



Nation Building in Post Conflict Situations

Tabled
by
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Passed by the European Parliament 18th December 2008

Executive Summary

The European Parliament adopted, by 399 votes to 25 with 27 abstentions, a Report and Resolution on the development perspectives for peace-building and nation building in post-conflict situations.

The report had been tabled for consideration in plenary by Nirj **DEVA** (EPP-ED, UK) on behalf of the Committee on Development. Sri Lankan born Nirj Deva is MEP for the South East of England, the British Conservative Spokesman on International Development, a former Candidate for Secretary General of the United Nations and a former Member of the British House of Commons and the UK Government.

The motivating factor behind the resolution is the fact that almost half of all countries that emerge from conflicts return to conflict within five years. Of the 42 ongoing civil conflicts in the world many have taken on an international dimension; either by spilling over into bordering countries or by mobilising the world's conscience by the sheer scale of the atrocities taking place - The Democratic Republic of Congo, Darfur and Somalia to name but a few.

In this context, Parliament has investigated the best way to build peace in these countries and reiterated the responsibility of each government towards the protection of its own citizens. Beyond this, for the first time, the Parliament affirmed that where governments are unable or unwilling to provide such protection, the responsibility to take appropriate action becomes the collective responsibility of the wider international community ("**Responsibility to Protect**"). It noted further that such action should be preventive as well as reactive, and should only involve the use of coercive military force as an absolute last resort.

While **Responsibility to Protect** is still finding its footing on the international scene, its preventative component has already won victories in cases like Kenya; where an electoral dispute took on a violent ethnic dimension and yet was prevented, through diplomacy, from turning into a full-blown civil war as in other parts of the world.

Points of Interest

Responsibility to Protect: Parliament supports the concept of "Responsibility to Protect" as affirmed by the UN in order to **reinforce** rather than undermine state sovereignty. It stresses that the **EU and its Members States should regard themselves as bound by it**. Parliament states that "Responsibility to Protect" should be considered as a means to promote human security; by stressing that the primary responsibility for the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity against a population lies with the state itself. It reinforces the responsibility of each government towards the protection of its own citizens but considers, however, that where governments are unable or unwilling to provide such protection then the responsibility to take appropriate action becomes the collective responsibility of the wider international community. It notes further that such action should be preventive as well as reactive, and should only involve the use of coercive military force as an absolute last resort.

Conflict Prevention: This resolution highlights the importance of addressing the root causes of conflicts in EU political dialogues with third countries and in development cooperation programmes so as to develop mechanisms to provide early warning signs of failing states. Most

importantly it calls for the designation of conflict prevention as a cross-cutting issue in development cooperation and for the integration of conflict sensitivity and conflict analysis into existing and new policies, into Country and Regional Strategy Papers, and into all the relevant financial instruments for external cooperation

Stabilisation before state-building: In order to build peace, Parliament believes that the aftermath of conflict must be seen as two distinct yet overlapping phases: the **stabilisation** phase where the emphasis is on security, law and order and the provision of basic services, and the second phase of **state-building** which focuses on governance and the institutions which will deliver it.

Peace building to development: Parliament strongly believes that every effort must be made to ensure minimum standards of basic services for those populations affected by conflict, in particular in relation to access to food, clean water and sanitation, medicines, health care and personal security. It believes that in post-conflict situations there should be coordination among peace-building, humanitarian aid and development activities, in accordance with the "Linking Relief, Rehabilitation and Development" strategic framework and to ensure coherence in the security and development nexus.

Enhance Civil-Military Coordination: in post-conflict situations the transition from military to civilian security must take place as soon as is practicable and international forces should be gradually supplemented and replaced by a national and regional civilian police force, professionally trained. It is therefore important to train local police forces in order for the EU and its Member States to be better able to contribute to the stabilisation and development of post-conflict societies.

Security reform: Parliament stresses the importance of Security Sector Reform (SSR) and Disarmament, Demobilisation and Reintegration (DDR) processes as key factors to ensure **long lasting peace** and sustainable development. That is why the Parliament calls on the Council and the Commission to accelerate the implementation on the ground of the EU's Policy Framework for SSR and the EU Concept for Support to DDR, with a special emphasis on those countries where the EU or Member States have already deployed missions.

Fight against small arms and light weapons (SALW): due to the fact that a majority of victims in conflict situations are killed by small arms and light weapons (SALW), Parliament calls upon the Council and the Commission to urgently follow up on the Court of Justice decision of 20 May 2008 on **Community competence in combating the proliferation of SALW** by accelerating the implementation of the European Strategy to combat illicit accumulation and trafficking of SALW and their ammunition, and by stepping up planning for EC funding, namely from the European Development Fund and the Stability Instrument, to be spent on SALW-related programmes on the ground. It requests that multilateral and regional financial institutions take measures, where appropriate, to establish SALW programmes in the framework of reconstruction and rehabilitation efforts in post-conflict areas and in efforts to consolidate governance issues, to strengthen legislation and to improve the operational capacity of law enforcement agencies regarding SALW.

Reintegration of former combatants and child soldiers: the Commission's proposal in terms of DDR should take account of former combatants, in order to help them reintegrate into civil society as quickly as possible. Parliament also stresses the need for action to combat the use of

child soldiers and the recruitment of girls into the armed forces and their subsequent subjection to sexual abuse. Overall, Parliament reiterates its commitment to protect the rights of women and children in post-conflict situations.

Refugees: Parliament considers that the voluntary return of refugees and internally displaced persons (IDPs) must be a high priority, while ensuring that they have sustainable means for survival. IDPs should be spread across the country and resettled in their original villages or towns and not concentrated in large groups which can lead to conflict and violence. MEPs stress that action must be taken to promote family reunification and reintegration of children affected by armed conflict.

Include women in post-conflict strategies: Parliament asks the EU, when supporting post-conflict SSR, to include a gender perspective, including when negotiating and implementing peace agreements. According to the Parliament, any reconciliation strategy must take account of the role of women but also children (including child soldiers and all children affected by conflict) and include them at all stages. Women must also be involved in economic activities in post-conflict societies in order to support their socio-economic and business empowerment through, for example, micro-credit.

Economic development: The Parliament stresses that violent conflicts, beyond having a tragic impact on development and human rights, also has a hugely detrimental affect on the economy by deterring foreign investors, substantially reducing growth, and preventing investment in the economy and basic services. According to a recent report, armed conflict has been shown to shrink an African nation's economy by 15 %.

A high priority in post-conflict situations is the registration of land titles and regularisation of land ownership. This should be made in accordance with international human rights law, to avoid governments, private companies or ruling elites illegally appropriating land, often at the expense of the poorest and most vulnerable, including returnees and IDPs. This must be backed up by efforts to strengthen courts so they can better enforce property and commercial law, especially in countries where women have a diminished legal status or are denied basic property rights.

Such factors as the rule of law, sound money, a free market, an efficient and competent civil service, independent judiciary, legislative and executive branches free from corruption, comprise the means by which individuals and communities, through their industry and initiative, can truly increase the wealth of their nations;

Involve local communities: Parliament stresses that that support to local communities, families, civil society organisations, including women's organisations, is necessary for any successful development policy. It therefore calls on the Commission and the Member States to give political and financial support to local peace and human rights actors. It recalls that sustainable peace is in many ways contingent on community-based involvement and ownership of the peace process. It also stresses that relevant civil society organisations can be used as facilitators for dialogue among conflicting groups.

Strengthening the legal system: recalling that peace is not only “the absence of war”, Parliament notes that there is no peace without justice. That is why it calls for the implementation of measures aimed at strengthening justice in post-conflict situations: justice for victims of conflict

is, in fact, essential and tribunals must do their best to judge war crimes and punish the perpetrators. In this context, Parliament proposes to explore the possibility of carrying out a mapping of past human rights violations perpetrated during the conflict. At the same time, it calls for measures to enable the registration of births and land to ensure that refugees can reclaim their possessions on their return.

Put an end to sexual violence and impunity: Parliament considers it crucial to put an end to the impunity that perpetrators of sexual violence towards women enjoy and to exclude these crimes from amnesty provisions. It is important to ensure that women and girls have equal protection under the law and equal access to justice, as well as access to sexual and reproductive health services. It also calls for zero-tolerance of sexual violence committed by peacekeepers or NGO staff.

Role of the International Criminal Court (ICC): Parliament commends the interaction between the EU and ICC and stresses that EU support is essential for the enforcement of the ICC mandate. It believes that it is **vital that all states should sign and ratify the Rome Statute of the ICC in order to make the ICC system more operational**, coherent and consistent. It urges the EU and AU Member States to address the implementation of all warrants of arrest issued by the ICC in a consistent way immediately in all conflict situations.

Strengthening governance: Parliament stresses that State legitimacy can only be built through good and effective governance: measures must be taken to strengthen institutions, electoral processes and anti-corruption mechanisms. It calls on the Commission to create a deregulation unit which can advise countries emerging from conflict on how to structure their economic infrastructure and lift the country out of crisis as quickly as possible. It also stresses the need to remove bureaucratic controls which stop or delay the creation of small businesses, the opening of bank accounts and the registration of land and companies, as well as the need to monitor the use of resources.

The role of the European Union: Parliament fully supports the EU Programme for the Prevention of Violent Conflicts and the security and development measures envisaged in the EU Action Plan for 2009. However, it urges the Commission to attach high priority to the implementation of measures linked to peace-building and stresses the importance of the role of EU missions (including mediation and negotiation teams, and police and peace-keeping forces). It highlights, in particular, the need to mainstream a gender perspective into peace research, conflict prevention and resolution, peacekeeping operations, post-conflict rehabilitation and reconstruction. At the same time, it stresses that development assistance is an extremely important element in consolidating peace and preventing conflict in states experiencing situations of fragility. Parliament emphasises that the Commission has an obligation to support the efforts of partner countries to develop democratic domestic accountability capacities (parliamentary control and audit capacities) where Community assistance is delivered via budget support. It calls for the development of monitoring and oversight mechanisms to ensure that budgetary resources allocated by the EU are used properly.

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REPORT

on development perspectives for peace-building and nation building in post-conflict situations
(2008/2097(INI))

Committee on Development

Rapporteur: Nirj Deva

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on development perspectives for peace building and nation building in post-conflict situations (2008/2097(INI))

The European Parliament,

- having regard to the 1907 Hague Regulations, the four Geneva Conventions from 1949 and their 1977 Additional Protocols,
- having regard to the Universal Declaration of Human Rights,
- having regard to all United Nations (UN) human rights conventions and the optional protocols thereto,
- having regard to the International Covenant on Civil and Political Rights and the two optional protocols thereto,
- having regard to the Charter of the United Nations and specifically Articles 1 and 25 and, in Chapter VII, Articles 39 and 41 thereof,
- having regard to the European Convention of Human Rights and the protocols thereto,
- having regard to the UN Millennium Declaration of 8 September 2000, setting out the Millennium Development Goals (MDGs) as criteria established collectively by the international community for the elimination of poverty,
- having regard to UN General Assembly Resolution 60/1 of 24 October 2005 on the 2005 World Summit Outcome, and in particular paragraphs 138-140 thereof on the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity,
- having regard to UN peacekeeping/peacemaking interventions in Congo (1962), Namibia (1988), El Salvador (1992), Cambodia (1992), Somalia (1992), Yugoslavia - Serbia, Croatia, Bosnia and Herzegovina (1992- 2002), Haiti (1994), Eastern Slavonia (1995- 1998), Kosovo (1999), Sierra Leone (1999), East Timor (1999), and US/UK led mission to Iraq and NATO ISAF led missions to Afghanistan (2001),
- having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific (ACP) Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000¹ as last amended by the Decision No. 1/2006 of the ACP-EU Council of Ministers² ('the Cotonou Agreement'),
- having regard to the Joint Statement by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission on European Union Development Policy: 'The European Consensus' signed on 20 December 2005³, especially to the cross-cutting issues listed in section 3.3: democracy,

¹ OJ L 317, 15.12.2000, p. 3.

² OJ L 247, 9.9.2006, p. 22

³ OJ C 46, 24.2.2006, p. 1.

good governance, human rights, the rights of the children and indigenous peoples, environmental sustainability, gender equality and HIV/AIDS,

- having regard to the Joint Statement by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission: 'the European Consensus on Humanitarian Aid'⁴,
- having regard to Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation⁵ (Development Cooperation Instrument (DCI)),
- having regard to the Africa-EU Strategic Partnership: A joint Africa-EU Strategy, adopted at the EU-Africa Summit, December 2007,
- having regard to the Conclusions of the General Affairs and External Relations Council (GAERC) on Western Balkans of 19 November 2007,
- having regard to the Conclusions of the GAERC on the EU guidelines on children in armed conflicts of 16 June 2008,
- having regard to the Conclusions of the GAERC on promoting gender equality and gender mainstreaming in crisis management of 13 and 14 November 2006,
- having regard to the Conclusions of the GAERC on the EU Strategy for Africa of 21 and 22 November 2005,
- having regard to the African Union (AU) Policy Framework on Post Conflict Reconstruction and Development (PCRD), endorsed by AU Member States at the Banjul Summit of 25 June - 2 July 2006,
- having regard to the ten principles for good international engagement in fragile states and situations supported by the Organisation for Economic Cooperation and Development (OECD) Development Assistance Committee (DAC) Fragile States Group and endorsed at the High-Level Meeting of the DAC on 3-4 April 2007 in Paris,
- having regard to the Security Sector Reform and Governance, OECD/DAC Guidelines,
- having regard to the European Security Strategy approved by the European Council in Brussels on 12 December 2003,
- having regard to the definition of 'Transitional Justice' contained in the UN Secretary General's 2004 Report on the rule of law and transitional justice in conflict and post-conflict societies⁶,
- having regard to the funding facility of EUR 12 million established by the Commission under the European Instrument for Stability to provide assistance to ad-hoc tribunals and transitional justice initiatives around the world,
- having regard to the Commission Communication of 25 October 2007 entitled 'Towards an

⁴ OJ C 25, 30.01.2008, p. 1-12.

⁵ OJ L 378, 27.12.2006, p. 41.

⁶ (S/2004/616).

EU response to situations of fragility – engaging in difficult environments for sustainable development, stability and peace’ (COM(2007)0643),

- having regard to its resolution of 15 November 2007 on the EU response to situations of fragility in developing countries⁷
 - having regard to the Commission Communication on Conflict Prevention (COM(2001)0211) and to the EU Programme for the prevention of Violent Conflicts adopted at the European Council in Goteborg in June 2001,
 - having regard to the EU Presidency Statement on "The rule of law and transitional justice in conflict and post-conflict societies" of 6 October 2004,
 - having regard to the EU Concept for support to Disarmament, Demobilisation and Reintegration (DDR) approved by the Council of the European Union on 11 December 2006,
 - having regard to the Commission Communication entitled “Linking Relief, Rehabilitation and Development-An Assessment” (COM(2001)0153),
 - having regard to its resolution of 25 October 2007 on the state of play of EU-Africa relations⁸,
 - having regard to ACP-EU Joint Parliamentary Assembly Resolution No. 3937/07 and the July 2007 report by its Political Committee on good governance, transparency and accountability in relation to the exploitation of natural resources in the ACP countries⁹,
 - having regard to the United Nations Security Council resolutions on Women, Peace and Security (UNSCR 1325) and on Sexual Violence against Civilians in Conflict (UNSCR 1820),
 - having regard to the "Outline for the Joint EU-Africa Strategy" as endorsed by the 8th EU-Africa Ministerial Troika Meeting of 15 May 2007 in Brussels,
 - having regard to Articles 177 to 181 of the EC Treaty,
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Development and the opinions of the Committee on Women's Rights and Gender Equality and the Committee on Foreign Affairs (A6-0445/2008),
- A. whereas half of all countries that emerge from conflicts return to conflict within five years and 340 million of the world's extreme poor are estimated to live in states in a situation of fragility, with the absence of hostilities not automatically leading to entrenched and lasting stability and sustainable development,
- B. whereas the MDGs set out coherent and time-bound targets for long-term poverty eradication; whereas by 2010, half of the world’s poorest people could be living in states that are

⁷ Texts adopted P6_TA(2007)0540.

⁸ Texts adopted P6_TA(2007)0483.

⁹ ACP-EU 3937/07/fin.

experiencing, or at risk of, violent conflict¹⁰,

- C. whereas the building of stable and enduring states requires the creation of a merit-based and accountable civil service free from political interference and corruption,
- D. whereas a transparent, accountable and professional security sector is fundamental to creating the conditions to foster peace and development,
- E. whereas Security Sector Reform (SSR) should focus on providing an effective and legitimate public service that is transparent, accountable to civil authority, and responsive to the needs of the public,
- F. whereas the proliferation of small arms and light weapons fuel conflict and crime; whereas in 2006 civilians accounted for three-quarters of recorded casualties due to landmines¹¹,
- G. whereas violent conflicts, beyond having a tragic impact on development and human rights, also deter foreign investors, substantially reducing growth, deterring investment in the economy and basic services (according to a recent report¹² armed conflict has been shown to shrink an African nation's economy by 15 %); whilst a healthy private sector can eventually provide the basis for sustainable revenues for a legitimate government,
- H. whereas long-term stability can only be achieved through an inclusive involvement in peacemaking, national reconciliation and nation-building of all interested parties, including women and minorities,
- I. whereas truth and reconciliation commissions can assist in helping societies to face legacies of mass abuse, help facilitate dialogue between communities and formerly opposing sides of a conflict, and contribute to justice, reparation and reform measures that will reduce the likelihood of future conflict,
- J. whereas the institutional framework for allowing civil society to develop comes from freedom of association and expression and the development of free media protected by law,
- K. whereas a sustainable well-functioning state also requires a strong civil society to protect people from abuses of power, and a free press pushes against the actions of an over mighty executive,
- L. whereas states in situations of fragility must be encouraged to allow non-governmental organisations (NGOs) to operate free from unduly bureaucratic registration laws and processes which hinder the development of a truly effective civil society,
- M. whereas the average developing country hosts 260 visits from donors a year and in 2006, across all developing countries, donors directed 70,000 aid transactions and the average project size was only USD 1,7 million,
- N. whereas the OECD/DAC 2007 peer review on EC Development Cooperation Policy states that

¹⁰ *Department for International Development calculations based on World Bank estimates in Global Economic Prospects 2006: Economic implications of Remittances and Migration*, World Bank, Washington 14.11.2005.

¹¹ Landmine Monitor Report 2007: Toward a Mine-Free World

¹² Safer World, Oxfam, IANSA report Oct 2007- Africa's Missing Billions

the EU should make "more systematic use of conflict analysis as part of country-level programmes and projects" to "improve their impact and ensure they "do no harm",

- O. whereas the Commission, as a follow-up to the Communication on the EU response to situations of fragility and the subsequent Council Conclusions and Parliament's resolution, has to prepare an Implementation Plan in 2009 taking into account the experience and information acquired through the "pilot cases" and as a means of assessing the efficiency of the different EU instruments in view of their optimisation in the area of security and development,
- P. whereas, apart from the designation of six pilot countries (Burundi, Guinea-Bissau, Haiti, Sierra Leone, East Timor and Yemen), the discussions launched between the Commission, the Council, the European Parliament and civil society as part of the follow-up to the above Commission communication on the EU response to situations of fragility have not yet made it possible to implement specific measures on the ground,
- Q. whereas European undertakings are present and have interests in conflict zones,
 - 1. Supports "Responsibility to Protect" as affirmed by the UN in order to reinforce rather than undermine state sovereignty and stresses that the EU and its Members States should regard themselves as bound by it; stresses that "Responsibility to Protect" should be considered as a means to promote human security; by stressing that the primary responsibility for the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity against a population lies with the state itself, reinforces the responsibility of each government towards the protection of its own citizens; considers, however, that where governments are unable or unwilling to provide such protection then the responsibility to take appropriate action becomes the collective responsibility of the wider international community; notes further that such action should be preventive as well as reactive, and only involve the use of coercive military force as an absolute last resort; recognises this as an important new application of the principle of human security;
 - 2. Demands the implementation of then UN Secretary General Kofi Annan's declaration made in his report to the 2000 General Assembly: "state sovereignty implies responsibility and the primary responsibility for the protection of its people lies with the state itself; where a population is suffering serious harm as a result of internal war, insurgency, or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international Responsibility to Protect";
 - 3. Believes that there are two phases of peace building and state building: the stabilisation phase where the emphasis is on security, law and order and provision of basic services; and the second phase of state-building which focuses on governance and the institutions which will deliver it; with the proviso that:
 - a. the second phase should not take place until the country is stabilised, as institutions created before stabilisation will reflect the character of the conflict and not what the country needs for a stable and enduring peace,
 - b. in the state building phase it is important to compromise to conform to the norms and expectations of the citizens of the nation concerned and not the ideals of the interveners,
 - c. as the state-building phase progresses interveners will need to hand over individual

institutions to the domestic authorities; it is at this time potential setbacks can occur and need to be accepted, provided they are not fundamental to the progress that the country is making;

- i. Highlights the importance of addressing the root causes of conflicts in EU political dialogues with third countries and in development cooperation programmes so as to develop mechanisms to provide early warning signs of failing states by looking at possible predictors or indicators of civil violence such as historic divisions, ethnic and tribal grievances, religious conflicts, inequity and poverty; in this context, stresses in particular the need to allocate new funding to adaptation and environmental protection as a means of preventing the rise of climate and environment-related conflicts;
 - ii. Calls the Commission to designate conflict prevention as a cross-cutting issue in development cooperation and to integrate conflict sensitivity and conflict analysis into existing and new policies, into Country and Regional Strategy Papers, and into all the relevant financial instruments for external cooperation;
4. Recalls that peace is not only the absence of war, that there is no peace without justice and that, furthermore, the end of hostilities does not necessarily result in security for men and women; also recalls the important role of women in the prevention and resolution of conflicts and in peace-building, and stresses the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security;
5. Strongly believes that every effort must be made to ensure minimum standards of basic services for those populations affected by conflict, in particular in relation to access to food, clean water and sanitation, medicines, health care (including reproductive health) and personal security; in the immediate term sustainability concerns must be subordinate to providing basic provisions and services;
6. Believes that in post-conflict situations there should be coordination among peace-building, humanitarian aid and development activities, in accordance with the "Linking Relief, Rehabilitation and Development" (LRRD) strategic framework and to ensure coherence in the security and development nexus;
7. Considers it necessary to take into account the gender dimension when dealing with refugees and internally displaced persons, including in the design of refugee camps;
8. Stresses the need to enhance Civil-Military Coordination (CMCO); takes the view that in post-conflict situations the transition from military to civilian security must take place as soon as is practicable and that international forces should be gradually supplemented and replaced by a national and regional civilian police force, professionally trained, ensuring that high priority is given to an even-handed application of the rule of law and administrative procedures to all groups involved in the conflict;
9. Stresses the need to strike a balance between civilian and military components of development aid in order to guarantee the functioning of basic infrastructure and government services without downplaying requirements for reconstruction, rehabilitation and the relaunching of democratic and economic processes;
10. Calls for the promotion of human rights, by supporting human rights training for the army and

police (including human and civil rights campaigns for effected segments of the population); the empowerment of staff colleges on international standards of policing and military police; the creation of a code of conduct for security personnel, delineating areas of responsibility between the police and army, the creation of offices of human rights ombudsmen and human rights commissions as well as human rights training for district authorities and civil servants;

- a. Considers it vitally important that causes of instability and the problems of post-conflict societies be tackled by a combination of civil and military measures; points out that without the security guarantees of peacekeeping forces on the ground the essential precondition for stability in conflict-torn societies (i.e. the security of individuals and their property) cannot generally be fulfilled;
11. Stresses that SSR can be an effective tool to reinforce diplomacy and defence while reducing long-term security threats by helping to build stable, prosperous, and peaceful societies; SSR must involve re-establishing or reforming institutions and key ministerial positions that maintain and provide oversight for the safety and security of the host nation and its people;
12. Asks the EU, when supporting post-conflict SSR, to include a gender perspective by providing gender training and expertise on constitution, elections, police and judiciary;
13. Takes the view that former combatant leaders must renounce violence entirely before being brought into formal institutional structures which encourage power sharing, whilst ensuring that the public and all relevant stakeholders are kept actively informed and involved in all debates concerning power sharing arrangements;
14. Stresses the importance of adopting a gender perspective when negotiating and implementing peace agreements, so as to promote the constitutional protection of women's rights;
15. Calls, due to the fact that a majority of victims in conflict situations are killed by small arms and light weapons (SALW), upon the Council and the Commission to urgently follow up on the Court of Justice decision of 20 May 2008 on Community competence in combating the proliferation of SALW by accelerating the implementation of the European Strategy to combat illicit accumulation and trafficking of SALW and their ammunition, and by stepping up planning for EC funding, namely from the European Development Fund and the Stability Instrument, to be spent on SALW-related programmes on the ground; requests that multilateral and regional financial institutions take measures, where appropriate, to establish SALW programmes in the framework of reconstruction and rehabilitation efforts in post-conflict areas and in efforts to consolidate governance issues, to strengthen legislation and to improve the operational capacity of law enforcement agencies regarding SALW; calls on the Council and the Commission to continue promoting the creation of an international, legally-binding Arms Trade Treaty in all bilateral and multilateral settings;
16. Considers that the voluntary return of refugees and internally displaced people (IDPs) must be a high priority while ensuring them security in a viable livelihood, in particular by providing functional health and education services (including literacy campaigns for women) and job opportunities, and that it must take place by means of inter-group dialogue, peace education, international accompaniment, prejudice reduction and diversity training, ex-combatant-community engagement, processes for handling land claims and trauma healing; providing the ethnic or religious profile is compatible, IDPs should be spread across the country and resettled in their original villages or towns and not concentrated in large groups which can lead to conflict and violence;

17. Stresses the need for women to resume or further their education and training post-conflict; considers, in this connection, that the resumption of teaching should be actively promoted during nation-building processes;
18. Strongly emphasises the need to consult and support local women's organisations and international networks of women for peace; recommends the provision of political and financial support, training, capacity-building and technical assistance, including on peace negotiations and on non-violent conflict resolution;
19. Is of the opinion that Member States have a moral obligation to shelter refugees fleeing from conflict areas; believes that this obligation can only be fulfilled on the basis of burden-sharing between Member States; further believes that Member States should actively assist refugees wishing to return to their countries of origin after the end of violent conflict;
20. Affirms the vital importance of fair migration policies towards developing countries; notes that migration can be turned into a positive force in the development process, notably by means of remittances sent by migrants living in the EU, by curtailing the brain drain, by facilitating return migration and by preventing trafficking in human beings;
21. Stresses that action must be taken to promote family reunification and reintegration of children affected by armed conflict and to ensure access to educational programmes, vocational training and psychological support, taking into account the specific needs of girls;
22. Calls for the effective implementation of the Commission's proposal for DDR of former combatants; including the reintegration of combatants into civil society by the provision of food, tents, blankets, medical support and civilian clothes; the transportation of ex-soldiers to their community of origin or destination of choice; support retirement programmes for political or military officers, re-housing of ex-soldiers, and salary support schemes; civic education classes for ex-soldiers and psychological regeneration programmes for ex-combatants with specific allocation of additional resources for employment schemes and job creation programmes;
23. Points out that DDR programmes should include specific provisions for female ex-combatants;
24. Stresses that action to combat the use of child soldiers and the recruitment of girls into the armed forces and their subsequent subjection to sexual abuse ties in with action to improve the daily lives of women living in regions in which post-conflict peace-building and nation-building are in progress;
25. Takes the view that DDR should aim also to social and economic developments, and provide financial assistance programs intended to meet immediate needs;
26. Believes that local ownership of the peace-building process is essential to ensure long-term stability;
27. Considers that international donors should take account of regional and local circumstances when devising a policy of reconstruction for stability and democracy, starting from the experience acquired in promoting economic development in post-conflict societies;
28. Stresses that a suitable reconciliation strategy needs to take account of the role of women in peace consolidation processes; emphasises that reconciliation programmes must incorporate

the specific circumstances of children affected by armed conflict;

29. Believes that state legitimacy can only be built through good and effective governance; stresses that institutions, electoral processes, voter registration and electoral rolls, voter identification and anti-corruption mechanisms must be as transparent and accountable as possible, as they are a prerequisite for defending the rule of law, human rights, democratic institutions, and the dignity of the population as well as for economic development, investment and trade;
30. Considers such factors as the rule of law, sound money, a free market, an efficient and competent civil service, independent judiciary, legislative and executive branches free from corruption, to comprise the means by which individuals and communities, through their industry and initiative, can truly increase the wealth of their nations;
31. Calls for the creation of one-stop-shop boards of investment to foster priority sectors where foreign direct investment (FDI) can be attracted, creating jobs outside of the traditional agricultural sectors by supporting the development of liberal investment codes and tax-free industrial zones;
32. Calls on the Commission to create a deregulation unit which can advise countries emerging from conflict on how to structure their economic infrastructure to remove bureaucratic controls which stop or delay the creation of small businesses, the opening of bank accounts, the registration of land and companies; the deceleration of venture capitals being applied where possible and tax incentives for enterprise formation should be applied particularly through budget support programmes;
33. Considers it crucial to involve women in economic activities in post-conflict societies in order to support their socio-economic and business empowerment, and stresses the positive role played by micro-credit;
34. Strongly believes that local ownership of EU development cooperation can be strengthened through involvement of national parliaments, including mutual interaction and capacity building between the European Parliament and the parliaments of partner countries; including Information and Communications Technology (ICT) support systems, technology capacities to create state of the art voter rolls, the provision of ID cards where birth registrations and other citizenship supporting documents are unavailable;
35. Stresses the need to aid local authorities, providing suitable training and sharing experiences; recalls, in this connection, European Parliament's commitment to the principles and practices of parliamentary democracy;
36. Stresses that, when elections are held in a post-conflict country, the participation of women should be supported through specific programmes and with quotas at all levels;
37. Stresses the importance of independent monitoring of transparency and accountability in the use of resources, which can play an important role in post-conflict situations if re-invested in state-building; also underlines the importance of fighting all forms of waste, fraud and corruption, through adequate anti-corruption mechanisms, with the vigilant support of civil society;
38. Emphasises the need to move forward the implementation of the United Nations Convention against Corruption (UNCAC), to prevent sources of illicit finance from fuelling conflict and

endangering the stabilisation of post-conflict situations, since corruption renders institutions ineffective, amplifies social marginalisation, distorts decision-making and disrupts the provision of basic services;

39. Underlines that support to local communities, families, civil society organisations, including women's organisations, micro-credit organisations and local networks are preconditions for any successful development policy; and therefore calls on the Commission and Member States to give political and financial support to local peace and human rights actors, including during crisis times, particularly through the EU Stability Instrument and its Crisis Response component;
40. Stresses that, in post-conflict situations, registration of land titles and regularisation of land ownership needs to be made in accordance with international human rights law, to avoid governments, private companies or ruling elites illegally appropriating land, often at the expense of the poorest and most vulnerable, including returnees and IDPs; further stresses that efforts must be made to strengthen courts so they can better enforce property and commercial law, especially in countries where women have a diminished legal status or are denied basic property rights;
41. Reiterates its commitment to protecting the rights of women and children in post-conflict situations with the ultimate aim of taking the necessary measures for the empowerment of women – an indispensable requirement for the attainment of lasting peace and stability;
42. Considers that many developing countries possess the basic natural resources to take care of their development yet poor management of and corrupt practices related to natural resources such as oil, water, timber and diamonds can drive countries back to the conflict cycle; deplores the involvement of various (local, regional, international and transnational) actors in the misappropriation and exploitation of these resources; urges Member States to promote and support good governance of all natural resources as well as to take action against exploitation and trafficking, especially where it contributes to the outbreak, escalation or continuation of armed conflict;
43. Recognises the achievements of the Kimberley Process, the Extractive Industries Transparency Initiative (EITI) and Forest, Law Enforcement, Governance and Trade (FLEGT) and calls for them to be strengthened and more effectively implemented and enforced;
44. Reiterates the conclusions of the paper on Climate Change and International Security, presented on 14 March 2008 to the European Council by the High Representative of the EU and the European Commission¹³, warning that climate change threatens to overburden states and regions of the world which are already fragile and conflict-prone, creating new immigration flows and intensifying security risks for the EU; urges the Commission to take climate change considerations into account in its peace-building efforts;
45. Considers that justice for victims of conflict is essential and that national courts, as long as the judicial system is functioning, independent and impartial, may be better placed than international war crimes tribunals to ensure ownership of national judicial processes and punishment of perpetrators; in this framework proposes, in post-conflict contexts, to explore the possibility of carrying out a mapping of past human rights violations perpetrated during the conflict;

¹³ S113/08

46. Calls for the strengthening of judicial systems by training judges, general prosecutors, conferences on judicial reform, independent systems for judicial appointments, proper remuneration of judicial personnel, provision of equipment for the courts, improved court administration, record keeping, budget and personnel management and acquisition of modern technology including computers for case tracking;
47. Calls for legal aid for vulnerable groups, ethnic minorities, landless peasants and other marginalised groups, and paralegal training to increase access to the judicial system provided by experienced NGOs;
48. Considers it crucial to end the commission with impunity of gender-based crimes of violence and to exclude these crimes, where feasible, from amnesty provisions, and to ensure that all victims of sexual violence, particularly women and girls, have equal protection under the law and equal access to justice; given the situation of disadvantage that women and children in many societies have in accessing justice, special arrangements should be made whenever necessary;
49. Emphasises the need for women who have suffered from sexual violence to be granted full access to sexual and reproductive health services and to sensitisation programmes which will support those women in tackling the stigmas they face;
50. Welcomes the adoption of UN Security Council resolution 1820, in particular its recognition that sexual violence is a threat to international peace and security;
51. Stresses the importance of taking into consideration the special needs of children, and in particular girls, in post-conflict situations, in particular in respect of education;
52. Commends the interaction between the EU and the International Criminal Court (ICC); stresses that EU support is essential for the enforcement of the ICC mandate; believes that it is vital that all states should sign and ratify the Rome Statute in order to make the ICC system more operational, coherent and consistent; urges the EU and AU Member States to address the implementation of all warrants of arrest issued by the ICC in a consistent way immediately in all conflict situations;
53. Urges the Member States to continue the fight against impunity as the most effective means of preventing future human rights abuses including by supporting the operation of internationally established tribunals;
 - a. Stresses that sustainable peace is in many ways contingent on community-based involvement and ownership of the peace process - a process which can only be legitimate and succeed if women are equally involved in their important social function and their decisive role in food production and family welfare in developing countries in particular; calls, bearing in mind that women and children account for 80 % of refugees, for particular support to be provided for women and for women to be recognised as having a vital role to play in promoting peace and stability, and stresses that the role of the international community in supporting civil society networks that link local, national, and international initiatives is crucial to the peace process;
54. Calls for the establishment of standing Peace Commissions that include influential members of all contending parties so as to pre-empt eruptions of large scale violence;

55. Believes that relevant civil society organisations can be used as facilitators for dialogue among conflicting groups when twinned with training in nonviolent conflict resolution and peace education; supports the creation of opportunities for dialogues by arranging national conferences, round table discussions between contending parties, small group contact meetings at grass roots level, mediation training for local NGOs and community elders, and leaders of traditional institutions;
56. Calls on Member States in pursuing development projects to first appoint a lead partner from among themselves to streamline reporting mechanisms (even if the funds for the project come from a different Member State) to achieve donor coordination and coherence; including the establishment of accounting standards for disclosure requirements in respect of national parliaments, local authorities and international organisations;
57. Considers that action should be taken to foster a greater female presence and participation in the media and all public forums enabling women to put their views across;
58. Recalls that birth registration is a fundamental human and citizenship right; stresses that birth registration is of a crucial importance particularly during and in the aftermath of armed conflict as it helps to protect children against violation of their rights; and must be considered a core development issue;
59. Stresses the need for a conflict sensitive approach throughout the entire cycle of planning, implementing, monitoring and evaluating of development programmes, in order to maximise their positive and minimise their negative impacts on the conflict dynamics; emphasises the importance of systematically carrying out conflict analysis and understanding the key drivers of conflicts; considers that the introduction of benchmarks is a useful tool in the evaluation of the impact of development cooperation actions;
60. Calls for the conflict zone's neighbouring states to be actively involved in the plan for post-conflict development and reconstruction, together with the international community;
61. Calls on the Council and the Commission to adopt a regional approach to tackle the situation in individual countries;
62. Intends to continue to take an active part in the work organised by the Commission as part of the follow-up to its above-mentioned communication on the EU response to situations of fragility; draws the attention of the Council and Commission to the fact that it is now urgent that this work, which has been too slow, might swiftly lead to concrete actions to be taken on the ground in such key areas as health and education, and calls on the Commission to keep European Parliament fully informed of further steps undertaken with regard to the conclusions of country case studies and particularly in terms of the use of these findings for the identification and design of subsequent actions;
63. Considers it necessary for all EC delegations in third countries to include a gender focal point with an adequate mandate, skills and resources;
64. Stresses the urgent need for the populations in countries that have become fragile to see positive developments in their situation and in their country's situation, and calls on the Council and Commission not to neglect the visibility of actions carried out on the ground;
65. Supports the EU Programme for the Prevention of Violent Conflicts and the security and

development measures envisaged in the EU Action Plan for 2009, and urges the Commission to attach high priority to the implementation of measures linked to peace-building;

66. Stresses the importance of capacity building of EC staff to implement conflict sensitive programming through specialised guidance, in particular by developing, for relevant staff, a short and tailor-made guide on conflict sensitivity which builds upon the Peace and Conflict Impact Assessment Systems and the Resource Pack on Conflict Sensitivity;
67. Considers that, in order to effectively address the challenge of post-conflict transition, interventions must be timely, flexible, and predictable;
68. Stresses that all EU missions (including mediation and negotiation teams, and police and peace-keeping forces) should include gender advisers, gender mainstreaming training and at least 40 % of women at all levels, including at the most senior levels;
69. Calls on the Commission to carry out research on gender mainstreaming in EU external missions;
70. Points out the need to mainstream a gender perspective into peace research, conflict prevention and resolution, peacekeeping operations, post-conflict rehabilitation and reconstruction, financial instruments, Country/Regional Strategy Papers and in the planning of all external interventions;
71. Supports the office of EU Special Representatives as the EU's principal tool to help mediate political settlements and to foster lasting political stability in post-conflict societies;
72. Encourages the EU to develop best practices for issues that require broad cooperation among political, military, humanitarian and developmental actors in the areas of conflict prevention, mediation, peacekeeping, respect for human rights, the rule of law, humanitarian assistance and long-term reconstruction and development;
73. Calls for the development of an EU Action Plan on the implementation of the UNSCR 1325 and asks the Commission to urge partner countries and EU Member States to develop National Action Plans; suggests a review of EU Guidelines on the defence of human rights in order to ensure full compliance with UNSCR 1325 and UNSCR 1820;
74. Stresses that the Commission has an obligation to support the efforts of partner countries to develop democratic domestic accountability capacities (parliamentary control and audit capacities) where Community assistance is delivered via budget support; urges the Commission to fulfil this obligation in a more robust and consistent manner; stresses that empowered parliamentary control entities and audit institutions are a major factor for achieving a sustainable impact of the EU budget support; calls for the development of civil society monitoring and oversight mechanisms, so that they are empowered to monitor the use and impact of EU budgetary support;
75. Calls on investment banks, including the European Investment Bank, to ensure that their loans and investments in post-conflict countries, especially in resource-rich countries, comply with human rights and environmental standards and do not fuel tensions;
76. Praises the work of the newly established UN Peacebuilding Commission; points out the need to cooperate with international partners, notably the United Nations, in aid-related issues; urges the Member States to ensure that the UN system is properly resourced and held to account for

the support it provides to in-country processes involving the UN Peacebuilding Commission and other UN bodies;

77. Stresses that development assistance is an extremely important element in consolidating peace and preventing conflict in fragile states, but development assistance and assistance towards conflict resolution must not include any military resources or components;
78. Recommends the enforcement of the code of conduct for UN personnel serving in post-conflict zones and calls for zero-tolerance of sexual violence committed by peacekeepers or NGO staff;
79. Instructs its President to forward this resolution to the Council, the Commission, the governments and the parliaments of the Member States and the candidate countries, the Secretary General of the UN, the UN Peacebuilding Commission, the AU Commission, the AU Executive Council, the Pan African Parliament, and the ACP-EU JPA.

EXPLANATORY STATEMENT

INTRODUCTION

This is one of the most important reports of the year. It follows from the imperatives which led to the founding of the UN Peace Building Commission at the 2005 World Summit; and takes as its priority the following recognition: half of all countries which emerge from conflicts return to conflict within five years. Currently, there are 42 ongoing civil conflicts around the world.

There are two major actors on the nation-building front. The first, and the most important, is the country in the situation of fragility itself. Without a strong will dedicated to emerging from conflict and reorientating towards permanent peace, regressing back to conflict is almost inevitable. The second protagonist is the international community, whose role is to support and augment the recovering country through means of its financial commitment and by its members' repository of knowledge and firsthand experience in learning what works to build a nation and what does not.

The Marshall Plan is a superb example of how a single country – the US – encouraged the whole of Western Europe to reject war and embrace a permanent peace.

The desired route to peace is easy to delineate – but more difficult to pursue in practice. Theoretically, the path moves from war to peace and then from there to reconstruction and success. The correct procedure for this pattern is the subject of this report focussing specifically on reconstruction as the prime Development objectives of nation building.

DEVELOPMENT PERSPECTIVES FOR PEACE BUILDING IN POST-CONFLICT SITUATIONS

Immediate Priorities:

- Secure Space in which to operate
- Guarantee access to fresh water and oversee the complete removal and burial of dead according to local customs where possible
- Guarantee access to food, heating (depending on weather), electricity and sanitation and essential medicines
- Have visible presence of effective law-keepers (police) to maintain semblance of law and order and prevent looting; build network of local intelligence informers
- Incentivise local leaders into power-sharing and provision of services (healthcare and education) via local municipalities

Subsequent Priorities:

The following must be implemented in parallel and are all essential components for constructing lasting peace. It is vital to assert that the precise order of implementation will vary according to the needs of the specific situation and must be applied accordingly.

1. Disarmament, Demobilisation and Reintegration (DDR)

As already stated, half of all countries that emerge from conflicts return to conflict within five years. “Securing the space” therefore is a fundamental prerequisite for all that follows – economic development, investment and trade as well as defending the freedoms and dignity of the population.

2. Power-Sharing (from warlords to political leaders)

Combatant-leaders persuaded to renounce violence and enter power-sharing through institutional structures.

Simultaneously, an active and informed citizenship must be engaged in this power-sharing relationship. There must be transparency at all stages. Not only is there a need to consult all parties; there is also a need to be seen to be consulting all parties.

3. Rule of Law

Part of the reason so many states in situations of fragility return to conflict is that the skeleton for a stable society – its institutions – are not strong enough to constrain temptations to return to more immediate methods of influencing the direction of events. Sometime the institutions can in fact even work against stability. The essence of institution building is maintaining the rule of law.

Furthermore, the rule of law must be directed at this stage to ensuring that the centre holds. Institutions must act as a centripetal force and not a centrifugal one (they must bind opposing forces into working together; not act to push strained protagonists further apart).

Nation building includes building institutions: national parliaments, democratisation and electoral processes, anti-corruption, transparency and accountability. The essential tool for this is local ownership of the process.

4. Economy

Violent conflicts deter foreign investors, and can reduce a country’s growth rate by an average of 2%. The creation of an environment which stimulates private economic initiative is a powerful tool towards improving the economic situation of people in developing countries. Private initiative is the driving force for that thus there is need to focus on the empowerment of individuals in order to enable them to realise their full potential, particularly bringing displaced people into the economy.

The conditions for a sound economy as espoused by 1960s Chancellor of West Germany Ludwig Erhard are prosperity through competition, low taxation, minimal regulation, stable currency.

Peruvian economist Hernando De Soto has estimated that as much as \$9 trillion of real estate assets are held without registered titles in the developing world. For as long as they continue to be held "informally" mortgage credit, for example, cannot be realised.

Defence of property rights are essential for development. A high priority of development policy should therefore be to establish and improve Land Registries, provide the resources for mapping and registration of land and intellectual property and for courts to enforce property law. The market cannot operate if there is no effective legal system in which property rights and contractual obligations can be ascertained and enforced with reasonable predictability and speed.

The protection of intellectual property safeguards and encourages creation and enterprise.

5. Civilian Police (including security and intelligence)

A transparent, accountable and professional security sector is fundamental for creating conditions to foster development. Too often in developing countries, and particularly countries in the aftermath of a conflict, security forces are unable or unwilling to protect citizens. Where the security sector has had a history of being a tool for repression, it is vital that security sector reform (SSR) involves local communities thus preventing the need to take security into their own hands. It is imperative that the transition from military security to civilian security take place as soon as is practicable.

Providing safety, security and access to justice for all people is therefore a priority for poverty reduction and peace-building. The introduction of the civilian indigenous police force must replace the existing international law-keeping that was introduced initially.

6. De-mining and Small Arms and Light Weapons elimination

De-mining and the proliferation of small arms and light weapons (SALW) fuels conflict and crime. Any attempt to improve security to enable accelerated development must therefore promote action to address the irresponsible transfer of arms and the proliferation of small arms within societies.

7. Civil Society

We must promote the principles of democracy, free media and access to accurate information. Freedom of association, and freedom of expression are part of the backbone of maintaining a civil society.

The main approach to be followed in all peace-building activities is to be based on the respect for the fundamental values of human dignity, freedom, democracy, human rights, rule of law, justice and equity, accountability of government towards the population. The point of view of local beneficiaries must be at the heart of the peace-building and nation building efforts.

8. Reconciliation and Forgiveness

This transitional justice pillar includes the reconciliation of the different layers of the population, reintegration of former combatants, displaced persons, dialogue among conflicting groups (trauma healing and peace education), establishment of truth and reconciliation committees; and enhancing non-violent dispute resolution systems.

9. War Crimes

Genocide needs to be punished and to be seen to be punished. War Crimes tribunals must be appointed if necessary. It is better to have the major perpetrators convicted by national courts rather than international courts.

10. MDGs and Equitable Access to basic services for the population

Health is a prerequisite for development, as is access to drinking water and sanitation. Food security must also be a high priority. Education is also a major factor for poverty alleviation.

Most of the countries with the highest infant and child mortality rates have suffered conflict in recent years. Insecure environments also provide grounds for organised crime. The productive capacity of developing countries, driven by healthy and educated workforce, must be prioritised as it is an essential element for the achievement of the eradication of poverty.

11. Gender equality

Women are crucial actors in the peace-building and nation building process. The efforts to realise an equitable society can be sustainable only if women are ensured a full participation in peace negotiations, a fully-fledged presence on the political scene, the economic life and in the civil society as whole.

12. Equitable Access to Sustainable Resources

Sustainable and environmental friendly use of and equitable access to natural resources are necessary in order to ensure sustainable development, including addressing climate change and biodiversity loss. Somalia is a good example of what can happen when this criterion is insufficiently met.

13. Conflict Sensitivity

Aid can fail to play a positive role if development actors do not recognise or avoid addressing conflict issues. Providing aid without attention to the impact of ongoing conflicts on development and human security, or via states that exclude certain ethnic groups, can also increase the risk of conflict starting or continuing. Conflict assessments should be done as a matter of course to inform programming decisions.

Conflict sensitivity also includes decisions on whether to provide budget support to a country or to a particular sector, whether to provide the majority of aid through the state, how core education, health and other development programmes will ensure that they are having a positive impact on the root causes of conflict, and so on. The assessments should draw on existing experience of earlier conflict assessments, and other social analyses – particularly those focusing on inequality and social exclusion. Efforts should be made to understand and explain how proposed aid relationship and development programmes will relate to the root causes of conflict as well as the root causes of poverty.

14. The role of international institutions (coherency and consistency of the International Community)

The UN Peace-building Commission was created with the aim to improve international assistance to help countries emerging from conflict. This Commission should be provided political support and adequate resources to function effectively and meet its objectives on the ground.

Many international actors promote the need for better coordination in post-conflict environments, such as the Democratic Republic of Congo, Sierra Leone and Liberia, on one hand, but despite some improvements, their practice often promotes incoherence and competition. The OECD DAC conducts periodic reviews of the effectiveness of its members' development assistance. The criteria for these should be expanded to review their practice in post-conflict contexts.