

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

P.O. Box: 3243, Addis Ababa, Ethiopia, Tel.:(251-1) 51 38 22 Fax: (251-1) 51 93 21

Email: oau-ews@telecom.net.et

**4TH BRAINSTORMING RETREAT OF THE
PSC AND OTHER AU MEMBER STATES
PERMANENT REPRESENTATIVES TO THE AU**

**4 – 5 SEPTEMBER 2005,
DURBAN, SOUTH AFRICA**

**TOWARD AN AFRICAN UNION FRAMEWORK FOR POST CONFLICT
RECONSTRUCTION AND DEVELOPMENT (PCRD)**

TOWARD AN AFRICAN UNION FRAMEWORK FOR POST CONFLICT RECONSTRUCTION AND DEVELOPMENT (PCRD)

I. INTRODUCTION

1. The need for a post-conflict reconstruction and development framework has become increasingly apparent as Africa assumes greater responsibility for its affairs, in particular in the realm of peace and security. With the transition from the Organisation of the African Unity (OAU) to the African Union (AU), the continent has begun putting in place regional and continental mechanisms and institutions aimed at the prevention, management and resolution of violent conflict. The AU and the Regional Economic Communities (RECs) have put greater effort into the facilitation of negotiations for peaceful resolution of existing conflicts, as witnessed, among others, in Burundi, the Central African Republic (CAR), Comoros, Côte d'Ivoire, the Democratic Republic of Congo (DRC), Liberia, Sudan and Somalia. The result has been a steady decline in the number of active conflicts on the continent.

2. However, peace in many of these countries remains fragile, and they face numerous challenges. A combination of local, regional and international factors create numerous obstacles to successful post-conflict reconstruction. The risk of resumption of conflict in many situations is high and peace processes remain vulnerable. This reality calls for a focus of attention on measures to promote the consolidation of peace in the post-conflict phase, by undertaking successful post-conflict reconstruction and development activities that pave the way for growth and regeneration. The crafting of a framework for post-conflict reconstruction that will serve as a blue print for the consolidation of peace in the continent is, therefore, an imperative.

3. Within the emerging peace and security architecture of the AU, post-conflict reconstruction and development is viewed as a tool aimed at consolidating peace and preventing the relapse of post conflict countries into violence. One of the major challenges confronting the AU and its Member States today is defining a strategic framework and integrated programmes that provide transition countries with a template that can be adapted to their context in their endeavours towards reconstruction and stability. This concern is also shared by Africa's international partners, who agree on the need to integrate post-conflict reconstruction and development into their broader development agendas for the continent.

4. This paper outlines in a summary form the key constitutive elements of the proposed continental framework for post-conflict reconstruction and development.

II. AU MANDATE FOR POST-CONFLICT RECONSTRUCTION AND DEVELOPMENT

5. The continental organization's involvement in post-conflict reconstruction and development predates the establishment of the AU and the adoption, in July 2002, of the Protocol Relating to the establishment of the Peace and Security Council (PSC). From the adoption of the Cairo Declaration, in June 1993, which established the Mechanism for Conflict Prevention, Management and Resolution, the OAU undertook a

wide range of measures and initiatives aimed at consolidating peace in the aftermath of conflicts. The Cairo Declaration did not provide for a specific definition of the peace-building and reconstruction functions be undertaken by the Mechanism; however, it did indicate that these functions were necessary to facilitate the resolution of conflicts. The Joint OAU/IPA Task Force, established in 1995, described peace-building as a continuous process that involves a broad range of activities aimed at consolidating peace, and which seeks to address both the root causes of conflict and measures for bolstering peace agreements in the aftermath of conflict.

6. The AU is a key actor in the post-conflict reconstruction agenda of the Continent. Its mandate derives both from past practice of the OAU and Article 5(2) of the Constitutive Act, on the basis of which the PSC has been established. Among the objectives for creating the PSC was to *promote and implement peace-building and post-conflict reconstruction activities and to consolidate peace and prevent the resurgence of violence [3(c) of the PSC]*. In view of this, *peace-building, post-conflict reconstruction, humanitarian action and disaster management constitute main activities of the PSC* Article 6 (e) and (f) of the PSC.

7. Further, the Protocol delineates a number of post-conflict reconstruction activities, including the restoration of the rule of law, establishment and development of democratic institutions, and the preparation, organisation and supervision of elections in the concerned Member States. For countries that are affected by violent conflict, the mandate is extended to include *the consolidation of the peace agreements that have been negotiated, establishing conditions of political social and economic reconstruction of the society and government institutions, implementation of disarmament, demobilisation and reintegration programmes, including those of child soldiers; resettlement and reintegration of refugees and internally displaced persons; and assistance to vulnerable persons, including children, the elderly, women and other traumatised groups in society.*

8. In terms of scope, the Protocol emphasises the link between prevention of conflict and consolidation of peace, and mandates the PSC to *“take all measures that are required in order to prevent a conflict for which a settlement has already been reached from escalation”*.

9. In July 2003, the AU established a Post-Conflict Reconstruction Committee to address the huge reconstruction needs in the Sudan as it emerges from conflict, in acknowledgement of the fact that failure to do so would increase the likelihood of that country sinking back into conflict. The Committee has mapped out a strategy that should guide AU's contribution to post-conflict efforts in the Sudan.

III. RATIONAL FOR A FRAMEWORK ON PCRD

10. The rational for a framework on PCRD is premised on four elements:

11. A strategic and normative imperative: Given the complexity of post-conflict reconstruction initiatives, an agreed framework that would help all concerned collectively to unpack this intricate concept and put in place a continental template

would go a long way toward providing countries emerging from conflicts with a model they can adapt to specific situations. The framework would highlight key activities crucial for the consolidation of peace, elaborate on standards of application, and provide benchmarks for measuring performance. Since Africa has already committed itself to the pursuit of a common peace and security agenda, an AU-defined framework would provide recovery efforts with a normative guide that accords with the general vision and aspirations of the continent.

12. An opportunity to consolidate peace: Across the continent, countries emerging from conflict are under immense pressure to deliver a visible peace dividend immediately after the end of the war. Yet, in most situations the translation of the commitment to peace into tangible benefits requires the formulation of comprehensive strategies that require substantial institutional and human capacity and resources, and are often time consuming. The existence of a blue print would reduce such pressure and would facilitate the fast-tracking of planning and implementation of quick-impact programmes. The proposed framework would provide a consistent and coherent strategy that could assist these countries to start their engagement with processes that seek to consolidate peace and stability, as well as deliver peace dividends to the conflict-impacted population.

13. A strategy to correct past mistakes and to learn from best practices: Experiences from past post-conflict reconstruction efforts on the continent have indicated several weaknesses, ranging from the conceptual to the strategic and operational levels. For instance, most reconstruction models have been borrowed from outside the continent, with limited, if any, involvement of the affected countries/areas or their populations. Most reconstruction programmes have focused only on limited aspects of PCRD, the most favoured being DDRR. Evidence suggests that even such programmes often lacked comprehensiveness, focusing on disarmament and demobilisation to the exclusion of rehabilitation and reintegration, or excluding entire segments of the populations. The PCRD framework should be informed by lessons learned from mistakes, as well as best practices of the past, and clearly identify the range of activities that need to be included in any reconstruction programme.

14. Means of addressing the absence of effective coordination in reconstruction: Efforts to bring about stability, consolidate peace and enable a country effectively to reconstruct itself after political turmoil and conflict are complex and require extensive and effective coordination. In some cases, the lack of coordination has led to emphasis on some priorities to the exclusion of others, further aggravating grievances in sections of the population and thereby undermining the overall goals and objectives of the reconstruction programme. Such lapses should be avoided at all cost as they could lead to instability or even to a resumption of conflict. A comprehensive PCRD framework would provide for broad strategies to facilitate the close coordination and sequencing of humanitarian, reintegration, reconstruction and development programmes adaptable to the specific context of each country.

IV. CONSTITUTIVE ELEMENTS OF A PCRD FRAMEWORK

15. The formulation of an African Union blueprint on post-conflict reconstruction and development would require substantial research, consultation and review before it can be finalised and adopted. Five issue areas, namely security; political transition and governance; human rights, justice and reconciliation; humanitarian assistance, reconstruction and socio-economic development, and resource mobilisation could be flagged as a preliminary outline of the areas and challenges to be addressed.

16. Benchmarks and indicators that relate to security should focus on activities that aim to:

- secure the society as well as its environment, including the re-establishment of territorial authority of the state, as a basis for transformation;
- facilitate the transformation of the state organs, particularly those dealing with security and justice. This should include, as a major component, the establishment and strengthening of oversight institutions for security organs;
- ensure the conception and implementation of comprehensive and well-blended programme of DDRR, as a basis for consolidating safety and security;
- address basic security threats such as the proliferation of small arms, including those in civilian possession;
- ensure the establishment of integrated approaches to capacitate communities/ and affected countries for the repatriation, resettlement (within country), reintegration and rehabilitation of refugees, the internally displaced, ex-combatants and their families, with particular attention to women victims of violence;
- ensure a nexus between security and development;
- facilitate security sector reform, including civil-military relations, right sizing the security sector and conversion of military capacity for civilian use;
- address particular security concerns of ethnic/religious minorities, and build trust and confidence across these different groups.

17. Issues of political governance and transition should be guided by the principles of inclusiveness (advocacy of pluralism), facilitation of political participation, and linkages between short-term measures and long-term perspectives (i.e. providing for national visioning). These principles should underpin the following range of activities:

- institution of strategies that guarantee broad-based participation and leadership, that determine needs and priorities collectively, and guarantee local ownership of the process;
- assisting the society/country determine its national vision and design strategies for its attainment;
- ensure the participation of all sections of society, including displaced populations, in the crafting of the national vision and all democratic processes;
- facilitate the establishment and/or restoration of democratic public institutions and civil authority, as well as legislative oversight capacity;
- initiate processes towards comprehensive capacity building at the state/institutional and non-state levels;
- establish processes that encourage on-going impact assessment to ensure corrective activities and alignments of reconstruction programmes and activities;
- addressing and dealing with the root causes of conflict;
- facilitate the creation of mechanisms that encourage the decentralisation of power and the management of resources;
- integrate continental frameworks of governance such as APRM to post-conflict recovery strategy;
- facilitate the creation of responsive and open media.

Human Rights, Justice and Reconciliation

18. This section of the PCRDR framework should allow a country/society emerging from conflict to make the critical decision as to whether to go the way of restorative or retributive justice. Either of these choices has implication for the nature of the human rights, justice and reconciliation model a country adopts. The framework should provide space for that national choice and delineate indicators and measurements for issues that:

- allow for a context-based approach to issues of human rights, justice and reconciliation;
- facilitate mobilisation of the society to ensure relevance of model adopted and its legitimacy;
- address the tension between choices of impunity and reconciliation;

- encourage and facilitate peace-building and reconciliation activities;
- allow for opportunities to invoke traditional mechanisms of reconciliation and or justice and deal with issues of reconciliation (whether this is symbolic reconciliation or substantive.);
- provide for the reform of judiciary guaranteeing its independence, professionalism and efficiency in the delivery of justice;
- provide for the use of AU structures and other international instruments to reinforce human rights, justice and reconciliation;
- improve access of ordinary citizens to justice;
- ensure the restoration of constitutional and legal rights to sections of society, including displaced populations, who might have lost them during the conflict;
- provide for the enhancement of legislative mechanisms and legal frameworks aimed at strengthening the rule of law;
- provide for remedies and compensation to victims of conflict.

Humanitarian Assistance Reconstruction and Socio-Economic Development

19. This area of the template should deal with the critical issue of ensuring a nexus between transitional assistance to rehabilitate the society (such as the reintegration and rehabilitation of returned/resettled refugees, IDPs and ex-combatants), full-fledged reconstruction and longer term socio-economic development. The template needs to focus on issues at both the macro and micro levels, i.e. development of policies, processes guiding the country from a conflict-impacted society towards stable socio-economic development, the development of institutional frameworks, structures for implementation, as well as capacity to ensure performance. The fundamental questions here relate to what to implement, how to implement it and the guarantee of an oversight capacity that aligns output to objectives. Activities in this cluster need to focus on:

- capacity creation or strengthening at national and local levels;
- determination of quick impact activities that link, and contribute to, long-term objectives;
- emergency, reintegration and rehabilitation assistance to stabilise populations;
- strategies for galvanizing international support, including resource mobilization and follow-through on donor pledges and commitments;

- issues of debt reduction;
- rebuilding social capital;
- decentralisation of revenue and scrutiny;
- reintegration of rural economy into the market;
- institute and improve revenue management and establish effective and efficient fiscal and financial regimes;
- rehabilitate social services and sectors, including education and health etc;
- ensuring the participation of various sections of society, including women, marginalized groups and displaced populations;
- strategies for the utilization of human resources capacities in the diaspora;
- reconstruction of infrastructure and other physical facilities;
- address issues of environmental degradation and the sustainable exploitation and equitable distribution of natural resources;

Resource Mobilization

20. Securing adequate and sustained international support and funding is one the most important preconditions for realizing the goals of post-conflict reconstruction. In order to effectively meet this challenge countries emerging from conflict need to have a comprehensive resource mobilisation strategy. The focus of the PCRD framework in this area will be:

- crafting strategies that draw on both internal and external resources. This requires the creation of mechanisms that enable the country to fully exploit local resources and expertise;
- establishing mechanisms that buttress local capacity by providing them with financial and skills support;
- attracting and following through with international commitments and pledges;
- regional, sub-regional and continental mechanisms to support the efforts of countries emerging conflict to develop resource mobilization strategies, project/programme proposals and negotiate arrangements with donors, international financial institutions and trade organizations.

Further issues to be considered in crafting the PCRD framework

21. Coordination and management of assistance and intervention: The successful implementation of the proposed post-conflict reconstruction and development framework will be determined by the existence of an effective strategy for the coordination of assistance to the country in recovery situation, the existence or creation of adequate capacity at the local, national and regional levels and the integration of relief/rehabilitation, reconstruction and development programmes, especially at the onset of the reconstruction effort.

22. Coordination and management of assistance and intervention: Key to coordination and management in the context of post-conflict reconstruction is the interface between concerned African countries and partners engaged in reconstruction and development. This relationship needs to be guided by the principles of African ownership and leadership, mutual accountability and solidarity. Coordination needs to occur at the strategic policy and implementation levels and the AU could play a critical leadership role in ensuring coordination for the attainment of the larger continental agenda, namely peace, security and socio-economic development. Among the issues that require consideration in the framework are:

- closely coordinated/integrated Needs Assessment and prioritisation involving all concerned actors, including the country concerned and the AU;
- linking up with RECs and other AU structures such as NEPAD to ensure that regional comparative advantage is brought to bear on the reconstruction process;
- impact measurement and injecting lessons learned into planning/implementation process;
- broad-based consultations to determine roles and responsibilities of all actors from the global to the local level and set standards and mechanisms of accountability.

23. Capacity building: In most cases, post conflict situations are characterised by limited and fragile capacity within both the state and the civil society. To jump-start the reconstruction process intensive capacity building activities should be undertaken in all sectors. This need should take into account the increasing trend of appointing expatriate personnel to key areas in many post conflict reconstruction situations. This approach does not necessarily help build local capacity and often creates resentment and confusion as multiple approaches and management styles, which are often insensitive to the socio-economic needs of the community, are enforced.

24. Integration of humanitarian relief and development: A successful reconstruction programme must be preceded by an effective humanitarian relief, reintegration and rehabilitation programme, which serves as a bridge during the transition to stable peace. Most often, significant components of humanitarian assistance programmes are not well funded. Yet, these activities are indispensable for the consolidation of peace

and creating stability, including by facilitating the safe return, resettlement and reintegration of refugees, returnees and internally displaced populations and jumpstarting livelihoods through quick impact projects. It is also critical that post-conflict reconstruction strategies remove the often blurred and overlapping categorisation affected/beneficiary populations, which is followed primarily to conform to institutional mandates of agencies and organizations. The primary challenge in this case is creating coherence and cohesion between the programmes and activities of entities dealing with relief and rehabilitation, on the one hand, and long term socio-economic development, on the other.

V. AU'S NICHE IN POST-CONFLICT RECONSTRUCTION AND DEVELOPMENT

25. One of the key niches of the AU is its ability to provide a normative framework for an issue that has been defined as a common security threat to the continent [Solemn Declaration of the Common African Peace and Security Policy Article 8 ii (m)] and as one Africa's peace and security priorities [see Report on the AU-NEPAD Consultation on Peace and Security 7-8 March 2003]. As the custodian of peace and security on the continent, the AU is duty bound to generate a blueprint for PCRD. This framework would comprise of the benchmarks, standards and indicators against which countries emerging from conflict should measure their performance as they implement their recovery agenda. The framework is intended to inject coherence, comprehensiveness and synergy in recovery situations and enhance the chances for the consolidation of peace.

26. The AU is also best placed to sensitize the international community to support and assist the continent's recovery agenda in line with the principles of burden sharing and mutual accountability. This niche is dependent on the AU developing the capacity to carry out real-time assessments on the state of PCRD on the continent, sharing such information with all stakeholders within and beyond the continent and providing effective leadership and support in taking remedial measures.

27. Countries often lose most of their capacities during conflict. Huge deficits, particularly in critical human resources and institutional capacity, are observed at the end of conflict. This has serious implications for recovery. The AU is well placed to create/identify a pool of professionals and other expertise that can be put at the disposal of countries emerging from conflict in key areas, such as the preparation of major project and programme proposals, negotiations with international financial institutions and the management of natural resources, including the awarding of concessions to international companies and foreign governments. Such capacities can be organised in the form of rosters/databases of readilyavailable and potential expertise that the AU can make available to post-conflict countries.

28. Considering the immense challenges that countries emerging from conflict face in mobilizing resources for their reconstruction programmes, the AU can leverage their efforts, *inter-alia*, by assisting them negotiate for resources, or by urging international donors to honour their commitments. More fundamentally, it can negotiate with donors the establishment of a predictable standby funding arrangement that could fast-track the implementation of initial post-conflict reconstruction activities.

29. A wide range of actors are engaged in the post-conflict reconstruction arena. The AU has the responsibility to play an oversight role and coordinate the activities of all players in order to ensure that their efforts are aligned with PCRD standards and the continent's vision of peace and security. Such oversight and coordination is also crucial in creating synergy of efforts and effectiveness, including in the utilisation of resources and preventing counter-productive activities that may jeopardise chances and opportunities for recovery.

VI. KEY ACTORS AND INSTITUTIONAL SET-UP

30. Actors in the crafting and implementation of an AU framework for post-conflict reconstruction include Departments within the AU Commission, AU specialised institutions, regional offices and field missions, the various organs of the AU RECs, NEPAD, national governments of affected countries, the United Nations and its UN specialised agencies, NGOs working on various aspects of post-conflict reconstruction, multilateral institutions, including the Bretton Woods institutions, and the bilateral donors and partners.

31. At the AU level, the PSC Protocol provides for the establishment of subsidiaries bodies as deemed necessary for the performance of the PSC functions. This provision offers an opportunity to create specialised mechanisms to facilitate the PCRD agenda. At the level of the Commission, the Maputo structure makes provision for a PCRD Unit within the Conflict Management Division of the PSD. Moreover, a recent agreement with the EU also provides for the recruitment of an expert on PCRD. These should be operationalized as a matter of urgency. In addition, a standing inter-Departmental Task Force that includes relevant AU regional and sub-regional offices, with a mandate to review developments on PCRD, could be established. This structure could be backstopped by an inter-agency Task Force led by the AU and incorporating UN agencies and other stakeholders. The inter-agency Task Force could meet twice a year to deliberate on the challenges confronting specific post-conflict reconstruction situations and countries.

32. NEPAD has also identified post-conflict as a priority area for action, in view of which the UN System has established a sub-cluster of humanitarian and development agencies in support to the development of integrated post-conflict programmes in Africa. These activities need to inform and to be integrated into the AU process. There is also a large repertoire of African expertise in the continent, as well as in the diaspora that come in the form of individuals, civic organisations such as NGOs, Faith-based organizations that could add value to the process of crafting a continental framework for post-conflict reconstruction and development.

33. At the International level, the AU could draw from a reservoir of expertise and experience during the drawing up of its framework. Furthermore, the World Bank, IMF, ADB, UNDP, WFP and the EU, among others, have developed programmes and expertise in the management of transition and post-conflict situations, and their inputs into the AU's process in developing an African strategy in these areas would be essential. UNHCR, as an agency entrusted with the responsibility for searching durable solutions to the problems of refugees, has developed a concept of 4Rs (Repatriation,

Rehabilitation, Reintegration and Reconstruction), which is being implemented at country level in Sierra Leone, Eritrea and, hopefully soon, in Burundi, DRC, Liberia and Sudan. This concept is also being expanded to include the in-country resettlement of refugees and IDPs in the case of Sudan. Finally a number of donors have expressed commitment, notably in the G8 Africa Action Plan, to provide support to post-conflict programmes in Africa as a means to promote peace, stability and human security. This support should be effectively utilized to strengthen the post-conflict reconstruction and development agenda of the AU.