



MEMORANDUM

A-TO: The High Commissioner

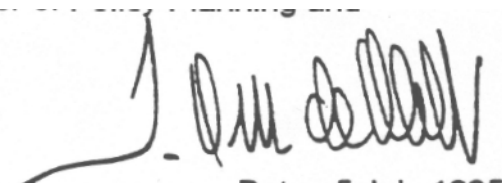
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All Heads of Desk

All ROs, BOs, OCMs, LOs (one copy each)

DE-FROM: Sergio Vieira de Mello, Director of Policy Planning and Operations

NOTRE-OUR REF: PPO/95/0155



Date: 5 July 1995

**OBJET-SUBJECT: International Colloquium on Post-Conflict Reconstruction
Strategies, Stadt Schlaining/Austria, 23-24 June 1995**

1. The Director-General of the United Nations Office at Vienna (UNOV) convened the above-mentioned colloquium, which was also co-sponsored by the Austrian Ministry of Foreign Affairs, and was attended by representatives of all Agencies and Programmes of the UN System (including the World Bank and IMF) as well as by a number of government representatives (including our former DHC, Doug Stafford, on behalf of USAID), NGOs and academic institutions. The Symposium was chaired by Dame Margaret (Joan) Anstee and the Secretary General was represented by Mr. Alvaro de Soto, Assistant Secretary-General for Political Affairs.
2. UNHCR prepared and circulated the attached position paper on the subject, which was the result of extensive internal consultations, involving, in particular, the High Commissioner herself, and I had the opportunity of making a presentation on "Design and Implementation of the first Post-Conflict Reconstruction and Development Plan."
3. In view of the importance that UNHCR attaches to the formulation of integrated and effective strategies to address rehabilitation needs in countries emerging from protracted and devastating conflicts - often even before the achievement of a political settlement -, I felt the attached document, notwithstanding its imperfections, deserved wide circulation. I should be grateful if you could further circulate this paper to colleagues under your supervision, as appropriate.
4. Those colleagues who wish to receive a copy of the final report on the Symposium, when it becomes available, or to submit observations or comments on the UNHCR position paper, are invited to contact my Executive Assistant, Ms. Izumi Nakamitsu, who coordinated the UNHCR internal consultations on the subject. I wish to thank all those who assisted her in the preparation of the attached document.

INTERNATIONAL COLLOQUIUM ON POST-CONFLICT RECONSTRUCTION STRATEGIES

Post-Conflict Recovery : UNHCR's Capacities and Perspectives

I. INTRODUCTION

Recent history has proven that the end of armed conflict - with or in the absence of a political settlement - rarely means the arrival of complete peace and immediate resolution of root causes which led to the conflict. Post-conflict reconstruction indeed amounts to establishing new governance structures which duly reflect the broad and diverse concerns of civil society as a whole, based on the will of the people to reconcile and to address and redress the problems which caused the very conflict as well as its consequences. It is important to note that rebuilding a war-torn country requires not only rehabilitating and reconstructing physical infrastructures, but often and more importantly, achieving confidence of the people in the new governance. -Thus, the term "post-conflict recovery" in this paper refers to a concept which embraces the rebuilding of both material and non-material sectors of a society. The process of such recovery should commence with rehabilitation of various sectors addressing the immediate needs of populations and evolve to larger-scale reconstruction activities, based on which longer-term development can take place.

UNHCR's experiences in assisting post-conflict reconstruction are linked to its mandate of promoting voluntary return of refugees and displaced persons as a durable solution. Through the experiences of assisting returnees reintegrate into their war-torn communities, UNHCR, which is often one of the first UN agencies to start assistance programmes in those communities, has identified some key elements in assisting post-conflict recovery efforts. This paper discusses UNHCR's capacities and perspectives on strategies for post-conflict rehabilitation assistance, focusing on the concrete experience the Office has acquired in a number of recent operations.

II. IMPORTANCE OF REINTEGRATION OF RETURNEES IN POST-CONFLICT RECONSTRUCTION

Changing Natures of Conflict and Peace

The easing of East-West tensions has enabled the resolution of some previously intractably regional conflicts, enabling some nine million refugees to return to their countries of origin since 1991.

Return and reintegration of refugees, as an integral part of the peace settlement, have played a significant part in bringing about national reconciliation, consolidating peace, rebuilding democratic institutions and reviving the economy, especially in rural areas in the countries of origin. Major repatriation programmes of this type have occurred in Nicaragua, El Salvador, Namibia, Cambodia and Mozambique, and similar returns are expected to Angola, Eritrea and Western Sahara.

In recent years, however, the nature, magnitude, and number of conflicts in the world have significantly changed: States are increasingly at war internally rather than with each other. As a result of exploitation, for political purposes, of ethnic,

religious, social or cultural differences of people, and of growing social inequalities, atrocities against and the deliberate uprooting of civilian populations have become a major, if not the primary objective of war itself. In a situation of civil war where a cycle of violence has been created at all levels in a country, the shift from war to peace is more difficult and less clear-cut. The UNs experiences in Somalia and former Yugoslavia have proven the difficulties of peace enforcement in the absence of a political settlement which could lead to stability and credible national reconciliation.

It is important to note, however, that there has been a significant number of refugees who have returned to their countries in conditions where peace has been achieved only partially: UNHCR has assisted in the voluntary repatriation of some 2.6 million refugees to Afghanistan, close to 50,000 refugees to Tajikistan, some 400,000 to Somalia and over half a million to Rwanda. In this "partial peace" or "no peace no war" situation, there is neither an agreed settlement nor a clear national reconciliation policy at the central level. Moreover, the authority of the central government is not fully consolidated, or is in control of only certain parts of the country or, worse, such central authority is totally absent, and some parts of the country may still be experiencing conflict. It has therefore become increasingly necessary that UNHCR, together with other agencies, find appropriate ways to assist reintegration of returnees by working with communities and credible local administrative bodies.

Reintegration of Returnees as a Crucial Part of Post-Conflict Reconstruction

Reintegration of returnees is an important element of post-conflict recovery of a war-torn country, as the returnees form significant constituent elements of the country who had often represented the opposition faction within the country during the conflict. Without their participation in the recovery process, there can be no durable political solution of a conflict, and thus no stability. When a large number of refugees return after a conflict, their successful reintegration in the home country is the first step towards forming a credible government, upon which a long process of rebuilding of local and national political and administrative institutions can begin. It is also crucial from a preventive point of view: the successful reintegration of returnees is one of the key elements for achieving greater confidence in peace and new opportunities for rehabilitation of the society, thereby preventing destabilization and social disruption in an extremely fragile process of reshaping war-torn societies.

III. QUICK IMPACT PROJECTS (QIPs)

Concept and Objective of QIPs

For many years, UNHCR considered reintegration of returnees to be primarily the responsibility of the returnees themselves and their government, the nature of return being such that governments could be expected to undertake this task as part of national development. Thus, UNHCR provided a very modest package of assistance which generally consisted of a supply of basic package including food stuff until the next harvest, some agricultural inputs such as seeds and tools, and shelter materials, and was given on a family basis to returnees.

In the past several years, however, this approach to repatriation has been significantly revised due to a number of trends surrounding the return movements, namely:

- 1) some recent repatriations have been taking place to least developed countries, where the capacity to absorb returnees without external assistance simply does not exist;
- 2) the level of devastation and social disruption during conflict in those countries has been such the needs of returnees cannot be assumed to be any greater than those of local populations who had remained in the countries of origin. In those situations, meeting the needs of returnees without meeting those of the local community could lead to new tensions. In case of Cambodia, for instance, there was a situation where returnees who had lived in well-organized refugee settlements outside Cambodia were often healthier, wealthier, and better educated than many of their compatriots who had remained in Cambodia throughout the conflict period;
- 3) the governments of many war-torn countries often lack resources and authority, and are simply not in a position to assume responsibility for the reintegration of returning refugees and other displaced populations;
- 4) the long-term *planning* time frames of development programmes, as well as international mechanisms which work through governments, are not suited to the needs of returnee reintegration, which are more immediate, and have to be addressed on a smaller scale and with more community-based approach; and
- 5) it has become increasingly difficult to sustain the initial reintegration and rehabilitation efforts, linking to larger-scale and longer-term reconstruction activities.

Given those trends, a form of reintegration assistance known as Quick Impact Projects (QIPs) has been developed. QIPs are simple and small-scale projects which are designed to bring tangible, visible and immediate benefits to areas where significant numbers of returnees and displaced people have settled. The formulation of QIPs was based on the following five basic principles

- 1) UNHCR has a responsibility to assist with the reintegration of refugees, not simply to organize their repatriation;
- 2) the successful reintegration of returnees and other displaced people is dependent upon the resumption of sustainable development activities in areas of origin;'
- 3) reintegration assistance is most effective and equitable when provided on a community-wide basis, bringing benefits to the entire population of areas where returnees have settled;

- 4) reintegration assistance should be provided in such a way that it discourages dependency and strengthens local communities to cope by themselves in meeting their immediate recovery needs; and
- 5) that in order to maximize impact and sustainability, a smooth interface must be established between the short-term assistance provided to returnee areas and the longer-term development programmes of the host government and international agencies.

CIREFCA - A Test Case

This new approach was first pioneered by UNHCR in the context of regional activities launched by the International Conference on Central American Refugees (CIREFCA). One of the characteristics of CIREFCA was the integration of refugee and returnee related issues in the ongoing regional peace process. Typical individual QIPs had an average cost range of a few thousand dollars to \$ 70,000, and an implementation period of a few weeks to several months. They included interventions such as building community health centres or schools, rehabilitating or digging wells, repairing access roads and small bridges, and income generation programmes, all of which addressed the immediate needs of communities *following* the return of refugees. Throughout the CIREFCA implementation process, UNHCR encouraged returnee-affected communities themselves to articulate the area-based priority needs, and to participate in the implementation of projects, in order to promote local initiatives, thereby strengthening segments of civil societies.

Based on this approach, the implementation of QIPs, in close cooperation with other agencies and NGOs, has produced successful results in various countries in Central America. A review of reintegration efforts in Nicaragua, for instance, concluded that the UNHCR programmes successfully assisted in:

- 1) providing communities with urgently needed resources which government structures were unable to offer,
- 2) boosting the morale and motivation of returnees, thereby encouraging them to remain in the rural areas where they had settled;
- 3) reconciling and reintegrating groups of people with receiving communities that often had different interests and political allegiances;
- 4) developing the capacity of local organizations, associations and enterprises; and
- 5) revitalizing local economies through the provision of new training, wage-earning and income-generating opportunities.

Based on the experiences and first lessons learned from Central America, UNHCR has implemented variations of QIPs in Cambodia, Mozambique, Afghanistan, Somalia, northern Iraq, Tajikistan, Sri Lanka and other countries, in partnership with WFP, UNDP, UNICEF, WHO, UNESCO, and more recently with the World Bank. Although each repatriation is unique, UNHCR has identified some

of the common problems in returnee reintegration efforts. For example, a recently conducted review of UNHCR's reintegration programmes in Guatemala has revealed that the following constraints have been directly or indirectly hindering reintegration of returnees:

- 1) the planning of repatriation and reintegration can be difficult and unpredictable, and easily affected by the political situation of the country. This was the case in Guatemala; more clear-cut peace agreements such as in Cambodia, Nicaragua or Mozambique, however, enabled relatively easier planning of reintegration activities;
- 2) the negotiations in Guatemala on the allocation or transfer of land ownership title to the returnees, and on the access of returnees to credit for land acquisition often lagged behind the return movements. The issue of land and other property ownership has been a difficult problem in almost all reintegration programmes which have been carried out by UNHCR throughout the world;
- 3) the institutional structures were extremely weak at the local level in Guatemala, to the point that the implementation of programmes was also affected. For instance, the government often did not or could not honour its commitments to assign and pay teachers, health workers or other social service staff to returnee-affected communities, or to pay them;
- 4) the lack of an integrated planning mechanism has sometimes resulted in conflicts in defining the priority needs amongst different actors, particularly in light of the highly politicized nature of the return and reintegration in Guatemala. Priorities suggested by certain NGOs or communities, such as requests for telephone and electricity lines, were not always realistic in view of UNHCR's assistance criteria; and
- 5) while productive and income-earning projects are considered important, their complex nature required longer commitment than traditional QIPs, raising a fundamental question of sustainability of rehabilitation, reconstruction and development efforts.

Community or area-based programme strategies not only assisted UNHCR in discharging its assistance and protection functions in countries of origin, but also provided a solid basis for dialogue with beneficiary representatives, multilateral and bilateral donors, national and international NGOs, as well as local, provincial and national authorities, and provided UNHCR with opportunities to collectively contribute to the institutional capacity building at the local level. Enhanced interaction of this nature at the national level, among different actors involved in post-conflict reconstruction, including the central government, is increasingly necessary in order to address and define the priority needs of the country collectively and in totality, and to contribute to sustainable rehabilitation.

Cambodia - A Need for Integrated Planning for Reconstruction

The necessity to address the country's need in totality in an integrated planning was also strongly felt in Cambodia. As in CIREFCA, The Paris Peace Conference process (1989-1991) adopted comprehensive approach where humanitarian and human rights elements, including the return and reintegration of refugees, were perceived and resolved in conjunction with their root causes, in the overall framework of a political and military agreement. Further, the implementation process of the Paris Accord was based on the integrated approach: the cantonment and demobilization of soldiers, the solution of the problems of refugees and displaced persons, release of prisoners, promotion of human rights, including human rights related institution-building, and rehabilitation were all integral parts of the mandate and structure of the United Nations Transitional Authority (UNTAC). Within this integrated UN framework which responded to transitional needs in Cambodia, UNHCR established close and mutually reinforcing cooperation with military and civilian components of UNTAC and also provided an important link between UNTAC, UNDP, WFP, UNICEF and non-governmental organizations.

In Cambodia, UNHCR implemented QIPs based on similar reintegration strategies as in Central America. By the end of 1994, UNHCR invested over \$ 10 million in nearly 100 projects in ten sectors of assistance in all of the 21 provinces of Cambodia, largely through a network of non-governmental implementing partners. Among the projects funded by UNHCR were repair and construction of access roads, bridges, hospitals and schools, the preparation of large areas of land for agricultural purposes, digging or repair of wells, and income-generation programmes including the provision of small start-up loans for returnees.

However, despite the successful repatriation of refugees to Cambodia, the integration of returnees and rehabilitation of the country was complicated by a number of factors

- 1) low-intensity, but continued fighting frequently prevented refugees to return to their places of origin and even created new population displacements;
- 2) the slow pace of de-mining of land even in peaceful areas greatly delayed the reintegration process. The absence of integrated strategy for, and the commitment from, the international community to assist in massive de-mining activities obliged agencies such as UNHCR, UNDP, UNICEF, WFP and some NGOs to resort to ad hoc arrangements for de-mining, in addition to their normal activities of mine awareness programmes. It is essential in the initial stages of reintegration, to systematically train national soldiers, NGO personnel or demobilized soldiers into groups of people who can be engaged in de-mining their own country;
- 3) the lack of land for returnees created difficulties for reintegration in the rural areas. It was not only due to the continued fighting and the existence of mines, but was also the result of some reluctance by local authorities to allocate land for free to the returnees, and of the lack of

authority and influence of the central government, which was supportive of the agreed policy of free allocation of land to returnees, over the local authorities; and

- 4) most importantly, UNTAC, despite its integrated response mechanism for transitional needs which included a component for rehabilitation, lacked a dynamic, coherent and comprehensive rehabilitation policy and strategy which could have been a basis for longer-term development of Cambodia, and any means to implement such policy. A clear strategy for rehabilitation addressing how the people themselves could build indigenous structures, which were lacking particularly at the immediate stage of the post-conflict period, would also have given some direction to the influx of international agencies operating without an overall picture during the UNTAC period. At the same time it is important to note that the donors, at the Cambodia Reconstruction Conference in Tokyo in June 1992, showed reluctance to commit funds for rehabilitation and reconstruction activities before the political objectives of the Paris Accord were successfully implemented - that is, until September 1993 - when in fact, early tangible and visible results of the peace agreement were necessary for the successful consolidation of peace in Cambodia.

IV. NATIONAL RECONCILIATION AND RECONSTRUCTION OF NON-MATERIAL SECTORS

Building a Civil Society and its Institutions

It cannot be over-emphasized that a prerequisite for effective post-conflict reconstruction is a spirit of national reconciliation. Reconciliation must occur at the national, sub-national and local community levels, as well as in all spheres of the society, such as political, military, ethnic, religious, cultural and economic. Returnees, as an important component of the new society, need to be a part of this reconciliation and stabilization process. Successful post-conflict recovery also entails addressing the underlying economic and social problems. Fostering socio-economic justice will require establishing and training the police and creating a credible independent judiciary, the launching of a democratic electoral process, restoring a free press, re-distributing land, other assets and economic opportunities, rebuilding or restructuring public services, training parliamentarians.

All of those in fact amount to strengthening civil society which was re-established with the end of the conflict. It should be stressed that, as the examples of Tajikistan and Rwanda indicate, to attain reconciliation and rehabilitation, assistance in building confidence in the civil society and the post-conflict governance is often more important than bringing in material assistance. Assisting in those non-material sectors would also enhance the competence and capacity of the country itself, and therefore reduce the duration of dependence on external assistance.

One crucial element in any civil society is the rule of law as an essential part of the governance. Where civil authority has broken down, the first priority may be to recover the credibility and legitimacy of the state, rather than to immediately impose

highly-developed forms of democracy. In a post-conflict situation, all aspects of the rule of law often need to be assisted in order to become functional. They include: training of law enforcement officials, police, lawyers, judges and other legal personnel; support for reestablishment of bar associations and mechanisms for peaceful resolution of civil disputes, including property rights and access to land; assistance in the prosecution of those accused of war crimes, genocide and other serious violations of international humanitarian law; and assistance in the institution and implementation of amnesties and guarantees, particularly for returning refugees. UNHCR is increasing its assistance to governments in the drafting of legislation concerning human rights, minorities, citizenship, asylum and immigration, by providing technical and legal advice, in the context of post-conflict institution building.

Enhancing respect for human rights is a cornerstone of post-conflict reconstruction, as violations of human rights is a major cause of displacement in a conflict situation. Particular attention must be paid to issues such as drafting of the constitution and other laws in relation to minority rights and autonomy arrangements. ONUSAL in El Salvador was a pioneering UN operation which, in addition to monitoring human rights, delivered concrete results in creating respect for human rights through institution building, legislative development, prevention of political violence and penal enforcement. The involvement of UNTAC in monitoring and actively promoting respect for human rights, by creating, training, and supporting local human rights groups, as well as by drafting penal code and training judicial personnel, should also be considered as an example of successful UN assistance in this field in the context of post-conflict reconstruction.

Rebuilding credible institutions and capacities is not only important at the central level, but is also crucial at the local and community level, particularly in relation to reintegration of returnees. The capacities of local and community institutions need to be boosted by assistance and interventions at the grass-roots level in order to create a condition where returnees can resume their lives as legitimate citizens without tensions with the local populations.

Disarmament and demobilization of soldiers should also be an integral part of post-conflict reconstruction process, if peace and stability are to be maintained. As Cambodia and Angola illustrate, if political tensions grow during the early stages of the post-conflict period and people remain armed and mobilized, a return to violence is relatively easy.

Therefore, providing opportunities and training soldiers for alternative employment, as well as reintegration of former combatants in the civil society, will be crucial. In Mozambique, economic restructuring policies have been initiated by the World Bank in order to shift its previous centralized economic system to a free market system, with a special attention paid to reintegrating demobilized soldiers in the new system. Programmes were implemented to provide demobilized soldiers with vocational training, and to create new employment opportunities in small businesses as opposed to public sector employment. Such programmes in the overall strategy for economic readjustment in post-conflict reconstruction should be considered as one successful example.

Tajikistan – Re-establishing Confidence and Stability through Returnee Reintegration

The 1992 civil war in Tajikistan was short but extremely brutal. In a country which had only existed as an independent state for nine months before the conflict broke out, between 20,000 and 40,000 people were killed, half a million were internally displaced, and 60,000 fled into Afghanistan. In the south-western province of Khatlon where the fighting was particularly severe, dozens of villages were razed to the ground, and many other villages and towns were selectively "cleansed" of people believed to have belonged to the opposition.

When the main conflict ended in January 1993, UNHCR immediately deployed a fully operational mobile team and set up its programme inside Tajikistan. This unusually quick entry into the country of origin was undertaken in order to smooth the path for early repatriation (Afghanistan was far from an ideal asylum country), and to help the ICRC and other agencies with providing emergency assistance to the huge number of internally displaced, and if possible to prevent further displacement.

Although the Government was since the beginning committed to the return and reintegration of people, many of whom were thought to have been on the opposition side, the establishment of conditions sufficiently safe for organized repatriation was far from easy. Initially, the rule of law in post-conflict Tajikistan, in particular in the Khatlon province, was negligible. The first returnees, mainly internally displaced people, were subject to retaliation from their former enemies, neighbours who wished to keep properties from the returnees, semi-official militias, and gangs of bandits. Faced with this situation, the following UNHCR's activities in assisting the re-establishment of rule of law and confidence amongst returnees, although modest, were among the key elements which returned stability to the country:

- 1) to provide returnees with better protection, UNHCR's network for monitoring the situation of returnees extended to the level of the smallest communities and villages. Whenever dangerous situations arose for returnees, UNHCR intervened with the local authorities to press them to carry out their responsibility for protecting their returnee civilians. If the local authorities did not respond adequately, UNHCR also pressured the relevant ministries in Dushanbe. In the case of criminal cases where returnees were attacked, UNHCR monitored the authorities' investigations to help ensure the prosecution of criminals. Over time, the authorities came to do their utmost to protect returnees thereby gradually enhancing their credibility amongst the returnee population;
- 2) As a second step, UNHCR also encouraged the local authorities to tackle the root causes of the tensions which existed in the communities, often related to disputes between different clans or ethnic groups over land and properties. UNHCR worked with the local authorities to bring together the conflicting parties at the local level to settle their differences by negotiations rather than violence.

The return of properties to returnees was facilitated further by the special legislation passed by the Tajik Parliament in 1994, with strong encouragement from UNHCR, which simplified the procedure for property hand-over to the returnees;

- 3) At the national level, UNHCR provided considerable input into the Tajik Government's adoption of international and national legislation, which contributed to the reconciliation and stabilization in the country. In April 1993, Tajikistan passed the first in a series of amnesty legislation, and in November 1993 it acceded to the 1951 Convention on the Status of Refugees and 1967 Protocol.

Those confidence-building activities were also backed by more practical rehabilitation projects, namely shelter projects for rehabilitating houses for the returnees. In a country where so called ethnic cleansing has taken place, rehabilitating houses for returnees is of particular importance in order to create the incentive for return and for living together with former enemies in a spirit of reconciliation. UNHCR's shelter project for 17,000 houses in Tajikistan cost US\$ 627 per house over a period of three years. Various QIPs for the returnee-affected communities were also implemented, which created and supported many small businesses in order to generate impetus in the country's economy at the community level.

After having contributed for more than two years to the consolidation of stability in Tajikistan, UNHCR plans to reduce its presence in the second half of 1995. While activities related to monitoring of treatment and situation of returnees are being handed over to OSCE and QIPs to UNDP in order to maintain the momentum for lasting peace, it needs to be understood both by the Tajik Government as well as by the opposition that although the international community can assist the parties in the areas of confidence-building, rehabilitation and reconstruction, the comprehensive and durable political solution to the conflict can only be achieved by the parties themselves, upon which truly sustainable development can eventually be achieved.

Rwanda - A Difficult Path to Reconciliation and Reconstruction

Owing to the sheer magnitude of the tragedy and the extent of violence and atrocities during the conflict, Rwanda highlights more than any other crisis that achieving credibility of the government and national reconciliation are key for all other reconstruction activities, including the return of refugees and internally displaced persons. In order to minimize security risks for returnees, generate stability and not endanger national reconciliation in Rwanda, UNHCR at the initial stage preferred a gradual repatriation process to an immediate promotion of massive spontaneous return movements, until such time when security, stability and confidence are sufficiently re-established. Given the unprecedented scale of tragedy in Rwanda and the consequent size and variety of tasks ahead for reconstruction, numerous international organizations are now operating in that country, but so far without a clear mechanism for an integrated strategy and needs prioritization among various components of assistance such as emergency humanitarian relief, demilitarization including demobilization and demining,

rehabilitation and reconstruction. of judicial, administrative, economic and social structures. As a result, the Programme of National Reconciliation and Socio-Economic Recovery presented by the Rwandese Government, and facilitated by UNDP, at the Rwanda Round Table Conference in January 1995, the 1995 Humanitarian Programme by the UN humanitarian agencies, and the Rwanda Emergency Normalization Plan by the Special Representative of the Secretary-General in Rwanda, although related to one another, were all issued separately.

While emergency humanitarian assistance for refugees and internally displaced persons (IDPs) is still required, prolonged material assistance without efforts to find a durable solution in Rwanda itself would create dependency, and is therefore not considered desirable. Repatriation thus appears to be the only durable solution for the current Rwanda refugee problem. It is emphasized that confidence-building measures are prerequisite to a large-scale organized return of refugees and displaced persons to Rwanda and re-establishing normalcy in the country. Assistance from the international community, including the UN system, regional organizations, NGOs and bilateral donors, with a division of responsibilities based on an overall and integrated strategy, in the confidence building process, will be crucial particularly in the following areas:

- 1) Dialogue between the government and refugee/IDPs/returnee representatives needs to be promoted with good offices of the UN and OAU in order to achieve a spirit of reconciliation at all levels, including national, regional, and local community levels, of the country,
- 2) As urged by the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, held in Bujumbura, Burundi from 15 to 17 February 1995, efforts by the Government of Rwanda to restore and reinforce justice and security is a prerequisite for recovery process. In this context, a strong international support in re-establishing the rule of law and a judiciary system is most crucial. Such assistance should be granted most urgently and be effective, and should include not only financial assistance to the government, but perhaps more importantly, support in capacity-building such as secondment and training of personnel in the judiciary, the police force and in any other executive branches of the central government, local and community institutions;
- 3) In relation to restoring rule of law, the international community should assist in the prosecution, in due process, of those who instigated, prepared or committed genocide and other serious violations of humanitarian and human rights law, as recognized by the Bujumbura Conference. This will be of particular importance, in fact the first step, towards achieving national reconciliation and ending the spiral of violent revenge. In this regard, the effective functioning of the International War Crimes Tribunal for Rwanda is critical. In the case of prosecution by the Rwandese national authorities, international organizations should not only assist in the rehabilitation of national judiciary quickly, but also monitor the transparency of legal procedures taken against the suspects, and ensure that basic legal safeguards are in place;

- 4) Parallel to the above-mentioned actions for promoting national reconciliation, confidence-building measures are also essential in order to enable large-scale return movements. In order to reassure refugees, MPs and returnees, public commitments need to be made by the Rwandese Government to ensure the safe and dignified return of refugees and displaced persons. Particularly after the forcible closure of camps by the Government forces in Kibeho in April 1995, such confidence-building measures by the Government need to be redoubled;
- 5) To supplement such *efforts* by the Government in confidence-building, activities by the United Nations Human Rights Field Operation, United Nations Assistance Mission in Rwanda (UNAMIR) and by UNHCR, in monitoring the situation of returnees and promoting respect for human rights in Rwanda must be reinforced. In this regard, the Bujumbura Conference urged the Government to support and fully cooperate with those agencies, so that inter-communal tension can be eased and confidence can be built among local populations and returning refugees. Such monitoring activities of the international agencies in turn should be action-oriented and imaginative, and should include interventions with the local authorities to ensure that they discharge their responsibility towards returnees and other civilian population, and to assist in their institutional capacity building to promote respect for human rights, as described above in the case of Tajikistan; and
- 6) As in Tajikistan, many refugees and displaced persons will find upon their return their properties illegally occupied, which may result in renewed tension and conflict at the local level. The government must be encouraged to facilitate the return of properties to the rightful owners by adopting a special national legislation. In case of return of refugees who left Rwanda more than 10 years ago, international support needs to be given to settle them on unallocated land, or by other non-agricultural income-generating programmes.

Parallel to those confidence and capacity-building activities, rapid and large-scale rehabilitation assistance will be essential, as recognized by the Bujumbura Conference, to a further return to normalcy in Rwanda and a solution to the refugee problem. Demonstrating a tangible result of peace in local communities should gradually consolidate stability in the country as was the case in Cambodia and Tajikistan. It should be noted, however, that while the donor community expressed at the Round Table Conference in January 1995 its willingness to invest in peace in Rwanda, only a small portion of funds for rehabilitation has indeed been made available, contrary to the more rapid response to the appeal for emergency humanitarian assistance.

V. CONCLUSION

As a humanitarian agency, the contribution which UNHCR can make in the post-conflict rehabilitation through its returnee reintegration projects is limited and dependant on the degree of political commitment of the protagonists in the conflict as well as on activities of development programmes which can complement UNHCR's activities in the longer-term. In turn, however, the presence of development organizations often appears to be dependant on the existence of a functioning comprehensive peace agreement as well as a fully established central government. As reviewed above, it must be stressed that the needs of returnees and local communities must be met rapidly, even in situations of relative insecurity and fragile peace, if the international community is to assist the consolidation of peace and stability after the end of an open military conflict, even in the absence of a final political settlement. Ironically, international assistance is least forthcoming when it is most needed. In order to maximize the effectiveness of post-conflict recovery assistance from the very early stages and with limited resources, three issues need to be examined. They are: 1) how to mobilize the maximum amount of resources for recovery assistance; 2) how to create a form of partnership which can address the issue of post-conflict recovery in the international community; and 3) how to establish a mechanism for coordination and integration of planning and needs prioritization.

The United Nations system has a history of being active and useful both in the spheres of humanitarian and developmental assistance. Recent experiences show that assisting post-conflict recovery requires combined knowledge and expertise of both humanitarian and developmental concerns. Activities of the UN agencies in post-conflict recovery, supported by partners such as the European Commission, non-governmental organizations and bilateral agencies, should be carried out on the basis of division of responsibilities within an overall and integrated strategy, rather than as a succession of activities on the more often supposed than real "continuum" basis. In order to generate resources fast, at an earlier stage and for flexible use, it is proposed that a "third window" be created to raise funds for activities related to post-conflict recovery, which in fact lies between the "first window" for humanitarian assistance and the "second window" for development assistance activities. A "third window" can serve as a gate for resources from both humanitarian and development assistance funds of donors, and the funds raised through this window in turn can be utilized by both humanitarian and development agencies thereby ensuring that both immediate rehabilitation and longer-term reconstruction needs are addressed in the recovery process. International financial institutions, especially the International Bank for Reconstruction and Development (IBRD or the World Bank), can play a significant role in opening this "third window" for post-conflict recovery in line with its special mandate for financing reconstruction activities.

Given the scale of post-conflict assistance expected recently as in Rwanda, the mechanism to address recovery needs should extend beyond the UN System to embrace regional organizations, bilateral donors, various reconstruction banks including the international financial

institutions, and NGOs. In this regard, a new type of partnership, such as a form of consortium of interested and willing actors and donors, needs to be initiated. In its operation in Bosnia and Herzegovina, UNHCR initiated such a consortium of interested governments and organizations in an International Management Group (IMG) in order to address the country's rehabilitation of basic infrastructure, which obviously exceeded UNHCR's competence. With the knowledge and expertise already accumulated on infrastructure issues in Bosnia and Herzegovina, IMG is expected to contribute, by providing overall information, to the comprehensive needs prioritization when full scale post-conflict reconstruction activities start.

In order to start rebuilding the country's capacities immediately after the end of a conflict and to avoid prolonging dependency on humanitarian assistance, as well as to ensure the smooth consolidation of peace and stability as early as possible, a comprehensive evaluation of needs and their prioritization for post-conflict reconstruction must be undertaken in the field by all involved agencies, fully taking into account the priorities identified by the people themselves. The fact, however, that it is not feasible at the moment to have an agency with a clear mandate for addressing and coordinating post-conflict recovery assistance, as well as the differences in planning, programme and funding cycles, pose serious problems in the required integrated strategic planning. In order to fill the gaps between capacities of each agency and also to avoid overlap, and ensure maximum use of limited resources, complementarity and coordination should be promoted as early as possible in the pre-settlement phase. The international community should consider whether the flexible and pragmatic designation of one lead-coordinator, taking into account the competence and expertise, would not be useful for integrated strategic planning for post-conflict recovery activities. If it is found useful, a mechanism for the designation should be established. Such a lead-coordinator should obviously not be designated in a manner which would create additional layer for consultations amongst different agencies. It may be useful to choose an agency, on a case-by-case basis, which has the best expertise and can make the largest contribution, including from the funding point of view, to the particular recovery process.

The reality of today's post-conflict reconstruction tasks calls for an integrated policy framework to reinforce different international interventions in the spheres of political, humanitarian and development assistance. Although it must be made clear to the government and people of the war-torn country that the ultimate responsibility for reconstruction lies with themselves, assisting such endeavors must be considered by the international community from a point of view of regional and global security concerns. Achieving a smooth path for peace and development, utilizing and reinforcing the local capacities, and preventing the renewal of a conflict is indeed in the interest of the international community and would reduce the risk of protracted instability and dependency.