

SECTION 10

SOCIAL WELL-BEING

Access to and Delivery of Basic Needs Services

- Appropriate and Quality Assistance
- Minimum Standards for Water, Food, and Shelter
- Minimum Standards for Health Services

Access to and Delivery of Education

- System-Wide Development and Reform
- Equal Access
- Quality and Conflict-Sensitive Education

SOCIAL WELL-BEING

Ability of the people to be free from want of basic necessities and to coexist peacefully in communities with opportunities for advancement.

Social Reconstruction

- Inter- and Intra-Group Reconciliation
- Community-Based Development

Right of Return and Resettlement of Refugees and Internally Displaced Persons

- Safe and Voluntary Return or Resettlement
- Property Dispute Resolution
- Reintegration and Rehabilitation

Social Well-Being

Ability of the people to be free from want of basic needs and to coexist peacefully in communities with opportunities for advancement.

10.0 What is social well-being?

Social well-being is an end state in which basic human needs are met and people are able to coexist peacefully in communities with opportunities for advancement. This end state is characterized by equal access to and delivery of basic needs services (water, food, shelter, and health services), the provision of primary and secondary education, the return or resettlement of those displaced by violent conflict, and the restoration of social fabric and community life.

10.1 What are the key social well-being challenges in societies emerging from conflict?

Violent conflict may create humanitarian crises and inflict tremendous harm on civilian populations. These crises involve acute water, food, and shelter shortages; large-scale population displacement; and the absence of critical health services, among many other challenges. As families struggle to survive during and after violent conflict, social fabric may be torn apart within and among communities. Disputes about land, water, harvests, pasture rights, marriage, inheritance, and other inter- and intra-community issues typically arise and may threaten a fragile peace. Schools may be shut down or destroyed. Children may have missed years of education, and many may have been denied the chance to start primary school. Essential services infrastructure may be ruined, including ports, roads, and basic utilities.⁶²¹

10.2 Why is social well-being a necessary end state?

Peace cannot be sustained over the long term without addressing the social well-being of a population. Without basic necessities such as food or shelter, large-scale social instability will persist because people will be unable to resume the functions of normal life—sustaining a livelihood, traveling safely, engaging in community activities, or attending school. Without helping people return to their homes or new communities of their choice or providing a means for peacefully resolving disputes, people may not move beyond violent conflict or rebuild their lives.

10.3 What are the necessary conditions to achieve social well-being?

- *Access To and Delivery of Basic Needs Services* is a condition in which the population has equal access to and can obtain adequate water, food, shelter, and health services to ensure survival and life with dignity. These services should be delivered in a manner that fosters reliability and sustainability.
- *Access To and Delivery of Education* is a condition in which the population has equal and continuous access to quality formal and nonformal education that provides the opportunity for advancement and promotes a peaceful society. This condition involves system-wide

621. UNDP/USAID, *First Steps*, 2007.

development and reform, and equal access to relevant, quality, and conflict-sensitive education.

- *Return and Resettlement of Refugees and Internally Displaced Persons* is a condition in which all individuals displaced from their homes by violent conflict have the option of a safe, voluntary, and dignified journey to their homes or to new resettlement communities; have recourse for property restitution or compensation; and receive reintegration and rehabilitation support to build their livelihoods and contribute to long-term development.
- *Social Reconstruction* is a condition in which the population is able to coexist peacefully through intra- and intergroup forms of reconciliation—including mechanisms that help to resolve disputes non-violently and address the legacy of past abuses—and through development of community institutions that bind society across divisions.

10.4 General Guidance for Social Well-Being

10.4.1 Build host nation ownership and capacity. Immediately after violent conflict, international assistance may be necessary to meet the basic needs of the population, address return and resettlement for refugees and IDPs, and promote community-based development and reconciliation, as the host nation may be unable to meet those challenges alone. Participation of the host nation population—particularly at the community level—in the assessment and design of basic services helps ensure that the services are responsive to actual needs and gives people a greater stake in the success of those services. All assistance activities should maximize the potential to build the capacity of the host nation population to sustain basic services. For example, one of the key components of humanitarian assistance can and should be to complement the work of nascent and often struggling ministries or bureaucracies. International actors should work within host nation government structures to help generate legitimacy for the host nation government.

10.4.2 Act only with an understanding of the local context. The key to improving the social well-being of the conflict-affected population is to understand the context of the conflict and the living conditions of the people. A thorough assessment might include the following questions:

- What role did the provision of basic needs play in the conflict?
- How has the host nation population met their basic needs in the past?
- What capacity do host nation institutions and actors have to deliver basic services?
- What is the relationship between the education system and the conflict?
- What is the scope of the displacement crisis?
- What host nation mechanisms already exist to promote dispute resolution and reconciliation?
- Where does popular support for dispute resolution and reconciliation programming lie?

10.4.3 Prioritize to stabilize. Social well-being is difficult to achieve even in the best of circumstances. In this environment, prioritize what is necessary for survival and for the resolution of disputes that could reignite violent conflict. Top priorities include preventing further loss of life and displacement, delivering aid and services to vulnerable

populations, mitigating public health epidemics, and collecting evidence and witness statements to address the legacy of past abuses.⁶²² Focus on meeting the immediate needs of those most affected (typically women, children, the elderly, the disabled, IDPs, refugees, minorities, and those living with disease), while keeping in mind the impact of these actions on sustainability.⁶²³ Once these priorities are addressed, focus on return and resettlement, education reform, and key aspects of social reconstruction.

10.4.4 Use a conflict lens. The provision of aid can never be entirely neutral. It inevitably involves a transfer of resources in countries where they are extremely scarce and where unequal distribution may have contributed to the conflict. With this in mind, recognize that every decision—where to locate an emergency medical facility, whether to empower a particular institution, how to deliver education in an IDP camp, or how to select an interim health minister—has implications for the conflict and a lasting political settlement.

10.4.5 Recognize interdependence. Addressing the social well-being of a population is critical for the success of broader recovery efforts. A broken social fabric will undermine progress made in the economic, governance, and rule of law arenas. Sustainability in these areas will be lost if the population has nothing to eat; if children cannot go to school; or if communities remain divided along ethnic, religious, or political lines. Progress in the economic, governance, or rule of law spheres provides the necessary infrastructure for the success of social well-being programs.

10.5 Necessary Condition: Access To and Delivery Of Basic Needs Services

10.5.1 What is access to and delivery of basic needs services? Why is it a necessary condition?

The Universal Declaration of Human Rights states that everyone has the right to adequate food, housing and medical care.⁶²⁴ Access to and delivery of basic needs services is therefore a condition in which the population can obtain water, food, shelter and health services in adequate quantity and quality to ensure survival and satisfy their right to “life with dignity.”⁶²⁵ Normal systems for accessing these necessities will likely have been destroyed or incapacitated due to the conflict or may have failed to meet needs to begin with. Building or rebuilding physical infrastructure is necessary for the provision of services over the long term. Restoring access to these services is necessary to ensure the survival of conflict-affected populations, sustain livelihoods over the long-term, and to boost the legitimacy of the state.

10.5.2 Guidance for Access To and Delivery Of Basic Needs Services

10.5.3 Approach: Appropriate and Quality Assistance

Appropriate and quality assistance refers to how services are delivered. Appropriate means assistance that reflects conditions on the ground and is tailored to the cultural, social,

622. Dobbins, Jones, Crane, Cole DeGrasse, *The Beginner's Guide*, (2007). United Kingdom Stabilisation Unit, “Helping Countries Recover,” 2008.

623. Sphere Project, *Humanitarian Charter and Minimum Standards in Disaster Response*, 2004. Hereafter: Sphere, *Humanitarian Charter*, 2004.

624. United Nations General Assembly, *Universal Declaration of Human Rights*, 1948.

625. Sphere, *Humanitarian Charter*, 2004.

and survival needs of the population. Quality assistance refers to providing equal access, coordinating assistance across the multiplicity of providers, and nesting the immediate methods of delivery in a locally driven plan for development and sustainability. It involves a required sensitivity to impartiality for service delivery and the recognition that inappropriate service delivery may actually do harm.

10.5.4 Provide assistance based on the needs of conflict-affected populations to ensure equal access for all. Maximizing equal access requires the ability to recognize the vulnerabilities, needs, and capacities of conflict-affected groups. Age, gender, disability, and economic and HIV/AIDS status can create severe disadvantages for certain groups of people, who can be further marginalized as a result.⁶²⁶ Provision should be enhanced for the most vulnerable to ensure that they are afforded the same access as the rest of the population. Providers should be trained to identify vulnerabilities.

10.5.5 Tailor assistance to local culture. When delivering services, take care to avoid dishonoring local beliefs or traditions related to water, food, shelter, and health. Careful consideration of the local culture can help avoid sowing distrust in the population or exacerbating social cleavages.⁶²⁷ Host nation actors know what systems the community will accept and how service programs can respect indigenous models and methods.⁶²⁸ Incorporate women into planning and implementation processes and understand how the choice of host nation partners could impact stability in communities.

10.5.6 Discourage the population from using coping strategies that arise from the inability to access basic services. Destructive coping strategies or “crisis strategies” include sale of land, distress migration of whole families, and deforestation. Some coping strategies employed by women and girls, such as prostitution or travel to unsafe areas, expose them to a higher risk of infection or sexual violence.⁶²⁹ Understand which groups are employing coping strategies, why they are doing so, and use mitigation programs based on the context.

10.5.7 Do no harm. In conflict-affected countries, assistance activities can never be completely neutral. Resources inevitably represent the distribution of power and wealth. Managing these resources can and will create tensions if careful attention is not given to how they are distributed and delivered. “Do no harm” is a principle that recognizes the potentially negative impacts of aid and seeks to prevent aid activity from harming the populations it is trying to help.⁶³⁰ For more on nondiscrimination in providing service, see Section 8.6.11.

See Trade-off: Section 8.9.3, Rapid service delivery and resource procurement vs. empowerment of spoilers or criminal elements.

10.5.8 Prioritize immediate relief, but do not neglect the impact on long-term development. One devastating impact of violent conflict may be an acute humanitarian crisis. While

626. Ibid.

627. Center for Stabilization and Reconstruction Studies, Assistant Secretary of Defense for Health Affairs, and International Medical Corps, *Healing the Wounds: Rebuilding Healthcare Systems in Post-Conflict Environments*, 2007. Hereafter: CSRS/ASDHA/IMC, *Healing the Wounds*, 2007.

628. CSRS/ASDHA/IMC, *Healing the Wounds*, 2007.

629. Sphere, *Humanitarian Charter*, 2004.

630. For further discussion, see Mary B. Anderson, *Do No Harm: How Aid Can Support Peace—or War* (Boulder, Colo.: Lynne Rienner Publishers, Inc., 1999). Hereafter: Anderson, *Do No Harm*, 1999.

this may require direct aid, always seek to maximize opportunities for building host nation capacity for the long-term and to minimize dependency. Understand the distortion of the host nation economy that can result from prolonged delivery of relief goods and services.⁶³¹ Risks to the host nation economy can be severe, including the creation of a “second civil service,” the inevitable drawdown of international assistance, and the inability to sustain services.⁶³² Pay adequate attention to restoring or building basic service infrastructures that will allow host nation actors to provide necessities themselves after international actors leave.⁶³³

10.5.9 Coordinate humanitarian assistance and development strategies to maximize coherence and sustainability. Facilitating a smooth transition from relief activities to sustainable development is a major challenge in current practice. This transition refers to the shift from primarily life-saving measures to restoring livelihoods that contribute to long-term growth.⁶³⁴ Activities in both areas of relief and development are often funded and managed as distinct programs. This may create gaps—both financial and institutional—in provision of basic needs when relief activities end and the development activities largely take over.⁶³⁵ Coordinate assistance strategies closely with development strategies to ensure that relief activities are nested in and coherent with the longer-term objective of sustainability.⁶³⁶

See Gap/Challenge: Section 10.10.3, Transition from relief to development activities.

10.5.10 Approach: Minimum Standards for Water, Food, and Shelter

Meeting the minimum standards for water and food broadly involves ensuring the population has equal access to water and food, in adequate quantity and quality to survive, to contain the spread of waterborne diseases and to prevent malnutrition. The minimum standard for shelter involves ensuring access to housing to protect against environmental elements and ensure life with dignity.

10.5.11 In the emergency phases of recovery, strive to meet the immediate survival needs of the population for water, food, and shelter.

- *Clean water and proper sanitation.* At the minimum, the population should have safe and equal access to an adequate amount of clean water to prevent death from dehydration and to enable consumption, cooking, and good hygienic practices. The population should also have access to adequate sanitation systems to reduce the transmission of faeco-oral diseases and provide a means for excreta disposal, vector control, solid waste management, and drainage.⁶³⁷
- *Food security.* At the minimum, the population should have access to food in adequate quantity and quality, in a way that ensures their survival and upholds

631. United States Agency for International Development, *Fragile States Strategy*, 2005.

632. UNDP/USAID, “First Steps,” 2007.

633. Ibid. CSRS/ASDHA/IMC, “Healing the Wounds,” 2007.

634. United Nations Secretary-General, *Transition from Relief to Development: Key Issues Related to Humanitarian and Recovery/Transition Programmes*, 2006.

635. United Nations High Commissioner for Refugees, *Mind the Gap! UNHCR, Humanitarian Assistance and the Development Process*, 2001.

636. UNDP/USAID, “First Steps,” 2007.

637. Sphere, “Humanitarian Charter,” 2004.

their dignity.⁶³⁸ Food security includes access to food, affordability of food, adequate quantity and availability of food, along with safety and cultural acceptability.

- *Shelter.* At the minimum, shelter should provide for personal safety against environmental elements and disease, provide a space for living and storage of personal belongings, and protect privacy to promote human dignity and emotional security.⁶³⁹ The right to housing includes adequate space and protection from environmental elements and disease vectors. Strive for housing that is inhabitable, accessible, affordable, and culturally appropriate, and that enables access to goods and services such as safe drinking water, energy for household activities, sanitation and washing facilities, refuse disposal, drainage, and emergency health care services.⁶⁴⁰

10.5.12 Provide quantity and quality of water to ensure survival, improve hygiene, and reduce health risks.

People can survive longer without food than water.⁶⁴¹ Protecting clean water supplies from contamination is therefore a major priority. Water-related transmission of diseases results from both contaminated water supplies and insufficient quantities of water for personal and domestic hygiene. If it is impossible to meet both standards, focus first on providing access to sufficient quantities of water, even if the quality may be substandard.⁶⁴² HIV/AIDS-affected individuals will have a special requirement for water and personal hygiene. Water will also be in high demand for livestock and crops. Maximize storage capacity with containers, reservoirs, and tanks; storing untreated water undisturbed can considerably improve water quality.⁶⁴³ Determining the number and location of water sources will depend on an assessment of the situation on the ground, including the climate, individual physiology, social and cultural norms, and types of food generally consumed.

10.5.13 Impart important information to the public about the benefits of water and sanitation services and facilities.

⁶⁴⁴ Providing clean water and sanitation facilities is not enough. Treated water sources have limited effects if the population does not understand its health benefits and the importance of using it. They may opt for water from rivers, lakes, wells, or other sources because of convenience, proximity, and taste. Focus on promotional messages that stress the importance of using protected water sources. Good personal and environmental hygiene is derived from knowledge and education about public health. Also consider creating water or sanitation committees to manage communal facilities such as water points, public toilets, or washing areas.

10.5.14 Tailor water and food distribution and assistance according to local factors.

⁶⁴⁵ The availability of supplies such as fuel, soap, clean water and cooking utensils will deter-

638. United Nations World Food Summit, *Rome Declaration on World Food Security and World Food Summit Plan of Action*, 1996.

639. United Nations High Commissioner for Refugees, *Handbook for Emergencies*, 2000. Hereafter: UNHCR, *Handbook for Emergencies*, 2000. Sphere, "Humanitarian Charter," 2004.

640. Sphere, "Humanitarian Charter," 2004.

641. United States Agency for International Development, *Field Operations Guide for Disaster Assessment and Response—Version 3.0*, 1998. Hereafter: USAID, *FOG*, 1998.

642. Sphere, "Humanitarian Charter," 2004. USAID, "FOG," 1998.

643. USAID, "FOG," 1998.

644. Sphere, "Humanitarian Charter," 2004.

645. Ibid. USAID, "FOG," 1998.

mine whether foods provided need to be ready to eat or if they can require some preparation. Also be sure to understand what foods may be culturally inappropriate. Assess the nutrition situation and tailor food programs based on nutritional conditions of the population.⁶⁴⁶ Deciding the location of water sources will depend on population density and security requirements for women and others traveling to communal water sources.

10.5.15 Use food assistance strategies that facilitate sustainability. Consider strategies to complement or replace direct food aid, such as bolstering the primary production capacities of the population, generating income and employment to improve purchasing power and livelihoods, and ensuring people's access to markets to acquire necessary food and other basic needs.⁶⁴⁷ Other constructive options include subsidized food or food-for-work programs. These options are more desirable because they uphold dignity while promoting livelihood development and independence.

10.5.16 Aim for equity in food and water distribution.⁶⁴⁸ Consult with local leaders on how to equitably distribute food and water resources and inform the population about the basis for determining food rations and water source location.⁶⁴⁹ The population should perceive the provision of food and water to be fair and based on need, rather than on gender, disability, religion, or ethnic background. Local distribution agents for food and water should be selected based on their commitment to impartiality, capacity, and accountability. These agents can include local elders, elected relief committees, local institutions, host nation or international NGOs, or the government. Choose distribution points based on safe accessibility by the population rather than the convenience of the logistics agency. Registering individuals and households receiving food assistance will also boost effectiveness, especially when assistance will be needed over an extended period of time. Also be sure to evaluate the process to ensure that the food is reaching its intended recipients.

10.5.17 Resort to providing free food aid only when the need is severe and there is no other alternative. Free distribution of food aid should be used only when absolutely necessary and should be stopped at the earliest possible moment to prevent dependency.⁶⁵⁰ Direct food aid may be necessary to sustain life in some situations or to mitigate dangerous coping strategies of the population. This is the case if normal systems for food production, processing, and distribution have been disrupted, co-opted or destroyed by warring parties to the conflict. Any mass feeding or provision of cooked food that is ready to eat should only be provided on a short-term basis to those in greatest need who are unable to prepare food for themselves or if the distribution of dry food rations could endanger recipients. Avoid free distribution when food supplies are available in an area but people lack access to it, or if the absence of food in an area could be resolved by improving market systems.

10.5.18 Develop tailored sanitation programs to best benefit the population. Sanitation programs involve many different areas: excreta disposal, control of disease

646. Sphere, "Humanitarian Charter," 2004. USAID, "FOG," 1998.

647. Sphere, "Humanitarian Charter," 2004.

648. United Nations World Food Programme, *Emergency Food Security Assessment Handbook*, 2005. USAID, FOG, 1998.

649. Sphere, "Humanitarian Charter," 2004.

650. Ibid.

vectors, solid waste management, and drainage systems.⁶⁵¹ In designing sanitation facilities, pay close attention to preferences and cultural habits. It may be difficult to accommodate the needs of every group—women, men, children, disabled—when building communal facilities intended to serve large numbers of people. In general, facilities should be located in safe places and have adequate lighting to better protect women and girls from attacks in communal sites. Vector control programs can mitigate the spread of disease, but simple steps such as hand-washing and other good hygienic practices can also go a long way. Reduce public health and environmental risks by setting up a means for managing solid waste and drainage to address standing water or water erosion from storms, floods, and medical waste.

10.5.19 Provide shelter assistance to meet survival needs. Everyone has a right to adequate housing that sustains life and dignity.⁶⁵² During and after violent conflict, many displaced people will require shelter assistance after being driven from their homes or while deciding whether or when to return to their homes.⁶⁵³ Shelter assistance should strive to protect as many people as possible from environmental elements such as the cold, wind, rain, or heat. Locations of shelters should consider the presence of unexploded ordnance, availability of food and clean drinking water, proximity to toilets and other sanitation facilities, and accessibility of the site by relief agencies. Providing temporary transit housing for displaced persons can mitigate the problem of ad-hoc housing occupation.⁶⁵⁴ Primary transitional shelter options for displaced populations include residing with host families, self-settling in rural or urban areas, or residing in mass shelters or camps.⁶⁵⁵

10.5.20 When choosing a site for mass shelter, pay close attention to land rights.⁶⁵⁶ While the host nation often offers land for mass shelters, local communities frequently assert traditional or customary rights to the land.⁶⁵⁷ Tensions and resentment may surface in local communities if the land depreciates as a result of a settlement, the settlement population refuses to leave, or if the camp population enjoys greater benefits and support than the local community. When choosing a site, clarify land ownership whenever possible. Any use of land should be grounded in formal legal arrangements in accordance with domestic law.⁶⁵⁸ Occupants of the site should have full access and land use rights to graze animals and engage in agricultural activities.

10.5.21 Tailor shelter designs and planning to local requirements. In designing emergency shelters for survival, consider cultural norms for sleeping accommodations and subdivisions of living space to ensure safety and privacy for women, girls, and boys, who are most vulnerable to attack. When assisting with housing, other factors to consider include affordability; habitability; location; cultural appropriateness; access

651. Ibid.

652. Ibid.

653. Oxfam, *Transitional Settlement—Displaced Populations*, 2005.

654. Daniel Fitzpatrick, *Land Policy in Post-conflict Circumstances: Some Lessons from East Timor* (Geneva: United Nations High Commissioner for Refugees, 2002). Hereafter: Fitzpatrick, *Land Policy*, 2002.

655. Oxfam, *Transitional Settlement—Displaced Populations*, 2005.

656. Ibid. UNHCR, “Handbook for Emergencies,” 2000.

657. USAID, *FOG*, 1998.

658. Ibid.

to natural resources; and the availability of services, facilities, materials, and infrastructure.⁶⁵⁹ Build insulation or ventilation into the design as needed, depending on the climate.

10.5.22 Use shelter construction processes as an opportunity to build host nation capacity and promote livelihood development.⁶⁶⁰ Host nation actors should partake in procuring building materials or contributing manual labor to build capacity and promote livelihood development. Develop skills training programs and apprenticeship schemes to maximize capacity building for host nation actors in housing construction processes. Those who are less physically able can assist in tracking inventory and other administrative responsibilities.

10.5.23 In addition to housing, be prepared to provide nonfood items that may be necessary to maximize self-sufficiency and self-management.⁶⁶¹ Most displaced people will have few possessions and may need everyday items such as changes of durable clothing; bedding materials that are culturally appropriate; bath and laundry soaps; and cooking facilities and utensils, including stoves, ovens, fuel, pots, pans, and silverware. Materials from damaged homes or buildings can also be used to enhance living spaces in improvised shelters.

10.5.24 Approach: Minimum Standards for Health Services

Minimum standards for health services involve the provision of care to prevent untimely death and illness. Careful thought should also be given to laying the foundations for a health care system built on sustainable infrastructure, services, and public health education.⁶⁶² After violent conflict, it is not uncommon to find that health care systems, if they even existed before the conflict, have collapsed, health information has disappeared, and communication systems have broken down. Other major health challenges include a lack of health-related information about the population, low absorption capacity, and persistent political and financial uncertainties.

See Gap/Challenge: Section 10.10.8, Mental health needs of conflict-affected populations.

10.5.25 Treat those with the most immediate health risks while restoring basic health services for the broader population.⁶⁶³ Provide medical attention to those in greatest need. The immediate priorities of health care in this environment should be to prevent and reduce levels of death and illness.⁶⁶⁴ The greatest vulnerabilities often involve women, children, the elderly or disabled, and people living with HIV/AIDS. Epidemics may be rampant, while other ailments common among war-torn populations may include mosquito-borne and gastrointestinal diseases.⁶⁶⁵ In these environments, the most staggering health indicators are maternal mortality and under-five mortality from water-borne diseases, lack of immunization, malaria, and other infectious diseases. Standing up health clinics at the community level is critical to treat people with immediate

659. Sphere, "Humanitarian Charter," 2004.

660. Ibid.

661. Ibid.

662. UNDP/USAID, "First Steps," 2007.

663. Inter-Agency Standing Committee, *Guidelines for HIV/AIDS Interventions in Emergency Settings*, 2003. Hereafter: IASC, *Guidelines for HIV/AIDS*, 2003.

664. Sphere, "Humanitarian Charter," 2004.

665. UNDP/USAID, "First Steps," 2007. World Food Programme and World Bank (High-Level Forum on the Health Millennium Development Goals), "Health Service Delivery in Post-Conflict States," 2005. Hereafter: WFP/WB, "Health Service Delivery," 2005.

health needs and provide necessary attention to HIV/AIDS and other communicable diseases with the potential to adversely affect stability. Pay special attention to the possibility of public health epidemics and focus on strategies that deliver the most health benefits to the most people.⁶⁶⁶

10.5.26 Support a sustainable health care system for the population.⁶⁶⁷ While service delivery is critical, address the development of health care infrastructure, education, and training that are the foundation for sustainable health care. This may begin with support for the ministry of health in developing a national health policy and plan. Developing an effective and efficient health care system will be an enormous undertaking, as it is a complex interaction of parts that may have been absent or severely dilapidated before and following the conflict.⁶⁶⁸ In laying the foundation for this system, strive to provide equal access to the population by overcoming geographical or financial barriers. Building a health sector from scratch is very difficult, so refrain from throwing out what is there. Assess health care structures and build on them.

10.5.27 Work closely with host nation health authorities and affected populations to ensure that critical needs are met. Consult closely with host nation health authorities to identify areas with the most need, where the population is not already being serviced by a local facility. Because women and children will be the primary users of health care, women should participate in the planning and design of health care services to maximize the effectiveness of those programs.⁶⁶⁹ Consider infrastructure obstacles that may restrict certain populations from accessing these services. Mobile clinics may be necessary to fill gaps in service, but be careful not to duplicate existing efforts. The best entry points for emergency health care provision will be at the community level in the form of clinics and health posts. Many people will seek medical attention in these environments—community-level facilities can help to accommodate this influx, separating critical cases from those involving simple ailments.

10.5.28 Mainstream multi-sectoral HIV/AIDS interventions into recovery programming. Recovery programs do not adequately account for HIV/AIDS challenges. Given its broad impacts across society, HIV/AIDS is an issue that should be “mainstreamed” or seriously accounted for in broader recovery programs.⁶⁷⁰ Ensure that peacekeepers, humanitarian staff, and other military forces present in these environments are included in prevention strategies.⁶⁷¹ HIV/AIDS should be factored into food security programs, and shelter and site planning projects. Those handling HIV/AIDS programs should understand cultural stigmas and discrimination that hamper the effective provision of treatments. Use approaches that reduce the root causes of stigmas through awareness programs, mass media campaigns, public dialogue and interaction between HIV-affected people and target audiences, and participatory education to address common fears and misconceptions.⁶⁷²

666. Sphere, “Humanitarian Charter,” 2004.

667. WFP/WB, “Health Service Delivery,” 2005.

668. Ibid.

669. Sphere, “Humanitarian Charter,” 2004.

670. IASC, “Guidelines for HIV/AIDS,” 2003.

671. Ibid.

672. Joint United Nations Programme on HIV/AIDS (UNAIDS), *Reducing HIV Stigma and Discrimination: A Critical Part of National AIDS Programmes*, 2007. Hereafter: UNAIDS, *Reducing HIV Stigma and*

10.5.29 Respond appropriately and adequately to victims of sexual and gender-based violence. The lawlessness of war-torn countries often makes women particularly vulnerable to sexual violence and exploitation and more likely to assume high-risk sexual behavior in exchange for goods or services as a means for survival.⁶⁷³ Common forms of assault against women include rape, sexual harassment, genital mutilation, domestic violence, forced marriages, and sexual exploitation.⁶⁷⁴ Men can also suffer sexual and gender-based violence through rape or genital mutilation. Health care providers should be trained to respond appropriately and provide psychological services for these victims, taking into account cultural stigmas and discrimination that may be relevant. Be prepared to provide free voluntary and confidential counseling services, testing for HIV/AIDS and other communicable diseases, and necessary medical supplies to treat infections that occur. Health care providers should also be sensitized to medical confidentiality and should be trained on international standards for handling victims of sexual violence. Sometimes health care providers will have to fill out police forms or testify in court in cases involving sexual violence, which is difficult to balance against principles of confidentiality and respect for the victim.

10.5.30 Restore information systems to promote public health.⁶⁷⁵ Information systems will likely be broken down after violent conflict, making it difficult to communicate important public health messages to the population and collect critical data that informs the delivery of health care services. Without a means for communication, it will also be difficult to identify or access victims of sexual and gender-based violence to determine the prevalence of HIV/AIDS and to provide necessary treatments. Restore public information systems as quickly as possible and develop education and prevention strategies.⁶⁷⁶ Collecting accurate information on the prevalence and spread of diseases is also a serious gap that should be improved to enhance responses to those in most need.⁶⁷⁷

10.6 Necessary Condition: Access To and Delivery Of Education

10.6.1 What is access to and delivery of education? Why is it a necessary condition?

Education is a basic right, recognized by many international conventions including the Universal Declaration of Human Rights (1948), the UN Convention on the Rights of the Child (1989) and the Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War.⁶⁷⁸ Access to and delivery of education is a condition in which every child receives primary education, even in times of war and without regard to ethnicity, gender, or location. This condition also includes access to higher education for advanced learning, development of professional skills, and nonformal education for youth

Discrimination, 2007.

673. Timothy Docking, *AIDS and Violent Conflict in Africa* (Washington, D.C.: U.S. Institute of Peace, 2001). Hereafter: Docking, "AIDS and Violent Conflict," 2001.

674. IASC, "Guidelines for HIV/AIDS," 2003.

675. USAID, "FOG," 1998.

676. UNAIDS, "Reducing HIV Stigma and Discrimination," 2007.

677. Docking, "AIDS and Violent Conflict," 2001. Sphere, "Humanitarian Charter," 2004.

678. Inter-Agency Network for Education in Emergencies (INEE), *Minimum Standards for Education in Emergencies, Chronic Crises and Early Reconstruction*, 2004. Hereafter: INEE, "Minimum Standards for Education," 2004.

and adults who may have never received or completed formal education.⁶⁷⁹ The continued delivery of education during and following violent conflict is particularly critical. There is a movement to include education as a “fourth pillar” of humanitarian response, along with food, health, and shelter.⁶⁸⁰ Education can help prevent the renewal of conflict by offering children and their families a source of stability and normalcy that can help them cope with conflict and its aftermath. It can provide children with a safe space and be the means for identifying affected children who need specific services. It can also inspire cultural and moral changes that transform sources of conflict and encourage peaceful coexistence, play a crucial role in promoting human and social capital, foster a sense of national identity, and fuel sustainable development and peace.⁶⁸¹

10.6.2 Guidance for Access To and Delivery Of Education

10.6.3 Approach: System-Wide Development and Reform

System-wide development and reform of education involves meeting emergency needs for primary education while laying the foundations for a comprehensive and sustainable education system. Education development begins with bringing local and state authorities and civil society actors together to encourage dialogue; to empower and bestow legitimacy on local and national institutions; and to determine common goals in which education promotes peace, stability, and prosperity.⁶⁸² Common effects of violent conflict on the education system include lower enrollment rates, destroyed facilities, shortages of teachers, lack of funding, sub-par standards and quality of education services, loss of state legitimacy and presence, and corruption.⁶⁸³ While needs assessments and emergency response come first,⁶⁸⁴ there may be no sharp distinction between the humanitarian phase and the reconstruction phase since they are undertaken at the same time.⁶⁸⁵

10.6.4 Use a “community-based participatory approach.”⁶⁸⁶ To develop a quality and long-lasting education system, it is crucial that the community participates in every stage of the reforms, from assessment and planning to implementation, monitoring, and evaluation.⁶⁸⁷ Community participation in educational reforms can help build social cohesion and host nation ownership and ensure the education system’s long-term sustainability. Educational reform programs should use community members as teachers, establish community school boards, and train youth leaders. Often community members have already developed ways to continue education during conflict,

679. Yolande Miller-Grandvaux, “DRAFT Context Paper: What is the role of education as it relates to reducing fragility?” (Washington, D.C.: U.S. Agency for International Development, 2009). Hereafter: Miller-Grandvaux, “DRAFT Context Paper,” 2009.

680. Miller-Grandvaux, “DRAFT Context Paper,” 2009.

681. United Kingdom Department for International Development, *Education, Conflict, and International Development*, 2003. Hereafter: UK DFID, *Education, Conflict and International Development*, 2003.

682. United Nations Educational, Scientific, and Cultural Organization, *Education in Situations of Emergency, Crisis and Reconstruction: UNESCO Strategy Working Paper*, 2003. Hereafter: UNESCO, *Education in Situations of Emergency*, 2003.

683. USAID, “DRAFT Context Paper,” 2009.

684. Margaret Sinclair, *Planning Education in and After Emergencies* (Paris: United Nations Educational, Scientific and Cultural Organization, 2002). Hereafter: Sinclair, *Planning Education in and After Emergencies*, 2002.

685. World Bank, *Reshaping the Future: Education and Post-Conflict Reconstruction*, 2005. Hereafter: WB, *Reshaping the Future*, 2005.

686. Sinclair, *Planning Education in and After Emergencies*, 2002.

687. INEE, “Minimum Standards for Education,” 2004.

including designing their own educational activities. This can be a basis for reform. Be aware, though, of the danger of local power politics hijacking the process and using it to increase the power of one group over the other.⁶⁸⁸

10.6.5 Assess the context-specific relationship between education and conflict. Education reform and development should be based on a complete overview and conflict analysis of the education system.⁶⁸⁹ Conflict analysis should be present in every aspect of planning, from emergency education to education system reform. It should provide a thorough understanding of the relationship, both positive and negative, between the education system and the conflict, focusing particularly on the role played by government involvement, curriculum, language, religion, and teachers and teaching methods. It should also evaluate the impact of the conflict on the education system, which is often devastating.⁶⁹⁰ Finally, conflict analysis should identify conflict reduction measures that can be included in a long-term, sustainable plan for education reform.⁶⁹¹

10.6.6 Develop both a short-term plan for emergency action and a long-term plan for education reconstruction and development.⁶⁹² While emergency education programs will likely be necessary, these programs should be embedded in a long-term strategy of systematic development and reform. The period following violent conflict offers a society the opportunity to reform its entire education system. Since this system can drive—and already may have driven—conflict, it is crucial to rebuild both the physical and human educational infrastructure in ways that promote peace.⁶⁹³ Prioritize the reconstruction of basic education,⁶⁹⁴ but also pay attention to the development of higher education, including secondary and tertiary education, and nonformal education, such as accelerated education (which condenses essential primary school classes into fewer years than the formal primary school system, thus allowing accelerated reentry), life skills training, and workforce development.⁶⁹⁵ See Section 9.7.17 for a discussion on human capital development. If programs are externally driven, plan for a transition to host nation authorities when capacities are sufficient; this is a critical step in developing government accountability and public perception of legitimacy.⁶⁹⁶

10.6.7 Insulate the education system from politics. Education systems can be manipulated to spread hatred and serve political agendas. For example, curriculum can be used to distort history and promote division. Education systems are particularly susceptible to political influence through intrusion into decision-making. The decentralization of education without appropriate safeguards—often used as a means to increase ownership, citizen participation, and accountability—can also increase the danger of political

688. UK DfID, “Education, Conflict and International Development,” 2003.

689. Ibid.

690. Miller-Grandvaux, “DRAFT Context Paper,” 2009.

691. UK DfID, “Education, Conflict and International Development,” 2003.

692. Sinclair, “Planning Education in and After Emergencies,” 2002.

693. Robert C. Orr, *Winning the Peace: An American Strategy for Post-Conflict Reconstruction* (Washington, D.C.: Center for Strategic & International Studies, 2004). UK DfID, “Education, Conflict and International Development,” 2003.

694. WB, “Reshaping the Future,” 2005.

695. Miller-Grandvaux, “DRAFT Context Paper,” 2009. Sinclair, “Planning Education In and After Emergencies,” 2002.

696. Organisation for Economic Co-operation and Development, *Education in Fragile States*, 2006.

influence by devolving powers of enforcement to the local level.⁶⁹⁷ Education reformers should recognize these dangers and protect the education system through system-wide development and reform.⁶⁹⁸

10.6.8 Reduce systemic corruption in the education system.⁶⁹⁹ Systemic corruption in the delivery and management of education is closely tied to weak or nonfunctioning governments. Corruption may include collection of unapproved fees or bribes, administration fraud, and favoritism during teacher recruitment or certification.⁷⁰⁰ Corruption can be reduced and prevented through proper governance, mechanisms for transparency and accountability, and host nation capacity building and training.⁷⁰¹

10.6.9 Approach: Equal Access

Equal access to education means that all children receive relevant, quality education and that the population as a whole has means of accessing higher or nonformal education. Following violent conflict, the affected population places a high priority on returning to school.⁷⁰² Access to education can provide children with protection and the community with a feeling of return to normalcy and stability. For more on access to and delivery essential services, including education, see Section 8.5.11.

10.6.10 Ensure equal access as a mitigator of conflict. Access to education can be used as a tool for dominance and oppression. Vulnerable groups may be refused access to education during and after conflict. Security concerns may keep students—girls in particular—from attending school. Inequality of access based on identity issues—such as race, ethnicity, gender, and religion—can be a factor in social unrest.⁷⁰³ Likewise, equal access for all identity groups to education at all levels can be a stabilizing force. Transparency in education management and accurate monitoring can help assure the population that everyone will have access to and receive the same education.⁷⁰⁴

10.6.11 Provide interim emergency education for children. In the emergency phase, access to the formal education system may be very limited, particularly for vulnerable groups. These groups must be identified and special care taken to provide them with relevant, quality education.⁷⁰⁵ It may be necessary to provide interim emergency education to ensure the continuation of schooling. This requires educational programming, materials, a safe gathering space, and teachers.⁷⁰⁶ Education providers may have to find creative ways to ensure the continuation of education for IDPs and refugees.⁷⁰⁷ Other alternative emergency education programs may include accelerated learning

697. UK DfID, “Education, Conflict and International Development,” 2003.

698. Ibid.

699. Miller-Grandvaux, “DRAFT Context Paper,” 2009.

700. Ibid.

701. UK DfID, “Education, Conflict and International Development,” 2003.

702. Sinclair, “Planning Education In and After Emergencies,” 2002.

703. Miller-Grandvaux, “DRAFT Context Paper,” 2009.

704. UK DfID, “Education, Conflict and International Development,” 2003.

705. INEE, “Minimum Standards for Education,” 2004.

706. Save the Children UK defines emergency education as “a set of linked project activities that enable structured learning to continue in times of acute crisis or long-term instability.” (UK DfID, “Education, Conflict and International Development,” 2003.)

707. UK DfID, “Education, Conflict and International Development,” 2003.

and distance education programs, skills training, and other nonformal education.”⁷⁰⁸ As capacity develops, however, education development will increasingly involve more activities.⁷⁰⁹

See Gap/Challenge: Section 10.10.4, Emergency education.

10.6.12 Incorporate higher and nonformal education. There are often large numbers of demobilized young soldiers and war-affected youths and adults who never received basic education. These populations can be a major destabilizing force. Access to and delivery of nonformal education such as skills training or accelerated learning programs can help reintegrate them into society. Secondary and tertiary education can help provide qualified teachers for the education system and legal, economic, and other professionals, who are typically in short supply, and offer the population greater opportunities for advancement.⁷¹⁰

10.6.13 Pay attention to refugees and IDPs. The Convention on the Rights of the Child states that a government may not deny access to education to any child on its territory. This means that governments must provide access to education to children in the refugee and IDP population. Take care that education policies do not prevent these children from enrolling by requiring permanent addresses, identity cards, or other documents which they may not have. In addition to formal education, refugees and IDPs may need access to nonformal education such as accelerated learning to help them reach their appropriate class level. Keep in mind that IDPs may face different challenges to accessing education than refugees, including continued fighting or remaining internal intergroup tensions.⁷¹¹

10.6.14 View education as a tool for child protection and welfare. Many in the affected population will experience trauma after violent conflict. Returning to school can be both a sign of stability to the community and a means of identifying the children and young people who need psychosocial services.⁷¹² Combining nutrition and health assistance in schools can enhance the welfare of children.⁷¹³ Schools also provide a protected space for children, enabling their parents or caretakers to focus on work.

10.6.15 Construct appropriate educational facilities.⁷¹⁴ In building school structures, consider their long-term use, available resources, community participation, and whether the local community can afford them. Schools should be physically accessible to all, provide separate sanitation facilities for males and females, and ensure that water is readily available.

10.6.16 Develop appropriate resource standards and monitor resource use.⁷¹⁵ Set clear standards for the acquisition of equipment, shelter, and materials; develop plans for meeting these standards; and monitor their implementation. These standards should

708. Miller-Grandvaux, “DRAFT Context Paper,” 2009.

709. WB, “Reshaping the Future,” 2005.

710. Miller-Grandvaux, “DRAFT Context Paper,” 2009.

711. Sinclair, “Planning Education In and After Emergencies,” 2002.

712. Ibid.

713. INEE, “Minimum Standards for Education,” 2004. UK DfID, “Education, Conflict, and International Development,” 2003. Miller-Grandvaux, “DRAFT Context Paper,” 2009.

714. INEE, “Minimum Standards for Education,” 2004.

715. Sinclair, “Planning Education In and After Emergencies,” 2002.

take into account the need for sustainability. Peg standards to those used by the best of the public schools, but understand that standards will vary according to each situation.

10.6.17 Approach: Quality and Conflict-Sensitive Education

Depending on what is taught and how it is taught, education in these environments has the power to either spark renewed conflict or aid in its resolution. This approach is about the quality of education and the teaching and learning environment that is created for this conflict-sensitive situation. Quality education should not seek to be neutral but to actively support the peace process. Quality curriculum includes course materials and instruction that do not exacerbate tensions from the conflict but promote a shared future of peaceful coexistence. Quality teaching and administration involves appropriate training in creating a conflict-sensitive, learner-centered, participatory school environment.⁷¹⁶

10.6.18 Ensure that curricula promote peace and long-term development.⁷¹⁷ Educational reforms should identify the role curriculum may have played in aggravating the conflict. Textbooks that use biased histories and hateful language may have inflamed tensions. Pay particular attention to the curriculum's approach to identity issues (including religion, culture, and language) and subject areas such as history, geography, and literature.⁷¹⁸ Promote the most inclusive language of instruction as possible in order not to exacerbate conflicts and differences nor alienate any social groups. This environment may offer an opportunity to help create a modern education program that unifies the population behind a common vision for the future.⁷¹⁹ When modernizing curricula, be aware of conflict with local traditions. Working with local traditional and religious leaders can help ensure that the new curriculum respects the local culture.⁷²⁰ See Section 9.7.17 for more on the development of human capital.

10.6.19 Enrich curricula with education on life skills.⁷²¹ Curriculum in these situations should deliver information vital for the peace process on topics such as health, human rights, safety, multiculturalism, democracy, conflict resolution, and environmental awareness. When combined with quality curricula on standard subjects, this information can help bring about behavior change in children, youth, and adults that enables them to live more healthy and peaceful lives.⁷²²

10.6.20 Develop and support quality teachers and administrators. The number of teachers and administrators in a country emerging from violent conflict may be greatly decreased. This can be due to violence directed at teachers, the imprisonment of teachers who engaged in the violence, the emigration of the educated class, or the spread of disease. Programs and reforms may be needed to recruit and train new teachers and administrators. Ensure that different ethnic groups and languages, as appropriate, are represented among them. The quality of training that teachers and administrators

716. INEE, "Minimum Standards for Education," 2004.

717. Sinclair, "Planning Education In and After Emergencies," 2002.

718. Elizabeth A. Cole and Judy Barsalou, *Unite or Divide? The Challenges of Teaching History in Societies Emerging from Violent Conflict* (Washington, D.C.: U.S. Institute of Peace, 2006). UK DfID, "Education, Conflict and International Development," 2003.

719. Sinclair, "Planning Education In and After Emergencies," 2002.

720. UK DfID, "Education, Conflict and International Development," 2003. OECD, "Education in Fragile States," 2006.

721. Sinclair, "Planning Education In and After Emergencies," 2002.

722. UK DfID, "Education, Conflict and International Development," 2003.

receive will be critical to the success of educational reforms. Good teacher training should begin in refugee camps so that capacity is in place once violent conflict ends, and good teachers can migrate back home during the repatriation process. Teachers have the moral responsibility of teaching peacebuilding values and messages and may face additional challenges such as ethnic tensions or psychological trauma.⁷²³ Administrators must understand how to run comprehensive assessments, to plan and implement appropriate programs, and to monitor progress.

10.6.21 Promote a student-centered, participatory learning environment.⁷²⁴ Without the proper classroom and school environment, quality curriculum will be of little use. In a society emerging from conflict, a student-centered learning environment is even more significant. This includes student participation, active learning, respect (for each other and for the teacher), cooperation, teamwork, and student interaction. Teacher training should emphasize pedagogy, understanding of content, emphasis on values and attitudes, conflict resolution skills, classroom management, and the development of student-centered learning approaches. Schools should be managed in ways that welcome teacher input, ensure that student voices are heard, and encourage community input and parental involvement, particularly in determining goals, needs, and rules.

10.7 Necessary Condition: Return and Resettlement of Refugees and Internally Displaced Populations

10.7.1 What is return and resettlement of refugees and IDPs?⁷²⁵ Why is it a necessary condition?

Return and resettlement of refugees and IDPs is a condition in which all individuals displaced from their homes during conflict are assured the option for a voluntary, safe, and dignified return to their homes or resettlement into new homes and communities. Once they reach their destinations, returnees should have recourse for property restitution or compensation, and should receive strong reintegration and rehabilitation support to build their livelihoods and contribute to long-term economic and political development.⁷²⁶ With proper support, displaced persons can serve as critical and essential human resources toward the rebuilding of the host nation.⁷²⁷ Return and resettlement can represent a visible end to violent conflict, legitimize the new political

723. Ibid. OECD, "Education in Fragile States," 2006.

724. INEE, "Minimum Standards for Education," 2004.

725. In the context of this chapter, refugees are defined as individuals who are outside the country of their nationality due to well-founded fear of being persecuted for reasons of race, religion, nationality, or membership of a social group or political opinion. This definition is derived from the 1951 Convention Relating to the Status of Refugees. IDPs are defined as "persons or groups of persons who have been forced or obliged to flee or to 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 generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border." This definition is derived from the United Nations Office for the Coordination of Humanitarian Affairs, "Guiding Principles on Internal Displacement," 2004.

726. United Nations High Commissioner for Refugees, *Framework for Durable Solutions for Refugees and Persons of Concern*, 2003. Hereafter: UNHCR, *Framework for Durable Solutions*, 2003.

727. Sarah Petrin, *Refugee Return and State Reconstruction: A Comparative Analysis* (Geneva: United Nations High Commissioner for Refugees, 2002). Hereafter: Petrin, *Refugee Return*, 2002.

order, and restore normal life for the conflict-affected population.⁷²⁸ Resolving rights to nationality, residency, and property will contribute to an effective, trustworthy, and durable state-citizen relationship.

10.7.2 Guidance for Return and Resettlement of Refugees and IDPs⁷²⁹

10.7.3 *Approach: Safe and Voluntary Return or Resettlement*

Safe and voluntary return or resettlement involves a guarantee of choice for return and one of safety for those who choose to return. These processes include reuniting families and support systems separated because of violent conflict and ensuring a safe and voluntary journey for refugees returning to their country of origin, IDPs returning to their hometowns, or any displaced individuals or groups resettling in new communities.

10.7.4 *Understand the situation on the ground in order to plan effectively.*⁷³⁰ Planning requires reliable information about the areas where displaced people seek to return or resettle, to minimize the challenges they face upon arrival. While it is important to gather credible information on the numbers and conditions of IDPs and refugees, it is also key not to jeopardize the security and freedom of movement of displaced populations. Collecting data for such an assessment will not be easy, as displaced populations are not always easily accessible. They may not be in camps where they can be registered, but may have assimilated into local communities or urban areas. Others may be in hiding or may fear being identified. Before initiating any strategy for the return of refugees and IDPs, be sure to assess and understand the scope of the problem by considering the following:

- How many people have been displaced? Is the government understating or inflating numbers of IDPs or refugees in order to influence outside response?
- To where have people been displaced?
- Are the displaced refugees, IDPs, or both?
- Does the host nation have the capacity to reintegrate the displaced?
- What are the needs of the displaced population?
- What are conditions in the host nation or local communities?
- Are conditions at places of origin or resettlement communities less dangerous than conditions in the camps for the displaced?
- Do viable resettlement options exist for the displaced?

10.7.5 *Ensure voluntary return for refugees and IDPs.* Voluntary return or resettlement is the cornerstone of any assistance related to refugees and IDPs. All displaced persons should be permitted to make their own decision without coercion or harassment of any

728. Walter Kalin, *Durable Solutions for Internally Displaced Persons: An Essential Dimension of Peacebuilding* (Washington, D.C.: Brookings Institution, 2008). Hereafter: Kalin, *Durable Solutions for IDPs*, 2008.

729. An integrated approach for the return of refugees known as the “4R’s” (repatriation, reintegration, rehabilitation, and reconstruction) has been proposed by the world’s leading agency, the UN High Commissioner for Refugees. The approach aims to ensure linkages between the four processes by bringing together humanitarian and development actors and funds to ensure durable solutions for those who have returned, poverty reduction, and the creation of good local governance. This requires dedicating greater resources to creating a conducive environment inside the countries of origin in order to facilitate sustainable repatriation and prevent further displacement of the population. For more, see UNHCR, “Framework for Durable Solutions,” 2003.

730. Petrin, “Refugee Return,” 2002.

kind, and they should be able to freely choose their place of residence.⁷³¹ In keeping with the principle of non-refoulement for refugees, no person should be forced into a situation in which they may face persecution or death.⁷³² This applies to IDPs as well. While “right of return” has traditionally referred to the right of refugees to return to their countries at any time, the concept is increasingly applied to IDPs returning to their homes. When the prospect of returning causes great fear, however, displaced populations should always have the option of a safe and assisted resettlement in their home country, or in the case of refugees, in the present country through asylum or a third-party country that is able and willing to take them.

10.7.6 Ensure safety of return for refugees and IDPs. Return and resettlement processes should focus on providing safe passage for displaced populations as they return to their homes or country of origin. Upon return or relocation, displaced persons should still receive protection from continued threats of violence, harassment, intimidation, or persecution. While it is the responsibility of the host nation government to provide this protection, international actors may have to help maximize equal access for returnees to security, health, and other public services, along with providing judicial or legal recourse when needed. The following activities can help improve protection for returning populations:⁷³³

- *Disarm and demobilize armed groups.* The presence of armed groups will likely deter potential returnees and prevent them from successfully rebuilding their lives in old or new communities, especially in cases where these armed groups triggered the initial displacement. Disarming and demobilizing such groups sends a message to the displaced that violent conflict is over and that they can return safely. See Section 6.7.3 for a discussion about the disarmament and demobilization of ex-combatants.
- *De-mine the paths and communities of returnees.* Land mines and unexploded ordnance could prevent the displaced from making it to their homes and could deter those who have yet to begin their journey home. In rural areas, where people depend on the land for subsistence and livelihood, de-mining farmlands is necessary for returnees to rebuild their livelihood.⁷³⁴ For more on freedom of movement, see Section 6.9.3.
- *Protect vulnerable groups from abuse.* During the return phase, women, children, and other groups are susceptible to criminal and sexual abuse from those around them, including other returnees.⁷³⁵ Ensure special protection for these populations through targeted public security and law enforcement programs. See Section 6.8.3 for more on the security of vulnerable populations.

See Trade-off: Section 10.9.3, Responsibility to protect vs. safety of relief workers.

731. UNHCR, “Framework for Durable Solutions,” 2003.

732. Kalin, *Durable Solutions for IDPs*, 2008.

733. United Nations High Commissioner for Refugees, *Guiding Principles on Internal Displacement*, 1998. <http://www.unhcr.ch/html/menu2/7/b/principles.htm>, accessed June 22, 2009. International Peace Academy, *Housing, Land, Property and Conflict Management: Identifying Policy Options for Rule of Law Programming*, 2005. Hereafter: IPA, *Housing, Land, Property and Conflict Management*, 2005.

734. Brookings Institution and University of Bern, *Addressing Internal Displacement in Peace Processes. Peace Agreements and Peace-Building*, 2007. Hereafter: Brookings/Bern, *Addressing Internal Displacement*, 2007.

735. UNHCR, “Framework for Durable Solutions,” 2003.

10.7.7 Provide refugees and IDPs with full access to the information they need to decide whether or not to return. One means for doing this is to arrange visits for IDP or refugee representatives to assess the conditions of the potential destination. Women and members of different ethnic, racial, religious, and political groups should be included as much as possible on these trips.⁷³⁶ Important information should be available in a language understood by the population and should include the following:⁷³⁷

- The political and security situation of intended destinations, including freedom of movement; amnesties; and the availability of assistance and protection for women, children, minorities, and other vulnerable groups.
- A realistic assessment about whether the causes of displacement have been resolved and about the availability of reintegration assistance. If the situation remains dangerous, keep displaced populations informed and be careful about offering return assistance.⁷³⁸
- Procedures for returning or resettling, including details on what items can be brought for the journey, required documentation, available modes of transportation, and other administrative requirements.
- Information about landmine risks, potential housing disputes, opportunities for employment, and availability of public services and facilities.

10.7.8 Develop internal resettlement alternatives for those who decide not to return to their original homes. Some of the displaced may choose not to return to their previous homes for fear of discrimination or violence. Others may return to find their homes destroyed or land unusable as a result of landmines or ongoing occupation by militias. In these cases, resettlement should remain a viable option with appropriate compensation. In certain cases, the restitution of property to some returnees will result in the eviction of other displaced persons who have moved in since the displacement. Measures need to be taken to ensure that upon eviction, these persons will be able to find adequate shelter and compensation if they cannot have access to their own properties.⁷³⁹

10.7.9 Manage refugee returns as far from the border as possible. The best strategy for managing refugee returns and reducing the risk of chaos and violence is to do so as far from the border as possible. This allows for the proper preparation of refugees and border officials (and security officials) so all know what to expect. Those who pose security risks can be dealt with or screened before entry rather than after entry. Strong pre-entry and entry controls enhance security, reassure refugees, and reduce unauthorized movements of people, particularly reducing the exploitation of refugees by human smugglers.

736. Kalin, "Durable Solutions for IDPs," 2008.

737. Ibid.

738. Barry N. Stein, "Refugee Repatriation, Return, and Refoulement During Conflict," presented at the United States Agency for International Development Conference Promoting Democracy, Human Rights, and Reintegration in Post-conflict Societies (October 30–31, 1997). Hereafter: Stein, "Refugee Repatriation," 1997.

739. Brookings/Bern, "Addressing Internal Displacement," 2007.

10.7.10 Approach: Property Dispute Resolution

Efficient and effective property dispute resolution is a major gap in many S&R missions and poses serious challenges to political stability.⁷⁴⁰ During violent conflict, many homes and properties are destroyed, along with property titles and records. Disputes arise when displaced persons return, seeking to reclaim their houses, land, or property. The situation is further complicated by massive population displacement, illegal occupation of houses and buildings, conflicting claims to property, absence of documentation to determine resolution, and discrimination against women in accessing land.⁷⁴¹ Common means for dispute resolution include restitution of property and compensation for resettlement.

10.7.11 Address property disputes to encourage the return of displaced populations.

Without a level of confidence that they will have homes to return to, many displaced populations may opt not to return, or may simply occupy homes that belong to other displaced persons, further complicating the situation. To mitigate this problem, establish a transparent process for handling property claims/disputes and for addressing land policy, along with a plan for constructing shelters as needed.⁷⁴²

10.7.12 Base resolution processes in a legal framework to ensure consistency and enforceability. In defining the kinds of homes, land, and property that should be subject to restitution or compensation, consider both formal property and tenure laws, as well as informal practices.⁷⁴³ A formal land law should also be established to govern land rights, the status of registered land titles, the recognition of traditional rights to land, and the regulation of land rental markets or land transfers.⁷⁴⁴ In the midst of conflict, land records are often destroyed or misplaced. Where possible, it is necessary to collect, restore, or reestablish records quickly to prevent and resolve property disputes.⁷⁴⁵ Mechanisms for resolution should be linked to local reconciliation and transitional justice mechanisms, since they can also be the source of further conflict if badly managed.⁷⁴⁶ Don't rule out local informal mechanisms for resolving disputes, particularly in countries with complex legal frameworks, disputed records, and weak enforcement. See also Section 7.8.15. To ensure that decisions are binding and to limit corruption and other illicit property activities, legal means of enforcement will be necessary.⁷⁴⁷ For more on legal reform and property rights, see Section 7.5.9.

See Gap/Challenge: Section 10.10.7, Effective property laws.

10.7.13 Return property lost during conflict to its original owners where possible and offer compensation for those who must resettle. Where clear ownership can be proven, property should be restored to the owners who lost it as a result of the conflict. This may require evicting other displaced persons who have been using the abandoned property for shelter and finding alternative solutions for those evicted. This may also involve dealing with those who have seized abandoned properties and brought

740. IPA, "Housing, Land, Property and Conflict Management," 2005.

741. Ibid.

742. Brookings/Bern, "Addressing Internal Displacement," 2007.

743. IPA, "Housing, Land, Property and Conflict Management," 2005.

744. Fitzpatrick, "Land Policy," 2002.

745. Ibid.

746. Brookings/Bern, "Addressing Internal Displacement," 2007.

747. Fitzpatrick, "Land Policy," 2002.

them into the illicit property market by either renting or selling them. In some cases, displaced persons may have forcibly lost claim to their properties before the conflict on a discriminatory basis by the last administration.⁷⁴⁸ Efforts need to be taken to restore these properties to their original owners. Additional compensation for those who are forced to move or resettle may also be appropriate.

See Trade-off: Section 10.9.5, Giving property to their original owners vs. existing occupants.

10.7.14 Ensure property rights of women, orphans, and other vulnerable populations.

Without a male head of the household, female heads of households or parentless children often run into obstacles upon return. In the case of divorce, abandonment, or death of the male, women or children often hold no formal claim to property. These problems prevent them from submitting claims for repossession or reconstruction of their houses. Procedures should be put in place to ensure that these vulnerable groups are given proper compensation and shelter and to address inequalities and discrimination.⁷⁴⁹ In certain cases, people may hold traditional, informal claims to property, which are typical for minorities or indigenous people who have been residents of the land and lack recognition by formal authorities. Recognize these traditional claims and provide the property owners with formal titles to the property so that they may return to their lands without fear of further conflict.⁷⁵⁰

10.7.15 Allocate properties for community and commercial uses as needed. Even while property is being fought over for purposes of shelter, putting property aside for community and commercial purposes remains vital to the reintegration and rehabilitation of a community.⁷⁵¹ Homes are not the only forms of property lost amidst conflict. Farmers and fisherman may return to find their equipment and livestock destroyed. Try to provide compensation support to those who have lost infrastructure or other forms of property that serve as the means for livelihoods.⁷⁵² International players in a reconstruction zone will also need buildings or headquarters from which to operate.⁷⁵³

10.7.16 Approach: Reintegration and Rehabilitation

Upon arrival at their new destinations, those who return or resettle will need reintegration and rehabilitation support to promote long-term economic and social development. A major gap exists in transitioning seamlessly from the return or resettlement processes to sustainable development activities. The latter activities are vital to ensure that people who return or resettle are not abandoned but are given the support needed to rebuild their lives over the long term.

See Gap/Challenge: Section 10.10.6, Long-term development needs of returnees.

10.7.17 Promote self-reliance and empowerment of refugees and IDPs to prevent dependency on aid.⁷⁵⁴ Displaced people need to be given opportunities to be pro-

748. Ibid.

749. Brookings/Bern, "Addressing Internal Displacement," 2007.

750. Ibid.

751. Fitzpatrick, "Land Policy," 2002.

752. Ibid.

753. Ibid.

754. UNHCR, "Framework for Durable Solutions," 2003.

ductive and self-reliant, as opposed to being passive recipients of aid. This requires that the host nation government treat displaced populations as contributors to local development and that these groups have access to socioeconomic activity. This will involve gradually integrating education, health, agriculture, and livelihood-promoting activities that link up with longer-term development programs.

10.7.18 Recognize that displaced populations represent a rich body of potential human and material assets and resources.⁷⁵⁵ Refugees and IDPs bear characteristics of resilience, courage, and determination to thrive and employ a rich set of skills to survive. To develop their human potential, it is important to provide this group of people with opportunities for education, skills training, and income-generating initiatives. If they are not provided such opportunities, displaced populations can become sources of instability. Male refugees, in particular, sometimes turn to violence, exploitation, and other criminal activities when they are disempowered by their experience as refugees or displaced people. Communicate to communities the benefits of welcoming returnees and new settlers, including the influx of new skills, resources, higher education, health and gender equality, which they may have gained during the period of displacement. Try to preserve these gains when people reintegrate back into more traditional social structures.⁷⁵⁶

10.7.19 Create an environment that sustains return.⁷⁵⁷ Physically helping displaced people return or resettle is only the first step of many. The environment to which the displaced return should be comfortable enough for them to remain and rebuild their lives. If the host nation or community cannot properly absorb them, a new wave of displacement can occur.⁷⁵⁸ Good local governance, protection of the rights of communities, social services, economic revival, livelihood creation, and improved access to services help prevent further displacement of the population.⁷⁵⁹ Plans should include programs to reunite families and offer support systems for those who were separated during the repatriation process.

- *Access to essential services and livelihood opportunities.* Return and resettlement populations should be assured access to essential services. In addition to shelter, water, food, sanitation, and health services, infrastructure and education should be readily available in the local community in order to sustain its population at the most basic level and serve as a platform for further reconstruction and development.⁷⁶⁰ Providing these populations with access to livelihoods will enable them to rebuild their lives and give them a sense of ownership in the reconstruction of the country.
- *Reunification of families.* Reuniting family and friends helps returnees to feel comfortable in their new communities. Intimate and familiar relationships are key to a person's psychological support system. When families are unable to reunite in their own communities, secondary migration is common.⁷⁶¹

755. Ibid.

756. UNHCR, Handbook for Emergencies, 2000.

757. Brookings/Bern, "Addressing Internal Displacement," 2007.

758. Petrin, "Refugee Return," 2002.

759. UNHCR, "Framework for Durable Solutions," 2003.

760. Fitzpatrick, "Land Policy," 2002.

761. Petrin, "Refugee Return," 2002.

- *Redevelopment of local communities through processes to promote peaceful coexistence.* Processes to promote reconciliation among members of a community should be implemented to build a new support system and preventing new or old tensions from arising.⁷⁶²
- *Revitalization of civil society.* A functioning civil society at a grassroots level is critical to the reconstruction of community identity. By giving a voice to those who were most likely silenced during conflict, civil society is an important element to the reintegration process.⁷⁶³ See Section 8.8.3 for more on civil society development.
- *Host nation presence at the local level.* The national government will not be perceived as legitimate by rural populations if it is seen merely as a distant power. Once the government has assisted in repatriation it should maintain visibility at the local level, assisting and supporting the local population, and enabling them to feel like part of the new state. Lack of assistance and support at a local level will encourage some returnees to move to larger cities, where prospects for assistance from the national government are higher.⁷⁶⁴ See Section 8.6.11 for a discussion on strengthening subnational governance institutions.
- *Adequate rights for returnees in old and new communities.* Steps aimed at ensuring transitional justice are necessary, taking into account displaced persons' rights to restitution, compensation, rehabilitation, reparation, and guarantees of non-repetition. If justice is not assured, further inter- and intra-communal tensions over access to land, water, and other resources are likely.⁷⁶⁵ Protections against discrimination based on ethnicity, background, or the basis of having been displaced should be enforced. See Section 7.7.3 for a discussion on transitional justice.

10.7.20 Through conflict-sensitive development, strive to build the following characteristics in the returning or resettling populations:⁷⁶⁶

- *Economic characteristics.* Displaced people become less reliant on aid, attaining self-reliance and are able to pursue sustainable livelihoods. Economic integration allows refugees to better interact with the local population, as they are viewed as contributors rather than as a burden.
- *Social and cultural characteristics.* Interactions between displaced populations and local communities enable peaceful relations and encourage returnees and new settlers to live amongst or alongside the host population. Displaced populations can live without discrimination or exploitation and can contribute to the development of their host communities.
- *Legal characteristics.* Displaced groups are granted a progressively wider range of rights by the government, which are equal to those of citizens. These include

762. Stein, "Refugee Repatriation," 1997.

763. Ibid.

764. Petrin, "Refugee Return," 2002.

765. Brookings/Bern, "Addressing Internal Displacement," 2007.

766. UNHCR, "Framework for Durable Solutions," 2003.

freedom of movement; access to education, employment, and public services; the possibility of acquiring and disposing of property; and the capacity to travel with valid travel and identity documents. Eventually, refugees and IDPs should receive permanent residence rights and perhaps citizenship in the country of settlement.

10.8 Necessary Condition: Social Reconstruction

10.8.1 What is social reconstruction? Why is it a necessary condition?

Social reconstruction is a condition in which the population achieves a level of tolerance and peaceful co-existence; gains social cohesion through acceptance of a national identity that transcends individual, sectarian, and communal differences; has the mechanisms and will to resolve disputes nonviolently; has community institutions that bind society across divisions; and addresses the legacy of past abuses. For the social well-being of a society, social reconstruction includes twin approaches: directly addressing the legacy of violent conflict through inter- and intra-group reconciliation⁷⁶⁷ and indirectly building societal links⁷⁶⁸ by promoting reconciliation through community-based development and cooperative action.⁷⁶⁹ Following violent conflict, social cohesion may be almost nonexistent. Returnees, combatants, and victims of the conflict often have great difficulty finding their place in the community again. Disputes over land, water, pasture rights, inheritance, marriage, and other community issues may arise, further affecting already traumatized communities. Local institutions—both formal and informal—that helped bind the population before the conflict may be shattered. Spoiler narratives and impromptu war memorials that reinforce societal cleavages may be present. Without the tolerance and cohesion that enables peaceful coexistence, individuals and communities may resort to violence to address their grievances and resolve disputes.

10.8.2 Guidance for Social Reconstruction

10.8.3 Approach: Inter- and Intra-Group Reconciliation

Reconciliation is a contentious term. The controversy derives from its meaning as both a goal and a process.⁷⁷⁰ While reconciliation may not be a realistic end goal within the time constraints of a typical S&R mission, reconciliation processes are still crucial to the social recovery and development of the population. Simply put, reconciliation is a process through which people move from a divided past to a shared future, the ultimate goal being the peaceful coexistence of all individuals in a society. Reconciliation programs seek to promote tolerance and mutual respect, reduce anger and prejudice from the conflict, foster intergroup understanding, strengthen nonviolent conflict resolution mechanisms, and heal the wounds of conflict. As well as address the causes of conflict, reconciliation can deter future violence and violations of human rights.

10.8.4 Assess existing sources of conflict to restore social capital and promote reconciliation.

767. “Reconciliation” is a term widely used but rarely defined in this context and with few literal translations in other languages. For the purposes of this manual, reconciliation will be treated as a process that occurs on many levels at once—personal and societal, legal, political, and economic.

768. Organisation for Economic Co-operation and Development, *Reconciliation: Development Assistance Committee Issues Brief*, 2005. Hereafter: OECD, *Reconciliation*, 2005.

769. United States Agency for International Development, *Community-Based Development in Conflict-Affected Areas: An Introductory Guide for Programming*, 2007. Hereafter: USAID, *Community-Based Development*, 2007.

770. Judy Barsalou and Victoria Baxter, *The Urge to Remember* (Washington, D.C.: U.S. Institute of Peace, 2007). Hereafter: Barsalou/Baxter, *The Urge to Remember*, 2007.

While many definitions exist, social capital is widely understood to be the resources that create a strong network of institutionalized relationships.⁷⁷¹ To restore social capital in a war-torn country, be sure to understand underlying social cleavages that create conflict and tension. Assess the distribution of resources across society and the opportunities for individuals and groups to access those resources. Reliable delivery of and access to essential services builds vertical capital. For more on delivery of services, see Section 8.5.11. Community and intergroup reconciliation builds horizontal capital. In a society emerging from conflict, resolving the status of marginalized groups—including minorities, refugees, and IDPs—is necessary to build social capital. Individual human capital, such as skills and dignity, should also be preserved and supported.⁷⁷²

10.8.5 Understand the cultural context to shape strategies for promoting reconciliation.

Reconciliation processes are delicate and highly political in nature and should be grounded in the culture.⁷⁷³ To mitigate potential skepticism and fear about biases and intentions, reconciliation programs should involve all of society, including everyone from high-level politicians down to the ordinary survivor.⁷⁷⁴ Creating effective reconciliation programs requires assessing the social, political, economic, and cultural context before determining the best methods. Restoring social relationships successfully involves paying close attention to cultural or traditional mechanisms that exist for dealing with crises. It also entails assessing popular support for these processes to ensure that programs will be effective and that victims do not feel pressured into participating.⁷⁷⁵

10.8.6 Build on indigenous practices for healing and acknowledging wrongdoing. To ensure effective social recovery, be sure to assess the traditional or cultural means a society may have for acknowledging past misdeeds.⁷⁷⁶ Rather than displacing these mechanisms, build on them and use them in ways that can be constructive toward the reconciliation process.⁷⁷⁷

10.8.7 Ensure host nation ownership over the reconciliation process. Host nation ownership is vital to success; reconciliation cannot be imported. Reconciliation processes should be led and implemented by the host nation population, not international actors. Consulting with the population on the design and implementation of the programs is essential to ensure that the efforts are locally driven.⁷⁷⁸ On the other hand, the role of international third parties can also be helpful as an honest broker. Leaders of these processes need to understand that they require political will from host nation leaders, a

771. The definitions of vertical social capital (“relations between state, market, and civil society”) and horizontal social capital (“the nurturing of trust and civic engagement among like and diverse groups”) can be found in World Bank, *Violent Conflict and the Transformation of Social Capital: Lessons from Cambodia, Rwanda, Guatemala, and Somalia*, 2000. Hereafter: WB, *Violent Conflict*, 2000.

772. Brookings Institution, Rethinking “Relief” and “Development” in Transitions from Conflict, 1999. Hereafter: Brookings, *Rethinking Relief and Development*, 1999.

773. OECD, “Reconciliation,” 2005. United States Agency for International Development, Promoting Social Reconciliation in Post-Conflict Societies, 1999. Hereafter: USAID, *Promoting Social Reconciliation*, 1999.

774. OECD, “Reconciliation,” 2005.

775. Ibid. USAID, “Promoting Social Reconciliation in Post-Conflict Societies,” 1999.

776. Rosalind Shaw, *Rethinking Truth and Reconciliation Commissions. Lessons from Sierra Leone* (Washington, D.C.: U.S. Institute of Peace, 2005. Hereafter: Shaw, *Rethinking Truth and Reconciliation*, 2005.

777. USAID, “Promoting Social Reconciliation,” 1999.

778. Ibid.

degree of buy-in from the local community, and dedicated resources.

10.8.8 Recognize that reconciliation is an ongoing process—not an end goal—that may last for generations. Reconciliation is an extremely complex and multifaceted process that can be strongly impacted by political, economic, and cultural variables that are not always easy to measure or manage. Forgiveness and healing are very personal processes that may require time and nuanced approaches to promote. Because the process may take a very long time, it is absolutely critical to be explicit about the time frame and expectations of the process.⁷⁷⁹ The host nation government and civil society, therefore, should be prepared to continue promoting reconciliation processes from many different angles and over an extended period of time.⁷⁸⁰

10.8.9 Pay attention to sequencing.⁷⁸¹ In undertaking reconciliation processes, timing and sequencing is crucial. Immediately after violent conflict ends, collection of evidence and witness statements should occur as soon as possible, when memories are still fresh and the destruction of critical war crimes evidence can be avoided. However, other processes, such as truth telling, may be best implemented after people have had time to absorb their experiences, resources have been secured, and a sound program has been developed through broad consultation with various groups. Rushing into reconciliation processes too quickly, when wounds are still raw and resources are scarce, can be a risky move.

See Trade-off: Section 10.9.6, Pursuing reconciliation vs. stability.

10.8.10 Consider the many different strategies that exist to promote reconciliation processes. No single effort can solve all of the problems of a society emerging from conflict, but collectively, they can contribute greatly to social reconciliation.⁷⁸² See Section 7.7.3 for a discussion of transitional justice.

- *Truth telling.* While there are many variations, this strategy generally involves the public recounting of memories of violence and is one of the most common techniques for confronting the past. Truth telling is founded on the idea that a comprehensive understanding of the conflict can help to restore social relationships. Truth telling is sometimes described as historical justice or means of setting the record straight. This strategy is often pursued through the establishment of truth commissions, which seek to uncover the past and bring to light the violations that occurred on all sides of the conflict.⁷⁸³ Truth commissions are generally understood to be:⁷⁸⁴
 - Temporary bodies, usually in operation for one to two years
 - Nonjudicial bodies with some degree of independence
 - Officially sanctioned, authorized, or empowered by the host nation government

779. Ibid.

780. Judy Barsalou, *Trauma and Transitional Justice in Divided Societies* (Washington, D.C.: U.S. Institute of Peace, 2005). Hereafter: Barsalou, “Trauma and Transitional Justice,” 2005.

781. Barsalou/Baxter, “The Urge to Remember,” 2007.

782. Barsalou, “Trauma and Transitional Justice,” 2005.

783. USAID, “Promoting Social Reconciliation,” 1999. Institute for Democracy and Electoral Assistance (IDEA), *Reconciliation After Violent Conflict: A Handbook*, 2003. Hereafter: IDEA, *Reconciliation After Violent Conflict*, 2003.

784. IDEA, “Reconciliation After Violent Conflict,” 2003.

- Created at a point of political transition.

Truth commissions typically:

- Investigate patterns of past abuses and specific violations committed over a period of time, not just a single specific event
- Focus on violations of human rights and sometimes of humanitarian norms
- Complete their work with the submission of a final report that contains conclusions and recommendations.
- *Peace commissions.* Peace commissions play a role in fostering tolerance, promoting dialogue, and preventing violence.⁷⁸⁵ Means for doing this include mediating among groups, offering peace education and training through community programs, and countering rumors that may contribute to instability. Peace commissions typically comprise local leaders and representatives of the broader community.
- *Retributive justice and dispute resolution mechanisms.* The prosecution of war crimes is an important aspect of the reconciliation process, as it holds war criminals and human rights violators accountable for their actions. But just as important are the other forms of justice, such as the issuance of reparations to victims, the documentation of truth, and mediation of ongoing disputes through traditional mechanisms. Retributive justice also entails strengthening the rule of law system to combat impunity and ensure the protection of human rights. Retributive justice contributes to reconciliation by:⁷⁸⁶
 - Discouraging revenge
 - Protecting against the return to power of perpetrators
 - Fulfilling an obligation to the victims
 - Individualizing guilt
 - Strengthening legitimacy and process of democratization
 - Breaking the cycle of impunity.
- *Restorative justice.*⁷⁸⁷ Restorative justice mechanisms are often employed as an alternative or a complement to retributive justice efforts. While retributive justice focuses primarily on the perpetrator, restorative justice engages the victim, the perpetrator, and the broader community in an effort to restore relationships destroyed as a result of violent conflict. Rather than focusing on punishment of the perpetrator, restorative justice mechanisms emphasize getting perpetrators to accept responsibility for their actions. One model for restorative justice involves a mediation process where willing victims meet with willing perpetrators to explore and express their feelings about the facts surrounding an offense and seek to mend relationships.
- *Lustration.* Lustration is the administrative step of barring a whole class of individuals from public employment, political participation, and the enjoyment of other civil rights based on involvement with a prior regime. Many variables to consider when using lustration include to what extent the group being barred

785. USAID, "Promoting Social Reconciliation," 1999.

786. IDEA, "Reconciliation After Violent Conflict," 2003.

787. Ibid.

has been defeated or discredited, its social influence, and its potential for mounting resistance.

- *Reparations.* Reparations are a form of justice that seeks to compensate victims for their losses and to acknowledge the violations they suffered. Many terms exist to describe similar concepts as the idea has evolved over time: restitution, compensation, rehabilitation, or satisfaction and redress. Reparations may be an important element of the reconciliation process for vulnerable populations that suffered from the conflict, such as youth, women, torture victims, and ethnic minorities. When considering using reparations, be aware that victims may feel that they are simply being paid off. Reparations processes can be expensive and typically employ direct financial transfers, but can also include grants for victims' children or targeted programs for groups or regions that suffered greatly.⁷⁸⁸
- *Mass media.* Radio, television, and art are all media through which peace messages and peace education can be promulgated in an effective way. UN missions, for example, often establish UN radio through which peace messages are communicated, including providing information on disarmament and demobilization sites, dispelling rumors, countering hate speech, and providing a forum for dialogue.
- *Healing.* Healing is broadly defined as any strategy or activity that seeks to promote the psychological health of individuals after they have experienced trauma. Healing processes are lengthy, intensive, and are often linked with the rehabilitation of national and local communities to restore a sense of normalcy and belonging.⁷⁸⁹
- *Memorialization.* Memorialization is a process that, when properly constructed, can honor victims and serve as a tool to address the past and promote a peaceful future. By educating and reminding people about the past, memorialization aims to prevent the renewal of conflict and to aid in social reconstruction by creating a "never again" mentality.⁷⁹⁰ Experience shows that memorials that prompt survivors to examine contested recollections of the past and facilitate exchange across ethnic, cultural, and religious groups can advance social reconstruction. It also shows, however, that impromptu memorials run the risk of reigniting old tensions. Build memorialization initiatives with intensive, deliberate, and locally led consultation and design, based on a thorough understanding of the following local context; beliefs about death and burial, grieving, revenge, and justice; and important cultural, historic, and other symbolic sites and document collections.⁷⁹¹ Explore how transitional justice processes can relate to memorialization.

10.8.11 Be prepared to provide necessary security.⁷⁹² Some reconciliation processes can stir strong reactions from victims and perpetrators, which can result in violence from those

788. Grossmann, Georg and Hildegard Lingnau, *Addressing the Past—Fostering Reconciliation* (Berlin: Deutsche Gesellschaft für Technische Zusammenarbeit, 2003). Hereafter: Grossmann/Lingnau, *Addressing the Past*, 2003.

789. IDEA, "Reconciliation After Violent Conflict," 2003.

790. Barsalou/Baxter, "The Urge to Remember, 2007. Ibid.

791. Ibid.

792. Shaw, "Rethinking Truth and Reconciliation," 2005. IDEA, "Reconciliation After Violent Conflict," 2003.

who seek to undermine those processes. Because of the political volatilities, a credible guarantee of security is vital to the success of these processes and to ensure public participation in them, particularly in truth telling processes and in administering retributive justice. Common fears include victims' fear of retaliation by perpetrators, perpetrators' fear for their own lives after testifying, fear of government reprisals, and fear that testimonies given in truth commissions will be used in legal prosecutions.

10.8.12 Approach: Community-Based Development

Community-based development, long separated in official guidance from governance, humanitarian assistance, reconstruction, and reconciliation, is now understood to unite all of these fundamental activities in conflict-affected societies through community-driven processes that have stood the test of time and been applied in dozens of missions.⁷⁹³ Development that brings representatives of divided societies together helps them learn to govern and reconcile while rebuilding their shattered communities. This approach can rebuild social capital and trust within and between communities.⁷⁹⁴

10.8.13 Build relationships and trust through collaborative development processes.⁷⁹⁵

This collaborative approach should be considered the heart of any strategy to promote peaceful coexistence and eventual reconciliation.⁷⁹⁶ The features of development processes that aid in reconciliation and promote governance include the following:

- Democratically selected community bodies reflecting the diverse make-up of localities with a special focus on inclusion of gender and minority representation
- Joint community decision-making to assess and prioritize needs
- Community selection of projects (e.g., schools, community centers, health clinics)
- Community receipt of aid money and management of the allocation of resources
- Contribution of labor to reconstruction projects
- Accountability and transparency mechanisms to ensure integrity of the process.

10.8.14 Understand that the development process is as important as the projects. The process outlined above, and the cooperation and solidarity it can instill, enables social reconstruction. Do not rush the process because doing so can exacerbate community tensions by unleashing a new contest for power. Be patient because building democratic processes in this manner may mean that projects take longer to complete.⁷⁹⁷

10.8.15 Provide resources to ensure sustainability. In every S&R mission for the past two decades, community-based development programs have been launched to promote reconstruction and reconciliation. Many of these programs suffer from a lack of sustained resources, which can undermine the legitimacy of the peace process and

793. USAID, "Community-Based Development," 2007.

794. 115 Ibid.

795. USAID, "Promoting Social Reconciliation," 1999.

796. Models for this approach include the Municipal Development and Citizen Participation Project (in El Salvador), the Community Assistance Program (in Iraq), Community Improvement Councils (in Kosovo), and the National Solidarity Program (in Afghanistan).

797. United States Agency for International Development, Office of Transition Initiatives, *Guide to Program Options in Conflict-Prone Settings*, 2001.

reconciliation prospects. This requires a commitment of aid money to the community-based development program, as well as capacity-building and technical support for the process.⁷⁹⁸

10.8.16 Ensure inclusion and transparency to promote reconciliation and healing. Include all stakeholders in community-based development decision-making structures, particularly marginalized groups that have been excluded in the past. These often include women, minorities, youth, and the disabled. Transparent and participatory approaches include access to project records, routine reporting to the community on the progress of development programs, and monitoring by media and civil society organizations.⁷⁹⁹

10.9 Trade-offs

10.9.1 Delivering assistance through host nation vs. international capacity.⁸⁰⁰ In the emergency phase, conflict-affected populations may need immediate survival assistance (water, food, shelter, and health services) that only international actors are equipped to deliver. Delivering aid through international organizations, however, can promote a culture of dependency and thwart the development of host nation capacity if sustained for an extended period of time. To minimize this impact, balance the demand to meet emergency survival needs with opportunities to promote host nation capacity.

10.9.2 Meeting immediate survival needs vs. instability.⁸⁰¹ While there may be an urgency to meet immediate survival needs, humanitarian assistance can be captured by insurgents or rebel groups and redirected to support those engaged in the conflict. Also, relief, if directed more toward families of combatants, can create perceptions of inequity from victims of the conflict and create tensions.⁸⁰² Plan relief efforts carefully and monitor delivery to mitigate potential negative consequences.

10.9.3 Responsibility to protect vs. safety of relief workers. The humanitarian crisis in a war-torn country may be severe, demanding urgent delivery of basic needs for survival. But the severity of a crisis can also mean that the security situation in the country or region is very untenable and unpredictable, placing relief workers at great risk.⁸⁰³ Ensure adequate security for staff workers who must go into danger zones to provide relief.

10.9.4 Rapid return of displaced populations vs. instability.⁸⁰⁴ Having displaced populations return to their homes creates a positive sign for the prospects of peace. However, encouraging large populations to return without proper groundwork can simply create greater problems, including further internal displacement. Prepare receiving communities for the influx, provide security guarantees, establish property dispute mechanisms, and offer economic and humanitarian assistance to prevent instability.

10.9.5 Giving property to their original owners vs. existing occupants. Returning prop-

798. WB, "Violent Conflict," 2000.

799. Ibid.

800. United States Agency for International Development, *U.S. Foreign Aid: Meeting the Challenges of the Twenty-First Century*, 2004.

801. Fiona Terry, *Condemned to Repeat* (Ithaca and London: Cornell University Press, 2002).

802. Brookings, "Rethinking Relief and Development," 1999.

803. Ibid. UN WFP, *Emergency Food Security Assessment Handbook*, 2005.

804. Petrin, "Refugee Return," 2002.

erty back to pre-conflict owners may be ideal and just, but doing so may simply displace existing occupants who sought shelter in the property during the conflict. Evicting large numbers of tenants, particularly in a country where property ownership laws are ambiguous, can be very destabilizing. Property dispute mechanisms, compensation arrangements, and other means to address this recurring trade-off should be planned for in advance.

10.9.6 Pursuing reconciliation vs. stability. In a society emerging from violent conflict, it can be tempting to forget the past, as remembering runs the risk of reigniting old tensions. But depending on the society, sustainable resolution of the conflict may require that the population actively seek reconciliation.⁸⁰⁵ Plan efforts carefully and with great sensitivity to timing, broad participation, and the need for resourcing and sustainability of these complex reconciliation processes.

10.9.7 Restorative vs. retributive justice. Restorative justice programs focus on restoring relations between the victim and the perpetrator, but they may fall short of punishing war criminals and human rights violators. Retributive justice programs hold these criminals accountable for their actions, but do not necessarily strengthen the community's social bonds, which can cause problems down the road. Balance these approaches based on the local environment and their potential for supporting long-term stability.

10.10 Gaps and Challenges

10.10.1 Protection of humanitarian space. In today's environments, humanitarian actors often find themselves operating in the same space with intervening military forces conducting S&R activities. This can place relief workers in jeopardy when their actions are no longer perceived to be independent from the military or impartial with regard to assistance. Pay close attention to guidelines to help mitigate the negative consequences of this recurring challenge affecting humanitarian space.⁸⁰⁶

10.10.2 Aid effectiveness. While development aid to peaceful countries is frequently monitored and evaluated, similar mechanisms to assess the effectiveness of aid in societies emerging from violent conflict are lacking.⁸⁰⁷ A massive waste of resources, inappropriate aid programs, and a failure to achieve timely results are hallmarks of many S&R missions. Monitoring and evaluation must be part of planning and should be resourced adequately to ensure that aid is benefiting stabilization and reconstruction.

10.10.3 Transition from relief to development activities. A major S&R challenge involves facilitating a smooth transition from relief activities focused on short-term survival needs to development activities that promote long-term growth. Better coherence, coordination, and collaboration, between relief and development strategies can ensure a seamless transition between the communities of practice. This is particularly true in the education sector, where a variety of humanitarian and development programs occurs simultaneously.⁸⁰⁸

805. Parliament of Burundi, Inter-Parliamentary Union, and the International Institute for Democracy and Electoral Assistance, "Summary and Recommendations Presented by the Rapporteur of the Seminar, Regional Seminar on the Role of Parliaments in the National Reconciliation Process in Africa," 2005.

806. United States Institute of Peace, InterAction, United States Armed Forces, *Guidelines for Relations Between the U.S. Armed Forces and Nongovernmental Humanitarian Organizations*, 2007.

807. Brookings, "Rethinking Relief and Development, 1999.

808. WB, *Reshaping the Future*, 2005. UK DfID, "Education, Conflict, and International Development," 2003.

10.10.4 Emergency education. Education is still most commonly viewed as a development or reconstruction issue, which can prevent children in emergency situations from receiving education for extended periods of time.⁸⁰⁹ If emergency education is not provided early on, the delay can cause irreparable damage to the rebuilding of lives and livelihoods. Emergency international standby capacity, already inadequate, needs to be developed as a priority.⁸¹⁰ Plans for secondary and tertiary education, which are critical for long-term social and economic development, should be included as part of an emergency education strategy.

10.10.5 Youth in recovery efforts. While there is recognition that youth should be engaged rapidly and early on in these environments, few programs properly address their needs. Neglecting youth populations can also have negative consequences for stability when youth who are unemployed or not in school join criminal gangs or militias, turn to prostitution and trafficking, or engage in other illicit activities. Develop practical programs that harness and develop the potential of this population and include them in efforts to rebuild their country.⁸¹¹

10.10.6 Long-term development needs of returnees. The host nation and the international community often consider the return of the displaced the end goal. The systematic failure to incorporate the needs of the returnees in any strategic development plan leaves them in deprived conditions for long periods of time and undermines recovery.⁸¹² Programs to address the need of returnees to have productive livelihoods and receive essential services are needed.

10.10.7 Effective property laws. Individuals may not have formal land titles or documentation, but may assert customary or traditional rights to certain properties. Property resolution processes raise complex questions that bring with them risks of increased instability.⁸¹³ Figuring out how to create, reform, and/or enforce property laws quickly and legitimately is a key S&R job.

10.10.8 Mental health needs of conflict-affected populations. The predominant focus of health care services for refugees, IDPs, and other conflict-affected populations has been nutrition, disease prevention, maternal and child health, or the management of infectious diseases. Resources and attention for mental health and psychological support, however, are still severely lacking.⁸¹⁴

809. UNESCO, "Education in Situations of Emergency," 2003.

810. Ibid. UK DfID, "Education, Conflict, and International Development," 2003.

811. WB, *Reshaping the Future*, 2005. UK DfID, "Education, Conflict, and International Development," 2003.

812. UNHCR, "Framework for Durable Solutions," 2003.

813. Fitzpatrick, "Land Policy," 2002.

814. World Health Organization, *Rapid Assessment of Mental Health Needs of Refugees, Displaced and Other Populations Affected by Conflict and Post-Conflict Situations*, 2001.