

WINNING THE PEACE

The Pursuit of Real Victory after the Government Won the War in Sri Lanka

Marco S. McAllister

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*Winning the Peace:
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Figure 1: Protests in Colombo.
(Photographs by the Author)

❧ ABSTRACT ❧

The military defeat of the LTTE by the Government of Sri Lanka in May 2009 ended twenty-six years of war which have caused the displacement of more than 1.1 million Sri Lankans and claimed more than 150,000 lives. Winning the war represented a great achievement for the Government, and allowed Colombo to lay the foundations for the long-term prevention of a recurrence of war. The victory of a comprehensive peace is, however, still to be achieved. This dissertation analyses the case of Sri Lanka to adapt existing theories of post-war recovery to the aftermath of civil wars ending through a decisive military victory by one of the actors. The paper argues in favour of the institution of an interim period for the initial stages of socio-economic and political reconstruction to precede a broader process of long-term holistic recovery. As the academic field of post-war recovery experienced a great expansion since the end of the Cold War, a large proportion of the studies carried out so far focuses on recovery in the aftermath of negotiated settlements. Such settlements represented the most common conclusion for conflicts throughout the last two decades, however, there is no reason to believe that the trend will continue unchanged. The study of strategies for the recovery of Sri Lanka, therefore, favours an expansion of the existing knowledge to include new scenarios that the twenty-first century may have in store. The study draws on primary research conducted by the Author in Sri Lanka between March and May 2009, during the concluding phases of the war.

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⌘ AUTHOR'S DECLARATION ⌘

I declare that this dissertation is my own unaided work. It has been submitted for the degree of Master of Arts in Post-War Recovery Studies in the Post-War Reconstruction and Development Unit at the University of York, UK. This dissertation has not been submitted for any other degree or examination in any other university.

Marco Seán McAllister
York, UK
September 2009

❧ LIST OF ABBREVIATIONS ❧

13th Amendment	13th Amendment to the Constitution of the DSRSL.
17th Amendment	17th Amendment to the Constitution of the DSRSL.
AI	Amnesty International.
ACTC	All Ceylon Tamil Congress.
AP	Associated Press.
CFA	Ceasefire Agreement.
CHA	Consortium of Humanitarian Agencies.
CPA	Centre for Policy Alternatives.
DEC	Delegation of the European Commission in Sri Lanka.
DSRSL	Democratic Socialist Republic of Sri Lanka.
EPDP	Eelam People's Democratic Party.
GCRP	Global Centre for the Responsibility to Protect.
GoSL	Government of Sri Lanka.
HR	Human Rights.
HRW	Human Rights Watch.
IANU	Interreligious Alliance for National Unity.
IC	International Community.
ICRC	International Committee of the Red Cross.
ICG	International Crisis Group.
IHL	International Humanitarian Law.
IGD	Istituto Geografico DeAgostini.
IMF	International Monetary Fund.
IOM	International Organisation for Migration.
INGO	International NGO.
INPACT	Initiative for Political and Conflict Transformation.
JHU	Jathika Hela Urumaya (National Heritage Party).
JVP	Janatha Vimukthi Peramuna (People's Liberation Front).
LTTE	Liberation Tigers of Tamil Eelam.
NGO	Non-Governmental Organisation.
NPC	National Peace Council.
NPOC	National Polls Observation Centre.
RNG	Royal Norwegian Government.
SAPI	South Asia Peace Institute.
SCOPP	Secretariat for Coordinating the Peace Process.
SLA	Sri Lankan Army.
SLAF	Sri Lankan Armed Forces.
SLFP	Sri Lanka Freedom Party.
SLMC	Sri Lanka Muslim Congress.
SLMM	Sri Lanka Monitoring Mission.
TMVP	Tamil Makkal Viduthalai Pulikhal.
TNA	Tamil National Alliance.
UN	United Nations.
UNHCR	UN High Commissioner for Refugees.
UNP	United National Party.
UNSC	United Nations Security Council.
UPFA	United People's Freedom Alliance.
WB	World Bank.

☪ SRI LANKA ☪

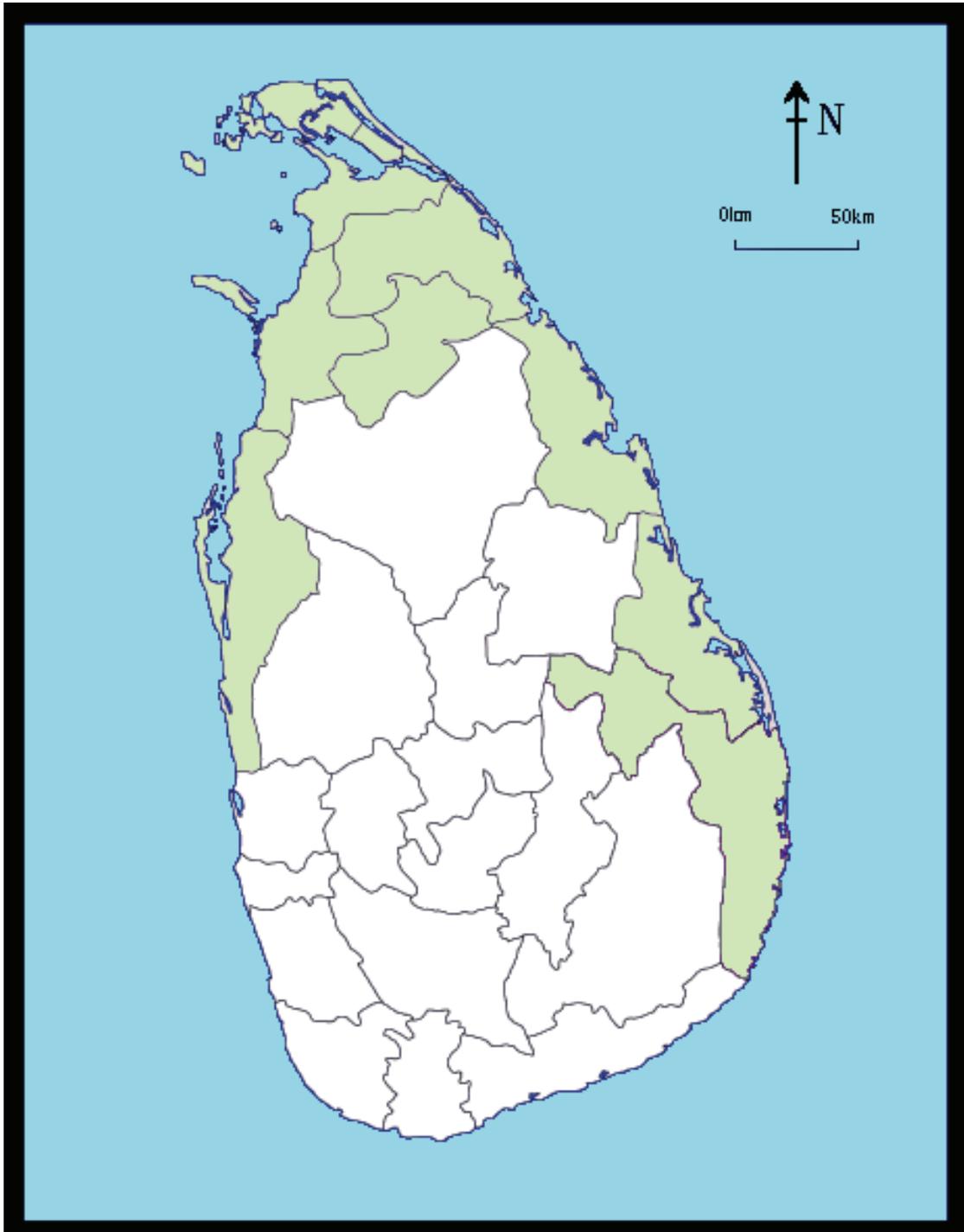


Map No. 4172 Rev. 2 UNITED NATIONS
January 2007 (Colour)

Department of Peacekeeping Operations
Cartographic Section

Map 1: Sri Lanka.
(UN, 2007)

☪ TAMIL EELAM ☪



Map 2: Tamil Eelam
(Source: The Author, adapted from EelamWeb)

INTRODUCTION
∞ THE WOUNDS OF WAR WILL SCAR THEM FOREVER ∞

“A military occupation of the country's north and east will require the Tamil people of those regions to live eternally as second-class citizens, deprived of all self-respect. Do not imagine that you can placate them by showering 'development' and 'reconstruction' on them in the post-war era. The wounds of war will scar them forever, and you will also have an even more bitter and hateful Diaspora to contend with. A problem amenable to a political solution will thus become a festering wound that will yield strife for all eternity”.

(Lasantha Wickramatunga, 2009)

Lasantha Wickramatunga, Editor of the Sunday Leader, a popular Sri Lankan weekly newspaper, wrote these words before he was shot at a close range near Colombo by an unidentified killer. Like him, a dozen other journalists have lost their lives since the beginning of January, and over thirty have had to leave the country (Economist, 2009a), adding their sacrifice to that of more than 150,000 Sri Lankans who have been killed since 1983. What made him unique was his ability to analyse the situation in his country and predict in his last editorial, published posthumously, his death and a long stream of events that followed it, including the current situation in the North of the country. Three months later, the war he had known for most of his life would end, the Government would come out victorious, and the LTTE would be defeated. Seven months later peace still seems far on the horizon.

Many accuse the Government of lacking a plan to solve the problems the country is facing now that the war has ended. Others claim the Government used the excuse of fighting “the strongest terrorist group in the world” to become the mirror image of the outfit they were trying to destroy. Sri Lanka is facing a series of considerable challenges, as poverty is widespread, large proportions of the population are displaced, media freedom is limited¹, and accusations of HR and IHL violations against the country are increasingly common in the International Community. Undoubtedly, however, the historic military victory achieved by the Government after almost three decades of conflict has cleared the ground for peace to finally

¹ According to Freedom House, Sri Lanka is ranked 155/195 for media freedom (Freedom House, 2009).

materialise in the tear island. In spite of all the yet unresolved issues, never like today the prospects of peace have been so real for Sri Lanka. The Government in Colombo is extremely popular amongst the majority Sinhalese, and the President has several times voiced his commitment to the creation of a more equal country in which there would be no more minorities And all citizens would be equal in the eyes of the state. The long walk to peace, however, has just started, and in the absence of the right decisions, the grim future envisaged by Lasantha Wickramatunga may easily turn into reality, jeopardizing any future prospect for peace.

I have spent ten weeks in Sri Lanka, nine of which preceded the Government's historic military victory on 19th May 2009. I could not have asked for a more stimulating time to observe the dynamics taking place in Sri Lanka, and yet I lacked something. I have seen a polarised society patiently awaiting the climax of a process of war termination that protracted itself for months, I have seen people scared by the war and people waving flags in the streets. However, the entirety of my research was conducted South of the A12², and not having access to the north my research inevitably lacked the balance I would have desired it to have. While in Sri Lanka, I have experienced what probably has been the period of highest polarisation of the media, as the war was at its closure, and I have met several people who were worried that contradicting the line of the Government may have had serious repercussions on themselves and their families. I have heard the most incredible stories about the Government and about the LTTE, I have flicked through tens of newspapers all reporting the same news about the fighting, with the knowledge that none of them could afford the luxury of accessing the No Fire Zone they were reporting about.

In my 38 semi-structured interviews and in all the conversations I have had with people in Sri Lanka I have always tried to dig through the media-induced superstructure to grasp the individual opinions of my interlocutors. I have always tried to explore four topics with all my interviewees: the causes behind the failure of the 2002-2006 negotiations to deliver peace, the potential for a future negotiated settlement, the potential for involvement of the IC, and what the optimal political solution to the conflict may look like. Trying to overcome the biases and to identify common trends among dozens of clashing opinions, I have developed the content of this dissertation, with the ambitious hope it could reflect as faithfully as possible the reality of Sri Lanka. My sincerest hope is that Sri Lanka and its Government will be able to implement a successful recovery strategy that will avoid the grim scenario depicted by the words of

² The A12 is a motorway that cuts Sri Lanka into two, connecting Puttalam, on the Western coast to Trincomalee on the Eastern coast , passing through Anuradhapura and determining the border between the South and the North of the country.

Lasantha Wickramatunga in the opening of this introduction and win a peace Sri Lankans have awaited for far too long.

Chapter One of this dissertation draws on the existing literature to outline the requirements of a process of post-civil war recovery in a country where one side has achieved military victory. After identifying the prospects of recovery in the aftermath of different types of war ending, the characteristics of a generic post-war recovery process are presented. The process of post-war recovery is then subdivided into the three successive phases of planning, transition and consolidation, for which different priorities are presented. Adding specificity to the analysis, the three areas of security and basic needs, return and reintegration, and political recovery and reconciliation are indicated as the top priorities of the first phase of post-war recovery in the aftermath of a civil war victory. The chapter concludes that the successful completion of the transition period requires the participation of the affected population at all stages of the process and the selection of new representatives for the losing side in a civil war.

Chapter Two retraces the dynamics of the ethnic conflict in Sri Lanka, identifying the key actors and causes of thirty years of violence. Taking the CFA (Ceasefire Agreement) of 2002 as a watershed, the chapter analyses the evolution of the Sri Lankan conflict, identifying the role played by the GoSL, the LTTE, NGOs and the International Community. Identifying political inequality as the root cause behind the conflict supplemented by a series of minor grievances, religious and ethnic identities are identified as little more than superstructures used by opposing leaderships to mobilise large masses to conflict. It is then concluded that the persistence of ancient grievances and unresolved issues, with the addition of an entirely new balance of power determined by the military defeat of the LTTE could prove to be an explosive mix in the absence of far-sighted recovery strategies.

Chapter Three illustrates the heritage of almost three decades of conflict and the indigenous potential for recovery. In consideration of Sri Lanka's poor economic performance, the primary concern in the aftermath of war is the delivery of basic necessities to the large number of IDPs currently held in the camps and the implementation of a rapid plan for their return to involve them in reconstruction and economic recovery. The heritage of decades of conflict and polarisation of the media further includes a large number of anti-personnel landmines, scores of former combatants, and a set of potentially discriminatory emergency laws. On the political front, the military defeat of the LTTE is then identified as a potential source of considerable instability due to the void of Tamil political representation it caused. It is then concluded that, in spite of all the destruction it caused, long-term conflict has also stimulated the creation of a considerable number of humanitarian and peace NGOs which will undoubtedly be an asset in any post-war recovery process.

Chapter Four outlines a series of initiatives whose implementation in the first few years of the post-war period would likely help Sri Lanka to win the peace. The involvement of IDPs in the planning and implementation of reconstruction projects, a large-scale de-mining programme and the opening of access to the North for humanitarian organisations are indicated as the most pressing requirements for a successful beginning of post-war recovery in Sri Lanka. With the resettlement of IDPs, the reintegration of former combatants and potential dormant forces on both sides will become core necessities to avoid the future recurrence of war. The chapter will then conclude suggesting that a socio-political reform will require the institution of an interim governing council, the strict avoidance of early elections, the promotion of indigenous representation in the former fighting zones, and the creation of a strong unitary legal system.



CHAPTER ONE
❧ WINNING THE PEACE ❧
A Review of the Literature

“What causes wars to end? What stops them from restarting? Do peacemaking efforts contribute in a positive way, and if so, under what conditions?”

(Sergio Vieira De Mello, 2000 : no pagination).

1.1 Introduction

Since the end of the Second World War, the majority of internal conflicts have ended in military victories by one side (Doyle & Sambanis, 2006); the end of the Cold War, however, determined a dramatic change in the nature of civil wars and their settlements, and since 1989 only around one third of civil conflicts have ended in military victories³. As both the number of civil war settlements (Sollenberg & Wallenstein, 2006) and the academic field of post-war reconstruction experienced a considerable expansion during the last two decades, the existing literature on post-war reconstruction largely focuses on post-negotiated settlement scenarios⁴ (Toft, 2006). Subsequently, academic studies focusing on how the early phases of a post-war reconstruction process should be carried out by a government that has put an end to a civil war by military means is relatively limited. However, as the stronger side in a conflict has all incentives to terminate the war with a military victory and avoid any ceasefire which could provide an opportunity for the weaker side to rearm (Luttwak,

³ According to Fortna (2004b), 70% of conflicts during the 1990s ended through negotiated settlements, according to Harbom et al. (2006) the proportion was 64%, According to Toft (2006), 60%.

⁴ A survey by Toft (2006) of articles published in the *American Journal of Political Science*, *American Political Science Review*, *Journal of Conflict Resolution*, *International Organization*, *International Security*, *Security Studies*, and *World Politics* between 1990 and 2000 showed that 90% of articles written on civil wars ending focused on negotiated settlements.

1999), understanding such scenarios is a matter of crucial importance to inform possible future actions.

After presenting an overview of the key aspects of post-war recovery, this chapter will focus on how the academic knowledge regarding post-war recovery drawn from the existing literature can be applied in the aftermath of decisive military victories by governments in civil wars.

1.2 Winning a Civil War: What Peace?

According to the Uppsala Conflict Data Programme, a war can be considered as ended once the number of conflict-related deaths falls below the threshold of 1000 per year (UCDP, 2008). Going beyond such a technical definition that fails to grasp the underlying issues of conflict, Licklider (1993) argues that after the end of a civil war conflict is likely to continue on a lower level. Subsequently, a war can be considered as concluded if three issues are resolved: concerns about living together are ended, multiple sovereignty is abandoned in favour of unitary sovereignty, and widespread violence is put to an end (Ibid.). According to this definition, however, a military victory is not sufficient to determine the conclusion of a war, as it does not ensure the end of concerns about living together nor does it guarantee the complete long-term end of violence. To overcome such definitional issues, this paper will distinguish between the crucially different issues of winning the war and winning the peace. A war will be considered as ended through military victory once the sovereignty of the strongest party is asserted over the entirety of the national territory, all factions in the war except the victor have been largely disarmed, the organisational identity of the defeated has been destroyed, and the potential future organisation of dissident groups is severely inhibited (Wagner, 1993). Winning the peace instead refers to the achievement of comprehensive positive peace ensuring the conditions for stability, security and participation that are needed to go beyond the simple concept of negative peace (Galtung & Jacobsen, 2000).

According to Luttwak (1999) peace can only begin when a clear victor is allowed to emerge after the conclusion of military operations and power is centralised, allowing for a potential monopoly of violence that would guarantee the necessary level of security for peace to develop. Furthermore, if military victory is attained through a complete destruction of the organizational structure of all but one side, a resumption of civil war becomes almost impossible from a logistical point of view (Wagner, 1993). Luttwak's theory opens the dilemma regarding the conflicting merits of security first and peace first approaches. Academics and

policy-makers alike hold differing opinions regarding the ideal sequentiality of the two approaches, in a constant dilemma between those suggesting that the development of peace requires heavy security and others theorising that participatory involvement of all conflicting parties in a peace process would pre-empt the re-emergence of violence, therefore providing the conditions for stable security. Evidence from past conflicts (see Table 1) shows how military solutions to conflicts, and to ethnoreligious civil wars in particular, are relatively successful in the establishment of negative peace, and in the vast majority of cases successfully prevent the resumption of violence. The importance of security as a precondition for peace to develop is further highlighted by the fact that, as many negotiated settlements to civil wars leave some conflict issues unresolved (Licklider 1995; Walter 2002⁵), they often require additional military presence in the form of peacekeeping missions (Hartzell, 2004; Fortna 2004a). However, military victories are far less successful than negotiated settlements in promoting peacebuilding, post-war recovery, and more generally positive notions of comprehensive peace (Bohrer & Hartzell, 2005).

Outcome	Type of War	No War 2 Years after War Termination	Percentage	Participatory Peace 2 Years after War Termination	Percentage
Military Victory	All Wars	55/70	78.6	20/70	28.6
	Ethnoreligious	34/43	79.1	9/43	20.9
Negotiated Settlement	All Wars	19/22	86.4	15/22	68.2
	Ethnoreligious	11/13	84.6	8/13	61.5

Table 1: Instances of war resumption and successful peacebuilding (1945-1999)
(Data from Doyle & Sambanis, 2006: 87-89).

Academics who have argued for the greater effectiveness of military victories in promoting post-war peace as opposed to negotiated settlements raise interesting arguments. What such theories however crucially lack, is a serious focus on the effects of a decisive military victory on civilians and society as a whole during the post-war period when recovery and reconstruction ought to be carried out. As a matter of fact, “military victors [...] can be expected to design more exclusionary institutions and to favour low decision costs” (Bohrer & Hartzell, 2005:9-10) to the detriment of much needed processes of post-war recovery. Furthermore, leaders who become closely identified with pursuing the conflict during periods of fighting inevitably face strong incentives not to seek compromise in the post-war period, as such a compromise may directly threaten their political interests (King, 1997). Due to the political complexities of post-

⁵ Both Roy Licklider (1995) and Barbara Walter (2002) independently concluded that almost half of the civil wars ended through negotiated settlements saw a resumption of conflict within five years of the settlement.

war recovery in the aftermath of a military victory in a civil war, even though the destruction of the organizational identity of all but one faction in a civil war can promote short-term negative peace and stability, it can also substantially increase the risk of a return to war in the middle and long-run (Hartzell, 2004).

Ultimately, despite the considerable impact of the conditions under which conflicts end on the post-war recovery processes, war recurrence or the establishment of positive peace is also largely dependent upon several other factors. Countries that are more economically developed, for instance, are much less likely to experience war recurrence after any settlement compared to countries where poverty is widespread (Hartzell, 2004), and ultimately “more important than the way civil wars end, is the nature of the political arrangements created after they are over” (Wagner, 1993:261). After presenting an overview of what a post-war recovery process should entail, this chapter will focus on those aspects of post-war recovery that are most needed in the early stages of recovery in the aftermath of a decisive military victory in a civil war.

1.3 Recovering from War

Post-war recovery is a holistic transformative “process of reactivation of development, which at the same time addresses the root causes of conflict to establish an environment of peaceful interaction and a shared vision of the future” (Barakat, 2005a:31). Such a process is not restorative and aimed at re-instating physical and social structures that were already in place prior to the conflict, but at rebuilding them afresh by forging structures and processes that redefine violent relationships into constructive and cooperative patterns” (Lederach, 2001:847) “to create the conditions necessary for a sustainable peace in war-torn societies” (Annan, 1999: para.101). Similar to what John Paul Lederach suggests in his peacebuilding model (1997), post-war recovery should be a multi-level participatory process involving all sectors and levels of society, to promote the maximum level of indigenous ownership of the process and of its outcomes.

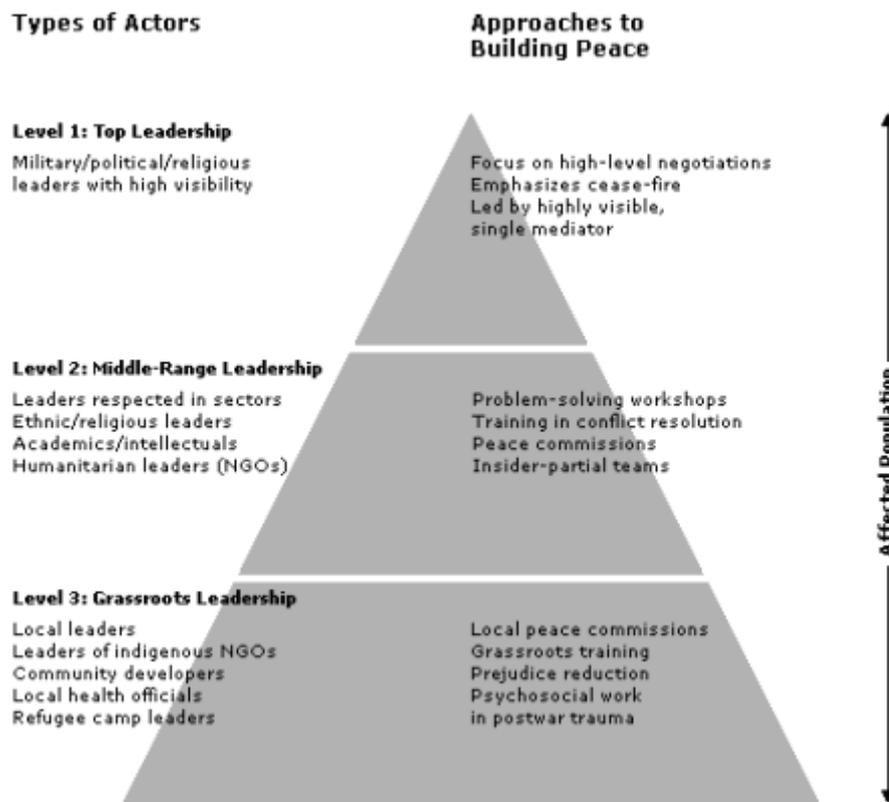


Figure 2: Lederach's Peacebuilding Model.
(Lederach, 1997:39)

To successfully perform a process which can lay the foundations of a long-term positive peace that goes beyond the mere absence of war, three distinct stages are necessary: planning, transition and consolidation (Ball, 2001; Jeong, 2005). While the planning phases of post-war reconstruction should take place throughout the entire process, starting during the conflict period (Barakat, 2005b), the following two stages need a certain degree of sequentiality. As a matter of fact, in the transition phase, the focus is on stabilisation and preliminary securitisation of the post-conflict environment. Such a focus allows for a gradual progression towards the participatory reconstruction of damaged infrastructures and the promotion of reconciliation mechanisms (PUNPO, 2000) for the recovery of civil society (Hampson, 1996) during the consolidation phase.

The literature on what a post-war recovery process should entail is considerably rich, and although each institution or academic who has written on the subject stresses different aspects of the process looking at problems from different angles, a few general principles can be identified. First of all, successful post-war recovery requires accurate planning (Barakat, 2005c), without which none of the activities undertaken is likely to effectively address the obstacles faced by a society trying to recover from the trauma of war. A focus on consensus

and reconciliation is also crucial in order to avoid the post-war reinstatement of the pre-war status quo through interventions that are inappropriate or alien to the desires of war-affected populations (ibid.). If participation is encouraged and a functioning planning process is implemented, the process should then revolve around provision of physical security, protection of the rule of law and justice reform, political and institutional reform, infrastructural and economic development, and overall societal change (Boutros-Ghali, 1992; Smith, 2000; Ramsbotham et al., 2005).

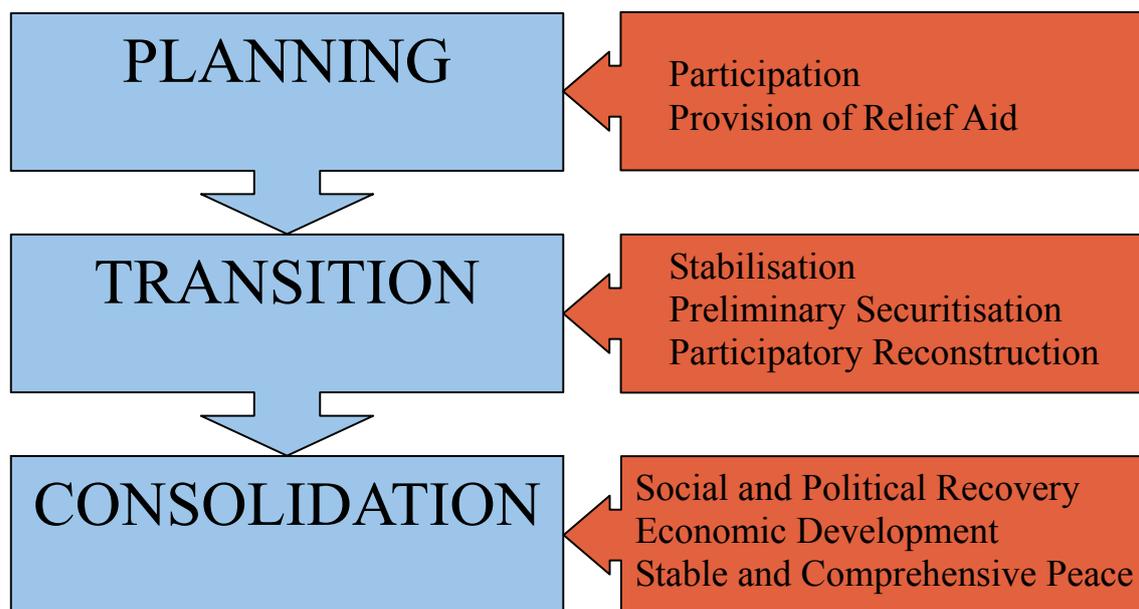


Figure 3: The Stages of a Peace Process.
(Source: The Author)

1.3.1 Participation at All Levels

Despite the potential difficulties in opening post-war recovery processes to allow recipient communities to participate in all stages of their planning and implementation (Doyle & Sambanis, 2006), it is only through community cooperation in the recovery phase that the underlying humanitarian, economic and social problems faced by the community can be effectively addressed (Boutros-Ghali, 1992). Since the effort of recovering from war often requires a society to undertake in a relatively short timespan considerable changes that would normally take years (Ball, 2001), insufficient participation by communities would render the entire process considerably precarious. As a matter of fact, “a peace process without enthusiastic public participation and support is unlikely to culminate in success” (Ferdinands et al., 2004:11). In other words, post-war recovery without participation is likely to lead to a short-term fragile peace with little benefit to the recipient communities (Jeong, 2005).

Whenever reconstruction is sponsored or largely driven by political leaderships or external third parties, it is of particular importance that such actors seek the largest possible support for their plans and their actions. The sustainability of any recovery process is in fact highly dependent not only on the political will of leaders to sustain it, but also, and more importantly, on the level of popular support that such leaders enjoy (Darby & Mac Ginty, 2000; Ibid., 2003; Barnes, 2005). Unfortunately, however, in the aftermath of war settlements or of the announcement of grandiose reconstruction plans, far too often affected communities are left to recover and rebuild on their own. It is crucial, in order for recovery to be successful, that “the character and scale of war needs to be met with a matching character and scale of reconstruction” (Davis, 1989:11), not only in terms of economic effort, but also in terms of broad-based popular support.

As “post-war reconstruction begins in the hearts and minds of those who suffer the horrors of war and want to change societies so that there is no return to mass violence” (Barakat, 2005a:1), participation plays a crucial psychological role in the recovery of war-torn societies. Regarding war survivors as active participants rather than simply recipients at all levels of reconstruction, from planning to implementation has in fact a therapeutic function in healing communities (Davis, 1989). It is almost inevitable that by participating in reconstruction, people would start realising the extent of their survival capacities, thereby easing the passage from the trauma of war to the development of a form of resilience that can ultimately determine successful recovery on both an individual and societal level (Barakat, 2005b).

1.3.2 Comprehensive Security

Fostering security is one of the most important aspects of post-war recovery. While the presence of a certain level of physical security is essential to provide an environment in which reconstruction activities can be carried out without major threats to the safety of the involved community members, security encompasses many more areas of life. Considering security in terms of human security, both physical safety and satisfaction of basic needs such as health, food and shelter are crucial and should be central in the planning of post-war recovery.

1.3.3 Rule of Law

Trust in the institutions of the state and the knowledge that justice will be upheld both in relation to violations of the law committed during the conflict and violations of the law that may be committed in the post-war period yields a considerable potential to stimulate a successful process of recovery. As a matter of fact, sufficient trust in the justice and law enforcement systems is likely to pre-empt the vast majority of potential attempts by groups or members within war-affected communities to take justice into their hands, therefore contributing to a rise in crime. Anti-corruption measures, accountability of the police and independence of the judiciary from political power should therefore be sought by national institutions and international actors from the earliest stages of post-war recovery.

1.3.4 Political Reform

Often, in the aftermath of war, "more is involved in the process of accommodation than the wishes of those in positions of formal authority" (Horowitz, 1985:564-565). This is particularly true in the aftermath of a military victory, when it is important that political change is aimed at broadening the involvement of all sectors of society, to avoid the otherwise likely exclusion of the defeated from decision-making processes. As a matter of fact, reforms of the political arena and of the political institutions may be necessary, in order for the state to adapt to the new requirements of a society altered by war. Such a reform may involve constitutional rearrangements, the creation of regional authorities, and the holding of fresh elections on local, regional and national levels or simply the fostering of practices of good governance (Boutros-Ghali, 1992). This is why in the international community's approach to peacebuilding and post-war recovery, the emphasis is largely placed upon structural transformations and institutional reform (Morris, 2000) aimed at "identify[ing] and support[ing] structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict" (Boutros-Ghali, 1992: para.21). Such a goal may require the institution of a national government or the drafting of an interim constitution designed to overcome the potential post-war challenges to the legitimacy of existing constitutional frameworks and political structures. As a matter of fact, "the elaboration of an Interim Constitution urges all parties to engage in a discussion on what kind of state they would like to establish" (Ferdinands et al., 2004:20), therefore broadening the legitimacy of the outcome in the eyes of the population at large.