



# Still Under Construction

## Regional Organisations' Capacities for Conflict Prevention

*Herbert Wulf (ed.)*

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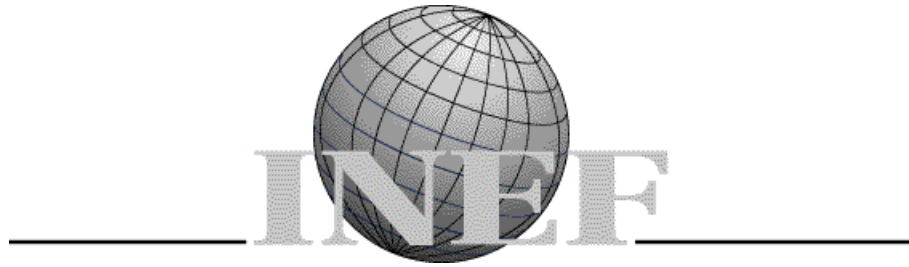
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## ABSTRACT

**Herbert Wulf (ed.): Still Under Construction: Regional Organisations' Capacities for Conflict Prevention. Institute for Development and Peace, University of Duisburg-Essen (INEF-Report, 97/2009).**

The international community has progressively tasked regional and sub-regional organisations with conflict prevention and peacekeeping. This is largely due to an overburdened UN system. At the same time regional organisations have increasingly come to accept that violence, inter-state and intra-state wars normally affect the region through destabilizing spill-over effects and that promoting peace is in their own best interest. Yet, it is argued in this report that regional organisations' peace and security functions still do not amount to an effective regional conflict management regime. Furthermore, not all regional and sub-regional organisations have begun to take on this responsibility.

The introductory chapter by Herbert Wulf summarizes the reasons why regional organisations have played such a marginal role in the past and illustrates this with examples from different regional organisations. Particularly the African Union and several sub-regional organisations in Africa are now taking on this newly ascribed role while the members of other organisations (particularly within ASEAN and ARF) remain reluctant to give up national sovereignty rights and to imbue the organisation with a peacekeeping role. The conclusion is that the role of regional organizations in conflict prevention and conflict management has been strengthened in recent years but that severe weaknesses, particularly the lack of common values within regional organizations and their lack of capacities, still limit their conflict prevention role.

This INEF report also presents two case studies on the potential and the limits of a peace supporting role of regional organisations. First, Francine Jácome gives an overview of the role of the Organisation of American States (OAS) and several sub-regional organisations in Latin America and the Caribbean and describes their conflict prevention role. This case study illustrates how important these organisations have been in preventing and resolving conflict. At the same time, the work of the OAS has suffered time and again from fundamental political differences within the organisation.

The other case study on the conflict in Timor-Leste by Akihisa Matsuno shows how irrelevant ASEAN and the ASEAN Regional Forum have been in this conflict. It was mainly the UN and a "coalition of the willing" under Australian leadership who reacted to the conflict in Timor-Leste. Matsuno discusses the structural deficiencies of the political system that led to the crisis and argues that the main task of the UN transitional administration, the building of a functioning democracy, was not achieved and local institutions were too weak and too much in competition to establish a fully functioning state.

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# The Role of Regional Organisations in Conflict Prevention and Resolution

*Herbert Wulf*

## 1. Introduction

The 19<sup>th</sup> and the 20<sup>th</sup> century can well be described as centuries of nationalism and imperialism. In contrast, the 21<sup>st</sup> century could become the century of regionalism (Clements/Foley 2008). Regional organisations have acquired new relevance during the last two decades, particularly regarding peace, security, development and the prevention or mitigation of conflict. According to the UN Charter nothing “precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations” (Art. 52.1). These regional or sub-regional agencies have been given the task to “make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council” (Art. 52.2). Despite the intentions of the UN Charter, the Cold War division made it almost impossible for the UN to pursue its role as the primary authority on internal peace and security in a constructive and forceful way. This has changed now and with the UN system increasingly overburdened since the 1990s, the newly discovered “new regionalism” (Hettne 2008) seems to rely more and more on regional and sub-regional organisations. The UN and regional arrangements are progressively engaged in a shared responsibility of peacekeeping, especially in situations of state fragility where violence is exercised by non-state actors.

The former UN Secretary-General Boutros-Ghali’s seminal “Agenda for Peace” with its call for preventive diplomacy is well documented. He called for “action to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur” (Boutros-Ghali 1992: paragraph 20) and emphasised that regional organisations should fulfil an important role in guaranteeing stability, peace and security through conflict prevention and resolution.

Regional organisations should have an immediate interest in promoting peace since inter-state and intra-state wars normally affect the region through destabilizing spill-over effects. Groups of states in a certain region ought to have, according to Buzan (1991), primary security concerns which link them together sufficiently closely that their national security cannot realistically be considered apart from one another.

In cases of conflict, regional bodies have the strongest vested interest in an immediate response to contain them. Regional organisations can play an





important role in addressing security threats and are well placed to monitor peace agreements and provide early warning. Because of the proximity of regional organisations they can function as a continental or sub-continental forum to de-escalate tensions, pacify conflicts and promote a comprehensive regional approach to cross-border issues. Reform proposals to that regard have been made (UN General Assembly 2001) and a number of regional and sub-regional organisations, especially in Africa and Europe have intensified their activities for the promotion of peace. The potentially vital role of regional organisations in peace missions is one of the firm general expectations of such organisations. The experiences in Europe have facilitated the prospects for a more active and expanded responsibility of regional organisations. However, this type of peace- and conflict-engagement have not taken place in other regions. For instance, regional and sub-regional organisations play a much less pronounced role in the Middle East and in Asia.

Within the academic discourse critical views on the possible role of regional organisations were raised by the so called realist school. They argue that, in reality, most regional organisations have no convincing record to justify the expectation of a conflict mitigating role of regional organisations (Mearsheimer 1994/95). In contrast, international relations theory emphasizing multilateral approaches of conflict resolution as well as the policymakers within the UN stress the need for an enhanced role of regional groupings. Given their present structure, institutions such as the African Union (AU), the Organisation of American States (OAS), the European Union (EU), the Association of South East Asian Nations (ASEAN), the Organisation for Security and Co-operation in Europe (OSCE), the Organisation of the Islamic Conference (OIC), the Pacific Islands Forum (PIF) and others are not in a position to exercise a monopoly of violence. However, in recent years several regional organisations have started to take over responsibilities for the promotion of peace. The EU, the OSCE and the AU have all made security interventions in recent years. In addition, early warning mechanisms have been put in place to enable regional organisations to monitor critical developments.

Nevertheless, at present it would be exaggerated to describe the regional organisations' peace and security functions as an effective regional conflict management regime. Of course, the security dimensions, and thus the task for regional groupings, vary greatly in the different regions and security arrangements are not equally relevant for all regions. Theoretically, regional organisations can have two different functions for regional peace. Classic, neo-functional theory perceives regional integration as an engine for peace (the EU model). The motivation for forming regional bodies is simple: neighbours are better off if they are friendly and do not fight wars. Diplomacy, economic and cultural exchange, possibly also soft power rather than military means are the currency of interactions. The advantage of creating a zone of peace and prosperity or "a security community" (Deutsch 1957) is obvious to all its members. The EU integration process has acted as a stimulus for other regionalist endeavours.

The second and more recent perspective is the regionalization of conflict as a reason for region-building (the ECOWAS model). Regional bodies have an interest to prevent, contain or solve violent conflicts in their region because of



the disastrous humanitarian and development effects and – not the least – because of the spill-over effects into the region. These two models are, according to Hettne (2008: 410) different but not contradictory; they belong to different stages of conflict.

This INEF research report presents two case studies on the potential and the limits of a peace supporting role of international organizations, specifically regional organisations. First, Francine Jácome gives an overview of the role of the Organisation of American States (OAS) and several sub-regional organisations in Latin America and the Caribbean and describes their conflict prevention role. The OAS is the world's oldest regional organisation, and has been in continuous existence since 1948. All 35 sovereign states of the Americas are members of the OAS. Interestingly, the OAS and sub-regional organisations in Latin America are hardly being discussed in the present debate on regionalism and the potential of regional organisations for peace and stability. The chapter by Jácome illustrates how important these organisations have been in preventing and resolving conflict. At the same time, the work of the OAS has suffered time and again from fundamental political differences within the organisation, which often found its expression in the distrust against the economic and military hegemony of the United States.

The other case study on the conflict in Timor-Leste by Akihisa Matsuno shows how irrelevant ASEAN and the ASEAN Regional Forum (ARF) have been in this conflict. It was mainly the UN and a “coalition of the willing” under Australian leadership who reacted to the conflict in Timor-Leste. Matsuno discusses the structural deficiencies of the political system that led to the crisis and argues that the main task of the UN transitional administration, the building of a functioning democracy, was not achieved and local institutions were too weak and too much in competition to establish a fully functioning state.

In this introductory chapter I will summarize the reasons why regional organisations have played such a marginal role in the past and will illustrate this with examples from different regional organisations. Furthermore, I will argue that some regional organisations are now taking on this newly ascribed role (illustrated with the case of the African Union) while the members of other organisations (particularly within ASEAN and ARF) remain reluctant to give up sovereignty rights and to imbue the organisation with a peacekeeping role. I conclude that important changes to strengthen the role of regional organizations in conflict prevention and conflict management have occurred in recent years but that there is no reason for optimism that regional organisations will be the primary actors on issues of war and peace in the medium-term future.

## 2. The Weakness of Regional Organisations

Regional and sub-regional organisations are a potentially interesting partner for the UN or the “international community” in conflict regulation. In practice, however, regional organisations often fail to live up to these expectations due to





several obstacles or weaknesses. At least five weaknesses or complications can be identified:

### **2.1 Lack of common values**

Fundamental political differences within many organisations continue to exist and result in a lack of an agreed policy of security and peace in the organisation. Most regional organisations are not based on a set of common values. The most obvious disagreement in values and norms is the contrast between democratic and authoritarian governments. Religious, ethnic, cultural and traditional cleavages might be an important barrier for agreement on a joint response to prevent conflict. For example, none of the important regional organisations, except for the EU, includes only democratic member countries. The AU is occasionally still forced into inactivity in violent conflicts because of the lingering political differences among the members. The conflict within in the Southern African Development Community (SADC) during the 1990s concerning the military intervention of some its members in the DRC was not resolved for many years. While some governments wanted to intervene militarily and did so, others insisted on using diplomatic means only. ASEAN and the ASEAN Regional Forum (ARF), which is devoted to consider questions of security and peace, have not made much progress towards preventive diplomacy and confidence-building in crisis situations. Regional cooperation is hampered by a number of unresolved territorial conflicts. Often a compromise is based on the lowest common denominator, resulting in inaction or mere lip service of the regional body.

### **2.2 Contested Sovereignty**

In many cases, the function of regional organisations remains contested with respect to the sovereignty of nation-states. Peacekeeping and conflict resolution might require intervention. Intervention, even of non-military nature, is difficult to agree upon since it contrasts starkly with the principle of state sovereignty and the norm of non-intervention. Delegating traditional nation-state authority to a regional body is opposed by many governments. The nation-state's authority is jealously guarded and its delegation to a regional body is opposed by most governments. Most regional bodies stress their character as inter-governmental organisations that might cooperate and pool resources, but still their members refrain from relocating governmental authority to the regional body. Although the AU has moved away from the approach of its predecessor – the Organisation of African Unity (OAU) – of absolute observance for non-intervention, the AU policy of international peace missions is still strongly influenced by the OAU's heritage.

The strong emphasis of the nation-state's sovereignty is still a barrier for an enhanced role of ASEAN. Members of the ARF disagree on questions of sovereignty. It is occasionally mentioned that the countries of the Asian-Pacific region have a unique approach of regional cooperation, stressing informality, discretion, consensus building and non-confrontational bargaining styles. This is perceived to be in contrast to the more formal and norm-based European notion. Within ARF members have contrary views as to which extent the

regional body should be tasked with conflict mediating roles. Many members strongly resist handing over sovereignty rights to ASEAN or ARF.

### 2.3 Overlapping Responsibilities

The respective missions and the geographic reach of continental and sub-regional organisations are unclear and often competitive. Even the term region is not uncontested. Hettne (2008: 403) argues that after decades of academic discussion there is still no consensus about what is to be meant by *region*. It seems accepted that region is more than mere geography but nevertheless it is necessary to retain a territorial dimension to make sense of the concept. Regional organisations might be considered as emerging formations rather than as given subsystems of the international order.

In practical terms, there is much scope to improve cooperation at the global, continental, regional and national level. Especially the interplay of regional and UN operations can be improved. This is especially the case when geographically overlapping organisations exist such as the EU, OSCE and NATO in Europe. In addition to the continent-wide AU, there are eight sub-regional organisations in Africa: the Southern African Development Community (SADC), the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Development (IGAD), the East African Community (EAC), the Common Market for Eastern and Southern Africa (COMESA), the Economic Community of Central African States (ECCAS), the Communauté Economique et Monétaire de l'Afrique Centrale (CEMAC), the Community of Sahel – Saharan States (CEN-SAD). The countries' membership is partly overlapping.<sup>1</sup> In the Middle East most states are members of various organisations like the Organisation of Islamic Conference (OIC), the Arab League, but also ASEAN or the Gulf Cooperation Council; these organisations all have different political stakes and economic and cultural interests in the region. Even in cases of largely identical memberships as within the EU and NATO the role of these two organisations in cases of crises has been far from clear and their division of labour highly controversial as the Kosovo war in 1999 and the Iraq war in 2003 demonstrated or as can be gathered from the continuing debate and competitive behaviour regarding ISAF and Operation Enduring Freedom troops in Afghanistan.

### 2.4 Lack of Capacity

The absence of adequate institutions and procedures and the lack of capacities (human, material and financial) is a weakness of many organisations. Most regional organisations, and sub-regional ones in particular, are characterised by an absence of adequate institutions to implement decisions, for example to execute sanctions. They lack military muscle to project force if required in a crisis situation. However, the lack of military power might even be an asset

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<sup>1</sup> For a list of the organisations and their membership see European Parliament 2008: 41-42.





since it forces regional organisations to get more active and efficient in preventive diplomacy. Lack of strong military forces can prevent a too hasty resort to military intervention. Even in the EU which has undertaken efforts to build up its own military capacity, it is accepted wisdom that current levels of troop deployments to the various peacekeeping missions represent the maximum of what the Union is able to muster. ASEAN, with virtually no peacekeeping facilities of its own, is a case in point too. Another recent example is Africa: In Darfur, by August 2004, when the killings of civilians were still at a very high level, there were fewer than 300 AU soldiers in place to guard an estimated 1.5 million Darfuris driven from their homes by government-backed militias. Only by mid-2005 had the AU peacekeeping forces been increased to 3,000 troops. By 2008 the UN had deployed more than 30,000 military, police and civilian personnel, but it was the UN that had to step in.

Many donor organisations and governments have highlighted this lack of capacity of regional organisations as a top priority to be acted upon without concern for the lack of agreed fundamental values within most organisations. It is argued here that such a policy puts the cart before the horse. Unless there is an agreed policy on how to act in violent conflicts, the policy to enhance capacities for conflict mediation and peacekeeping will only occasionally be helpful in resolving conflict.

## 2.5 Dominant Regional Powers

Dominant or pivotal regional powers play an important role in regional politics. In Latin America the regional order has been shaped for centuries by the hegemonic political and military as well as the dominant economic role of the USA. The USA was both the supporter of a regional security architecture (in its own interest) and, at the same time, the primary security threat in the region (illustrated by numerous military interventions and support for right-wing and putsch-prone militaries in several Latin American countries). This has limited the peace and conflict mediating potential of the OAS. Nevertheless, the OAS has played a role in preventing violent conflict and defusing crises in a number of international and domestic disputes. According to Herz (2008: 23), this was due to the OAS function in promoting norms of peaceful conflict resolution, information sharing for the purpose of confidence-building and stressing democratic institutional stability.

Another example of regional dominance with negative effects on regional security cooperation is India's role in the South Asian Association for Regional Cooperation (SAARC). India's approach to regionalism is built on economic rather than political or security cooperation. The Indian government has traditionally preferred bilateralisms over regionalism. India's sheer size is perceived as threatening by its neighbours. The Indian concept – based on India's economic dominance – clashes with Pakistan's concept. Pakistan insists on resolving political issues first. It is detrimental to the potential for cooperation that military force still remains an option in the region of South Asia. The conflicts have manifested themselves in several wars between India and Pakistan. But it is not only the India-Pakistan conflict which hinders security cooperation. India and Bangladesh have disputes over access to water



and contradicting claims on maritime boundaries. According to the Indian government, Bangladesh assists insurgents in Northeast India. Indo-Sri Lankan relations have been strained for many years as a result of the unresolved Tamil issue in Sri Lanka. The treatment of the Nepalese minority in Bhutan is a cause of tension between Nepal and Bhutan (Sridharan 2008).

Some sort of asymmetry in economic and military size exists in most regions. This causes anxiety among neighbouring states. But the differences in the size and influence of states in some regions may not be as intimidating as in others. Indonesia – the dominant power within ASEAN – can be seen as a contrasting example, since Indonesia “was keen to create a mechanism through which a process of regional reconciliation could take place after the *Konfrontasi* with Malaysia in 1964” (Sridharan 2008: 14). Today, ASEAN is a region with a more even distribution of power, influence and capabilities.

Regional dominant powers also play a role in Africa. In West Africa, Nigeria has taken a lead role on security and peacekeeping within ECOWAS. It is the largest and economically dominant country in the region. A study of the European Parliament (2008: 22) concludes: “[W]hile Nigeria claims to be interested in a stable neighbourhood, other West African states see Nigeria as trying to position itself as a regional hegemon.” Similarly, in Southern Africa, South Africa is economically dominant and military well equipped to play a role as regional hegemonic power. However, within SADC the political divergence between the autocratic and the democratic states continues. Hence, South Africa’s regional influence has its limits.

In addition, in many regions external powers have left their footprint. This is particularly so in the Middle East with the influence of US policy and in Asia with both the increasing role of China as well as the continued traditional US interest in the region. In Central Asia, where there is no meaningful regional cooperation, the USA, Russia and China are competing for influence and access to natural resources.

### 3. Developments in Different Directions

#### 3.1 The Paradox of Regionalism

Usually, states guard their national sovereignty jealously. At the same time, regional organisations, each in its own way, challenge narrow concepts of national sovereignty while expanding areas of sub-regional and regional cooperation. Regional and sub-regional structures and organisations, which can potentially encroach on the sovereignty of the nation-state, have been formed in all parts of the world and are still strengthening their role on issues of peace and security. Clements and Foley (2008: 857) conclude: “To be successful each regional member requires a degree of de-territorialization and de-borderization and some ceding of hard notions of national sovereignty.” The process of a reduced role of the nation-state has also been described as de-nationalization. How can this paradox of a parallel insistence of the sovereignty of the nation-state and an emphasis on regionalism be explained? The general trend of globalization, especially in economic terms and the international community’s



reactions to war and violent conflict, particularly since the end of the Cold War, has changed the basic concept of the nation-state. The reduced role of the nation-state can be observed on many levels of economic, social and cultural activity as well as in the response to global challenges such as climate change. Even the concept of nationally organised armies is being questioned. In most cases national governments can no longer take decisions regarding war and the use of force on their own (Wulf 2005). At the same time, however, the nation-state (or more precisely functioning state institutions) is seen as the primary tool or even the prerequisite for effective conflict management (Paris 2004). This approach is underlined in most UN post-conflict peacebuilding programs.

Apparently, states have to balance the advantages they derive from a steadfast insistence on unimpeded sovereignty and the potential reward deriving from regional cooperation. As a result of this calculated response by nation-state governments, ranging from enthusiasm to reservation towards regionalism, the concept and structure of regional organisations and the intensity of cooperation varies greatly across the different regions. A comparison between the EU, with its strategy of integration, and ASEAN, with its informal approach of avoiding binding obligations, serves to illustrate this point.

A complicating aspect in the establishment of regional organisations is the fact that regional organisations are inter-governmental projects based on nation-states. The European-type nation-state, however, has in many parts of the world never been fully developed. For example, the vast majority of the members of the Pacific Island Forum (PIF), most of them small island states, have only rudimentary structures of nation-states but resilient societal structures that depend on the strength of local communities and custom. This leads to a society that has been characterised as hybrid, combining nation-state and traditional features (Brown 2007). Despite the historical fact, that, on a global scale, the European-type nation-state was the exception rather than the rule, quite interestingly, many governments hold on to this nation-state concept, particularly regarding the sovereignty of the state and the state monopoly of force and are not keen about creating supranational structures (like in the EU) but want to retain their sovereignty as far as possible. In Africa, governments are strongly committed to the inviolability of the colonial borders, however irrationally these may have been drawn. With the interventions of the USA and European countries in mind, leaders in developing countries insist that the two principles of sovereignty and non-interference are, according to the Secretary-General of ASEAN, “the bulwarks protecting the small and the weak from domination by the powerful” (Severino 2000). Sridharan concludes that “(i)nter-governmentalism rather than supranationalism (delegation of decision-making authority to institutions above the national level) is the hallmark of such organisations, which has important consequences for conflict resolution and dispute settlement” (2008: 2). While the reflex of the strong emphasis of national sovereignty and non-interference is understandable given the colonial past of many countries of the world, this complicates conflict management at the regional level. As a rule, no adequate conflict management structures exist as yet, mainly because of a lack of agreement on common values and the hesitation to hand over responsibilities to the regional body.





In addition, regional institutions that should take the lead on conflict management are often severely hampered by wars and conflict among its members. When we consider the fact that within an organisation like IGAD in the Horn of Africa we find the collapsed state of Somalia, Sudan defying all international efforts at conflict moderation, Ethiopia and Eritrea in a state of no-peace-no-war and Uganda with its internal conflict with the Lord's Resistance Army, the impossibility of regional conflict mediation becomes apparent. Quite obviously, IGAD is compromised by conflicts and has not been in a position to develop a framework capable to cope with these conflicts (Healy 2008). The same is true for the Middle East and South-East Asia. Even in East Asia, where ASEAN has played a mitigating role in some conflicts, relations between states have long been tense and sometimes hostile.

### **3.2 Comparing ASEAN/ARF and the African Union**

Leaving aside the European Union, which obviously occupies a special place as the most advanced and integrated among the regional organisations with emerging supranational features, a comparison between recent developments in the African Union and ASEAN/ARF shows the big differences in the approaches and capacities to managing conflict among regional organisations. Of course, the AU is a continent-wide organisations connected with many sub-regional organisation all over the continent. In contrast, no such continental organisation exists in Asia.

#### **3.2.1 ASEAN/ARF: The Overriding Principle of Non-Intervention**

ASEAN was founded in 1967 primarily as an organisation to promote the economic growth of its South-East Asian members. ASEAN members and a number of other countries, both from the region and outside the region but with an interest in Asia (such as the USA, Canada and the EU) formed the ASEAN Regional Forum (ARF), the only region-wide security forum in the Asia-Pacific region. Representatives of 27 states met for the first time in 1994 to foster a dialogue on security interests and to make efforts towards establishing confidence building measures (CBM) and preventive diplomacy. The mandate of the ARF has never been to engage in peacekeeping operations.

The founding members of ASEAN aimed primarily at economic cooperation without, however, ignoring the positive effects of cooperation for security. They intended to seek regional stability and to overcome or to avoid inter-member disputes and conflicts, like the Indonesian *Konfrontasi*, the Malaysian-Philippine conflict over Sabah, Thailand and Myanmar border skirmishes, territorial disputes between Singapore and Malaysia as well as internal ethnic secessionist movements and communist insurgencies (Poole 2007, Acharya 2007). ASEAN was not a "security-oriented structure", but it facilitated and protected regime security (Narine 2002: 15). Prior to ASEAN's founding, there was no regional identity to speak of, but the members hoped to create a gradual progress towards such an identity. The later admission of the new members Cambodia, Myanmar, Laos and Vietnam (CMLV) made ASEAN a geographically more inclusive organisation. At the same time it increased the differences among



political norms within the organisation. The marginal ASEAN influence on the behaviour of the junta in Myanmar illustrates the lack of common political values within the organisation.

ASEAN has a mixed record of conflict management. Member states proudly point to their consensus on managing the withdrawal of Vietnamese armed forces from Cambodia in the late 1980s. In contrast, Indonesia's armed forces' involvement in East Timor after the referendum for independence in 1999 was hardly criticised by ASEAN. Member states had contrasting views on participating in the INTERFET mission in East Timor. Only Thailand and the Philippines, as well as Malaysia and Singapore very reluctantly joined the Australian-led forces. The newer members (Cambodia, Laos, Myanmar and Vietnam) refused to get engaged at all. Sridharan (2008: 11) classifies the ASEAN approach as not "a typical conflict-resolution mechanism, but it has evolved as a conflict-avoidance technique relying on softer elements like regional understanding and trust rather than on formalised, rules-based instrumentalities."

ASEAN members still uphold the concept of state sovereignty and non-interference. When, for example, Thailand and Malaysia suggested at the end of the 1990s to loosen the non-intervention norm, calling for "constructive engagement" in other countries (e.g. influencing the junta in Myanmar), other members of ASEAN regarded this as a hazardous move and refused to give up that rule.

The ASEAN Regional Forum has not made much progress in achieving its two primary goals of, first, preventive diplomacy in crises and, second, confidence-building. The region has been plagued by a number of unresolved territorial disputes (in the South China Sea and the Taiwan Strait), other inter-state conflicts (between North and South Korea) as well as intra-state conflicts, including ethnic, religious and separatist wars (in Aceh, Cambodia, East Timor, Mindanao, Tibet etc.) which can endanger the security of the region. In addition, many states of the region invest heavily in the modernization and expansion of their armed forces.

Within ARF two groupings of countries can be found: A first group, among them China and most ASEAN countries, has been worried about the possibility that preventive diplomacy might encroach on their sovereignty and lead to intervention in their internal affairs. They fear that so-called "humanitarian intervention" and preventive diplomacy have the potential to undermine the principle of non-interference. A second more activist group, among them Australia, Canada, the EU, the USA and Japan, stresses the importance of employig the full spectrum of early warning and response mechanisms as well as regional dispute solution, including fact-finding missions, good offices of special representatives and such security-related issues as non-proliferation, drug trafficking, terrorism, marine safety etc. (Yuzuwa 2006).

In several rounds of the ministerial meetings some gradual advancement has been made on CBM measures, such as the simple fact that ARF offers a forum to discuss the partition of Korea or that ARF is a venue to submit voluntary background briefings on regional security issues. However, the ARF is not given an independent role in conflict management. Not even an enhanced role





of the rotating ARF chair was acceptable to China. The ARF's operating rules of consensus decision-making and the diplomatic norm of maintaining a pace of negotiations and actions comfortable to all participants has prevented progress in response to crises and security concerns. In none of the major acute recent crises in the region (Aceh, East Timor, Burma, Tibet) did the ARF play an important role.

The ARF, but also ASEAN are criticised for their inadequate roles in conflict management. However, the judgement of observers varies: ASEAN's conflict-avoidance technique, its strategy of de-escalation, its promotion of regional understanding (though not based on formal rules) and its consensus techniques (by agreeing to accept disagreement on contentious issues) are recognised and honoured as the specific "ASEAN or Asian way". ASEAN "has made probably the most successful attempt at regional cooperation in the non-Western world" (Poole 2007: 4). Other commentators criticise ASEAN as remaining at an infant stage of regional security cooperation and as an organisation with lack of norm compliance due to its members' fear of losing national control over security policy (Jones and Smith 2001). ASEAN is not seen as a "security community" (with the "we"-feeling that Karl W. Deutsch highlighted), but it could become, according to Emmerson, "a pluralistic SC [security community]" (2005: 170). In conclusion, ASEAN and ARF are a long way away from taking a pro-active role in conflict resolution and can certainly not be expected to function in the near- or medium-term future as a regional peacekeeping organisation as it is being discussed within the UN.

### **3.2.2 The African Union: An Emerging African Security Architecture?**

Protracted violent conflict and the development crisis in sub-Saharan Africa led to two important African economic and security initiatives: the New Partnership for Africa's Development (NEPAD) and the transformation the OAU into the AU (Debiel 2003). The OAU had been the stronghold for upholding state sovereignty. In the AU the heads of state committed themselves to democracy and good governance, to due process, the rule of law, and human rights and pledged to intervene into grave circumstances.

In its Charter, the AU claims far-reaching competencies. Art. 4 opened up the possibility of military intervention under two circumstances: first, "pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity" and second, upon request of a member state "in order to restore peace and security". A kind of African security architecture to address African security needs seems to emerge. It consists of:

- a political decision-making body: the Peace and Security Council (PSC),
- an intelligence gathering and analyses centre: the Continental Early Warning System (CEWS),
- increasing military capabilities: the African Standby Force (ASF) and the Military Staff Committee (MSC),



- an external mediation and advisory body: the Panel of the Wise (POW) and
- a special financial fund (the African Peace Facility Fund).

The African Standby Force is still in its early stages. The AU wants to have up to five regional brigades with a strength of 3,000-4,000 troops each ready to operate as the African Rapid Reaction Force and capable of deployment anywhere on the continent by June 2010. The Continental Early Warning System is supposed to anticipate and thus prevent conflict from turning violent. However, only a few specialists have been employed so far. Thus, the early warning system is far from functioning. The African Peace Facility Fund, mutually financed by the EU and AU, provides special support with its pledge of 300 million Euros between 2008 and 2010 (Kinzel 2007).

A major influence on the development of the AU has been the operations of the Economic Community of West African States' Monitoring Group (ECOMOG) in West African conflict situations. ECOMOG was the first African regional initiative on peacekeeping in Liberia, Sierra Leone and Guinea Bissau. ECOMOG is seen as a model since, according to a study by the European Parliament, it "shows that a committed and robust regional force can bring an end to complicated conflicts. Indeed, the experience of ECOWAS in the field of peace and security offers much that the rest of Africa can learn from." (2008: 16) The first practical tests for the AU were the African Mission in Burundi (AMIB) and the African Mission in Sudan (AMIS). The two operations, however, made clear that the African Union is presently not able to carry out multidimensional stabilization operations on its own. Against this background, the UN has extended its engagement in sub-Saharan Africa.

## 4. Conclusion

Regional organisations remain, as a rule, still a collection of nation-states with a limited role in conflict management or peacekeeping. Conflict prevention and mitigation strategies have led to some important results. The balance sheet of the regional organisations' experience in peacekeeping is no reason for optimism. In practice regional organisations have proven that they are almost as awkward and inflexible as the UN itself; practical measures often fail or are forgone because of a lack of political agreement. Historical antagonisms, contrasts and differing attitudes continue to exist. Even though the lack of capacities to intervene, diplomatically or militarily, is obvious in many regional organisations, this is not considered to be the primary reason for the regional organisations' lack of effectiveness. Two causes continue to hamper regional organisations to accept the responsibility as authority in issues of peace and conflict: (1) the continued divergences in common values (foremost, the unwillingness to accept the norm of non-military conflict resolution) and (2) the fear of governments to forego some of the nation-state's sovereignty and to charge regional organisations with some of the traditional state functions.

When the international community felt that initiatives to safeguard peace or to stop violent conflict had to be taken even though the responsible regional

organization was incapable of doing so, it has resorted to four alternative strategies in recent years:

*First:* Neither of the potential international bodies was given a mandate to act upon; the problem was either ignored or pushed aside. Both the wars in Chechnya and Sudan are telling examples of this approach.

*Second:* The UN itself acted with different strategies, ranging from the Good Offices of the Secretary-General to mandating peacekeepers. Many preventive diplomacy missions and by far the majority of peacekeeping operations fall into this category.

*Third:* Instead of impotent regional organisations, coalitions of the willing were charged with the task to intervene as in Iraq (without a UN mandate) or in East Timor (with a UN mandate).

*Fourth:* Outside regional (or other type of) organisations were charged with the task of peacekeeping or peacemaking. The EU's continued assistance in the Kosovo and NATO's deployment in Afghanistan are examples of this approach.

Requesting coalitions of the willing to do the job instead of a regional organisation is a typical reaction in a situation of incapacity of the responsible regional bodies. *Ad hoc* coalitions can bridge or circumvent the gap when a lack of agreement within regional organisations appears. The disadvantage is that such coalitions can only be formed on an *ad hoc* basis. This makes long-term commitments difficult or even impossible and adds to the problem of legitimizing a peace force when members of the regional organisation object to an engagement.

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# Violent Conflict Prevention in Latin America and the Caribbean

## *The role of regional and sub-regional organizations (1998-2008)*

*Francine Jácome*

### **1. Introduction**

Within the international system, Latin America and the Caribbean (LAC) are considered to be one of the most peaceful regions in the world. Currently, the possibility of interstate conflict is remote and few tensions over territory and borders persist. The last military confrontation took place more than a decade ago between Peru and Ecuador. Recently, in March 2008, tensions between Colombia on the one hand, and Ecuador and Venezuela on the other, led to military mobilization by Venezuela which was soon cancelled. Therefore, with the exception of Central America there are few recent experiences with peacebuilding in LAC. On-going domestic violent conflict is only present in Colombia and Haiti, though there have been sporadic cases in Bolivia, Ecuador and Venezuela.

As Serbin and Ugarte (2007) have pointed out, the region currently faces political, social and ethnic conflicts, which are basically the consequence of unresolved structural problems. Some of these could eventually evolve into violent confrontations. As they point out conflict *per se* cannot be perceived negatively and it can often lead to constructive social changes. Defined as competitive interests and needs between two or more parties, it can have positive or negative consequences (Aguilera 2007). Lack of attention to its progress is generally the reason behind its negative evolution. Therefore, the main issue is how to deal with conflicts. There is a need for establishing strategies that can control them so that they do not escalate into violent confrontations. This is when violent conflict prevention and early warning systems need to come into the picture.

However, it has been noted (Ramírez 2004) that in LAC, due to the fact that social, ethnic, political and economic aspects are the roots of these new types of intra-state conflict, resolving them is much more complex and often external mediation is required. International actors, either governments or international organizations, are being called upon to intercede in many cases. This multiplicity of actors has also produced a much more complicated situation and has led to the development of a variety of mechanisms for cooperation. Additionally, non-state actors have also started playing a role in violent conflict

prevention and resolution. In what is known as “citizen diplomacy”, different non-governmental organizations and academic sectors have set up programs that deal with these issues.

The tools that have been developed for dealing with these violent conflicts are basically diplomatic and legal in nature (Ramírez 2004). Within the sphere of the first, direct negotiations, research and follow-up, mediation and conciliation as well as facilitation and verification can be included. The second set of instruments mainly works through arbitration and legal arrangements. In many cases these tools are employed by different regional and/or sub-regional integration schemes in order to contribute to the prevention and resolution of violent conflict.

In the first section, this chapter will focus on identifying the main mechanisms which have been developed by the Organization of American States (OAS) during the past 10 years in order to prevent or resolve different violent conflicts. Likewise, it will examine violent conflict prevention measures that have been undertaken at the sub-regional levels by the Caribbean Community (CARICOM), the Andean Community of Nations (CAN), the Central American Integration System (SICA) and the Southern Common Market (Mercosur).

This second section will first provide an overview of the main conflicts in each sub-region, the institutional tools that have been created in order to deal with them and will identify the new challenges they will confront in the short-term. Additionally, it will examine the Andean case in greater depth. This is a special case due to the fact that it faces multiple threats and has weak institutional capacities to deal with them.

## 2. The Organization of American States

Strengthening and promoting democracy, security and violent conflict prevention are the OAS’s central objectives. The Inter-American Reciprocal Assistance Treaty (1947) and the Inter-American Defense Board (1942) were the main mechanisms and structures that were originally set up, though they have proved to be largely ineffective. In view of this and because there are now different threats, several *ad hoc* and informal mechanisms were implemented and in 1991 the Committee on Hemispheric Security was created and became a permanent body four years later (Costa/Neves 2006).

More recently, the Inter-American Democratic Charter was approved in 2001 as well as the Declaration on Security in the Americas, which was adopted during the OAS Special Conference on Security held in Mexico in October 2003. This Conference identified a wide variety of security threats that the American continent faces which include terrorism, international organized crime, drug production and trafficking, corruption, poverty and social exclusion, democratic stability, environmental degradation and natural disasters, HIV/AIDS, attacks on cyber-security as well as access to, the possession and use of weapons of mass destruction.







The organization's structure now also includes the Secretariat for Multidimensional Security and it recently created the Department for Crisis Prevention and Special Missions. Additionally it has the program on confidence and security building measures (CSBM).

During the late 80s and early 1990s a series of conflict prevention and resolution mechanisms were implemented in LAC under OAS and UN supervision. The successful cases were those in Central America, especially Guatemala, Nicaragua and El Salvador, where special peace programs were set up with the participation of both the political leadership and civil society organizations. One of the important reasons for their success was that the work was done at the grassroots level. Though the structural causes of conflict have been approached, not enough has been done though it must be noted that for more than 15 years there has not been a relapse.

The OAS also undertook other initiatives which included the Action Programs Against Antipersonnel Mines in Costa Rica, Guatemala, Honduras and Nicaragua which were organized by the OAS' Unit for the Promotion of Democracy (UPD). In cases of interstate disputes, the OAS has organized dialogues, as in the cases of Belize-Guatemala, Honduras-Nicaragua and El Salvador-Nicaragua. It also initiated the OAS Program for the Promotion of Dialogue and Conflict Resolution in Central America.

In Haiti, after the UN peacebuilding process in the 90s, violent conflict resumed and the OAS has collaborated with the United Nations Stabilization Mission in Haiti (MINUSTAH) which was deployed in 2004 and is still active. MINUSTAH is led by Brazil and also includes military and civilian personnel from Argentina, Chile and Uruguay. Before this mission was mandated, the OAS also undertook initiatives for violent conflict prevention in Haiti, among them various ones headed by the OAS Secretary-General and the Assistant Secretary-General, the OAS Special Mission to Haiti and the OAS Special Mission to Strengthen Democracy.

Yet, this is an emblematic case of how countries lapse back into violent and armed conflicts due to the fact that peacebuilding efforts did not provide sufficient attention to the root causes of the conflict. Holding elections, disbanding the armed actors and training a new police force were not sufficient. Rampant unemployment, inequality and poverty led once again to violent and armed social as well as political turmoil.

Though Haiti is the most important case of OAS initiatives for violent conflict prevention and resolution, other countries in the Caribbean have also required the organization's attention. One is Suriname where an OAS/UPD Special Mission was needed in order to forestall increased political violence. Likewise, the OAS undertook two initiatives which prevented border disputes from escalating in the cases of Belize-Guatemala and Guyana-Suriname.

Within the Andean region, Colombia is also a case in which achievements in violent conflict resolution have been scant. Both the OAS and the UN have undertaken different programs and activities. Among those headed by the regional organization was the OAS Mission to Support the Peace Process. External actors such as the European Union (EU) have also participated through the EU Consultative Group in Support of the Peace Process. Other



activities have included the OAS/UPD Action Programs Against Antipersonnel Mines in Peru, Ecuador and Colombia.

As the threat of an escalation of violent conflict has threatened the Andean region, especially during the first eight years of the 21<sup>st</sup> century, the OAS has become increasingly active in putting conflict prevention mechanisms in place. In order to avoid violent clashes due to political, social and ethnic discrepancies, its main activities have been focused on promoting dialogue between different groups as well as electoral solutions.

In the case of Bolivia, it has displayed a series of initiatives which include the OAS/UPD Specialized Agency for the National Governance Program, the OAS Mediation between Government and Protesters (spearheaded by Argentina and Brazil), OAS assistance for the establishment of a Constituent Assembly, the OAS Electoral Observation Mission, the OAS/UPD Project for the Design and Implementation of a Conflict Prevention and Resolution System as well as the OAS Dialogue Mission which sought to promote contacts between President Evo Morales and various opposition leaders.

In the Venezuelan case (Jácome 2008), the OAS has also played an important role. In the first place, it condemned the April 2002 *coup d'état* with reference to the Inter-American Democratic Charter. In the second place, it actively contributed to preventing an escalation of violence during the April 2002-August 2004 period.

Following the April 2002 events which left 19 dead and more than 100 wounded, a number of proposals for coping with the growing polarization of the political arena and the unresolved political conflict were drawn up. Despite the initiatives launched within the country, the confrontation continued unabated and growing international concern regarding the instability and the escalation of political violence prompted an initiative by the Secretary General of the OAS for setting up a Roundtable for Negotiation and Agreements. Its main purpose was to foster dialogue between the government and opposition groups in order to deal with polarization through democratic and non-violent means.

The Roundtable was set up in November 2002. This initiative was facilitated by the OAS, the Carter Center and the United Nations Development Program (UNDP), and backed by the Group of Friends for the Support of the OAS Secretary General (representatives of the UN and the governments of Brazil, Chile, Mexico, Portugal and the United States). Its agenda focused on three issues: trying to find an electoral solution to the political crisis; disarming the civilian population; and creating and starting up a Truth Commission to investigate the April 2002 events.

Regardless of how the scope and compliance with the agreements may be assessed at present, during this period it is considered that the presence of this Roundtable was effective in preventing the violence from escalating further. As a follow-up, the OAS also dispatched several electoral observation missions, as did the Carter Center, during elections held in the 2004-2007 period.

The OAS also played an important role in Peru in the late 1990s, when the electoral process controlled by President Alberto Fujimori could have possibly





instigated further political violence in the country. To this end, the OAS installed a High-Level Commission and an Electoral Observation Mission in order to provide an assessment as to the transparency of the elections. In the short term, the Commission determined that the results had been manipulated by the government. The subsequent runoff election was boycotted by the opposition, within a few months the President resigned and a transition government was installed. Political stability was regained in the country to the point that then President Toledo was able to complete his 2001-2006 period in office despite public approval rates of less than 10%.

Though the OAS has been successful in some cases, it has been unable to show significant accomplishments in Colombia and Haiti to the point that extra-regional actors have had to be called in. Though the OAS has set up new programs and structures in order to deal with the new sources of conflicts and violence which threaten the American continent, growing internal fragmentation, due to a large degree to political confrontation between the governments of its Member States, have undermined its presence and possibilities of dealing effectively with the region's growing problems.

### 3. The Role of Sub-Regional Organizations

In view of what some consider a growing crisis within the OAS, in the past years there has been an inclination to look towards sub-regional integration schemes and highlight the role which they can play in facing current threats. However, a closer look at how they have dealt with these issues shows little progress.

#### 3.1 The Caribbean, Central America and the Southern Cone: An Overview

The Caribbean is the most heterogeneous and fragmented sub-region within LAC. There are important ethnic, cultural and language differences in some cases even within countries, such as the cases of Trinidad and Tobago, Guyana and Suriname, among others. Likewise, historically, there have been cases of asymmetrical intervention by external actors. The invasion of Grenada in 1983 and the ongoing confrontation between Cuba and the United States (US) are clear examples. Within the English-, French- and Dutch-speaking Caribbean there are few cases of widespread domestic violent conflicts. Exceptions are Haiti, discussed previously as well as Suriname, Guyana, Jamaica, and Trinidad and Tobago where ethnic and political tensions have led to outbreaks of violence. However, transnational criminal networks are expanding their activities in the sub-region, even managing to some of the governments and their financial systems, including offshore banks, as in the cases of Dominica, St. Vincent and the Grenadines, among others (Jácome/Milet/Serbin 2005).

At an institutional level, the Regional Security System (RSS) was established in 1982 by Barbados and CARICOM countries. In addition, the Community's framework also includes the Caribbean Disaster Emergency Response Agency,

the Caribbean Information Sharing Network and the US Coast Guard's Caribbean Support Tender.

Within LAC, CARICOM has been the most active in conflict resolution and prevention. It was involved in mediation between Guyana and Suriname as well as during elections in Trinidad and Tobago. However, its most important role has been in the Haitian case. During the unfolding of the crisis between then President Aristide and opposition groups in the 2001-2004 period, CARICOM established Fact-Finding Special Missions as well as a Task Force. As violence escalated it also participated in joint missions with the OAS. However, in the end the organization was bypassed by the US intervention in February 2004 and later by the MINUSTAH mission as well. It was widely felt that if external actors would have allowed CARICOM to continue mediating, it could have negotiated a better solution which would not have required external intervention. The "diplomatic impatience" of external actors was widely criticized (Jaramillo 2007).

Currently CARICOM also has a joint facilitation process with the OAS in the border dispute between Belize and Guatemala (Jaramillo 2007) in which the promotion and facilitation of CSBMs play an important role. HIV/AIDS is considered as a very important threat to the region, in view of which the organization has set up the Pan Caribbean Partnership Against HIV/AIDS. Additionally, it has put together the Regional Crime and Security Initiative.

These efforts notwithstanding, the Caribbean will be facing new forms of violence stemming from both domestic and international issues. After 9-11, the US is exercising more control in the area. In addition to its borders with Canada and Mexico, the US perceives the Caribbean as a "Third Border", especially due to its role in drug trafficking between South and North America. Therefore, policies are centered on making the Caribbean "a confidence zone" (Jaramillo 2007). Together with the Southern Command, the different CARICOM mechanisms mentioned above participate in the Tradewinds exercises, held annually in order to prepare participant countries for combating transnational organized crime and drug trafficking as well as for natural disaster response. The US has also set up Cooperative Security Locations in the Netherlands Antilles.

The new US government will have to deal with several issues regarding its presence in and interaction with the sub-region. The most important are US relations with Cuba even though it is improbable that in the short term it will end its embargo or close down its military base in Guantanamo. Regime change will probably continue to be the most important issue on the bilateral agenda. Other issues are related to US military presence in Vieques, Puerto Rico.

It is important to note that the Caribbean also cooperates with the EU in areas such as drug trafficking, governance and economic issues. The main European concerns are the offshore banking and money laundering activities, though there is increased tension due to the pressure from the EU (Jaramillo 2007).

It can be foreseen that Haiti will continue to pose a challenge for the region. MINUSTAH will probably be present during the next few years and the current government faces serious problems due to the large number of weapons that





are in civilian hands, the continued existence of paramilitary groups, human rights issues and national reconciliation . A scenario of escalating violence is a possibility in this country, especially once the UN mission leaves. Additionally, historic interstate border tensions between Haiti and the Dominican Republic and the consequences of refugees that cross over to the Dominican side because of the political and social conflicts are most likely to continue.

The region's security agenda (Jaramillo 2007) gives priority to illegal drug trafficking and money laundering, the illicit trafficking of firearms, corruption, the transport of nuclear waste, the activities of transnational organized crime, illegal migration, national disasters and the consequences of global warming as well as HIV/AIDS. These have become the main sources of violence, and criminal rates have increased, as has social instability. All of these issues require joint actions and cooperation, especially due to the vulnerability of the island states. As will be discussed later on in the Central American and Andean cases, the global financial and economic crisis will affect remittances from those who have migrated to Europe and the US. It will also force many of these migrants to return to their countries. These aspects will have economic and social repercussions which will most probably contribute to the already existing violence at the domestic levels.

The local aspects that could see an escalation in violent conflict (Jaramillo 2007) include ethno-political tensions, especially in the cases of Trinidad and Tobago, Guyana and Suriname which have already seen sporadic explosions of violence. Political tensions in Jamaica also have had a tendency towards generating violence. Many countries also face increased rates of crime, violent deaths, kidnapping, high levels of HIV/AIDS as well as the combined impacts of transnational crime as well as the trafficking of drug and firearms.

As was previously noted, important developments have unfolded in Central America regarding the peace accords of the 1990s. Despite renewed attention to decade-old border disputes, the regional integration process has moved forward. The Framework Treaty on Democratic Security in Central America (TMSDCA), approved in 1995 as part of the peace process, has been operating adequately.

It is important to note that within the framework of the TMSDCA, the Central American Security Commission meets regularly and develops cooperation programs. It has recently identified five priorities for regional cooperation: prevention of violence and rehabilitation of youth, illegal trafficking of persons, demining and treatment of mine victims, activities associated to drug trafficking, and CSBMs. The Commission has developed programs which are considered important mechanisms for violent conflict prevention such as the study of peaceful conflict resolution, crisis management and peacekeeping, the Annual Program for Confidence-Building Measures and the Central American Mechanism for Information and Communication for Security (Jácome/Milet/Serbin 2005)

In the short term, it can be said that there are five areas in Central America where there are unresolved conflicts that could possibly escalate to violence (Aguilera 2007). The first is related to socio-economic aspects where there are unresolved issues related to income inequality, labor, access to water, health,



education, migrations and rural areas. Those concerning political aspects are closely related to the erosion of legitimacy of political parties, corruption and the weakness of political institutions. Conflicts related to participation and the environment, which include such aspects as the rights of indigenous nations, protection of the environment, women's rights, integration into the global world and economic policies. Fourth, those dealing with public security which include drug trafficking and other forms of organized crime and, finally, the special case of the youth gangs (*maras*) which have been spreading throughout the region.

Another important challenge which Central America will face in the next years is a consequence of the global financial and economic crisis. In many of these countries significant parts of the population depend on the remittances they receive from family members who have migrated, for the most part, to the US and Europe. The crisis will have two important consequences. In the first place, less financial resources will be coming in and secondly, many of those who migrated will have to return. This will have an impact on the already high rates of poverty and inequality. Therefore it can be foreseen that socio-economic and political tensions will intensify and may result in violent confrontations. As pointed out before, governments and political parties have been weakened and will probably be unable to respond and to effectively channel these tensions.

Therefore, it has been stated (Aguilera 2007) that Central America has gone from one type of conflict to another, but that it is learning to cope with them. One of its main challenges is the consolidation of democratic governance through violent conflict prevention.

As for the Southern Cone, border tensions and disputes declined significantly during the 1990s. This was basically the result of a series of diplomatic initiatives that promoted collaboration, transparency and non-violent conflict resolution. In 1998, the presidents of Mercosur countries together with those of Bolivia and Chile signed the Political Declaration of Mercosur, known as the Ushuaia Protocol on democratic commitment, which included the creation of a peace zone. Additionally, regular Meetings of Interior Ministers were established. This represents the broader structure which is devoted to dealing with the main security issues that Mercosur faces. Other sub-regional mechanisms are the Mercosur Exchange of Security Information System, the General Plan for Reciprocal Coordination for Regional Security and the Police Training Coordination Center.

In 2007, the First Meeting of the Ministers of Defense of South American nations and the Meeting on Security and Defense of the Amazon were held. The latest mechanism to be developed is the South American Defense Council, approved in December 2008 within the framework of the newly established Union of South American Nations (UNASUR). This Brazilian initiative seeks to promote a forum for political discussion and includes conflict prevention among its main objectives.

In the case of Mercosur, it is generally agreed that the integration process has contributed to the strengthening of ties between member countries and that a scenario of armed interstate conflict is highly improbable (Ugarte 2007). Close ties have been established between members' Armed Forces, largely due to the



priority given to CSBMs and joint military exercises. In 1995 Argentina and Chile established the Permanent Security Committee which includes representatives of the ministries of Defense and Foreign Affairs as well as academics. As of 1997, Brazil and Argentina created the Permanent Mechanism for Consultations and Coordination and in 2005 Argentina and Chile established a Joint Peace Force.

Likewise, the cooperation of Mercosur members in joint peacekeeping missions is also notable, particularly in the case of MINUSTAH. But this has not been restricted only to interstate relations. Member states have also contributed favorably to the resolution of domestic crises, such as in the case of the Paraguayan political crisis in 1999 and the December 2001 events in Argentina.

Within the framework of the US security agenda and its list of terrorist groups, the other threat in LAC is located in this sub-region, the “Triple Border” of Paraguay, Brazil and Argentina. Though it has been recognized that there are no terrorist activities *per se* in this area, it is assumed terrorist groups elsewhere might be profiting from financial assistance coming from the tri-border area. Various sub-regional and international mechanisms have been set up in order to deal with this issue (Moreira 2006; Ugarte 2007).

Coordination between the three countries in police, security and intelligence areas have been set in place. One is the “3+1 Meetings” between authorities of the three Southern Cone countries and the US that have resulted in joint anti-terror programs. Likewise, within Mercosur two *ad hoc* working groups have been created with the objective of monitoring terrorist activities. Furthermore, Mercosur has established its Regional Intelligence Center. Additionally, Brazil has signed Mutual Legal Assistance Treaties with Mercosur, the United States, France, Italy, Peru, Spain, Uruguay, Colombia and Portugal as a means for dealing with organized crime.

Ugarte (2007) has pointed out that in the short-term the possibilities of an international armed conflict or of domestic violent or armed confrontations are practically non-existent in the Southern Cone. Therefore, there are important contrasts with the other sub-regions, especially the Andes as to the possible sources of violent conflict.

Neither social conflicts, drug and firearms trafficking nor transnational organized crime have the potential of triggering violent conflict (Ugarte 2007). Though in this last case, Paraguay is a case to be monitored due to the presence and financial power of organized crime networks. Therefore, the main issue in this sub-region is public security. The cases of extreme urban violence in the Brazilian cities of Rio de Janeiro and Sao Paulo are the most relevant cases and it must be taken into account that they are closely related to drug trafficking, the possession of firearms and the presence of gangs. Hence, what can be expected in the Southern Cone are local conflicts but not national or interstate problems (Ugarte 2007).

### 3.2 The Andean Region

Without a doubt, the most serious case of conflict in LAC is the Colombian one. As previously discussed, the country faces an on-going civil war which has





lasted for more than 40 years. The different guerilla groups have been put on the US list of terrorist groups and are considered a threat not only to this nation, but also for its neighbors and the region. What is known as the “spill-over effect” of the violence is being felt by neighboring countries, namely Ecuador and Venezuela and to a lesser extent Brazil.

Ever since the implementation of “Plan Colombia”, the country’s relations with its neighbors, especially Ecuador and Venezuela, have deteriorated and been subject to increasing tensions, for various reasons (Bonilla/Moreano 2007). In the first place, the current governments of Ecuador and Venezuela disagree with the strategy that the Colombian government is using vis-à-vis the guerrillas and drug trade, particularly in view of the fact that this strategy is driving both the guerillas and the drug trade into the territories of Colombia’s neighbors, thus creating serious problems and violence on their side of the border. Secondly, both Colombia and Venezuela believe that the other is interfering in their internal political affairs and either tolerates or even backs groups that oppose the government.

In the short term, it can be foreseen that ethnic and social issues could lead to new tensions and violent conflicts in Bolivia and Ecuador. In both countries, there have been *coups d’états* which have replaced democratically elected presidents with both civilian and military officials. It must be noted that in many cases these coups have been promoted and even led by broad-based social movements that are later excluded from power-sharing. In the past twelve years, Ecuador has been the most unstable democracy in Latin America with eight different presidents, three of whom were removed by Congress and street protests. Though indigenous movements have been important forces for democratizing these societies, they have also been known for their disruptive strategies that in many cases have led to violent confrontation (Bonilla/Moreano 2007). The peasant massacre in Pando, Bolivia in mid-2008 is the latest example of a series of violent outbursts.

The CAN has formally designed different mechanisms for dealing with growing conflict. During the past few years, its members have approved several instruments such as the Andean Charter for Peace and Security, as part of the Lima Commitment (2002), Decision 587 “Guidelines for Common Andean Security Policies” and the Declaration on the Establishment and Development of an Andean Peace Zone (2004), as well as the Joint Declaration of Ministers of Defense of the Andean Nations (2006).

At present, the Andean region is part of two “peace zones” (Bonilla/Moreano 2007). The first is the South American one which was sponsored by Brazil and signed in 2003. Its main objectives are to guarantee that there are no weapons of mass destruction in the region as well as strengthening CSBMs and democratic institutions. The other, created by the CAN in 2004, seeks to facilitate cooperation in the face of threats such as terrorism and drug trafficking, the promotion of CSBMs as well as the prevention of interstate conflicts.

However, even though formal mechanisms are in place, it has been pointed out (Celi 2007) that in practice there are no collective and cooperative actions in terms of security and that relations between countries are basically bilateral.



Celi adds that different initiatives have been formally approved within the framework of the CAN, but lack institutional structures able to process, prevent and resolve violent conflicts. Such is the case, as of late 2008, of Decision 587 as well as the establishment of the Andean Security Network.

CAN's contribution in the Colombian case has been practically non-existent. In the Andes, this armed conflict has been dealt with primarily through bilateral mechanisms (Bonilla/Moreano 2007). Although Bi-National Border Commissions and Bi-National Border Attention Centers have been established with both Ecuador and Venezuela they have not been operating. A clear sign of this were the tensions in 2008. It can be said that in this sub-region what is required for violent conflict prevention are basically early warning, confidence building measures, establishment of peace zones and monitoring (Bonilla/Moreano 2007).

Despite the CAN's institutional innovations, political and ideological confrontations between governments have led to increasing fragmentation within this sub-region. On the one hand, there are those considered to be radical leftists (such as Bolivia and Venezuela), and on the other is a group of governments thought to be pro-US (which include Colombia and Peru). Ecuador, though considered as part of the first group, tends not to align itself completely. It must also be noted that Venezuela formally left the CAN in 2007, thus creating an important void within the organization. Additionally, it created its own integration scheme, the Bolivarian Alternative for the Americas (ALBA) which includes proposals such as the setting up of a South American Armed Force in order to challenge a possible US invasion of a member country. Prevention of violent conflicts and the development of CSBMs are not on its agenda. This new "alternative" integration scheme weakens the CAN and may in the short or medium term compete with the recently created UNASUR.

Therefore, for the CAN survival is its main priority at the moment. It can be foreseen that in the near future it will not be able to deal with domestic and international tensions and conflicts, especially those that have a potential of becoming violent.

At the domestic level, the majority of countries in the Andes are facing increasing internal crisis, characterized by the development of internal armed conflicts, growing social tensions, political confrontations of varying magnitudes and the possibility of regional spillover of the Colombian internal conflict. This area has plunged into an acute social and political crisis that threatens its fragile democratic processes and turns it into a breeding ground for domestic and, eventually, regional armed conflict situations. This is compounded by the presence of the drug trade, transnational organized crime, and intensified ethnic confrontation, especially in Bolivia and Ecuador.

Another problem which Andean countries face is the involvement of the Armed Forces in national politics which can lead to institutional breakdown and would be very dangerous in the event of violent political and social conflicts. Civilian control over the military has deteriorated considerably. In Ecuador and Bolivia, though civilian regimes have consolidated in the past decade, the Armed Forces continue to play an important role in politics





(Bonilla/Moreano 2007). In Venezuela, constitutional and legal reforms have allowed the military to play a much more active role.

Hernández (2007) has pointed out that within the Andes, economic inequity is associated with growing rates of political violence and public security, which include an increase in homicides. Likewise, the absence of consolidated democracies is associated with violence due to the fact that if there are problems in channeling conflicts by democratic and institutional means, it is much more probable that discontent can generate collective violence. Likewise, as criminal levels increase, there are more possibilities that they will have violent outcomes. Economic crisis set the framework for the collapse of political regimes elsewhere, which in many cases are violent. The near future may provide additional examples in this sub-region.

In the Andes, the resort to violence for the resolution of conflicts has been frequent (Bonilla/Moreano 2007), Colombia being the most important case, but also in Bolivia as of 2003 and, sporadically, in Venezuela, Ecuador and Peru. It must also be noted that all these governments used violent means for controlling rising social and political tensions.

Additionally, due to high oil prices, there has been a trend in the Andes towards authoritarian and paternalistic governments that receive popular support due to their oil revenues (Montúfar 2007). However, as prices go down at the end of 2008, they will have less revenue and will have to apply adjustment programs which will affect their spending on social programs. This will lead to social and political unrest which will probably be dealt with through repression and it can be foreseen that governments will resort to violent means in order to control unrest.

At the international level, the importance of the US in the sub-region is undeniable and has accelerated fragmentation within the CAN. Whereas, Bolivia, Ecuador and Venezuela are led by governments that advocate anti-US sentiment, Colombia and Peru have close relationships with the US. The US security policies centered on the war against terrorism and drug-trafficking have divided this sub-region. Therefore, it is difficult to expect that cooperation among these countries can be developed in the short term in order to promote violent conflict prevention.

It has also been pointed out (Celi 2007) that US policy towards the region has focused primary on military and police assistance and that very little attention has been given to development projects, which would be the most important ones in order to confront the root causes of conflict that could lead to violence in the future.

US interests in the Andes are focused on Colombia. However, other matters have also been added to its agenda (Bonilla/Moreano 2007). These include the need to prevent the reappearance of subversive groups in Peru, namely the Shinning Path and the Tupac Amaru Revolutionary Movement, the emergence of "neo-indigenous" groups that oppose the eradication of coca plantations, the presence of the Colombian guerrillas in Ecuador, Peru and Venezuela as well as the proliferation of what US has termed "radical populist" leaderships.



The regional repercussions of the conflict in Colombia also have to be considered (Celi 2007). In the first place, the conflict has led to an increase of trans-border violence which poses a threat for regional peace due to the fact that there could be a progressive regionalization of violence. In the second place, military spending, especially on the part of Colombia and Venezuela, has increased substantially. Against this background, a scenario of violent interstate conflict cannot be ruled out (Celi 2007), and could be bilateral (Colombia-Ecuador, most likely, or Colombia-Venezuela) or multilateral (Colombia versus Ecuador and Venezuela). As a matter of fact, the main conflict scenario which the Venezuelan government and Armed Force prepare for is a bilateral war with Colombia.

Another important new source of future conflicts in the sub-region is associated with energy (Montúfar 2007). Bolivia, Colombia, Ecuador and Venezuela export oil and gas. The last has important oil and gas reserves, as does Bolivia. It has been pointed out (Montúfar 2007) that the sub-region's countries possess 74% of the continent's oil and gas reserves. Therefore, the weight that the Andes have as far as energy is concerned both for South America as well as for the whole continent cannot be denied. Though this will be now conditioned by the world financial crisis, it will still be an important issue, and access to these resources could be a new source of tension and conflict between countries, as has already been the case for instance between Brazil and Bolivia as well as Ecuador.

The Andes are an example of the consequences of regional disintegration and fragmentation. It has been pointed out (Palma 2007) that there is a tendency that increased levels of disintegration produce more insecurity and this leads to the increase in violence. This is the current situation in this sub-region and there is no indication that this trend will be reversed in the near future. As seen above, cooperation among countries has decreased, especially due to the political differences among their leaders. Current security threats are basically of a transnational nature and therefore cannot be adequately dealt with at the level of the individual country.

In addition, "traditional" interstate conflicts cannot be totally ignored. Bolivia still seeks access to the Pacific through what is today Chilean territory just as Venezuela has not resolved its disputes with Colombia and Guyana. Therefore, in the case of the Andes it has been suggested that there are three scenarios for the years ahead (Hernández 2007): stability within the framework of current instability, collaborative security and increased levels of instability.

## 4. Conclusions

The current situation in the different LAC sub-regions, especially in the case of the Andes, indicates that violent conflict prevention is an important issue and that if awareness of this is created among political and social actors, it may not be necessary to discuss or implement peacekeeping and peacebuilding initiatives in post-conflict situations in the near future. In this sense it must be noted that during the past five years the OAS has played an important role in

developing conflict prevention mechanisms, especially in the area of defending and strengthening democracy.

However, in the near future, in the region could confront an escalation of violence, due to social and political polarization especially in the Andean region and more specifically in Bolivia, Ecuador and possibly Venezuela. The combination of social and ethnic unrest, poverty, growing unemployment and an extremely unequal distribution of income has led to mobilization that frequently becomes violent and employs undemocratic means. Therefore, these situations will require short- and medium-term violent conflict prevention. Unfortunately, very little attention is being paid to this necessity.

Therefore, Jácome, Milet and Serbin (2005) have suggested that there are some key aspects that should be addressed in order to prevent the renewal or escalation of violent conflict in LAC. In the first place, much more attention needs to be paid to structural prevention in order to deal with the root causes of these conflicts. Haiti is an excellent example. In the second place, prevention should become a priority and for this it is important for different actors to design and implement early warning systems at the national, sub-regional and regional levels. Thirdly, it would be important for sub-regional organizations to strengthen the various tools that they have already approved. Closer collaboration with the OAS could also be an important contribution. In this sense, more institutionalization of these mechanisms is required in order to prevent the predominant use of *ad hoc* initiatives.

Jácome, Milet and Serbin also state that LAC need to “rethink” violent conflict and its sources in order to design tools that can effectively deal with these new challenges. These include the increased urban violence closely associated with gangs, drug trafficking and organized crime; public insecurity; the use of non-democratic and often violent means for expressing social and political discontent; and access to natural resources and land. Another area that requires attention is the growing role of non-state actors and more specifically of civil society organizations (CSOs). In this sense the authors posit that CSOs can contribute to violent conflict prevention in areas such as defining and proposing strategies, participating in early warning, monitoring and assessing the implementation of peace agreements and programs, as well as designing and implementing dialogue between different social and political actors.

Of the four sub-regions, the Andean one is the most prone to violent conflict, be it intrastate and interstate. It has been pointed out (Celi 2007) that the Andean sub-region is a zone which includes the presence of guerrillas, drug traffickers, paramilitary groups and the Armed Forces of several countries. It is expected that violence will probably deepen and extend, thus threatening peace and security at least at the South American level.

Within this framework, it has been proposed that LAC could learn valuable lessons and gain assistance from the EU (Celi 2007). In this sense, establishing closer ties with Europe on issues related to security and the prevention and resolution of conflict could be considered as an important step in the near future. During the past years, steps in this direction have been taken especially by different organization in both France and Germany. Two examples are the





Dialogues for CSBM organized by the Friedrich Ebert Foundation (FES) and the Forte de Copacabana Dialogues between Europe and LAC.

What is considered as a particular asset (Celi 2007) is that the EU has a different approach towards the region compared to the US. In the first place, it promotes issues related to the environment, migration, trade and investment as well as cooperation in development. Secondly, it promotes multilateral sub-regional integration processes, avoiding the bilateral and continental approaches favored by the US. In this sense, it has carried out initiatives with the CAN and Mercosur as well as with Central America and the Caribbean.

In conclusion, the region as a whole requires changes in the paradigms that guide debates on the prevention of violent conflict. It has been posited (Jaramillo 2007) that the causes of conflict, especially those which can escalate to violence, are cumulative and that therefore prevention should take into account the three interrelated aspects of development, governance and the promotion of a culture of peace.

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## Annex

### Violent Conflict Resolution and Prevention in LAC

#### Resolution Mechanisms

##### *Andean Region*

1. Colombia
  - UN High Commissioner for Refugees (UNHCR)
  - UNDP
  - UN High Commissioner For Human Rights
  - UN Assistance in establishing a Group of Friends for Negotiations with the *Fuerzas Armadas Revolucionarias de Colombia (FARC)* and the *Ejército de Liberación Nacional (ELN)*
  - OAS Mission to Support the Peace Process
  - European Union Consultative Group in Support of the Peace Process
  - OAS/UPD (Unit for the Promotion of Democracy) Mine Action Programs in Peru, Equador and Colombia
  - UN Facilitation in Dialogue between Venezuela and Guyana

##### *Caribbean*

1. Haiti
  - Joint OAS/UN International Civilian Mission
  - UN Peacekeeping Force with RSS participation
  - UN Resolution 1529: Multinational Interim Force
  - UN Resolution 1542: Stabilization Mission which included peace forces from more than 20 LAC countries
  - MINUSTAH: UN/OAS Peacekeeping force led by Brazil
2. Suriname
  - OAS/UPD Special Mission
3. OAS Belize-Guatemala Facilitation Process
4. CARICOM International Mediation between Guyana and Surinam

##### *Central America*

1. Nicaragua
  - UN Observer Group in Central America
  - UNHCR

- UN Observation Mission for the Verification of Elections
  - OAS International Support and Verification Commission
  - OAS Technical Cooperation for Peace and Re-assimilation Program
2. El Salvador
    - UNHCR
    - UNDP
    - UN Observer Mission, later UN Mission
  3. Guatemala
    - UN Verification Mission
    - UN National Transition Volunteers Program
    - OAS/UPD Program for Support of the Peace Process which included the Program for a Culture for Dialogue: Development of Resources for Peace-Building (Propaz)
  4. OAS/UPD Mine Action Programs in Costa Rica, Guatemala, Honduras and Nicaragua
  5. OAS Dialogues for interstate disputes: Belize-Guatemala; Honduras-Nicaragua; and El Salvador-Nicaragua
  6. OAS Program for the Promotion of Dialogue and Conflict Resolution in Central America (PAC)

## **Prevention Mechanisms**

### *Andean Region*

1. Bolivia
  - OAS/UPD Specialized Agency for the National Governance Program
  - OAS/Argentina and Brazil Mediation between government and protesters
  - OAS assistance for the establishment of a Constituent Assembly
  - OAS Electoral Observation Mission
  - OAS/UPD Project for the Design and Implementation of a Conflict Prevention and Resolution System
  - OAS Dialogue Mission (between President Evo Morales and opposition leaders)
  - Unasur Report on the Pando Massacre
2. Colombia
  - World Bank Program for Development and Peace in Magdalena Medio and creation of the "Peasant Reserves"
  - Inter-American Development Bank: Peace is Profitable initiative





- UNDP Reconciliation and Development Program (REDES)
3. Peru
    - OAS High-Level Commission
    - OAS Electoral Observation Mission
  4. Venezuela
    - Special Mission headed by the Secretary General
    - OAS/Carter Center/UNDP assistance for the Table of Negotiation and Agreements Process
    - Carter Center Electoral Mission for the presidential recall referendum
    - OAS/Carter Center Electoral Missions during the 2004-2007 period
  5. OAS/UDP Program for Assisting Member States in promoting dialogue and peaceful resolution of disputes
  6. Andean Community of Nations (CAN): Decision 587 *Lineamientos de la Política de Seguridad Externa Común Andina*; includes the Andean Framework for the Peaceful Resolution of Controversies as well as the implementation of Confidence- and Security-Building Measures

### *Caribbean*

1. Guyana
  - CARICOM Mediation
  - UNDP/Department of Political Affairs conflict prevention program
  - UN Assistance for Social Partners Initiative and Commonwealth Facilitator
2. Haiti
  - OAS Secretary-General and Assistant Secretary-General initiatives
  - OAS Special Mission to Haiti
  - OAS Special Mission to Strengthen Democracy
  - CARICOM Election Observer Mission
  - CARICOM/OAS Election Observer Mission
  - CARICOM/OAS Initiative
  - CARICOM Special Mission
  - CARICOM Fact-Finding Mission
  - CARICOM Task Force on Haiti
  - CARICOM Prior Action Plan, backed by the OAS and European Union
3. Trinidad and Tobago
  - CARICOM Mission to Mediate in Electoral Impasse



*Central America*

1. Central American Integration System (SICA)/Central American Security Commission
  - Study of peaceful conflict resolution, crisis management and peacekeeping
  - Annual Program for Confidence-Building Measures
  - Central American Mechanism for Information and Communication for Security
2. OAS Mission to review 2008 local election results in Nicaragua

*Source: Jácome/Milet/Serbin 2005, with 2006-2008 updates by Francine Jácome.*





# Stability and Democracy in Post-Conflict

## East Timor

### *The Political System and the Crisis in 2006*

*Akihisa Matsuno*

#### **1. Introduction**

The causes of instability in post-conflict societies are varied. They include a never-ending cycle of retaliation, imperfect demobilization, disarmament and reintegration (DDR) of ex-combatants, a mismanaged security sector, imbalanced power sharing, the absence of the rule of law, rampant poverty, a high crime rate, corruption, weak governance, and a pervasive culture of violence. The list could go on.

East Timor, which became independent in 2002, also had these problems, some up-front, others just below the surface. One of the most blatant and worrying was in the security sector. The defense force and the police were institutionally at odds, and neither had yet acquired an adequate level of professionalism. Thus when in 2005 the Security Council voted against extending the UN peacekeepers' mandate for another year, despite the Secretary-General's recommendation to do so, fears were expressed in a number of quarters. The new UN mission that followed became a political mission with a reduced mandate to support the government's civilian institutions and the police, including the border patrol unit.

Eight months after the downscaling of the UN presence, the country began to slip into crisis when a split within the armed forces emerged and a large group of disgruntled soldiers deserted with their weapons. By May 2006 the fissure had evolved into a major conflict that divided not only the security services but also the political leadership and society as a whole. Faced with the imminent threat of civil war, the government called for international intervention. The death toll reached 37 and more than 100,000 persons were displaced, mostly residents of the capital who originated from the eastern region. The incapacity of the government to contain the violence and to control its own rogue elements led to widespread popular protest, finally forcing the prime minister to resign in June.

But that wasn't the end of the crisis. The disaffected soldiers continued to defy the government's call to surrender, constituting an ever-present threat to stability, while the tens of thousands of displaced, in the absence of security guarantees, refused to return to their homes. The stalemate continued for one and a half years until a shooting incident in February 2008 in which the leader



of the disaffected soldiers was killed and the President was shot and seriously wounded. Their leader dead, the soldiers finally surrendered in late April.

Did the UN withdraw too soon? The answer is probably yes, given the fact that the crisis broke out shortly after the UN peacekeepers departed the country. But the UN had been in the country for fully six years since the referendum in 1999 and would have had to leave before long. The more important question is: did the international presence over those six years empower the society to stand on its own feet and solve its own problems?

This paper discusses the structural deficiencies of the political system that led to the crisis in East Timor in 2006. The 2006 crisis revealed that the political system implanted during the transitional administration did not function as it was supposed to. The system was weak and only superficially democratic. Post-independence politics was played out within this system and ended up bringing the country under virtual one-party rule. My main argument is that what should have been the chief task of the transitional administrations, the building of a functioning democracy, was not achieved. As the case of East Timor makes painfully clear, it is not sufficient just to construct democratic institutions. The mechanisms, rules and culture that make the institutions actually work in a transparent, accountable and democratic manner also need to be established. It is not the purpose of this paper to cast all the blame at the UN's feet, but rather to attempt to draw lessons from the crisis in East Timor on how external intervention can be better executed in order to establish stability in post-conflict societies.

## 2. The Crisis – Multiple Failures

Let us look first at how the crisis emerged and unfolded and what failures were involved in the crisis.

### *“The Petitioners”*

It all began with allegations that soldiers from western districts were discriminated against by commanders from eastern districts. In early February 2006 about 400 soldiers led by Lieutenant Gastão Salsinha left their barracks in protest against the alleged discrimination and became known as “the petitioners”. The government failed to deal with the problem, and by early March the number of petitioners had swollen to almost 600, nearly half of the armed forces.

The allegations of discrimination seem to contain some truth. Top commanders mostly originated from the three eastern districts of Lautem, Viqueque and Baucau and had been dedicated guerrilla commanders during the struggle against Indonesian occupation. Young soldiers from other districts, who were mostly post-independence recruits, were often criticised for being undisciplined because of poor attendance and for not reporting extension of leaves. But what most angered these young soldiers was a statement made by a certain commander that westerners were not trustworthy, as they had not fought in the independence struggle as hard as easterners (ICG 2006: 6).



Westerners were reportedly branded as all being (pro-Indonesian) “militia’s children”<sup>1</sup>.

Soldiers’ lack of discipline was certainly an issue that needed to be addressed. But the commander’s statement was clearly an insult, an insult that was divisive and dangerous in a post-conflict society like East Timor. The army leadership should have intervened at that point to minimize the impact of the statement.

### *A Split Leadership*

The problem was poorly handled. An investigation team was dispatched but was rejected by the soldiers as not being neutral. In mid-March and with the support of the Chief of Staff, Colonel Lere Anan Timor, the armed forces commander, Brigadier-General Taur Matan Ruak, announced the dismissal of the disaffected soldiers effective 1 March. President Xanana Gusmão criticised the move but his criticism was dismissed by Prime Minister Mari Alkatiri. It was clear that Fretilin and the army leadership were united in defending the commander in question, regardless of the question of the propriety of his offensive statement.

Perhaps they saw this conflict as a battle over legitimacy against those whose loyalty to the national cause of independence was, in their eyes, in doubt. Both the army and Fretilin resented the massive rise in the administration, because of “better educational qualification” or “administrative experience”, of people who had not been active in the resistance and people who were pro-Indonesia during the transitional period. For Fretilin and others who considered themselves to be the ones who had waged the brave and heroic struggle against Indonesia, history was the major source of legitimacy, and by emphasizing their historical contribution they aimed to secure their positions in independent East Timor.

### *Easterners Versus Westerners*

In the minds of these people, westerners were thought to have been pro-Indonesian. True, some prominent pro-Indonesia leaders were from western districts, and in 1999 militia backed by the Indonesian military were particularly aggressive in western districts. But this situation was the result of Indonesian strategy and by no means indicated that people in the western districts were less patriotic than others.

In terms of political party support, the three eastern districts are Fretilin strongholds. In the 2001 election for the Constituent Assembly, Fretilin received 57.37% of the vote in the national constituency, but in the three eastern districts it got as high an average as 73.24%. Particularly Baucau (81.98%) and Viqueque (74.95%) showed solid support for Fretilin. Meanwhile, in the three western districts of Aileu, Ainaro and Ermera, Fretilin had a very poor showing,

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<sup>1</sup> “St. Xanana’s halo, and power, slipping”, *The Australian*, 7 May 2008.



garnering only 21.15%, 27.56% and 31.94% of the vote, respectively (King 2003: 753-755). The pattern remained more or less the same in the 2007 parliamentary election. Fretilin was strong in the three eastern districts of Baucau (62.8%), Viqueque (59.9%) and Lautem (45.5%), but did very poorly in the three western districts of Aileu (8.3%), Ainaro (10.0%) and Ermera (13.8%).

Westerners might well have perceived the statements about the petitioners of the army and government leadership as a declaration of war. What was at stake was not just their pride, but also their share in the victory of independence, both in the present and the future. It was soon after these statements of the government and army leaders in late March that clashes spread mainly to the western suburbs of the capital. In most cases easterners were attacked and driven out of their homes.

These events took place against a backdrop of increasingly scarce opportunities in the capital. Some westerners were said to be resentful of the large number of vendors from the east moving into Dili markets. But in the capital, geographically located in the west, easterners were “migrants”, so it was only natural that to make their way they would have to be more aggressive than the “indigenous” inhabitants. Some residents of the capital also complained that post-referendum newcomers, not necessarily easterners, were illegally occupying houses abandoned by Indonesians. But once the East-West conflict broke out, even long-time Dili residents from the three eastern districts were indiscriminately attacked and their houses burnt. The pattern of attacks showed that violence was particularly bad in outlying suburbs where incoming migrants had settled.

### *A Deadly Riot*

Tension further heightened towards the end of April. Disappointed by the response of the national leadership to their grievances, the petitioners made plans to hold a large demonstration in the capital and, strangely enough under the circumstances, got a permit to do so from Interior Minister Rogerio Lobato. To permit a demonstration that clearly threatened to destabilize national security by a group of discharged soldiers who still regarded themselves as being on active duty was inexplicable, but on top of that, Lobato himself had threatened to block the demonstrators from entering the capital by “flattening the tyres of their cars”<sup>2</sup>. It was as if he counted on the protest to descend into chaos so that the rebellious soldiers could be captured once and for all.

Incredibly, a day before the planned protest, Defense Minister Roque Rodrigues and Commander Taur Matan Ruak left for a five-day trip to Malaysia to attend a military show, leaving a serious vacuum in the management of the defense force.

On 24 April, the petitioners demonstrated, calling for the dissolution of the Fretilin government. Disgruntled former guerrilla fighters, frustrated youth and

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<sup>2</sup> “Hold Demonstrations and URP Flatten Tyres: Lobato”, UNOTIL Daily Media Review, 8-10 April 2006.



thugs joined the protest and turned it into a riot, destroying markets, shops and houses. On 28 April, the last day of the demonstration, violence erupted at the Government Palace and other places, and five civilians were killed. The defense force was deployed, and the petitioners fled to Ermera, a mountainous area to the southwest of Dili where they had supporters.

### *Major Alfredo Reinado*

The petitioners in Ermera now stood in direct opposition to the government in Dili. But the brief stand-off was upset when the commander of the military police, Major Alfredo Reinado Alves, and his followers broke away from the armed forces on 4 May, demanding that the leaders from both sides sit down together to solve the problem. He stationed his group in Aileu, a mountainous area south of Dili. Although he seemed to be sympathetic to the petitioners, he said that his group had no connection with them, and it was not clear what he wanted to achieve. He later claimed that he was acting under orders from President Xanana as supreme commander of the armed forces.

Major Reinado was said to have had problems with the army leadership when he was the naval unit commander before being moved to the military police. The exact nature of these problems is unclear, but in frequent interviews with the media from his “hideout”, he accused Prime Minister Alkatiri and his associates of being communists.<sup>3</sup>

From 17-19 May Fretilin held its annual congress, at which a group led by UN Ambassador José Luis Guterres tried to garner support for a challenge to the party leadership. The bid failed, the congress re-electing Francisco Lu-Olo as president and Mari Alkatiri as secretary-general of the party.

Soon after this, on 22 May, Reinado began to move. From Aileu, he called on Dili residents to evacuate the city. His group came down to the capital and clashed with loyalist troops in some areas which resulted in several deaths. With the threat of civil war imminent, the government called for international intervention on 24 May.

Reinado’s defection and the prospect of a civil war prompted government leaders to secretly arm civilians for the defense of the Fretilin government. Interior Minister Rogerio Lobato began arming former guerrilla fighters in mid-May, and in late May the defense force also issued arms to civilians under orders of Commander Taur Matan Ruak and with the knowledge of Defense Minister Roque Rodrigues (United Nations 2006: para. 90-97).

### *Surrendering Policemen Shot Down*

On 25 May, when the first batch of Australian troops arrived, a fatal shooting incident occurred at police headquarters. Loyalist soldiers who had had the headquarters under siege suddenly opened fire, killing nine police officers who

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<sup>3</sup> TIME Pacific Magazine, 5 June 2006.

were surrendering under UN police mediation. Major Reinado charged that the soldiers had opened fire in compliance with “Alkatiri’s massacre order”.

By that time the security sector had totally collapsed, and there had emerged two loose alliances of groups. One linked Xanana, the disaffected soldiers, the police, opposition politicians, a martial arts group (PSHT) and westerners, while the other included Fretilin, the government, the army, another martial arts group (Korka) and easterners. Virtually the whole society was now divided.

Xanana urged Alkatiri to resign. The Prime Minister refused but by way of compromise dismissed the defense minister and the interior minister. However this did not satisfy the youth, who by that time were determined to force Alkatiri to resign. Their ranks included alienated Indonesia-educated youth, students and unemployed youth. Demonstrations calling for the resignation of the prime minister continued, with high-ranking officials conspicuously taking part, while the violence spread. Foreign Minister José Ramos Horta, the popular Nobel laureate who had served as diplomatic representative of Xanana Gusmão during the struggle, declared that he was ready to replace Alkatiri if he resigned. Alkatiri defended his position, hinting in an allusion to Australia that a “foreign element” was involved in the moves to unseat him.

### *The Resignation of Mari Alkatiri*

In early June a fatal blow struck Alkatiri and Fretilin in the form of allegations by Vicente Railos da Conceição, the commander of a Fretilin secret hit squad, that Mari Alkatiri and Rogerio Lobato had ordered him to eliminate opposition politicians. The allegation was broadcast in an interview that Railos gave to the Australian radio station, and with this Alkatiri was totally discredited. Rogerio Lobato was placed under house arrest on 22 June, and the Prime Minister finally announced his resignation on 27 June. Xanana asked Ramos Horta, one of three candidates submitted by Fretilin, to replace Alkatiri on 8 July.

The resignation of Alkatiri, however, was only a step in the long road to the resolution of the crisis. Two problems remained. The disaffected soldiers led by Salsinha and Reinado’s breakaway group had joined forces, and although Reinado was arrested in July, he and his followers broke out of prison the following month. Reinado was now a cult hero among the disaffected youth and westerners and was demanding that charges against him be dropped. The other problem was the tens of thousands of still displaced people. Some of the IDP camps were under Fretilin control, and there were frequent skirmishes with westerners and Australian policemen, the latter also thought to be anti-Fretilin.

### *New Leadership, Abrupt End*

Two elections in 2007 changed the country’s leadership completely. In the presidential election Ramos Horta defeated the Fretilin candidate, Francisco Guterres Lu-Olo, and in the parliamentary election Fretilin, though remaining the strongest party, failed to secure a parliamentary majority, opening up the way for opposition parties to form a coalition government. By early August







2007 Xanana Gusmão, appointed by the new president as prime minister, formed a new coalition government. Fretilin, claiming that, as the party that had garnered the most votes it had the constitutional right to form the government, protested vehemently. There were violent attacks on Xanana supporters in the eastern districts, but these subsided as the new political framework proved to be unchangeable.

Although the elections and the subsequent formation of a new government effectively put an end to the confrontation between the political parties, the IDPs were still reluctant to return to their homes. Reinado and his followers were hiding in the hills south of Dili and were regarded by the IDPs, who were mostly easterners, as dangerous, anti-Fretilin, pro-westerner bandits who could provoke anti-easterner violence at any time. Negotiations between Reinado and the President had not produced any results, and the situation was deadlocked.

The stand-off suddenly ended early in the morning of 11 February 2008, when Reinado and his followers came down to the private residence of President Ramos Horta near the beach outside Dili. Apparently Reinado had a contact among the guards and was thus able to enter the compound. But once inside he was discovered by a guard going off duty and was shot dead. The other soldiers panicked, and in fleeing one of them shot the President, who was just returning from a morning walk on the beach. The President was seriously injured but was flown to Darwin for treatment and survived. Prime Minister Xanana's convoy was ambushed on its way to Dili by some of Reinado's men as well, but the Prime Minister was not injured.

It is still not clear why Reinado went to the President's house that morning, and the circumstances surrounding the rebel leader's death have yet to be investigated. But Reinado's sudden death and the shocking attack on the President became a turning point. The shooting incidents were perceived as an assassination plot against the two top leaders, and the petitioners were completely discredited. The government organised a joint operation comprised of the armed forces and the police and pressured the petitioners to surrender. Finally on 29 April 2008 the last group of petitioners, led by Lieutenant Gastão Salsinha, turned themselves in to the authorities. The soldiers who surrendered were cantoned, and the government declared that, having deserted their barracks, the soldiers' were now civilians. The army leadership was reluctant to accept the petitioners back into the armed forces, and therefore all the disaffected soldiers were demobilised.

### **3. Structural Problems – the Legacy of the UN's State-Building**

The escalation of this conflict can be traced to a number of mistakes made by different actors. The army and the government failed to deal with the problem in its early stages; when it surfaced they simply dismissed the petitioners, which solved nothing. The President and the government leadership then failed to coordinate their positions, and their conflicting statements soon ignited violence on the ground. The government should not have given the petitioners



permission for a protest march but instead should have sought direct dialogue. The departure of the defense minister and the armed forces commander for Malaysia on the eve of the protests was totally irresponsible. The prime minister's decision to use troops to quell the rioting, an arguably unconstitutional action in itself, only succeeded in sparking armed clashes. The interior minister's arming of civilians was an irresponsible action, and one for which the prime minister also bears responsibility. Leaving aside the problem whether or not Alkatiri was behind the move, he should have been able to prevent it, and if that were not possible, he should have had the decisiveness to order a thoroughgoing probe into the incident.

The literature on East Timor's post-independence politics has discussed in broad terms a number of problems that led to the crisis. These include Mari Alkatiri's authoritarian style (Siapno 2006), the long-standing Xanana-Alkatiri rivalry (Shoesmith 2003), politicisation and mismanagement of the security sector (Rees 2004), unemployment, land and property issues (McWilliam 2007), alienation of youth (Grove et al. 2007), the role of martial arts groups (Scambary 2006), weak governance, and the neglect of justice in the name of "stability".<sup>4</sup>

In my view, behind all these failures and problems lies the fundamental issue of the conflict-resolution capacity of the political system that was laid down during the transitional period and developed thereafter. The state-building undertaken by the UN in East Timor was a hasty and under-budgeted project. When the UN handed over sovereignty in 2002, East Timor had a democratic constitution – which was nevertheless controversial in parts – and minimal state institutions such as a presidency, a parliament, a government and courts. It also had a minimal administrative structure down to the sub-district level. But these democratic institutions were never actually put to the test before the transitional period ended. And these fragile institutions turned out to be utterly incapable of addressing the political problems facing the newly born country.

In particular, we can discern at least three structural problems that were locked in during the period of international administration: the centralization of government, the failure of parliamentary democracy and "elitist" politics.<sup>5</sup>

### 3.1 Strong and Centralised State System: Everything Top-Down

The first structural problem is the strong and highly centralised nature of the state system. This is probably the most problematic legacy of the state-building carried out by the UN Transitional Administration in East Timor (UNTAET). The state UNTAET helped create consisted of a set of institutions with minimum size, budget and training that were heavily concentrated in the capital. UNTAET did not hold local elections, but appointed administrators to govern the thirteen districts. Villages were left untouched in terms of

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<sup>4</sup> Also see Cotton (2007), Kingsbury and Leach (2007), and Kingsbury (2007) for more comprehensive analyses of the crisis and its causes.

<sup>5</sup> See Matsuno (2008) for a more detailed analysis of democracy-building during the transitional period.



institution-building, and the political vacuum in the villages was filled by traditional leaders or by the local branch of the National Council for Timorese Resistance (CNRT), the umbrella organisation of the independence movement led by Xanana Gusmão.

Heavy budgetary constraints forced UNTAET to concentrate on central state institutions. It was as if UNTAET's mandate "to support capacity-building for self-government" was interpreted to mean support for capacity-building of the *central government alone*. UNTAET trained, advised and assisted government staff to enable them to "govern effectively", but did very little to empower people so that democratic "self-government" would be realized through interaction between those who govern and those who are governed. There were no serious efforts to install mechanisms for accountability and transparency. As a result, the state emerged as a strong and exclusive entity.

The post-independence Fretilin government not only took over this top-heavy structure but strengthened it further. The government held elections to choose village chiefs, elections fraught with allegations of political manipulation (Siapno 2006: 330). Five regional secretaries to preside over the thirteen district administrators, appointed by UNTAET, further tightened the party's grip on local governance.

The creation of a strong and centralised state structure had consequences at two levels. Firstly, there was insufficient investment in local political institutions. Local government received only the most meagre budgetary resources, and most development projects had to be decided in the capital. Secondly, society remained weak. UNTAET worked with civil society, but hardly went beyond project-based relations. There were very few facilities for community-based activities. The Fretilin government did not follow the UN tradition of working with civil society, because Fretilin could turn to its own mass organisations when it needed "people". Freedom of the press also experienced a setback in the post-independence period with East Timorese political leaders showing little tolerance for a critical press.

Government institutions in East Timor became characterised by their top-down nature. Combined with a strong patriarchal culture, this type of structure gives enormous power to the leaders at the top. Checks and balances within organisations do not function, and staff are powerless to speak up to their superiors. Local institutions, civil society, and organisations' internal checks and balances are all weak.

Given this patriarchal political culture, it is not surprising if government leaders regarded the disgruntled soldiers like spoiled kids, whose "punishment" would not seriously affect the political situation. They clearly underestimated the level of frustration among the people with the arrogance and exclusiveness of the Fretilin government. And the people, increasingly alienated as Fretilin consolidated its power through the centralised state system, and deprived of opportunities for participation, had no recourse but to take to the streets.

At the beginning of the crisis, the government failed to explain the army's problem to the public. A lack of transparency and accountability fed rumours and caused unnecessary suspicions. The government just dismissed the soldiers

in an attempt to suppress the problem, and when the situation became chaotic, the government talked in terms of “subversion” and brought in troops which led to armed fighting. For the majority of people, these developments must have been incomprehensible. It was as if the state had gone off on its own track, leaving the people in confusion.

### 3.2 The Failure of Parliamentary Democracy

The second structural problem is the weak parliament. As the nation confronted the crisis, the parliament played almost no role. In fact, parliamentary democracy in East Timor can be said to have been in a state of stagnancy ever since its birth at the country’s independence. The first parliament was actually the body that had originally been elected as the Constituent Assembly in 2001 during the transitional period. But after the Constitution was adopted in March 2002, the Constitutional Assembly did not dissolve, but decided to transform itself into the first parliament at independence. Some criticised this move, but the UN saw it as facilitating its own early exit, and Fretilin saw this as a way to carry over the party’s absolute majority in the Constitutional Assembly to the new parliament.

It can be argued from the legal point of view that this transformation violated the people’s right to free and fair elections, as the Constituent Assembly had been elected solely for the purpose of drafting a constitution (Cogen and de Brandandere 2007: 682). But there were also good reasons from a nation-building point of view for having a separate election for parliament in a post-conflict society like East Timor. The election of September 2001 was the first democratic election ever held in East Timor after decades of conflict. The people had voted for independence in the referendum in 1999. Technically, voting for independence meant choosing the CNRT symbol on the ballot. But by the time of the Constituent Assembly elections, CNRT had been dissolved, which left Fretilin as the only party identifiable with the long independence struggle. During the election campaign, I often heard it said that people would vote Fretilin because it “deserved” to win, and because so many people had died for the Fretilin flag during the independence struggle. For most voters the Constituent Assembly election was still about the past.

The post-independence parliament that came into being turned out to be so powerless that some opposition politicians resigned. Fretilin parliamentarians too, not without reason, found it meaningless to attend sessions, and their absenteeism became an embarrassment for the party leadership. From an institutional point of view, the problem was rooted in the Constitution itself, which was largely based on Fretilin’s draft and which gave the parliament almost no power *vis-à-vis* the government. Parliamentarians had no investigative power. They could talk and ask questions, but the government was not obliged to answer the questions. If the parliament had had sufficient investigative powers, when the issue of “the petitioners” emerged it could have pressed the government to explain the army’s problem publicly or could even have invited army leaders to parliamentary hearings. But the position of the parliament was so pathetic that a leading opposition figure, Fernando Lasama





de Araujo, had to go into hiding when the crisis deepened. The government failed to protect the very seat of freedom of expression.

Moreover, draft laws and documents were usually written in Portuguese, which effectively excluded from debate those who could not read Portuguese. Because many of the Fretilin parliamentarians, especially the younger ones, could not read Portuguese, political power ultimately was in the hands of a small clique of Portuguese-speaking senior Fretilin cadres.

The parliament also lacked sufficient funds, facilities and staff. Hardly any relationship existed between parliamentarians and their constituencies, partly due to the country's proportional representation system. Politicians looked more to the party leadership than to the people they represented. The non-existence of district and sub-district assemblies also helped to isolate the national parliament, leaving it without a political network that extended down to the local communities.

The UN was not involved in determining the substance of the East Timorese constitution. The UN organised the Constituent Assembly election, but the drafting of the constitution was up to the Assembly itself. The UN does not have a consensus about what constitutes a democratic constitution, and this put the mission in a difficult position as far as advising the Timorese on the building of a democratic state. In retrospect, this seems to be a crucial weakness, and as it turned out, the East Timorese constitution made the parliament nothing more than a symbol of democracy. Perhaps the UN mission could have helped to strengthen the parliament and parliamentarians through providing facilities and training, but in fact there was no time left for UNTAET to do this even if it had wanted to.

### 3.3 Elite Politics and Violence

The third problem, elite politics, is closely related to the first and second problems. Elite politics is a highly personalised politics. It is bosses, not organisations or institutions, that make decisions, and as a natural consequence the process is highly arbitrary. The lack of transparency, accountability and democracy within political organisations is indeed a serious problem that future peace-building projects must address.

Political violence is a feature of elite politics. Elites do not fight each other openly. They often delegate fighting to agents and thugs, and let them fight proxy wars. Agents and thugs fight on the streets or behind the scenes. These criminal acts are part of the game played by elites, and they collude with each other to conceal the truth, so that no one is held accountable.

Does UNTAET bear any responsibility for this? I think yes, to some extent. The UNTAET head, Sergio Vieira de Mello, regarded Xanana as a figure like Prince Sihanouk of Cambodia (Power 2008: 305). As Rees (2004) points out, UNTAET was exceedingly, and probably unnecessarily, dependent on Xanana in transforming the guerrilla force into the country's new army and in building the police force. The consequences were violent protests on the part of those who were excluded and an institutionalised rivalry between the army and the police. It was against this backdrop that the crisis in 2006 unfolded.



The first serious case of political violence after independence erupted on 4 December 2002. Mobs attacked the police headquarters, and burned an Australian-owned supermarket, a hotel and houses of Mari Alkatiri and his family. Seven minor perpetrators were tried and received probationary sentences, but an allegation that the real instigators were directing the violence for a political purpose was never proved.<sup>6</sup>

In 2005, political parties cultivated connections with *silat*, or martial arts, groups. *Klibur Oan Rai Klaran*, “Korka”, officially became an affiliate of Fretilin in 2005, while *Perguruan Silat Setia Hati*, “PSHT”, was believed to have ties with the Democratic Party and the Social Democratic Party. These groups had been engaged in violent clashes, and some members had been charged and found guilty in court. When Xanana warned that Fretilin’s inclusion of Korka youth into its organisation could set a dangerous precedent and could lead to the creation of partisan militias, Mari Alkatiri downplayed the criticism, saying that Fretilin’s aim was to change the philosophy of the martial arts groups, transforming their past penchant for violence to one of self-control.<sup>7</sup> In July 2005 Xanana mediated the drawing up of a declaration by the major martial arts groups, including Korka and PSHT, to stop the violence, but the declaration turned out to be no more than a piece of paper. In April 2006, when the situation was already volatile, Mari Alkatiri met the Korka group in Ainaro.<sup>8</sup>

People were reportedly paid for the involvement in the violence. Fr. Martinho Gusmão told an Australian newspaper that he heard from many young people that around the time of the two elections in 2007 they had been paid to carry out acts of violence, \$20 for throwing stones, \$50 for burning a house, and \$100 for killing a person.<sup>9</sup>

The case of Rogerio Lobato is probably the most appalling. Lobato secretly distributed weapons to former guerilla fighters to defend the Fretilin government. Lobato’s act was not just illegal in itself. As the minister in charge of law enforcement, he was also guilty of a gross act of betrayal of the state and the people. But to many people’s surprise, two of the country’s top leaders came forward to defend Rogerio Lobato at his trial in February 2007. Ramos Horta, the then prime minister, said at a court hearing that Lobato was a “good man” and had made a great contribution to the country’s development. Referring to Lobato’s secret hit-squad, he said that it was understandable that Lobato had taken the initiative to arm civilians who were still loyal to the government.<sup>10</sup> The other witness was Taur Matan Ruak, the commander-in-chief of the armed forces. He said in court: “Perhaps, Rogerio handed over these guns, as he is currently accused of, with the objective of supporting the police

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<sup>6</sup> According to a leaked internal document of the United Nations Mission in Support of East Timor (2003).

<sup>7</sup> “East Timor: Ruling party shows its strength in double anniversary celebrations”, *Lusa*, 20 May 2005.

<sup>8</sup> “Government will not ban martial arts groups”, UNOTIL Daily Media Review, 13 April 2006.

<sup>9</sup> “Timorese Gangs Paid to Kill”, *Courier-Mail*, 9 October 2007.

<sup>10</sup> “The Acting Prime Minister Present to Give Testimony at the Hearing in Connection with the Case of the Alleged Arming of Civilians”, Judicial System Monitoring Programme (JSMP) Press Release, 6 February 2007.





because at that moment they were not functioning.” According to Taur, “From a practical political perspective this action was correct”.<sup>11</sup>

The UN Independent Special Commission of Inquiry recommended prosecuting former Defense Minister Roque Rodrigues, Brigadier-General Taur Matan Ruak, Colonel Lere Anan Timor and Lieutenant-Colonel Falur for illegally transferring weapons to civilians (United Nations 2006: para. 133), but it is not clear whether the Xanana government will follow this recommendation or not.

The involvement of elites in political games of violence is always veiled, but although it is hard to positively establish, the people of East Timor are acutely aware of it. IDPs often said that they could not leave the camps unless the elites were reconciled with each other.

#### **4. Political Reform for a Functioning Democracy**

Reflecting on the crisis-rocked years since independence, I argue that the following political reforms are necessary in order for democracy in East Timor to function properly.

Firstly, decentralisation is urgently needed. Local political institutions must be established and provided with adequate budgets, facilities and human resources. They should be given enough authority to enable them to deal with local needs. There must be district legislatures, and district administrators must be elected directly by the people or chosen by the legislature.

Secondly, the public service, including the security service, must be placed above politics. In a post-conflict society like East Timor where commitment to the struggle may have led to a lack of educational qualifications, the hiring of public servants should not be based merely on a merit system; some kind of hybrid system should be considered. Some posts, for instance, could be set up on a temporary basis and then abolished as those who fill them retire. But the entire process must be independent and regulated by law.

Thirdly, the government should encourage community activities at the grassroots level. Not only NGO activities, but all kinds of community-based activities, including political discussions, should be recognised as a legitimate part of social life. And in order to guarantee space for such activities, the government should provide facilities, funds and civic education. It is also important that the central and local governments maintain mature relations with these groups.

Fourthly, the parliament must have greater power. Individual parliamentarians must be given stronger investigative power, and the

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<sup>11</sup> “Taur Matan Ruak the Latest Witness in Civilian Gun Distribution Case in East Timor”, JSMP Press Release, 13 February 2007.





government's obligation to answer questions from parliamentarians must be clearly defined. Parliamentary debate would be invigorated if, for example, faction leaders were given more time to ask questions or if direct debate between the prime minister and opposition leaders was a regular fixture of parliamentary sittings. The parliament should also be given power to subpoena persons to testify in investigations of matters of grave concern.

Fifthly, politicians and political parties must be required to be accountable to the public. Political parties should be obliged to publish party finances to enable the public to scrutinise party activities. Donations received by politicians and politicians' expenditures for political activities must also be recorded and made public. The assets of parliamentarians and their family members should be disclosed as well.

Sixthly, justice must be firmly upheld. Public prosecutors should thoroughly investigate politicians' links with thugs and gangs, and those politicians found to have paid money to thugs for a political purpose should be brought to trial. To prevent further political violence, the parliament should adopt a code of ethics for parliamentarians and establish procedures to handle cases of serious breach of the code.

Since the new government led by Prime Minister Xanana Gusmão took over in August 2007, and especially with the resolution of the "petitioners" problem in the middle of 2008, the situation in East Timor has returned to some form of normality. The new government has made progress in security sector reform, good governance, youth policies, job creation, rural development and social welfare policy. While all these policy achievements are welcome, there has yet to be any discussion of the basic steps that need to be taken in order for politics to become more responsive. Unless the structural deficiencies of the current political system are addressed, peace will remain fragile.

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## Abbreviations

ALBA	Bolivarian Alternative for the Americas
AMIB	African Union Mission in Burundi
AMIS	African Union Mission in Sudan
AMISOM	African Union Mission in Somalia
AMU	Arab Maghreb Union
APSF	African Peace Facility Fund
ARF	ASEAN Regional Forum
ASEAN	Association of South-East Asian Nations
ASF	African Standby Force
AU	African Union
CAN	Andean Community of Nations
CARICOM	Caribbean Community
CBM	Confidence Building Measures
CEMAC	Communaute Economique et Monetaire de l’Afrique Centrale
CEN-SAD	Community of Sahel – Saharan States
CEWAN	Conflict Early Warning and Response Mechanism
CEWS	Continental Early Warning System
CNRT	National Congress for the Reconstruction of East Timor
COMESA	Common Market for Eastern and Southern Africa
CSBM	Confidence and Security Building Measures
CSO	Civil Society Organization
DDR	Disarmament, demobilization and reintegration
EAC	East African Community
EASBRIG	Brigade of East Africa
ECASS	Economic Community of Central African States
ECOBRIg	Brigade of ECOWAS
ECOMOG	Economic Community of West African States’ Monitoring Group
ECOWARN	ECOWAS Warning and Response Network
ECOWAS	Economic Community of West African States
EU	European Union
EWR	Early Warning and Response
FES	Friedrich Ebert Stiftung (Friedrich Ebert Foundations)
GTZ	Gesellschaft für Technische Zusammenarbeit (German Technical Assistance Corporation)
ICG	International Crisis Group



IDP	Internally Displaced Persons
IGAD	Intergovernmental Authority on Development in Eastern Africa
INTERFET	International Force for East Timor
ISAF	International Security Assistance Force
JSMP	Judicial System Monitoring Programme
LAC	Latin America and the Caribbean
Mercosur	Southern Common Market
MINUSTAH	United Nations Stabilization Mission in Haiti
MSC	Military Staff Committee
NATO	North Atlantic Treaty Organisation
NEPAD	New Partnership for Africa's Development
NGO	Non-Governmental Group
OAS	Organisation of American States
OUA	Organization of African Unity
OIC	Organisation of the Islamic Conference
OMC	Observation and Monitoring Centre
OSCE	Organisation for Security and Co-operation in Europe
PIF	Pacific Island Forum
POW	Panel of the Wise
PSC	Peace and Security Council
PSHT	Perguruan Silat Setia Hati (martial arts group in East Timor)
RRF	Rapid Response Fund
RSS	Regional Security System
SAARC	South Asian Association for Regional Cooperation
SADC	Southern African Development Community
SADCBRIG	Brigade of SADC
SICA	Central American Integration System
TMSDCA	Framework Treaty on Democratic Security in Central America
UN	United Nations
UNASUR	Union of South American Nations
UNDP	United Nations Development Program
UNMISSET	United Nations Mission in Support of East Timor
UNOTIL	United Nations Office in Timor Leste
UNTAET	United Nations Transitional Administration in East Timor
UPD	Unit for the Promotion of Democracy
USAID	United States Agency for International Development
WANEP	West African Network for Peacebuilding

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