INFORMAL DAC TASK FORCE ON CONFLICT, PEACE AND DEVELOPMENT CO-OPERATION


(Note by the Secretariat)

This report, written by Mr. Robert Walker, is submitted to the Task Force for CONSIDERATION and APPROVAL at its Meeting on 14-15 December 2000

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REPORT ON THE REGIONAL CONSULTATION ON CONFLICT, PEACE AND DEVELOPMENT CO-OPERATION
BANGKOK, THAILAND, 25-27 OCTOBER 2000

I. Aims and Outcomes

1. Background

1. In May 1997, the OECD Development Assistance Committee (DAC) endorsed the DAC Guidelines on Conflict, Peace and Development Co-operation. The Guidelines deal with many issues of concern to both donor and partner countries when considering the use of official development assistance in countries in, or prone to, violent conflict.

2. The DAC have agreed to update these Guidelines, through a second DAC Policy Note *Helping Prevent Violent Conflict: Orientations for External Partners* [DCD(2000)15], by December 2000 to reflect new experience and circumstances. It was recognised that this process must involve consultative review and dialogue with partner country representatives from government and civil society. The DAC Informal Task Force on Conflict, Peace and Development Co-operation decided to hold three regional consultations in Africa, Latin America and Asia-Pacific to provide an opportunity for partner countries to share their experience on the relevance, applicability and validity of the guidelines. The consultations also provide an opportunity to share experience on other work the Task Force is engaged in, including, impact of aid as an incentive/disincentive for peace in conflict situations; aid and the security sector; and conflict prevention and development co-operation.


2. Aim and process of the Asia-Pacific Regional Consultation

4. From 25 to 27 October, 2000, the Regional Consultation for the Asia-Pacific region was held in Bangkok in co-operation with United Nations Development Programme (UNDP) and United Nations Economic and Social Council for Asia and the Pacific (UNESCAP). Over 50 participants attended including representatives from civil society and government from 12 countries in the region, along with representatives from OECD countries, UN agencies and regional organisations. (A full list of participants is in Annex 3.)

5. The aim of the Consultation was to provide an opportunity for analysts, practitioners and policymakers from the Asia-Pacific region to share their experience and opinions on the role of development co-operation with respect to conflict and peace issues in countries of the region. In particular, the aim was to
discuss the relevance, applicability and validity of the DAC Guidelines and the ensuing work of the Task Force.

6. The Consultation process was organised over two and a half days with six informal working sessions, conducted two at a time, followed by plenary sessions (see Annex 1 for final agenda of the Consultation). The working session topics were based on outcomes of the informal consultations in Addis Ababa and Cartagena, issues addressed in the Guidelines and other work carried out by the Task Force since 1997. Presenters from the region introduced topics for each session, discussions were noted and key issues and recommendations then reported back to plenary, where they were further discussed.

7. Working sessions and plenaries discussed issues under the following themes:

- Conflict Prevention through Development Assistance: Addressing the Social and Political Dynamics.
- Building Capacity for Donors and Partners to Address Conflict-Related Issues.
- Donor Roles in Regional Co-operation for Management of Refugees and Internally Displaced People.
- Encouraging Justice, Reconciliation and Peace through Development Assistance.

8. The key recommendations emerging are set out in the main body of this report. The full reports from the working sessions are in Annex 2.

9. The Consultation was opened by Ambassador Marika Fahlén (Sweden), the Chair of the DAC Task Force on Conflict, Peace and Development Co-operation, who also chaired the proceedings. In her initial remarks, Ambassador Fahlén explained that the impetus to produce the Guidelines had come from recognition among donors of the need to find new ways of engaging in conflict prone countries. The three Regional Consultations were intended to stimulate a frank exchange of ideas to inform the work of the Task Force and refine the Guidelines. She outlined some key points for reflection.

10. Mr J.K. Robert England, UN Resident Co-ordinator, also delivered some opening remarks. He noted that addressing conflict prevention and management was an intrinsic part of the day to day work of the UN system. Conflicts, he believed, could often be anticipated, managed and their effects contained. This requires development of strong and resilient institutions in societies and it is the role of development co-operation to support such processes.

11. The keynote speech was made by Dr. Paikiasothy Saravanamuttu, Executive Director, Centre for Policy Alternatives (Sri Lanka). He focused on the crisis of legitimacy of states in the region as the central issue in understanding and responding to conflict. He noted the dilemmas which face development co-operation actors in interacting with states in crisis and the need for donors to find other points of entry and engage over the long term.

II. Issues of Relevance and Recommendations for Updating the Guidelines

1. Principles and partnerships for conflict prevention and peacebuilding

12. A key issue raised in the keynote address and discussed in subsequent working and plenary sessions was the nature of the relation between state and society in the Asia-Pacific region, in particular in those states affected by conflict. A ‘crisis of legitimacy’ among a number of states in the region was
referred to. This is reflected in an oppressive and predatory role of the state in relation to society, inability to fulfil its core functions, and involvement in internal conflict. This ambivalent relation between the state and its people has implications for both donor-state and donor-civil society partnerships for peacebuilding. It also requires consideration of capacities required for donors to engage in such partnerships and the principles on which this should be based.

**Partnership with states**

13. Participants noted that provision of humanitarian or development assistance to oppressive governments engaged in conflict with their own citizens can, in some circumstances, de facto support or legitimate them. This can be through diversion of aid resources away from intended beneficiaries, fungibility of assistance provided or provision of a ‘moral’ legitimacy by being perceived to support the government in question. However, complete withdrawal of donor assistance and disengagement may have negative impacts: it can further encourage state actions contravening human rights standards, can send wrong signals of external indifference, may lead to state collapse or can deny humanitarian assistance to affected populations.

14. Participants stressed the need for donors to recognise this dilemma head on if they are serious about addressing conflict in the region. Opportunities for continued and constructive engagement with such states should be sought by donor countries and conditionalities should be re-examined. In relation in particular to humanitarian assistance, in situations of internal oppression and conflict, it is less a question of whether humanitarian assistance should be provided but how best it can be provided, in a way which minimises potential negative effects. It is important to ensure that humanitarian assistance is not driven by partisan or narrowly defined political concerns. Therefore, assistance to such states needs to be based on careful analysis to clarify the consequences and impact of aid and ensure that civilians are not ‘punished’ for the circumstances of conflict over which they have no control.

15. In this respect, participants suggested that a strategic framework approach – as developed for example in Afghanistan – was needed to co-ordinate donor approaches to states in conflict and ensure they were based on a common set of principles. In developing such a framework, donor countries should:

- Link humanitarian and development strategies with diplomatic initiatives.
- Strive for a spectrum of engagement and of responses that emphasise the inter-dependence of state and civil society.
- Respect the need for flexibility in aid responses as a consequence of the dynamic and changing nature of conflict.
- Be aware of the limitations of donor responses and of the risk factors involved in providing assistance to communities in conflict, both for the provider and for the recipients.
- Be aware that the primary criteria for determining activities and programmes for assistance in conflict situations should be benefits to the civilian population and ensure consideration of their views and opinions in this respect.
- Ensure approaches are gender-sensitive and are based on the principle of equality between men and women.

16. In addition, participants noted that development co-operation needs to maximise opportunities for supporting governance approaches which reduce risks of conflict. This includes influencing and reinforcing state policies of social inclusion based on principles of equality and non-discrimination (specifically addressing gender-based discrimination). It should also include support aimed at building

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1. “Donors”, i.e. a catch term which includes bilateral and multilateral development agencies, international NGOs, IFIs and Regional Development Banks.
links between state and civil society and enhancing understanding of the concept of the social contract between state and society. It was noted that good governance interventions have often focussed mainly on capacity building, training and skills transfer. But the prevention of conflict in divided societies involves keeping cross sections of communities engaged in dialogue. Participants suggested this process side of the equation is less easily understood by the donor community.

17. Donors also need to maximise opportunities to build state capacity to respond appropriately to conflict. This can include support to a range of state functions and activities: training of government staff on peacebuilding approaches (including increased exposure to peace processes in other countries), strengthening state capacity to implement joint conflict management initiatives with civil society and customary organisations, strengthening justice systems, improving capacity to analyse and respond to local level conflicts, strengthening human rights monitoring and accountability mechanisms etc. Key orientations for donors engaging in such state capacity building approaches include:

• State institutions and regimes are not monolithic. Opportunities should be found to identify and influence potential change agents and structures.
• Local governments in the region often interpret national policies on peace in a particular way. There may be more opportunities for working with and supporting the peacebuilding capacity of local level state authorities. However, this requires co-ordination among donors of who works where and when.
• A long term view of engagement is needed based on a careful analysis of conflict and state role/interests in relation to it. Donor support should be provided in a phased way with close and continued monitoring. It also needs to be linked to more consistent lobbying work by donor countries.
• Include views of local society in such an approach. Where possible combine with support to capacity of civil society organisations (CSOs) to monitor the state’s role and hold it accountable.
• Recognise that these approaches will involve genuine dilemmas, and should be approached on a case by case basis.

Partnership with civil society

18. A key component of conflict prevention and peacebuilding through development co-operation should be strengthening civil society’s role in peacebuilding in the region. Donors need to develop effective partnerships with CSOs in this respect. Participants noted a number of key principles which should guide donor partnerships with CSOs.

“civil society organisations and citizen peace-makers don’t make the peace agreements but they can build the spaces where broader peace agreements become” possible”

19. In particular, it was stressed that, before intervening, donors need to make a careful assessment (in consultation with a broad range of stakeholders, including women), of the wider context of conflict and the role of civil society actors in relation to it. In some cases, donors have failed to be properly informed of ongoing initiatives before initiating conflict related programmes. Donors need to ensure a real appreciation for the range of local actors in a conflict situation, and look beyond civil society actors ‘approved’ by the state to those who represent ‘voiceless’ sectors.

20. In addition, donor relations with civil society should go beyond funding only NGOs to include interaction with genuine community level activities and ‘citizen peacemakers’. However, donors need to keep in perspective and context what civil society organisations can and cannot do. Donor support to civil society has to be placed in a broader context and strategy (preferably co-ordinated) of attempts to address
the conflict, for example, also using diplomatic instruments more effectively to influence the political will of states and their representatives in conflict.

**Donor capacities for partnership**

21. Participants noted that a key requirement for donors to enter into effective partnerships with other actors for conflict prevention is greater coherence and co-ordination between donors themselves. This includes improved shared analysis of conflict situations among donors as a precursor to developing joint approaches to conflict situations in the region.

22. It also requires enhanced donor capacity to both understand and respond to complex social conflict. It was noted, for example, that recent waves of violence in the South Pacific, rather than one-off aberrations to democratic processes, reflect embedded and deep-seated conflicts in societies. Recent developments in the region have exposed a lack of institutional capacity and instruments available to donor governments for the management and settlement of such deep rooted conflicts. It was suggested that while donor countries have developed economic and diplomatic links across this region, they have been unable to respond to serious political and social conflict and engage in peace-building efforts.

23. Donors should, therefore, continue efforts to integrate a conflict prevention lens into all humanitarian and development work in conflict prone countries, and in this way aim to minimise negative impacts of external assistance and maximise positive peacebuilding impacts. This should include conflict awareness training for staff of donor agencies and development of models, tools, and best practices including Peace and Conflict Impact Assessment (PCIA). Donors need to share such best practices and tools with each other and local partners.

24. It was also noted that effective engagement on conflict issues requires a longer term commitment of donors to partner countries. Donors need to intervene at both micro and macro levels over the long term, and co-ordinate intervention at both levels.

**Principles of development assistance for conflict prevention and peacebuilding**

25. Participants noted that donors need to be more transparent about their work in relation to conflict but recognised dilemmas in this respect. In some conflicts, public transparency on approaches to peacebuilding involves risks for both donors and partners. But this does not preclude donor responsibility to be accountable or to be transparent with their partners. Approaches will need to be tailored to particular conflicts.

26. Donor programmes in conflict situations should have a strong human rights focus. This can include strengthening human rights monitoring, training in legal rights and state obligations in relation to international conventions, and exposure to resource persons from within the region who have experience in working in similar situations. Bolstering the capacity of state sponsored independent institutions like National and State Human Rights Commissions should also be considered in order to improve state accountability. Donors should support innovative initiatives to build humanitarian space. This can include: ‘days of tranquility’, ‘zones of peace’, and temporary cease-fires.

2. **Conflict prevention and peacebuilding**

27. This section deals with broad recommendations made by participants about the role of development co-operation in conflict prevention and peacebuilding. More specific recommendations – on the role of business, security issues, reconciliation, and gender - are dealt with in subsequent sections.
Understanding conflict

28. Participants underscored the need for donors to better understand conflict affecting states in the Asia-Pacific region. Improved analysis is needed of conflict dynamics and causes in order to design programmes better targeted at conflict prevention and peacebuilding. This was linked to the points made in relation to partnerships [section 2(1)]: donors need to engage with a wide spread of local actors and conflict stakeholders in conducting analyses and in programme appraisal and design.

29. It was agreed there is a need to develop approaches to better understand and foresee conflict impacts of development programmes in divided societies. This can include:

- Profiling the socio-economic realities of ethnic and especially minority communities to inform poverty reduction programmes. This includes determining relevant differences between women and men in the same group.
- Ensuring that developmental programmes assess differential impacts on ethnic and minority groups.
- Promoting multiculturalism and pluralism by rewarding projects and partners that have a high degree of cross-ethnic group involvement.

30. Donors were encouraged, therefore, to continue with efforts to develop improved conflict assessment tools, including PCIA. However, it should be recognised that: (i) such tools do not represent a ‘magic bullet’. Reaching definitive agreed analyses of root causes is difficult and attempts to search for a single objective truth on which to base peacebuilding programmes are unlikely to be fruitful; (ii) original causes and grievances do not necessarily remain the ‘root causes’: they are replaced or transformed as conflict evolves (for example, the ‘victims’ may themselves become perpetrators of abuses over the course of a conflict resulting in new long lasting grievances among other sections of the population); (iii) PCIA and similar frameworks need to consider the social and political dynamics of conflict and include a focus on the specific impact of conflict on women; (iv) a tension exists between the need for donors ‘to study more yet act faster’ in response to conflict situations.

Supporting local capacities

31. Participants noted that donors should give particular consideration to understanding, and if appropriate, supporting indigenous and customary peacebuilding institutions. Opportunities should also be sought to identify potential “connectors”; i.e. issues that are critical to society and which provide a focus to promote the building of linkages among different groups. The example of HIV/AIDS in Burma was presented in this respect, as was the frequent presence of women and their groups as effective “connectors”.

32. Another key area for donor civil society support in the region is strengthening capacity of affected populations to access media – e.g. in making videos and buying air time; developing capacities to use alternative media, especially internet; monitoring media’s complicity in polarising communities and spreading hatred; and sensitising media practitioners to covering conflicts.

33. A key element of supporting local capacities for peace is support to women’s organisations and strengthening women’s position within mixed and mainstream organisations working on human rights, relief and rehabilitation and peace building. The capacity of women to transcend narrow political initiatives
and to downplay the affirmation of differences in a conflictual manner was noted as a characteristic that should be developed and encouraged by the donor community.

Supporting peace processes

34. Civil society organisations have a particular role to play when formal peace processes are initiated. Donor support for civil society in this context is important. Key issues for donors include:

- Recognising that a peace agreement is only one step in a peacebuilding process, it is not an end or goal of such a process. Peacebuilding efforts need to continue if peace is to be sustained and peace agreements respected. There is a tendency for donors to focus their support more on the state - away from civil society - after the peace is deemed won. But donor support to civil society peacebuilding initiatives should continue after peace processes are perceived to have ended.
- Building capacity of CSOs to enable them to meaningfully participate in formal peace processes and power structures is key (including through support for training and leadership development). At the same time, donors need to bring influence to bear on states and warring parties engaged in peace processes, to accept a structured role for CSOs. Such assistance needs to be sensitive to special interest groups such as women and children and disarmed young militants.
- Recognising communities have the capacity to initiate peacebuilding activities at the height of conflict, before formal peace processes are initiated. Donors should be aware of such initiatives and support them where appropriate.
- Placing more emphasis on ‘gendering’ peace processes. In particular, donors should recognise women’s skills in managing survival and negotiating peace at the local and informal level. Donor agencies should strengthen women’s capacity as peace builders and support their transition from the informal grassroots level to formal politics. Capacities need to be built to enable women to demand a presence at the negotiating table.

“There is a need to transform formal space in peace processes to allow informal groups to sit at the negotiating table. Non democratic peace accords brokered with the exclusion of civil society have been weak on issues of justice and reconciliation, crucial for the sustainability of peace processes.”

Post conflict peacebuilding

35. Often in a post conflict situation, donors concentrate only on issues of demobilisation and post conflict reconstruction of physical infrastructure. This is due to a frequent misunderstanding that peace comes when conflict ends. Participants noted that the reality is that new conflicts will emerge. Structural changes needed to address the root causes of the original conflict (such as lack of political participation) are often never tackled in a comprehensive manner. It was suggested that donors are no longer interested, since the conflict and crisis is perceived to have ‘gone away’.

3. Business and conflict

36. Participants noted the need to consider the roles that various business actors can play in conflict situations (multinational, large national companies, local small and medium enterprises) with respect to international, national and local levels of conflict. Conflict implies costs for businesses and it is therefore
in the interest of most businesses to avoid actions which may exacerbate conflict and to support efforts which prevent or resolve conflicts. However, companies can sometimes benefit from conflicts and the weakened institutional context in which they take place (for example, greater profits can derive from ineffective taxation systems, lack of competition, use of bribes etc). Business can therefore play a role both in exacerbating conflict and potentially in contributing to building conditions for peace.

37. Building business-donor partnerships is a new and challenging area for development co-operation and can include addressing conflict issues. Participants noted, though, that business profit-making interests do not always easily coincide with development interests and priorities. Further work is needed on raising awareness of conflict prevention issues within the business community and developing norms (some of which exist in current codes of conduct). Key issues highlighted included further development or reinforcing of international norms to strengthen accountability in privatisation of security. There is also a need to consider the potential of consulting companies to analyse conflict and social impact of the advice they provide investors and multinationals. Better understanding is needed of the economic aspects of civil wars and in particular of the rent seeking factors that exacerbate conflict.

38. Three areas where donors should better engage were identified: capacity building, creation of enabling environments and creation of spaces for dialogue.

Capacity building

39. Capacity building includes supporting government capacities to define or enforce national legal frameworks in line with international laws/norms in order to ensure accountability, in particular for corporations in the extractive industries. Donors should consider special claims of indigenous peoples relating to ancestral land rights and control over investment projects in their areas. Donors should also explore scope for support to partnership programmes of government, NGOs and business which reduce risks of conflict, for example through development of clear laws and local regulations, community grant making initiatives, and creation of local employment.

Creation of an enabling environment

40. Creation of an enabling environment should include exploring how development co-operation can foster and promote private sector development. For example, supporting small and medium enterprises (SMEs) and micro-enterprises in the informal sector, in order to create more opportunities for employment and other local spin-offs which would reduce risks of disaffected groups (e.g. ex-combatants) engaging in violence. Donors should investigate opportunities to support local co-operation and bridge building, for example through agricultural co-operatives and small entrepreneurial activities.

Creation of spaces for dialogue

41. Creation of spaces for dialogue should be supported by donors, for example fora for industry, government, NGOs and other actors to agree on common principles of engagement in conflict environments and means of involving the private sector in peace building processes.

4. Justice, reconciliation and peace

42. Participants noted the need for support to effective processes of justice and reconciliation as a key component of post conflict peacebuilding and prevention. The potential for tension between the need for victims of gross human rights abuses to see perpetrators brought to justice and the need for different sides to reconcile following conflict was recognised. However, the relation between justice and reconciliation – which is often portrayed simply as an either or – needs to be problematised and recognised.
as more complex. In addition, participants noted that there is no single definition of these terms and both are culturally interpreted in the region in different ways.

43. The following considerations for donors supporting processes of reconciliation and justice were highlighted:

**Supporting necessary conditions for reconciliation:** There is a need to consider carefully at what stage and with what minimum requirements reconciliation should begin. The presence of peace agreements and agreements on power sharing are commonly viewed as the minimum conditions for effective reconciliation. It is also important, however, where possible, to begin a process of reconciliation before conflict has ended. The processes have to be set in motion while the conflict is raging, by identifying and working with stakeholders. Victims of conflict should not be looked upon and addressed merely as victims but as stakeholders. This is part of the empowering process that will lead to reconciliation and social cohesion.

**Supporting culturally appropriate approaches:** Donors should recognise that there is no universal method for reconciliation. Potential methods range from legal to community based mechanisms. Donors need to support processes that are culturally appropriate and relevant, including by supporting local approaches. In many countries in the region there are traditional systems for justice and reconciliation. However, they may have been undermined and devalued by expansion of formal legal systems. Donors need to understand traditional systems, support them where appropriate, and influence the state to give them legal recognition and work through them to the extent possible. At the same time, customary approaches should not be seen as a panacea. They may exclude some groups, for example women, from full participation.

**Supporting locally owned processes:** Donor support to reconciliation and justice processes must be based upon careful and proper consultation with local communities to get their views on what is credible and legitimate. Collaborative processes (involving communities, government, civil society, donors) to deal with issues of justice and reconciliation are needed. Donors should support communicating and disseminating the contents/meaning of peace agreements and reconciliation to wider populations. There is also a need to support groups/communities ‘learning from each other’ about reconciliation.

**Building donor capacities:** Donors must allocate sufficient resources – both human and financial - in order to work effectively at the micro/macro-level and recognise that there are long term savings to be made by investing material and human capital in reconciliation. It was noted that currently most donors are constrained in understanding conflict and reconciliation at local level by insufficient human resources. Donors should also take a co-ordinated and cohesive approach in their support to reconciliation processes.

**Engagement in long term support:** Donors need to take a long term approach because reconciliation is not achieved at any one point. It is an on-going process both at the micro and macro level.

**Supporting reconciliation as part of broader development programmes:** Broader work on social cohesion and inclusiveness should be included as part of the reconciliation process. Stability will come only by the

“In Indonesia, many communities still recognise customary conflict management mechanisms. This can involve warring parties coming together to publicly recognise the fact there is conflict and grievances which need to be resolved. This can contribute to a process of creating a sense of justice. In Ambon, indigenous and settler communities have initiated such mechanisms.”

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creation of social cohesion and the building of social capital. Donors also need to be aware of how broader development programmes interact with reconciliation. For example, it was noted that in Sri Lanka the large amounts of external assistance directed to Tamil areas affected by the war often created resentment among Sinhala populations.

**Supporting amnesties and ‘truth and reconciliation commissions’**: Amnesty arrangements need to be informed by international human rights standards and donors need to consider carefully the extent to which this is achieved before supporting such processes. The establishment of Truth and Reconciliation Commissions or Committees provide an opportunity to deal with feelings of injustice on the part of victims and their families about atrocities committed either by the state or other groups. There is potential, however, if gross abuses of human rights are not punished for a culture of impunity to emerge. Truth and Reconciliation Commissions should not be seen as an alternative to punishing those guilty of such crimes – they can exist in addition to and complement other legal processes.

5. **Security and peacebuilding**

44. Participants agreed security issues must be viewed within a broader framework of governance and economic, social and political development. For example, it was noted that attempts to reform the role of security sectors can only be successful in the context of broader moves towards participatory and accountable governance structures. At the same time, security at community level can only be achieved when state institutions are in place which can support peaceful resolution of conflict and where economic opportunities are widely shared. It was noted that donors have a role to play in supporting governance and development approaches that better guarantee human security. However, they also have a responsibility to ensure that their development, foreign and defence policies are coherent, for example when considering support to armed forces in the region.

45. Specific security issues discussed included proliferation of small arms in the Asia-Pacific region, security sector reform and ‘new’ security issues of transnational crime and environmental security. Security was interpreted in a multi-dimensional sense in discussions to include the broad concept of ‘human security’.

46. **Proliferation of small arms**: The number of small arms and light weapons outside formal control of the state was noted as a serious challenge to peace and security in Asian countries. Research indicates that the Southern Asian region alone may have upward of 7 million sophisticated military-type weapons outside state control.

47. **Security sector reform**: Participants identified firm and durable democratic institutions and a culture of democracy and accountability as the key developments which would provide the framework for improvements in the security sector. A more immediate requirement was noted to be improved transparency of the security sector. Lack of transparency in the security sectors of a large number of Asian countries increases threat perceptions and reduces potential for civilian oversight. It was noted that nearly half of the Asian countries do not even participate in the UN Register for Arms. In addition, strengthened civilian control over the security sector is a key component of security sector reforms in the region. This includes civilian control over covert intelligence institutions. **Rehabilitation of demobilising soldiers** who often have to compete in a society with high unemployment rates was also identified as a priority for donor support.

48. Participants pointed out that one of the first and most important tasks in security sector reform is to gain a degree of consensus on its distinct role and function in society and state, with any development co-operation provided in this context. It was suggested that in most developing countries in the region, the following prioritisation would be necessary: (a) intelligence institutions and their internal and external role
defined and reformed; (b) administrative reforms to ensure good governance; (c) capacity building for political institutions’ and civil society organisations’ oversight of security sector reforms; (d) military sector re-defined and re-oriented toward national defence.

49. ‘New’ security issues: Other security issues identified included transnational crime and transnational terrorism both of which pose severe challenges to peace and security in Asia. In addition, participants noted that energy requirements for human development pose serious challenges to peace and security in the coming years/decades. In addition, environmental security was noted as a critical issue affecting security and well-being of entire communities. This is a key area where development assistance could make a notable contribution.

6. Gender and armed conflict

50. Gender issues, although also referred to in the above sections, are elaborated further here given their importance in relation to conflict and peacebuilding in the region. Participants noted they were not covered in detail in the Guidelines. Donors should consider carefully both the impact of conflict on the lives of women and their dependents and the role that women play in building peace between and within communities that are involved in conflict.

51. Impact of conflict on women: Participants noted that gender-based violence is a major source of insecurity for women in the region. Women in conflict situations experience gender-specific forms of violence in their daily lives. These experiences undermine their role and position in the household, and in the community. Human rights violations against women in conflict include rape, harassment, beating and other forms of torture, arbitrary arrest and various forms of sexual slavery and servitude. Women affected by conflict are also frequently displaced, become heads of household, are deprived of their livelihoods, and must bear the prime responsibility for the old, the sick, and children. Men and boys also undergo violence. However, gender violence in conflict situations, perpetrated by all parties, is often ignored. Donors should support making databases and statistical material gender-specific.

52. Meeting needs of women and men victims of violence: There need to be special ways of dealing with women (as well as with men) who have been victims of violence and abuse as a consequence of conflict. The examples from the ad-hoc Tribunals for Yugoslavia and Rwanda as well as the statute of the International Criminal Court were referred to. There should be an emphasis on dealing with sexual and physical violence and abuse, as well as the psychological and emotional trauma that women and children in particular, and some men, have undergone as a consequence of long periods of living in insecure conditions, witnessing extreme forms of violence and being the victims of violence themselves. Special attention should be paid to the problems faced by widows and single women, and abandoned women. There should also be an awareness and a sensitivity to the fact that, in a heavily militarised society, the general level of violence against women, including domestic violence, increases. Thus, there should be special programmes designed to deal with all aspects of violence against women, not only those aspects of violence that are particularly linked to the conflict. These should focus on the causes of violent acts and the psychological traumas leading men to become more violent.

53. Supporting role of women in peacebuilding: Donor policies and programmes on conflict should be sensitive to the needs of women in two ways. Firstly, they should extend support to women’s organisations, especially those with a focus on the situation of women in conflict situations, and encourage the formation of women’s coalitions and alliances for peace building across regions and sub-regions. Secondly, they should support initiatives to strengthen the position of women within mixed and mainstream organisations working, for example, on human rights, relief and rehabilitation and peace
building. All processes of peacebuilding and peace making should incorporate women as decision-makers at each level, as well as consider women’s concerns at every stage of the process.

"Working with women’s organisations in conflict situations and inserting gender-sensitivity into mainstream organisations should be seen as critical areas for donor activity"

54. It was observed that donor focus on conflict prevention and peacebuilding should be based on the understanding that women’s initiatives for peace and conflict resolution are often collective and collaborative in nature. They are also often more focused on the principle of community action, across ethnic, linguistic, religious and other divides since their principal objectives are the fulfilling of the practical needs of the household and community and maintaining security and livelihoods. At the same time, women’s experiences of building co-existence within and among communities during conflict should provide a resource base for the post-conflict phase and reconciliation.

55. Gendering peace processes: Participants noted that ways in which patriarchal systems use coercion and force to engineer consent and acquiescence in society need to be questioned and understood if there is a commitment to creating more participatory frameworks of governance. In the same way, issues of sovereignty and security need to be addressed from the perspective of frameworks that guarantee the dignity of every person in a society while ensuring harmonious co-existence based on principles of equality. Donors should be aware of the need for alternative models of conflict resolution and alternative discourses on issues of justice and reconciliation. In such alternative models and conceptions, women’s actions and practices have much to offer as models of peace and security at all levels, including the household.

Regional approaches

56. Discussion focused on regional co-operation for management of refugees and internally displaced persons (IDPs). The scale of the problem of forced migration – both within and across borders - in the region was noted.

57. The value of regional mechanisms and efforts to tackle this issue was highlighted by participants. Linkage needs to be made in this respect between refugees and IDPs and other regional issues including human and drug trafficking, indentured labour and cross border natural resource management. Existing cross border momentum in the region on these issues needs to be built upon and supported by donors. Donors should support trans-national or regional exchanges on these issues. Capacities for technical training and research at the regional level should also be strengthened. Regional institutions must also take responsibility in meeting the challenges of conflict which results in flows of refugees across state borders. However, participants noted that the ASEAN Regional Forum lacks built-in tools to incorporate new dimensions of human security.

58. It was suggested that more effective regional approaches to tackle forced migration are currently constrained by political sensitivities and by differing capacities for engagement by member states. The non-interference principle of ASEAN limits the effectiveness of regional mechanisms in dealing with root causes of refugee and IDP flows. Root causes were identified as governance issues and the crisis of legitimacy of the states in question. It was noted that ‘sovereignty with responsibility’ needs to be emphasised in the region. Clear statements, standards and norms comprising the responsibilities of sovereignty and a system of accountability must be made at various regional levels.

59. Development co-operation strategies need to reflect such regional and cross-border approaches. External assistance on refugee and IDP issues needs to be placed within a holistic approach to conflict resolution and prevention. A comprehensive settlement integrating political negotiations, aid engagement,
and refugee protection and repatriation should be attempted under a common international strategy for states in crisis. It was noted that current separate interventions on relief do not address causal linkages between political crises and humanitarian outcomes. It was suggested that currently, there are varied responses, for example in Burma, from different NGOs and donor governments with variable degrees of co-operation and co-ordination. It was noted that micro project-level intervention does not meet macro-level challenges of large refugee and IDP populations in the region.

60. Development co-operation also needs to better address other factors that lie behind population flows. These include land dispossession and environmental change. The particular vulnerable position of women both to displacement and when displaced needs to be recognised and reflected in programming.
Annex 1: Final Agenda

OECD/DAC Task Force on Conflict, Peace and Development Co-operation
in co-operation with United Nations Development Programme (UNDP) and
United Nations Economic and Social Council for Asia and the Pacific (UNESCAP)
Informal Asia-Pacific Regional Consultation on Conflict, Peace and Development Co-operation
25 - 27 October 2000, Amari Watergate Hotel, Bangkok, Thailand

Wednesday 25 October 2000

10.30 Pre-meeting for working session presenters, moderators and rapporteurs [Watergate Ballroom, 6th Floor]
   Facilitator: Mr. Bernard Wood

12.00 Lunch all participants [Promenade Coffee Shop, 4th Floor]

13.00 Opening of the Regional Consultation [Watergate Ballroom, 6th Floor]
   Chair: Ambassador Marika Fahlén (Sweden)
   OECD: Ambassador Marika Fahlén Chair, DAC Task Force on Conflict, Peace and Development Co-operation
   UNDP: Mr. J.K. Robert England, UN Resident Co-ordinator

13.15 Keynote Address and Discussion
Violent Conflict in the Asian Context and the Role of Development Co-operation
   Keynote speaker: Dr. Paikiasothy Saravanamuttu, Executive Director Centre for Policy Alternatives (Sri Lanka)

14.45 Overview of working sessions objectives and expected outcomes
   OECD Secretariat

15.00 Coffee/Tea Break [6th floor, outside Watergate]

15.30 Parallel Working Sessions 1 and 2
   Session 1: [Bangluang Room 1, 7th floor]
   Conflict Prevention through Development Assistance: Addressing the Social and Political Dynamics
   Presenters: Mr. Zaw Oo (Burma) Dr. Satendra Prasad (Fiji, arrival Thursday)
   Rapporteur: Ms. Sunila Abeysekera (Sri Lanka)
   Moderator: Ambassador Marika Fahlén

   Session 2: [Bangluang Room 2, 7th floor]
   Security Issues and Peace-Building: Identifying the Role of Development Assistance
   Presenters: Air Cmde. Jasjit Singh (India) Mr. A.K.M. Abdus Sabur (Bangladesh) Col. Parapong Manakit (Thailand)
   Rapporteur: Mr. Randolph Parcasio (Ph)
   Moderator: Dr. Mukesh Kapila (UK)

19.00 Dinner all participants [By the pool, 8th floor]
Thursday 26 October 2000

09.00  Continuation of discussions in parallel working sessions 1 and 2 [Bangluang 1 and 2, 7th floor]

10.00  Coffee/Tea Break [6th floor, outside Watergate]

11.00  Plenary [Watergate Ballroom, 6th floor]

     Rapporteurs report back on main issues emerging from working sessions 1 and 2, followed by discussion.

Chair: Ambassador Marika Fahlén

Ms. Sunila Abeysekera

Mr. Randolph Parcasio

12.30  Lunch [in hotel, venue to be announced]

13.30  Parallel Working Sessions 3 and 4

     Session 3: [Bangluang Room 1, 7th floor]

     Building Capacity for Donors and Partners to Address Conflict-Related Issues

Presenters

Ms. Rita Manchanda (India)

Dr. Beno B. Boehe

Rapporteur

Dr. Vitoon Viriyasakultorn (Thailand)

Moderator

Dr. Khatharya Um (Cambodia)

     Session 4: [Bangluang Room 2, 7th floor]

     Business-Donor Partnerships for Conflict Prevention in a Globalised World

Presenters

Dr. Sri Rahardjo (Indonesia)

Ms. Sarah Beeching (U.K.)

Rapporteur

Mr. Massimo Tommasoli (OECD)

Moderator

Mr. Bernard Wood

15.00  Coffee/Tea Break [Outside Watergate, 6th floor]

15.30-17.30  Continuation of discussions in parallel working sessions 3 and 4

           [Bangluang 1 and 2, 7th floor]

Free evening for dining in Bangkok
Friday 27 October 2000

09.00  
**Plenary:** [Watergate Ballroom, 6th floor]  
Chair: Ambassador Marika Fahlén

  *Rapporteurs* report back on issues emerging from working sessions 3 and 4, followed by discussion.

  - Dr. Vitoon Viriyasakultorn
  - Mr. Massimo Tommasoli

10.30  
**Coffee/Tea Break** [6th floor, outside Watergate]

11.00  
**Parallel Working Sessions 5 and 6**

  **Session 5:** [Bangluang Room 1, 7th floor]  
  **Donor Roles in Regional Co-operation for Management of Refugees and Internally Displaced People**

  - *Presenters*
    - Dr. Khatharya Um (Cambodia)
    - Mr. Zaw Oo (Burma)
  - *Rapporteur*
    - Dr. P.R. Chari (India)
  - *Moderator*
    - Dr. Chantana Banpasirichote (Thailand)

  **Session 6:** [Bangluang Room 2, 7th floor]  
  **Encouraging Justice, Reconciliation and Peace through Development Assistance**

  - *Presenters*
    - Dr. H. Harkrisnowo (Indonesia)
    - Dr. Tyrol Ferdinands (Sri Lanka)
  - *Rapporteur*
    - Mr. Satendra Prasad
  - *Moderator*
    - Ms. Rita Manchanda (India)

12.30  
**Lunch all participants** [Promenade Coffee Shop]

14.00  
**Plenary Session** [Watergate Ballroom, 6th floor]  
Chair: Ambassador Marika Fahlén

  *Rapporteurs* report back on issues emerging from working sessions 5 and 6, followed by discussion.

  - Dr. P.R. Chari (India)
  - Mr. Satendra Prasad (Fiji)

15.00  
**Coffee/Tea Break**

16.00  
**Plenary Session**  
Chair: Ambassador Marika Fahlén

  Final conclusions from the Consultation – presented by the Chair and discussed by participants

17.30  
**Official close of consultation**
SESSION 1:
Conflict Prevention through Development Assistance: Addressing the Social and Political Dynamics

OBJECTIVES

Provide guidance on

- How development co-operation entities can best work with partner country actors to prevent social, economic and political transformations from becoming violent.
- How development co-operation can be most effective in capturing opportunities for supporting partner countries to prevent violent conflict in their efforts to manage the multiple socio-economic cleavages in society - along ethnic, gender, income, geographical, religious lines - and consider ways to strengthen bridges between disparate groups.

KEY RECOMMENDATIONS FOR DEVELOPMENT CO-OPERATION

(i) Understanding conflict

Donors need to work towards a more sophisticated definition of ‘conflict’ and a more nuanced understanding of the dynamics and the nature of conflict in order to design programmes aimed at conflict prevention. In the course of the discussion, the working group made reference to the Regional Consultation in Colombia, of July 2000, and endorsed its conclusions on the need to recognise the broad variety of conflicts within and between countries and the need for better knowledge of the underlying rationale and motivations for conflict in order to improve the effectiveness of aid responses.

A more nuanced understanding of conflict should include recognition that:

- the absence of violent conflict in itself does not mean peace, ‘structural stability’ and material benefits for civilian populations. In this respect, reference was made to the example of Burma where two contradicting trends were noted: one is nation-wide cease-fires and reduction of hostilities among major armed groups; the other is rising problems of human rights violations - forced labour, forced relocations and exodus of refugees.

- conflict is not always a negative characteristic; for example in the face of structural violence by a repressive state, a struggle for democracy may sometimes assume the form of a conflict. However, it is violent conflict which should be the focus of prevention efforts.

- impact of conflict is different on specific communities that may be more vulnerable due to existing social, economic and cultural factors – for example, women, children, IDPs, members of minority groups.

In seeking to better understand and respond to conflict, better analysis is needed of conflict dynamics and causes. It is important, though, to recognise, in the context of increasing emphasis being placed on such analyses by donors, that there are unlikely to be definitive agreed root cause analyses. Such analyses should therefore not strive for ‘objectivity’ or a single ‘truth’. It is also important to recognise that the original causes and grievances do not necessarily remain the ‘root causes’. They are replaced or transformed as conflict evolves. For example, the ‘victims’ may themselves become perpetrators of abuses.
over the course of a conflict resulting in new long lasting grievances among other sections of the population.

Donors should:

• Recognise that their programmes and policies can have significant unforeseen impacts on stability within countries. Development assistance in one sector can indirectly influence broader conflict dynamics. The case of Fiji was presented (see box).
• Ensure that Peace and Conflict Impact Assessment (PCIA) frameworks consider the social and political dynamics of the conflict.
• Focus on understanding causes of the resurgence of conflict, for example in situations such as in Angola, in order to ensure that measures are put in place to prevent the recurrence of conflict once there has been a resolution of a conflict.
• Ensure that all programmes for the provision of assistance to communities living in conflict areas, and all policy structures such as strategic frameworks and PCIA frameworks are gender-sensitive and include a special focus on the specific impact of conflict on women.

<table>
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<th>Box 1. Need for better understanding of conflicts and unforeseen impacts of development co-operation: the case of Fiji</th>
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Jobs losses in the state sector, social exclusion and general dissatisfaction with the Structural Adjustment Policies advocated by donors formed the backdrop to the massive victory for the People’s Coalition Government in 1999. But a decade of SAP’s had also created another significant stakeholder – a class of people who had done well from the privatisation, greater outsourcing of government business, and which was well position in the social fabric of society. This class felt vulnerable as a consequence of the new Government’s victory, and its firm commitment to re-energising the state sector. It is this class of people who were most directly involved in the destabilisation of the People’s Coalition government and who supported its overthrow.

The new Interim Government, arisen from the overthrow of the democratic government, is almost exclusively comprised of indigenous Fijians and has put in place a 20 year developmental plan that is directed at indigenous Fijians. This plan has been widely condemned as racially exclusionary and has consequences for longer term peace-building and democratisation: when one ethnic community is made the explicit beneficiary of such a large developmental programme, it makes it all the more difficult to encourage members of that community to support democratisation. It is important to note that continued donor developmental assistance through the new Government to other sectors enables the government to divert resources to sustain this development plan for the indigenous population. However, donor countries have not apparently perceived any link between their continued developmental assistance and Government’s ability to sustain and implement this plan.

This example highlights the need for donor programmes to better understand and foresee conflict impacts of programmes in divided societies. This can include:

• Profiling the socio-economic realities of ethnic and especially minority communities.
• Ensuring that developmental programmes have ethnic, minority group as well as regional groups impact assessments, in additions to the important gender impact assessments.
• Paying a premium (loading) projects with a high cross-ethnic group participation and wider sharing of the outcomes.
• Promoting multiculturalism, pluralism by rewarding projects and partners that have high degree of cross-ethnic group involvement.
• Most importantly, informing the poverty reduction interventions with well-researched ethnic/minority group as well as gender targets. Developmental programmes can help to disproportionately increase the stake in its outcomes of groups and communities that especially feel disadvantaged, without compromising the universalistic equity and social justice considerations.

Instruments of development co-operation can play an enhanced role of conflict prevention/reduction and democratisation by requiring:

• That all developmental programmes arise from a democratic process to the extent possible under national conditions, and that they actively promote social cohesion.
• That the breach of international standards such as non-discrimination in developmental projects that are not externally supported can be a condition for putting on hold developmental assistance in other sectors where such breaches may not have occurred.
• That the donor community establish the mechanisms for coherence that rely on broader consultations (rather than the state sector only).
(ii) Supporting specific conflict prevention and peacebuilding initiatives

A range of conflict prevention and peacebuilding initiatives and principles were recommended to donors:

**Supporting civil society peacebuilding:** A key part of conflict prevention and peacebuilding initiatives supported by donors should be strengthening civil society peacebuilding in the region. At the same time, a focus is needed on influencing and reinforcing state policies of social inclusion based on principles of equality and non-discrimination (specifically addressing gender-based discrimination). This should include building links between state and civil society; enhancing the meaning of citizenship and ensuring understanding of the concept of the social contract between state and civil society. Donors should focus on initiatives that have local ownership and support processes of dialogue and mediation and are based on recognition of democratic principles and focus on broad participation by civil society. This should include a real appreciation for the range of local actors in a conflict situation, and look beyond civil society actors who are ‘approved’ by the state; Commit yourself to listen to all actors, especially those who represent voiceless sectors.

*Build on ‘connectors’:* Use issues that are urgent and critical to the society to which aid is being given (for example for HIV/AIDS in Burma), to promote the building of linkages and bases of solidarity among national-level groups.

**Support indigenous mechanisms:** Expand sensitivity of donor community to indigenous mechanisms and methodologies for healing and community building, for example, Buddhist monks in Burma, or women’s groups.

**Support women’s organisations:** especially those with a focus on the situation of women in conflict situations, as well as strengthen women’s position within mixed and mainstream organisations working on human rights, relief and rehabilitation and peace building; The capacity of women and their initiatives to transcend narrow political initiatives and to downplay the affirmation of differences in a conflictual manner is a characteristic that should be developed and encouraged by the donor community.

**In a post-conflict situation:** donors should commit aid to work for the strengthening of local civil society that has expressed its commitment to democratic processes; there should be a system for assessing the comparative advantages of continued engagement in post-conflict situations on the basis of the previously established guidelines for working in a conflict situation;

**Support appropriate governance interventions:** donor support to governance has largely been about capacity building, training, skills transfer etc in areas such as the judiciary, accountability institutions and constitution building. But the prevention of conflict in divided societies involves keeping cross sections of communities engaged in dialogue, policy development, oversight of the operation of post conflict institutions and mechanisms. The process side of the equation is less easily understood by the donor community. At the same time, preconditions for accessing development assistance are often seen internally within states as upholding the commitment to good governance (defined in terms of transparency in the commercial decision making process, environmental considerations and other commitments) but without a focus on conflict prevention or peace-building. The potential long and short term impacts upon development more generally of targeted conflict prevention developmental measures as opposed to market-oriented infrastructure development are rarely considered.

**Commit to long term engagement:** The case of the South Pacific was presented to illustrate this point:

*The region is now widely seen as a zone of instability following fresh eruption of ethnic conflict in the Solomon Islands, the armed take-over of the parliament in Fiji, and its People’s Coalition Government,*
stalled progress in the Bougainville Peace talks, and the earlier waves of violence and turbulence in East Timor. Rather than one-off aberrations to democratic processes, these developments reflect embedded and deep-seated conflicts in societies. These developments have exposed a lack of institutional capacity and instruments available to donor governments for the management and settlement of such deep conflicts. It was suggested that while donor countries have developed economic and diplomatic links across this region, they have been unable and possibly unwilling to respond to serious political crisis, conflict and engage in peace-building efforts.

Ensure transparency in donor actions: because the building of mutual trust among the variety of local actors, including those who are your partners, is imperative to prevention and resolution of conflict in the broader society.

(iii) Assistance to states in crisis

A key issue discussed in the working session was the crisis of legitimacy of certain states in the Asia-Pacific region, such as Burma. It was recognised that there are potential dilemmas for donors in responding to humanitarian need of the civilian population, especially those who are living in conflict areas in such states, while avoiding direct or indirect support for oppressive regimes.

Provision of humanitarian or development assistance to oppressive regimes engaged in conflict with their own citizens can in some circumstances de facto support or legitimate the regime. This can be through diversion of resources provided away from intended beneficiaries, fungability of assistance provided or provision of a ‘moral’ legitimacy by being perceived to support the regime. However, complete withdrawal of donor assistance and disengagement may have negative impacts: it can encourage state actions which contravene human rights of citizens or which escalate conflict, it can send the wrong signal of external indifference.

Therefore opportunities for continued and constructive engagement with such states by donor countries should be considered and conditionalities should be re-examined. The group concluded that in such situations of internal oppression and conflict, it is less a question of whether humanitarian assistance should be provided but how best it can be provided, in a way which minimises potential negative effects.

It is clear that donors make choices regarding aid and who receives it, and that all aid can have a political impact. However, it is important to ensure that humanitarian assistance is not driven by partisan or narrowly defined political concerns. Therefore assistance to such states needs to be based on careful analysis to clarify the consequences and impact of aid and ensure that civilians are not ‘punished’ for the circumstances of conflict over which they have no control. This could include addressing questions such as: Where is the aid actually going, who is it reaching, who does it benefit, does it relieve states of basic obligations to its citizens (and in doing so free resources for prosecuting war)?

There are also complex issues of how donors can best support peacebuilding in such states in crisis in the region.

(iv) Strategic frameworks in conflict affected countries

In particular, the need for joint donor approaches to states in conflict was highlighted. The case of Burma was discussed, where it was suggested that external actors were pursuing different strategies based on individual interests. Therefore, donors develop a strategic framework for aid engagement with states in conflict. The aim should be to strive for coherence in donor responses. This should include a set of clearly
defined principles for aid and assistance based on respect for human rights and concepts of democratic governance;

In developing such a framework, donor countries should:

- be aware of the complexities of a situation and the geo-political and economic considerations that may also have an impact on the conflict and on its resolution;
- link humanitarian and development strategies with diplomatic initiatives;
- strive for a spectrum of engagement and of responses that emphasise the inter-dependence of state and civil society;
- respect the need for flexibility in aid responses as a consequence of the dynamic and changing nature of conflict;
- be aware of the limitations of donor responses and of the risk factors involved in providing assistance to communities in conflict, both for the provider and for the recipients;
- be aware that the primary criteria for determining activities and programmes for assistance in conflict situations should focus on the benefits to the civilian population living in the conflict areas and ensure consideration of their views and opinions;
- ensure approaches are gender-sensitive and are based on the principle of equality between men and women; this work could be informed by UN documents and by work done by other agencies and institutions on the specific issue of women in conflict situations.

(v) Promoting human rights in conflict situations

It was noted that the protection of all human rights is at the core of humanitarian assistance. Donor programmes need to find the best ways of reinforcing the protection and promotion of human rights, addressing both civil and political rights as well as economic, social and cultural rights and maintaining the inter-dependence of these rights at all times. In some conflicts, such as Sri Lanka, donor funded programmes have tended to focus separately on humanitarian and human rights issues (in part because of the sensitivity of raising human rights issues with both parties to the conflict). The group felt that if separate operational and programme plans on these issues were developed, this must be based on an analytical overview that takes in both humanitarian and human rights perspectives.

Box 2. Possible initiatives for peacebuilding in Burma

- UN Mediation and Multilateral Development Assistance - a possible linkage?
- Critical areas for urgent humanitarian intervention - AIDS - a rallying ground for all national forces to co-operate in national efforts?
- The role of international NGOs (INGOs) - innovative rights-based approaches and the importance of advocacy - a way to revive civil society?
- The role of overseas Burmese radio programmes and distance education programmes for promoting public awareness - an underestimated potential?
- Redefining democracy promotion programmes in line with strategic framework - an important strategy that needs a clear focus?
- The role of traditional social connectors - the healing factors in Burma - isolated indigenous sources of mediation?
- Civil society is largely destroyed but there is some space left – for example the Buddhist clergy. Potential role for support to such ‘spaces’ should be investigated.
- The role potential role of the exile community should be further investigated in planning peacebuilding strategies.
- Knowledge sharing and capacity building is critical for the successful implementation of effective conflict resolution programmes and the participation of Burmese scholars and experts can be beneficial in brainstorming the design and development of such programmes.
SESSION 2: Security Issues and Peacebuilding: Identifying the Role of Development Assistance

OBJECTIVES

• Provide guidance on how development co-operation can proactively include key developing country actors, especially those affected by reform processes, and harness their visions, skills, and capabilities for peace building efforts.

• Identify practical next steps so that development co-operation can help improve governance of the security sector and integration of security issues into a full range of government policies and systems.

KEY ISSUES

(i) Effective governance is key for peace and security

Security issues must be viewed in the broader context of establishing good governance and democratic principles. There exist diverse and context specific models for establishing democratic norms and principles. However, governments can face a tension between commitment to fast pace of reforms and the long term approach needed to strengthen state institutions capable of delivering such reforms. When they are not delivered, mistrust increases. Civil society has emerged increasingly as a partner in establishing democratic principles, demanding good governance from the State and as a major player in stability, peace and security. Mutual trust between the State and its people are major factors of stability and peace as well as legitimising the governance system in place.

Key issues relating to governance and security include:

• Weak governance institutions have difficulty ensuring elements essential to democratic principles and norms such as the fair rule of law, justice, transparency, freedom from fear are weakened. The commensurate inability to respond to civil society’s strong demands for change and transition can lead to disappointment with government and to instability, violence and unrest.

• Many factors can contribute to diluting mutual trust and increased insecurity, including the targeting of civilians as a tactic of warfare and the international system’s partial ability to protect them.

• When the State moves away from being protector and provider and moves towards being predator, issues of Sovereignty are brought into play by external actors, who face a dilemma of contradictory interpretation of international law and international recognition of the right to sovereignty.

• External actors face a dilemma in situations of failing or weakened States which are unable to carry out their normal functions. Appropriate responses must be context specific.

• Proliferation of small arms from legitimate State actors to illegitimate non-State actors is destructive and undermines actions to promote dialogue rather than violence as a means for solving disputes.

(ii) Security issues are multi-dimensional

Concepts of security should encompass territorial as well as individual human and gender dimensions. Therefore, many actors are involved in defining them and in ensuring that a stable and fair system of security exists. Security issues should be viewed within a broader framework of governance, and economic, social and political developments. Democratic norms and principles shape the ways in which governance and security frameworks are established and managed. Local frameworks and definitions for security vary and approaches to ensuring that security issues are addressed must adapt to local circumstances. Approaches to security issues should address gender dimensions. In conflict situations, household and gender based violence can set the tone for norms of acceptable behaviour. When women’s
human rights are violated on a daily basis, it implies that basic violence is acceptable. This has ramifications for the way in which society as a whole deals with contentious issues.

(iii) Globalisation and security

Globalisation can be a catalyst for promoting democratic norms and principles, including transparency, accountability, economic opportunities, information sharing. At the same time – it is a possible creator of instability and inequities amongst people. These can create feelings of insecurity and mistrust. Transnational crime has adverse effects on the rights of citizens and on the State and other actors’ ability to ensure people’s rights and security. As such it can undermine the authority of the State and poses a threat to government’s normal national control. Perceptions of loss of control can lead to unwillingness to share power or encourage democratisation and a mistrust of non government actors, undermining constructive partnerships between government, civil society and business, necessary for stability and peace.

(iv) Policy coherence

Donor countries must have coherency and consistency between their defence and security policies and trade, economic and development policies. The proliferation of weapons between States and their illicit proliferation to non-State actors, both domestically and internationally is an example of incoherent practices.

Responses to urgent complex emergencies need to be coherent with long term approaches to building capacity based on a participatory process. Yet external actors rarely have a systematised response-mechanism to deal with complex emergencies. In some ways this is parallel to having a hospital with no emergency ward. (Example, East Timor still has no plan, one year later.)

KEY RECOMMENDATIONS FOR DEVELOPMENT CO-OPERATION

Donors need to improve their capacity to anticipate potential conflicts, invest in pre-conflict warning and establish appropriate response mechanisms – both short term (emergency response capabilities which include longer term issues) and long term (investing in the root causes of peace – education, transparency, health, gender equality, community level development and strengthening local governance capacity).

Donors should:

(i) **Work on trust:** building it relies on real dialogue and long term commitment and efforts to understand the local context and history.

(ii) **Understand the history and culture** and norms of developing countries as a pre-requisite to designing donors’ assistance programmes and implementation.

(iii) **Define frameworks locally:** Definitions of security, decisions about which principles to follow, agreeing on roles for various actors, must all be locally defined.

(iv) **Build local capacity,** in government and in civil society which should be reinforced and built-up rather than undermined as a result of donors’ assistance efforts.

(v) **Establish local ownership** as a driving principle in donor approaches. Conditionality should be used only in extreme cases (such severe human rights abuses).
(vi) **Apply adaptability and flexibility**: External actors must adapt to local/national definitions of security threats and appropriate responses to them, including the appropriate role of the military and security forces. These definitions may evolve over time during times of transitions but these changes must be locally driven, based on national/local efforts.

(vii) **Reinforce the institutions or existing processes for democratic norms and principles** to sustain appropriate approaches of governance in addressing locally identified issues.

(viii) **Strengthen peace constituencies** on all sides of the dividing line.

(ix) **Support initiation and implementation of peace agreements**. In particular, support capacity to deal with urgent issues quickly; promote power sharing which allows for the accommodation of diverse issues; and ensure that development assistance follows through on promises made during the conflict.

(x) **Support new approaches to security issues**. In particular, fostering agreements on how to reform security sectors and better understanding of shared security concerns with other government departments.
SESSION 3: Building Capacity for Donors and Partners to Address Conflict-Related Issues

OBJECTIVES

Provide guidance on how development co-operation can best:

- Identify opportunities to build on and strengthen existing capacities and political will in developing countries so that conflict prevention and analysis are better mainstreamed in government strategies, including reinforcing local and indigenous input and expertise.
- Identify what capacities development co-operation entities need to develop and strengthen in their own activities so that they contribute towards the above.

KEY RECOMMENDATIONS FOR DEVELOPMENT CO-OPERATION

(i) Building capacity of civil society

Donor support for building capacity of civil society organisations is a key element of broader conflict prevention and peacebuilding efforts. Key orientations for OECD donors include:

- The need to make a careful assessment (in consultation with a broad range of stakeholders), before intervening, of the wider context of conflict and the present and historical role of civil society actors in relation to it. In some cases, donors have supported conflict related initiatives without sufficient appraisal in these respects. In particular, some donors in the region have failed to be properly informed of what exists before entering conflict related programming: “donors should not re-invent what already exists”
- Emphasis should therefore be placed on identifying and promoting existing successful initiatives, and in building local ownership. However, supporting new organisations/institutions (or supporting their formation) should not be precluded if this is based on careful assessment.
- Particular consideration should be given to understanding, and if appropriate supporting, indigenous/customary/traditional peacebuilding groups/institutions.
- Support for civil society should go beyond just funding NGOs to include genuine community level activities and ‘citizen peacemakers’. The case of peacebuilding initiatives in the Philippines was presented and the broad areas for potential donor support of local level peacebuilding initiatives. See Box 2.
- Keep in perspective and context what civil society organisations can and cannot do: “civil society organisations and citizen peace-makers don’t make the peace agreements but they can build the spaces where broader peace agreements become possible” - e.g. through agenda building, information sharing (see Box 2 for further examples).
- Therefore donor support to civil society has to be placed in a broader context and strategy (preferably co-ordinated) of attempts to address the conflict – e.g. also using diplomatic efforts more effectively to influence the political will of states in conflict.
- Donors should promote a exchange of south-south information exchange and learning on peacebuilding.

Civil society organisations have a particular role to play when formal peace processes are initiated. Donor support for civil society in this context is important. Key issues for donors include:

- A peace agreement is only one step in a peacebuilding process, it is not an end or goal of such a process. There is rarely an identifiable end, peacebuilding efforts need to continue if peace is to be sustained and peace agreements respected. Civil society organisations can play a key role in this (e.g.
monitoring aspects of peace accords, maintaining confidence of ex-combatants – see Box 2). Therefore, donor support to civil society peacebuilding initiatives should not end when peace processes are thought to have ended. However, there is a tendency – e.g. in the Philippines – for donors to focus their support more on the state - away from civil society - when the peace is deemed won.

• “There is a need to transform formal space in peace processes to allow informal groups to sit at the negotiating table”. Donors need to build capacity of CSOs to enable them to meaningfully participate in formal peace processes and power structures (including through support for training and leadership development). At the same time, they need to bring influence to bear on states and warring parties engaged in peace processes to accept a structured role for CSOs. Such assistance needs to be sensitive to special interest groups such as women and children and disarmed young militants. The case of the Kashmir conflict was highlighted where activism of organisations like Association of the Parents of the Disappeared and the Jammu and Kashmir Federation of Civil Society need to be supported. (See also Box 1 for example of Naga conflict in India).

• Communities have the capacity to initiate peacebuilding activities at the height of conflict, before formal peace processes are initiated. Donors should be aware of such initiatives and support them where appropriate.

Box 1: Civil society and peacebuilding in India

Support for democratisation of peace processes is vital for a sustainable and just peace as opposed to technocratic peace accords which have proved non viable. Donor agencies need to recognise and strengthen the role of indigenous institutions, in particular women’s (traditional) peacebuilding role. The case of the Naga conflict in India was highlighted in this respect.

The nationalist struggle of the Naga peoples for a separate political identity from the Indian state is the country’s longest running internal conflict. Two years ago, in 1997, the government and the dominant armed group agreed to a cease-fire, and the start of a peace process. This year the peace process faced its greatest challenge and both sides traded charges of bad faith. But the cease-fire has held and the peace process survived, to a large extent because of people’s democratic mobilisation in support of peace. At every crisis, civil society activism, through the mobilisation of indigenous political and social structures like the Naga Ho Ho, the Naga Mothers Association and the Naga Women’s Union of Manpur, has put pressure on the negotiating parties to respect peoples demand for peace and kept them accountable and committed. Women have undertaken peace missions to end bloodshed and bring rival factions to the peace process, they have interceded between rival groups and created the space necessary for dialogue on differences.

A key priority is to place more emphasis on ‘gendering’ peace processes. There is need for strategic donor approaches in this respect both to supporting women’s organisations in peacebuilding and a long term focus on getting them into positions of power. Donors need to:

• Better understand the impact of conflict on women: both direct impacts – e.g. violence to women – and also transformation in position of women brought about in conflict situations – e.g. veiling of Kashmiri women.

• Recognise women’s skills in managing survival, negotiating peace at the local and informal level. Donor agencies should strengthen women’s capacity as peace builders and support their transition from informal grassroots level to formal politics. Capacities need to be built to enable women to demand a presence at the negotiating table. Non democratic peace accords brokered to exclusion of civil society have - for example in relation to conflict in the Chittagong Hill Tracts – been weak on issues of justice and reconciliation, crucial for the sustainability of the peace process.

A key focus of building capacity of civil society in conflict situations should include strengthening capacity of human rights defenders. This can include strengthening monitoring skills, training in legal rights and state obligations in relation to international conventions, and exposure to resource persons from within the region who have experience in working in similar situations. Bolstering the capacity of state
sponsored independent institutions like National and State Human Rights Commissions should also be considered in order to improve state accountability.

Humanitarianism and human rights should be joined in a rights based approach. Donors should support innovative initiatives to build humanitarian space. This can include support to:

- Days of tranquility.
- Zones of peace.
- Temporary cease-fires.

Another key area for donor civil society support in the region is **strengthening capacity of affected populations to access media** – e.g. in making video and buying air time; developing capacities to use alternative media, especially internet; monitoring media’s complicity in polarising communities and spreading hatred; and sensitising media practitioners on covering conflicts.

**(ii) Building capacity of state institutions**

Donors need to maximise opportunities to build state capacity to respond appropriately to conflict. This can include support to a range of state functions and activities: training of government staff on peacebuilding approaches (including increased exposure to peace processes in other countries); strengthening state capacity to implement joint conflict management initiatives with CSOs, customary organisations etc; strengthening justice systems, improving capacity to analyse and respond to local level conflicts, strengthening human rights monitoring and accountability mechanisms etc.

However, there is potential for legitimising - through such capacity building support - an oppressive regime engaged in internal or external conflict (and thus donor support having an ultimately negative impact on conflict dynamics). Key orientations, therefore, for donors engaging in state capacity building approaches include:

- State institutions and regimes are not monolithic. Opportunities should be sort to identify and influence potential change agents and structures within a state/regime.
- Local government in the region often interpret national policies on peace in a particular way. There may be more opportunities for working with and supporting peacebuilding capacity of local level state authorities. However, this requires co-ordination among donors of who works where.
- A long term view of engagement is needed based on a careful analysis of conflict and state role/interests in relation to it – i.e. supporting human rights monitoring capacity of an oppressive state may be appropriate if analysis is that this may change its approach of in the longer term. Donor support should be provided in a phased way with close and continued monitoring. It also needs to be linked to more consistent lobbying work by donor countries.
- Joint donor approaches and analyses to state capacity building in such situations may be beneficial and attempting to work with local government first.
- Include views of local society in such an approach, if appropriate, in its implementation. And if appropriate combine with capacity building to CSOs to monitor state role and hold it accountable.
- Recognise that these approaches will involve genuine dilemmas, approach on a case by case basis.

**(iii) Building capacity of donors**

Donors should continue efforts to integrate a conflict prevention lens into all humanitarian and development work in conflict prone countries, and in this way aim to minimise negative impacts of external assistance and maximise positive peacebuilding impacts. This should include conflict awareness training for staff of donor agencies and development of models, tools, and best practices including Peace
and Conflict Impact Assessment (PCIA). PCIAs should involve widespread consultations with local actors including CSOs. Given multi-layered complexity of conflicts PCIA should be used in tandem with existing tools and skills such as environmental and social analysis. However, PCIA should not be seen as a magic bullet. There is no easy way of gaining meaningful analyses of conflicts and their relation with development programmes. To be useful PCIA should be conducted at both micro (project) level and macro (national) level.

Greater coherence and co-ordination among donors and with other actors is needed. This includes the need for improved shared analysis of conflict situations among donors as a precursor to developing joint approaches to conflict situations in the region. The Kashmir conflict was cited as one example of lack of co-ordination and coherence:

In the Indian state of Jammu and Kashmir, a host of humanitarian and development agencies have converged who are busy commissioning impact surveys, undertaking trauma counselling workshops, income generating schemes for widows, relief for orphans etc with apparently limited co-ordination at the operational level - and more crucially without a critical understanding of regional, communal and sectarian divisions or the insecurities, hatred reprisals and revenge fostered by the conflict history. There is an apparent lack of articulated transparency in goals on the part of external agencies in an environment full of rumours of externally imposed peace settlements. This is compounded by competing pulls and pressures not only between different donors but between different government departments of individual donor countries: one department espousing formulas for settlement, and another humanitarian and development assistance.

Other key points for donor capacity and approaches in responding to conflict situations include the need to:

- Share best practices and tools with each other and local partners. Need to assess existing tools for policy and programme development.
- Engage on conflict issues requires a longer term commitment of donors to countries than is currently the case.
- Intervene at both micro and macro levels, and co-ordinate intervention at both levels.
- Be more transparent about their work in relation to conflict. However there are dilemmas here. In some conflicts public transparency on approaches to peacebuilding involves risks for both donors and partners. But they still have responsibility to be accountable. Approach will need to be tailored to particular conflicts. But donors should be transparent with their partners.
- Support more dissemination in local languages of their programmes and objectives in relation to conflict and peacebuilding. Large sections of the population in recipient countries lack access to such information.
Areas for potential donor support for local level peacebuilding initiatives include:

- **Peace constituency-building**
  (citizens’ claim making and standing up for peace)
  - awareness raising
  - organising and networking
  - consultations, dialogues, consensus building
  - public advocacy and campaigns

- **Conflict reduction**
  (De-escalating the level of political violence; enhancing the conditions for the establishment of a permanent peace)
  - peace zones
  - humanitarian cease-fires
  - international humanitarian law promotion
  - crisis negotiation/mobilisation

- **Conflict settlement**
  (Contributing to the achievement of a non-military solution – negotiated political settlement – of the armed conflict)
  - Facilitating the peace process:
    - conciliation/mediation/citizens (3rd party) participation;
    - technical support
  - Advocacy on peace agenda, either for:
    - Peace talks
    - Direct negotiation with government

- **Peace research and training**
  (Support structures to facilitate other peacemaking roles/categories)
  - database gathering, analysis, theory building
  - skills-training, capacity building, technology transfer
  - addressing psychological/cultural issues, building cultures of peace

- **Peace monitoring and Implementation Support**
  (Ensuring implementation of peace agreements)

- **Healing and reconciliation**
  (Addressing the personal and inner effects of the protracted armed conflict)
SESSION 4: Business-Donor Partnerships for Conflict Prevention in a Globalised World

OBJECTIVES

• Explore practical ways that development co-operation can work closely with companies, including multinational firms, to best contribute to reinforcing social and political cohesion and preventing conflict.
• Provide guidance on how the development co-operation community and business can work more closely with government.
• Seek views on whether codes of conduct, (e.g. OECD Guidelines for Multinational Enterprises) might better address business responsibilities for playing a pro-active role in conflict prevention, and what input development agencies might provide in this respect.

KEY ISSUES

(i) Role of business in conflict situations

There is a need to consider the roles that various business actors can play in conflict situations (multinationals, big national companies, local small and medium enterprises) with respect to international, national and local dimensions of conflict dynamics.

Conflict implies costs for businesses and it is therefore in the interest of most businesses to avoid actions which may exacerbate conflict and to support efforts which prevent or resolve conflicts. However, companies can sometimes benefit from conflict and the weakened institutional context in which it takes place (greater profits derive from ineffective taxation systems, lack of competition over access, use of bribes to secure a non competitive environment, lack of competitors to bear the risks of start up). Certain aspects of conflict dynamics are even led by the criminalisation of business. Business can therefore play a role both in exacerbating conflict and potentially in contributing to building conditions for peace. Some key challenges include:

• How to get a sufficiently long-term perspective, and strike a balance between short term investment horizons of the companies, in particular in the manufacturing sector, (which focus on ensuring quick profits in fragile and unstable situations) and long term perspectives needed in order to address conflict dynamics;
• Understanding the role of business in causing or exacerbating conflict, in particular with respect to extractive industries (diamonds, gold, forestry endowments, etc.). The value of concessions in situations of conflict is very high for warring parties, and is a factor contributing to fuelling conflict.
• Dependency on large companies, especially in remote areas, often has limited positive impact on the livelihood of the local population (limited investments on job creation or the development of basic social infrastructures).
• How to link the social investment programmes that are sometimes supported by companies (in the health or education sectors) to developmental concerns and conflict awareness.
• Role of companies in lobbying Governments, as powerful players who could use their influence on political actors not only to negotiate conditions for their investments but also to influence conflict dynamics.
• The use by companies of private security to secure installations and protect staff can be at the expenses of the security of the local population.
(ii) Business and development co-operation

Building business-donor partnerships is a new and challenging area for development co-operation. The business sector operates according to its own logic, and business profit-making interests do not always easily coincide with development interests and priorities. However, harnessing economic self interest for engagement seems to be more effective than relying on moral arguments, and can contribute to making profit oriented corporations more responsive to - and caring about - local problems.

Further work is needed on raising awareness of conflict prevention issues among the business community and developing norms (some of which exist already in current codes of conduct). Key issues include:

- Reconsidering the notion of joint social responsibility of firms and the State and its implications (codes of conduct).
- Focusing further on creating or reinforcing international norms to strengthen accountability in any trends to privatisation of security – at the public and enterprise level.
- Considering the economic role of media, increasingly perceived as part of the globalised business world, and in particular their linkages with the commercial system and their potential role in awareness-raising.
- Considering the role and potential of consulting companies in analysing conflict and social impact.
- The need for greater transparency and debate around sovereign guarantees – a governance issue.
- The importance of perceptions of business actors’ roles in conflict situations, as well as consideration of their role as perceived by other actors.
- Awareness of the economic aspects of civil wars and in particular of the rent seeking factors that contribute to exacerbate conflict dynamics.
- Drawing attention to examples of best practices in employment creation, technical training, social services, etc., and using public awareness campaigns to influence consumers’ behaviour as well as to disseminate/share best practices.
- Strengthen norms to ensure enforcement of the prohibition of bribes, ensuring transparency and defining appropriate mechanisms to ensure such enforcement.
- Understanding the criminal aspects of business often flourishing in situations of conflict.

KEY RECOMMENDATIONS FOR DEVELOPMENT CO-OPERATION

Key areas where donors should engage were identified as:

(i) Capacity building

- Supporting governments capacities to define or enforce national legal frameworks and corporate governance regimes in line with international laws/norms in order to ensure accountability, in particular for corporations in the extractive industries.
- Considering special claims of indigenous peoples such as claims for ancestral land rights, and formalisation of control over investment projects, employment preferences etc.
- Providing support for the enforcement of national legislation on workers’ rights, environment, etc. (beyond mere compliance with administrative requirements).
- Developing capacities to empower developing countries to negotiate in international global fora (for example in WTO).
- Promoting the use of conflict impact assessments by local, national, international / big businesses (whether national or foreign).
- Explore scope for support to partnership programmes that can be developed through the scheme of government, NGOs and the enterprise, i.e. development of clear laws and local regulations,
compensation, community fund, grant making activities, capacity building and creation of local employment. Community funds may be a very useful mechanism to support.

(ii) The creation of an enabling environment

- Exploring how development co-operation assistance can foster and promote private sector development, with particular respect to SMEs and micro-enterprises in the informal sector, in order to create more opportunities for employment and other local spin-offs which will reduce risks of disaffected groups (e.g. ex-combatants) engaging in violence.
- Supporting local co-operation and bridge building and building social capital, e.g. through agricultural co-operatives, small and micro-entrepreneurial activities.
- Research developing codes of conduct on specific issues and risk-insurance mechanisms.
- Identifying types and areas of collaboration between national and international trade unions to work with national and international NGOs to lobby companies to respect human rights of workers and labour rights.
- Defining the role of business with respect to those of the government in responding to natural disaster relief, taking into account that the use and exploitation of public goods for private interests is an issue of responsibility and proper compensation/insurance mechanisms should be explored.

(iii) The creation of a space for dialogue

- Definition of country-specific approaches, and creation of fora for dialogue between industry, the government, NGOs and other actors to agree on common principles of engagement (see box for example from Indonesia).
- Identifying mechanisms and creating space to involve the private sector in the peace building process.
- Working with chambers of commerce and other business associations – bringing them on board for a positive relationship in development and society.
- Promoting greater policy coherence (for example in the field of environment or as regards trade-related intellectual property rights in the agricultural sector).

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<tr>
<th>Box 1. Fora for dialogue between industry, the government, NGOs and other actors: the case of Indonesia</th>
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<td>The multinational companies have come to recognise that their capacity to operate effectively depends on local business environment. The possible active role of the multinational companies in sustainable economic reform and growth was initiated by The Prince of Wales Business Leaders Forum (PBWLF) in late 1998. The idea was for multinationals to work collectively and in co-operation with other sectors and improve the business environment forming effective business links. The private sector has the capacity to work together in non-competitive issues, and by concerted efforts to make a big impact on the community. In Indonesia, PWBLF has been an impetus to form Indonesia Business Links. Indonesia Business Links comprises of lead companies Andersen Consulting Indonesia and Rio Tinto Indonesia supported by another nineteen multinational companies. The Business Link Initiatives is expected to provide a mechanism for multinational companies to support small and medium-sized enterprises. Examples of partnership programmes that can be developed through the scheme of government, NGOs and business include development of clear laws and local regulations, compensation, community funds, grant making activities, capacity building and creation of local employment. The management of community funds can be entrusted to established grant making NGOs.</td>
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SESSION 5: Donor Roles in Regional Co-operation for Management of Refugees and Internally Displaced People

OBJECTIVES

Provide guidance so that development co-operation:

- Improves the way it addresses or responds to the political sensitivities that can arise when regional mechanisms originally created for economic reasons broaden to include political and social issues, such as addressing management of refugees and internally displaced persons (IDPs).

- Identifies channels for sharing experience on transitions and reforms, and for supporting appropriate forms of even-handed involvement at the regional level, as well as for delivering appropriate assistance and training.

KEY ISSUES

(i) Protection of lives and livelihoods of refugees and internally displaced persons (IDPs)

- **Ensuring humanitarian access** during displacement and in re-integration phases. In many cases access to refugees and displaced persons is limited because of ongoing conflict. In Burma, for example, some displaced groups are forced to hide in remote areas and do not have access to relief.

- **Maintaining the civilian nature** of camps and preventing the forced conscription of refugees. Women and children remain the most vulnerable. Displaced people in the region are subject to induction into the army or other forms of forced servitude (for example, child and adult prostitution in Cambodia and Burma which have become major centres for sex trafficking).

- **Working for legal and policy reform that takes specific needs of IDPs into consideration** and safeguards the rights that they are entitled to as citizens. For example, in relation to land entitlements, many IDPs or returning refugees are denied access to land due to appropriation by more powerful groups, political and economic marginalisation in the settlement process, or continued conflict that prevents the return to their original land.

(ii) Sovereignty and the crisis of legitimacy of the State: seeking new partnerships

- **Addressing the question of sovereignty.** The continuous flow of refugees within the region is changing the demographic picture in a number of areas and leading to tensions in host countries. It was noted “that today’s IDPs in Burma are tomorrow’s refugees in Thailand”. Sovereignty is an important issue but no state should be able to abuse its own citizens with impunity - state responsibility and sovereignty go hand in hand.

- **Improving shared resource management.** States are often unable to divest national interests in favour of resource sharing. Regional mechanisms exist, but there is a need to strengthen these and further measures are needed.

- **Facing questions of conditionality and accountability** which are critical issues for donors dealing with governments/states in crisis. When no support (or support with limited scope) is being provided to governments committing violence, assistance still needs to be provided at the grass roots level.
• **Dealing with the root causes of displacement:** supporting: good governance, human rights, and prevention measures were recognised as the means of dealing with the root causes of displacement. Internal, regional and international actors need to address and influence these issues.

(iii) **Co-ordination and policy coherence**

A common strategy is needed to improve co-ordination among internal and external actors and to hold them accountable to declared objectives. This should cover all levels: international and national agencies, local actors, the international community, local and national government, donors etc. Several changes must be made to improve co-ordination, such as:

- Developing more consistent, vigorous and timely responses.
- Establishing ways to look for early warning signs (which is critical since most deaths of children occur in early stages of displacement).
- Moving from reactive to preventive frameworks (humanitarian aid does not stop at relief).
- Reassessing basic assumptions that currently inform policy such as gender biases etc., particularly since women and children comprise the majority of refugees today.

Improving co-ordination also requires:

- Clearly defining refugees and IDPs so that a common understanding can inform external actors and the international response is best adapted to the situation at hand.
- Focusing on the long-term nature of (internal) displacement. There is a need to extend beyond provision of relief to provision of support that is respectful not only of civil and political rights of IDPs but also of their economic and social rights, including access to health education and employment. It is also important for international funding and engagement to continue after initial media coverage of crises reduces.
- Co-ordination is not a substitute for action. Recognising that co-ordination is fundamental among actors in addressing refugee/IDP issues but it is not a substitute for capacity or resources. In addition to co-ordination, increasing policy coherence is needed to improve involvement by both regional actors and multi-national agencies (e.g. agreements between UNHCR and governments on access to demined areas in Cambodia have not been respected).
- Drawing on past successes and failures. It should be noted that some holistic and comprehensive approaches have worked in Asia, for example the Paris Peace Accords in 1991. There was a sustainable return of refugees but there was also resentment on the part of Cambodians who never left. Peace can mask a worsening state for IDPs and returned refugees and underlying conflicts that need to be addressed.
- Strengthening regional mechanisms that are still fragile and evolving. They could be rendered more effective with external input. It is important to continue efforts to create regional and sub-regional frameworks and mechanisms that could provide a support base for IDPs and refugees.

(iv) **Monitoring and accountability**

Monitoring IDP and refugee situations is a task that cannot be properly addressed in the absence of effective access to countries in conflict situations. Statistics must be accurate, cumulative and based on
consistent methodologies. An effective and centralised system for database collection is required. Information sharing and dissemination must be strengthened to collect information systemically and categorise it according to various dimensions of the problem.

KEY RECOMMENDATIONS FOR DEVELOPMENT CO-OPERATION

1. Donors need to shift their time perspectives, from viewing assistance to refugees and IDPs as a short-term issue, to understanding the long-term nature of the problem. In this respect, donors need to create guidelines on where, how, when, and what type of aid to provide to refugees and IDPs. Assistance needs to move away from a management approach of refugees and IDPs towards identifying entry points for supporting their capacities to sustain their own livelihoods – for example through increasing access to land, water, education and health.

2. Host countries should be supported to respond to the livelihood needs of refugees and displaced persons through assistance to Governments and civil society.

3. Donors need to be both accountable to their own objectives and to beneficiaries (including ensuring that assistance yields results that promote equity, local ownership, and environmental responsibility). Countries receiving relief need also to be accountable and to demonstrate that assistance is used for the agreed activities.

4. All actors need to better respond to gender violence in refugee situations. Women refugees need particular attention, as they tend to be the most vulnerable of the world’s refugee population. The particular needs of women are often insufficiently addressed in relief programmes. They also need to receive skills and capacity building support.

5. Donors should support initiatives on legal and policy reform that take specific needs of IDPs into consideration and safeguards their rights.

6. The international community needs to more effectively address the root causes of displacement. This includes supporting good governance and encouraging accountability and transparency of states in the region.

7. Donors should focus on greater consensus building between returning refugees and IDPs and home communities. This should include a focus on maintaining fair access to land, water, fisheries and other resources. Approaches to relief need to recognise potential impacts on host countries in terms of destabilising the economy, social fabric and political ramifications.

8. Increased donor policy coherence is needed on refugee and IDP issues and better operational co-ordination between international organisations, donors, NGOs and local governments. This should include enhanced data collection and methodologies to acquire reliable statistics and sharing of such information.

9. Donors should support regional mechanisms and approaches which better safeguard the rights of refugees. Trans-national or regional approaches are key to addressing issues such as natural resource management and drugs trafficking which represent new threats to security. In addition, exchange of information and learning within the region on how other countries address such issues should be promoted. For example, East Timor CSOs could share knowledge with individuals and organisations from Burma on fostering democracy. Capacities in technical training and research at the regional level should be reinforced.
SESSION 6: Encouraging Justice, Reconciliation and Peace through Development Co-operation

OBJECTIVES

Provide guidance on:

- How development co-operation can help other actors generate strategic processes that give priority to re-enforcing the legitimacy of victims grievances and their dignity following violent conflict, and at the same time establish sustainable reconciliation processes.

KEY ISSUES

(i) There is a need to problematise the relationship between justice and reconciliation. There will always be tensions between justice and reconciliation, but it is too often portrayed as an either or situation. Justice and reconciliation processes are more complex than this. In particular, there is a need to recognise:

  - There is no single agreed definition of these terms.
  - There are many types of justice and reconciliation – e.g. legal processes, community based processes.
  - Justice is often equated (especially in the west) simply to formal legal systems (courts/prisons/sentences). However, it is much more than this.
  - Approaches to justice and reconciliation, therefore, need to be based on victims own perceptions of these concepts.
  - Community justice systems are one possible approach. They often include an element of reconciliation.

(ii) Necessary conditions for reconciliation: There is a need to consider carefully at what stage and with what minimum requirements reconciliation should begin:

  - Presence of peace agreements and agreements on power sharing can create the conditions for effective reconciliation. It is also important, however, where possible, to begin a process of reconciliation before conflict has ended. The processes have to be set in motion while the conflict is raging, by identifying and working with stakeholders including victims. Victims of conflict should not be looked upon and addressed merely as victims but as stakeholders-this is part of the empowering process that will lead to reconciliation & social cohesion. The case of Sri Lanka was highlighted in this respect (see Box).
  - Reconciliation usually requires a sense of justice having been seen to be done
  - There must be some enabling processes to make the reconciliation process work. An example of this is an amnesty.
Box 1. Listening to victims during conflict: the case of Sri Lanka

Recently the government of Sri Lanka, with the technical assistance of the World Bank began a process of formulating a framework for ‘Relief, Reconciliation & Rehabilitation’. The NPC joined this initiative by undertaking a listening process through a series of workshops across 10 sectors of society. The sectors included disabled soldiers, IDP’s, NGO’s, women’s groups, business, trade unions, education sector and religious. Two main findings/lessons were that all sectors felt that nobody was listening to them and that this process was the only place where they had a ‘safe space’. The framework has many drawbacks and limitations and there seems to be a possibility that the government by going along with this initiative may have simply sought to convey its seriousness of dealing with conflict related issues. But one year is a very short time to draw conclusions of a process that needs decades to address. What the framework has demonstrated however is the possible for government, multilateral agencies, donor countries and civil society to join in a collaborative process on these issues and the potential usefulness of such a process. The listening exercise through sectoral workshops has catalysed thinking and engagement with the conflict within sectoral groups which otherwise had no space to address these issues. It has raised the visibility of victims and stakeholders and brought home the point that no one group has a monopoly on suffering.

Box 2. Reconciliation in Indonesia: current initiatives

• Drafting of legal mechanism for establishing Truth and Reconciliation Committee. The objectives of establishing The Truth and Reconciliation Committee basically are as follows:
  1. To give meanings to victim’s suffering individually.
  2. To straighten the course of history.
  3. To educate and inform the public as to the truth of a particular event under scrutiny;
  4. To investigate gross violation of human rights.
  5. To conduct impact assessment on victims.
  6. To provide avenue for sustainable reconciliation.
  7. To promote dialogue between or among parties involved.
• Preparation of the establishment of Truth and Reconciliation Committee through a series of workshop held by GOs and NGOs.
• Drafting of legal mechanism for processing past gross violations of human rights through Human Rights Tribunal.
• Drafting of Witness and Victim Protection Act, as an avenue to encourage victims and witnesses to provide facts and information about victimisation they experienced or witnessed.

Potential further initiatives

• Sensitivity training for law enforcement officers, in particular when they are faced with an issue-sensitive conflict (such as religion and ethnicity).
• Promoting the evaluation and monitoring of vulnerable groups involved in conflict, mainly women and children experiencing violence.
• Incorporating victim-oriented approach by providing assistance and remedies for victims without having to go through lengthy legal proceedings as stipulated in the ordinary civil court proceeding;
• Awareness raising among the public at large as to the threats, damages and impacts of conflicts, e.g. through:
  • Mass media (printed, audio, and audio visual).
  • Traditional performances.
  • School.
  • Local gatherings.

KEY RECOMMENDATIONS FOR DEVELOPMENT COOPERATION

A range of approaches and principles for donor support to reconciliation and justice were identified:

(i) Supporting culturally appropriate approaches: Donors should recognise that there is no universal method for reconciliation. Potential methods range from legal to community based mechanisms. Reconciliation is culturally interpreted in different ways. Donors therefore need
to support processes that are culturally appropriate and relevant, including by supporting local approaches. In many countries in the region there are traditional systems for justice and reconciliation. However, they may have been undermined and devalued by expansion of formal legal systems. Donors need to understand these systems, support them where appropriate, and influence the state to give legal recognition to and work through them to the extent possible. At the same time, customary approaches should not be seen as a panacea. They may exclude some groups, for example women, from full participation or they may be manipulated. Three case were presented to illustrate the above points.

In Indonesia, many communities still recognise customary conflict management mechanisms. This can involve warring parties coming together to publicly recognise the fact there is conflict and grievances which need to be resolved. This can contribute to a process of creating a sense of justice. In Ambon, indigenous and settler communities have initiated such mechanisms. There are therefore opportunities for donors to support such initiatives building on traditional approaches.

In Fiji, there are customary practices to reconcile grievances immediately after an offence is committed. However such practices need to be conducted at the right time and be respected by all parties involved if they are to be effective. It was also noted that customary mechanisms can sometimes have the form but not the spirit of reconciliation. For example, again in Fiji, a family may follow a traditional process to respond to rape but the women who has suffered the crime may not herself be involved in this.

In Cambodia, it was suggested that the politicisation of memory has made healing from the effects of war more problematic. For example, the museum of genocide was set up apparently in pursuit of justice but in fact is aimed more at international consumption rather than local healing. The majority of the population are Buddhist and religion requires burial for transformation of the sole of the deceased. The continued physical evidence of bones, therefore, does damage to the struggle to heal.

(ii) Supporting reconciliation as part of longer term development: Broader work on social cohesion and inclusiveness should be included as part of the reconciliation process. Stability will come only by the creation of social cohesion. Social cohesion and the building of social capital is a basic source of economic development. Donors also need to be aware of how broader development programmes interact with reconciliation. For example, it was noted that in Sri Lanka the large amounts of external assistance directed to Tamil areas affected by the war can create resentment among Sinhala populations.

(iii) Supporting amnesties and ‘truth and reconciliation commissions’: Amnesty arrangements need to be informed by international human rights standards and donors need to consider carefully the extent to which this is achieved in considering support to such processes. The establishment of Truth and Reconciliation Commissions or Committees provide an opportunity to deal with the feeling of injustices on the part of the victims and their families with regard to atrocities committed either by the state or other groups. There is potential, however, if gross abuses of human rights are not punished for a culture of impunity to emerge. Truth and Reconciliation Commissions, should not be seen as alternative to punishing those guilty of such crimes – it can exist complementary to other legal processes. The case of Indonesia was presented:

A Truth and Reconciliation Committee is planned as well as a Human Rights Tribunal. This Committee should be seen as a complementary institution side by side with the Human Rights
Tribunal to deal with this sort of case. While the Tribunal is designed to channel grievances through legal proceedings, many would admit that legal technicalities (e.g. absence of evidence) may not enable the judiciary to dispense justice, actual justice. In such cases, the Committee would play a part to reconcile the conflicting parties through its activities. One thing that must not be misconstrued is that cases investigated by the Committee do not necessarily mean that should sufficient evidence found they could not be brought to the Tribunal. Yet there is always the possibility that the victims themselves would like to withdraw charges against the culprit should they found that reconciliation is sufficient.

In order to support the work of both the Committee and the Tribunal, apparently a Victim/Witness Protection Act becomes a condition sine qua non in this context. One could still recall in Indonesia that many cases of human rights violation went unprocessed due to the absence of evidence, especially testimony of witnesses. Legal protection and assistance accorded to this group are expected to elicit their co-operation in providing first hand information, thus bridging them with the law enforcement agencies as well as creating the possibility of trust building for this agency. Nonetheless, without political will none of this could be realised. The pressure made by civil society could make a lot of difference.

(iv) Post conflict peacebuilding: Often in a post conflict situation, donors concentrate only on issues of demobilisation and post conflict reconstruction of physical infrastructure almost exclusively implemented by the government and chosen from a government dictated priority list. Often structural change needed to address the root causes of the original conflict [such as political participation] are never undertaken or implemented in a comprehensive manner. Donors are no longer interested, since the conflict and crisis has gone away. The case of Sri Lanka was cited as an example:

In 1996 government forces retook the northern city of Jaffna and donors rushed in to help build roads, water supply and schools. No initiatives were taken for conditions and a negotiated peace that could have laid the basis for a viable civilian administration. These aid programmes have been reduced to a shambles as conflict has continued and intensified.

There is a frequent misunderstanding, therefore, that peace comes when conflict ends - the reality is that new conflicts will emerge. The end of violent conflict [peace treaties etc] only means the establishment of the foundations for stability and economic development. The question that needs to be asked is what fills the gap between cease-fire and peace? Often the same thing that was missing before the conflict is what is found to be missing in a post conflict situation as well. Social packages [including looking at social history rather than political history alone] will be needed to recreate the social fabric.

(v) Supporting local ownership: donor support to reconciliation and justice processes must be based upon careful and proper consultation by donors with local communities to get their views on what is credible and legitimate. Collaborative processes [with involvement of stakeholders/victims, government, civil society, donors] to deal with issues of justice & reconciliation are needed. Donors should support communicating and disseminating the contents/meaning of peace agreements and reconciliation to wider populations. There is also a need to support groups/communities ‘learning from each other’ about reconciliation.
(vi) **Building donor capacities**: donors must allocate sufficient resources – both human and financial - in order to work effectively at the micro/macro-level and recognise that there are long term savings to be made by investing material and human capital in reconciliation. It was noted that currently most donors are constrained in understanding conflict and reconciliation at local level by insufficient human resources. Donors should also take a joint/co-ordinated and cohesive approach in their support to reconciliation processes.

(vii) **Engaging in long term approaches**: donors need to take a long term approach – because reconciliation is not achieved at any one point. Reconciliation is an on-going process – at the micro/macro level. The process is as important as the outcome.
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