addition for Poverty Eradication*.

of funds. Most of the officials have become procurement officers instead of providing technical advisory services as required of them. The Public Accounts Committee (PAC) of the national Parliament accordingly summoned the officials in question in early July 2009 to answer queries relating to their activities and expenditures.

In May 2006, even before the guns fell silent, GoU formulated a six-month (from June to December 2006) Emergency Humanitarian Assistance Programme (EHAP) to provide humanitarian assistance to LRA-affected areas in Northern Uganda. In December 2006, the EHAP was extended until March 2007, and then to June 2007 as consultations were being finalised for the launch of another important policy framework for post-conflict recovery and development in Northern Uganda. Thus, EHAP was intended to be a precursor to the Peace, Recovery and Development Plan (PRDP) for Northern Uganda (Republic of Uganda 2007–2010), formulation of which was finalised in July 2007. Formally, PRDP was officially launched by GoU on 15 October 2007 to spearhead subsistence and commercial economic activity, thus enabling Northern Uganda to bridge the development gap between it and the rest of the country. The policy aims at re-activating productive sectors (particularly agriculture), rehabilitating infrastructure, strengthening land use, creating new industries and management of natural resources. This is a huge intervention which is seen by GoU and donors as a coordination framework for all the programmes and projects in the region. The appropriations for covering its programmes and activities have been set at USD 606 million (approximately UGS 1.3 trillion).

PRDP is a three-year joint venture between the GoU and development partners. The government has committed UGS 100 billion for funding in the financial year 2009/10, with the World Bank approving USD 100 million (c. UGS 300 billion) under the International Development Association (IDA) credit to support PRDP. The World Bank contribution will be spent on livelihood investment, community infrastructure rehabilitation, and institutional development. PRDP will be implemented under the Office of the Prime Minister (OPM);¹² it seeks to lay a firm foundation for the recovery of 40 war-ravaged districts of Northern Uganda. If fully implemented, PRDP is expected to play a large part in enhancing Uganda's ability to achieve the MDGs. Overall, the initiatives under the PRDP are intended to create an enabling environment for the stabilisation and recovery of the Northern region.

The PRDP was developed in recognition of the need for a comprehensive framework for post-conflict recovery in Northern Uganda.¹³ It reflects government com-

¹² The implementation of PRDP is expected to start up in July 2009. In the Ministry of Health PRDP component, a total of 10 districts within the Karamoja cluster have been given UGS 20 million each for affirmative action on health-related matters. The other 30 districts received UGS 10 million each from the Ministry of Health.

¹³ This document is perceived to be in line with an agreement on 'Comprehensive Solutions' which was signed between GoU and the LRA on 2 May 2007 under Agenda Item Number 2 of the Juba Peace Talks. This agenda deliberated on, i.a. participation in national politics and institutions; economic development of northern and eastern Uganda; and, settlement of IDPs.

mitment to stabilise Northern Uganda and help the region to recover following years of LRA turmoil. PDRP also appears to be a positive step forward in peace building and post conflict reconstruction initiatives. It recognises that human development is very crucial in a successful peace building process. The justice and the law and order sectors are critical in sustaining a peaceful environment and ensuring the enjoyment of human rights. PRDP has four strategic objectives: 1) consolidation of state authority, 2) rebuilding and empowering communities, 3) revitalisation of the economy in Northern Uganda; and 4) peace-building and reconciliation. In the context of development, these objectives are relevant to the overarching objective of revitalising the shattered economy in the region.

As a comprehensive policy framework, PRDP provides encouraging opportunities for communities to engage in income-generating activities, and acts to foster self reliance in a people who have developed a dependency syndrome after having been dependent entirely on relief assistance for so many years. PDRP acts to coordinate interventions in the rehabilitation and reconstruction of Northern Uganda, with the primary goal of accelerating poverty reduction and development, thereby bringing the region up to parity with the other regions of Uganda. The far-reaching goals of PRDP include enhancing security and the sustainable management of conflict in the region; improving physical infrastructure; increasing agricultural production, and upgrading the marketing system for agricultural products; accelerating private sector development; enhancing the development of human resources through improved availability and equitable access to basic social services; and, enhancing the sustainable use and management of natural resources. It also provides for the creation and maintaining of functional legal and judicial systems as one of the cornerstones for a sustained, peaceful, and stable recovery of Northern Uganda.

The PRDP has, however, been criticized on some important points. In terms of coverage, PRDP embraces the entire political and administrative North, covering some 40 districts, including those that hosted internally displaced people during the height of the conflict, such as Masindi, and districts that were affected by the LRA conflict, such as those in Lango, Teso and West Nile sub-regions. These are areas beyond Acholi sub-region which were also affected in many ways by the conflict. Much as this approach of looking at the wider political North beyond Acholi sub-region was a good undertaking, some politicians are nonetheless concerned about the inadequacy of the depth and content of the proposed recovery efforts over such a large area, especially in regard to addressing the specific needs and grievances of the Acholi people in relation to issues of structural injustices and inequities that may have sparked off the war in the first place.

There were also other concerns from some respondents about the overwhelming focus of the PDRP on technical solutions in the post-conflict recovery and devel-

opment discourse, at the expense of addressing the underlying social, cultural and political dynamics of the conflict. It came to light during the present study that the inequitable distribution of national resources, and the marginalisation and socio-political exclusion of Northern Uganda were some of the key underlying causes for the escalation and perpetuation of the conflict; and the situation has not been helped by the perceived dearth of social justice values in structuring governance and in delivering social services in the region. In this context, it is worth remembering that the parties to the Juba Peace Talks agreed to discuss the root causes of the conflict to reach agreement on comprehensive solutions. The need, therefore, for social justice issues to remain on the agenda of current and future development initiatives carried out in the region cannot be over-emphasised, especially when considering appropriate ways of implementing affirmative action to redeem the quarter of a century lost to war.

Unfortunately, there has been dilly-dallying and procrastination in the implementation of PRDP. This has raised a further concern that the failure to fully implement it quickly was partly due to relegating the national policy Plan to only the regional level, rather than the national level although reconstruction of Northern Uganda is a matter for the entire country and not simply a regional affair. Limiting it parochially as a matter which only concerned Northern Uganda was a major blind spot in the otherwise well intentioned PRDP. It may therefore be argued that the way national and international resources were marshalled for the Juba Peace Talks must also be the way in which resources should be marshalled for the restoration and rebuilding of Northern Uganda. Indisputably, it is both a legal and moral obligation and responsibility of the State in particular and all Ugandans in general to rebuild Northern Uganda. This calls for the development of a 'Marshal Plan' type of intervention for the region, and for committing more national resources for its recovery and development.

International actors are trying to conduct programmes in concert with GoU national policy to increase stability and develop the economy in the Acholi sub-region, but there are many challenges and several critical areas associated with the process. First, the neo-classical economic model under which PRDP is expected to be implemented is likely to reproduce conditions of inequality that are often the cause of conflict. Dealing with the effects of the recent conflict in Uganda on the social, economic and cultural life of the communities impacted by the conflict may require approaches that are not compatible with neo-classical economic policies. The assumption that the economic growth generated by a private sector-driven economy would trickle down has thus far proven illusive. It appears difficult to ascertain the trickle down effects of the interventions implemented under the PRDP. There is thus a need for massive public sector involvement and investment, which will evidently be crucial for improving general economic conditions and stimulating the private sector. Secondly, PRDP does not pay attention to rebuilding the state. The viability of the neo-colonial

Uganda nation-state remains doubtful, whether under conditions of peace or conflict. Corruption in public officials is of real public concern. Another factor to consider is that human development requires state capacity, without which basic service delivery would be impossible. Since over 50% of Uganda's national budget is donor-supported, sustainability of programmes will be difficult without massive support from the West, a recipe for recycling dependence and under-development.

Other challenges include insufficient funding, incoherent project selection, and widespread confusion across sectors, as well as a lack of information from the central government. Accountability to donors and transparency in how funds are spent, including the timeframe, specific activity and target groups, are growing requirements for international assistance. As funding for the humanitarian crisis in the Acholi sub-region trickles to a halt, it will become difficult for donor countries to fund development programmes through a currently non-functional policy like the PRDP. Branch (2007: 304) warns that actors in humanitarian interventions can take advantage of the resources that have been made available, that intervention can be subject to multiple forms of political instrumentalisation, and that resources intended for humanitarian interventions can be employed in distinctly non-humanitarian projects.

While it is true that there has been some uncertainty about direct GoU funding for the recovery and development of Northern Uganda through the PRDP, it should also not be forgotten that several sectors, with funds from government frameworks, had given priority to the North for some years. In the water sector for example, the allocation formula was changed in order to put more focus on poor districts in the North. The Justice, Law and Order Sector (JLOS) also allocated a part of their sector investment plan to Northern Uganda. Furthermore, development partners have also been stepping up their efforts to support the recovery and development of Northern Uganda. For instance, in 2008 the Board of the Danish International Development Agency (DANIDA) approved a substantial package of support to Northern Uganda to the tune of USD 15 million, with the focus on supporting the poorest districts of the North such as Amuru and a few remote districts in West Nile.¹⁴ Therefore the question is not so much one of how much funding Northern Uganda was receiving, since considerable assistance was flowing into the region. Rather, the key concern should be what the funds are being used for. The 2006 Public Expenditure Review had pointed out that Northern Uganda, as a region, had been receiving the most support in the whole of Uganda. The debates notwithstanding, the common view in the region is that a larger proportion of any available development funds to the region should be channelled as investment in infrastructure and recovery of production.

In the neighbouring Karamoja sub-region where weapons have become part of

¹⁴ This was revealed by the Danish Ambassador to Uganda, Her Excellency Nathalie Feinberg, in her opening speech during a workshop at Acholi Inn, Gulu Town on 23 April 2009.

daily life, efforts to assure the safety or security of the population became an imperative in the context of a well-coordinated Small Arms and Light Weapons (SALWs) collection process. This prime concern compelled the government to design a three-year (2007–2010) Karamoja Integrated Disarmament and Development Programme (KIDDP), with an overall goal of contributing to human security and promoting conditions for recovery and development in Karamoja. The programme document was developed in accordance with the objectives of PEAP *supra* which, in its Pillar Three on security, conflict resolution, and disaster management, highlights the importance of a secure environment for the achievement of recovery and successful development. This implies a deliberate attempt to work towards sustainable peace, stability and development. The underlying approach towards realising this objective primarily focuses on reduction of the demand for guns through socio-cultural, economic, political and institutional activities in the context of a planned process of voluntary surrender of illegally held weapons. The KIDDP programme document also builds on other development plans which make disarmament an integral part of development planning in Karamoja.¹⁵

Seen as an elaboration of the Karamoja component in the PRDP, KIDDP is a clear example of a policy document that blends security and development issues. The interventions highlighted therein aim to integrate military-type disarmament activities with development initiatives. Thus, weapon collection activities are to be undertaken within the context of peace-building programmes, where efforts to remove weapons from society are linked to initiatives that address the root causes of conflict, including targeted development interventions that can reduce the incidence of poverty. It is therefore a unique document intended to be practical and in touch with the realities and events on the ground in the sub-region and its conurbations.

KIDDP is no doubt in line with government policy objectives for achieving poverty eradication in the country. It is also in line with the current GoU approach to the problem of cattle rustling, which combines an ongoing effort to encourage the voluntary surrender of weapons with actions to support the development of Karamoja. The actions emphasise the importance of achieving socio-economic transformation in the sub-region, whose largest population mainly depends on livestock for survival. According to PEAP *supra*, economic transformation of Karamoja involves building on an understanding of, rather than simply replacing, the existing pastoral way of life. In this context, KIDDP becomes a medium-term framework document that harmonises the various GoU development interventions (through the medium-term sector budget framework processes), with those of bi-lateral and multi-lateral development partners and international and national non-governmental organisations (NGOs). It

¹⁵These include the *National Strategic Plan for Karamoja*, Discussion Paper No. 8 on Post-Conflict Reconstruction (The Case of Northern Uganda) by the Ministry of Finance, Planning and Economic Development.

further feeds not only into the overall five-year Karamoja Strategic Plan, but also elaborates the Karamoja component of the PRDP for Northern Uganda, which it preceded. No doubt a correlation exists between these two policy documents. While much of the emphasis in the PRDP is placed on peace, recovery and development, interventions outlined in KIDDP are primarily intended to create a gun-free society, which will create parity between Karamoja and the greater North of Uganda, in order for PRDP interventions to become feasible.

Apart from KIDDP, most of the policies concerning Northern Uganda do not appear to include distinct conflict prevention measures. Overall, these policies seem more concerned with dealing with the short-term aspects of humanitarian problems relating to the return, resettlement and re-integration of internally displaced people and ex-combatants, rather than the long-term developmental issues that address the structural problems underlying chronic conflicts. It is also clear there is a chronic lack of capacity in the local government institutions which have been assigned many of the tasks for the implementation of most of these policies. Informing the affected population about the various policies and programmes through which the government has pledged to support them, is also a great challenge. Many rural populations are illiterate, poor and not well-informed about their rights, rights which seem to have become even more precarious with the emerging problems of land in Northern Uganda. Furthermore, much as these policies are rhetorically concerned with ensuring the physical well-being of the population, realistically there is a glaring lack of capacity to actually ensure comprehensive security. Insecurities arising from weak infrastructure such as poor roads, lack of water facilities, etc. also have to be reckoned with. Other notable gaps in the policy framework include the absence of a rural development strategy, and insufficient guarantees to ensure the right of community participation in the implementation of the programmes in which they are supposed to be the primary beneficiaries.

Controversies of humanitarian assistance

Conflicts not only undermine stability, they are also a major obstacle to hopes for economic growth. It is through conflict that the worst and most vicious violations of human rights take place. Wars have caused more deaths than disease and famine. The humanitarian toll is the most troubling result of conflict: it demands a strong response. Conflicts present agencies providing humanitarian assistance with a difficult dilemma, as human beings are both the cause and the victims of conflicts. In normal circumstances, aid should aim to alleviate human suffering and set the pace for sustainable peace, and not to increase suffering. Aid workers should thus differentiate between what in the situation arises from structural injustices or historical horizontal

inequalities, and what has been manufactured or results from the conflict itself. For instance, during the conflict in Northern Uganda, access to arable land was restricted due to insecurity and displacement. People were limited to a very narrow radius of land around the camps that they were able to cultivate. As a result, the majority of the displaced were dependent on handouts from the World Food Programme (WFP).

As the situation in Northern Uganda became more and more severe, NGOs found it increasingly difficult to remain detached. Due to philosophical or ideological restrictions and specific mandates embodied in their legal, institutional and policy frameworks, different actors adopted different approaches to the situation. A large number of NGOs and humanitarian agencies responded to the human security challenges of the region with conditional donor funding. Other organisations preferred to respond to one or a limited number of the myriad humanitarian disasters and dimensional crises and remained distanced from political lobbying or advocacy activities. In part this was because the approaches they adopted were conditioned by constraints arising from the political and financial commitments to the political incumbency of the respective donor countries. Most of the interventionist activities in Northern Uganda have been relief-oriented, “fire-brigade”, reactive responses, with water, sanitation, health, nutrition and food being among the top priorities. Many other NGOs spearheaded interventions aimed at the livelihoods of children, especially former abducted children (FAC), and child-mothers.

People driven away from their village farmlands were forced to depend on irregular and insufficient relief items from humanitarian agencies. For many of these people, a life no longer centred on their own food production lost meaning. The men in particular have become a very frustrated lot. Humanitarian agencies expected the women to receive the relief items and take charge of them, probably because women were seen to be better caregivers. This has challenged patriarchy in a society where culturally men are supposed to be in charge. Hence many men, frustrated at having become unable to provide for their families, have succumbed to alcoholism, as a result of which domestic violence in the region has increased.

Despite its constructive and positive contributions, relief aid may also have unintended negative effects. One of these is that relief aid has torn apart the Acholi socio-cultural fabric. This communal culture is traditionally characterised by responsibility to the clan, which involves sharing, respect for elders, age and gender roles, and most importantly behaviour that honours the clan. Using hands to eat out of a communal bowl, the custom of passing freely through villages up to the front doors of the inhabitants, stopping to eat and share the news and stories of places far away, and other such traditions – all have been undermined as part of the detrimental impact of the war. This has been especially true since 1996, when large-scale displacement occurred and food distribution programmes began.

One of the most central challenges to the Acholi people brought on by prolonged displacement is how to overcome their dependency on humanitarian handouts. It has been reported that the 1.8 million people (90% of the population) in the Acholi sub-region who experienced camp life have come to expect continued humanitarian assistance (OPM 2008). This is in line with the theory that relief undermines local economies and may thus create a continuing need for relief assistance. People then become trapped in chronic dependency on outside assistance.

Branch (2007) summarises an extreme view of relief operations in the Acholi sub-region by positing that relief agencies need the beneficiaries of aid to be incapable of doing anything about their own condition or to articulate their own demands. This is necessary because the relief agencies need “victims”; therefore they turn the population into those requisite victims by imposing a technology based epistemology upon reality. This is done by forging a disciplinary regime whose effect is to infantilise individuals and render them helpless, thereby allowing the population to be managed through macro-level regulation (ibid: 345). Although Branch’s view comes across as a very strong statement, he is drawing attention to a reality that does exist. It may not be an intentional reality, but it certainly was obtaining in the Acholi sub-region.

It is, of course, impossible for the foreign staff (or national staff coming from a different cultural region) of a UN agency or NGO to understand fully the roots and culture of a community in crisis. In fact, as noted above, Acholi culture has been terribly undermined, not only by the war, but also by the approaches adopted by development agencies. Communal in nature, an extremely vulnerable individual (EVI) should not exist in Acholi culture. Customarily, and within the African extended practices, Acholi clans care for their own orphans, elderly, ill, and so on. It is therefore difficult for an Acholi elder to envision something as absurd as a child-headed-household. In Acholi, the concept of an EVI was a creation of the World Food Programme (WFP), perhaps premised upon the Western culture of capitalistic individualism. This is closely related to the fact that EVIs have generally been receiving more food aid and care than regular displaced persons have. It would be interesting to see if a future humanitarian operation could work to evade the results of long-term relief by introducing a bottom-up data-collection methodology using community leaders from the start of an operation to provide information on who needs what within the community.

When local communities are not carefully consulted, aid frequently supports structural instability by, for instance, sustaining a form of development that supports the elites and is dominated by them. Accordingly, there are concerns in Northern Uganda that some NGOs in the region have been merely opportunistic, with flawed ideologies, to say the least. Many people have observed that many NGOs usually started on one thing and then moved on or linearly progressed to another. In such cases, one may ask whether their key motivation is the survival of their own organisations rather than sav-

ing, liberating or emancipating the oppressed. Most of them do not practice the cardinal principle of accountability and transparency. A good number of NGOs in the region had no clear exit strategies and were resistant to appraisal, perhaps because the project money released from the donors ended up benefitting those who ran the projects rather than the intended primary beneficiaries. It is, therefore, not totally wrong to suggest that many NGOs have become lucrative businesses, attractive to those keen on maintaining affluent lifestyles on the backs of poor people. Anybody can found an NGO, buy a big camera, photograph half-naked children near garbage bins at a cul de sac, or photograph emaciated women, and use these images to get money from unsuspecting donors who genuinely want to do something for poverty alleviation in Africa.

The slow and steady and population movement in the return process in Northern Uganda is being accompanied by a myriad of community humanitarian needs. Apart from aiding the returnees on the road to recovery and development, there is a need to overcome the looming humanitarian crises identified in this paper. Effective humanitarian assistance to communities emerging from conflict requires coordinated action, which in turn, depends on shared assessment and information among all actors. Interventions should be able to promote peace by implementing humanitarian and development assistance in a conflict-sensitive manner, and with the ultimate aim of providing socially, economically, politically, and environmentally sound and sustainable development.

Challenges for post-conflict reconciliation and development

The destabilising war of attrition in Northern Uganda created an extremely volatile and unpredictable security environment. It presented multi-dimensional humanitarian crises that attracted several responses, including various political peace overtures as well as humanitarian interventions by UN agencies, and national and international NGOs and CSOs. The most recent of these interventions was the flawed two-year (2006–2008) ‘epileptic’ Juba peace process which led to the cessation of hostilities between the belligerent parties, ushering in a lull in the fighting in Northern Uganda.¹⁶ The signing of the landmark Cessation of Hostilities (CoH) Agreement in August 2006 between the LRA and the GoU implied a fragile breakthrough in the seemingly intractable conflict. This historic event brought at least some semblance of sustained stability to the region.

Over the last two to three years, commendable progress has been registered in restoring peace and stability, with ample signs of diminishing turbulence in the region.

¹⁶ The Juba peace process hit a dramatic setback when Joseph Kony, the leader of LRA, balked and refused to sign the Final Peace Agreement (FPA). In December 2008 the Uganda People’s Defence Force launched a military campaign against the LRA in the jungles of Garamba National Park Forests in Congo DRC.

Although the relative peace in Northern Uganda may still be fragile, as the search for durable solutions is on-going, it is nonetheless real and palpable. There are clear indications that the security situations have significantly improved, as measured by almost every peace or development indicator. Many former internally displaced people have returned to their home villages, implying that the transitional picture is now more promising than it has been for years. The return process has continued to accelerate since the silencing of the guns in late 2005, as anyone who visited Northern Uganda at any time before late 2005 and has recently revisited the area can attest. Without mincing words and not meaning to be trite, peace is certainly a better alternative to war.

The Juba peace process undoubtedly illuminated evidence that a peace could be achieved that would pave way for development. The Juba process has ushered in a transition on the ground from war to peace. There is now clear evidence that Northern Uganda is currently undergoing a transformative phase from conflict to peace: it is witnessing a transition from an active 'hot' war to early recovery in which the acquired dependency on external actors of former internally displaced people is gradually diminishing. The relative peace and stability which prevailed after Juba allowed in particular for very significant increases in the numbers of former internally displaced people returning with an indomitable spirit to their original pre-war homes, albeit cautiously.¹⁷ However, despite the rush of internally displaced people to return to their homes of origin, comprehensive, sustainable, post-war recovery appears unlikely unless the war-afflicted communities are systematically helped to recover completely from the dependency syndrome derived from sustained humanitarian assistance during their stay in the relief camps. At the same time, their minds still appear shrouded in a continuous flurry of uncertainties and dilemmas, a situation brought about by two concurrent post-relief camp developments discussed below.

Cessation of humanitarian assistance

The overall improved security environment and the gradual decongestion of the displacement camps allowed for more, and more broadly based, humanitarian and development interventions. There were opportunities for many agencies to move from conventional humanitarian assistance to credible development aid. This informed the transitional cessation of humanitarian interventions in favour of development-oriented

¹⁷ Although up to 90% of the population in Northern Uganda was once living in IDP camps, statistical data on the return process indicates gradual progress over the years. The regional office of the United Nations High Commissioner for Refugees (UNHCR) reported that by December 2008 only 35% of former internally displaced people remained in camps in the Acholi sub-region. Figures released in February 2009 (UNOCHA 2009:1) on population movement indicate that only 30% of the original IDPs remained in camps across Acholi region as of February 2009, which represents a 9% decrease since the previous November. As of March 2009, 43%, 24% and 23% of the population were registered as still in camps in Amuru, Gulu and Pader districts, respectively (UNOCHA 2009). The percentages of those in transit sites in Amuru, Gulu and Pader were 34%, 8% and 38%, respectively. Those who had moved to their respective villages of origin were 23% in Amuru, 68% in Gulu and 48% in Pader.

programming activities. Recovery and development were increasingly recognised as the dominant paradigm across the region. Agencies supporting local communities began to adapt their strategies or approaches, tailoring them to support a gradual normalisation process. In particular, methodologies effective in humanitarian settings, for example free hand-outs of inputs such as food and household items, lost their relevance in this early recovery setting in which the aim was to resume traditional livelihoods.

The post-Juba years of peace have also led in some respects to a new feeling of buoyancy in the economy. There are indicators of increased investor confidence, ranging from the mushrooming of new bank branches to increased trade between Uganda and Southern Sudan, and traders moving freely and safely around and between districts in the region. Looking ahead to longer-term development, there are a number of sectors offering potentials for more significant levels of economic growth and prosperity (Opwonya 2008). However, while better opportunities are available, there are also risks that the way in which different sectors are approached may aggravate long-standing and current conflict dynamics in the region. These relate in particular to questions of land use and acquisition, and social exclusion, i.e. how people in the region will benefit from investments. The above challenges are compounded by the dramatic information deficit that the population must deal with. Communities are often given mixed messages on where they may move, on security, on the peace process, on land issues, and on the future of displacement. Misinformation has the potential of harbouring conflict risks and squandering peace-building opportunities.

The post-camp transformational context also includes the challenge of shifting away from humanitarian assistance to the resumption of normal livelihoods. The change will inevitably require assistance for people and societies to adopt appropriate coping mechanisms after years of living with armed conflict. There is a particular need to improve. Basic social services, namely, schools, health-related amenities, water and sanitation, and community access, feeder, and trunk roads remain inadequate and of poor quality due to the lack of regular maintenance. Living conditions have, however, generally improved. Initially there was relatively greater food security due to increased access to arable land. This has gradually changed due to continued weather uncertainties, mainly characterised by erratic rainfall patterns. While waiting for successful harvests, returnee households have often lacked food. No functional community markets have been established in the return sites, and cash is not readily available to boost the communities' enfeebled purchasing power capacity.

One may say that most of Northern Uganda is now a showcase for the reconstitution of normalcy. A clear shift can be seen from a fragile region to a rejuvenated economy, with reduced insecurity and fewer human rights abuses. However, on the adverse side, and in spite of the affirmatively described situation prevailing across the region, there are reports of increasing criminal activity. These include the prevalence

of illicit weapons, armed robbery, petty theft, an increase in alcohol related gender-based domestic violence, and the presence of unidentified armed elements who continue to pose security threats to development endeavours. These emerging societal problems are attributable to the low level of the rule of law and insufficient governance capabilities.

A particularly critical conflict problem in the post-LRA–GoU conflict phase relates to land disputes. The GoU policy directive currently in force provides that land previously occupied by displacement camps and military detachments should be returned to its original owners for their own use in economic development. An assessment is to be conducted by government authorities on the damages to the land which occurred during the period it was used by Internally displaced people or the military, and appropriate compensation should be paid to successful claimants. This has led to a number of disputes.

On the social frontier, the war has tended to erode certain cultural traits, values, norms and practices. Cultural degradation is characterised by growing indiscipline, assumption of authority by the youth, and juvenile delinquencies in children. Antisocial behaviour and selfish use of restricted resources can be seen in the illicit sporadic purchase and consumption of cheap alcohol and in other types of drug abuse, especially by the war-affected youth. These behaviour traits are believed to be war-induced signs of criminality that appears to be socially ingrained; and it is feared that this behaviour may become irreversible.

The virtual ‘peace dividend’ notwithstanding, major development challenges still lie ahead. While the communities involved in the return process are cognizant of the prevailing challenges, they still lack adequate capacity to critically engage on their own in holistic, constructive, community transformation. Their ability to seek out meaningful and sustainable alternative livelihoods, without dependency on hand-outs, needs to be enhanced. For their recovery and development, they need support to begin engagement in areas of viable economic ventures. What is more important, however, is the need to supplement government efforts to provide basic services, as the basis for creating conditions for achieving the durable solutions to displacement: return or resettlement.¹⁸

Resolving contradictions in the pursuit of peace and justice

The second challenging process concerns delivery of justice in the aftermath of atrocities. The dispensation of justice during the transitional period is of concern to all segments

¹⁸ Consistent with international principles, three durable solutions to displacement enshrined within the GoU 2004 National Policy on Internal Displacement are: 1) return to place (village) of origin; 2) settlement at the site of displacement (i.e., settlement in former IDP camp as it is transformed into a viable community); or 3) settlement in another location in the country (i.e., at a transit site).

of the civil society in Northern Uganda. A serious problem with civil society activities for peace in the region has been that these have not engaged GoU at the national level as closely as they should have. All in all, apart from staging very expensive workshops in Kampala and other urban centres, civil society still has yet to show any realisation or practical and relevant application of transitional justice for the victims of war.

There was a prompt move away from the political process to the legal process (both nationally and internationally), when the issue of applicable justice to be meted to perpetrators of heinous, international *jus cogens* crimes became a sticking point within the groups of people victimised and traumatised by the war. This has presented the “egg-and-chicken” discourse and the dichotomisation of restorative and retributive systems of justice. The debate is centred on the sticky issue of applicable or appropriate (or what others call “alternative”) types of justice to be meted out to perpetrators of war crimes, crimes against humanity, and gross violations of human rights. This debate is not however devoid of controversies around which type of justice would suit the proper ends of the dispensation of justice in the region. A great deal of confusion is shrouded in this “egg-and-chicken” discourse as to whether it is peace or justice which should prevail within the parameters of the retributive and restorative justice systems. However, the communities and groups concerned seem to be in favour of a comprehensive package of justice, and are concerned that no justice system should be taken to be supreme over the other. At the same time, they seem apprehensive of political interference in the dispensation of justice.

Issues of accountability and reconciliation are essential, but the current view seems to suggest that they should be handled in a holistic manner. Some respondents interviewed in the present study have further suggested that these issues should be effectively and legitimately addressed only after the “war has ended” and people have returned home. They feel that the need for post-conflict justice should grow organically from the deliberations of the survivors themselves. It is also recognised that, while traditional justice may be effective in dealing with problems among the Acholi and between the Acholi and other tribes, it is nevertheless ill-equipped to deal with crimes and human rights violations committed in and by a modern state. Holding accountable those responsible for such a legacy of war-related violence is simply beyond the capability of traditional authorities. They have no jurisdiction over non-Acholi, and they lack the coercive power of the national courts. From the perspective of the accused, traditional mechanisms are not governed by the rule of law and do not provide the guarantees of a formal legal system.

On the subject of international judicial intervention by the International Criminal Court (ICC), many respondents observed that it was absurd that tens of millions of dollars were being expended on interventions claiming to help bring about justice or reconciliation. The ICC is viewed as the most egregious example of judicial intrusion

when peace is not yet secured, and most Acholi are still living, and many are dying, in squalid displacement camps. The common view is that the Government of Uganda should put in place a law which will enable existing traditional justice systems to become complimentary to the existing formal justice systems, and as this becomes operational they will also be publicised and brought to the attention of the whole world, which will be able to learn useful lessons from these alternative systems of justice. The relevant government agencies should be supported to finalise the drafting of a bill to domesticate ICC Statutes that the bill can be tabled to Parliament for immediate enactment.¹⁹ Further, traditional and cultural institutions in the country should be supported to document and codify the religious and cultural practices that are usually associated with the functioning of the alternative justice mechanisms, as a precursor to codifying them and harmonising them with the national laws.

From the above two main phenomenal processes, it becomes clear that, as Northern Uganda emerges from an appalling conflict, the situation across much of the conflict-affected region is progressing along the relief-development continuum: focus is shifting from humanitarian interventions to recovery, and social and economic reconstruction. Even though recovery and development form crucial components of the recognised dominant paradigm on post-conflict intervention, distinct humanitarian needs still abound; and these require coordinated national, regional and international responses. Indeed, continued humanitarian intervention is considered essential to furthering the improvements made since the signing of the original Cessation of Hostilities Agreement (in August 2006). In order to consolidate these peace dividends, it is vital that added emphasis be placed by both the GoU and the international community on urgently increasing the impact of recovery and development activities in their areas of comparative advantage.

The issue of justice can also be addressed. There is a need to harmonise traditional cultural institutions with the national and international laws in order to develop an effective solution to land disputes, and to answer the question of how to bring to trial perpetrators of crimes against humanity, war crimes and gross violations of human rights. This will also give meaning to Article 126(1) of the 1995 Constitution of the Republic of Uganda (as amended), which stipulates that judicial power is derived from the people and shall be exercised in the name of the people and in conformity with the law, and the values, norms and aspirations of the people.

¹⁹ By the time of writing, the information mainly from the CSOs that are pushing for foreign interventions in transitional justice was that the bill would be before Parliament by September, 2009.

Conclusion

This chapter has attempted to provide both the theoretical and practical parameters necessary for a better understanding of security, peace-building and development in Northern Uganda. Particularly, the chapter has strived to bring attention to the concerns of the communities returning from prolonged displacement, as they have presented them in their responses during the field interviews. People in Acholi expect peace-building and post-conflict reconstruction to mean an economic, social and political process which enables communities emerging from conflict to cope with the impacts of armed rebellion; they want a process that generates a peaceful and harmonious society, and that prevents the re-emergence of violent conflict. They expect that the services and the infrastructure destroyed during the war will be re-established. They perceive community reconstruction to be the rebuilding of people's livelihoods so as to enable a decent life for the people of Acholi, bringing them in tandem with the rest of the country.

Thus, issues of peace-building, security, development interventions and reconstruction of Northern Uganda will require different actors to put their heads together in designing policies and other interventions to resolve the problems in a comprehensive manner. Northern Uganda continues to be characterised by poverty, livelihood insecurity and underdevelopment. The region remains severely traumatised by the conflict, with development initiatives compromised and stunted. Northern Uganda has consistently fallen behind the rest of the country in terms of security and human development. For example, access to basic services such as water and sanitation, community access roads and feeder or trunk roads, and education services as well as health facilities, is pathetic by national standards. The region is in dire need of post-war recovery efforts that will aid the war-affected communities in recovering from their dependency syndrome, derived from prolonged humanitarian assistance. The complex political conflict scenario therefore presents real post-war recovery challenges, and provides justification for further study of development policy options in order to move beyond providing emergency relief and humanitarian aid and head towards long-term, sustainable and self-sufficient development in post-conflict areas.

The research identified the following as negative contextual elements for development interventions first, there is the relative insecurity of the transition environment, with threats caused by unexploded objects, illegal arms and ammunitions, criminal acts perpetrated mainly by the youth, social vices such as corruption and bribery indulged in by some officials from the district local government, and by employees of some agencies in Northern Uganda. This trend is exacerbated by the controversies over land, and the politicisation and criminalisation involved in unprecedented land disputes in the region. These, however, may not be taken on the whole to pose con-

tinuous or sustained, disruptive security risks.

Secondly, there is a relatively under-monetarised economy with weak utilisation of the banking system by the majority of the rural population. The subsistence farmers in rural areas do not have the opportunity to save their earnings because they lack access to trusted and functioning banks operating in their communities. Available financial institutions in Northern Uganda are concentrated in urban centres such as Gulu, Kitgum and Pader Towns. The non-existence of the banking systems in the rural areas undermines any potential initiatives for investments and savings.

Thirdly, there is an abundance of unskilled labourers, mainly comprising unemployed youth. Northern Uganda has relatively underdeveloped labour markets. The majority of the population in the rural and even urban centres is comprised of unemployed, unskilled labourers. In the early recovery contexts, these are, in most cases, likely to be vulnerable, marginalised, disadvantaged or exploited, since their lack of skills makes them susceptible to fraud and drives them to take any job offered them. As an underprivileged lot, they have a greater stake in livelihood support than do skilled labourers. Secondly, in the wake of “land grabbing,” they can easily become victims of landlessness through exploitation and deprivation of property ownership by the elitist, financially astute, skilled labourers. The latter group focuses on gaining a livelihood through application of their skills, rather than through their agricultural products and productivity. Many of those without permanent work tend to be too lazy to engage in traditional agriculture, and would rather look for easier jobs.

While we recommend that the above components of development be prioritised so as to promote peace and security, we also appreciate that there is no single silver bullet in promoting development. The critical lack of infrastructure and constraints in governance will continue impeding socio-economic growth in Northern Uganda. In this context, spurring private investments will also proffer a key to growth by contributing the most to employment.

5. Illicit Resource Flows in Sugango: Making War and Profit in the Border Triangle of Sudan, Uganda and Congo-DRC

Wolfgang Zeller

Introduction

Development policies and projects are generally designed to target politically defined geographical units, such as entire countries or specific areas (provinces, municipalities, etc.) within countries. Yet, in areas as diverse as the Middle East, Central Asia, and both the Horn and the Great Lakes Region of Africa, current zones of protracted violent conflict extend across the territorial borders between two or more states. In these areas, neither the state nor a regional elite are able to establish a lasting regime of domination. Such borderlands are often the sites of intense and violent competition among local, national, regional and international agents – including the external agencies that are leading national or regional interventions. This chapter argues that to assess the so-called “security-development nexus” for any such location, processes beyond those taking place within the confines of national borders must be taken into account. It does not however simply suggest a “regional” or “transnational” approach, as if widening the scope of the investigation was merely a question of “zooming out” to a different geographical scale. A simultaneous “zooming in” on the specific aspects of everyday life in the borderlands zones that result from, and further perpetuate, protracted violent conflict is necessary as well. The case examined in this chapter is the border triangle of eastern Congo-DRC, northern Uganda and South Sudan, and the illicit flows of conflict resources through, as well as in and out of this area.

In 2007 Shaw and Mbabazi argued that there are two Ugandas. The southern part of the country broadly fits the description by Thanda Mkandawire (2001) of an “African democratic developmental state”: “Its markets are open for foreign investment, governance reforms have been instituted, economic growth and at least some degree of democratisation in society are visible” (Shaw and Mbabazi 2007). The northern part of the country, however, is caught in an unending cycle of political alienation, violence and material deprivation, a pattern which the World Bank (2003) refers to as the “conflict trap”. The Ugandan government, meanwhile, cooperates with the international dogma of political democratisation and market economy to a sufficient extent to achieve the desirable goal of “liberal peace” (Duffield 2001), at least partially. According to Shaw and Mbabazi the failure to achieve these goals in the north is not officially acceptable, but is de facto tolerated by a donor community which needs

a Ugandan success story for at least three reasons: firstly, to justify its development aid policies to taxpayers at home, secondly as a loyal ally in the “war on terror” in a frontier zone between Christianity and Islam, and thirdly as a reliable launch pad for emergency relief aid operations in other parts of the conflict-ridden Great Lakes region.



Source: US State Department

Speaking the language of the War on Terror: “Africa has a key role to play in the Global Campaign Against Terrorism. Uganda expressed its sincere condolences to the victims of the September 11th attacks. Uganda has also been a direct target of terrorism from brutal attacks against local and American civilians by the Lord’s Resistance Army and the Allied Democratic Forces, groups that are included on the State Department’s Terrorist Exclusion List.” Ugandan President Yoweri Museveni in Washington, 14 May 2002.

More recent events seem to take some of the wind out of the sails of such critics. In a SIDA-funded study International Alert reports: “through 2008 a renewed sense of possibility has emerged regarding the rebuilding of the Northern Ugandan economy” (International Alert 2008: 6). Since the 2005 Comprehensive Peace Agreement (CPA), a shaky peace appears to be holding between the north and south of Sudan. The so-called Operation Lightning Thunder by a coalition of Ugandan, South Sudanese and Congolese armed forces with diplomatic, logistical and material support from the US government and military in the borderland of DRC and South Sudan late 2008 failed to hunt down Joseph Kony. It instead sparked a new LRA killing spree and a refugee crisis in that area, which is now increasingly spilling over into the Central African Republic (Humanitarian and Development Partnership Team 2009). Nevertheless, the Ugandan government’s claim that they have chased the LRA from Ugandan soil for good has a slim lead in the war of words – for now. The new consensus is that “the problem” is still out there, but “security” is sufficient to go ahead with “development”.

Today in parts of Northern Uganda and Southern Sudan, infrastructure is being reconstructed, private business is flourishing, and each month several thousand Sudanese refugees and Ugandan IDPs are leaving the camps where they have been living for up to two decades. Those on board the white SUVs of aid agencies and diplomatic missions travelling south to Kampala on fresh tarmac trunk roads constructed with World Bank funds¹ are reporting back to headquarters that things are getting better in the north. They are reassured in their assessment by the sight of construction sites for new banks, hotels, shops and petrol stations. Trucks and buses are driving in the opposite direction, heavily loaded with export goods and returnees headed for South Sudan. The current consensus is that in the new, relatively tranquil, post-conflict situation the delivery of sophisticated development aid products will be needed to shore up peace and order, and help a population traumatised by protracted conflict to return to a normal life and a better future. Shifting the emphasis from “emergency” aid to “recovery” through reconstruction and development is currently the talk of the town in places like Gulu, Kitgum and Juba. Here armies of governmental and non-governmental donor agencies have their provincial headquarters near the sprawling construction sites. A lively circuit of donor-funded meetings and workshops has emerged. Western-standard accommodation in segregated neighbourhoods and luxury consumables are available at exorbitant prices to those who can afford them.²

The Northern Uganda Recovery Programs (NURP I and II), which began in 1996, and the Northern Uganda Social Action Fund (NUSAF), an initiative of the Ugandan government primarily funded by the World Bank, have in the past gained notoriety for systematic wastefulness and corruption (Lukwiya 2007; Atkinson 2009; International Alert 2008: 28). Now the “invasion of the acronyms” (Nugent 2004: 326) has entered a new phase, but is already getting off to a bumpy start: at its official launch in 2007 the three-year Peace, Recovery and Development Plan (PRDP) overseen by the Office of the Prime Minister of Uganda had a budget of €400 m, 70% of which was to be donor-funded. By mid-2009 the PRDP was still largely bogged down in controversy and a failure to come up with clear and transparent guidelines for the selection of individual projects. The Ugandan government had revised its contribution for the 2008/9 budget to a sum below the cost of a new executive jet for President Museveni (Daily Monitor 2008; International Alert 2008: 26ff.; Beyond Juba 2008: 4). Integrated sections of the PRDP, such as the €30 m Northern Uganda Rehabilita-

¹ According to the Director of Planning of the Uganda National Roads Authority, all roads leading up to Uganda’s major border posts with Sudan and Congo are currently being upgraded, rehabilitated or reconstructed with World Bank funds.

² The going rate for a night in a basic tent in Juba was reportedly 150-200 USD in 2007. The construction boom has since alleviated the extreme shortage of accommodation there, especially in the upper price range. In May 2009, the author met a Swedish businessman at the Oraba/Kaya border, who specialised in transporting high-end wines, spirits, prime-cut beef and other luxury food items directly to Juba from the port of Mombasa. The businessman said his main customers were development agency personnel and higher-ranking members of the SPLA. The latter were in turn catering for the secure transport of the goods past South Sudan’s ubiquitous roadblocks.

tion Programme (NUREP) funded by the European Commission, are nevertheless able to function on their own and are moving ahead with implementation (Interview Gerstel 2009).



Source: Wolfgang Zeller

Crossroads in Gulu with signs of aid agencies and new businesses.

With the new tasks, new skills are required from those in the white SUVs. The people who take up these positions usually bring with them much technical expertise in their field of specialisation and experience from previous deployments elsewhere. What they often lack, however, is the working understanding of the local politics, economy and regional history which those who are now moving on to the next crisis zone have built up during the course of their assignment. Some of these insights are, of course, retained by “old hands” and the “local” staff who remain, scrambling to find new employment or re-inventing the profile of the agencies they are working in. The now-obsolete emergency relief projects they used to work on have been discontinued or mothballed with skeleton staff, in case another cycle of violence should erupt after all (Interviews Oneka 2009 and Orana 2009).

But even those with a long-term working knowledge of circumstances in Northern Uganda are rarely trained to understand the specific politics, economy and history of the protracted conflict, although they are dealing with all of this on a daily basis. This lack of understanding is not due to a lack of suitable literature, though. If anything good can be said about the outcome of decades of violence and political turmoil in this part of Africa, it must be the fact that a small community of scholars has pro-

duced, and is producing, works of very high quality that could go a long way toward reducing the collective ignorance being described here – if only they would be read more widely and thoroughly.³ Instead, experts on the ground and planners at distant head offices and embassies often rely on the sound-bite depth of background information that most donor-commissioned studies, policy papers and project reports offer by way of introduction. In compliance with current development-jargon the ‘situations’ described are labelled as ‘complex’, before the texts move on to the highly specialised topics and technical jargon their readership is accustomed to.



Source: Wolfgang Zeller

Richard Oneka, a social worker with Gulu Support the Children Organisation (GUSCO) stands in the doorway of the dormitory of the organisation’s now-empty reception centre in Gulu. Initially a private local initiative of concerned citizens trying to help child soldiers and abductees who had escaped from the LRA to reintegrate into society, GUSCO has previously received substantial funding from Save the Children Uganda. It currently runs on short-term support from UNICEF and Save the Children Uganda, which will end in December 2009.

Every author of such a text knows that the attention span of his or her audience is limited by the nature of the intense workload the intended readers typically carry. Every author therefore needs to draw and use certain ‘lines’ – analytical distinctions employed to simplify and organise the messy reality they are describing. Some of these lines have become very well established, to the extent that they are considered to actually exist. In this study, I will critically examine four such ‘lines’ more closely:

³ See for example Alava 2008; Allen 2006; Atkinson 1994; Behrend 1999; Finnström 2006, 2008a, 2008b; Lanken 2007; Leopold 2005; Raeymaekers 2002; Schomerus 2007, 2008; Titeca 2006; Vlassenroot and Raeymaekers 2009.

1. The boundaries between Uganda, Sudan and the Democratic Republic of Congo
2. The distinction between ‘war’ and ‘peace’
3. The distinction between ‘state armies’ (or ‘government forces’) and ‘non-state armies’ (or ‘rebels’)
4. The distinction between ‘legal’ and ‘illegal’ activities, particularly in reference to cross-border trade
5. The main purpose of this study is to suggest what we may be able to see if we recognise these ‘lines’ for what they do: facilitate the description of some aspects of reality, but at the expense of obscuring other, rather crucial ones. The underlying ideas in this exercise are of general relevance to our understanding of the reasons and nature of protracted conflict in many areas of the so-called ‘developing world’. The material relied on to illustrate these points, however, comes from one specific region, which will be called ‘Sugango’.

Sugango – an African Borderland

The name ‘Sugango’ was created to abbreviate the expression ‘borderland of Uganda, Sudan and the Democratic Republic of Congo (DRC)’, and to illustrate the fact that this area has a strong inner coherence that transcends the boundaries which dissect it on maps.

Borderlands have in recent years become an increasingly well-established scientific field in general, and in African Studies in particular. Borderlands are ideal locations to study phenomena on the margins of African postcolonial societies, with a view to exploring questions regarding sovereignty, authority and citizenship “from the outside in”⁴. The commonly accepted working definition of a ‘borderland’ is the area where daily life is to a considerable degree affected by the proximity of the borders between neighbouring countries. Sugango accordingly does not have outer boundaries that define its extent precisely. The boundaries that define Sugango are those which lie *within* it. These have existed on maps for well over a century, while the sovereign states they separate have come into existence only roughly five decades ago.⁵ The sovereignty of these African states was internationally recognised at independence. The fact that *de jure external* sovereignty has been achieved is, however, not always matched by *de facto internal* sovereignty. Some would call this phenomenon “state failure”.⁶ Here we will rely on Max Weber’s definition of statehood and argue that a *monopoly of le-*

⁴ Compare Asiwaju 1976; Chalfin 2001; Englund 2002; Flynn 1997; Nugent 2002; Nugent and Asiwaju 1996; Kreike 2004; Miles 1994; Raeymaekers 2009; Roitman 2004; Titeca 2006; Zeller 2007a, 2007b, 2009.

⁵ Sudan gained independence from the UK in 1956, Congo from Belgium in 1960, and Uganda from the UK in 1962.

⁶ The “Failed State Index” list produced by US-based think-tank Fund for Peace and published through the journal *Foreign Policy* is in wide and mostly uncritical use in policy circles, while the Crisis States Research Centre of the London School of Economics takes another high-profile, but more nuanced view of the same topic.

gitimate physical violence throughout a clearly defined territory is not being successfully asserted. The latter definition opens the door for a more nuanced observation than the terms ‘success’, ‘failure’ or indeed ‘fragility’ allow.

While the assertion of the monopoly of legitimate violence may be successful in some parts of a state territory, it can simultaneously fail in others, at least temporarily. Borderlands are typically distant from the centres of state power. This does not mean, however, that these areas are void of organised forms of power altogether and simply ‘marginal’. From the point of view of powerful actors in the borderland (organised smuggling rings and guerrilla rebel movements, for example) it can indeed be the central state itself which is marginal. For the state, the border is the horizon of its power; but for the borderlanders, the border is a key source of political and economic strength. This is not an academic word game, but a reality that can be observed on the ground and must be understood if we want to explain why e.g. donor-funded development projects, military interventions or peace processes do not succeed as planned.

To summarise and restate the point: understanding the roots and reasons of protracted conflict in Sugango (as well as in Afghanistan and many other areas around the world where state sovereignty is continuously contested) is only possible if they are explained as part of cross-border phenomena. Seeing events in borderlands through an analytical framework in which states are abstract separate entities like the pieces of a jigsaw puzzle is not helpful. States are made up of people, some of whom hold positions in its various institutions. These people have real lives, and in borderlands these lives cross borders.

Sugango has long inspired the imagination of outsiders as a remote and wild Heart of Darkness along the lines of Joseph Conrad’s famous novel.⁷ An inaccessible pre-colonial frontier exploited for ivory and slaves, it remained deliberately undeveloped in the colonial era when it served as a recruitment reserve for native labour and military service. Its indigenous centres of political power were systematically suppressed by the colonisers’ divide and rule approach. The various population groups however continued to maintain close relations of kinship and trade across the boundaries drawn by the Europeans. Throughout the colonial period borderland residents, traders and enterprising colonial officials were making a profit off the various lawful and unlawful opportunities the border had created. These cross-border trade links have suffered during the protracted conflicts in Uganda’s northern, Sudan’s southern and DRC’s western regions, but they were not severed. As insecurity increasingly came to dominate all aspects of everyday life, trade became “militarised”. Armed men were needed to protect pockets and corridors of commerce, and both private and state players entered into this lucrative market with great force. The dangerous environment in

⁷ As Finnstöm (2008b: 125) points out, this image is actively re-created and recycled in present-day media representations of the region and of the LRA in particular.

which trade took place also provided a very efficient cover against scrutiny from outsiders. By 2001 it was however widely known that high-level military officials, members of the family of the President and other politically well-connected civilians from Uganda, Rwanda and a number of other countries were working hand in hand with transnational traders in what a UN report described as the “mass-scale looting” of DRC’s natural wealth (United Nations 2001).⁸

Since the signing of Sudan’s CPA in 2005 and the LRA’s retreat into the Congolese-Sudanese borderland, trade links and overall commercial activity across the Uganda-Sudan border have again become stronger. Many of the “armed men” however, who took active part in these conflicts, are still active throughout the greater region. Just two examples of their activities are the ubiquitous checkpoints operated by armed gangs in Southern Sudan to extort road tolls, and the flourishing trade in raided cattle and small arms by the Karamojong in the borderland of Kenya, Uganda and Sudan. Members of the UPDF who are stationed – more or less officially – on the South Sudanese side of the borderland are reportedly engaging in commercial activities involving illegal logging of tropical timber and the smuggling of fuel and alcohol (Ochan 2009; Schomerus 2008). While this is probably less lucrative than the earlier trade in conflict minerals from eastern DRC, it is nevertheless profitable and relies on the same methods and expertise.

In late 2008 Operation Lightning Thunder sparked off a new humanitarian crisis in the Congolese-Sudanese borderland, which since then is increasingly spilling over into the Central African Republic (CAR). There is concern that gold and diamond deposits in this area might motivate, finance and thus prolong the hostilities (van Puijenbroek and Ploojier 2009). Civilians caught in the crossfire are once again forming armed militias to protect themselves. These have often been the nuclei of rebel movements in the past. The “problem” of long-term and profitable organised violence has thus shifted ground within Sugango, but it has not gone away, and its fundamental nature has not changed.

The rapid increase in trade between Uganda and South Sudan since the 2005 CPA has been largely in unprocessed raw materials and food items. There is also a high demand for artisans and personnel for service industries in Juba.

⁸ In its final report, the UN Panel also stated that the UPDF was guilty of creating ‘the conditions that require the presence of troops’ and that ‘UPDF military operations have contributed to the arming of large numbers’. In December 2005 the International Court of Justice ruled that Uganda is guilty of looting Congo’s timber, gold, diamonds and coltan.



Source: Wolfgang Zeller

Trucks with transit goods from Kenya's Mombasa port are preparing to cross the Ugandan border and enter South Sudan, destined for Juba. Behind the line of hills lies the Congolese-Sudanese boundary. Outside the perimeters of the Oraba-Kaya border post (its truck park can be seen in the middle-ground) and a small number of other checkpoints, the borders of the three countries are neither demarcated nor regularly patrolled by state security forces.

According to the Business Vision newspaper (9 July 2009: 3), the trade across the Uganda-Sudan border is almost entirely made up of imports into Southern Sudan from or through Uganda, with insignificant exports from Sudan to Uganda. A rapid increase in the volume of trade and rising demand have led several large commercial banks to move into Northern Uganda or significantly expand their operations there. For Southern Sudan, access to the East African market is essential for the supply of most goods and commodities, particularly food, as it tries to dissociate itself from the rest of Sudan politically and economically. Cross-border trade is seen by the SPLM government as crucial for the realisation of socio-economic transformation through integration into the East African region and the global economy. However, this is not a smooth process. Southern Sudan's increasing demand for food has provided lucrative markets for cross-border traders, but this has also put severe pressure on food supplies and driven up prices in Uganda. Violence against, and even killings or disappearances of foreign traders working in Southern Sudan, particularly Ugandans, are not uncommon. These are part of a more complex problem, the effective absence of a legitimate monopoly of organised violence in Southern Sudan. Traders complain that revenue collection is done arbitrarily by GoSS members working to fill their own pockets. Due to these problems, a number of businesses still appear to be cautious about making long-term investments in Southern Sudan and see the establishment of

bases in Northern Uganda as a less risky way of being closer to the Southern Sudan market, as well as capturing business from the growing market in Northern Uganda. Another concern is the sex trade, which has grown considerably since Southern Sudan was opened up in the wake of the signing of the CPA. At a time when health and support services in Southern Sudan still severely lack capacity, it is feared that the sex trade may become a possible major source of future societal tensions in the making.

Despite the new developments, it is important not to lose sight of the fact that there are continuities in the underlying patterns of both legal and illegal cross-border commerce and in the role of the armed men involved in commerce. This point is addressed in more detail in the following section.

War and Peace

To speak of Sugango or any part of it as being “at war”, or living in “peace” or in “post-conflict transition” is highly problematic if we look at the area’s recent history as a whole. Even before, and indeed since Sudan, Uganda and Congo attained independence, the inhabitants of their shared borderland have experienced a continuous rise and fall of protracted organised violence. Over the past five decades this has led to the displacement of millions of people, many of whom have been forced to leave their homes more than once. Take the example of Moyo town where the headquarters of the district of the same name are located. Moyo lies on the Ugandan side of the border with Sudan and has never suffered from direct attacks by the LRA. During the Sudanese Anyanya I rebellion (or First Civil War) from 1955 to 1972 thousands of Kuku people fled across the border to Moyo, Adjumani, Arua and other parts of the then West Nile District of Uganda. Following the fall of Idi Amin in 1979, parts of the military under Milton Obote’s second regime committed widespread atrocities in Northern Uganda. This caused an exodus in the other direction which was again reversed when the Second Sudanese Civil War (or Anyanya II) erupted in 1983 (Interview Dolo 2009; Leopold 2005).

With variations in intensity, timing and the names of the armed groups who have wreaked havoc among the local population, all areas along the Ugandan-Sudanese-Congolese borders have a similar history. It has built upon and added to the alienation of the ruled from the rulers caused by the particularly violent and exploitative version of colonialism that was imposed on this part of Africa. As a consequence, the concepts of state and citizenship, and any distinction between “refugees” and “IDPs” have very limited real currency (compare Finnström 2008a). Many people in Sugango have been on the run from armed men with or without uniforms so many times that they have no clear idea of their own citizenship, or what such a concept may entail (Interview Orana 2009).



Source: Wolfgang Zeller

Preparing for another long journey. At Imvepi refugee camp 65 km northeast of Arua, residents and their belongings are loaded onto UNHCR vehicles sponsored by the German Development Service (DED) for their voluntary repatriation in May 2009. Many of them have lived all or much of their life (up to 4 decades in some cases) in this part of Uganda. By mid-2009 most of the 26 000 residents of this camp were transferred to Southern Sudan. Some are staying behind, however, since their areas of origin in DRC and South Sudan are still insecure due to activities by the LRA, splinter groups of the Equatorial Defence Force (EDF) and various other armed militias. UNHCR is coordinating massive donor efforts to support the returnees in their home areas in Southern Sudan and to rehabilitate the camp's environment. For the time being, Imvepi will be kept operational at reduced staff levels, in preparation for possible use in the future (Interviews Orana 2009, Warsame 2009, Alinaitwe 2009).

All this is not to say that there has been one uninterrupted war throughout this period. Instead, Sugango has been the theatre of numerous local, regional and international conflicts over the past decades. These were always a mixed result of intensifying regional rivalries, as well as geopolitical events like the Cold War, the War on Terror and the current New Scramble for Africa's natural resources (Melber and Southall 2009). Just one element to illustrate this is the double proxy war fought across the Ugandan-Sudanese border in recent years. The government of Uganda (alongside the US and others) has supported the SPLA in their fight against the Sudanese government. The Khartoum regime, propped up by diplomatic protection and military supplies from China, denies that it currently supports armed militias fighting the SPLA from within Southern Sudan, but has at least in the past armed the LRA in their fight against the Museveni administration. While some population groups and places have been affected more strongly and at different times than others, these more or less open conflicts are

tied together by a complex web of causes and effects. Over time, the structural conditions of war have become deeply entrenched, creating a regional powder keg that can be easily reignited at any time and any place. In the day-to-day life experience of those in the conflict zone, a clear distinction between “war” and “peace” is difficult to make; and its analytical value remains questionable. Conflict in this area does not start and stop; it simmers and intensifies. People experience a continuum of “living with bad surroundings”, as the Acholi informants of Finnström characterise the situation of their people (Finnström 2008a). Across the border in Sudan, an interviewee of Schomerus uses words to describe his predicament which reverse the deep-seated western image of a hellish place in the heart of darkness and savagery and turn it inside-out: “Behind us it’s dark. In front of us it’s dark. We are in the middle” (Schomerus 2009: 8). Is peace just the brief interlude between the normality of open warfare or vice versa? As Richards (2005) and others point out, this ambiguity is not unique to Northern Uganda, but a common feature of zones of protracted conflict around the world.

Governments and Rebels

Another distinction, which obstructs, rather than explains the reality of protracted conflict in Sugango is that between the terms “state armies” (or “government forces”) versus “non-state armies” (or “rebels”). The current ruling parties of Uganda, DRC and Southern Sudan (and indeed many other African states) have all emerged from armed movements that have opposed their predecessors in violent conflicts. Rebels have turned into governments. This fact is significant beyond the historical record. Elements such as the military hierarchy, strong personalisation of power relations, and a politics of secrecy, all of which are characteristic of all guerrilla movements, find their way into the methods of governance once these movements have captured the prize of state leadership (Clapham 1998; Metsola and Melber 2007). The Museveni government’s and Ugandan People’s Defence Force’s (UPDF) handling of political opposition is illustrative of this, especially when that opposition is expressed through organised violence, as in the case of the Lord’s Resistance Movement/Army (LRM/A).⁹

In the greater region and in many other parts of Africa, governments and their armies routinely either use the methods, or employ the services of non-state organised violent groups. Via these methods and proxies they are able to achieve results that are politically useful but cannot be officially proclaimed and acted upon by the representatives of sovereign states, if they wish to keep a democratic façade. Governments throughout the region use militias to do the “dirty work”. This blurs the boundaries between state

⁹ Shaw & Mbabazi (2007: 570); Finnström (2008a), Atkinson (1994), Behrend (1999) and many others have repeatedly argued that the LRM/A represents a strand of political alienation among the Acholi with deep historical roots beyond the 1980s. This is absent in most contemporary media portrayals of the LRA as a drugged and crazed-out doomsday cult that is plundering civilians and turning children into soldiers and sex slaves.

and non-state armies in a way that keeps the options open for “creative” solutions to the problems posed by demands for accountability made by domestic political opposition and international donors. It also creates opportunities for well-connected elite groups and individual strongmen to participate in the conflict economy in a way that is both highly lucrative and insulated against public scrutiny and prosecution (see next section below). In Sugango, a long list of armed groups with shifting loyalties to governments and each other have emerged over the years¹⁰. Some are no more than armed bandits, smugglers or cattle raiders while others like the Equatorian Defence Force (EDF) adopt names and acronyms and issue political manifestos that may be known in the region and to a few expert researchers. The rules of engagement and the lines between government armies and other armed groups are blurred and shifting, and the general population ends up caught between them. To try and distinguish between the “good” and the “evil” is a futile but politically potent exercise in such a setting.



Source: Wolfgang Zeller

In the Ugandan town of Atiak, located north of Gulu near the border with Sudan, an annual memorial is held for the victims of one of the most notorious massacres committed by the LRA. Some 300 residents were slaughtered here in a single attack on 20 April 1995. Typical for this conflict, the residents of Atiak were largely rural Acholi people who were caught between the lines of fire. Having previously suffered from the widespread atrocities committed by Ugandan government forces (UPDF) which contributed to the original emergence of the LRA, they were forced off their land into so-called “protected villages” like the one at Atiak “for their own safety”. The small number of troops deployed to guard them was no match for the LRA, who suspected the camp residents were collaborating with the UPDF (Justice and Reconciliation Project 2007).

¹⁰ Several are mentioned here, but there is no room in this report for a comprehensive list and detailed descriptions. For further details regarding, for example, the Equatorian Defense Force (EDF) I and II in Southern Sudan’s Equatoria Province, the West Nile Bank Front (WNBFB) and the Uganda National Rescue Front (UNRF) I and II both of which launched cross-border attacks from Congo against the UPDF in Uganda’s West Nile (now Arua) District in the 1990s, see Finnström 2008; Leopold 2005: 19-22, 44; van Puijenbroek and Plooijer 2009; Schomerus 2008, 2009; Titeca 2006.

Despite the well-documented havoc which government armies, in particular the UPDF, have caused among civilians in Sugango, they have so far not achieved anything close to the global media notoriety of Joseph Kony and the LRA. This notoriety is not a neutral fact but a useful element for the Ugandan government in their attempt to secure military and diplomatic support from the US and other powerful allies. Such support has been forthcoming in recent years. Relatively small and landlocked, Uganda is of special value that is defined by at least two elements: firstly, its perception (e.g. by the Bush administration) as a bulwark against Islam; and secondly its possession of, and proximity to, countries with significant amounts of strategic resources for the electronics and energy industries. Not despite, but actually in part because of, the turmoil and insecurity in the area, Sugango has indeed been a place for various profitable business ventures in recent years. Ferguson (2006), Reno (2001), Raeymaekers (2002), Nordstrom (2004a, 2007) and others have observed the same pattern of highly lucrative mineral extraction in areas of extreme and prolonged insecurity, rampant corruption and undemocratic practices, like Angola, Congo (DRC) and Sierra Leone/Liberia. In direct contradiction to the dominant development paradigm, the antithesis to “good governance” is clearly good for business in these countries and secures them an important role in the world economy. Examples of how this pattern manifests in Sugango are presented in the following section.

Legal versus Illegal

Armed groups in Sugango are able – both in times and areas of open warfare and relative peace – to extract and distribute, buy and sell certain key resources that are needed to keep the wheels of violence spinning. These are mineral and natural resources (such as gold, diamonds, oil and timber), weapons (small arms and ammunition in particular) and (forced) human labour. In a zone of protracted conflict like Sugango, this war economy is not insulated or separate from the wider “civilian” economy. Resources not only move among an inner core of active members of armed groups, but also along transnational networks of trade and trafficking that reach around the globe. These networks connect artisanal miners, small-scale cross-border traders, local customs revenue officers, top army and government officials, international arms dealers, and businessmen supplying the electronics industry with raw materials. The risks as well as the profit margins can be enormous in this type of global business. Exactly who benefits and how much can only be estimated however – not because all of this trade is illegal, but because much of it takes place in a grey zone that is either simply unaccounted for, or actively used by those who officially make laws but in reality break them. Nordstrom (2004b, 2007) has for many years studied the actors and activities in this grey zone by following transnational routes of trade and finance in and out of

African war zones. She calls them “invisible empires” that co-exist and are interwoven with formal state power.

For something to be rendered illegal there has to be a law against it and a continuous attempt to enforce that law. There is no universal international law or law enforcement agency regarding the trade of arms and minerals in and out of conflict zones, only a hotly contested field of selective regulations such as the UN Programme of Action on Small Arms and Light Weapons, the EU Small Arms Strategy, and the Kimberley Process against the trade of “blood diamonds”. Within and between the various sets of initiatives and legal regimes there are many loopholes. Those who trade in these goods are often specialised in finding, and if necessary widening these loopholes, e.g. through bribery or counterfeit declarations of goods to avoid customs checks. Those officially tasked with making and/or enforcing the laws are often simultaneously bending or breaking them. The already fuzzy line between legality and illegality becomes even more blurred. Along the route of the long journey of conflict resources in and out of Sugango, there are multiple opportunities for this to happen. Weapons and minerals may thus be illegal commodities at the beginning or end of their journey in and out of a conflict zone, but their status can change along the way. This can be briefly illustrated through two relatively prominent examples:

Coltan is a metallic ore from which the element tantalum is extracted. Tantalum is used in the production of high-performance capacitors for the electronics industry. A report by a panel of experts presented to the UN Security Council on 12 April 2001 charged that great amounts of Coltan (along with other valuable natural resources like pyrochlore, cassiterite, timber, gold and diamonds) were being mined in the conflict zones of eastern DRC and smuggled over the country’s eastern borders to Uganda, Burundi and Rwanda, from where they were exported as legal commodities. The report cited evidence that top Ugandan military officers and civilians were involved in the lucrative business. It has become a well-established and proven pattern that past and present deployments of the Ugandan military in DRC, Southern Sudan and within Uganda have been used by members of the UPDF and the country’s political leadership as opportunities for private business ventures (Raeymaekers 2007). These go well beyond the lucrative trade in conflict minerals and include e.g. the smuggling of fuel and construction materials, and the diversion of state pension funds for veterans and salaries for soldiers which only exist on paper.¹¹ Members of Uganda’s ruling elite, including members of the family of President Museveni, also stand accused of profiteering from large-scale agricultural schemes set up in areas rendered vacant when the UPDF forced people to move off their ancestral lands into IDP

¹¹ The so-called “ghost soldier scheme”

camps (Rugadya et al. 2008; Atkinson 2008).¹² Conflict minerals such as coltan, cassiterite and gold enter Uganda illegally but leave the country as legal export products which show up in official statistics. They are traded by middlemen whose customers in turn supply the global electronics industry with the refined products. Companies like NOKIA have to deal with the problem of customer enquiries about the origin of coltan used in their products by assuring them on their corporate responsibility web pages: “We (...) require all of our suppliers NOT to source tantalum material from here [DRC]”. The company website further states: “We check this and receive written confirmation from them that this is the case” (Nokia 2009). It is, however, extremely difficult to verify the origins of materials like tantalum along every link of, and all the way back to the beginning of the supply chain. In the absence of binding and effective international laws, private enterprises and their customers have to do the work of regulation themselves.

In September 2008 the fact that Southern Sudan is unofficially importing weapons was thrown into the spotlight of world media attention. A ship sailing under the flag of Belize, carrying 33 Russian-made T-72 tanks from Ukraine and, according to that country’s defence minister, “a substantial quantity of ammunition”, was hijacked by Somali pirates before it could reach its destination, the port of Mombasa. The weapons had been officially sold to the Kenyan military, but some cargo papers identified their final recipient as “GoSS” – an acronym officially used by the Government of Southern Sudan. GoSS had previously received similar deliveries, but could not do so officially due to clauses in the 2005 Comprehensive Peace Agreement. Small arms and ammunition are very widely available and imported into Sugango via established regional trade routes from Kenya; and international weapons traders routinely use third or fourth countries to side-step embargoes and regulations (BBC News 2008; Interview Oola 2009; Thomas 2006).

The crossing of international borders is an important element in the movement in and out of the region of resources needed to sustain conflict in Sugango. Contrary to a widely used cliché, these borders are not simply “porous”. The term “porous” refers to a barrier with a fixed and inert, but weak, structure that “leaks” i.e. it does not fully hold back a substance on one side from crossing to the other. This does not adequately describe the boundaries of Sugango. At specific times and places, these boundaries are open for specific people and goods to cross, but at other times and for other people they are not. The gatekeepers are both state and non-state actors who may or may

¹² The potential of land disputes in northern Uganda to degenerate into open violence is frequently emphasised by observers as the perhaps most severe mid- to long-term threat to peace in the area. International Alert (2009: 37) argues that “land conflicts are simmering at different levels and have the potential to degenerate into more widespread violence.” The erosion of the social fabric during the long years of conflict has negatively affected the population’s previous ability to manage land and settle disputes. Controversial large-scale investment schemes such as the Madhvani Amuru Sugar Works or Divinity Union Ltd. (the latter an agribusiness headed by President Museveni’s brother Salim Saleh) are adding to allegations of systematic disenfranchisement which fuel the flames of long-term political resentment against the central government.

not rely on official laws for their actions. The boundaries of Sugango are actively used by those involved in the trafficking of these resources to side-step regulations (if these exist at all) supposed to prevent their export and import. Conflict minerals and weaponry are transported across borders in order to move them into legality or out of the reach of regulators. Especially in a situation of protracted conflict such a war economy, such transport becomes established; and its practices can “crowd out” other sectors of the economy, thus creating further incentives for those who make good profits from this business to perpetuate the conflict. This “conflict trap” is not a phenomenon that can be contained by fixing the problem of “failed” or “fragile” states. It is a structural aspect of the 21st century global economy, and a powerful reminder of the fact that free trade can kill and certainly does so in Sugango.

One further and particularly disconcerting observation needs to be made: over years of intense activity carried out by humanitarian aid and emergency relief organisations in Sugango, the resources they have brought and are bringing to the area have become unintentionally, yet intimately, entangled with the economy and politics of protracted conflict. Just two of numerous concrete examples of this are the bush meat sold to relief agency staff by poachers working hand-in-glove with UPDF soldiers (Finnström 2008b), and the delivery of fuel to the SPLA by organised smugglers in exchange for relief items provided by Oxfam, the Red Cross and UNHCR.¹³ This issue has however more general relevance beyond these individual cases. A look at the fiscal realities of Uganda, DRC and Southern Sudan reveals that development aid donors and emergency relief organisations are continuously shouldering a significant share of the financial and organisational burden of these countries’ governments. At the same time, these governments’ military expenditure absorbs a significant share of their tax revenue; and powerful individuals enrich themselves through private, shady deals made possible by the absence of regulatory frameworks in a zone of protracted conflict. Based on the evidence available, there is widespread and well-founded speculation among experts that senior members of the Ugandan government and UPDF have a vested interest in NOT capturing Joseph Kony, and instead need him to extend their access to foreign military aid, self-enrichment schemes, and lucrative private business deals (Atkinson 2008; Schomerus 2007, 2008; Ochan 2009).

¹³ According to Titeca (2006), in the borderland of Northern Uganda and DRC these groups of so-called “OPEC boys” are often comprised of former members of the WNB (West Nile Bank Front), UNRF (Uganda National Rescue Front) I and II, and various other Congolese armed groups. The OPEC boys are known as volatile but influential political actors, taking an often violent anti-central government stance but also providing a wide range of quasi-governmental services on the local level (e.g. as election mobilisers, legal counsel, employment agents and private security guards).

Conclusion

“Post-conflict” does not adequately describe the present reality on the ground in Sugango. Open combat has recently re-erupted in the Sudanese-Congolese borderland. The political issues driving the opposing parties in Uganda and Sudan have deep historical roots and remain alive and volatile. Moreover, long-term violence has deeply penetrated into everyday life in all corners of society in an area awash with guns and rich in natural resources. At a recent Africanist conference in Leipzig, Germany, a round table of established Sudan scholars discussed recent developments in Southern Sudan and its neighbours. It concluded that “a small localised war” would not only be extremely likely to break out in the run-up to or soon after the 2011 referendum, but that given the wider context of instability in the region, this could not be considered the “worst case scenario”. Anything that can contribute to such a development must be avoided, lest the ongoing humanitarian quagmire continues into another cycle with no end in sight. Another attempt to find a military solution to the LRA would most certainly add fuel to the not-extinguished flames. The previous US administration has in the past favoured such a policy of military intervention, and powerful lobbying groups in the USA continue to do so. Whether or not the current US administration will go down this road is currently under debate in the Committee on Foreign Relations of the United States Senate.

Simmering conflict and widespread suffering in Sugango can also not be adequately addressed solely through the dissemination of development aid in its various forms alone. Emergency relief aid has itself become part of the material and political economy of this unending war. The good intentions and determination of emergency relief workers have resulted in countless heroic acts of solidarity and compassion, but also contributed to entrench the structural conditions which have led to the protracted conflict. In an area of pervasive protracted conflict, such as Sugango, all available resources become more or less closely entangled with the conflict economy, including those provided by emergency relief and development agencies. Meanwhile the political grievances which sparked the conflict in the first place are not resolved. The decisions of whom to support, and how, are deeply politicised on the part of donor governments as well as recipients; but such support cannot be left unattended or outsourced to non-governmental aid agencies which have no mandate to do provide support, relief, or development aid, and have limited options to put diplomatic pressure on the leaders of sovereign states.

Besides diplomacy, there is at least one other important field in which donor governments could become active. The trade of arms and valuable resources (often com-

ing from or going to developed countries in Europe, Asia and North America) in and out of Sugango and other conflict zones needs to be urgently addressed and regulated. These conflict resources, and the profits they generate, have to be transported and transferred over long distances through ports, border checkpoints and bank accounts that should and to some extent already can be regulated. This could provide a key opportunity for ending conflict, but currently this is just one more weak spot. National legislation and its enforcement ends at the border. International law and its enforcement is not in place. Neither is can be established through neutral technical processes. Laws and their enforcement are highly politicised: nonetheless, this issue must be faced head-on.

Numerous international initiatives¹⁴ are under way and much research is being done by experts in academia, advocacy groups,¹⁵ and decision-making bodies to address the issues discussed above. Much more work and coordinated efforts are needed to create the conditions in which areas like the borderland of Uganda, Sudan and DRC can become a secure place to live in and to develop according to its inhabitants' own priorities.

¹⁴ For example the UN Programme of Action on Small Arms and Light Weapons, the EU Strategy on Small Arms and Light Weapons, and the Extractive Industries Transparency Initiative (<http://eitransparency.org>).

¹⁵ Most notably Global Witness (<http://www.globalwitness.org>).

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Exploring the Security-Development Nexus - Perspectives from Nepal, Northern Uganda and 'Sugango' charts out the possibilities for and the challenges posed by outside interventions in conflict and post-conflict situations in the global South.

The report combines theoretical reflection on the 'security-development nexus' and on the role of development aid in conflict, with case studies on conflict-affected areas in Nepal and in Northern Uganda and its borderlands with South Sudan and the Democratic Republic of the Congo.

The research team recommends Finland and other donors to work more intensively in conflict and post-conflict situations. The report, however, argues that these fragile situations are immensely complex and difficult to manage. Thorough knowledge of local conditions is a "must" in any intervention.

The report was commissioned by the Ministry for Foreign Affairs of Finland and undertaken by an independent research team organized by the Institute of Development Studies at the University of Helsinki. Authors include Juhani Koponen, Fabius Okumu-Alya, Sudhindra Sharma, Lauri Siitonen, and Wolfgang Zeller. The report was edited by Henni Alava.



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