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UN DDR in an Era of Violent Extremism: Is It Fit for Purpose?

Edited by James Cockayne and Siobhan O'Neil

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COVER MILITIA MEMBER IN KISMAAYO, SOMALIA. UN PHOTO/STUART PRICE



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About this Collection

The United Nations University (UNU) is a global think tank established by the United Nations General Assembly. The mission of the UN University is to contribute, through collaborative research and education, to efforts to resolve the pressing global problems of human survival, development, and welfare that are the concern of the United Nations, its Peoples, and Member States. In carrying out this mission, the UN University works with leading universities and research institutes in UN Member States, functioning as a bridge between the international academic community and the United Nations system.

The UNU Centre for Policy Research (UNU-CPR) was established in 2014 as part of a broader effort by UNU Rector David Malone to respond to the UN Secretary-General's request to enhance UNU's policy relevance in the fields of peace and security as well as global development. One of its core programmes focuses on the changing nature of violence and provides concrete insights into how humanitarian, development, and security actors need to adapt to reduce violence and its impact on society in the context of organized crime, terrorism, criminal violence, and rapid urbanization.

This collection is the result of a collaboration between UNU-CPR and the DDR Section of the Office of Rule of Law and Security Institutions in the United Nations Department of Peacekeeping Operations. The collaboration was coordinated by Mr Simon Yazgi, Chief of Section, Mr Chris O'Donnell of DDRS, and Mr James Cockayne, Head of Office at the UN for UNU and affiliated with UNU-CPR. The project was managed by Dr Siobhan O'Neil, and was made possible by the generous support of the Government of the Grand Duchy of Luxembourg.

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Preface

In the field of disarmament, demobilization, and reintegration (DDR) the stakes are incredibly high, not only for individual combatants, but also for countries and regions as a whole. A lot is reflected in these key processes: personal aspirations, security, the future of peace and even development. The UN General Assembly and the Security Council are increasingly relying on DDR to manage the complex array of armed groups, often linked to transnational, terrorist and criminal networks, which threaten stability throughout the world.

For DDR to be successful, clear and consistent political messaging must be followed up by operational coherence, which demonstrates that the international community is willing to help and also able to project its capabilities on multiple fronts, rather than relying on military action alone. Moreover, United Nations peace operations are now often deployed alongside other international forces, such as AMISOM in Somalia, ISAF in Afghanistan and Operational Serval in Mali. In Somalia, DDR has worked closely with the Somali Government and AMISOM to coordinate Member State support and operationalize the National Programme for Disengaging Fighters. Four Transitional Centers have been receiving those Somalis who choose to leave Al-Shabaab. Meanwhile, in the DRC, the DDR programme has helped reduced the numbers of *Forces Démocratiques de Libération du Rwanda* (FDLR) from an estimated 25,000 FDLR in 2002 to an estimated 1,500 today. As we speak, the operations from the UN Force Intervention Brigade in the Democratic Republic of Congo has influenced many of the remaining and increasingly isolated combatants to take part in a voluntary disarmament exercise.

Armed groups are not monolithic, criminal actors often work alongside and in concert with rebel fighters. This means that for some the threat of force may be an appropriate and legitimate response; for others, law enforcement or even a humanitarian approach may be required. However, when so many

thousands are mobilized in armed groups, often the majority will enter some sort of DDR programme.

As Secretary-General Ban Ki-moon has stressed, “DDR has become recognized as a critical ingredient in consolidating stability and building peace in countries emerging from conflict.” However, as the nature of conflict evolves, we need to ask ourselves some hard questions. Is the traditional DDR approach fully fit for purpose in today’s conflict environment? How does DDR relate to the new field of Countering Violent Extremism (CVE)?

The pieces in this collection set out to start an informal discussion and evaluate these types of difficult questions. This demonstrates the willingness of many DDR colleagues to open themselves up to independent evaluation, in order to gain a better understanding of current challenges through top-tier research and rigorous analysis. In carrying out this mission, the UN University works with leading academic establishments and research institutes of UN Member States, functioning as a bridge between the international academic community and the United Nations system. Through partnerships with them, we can use evidence-based practices to inform solutions that are more likely to be successful, cost-effective and results-oriented.

At the same time, we all made a conscious decision to respect the integrity of this research. As practitioners, those from the UN refrained from asserting any editorial prerogative, in recognition of the authors’ need for maintaining academic objectivity. The goal was not to develop an internal UN report, but rather to provide support, with access to information and people, to UNU and the researchers it commissioned to produce this independent collection of “think pieces” on the future of DDR.

Therefore, this publication is ultimately the product of the research and analysis of individual, highly respected experts that UNU was able to bring on board for this project. As such, it does not reflect the official opinion of the United Nations or Department of Peacekeeping Operations.

The independence of this collection has resulted in a stronger, more credible collection of essays. I commend the authors for raising often very difficult but essential questions about how DDR practice can address the challenges posed by ongoing conflict scenarios, particularly those in which DDR is called on to deal with violent extremist combatants. I hope that these provocative pieces will prompt an engaging debate among Member States and United Nations entities, especially on how we can move forward together in exploring DDR and CVE programming. The editors of this collection suggest giving this emerging field of practice a name – the “Demobilization and Disengagement of Violent Extremists” (DDVE). Whether that is appropriate is for readers to decide.

However, as the essays in this collection make clear, a number of strategic, operational and even formidable legal challenges remain. DPKO intends to deepen its partnership with UNU and the research community, in order to help increase the likelihood that DDR and CVE programmes achieve their intended contribution to peace processes and post-conflict recovery, while ensuring that international standards and human rights are respected. It is only with thoughtful, empirically-driven innovation that we will be able to craft better DDR and CVE interventions that are able to disrupt the cycle of conflict and contribute to international peace and security on the basis of the UN charter.

A handwritten signature in black ink, reading "Dmitry Titov". The signature is written in a cursive, flowing style with a large initial 'D' and 'T'.

Mr. Dmitry Titov

Assistant Secretary-General for Rule of Law and Security Institutions
Department of Peacekeeping Operations
United Nations

Executive Summary

The UN's disarmament, demobilization, and reintegration (DDR) efforts are today confronted by a complex strategic environment: Increasingly, UN peace operations deploy to conflict situations in which there is no clear peace to keep, leaving DDR to be carried out in the shadow of on-going military operations, often against the very groups DDR programming seeks to engage. Fragmented DDR programming is carried about by an array of national actors, international and regional organizations, and private contractors. Conflicts are becoming magnets for foreign terrorist fighters and inspirations for 'lone wolves' to carry out terrorist attacks – some of which target the UN, while others occur far from the operational theatre of conflict. Against this backdrop, the question arises whether DDR can help demobilize and disengage combatants who see organised violence not as politics by other means, but as either an existential struggle (e.g. the hard core of Al-Shabaab in Somalia), as a means to enlarging criminal rents (e.g. gang members in Haiti) – or perhaps as both (e.g. ISIL)?

In the Introduction to this collection, Dr Siobhan O'Neil and James Cockayne, both of UN University, review these changes in the contemporary conflict context, consider their impact on DDR, and identify **numerous questions raised for DDR**:

- Do offensive military operations facilitate or undermine DDR programming? If the latter, how should the UN approach DDR in on-going conflict situations?
- When does voluntary DDR become involuntary detention? What are the legal, operational, and strategic implications?
- How can the UN work to ensure its support to regional organizations and private actors involved in DDR is in line with UN principles and human rights standards, yet also ensure access, coherence, and coordination?

- How well suited are current DDR programmes for violent extremist combatants?
- Should approaches from the emerging fields of countering violent extremism (CVE) and terrorist rehabilitation be incorporated into DDR efforts – or, given thirty years of DDR experience, vice versa?
- What role does UN DDR have to play in dealing with Foreign Terrorist Fighters (FTFs)?
- Can lessons from UN DDR assist Member States in developing effective terrorist rehabilitation and reintegration programmes *outside* conflict contexts?

In Chapter 2 of this study, Dr Vanda Felbab-Brown, Senior Fellow at The Brookings Institution examines the challenges posed for UN DDR programming when DDR is mandated to occur in **the shadow of on-going military operations**. Felbab-Brown explores how the alignment of DDR programming with coercive military operations may impact the UN's perceived impartiality and effectiveness, and risk blurring the line between voluntary DDR and involuntary detention. She also considers how the involvement of myriad actors in the DDR process impacts access, monitoring, and standards. Felbab-Brown urges a serious discussion in the international community about how to balance the imperatives of DDR support, and the benefits it promises for the promotion of peace and human rights, against the dangers of being drawn into supporting compromised, or even rights-abusing, programming.

In Chapter 3, Ms. Naureen Chowdhury Fink, Head of Research and Analysis at the Global Center for Cooperative Security, examines **the relationship between countering violent extremism (CVE), terrorism rehabilitation, and DDR programming**. Although these forms of programming appear broadly oriented toward the same goals and have some operational similarities, questions remain about their inter-operability: they work according to very different theories of change. DDR programming usually works at the level of group behaviour; CVE programming purports to change individual outlooks and conduct. Moreover, while CVE programming has received an enormous amount of attention of late, the burgeoning field incorporates a wide variety of disparate programmes, many of them still in the pilot stages, with extremely limited systematic assessment of impacts, making it difficult to draw conclusions about CVE intervention outcomes. With these caveats in mind, Fink examines CVE programming and finds several areas of potential synergy with DDR programming: in the emphasis both place on the importance of family participation, in building social bonds that endure beyond the programme, and in identifying legitimate interlocutors as credible messengers. The piece highlights the need for further research into what works in CVE and terrorist rehabilitation programming.

While Fink argues that “it is natural to adapt best practices and lessons from the CVE and terrorist rehabilitation fields to DDR contexts,” the editors argue that - given three decades of DDR experience — the UN Secretary-General should be looking to DDR for a concept of operations for UN assistance to Member States in tackling foreign terrorist fighters and violent extremists around the world, especially as he prepares his much-awaited UN System-Wide Plan of Action on the Prevention of Violent Extremism, expected in late 2015.

In Chapter 4, Dr Bruce “Ossie” Oswald CSC, a professor of law and long-time legal advisor to the Australian Armed Forces and several multinational peacekeeping missions, explores the apparently growing potential for **inadvertent overlap between ‘detention’ and DDR programming**. Traditionally, DDR involved voluntary participation as insurgent leaders whose groups were party to a peace agreement agreed to have their fighters decommissioned through a DDR programme. In contemporary conflict environments, such a deal is often absent: the UN and other actors involved in DDR efforts may find the participation of some combatants in nationally, locally, or privately-supported efforts to be involuntary – the result of their capture on the battlefield, or their being forced into the DDR effort under duress. This may amount to detention. Oswald considers the complex legal, operational, and security questions raised by such situation. He concludes that clearer guidance is needed for screening and facility management in these situations, and for clarification on if and how the UN should provide support for DDR programming that involves detention.

In Chapter 5, Dr Vanda Felbab-Brown, in her second essay for the collection, presents her **findings from a field research trip to Somalia in March 2015**. Her case study brings to life the challenges and potential perils of conducting DDR programming in today’s conflict environment. Based on extensive interviews with over 60 stakeholders, including demobilized Al-Shabaab fighters currently in DDR programmes there, Felbab-Brown examines the difficulties of ensuring DDR standards, transparency of process, monitoring and control in the context of limited resources and national or locally-owned DDR programmes. Her study’s findings raise serious questions about the questions that must be asked before continued support is provided to flawed DDR processes – concerns not limited to Somalia. Indeed, the challenges and dilemmas outlined herein are likely to characterize many of the UN’s current and future DDR efforts. Felbab-Brown urges the UN to consider improvements to monitoring, standards, and access, but ultimately comes down in favour of continued UN engagement on DDR issues in Somalia, which, although remaining problematic, have improved significantly as a result of UN involvement to date.

These themes are picked up in Chapter 6, by James Cockayne, Head of Office for UN University at the United Nations and Dr Siobhan O’Neil, UN University’s DDR Programme Manager. Cockayne and O’Neil highlight the **complex human rights issues around DDR efforts in Somalia** – including questions of torture,

arbitrary detention, forced labour, and mistreatment of participants, notably children. This points to the need to treat DDR in such contexts as a question of on-going but principled engagement between the UN and local and national actors. The **UN Human Rights Due Diligence Policy**, they suggest, provides an important starting point for understanding the kinds of structured dialogue that the UN will need to engage in, to balance the need to promote international standards and human rights with the need to maintain access to vulnerable populations and to promote the peace process. They also point to a range of operational and strategic concerns that impact UN DDR efforts in these contexts:

- the need for more sustained and predictable budgetary support;
- a greater focus on 'what works' in reintegration and reinsertion programming;
- the dangers of overemphasizing 'national ownership';
- and the need for Member States to champion DDR.

Drawing on these insights, Cockayne and O'Neil argue for Member States to support the development of a new conceptual and practical approach, drawing on both DDR and CVE, for '**demobilizing and disengaging from violent extremism**' (DDVE), resting on three legs, and intended to support both UN DDR efforts in the field, and UN support to Member States dealing with FTFs at home:

1. A new **practice framework** for demobilizing and disengaging combatants and violent extremists, **integrating lessons from both DDR and CVE**;
2. A **detention and internment framework** for application in DDVE contexts;
3. A cheap, scalable **case management system** to track DDR and CVE participants and allow more detailed **risk management**.

Chapter 1

Introduction



Siobhan O'Neil and James Cockayne

Introduction

This short collection of studies examines the challenges to effective United Nations (UN) disarmament, demobilization, and reintegration (DDR) programming posed by today's conflict environment. The collection, and the larger research initiative of which it is a part, aim to generate debate about how to best address the legal, operational, ethical, and strategic challenges facing DDR programme staff in the field. We hope to help equip UN peace operations, peacebuilders, and development actors with a deeper understanding of the complex challenges involved in effective DDR under contemporary conditions. In time, this may lead to action by UN Member States, DDR actors, and stakeholders that helps to render contemporary DDR more fit for the purposes to which it is increasingly being applied.

As conflict has changed in recent years, the United Nations has developed new tools and techniques within peace operations. The changing nature of today's conflicts poses particular challenges for efforts to disarm, demobilize, and reintegrate conflict combatants. Increasingly, UN peace operations deploy to situations in which there is no clear peace to keep. Today's conflicts are internationalized and increasingly intractable. Peacekeepers often find themselves, civilians, and the peace processes they are trying to promote targeted by violent extremists, criminal networks, and spoilers. Moreover, these conflicts are becoming magnets for foreign terrorist fighters and inspirations for 'lone wolves' to carry out terrorist attacks – sometimes against UN actors, and sometimes far from the operational theatre of conflict. UN peacekeeping operations and political missions have concurrently expanded, and the UN often now partners with regional and sub-regional organisations, Member State-led military operations, and other entities in the peace operations context. On-going, complex conflict scenarios have forced the Security Council to consider expanded mandates for peace operations and in at least one case – the Democratic Republic of Congo – authorized peacekeepers to undertake offensive military operations to neutralize armed non-state actors.

This shifting conflict landscape, and the UN's response to it, raise numerous questions for efforts to disarm and demobilize combatants, and to reintegrate them into post-conflict society. These questions coalesce around three themes:

1. the relationship between DDR and emerging efforts to counter violent extremism (CVE);
2. the risk of overlap between voluntary DDR and involuntary detention; and
3. the complexity of conducting DDR programming in the shadow of on-going military operations, which sometimes target the same groups that the DDR programming is intended to engage.

This introductory chapter provides a brief overview of the shifting conflict dynamics UN peace operations confront, and considers how they affect

DDR. After a review of changing conflict dynamics, a short examination of the concurrent evolution of UN peace operations – particularly relating to their size, cost, nature, and mandate – follows. Next, the introduction considers how these trends – in conflict dynamics, and the scale and scope of UN peace operations – have led to an evolution in UN DDR programming. This leads to a discussion of the challenges DDR currently faces in dealing with the uncertainties in the current peace operations environment, and an explanation of how this collection of research studies – and the broader initiative of which it forms part – aim to help unpack potential solutions for contemporary UN DDR.

1. The changing conflict environment

The number of violent conflicts has increased and their character has shifted significantly over the last half-century.

As is well known, prior to the end of the Cold War, most armed conflicts¹ were inter-state, while the end of the Cold War heralded an explosion of violent civil conflict, as Cold War patronage and power structures were unsettled and violent contestation followed.² Scholars have in recent years challenged the conventional wisdom that the end of the Cold War caused the increase in civil conflicts, arguing rather that the high level of conflicts in the early 1990s was not due to the onset of new conflicts but rather the gradual accumulation of old ones that had continued to smoulder, unresolved. Academic research has offered insight into the role of a variety of factors in the outbreak and dynamics of civil conflict, including: competition over resources, incomplete information, and the commitment and contracting problems that arise from weak institutions.³ As the

1. The accepted metric for a conflict to reach the classification of war is 1,000 battle-related deaths a year. Battle-related deaths are “those deaths caused by the warring parties that can be directly related to combat.” Uppsala Conflict Data Programme (UCDP) Battle-Related Deaths Dataset Codebook, Version 5.0-2014, June 2014, available from http://www.pcr.uu.se/digitalAssets/124/124934_1codebook-ucdp-battle-related-deaths-datasets-v.5-2014.pdf (accessed 8 May 2015).
2. Lisa Trei, “In Post-Cold War Era, Civil Wars’ Causes Misunderstood Post-Colonial Conflicts in Small, Weak States More to Blame than Ethnic, Religious Strife,” *Stanford Report*, 25 September 2002, available from <http://news.stanford.edu/news/2002/september25/civilwar-925.html>.
3. For example, see Ian Bannon and Paul Collier, eds. *Natural Resources and Violent Conflict: Options and Actions*, (Washington, D.C., World Bank, 2003); World Bank. *World Development Report 2011; Conflict, Security, and Development*, (Washington D.C., World Bank, 2011), available from http://siteresources.worldbank.org/INTWDRS/Resources/WDR2011_Full_Text.pdf; and Robert Rotberg, “Failed states, collapsed states, weak states: Causes and indicators”, in *State failure and state weakness in a time of terror* (Washington, D.C., Brookings Institution Press, 2003), pp. 1-25.

absolute number of internal armed conflicts declined in the early years of the 21st Century, it became apparent that UN peace operations had contributed significantly to the resolution of these long-standing civil wars.⁴ Dangerously, this led some to assume that civil war numbers would continue to decline, or at least remain historically low. But between 2007 and 2014 the number of civil conflicts nearly tripled.⁵

GEOGRAPHICAL CONSIDERATIONS

At the same time, conflicts have become increasingly internationalized (in the sense that one or more states intervened on behalf of one or more parties to the conflict).⁶ More than a quarter of all conflicts in 2013 were internationalized.⁷ The internationalization of civil wars raises difficult questions about the forms of leverage available to the United Nations. Some have argued that internationalized conflicts are more intense and intractable than non-internationalized ones,⁸ calling into question whether there is a need to think beyond country-specific DDR programming. As protracted internationalized conflicts such as the one in eastern DRC make clear, in some cases regionalized political and economic strategies may be needed to underpin effective DDR programming. And as Foreign Terrorist Fighters (FTFs) play an increasingly important role in contemporary conflict, and risk expanding the geography of battlefields to global proportions, there may even be a need to consider how DDR programming can inform efforts to help rehabilitate and reinsert FTFs in the often distant countries from which they originated.

The geographical shift in conflict, begun in the early 1950s, has also continued in recent years, with a significant share of the world's conflicts now taking place

4. Virginia Page Fortna, *Does Peacekeeping Work? Shaping Belligerents' Choice after Civil War*, (Princeton, NJ, Princeton University Press, 2008); James Dobbins and Laurel Miller, "Overcoming Obstacles to Peace," *Survival*, Vol. 55, No. 1 (Feb 2013); and Michael Doyle and Nicholas Sambanis, *Making War and Building Peace*, (Princeton, NJ, Princeton University Press, 2006).
5. Sebastian von Einsiedel, with Louise Bosetti, Rahul Chandran, James Cockayne, John de Boer, and Wilfred Wan, *Major Trends in Violent Conflict*, United Nations University Centre for Policy Research, Occasional Paper, November 2014 (Tokyo, UNU-CPR, 2014), available from <http://i.unu.edu/media/cpr.unu.edu/post/468/MajorRecentTrendsInViolentConflict-Dec2014.pdf>.
6. Lotta Themnér and Peter Wallensteen, "Armed Conflict, 1946-2013," *Journal of Peace Research*, 2014: Vol. 51, No. 4, available from http://www.pcr.uu.se/digitalAssets/66/66314_1armed-conflict-by-region.pdf.
7. Nine of 33 (27%). Ibid.
8. Ibid.

in Africa and Asia.⁹ This means that much contemporary conflict occurs in the world's poorest states, many of which suffer from weak institutional capacity, suggesting they may require more international assistance to overcome conflict. Given the geopolitical considerations of developed states, and the obstacles fragile states face to breaking out of conflict cycles, there may be insufficient political will or resources to address the challenge. Again, the implications for DDR – and especially for the reintegration components of DDR, which rely heavily on socio-economic programming – are obvious.

CONFLICT DYNAMICS AND PROTECTION OF CIVILIANS

The intensity of minor conflicts,¹⁰ which are typically intrastate in nature, rose steadily throughout the second half of the 20th century, peaking in 1999. That year, when more than two-thirds of on-going conflicts were classified as minor,

9. Ibid.

10. Minor conflicts do not meet the metric of 1,000 battle related deaths a year. Those conflicts that do meet the metric are classified as wars. UCDP, "Definitions," available from <http://www.pcr.uu.se/research/ucdp/definitions/> (accessed 8 May 2015).

11. Battle-related deaths are those fatalities that can be related to combat in a conflict dyad. Typically, battle-related deaths occur in what can be described as 'normal' warfare involving the armed forces of the warring parties. This includes traditional battlefield fighting, guerrilla activities (e.g. hit-and-run attacks/ambushes) and all kinds of bombardments of military units, cities and villages, etc. The targets are usually the military itself and its installations, or state institutions and state representatives, but there is often substantial collateral damage in the form of civilians killed in crossfire, indiscriminate bombings, etc. All deaths – military as well as civilian – incurred in such situations are counted as battle-related deaths. Ibid.

12. In 2012, the last year in which UCDP has complete data, the number of battlefield related deaths was 37,992. UCDP, "UCDP Datasets," available from <http://www.pcr.uu.se/research/ucdp/datasets/> (accessed 8 May 2015).

13. A meta study of existing research on the subject found the range of 3 to 15 times as many indirect deaths as direct fatalities caused by war. Study available: Debarati Guha-Sapir, Olivier Degomme, Chiara Altare, and Ruwan Ratnayake, "The many victims of war: indirect conflict deaths," in *The Global Burden of Armed Violence*, Centre for Research on the Epidemiology of Disasters (CRED), (Geneva, Geneva Declaration Secretariat, 2008), available from <http://www.genevadeclaration.org/fileadmin/docs/Global-Burden-of-Armed-Violence-full-report.pdf>, pp. 31-42. Reginald Green claimed the ratio was closer to 20-1, arguing the "lack of food and of medical services, combined with the physical stress of flight, kill about twenty times as many human beings as do bombs, bullets and cold steel: Hugo Slim, *Killing Civilians: Method, Madness, and Morality in War*, (New York, Columbia University Press, 2008), p. 91.

there were more than 80,000 battlefield-related fatalities.¹¹ After a brief decline until 2005, the intensity of conflict has again increased, with a more than three-fold increase in battlefield related deaths.¹² The implications are clear: even 'minor conflicts,' not rising to the level recognized in the research literature as constituting a 'war,' are now typically capable of causing widespread death, casualties, and suffering.

Beyond the lives lost directly as a result of conflict violence, magnitudes more die indirectly from conditions brought on by conflict, including loss of shelter, food, and clean water; disease; the destruction of health facilities; and the decline in economic activity. While it is difficult to assess the magnitude of the indirect mortality effects of conflict, research suggests that in the last 25 years, conflicts have resulted in 3 to 15 times as many indirect fatalities occur as battle related deaths.¹³ Higher non-battle death rates are associated with areas where pre-conflict levels of development are low, the intensity of the conflict is high, and fighting is prolonged – suggesting that as today's conflict scenarios often demonstrate all three characteristics, on-going conflicts can be expected to continue to cause significant and widespread suffering.

There are theoretical and empirical¹⁴ reasons to believe that non-state armed groups are increasingly targeting civilians. Where such groups control resources and are involved in illicit markets, they appear to be less financially dependent on the surrounding population, thus diminishing self-imposed constraints on the use of violence. There is some empirical evidence that connects surges in violence against civilians to non-state armed groups that are less dependent on civilian populations¹⁵ for "supplies, intelligence, shelter

14. Large-scale data on the subject provides a mixed picture: Data provided by the Uppsala Conflict Data Programme seem to suggest that overall, violence against civilians [i.e. Violence against civilians is only captured for episodes of at least 25 civilians killed intentionally] has declined since 1997. The numbers since 2008 have been volatile, ranging from 3,000 to up to 8,000 one-sided fatalities per year, although rebel groups account for close to 70% of the one-sided fatalities – a higher percentage as compared to states than in previous decades, although the overall numbers are declining. UCDP, "Type of one-sided actor 1989-2013," available from http://www.pcr.uu.se/digitalAssets/66/66314_1type-of-one-sided-actor.pdf (accessed 8 May 2015). However, another data set, the Armed Conflict Location & Event Data Project, which is limited to Africa, seems to contradict these figures, suggesting that the overall violence against civilians on the continent, in particular the violence committed by political militias, has increased drastically in the past five years. Armed Conflict Location & Event Data Project, "Violence Against Civilians in 2014," available from: <http://www.acleddata.com/violence-against-civilians-in-2014/> (accessed 8 May 2015).

15. Jeremy M. Weinstein, *Inside Rebellion: the Politics of Insurgent Violence*, (Cambridge, UK, Cambridge University Press, 2007).

and recruits.”¹⁶ This last point is key: as groups become less reliant on the local population for recruits, due to a reliance on criminal networks and influx of foreign fighters, there are fewer incentives for appealing to the hearts and minds of the population and non-state actors face fewer repercussions when targeting civilians directly. Other empirical evidence from the field backs up this hypothesis, suggesting that changes in foreign commodity prices have influenced armed groups’ strategies in eastern DRC, with direct implications for protection of civilians.¹⁷

Of course, the focus of much data collection on deaths should not blind us to the many other forms of suffering that armed conflict generates, many of which are underreported and difficult to measure – yet may, nonetheless, have significant implications for DDR efforts. The Special Representative of the Secretary-General on Sexual Violence in Conflict, Zainab Hawa Bangura, has argued that extremist non-state actors are increasingly using sexual violence as a tactic of terror.¹⁸ Continuing and arguably expanding a trend seen amongst armed groups in the 1990s, groups like Boko Haram in Nigeria and the Islamic State in Syria and Iraq have employed rape and other forms of sexual violence as a means to achieve strategic objectives, promote ideology, and raise funds.¹⁹ This has potentially significant implications for DDR: it seems plausible to hypothesize that the reintegration of combatants may be more difficult where combatants are responsible for organized sexual violence, and raises difficult questions of accountability during DDR.

Sexual violence is also used to forcibly displace populations – just one dimension of the larger set of issues related to displacement in today’s conflicts. Forced displacement is at an all-time high.²⁰ In 2013, there were 33.3 million IDPs and 16.7 million refugees who had been displaced because of conflict and violence.²¹ Displacement, too, has obvious implications for DDR programming. Traditionally, DDR has assumed that the community into which combatants are to reintegrate reflects, broadly, the pre-conflict community. Mass displacement may upset that assumption, posing difficulties for reintegration programming. And in some cases, combatants themselves may have fled along with the displaced, raising questions about how to ‘re’-integrate combatants into new host communities, or even foreign states – and whether regionalized DDR strategies may be needed.

16. Benjamin A. Valentino, “Why We Kill: The Political Science of Political Violence Against Civilians,” *Annual Review of Political Science*, Vol. 17 (May 2014), p. 94.

17. See Raul Sanchez de la Sierra, “On the Origin of States: Stationary Bandits and Taxation in Eastern Congo,” unpublished working paper, 3 December 2014, available from <http://ssrn.com/abstract=2358701>.

18. “Conflict-related sexual violence, report of the Secretary-General,” A/66/657*-S/2012/33*.

19. “Conflict-related sexual violence, report of the Secretary-General,” S/2015/203.

CONFLICT STRUCTURES AND RELAPSE

Conflict structures – and particularly intra-state conflict – have become increasingly fragmented. Today’s conflicts are increasingly characterized by myriad actors that often overlap, splinter, and shift their alliances. The fragmentation of conflict may have significant negative implications for peacemaking, as research has shown that fractionalization and a high number of rebel organisations leads to more intractable conflicts.²² For DDR, which has traditionally presumed the existence of a peace deal underpinning an armed group’s decision to demobilize, this poses particular challenges.

In addition to the increase in the number of combatants, their identity and strategies also appear to be shifting. Many combatants in today’s civil conflicts are more willing to use indirect strategies, including terrorism, that seek to influence state behaviour not through direct confrontation, but through pressuring the public and other third parties. In roughly the last decade, there has been as much as a ten-fold increase in global terrorist incidents,²³ many of which have been inspired by, or are outgrowths of, on-going large-scale civil conflicts. This increase has been driven by the extreme violence of four terrorist groups: ISIS, Boko Haram, the Taliban, and Al Qaeda,²⁴ in the context of the civil conflicts in Syria, Iraq, Nigeria, Pakistan, Afghanistan, and Yemen, respectively. Many of these combatants, and other contemporary conflict actors, do not seek to win national governmental

20. There has been a dramatic increase in the number of IDPs over the last 15 years. Mary Kaldor, “In Defense of New Wars,” *Stability*, Vol. 2, No. 1, (March 2013), available from <http://www.stabilityjournal.org/articles/10.5334/sta.at/>.

21. Internal Displacement Monitoring Center, “Global Figures,” available from <http://www.internal-displacement.org/global-figures>, (accessed 8 May 2015).

22. See for example David Cunningham, “Veto Players and Civil War Duration,” *American Journal of Political Science*, Vol. 50, No. 4, (October 2006); and David Cunningham, Kristian Skrede Gleditsch and Idean Salehyan, “It Takes Two: A Dyadic Analysis of Civil War Duration and Outcome,” *Journal of Conflict Resolution*, Vol. 53, No. 4, (October 2009).

23. START’s Global Terrorism Database (GTD) finds that in 2003 there were over 1,200 attacks; by 2013, there were almost 12,000. GTD, available from <http://www.start.umd.edu/gtd/>. Other datasets, however, do not confirm the same trend: For example, the RAND Database of Worldwide Terrorism Incidents (RDWTI), which does not yet include data for 2013, shows a different pattern, whereby the number of attacks was much higher at the turn of the century (1999, almost 1,200), but by 2009, those numbers had declined significantly (less than 600). See RDWTI, available from <http://www.rand.org/nsrd/projects/terrorism-incidents.html>. While the data on terrorism is problematic, there is empirical evidence that terrorism has increased since 9/11 – the extent to which continues to be debated.

24. Institute for Economics and Peace, *Global Terrorism Index: Measuring and Understanding the Impact of Terrorism*, 2014.

power, but either to wield indirect, clandestine influence over the state, or to establish new, non-state forms of governance. Both trends may make it more difficult to find a negotiated solution to end violence, and significantly complicate DDR efforts.

And after all these factors are considered, another spectre hangs over DDR: the risk of conflict relapse. Civil war has been described as a chronic condition:²⁵ once a state has suffered from one civil war, its chances of devolving into violence again are significant, creating a cycle of conflict from which it is difficult to break free. Even after combatants commence peace negotiations, the relapse rate is startlingly high: of the 42 per cent of civil wars from 1940-1990 in which negotiations were undertaken, more than half devolved into violence within a few years.²⁶ DDR is intended to help create the conditions for peace and reduce the rate of conflict relapse, but there is little empirical evidence or research exploring whether – or when – DDR has that intended impact.

2. The changing role of DDR in UN peace operations

As conflict has changed, so has the United Nations' response – and the place of DDR within that response. DDR has grown significantly. The first UN DDR effort in Central America demobilized 18,000 fighters in the early 1990s. In recent years, 101,000 combatants were mandated to be demobilized in Liberia, and 260,000 and counting in the DRC. UN DPKO estimates a caseload of 150,000 were in need of DDR programming in South Sudan. In 2013, estimated mandated caseloads for on-going DDR operations in peacekeeping contexts alone were over 400,000.²⁷

While peacekeepers were initially deployed to serve in inter-positional roles between states, the proliferation of intra-state conflicts has prompted both an increase in the number of UN peace operations and altered the nature of peace operation mandates. Indeed, of all the peacekeeping missions deployed since in 1948, more than 80% have been mandated since 1988 (56 of 69 missions).²⁸ As of February 2015, more than 104,668 personnel were

25. T. David Mason, Martha Crenshaw, Cynthia McClintock, and Barbara Walter, "How Political Violence Ends: Paths to Conflict Deescalation and Termination," APSA Task Force on Political Violence and Terrorism – Group 3, paper presented at the 2007 meeting of the American Political Science Association, Chicago, IL, August 22, 2007, available from <http://www.apsanet.org/imgtest/pvtfhowpoliticalviolenceends.pdf>.

26. Barbara F. Walter, "Designing Transitions from Civil War: Demobilization, Democratization, and Commitments to Peace," *International Security*, Vol. 24, No. 1, (Summer 1999), p. 127.

27. Figures provided by the UN DPKO DDR Section. In many cases, however, there remains a serious unmet need.

serving in 16 UN peacekeeping operations, a nine-fold increase since 1999; the addition of the several thousand staff supporting 11 on-going political missions raises these numbers yet higher.²⁹ At the same time, the Organisation has increasingly partnered with regional and sub-regional organisations such as the African Union (AU), the Economic Community of the West African States (ECOWAS), and the European Union (EU) in peace operations and to support peace processes and state capacity building.³⁰

Early UN peacekeeping operations were primarily limited to maintaining ceasefires and stabilizing situations on the ground so that peace agreements could take hold. Peacekeepers consisted of “unarmed military observers and lightly armed troops with primarily monitoring, reporting and confidence-building roles.”³¹ Over time, peacekeeping mandates began to call on UN troops to “help implement complex peace agreements, stabilize the security situation, to re-organize military and police and to build democratic institutions.”³² But DDR operations, targeted at armed, non-state groups, were absent.

The United Nations first employed DDR programming as part of a peace operation in Central America in 1989. After a request for UN intervention by the Governments of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua, the UN Security Council established the United Nations Observer Group in Central America (ONUCA).³³ ONUCA was mandated to help with the voluntary demobilization of Nicaraguan and Honduran resistance fighters using temporary assembly points to collect weapons, equipment of demobilizing fighters. When its mandate expired, more than 19,000 members of the Nicaraguan Resistance and almost 3,000 fighters in Honduras had been demobilized and more than 15,000 weapons collected.³⁴ ONUCA’s facilitation of the demobilization efforts, in addition to its ceasefire monitoring, was seen as having made a significant impact on the restoration of peace and stability in the region. Since then, the Security Council has increasingly included DDR

28. DPKO, *History of Peacekeeping*, available from <http://www.un.org/en/peacekeeping/operations/history.shtml>.

29. DPKO, *Background Note*, available from <http://www.un.org/en/peacekeeping/documents/backgroundnote.pdf>.

30. Ibid.

31. DPKO, *The Early Years*, available from <http://www.un.org/en/peacekeeping/operations/early.shtml>.

32. DPKO, *Post Cold War Surge*, available from <http://www.un.org/en/peacekeeping/operations/surge.shtml>.

33. “Resolution 644 (1989),” S/RES/644(1989). The mandate was expanded the next year by “Resolution 650 (1990),” S/RES/650(1990).

34. DPKO, *Central America – ONUCA Background*, available from <http://www.un.org/en/peacekeeping/missions/past/onucabackgr.html>.



ONU DEMOBILIZATION CEREMONY IN HONDURAS. UN PHOTO/STEEN JOHANSEN

programming as part of peace operation mandates, in order to reduce the potential for ex-combatants to spoil the peace process or further destabilize fragile states.

In the years following the ONUCA DDR programme, DDR was viewed largely as a linear set of processes employed after a peace agreement, in which parties to a conflict committed their fighters to participate in DDR programming. First combatants would be disarmed. Second, combatants – as units – would be stood down, or demobilized. Third, combatants would be provided with some transition assistance – ranging from some funds, medical and psychological counselling, education and vocational training, and/or assistance in reintegrating back into the community. Even this ‘classical’ DDR represented a tall order – especially with regard to reintegration, the success of which depended on a host of socio-economic factors, community acceptance, and individual resiliency to adapt to unfamiliar structures and processes in a post-war environment.

DDR has since been fully embraced as a standard tool of UN peacekeeping and included in most of the newly mandated operations deployed by the Organisation. Since 1999, DDR has been a part of the mandate of all peacekeeping operations and a large number of special political missions in the field, with important exceptions in Chad and Ethiopia-Eritrea. In most cases, the peace operation mandate will ask the United Nations to “assist in the establishment of the disarmament, demobilization, and reintegration programme [as called for in the relevant peace agreement] with particular attention to the special needs of women and child combatants, [and its implementation through voluntary disarmament and weapons collection and destruction].”³⁵

But the recent changes in conflict environments have generated UN peace operations with quite distinct underlying strategic approaches. Recent UN peace operations have been deployed to conflicts where there is no peace to keep, from Mali to Libya, or where criminal elements play significant roles in the post-conflict transitions, such as Haiti or Afghanistan. UN peace operations mandates have increasingly encompassed deterrence of non-state spoilers and preventing armed elements from returning to cleared areas; re-establishing state authority; rebuilding the state’s security sector; and helping to facilitate on-going peace and reconciliation processes.³⁶ In response, the UN Security Council has endowed recent peace operations with more robust and expansive

35. “Resolution 1590 (2005),” S/RES/1590 (2005). Similar language can be found in the mandates of UNOCI, MISUSMA, MINUSTAH and MONUSCO.

36. For example, see the mandate for the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), “Resolution 2100 (2013),” S/RES/2100(2013).

mandates,³⁷ often specifically directing UN peacekeepers help build sustainable institutions of governance, serve as human rights monitors, lead security sector reform efforts, and provide or support efforts to disarm, demobilize, and reintegrate former combatants.³⁸ As will be discussed in more depth later in this chapter, the Security Council has recently, and exceptionally, gone so far as to create a Force Intervention Brigade in the Democratic Republic with Congo with a mandate to 'neutralize' specified non-state armed groups. In Somalia, as Vanda Felbab-Brown explores in her study later in this collection, UN DDR actors have even been asked to work alongside a national DDR programme designed to encourage 'defection' by non-state combatants during an active conflict.

As UN peacekeepers have increasingly been called to respond to complex intra-state, asymmetric conflicts where the fault lines are poorly defined and rapidly shifting, the threats to their safety have increased. In addition, many of the combatants in today's conflicts no longer see the UN as a neutral actor, but rather a party to the conflict or aligned with the state regimes they oppose. As this narrative has gained steam, the UN peacekeepers and staff have become targets. The horrific attack on the UN Assistance Mission in Iraq's headquarters in Baghdad in 2003 and the regular IED attacks on the MINUSMA troops in Mali exemplify the extent to which UN actors are now targeted. From 1948 to 2004, the average number of UN peacekeeper fatalities was 34 per year; since then, it has risen to 140 per year.³⁹

As the types of conflicts to which the UN has responded changed, DDR programming has also adjusted. Evolving conflict dynamics led to a reconceptualization of DDR. The 2000 Panel on United Nations Peace Operations, established by Secretary-General Kofi Annan to "assess the shortcomings of the then existing [peace operations] system and to make specific and realistic recommendations for change,"⁴⁰ called for DDR programming to be consolidated into the assessed budgets of complex peace operations in their first phase.⁴¹ The Brahimi Report, as this report was known, after the Panel's Chair, concluded that DDR was "key to immediate post-conflict stability and reduc[ing the] likelihood of conflict recurrence," and thus essential in contributing to public security and law and order.⁴² It also found that the reintegration element of DDR, voluntarily funded, often lagged below requirements, having detrimental

37. DPKO, *The Early Years*.

38. DPKO, *Post Cold War Surge*.

39. DPKO, *Peacekeeping Factsheet*, available from <http://www.un.org/en/peacekeeping/resources/statistics/factsheet.shtml>.

40. DPKO, *Reform of Peacekeeping*, available from <http://www.un.org/en/peacekeeping/operations/reform.shtml>.

41. Often known as the Brahimi Report, after its chairman Lakhdar Brahimi. "Report of the Panel on United Nations Peace Operations," Report of the Panel on United Nations Peace Operations, 21 August 2000, A/55/305-S/2000/809, p. ix.

42. *Ibid.*, p. 7.

impacts on overall DDR outcomes.⁴³ The report also found that while DDR was increasingly mandated by the Security Council (15 DDR-specific mandates as part of peace operations in the previous decade), DDR programming was disjointedly provided by myriad actors within and outside the UN.

This led to several reforms. For many years, DDR efforts were coordinated within DPKO by a few staff within the Policy Evaluation and Training (PET) Division. In 2007, with the creation of OROLSI, DDR was established as its own Section, marking a transition from a focus on best practices to a more operational role. Since then, DDRS has remained extremely small. Today, only six officers help plan, oversee, and manage DDR efforts across 10 countries and hundreds of thousands of mandated beneficiaries. Moreover, the creation of DDRS alone would not serve to fully coordinate, let alone, integrate the UN's various programming efforts that fell under the Organisation's DDR umbrella.

To that end, in 2005, an Inter-Agency Working Group on DDR was established. It quickly developed *Integrated DDR Standards*, adopted in 2006, which were devised to help relevant UN actors streamline UN DDR security and socio-economic interventions into a coherent DDR planning and programming approach. IDDRS also advanced a more human security-oriented conception of DDR than previous iterations. IDDRS abandoned the narrow, linear conceptualization for programming and sought to provide a principled framework capable of adaptation to a variety of conflict scenarios. The Operational Guide to IDDRS furnishes DDR practitioners with guidance and direction on how best to prepare, implement, and support DDR efforts in the field.⁴⁴

This has led to a wide variety of creative, solution-oriented approaches to programming on the ground. In Liberia, UNMIL intelligence about the activities of former combatants helped to identify the need for adjustments to DDR programming to dismantle combatant command structures, leading to real-time programming adjustments.⁴⁵ In Haiti, a '2nd Generation' DDR

43. "Demobilized fighters (who almost never fully disarm) will tend to return to a life of violence if they find no legitimate livelihood, that is, if they are not "reintegrated" into the local economy." Ibid., pp. 7-8.

44. DPKO, *Operational Guide to the Integrated Disarmament, Demobilization, and Reintegration Standards*, available from <http://www.unddr.org/uploads/documents/Operational%20Guide.pdf>, p. 13.

45. UN DPKO, *Second Generation Disarmament, Demobilization, and Reintegration (DDR) Practices in Peace Operations: A Contribution to the New Horizon Discussion on Challenges and Opportunities for UN Peacekeeping*, available from http://www.un.org/en/peacekeeping/documents/2GDDR_ENG_WITH_COVER.pdf, pp. 16-17.

approach generated ‘Community Violence Reduction’ initiatives, in which the UN DDR programme worked with local communities to demobilize and reintegrate criminal gangs.⁴⁶

During the first decade of the 21st century, DDR programming also expanded well beyond the UN. DDR activities were undertaken in non-UN-peace-operations contexts, by an array of other UN, international, and state entities. Among the other UN agencies that have performed or currently offer aspects of DDR programming are UNICEF and UNDP. For example, UNDP has been involved in reintegration and reinsertion activities in a number of other countries, notably in the Democratic Republic of Congo. In many cases, states perform their own DDR programmes with or without UN support, potentially facilitated by private security contractors or NGOs. The International Organization for Migration (IOM), for instance, played a significant role in the DDR process in Sri Lanka. The complexity of the DDR programming landscape also has implications for the UN, as the DDR efforts of non-UN actors can impact UN operations in the field – and vice versa.

Yet even with its flexible approach to DDR, the 2nd Generation conceptualization has been strained by today’s current conflict complexities, raising a host of questions about how the UN can effectively and efficiently provide DDR programming while avoiding legal, operational, and reputational risks.

3. A precarious peace operations environment

UN peace operations are increasingly mandated to respond to highly fragmented, protracted conflict environments that are unpredictable and perilous.

Building on the Brahimi Report’s call in 2000 for UN peace operations to have robust rules of engagement to tackle armed groups who have “renege[d] on their commitments to a peace accord or otherwise s[ought] to undermine it by violence,”⁴⁷ in 2013, the Security Council extended the mandate of the United Nations Organization Stabilization Mission in the Democratic Republic of Congo (MONUSCO) to create an Intervention Brigade.⁴⁸ The Brigade was given the

46. Haiti’s DDR programme marked one of the first applications of the integrated approach to DDR, but without the political will from the interim government there and the absence of the basic stability and buy-in prerequisites for DDR, the programme struggled. Robert Muggah, Desmond Molloy, and Maximo Halty, “(Dis)integrating DDR in Sudan and Haiti? Practitioners’ Views to Overcoming Integration Inertia,” in Robert Muggah, ed., *Security and Post-Conflict Reconstruction Dealing with Fighters in the Aftermath of War*, (Milton Park, UK: Routledge, 2009), p. 213.

47. “Report of the Panel on United Nations Peace Operations,” A/55/305-S/2000/809, p. 10.

responsibility of neutralizing armed groups that were a threat to state authority and civilian security in eastern Congo.⁴⁹ The Intervention Brigade quickly went to work against M23, a rebel movement in opposition to the Congolese government. The impact on M23 was decisive – the Brigade working in concert with Congolese forces, quickly routed the group – but the debate over the Intervention Brigade’s robust mandate continued. Troop Contributing Countries (TCCs) – particularly India and Pakistan – have expressed concern that the Brigade sets an aggressive precedent that the UN will have difficulty backing away from.⁵⁰ Other Member States are concerned that host states requesting UN peacekeepers may have the expectation that peacekeepers will arrive ready to shoot. And still others question whether UN peacekeepers will retain immunities under international law if the UN violently enforces peace.⁵¹

The Force Intervention Brigade is not the only case where UN peace operations – and DDR efforts – are carried out in the shadow of on-going military operations. There are several other peace operation mandates – although not as explicit as MONUSCO’s – that have opened the door to the use of force against non-state violent actors. For example, the United Nations Operation in Cote d’Ivoire (UNOCI) was eventually mandated to use all means necessary to protect civilians and UN personnel,⁵² language that was interpreted as a justification for the 2011 UN-French coordinated attack on the Akouedo military camp in Abidjan, which pro-Gbagbo forces had used to mount attacks. The Secretary General rejected accusations that UNOCI’s actions constituted taking sides in the conflict, and dismissed critiques of overreach,⁵³ saying that the operation was “In line with its Security Council mandate, the mission has taken this action in self-defence and to protect civilians.”⁵⁴ Indeed, the 2010 renewal of UNOCI used expanded language encouraging peacekeepers to “use all means necessary” to achieve the

48. The Brigade – consisting of three infantry battalions, one artillery, one special force, and reconnaissance company, with headquarters in Goma, under direct command of the MONUSCO Force Commander. “Resolution 2098 (2013),” S/RES/2098(2013).

49. *Ibid.*, 6-7.

50. “United Nations Peacekeeping Operations: New Trends,” S/PV.7196.

51. James Verini, “Should the United Nations Wage War to Keep Peace?” *National Geographic*, 27 March, 2014, available from <http://news.nationalgeographic.com/2014/03/140327-congo-genocide-united-nations-peacekeepers-m23-kobler-int/> (accessed on 14 March 2015).

52. “Resolution 1528 (2004),” S/RES/1528(2004).

53. Asia Pacific Center for the Responsibility to Protect, “UN Peace Operations and ‘All Necessary Means,’” R2P IDEAS in Brief, AP R2P Brief, Vol. 3 No. 3 (2013), available from http://www.r2pasiapacific.org/docs/R2P%20Ideas%20in%20Brief/UN_Peace_Operations_and_All_Necessary_Means.pdf, (accessed 3 April 2015).

54. “Ivory Coast: UN Forces Fire on Pro-Gbagbo Camp,” *BBC*, 5 April 2011, available from <http://www.bbc.com/news/world-africa-12960308> (accessed 28 March 2015).

Mission's mandate.⁵⁵ That mandate expanded further in subsequent years, authorizing the Mission to "monitor and deter the activities of militias, mercenaries, and other illegal armed groups..."⁵⁶ and later urging UNOCI to "move to a more preventive and pre-emptive posture in pursuit of its priorities and in active defence of its mandate..."⁵⁷ As Bruce Oswald explains in his essay later in this collection, such developments raise complex questions relating to the voluntariness of DDR efforts: if DDR programming is presented as one option, and military attack is implicitly the other option, there is a danger that any 'choice' to participate in DDR may be clouded by duress, and that DDR programming may risk at times shading over into 'detention'.

What this all points to is a set of fundamental questions about how UN peace operations can best pursue a principled approach – upholding the UN's impartiality, together with the principled promotion of human rights – in today's hostile conflict environment. How can the UN integrate its normative role with its operational role? How can it ensure that its efforts to promote human rights and respect for international humanitarian law do not conflict with its need for access to conflict parties? How can it ensure that its support to national DDR efforts do not appear to reward combatants for their prior violence? How can it ensure that it does not accidentally support illegal detention or tolerate mistreatment of combatants or their supporters, by non-UN DDR actors?

The paramount questions around peace operations are, fortunately, the subject of deep reflection by minds greater than ours. The High-level Independent Panel on Peace Operations appointed by Secretary-General Ban Ki-moon will hand down its report around the same time that this collection of essays is published. It is mandated to provide a "comprehensive assessment of the state of UN peace operations today and the emerging needs of the future."⁵⁸ The review will encompass both UN peacekeeping operations as well as special political missions (SPMs).⁵⁹ Later in 2015, the Member-State led Review of Peacebuilding Architecture will "propose ways to strengthen the performance and impact of the Peacebuilding Architecture, with the aim of helping UN peace building efforts reach their full potential."⁶⁰ This suite of essays aims to help Member States and UN practitioners begin to think about

55. "Resolution 1933 (2010)," S/RES/1933(2010).

56. "Resolution 2112 (2013)," S/RES/2112(2013).

57. "Resolution 2162 (2014)," S/RES/2162(2014).

58. "Secretary-General's statement on appointment of High-Level Independent Panel on Peace Operations," Press Statement, 31 October 2014, available from <http://www.un.org/sg/statements/index.asp?nid=8151>.

59. Ibid.

60. UN, *United Nations Peacebuilding Commission*, available from <http://www.un.org/en/peacebuilding/review2015.shtml>.

how the issues considered in those contexts have very real and immediate implications for DDR – and what solutions might be within reach.

4. Building new DDR solutions

UN DDR programming is today frequently mandated in on-going conflict contexts, where there is no peace agreement to keep, and DDR is intended to help generate momentum around a nascent peace process. DDR is also mandated to occur in the shadow of on-going military operations, sometimes with the same groups that are the targets of attack. In some cases, DDR is directed towards radicalized violent extremists, some of which target the UN itself for attack. In such environments, there are several major challenges for ensuring sound DDR practices and effective DDR outcomes:

1. Where there is conflict on-going, the political buy-in from conflict parties that was long thought necessary for voluntary DDR programmes may be lacking, raising questions about whether DDR efforts will work in such environments.
2. On-going conflicts lack the stability required to facilitate the economic recovery required to absorb ex-combatants entering the labour force, raising questions about how to design effective reinsertion and reintegration programmes that prevent conflict relapse or criminalization in the post-conflict state-building process.
3. Very little is known about the interplay between DDR and offensive military operations. Does the existence of offensive military operations undermine or facilitate DDR programming? What effect does it have on combatants' choices to enter DDR programmes?
4. The rising role of host state actors, regional and subregional organisations, and private NGOs and contractors in DDR programme delivery raises a variety of legal, operational, and strategic challenges. How can UN DDR programming work to ensure its support to such actors is in line with UN principles and human rights standards, yet also ensures access, coherence and coordination?
5. When does voluntary DDR become involuntary detention? What are the legal, operational and strategic implications?
6. As DDR programmers are increasingly confronted with violent extremist combatants, some of whom are members of designated terrorist groups, what legal, operational, and reputational challenges exist for dealing with them?
7. How well suited are current DDR programmes for handling violent extremist combatants? Should approaches from the emerging fields of CVE and terrorist rehabilitation be incorporated into DDR efforts – or vice versa?
8. What role does UN DDR have to play in dealing with Foreign Terrorist Fighters? What scope is there for the UN to assist Member States to

develop effective reintegration programmes *outside* conflict contexts, or through regionalized arrangements?

These are not abstract or academic questions. UN DDR programmers confront them daily, on the ground. In response, DDR practitioners are already building new solutions. Sometimes these solutions are succeeding; sometimes they are not; and sometimes the problems lie outside the scope of existing DDR mandates and practice. There is a risk that a gap will emerge between strategy, doctrine, and guidance on one hand, and practice on the other – a gap that only expands the space available to non-state armed groups and violent extremists to exploit, spoil, and defeat the peace processes promoted by the United Nations. As DDR programming expands, the potential for that gap to be exploited is exacerbated. Additionally, with the rigid distinction between DDR in the field and CVE in other contexts, the larger policy framework for the UN's role in setting norms and leading practice in demobilizing and disengaging violent extremists has not kept up with bottom-up, tactical innovation in the field.

In an effort to address this gap, in early 2015, UN DPKO's DDR Section (DDRS) and the United Nations University (UNU) launched a collaborative research project to identify and analyse field-level innovations in DDR; consider their relationship to current CVE practice and offensive operational concerns. Working with leading experts in their fields, UNU and DDRS designed the following collection of analytical research pieces designed to map some of the on-going challenges facing DDR programmes in the field today. Through their various lenses, the studies in this collection analyse how these challenges and dilemmas post a series of risks – physical, reputational, legal, political, and strategic – to UN staff, the United Nations as an institution, and Member States. Lastly, the authors translate their findings into policy proscriptions and weigh the impact their suggested reforms could have on the efficacy and efficiency of DDR programmes.

ABOUT THE STUDIES IN THIS COLLECTION

Following this introduction, in Chapter 2, Dr Vanda Felbab-Brown, Senior Fellow at The Brookings Institution, provides a 30,000-foot view of the challenges facing the UN in adapting DDR operations to the shifting strategic environment in which peace operations take place today, with a particular focus on the impact of on-going military operations. Felbab-Brown examines how the strategic threat environment, and the bureaucratic and political tensions between those entities that respond to them, combine to create operational and reputational challenges for UN DDR programming. The author raises important questions about how conducting DDR during on-going conflicts, and specifically in the context of offensive operations, which may or may not be undertaken by UN-commanded troop contingents, impact

the organisation's perceived impartiality and may influence DDR outcomes. Felbab-Brown also considers how the myriad actors with competing priorities involved in DDR impact access, monitoring, and standards. She urges a serious discussion in the international community about how far to pursue compromised DDR support before the dangers of moral hazard overwhelm the positive impact to be gained by continuing such programming. Felbab-Brown concludes by analysing the organisational, budgetary, and strategic policy implications of her findings.

In Chapter 3, Ms. Naureen Chowdhury Fink, the Head of Research and Analysis at the Global Center for Cooperative Security, examines the nexus between countering violent extremism (CVE) and terrorism rehabilitation programmes and DDR programming. Although these forms of programming appear operationally similar and share broad goals, questions remain about the applicability of approaches and lessons learned from one field to the other. Moreover, while CVE programming has received an enormous amount of attention of late, the field incorporates a wide variety of disparate programmes, with extremely limited systematic assessment of impacts, making it difficult to draw conclusions about CVE intervention outcomes. With these caveats in mind, Fink carefully examines CVE and terrorist rehabilitation programming examples to discern what should and could be applied to DDR programming. She finds that the focus that some CVE/terrorist rehabilitation programmes have placed on the family of participants, creating social bonds that endure beyond the programme, and ensuring interlocutors' legitimacy may improve DDR outcomes when dealing with violent extremists. The piece highlights the need for additional research on the impact of CVE and terrorist rehabilitation programming, and consideration of developing improved guidance for integrating CVE and DDR programming. Reading Fink's piece, the reader is often left wondering not what implications CVE and terrorist rehabilitation programming have for DDR, but rather, how DDR can inform CVE and terrorist rehabilitation programming? Given the UN has amassed a quarter century of experience with DDR, and that IDDRS already includes aspects related to the elements highlighted by Fink, there seems to be a strong case for arguing that the UN's future involvement in CVE and terrorist rehabilitation programming should be based on lessons from DDR – rather than vice versa.

In Chapter 4, Dr Bruce "Ossie" Oswald, Associate Professor of law and long-time legal advisor to the Australian Armed Forces and several multinational peacekeeping missions, explores the apparently growing potential for overlap between 'detention' and DDR programming. Traditionally, DDR has involved voluntary choices by armed groups to participate. Insurgent leaders whose groups are party to a peace agreement have agreed to have their fighters decommissioned through a DDR programme. As the UN responds to more on-going conflicts, the number of actors conducting DDR efforts has multiplied, and DDR programming has increasingly been employed alongside other state or multilateral-led efforts to neutralize non-state

armed actors, the lines between DDR and more coercive counterinsurgency and counterterrorism efforts risk blurring. In the resulting grey area, there is an increased likelihood that the UN and other actors engaging in DDR programming will find themselves in situations where the participation of some combatants is arguably involuntary, constituting detention. Oswald considers the complex legal, operational, and security questions raised in such situations. He suggests the need to contemplate developing clearer guidance for screening and facility management in these situations, and for clarification of the relationship between detention facilities and DDR programming and the UN role, if any, in each.

In Chapter 5, Dr Vanda Felbab-Brown, in her second essay for the collection, presents her findings from a field research trip to Somalia in March 2015, supported by UNU and DDRS. Somalia serves as a key case study for this collection, as the conflict there embodies many of the characteristics of today's – and likely tomorrow's – conflicts. The Somalia case brings to life the challenges and potential perils of conducting DDR programming in today's conflict environment. Based on extensive interviews with over 60 stakeholders, including disengaged Al-Shabaab fighters currently in DDR programmes there, Felbab-Brown examines the difficulties of ensuring DDR standards, transparency of process, monitoring and control in the context of limited resources and national or locally-owned DDR programmes. Her study's findings raise serious questions about the prudence of providing continued support for seriously flawed DDR processes – concerns not limited to Somalia. Indeed, the challenges and dilemmas outlined herein are likely to characterize many of the UN's current and future DDR efforts. The author urges the UN to consider improvements to monitoring, standards, and access, but ultimately comes down in favour of continued UN engagement on DDR issues in Somalia, which have improved significantly as a result of UN involvement to date.

In Chapter 6, we conclude, arguing that the insights in this collection point to the need to develop a new practice framework, drawing on both DDR and CVE, for 'demobilizing and disengaging from violent extremism' (DDVE). Finally, we offer specific proposals for how the UN community might quickly develop the tools it needs in this area, to help make DDR fit for purpose in an era of violent extremism.

Clarifying DDR's purpose in contemporary contexts

This collection was envisioned as a springboard to a larger debate on the future of DDR in complex conflict environments. It is our hope that this collection provokes serious reflection within the international community about the *purpose* of DDR, and how UN DDR programming can be better equipped so that it is *fit* for that purpose. DDR practitioners will bravely and resourcefully

continue to develop *ad hoc* solutions to the dilemmas and problems that they currently – and will likely increasingly – face in the field. But the risks to them, to the communities they operate within, to Member States, and to the UN system, may be high.

As the conflict in Somalia highlights – studied with great analytical insight by Felbab-Brown later in this collection – trying to provide DDR programming in today's, and likely tomorrow's, conflicts presents a host of safety, legal, ethical, operational, and reputational risks to the UN, its staff, Member States, and donors. These risks should be systematically dealt with in a thoughtful and practical manner. As the pieces in this collection make clear, clearer policy guidance, grounded in evidence, will be needed to create that risk management system, and help DDR actors achieve the peaceful outcomes they are mandated to pursue.



Chapter 2

DDR in the Context of Offensive Military Operations, Counterterrorism, CVE and Non-Permissive Environments Key Questions, Challenges, and Considerations

Dr Vanda Felbab-Brown

2

Introduction

As O'Neil and Cockayne explain in the introduction to this collection, the United Nations is increasingly asked to undertake or support disarmament, demobilization, and reintegration (DDR) of belligerents in the context of on-going military operations and counterterrorism (CT) activity and in the absence of a peace deal, treaty, or framework. As my own later piece in this collection explores, Somalia provides a crucial example. DDR in the context of on-going military operations has also been undertaken in Afghanistan, Colombia, the Democratic Republic of Congo, Haiti, Libya and Mali. In Afghanistan, DDR coincided not only with counterinsurgency and counterterrorism operations, but also with an effort to recruit anti-insurgent militias. Such contexts heighten many traditional challenges for DDR efforts and also create new ones. DDR cannot be described as merely an activity to address security threats and dilemmas and to codify agreed-upon post-war security and power arrangements; for it actively changes power dynamics on the battlefield, particularly if DDR programming also involves deradicalisation processes and related efforts to counter violent extremism (CVE).

Even where the UN can overcome the strategic obstacles to effective DDR thus posed, there are also political and bureaucratic ones that it must address, arising from the involvement of a web of actors in DDR programming and, more broadly, peace operations. Many of the national governments requesting DDR assistance might have limited capacity and resources to implement DDR efforts. And their objectives and designs for DDR might not fully align with UN expectations and standards. Moreover, international donors might have multiple agendas or might find DDR in the context of on-going military operations too controversial to fund.

In the context of the increasingly complex nature of conflicts and the bureaucratic and political tensions

between those entities that respond to them, three sets of important challenges arise for UN efforts to support and implement DDR:

1. the neutrality of the agencies and actors conducting DDR processes and the effects of this consideration on the trust, access, and safety requirements of those processes;
2. the extent of local knowledge needed for effective implementation and sustainability; and
3. questions of operational effectiveness, accountability of the programmes in relation to their basic purposes, and expectations of the degree and timing of success.

Access and safety imperatives affect many actors – from UN personnel to ex-combatants, government forces, aligned or rival sub-state actors, international counterinsurgency or counterterrorism forces, and local communities. Rarely will the United Nations have the unfettered or even sufficient access to nationally-run DDR programmes necessary to achieve both an in-depth knowledge in a highly fluid environment, or a sufficient level of control as to who enters DDR programmes, who leaves, and what kind of assistance DDR recipients and broader communities receive. Separation of DDR from detentions and internment might not be clear-cut. Isolating DDR programmes from intelligence-gathering operations and efforts to flip combatants to fight against their former comrades might not be easily prevented.

The challenges arise also in the context of the United Nations having expanded the scope of

NEVER MERELY A TECHNICAL EXERCISE, BUT ALWAYS A HIGHLY POLITICAL MATTER, DDR HAS BECOME EVEN MORE POLITICALLY SENSITIVE.

ambitions, obligations, and extent of programming for its DDR-supported efforts through the adoption of the *Integrated DDR Standards* in 2006. Difficult to implement in even permissive environments,



such as after conflict has ended and a peace treaty has been signed, their full execution in non-permissive environments, with their emphasis on voluntary engagement, community involvement, rights and justice, and transparency, can be particularly difficult. Never merely a technical exercise, but always a highly political matter, DDR has become even more politically sensitive.

The United Nations is being asked to do more in terms of scope, objectives, and principles of DDR in far less permissive environments with likely far



UNAMID PEACEKEEPERS ON NIGHT PATROL. UN PHOTO/ALBERT GONZÁLEZ FARRAN

fewer resources. The issues this raises cannot be answered fully in the abstract. Judgments will need to be made with reference to specific and differing contexts. Not all settings of on-going conflict or counterterrorism operations are equally non-permissive; not all challenges will be equally acute and intense. Accordingly, this think-piece does not purport to provide a general solution to the emergent problems, nor specific guidance for dealing with each of them. Its primary purpose is to identify the key challenges and the considerations that must be taken into account in applying the

DDR concept in this new challenging environment. It proceeds as follows: I first provide a broad review of the purpose, evolution, and design of DDR. I then discuss the new context of on-going military operations and counterterrorism and CVE activities and weak host governments. Third, I detail the challenges that arise regarding: 1. neutrality, trust, access, and safety; 2. visibility-transparency, local knowledge, sustainability, and handover; and 3. implementation, expectations, and accountability. I conclude the analysis by examining the policy implications of the study's findings.

The purpose and design of DDR

DDR efforts are meant to strengthen and deepen peace processes and reduce the chances that violent conflict will re-escalate or that conflict-related criminality will emerge. By disarming combatants and changing their structures of protection and livelihoods, identities, and behaviour to those of peaceful civilians engaged in legal economic activity, the DDR processes are meant to prevent the emergence of new security threats and dilemmas: rearmament and renewed violent conflict, predation by (ex)combatants on communities and their participation in crime and illicit economies, and retaliation by rival groups and victim communities. DDR programmes thus come in a great variety, from mere collection of weapons to complex provision of socio-economic and psychological packages to ex-combatants and communities that were the victims of the combatants and are now the recipients of returning combatants.⁶¹

In 2006, the United Nations adopted *Integrated DDR Standards* (IDDRS) which sought to mitigate problems and criticism of previous DDR efforts by making DDR: rights-based, people-centred, flexible, transparent and accountable, nationally-owned, integrated, and well-planned.⁶² The IDDRS remains the foundational document guiding DDR programming across the UN system. In 2010, the United Nations Department of Peacekeeping

Operations (DPKO) published an influential study on '2nd Generation DDR,' exploring how DDR practices were being adapted to address conflict contexts involving 'greater levels and diffusion of violence against unarmed civilians, often perpetrated by undisciplined armed elements, such as militia and gangs, operating at the sub-national level.'⁶³

This 2nd Generation DDR emphasizes: "justice" (in addition to reconciliation and reintegration), particularly to communities and victims; the need for community inclusion in DDR processes; and a strong focus on gender.⁶⁴ The emphasis on justice has at times created tensions for peace processes overall and DDR specifically, as some combatants have proved reluctant to disarm, fearing prosecution for human rights violations and other crimes.⁶⁵ Moreover, as multiple challenges of unstable political settings, contested access, and limited, short-term, and uncertain funding emerged in execution, the R (*reintegration*) in DDR was in practice often overlooked in favour of *reinsertion* - a short-term circumscribed version of the socio-economic assistance previously provided to ex-combatants, officially part of the 'demobilization' phase, rather than the longer-term socio-economic programming of reintegration. As the World Bank and UNDP's focus on reintegration programming has abated over the last five years, DDR programming in the field has moved away from the full integration of ex-combatants into communities

61. For background and overview of DDR designs, programming, effectiveness, and evolution, see Robert Muggah, "Introduction: The Emperor's Clothes?" in Robert Muggah, ed., *Security and Post-Conflict Reconstruction: Dealing with Fighters in the Aftermath of War* (Abingdon, Routledge, 2009), pp. 1-29; and Kees Kingma, "From Conversion to Peace-building: A Reassessment of Demobilization and Reintegration in Africa," in Michael Brzoska and Axel Krohn, eds., *Overcoming Armed Violence in a Complex World* (Opladen/Farmington Hills, Budrich University Press, 2009), p. 65-78; Stina Torjesen, "Towards a Theory of Ex-Combatant Reintegration," *Stability: International Journal of Security and Development* Vol. 2 No. 3, (2013), pp. 1-13; Prosper Nzekani Zena, "The Lessons and Limits of DDR in Africa," *Africa Security Brief*, The Africa Center for Strategic Studies, No. 24, January 2013; Mats Berdal and David Keen, "Violence and Economic Agendas in Civil Wars: Some Policy Implications," *Millennium: Journal of International Studies*, Vol. 26, No. 3 (1997), pp. 795-818.

62. UN, *Integrated Disarmament, Demobilization and Reintegration Standards* (IDDRS), 2006, available from <http://www.unddr.org/uploads/documents/IDDRS%20Foreword%20and%20Acknowledgements.pdf>.

and society, but rather sought, minimally, to facilitate their smooth return to communities.

The new challenging context

Existing DDR guidance and design still assume that DDR occurs in the context of – and helps to embed – a peace settlement. DDR is assumed to occur *after violent conflict* has ended, or as the end draws near, signalled by a political deal between the parties. Yet increasingly DDR efforts are being undertaken in a very different, non-permissive security and political environments: in the absence of peace and in the context of on-going military and counterterrorism operations. Moreover, the recipient states are often likely to be characterized by weak governance capacity and perhaps also a questionable governance record and limited legitimacy. Such an operating environment might not be altogether new for the United Nations, but the likely degree and prevalence of such characteristics is nonetheless noteworthy. Demand for DDR assistance in such difficult environments is likely to grow at a time of limited international and UN resources for dealing with the many international conflicts competing for attention and pervasive donor fatigue. Three major trends stand out.

First, DDR processes are increasingly being undertaken *in the context of on-going military*

operations and counterterrorism campaigns and related efforts to counter violent extremism. Even under the best of circumstances of a peace deal having been signed and accepted, disarmament and demobilization often require guarantees on how the peace deal will be enforced and how security of the disarmed groups will be provided – a very contentious and complex issue.⁶⁶ In the midst of on-going military operations, such guarantees are particularly difficult to deliver credibly, thus potentially limiting the number of individuals, splinter factions, militias, or armed groups who are willing to put down their weapons. Furthermore, increasingly the (ex)combatants fed into DDR processes are fighters and “supporters” of militant groups captured on the battlefield, or, in some cases, defectors who are given a choice between detention/imprisonment or participation in DDR. (For details, see my case study of Somalia in Chapter 5). Always highly political and never just a technical process, DDR in such contexts becomes even more sensitive and politically charged.

Although the United Nations emphasizes the contribution of DDR to peace and development and often tries to distance DDR efforts from counterterrorism or military operations, in practice, DDR in such contexts changes power dynamics on the battlefield and off. Even nominally, DDR cannot be considered politically neutral – by reducing the pool of combatants or potential combatants

63. See DPKO, *Second Generation Disarmament, Demobilization, and Reintegration (DDR) Practices in Peace Operations: A Contribution to the New Horizon Discussion on Challenges and Opportunities for UN Peacekeeping*, available from http://www.un.org/en/peacekeeping/documents/2GDDR_ENG_WITH_COVER.pdf, p.3.

64. See, for example, Walt Kilroy, “Does a More Participatory Approach to Reintegrating Ex-Combatants Lead to Better Outcomes? Evidence from Sierra Leone and Liberia,” *Conflict, Security, and Development*, Vol. 14, No. 3, (2014), p. 275-308; and Willemijn Verkoren, Rens Willems, Jesper Kleingeld, and Hans Rouw, “From DDR to Security Promotion: Connecting National Programmes to Community Initiatives,” *International Journal of Peace Studies*, Vol. 15, No. 2, (Autumn/Winter 2010), pp. 1-32.

65. See, for example, Lars Waldorf, “Getting the Gunpowder Out of Their Heads: The Limits of Rights-Based DDR,” *Human Rights Quarterly*, Vol. 35, (2013), pp. 701-709.

66. See, for example, Robert Muggah, “Negotiating Disarmament and Demobilization: A Descriptive Review of the Evidence,” *Colombia Internacional* 77, (January-April 2013), pp. 19-41.

(including when it is solely focused on defectors), it weakens the military power of one group and advantages the rival state or other groups. How exactly it changes the relative balance of power of the various armed actors and the state can be highly varied and complex since often in addition to the targeted armed groups or terrorist organisations, other militias and non-state political-military actors may operate in the political space and have complex, multiple, and cross-cutting relationships to the state and rival armed groups.

In many post-conflict settings, not all armed actors demobilize and sign peace treaties simultaneously. This is increasingly problematic as the number of parties to recent conflicts has multiplied, significantly raising the prospect that splinter, rival, or unrelated armed actors may well continue fighting for years after some groups signed a peace deal. DDR may thus be conducted in an atmosphere of some on-going military operations. Nonetheless, under these circumstances, DDR is still presumably focused mainly on the actors who have signed a peace agreement. The absence of any peace agreement changes the power dynamics on the battlefield and hence perceptions of neutrality to a much higher degree. The nature of the DDR relationship between the United Nations and those entities engaged in on-going military and counterterrorism operations can thus have significant ramifications for perceptions of the UN's posture of neutrality and impartiality in those contexts.

DDR operations also increasingly take place alongside *efforts to counter violent extremism*. As is already happening in Somalia, it is possible that deradicalisation programming could be directly incorporated into DDR programmes at the request of recipient states. Such an expansion of DDR programming would reflect analyses indicating that commitment to violence and the proclivity

of combatants to re-engage in armed conflict or terrorism might be especially high in *jihadi* conflict. As in Somalia, the application of CVE programming in a DDR context would likely entail the use of imams to re-educate ex-combatants in Islam and provide various forms of psychological assistance. Again, draining the potential pool of recruits or active fighters from a militant group through such CVE efforts can alter the balance of power on the military battlefield.

What kind of CVE programming is to be included in DDR and how DDR is synchronized with other CVE programmes are complex questions that need to be addressed in specific settings, as Naureen Chowdhury Fink explores further in Chapter 3 of this collection. There is no standard definition of what CVE encompasses or significant evidence about the efficacy of CVE programming, but in general CVE programming is meant to prevent individuals from radicalizing and engaging in violence in the service of an ideology.⁶⁷ Radicalisation is a highly individualized and non-linear process and characteristics of radicalized individuals vary widely. Among the many relevant factors, CVE and terrorism analysts often emphasize individual-level triggers such as peer and family pressures, the need for personal recognition and validation, as well as broader social and political correlates, such as humiliations suffered by one's community and the lack of social opportunities. CVE efforts can thus range from broad economic development efforts of socially marginalized areas, to individual psychological re-education, to alternative religious and propaganda messaging. Which programmes exactly should DDR embrace? What are the knowledge and resource implications of DDR-CVE combinations of individually-tailored religious re-education and psychology lessons versus socio-economic and political restructuring to counter root causes of radicalisation? Answering these questions is all the

67. For an overview of CVE definitions and programming, see Georgia Homer, "Countering Violent Extremism: A Peacebuilding Perspective," *USIP Special Report*, No. 336, September 2013; and John Horgan, *Walking Away from Terrorism* (New York, Routledge, 2009).

more difficult given that the effectiveness of many CVE and deradicalisation programmes remains empirically unproven.⁶⁸

Moreover, just like in all previous conflicts, civil wars, revolutions, and insurgencies, even in today's climate of ideological radicalisation, not every *jihadi* combatant signs up because of a fervent ideological commitment: many join because family members were already recruited, or because family members suffered injustice from security forces or rival groups, or because they are discriminated against by dominant political actors in their access to economic resources or political power. Individuals or entire communities, clans, and tribes may "join" purely for survival reasons, merely because they expect the militant group to prevail in the area, or they lack other economic opportunities.

Second, these DDR efforts, conducted under the framework of the IDDRS with its expanded purpose, scope, and programming ambitions, are increasingly taking place in *very weak recipient*

THE UN MAY INCREASINGLY FIND ITSELF IN THE POSITION OF HAVING THE RESPONSIBILITY FOR DELIVERING TECHNICAL ASSISTANCE WITHOUT HAVING SUFFICIENT AUTHORITY OVER THE DESIGN AND IMPLEMENTATION OF THE PROGRAMMES.

states with limited capacity, many with questionable governance records. Current examples include Somalia, Afghanistan, the Democratic Republic of Congo, Libya, Mali, and the Central African Republic. It is foreseeable that the UN could be asked to assist with aspects of DDR programming in Colombia, Nigeria, El Salvador, Iraq, or even Syria, in the near future. United Nations peace operations and political

missions, which often include a DDR component, operate in such countries only with host government consent. Often the UN becomes involved in DDR programming precisely because the government is unable (and, at times, perhaps unwilling) to conduct DDR efforts itself. Even as IDDRS demands that DDR programmes be nationally-owned and even as national governments will want to structure and oversee the DDR process (or manipulate it for their military purposes), national actors usually have little knowledge as to how to design such programmes and minimal resources to implement them. The United Nations may thus increasingly find itself in the position of having the responsibility for delivering such technical assistance and helping in fundraising for DDR efforts from bilateral actors without having sufficient authority over the design and implementation of the programmes, or the leverage to ensure effective protection of vulnerable groups affected by that DDR programming. As I explore further in the Somalia case study in Chapter 5 that appears to be exactly what is happening there.

Moreover, the fact that DDR efforts are conducted in support of the national government may create complex legitimacy, operational, security – and even legal – challenges for the UN mission and its DDR efforts. The national government may not be seen as a legitimate actor by many (ex) combatants – after all, they were militarily contesting the existing regime. Some *jihadi* groups may even reject the legitimacy of statehood as a framework for governance. Seeing the United Nations as an association of states, or worse, a cover for a particular agenda, they might refuse to engage with the United Nations as well or even target it for attack.

Third, with the explosion of violent conflicts around the world, there will be a *growing need for DDR* and for such programmes to accommodate large

68. See, for example, Michael Williams and Steven Kleinman, "A Utilization-Focused Guide for Conducting Terrorism Risk Reduction Programme Evaluations," *Behavioral Sciences of Terrorism and Political Aggression*, Vol. 6, No. 2, 2014, pp. 102-146.

numbers of ex-combatants, their families, and supporters. Already, the latter are being channelled into DDR programmes in Somalia. If DDR is further combined with CVE and targets youth at risk of recruitment by radical groups or violent gangs, potentially tens of thousands of people in a country may be seen as appropriate recipients of DDR programmes. In Somalia and Afghanistan, for example, the number of Al-Shabaab and Taliban fighters is believed to be in the thousands, but the number of unemployed, frustrated, and alienated youth who could be potential recruits several

times that.⁶⁹ In Central America, the number of members of violent street gangs known as *maras* is believed to be perhaps over 50,000.⁷⁰ Such criminal gang members may well become targets for DDR, particularly if national governments enter into negotiated peace deals with them, as has been the case in El Salvador between 2012 and 2014, for example. In many cases, the DDR programmes will not have the financial resources, expertise, and personnel to accommodate such numbers. At best, tens of thousands, sometimes only thousands, of people may be able to participate in UN-backed

MINUSTAH TROOPS TRYING TO RE-ESTABLISH ORDER IN THE CITÉ SOLEIL NEIGHBOURHOOD OF PORT-AU-PRINCE AFTER HEAVY FIGHTING BETWEEN GANGS.
UN PHOTO/LOGAN ABASSI



DDR programmes, as currently resourced, when the need is often magnitudes higher.⁷¹ The impact of DDR will thus be marginal and perhaps insufficient to alter conflict dynamics and extensively strengthen peace; but even a marginal programme of limited effectiveness will often be better than no programme at all. Even if such a small programme cannot solidify peace dynamics at country level, it may well make a critical difference in the lives of a community and significantly improve or even save the lives of some ex-combatants, thus making the effort worthwhile from a humanitarian perspective.

Nonetheless, *fundraising* for DDR is likely to prove an increasing challenge. In difficult environments, even a small DDR programme for several thousand ex-combatants may cost millions of US dollars annually. Yet the many prolonged conflicts and unending counterterrorism operations of the past two decades have depleted international donors' coffers and their willingness to finance engagements abroad. Political sensitivities regarding DDR's role in CVE, counterterrorism, and offensive military operations may further discourage donors from contributing to DDR efforts in such settings.

New and old challenges for DDR in the current context

The expanded conception of DDR to IDDRS – comprising its people- and communities-centric focus, rights-based approach, emphasis on victims and justice, and the need for inclusiveness, transparency, and accountability – created a complex set of responsibilities and programming imperatives for the UN-sponsored DDR operations. But the context of on-going military operations and counterterrorism – combined with the

precept of national ownership – can fundamentally complicate, if not outright contradict and undermine in practice, many of the IDDRS principles. Transparency, including in the DDR process, is difficult to achieve while intelligence, military, and counterterrorism operations are intense, and the battlefield is fluid. The greatly expanded set of responsibilities for the United Nations thus coincides with a far more limited visibility and control of the processes impacting UN programming, including DDR. Rather than a transparent environment, the UN is thus likely to encounter limited transparency and be able to exercise only limited oversight and leverage, as the Somalia case study vividly demonstrates.

Three sets of challenges are thus likely to arise in various forms for DDR in the context of on-going military operations: 1. Neutrality-Trust-Access; 2. Visibility-Local Knowledge-Sustainability-Handover; 3. Implementation, Expectations, and Accountability.

1. NEUTRALITY-TRUST-ACCESS

A key advantage the United Nations has performing DDR programming in many post-conflict environments is the perception (at least in comparison to other actors) that it is a more neutral and impartial actor. This perception of neutrality in turn increases the capacity of armed actors (including state actors), individual combatants, and communities to trust the United Nations to conduct DDR in ways that are less likely to jeopardize their security and optimally enhance their security. In other words, perception of neutrality and trust influences *access, safety, credibility, and the sustainability* of DDR – a very sensitive and delicate process.

69. Author's interviews with international and local political and military analyst and intelligence officers, Mogadishu, Somalia, March 2015 and Kabul, Afghanistan, October 2014.

70. Author's interviews with intelligence officials from Guatemala and El Salvador, Washington, DC, Fall 2014.

71. For example, in Côte d'Ivoire, an estimated 65,000 combatants were in need of DDR services.

In an environment of on-going military operations, particularly where the UN DDR process operates at the invitation of the same national government engaged in the military action, how to maintain an aura of non-threatening neutrality is a core challenge. Clearly, different military and counterterrorism contexts will create different degrees of separation for the United Nations from offensive operations. The direct involvement of the UN Force Intervention Brigade in offensive operations in the Democratic Republic of Congo is different, for example, from the UN-support, logistical and otherwise, for the African Union Mission in Somalia (AMISOM)'s counterinsurgency operations in Somalia. Similarly, the United Nations' degree of involvement in the Somali conflict, particularly its operational support for AMISOM, establishes a closer relationship between the United Nations and one party to the armed conflict than was the case in Afghanistan. There, the United Nations assisted the Afghan government with DDR programming, but while it sought to coordinate on some matters with the United States and NATO's International Assistance Security Force prosecuting counterterrorism and counterinsurgency operations in that country, it did not provide operational support for the forces involved in counterinsurgency operations in the same way it is mandated to do in Somalia. Even in the Afghan case, however, the United Nations has been seen by the Taliban as aligned with the counterinsurgent forces, and questioned the DDR programme's neutrality.

ACCESS

The perception of full neutrality, while desirable for achieving the widest access possible, might not be necessary for conducting some DDR effectively. Even in the extreme case, when the

United Nations itself conducts offensive operations (e.g. the Force Intervention Brigade in Congo), it might be possible to create some degree of separation between the offensive operations and the DDR process to increase trust in the DDR process by the groups that are being targeted. For example, deploying a UN DDR mission into such an environment with a different branding, under a distinct mandate, and with different personnel may help at least somewhat to increase trust. Nonetheless, such a separation raises potential problems of coordination and weakening the unity of command and may well introduce similar access-control problems to those that arise between national authorities, external armed interveners, and the United Nations regarding DDR, as detailed below.

On the other hand, under some circumstances, UN credibility and community trust in the United Nations may actually be *enhanced* by association between DDR programming and offensive operations. A key determinant of whether DDR efforts succeed is whether they decrease the security threats for armed actors or for communities. Both of these depend on many factors, including whether entrepreneurs of violence maintain access to ex-combatants and whether incentive structures have changed or not.⁷²

In the Congo, communities often did not trust the United Nations missions because the latter were not able to defend the community from retaliation by armed groups. Under such circumstances, as the experience of Afghanistan also shows, communities often feel reluctant to disarm and/or feel the need to cultivate extra-legal and illegal security providers, such as powerbrokers or tribal militias.⁷³ Similarly, in Haiti, recidivism amongst gang members participating in DDR

72. For details, see Anders Themnér, "A Leap of Faith: When and How Ex-combatants Resort to Violence," *Security Studies*, Vol. 22, (2013), pp.295-329.

73. See, for example, Themnér, "A Leap of Faith," and Vanda Felbab-Brown, *Aspiration and Ambivalence: Strategies and Realities of Counterinsurgency and State-building in Afghanistan*, (Washington, DC, The Brookings Institution, 2013), Chapter 8.

efforts appears to have been high because the overall security situation never improved. If UN association with offensive operations generates a perception that the United Nations is better able to provide for security for disengaging and disarming combatants and communities in conflict, more of them might be willing to abandon violence. A crucial determinant of whether offensive operations are perceived to increase safety – and hence willingness to disarm – is the ability of those conducting military operations to effectively hold an area after clearing out the enemy. Yet the hold requirement might be a difficult military challenge for host governments on whose invitation the United Nations is conducting DDR (e.g. Afghanistan) and/or other UN-affiliated interveners (e.g. AMISOM in Somalia).

Affiliation with offensive operations for those conducting DDR thus might shrink access to some potential beneficiaries and increase access to others. The key actors in the equation are the host government and any other domestic or external interveners or international actors conducting counterterrorism operations in the theatre; (ex) combatants and armed groups; and communities participating or unwillingly caught-up in the violence, or recipients of ex-combatants after the fighters and supporters went through DDR.

Even in the context of on-going military operations, UN support for, or delivery of, DDR programming will take place at the invitation of the national government.⁷⁴ The existence of host state consent does not, however, guarantee that the UN mission or DDR practitioners will have the necessary and sufficient access to the government or other stakeholders involved in the military operations and DDR. First, the government might feel very sensitive about disclosing intelligence and information, and it might not be able or interested to comply with all the requirements and obligations

created by IDDRS. Second, the government's own access and intelligence might be limited, and its control over subnational governments and armed actors limited, or the latter might be involved in the detention and DDR and thus a source of ex-combatants, defectors, and DDR candidates. Similarly, where the United Nations receives ex-combatants for DDR from international interveners (such as ISAF or AMISOM) it might have only limited access to them and their information and decision-making processes and little control or authority over their actions.

Developing highly antagonistic relations with those who are sending candidates for DDR or running DDR camps, particularly publicly – for example, insisting that such actors implement the full scope

AS LONG AS THE UNITED NATIONS DOES NOT HAVE FULL CONTROL OVER THE DDR PROCESS, INSISTENCE ON THE FULL IMPLEMENTATION OF IDDRS OBLIGATIONS MIGHT MEAN THAT IT IS FULLY EXCLUDED FROM DETERMINING HOW DETAINEES AND EX-COMBATANTS ARE TREATED. THE OPTIMAL MIGHT WELL BECOME THE ENEMY OF THE GOOD.

of obligations and desirables mandated by IDDRS – might mean that the UN mission's access is dramatically decreased or fully cut off. In turn, the conditions in the camps where defectors and ex-combatants are held – without outside monitoring – might be allowed to deteriorate. In such a scenario, the chances that captured combatants and supporters, who would otherwise be eligible for DDR, could be sent to prisons and/or black sites, and potentially abused and further radicalized there; killed, so their captors or handlers avoid having responsibilities for them; or let loose and consequently face retaliation from

74. Although in theory the Security Council might mandate a DDR operation in the context of a Chapter VII peace enforcement operation conducted absent the consent of the host state, there is no precedent for that.

rivals – or themselves pose a risk to surrounding communities. Thus, as long as the United Nations does not have full control over the DDR process – which is unlikely in the context of counter-terrorism and on-going military operations – insistence on the full implementation of IDDRS obligations (e.g. with respect to voluntary consent of ex-combatants to participate in the programme, the protection of human rights, special treatment for women and children) might mean that it is fully excluded from determining how detainees and ex-combatants are treated. Their own conditions and the security of communities might significantly worsen. The optimal might well become the enemy of the good.

But constantly compromising all IDDRS principles and perpetuating engagement with DDR partners without seeing any significant improvement in their actions risks undermining UN credibility and encouraging moral hazard, rights violations, and extortion by local authorities. If this becomes the pattern, termination of engagement – with all its potential humanitarian consequences – might well be better. A UN DDR mission, in consultation with headquarters, will need to constantly evaluate and carefully calibrate how much access to preserve and how much to insist on optimal principles, in accordance with relevant guidance, such as the UN Human Rights Due Diligence framework.⁷⁵ As Cockayne and O’Neil explore in the conclusion to this collection, this may require the development of a stronger risk management framework and practice, in close consultation with the field and Member States.

In the context of on-going military and counterterrorism operations and efforts to counter violent extremism, these national, subnational, and international actors are the layer-one gatekeepers in deciding and sorting who is eligible for DDR. Likely they will be the ones to sort defectors and

captured combatants and hand some over to a United-Nations-assisted or run DDR effort. The decision-making criteria are likely to be based at least to some extent on the level of risk posed to the objectives of the sorters (e.g. national intelligence and security agencies, multi-national forces) by the ex-combatants. The odds are that those who are sent to DDR are fighters who could not be ‘flipped’ to fight for the government (whether as militias or in regular forces), to serve as a fifth column in the armed group, or to become sources of intelligence. DDR is thus likely to be underprovided for certain demographics.

On the other hand, since governments and affiliated-armed actors might send supporters and sympathizers of armed groups being fought to DDR camps (see my Somalia case study in Chapter 5), and the definition of supporter and sympathizer might be extremely broad and involve many individuals rounded up in intelligence and military sweeps (e.g. cooks for the armed group, or shopkeepers selling goods to the armed actors who control their village), DDR might be overprovided in some situations.

The criteria of eligibility for DDR programming are thus likely to be determined by the national government and bilateral counterterrorism actors, and the United Nations might have little control over them. But the United Nations should seek to have as strong input into this process as possible. It should help formulate clear, implementable criteria for eligibility, such as who is high-risk and who is low-risk, and ground risk assessment in evidence. Optimally, it should be a part of the body sorting through defectors, detainees, ex-combatants, criminals, and terrorists. Nonetheless, it is difficult to imagine that the United Nations would ever be given authority over the sorting. If so, the United Nations would become directly involved in intelligence operations (with its resulting

75. See “Identical Letters dated 25 February 2013 from the Secretary-General addressed to the President of the General Assembly and to the President of the Security Council,” A/67/775-S/2013/110.



ARMS DESTROYED IN "FLAME OF PEACE" CEREMONY IN CÔTE D'IVOIRE. UN PHOTO/BASILE ZOMA

hard counterterrorism implications), and such a task would require substantial personnel and local knowledge.

In the context of on-going military operations, access to reinsertion-communities or communities that are targets of CVE might also be highly constrained. Even in areas "cleared" of insurgents and militant actors, their influence or the influence of rival militias might be high. The community's trust in the national government and authorities associated with the DDR programme might be very low. Attacks on UN personnel, given their prevailing mentality of "hunker down and bunker up,"⁷⁶ might prevent extensive engagement

with local communities as to their views and priorities regarding the DDR process and how best to assure their safety from returning ex-combatants or, conversely, prevent the community's retaliation against the ex-combatants.

Moreover, a fluid battlefield might generate security concerns for the community or for the ex-combatants down the road. At times, a community might welcome CVE programming in DDR and insist on it, even providing self-selected imams or religious or tribal leaders. Conversely, recruiting local imams (and/or social workers and psychologists, vocational trainers or teachers from the community) might subject them to risk.

76. von Einsiedel et al., "Major Trends in Violent Conflict."

Yet what if combatants' home communities do not want to take them back, and combatants do not want to be resettled elsewhere? Is the UN capable of housing them for a lengthy period? At what point does the UN and/or local authorities terminate their responsibilities toward the ex-combatants and/or the host/recipient community and insist that the ex-combatants leave the DDR camp? These are not necessarily new challenges for DDR programmers, but they take on added urgency in the contemporary security environment.

Limited access to recipient, contested, or even cleared communities also severely compromises the ability to monitor ex-combatants who went through the DDR process (not to mention those who did not) and assess the effectiveness of the effort, including which, if any, of its elements need to be altered. Consequently it might not be possible to assess systematically whether the ex-combatants are staying out of violent conflict, whether they are recruited back and by whom, if they are engaging in illicit economies and extorting communities or perpetrating other crimes, or whether they themselves have become victims of retaliation and new violence and criminality. The United Nations should seek to cultivate broad-based community networks of information on ex-combatants; but more often than not, monitoring will often be dependent on the intelligence/military first-level gatekeepers involved in the process, and their levels of access, competence, and credibility.

Finally, the UN's own access to DDR camps and their implementing partners might be constrained. If national (or subnational) intelligence services or military and police forces not only determine who enters a DDR camp, but also run and provide the camp's security, they might seek to limit the access of others, including UN partners. To the extent that UN assistance and financial resources are supporting the camp, the United Nations should of course insist on full and unfettered access, but it might not obtain it. If bilateral donors sponsor DDR camps via third-party contractors, access and hence transparency might be even more limited.

SAFETY

Neutrality, trust, and access have direct implications for *safety*. The first level of safety is from harm inflicted by the militant actor being fought. Despite the United Nations' official posture that the DDR camps it runs or supports are not involved in military operations, counterterrorism or CVE, the DDR process serves to reduce the fighting capacity and recruitment pool of the armed group in question. Hence, the DDR process and its camps are a potential threat to the militants, unless the ex-combatants and supporters are seen as useless to the militant group (for example, it no longer wants to or can pay their salaries or, as was classically the case, it has decided to disengage from combat). Thus, there are substantial risks that the camps or individual defectors could be attacked to free fellow fighters or deter others from defecting. There is also the possibility that the militant group might want to insert its own spies into the camps, or infiltrate the camps for insider attacks; or that the DDR camps could be infiltrated by rival militias and other groups. The security risks grow if there is a general perception (perhaps based on reality) that the DDR camp continually produces intelligence streams, flips insurgents, or delivers anti-militant propaganda.

These risks greatly increase the need for physical security and make operational security far more complex. Yet while the security risks are much higher in post-conflict environments, the likelihood is that a UN-supported DDR programme will be dependent on security provision by non-UN actors. The first level of safety – assuring that those sent to the DDR camps do not pose a danger to the staff, other ex-combatants, and local communities, particularly if they are in the DDR programme on a non-resident basis – is often at the discretion of non-UN actors involved in screening candidates for DDR. Security guarantees offered by families of defectors or local elders/notables or peace committees may not always be accurate or credible. In Afghanistan, for example, many a three-member committee of elders vouching for

those recruited into DDR or the Afghan Local Police turned out to be a front for a local (often pernicious) powerbroker.⁷⁷ Vetting the vetters is thus crucial, but requires extensive ground knowledge and intelligence and physical access that the UN mission in an offensive-operations setting will have to struggle to acquire. More likely than not, it will be dependent on the informational and intelligence inputs and assessment of others. At the same time, the United Nations might have a better political understanding and picture of the theatre than military or intelligence actors.

The risks to recipient communities, discussed above, are also much higher than in post-conflict/post-peace agreement settings. Sporadic access under heavy guard by the national government or international intervention forces might not yield a good comprehension of the community's needs and concerns. Sustained and repeated efforts with a broad set of interlocutors is highly desirable, ideally involving both a local UN personnel and international staff and international contractors and implementing partners. But their safety considerations might make the international actors' access to the DDR programmes and camps they sponsor and run very limited, compromising oversight capacity.

Physical security risks and hence limits to quality of implementation also apply to third-party implementers (e.g. NGOs or other actors, such as UNOPS or IOM). An implementing actor's international staff might be reluctant or constrained in their ability to spend time on the ground, having to rely on national staff or a limited pool of national-level subcontractors. But national staff members and subcontractors are not immune from physical threats and might well be entangled

in complex webs of politics and power. So vetting their credibility and diligence in implementation will be crucial, but difficult, as both Somalia and Afghanistan show.⁷⁸

Finally, the question of access and safety also carries potential legal implications and involves the issue of legal safety: Could a DDR programme, even if conducted at the request of the national government, tip over into providing material support to a targeted terrorist group?⁷⁹ Clearly, the intent of DDR is to weaken the terrorist group by reducing its recruitment pool and active base. But a humanitarian provision of DDR or CVE benefits to a member of a terrorist organisation seeking to leave it might still run afoul of military or intelligence lawyers not trusting that the person or group of combatants has come in from the cold. Thus conducting a DDR programme in the context of counterterrorism operations might require legal consent and/or other guarantees of influential international actors who will likely be leery of such efforts and could resort to a retaliatory legal action.

Access and safety critically affect the *credibility and effectiveness* of the DDR effort. As discussed above, constrained access to communities (and thus a limited ability to effectively monitor the programme and its impact) pose significant challenges for the effectiveness of DDR and undermine the ability to adjust the programme to local needs. The very design whereby intelligence or security services decide who is eligible can undermine the credibility of DDR programmes. Yet, local staff, including human rights monitors, will need to maintain a non-antagonistic relationship with the intelligence, military, or national authorities – especially when

77. See, Felbab-Brown, *Aspiration and Ambivalence*, Chapter 8.

78. Author's fieldwork in Somalia, Mach 2015; and Afghanistan, summer 2014, fall 2012, and fall 2013.

79. Noah Bialostozky, "Engaging for Peace: What are the Legal Limits to Working with Terrorists?" Center on Global Counterterrorism Cooperation, Policy Brief, February 2011, available from http://globalcenter.org/wp-content/uploads/2011/02/NB_policybrief_118.pdf (accessed 7 April 2015).

those entities run the DDR camps – and in such scenarios, might feel very constrained in what they report so as to preserve at least some access (and jobs).

To the extent that access to local communities is constrained, achieving sufficient focus on victims and engaging in rights-based programming might be even more challenging than in other circumstances. A traditional way of mitigating the perceived injustice and moral-hazard problem attached to the receipt of services (e.g. vocational training, material packages, and particularly jobs) by perpetrators of violence (i.e. ex-combatants) is to deliver parallel and comparable programmes to

victims, internally-displaced persons, and affected communities. Yet limited safety and access will constrain the delivery of such programmes to communities (in fact, access to the ex-combatants handed over for DDR might well be easier than access to broader communities). Thus resentment against DDR participants may be inadvertently created or people might even “defect” into DDR programmes just to get special livelihoods or assistance, as was the case with a U.S.-sponsored Taliban-focused disarmament effort in Afghanistan between 2010 and 2012, for example.⁸⁰ There is some evidence of this now also taking place in Somalia, as I explore further in Chapter 5.

AFGHAN MILITIA MEMBERS WAIT TO BE DISARMED AS PART OF A UN-BACKED PROGRAMME. CORBIS IMAGES/AHMAD MASOOD



In any case, particularly in on-going military conflict, generating employment opportunities will be excruciatingly challenging, and the ability of DDR programmes to supply such opportunities for ex-combatants and the community is likely to be vastly smaller than the extant need of both. Moreover, the ability to assess what jobs are sustainable locally might also be compromised as a result of limited access and thus the vocational training delivered will either be a function of the capacities of contractors (i.e. the kind of training they are used to providing across conflicts) or simply take the form of cookie-cutter jobs such as drivers, plumbers, electricians, construction workers, and farmers.

The fact that the sorting of who is eligible to participate in DDR programmes and who is not is unlikely to be in the hands of the United Nations also carries efficacy implications. For example, evidence suggests that both recruitment into armed groups and radicalisation often takes place through peer networks. Deradicalisation programmes delivered while in DDR camps would be more effective for such individuals if delivered to the same network of recruitment, such as jointly to family members or peer groups. Yet it is likely that individuals will often be assigned to DDR camps without keeping the network together, purposefully

breaking up the network and separating some “recruiters,” even if they are family members, as the latter are viewed as high risk due to being the source of initiation.

Moreover, radicalisation is not merely a function of religious indoctrination or peer networks. Radicalisation can also be provoked by foreigners’ presence in one’s land, such as in Afghanistan or Somalia, or as a result of heavy-handed military engagement of counterinsurgency and counter terrorism forces, and several other factors.⁸¹ If the form of the military intervention is itself the driver of radicalisation, can an actor associated with the military intervention deliver a credible and effective deradicalisation education in the DDR camps? Providing Islamic re-education by government-selected imams to DDR participants hardly seems a sufficient and optimal CVE tool.

The issue of what vocational training and CVE programming should be delivered in DDR programmes raises the broader issue of tailored versus equitable (i.e. broad-based) programmes: from an effectiveness, as well as efficiency, perspective, deradicalisation programming should be highly individually-tailored. Not everyone, including not every Taliban, Al-Shabaab, or eventually Boko Haram member, needs religious

80. Felbab-Brown, *Aspiration and Ambivalence*, Chapter 8.

81. For such challenges in the AMISOM context, for example, see Matt Freear and Cedric de Coning, “Lessons from the African Union Mission for Somalia (AMISOM) for Peace Operations in Mali,” *Stability: International Journal of Security and Development*, Vol. 2, No. 2, (2013), pp. 1-11. Over time, AMISOM’s acceptance among Somalis increased as AMISOM stopped using tactics such as indiscriminate shelling that caused extensive civilian casualties. In fact, in Mogadishu, AMISOM forces would become seen as more credible and less abusive than Somali national forces and local clans. See, for example, “Perceptions of Security and Justice in Mogadishu,” *Heritage Institute for Policy Studies*, Policy Brief No 8, September 2014, available from http://www.heritageinstitute.org/wp-content/uploads/2014/09/HIPS_Policy_Brief_008_2014_ENGLISH.pdf. For the radicalizing effect of military operations in Somalia and Kenya, and on other non-religious drivers of radicalisation, see Anneli Botha, “Radicalisation in Kenya: Recruitment to Al-Shabaab and the Mombasa Republican Council,” *Institute for Security Studies*, ISS Paper 265, September 2014, available from <http://www.issafrica.org/uploads/Paper265.pdf>; and Anneli Botha and Mahdi Abdile, “Radicalisation and Al-Shabaab Recruitment in Somalia,” *Institute for Security Studies (ISS) Paper 266*, September 2014, available from <http://www.issafrica.org/uploads/Paper266.pdf>.

retraining (especially as many supporters will have “joined” for economic or protection reasons). From an efficacy perspective at least, the delivery of religious re-education in DDR programmes might be unnecessary and misdirected. On the other hand, delivering religious re-education to everyone might provide some value from the perspective of assuring communities or encouraging community healing. As Michael Williams and Steven Kleiman note, the question is not only whether a CVE programme works, but also for whom it works best.⁸²

Yet as knowledge and resources for tailored vocational training is likely to be lacking in many missions, such individual attention in CVE planning might be impossible to achieve unless the caseload is very small (and hence likely having only a marginal impact on conflict dynamics). Moreover, non-discrimination rules built into IDDRS may require that everyone in DDR is subject to the same type of activities. Resentments and equity problems might be generated if differential benefits are provided to DDR recipients; particularly if someone received only religious re-education while other received material benefits or jobs.

Fundamental challenges can also arise – not just access to entry and eligibility, but also regarding access and *control over release and exit*. First of all, the 2006 IDDRS principles specify that entry into DDR programmes should be voluntary for ex-combatants. Nonetheless, the voluntary nature of the programme is questionable if the alternative for the defector or captured combatant is lengthy imprisonment or a death sentence. From the ex-combatant’s perspective as well as humanitarian perspective, imperfect consent is still likely going to be a better alternative than death.

Nonetheless, many DDR entrants are likely to expect DDR programming to take place for a defined period. However, if DDR camp gatekeepers – intelligence and security forces – determine who is released from the DDR camps (e.g. as in the Somalia case study), the very concept of DDR and voluntary consent might be challenged. DDR camps can be inadvertently transformed into indefinite detention facilities – at least for some, as local authorities might be willing to release some participants after the completion of the DDR programming and not others, if they continue to judge them a security threat. UN involvement in such internment camps might still serve important humanitarian objectives (and detainees or defectors might be much worse off without UN support), but in such situations, the UN needs to recognize that it is simultaneously supporting detention/ internment and DDR, as the two are intertwined on the ground. Ideally, the United Nations mission should actively engage local authorities to ensure the latter are following clearly established criteria, and that the UN has strong evaluation input. This is particularly important in the area of evaluating DDR participants for release: arbitrary vetoes by non-UN authorities (e.g. intelligence services with questionable human rights records or national or subnational authorities with poor governance performance) should be avoided. DDR participants should have access to a judicial process or some review forum with due-process guarantees and power of release. There should also be a limit on how many times ex-combatants can fail the release criteria, so that ex-combatants and defectors are not kept arbitrarily in detention. If local authorities or bilateral partners are not willing to accept such criteria for release and limits on the time period ex-combatants can spend in the DDR camp, then the United Nations assistance effort should be willing to relabel the programme as assistance for

82. Michael J. Williams and Steven M. Kleiman, “A Utilization-focused Guide for Conducting Terrorism Risk Reduction Programme Evaluations,” *Behavioral Sciences of Terrorism and Political Aggression*, Vol. 6, No. 2, (2014), pp. 104.

83. *Fuerzas Armadas Revolucionarias de Colombia—Ejército del Pueblo (FARC-EP)* (Revolutionary Armed Forces of Colombia-People’s Army FARC-EP).

detention or internment. Such a labelling, however accurate, will likely be even more sensitive for many donors and thus could undermine funding.

A related issue is whether recruitment into militias, intelligence services, and armed forces goes on in the DDR camps. Nominally, such efforts are not to be engaged in and go against the very concept of disarmament and demobilization. Yet if intelligence services run the camp, what capacity does a UN mission have to prevent such recruitment and intelligence gathering? It can threaten to withdraw support, but even that might not dissuade such behaviour. Realistically, many of those who will end up sorted into DDR camps may have already refused to be flipped before or were not useful to the ruling authorities for recruitment. So the UN should at least seek to minimize such active recruitment in the camps. But what if ex-combatants are recruited within the camps to broadcast on radio to their former fellow combatants, as has long been going on, for example, in Colombia in the individual defectors and DDR programme targeted at the FARC?⁸³ Clearly, such activity is part of CVE and CT: but should it be allowed to take place in the DDR camps? Can national governments insist, under the principle of national ownership of DDR, on its continuation?

2. VISIBILITY, DEPTH OF LOCAL KNOWLEDGE, AND SUSTAINABILITY

Even in many post-conflict settings, United Nations missions are limited in the extent of local *knowledge* they can obtain, particularly with regard to intelligence gathering. The context of offensive operations and CT further shrinks access and hence further circumscribes knowledge and intelligence gathering and analysis. Local and international actors engaged in counterterrorism arrest-or-kill operations are less likely to share a large body of intelligence and analysis with the United Nations. The fog of war is likely to be thick. And local populations

will be more afraid and reluctant to share sensitive information. Merely interacting with foreigners, including from the United Nations, may create risks to their life from militant groups or unaccountable state forces. Yet particularly the inclusion of CVE programming, with its focus on individual-level understanding of recruitment and radicalisation pathways, requires a far greater level of knowledge than ever before. If a mission is thus to take on DDR and CVE in such a context, it should be equipped with robust analytical support and prioritize development of a broad information network, including a diverse set of local and international



actors. This is particularly important, since many systems of protection, power, and profit may be hidden below the surface and cannot easily be observed without a nuanced and highly specific knowledge, extensive local connections, and a deep cultural understanding.⁸⁴

The crucial question then is whether others would be better suited to deliver or support the DDR effort than the United Nations. In many cases, local actors might lack the requisite capacity and interest and/or be highly partisan. While locals may have a better understanding of the local context, they may lack sufficient neutrality – not just in the image they present, but also in intent. Even if they seem better suited for such tasks, it cannot be assumed that local actors will be benevolent and fully aligned with the United Nations' IDDRS principles.

If local partners lack the necessary capabilities and are not adequately aligned with UN principles of IDDRS, then achieving *sustainable* and sufficiently scoped DDR programming will likely be particularly challenging. Military and terrorism operations might go on for a decade or more, with a highly fluid set of international and local armed actors, and building and rebuilding access might be a constant effort for the United Nations. At the same time, local capacity and local alignment with UN principles might not grow and the UN mission might have to be prepared to support or conduct the DDR and detention processes for many years. Ideally, funding would also be secured for multiyear DDR endeavours and not

be dependent on the vagaries of bilateral donors' frequently changing appetites. Uncertain short-term funding not only negatively impacts the effectiveness of programming; it directly impacts the fundamental safety of ex-combatants in the DDR camps and surrounding communities. What if funding interruptions mean that ex-combatants in the camps are no longer fed or that their guards leave? What if local authorities threaten to have to shoot the defectors and captured fighters since they don't have the money to feed them unless the international community provides funding, as has been the case in Somalia, for example?⁸⁵ The international community should not simply succumb to extortion efforts by local authorities, but rather demand that they contribute some of their resources – after all, taking care for detainees and defectors is a fundamental responsibility of those who consider themselves ruling authorities. But the more unstable and short-term funding is, the more serious problems are likely to arise.

Nonetheless, particularly if the DDR process is to move from re-insertion of ex-combatants to genuine reintegration in communities, local ownership will need to be built over time and handovers of the DDR programmes to local partners will need to be achieved. It is an open question whether sufficient local ownership can be achieved in the context of on-going military operations. Even if it can, how long does a territory need to be held by the national government and what level of community acceptance needs to be achieved to move from simple 'reinsertion' back to the original objective of 'reintegration'? In practice,

84. See Berdal and Keen.

85. See the Somalia case study in Chapter 5.

86. Author's interviews with UN officials and international contractors involved in DDR processes in Rwanda, Sudan, and West Africa, Mogadishu, Somalia, March 2015.

87. Kathleen M. Jennings and Anja T. Kaspersen, "Conclusion: Integration Going Forward," *International Peacekeeping*, Vol. 15, No. 4, August 2008, p. 582. See also Robert Muggah, Desmond Molloy, and Maximo Halty, "(Dis)Integrating DDR in Sudan and Haiti? Practitioners' Views to Overcoming Integration Inertia," in Robert Muggah, ed., *Security and Post-Conflict Reconstruction: Dealing with Fighters in the Aftermath of War* (Abingdon, Routledge, 2009), pp. 206-226.

DDR efforts may at times engage in exactly the same programming regardless of whether they spell the R as reintegration or reinsertion, but in the reinsertion case, limit the timeline in an attempt to achieve comparable results more quickly.⁸⁶

3. IMPLEMENTATION, EXPECTATIONS, AND ACCOUNTABILITY

The issue of sustained funding is merely one of many implementation and administrative challenges. Indeed, to maximize transparency and sustainability, the United Nations would authorize dedicated multi-year budgets for DDR efforts with the United Nations missions involved in the DDR efforts having the authority to contract implementers themselves and not having to rely on bilateral donors' periodic support.

Rolling CVE programming into DDR efforts, appropriate as it may be for the effectiveness of DDR, also generates overlapping and potentially conflicting mandates – not just with the outside interlocutors but also within UN missions. Similarly, if there is a strong overlap and mixing of DDR and detention, then not just the DDR section of the UN mission, but many other actors, such as human rights officers, child protection officers, and legal officers, will have to be coordinated and their efforts de-conflicted. Even in a far more permissive context than offensive military operations and counterterrorism, many a UN DDR mission has struggled to achieve the integration mandated by IDDRS and has experienced instead

“persistent administrative, funding and organisational barriers; cultural differences

within and between the many elements of the UN system; underwhelming institutional commitment and processes, resources and political will to implement integration; fear of subordination to other UN departments or agencies; and basic failure to agree what integration means and comprises.”⁸⁷

The heightened political sensitivity of the context of on-going military and counterterrorism operations is likely to increase these implementation and administrative challenges.⁸⁸ Nonetheless, particularly because the context is so politically sensitive, the UN mission should not suffer from having provided honest evaluations of the limitations of its efforts. Honest reporting and external evaluations that highlight difficulties and problems should not *ipso facto* lead to funding cut-offs or other sanctions, but instead foster a thoughtful discussion on how to proceed and improve DDR delivery under very tough conditions. A bad outcome would be to suppress honest self-evaluation and create enough fear of external evaluation that missions would whitewash challenges, become blind to problems, and purposefully or inadvertently neglect to inform headquarters. The *a priori* assumption should be that traditional programmes will run into highly specific difficulties, and in the process of dealing with them learning on the ground would need to take place, and programmes might have to be adjusted. As Cockayne and O’Neil explore in the conclusion to this collection, the Human Rights Due Diligence (HRDD) policy may provide a starting point for such discussions.

Importantly, a crucial question is whether the IDDRS package can be fully implemented in the context of offensive operations, whether these

88. For important background on UN engagement in counterterrorism operations, see James Cockayne, Alistair Millar, David Cortright, and Peter Romaniuk, *Reshaping United Nations Counterterrorism Efforts: Blue-Sky Thinking for Global Counterterrorism Cooperation 10 Years After 9/11*, Center on Global Counterterrorism Cooperation, March 2012, available from <http://www.globalcenter.org/publications/reshaping-united-nations-counterterrorism-efforts/>.



UNMIN CONDUCTS A DISARMAMENT EXERCISE IN NEPAL. UN PHOTO/AGNIESZKA MIKULSKA

standards will discourage local actors from seeking UN assistance or whether changing understanding of peacekeeping operations' liability obligations will scare off the United Nations from engaging in

ALTHOUGH THE OBJECTIVES SPECIFIED IN IDDRS NEED TO REMAIN THE OBJECTIVES THAT THE MISSIONS STRIVE TOWARD, SOME ALLOWANCES MIGHT HAVE TO BE MADE FOR THEIR IMPLEMENTATION IN THE CHALLENGING CONTEXT OF ONGOING MILITARY AND COUNTERTERRORISM OPERATIONS.

the first place. The United Nations will have to consider whether such outcomes would be worse than imperfect implementation. Although the objectives specified in IDDRS – such as special protections for children and women, and the focus on rights and communities – need to remain the objectives that the missions strive toward, some

allowances might have to be made for their implementation in the challenging context of on-going military and counterterrorism operations.

Nonetheless, legal, ethical, reputational, and efficacy questions arise regarding DDR providers' responsibilities towards programme participants, not only while they are in the DDR programme but also after they are released. If the United Nations delivers a CVE programme to an ex-combatant in a DDR programme, but he or she persists in terrorist activities, what are the implications for the UN? And an even more controversial question: If recipients of a DDR programme subsequently brutalize a community, what kind of legal, ethical, and reputational issues arise and what immunity protections need to be in place? Many of these concerns are not new, and do also arise in post-conflict settings, but will be heightened in the context of on-going military operations, and in UN DDR dealings with violent extremist groups.

The Human Rights Due Diligence Policy discussed by Cockayne and O’Neil in the Conclusion sets out a framework for beginning to think through some of these questions; but UN DDR practitioners are already grappling, daily, with the realities of these questions in the field.

Similarly, many of the desirable transparency goals are unlikely to materialize in situations featuring sensitive intelligence operations and counterterrorism strikes. But if United Nations-backed CVE efforts, whether linked to a DDR programme or separate, affect a community vulnerable to retaliation by armed actors (government or non-government), the community itself might be deeply threatened by any transparency of its engagement with the UN effort. In such cases, a community might accede to participating only under conditions of strict secrecy and intense operational security.

In the type of non-permissive conflict environments to which the UN is repeatedly called to respond, it is a good idea to both limit expectations about the kind of structural reforms that can be achieved through DDR programmes and to limit the UN’s risk exposure when necessary. Neither adjustment implies abdication of the UN’s responsibility to strive to implement the principles of IDDRS as much as possible despite the challenging context.

Conclusion and Policy Implications

The context of on-going military operations and counterterrorism activities creates a uniquely difficult environment for any actor, including the United Nations, to undertake DDR activities. Even if the intent of DDR is to reduce conflict and threats to defectors, ex-combatants, and communities, the United Nations, as well as the local DDR agencies, is likely to become involved – or implicated – in the conflict in ways quite different from post-conflict settings. Indeed, in such contexts, the UN might appear to be as threatening to the insurgent,

terrorist, or militia groups as the military operations that target them. Ironically, while the UN may be implicated in offensive operations when it is not in fact so engaged, it may not actually have extensive involvement in the DDR programmes it intends to

THE UNITED NATIONS MIGHT THUS FIND ITSELF SUPPORTING A DDR PROGRAMME WHILE HAVING LIMITED AUTHORITY OVER IT, AND YET BEING ASSOCIATED WITH A PARTY TO THE CONFLICT. IN SUCH CASES, THE UN CACHÉ OF NEUTRALITY AND IMPARTIALITY COULD BE LOST WITH LITTLE TANGIBLE DDR BENEFIT.

facilitate and monitor. In many cases, national actors (at whose invitation a UN DDR effort is likely to operate in such a context) may not be fully aligned with the objectives and principles of IDDRS and they might seek to limit transparency and access. Moreover, national actors may strongly limit the United Nations’ authority over who is sent to the DDR programmes and, even more problematically, who is released from them. Bilateral actors engaged in parallel counterterrorism operations might be equally nontransparent. National-level authorities, multilateral security forces, and subnational actors who are sources of candidates for DDR may suffer from multiple and complex capacity limitations. The United Nations might thus find itself supporting a DDR programme while having limited authority over it, and yet being associated with a party to the conflict. In such cases, the UN caché of neutrality and impartiality could be lost with little tangible DDR benefit.

Such a context generates challenges regarding: trust, access, and safety; knowledge, sustainability, and handover to local authorities; and implementation, expectations, and accountability. These uncertainties may undermine the United Nations’ ability to fully implement all of the principles of IDDRS. The overlap between DDR and detentions/internment of “ex-combatants”

and supporters might be strong and highly problematic as well as challenging from policy and programming perspectives. Of course, not all settings of on-going military operations and counterterrorism activities are equal and the intensity of these challenges will also vary with specific contexts.

The overriding question becomes what comparative advantage the United Nations has in delivering DDR – and in some cases, DDR with a CVE focus – in such contexts? From an effectiveness or humanitarian perspective, could any other actor perform better? Or, if the United Nations does not take on the DDR effort, will anyone carry it out at all? If no, however small or imperfect, would a UN-led DDR programme have positive safety implications for communities and humanitarian implications for ex-combatants and defectors? Sometimes, the United Nations might resolve to make the judgment that no engagement

THE OVERRIDING QUESTION BECOMES WHAT COMPARATIVE ADVANTAGE THE UNITED NATIONS HAS IN DELIVERING DDR IN SUCH CONTEXTS?

is better, and that limiting the burdens of responsibility and resource-drain of delivering DDR in such non-permissive environments is preferable to complicity in policies that do not improve the safety of communities, the lives of ex-combatants, and/or peace dynamics. In many other times, however, some tangible improvement in the lives of combatants and communities or incremental improvement in stability via DDR programming will be viewed as better than no engagement.

The fact that a perfect implementation of all IDDR Standards might not be possible should not prevent the UN from urging other actors to do better in terms of effectiveness and human rights. But the aspiration and guiding principle should also remain to move steadily to the full implementation of IDDRS and enhancement of

peace dynamics and safety of individuals and communities as possible.

Specific policy implications thus include:

- *Even when the United Nations may have limited control over, and even input into, who is eligible for DDR programmes, it should demand, and assist in, the establishment of operational criteria for eligibility.* In the absence of input into the assessment of participant eligibility, the United Nations should also seek to establish, at the least, feedback mechanisms, to ensure it is aware when those sent to the camps clearly do not meet the criteria or when many are unfairly and inappropriately excluded.
- *United Nations DDR actors should demand clear criteria for release of ex-combatants from DDR camps and clearly defined term limits identifying when ex-combatants must be released.* These decisions cannot be arbitrary, nor should they be left exclusively to national authorities. The United Nations should insist that minimum due process standards for ex-combatants be respected.
- *To the extent that local authorities are unwilling to agree on release criteria and term limits and continue to exercise control over who is released from the DDR camps, the United Nations should be willing to re-label the programmes “detention” or “internment” and run DDR efforts in parallel with assisted detention.* Donors might be reluctant to support programmes labelled by the UN as detention/internment. Donors may also be reluctant to support UN DDR efforts that coordinate with local detention and internment programming, seeing such coordination as tacit support for illegal and inhumane treatment. Yet, in such scenarios, it is important for the UN to consider whether the conditions of the captured, detained, or defected combatants would be worse in the absence of international support.

- *In order to maximize knowledge in the context of limited access and particularly since many competing political agendas might be operating at the same time, UN DDR field offices should be well staffed with analytical support personnel. They should seek to cultivate as broad a network of local and relevant international interlocutors as possible.* Channelling engagement solely through national authorities or subnational power centres, such as provincial entities, is not adequate. A systematic and purposeful effort needs to be made to reach out to communities receiving ex-combatants and community actors, such as civil society, community elders, NGOs, women's groups, and the private sector. A special outreach effort should be made to marginalized groups, such as particular ethnic groups, tribes, sub clans, or slum residents. Many of these actors may not be honest, objective, or benevolent, but collecting a broad range of views and information will help create a crucial information baseline from which to monitor and evaluate DDR efforts.
- *Particularly if DDR efforts also involve CVE, consideration should be given to whether equity in the DDR programmes requires that the same type of programmes are delivered to all participants, or individualized designs for each DDR candidate are possible.* Such individual-specific design is likely to increase effectiveness, but tailoring programming cannot be allowed to create new resentments, rivalries, or discriminatory access. It will also be far more resource- and personnel-intensive.
- Although access to communities is likely to be highly constrained, a strong effort should nonetheless be made to *deliver services to victims and non-combatants that are comparable to those delivered by DDR programmes to ex-combatants so that perceptions of injustice or moral hazard dynamics are not created.*
- *Not only should the United Nations appropriately staff DDR efforts, in such a context, such DDR missions should have dedicated multiyear budgetary mechanisms.* Reliance on short-term funding by bilateral donors is likely to exacerbate many of the effectiveness, implementation, administration, and accountability challenges. Additionally, the international community should not simply succumb to potential extortion by local authorities to fund detentions and DDR, but rather demand that local authorities contribute some resources to these efforts.
- *A strong effort should be made to foster a culture of honest evaluation and monitoring of DDR efforts.* Specifying as clearly as possible what the expected outcomes are is important, if possible with clear links to the complex causal relationships between DDR and conflict dynamics. But it is equally important for stakeholders to expect difficulties and realize that implementation might not achieve all of the desirable outcomes or satisfy all principles. That also means that identification and disclosure of problems does not *ipso facto* lead to sanctions, such as defunding of the UN effort or the lack of promotions for personnel. Instead, such monitoring should produce a discussion of how to mitigate inadequacies and whether the existing military and political context in fact allows for addressing the programme's deficiencies.

Chapter 3

The Blue Flag in Grey Zones Exploring the relationships between Countering Violent Extremism (CVE) and Disarmament, Demobilization and Reintegration (DDR) in UN field operations

Naureen Chowdhury Fink

3

Introduction

Today's complex conflict landscape increasingly features terrorist groups that have the structures, tactics, and capacity usually associated with criminal enterprises, insurgent groups, and even states. Indeed, the Islamic State in the Levant (ISIL),⁸⁹ with tens of thousands of troops and 55,000 sq. kilometres under its control, is more similar to "a pseudo-state led by a conventional army" than a terrorist group.⁹⁰ ISIL has used its state-like capacity to unleash an unbridled reign of violence and terror, thus representing a significant threat to both civilian populations and governments in the region. ISIL is unusual in its capacity, but not alone in its approach and aspirations. Al-Shabaab in Somalia and Boko Haram in Nigeria have likewise wreaked havoc and fomented instability. Their terrorist attacks and advances have rendered swathes of territory inaccessible and impede development. What is new about such groups is that they do not seek to replace existing power structures, but rather to transform them in a manner that is incompatible with the international state system as it stands today.

For the United Nations, mandated to address threats to international peace and security and uphold the values enshrined in its Charter, the question of whether and how to engage with such groups can no longer be an esoteric debate. Rapidly changing conflict dynamics prompt the question of what role the organisation should play in countering such violence and whether

89. Also known as the Islamic State (IS), the Islamic State in Iraq and Syria (ISIS), or in Arabic, ad-Dawlat al-Islāmiyah fī al-'Irāq wa sh-Shām (Da'ish).

90. Audrey Kurth Cronin, "ISIS Is Not a Terrorist Group: Why Counterterrorism Won't Stop the Latest Jihadist Threat," *Foreign Affairs*, March/April 2015, available from <http://www.foreignaffairs.com/articles/143043/audrey-kurth-cronin/isis-is-not-a-terrorist-group>.



MILITIAMEN GATHER TO BEGIN DDR. UN PHOTO/KY CHUNG

the existing tools available to it for promoting peace and security are fit for purpose. This is especially the case with regard to disarmament, demobilization, and reintegration (DDR) efforts, which seek to disengage armed combatants in civil conflict and reintegrate them back into society. Given the increasing presence of terrorist groups and individual violent extremists operating in the conflicts to which the UN responds, the question arises whether the UN needs a next generation of DDR practices that are designed to operate in environments where there may be no peace to keep, and the combatants are, more radical, less disciplined, and/or less cohesive than in previous conflicts.

Given the UN's current and potential roles in today and tomorrow's complex conflicts, it needs to be determined if existing countering violent extremism (CVE) and terrorist rehabilitation⁹¹ efforts can inform strategic UN programming, including DDR, or whether the latter requires a complete rethink in contexts like Somalia, Mali, Afghanistan, or Libya. This paper will begin with a brief introduction to CVE and terrorist rehabilitation and reintegration efforts; the second section will explore areas of convergence and divergence between CVE and terrorist rehabilitation, on the one hand, and DDR on the other. The final section will outline some practical questions and recommendations for the UN to consider when developing DDR programming for extremist combatants and foreign terrorist fighters.

91. A note on definitions – this paper will also refer to “violent extremism” rather than “terrorism” in recognition of the fact that groups may employ violence and intimidation to further extremist agendas even though such acts may not legally be considered terrorism. The term CVE is also sometimes interchanged with “Preventing violent extremism.” For the purposes of this paper, “CVE” will denote efforts both to prevent and to counter violent extremism.

The emergence and evolution of CVE and terrorist rehabilitation efforts

The rapidly evolving threats posed by terrorism and violent extremism to civilians, infrastructure, and development have prompted greater focus by states and international organisations on preventive measures. The emerging field of CVE (also referenced as counter-radicalisation) has evolved in response to an understanding that while conventional militarized and repressive counterterrorism (CT) strategies may be necessary, they are insufficient in ending terrorism when employed alone, and indeed, may even have the unintended consequences of fuelling grievances and provoking further radicalisation. Although CVE emerged as the “softer” flipside of counterterrorism, developed to address the “conditions conducive to the spread of terrorism”⁹² and the grievances that are believed to fuel support for extremist and terrorist groups,⁹³ it shares common objectives with conflict prevention, peacebuilding and other efforts to strengthen the state-society relationship and prevent the onset of

violence. However, instead of a responsive footing, CVE is proactive, seeking to identify threats early on and prevent mobilization to violence. Moreover, CVE seeks to design interventions in such a way as to minimize negative side effects such as fuelling more radicalisation. To date, several countries have adopted counterterrorism strategies that include preventive components, such as the United Kingdom, United States, Canada, Australia, and, more recently, Pakistan, Nigeria, and Kenya.⁹⁴ In some instances, projects have been CVE-specific in responding to identified extremist threats or community vulnerabilities, while in others, programmes had CVE-relevant secondary or even tertiary benefits that helped build resilience against extremism though their primary focus may have been on development or community outreach, for example.

In parallel, responsive measures have also been developed to rehabilitate and reintegrate violent extremist offenders (VEOs)⁹⁵ or returning ‘Foreign Terrorist Fighters’ (FTFs), and some of these measures also incorporate CVE elements in order to prevent recidivism or further radicalisation.

92. The UN Global Counter-Terrorism Strategy contains recommendations in the following areas: tackling the conditions conducive to the spread of terrorism; preventing and combating terrorism; building countries’ capacity to prevent and combat terrorism and to strengthen the role of the United Nations in that regard; and ensuring respect for human rights for all and the rule of law while countering terrorism. “United Nations Global Counter-Terrorism Strategy,” A/60/288.
93. “United Nations Global Counter-Terrorism Strategy,” A/60/288, and Tore Bjørgo, *Root Causes of Terrorism: Myths, Reality, and Ways Forward*, (New York: Routledge, 2005).
94. See United Kingdom, HM Government, *CONTEST: The United Kingdom’s Strategy for Countering Terrorism*, (2011) available from https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97994/contest-summary.pdf; United States, White House, *National Strategy for Counterterrorism*, (2011), available from http://www.whitehouse.gov/sites/default/files/counterterrorism_strategy.pdf; Canada, *Building Resilience Against Terrorism: Canada’s Counterterrorism Strategy*, (2013) available from <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/rslnc-gnst-trrrsm/rslnc-gnst-trrrsm-eng.pdf>; Pakistan, Senate of Pakistan, *National Counterterrorism Authority*, available from http://www.senate.gov.pk/uploads/documents/1363071845_127.pdf; author conversations with policymakers from Australia, Kenya and Nigeria.
95. Terminology drawn from Global Counterterrorism Forum, “Global Counterterrorism Rome Memorandum on Good Practices for Rehabilitation and Reintegration of VEOs”, available from <https://www.thegctf.org/documents/10162/19594/Rome+Memorandum+on+Good+Practices+for+Rehabilitation+and+Reintegration+of+Violent+Extremist+Offenders> (accessed 15 May 2015).

These terrorist rehabilitation and reintegration programmes (henceforth terrorist rehabilitation) have been developed in both custodial and community settings. In some cases, they have dealt with voluntary defectors; in others they focus on detainees convicted of terrorism or captured on the battlefield, with a view to preventing post-release recidivism. This is of particular interest to Member States given the latter of which are of great interest given the current concern about the return of foreign terrorist fighters to their home countries. While many of these programmes have emphasized the objective of disengagement (i.e. behavioural change, such as renouncing the use of violence), others have sought the goal of deradicalisation (i.e. cognitive changes, such as renouncing ideologies or beliefs).⁹⁶

Cross Learning?

Both CVE and terrorist rehabilitation efforts have generated a body of experience and expertise that can inform UN DDR efforts, particularly when the latter are confronted with VEOs. The emphasis of CVE programming on strengthening community resilience, fostering constructive debate and dialogue, and promoting education and economic opportunity offers a number of potential synergies with conflict prevention, peace operations, peacebuilding, and particularly, DDR efforts.

In many ways, it is natural to adapt best practices and lessons from the CVE and terrorist rehabilitation fields to DDR contexts, especially in light of the current conflicts in which DDR programming is employed. Indeed, an expert panel exploring the relationship between DDR and CVE held in New York in September 2014 by the Global Center on Cooperative Security and Hedayah⁹⁷ concluded that CVE and DDR, particularly Second Generation DDR with its focus on addressing immediate security concerns but also an enabling longer term socio-economic development, shared a number of common objectives. There is a natural nexus between DDR and CVE, the latter term also encompassing terrorist rehabilitation efforts in this context, as they both deal with the questions of preventing and stopping violence, preventing recidivism, and reinserting previously violent actors into society.⁹⁸

Despite the overlapping goals and similarities across CVE, terrorist rehabilitation, and DDR, there are important limitations to the application of CVE/terrorist rehabilitation practices to DDR contexts. First, despite the desire to develop a typology of radicalisation that has some predictive quality, experts agree that it is a highly individualized process that is often the result of a combination of structural “push” factors like relative deprivation, socioeconomic marginalization, personal psychosocial crisis, or political grievances and “pull”

96. Tore Bjørgo and John Horgan, *Leaving Terrorism Behind: Individual and Collective Disengagement*, (New York, Routledge, 2009), p. 1-14; In contrast, counter-radicalisation efforts are often undertaken as preventive measures, though they may also be components of deradicalisation and disengagement programmes. Moreover, in practice, practitioners note that even disengagement programmes have an element of deradicalisation because they foster a transformation of ideas regarding the acceptability and use of violence.

97. Hedayah is the international centre of excellence on CVE in Abu Dhabi.

98. Hedayah and Global Center on Cooperative Security, “Perspectives on Disarmament, Demobilization, and Reintegration: Challenges and Opportunities for Countering Violent Extremism (CVE),” 23 September 2014, available from <http://www.hedayah.ae/pdf/ddr-meeting-summary.pdf>. For further event information see Global Center on Cooperative Security, “Perspectives on Disarmament, Demobilization, and Reintegration: Challenges and Opportunities for Countering Violent Extremism,” 23 September 2014, available from <http://www.globalcenter.org/events/perspectives-on-disarmament-demobilization-and-reintegration-challenges-and-opportunities-for-countering-violent-extremism/>.

factors like appealing ideologies, charismatic recruiters, or material or social benefits that purport to redress grievances and frustrations.⁹⁹ Indeed, extremist combatants operate at different levels; what incentivises a terrorist group's senior management may differ from that which incentivises entry-level recruits or casual participants.¹⁰⁰ Thus what works in one context, for one person, may not be replicable for another. That said, despite the context-specific tailoring, a number of common elements exist across CVE and rehabilitation programming in a wide range of settings, and it appears that in many cases, these commonalities bear some relevance to DDR programming.

Second, evaluating CVE and terrorist rehabilitation programmes has proved challenging. Political sensitivities, restricted access to data, programmes, and participants, and a consequent reliance on government figures have made an independent assessment of CVE and rehabilitation programmes difficult.¹⁰¹ Moreover, the empirical record – when

available – is often mixed. For example, while the Saudi Arabian Prevention, Rehabilitation, and Post-release Care (PRAC) programme is considered relatively successful, it nonetheless has several infamous recidivists among its graduates, including Nasir al-Wuhaiyshi, the leader of Al-Qaeda in the Arabian Peninsula and Ayman Al-Zawahiri's deputy.¹⁰² That is not to say that these programmes are without merit.¹⁰³ Indeed, at the individual programme levels there are some positive signs of thoughtful and effective innovations that could prove successful – and have potential applications to DDR.

Third, questions remain whether structural differences limit the application of CVE and rehabilitation insights to DDR contexts. Most traditional DDR programmes target larger organized groups whose leaders have agreed to participate, whereas CVE and terrorist rehabilitation efforts are more often aimed at the individual or small group level and rarely is there leadership buy-in.¹⁰⁴

99. See for example USAID, "Guide to the Drivers of Violent Extremism," February 2009, available from http://pdf.usaid.gov/pdf_docs/pnadt978.pdf. Magnus Ranstorp explores how many of these conditions can combine to create a hospitable environment for extremist recruitment in: Magnus Ranstorp, Linus Gustaffson, Peder Hyllengren, "From the Welfare State to the Caliphate: How a Swedish Suburb Became a Breeding Ground for Foreign Fighters Streaming into Syria and Iraq," *Foreign Policy*, 23 February 2015, available from http://foreignpolicy.com/2015/02/23/from_the_welfare_state_to_the_caliphate_sweden_islamic_state_syria_iraq_foreign_fighters/.
100. Circumstances of recruitment may also shape ideological commitment; those joining simply for material benefits may be more easily disengaged; committed ideologues such as leadership level members or foreign fighters may be more resistant to rehabilitation or deradicalisation efforts.
101. Marisa L. Porges and Jessica Stern, "Getting Deradicalisation Right," *Foreign Affairs*, May/June 2010 <http://www.foreignaffairs.com/articles/66227/marisa-l-porges-jessica-stern/getting-deradicalisation-right> (accessed 28 January 2015).
102. Philippe Morel, "What is Saudi Arabia's Counter-Terrorism Program, and Would it have Worked in Iraq?" 20 June 2014, available from <http://philippemorel.hubpages.com/hub/What-is-Saudi-Arabias-Counter-Terrorism-Program-and-would-it-have-Worked-in-Iraq> (accessed 28 January 2015).
103. Certainly, in the aforementioned example, relying only on recidivism rates alone fails to account for what may be significant transformations with impact beyond the individual participant, but the mixed record does raise questions about how to assess the efficacy of CVE and terrorist rehabilitation programmes.
104. In the rare case of collective disengagement programmes – of which there are few examples with terrorist groups – the leadership can have a powerful impact on fostering the disengagement and rehab of group members, as it did with the *Gamaa Islamiyya* in Egypt and Libyan Islamic Fighting Group. Omar Ashour, *The De-Radicalisation of Jihadists: Transforming Armed Islamist Movements*, (New York: Routledge, 2009).



MONUC DISTRIBUTES INFORMATION LEAFLETS ON DDR PROGRAMMING THROUGHOUT FDLR'S STRONGHOLD AREAS. UN PHOTO/MARIE FRECHON

Moreover, differences across programming environments, objectives and content may impede comparisons in some cases.

CVE and terrorist rehabilitation programmes engage participants in a range of ways, including: employment programmes, sports and arts, spiritual and other counselling, and strategic communication. For example, in Saudi Arabia, the PRAC programme is carefully tailored to individual detainees and offers a mix of moral, religious, and psycho-social counselling, including art therapy, sport, and extensive post-release support including employment and subsidized weddings.¹⁰⁵ Other examples of CVE projects range from “Mother’s Schools” piloted in India, Tajikistan, and Pakistan, to support families in identifying early signs of radicalisation in their children;¹⁰⁶ media programming that promotes education, civic responsibility, and tolerance; programmes

that support victims of terrorism and former perpetrators to share their stories; and efforts to work with youth to promote alternative narratives and positive political engagement. For example, in Morocco and Bangladesh, a number of disparate initiatives such as the training of female imams or workshops promoting tolerance and dialogue have been undertaken in an effort to reduce the appeal of extremist ideologies and groups.¹⁰⁷

In parallel to CVE, terrorist rehabilitation programmes have adopted similar approaches. Some programmes are more structured, often taking place in prison or detention centres with dedicated staff and resources, in recognition that prisons can be incubators for violent extremist ideology but also be institutions for reform.¹⁰⁸ Other efforts to rehabilitate violent extremists have been more informal and flexible, a combination of social and political initiatives often drawing on existing

social services.¹⁰⁹ For example, in Europe, many rehabilitation programmes aimed at returning foreign fighters from Iraq and Syria have drawn on work done with right-wing or neo-Nazi groups, such as the “Exit” programmes in Norway, Germany and Sweden. Denmark, for example, offers an innovative programme of mentoring, social services, and support finding employment for returning foreign fighters.¹¹⁰ The Danish response is considered by many governments and experts to be a model of good practice and an alternative to detention and the removal of citizenship – responses under consideration in other countries.¹¹¹ The programmes in these examples have focused primarily on the individual, though examples of group disengagement may be found in Colombia and Egypt.¹¹² The aforementioned examples offer a brief snapshot of terrorist rehabilitation efforts

across different regions and contexts, the lessons from which can inform DDR programming targeting VEOs, who may share a number of common characteristics with the target audience for such programmes.

A review of existing CVE and terrorist rehabilitation programmes reveals some interesting programming dimensions to countering violent extremism and terrorist rehabilitation that may have applications for DDR programming:

ROLE OF FAMILIES AND COMMUNITIES

Across a number of programmes in Europe, South and Southeast Asia, and the Middle East, whether dealing with right wing neo-Nazi gangs or jihadist

105. Author visit to Mohamed bin Nayef Centre, Riyadh, November 2008. See also Christopher Boucek, “Saudi Arabia’s Soft Counterterrorism Strategy,” Carnegie Endowment, *Carnegie Papers*, No. 97, (September 2008), available from http://carnegieendowment.org/files/cp97_boucek_saudi_final.pdf.

106. “Against Violent Extremism,” <http://www.againstviolentextremism.org/>.

107. Naureen Chowdhury Fink and Hamed El Said, “Transforming Terrorists: Examining international efforts to address violent extremism”, *International Peace Institute*, (May 2011), available from http://www.ipinst.org/media/pdf/publications/2011_05_trans_terr_final.pdf.

108. Global Counterterrorism Forum, “Global Counterterrorism Rome Memorandum on Good Practices for Rehabilitation and Reintegration of VEOs,” available from <https://www.thegctf.org/documents/10162/19594/Rome+Memorandum+on+Good+Practices+for+Rehabilitation+and+Reintegration+of+Violent+Extremist+Offenders> (accessed 15 May 2015).

109. Peter Neumann, “Prisons and Terrorism: Radicalisation and De-radicalisation in 15 Countries,” *International Centre for the Study of Radicalisation and Political Violence* (2010), available from <http://www.clingendael.nl/sites/default/files/Prisons-and-terrorism-15-countries.pdf>; Naureen Chowdhury Fink and Ellie B. Hearne, “Beyond Terrorism: Deradicalisation and Disengagement from Violent Extremism,” *International Peace Institute* (2008), available from <http://www.ipinst.org/2008/10/beyond-terrorism-deradicalisation-and-disengagement-from-violent-extremism>; and Naureen Chowdhury Fink and Hamed El-Said, “Transforming Terrorists: Examining International Efforts to Address Violent Extremism,” *International Peace Institute* (2011), available from http://www.ipinst.org/media/pdf/publications/2011_05_trans_terr_final.pdf – offer global overview through the lens of international actors.

110. The Danish programme is not unlike the “Channel” programme developed in the UK.

111. John Henley, “How Do You Deradicalise Returning ISIS Fighters?” *The Guardian*, 12 November 2014, available from <http://www.theguardian.com/world/2014/nov/12/deradicalise-isis-fighters-jihadists-denmark-syria> (accessed 28 January 2015), and Andrew Higgins, “For Jihadists, Denmark Tries Rehabilitation,” *New York Times*, December 13, 2014, available from http://www.nytimes.com/2014/12/14/world/for-jihadists-denmark-tries-rehabilitation.html?_r=0 (accessed January 28, 2015).

112. See for example Bjørgo and Horgan, pp. 66-87.

fighters, the role of families and communities was found to be critical in transforming detainees' behaviour and outlook, and preventing recidivism. In some programmes, such as those in Saudi Arabia or Malaysia, and the early iterations of the programme in Yemen, family or tribal elders were integral to guaranteeing the good behaviour of participants and facilitating their reintegration back into their communities. These programmes' focus on family and communities is key given the relative youth of most recruits and their lost or severed connections to family, which had previously created a situation whereby the extremist group was a primary source of support.¹¹³ Preventive CVE efforts have also focused on the family and community leaders to help counter the appeal of extremist narratives and serve as a source of support for vulnerable youth. Terrorist rehabilitation experience has underscored that working with families during and after the programme may help prevent recidivism, although more evaluation is needed to identify the exact impact of family engagement in different circumstances.

EDUCATION AND VOCATIONAL TRAINING

Educational opportunities and vocational training provided by terrorist rehabilitation programmes were important for ensuring detainees enhanced their employment opportunities outside extremist groups, and thus found a constructive community and means of support upon release. CVE practitioners have also begun to focus on education-based initiatives as an important preventive measure.¹¹⁴ Again, the relative youth of most violent extremists highlights the need to ensure constructive and viable employment options aligned with local economic opportunities. Educational initiatives to develop critical thinking skills, and exposure to diverse communities (race, ethnicity, religion) through formal or non-formal programmes, including sport and arts, were also found useful to helping detainees challenge extremist narratives and recruitment, and seek out



new communities of support. This highlights the importance of providing such opportunities in the context of DDR efforts, especially those engaging VEOs in a context where poverty and un- or under-employment facilitate extremist recruitment.



MRC MEMBERS ARE TRANSPORTED TO A DISARMAMENT SITE IN CONGO. UN PHOTO/MARTINE PERRET

113. Anneli Botha and Mahdi Abdile, "Radicalisation and al-Shabaab Recruitment in Somalia," *Institute for Security Studies*, ISS Paper 266, (September 2014), available from <http://www.issafrika.org/uploads/Paper266.pdf>.
114. Global Center on Cooperative Security and Hedayah, "The Role of Education in Countering Violent Extremism," Meeting Note, December 2013, available from <http://www.hedayah.ae/pdf/role-of-education-in-countering-violent-extremism-meeting-report>.

POST-RELEASE SUPPORT

Material, social, and spiritual support to detainees and families were found to be important to denying extremist groups re-recruitment opportunities. While only anecdotal, it is interesting to note that in one programme, a security official recounted the deep bonds that he developed with detainees – relationships that led him to be invited to detainees' family weddings long after their release. There is some interest in whether such enduring bonds may reduce the prospects of recidivism. A number of programmes have offered support for establishing businesses and expanding families, as well as supplementary support in the event that a primary breadwinner is detained, services that undermine the potential ideological and financial benefits of belonging to an extremist group. Such support may help participants develop resilience to subsequent recruitment efforts and prevent opportunities for radicalisation in the broader family network. However, this has proved challenging in countries where the legal framework and concern about violations of human rights or privacy does not support monitoring detainees post-release.¹¹⁵

CREDIBILITY OF INTERLOCUTORS

In many cases, the credibility of interlocutors, on matters of faith and politics in particular, was essential to the success of rehabilitation programmes, as government or law enforcement officials were not trusted by detainees to speak on matters of faith or ideology and were therefore not in a position to challenge extremist narratives. Where interlocutors are seen as closely aligned with the state, practitioners report some detainees are reluctant to engage them on matters of spirituality or theology unless their credentials are deemed legitimate. In other cases, reports suggest that detainees may engage in dialogue with officials simply to reduce their sentences. As one participant in Yemen's early programme noted, "We understood what the judge (Hamoud Al-Hittar) wanted and he understood what we wanted from him. The Yemeni mujahideen in prison know Hittar is a way for them to get released so they ingratiate themselves with him. There was no long or complex dialogue."¹¹⁶ In other instances detainees have refused to speak to those interlocutors who were viewed as lacking the necessary religious or ideological *bona fides*.

Finding credible interlocutors to lead rehabilitation programmes has been a challenge in several

115. Author discussions with practitioners and security officials (several conversations from 2009-2014).

116. Citing the BBC, see G. Hannah, L. Clutterbuck and J. Rubin, "Radicalisation or Rehabilitation: Understanding the Challenge of Extremist and Radicalized Prisoners," RAND Cooperation, 2008, available from http://www.rand.org/pubs/technical_reports/TR571.html (accessed February 20, 2015), p. 37.

117. Religious Rehabilitation Group, "About Us", available from <http://rrg.sg/about-us> (accessed 15 May 2015).

118. Fink & Hearne; author discussions with rehabilitation practitioners working in Saudi Arabia, Sweden, Singapore and Malaysia.

119. International Crisis Group, "Deradicalisation" and Indonesian Prisons," *Asia Report*, No. 142., 19 November 2007, available from <http://www.crisisgroup.org/en/regions/asia/south-east-asia/indonesia/142-deradicalisation-and-indonesian-prisons.aspx> (accessed 28 January 2015).

120. See for example, Nick O'Brian, "Interview with a Former Terrorist: Nasir Abbas' Deradicalisation Work in Indonesia," *Combating Terrorism Center Sentinel* 1, No. 12 (2008), available from <https://www.ctc.usma.edu/posts/interview-with-a-former-terrorist-nasir-abbas%E2%80%99-deradicalisation-work-in-indonesia> and Malkanthi Hettiarachchi, "Sri Lanka's Rehabilitation Program: A New Frontier in Counter Terrorism and Counter Insurgency," *Prism* 4, No.2 (2013), available from http://cco.dodlive.mil/files/2014/02/prism105-122_Hettiarachchi.pdf, pp.105-121.

countries. In settings where it is acceptable for governments to speak about issues of faith and belief, programmes can incorporate a more religious focus, which may improve the programme's credibility. A number of programmes, such as the Religious Rehabilitation Group in Singapore,¹¹⁷ for example, have sought to bring in voluntary spiritual advisers, or respected community and religious leaders to offer counselling.¹¹⁸ In cases where governments are wary or unable to address faith-based issues, rehabilitation efforts have focused more on psychosocial support, as in the programme in Aarhus, Denmark.

PRISON CONDITIONS AND DETAINEE HANDLING

Prisons can be incubators of radicalisation, but they can also be places of positive transformation.¹¹⁹ While human rights abuses can contribute to radicalisation, good treatment of detainees has been shown in some cases to yield positive transformations.¹²⁰ The example of Nasir Abbas in Indonesia, who maintained that his personal disavowal of violence was fostered by the good treatment he received at the hands of prison officials, is a case in point.¹²¹ On the other hand, several members of extremist groups such as AQAP and ISIL have reportedly come out of detention settings known to have mistreated detainees; ill treatment in detention may have contributed to the entrenchment of their violent extremist tendencies or generated grievances and deep resentment that contributed to their radicalisation and strengthened, or sparked, support to an extremist group. This is not to say that most DDR programmes don't already strive to maintain good treatment standards in camps, but as other chapters in this collection highlight, doing so

is especially difficult in active combat theatres and when the UN does not have full control of DDR programming. The evidence cited above underscores the potential risks that arise out of the mistreatment of programme participants.

CONTEXTUALLY TAILORED PROGRAMMING

The importance of adapting programming to the context – reflecting local, national, regional, and even international dynamics that affect conditions on the ground – has been underscored by rehabilitation practitioners and experts across various regions. In societies where tribes, clans, and elders are important pillars of the social structure, it makes sense for programmes to be based on efforts to re-establish or strengthen bonds between them and the rehabilitated. Yet in other contexts, the role of the family as a guarantor of post-release behaviour may not be appropriate because culture and legislation do not allow for it. Lessons learned and programme designs from one country cannot be automatically transplanted in another. Rehabilitation efforts aimed at VEOs in the DDR context similarly will need to be tailored to the local and regional drivers of extremism and conflict, and ensure that the engagement is in tune with local culture, laws, and practices. Programmes need to reflect the resources available in different contexts; in countries where government resources may not be expansive, partnerships can be developed with charities, NGOs, and the private sector, whose contributions have enriched a number of programmes.¹²² Such partnerships of course create new oversight and accountability challenges, as other contributions to this collection demonstrate.

These kinds of lessons have informed the development of a set of good practices on

121. <https://www.ctc.usma.edu/posts/interview-with-a-former-terrorist-nasir-abbas%E2%80%99-deradicalisation-work-in-indonesia>

122. Malkanthi Hettiarchchi, "Sri Lanka's rehabilitation Program: A New Frontier in Counter Terrorism and Counter Insurgency," *Prism* 4, No. 2 (2013), pp.105-121.

Rehabilitation and Reintegration of Violent Extremist Offenders,¹²³ developed by the Global Counterterrorism Forum for consideration by its members.¹²⁴ These good practices offer a valuable set of practical guidelines for states undertaking disengagement and deradicalisation efforts, which might also inform UN DDR efforts vis-à-vis VEOs.

While these insights from CVE and rehabilitation programmes can inform DDR efforts, there remains the question of whether the UN wants to wade further into this area of work. CVE and terrorist rehabilitation present qualitatively different challenges than traditional DDR. Jihadist fighters, for example, are waging an ideological battle that is at odds with the systems and values enshrined in the UN Charter. Many do not recognize the

the role of a neutral and impartial party. This, however, may not be the case for CVE and terrorist rehabilitation efforts, given that jihadist narratives have grouped the UN alongside the Western powers they oppose and several organisations have placed the UN on their target lists. In this case, community leaders, faith leaders, women's groups (e.g. mothers' groups), and civil society partners may be better suited to some CVE and terrorist rehabilitation functions. When such partners don't exist or when presented with radicalized combatants in the course of DDR programming, however, the UN may not be able to avoid dealing with terrorist and extremist threats.

WHILE THESE INSIGHTS FROM CVE AND REHABILITATION PROGRAMMES CAN INFORM DDR EFFORTS, THERE REMAINS THE QUESTION OF WHETHER THE UN WANTS TO WADE FURTHER INTO THIS AREA OF WORK.

legitimacy or authority of the state and the international system and do not consider international organisations to be credible interlocutors. In a DDR context, the UN can play

What implications for the UN?

The UN's counterterrorism responses evolved in a post-9/11 context largely insulated from the organisation's broader peace and security, and development work. This has been attributed to political sensitivities regarding terrorism and the "Global War on Terror"; concerns about the security of staff and operations in the field; bureaucratic inertia; and interdepartmental silos.¹²⁵ Despite the effort to remain distanced from these issues, the UN has not been insulated from the threat of terrorism. Already in Libya, Mali, Somalia,

123. The Global Counterterrorism Forum (GCTF), Rome Memorandum on Good Practices for Rehabilitation and Reintegration of Violent Extremist Offenders, available from <https://www.thegctf.org/documents/10162/159878/Rome+Memorandum-English.pdf>.

124. The GCTF is an informal intergovernmental body made up of 30 members, 29 countries and the European Union. The GCTF has developed a number of good practices memoranda and facilitates the delivery of capacity-building assistance on issues like criminal justice and the rule of law, and CVE across a number of regions including the Sahel, Horn of Africa and Southeast Asia. For more information see "The Global Counterterrorism Forum," available from www.thegctf.org (accessed on March 2, 2015).

125. James Cockayne, Alistair Millar, David Cortright, and Peter Romaniuk, "Reshaping United Nations Counterterrorism Efforts: Blue Sky Thinking for Global Counterterrorism Cooperation 10 Years After 9/11," *Global Center on Cooperative Security* (2010), available from http://www.globalcenter.org/wp-content/uploads/2012/07/Reshaping_UNCTEfforts_Blue-Sky-Thinking.pdf, and Naureen Chowdhury Fink, Peter Romaniuk, Alistair Millar, and Jason Ipe, "Blue Sky II: Progress and Opportunities in Implementing the UN Global Counter-Terrorism Strategy," *Global Center on Cooperative Security* (2014), available from <http://www.globalcenter.org/wp-content/uploads/2014/04/Blue-Sky-II-Low-Res.pdf>.

and Afghanistan, the UN is operating in conflict landscapes that include extremist actors and in these conflicts, and others, its offices and staff have been targets of terrorist attacks.

Looking ahead, the possibility looms of peace operations being deployed in other contexts affected directly by violent extremist actors, such as Syria or in Nigeria, or of the UN receiving requests to support governmental actors in responding to extremist groups. This will require the UN to have a strategic plan and resources to respond effectively to these threats.¹²⁶ At the present time, no mission, even those operating in environments in which terrorist and extremist groups are conducting attacks, such as Mali, Somalia, and Afghanistan, has any specific dedicated CT or CVE programming capabilities.¹²⁷ When not explicitly outlined in the mandate, missions are unable to draw on the money, personnel, and knowledge needed to develop strategic responses and programming.

In these settings, DDR will need to be adapted to suit the particular conflict contexts. In some cases, these may be adaptations of existing DDR and stabilization efforts; in others the development of a new toolkit may be necessary, bringing together elements of CVE, terrorist rehabilitation, and community violence reduction programmes. The following section highlights some key questions the UN will need to consider when developing such initiatives and advising multilateral forces and host states on their related policies and practices:

1. *Does the UN come into contact with extremist combatants as voluntary DDR participants or involuntary detainees, or both, and at what level?* In the first case, the UN will need to focus on reintegration support; in the latter case,

the primary focus will be disengagement and deradicalisation. Higher-level detainees may fall into the latter category more often than casual recruits. It may even be that in the case of involuntary detainees, rehabilitation is not a likely option and that efforts will need to ensure a fair and credible criminal justice process.

2. *Should extremist combatants be mixed with non-extremist detainees, and is a prison/detention setting appropriate?* Segregating extremists runs the risk of reinforcing a groupthink dynamic where narratives and perspectives are reinforced, with no exposure to different or even opposing views. On the other hand, there is the possibility that charismatic detainees can foster radicalisation among others. In the case of Al-Shabaab for example, there may be those who joined for employment, adventure, social status, or simply to find an alternative to a broken political system and grouping them in detention with hardened ideologues may prove counterproductive.¹²⁸ In the case of voluntary defectors, it may even be the case that prisons are not the appropriate setting and specially designed rehabilitation centres or transition spaces may be more appropriate.
3. *How to resource programming to ensure its sustainability?* The credibility of programmes depends on their ability to uphold their promises and support the full reintegration process. It is therefore critical that field missions be resourced to ensure the predictability and sustainability of rehabilitation programming. Moreover, mission mandates need to be clear about the extent to which missions – whether

126. Richard Gowan, "No Shortage of Potential Work for International Peacekeepers in 2015," *World Politics Review*, January 12, 2015, available from <http://www.worldpoliticsreview.com/articles/14826/no-shortage-of-potential-work-for-international-peacekeepers-in-2015> (accessed January 28, 2015).

127. Author's discussions with UN officials at Headquarters and in the field.

128. Anneli Botha and Mahdi Abdile, "Radicalisation and al-Shabaab Recruitment in Somalia."



DDR PROGRAMME LAUNCH IN ED DAMAZIN, SUDAN. UN PHOTO/JOHANN HATTINGH

political or peacekeeping – can and should take on rehabilitation support programmes. As Paul Williams, writing about the need to exploit Al-Shabaab’s weak points and support disengaged fighters noted, “Without the necessary financial support, efforts to transition former fighters into alternative livelihoods will fail, and ‘disengaging’ will prove only temporary as disgruntled individuals turn against the government or

to banditry.”¹²⁹ In addition to regular budget support, missions should be empowered to reach out to civil society and private sector actors who may be able to support programming, as was done in Sri Lanka, where the NGOs and private sector entities provided materials, expertise, and personnel to support for rehabilitation and community reintegration programmes.¹³⁰

129. Paul D. Williams, “Dealing With Disengaged Fighters: The Case of al-Shabaab,” *International Peace Institute Global Observatory*, January 29, 2013, available from <http://theglobalobservatory.org/2013/01/dealing-with-disengaging-fighters-the-case-of-al-shabaab/> (accessed January 28, 2015).

4. *How to ensure the safety and protect the rights of extremist combatants?* Where UN operations include DDR-like efforts, it is critical that the UN uphold humanitarian law and human rights standards, and ensure detainees' safety. Where the UN is called upon to support national governments in their efforts to demobilize and disengage extremist combatants – whether in the form of DDR, CVE, or rehabilitation programming, missions must underscore the need to ensure the security and rights of detainees, as required by the UN Human Rights Due Diligence Policy, discussed further in the Conclusion to this collection. Poorly managed programmes will not only damage the credibility of the UN, national, and international actors and endanger detainees and their families, but may also generate grievances that can foster radicalisation and compromise CVE efforts.
5. *How to support female and child fighters or families?* The UN needs to ensure that its programming, and the programmes on which it advises or assists, both address the special needs of female and child combatants and the needs of detainees' families to ensure that extremist groups do not step in to fill the void if the primary breadwinner is in prison. Female members of Islamist groups are likely in many instances to carry out non-operational tasks but in the event they are detained and found to be active in combat operations, provisions will need to be made to develop rehabilitation programmes in line with their likely activities post-release. As the guidance in the *Integrated DDR Standards* makes clear, it should not be presumed that programmes designed for young men in one setting will be directly applicable to women and youths given their differing social roles outside the prison setting. As such, the UN should support separate facilities and tailored reintegration support for these groups.

Recommendations

The following recommendations suggest some ways forward for the UN in this area:

1. *Improve the Connection Between the UN's CT Efforts and Peace Operations*

The following three recommendations seek to improve coordination and communication between the UN's counterterrorism efforts and its peace operations. Although not DDR specific recommendations, the following will inevitably benefit DDR programming in the field:

- *Integrate terrorism and violent extremism into conflict analysis and mission mandates where appropriate:* In a 2010 Presidential Statement, the Security Council urged the Secretary-General to take a more integrated approach to transnational threats, including organized crime and terrorism, and consider them in developing conflict analyses, integrated mission planning, and conflict prevention strategies.¹³¹ This integrated approach should be adopted at the Member State and Secretariat level to ensure that responses and resources are calibrated to the threat at hand. It is critical that peacekeeping and special political mission mandates make explicit whether – or not – field missions are expected to undertake specific CVE-related activities and/or how DDR programmes should

130. Malkanthi Hettiarachchi, "Sri Lanka's rehabilitation Program: A New Frontier in Counter Terrorism and Counter Insurgency," *Prism* Vol. 4, No. 2 (2013), available from http://cco.dodlive.mil/files/2014/02/prism105-122_Hettiarachchi.pdf, pp. 105-121.

131. "Statement by the President of the Security Council," S/PRST/2010/4.

engage VEOs. Moreover, it is essential that missions be appropriately resourced in terms of personnel and funds.

- *Develop internal mission capacities or relevant partnerships in CT/CVE:* Missions should appoint a counterterrorism focal point that can serve as a primary liaison between the field offices, UNHQ based entities like CTITF, CTED and UNODC, and civil society partners. The focal point can also serve as a resource for other teams in the mission who may be working on issues like gender, conflict prevention, and DDR where initiatives may benefit from adding a CT or CVE lens, and can be related to broader multilateral efforts to implement the UN Global Counterterrorism Strategy. To support the enhancement of missions to address these issues, it is critical that mission support teams at headquarters and civilian support teams in the field have the expertise and resources to address these challenges, for example, through the development of technical guidance materials or trainings. A series of training sessions for UN personnel at HQ and in the field, and ones that could also include their local counterparts on CVE-related programming, will help raise awareness about UN protocols and resources that can be leveraged when designing and implementing programmes like DDR.
 - *Enhance strategic communications:* The UN, at headquarters and in the field, should develop targeted strategic communications projects to promote a counter narrative to extremist group messaging about the UN and its values. At the local level, missions could support messaging that 1) informs local communities of the positive work being done on the ground and where further resources are available; 2) explains rehabilitation programmes to help communities receive disengaged fighters and counter misperceptions about the programme; and 3) highlights the stories of voluntary defectors. It will be important for these efforts to address the potential conflicts between military actions and CVE or rehabilitation efforts, and to ensure that locally appropriate platforms are used. Such communications projects will be critical to improving community relations and ensuring sustained participation in programming. An annual or biennial report of the Secretary-General to the Security Council should outline current efforts underway to implement the number of Security Council resolutions relating to terrorism and violent extremism, and contribute to the development of a strategy for undertaking communications and programming in the coming year or two. Such a report would also help keep the Council abreast of developments in these thematic areas and beseech the Council to consider how mandates need to be developed and field missions need to be equipped to address VEOs.
2. *DDR-specific Recommendation: Programming and Risk-Management Guidance on the Role of CVE in DDR*
- *Create a multi-stakeholder platform for understanding the DDR-CVE intersection:* The UN and its partners should host an expert level conference on DDR and CVE to share good practices, lessons learned, and current work plans among key entities and experts operating in the field, including the UN Interregional Crime and Justice Research Institute (UNICRI) and the Global Counterterrorism Task Force Working Group on Rehabilitation and Reintegration. The conference could build on the issues highlighted in this collection and provide an opportunity for a more granular discussion to support multilateral DDR efforts in complex environments. Sustained interaction among

the participants could be facilitated by a web-based platform accessible to all which can serve as a repository also for relevant documents and information.

- *Develop further DDR/CVE guidance for UN practitioners and partners in the field:* As this piece seeks to demonstrate, there are potential overlaps between DDR, CVE, and terrorist rehabilitation programming. Indeed, existing UN programmes may already contribute to efforts to prevent and counter violent extremism without being explicitly labelled as such. With some adjustments, other programmes could incorporate CVE or terrorist rehabilitation programming and FTF reinsertion efforts. There are certainly programmatic challenges involved, but the bigger question remains whether the UN is the right entity to lead programming on CVE, terrorist rehabilitation, and issues surrounding foreign terrorist fighters. DDRS and other UN departments engaged in related activity need guidance from Member States about the role of the UN in countering violent extremism and terrorist rehabilitation in the context of peace operations and outside of them. There needs to be direction about which UN entities will be involved in, and lead, this work.
- *Development of a Risk Assessment and Screening Tool to Screen for VEOs in DDR settings:* The development of such a tool could draw on ones developed for CVE and terrorist rehabilitation purposes – such as Public Safety Canada’s *Risk Assessment Decisions for Violent Political Extremism*¹³² – but will need to be tailored to each DDR setting.

Conclusion

The nature of violent extremist groups and the threats to international peace and security that they pose underscores the potential for the UN to play a critical role in efforts to counter violent extremism and rehabilitate terrorists. With its seven decades of development, humanitarian, and peacekeeping work, the UN is well placed to assist in this field of work.¹³³ Despite a number of positive developments in the counterterrorism architecture at headquarters, the challenges faced by UN missions operating in conflict spaces that include extremist groups highlight the need for greater engagement with and support for field missions. As security threats evolve, so too must the international response, and the political guidance to the field on how to conduct DDR in complex conflict environments. Whereas, the IDDRS and later the Second Generation DDR concept reflected the changing conflict landscape of the last decade, the emergence and expansion of terrorist groups and their roles in instigating social and political instability, fuelling sectarian tensions and armed conflict, and impeding development indicate that DDR practices in the field need to further adapt. Moreover, the nature of the threat and the limits to DDR programming raise the question of whether the UN will do more to counter violent extremism and rehabilitate terrorists when it is called upon.

132. For more information, see “Risk Assessment Decisions for Violent Political Extremism 2009-02.” Public Safety Canada, [<http://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2009-02-rdv/index-eng.aspx#Relevance>].

133. Fink et al., “Blue Sky II.”

Chapter 4

DDR and Detention in UN Peace Operations

“THERE IS [NOT] ALWAYS A CLEAR AND SPECIFIC LEGAL RULE READILY APPLICABLE TO EVERY INTERNATIONAL SITUATION, BUT ... EVERY INTERNATIONAL SITUATION IS CAPABLE OF BEING DETERMINED AS A MATTER OF LAW”¹³⁴

4

Introduction

Since the United Nations (UN) commenced disarmament, demobilization, and reintegration (DDR) processes in 1990,¹³⁵ it has faced increasingly complex and multifaceted challenges in providing DDR programming in conflict and post-conflict situations. As the number of actors conducting DDR has multiplied and DDR programming has increasingly been employed alongside other state or multilateral-led efforts to forcibly disarm and demobilize non-state armed actors, the lines between DDR and more coercive counterinsurgency and counterterrorism efforts have become blurred. Although the UN does not generally engage in detention operations and DDR has traditionally been a voluntary process, the nature of conflict environments and the growing potential for overlap with counterinsurgency/counterterrorism efforts has increased likelihood that the UN and other actors engaging in DDR programming will be faced with detention-related dilemmas. It is highly plausible that DDR planners and operators will increasingly be confronted with the possibility of detaining combatants, ex-combatants, and non-state armed actors who might be detained for their safety or that of others by UN peacekeepers. The aim of this paper is to identify some key legal and operational issues that arise in relation to involuntary and voluntary detention in DDR situations. While the existing body of law may not be able to provide specific guidance for handling all the potential

134. *Legality of the Threat or Use of Nuclear Weapons* (Advisory Opinion) [1996] ICJ Rep 226, dissenting opinion of Judge Rosalyn Higgins, [39], quoting Robert Jennings and Arthur Watts. eds., *Oppenheim's International Law*, Vol. 1 (Peace), 9th Edition, p. 13.

135. See "Resolution 650 (1990)," S/RES/650(1990), which mandated the United Nations Observer Group in Central America (ONUCA) to undertake the demobilization of anti-government elements in Nicaragua.

detention scenarios this piece will examine, the question is what is the law capable of providing? The paper also addresses risks that the UN will face should it undertake or support detention when engaged in DDR. Finally, this paper raises some key considerations that UN Member States and other stakeholders might wish to consider so as to provide better legal and operational guidance to UN peacekeepers and UN staff, who are responsible for, or assisting with, DDR programmes.

DDR is traditionally understood as a voluntary process and therefore it is assumed that detention will only be undertaken in exceptional circumstances – for instance, when a person is accused of committing a gross violation of human rights. There are, however, indications from the field that there have already been situations where detention has been employed or where staff in the field are already considering the prospects of detention scenarios in particular DDR contexts. For example, there were cases in Rwanda after the genocide in 1994, where peacekeepers detained individuals seeking to disarm because the latter were accused of committing genocide or other atrocities such as rape.¹³⁶ In Mali, consideration has been given to how to deal with individuals who might be subject to International Criminal Court arrest warrants.¹³⁷ In other cases, detention can be a means to protect the community from DDR participants or vice versa. For example, in the Democratic Republic of the Congo, individuals seeking DDR were held in custody to protect the ex-combatants from the community or other rival militias until a repatriation solution could be found.¹³⁸ In each of these cases the primary issue that has arisen is dealing with the tension between

undertaking an inherently peaceful activity – DDR – versus an inherently coercive activity – detention. That tension creates legal and operational challenges for peacekeepers, which in turn become risks for the UN and the mission.

However, as Vanda Felbab-Brown's piece on Somalia in Chapter 5 of this collection shows, and as I explore further below, the black and white distinction between voluntary DDR and involuntary detention is increasingly blurring as contextual factors influence and impinge on individual choice. Felbab-Brown shows that the UN is already encountering detention situations in Somalia, through its advice and support to nationally-owned 'DDR' efforts. When the alternative to entering a DDR programme is continued exposure to conflict or to other harms from state – or non-state – actors, 'voluntary' becomes a relative context. In this piece, I examine the legal and operational tensions that will accompany detention should it be employed in a DDR context either where the UN runs DDR programming or in cases where host-state or some other party leads DDR efforts. This piece will argue that as DDR programmes are increasingly employed in on-going conflicts, especially those in which radicalized combatants and terrorist groups are active, the likelihood that DDR programmers will have to deal with detention issues will increase, raising a host of operational, reputational, and political risks for the UN, its staff, and donors.¹³⁹

DDR and Detention

The primary objective of DDR is to 'contribute to the security and stability [of a state or territory] in

136. Based on the author's experience serving as a UN peacekeeper in Rwanda with UNAMIR II.

137. MINUSMA's mandate allows troops to "use all necessary means, within the limits of its capacities and areas of deployment, to carry out its mandate" to support "the efforts of the transitional authorities of Mali, without prejudice to their responsibilities, to bring to justice those responsible for war crimes and crimes against humanity in Mali..." "Resolution 2100 (2013)," S/RES/2100 (2013), pp. 8-9.

138. UNU roundtable with DDR practitioners, 2 March 2015.



UN PHOTO/MARTINE PERRET

post-conflict environments.¹⁴⁰ The DDR process aims to achieve that objective by disarming combatants, taking them out of military/paramilitary/non-state armed groups (including militias, gangs, civil defence groups, and entire armed communities), helping them to stand-down as a group, and, subsequently, assisting them in reintegrating economically and socially into society.¹⁴¹ DDR is designed to be a *voluntary* process where ex-combatants or gang members agree to disarm, demobilise, and reintegrate peacefully. It is possible, however, that situations may arise where DDR will be *involuntary* because those entering the programme are detained by peacekeepers or national forces for reasons

such as allegedly committing gross human rights violations, criminal offenses, or posing a security threat to the successful accomplishment of the peace operation. Further, a situation in which a participant is voluntarily involved in a DDR programme could potentially evolve into a situation in which their continued participation in the DDR programme is involuntary.

DEFINING DETENTION

For the purposes of this paper, the term “detention” refers to both involuntary and voluntary detention. “Involuntary detention” refers to

139. It should be noted that some of the concerns described below are also relevant to UN peace operations more broadly. See for example, Ralph Mamiya, “Legal Challenges for UN Peacekeepers Protecting Civilians in South Sudan,” *American Society of International Law Insights*, Vol.18, Issue 26, (December 2104); Bruce Oswald, “The Law on Military Occupation: Answering the Challenges of Detention During Contemporary Peace Operations” *The Melbourne Journal of International Law*, Vol. 8, (2007), pp. 311-326; and Bruce Oswald, “The Treatment of Detainees by Peacekeepers: Applying Principles and Standards at the Point of Detention,” in Roberta Arnold, ed. *Law Enforcement within the Framework of Peace Support Operations* (Leiden, Martinus Nijhoff Publishers, 2008), pp. 197-228.

140. See “What is DDR?” available from http://www.unddr.org/what-is-ddr/introduction_1.aspx.

141. Ibid.



AN EX-MILITIA FIGHTER OUTSIDE A DISARMAMENT CENTRE IN CONGO. AFP, BY GETTY IMAGES/LIONEL HEALING

temporarily depriving a person of their liberty and holding them in a location against their will.¹⁴² When a person is held against their will there is always the potential for the use of force to carry out the detention. There might also be cases, however, where a person is a “voluntary detainee” because, for example, they seek protective custody from the UN and that custody is provided on certain conditions. In some military operations, the term “apprehend” might also be used interchangeably with the term detention. In some circumstances, the term detention could potentially be used in the DDR context to incorporate other forms of deprivation of liberty such as “arrest,” “curfew,” “cordon,” “capture,” and “internment.” These other forms of detention are generally specific to a particular legal regime such as criminal law, or they are specific to a situation, such as exercising control over a person so as to create a safe environment.

While both ‘arrest’ and ‘detention’ involve a deprivation of liberty, the term ‘arrest’ is often used in a specific manner to refer to depriving a

person of their liberty in the context of enforcing criminal law.¹⁴³ The term may also refer to depriving a person of their liberty in order to compel them to attend court to answer charges. The power to arrest is most often held by the law and order officials of the host state and is rarely delegated to peacekeepers. In some circumstances, however, the Security Council has expressly authorised peacekeepers to arrest a person accused of gross criminal violations such as crimes against humanity or war crimes.¹⁴⁴

Setting cordons and curfews could potentially be used by peacekeepers in and around DDR sites where former combatants gather to hand over their weapons or to enter a demobilisation process. The distinction between “curfews” and “cordons” on the one hand and “detention” on the other is also important. The term “curfew” is defined as “the prohibition for security reasons of any movements (sic) by vehicles or persons outside their homes [or another specific area] between stated hours.”¹⁴⁵ A curfew is, therefore, a form of

142. That definition is inspired by the definition of “detention” used in the *Copenhagen Principles and Guidelines*. The Copenhagen Principles and Guidelines were developed by a number of states to provide a framework to deal with taking and handling detainees in situations such as non-international armed conflicts and peace operations. The provisions address, for example, the meaning of detention, the release of detainees, the treatment of detainees, reviewing on-going detention, and the transfer of detainees. See Denmark, Ministry of Foreign Affairs, “The Copenhagen Process on the Handling of Detainees in International Military Operations,” available from <http://um.dk/en/~media/UM/English-site/Documents/Politics-and-diplomacy/Copenhagenen%20Process%20Principles%20and%20Guidelines.pdf> (accessed 19 May 2015). For further detail concerning the Principles and Guidelines see Bruce Oswald and Thomas Winkler, “The Copenhagen Process: Principles and Guidelines on the Handling of Detainees in International Military Operations,” *Nordic Journal of International Law*, Vol. 83, (2014), pp. 128-167.

143. In some contexts the term “criminal detention” is also used to refer to exercising the power of arrest.

144. For example, after the unprovoked attacks of 5 June 1993 on UN peacekeepers serving with the second United Nations Operation in Somalia (UNOSOM II), the Security Council authorised the Secretary-General, in resolution 837 of 6 June 1993, to take “all measures necessary” to arrest and detain those responsible for inciting or carrying out the armed attacks of 5 June 1993. See “Resolution 837 (1993),” S/RES/837(1993), para. 5. More recently, in relation to the mandate of the UN Mission in Liberia (UNMIL), the Security Council authorised UNMIL to “apprehend and detain former President Charles Taylor in the event of a return to Liberia.” See “Resolution 1638 (2005),” S/RES/1638(2005), para. 1.

145. Pietro Verri, *Dictionary of the International Law of Armed Conflict*, (Geneva, International Committee of the Red Cross, 1992), p. 38.

detention that is a limited deprivation of liberty based on both time and geographical constraints. A “cordon” is a method of restricting access to, or exit from, a specific area. In circumstances where it is used to restrict an individual’s exit from a specific area it may also be viewed as a ‘detention.’ Thus, one could imagine a situation where peacekeepers might, to ensure the safety of the local community, set a cordon prohibiting access to a particular area or a curfew governing what time of the day or night individuals might leave a DDR area.

The terms “capture” and “internment” in a military operational context are often used to describe detention in the context of armed conflicts. The term “capture” in international armed conflict refers to depriving combatants of their liberty and relates to giving them “prisoner of war” status.¹⁴⁶ In non-international armed conflicts, the term is usually used interchangeably with the term “detention” because in practice states engaged in non-international armed conflicts rarely give captured persons prisoner of war status, and instead treat such persons as criminals or security threats rather than combatants, as they are entitled to under international law. “Internment” is a term used to describe depriving a person of their liberty during armed conflict because they are considered an imperative threat to security.¹⁴⁷ When applied to a DDR context, it is possible that these terms could also relate to combatants who surrender to UN peacekeepers, to people whom peacekeepers capture or detain during an armed conflict, or to people passed to peacekeepers

by other detaining powers, such as local security forces. For example, if peacekeepers engage in an armed conflict encounter an individual who is a threat to the security of the local community or the peacekeeping force, it is possible that they might seek to intern that person in a camp until that individual is no longer a threat. There might also be situations where a person who is not necessarily a security threat could potentially be interned by peacekeepers. For example, in some non-international armed conflicts where peacekeepers are fighting insurgent groups they might intern combatants that they have captured or who have surrendered to them. Thus capture and internment refer to forms of detention that are undertaken in military operations for reasons other than exercising criminal law sanctions.

Another term sometimes used in the context of detention during military operations, particularly internment, is “voluntary detainee.” That term has its origins in the law of armed conflict where it is used to refer to persons who voluntarily demand internment for reasons such as wishing to be with family members who might be interned for security reasons or for their own protection.¹⁴⁸

For the sake of clarity, it is important to note that in the context of DDR, the term “cantonment” is used to refer to areas where former combatants or others seeking DDR – such as gang members – gather presumably to be disarmed and demobilized at a later stage. As such, “cantonments” are not generally places of detention. Generally, combatants move into

146. For more detail concerning the legal obligations arising from dealing with prisoners of war see *Geneva Convention III*.

147. For more detail about the legal obligations arising from internment see *Geneva Convention IV*.

148. See *Geneva Convention IV*, article 42 which provides: “If any person...voluntarily demands internment, and if his situations renders this step necessary, he shall be interned by the Power in whose hands he may be in.”

149. UN News Service, “UN Mission Says Opposition Forces in DR Congo Have Disarmed, Awaiting Handover,” 5 April 2007, available from <http://www.un.org/apps/news/story.asp?NewsID=22146&Cr=democratic&Cr1=congo&Kw1=DR+Congo&Kw2=&Kw3=>. When the author visited the camp in which these fighters and their families were held, there was no doubt that they were detained.

cantonments voluntarily and are not under involuntary detention. However, if they are prevented from leaving the cantonment, or a cordon or a curfew is established around a cantonment, that might change the nature of the area so that those in it might be considered detained involuntarily.

Peace operations detention scenarios

To better understand detention operations it is important to understand the reasons why peacekeepers might undertake involuntary detention in a DDR programme.

First, peacekeepers might detain a combatant entering the DDR programme because they believe that the combatant has committed serious international crimes such as genocide, slavery, war crimes, and crimes against humanity. In such cases, detention might be justified pursuant to a specific treaty obligation (such as the Genocide Convention), a Security Council mandate, or an arrest warrant issued by an international tribunal such as the International Criminal Court.

Second, there might be cases where peacekeepers detain a combatant for allegedly committing a serious breach of the host state's domestic law. For example, a combatant may be detained because he/she is suspected of committing murder, rape, serious assault, theft, or arson.

Third, in some situations peacekeepers might also detain a combatant seeking to enter a DDR programme because the peacekeepers believe that the combatant might threaten the success of the peace operation or in some other way adversely impact the security in the area of operations. Such detention might occur in all peace operations where the use of force is envisaged, but especially where peacekeepers have a mandate to protect civilians or property. Detention in such cases might be undertaken

on the basis of intelligence information or the combatant's status as a member of an extremist group or criminal gang.

Fourth, UN peacekeepers, or DDR programmes they support, might detain a person seeking access to a DDR programme simply to establish the latter's *bona fides*, i.e. for screening purposes. In such cases, detention might only occur for a few minutes – or might last much longer, as appears to be the case in Somalia, as explored further by Vanda Felbab-Brown in Chapter 5 of this collection. In all four cases the detained combatant would be an “involuntary detainee.”

In some UN peace operations, combatants could be “peacefully” detained by UN peacekeepers because they are “volunteer detainees.” It might be the case, for example, that combatants believe that if they surrender to peacekeepers, they stand a better chance of having their rights respected than if they surrender to the local authorities. It might also be the case that ex-combatants enter a cantonment to undertake DDR with the understanding that they will be under the protection of the UN during that process. Clearly, such cases of “voluntary detention” would mean that the peacekeepers are not depriving the combatant of their liberty, even though they might impose certain limitations on the freedom of movement of the detainee, such as not permitting them to mix with other ex-combatants in the cantonment. Another condition might be that once the person leaves the cantonment they are not permitted to re-enter the cantonment or a DDR programme. In such cases the detention would not require the use of force and thus in that sense it would be a “peaceful” or non-coercive detention. One case which might fit the category of volunteer detention is that of the 149 fighters of the Division de Protection Présidentielle (DPP) who surrendered to United Nations Organisation Stabilization Mission in the Democratic Republic of the Congo (MONUC) and were ‘held’ by MONUC at one of their military bases for a number of years for their own protection.¹⁴⁹

In recent peace operations and political missions, DDR camps have been set up in the context of counter-insurgency operations. In Somalia, for example, individuals genuinely seeking to disarm have found themselves in camps where combatants, violent extremists, and those loosely associated with militia groups have also been held. In such situations, DDR camps seem to be places to hold those genuinely seeking to disarm as well as those being interned or imprisoned: they serve mixed purposes.

Challenges facing the UN

LEGAL CHALLENGES

The legal framework for justifying detention and ensuring the proper treatment of detainees in UN peace operations is based on both international law (specifically international humanitarian law, international human rights law, international criminal law, and international refugee law) and

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national law (that is the law of the host state and the law of the state contributing military or police personnel to the operation). However, while there is no single legal framework that applies across the spectrum of contemporary peace operations, there are two fundamental legal principles that must be

applied in all situations of detention. First, there is a general prohibition of arbitrary and unlawful detention. Second, there is a general prohibition against torture, abuse, or ill-treatment of detainees. All detentions, including those conducted pursuant to DDR programmes, must comply with both principles.

Detention must be based on grounds and procedures established by law. Where the UN expressly mandates peacekeepers to undertake detention in DDR situations by way of a binding Security Council Resolution, and peacekeepers comply with that mandate, it is generally accepted that that Resolution would be sufficient legal justification to ensure that detention is not arbitrary and unlawful. Unfortunately, it is very rare for the UN to expressly authorise peacekeepers to detain. It is much more common for peacekeepers to justify detention on an *implied* authority to detain. For example, the mandate given to United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) authorises UN peacekeepers when supporting and implementing the DDR programme to “regroup and canton combatants and confiscate and destroy, as appropriate, the weapons and ammunition of elements of personnel who refuse or fail to lay down their arms.”¹⁵⁰ A broad reading of the mandate would reasonably imply that peacekeepers are authorised to detain ex-combatants if that was the only way they could confiscate their weapons or ammunition. In more recent times, however, it has been argued by at least one court that detention operations cannot be justified as a matter of law by implying the authority to detain – the authority to detention by way of Security Council resolutions must be expressly stated.¹⁵¹ Regardless of whether a broad or a narrow approach is taken concerning the interpretation of the mandate, the fundamental

150. “Resolution 2149 (2014),” S/RES/2149(2014), operative paras. 29 and 30(g).

151. See *Al-Jedda v The United Kingdom*, Application no. 27021/18, European Court of Human Rights (Grand Chamber), 7 July 2011, para. 109.

principle that remains is that detention must be related to the peace operation in which the detention occurs. Put another way, peacekeepers will not be able to justify a detention that is not related to the mandate.

In situations of international armed conflict, it is generally accepted that Geneva Conventions III and IV provide a legal basis for detention and set standards for the treatment of detainees. In non-international armed conflicts and peace operations, the legal basis for detention and the standards of treatment are more contested because of the view held by some that detention in those conflicts and operations should be governed predominantly by international human rights law. The matter of detention in non-international armed conflicts and peace operations was addressed by the Copenhagen Principles and Guidelines,¹⁵² and at the time of writing is under examination by the International Committee of the Red Cross (ICRC).¹⁵³ The fact remains that an obvious challenge for the UN and peacekeepers, particularly in situations short of armed conflict, is justifying detention so as to ensure that the detentions are not arbitrary and unlawful, nor perceived as such.

To ensure that UN peacekeepers treat detainees humanely the UN has issued peacekeepers with the *Interim Standing Operating Procedures: Detention in United Nations Peace Operations*, which would apply to any DDR situation in which detainees are taken. In some operations, such as the United Nations Multidimensional Integrated Stabilisation Mission in Mali (MINUSMA), more specific guidelines concerning detention procedures are provided. In relation to offensive

operations in the Democratic Republic of the Congo (DRC) the UN has provided UN peacekeepers with guidelines more suited to situations of armed conflict: *Standard Operating Procedures on Internment by the United Nations Stabilization Mission in the Democratic Republic of the Congo*. These standard operating procedures hold the UN responsible for ensuring that an individual is not tortured, abused, or otherwise ill-treated, in the event that he/she is detained. The emphasis on ill-treatment extends to ensuring that

ANY PERSON DETAINED BY UN PEACEKEEPERS MUST BE HANDLED HUMANELY AND IN A MANNER CONSISTENT WITH INTERNATIONAL HUMANITARIAN LAW, INTERNATIONAL HUMAN RIGHTS LAW, AND REFUGEE LAW.

appropriate conditions are afforded to the individual, such as adequate food, water, accommodation, as well as safeguards to health and hygiene. All UN detention procedures however reinforce the general principal that any person detained by UN peacekeepers must be handled humanely and in a manner consistent with international humanitarian law, international human rights law, and refugee law.

In all UN peace operations the laws of the host state, and those states contributing peacekeepers, also influence the legal framework applicable to peacekeepers. Host state laws will govern, for example, the powers that its law and order authorities have to arrest former combatants when peacekeepers hand them over. Host state police might also be authorised by domestic

152. For more detail of the Copenhagen Process and the Principles and Guidelines see Oswald and Winkler, "The Copenhagen Process," p. 128.

153. For example, see ICRC Legal Division, *Strengthening Legal Protection for Persons Deprived of their Liberty in relation to Non-International Armed Conflict, Regional Consultations 2012-13, Background Paper* and ICRC Legal Division, *Strengthening International Humanitarian Law Protecting Persons Deprived of their Liberty: Synthesis Report from Regional Consultations of Government Experts*, November 2013.

laws to take into custody particular categories of ex-combatants regardless of the fact that those ex-combatants are seeking to enter into, or are already enrolled in, a DDR programme. The extent to which peacekeepers have to abide by host state laws is governed by the Status of Forces Agreement (SOFA) between the UN and the host state. In most UN peace operations, however, there is little if any mention made of the authority that the host state has over individuals in the custody of the UN. A further, and so far unresolved legal question, is what peacekeepers are to do with those combatants that they hold as security detainees when the host state's domestic law does not recognise such a category of detainee. In such cases, notwithstanding discussions about the lawfulness of the detention, the operational issue of what to do with the detainee arises if the host state refuses to take jurisdiction of the detainee. Similarly, peacekeepers are placed in a difficult situation concerning how to deal with a criminal detainee who refuses to be handed over to local authorities. In situations where law and order authorities are corrupt or not functioning adequately, detainees might wish to stay with peacekeepers rather than being handed to local authorities. For example, in Haiti in 2004, there were cases where gangs had infiltrated the Haitian police and were arresting and incarcerating members of rival gangs without due process.

As a result, gang members were particularly reluctant to give up their weapons, but DDR programming offered an alternate type of protection from the corrupt police for those who wanted to demobilize.¹⁵⁴ The UN's predicament in such cases will be further complicated by various UN or other international and national agencies reporting that the conditions in which detainees might be held by the host nation or the access to justice available violate fundamental human rights standards. If concerns such as the above arise the UN might not be able to hand detainees to the host state and therefore have no option but to consider establishing long-term detention facilities in the host state.¹⁵⁵

States contributing peacekeepers might impose specific legal obligations on their personnel as to when and how they detain. For example, they might establish obligations as to whether their peacekeepers might hand detainees to local authorities. Some states might issue specific guidelines or operational orders prohibiting their troops from handing detainees to local authorities when it is believed that the host state commits gross or flagrant human rights violations.¹⁵⁶ As a general principle, such guidance or orders must be consistent with the Status of Mission Agreement (SOMA) between the contributing state and the UN. It is unclear, however, as to the extent to which states contributing peacekeepers provide

154. The DDR programme ensured that in the event the police sought to arrest a DDR participant, they presented proper warrants for their arrest. In the event the police did not have a warrant, the DDR officials warned them not to pursue the DDR participants in question without following proper procedures. In the event that a DDR participant was arrested without due process, the DDR officials sent UN Human Rights Officers to visit them in jail and follow their case. UNU roundtable with DDR practitioners, 2 March 2015.

155. One argument for restricting the UN from handing persons over in detention situations is the potential application of the doctrine of non-refoulement. For a more detailed discussion as to whether that doctrine applies in non-international armed conflicts see Bruce Oswald, "Interplay Regards Dealing with Detainees in International Military Operations," in Erica de Wet and Jann Kleffner, eds., *Convergence and Conflicts of Human Rights and International Humanitarian Law in Military Operations*, (Pretoria, Pretoria University Law Press, 2014), pp. 91-93. In some situations states may also be limited from handing over detainees if those persons might be subject to the death penalty. See *Second Optional Protocol to the International Covenant on Civil and Political Rights* (1989).

156. Ibid.



LES FEMMES
EXIGENT
LE DESARMEMENT

"PATRIOT WOMEN" DEMAND THE UN DISARM FORMER REBEL FIGHTERS IN CÔTE D'IVOIRE. AFP, BY GETTY IMAGES/ISSOUF SANOGO

their personnel with specific guidance or orders concerning detention.

A specific legal challenge that faces the UN, the host state, and contributing states is dealing with children who seek DDR. Article 39 of the *Convention on the Rights of Child* provides that state parties to that Convention are to take all appropriate measures to promote the recovery and social reintegration of child victims (including those who are, or were, child soldiers) and that the recovery and reintegration is to take place in an environment conducive to the well-being of the child. As shown by the controversy around the handling of children in DDR processes in Somalia, explored further in Chapter 5 by Vanda Felbab-Brown, this can prove highly sensitive.¹⁵⁷ The challenge that is immediately obvious therefore is how the UN balances the obligation of reintegrating a child with what might sometimes be a necessity – to hold the child in voluntary or involuntary detention because the child is accused of serious crimes.

In situations where DDR programmes are contracted out by the UN, host state, or donor state, the UN (or the host state) still might be legally responsible for the participants if the contractor acts beyond the law. For example, pursuant to the International Law Commissions *Draft Articles on the Responsibility of International Organisations* (2011), the conduct of “an agent of an international organisation shall be considered an act of that organisation under international law if the ... agent acts in an official capacity and within the overall functions of that organisation, even if the conduct exceeds the



authority of that...agent.” In relation to states it is now generally accepted that “the conduct of a person...which is not an organ of the State...but which is empowered by law of that state to exercise elements of the governmental authority...[will be

157. See for example the claim made by the UN Children’s Envoy, Leila Zerrougui, that former child soldiers who were seeking rehabilitation and reintegration in Somalia, “were effectively locked up without trial and denied visits from their family.” “Somali Child Soldiers ‘Punished’ in Foreign Funded Camp: UN,” *Yahoo News*, 21 August 2014, available from <http://news.yahoo.com/somali-child-soldiers-punished-foreign-funded-camps-un-134726122.html> (accessed on 5 March 2015).

158. *Draft Articles on the Responsibility of States for Internationally Wrongful Acts, Report of the ILC on the Work of its Fifty-third Session*, UN Doc. A/56/10, article 5. See article 7 for situations where state responsibility remains even if the person acted in excess of authority or in contravention of instructions.



attributable to the state] provided the person...is acting in that capacity in the particular instance.”¹⁵⁸ Thus in situations where DDR contractors acting on behalf of the UN or a state commit breaches of international law, the UN or contracting state might be held responsible for those breaches.

OPERATIONAL CHALLENGES

Apart from the legal challenges briefly identified above, there are also a number of operational challenges that the UN faces in detaining a person in DDR situations, or supporting national detention under the colour of ‘DDR support.’

For example, at the point of capture (i.e. when the detainee is taken into custody) one of the key challenges that the UN and peacekeepers face is deciding whether to detain and the basis for detention. The pressure on screeners to correctly decide whether or not to detain individuals can be intense because the intelligence they have at their disposal is often weak or non-existent and the stakes are extremely high. Given the hard feelings generated by years of conflict, it is not uncommon for those seeking DDR to be the subject of spurious allegations. While peacekeepers do not want to support unjustified detention, they rarely have the means to ascertain the veracity of such claims. Furthermore,

they may be concerned about the extent to which they might be legally responsible for any acts of violence committed by the detainee in question if they release that detainee. Rarely is there strong

THE PRESSURE ON PEACEKEEPERS TO CORRECTLY DECIDE WHETHER OR NOT TO DETAIN INDIVIDUALS CAN BE INTENSE BECAUSE THE INTELLIGENCE IS WEAK OR NON-EXISTENT AND THE STAKES ARE EXTREMELY HIGH.

operational guidance on how to handle these situations; which has the potential to lead to a “revolving door” syndrome, where individuals move in and out of custody because military actors are uncertain of whom to hold, when, and for how long.¹⁵⁹

This dilemma highlights the operational challenges presented by the categorising of individuals during the DDR screening process. Peacekeepers may not have enough information to decide whether a person should be categorised as a criminal or a security threat. In some operations that distinction is of fundamental importance because it might be the case that the local authorities wish to narrow their jurisdiction to a particular category of detainee (e.g. criminal detainees). Mixing security and criminal detainees, or even mixing criminal detainees from different gangs might also jeopardise security in and outside the cantonment. The categorisation of detainees might be further complicated by the fact that in some cases whole communities might seek to enter DDR programmes and their sheer numbers make it impossible to separate detainees into those who are supporting combatants and those who actually fought. Separating detainees on the basis of age is also a challenge in situations where the detainee does not know how old they are. In situations where the host state provides the UN with lists of groups or individuals that the state considers ineligible to enter a DDR programme the UN faces challenges as to identifying who belongs to which militant group or in some cases even sub-group. There

have even been some DDR situations where former combatants have no idea which group they belong to because they were, for example, kidnapped and not told the name of the group. In Burundi, the situation was even more complex because individuals seeking DDR did not know which faction they belonged to because of their group had splintered into different factions. At some stages, members of the FDD did not know whether they belonged to the Forces for the Defense of Democracy (FDD)-Jean Bosco Ndayikengurukiye or FDD faction aligned to Pierre Nkurunziza.¹⁶⁰ More recently in Mali, loyalties changed amongst members of the National Movement for the Liberation of Azawad (MNLA) and High Council for the Unity of Azawad (HCUA) groups, who had associated themselves with Al-Qaeda, to disavowing loyalty to any ‘terrorist’ group.¹⁶¹ In both the Burundi and Mali cases, the risk to the safety of detainees becomes obvious if they are held in the wrong camp or with the wrong factions. As Felbab-Brown describes in her piece on Somalia for this collection, categorising detainees as either high risk or low risk has also complicated DDR programmes because it is unclear what those terms mean and the sorting process is not transparent. The challenge in categorising detainees therefore impacts on their safety, the justification to hold them, and the resources required to deal with them in camps.

If DDR programmes are intended to be voluntary and open to those genuinely seeking to disarm, demobilise, and reintegrate, then the involvement of authorities such as intelligence organisations in selecting who enters and leaves a cantonment is likely to adversely impact on the success of the programmes. In Somalia, for example, the fact that the security services determine who enters and leaves DDR programmes has created considerable confusion about the purpose of the DDR programme; raised questions about the voluntary nature of the programme; and resulted in little transparency regarding the conditions and processes in place there.¹⁶²

Another operational challenge arises when camps hold not only those genuinely seeking to disarm but also violent extremists and others who wish to continue fighting. Such operational challenges appear to arise more frequently when DDR operates concurrently with counterinsurgency operations.

The appropriate treatment of detainees also raises a number of challenges – particularly in situations where there are inadequate resources allocated to caring for detainees or detainees are vulnerable because of their age, gender, or health. Inadequate resources lead to below standard accommodation, food, medical facilities, or poor training as to how to deal with detainees, including those who are vulnerable for reasons of physical or mental health; this can add to the pressures already facing detainees and peacekeepers in DDR situations. These operational challenges are further exacerbated where pregnant women or nursing mothers and young children must seek out DDR. In Somalia, for example, some camps have refused to take women and children because the authorities running the camps lack the resources to meet minimum international human rights standards. It has been alleged that in several cases those seeking DDR, but denied access to the camps because their special status needs could not be met, were subsequently killed by Al-Shabaab.¹⁶³ These alleged incidents highlight the tension that exists between upholding human rights and DDR standards and ensuring that

there is access to some sort of DDR programme, however flawed.

In some situations, a host state might refuse to permit their nationals to enter a DDR programmes preferring that their nationals be held in detention in another state. In Burundi, for example, at one point the Government insisted that the National DDR Programme was completed and therefore refused to accept Burundian ex-combatants from the DRC, thus leaving them to languish in foreign detention.¹⁶⁴ The case of repatriating ex-combatants raises serious challenges concerning allocation of resources to the country responsible for repatriation and political commitment for the country required to accept their nationals. This challenge is only going to get worse given the proliferation of foreign terrorist fighters that are leaving their home states and going to fight in Syria, Somalia, Yemen, and Iraq, among other places.

In some DDR situations where detention is undertaken, the actual or potential use of force also arises. For example, there have been DDR cases where peacekeepers have been confronted by local authorities or vigilante groups who demand that a person entering DDR be handed to them. Similarly, might peacekeepers use force to hold a volunteer detainee who seeks to leave but whom peacekeepers suspect as having committed gross human rights violations or being a violent extremist? In that case, the question of the justification for involuntary detention will also

159. The author observed this problem during his service in East Timor and Rwanda.

160. UNU roundtable with DDR practitioners, 2 March 2015.

161. *Ibid.*

162. Problems have been detailed in several open source formats, as well as the piece by Vanda Felbab-Brown in this collection. For example, see Update on security and protection issues in Mogadishu and South-Central Somalia, Joint report from the Danish Immigration Service's and the Norwegian Landinfo's fact finding mission to Nairobi, Kenya and Mogadishu, Somalia, 1 to 15 November 2013, (Copenhagen: March 2014), available from http://landinfo.no/asset/2837/1/2837_1.pdf, and "Somali Child Soldiers 'Punished' in Foreign-funded Camps: UN," *Yahoo News (AFP)*.

163. See the Felbab-Brown chapter on Somalia in this collection.

164. UNU roundtable with DDR practitioners, 2 March 2015.

arise. Those challenges are further compounded by considerations as to the extent to which peacekeepers have an obligation to protect such detainees particularly in situations where they do not have adequate resources to provide the expected level of protection.

The issue of releasing and handing over detainees creates its own challenges. In some situations, peacekeepers might be forced not to release a voluntary detainee for their own safety or they might have to release a detainee in another area than where the detainee entered the DDR programme for the detainee's safety. In both cases concerns arise as to the obligations of peacekeepers to protect the detainee. In relation to handing detainees to the local authority, one of the major challenges facing peacekeepers is dealing with situations where there is a reasonable belief that the authority will not protect the detainee's well-being. If protection cannot be guaranteed by the local authorities, then peacekeepers might have to consider whether they continue to detain the individual. That on-going detention will have resource implications for the UN and might affect the relationship between local authorities and the UN.

Risks posed by UN involvement in detention

The legal and operational challenges described above give rise to a number of risks concerning such matters as the well-being and safety of detainees and others; the legal liability for the UN and states; the reputation of the UN and states; and the success of the mission. A brief description of some of those risks follows. There are at least seven significant risks that the UN faces in conducting detention operations. In broad terms, if the risks identified below are not managed appropriately, they will adversely affect the DDR operation, peacekeeping or political mission, and the UN more broadly.

1. RISK FOR THE EFFECTIVENESS OF DDR PROGRAMMING

The first risk concerns the tension between DDR and detention. Involuntary detention, regardless of the justifications offered, goes against the voluntary nature of DDR and has the potential of undermining the efficacy of DDR programming. Individuals that want to demobilise, for example, might be hesitant to surrender their weapons if they believe that by entering a DDR programme, they will be detained. It would be quite reasonable for detainees to think that without their weapons they might be attacked by rival factions or groups or that the state would seek to take them into custody. If the UN demonstrates that it is unable or unwilling to protect those who have put themselves in the hands of the UN or in the hands of nationally-owned but UN-supported DDR programmes, the credibility of the DDR programme may be undermined.

2. RISK OF ARBITRARY AND UNLAWFUL DETENTION

The second risk is that of wrongful detention and the fear of wrongful detention. That risk will always be particularly high in situations where individuals seek to enter a DDR programme and the host state or the local community falsely accuse the combatants of committing serious crimes or being a security risk. False accusations might arise for a variety of reasons including former members of factions or individuals in the community being vindictive. In many cases, the effects of the conflict will also add to the evidentiary confusion such as who specifically committed the crime or whether in fact a crime was committed. Building the trust of combatants to surrender without the fear of being wrongfully accused, and consequently wrongfully detained, will be a challenge. Wrongful detention poses a risk where individuals might avoid entering a DDR programme because they are concerned that the UN, or national authorities supported by the UN,

will detain them arbitrarily and unlawfully. The fear of unlawful and arbitrary detention may deter combatants from entering DDR programmes, and thus damage the peacekeeping mission and the prospects for violence reduction, as well as adversely impact the UN's reputation as an upholder of human rights. Unlawful detention also leaves the UN and TCCs open to potential legal action.¹⁶⁵ In some circumstances, it might also lead to UN peacekeepers being attacked by those aggrieved by the wrongful detention. Even where the risk of actual wrongful detention is low the perception of wrongful detention might be sufficient to create a situation where individuals are not willing to enter a DDR programme. Such perceptions might be created where for example local intelligence services determine who enters and leaves a cantonment or DDR site, as explored further by Vanda Felbab-Brown in her two pieces for this collection.

3. RISK OF LOCAL HOSTILITY TO DDR PROGRAMMING

On the flip side, a third risk to the peace operation arises when the host state or the local population believes that the DDR programme is a sanctuary for combatants who have committed gross criminal violations. One reason such a perception might arise is that a resource-strapped mission may fail to detain combatants even when there is clear evidence of gross criminal violations. Another potential reason for that perception is that the DDR screening process is inadequate in separating combatants who have committed serious criminal violations to those that have not. The "sanctuary risk" might manifest itself, for example, by the local community carrying out vigilante justice against DDR participants believed to have committed abuses and crimes. Such concerns would

adversely impact on the DDR process as they would likely alienate the community that the UN is relying on to absorb DDR candidates, or deter combatants from entering DDR programmes, thus raising the risk of violence and endangering the prospects for peace. The fundamental principle of peacekeeping – that of impartiality – is also likely to be broken if either those seeking DDR or the wider community believe that the UN is not impartial. The loss of the UN's impartiality might have wider implications for the mission.

4. RISK OF HARM TO DETAINEES

A fourth risk arises when a detainee is seriously injured or killed while in the custody of peacekeepers. Such injuries or deaths could occur for myriad reasons including the mistreatment of detainees by peacekeepers; inter-camp violence among detainees; external attacks on the camp; and/or inadequate, dangerous conditions in the camp. The reputational risk to the UN is enhanced if allegations of mistreatment arise in relation to vulnerable detainees (e.g. children), who are held either voluntarily or involuntarily in the context of DDR programmes.

Closely related to this is the risk of poor DDR programme planning or inadequate resources resulting in peacekeepers being unable to protect detainees or provide humane conditions for them. Keeping detainees in tents because more appropriate accommodation was not planned for, or failing to provide them with appropriate clothing to meet weather conditions will lead to detainees complaining about their treatment. Complaints might lead to disciplinary problems in the camp or individuals not entering the DDR programme. For example, in Liberia in 2003, nascent DDR efforts were overwhelmed when ex-combatants, frustrated about the planned

165. For example, see *Saramiti v France, Germany, and Norway*, European Court of Human Rights (Grand Chamber), 78166/01 (2007).

delay in receiving the promised US\$150 incentive for disarming, fired weapons at, and later gained control over, the disarmament site near Monrovia. Later many of the combatants started rioting and looting in Monrovia, leading to the suspension of the initial disarmament phase.¹⁶⁶

In situations where vulnerable individuals are detained, such as children, pregnant women, the elderly, or those physically or mentally challenged, the requirement to provide adequate resources will need to be context driven and appropriate to their physical and psychological requirements. More broadly, poor planning and a lack of resources will be detrimental to the UN's reputation as a humanitarian organisation. Failing to provide adequate resources to meet at least minimum international human rights standards also creates the risk that such people will not be taken into DDR programmes – even as voluntary detainees – and they might therefore be attacked by the local community, militia groups, or corrupt government officials.

5. REPUTATIONAL RISK

The failure to ensure peacekeepers employ transparent processes, are subject to standards, and are held accountable for their actions gives rise to a fifth risk – that of peacekeepers being seen as above the law. For example, failing to hold peacekeepers accountable for mistreatment of DDR participants, including holding individuals in involuntary detention without proper monitoring and review procedures, will adversely impact the reputation of peacekeepers as upholders of the law and fundamental human rights, and more broadly, undermine the credibility of the mission. Of course, an allied risk is ensuring greater accountability might lead troop-contributing countries to avoid engaging with DDR programmes because the political and legal risks for them are viewed as too high.



6. RISK OF UNLAWFUL REFOULEMENT

A sixth risk – related to the handover of detainees to local authorities – raises ethical and legal concerns about whether local authorities will

166. Amnesty International, "Liberia: A Flawed Post-war Process Discriminates Against Women and Girls," 31 March 2008, available from <http://www.amnesty.org/en/documents/AFR34/004/2008/en/> (accessed on 27 March 2015), 21.



A WOMAN, HANDICAPPED FROM THE DARFUR CONFLICT, PARTICIPATES IN A REINTEGRATION PROGRAMME IN DARFUR. UN PHOTO/ALBERT GONZÁLEZ FARRAN

treat detainees in their care humanely. Issues concerning the legal obligations of the UN and states that contribute police and troops to missions will arise if a detainee is handed to local authorities in situations where there is a reasonable belief that the detainee will be tortured or treated inhumanely. The UN might be accused of breaching its obligations of *non-refoulement* under customary international law. States contributing

personnel might also be found to breach their treaty or customary law obligations. A further complicating factor that arises is that often peace operations are conducted in situations where the law and order processes of the host state are so inadequate that to hand over detainees to local authorities inevitably means that their fundamental rights, such as the right to a fair trial, will certainly be non-existent.

7. RISKS TO LOCAL COMMUNITIES

A seventh risk for the UN arises when it fails to adequately manage and/or supervise the running of DDR programmes and cantonments. In Nigeria, poor initial management of the DDR camp in Obubra failed to prevent participants from abusing the local community resulting in rapes, home invasions, and vehicle hijackings.¹⁶⁷ If programmes and camps are seen by the local community or the international community as not meeting minimum international standards the UN mission is likely to be undermined. In some cases, a DDR programme will also be undermined if the contractor who is responsible for the programme is seen as being subservient to the government or a warring faction.

The requirement for reflection

Based on the brief discussion above, there are a number of issues that would benefit from further reflection by Member States, whether in the UN Security Council, UN Special Committee on Peacekeeping Operations (C34), or elsewhere, so as to provide guidance to peacekeepers and other stakeholders as to how to better deal with detention in the DDR context and manage associated risks.

The tension between the voluntary nature of DDR and the inherently forceful nature of detention must be addressed. Consideration must be given to whether DDR processes should only be carried out for those who genuinely seek to disarm, demobilise, and reintegrate. In such situations, verifying a potential DDR participant's "genuineness," would be difficult, but would undoubtedly require the UN to work closely with not only the host state but also local communities.

In situations where there is credible evidence that individuals might be violent extremists, security threats, or are not entering DDR in good faith, a tiered approach beginning with detention in a separate facility or camp might be a suitable first step. For example, should the UN consider two types of DDR – one that complies with the traditional model of voluntary disarmament and another that complies with traditional rules and principles of internment? If two types of DDR are developed further consideration should be given to whether the UN should limit itself to undertaking voluntary detention only.

The development of a "Detention in DDR" doctrine that maps out the range of matters that must be considered and dealt with when employing DDR programmes in current conflict environments is essential if the UN wishes to ensure that peacekeepers have appropriate standards to train, plan to, and conduct themselves within. The risk of endangering the lives and well being of combatants who enter a DDR programme and the burden on peacekeepers to ensure that those entering are not violent criminals requires planners, commanders, and peacekeepers to have appropriate guidance and training. Other matters that the doctrine and training will need to address include the humane treatment of combatants and the allocation of resources to ensure that the conditions of detention are adequate. Needless to say, any development of doctrine and training standards will need to meet the requirements of the UN, troop contributing states, and the host state.

It is also important that rules, orders, and policy guidelines be established for specific missions so as to ensure that peacekeepers are held accountable to appropriate standards. For example, the

167. See Oluwatoyin Oluwaremilekun Oluwaniyi, "The DDR Process in Post-Conflict Peacebuilding Process: Evaluating Post-Amnesty Challenges in Nigeria's Delta Region," 14 December 2011, available from http://www.westafricapeace.org/wp-content/uploads/2012/05/Oluwatoyin_Oluwaremilekun_Oluwaniyi_THE_DDR_PROCESS_IN_POST_conflict.pdf, p. 39.

Standard Operating Procedure for MINUSMA detention procedures concerning UN operations in Mali stipulate that a person detained pursuant to an International Criminal Court (ICC) arrest warrant shall not be released but must be handed to the Government of Mali. That level of specificity is appropriate and useful to those conducting DDR, peacekeepers, and troop contributing countries. UN planners and advisers, however, must also consider other specific aspects of particular missions, such as dealing with particular communities where false allegations might be more prevalent or handling detainees who are a part of a countering extreme violence (CVE) programme and are seeking to be demobilised.

While contracting out DDR programmes might be the only course open to the UN or member states, consideration should be given as to whether the internment aspects of such programmes may be contracted out. The extent to which contractors are subject to specific rules, orders, and policy guidelines concerning how they run DDR programmes is one important consideration. Another important consideration is how to best ensure that contractors are held liable for any breaches in international law. One means of mitigating the challenges and risks concerning legal matters is for the UN to enter into a memorandum of understanding (MOU) with the host state to map out the obligations of contractors. MOUs are also useful for setting out expectations and obligations between the UN and the host state, the rights and obligations of detainees, their acceptance into DDR programming, and their potential handover. In some circumstances, such as when countries contributing peacekeepers have more onerous legal obligations than the UN, it might be suitable for those countries to enter into a separate MOU with the host state.

The specific standards that peacekeepers must adhere to concerning the treatment of detainees, including the requirements to review their categorisation and status, are an important component of holding peacekeepers accountable for the detainees in their charge. A broad issue relevant to all UN detention operations, including those conducted in DDR situations, is the need to have an appropriate review mechanism to ensure that detainees are not held arbitrarily. Putting in place such a review system would mean that consideration must be given to finding appropriate advocates to represent the interests of detainees. The UN and human rights organisations might therefore consider training and empowering members of local communities to represent the interests of detainees.

In relation to both wrongful detention and the death or injury of a detainee, the question of investigations and reparations arise. Without mechanisms in place for detainees to complain about their treatment, to have their complaints investigated, and to receive reparation if the complaints are justified, the UN is at risk of violating its legal obligations by not ensuring appropriate accountability and sufficiently transparency in dealing with detainees. The appointment of a “visiting officer” to inspect the detention facility, visit the detainees, and hear their complaints or requests, and report to senior mission personnel (e.g. Special Representative of the Secretary-General) might be one appropriate mechanism.¹⁶⁸ It might also be appropriate for complaints and investigations to be referred to a UN appointed ombudsperson for detention. Whatever form it takes, UN peacekeepers need to have an investigations process in place that is official, transparent, timely, independent, and effective in order to ensure that the UN meets

168. For a more detailed discussion concerning the appointment and role of a visiting officer see Bruce Oswald, “The INTERFET Detainee Management Unit in East Timor,” *3 Yearbook of International Humanitarian Law*, Vol. 3, pp. 347-361.

its obligations under international law to respect, promote and encourage respect for international humanitarian law, international human rights law, international criminal law, and refugee law.

In relation to reasons for detention, treatment of detainees, and the general accountability of peacekeepers, it might be the case that appointing independent monitors or advocates that act in the interest of detainees seeking DDR would mitigate concerns relating to reasons for detention and treatment. A further benefit of having such appointments would be that peacekeepers and the UN would have the benefit of calling on third parties to ensure that the DDR process and any detentions flowing from it are transparent and accountable. Needless to say, it would be fundamentally important to ensure that such monitors or advocates are independent, well trained, and resourced to carry out their functions. Accountability will also be enhanced if allegations of arbitrary detention and mistreatment are independently investigated by monitors who are viewed as independent. Where allegations are substantiated, the UN must be in a position to provide victims appropriate reparations for the injury or loss they have suffered.

Tied to decisions about detention is the requirement to train peacekeepers to deal with the myriad situations in which detention and internment might occur – such as the process involved when a combatant surrenders to peacekeepers, a combatant is detained as part of the screening process, and/or foreign national combatants or children seek to enter a DDR programme. There might also be benefits in training other personnel, such as human rights monitors, to provide guidance to peacekeepers engaged in detention processes during DDR.

Many risks will be mitigated by appropriate planning and funding. Such planning and funding not only require the allocation of resources, such as “troops to tasks,” but devoting appropriate logistics funds and support to ensuring that the

conditions of detention are humane. Appropriate planning for detention operations would also need to consider matters such as levels of force that might be used to detain and who is responsible for liaising with local authorities and organisations such as the International Committee of the Red Cross (ICRC). Clearly, a strategic planning issue for the Department of Peacekeeping Operations (DPKO) and troop contributing states is selecting troops with appropriate training and skills to carry out detention.

Recommendations

This paper has dealt with the tension that exists between DDR being a peaceful activity and detention being coercive. In particular, it has noted some operational and legal challenges that face the UN and peacekeepers when engaged in DDR programming. Two legal principles that must be addressed are: detentions must not be unlawful and arbitrary; and detainees must be treated humanely. The operational challenges that must be dealt with include: deciding whether to detain; categorising individuals into security and criminal detainees; and determining when force might be used when dealing with detainees.

To address the associated risks that arise from the legal and operational challenges it is recommended that the UN and Member States reflect on the following matters:

1. Develop a tiered approach to DDR rather than combining DDR with internment so as to ensure that the voluntary aspects of DDR are not confused with coercive means of disarming a person;
2. Develop a ‘detention in DDR’ doctrine, which not only applies to peacekeepers but also to other individuals or entities that might run DDR programmes, thus ensuring that standards and procedures adopted are consistent, and appropriately planned and trained for;
3. Ensure that DDR programmes, particularly

those that involve the detention of vulnerable individuals have sufficient funding and resources to comply with at least minimum human rights standards, thus avoiding situations where detainees are held in conditions that are inhumane;

4. Apply appropriate accountability standards for peacekeepers and other individuals or entities to adhere to so as to ensure that the processing and treatment of detainees meets international standards;
5. Signing MOUs concerning detention matters so that stakeholders (e.g. the UN, host state, and contractors) are clear as to the rules, principles, and standards that must be applied when dealing with detainees;
6. Appointing appropriately qualified and independent DDR programme detention monitors and advocates such as a 'visiting officer' or an ombudsperson; and
7. Planning for detention and training of peacekeepers to deal with detention, specifically in the context of DDR, so as to ensure that adequate resources are provided to deal with detainees and that peacekeepers meet international standards concerning the treatment of detainees.

Chapter 5

DDR – A Bridge Not Too Far: A Field Report from Somalia

Dr Vanda Felbab-Brown

5

Introduction

Somalia provides a crucial case-study of the new, challenging environment in which the United Nations is increasingly being asked to undertake or support the disarmament, demobilization, and reintegration (DDR) of ex-combatants. This new, challenging context entails on-going military operations and counterterrorism activity in the absence of a peace deal or framework. In Somalia, the government is battling the jihadi terrorist group Al-Shabaab, with the military support of the African Union Mission in Somalia (AMISOM) and with non-military support from the United Nations. In various degrees of coordination with the Somali government, a variety of bilateral counterterrorism missions are also underway in the country.

This field report describes and assesses the DDR programmes under way in Somalia. In the spring of 2015, these included several DDR programmes receiving UN assistance and several emerging DDR programmes in various sub-regions of Somalia seeking UN assistance. All of the programmes are small-scale and sometimes nascent, addressing a small portion of the existing, and likely future, needs. They focus exclusively on ex-Al-Shabaab defectors and combatants, and some of the DDR programmes seem likely to include individuals who are more accurately described, as is discussed elsewhere in this collection, as 'detainees.'¹⁶⁹ Although little political will currently exists in Somalia to offer DDR services to non-Al-Shabaab armed actors – such as militias, clan forces, or other state, counterterrorism, or irregular armed groups – in the long term, Somalia is unlikely to achieve peace unless they too are demobilized and integrated into Somali society and non-violent political processes. Eventually, DDR programmes should focus on them as well.

This report highlights the key considerations, accomplishments, and challenges of the

169. See Chapter 4 by Bruce Oswald.

DDR efforts in Somalia's highly complex and difficult operating environment. It also makes recommendations to further improve those DDR efforts. The companion essay in this collection by Vanda Felbab-Brown (Chapter 2) more explicitly draws lessons and considerations for other cases in similarly difficult environments.

The following are some of the key findings of this report:

- The DDR processes with the most intensive and direct UN engagement – namely at the Baidoa DDR facility – come closest to fulfilling the United Nations-adopted *Integrated DDR Standards*¹⁷⁰ (IDDRS). Nonetheless, even this DDR programme faces serious challenges and suffers shortcomings.
- Overall, among the key problems are limited-to-no transparency regarding entry and exit from DDR processes, with Somali national and subnational security and intelligence services controlling both. Entry criteria are based on ill-defined risk categories. Decisions regarding eligibility for inclusion into DDR processes and exit from them are made for the most part in apparently arbitrary ways. The fact that the national and local Somali intelligence and security services determine who is released from the DDR programmes, and often do not release participants after their completion of the DDR programming, means that in practice there is a strong overlap between the DDR programmes and detention.
- The problematic nature of voluntary consent to participating in the DDR efforts is further compounded by the fact that many ex-Al-Shabaab members are tried in military courts and often sentenced to death in apparently arbitrary processes. This raises questions of duress: participating in a DDR programme might be seen as the only alternative for defectors/detainees. Conversely, however, some participants do not want to leave the DDR facilities, fearing retaliation from Al-Shabaab, rivals, aggrieved communities, or the Somali government. Moreover, overall, ex-Al-Shabaab members and communities often believe that their safety is enhanced by the existence of DDR efforts.
- The Somali government and international partners such as AMISOM have only slowly and gradually come to accept some responsibility for detainees and defectors. Somali governmental actors expect tangible international support for DDR, with some even openly threatening that unless the international community provides sufficient DDR funding and staffing, there would be no option other than execute the detainees and defectors.
- The protection of the rights of vulnerable groups, notably women and minors, and the maintenance of related standards for them, poses difficult problems. The Somali government has struggled to meet the special needs of some in DDR/detention. International funding particularly for extending DDR services to women has also been lacking. Structural and cultural constraints also make it challenging to deliver optimal DDR and other services to these two groups. Nonetheless, the inability to meet optimal standards should not preclude delivering any assistance.
- The effectiveness of the design and implementation of the DDR programmes is also compromised by the UN and other international actors' limited physical access amidst very difficult security conditions, and high political sensitivities and compromises. While engaging in deradicalisation efforts to

170. United Nations, *Integrated Disarmament, Demobilization and Reintegration Standards*.

varying degrees, and defining the objective of the DDR programmes as maximizing the number of Al-Shabaab defectors, the UN-supported programme at Baidoa and other DDR efforts are still in the process of defining their relationship to counterterrorism efforts. The United Nations DDR office in Somalia maintains that its efforts are not part of counterterrorism operations.

- Ad hoc, short-term, and uncertain financing compounds the challenges of the programmes.
- Despite the problems of the DDR processes in Somalia, the UN engagement with DDR issues in Somalia has substantially improved the overall DDR efforts. It has also likely saved lives. Indeed, UN engagement with DDR in Somalia should be strengthened and



MILITIA MEMBER IN KISMAAYO, SOMALIA. UN PHOTO/STUART PRICE

empowered. Nonetheless, the international community needs to judge carefully at what point its engagement in suboptimal processes and with problematic official interlocutors still produces sufficient humanitarian benefits and reinforces conflict mitigation, and at what point it merely creates moral hazard.

This report proceeds as follows: After describing the methodology of the field research and data sources, the report provides a background overview of the current DDR efforts in Somalia and a brief history of previous DDR efforts in the country. In the subsequent section, the report discusses the key operational considerations and challenges for current DDR programmes. Among the issues discussed are legal definitions; the relationship of DDR efforts to counterterrorism activities; entry and eligibility criteria; exit/release decisions and processes; treatment of DDR participants in the programmes, including the issues of protection of the rights of women and children; programming for deradicalisation; post-release economic opportunities; and community reinsertion assistance. The report concludes by offering recommendations.

Methodology

In addition to reviewing existing background literature and reports on Somalia's military

and political conditions, and DDR processes specifically, this report is based on my field trip to Somalia and Kenya in March 2015, supported by the UNSOM DDR section. During the field research, I interviewed 67 interlocutors in Mogadishu, Baidoa, and Kismaayo, Somalia, and Nairobi, Kenya. Interlocutors included officers of the African Union Mission in Somalia (AMISOM)¹⁷¹ and their international support partners, officials from various branches of the UN Mission Assistance Mission to Somalia (UNSOM),¹⁷² the related United Nations Support Office for AMISOM (UNSOA),¹⁷³ officials of the (now-closed) United Nations Political Office for Somalia (UNPOS),¹⁷⁴ Somali government and intelligence officials, international DDR contractors, Somali DDR contractors, representatives of international and Somali NGOs, officials from other international assistance efforts in Somalia, Somali advisors to the various international community efforts, community elders, and Al-Shabaab defectors.

The field research included visits to the DDR facility in Baidoa and the DDR/detention facility in Kismaayo. During those visits, which were supervised by Somali DDR and intelligence officers, minimal engagement and brief conversations with Al-Shabaab defectors/detainees took place. However, no privacy was possible during those brief conversations, greatly limiting the credibility and accuracy of the conveyed information. Nonetheless, private

171. In 2007, the African Union mandated AMISOM to support the Somali Government, assist in the training of its armed forces, and facilitate humanitarian operations in Somalia, a move that was quickly welcomed by the UN Security Council. AMISOM's mandate has expanded over the years to include consolidating the Somali Government's control over its national territory and "tak[ing] all necessary measures, as appropriate, and in coordination with the Somali National Defence and Public Institutions, to reduce the threat posed by Al Shabaab and other armed opposition groups." See "AMISOM Mandate," available from <http://amisom-au.org/amisom-mandate/> (accessed on April 9, 2015).

172. Upon the recommendations of the UN Secretary General, the Security Council created the UN Mission Assistance Mission to Somalia (UNSOM) in May 2013, which was mandated to provide UN "good offices" functions – to support the Federal Government of Somalia with policy advice and support on peace and reconciliation, governance, coordinating donor support, promoting human rights and child protection, and preventing sexual and gender-based violence. "Resolution 2102 (2013)," S/RES/2012(2013).

in-depth interviews were conducted with defectors who had been released from the DDR facility at Serendi camp.

Research access was limited by both difficult security conditions and the sensitive and highly political nature of the DDR effort. Access and interviews took place at the discretion and permission of interlocutors. It quickly emerged that many interlocutors, including those directly tasked with DDR efforts, had limited information themselves and that DDR processes in the country lack transparency. Thus, not only evaluative, but factual disagreements often emerged during the same interview from among members of the same Somali government offices or across UN agencies. It was thus impossible to independently verify much of the conveyed information. Nonetheless, every effort was made to triangulate the obtained information and include as many different views and perspectives as possible.

I would like to thank the United Nations DDR office in Somalia for facilitating my research. Many thanks go to all of my interlocutors for their willingness to engage. Particularly for my Somali interlocutors, such willingness could entail risks to their personal safety, including for being seen by Al-Shabaab to interact with foreigners or enter government facilities. Similarly, their willingness to disclose information could jeopardize their job security, economic livelihood, and even physical safety, including from the hands of Somali

officials. I am thus most grateful to those who accepted such serious risks and were very willing to provide accurate and complete information. In order to protect my interlocutors, all interviews were conducted on a limited attribution basis without the disclosure of the names of the individuals interviewed and in the most sensitive cases also without disclosing the location of the conducted interviews.

Overview of DDR Programming in Somalia

MANDATES

DDR efforts in Somalia delivered with UNSOM and UNSOA support are mandated by the Security Council. Other UN entities that engage in DDR activities may not enjoy such explicit mandates. That said, the various mandates provided by the UNSC are vague, providing little specific direction about how tasks and responsibilities related to DDR should be allocated between UNSOM, UNSOA, AMISOM, the Somali government, and other bilateral partners.

In its Resolutions authorizing Member States to establish AMISOM, and later specifying authorized mandates for AMISOM activities, the UN Security Council has stressed the importance of DDR, without specifying the specific tasks that AMISOM must carry out.

173. UN Security Council Resolution 1863 (2009) requests the Secretary General to provide to provide logistical support (e.g. equipment, mission support services) to allow AMISOM to meet its mandate. This is contingent on adherence to the Human Rights Due Diligence Policy for support to non-UN security forces. "Resolution 1863 (2009)," *S/RES/1863(2009)*. Resolution 1863 (2009) is cited as the mandate for UNSOA – a field support operation led by the Department of Field Support (DFS). See United Nations Support Office for AMISOM, "available from <http://www.unpos.unmissions.org/Default.aspx?tabid=9731&language=en-US>.

174. The United Nations Political Office for Somalia (UNPOS) was created by the UN Secretary General in April 1995 to advance peace in Somalia. In 2009, Security Council Resolution (UNSCR) 1863 declared that the UNPOS and the UN country team "should continue to promote a lasting peace and stability in Somalia through the implementation of the Djibouti Peace Agreement, and to facilitate coordination of international support to these efforts..." *S/RES/1863(2009)*. UNSOM succeeded UNPOS in 2013.

In its initial authorization for the activities of AMISOM in 2007, the Council underscored the “importance of disarmament, demobilization and reintegration of militia and ex-combatants in Somalia,”¹⁷⁵ as it did when it renewed that authorization the next year,¹⁷⁶ but the Resolutions lacked language explicitly mandating AMISOM to provide DDR programming. However, the UN Secretary-General’s progress report submitted to the Council estimated that 22 million USD was needed for DDR support to AMISOM.¹⁷⁷

With regard to UN capacities for providing DDR programming and support, the Secretary-General’s 2008 contingency plan for a possible integrated UN peacekeeping operation to succeed AMISOM stipulated that such a force “would provide assistance for disarmament, demobilization and integration, as well as arms collection and monitoring.”¹⁷⁸ In 2009, the Council welcomed the Secretary-General’s proposal to expand UNPOS’ mandate to create a dedicated capacity that would include expertise in a variety of areas, including planning for future Disarmament, Demobilisation and Reintegration activities.¹⁷⁹ Yet the Council has not always specified that the UN should work through UNPOS, UNSOM, or other bodies when it expresses its support for DDR. In 2009, the Council requested the Secretary-General to continue to assist the Transitional Federal Government in a variety of ways, to include

developing plans and capacity for disarmament, demobilization and reintegration (DDR); later in the same Resolution, it indicated that the Secretary-General should work through UNPOS and UNSOA for other tasks, but those entities are not specified as the vehicles through which DDR efforts should be focused.¹⁸⁰ In 2010, the Council again requested the Secretary-General continue to support the Transitional Federal Government in developing security institutions, including plans for DDR.¹⁸¹ Resolution 1964 made a similar statement,¹⁸² but again did not specify through which UN entity that support should flow.

Moreover, while verbiage about the importance of DDR was frequently present in Council resolutions on Somalia from 2007 onwards, references to DDR are notably absent from the resolutions passed in 2011 and 2012 that renewed and expanded support for AMISOM.¹⁸³ In May 2013, the Council established UNSOM, but did not give it an explicit DDR mission.¹⁸⁴ When it extended its mandate the following year, however, the Council did specify that UNSOM should support the Federal Government of Somalia and AMISOM in the area of DDR, among other responsibilities.¹⁸⁵

The lack of precision in the Council’s mandating of support to DDR in Somalia is indicative of the limited attention it has paid to this issue, and may contribute to confused and limited authority enjoyed by UN actors over the various

175. “Resolution 1744 (2007),” S/RES/1744(2007).

176. “Resolution 1801 (2008),” S/RES/1801(2008).

177. “Report of the Secretary-General on the Situation in Somalia,” S/2008/178.

178. *Ibid.*

179. “Resolution 1863 (2009),” S/RES/1863(2009).

180. “Resolution 1872 (2009),” S/RES/1872(2009).

181. “Resolution 1910 (2010),” S/RES/1910(2010).

182. “Resolution 1964 (2010),” S/RES/1964(2010).

183. For example, see “Resolution 2010 (2011),” S/RES/2010(2011); “Resolution 2036 (2012),” S/RES/2036(2010); and “Resolution 2073 (2012),” S/RES/2073(2012).

184. “Resolution 2102 (2013),” S/RES/2012(2013).

185. “Resolution 2158 (2014),” S/RES/2158(2014).

DDR programmes that have emerged in Somalia in the last few years. (This is not to say that DDR mandating is necessarily more precise in other mission contexts.) In the spring of 2015, three DDR programmes were being implemented in Somalia with various degrees of the involvement of the United Nations missions in Somalia. These three programming strands – in Baidoa; Mogadishu and Belet Weyne; and Kismaayo – are described below.

THREE STRANDS OF DDR PROGRAMMING

BAIDOA

At the time of the field research, the programme with broadest UN engagement was the official national DDR programme of the Government of Somalia. That programme operated one DDR facility in the city of Baidoa. Currently funded by the Government of Germany, the International Organization for Migration (IOM) administers the daily operations at the facility in partnership with Somali officials of the Interim South West Administration (ISWA). (ISWA is a state in the process of formation as Somalia is being transformed under a new constitutional process from a unitary regime to a federal one.¹⁸⁶) This arrangement operates under a Memorandum of Understanding that the UN DDR office within UNSOM helped to draft, but which was not available for this research. The facility is staffed by the Somali Federal Government, including

and specifically National Intelligence and Security Agency (NISA) officials and security officers, ISWA authorities, as well as the Somali staff of IOM. IOM international staff occasionally visits the facility, depending among other issues on the permissiveness of the security situation. UNSOM DDR staff have helped the Somali authorities raise funds for this DDR effort, provided strong input into the design of the facilities and the programming services provided there, and also provided some assistance in hiring programming staff.

MOGADISHU (SERENDI) AND BELET WEYNE

Second, two DDR facilities are operated by private international contractors, one in the capital of Mogadishu – a camp referred to as *Serendi* – and another facility in the city of Belet Weyne. Both camps have been operated with funding from bilateral governmental funders. Through 2014, the Serendi Camp was operated by the ‘Serendi Group’ – a consortium of three contractors: a Danish counterterrorism expert, Michael Taarnby; a Danish former special operations forces officer; and a leader of the Somali diaspora in Denmark. These three reportedly met at a 2011 Copenhagen conference on Somalia. As detailed below, during their tenure, the Camp became embroiled in various controversies, including over the treatment of minors, the lack of transparency in camp administration and the Camp’s rumoured role

186. Still in the process of defining its relationship to the Federal Government, including whether it will be allowed to operate its own military/militia, forces, the South West State of Somalia is an autonomous region in southwestern Somalia. The territory was formally declared an official Federal Member State of Somalia in November 2014, having merged two previously competing administrations into a single three-region state, composed of the provinces of Bay, Bakool, and Lower Shabelle. The Interim South West Administration, i.e. the temporary government of the South West State until formal elections are held, is supposed to consist of representatives from the two main sides competing for the establishment and control of the state. Like other government bodies in Somalia, ISWA is both bloated and features a high turnover of officials. Like much of Somalia, the area now covering the South West State has a long history of clan rivalries and competing warlords. It also has a previous record of seeking autonomy: in April 2002, for example, it was declared an autonomous region within Somalia by Hasan Muhammad Nur Shatigadud, leader of the Rahanweyn Resistance Army (RRA).

in intelligence gathering and counterterrorism operations. At the time of the field research in the spring of 2015, the British contractor Adam Smith had recently received a contract from the United Kingdom, with the approval of the Somali Federal Government, to replace the Serendi Group¹⁸⁷ and to run these two facilities.

The DDR programmes at Belet Weyne and Serendi have not been part of the official Somali national DDR programme. However, over the past two years, the United Nations has sought to help align them with the official national DDR programme, including by: proposing greater access to the facility to enable monitoring; facilitating the placement of human rights monitors; finding a way to address the issues of minors kept at the facility; and providing input on best practices, terms of reference for the current contract, and ways to address problems of the programme.¹⁸⁸

KISMAAYO

The third strand of DDR programming in Somalia involves a holding facility in Kismaayo where detainees and defectors are being held and the Juba Intelligence and Security Agency (JISA) is seeking to establish a DDR programme. The United Nations has helped provide emergency funding for food and housing and persuaded JISA to allow two Somali nationals to function as human rights monitors at the holding facility. Funded

by the United States government and provided with basic human rights monitoring training by the UN,¹⁸⁹ the two human rights monitors send periodic reports to the United Nations DDR office in Somalia, and possibly to other entities as well. The UN DDR office in UNSOM is also seeking to assist the Kismaayo authorities in securing more permanent funding and transforming the facility into a full-fledged DDR programme.

It is also likely that other regional authorities within Somalia will seek UN assistance for the establishment of DDR efforts in the near future. For example, the Puntland government has been engaged in exploratory conversations with the United Nations DDR office in Somalia about transforming some of its prison programmes into DDR programmes.

VISIBILITY, TRANSPARENCY, FUNDING, AND ACCOUNTABILITY

Visibility, transparency, and accountability vary greatly across the various DDR efforts. Overall, throughout and across the camps and facilities, there is a lack of consistent and credible information as to the number of defectors or ex-combatants who enter the camps and are released, and the treatment and programming they receive while inside the camp.

187. At the time, Taarnby and the Somali diaspora leader had already disengaged from Serendi operations.

188. Author's interviews with the Danish special operations officer involved in the Serendi camp, representatives of Adam Smith, its international subcontractors, Somali government officials involved in the operation of Serendi, and UN officials, Mogadishu, March 2015. The author sought to visit the Serendi and Belet Weyne facilities, but was unable to do so because of security concerns. The security situation around Belet Weyne was difficult, and neither Adam Smith, AMISOM, nor the United Nations could provide the security and logistical support for the visit. Having itself just visited the Serendi Camp for the first time around the period of the field visit, Adam Smith was equally unable to facilitate access to the Camp. Access to the Serendi Camp has been highly constrained, particularly after a visit by the Special Representative of the UN Secretary-General for Children and Armed Conflict Leila Zerrougui in August 2014.

189. The United Nations DDR office was seeking funding to send them for further training abroad.

The Baidoa programme is the most transparent; but as detailed below, access by international actors is nonetheless constrained. Yet, even in Baidoa, there is often a lack of capacity and accountability in supervision and programming engagement provided by local ISWA authorities, particularly evident in the process of decision-making relating to release of participants from DDR and, in many cases, their recruitment into post-DDR jobs, including in local or national security services. That said, compared to the conditions in Kismaayo's nascent 'DDR' facility, the conditions in Baidoa are significantly better in terms of quality of treatment and services. Longest in existence – since 2011 – the Serendi camp is perhaps the most controversial. The camp has previously been the object of speculation as to its involvement in 'flipping' insurgents to become intelligence assets for the government and/or international actors and/or join anti-Al-Shabaab military forces. There has also been speculation that Serendi was used by local and international actors to run intelligence operations, and of being involved in other counterterrorism activities. The Serendi programme has been strongly criticized for its lack of transparency.¹⁹⁰

The UN DDR mission in Somalia has very limited dedicated funding and a trust fund for DDR in Somalia has taken long to materialize. The United Nations DDR office in Somalia must seek bilateral funding for most DDR initiatives and their expansion, even if only to have those activities contracted out to Somali or international contractors. This was the case for the establishment of the human rights monitoring programme at the Kismaayo facility. Many of these funding streams are limited not only in the amount donated, but also in the number of months for which the funding is available.

Who has been processed through the DDR programmes?

While it was not possible during the field visit to verify the data, the following numbers of DDR participants were reported at the various facilities.

Between 300 and 416 ex-Al-Shabaab combatants are currently in residence at the Serendi camp in Mogadishu, including between 35 and 38 minors; and 95 in Belet Weyne. Perhaps as many as 1300 altogether have been processed through these two centres, with possibly some 500–600 released and no reports that anyone has gone back to Al-Shabaab; but post-release monitoring is minimal to non-existent.¹⁹¹

Some 200 ex-Al-Shabaab combatants have reportedly participated in the official national DDR process at Baidoa through the end of 2014, 70 of whom have been resident. Nine women are believed to have also participated in the DDR programme in Baidoa, all on non-resident basis. Some of the resident participants did not feel safe to travel back and forth between the DDR camp for daily activities and their communities and preferred to stay at the camp. Some did not feel safe to leave the camp after the completion of the DDR programmes. Others still were not allowed to leave the facility by the National Intelligence and Security Agency (NISA), which determines entry and exit from the Baidoa DDR programme, in some cases even after the participants completed the programme. In addition to capturing detainees and receiving voluntary defectors, NISA also receives defectors and detainees from the African Union Mission in Somalia (AMISOM), local authorities, Somali National Armed Forces (SNAF), and newly-forming state-level intelligence agencies, such as JISA. NISA also provides security at the DDR centres and functions as the DDR gatekeeper.

190. Author's interviews with United Nations officials and Somali government officials, Mogadishu, March 2015.

191. Author's interviews with international contractors and Somali officials engaged in the Serendi and Belet Weyne operations and United Nations officials, Mogadishu, March 2015. The fact that the provided numbers vary significantly and do not add up further reveal the lack of transparency and monitoring surrounding the programme.

Nominally, the official national DDR programme is focused solely on Al-Shabaab defectors. Currently, extending DDR programmes to non-Al-Shabaab armed actors, including official militias and unofficial clan forces, is of little interest to the Federal Government of Somalia and to emerging local state authorities. This is evident in the Somali Federal Government approach to such groups, which it does not officially recognize as anti-Al-Shabaab militias.¹⁹² An effort to extend UN DDR support to non-Al-Shabaab armed actors emerged briefly in 2013, but collapsed as a result of Somali domestic politics, and has not been resurrected. Among these non-state actors are the two militias officially recognized by the Somali Federal Government – the forces of Sheikh Ahmed Madobe from Ras Kamboni, who controls Kismaayo and is the self-declared president of the Juba Interim Authority, and the forces of his opponent Barre Hiiraale. After Hiiraale's forces were defeated by Madobe's in July 2013, some 165 of his men came out of a bush to a safe area. At first, AMISOM fed them; and when AMISOM ran out of provisions for them, the United Nations DDR staff in UNSOM stepped in on an emergency basis with food and tent provisions. After a deal among Hiiraale, Madobe, and the Federal Government broke down, the United Nations withdrew assistance and most of the men drifted back into the bush. Some handed themselves over to the Juba Interim Authority. The UN effort to extend eligibility for DDR to non-Al-Shabaab armed actors, such as Barre Hiiraale's group, failed for many reasons, including and most importantly, the lack of political will in Mogadishu and local power centres. The lack of guarantees and security assurances to the political leadership of fighters who might want to disengage was also an important factor.

While it is unlikely that in the short term, these political and military battlefield conditions will change, even in the long term, Somalia is unlikely to achieve peace unless the DDR programme becomes more broadly cast and focused on other armed actors in Somalia and the insecurity they generate. Eventually broadening the DDR scope beyond Al-Shabaab will be of crucial importance for solidifying local and national peace processes and addressing the underlying persistent drivers of conflict, such as clan marginalization and forced seizure of land, water, and other sources.

BACKGROUND TO CURRENT DDR EFFORTS

DDR efforts in Somalia have a long and difficult history. The current incarnation of the UN DDR effort in the country emerged out of the United Nations Political Office for Somalia (UNPOS) mission, established in 2008 and replaced in 2013 by UNSOM. During the UNPOS mission, the United Nations hoped to plan for DDR programming more broadly beyond Al-Shabaab, but because the Government of Somalia did not want a broader focus, the effort became concentrated on Al-Shabaab solely. As early as 2010, the very weak and contested Somali Transitional Federal Government (TFG) began receiving some Al-Shabaab defectors and approached the international community for assistance in handling them.

At that time, the United Nations was ambivalent about extending assistance since the effort challenged established conditions and practices for DDR: there was no peace agreement in place and intense military conflict was on-going. The United Nations mission was based only in Nairobi,

192. In the generic sense of the word, these groups meet all the definitional metrics for that categorization. The acknowledgement of the existence of such armed actors by the Federal Government of Somalia would have implications for the complex process of subnational state formation, influencing political and military balances of power among rival clans and other political entities and actors and between them and the Federal Government. Some of these actors may also be linked to international counterterrorism efforts in Somalia. Even the two officially-recognized militias, such as Madobe's forces, refuse to disclose how many armed men they have.

with no field presence in Somalia, including no blue helmets (unlike, for example, in South Sudan where the UN DDR effort was staffed by more than 100 personnel), and was defined as a political support mission only. According to those interviewed for this research, the Somali government expected tangible support for DDR (and other essential government operations) and acted as if detainees and defectors were the responsibility of the international community, and not its own. While the TFG lacked expertise for DDR, some call into doubt the veracity of TFG assertions that it had no financial resources for DDR,¹⁹³ a claim subsequently repeated by the Somali Federal Government – the successor to the TFG – and local authorities. Indeed, the Federal Government/local authorities have, on occasion, pressured the international community for DDR support by threatening that unless international financing was forthcoming, detainees and defectors could be killed. One such explicit statement came, during this research, from the Juba Minister of Interior in charge of DDR during a meeting with UN DDR officials and the author of the study.¹⁹⁴ Apparently, such statements from either him, or other Somali national and local officials, are not rare.¹⁹⁵

Nonetheless, as AMISOM also proved unable and unwilling to process detainees and defectors, and bilateral actors struggled to effectively support a detention and DDR effort,¹⁹⁶ the United Nations gradually and increasingly stepped in and expanded its assistance. The changing military battlefield situation and the establishment of the

UNSOM field mission enabled the United Nations to take on the DDR role more robustly. Some legal and human rights issues – though hardly resolved, as detailed below – were also mitigated by the establishment of U.S.-funded human rights monitors at the DDR facilities.

While the United Nations was gradually reconsidering its engagement in DDR efforts in Somalia, the Somali government contracted three individuals – Danish counterterrorism expert Michael Taarnby, a Danish special operations forces officer, and a leader of the Somali diaspora in Denmark – to run a DDR effort in the so-called Serendi camp in Mogadishu. The three met at a conference on Somalia in Copenhagen in 2011, where the then-Mayor of Mogadishu mentioned that 250 Al-Shabaab defectors were held in the capital and were in need of support. Between 2011 and 2014, funding for the Serendi camp, and eventually also the Belet Weyne camp was eventually provided by the governments of Norway, Denmark, and Spain. Yet the programme in its implementation was plagued by numerous controversies over counterterrorism activities, human rights of the defectors, the treatment of minors, the quality of programming delivered to defectors, transparency, and accountability. Funding from the three donors dried up, and the original team operating Serendi camp was mostly disbanded.¹⁹⁷ With new funding from the British government, Adam Smith International became a new contractor for the two camps in the spring of 2015.

193. Author's interviews with UNPOS officials engaged in establishing the DDR programme in Somalia, Mogadishu, March 2015; and with UN officials engaged in the political aspects of the mission in Somalia, Nairobi, March 2015.

194. Author's interviews with the Minister of Interior of the Juba Interim Authority, Kismaayo, March 2015.

195. Author's interviews with Somali federal government officials and officials of Juba Interim Authority and the Interim South West Authority, Mogadishu, Kismaayo, and Baidoa, March 2015; as well as with UN officials, Mogadishu, March 2015.

196. Author's interviews with UN officials and international advisors to AMISOM forces, Mogadishu, March 2015.

197. Author's interviews with the Danish special operations officer involved in the Serendi camp, representatives of Adam Smith, its international subcontractors, Somali government officials involved in the operation of Serendi, and UN officials, Mogadishu, March 2015.

LESSONS FROM A PRIOR DDR EFFORT IN SOMALIA

Several other DDR efforts preceded the current suite of programmes in Somalia, going as far back as 1996.¹⁹⁸ Funded by the European Union and administered by a well-known Somali NGO – IIDA Women’s Development Organisation – and the Italian NGO *Coordinamento Delle Organizzazioni per Il Servizio Volontario* (COSV), one such programme operated between 2000 and 2002 in the Lower Shabelle region.

One of the most fertile regions of Somalia and a major economic magnet due to its important port of Merca, the Lower Shabelle has been highly contested, politically and militarily, featuring intense and persisting conflicts over land. Like the current programmes, the DDR effort operated while fighting in the area continued. A two-year programme operated out of two facilities provided DDR assistance to 156 ex-combatants, six of whom disappeared from the programme, with the remaining 150 completing it. These were mostly adolescents, including several minors, who were brought into the programme by their clan elders. The programme was extended to both clans and individuals from the area and from outside of Merca and specifically focused on including the frequently marginalized Bantu minority.

The DDR programme was designed to address not only tensions between rival militias, but also the larger clan rivalries and community rifts that they drew from. DDR participants were mandated to surrender their weapons and live in-residency. Participants were only allowed to

leave on Thursday afternoons and if they violated the requirement to check back into the facilities by Friday evening, they would face penalties, such as not being able to go out again. During the programme, they received basic literacy and arithmetic education and vocational training particularly in fishing and farming. In its efforts to reduce inter-clan and militia/community tensions, programming also included public works, such as cleaning roads after landslides and joint theatre productions and dances in public spaces in Merca. After the programme finished, many formed cooperatives, such as for fishing, sometimes receiving start-up assistance from IIDA, for example, to buy a fishing boat. The individual outcomes varied: several of the participants became highly successful businessmen; others died in subsequent fighting; some returned to their communities often far away and could no longer be monitored; and others settled in Merca.

Several key challenges surrounded the programme. Although warlords did not attack the camps, clans often sought to recruit back the young men in the camps to strengthen their clan militias. Thus clan elders put pressure on staff operating the camps to allow them to recruit in the camps. Since many of the participants came from the distant south-central region, the local community resented that they were brought to their area and received support and services. The local community also believed that its access to land and water was further complicated by the presence of (ex) combatants from outside.¹⁹⁹ While the programme enabled some of the participants to disengage from fighting and start a new, successful, peaceful life, the overall programme was ultimately held

198. This section does not purport to be a historical review of DDR in Somalia. Several other DDR efforts have been undertaken over the last 2 decades, including notably efforts by GTZ in 1994-1996, 2000-2002, and 2003-2004 to support the National Demobilization Commission of Somaliland and its subsidiary regional commissions; and the 2004 UNDP-GTZ cooperation to demobilize and reintegrate almost 1,000 ex-security forces personnel.

199. Author’s interviews with several Somali representatives engaged in the 2000-02 DDR effort and a subsequent one in 2004, and with a Somali advisor to several international missions and bilateral programmes in Somalia, Mogadishu, March 2015.

hostage to the unresolved military contestation and unaddressed political grievances of both recipient and outside communities.

Key operational considerations and challenges for the current DDR programmes

Designed rather differently in terms of eligibility criteria and administration, but also operating in a highly fluid security and political environment – in the absence of a peace deal and amidst on-going offensive military and counterterrorism operations – the existing DDR programmes in Somalia face some problems that are similar to earlier DDR efforts in the country, as well as some distinct challenges.

RELATIONSHIP TO COUNTERTERRORISM EFFORTS

The United Nations position regarding its DDR camps in Somalia is that they have nothing to do with counterterrorism.²⁰⁰ This is both a function of the historic reluctance of the United Nations to engage in active military or law enforcement operations against listed terrorist groups and the problematic reputation of the previous Serendi DDR effort. Among the many controversies surrounding Serendi was widespread speculation that intelligence gathering and recruitment of anti-Al-Shabaab operatives was taking place in the facility.

Nonetheless, as strongly demanded by the Somali government, a core component of the programming delivered to DDR participants, including those in Baidoa, is religious re-education to counter violent extremism. Moreover, a key definition of success for the DDR effort – as identified by Somali government as well as UN

officials – is its ability to encourage defections from Al-Shabaab and discourage youth from joining Al-Shabaab. The former is relatively easy to measure, the greater the number of Al-Shabaab defectors, the more successful the DDR programme, particularly if the Al-Shabaab defectors end up in the DDR programmes. The latter is very hard to measure since it is difficult to observe a non-event (i.e. a young person not joining Al-Shabaab) and then, particularly, to be able to attribute such a decision to the existence of DDR programme. Consequently, there is currently a strong push to more actively advertise the programme to encourage defections. Yet defining effectiveness as increasing the number of Al-Shabaab defections or preventing Al-Shabaab recruitment has very different connotations and political and programming implications than defining success as, for example, reducing the chance of conflict (re)escalation or increasing community safety. In some ways reducing the number of Al-Shabaab supporters and members may strongly overlap with preventing conflict relapse. In other ways, encouraging defections may not be in alignment with strengthening peace dynamics. Encouraging Al-Shabaab defections could, for example, provoke Al-Shabaab violence against communities no longer supplying recruits or where many ex-Al-Shabaab fighters are being reinserted into the community. Similarly, defection efforts could inadvertently strengthen recruitment for rival armed actors (because a weaker Al-Shabaab comes to be seen as a weaker protector and a less appealing employer) and foster those groups' proclivity toward revenge or violence.

Whatever dissociation from counterterrorism efforts is formally emphasized by UN DDR efforts in Somalia, DDR objectives do overlap with counterterrorism aims, insofar as they weaken Al-Shabaab's military strength and operational capacity. As discussed in my separate report in

200. Author's interviews with United Nations DDR officials in Somalia involved in the current efforts and in DDR planning since 2008.



AMISOM COMMANDER SPEAKS TO SUSPECTED MEMBERS OF AL-SHABAAB, CAPTURED BY AMISOM TROOPS. UN PHOTO/STUART PRICE

Chapter 2 of this collection, “DDR in the Context of Offensive Military Operations, Counterterrorism, CVE and Non-Permissive Environments: Key Questions, Challenges, and Considerations,” such an association carries numerous complex implications in terms of safety, access, and liabilities.

Questions then arise as to what kind of legal authority UNSOM, UNSOA, and UN missions operating in similar environments need and what kind of legal framework the host government – in this case the Government of Somalia – should provide to enable it to receive UN DDR support. Much of this legal framework is currently lacking in Somalia, where Al-Shabaab members and sympathizers are mostly tried in military courts on sedition charges, or as criminals for various crimes. As detailed in the section below, in many cases this may lead to death sentences after legal

proceedings that may lack fair trial safeguards. In other cases, defectors are sentenced to prison or held and sent into the DDR programmes. Several general amnesties have been issued by the Somali government, but apparently in a haphazard way as a political tool, not as part of a systematic reconciliation effort.²⁰¹

As described in Naureen Chowdhury Fink’s piece for this collection (Chapter 3), over time, the United Nations has become more exposed to counterterrorism through its softer side, programming to counter violent extremism (CVE). The emphasis on ‘soft’ CVE, with its apparent exclusion of kinetic actions, kill-or-arrest operations, and tactical intelligence gathering, has enabled the United Nations to more easily take on such programming, despite the fact that it directly pertains to counterterrorism. Moreover, the Government of Somalia has strongly

201. Author’s interviews with UN officials and independent political analysts, Mogadishu, Somalia, and Nairobi, Kenya, March 2015.

emphasized the need for such CVE/deradicalisation programming. To be sure, there are obstacles to the UN moving further into this area as explicitly acknowledging the CVE/CT dimensions of DDR could increase sensitivities with some donors and hence negatively impact funding prospects. On the other hand, by acknowledging UN involvement, the mission in Somalia and elsewhere could gain access to significant counterterrorism revenue streams.

ENTRY AND ELIGIBILITY CRITERIA

As explained by numerous interview subjects, the Somali National DDR programme in Baidoa, the regional effort in Kismaayo, and DDR operations at Serendi and Belet Weyne are designed to service so-called ‘low-risk’ Al-Shabaab defectors who volunteer for the DDR programmes. In practice, risk-categorization criteria are poorly defined; entry and exit decisions are made in an arbitrary manner with little transparency; and the NISA, or its local equivalents, such as JISA, fully control entry, access, and release.

However individuals find their way to the DDR programme – whether Al-Shabaab members or sympathizers are captured or surrender – they undergo the same screening by NISA or equivalent local intelligence agencies. Many of those captured (mostly in security sweeps and only rarely in very sporadic military operations by either the Somali National Armed Forces (SNAF) or AMISOM are sent to DDR programmes. At the DDR facility in Baidoa, for example, ISWA DDR officials assessed that perhaps 60% of the DDR participants had surrendered while 40% were captured. Moreover, among the DDR participants there were also apparently high-risk Al-Shabaab members who were captured and spent time in jail, but were sent to the DDR facility after their prison time expired to

be further “rehabilitated,” at the insistence of local authorities.²⁰² The DDR programmes thus receive a broad spectrum of entrants: some straightforward cases in need of DDR programming; some who were deemed not to be useful to Somali or international actors as potential intelligence assets or anti-Al-Shabaab fighters (and who may well also need DDR assistance); as well as some entrants that the Somali DDR programmers do not want to release, but do not know what to do with otherwise. As a result, the UN-supported DDR facility was thus simultaneously operating as a straight-forward DDR programme, a *de facto* detention centre, and a half-way house.

Overall, no standard definition of “low-risk” and “high-risk” Al-Shabaab member or defector appears to exist in the various Somali DDR efforts. During my interviews, national DDR and intelligence officials as well as their local equivalents were uniformly unable to articulate the meaning of the categories, often resorting to statements such as, “We come from the community, we know who is Al-Shabaab and who is not and what they do.”²⁰³ When some criteria were actually articulated, they varied widely across the facilities and among officials and employees of the same facility. Factors that were variously cited as determining risk included:

- whether the individual had defected, or was captured;
- past military conduct (i.e. whether they had killed);
- whether they were *amirs* (i.e. commanders, as opposed to foot soldiers);
- whether they were ‘ideological’ Al-Shabaab, or had joined for economic reasons;

202. Author’s interviews with ISWA DDR officials and DDR camp employees, Baidoa, March 2015.

203. Author’s interviews with national and state-level DDR officials, DDR camp employees, and intelligence officers, Mogadishu, Baidoa, and Kismaayo, March 2015.

- whether the individual was a sympathizer, as compared to a member of Al-Shabaab;
- which Al-Shabaab camp or area of operation the individual had emerged from;
- whether the individual had engaged in mobilization and recruitment for Al-Shabaab, since this might indicate that he/she would radicalize or re-radicalize other DDR participants;
- and whether they had collected *zakat* (i.e. taxes) for Al-Shabaab.

Yet these criteria were inconsistently applied. Sometimes those who collected *zakat* for Al-Shabaab were classified as high-risk, other times as low-risk. Those who provided services to Al-Shabaab such as cleaning or would sell the group supplies were mostly – though not always – classified as low-risk. Frequently, interview subjects cited only one or two of these criteria as determinative of risk-categorization, not mentioning the other criteria. Even those officials who insisted that ‘ideology’ was a key determinant of risk nonetheless insisted that ideological de-radicalisation be administered to *all* DDR participants. Other times, only sympathizers, not actual fighters were classified as low-risk and eligible for DDR. But the inclusion of such sympathizers also means that many who saw no alternative to selling such services to ensure their survival after Al-Shabaab took control of their community could also be apprehended and end up in DDR camps. Even more problematically, those who merely ran away from Al-Shabaab-controlled areas, fleeing to advancing AMISOM forces to seek protection, could also be classified as low-level defectors and sent to DDR camps. Rather than receiving dis-engagement and de-radicalisation programming, many such individuals should arguably be left free or treated as victims.

Risk categorization also seemed to be subject to third party influence. Under the existing programmes, clan elders or well-connected politicians could also vouch that a defector was low-risk, further compounding problems of arbitrariness and introducing elements of clan favouritism and individual patronage into the eligibility criteria. At the same time, such a guarantee could be highly beneficial as it could assuage the mutual fears of the community and the “ex-Al-Shabaab” member and facilitate the latter’s reinsertion into the community.

Worryingly, there are also rumours that torture occurs during NISA and JISA interrogations to determine whether a defector or captured person is high-risk or low-risk. During a visit to one of the detention/DDR centres, the local DDR director secretly confided in me his/her belief that torture, such as the use of electric shocks, is a regular feature of shaking out information from detainees and determining whether or not they are Al-Shabaab. Because of risks to the safety of this person, I cannot provide further identification of the person or the location of the interview. Nor was it possible to verify in any way whether the conveyed impression was accurate.

During my field visit in March, some reconsideration of the entry screening system appeared to be under way within the Somali government, including in relation to the new Adam Smith International contract at Serendi – the terms of which were not made public or available to me at the time of the field research.²⁰⁴ However, Adam Smith contractors and international contractors supporting the Somali government suggested that in the new contract, an emphasis was placed on voluntary entry into the DDR programme, assured by the participants signing a statement that he or she was entering the programme voluntarily, after they had been screened by NISA. The participants were to be given weekend leave procedures and

204. Author’s interviews with Somali government officials involved in the DDR programme, Mogadishu, March 2015.

guaranteed family contact. They could also choose to leave the DDR programme, but then they would be subject to NISA supervision and perhaps detained again. And since many potential participants may fear imprisonment or even execution if they refuse to join the DDR programme, the nature of consent in these circumstances may be problematic.

Indeed, another key challenge pertaining to the arbitrary nature of low-risk and high-risk classification are the consequences for those classified as high-risk defectors or detainees. They are sent to military tribunals with little transparency and due process, where a high percentage have been given the death penalty and shot.²⁰⁵ Indeed, when the current director of NISA previously served as a military judge, he was notorious for complaining that the three execution sites in Mogadishu (essentially a series of posts to which prisoners were tied before being shot) were inadequate for the number of detained Al-Shabaab members who were receiving death sentences, including from him.²⁰⁶ Now, in his position as director of NISA, he has a great influence over who is classified as high-risk and low-risk.

Similarly, during the field visit to Kismaayo, the Interior Minister of Juba, a former director of NISA, explicitly told me in front of twenty-some Somalis and international guests that if the international community does not provide him with money for a DDR programme, he will not have the resources to feed and house them and they may end up dead, regardless of whether they are low-risk or high-risk. Indeed, similar extortion of the international community, and/or inability to assume responsibility for defectors and detainees, is said

to have taken place on a regular basis over the past four years in Somalia.

AMISOM too has struggled in handling defectors and detainees. According to interviews with the United Nations officials and Somali government officials, at the beginning of its intervention mission, AMISOM troops took little responsibility for defectors and prisoners and sought to hand them over to NISA or the Somali government as soon as possible, failing which, they sometimes indicated, these individuals might not make it off the battlefield alive. Since then, AMISOM has been given standard operating procedures as to how to handle detainees and defectors, but those interviewed raised questions about whether AMISOM is actually following the procedures since little reporting from the field sectors (run by different countries participating in the AMISOM mission) to AMISOM headquarters takes place.²⁰⁷ Thus, there is little to no transparency as to who surrenders or is captured by AMISOM and what happens to them. This raises complex questions around the legal status of those in AMISOM custody in such conditions, and their status when they find their way into DDR programmes, raising the question of whether they are in fact involuntary detainees. These issues are further explored in the essay by Bruce Oswald in Chapter 4 in this collection.

Currently, AMISOM is supposed to hand over both prisoners and defectors to NISA within 48 hours, a rule that is difficult for AMISOM to follow as Al-Shabaab continues to control many roads and access points in the country. AMISOM can request a 72-hour extension in extreme

205. Human Rights Watch, *The Courts of "Absolute Power" - Fair Trial Violations in Somalia's Military Court*, 2014, available from http://www.hrw.org/sites/default/files/reports/somalia0514_ForUpload.pdf (accessed April 10, 2015).

206. Author's interviews with officials of various UN agencies in Mogadishu, Somalia, and Somali international advisors to various international efforts in Somalia and Somali NGO activists, Mogadishu, Somalia, March 2015.

207. Author's interviews with AMISOM officials, international military support staff for AMISOM, and UN officials, Mogadishu, March 2015.

circumstances. While UNSOA could provide transport for defectors, AMISOM has not been requesting that kind of assistance. In so-called Sector 3, an area where the Ethiopian contingent of AMISOM operates, AMISOM appears to have occasionally handed over disengaged Al-Shabaab fighters to village elders or families who vouch for them. Again, this raises complex questions relating to *refoulement*,²⁰⁸ consistency of screening, as well as third party influence over the screening process, specifically the impact of clan favouritism and individual patronage. It needs to be acknowledged, however, that many of those handed over to clan elders might well prefer such treatment to being handed over to Somali intelligence officials and the likelihood of being subjected to military justice, with the substantial likelihood of receiving the death penalty.

The reverse problem – indefinite and arbitrary detention – is also a concern, but an expanded DDR programme may be a way, even if highly imperfect, of mitigating this serious problem. Not all high-risk Al-Shabaab defectors and detainees are sentenced to death. Some receive fairly short prison sentences of a year or so. Yet NISA continues to judge them as a threat and is reluctant to release them from prison even after the completion of their sentence, unlawful as such an approach may be.²⁰⁹ Given prison conditions in Somalia, many may in fact become further radicalized while in custody. Making them eligible for DDR after their prison sentences are completed may facilitate their release and decrease the chance that they would continue to pose a threat to society. Yet currently, they are *formally* excluded from eligibility for DDR on the basis that they are high-risk. Nonetheless, NISA may reclassify them

as low-risk after the completion of their formal prison sentence and offer them a transfer to DDR programmes as a way of avoiding having them languish there.

In sum, the United Nations and the international community face a complex set of challenges regarding the entry procedures into DDR in Somalia. Currently, the eligibility criteria for DDR are problematic, as is the degree to which participation in the DDR programmes is truly voluntary. Somali government counterparts and international partners also engage in pressure on the United Nations to deliver DDR resources amid highly problematical circumstances and not in compliance with optimal standards. At the same time, cutting off UN DDR support will quite possibly result in the execution of far greater numbers of “ex-Al-Shabaab” members – many of whom may in fact be merely misclassified victims – or retaliation against them by non-government actors.

The international community thus needs to judge carefully at what point its engagement in suboptimal processes and with problematic official

THE INTERNATIONAL COMMUNITY NEEDS TO JUDGE CAREFULLY AT WHAT POINT ITS ENGAGEMENT IN SUBOPTIMAL PROCESSES STILL HAS MORE POSITIVE IMPACT ON HUMANITARIAN CONDITIONS AND CONFLICT MITIGATION THAN NEGATIVE EFFECTS.

interlocutors still produces greater benefits with regard to improving humanitarian conditions and

208. Author’s interviews with officers at AMISOM staff, foreign military advisors, and UN officials, Mogadishu, March 2015.

209. In interviews I conducted in Mogadishu, Somalia and Nairobi, Kenya in March 2015, many international political advisors, UN officials, and representatives of international humanitarian and legal NGOs assessed Somalia’s legal framework regarding detentions and terrorism to be highly underspecified, imperfect, and in key issue areas not in alignment with desirable international standards.

reinforcing conflict mitigation than negative effects, namely encouraging moral hazard and extortion. And, as Cockayne and O’Neil discuss further in the conclusion to this collection of essays, depending on the specific role of the UN in funding, oversight, or delivery of DDR programming, different forms of leverage may be available to it to engineer the optimal outcome.

EXIT

Even more problematic is NISA’s control of exit from DDR programmes. Rather than the satisfactory completion of the DDR programme being a sufficient condition for release, NISA or the local intelligence agencies, such as JISA (perhaps in combination with other local authorities), determine whether or not someone is released from DDR programmes. The security and intelligence services, however, are not impartial parties. Thus, just like entry decisions, release decisions run the risk of being made on the basis of an opaque evaluation of whether someone continues to be a threat, or even subject to patronage influence or corruption. The result appears to be that some DDR participants (e.g. defectors and detainees, including minors) have lingered at the DDR centres for many years.

Although DDR officials at the Baidoa facility, as elsewhere, revealed that NISA controls who is released from the facility, they nonetheless also articulated some nominal criteria for release, perhaps in response to UN efforts to improve the DDR release system.²¹⁰ As with many other dimensions of the DDR programme and other public policy measures, the extent to which any formal, written, or otherwise agreed procedures are actually implemented on the ground is

a huge question mark. One of the nominal requirements at Baidoa for eligibility for release was completion by a participant of at least one vocational training course, such as welding or small carpentry, or participation in primary or secondary schooling. In addition, either relatives of the participant or elders of the participant’s clan were to be informed of his/her release from the DDR programme. But it was not clear whether the community and/or relatives had any veto power over the pending release or whether they were required to play a subsequent monitoring role. In fact, other than the vague understanding (or threat) that NISA would continue “watching” those released from a DDR programme, the design and implementation of any systematic post-release monitoring system was lacking at the time of the research, though it must be remembered that large segments of the country continue to be under Al-Shabaab influence and too insecure for domestic or international monitors. Indeed, a third criterion nominated as a basis for release was a determination that the home area of the participant was more or less free of Al-Shabaab dominance, with NISA making that assessment. Indeed, it needs to be noted that some DDR participants were reported to be reluctant to leave the DDR camps, fearing that they would be targeted after release and their lives might be in jeopardy.²¹¹ At the Baidoa facility, for example, at least some DDR participants from Al-Shabaab-controlled areas or those who would have to traverse Al-Shabaab-controlled areas to reach their homes did not want to return home. Instead, they were asking that the Somali government provide them with money for housing and starting a business in Baidoa. ISWA authorities, as well as Somali Federal Government officials, lack such resources and are likely to have other spending priorities.

210. The articulation of such criteria, however, is of limited consequence: so long as NISA remains solely in charge of exit criteria, UN DDR staff are not in a position to insist on respect for such criteria.

211. Author’s interviews with Somali DDR officials and international representatives managing the reinsertion and reconciliation efforts associated with the DDR, including IOM and International Development Law Organization.

At the time of the field research, the Somali government was reportedly considering changing the release assessment process to give power over release decisions to a new board comprised of officials from NISA as well as the other ministries, such as Justice, and perhaps also clan elders. NISA would retain a veto over the board's decision, but the director general of NISA would have to explain the veto to the president of the country.²¹² The establishment of such a board would perhaps reduce some of the arbitrariness of release decisions, but given that the board would be staffed by political appointees, it would not eliminate it. Nor would it sufficiently differentiate between the current problematic overlap of the DDR mechanisms with detention. Ideally, the decision to release someone from a DDR programme should be determined with the participation of international and local UN staff and be based on whether the participant complied with the DDR programme terms. There should also be limits to how many times a participant can fail the programme and hence has to repeat it.

The bottom line is that there is little systematic basis as to who enters DDR and who leaves, nor is there transparency in decision-making processes.²¹³ There is currently a merging of DDR with detentions that is highly undesirable. Nonetheless, a decision for the United Nations to disengage from the DDR/detention programmes might produce much worse humanitarian and conflict-mitigation outcomes.

SAFETY AND ACCESS CONCERNS

Closely related to the issues of entry and exit from DDR are questions of access. This encompasses not only questions of physical access by both Somali

and international actors to DDR facilities, but also their ability to engage with Somali DDR authorities.

Physical security challenges greatly constrain access to the DDR facilities by a wide range of actors: international and national UN personnel; international contractors; Somali government officials; Somali DDR employees; and Somali civil society actors. Both the limited supply of secure transport assets in the field, and the focus on staff protection severely constrain access – and thus also monitoring. While staff protection requirements limit the effectiveness of policy design, execution, and monitoring, safety challenges are real, as the April 2015 attack on UN personnel in Garowe again tragically demonstrated. Although as of March 2015, there had not appeared to have been any direct attacks on any of the DDR facilities, the Serendi camp has received multiple threats and several attacks may have been disrupted and prevented.²¹⁴ A move to extensively advertise the DDR facility for defectors thus runs a risk of heightened camp insecurity. However, it is likely that Al-Shabaab is already fully aware of the DDR facilities and therefore publicly promoting the programme for the defectors would not significantly augment the already existing level of threat. Local contractors and NGOs may face similar safety problems; nor are they necessarily politically neutral or adequately trained or staffed to monitor the DDR camps. Staffing the specialty and expert positions at DDR facilities, such as psychologists or social workers, may be particularly challenging.

Ultimately, access also depends on a political relationship, with corollary implications for how even fundamental disagreements can be acknowledged and negotiated. The fact that access is thus a function of friendly relations with NISA,

212. Author's interviews with Somali DDR officials and international DDR contractors.

213. Author's interviews with Somali current and former intelligence officers, current and former DDR officials, and UN officials, Mogadishu, Kismaayo, and Baidoa, March 2015.

214. Author's interviews with security personnel of Serendi camp, DDR personnel at the Baidoa facility, and UN staff, Mogadishu and Baidoa, March 2015.

sub-state intelligence, and governance authorities is true not only for international actors, but also for Somali DDR staff. The U.S.-funded human rights monitors at the DDR/detention facility in Kismaayo, for example, went to great lengths in stressing to me that they were close friends with the intelligence director. More worrisome, at one of the DDR facilities, the local Somali director for DDR confided to me that access to the facility was severely constrained, saying “They only allowed me here when white people are here with me.”²¹⁵

These problems of access are severely compounded by the extensive turnover of political appointees in Somalia, with personnel often changing every few weeks, as well as a tendency of successor political appointees to boycott and interrupt procedures set up by predecessors regardless of the merit of such decisions, sometimes in order to extract payoffs or pay back their patronage networks. Many of these problems are of course not specific to the DDR processes in Somalia and apply to a wide range of governance issues in Somalia – and arguably in other conflict-affected states. But given the sensitivity of DDR programming, and the dependence of outsiders on political relations for access to those programmes, the rapid turnover in political appointments serves to make DDR programmes even more opaque than they would otherwise be. Moreover, the limited access and visibility also frustrate efforts to ensure the financial accountability of recipients of DDR funding.

PROTECTION OF DDR PARTICIPANTS – ESPECIALLY WOMEN AND CHILDREN

The Somali Federal Government is obliged to ensure that DDR programmes conducted on its territory protect and respect the human rights of the DDR participants. The UN’s limited access constrains its capacity to monitor whether serious challenges to human rights are taking place at the facilities. None of my interviewees reported issues of torture *after admittance* to DDR reported (in contrast to the report, noted earlier, of ill-treatment during screening). But the DDR

THE UN’S LIMITED ACCESS CONSTRAINS ITS CAPACITY TO MONITOR WHETHER SERIOUS CHALLENGES TO HUMAN RIGHTS ARE TAKING PLACE.

facilities’ practices are not transparent, and (as described above) human rights monitors appear to face access constraints, and may refrain from reporting problematic behaviour for fear of losing their jobs.

There are also reasons to be concerned about the treatment of vulnerable groups in DDR programmes, namely clan groups traditionally subjected to discrimination and, in particular, women and children. Providing DDR opportunities to women and doing so in appropriate ways has been a recognized challenge for some time in Somalia, notwithstanding the clarity of the IDDRS²¹⁶

215. This interview was conducted in strictest confidence and further details cannot be disclosed so as not to endanger the interviewee.

216. The IDDRS specifies that DDR programming should include interventions that are gender aware and/or female-specific. Gender aware interventions “deal with both men’s and women’s issues in overall DDR-related activities, such as assessing the different life choices made by women and girls as opposed to men and boys, security concerns or a fear of exposure or reexposure” to sexual and gender-based violence, whereas female-specific interventions “are designed to deal with the specific needs of women and girls so that they benefit from DDR programmes to the same extent as men, such as taking into account the different roles other than combatant that females may have fulfilled.” United Nations, *Integrated Disarmament, Demobilization and Reintegration Standards*, 208.

on the need for attention to these issues. At the time of the field visit, four women were housed in a “cell” separate from men at the Kismaayo facility.²¹⁷ In Baidoa, several women participate in the DDR process on a non-resident basis, allowing them to work during the day to support their families. But despite significant effort, UN DDR staff have not been able to find secure and lasting accommodation for several other women who wanted to join the DDR process in Baidoa, including several high-profile Al-Shabaab defectors, and several of whom have come with children. One female was placed with relatives, but the house was attacked within a month of her arrival by Al-Shabaab, and although she survived, several of her relatives were killed.²¹⁸ Several other women have also been targeted and may have been killed, with their current condition and whereabouts unclear.²¹⁹ The importance of tailoring DDR programming to women is especially urgent given the continued threat posed to them by Al-Shabaab as well as the risks to their safety potentially posed by clans or relatives, including for cultural or religious reasons, should they not be admitted.

In fact, for religious, cultural, and security reasons local communities often find it risky and

FULLY SEPARATE UN-SPONSORED DDR FACILITIES FOR WOMEN, OR AT MINIMUM DEDICATED SAFE-HOUSES, FURBISHED WITH HIGH SECURITY, MAY WELL BE THE BEST WAY FORWARD.

undesirable to house female defectors. Nor do they, however, necessarily want to see a women’s

wing at a DDR facility. A fully separate UN-sponsored DDR facility for women, or at minimum dedicated safe-houses, furbished with high security, may well be the best way forward.

Although the numbers of women seeking to defect or join DDR processes has been small, with under fifty reported, more women are likely to seek admittance, facing otherwise dire conditions.

The challenge of dealing with children in the DDR programme is, if anything, even more serious. Incorporating under-age Al-Shabaab defectors and ex-combatants into Somalia’s DDR processes has been one of the most visibly controversial and contentious issues.²²⁰ Since its establishment, the Serendi Camp has housed as many as 55 children. Of those, 18 to 20 appear to have reached adulthood, yet remain at the facility; and 33 to 35 remain, as minors, in the camp. But these numbers proved impossible to verify: access to the Serendi Camp has been curtailed over the last year, no existing database of Al-Shabaab defectors held at Serendi was made available, and many Somalis do not know when they were born.

Access to the Serendi camp has been particularly curtailed since a visit by the Special Representative of the UN Secretary-General for Children and Armed Conflict, Leila Zerrougui, in August 2014 highlighted serious problems at the facility and called for the full implementation of two Action Plans signed by the Somali Government in 2012 and changes to the handling of children in Serendi.²²¹ The problems that the Special Representative drew attention to included the absence of separate accommodation for children,

217. The space was a windowless room with a lockable door, which, at the time of the visit, was open. The room was only furbished with woven mattresses. The room was identical to the “cells” for men. Visit to Kismaayo facility, March 2015.

218. Author’s interviews with UN personnel, Mogadishu, March 2015.

219. Author’s interviews with UN officials and Somali DDR officers, Mogadishu and Baidoa, March 2015.

220. Office of the Special Representative of the Security-General for Children and Armed Conflict, “Special Representative for Children and Armed Conflict Calls for Full Implementation of Action Plans by Federal Government of Somalia,” Press Release, 22 August 2014.

even though the Somali national DDR programme had apparently committed to separating children from adults. Some children at Serendi reportedly complained of being held against their will and deprived of contact with family even though they

SOME CHILDREN AT SERENDI REPORTEDLY COMPLAINED OF BEING HELD AGAINST THEIR WILL AND DEPRIVED OF CONTACT WITH FAMILY EVEN THOUGH THEY DENIED BEING MEMBERS OF AL-SHABAAB.

denied being members of Al-Shabaab. No database as to where the children came from and how, or if, they were released was presented, furthering suspicions that some children might be from Kenya since they spoke Swahili. Evidently the minors did not know what they were charged with and what process they would face. A serious effort to prioritize the children's return to regular life appeared to be lacking. As with adults, NISA controlled whether they would be released or not.²²²

The resulting public confrontation between the UN Special Representative and the Somali government severely complicated relations between the Somali government and UN DDR offices, curtailed international access, and complicated engagement on how to bring the Somali programme up to UN standards. The issue of the treatment of children has become so politicized between the Somali government and the United Nations and international community, reaching the level of the Ministry of Internal Security and beyond, that it no longer appears to be resolvable solely by a technical solution. Indeed, this issue appears to be one of the key reasons why the Serendi programme has not been rolled into the UN-supported national Somali DDR programme. It is

important to monitor how effectively Serendi's new international operator Adam Smith will be able to resolve the issue of minors at Serendi.

The Somali government, including NISA, does not appear to fully accept the premise that minors lack full capacity for informed consent and decision-making in matters such as joining Al-Shabaab or engaging in violence – and consequently considers the minors in Serendi criminal detainees. The Somali government does not seem to view the children from a humanitarian and rights- and needs- perspective, but perceives them rather from a national security perspective. It is important to acknowledge that at least some of the children may have directly participated in hostilities, may have been radicalized to do so, and may pose on-going threats to local communities and national security. The Somali government's focus is

IT IS IMPORTANT TO ACKNOWLEDGE THAT AT LEAST SOME OF THE CHILDREN MAY HAVE DIRECTLY PARTICIPATED IN HOSTILITIES AND MAY POSE ONGOING THREATS.

consequently on the threats posed by these children, rather than their needs as victims – a position at odds with the stance taken by the United Nations Children's Fund (UNICEF), United Nations Office for Coordination of Humanitarian Affairs (UNOCHA), and the Office of the SRSG for Children in Armed Conflict. From the UN's perspective, the question of whether a specific child is a perpetrator, a victim – or even both – is not, on its own, determinative of what standard of treatment is required by law. Other governments and the international community have confronted the issue of child soldiers and perpetrators before, and there is a bank of experience to draw on that combines national security, human rights, and

221. Ibid.

222. Author's interviews with UN staff from DDR, UNICEF, UNCHOA, and Children in Armed Conflict divisions of UNSOM, Somali DDR officials, and international contractors, Mogadishu, March 2015.

humanitarian considerations to deliver appropriate handling arrangements for minors.

Since the showdown, no children appear to have been newly admitted to Serendi. Minors also continue to be officially excluded from the UN-supported DDR programme. Thus when minors turned up at the Baidoa DDR facility, they were told that the DDR programme was not available to them. Apparently the number of children seeking access to the Baidoa facility was augmented by children brought in by their parents in order to benefit from the educational and vocational opportunities provided at the facility even though some of the children might not have been former members of Al-Shabaab or at risk of Al-Shabaab recruitment.²²³ Rather, the parents and community were seeking to benefit from the service windfall.

UN and Somali-government-agreed procedures require that if children show up at DDR facilities or the bases and offices of AMISOM and Somali security forces or government offices, UNICEF will be contacted. UNICEF is then to decide on an individual basis what kind of support and treatment to provide each child. Representatives of UNICEF reported that since 2011, UNICEF in Somalia has handled over 2,000 cases of children referred by Somali national armed forces, NISA, AMISOM, and Somali communities. This number includes those believed to be Al-Shabaab members, Al-Shabaab victims, and children at risk. It was not clear how many children have been received since August 2014, though there are suspicions that the number could be extraordinarily low in comparison to the earlier rate of referrals, particularly for the subgroups of minors who are also allegedly Al-Shabaab minors. This raises serious concerns as to whether minors might be disappearing into problematic, undisclosed processes or

holding arrangements, potentially facing serious risks. A reported example from the Democratic Republic of the Congo highlights this potential: in Congo, when militias were subject to strong international criticism for recruiting children, they reportedly did not stop the practice, but rather stopped disclosing it, preventing the children from participating in reintegration processes, and keeping them in the bush.²²⁴

Fundamentally, there is no clarity as to how many children are detained or approach AMISOM and Somali security services and forces, and how many are subsequently handed over to the United Nations or other actors, such as NGOs or contractors. As in the case of adult defectors and detainees, there appears to be no reliable registration system, case-management database, or other basic mechanisms which would allow transparency over which children have gone into and out of DDR, detention, or other handling processes.

This information suggests that the handling of minors in DDR contexts has been disturbingly suboptimal. The question nonetheless remains how to seek rectification. Would threatening to cut off

WOULD THREATENING TO CUT OFF INTERNATIONAL FUNDING SECURE THE ESTABLISHMENT OF APPROPRIATE SEPARATE FACILITIES FOR CHILDREN OR WILL MINORS BE MOVED TO PRISONS OR FACE WORSE FATES?

international funding move the Somali government toward compliance with its obligations or will it exacerbate the lack of transparency? Will such pressure secure the establishment of appropriate separate facilities for children or will it result in the

223. Author's interviews with UN officials and DDR officers, Baidoa and Mogadishu, March 2015.

224. Author's interviews with UN officials and international contractors previously involved in DDR efforts in the Republic of the Congo, Mogadishu, March 2015.

225. Author's interviews with UN officials, Mogadishu, March 2015.

creation of black hole prisons or a complete denial of reintegration assistance to ex-Al-Shabaab minors? To be sure, the latter outcomes are not desirable. However, compromising appropriate international standards without serious Somali government determination to undertake the best available effort, amidst undeniably difficult and complex circumstances, is equally undesirable.

DDR programming and services

This section analyses the various programming and services offered and mandated to participants of DDR programmes in Somalia, including: deradicalisation efforts and efforts to counter violent extremism; the provision of educational and economic opportunities; and reconciliation, reinsertion, and reintegration assistance. UN DDR staff indicated that they endeavour, in accordance with existing UN guidance, to deliver “equal,

but differentiated treatment”²²⁵ to participants. They aim to provide DDR programming benefits equitably – not only to ex-combatants, defectors, and those at risk of recruitment by Al-Shabaab (and in the future possibly to other armed actors), but also to internally-displaced persons, communities, and victims of Al-Shabaab military activity. This intent to provide broad access to DDR programming is seen as both required by IDDRS and instrumentally valuable as a means to avoid alienating local communities. In addition, emphasis is placed on providing a comparable set of services across different DDR sites to avoid discrimination or perceptions of discrimination. The situation to be avoided is that one DDR centre delivers only psychological treatment or religious re-education, for example, while another centre delivers only vocational training.

The broader goal of delivering comparable services across the centres may well be feasible.

JOINT AMISOM-SNA NIGHT OPERATIONS IN AL-SHABAAB STRONGHOLD AREA. UN PHOTO/STUART PRICE



It is not clear, however, that even this more limited interpretation of the equal-but-differentiated treatment is being achieved in practice. Although there is limited transparency of the programming at the Serendi, Belet Weyne, and Kismaayo centres, as of March 2015, there was a general sense that few, if any services beyond housing and lodging were delivered at Kismaayo and Belet Weyne and that the service provision and programming at Serendi were not adequate.²²⁶ Out of the four known existing centres, the UN-sponsored Baidoa facility is by far the most advanced in delivering a wide scope of services, from the quality of housing, food, health care, and overall living conditions to education, vocational training, religious re-education and rehabilitation, psychological treatment, and reconciliation services. Yet even the programming there has its limitations.

Furthermore, the optimal practice of designing and delivering comparable programming, while tailoring it to specific individual and community needs, is extraordinarily hard to achieve in Somalia, and remains elusive. On balance, the programming is tipped towards uniform delivery and general programmes rather than to individually, or even group-tailored interventions. This likely limits the effectiveness of programming. Assuring sufficiently widespread and adequately available programming also remains a distant goal: indeed, the size of the DDR programmes and the opportunities they provide cover only a small portion of existing and future needs. These limitations of the programmes are a function of Somalia's complex environment, constrained access, and limited resources and capacities.

RELIGIOUS DERADICALISATION

Programmes to provide religious re-education provide the core of current efforts to counter

violent radicalisation in the DDR programmes in Somalia. Both Somali government officials and local DDR staff frequently ask the United Nations to help them access funding for religious re-education programmes. Identifying religious radicalisation as a key driver of Al-Shabaab recruitment, they often emphasize such innovative programming over the delivery of other services to DDR participants. Deradicalisation is conducted by imams chosen by the Somali government at the DDR centres and is mostly compulsory for all DDR participants. No other information on the content of these programmes is available, nor are there any reliable assessments on their impact or conformity with international human rights standards (such as freedom of religion, expression and association).

While appropriate for some DDR participants, and perhaps beneficial for assuaging community fears of ex-Al-Shabaab combatants and defectors, such DDR programming is nonetheless likely over-delivered, since religious motivations may not feature that prominently amongst low-risk actors as drivers of support for Al-Shabaab. It is not clear, for example, that a female cleaner for Al-Shabaab who has been directed into the DDR programme by NISA necessarily needs to be converted to a different religious ideology; instead of being a true believer, she may well have cooked for Al-Shabaab merely to survive and obtain income. Meanwhile, other forms of radicalisation, such as clan-based hatreds or personal grievances toward the government or AMISOM, will not be addressed by an imam presenting a different interpretation of Islamic doctrine. Yet Somali government officials – and their DDR programmes – by and large do not recognize these other drivers of radicalisation, Al-Shabaab recruitment, and violence. Current CVE and de-radicalisation programming in the DDR facilities also has little capacity to focus on networks versus individuals in programme design and execution. Since many Al-Shabaab participants

226. Author's interviews with UN officials, international and local contractors, and Somali government officials, Mogadishu, Kismaayo, and Baidoa, March 2015.

are recruited through personal networks – relatives, neighbourhood youth groups, or religious schools and mosque – it would be most desirable to seek to deradicalise the entire network at once – including to prevent future peer pressures for re-radicalisation. Given the limitations of current

IT IS NOT CLEAR, FOR EXAMPLE, THAT SOMEONE WHO CLEANED FOR, OR SOLD FOOD TO, AL-SHABAAB NEEDS TO BE CONVERTED TO A DIFFERENT RELIGIOUS IDEOLOGY; INSTEAD OF BEING A TRUE BELIEVER, THAT INDIVIDUAL MAY HAVE WORKED WITH AL-SHABAAB MERELY TO SURVIVE AND OBTAIN INCOME.

DDR entrance processing, it may not be possible to access such networks, even when many of their members were captured or handed themselves over at the same time. Moreover, there is currently little consideration given to these mechanisms of recruitment and, conversely, deradicalisation and the entire focus is on individual ideological re-education by selected imams. How credible these imams are with DDR participants, given that they were selected by government officials or intelligence services, is also a major question.

REINSERTION AND ECONOMIC OPPORTUNITIES

Programming focused on providing defectors economic opportunities consists largely of the provision of primary school-level education, such as basic counting and literacy lessons. In some cases, secondary education is provided. Participation in such programming is mandatory at the facilities in Baidoa and Serendi. Nonetheless, the quality of such education appears to vary highly among the facilities. At Baidoa,

computer classes were also apparently offered; and indeed, some DDR participants were observed at a computer.

Vocational training – providing basic livelihood skills – also features prominently. Vocational training consists mostly of lessons in small carpentry, masonry, brick-making, welding, and electrical skills. At Baidoa, some gardening/farming and barber training were also delivered. Local DDR officials have also expressed a desire to develop driving classes for participants. The choice of skillsets delivered is not, on the whole, the outcome of systematic assessments of local economic needs and opportunities, but rather, the result of an eyeball assessment that such skillsets will be needed in a country destroyed by decades of war. Financial resources, adequate access, and other capacities may well be lacking to conduct such local assessments.

The Baidoa facility has made some effort to reach out to local businesses to connect DDR participants with business needs. Indeed, there was a sense that local construction and brick-making businesses were impressed with, and sought out the skills of, DDR participants, some of whom participate in the DDR programme on a non-resident basis and also maintain jobs in the city at the same time.²²⁷ But the scale is likely small; and anyway, the DDR programme can never generate sufficient and necessary employment opportunities. Such employment opportunities can only be generated on an adequate scale by the local and national economies. Yet in Somalia, unemployment and underemployment are, and will be, pervasive characteristics for years to come. Assistance with microcredit or even one-time financial hand-out packages, as was also employed in the early 2000s Merca DDR programme, would likely be efficacious. Indeed, some of the DDR

227. Some may have also possibly been graduates of the program, but since DDR officials at the Baidoa facility reported widely inconsistent figures for the number of released and graduated DDR participants, it was not possible to determine the percentage of these two subgroups.

participants at Baidoa sought such assistance to open a shop in Baidoa.²²⁸ It did not appear during the field research as if any such assistance was provided by the Somali government, the United Nations, and/or bilateral donors or international contractors.

Focusing on providing economic opportunities in the DDR facilities is nonetheless very important, not only because of the experience from other war and post-war environments, but also because many join Al-Shabaab for reasons of indebtedness, fearing that they or their relatives would be killed if they cannot repay their debts to non-Al-Shabaab lenders.

Ideally, vocational training and job opportunities would also be available to local communities to avoid a sense of discrimination and moral hazard and to appropriately focus on victim and community rights. In practice, it is not clear how extensively such issues have been considered beyond the Baidoa facility. Moreover, local Somali DDR and other government officials and businesses often hire on the basis of clan and family patronage networks and ties, rather than on the basis of broad-inclusion principles. Thus even the best DDR design and intentions may be well overwhelmed or contradicted in execution.

RECRUITMENT FOR SOMALI INTELLIGENCE AND ARMED SERVICES

As the phrase ‘Disarmament, Demobilization, and Reintegration’ suggests, DDR programmes are largely focused on removing ex-combatants from participating in armed conflict. As such, recruiting participants to return to the battlefield, this time for the state’s armed or intelligence services, is not supposed to take place at DDR facilities. Yet in

Somalia it does. This phenomenon can be driven both by government actors seeking to flip the defectors or by the defectors themselves seeking admittance to the government armed forces. During my Baidoa visit, DDR officials disclosed in front of UN officials that ten DDR participants were going to join NISA and another fifteen were

DDR IS FOCUSED ON REMOVING EX-COMBATANTS FROM PARTICIPATING IN ARMED CONFLICT. AS SUCH, RECRUITING PARTICIPANTS TO RETURN TO THE BATTLEFIELD AS AGENTS OF THE STATE’S SECURITY SERVICES IS NOT SUPPOSED TO TAKE PLACE AT DDR FACILITIES. YET IN SOMALIA IT DOES.

enlisting in the Somali national military.²²⁹ It was impossible to determine during the field visit, whether the local government forces suggested such a switching of sides to the recruits or whether the recruits themselves came up with the idea as a way to get out of the DDR facility and secure a paid job.

In some cases, such absorption into the Somali government forces was clearly initiated by the defectors themselves. During an interview in

IT IS IMPORTANT TO NOTE THAT IN SOME CASES, ABSORPTION OF DDR PARTICIPANTS INTO THE SOMALI GOVERNMENT FORCES WAS CLEARLY INITIATED BY THE DEFECTORS THEMSELVES.

Mogadishu, the leader of group of Al-Shabaab defectors from the Johar region insisted that the objective of his group’s defection from Al-Shabaab in 2011 was from the very beginning to join the Somali security forces.²³⁰ Numbering 250, the

228. Author’s interviews with DDR officials at Baidoa, March 2015.

229. Author’s interviews at Baidoa DDR facility, March 2015.

230. Author’s interviews with clan elders and key defectors from Johar, Mogadishu, March 2015.

group was among the first defectors from Al-Shabaab and spent over a year and half at the Serendi camp. He and elders from his clan insisted that they had no particular affinity for the Somali government, but sought to join its armed forces as a survival mechanism. They perceived the time at the Serendi camp as only delaying their objective to join the Somali armed forces and believed that they languished there for such a long time because they were not trusted by the Somali government since they came from a marginalized clan group. Today, he and his group serve in the Somali National Armed Forces, but considered themselves and their community still marginalized by the government because of their clan affinity – even while those communities are threatened by Al-Shabaab, a threat only augmented by their defection.

This shows the difficulty of separating nationally-owned DDR efforts from state security service recruitment, while an active conflict is on-going. Although accusations of ‘flipping’ insurgents have surrounded the Serendi camp, these days it appears more likely that those who are sent to DDR camps are by and large those who were not already flipped *before* entry to the DDR camp (i.e. during their time in NISA holding facilities and ‘screening’). Nonetheless, recruitment into government security ranks still appears to be going on at the DDR sites. Such recruitment need not be coerced. It may well be that DDR participants conclude that a demobilized life will not provide either sufficient safety or economic opportunities and that their most viable physical and economic survival strategy is to join government security services. It is a question whether such practices are any more undesirable than, for example, when former combatants or pirates join private security companies. What needs to be assured, however, is that the choices that the DDR participants are making, including to continue in the armed struggle on the side of the government, are not coerced. That includes ensuring that they are free of duress: making sure that DDR participants are not made to

believe that their only way to get out of the DDR camp is to sign up with NISA or SNAF. As long as NISA controls exit from the DDR facilities, to credibly assure adherence to that principle will be extraordinarily difficult.

COMMUNITY OUTREACH AND RECONCILIATION

A part of facilitating exit from DDR and removing fear of retaliation is supporting reconciliation between ex-fighters and recipient communities. Facilitating the reinsertion of ex-combatants – and in the long term, ideally also reconciliation and reintegration – serves, in addition, to address community fears and resentments of returning ex-fighters, and reduce possible retaliation against the ex-fighters from rivals and/or by Al-Shabaab against the community for accepting Al-Shabaab defectors.

As of March 2015, one such effort was already underway on a pilot basis, and another was being contemplated. The programme contemplated by the United Nations DDR office would involve contracting a Somali NGO, Soyden, to extend its community healing process known as Peace Tree to the DDR effort at Baidoa. The Peace Tree programme uses paintings to engage victims and perpetrators, allows victims to express themselves following trauma, and scales up individual healing mechanisms to community-level reconciliation. The programme already underway was being piloted at the Baidoa DDR facility. Capitalizing on the Somali customary law system known as *xeer* and focusing on traditional dispute resolution and reconciliation, this effort was administered by the International Development Law Organization (IDLO). In the pilot programme, six DDR participants engaged in a public forgiveness ceremony with members of the recipient community, including victims, during which they apologized and the community expressed its grievances. In the lead up to the event, the community faced intimidation from Al-Shabaab in the form of night letters, and there was extensive distrust of the government within

the community. Reportedly, the reconciliation ceremony was well received by the community and the DDR participants. After the event, the DDR participants who previously feared returning to the community were reported by IDLO to have greater confidence to be able to do so without facing retaliation. IDLO also concluded that other DDR participants who observed the session expressed an interest in participating in such a session in the future, and hence suggested to donors that the programme be enlarged.

Nonetheless, even at the small-scale pilot event, some challenges emerged. A smaller number of community members than had been anticipated participated, perhaps because a funeral of a local notable took place at the same time, or perhaps because powerbrokers boycotted the event. There were also concerns about the credibility of some of the clan elders, and whether they had sufficient authority from the community to speak reliably for it, or whether some were fronts for other powerbrokers. And there were difficulties establishing whether some of these clan leaders themselves engaged in discriminatory and exclusionary practices.²³¹

POST-DDR MONITORING

As already highlighted, the security and political environments create significant challenges for monitoring released DDR participants and evaluating the effectiveness of the overall programme and its individual components, including any reconciliation and reinsertion programming. Ideally, such post-graduation monitoring would be conducted by independent third parties – who would, however, still face considerable access and political obstacles. Yet such findings of third-party monitors should be shared as widely as possible to mitigate problematic programming elements and support

the design and implementation of effective ones. Wide dissemination is all the more important given the limited and sporadic access to the DDR facilities. While all actors would benefit from such an approach, the real political sensitivities of the DDR effort need to be recognized and a calibration of evaluations needs to be made so as not to completely cut off the access of the international community.

FINANCING

The lack of visibility and transparency also complicates financing. Many donors potentially interested in funding the DDR effort in Somalia may not find it easy to have their financial accountability requirements satisfied: the lack of Somali capacities, pervasive corruption, key control of the DDR process by Somali intelligence forces, and insecurity constraining physical access all complicate transparency and accountability, as do the complex chains of international and Somali contractors and subcontractors.

At the same time, the short-term, insecure, and sporadic bilateral financing of the various DDR efforts greatly compounds many of the challenges of the DDR effort and reinforces a lack of transparency. For example, the fact that DDR staff at the facilities or national level may not be paid for months (as was reported at Baidoa and by national DDR officials in Mogadishu during the field visit) reduces their incentives to devote themselves to the efforts and execute them effectively in compliance with international standards. It may make national staff more susceptible to corruption and patronage by third-party powerbrokers. Short-term funding disrupts monitoring and assessment and may lead to new implementers and operators having to be hired every few weeks as previous operators, particularly those with marketable skills, walk

231. Author's interviews with UN officials and IDLO and IOM contractors, Mogadishu and Nairobi, March 2015.

away, undermining accountability chains. Limited funding may mean that no logistical or safety provisions are made available to human rights monitors at the facilities. No money may be available for hiring independent evaluators.

Although donors might prefer bilateral funding and control over DDR contracts, it would be highly desirable to equip the UN DDR office in Somalia with a direct support account holding funds from multiple donors. Such an account should at minimum facilitate logistical access and the payment of salaries, but might well also include the ability of the UN DDR office to directly contract for the provision of services at the DDR facilities. Although the UNSOM mission is a Special Political Mission rather than a peacekeeping operation, given the extremely difficult context, strong consideration should be given to establishing such a direct fund. Because of differences in the speed of execution and bureaucratic hurdles, such a direct support account is likely preferable since it is much speedier and gives more direct control to the UN field mission than a trust fund.

Conclusions and Recommendations

Despite the problems of the existing DDR processes in Somalia, the UN engagement with DDR issues in Somalia has substantially improved the overall DDR efforts. It has also likely saved lives. The context of on-going military and counterterrorism operations is extraordinarily difficult and greatly constrains the extent to which compliance with best practices can be achieved. Pervasive physical insecurity and high political sensitivities greatly limit access and transparency. Somali government officials and international partners, such as AMISOM, have at times demonstrated reluctance to accept responsibility for detainees and defectors and DDR programming. The manner of some actors' requests for international financing and support of DDR programmes has at times amounted to

extortion of the international community, with threats to the lives of defectors and detainees. Such attitudes need to be strongly discouraged.

Nonetheless, the overall conclusion of this report is that the United Nations engagement on DDR in Somalia should be strengthened and empowered. Such strengthening includes the establishment of a direct support account or similar dedicated funding mechanism, and larger staffing. However, the international community needs to judge carefully at what point its engagement in suboptimal processes and with problematic official interlocutors will produce greater humanitarian benefits and reinforce conflict mitigation and at what point, in contrast, the DDR process creates moral hazard and encourages pressure from local partners seeking patronage resources.

The United Nations needs to carefully calibrate its engagement and judge what would be the consequences of terminating engagement on, and support for, DDR processes, in different circumstances. It also needs to consider whether cutting off funding or other forms of support for DDR processes in Somalia would generate better humanitarian and conflict mitigation outcomes. For example, if a separate facility for children cannot be established, is it better to deny children access

THE OPTIMAL POLICY SHOULD NOT BE THE ENEMY OF A GOOD POLICY, IF OPTIMAL POLICY CANNOT BE ACHIEVED.

to DDR facilities and risk that they receive no assistance, or it is better to modify existing practices for DDR and children in armed conflict? The optimal policy should not be the enemy of a good policy, if optimal policy cannot be achieved.

The United Nations will have different ways to leverage the best practices possible from local actors in different circumstances. Accountability is important. Such complex calibrations of leverage to circumstances need to include considerations of



MINUSMA PATROL IN GAO, MALI. UN PHOTO/MARCO DORMINO

the risk of legitimating highly problematic policies and encouraging moral hazard behaviour on the part of local partners.

The United Nations DDR support in Somalia should also undertake a strategic evaluation of the relationship between the DDR programmes and counterterrorism efforts. Currently, ambivalence and ambiguity as to this relationship persists. A continual UN focus on improving conditions for women and children in DDR facilities is very important. So is expanding, with UN assistance, DDR opportunities and programming for women.

Among the most deficient and problematic practices of existing DDR programmes are the entry and exit processes. Eligibility criteria are ill-defined, the existing categories of low-risk and high-risk problematic, and decisions on how to apply these categories often arbitrary. Control by Somali intelligence and security services of access to, and release from, DDR programmes has proven problematic. While it is unlikely that Somali authorities will relinquish control over who is subject to DDR processes, it would be desirable if the United Nations could participate in such evaluations and decisions. At minimum, a credible registry that is transparent – at least to the United Nations and bilateral support partners – should be established to track who is being sent to DDR programmes or is seeking to enter them, and serve as an overall case management system.

The United Nations should demand that the decision of who is released from the DDR camps is not made solely, and often arbitrarily, on the basis of risk assessment by Somali intelligence and security services. Such decisions should also be made on the basis of participant compliance with DDR programming and requirements and be made by a board of overseers, if possible including the United Nations. A limit should also be established for the number of times a DDR participant can fail the programmes and be required to repeat. If agreement to such terms from Somali government and intelligence authorities is not secured and

strong operational compliance achieved, the United Nations may need to concede that there is a strong overlap between the DDR processes and detention, and perhaps reclassify its assistance and the framework underpinning it, treating Somali DDR programming as a form of detention.

Increasing transparency across the DDR programmes in all of their aspects and establishing better monitoring is most desirable, even if it will prove highly challenging. Nonetheless, it is important to recognize that the existing DDR processes in Somalia, including those supported by the United Nations, are very small-scale and address only a small fraction of existing and potential needs. The current focus on Al-Shabaab does little to address the question of how the numerous other clan and private militias across Somalia can best be demobilized, and even whether disarmament is a realistic goal in such a society. Beyond proper resourcing, this also means that new implementation challenges are likely to arise when a scaling up of the efforts takes place. Programme design and implementation should be reassessed at that point.

Chapter 6

**Conclusion
Making DDR
Fit for Purpose
in an Era
of Violent
Extremism**



James Cockayne and Siobhan O'Neil

DDR at a crossroads

The essays in this collection make clear that United Nations Disarmament, Demobilization, and Reintegration (DDR) efforts stand at a crossroads.

Down one path – let us call it ‘Business As Usual’ – the Security Council will continue to mandate UN delivery of, and support to, DDR programming, whether or not there is a peace to keep, whether or not counterterrorism and counterinsurgency operations are on-going, whether or not the armed groups in question have made a collective decision to disengage, and whether or not the necessary doctrine, resources, finances, and partnerships are in place to deliver effective programming. Down this road, we suggest, lie the many risks identified in this collection: risks of complicity in human rights violations, and the concomitant legal and reputational liability; risks of ineffective programming; risks of undermining perceptions of the impartiality and credibility of UN peace operations; and very real risks to the safety and security of UN personnel and the communities they endeavour to help. We have no doubt that the women and men of the United Nations, and other organisations engaged in DDR, will often meet those risks creatively and with great courage. But they will do so in the absence of clear policy guidance from the UN membership on the underlying strategic intent of DDR. DDR’s effectiveness will remain haphazard, and the efficiency of expenditure on DDR will remain, as it is now, something of a mystery.

The other path is not necessarily that much more encouraging. It, too, leads into a strategic environment replete with risk: demobilization and disengagement operations being conducted under the shadow of on-going military attack; while violent extremist actors target the United Nations; and fragmented DDR efforts are carried about by an array of national actors, international entities, and private contractors. But if UN DDR travels down this path armed with a clearer understanding of the strategic intent and expectations of the membership; if the Secretariat and other relevant UN actors can develop practical risk management tools, an understanding of the UN membership’s expectations, a conceptual framework for distinguishing DDR from detention and for integrating DDR programming with efforts intended to counter violent extremism (CVE), as well as the systems to evaluate and adapt programming to ‘what works’ – then UN DDR has a much stronger chance of becoming ‘Fit for Purpose.’ Moving UN DDR down this path does not necessarily mean the risks will be any lower; but with better risk management, they can be better navigated, with the promise of more coherent, cost-effective, and more rights-respecting outcomes.

So how do we do move from a Business as Usual approach to one that is Fit for Purpose? In this conclusion, we identify the key themes and risks that emerge from the three essays and one field report in this collection, and propose a

small set of practical steps that Member States can quickly take to ensure DDR is better adapted to today's and tomorrow's conflict environments.

Somalia as a bellwether

The conflict in Somalia highlights the risks of pursuing the Business as Usual approach to UN DDR programming and support in current conflict environments. Somalia offers a bellwether of the theatres of operations in which UN-supported DDR programmes will be conducted in the years ahead: fragmented, riven with violent extremism, and host to a range of governmental, UN, and regional organisation actors, some of which continue to undertake counterterrorism and counterinsurgency operations, even as DDR efforts are directed at the same groups that are targeted by military operations (Al-Shabaab). As a result, the shape and dynamics of DDR in Somalia may offer important insights for those interested in the future of DDR.

As Vanda Felbab-Brown shows, there is not, in fact, a unitary UN-led DDR operation in Somalia, but instead several different strands of DDR programming, with UN input ranging from nil to substantial. One DDR effort – in Mogadishu (Serendi) and Belet Weyne – has been led by private, foreign actors, with donor state support (first a private consortium working with Denmark, Norway, and Spain; now Adam Smith International, funded in part by the UK government), and enjoying local government approval. Another – in Baidoa – is controlled by local state forces, with funding from a foreign state (Germany), administration from an international contractor (International Organization for Migration – IOM), and guidance from the UN peace operation on the ground (UNSOM). And a third – in Kismaayo – which appears to operate as much as a detention facility as a DDR programme, involves local-level efforts controlled by state and sub-state intelligence and security services.

None of these strands unquestionably meets the benchmarks set out in the UN's 2006 *Integrated DDR Standards*,²³² and the UN's leverage over each differs significantly. Nonetheless, Felbab-Brown concludes that, "UN engagement with DDR issues in Somalia has substantially improved the overall DDR efforts [and] has also likely saved lives." The importance of this achievement is hard to over-state, given the complexity and difficulty of the operational environment, borne out by the assassination of four UNICEF staff in Garowe in April 2015, just a few weeks after her field research. The work that DDR actors are doing in Somalia – and elsewhere – at times verges on the heroic. It is potentially of major importance to Somalia's post-conflict transition.

232. United Nations, *Integrated Disarmament, Demobilization, and Reintegration Standards*.

But that should also make us recognize that the best form of support we can offer to these efforts is a clear-eyed analysis of what is working and what is not – and a robust discussion of how to strengthen them. Felbab-Brown's research makes clear just how hard it is, under the security and political conditions currently in place in Somalia, for the UN to exert leverage over DDR programming. As she explains:

...as long as the United Nations does not have full control over the DDR process – which is unlikely in the context of counterterrorism and on-going military operations – insistence on the full implementation of IDDRS obligations (e.g. with respect to voluntary consent of ex-combatants to participate in the programme, the protection of human rights, special treatment for women and children) might mean that it is fully excluded from determining how detainees and ex-combatants are treated.

Yet her research does not conclude that an insistence on respect for international standards at the expense of access is a zero-sum trade-off pure and simple – but rather a question of principled engagement and dialogue between the UN and the security forces it engages and supports. Felbab-Brown's research does however suggest that the task of UN DDR actors in encouraging national and private actors' respect for international standards has been made more difficult by the unsystematic and, at times, haphazard engagement by the international community as a whole with DDR efforts in Somalia. Both her case study in Chapter 5 and her broader piece in Chapter 2 point to gaps between rhetorical calls for protection of vulnerable groups and the allocation of resources and political will necessary to achieve such protection on the ground. The result, at times, is that the UN's efforts to support effective DDR programming in Somalia risk being co-opted into local and foreign state-led counterterrorism efforts, some of which may raise human rights questions.

THE UN'S EFFORTS TO SUPPORT EFFECTIVE DDR PROGRAMMING IN SOMALIA RISK BEING CO-OPTED INTO LOCAL AND FOREIGN STATE-LED COUNTERTERRORISM EFFORTS, SOME OF WHICH MAY RAISE HUMAN RIGHTS QUESTIONS.

Felbab-Brown's research in Somalia should force a serious discussion amongst Member States, in Mogadishu, in UNSOM, and beyond about how to address specific, serious human rights concerns in the various DDR programmes in Somalia. These include:

- **Torture.** The indication that torture may be part of the screening process used by some security forces to allocate detainees to DDR programmes deserves serious and careful scrutiny, notwithstanding the fact that Felbab-Brown is careful to indicate that this information derives from a single anonymous source and is essentially hearsay.

- **Forced labour and military recruitment.** Felbab-Brown's research also suggests that some DDR sites may be used to recruit into Somali security services. In some cases this may be entirely voluntary and lawful. But where it is not, it risks violating Somalia's obligations under the *Forced Labour Convention 1930* and the *Abolition of Forced Labour Convention 1957*.
- **Detention.** Felbab-Brown's research makes clear that some of the arrangements for handling defecting Al-Shabaab combatants in Somalia, though labelled 'DDR' – traditionally a voluntary activity – in fact involve involuntary detention. The involuntary nature of some combatants' participation in the DDR programmes takes two forms: 1) they are participating after being captured or released from prison and forced into the DDR programme; 2) they are participating in the DDR programme because the alternative is death. The description of the haphazard, secretive, and possibly even corrupt nature of decision-making regarding entry, exit, and release of combatants into and out of the Somali DDR programmes raises questions about conformity with a variety of human rights standards, notably relating to:
 - indefinite and arbitrary detention, without adequate opportunity to contest the basis for detention;
 - due process and fair trial guarantees (relating to the handling of those combatants released into the Somali justice system);
 - arbitrary deprivation of the right to life and violation of IHL protections of those *hors de combat* (relating to whether some combatants are killed rather than included in DDR programmes); and
 - the requirement of non-refoulement which prohibits the return of combatants back into situations where there are substantial grounds to believe there is a real risk of torture, inhumane treatment, or, in some cases, application of the death penalty.
- **Handling of vulnerable participants, including women and children.** Serious concerns about the handling of women and children in the Somali DDR programmes have already been raised in 2014 by the UN Special Representative of the Secretary-General on Children and Armed Conflict. Felbab-Brown's research suggests that concerns may remain – but also that, absent focused international attention and the provision of resources to address the underlying accommodation and treatment concerns, a 'naming and shaming' approach may not lead to positive outcomes on the ground.

As Felbab-Brown's clear-eyed analysis displays, discussions with local actors about how they run their DDR operations will on occasion lead to stark choices. In Somalia, she concludes, "the manner of some [local] actors' requests

for international financing and support of DDR programmes has at times amounted to extortion of the international community, with threats to the lives of defectors and detainees” used to extract the requested support. However unpalatable such a situation may be, it seems likely to be quite common in future DDR contexts. As Felbab-Brown points out, in such situations,

the international community needs to judge carefully at what point its engagement in suboptimal processes and with problematic official interlocutors still produces sufficient humanitarian benefits and reinforces conflict mitigation, and at what point it merely encourages moral hazard and extortion by presumed local partners.

DDR practitioners in the field should not have to make these difficult decisions in a policy guidance vacuum. Member States, the UN, and the international community need to seriously consider how DDR can be made Fit for Purpose to address the conflict realities that have become, and will likely continue to be, the norm. Complex balancing of questions of access and standards, and difficult decisions will continue to confront practitioners. Improved policy guidance would spell out more clearly the principles and risk-management approaches that practitioners should apply in such situations – beginning with the UN Human Rights Due Diligence Policy, discussed further below – but also addressing complex issues related to detention, internment, and efforts to counter violent extremism (CVE).

Our proposal

To continue Business as Usual in DDR programming, without a serious policy discussion of how to adapt it to an era of violent extremism, carries many legal, reputational, human rights-related, and security risks for the UN, its staff, partners, and donors. Moreover, to continue with a Business as Usual approach to DDR programming and support despite significant shifts in the operational environment may hinder the effectiveness and efficiency of the overall intervention. While we recognize the current challenges are daunting, and applaud the creative and courageous work of the UN and other actors working in DDR, we also believe that by developing clearer policy guidance specifically addressing the demobilization and disengagement of *violent extremists* – what we call ‘DDVE’ – the UN will be able to mitigate and manage many of the risks the Somalia case highlights, while also assisting Member States to meet the complex threats posed by violent extremism head on.

In this final section, we explain how Member States, with input from relevant DDR, CVE, and detention experts, might develop a new framework allowing DDR to adapt to the era of violent extremism, including addressing situations of involuntary participation in DDR. We describe this framework as ‘Disengagement and Demobilization of Violent Extremists.’ It would rest primarily on three legs:

1. Adopt a new **practice framework** for demobilizing and disengaging combatants and violent extremists, **integrating lessons from both DDR and CVE**;
2. Develop a **detention and internment framework** for application in DDVE contexts;
3. Improve the **case management system** to track DDR and CVE participants and develop a more detailed **risk management framework**.

1. A NEW PRACTICE FRAMEWORK FOR 'DEMOBILIZATION AND DISENGAGEMENT FROM VIOLENT EXTREMISM,' INTEGRATING LESSONS FROM BOTH DDR AND CVE

In 2006, the United Nations adopted the *Integrated DDR Standards*²³³ (IDDRS) to capture how DDR should deal with the complex conflict environments then in play. In 2010, the United Nations Department of Peacekeeping Operations (DPKO) published an influential study on '2nd Generation DDR', exploring how DDR practices were changing in the face of "greater levels and diffusion of violence against unarmed civilians, often perpetrated by undisciplined armed elements, such as militia and gangs, operating at the sub-national level."²³⁴

The advent of violent extremism means that the field of practice and the tools available to DDR practitioners must now be adapted again, to reflect these new realities. Contemporary conflict environments do not reflect the assumptions that underpinned 'classical,' or even '2nd Generation' DDR. Several other thoughtful commentators, notably Robert Muggah, have recently called for a 'Next Generation' of DDR.²³⁵ We argue that what is crucial at this point is not the creation of a new generation of concepts, tools, and practices, but *the adaptation of existing DDR tools and practices, including through integration with the tools of CVE* to develop a practice framework for 'Demobilization and Disengagement from Violent Extremism' (DDVE).

We should stop to note that using this terminology is not a volley in a renewed definitional war or an effort to establish ownership over this area of operation, nor an effort to encourage DDR practitioners' colonization of the CVE space, or counter-terrorism practitioners' annexation of DDR. Rather, the use of DDVE is intended to signal that the current categories of practice and siloed approaches to security interventions – with the UN developing separate DDR

233. Ibid..

234. Ibid., 3.

235. See Robert Muggah, "Next-Generation Disarmament, Demobilization, and Reintegration," *World Politics Review*. 17 June 2014, available at <http://www.worldpoliticsreview.com/articles/13862/next-generation-disarmament-demobilization-and-reintegration> (accessed April 13, 2015).

and CVE service offerings – do not reflect the realities on the ground in contemporary peace operations, or in other countries affected by current conflicts. DDR practitioners in the field are increasingly being confronted with radicalised combatants and foreign terrorist fighters and need clearer policy guidance and practice frameworks for dealing with them. At the same time, there is little point in the UN developing a CVE practice from scratch, reinventing the wheel – or, worse, working at cross-purposes to existing DDR programming. For the reasons we lay out below, we believe adapting DDR to the context of violent extremism, or adopting a ‘DDVE’ approach offers a clearer framework for the kinds of disengagement and demobilization operations that the Security Council is now pressing on field operations. We also believe this framework would allow the lessons of UN DDR to be brought to bear on the UN’s assistance to Member States in their efforts to tackle foreign terrorist fighters, as required by Security Council Resolution 2178 (2014).

DEVELOPING SEPARATE UN DDR AND CVE SERVICE OFFERINGS DOES NOT REFLECT CURRENT CONFLICT REALITIES.

The fundamental question that many DDR operations are now facing – in contexts as varied as Somalia, Afghanistan, Libya, Mali, Yemen, and even Colombia and Haiti – is how to disengage combatants who see organised violence not as politics by other means, but as either an existential struggle (e.g. the hard core of Al-Shabaab in Somalia) or as a means to enlarging criminal rents (e.g. gang members in Haiti). To the first point, today, the complexity of the overlap between DDR and CVE remains poorly understood, and the Organisation has not been equipped to handle the resulting risks. This is made starkly clear by Resolution 2178 itself. Adopted in September 2014, the Resolution has given a significant political boost to efforts to counter violent extremism, because it condemns violent extremism, imposes obligations on Member States relating to prevention of activities of foreign terrorist fighters (FTFs), and tasks various UN entities with taking steps to address the threat posed by foreign terrorist fighters. That the Resolution demands that “all foreign terrorist fighters” disarm is often overlooked;²³⁶ yet the Resolution conspicuously fails to make any reference to the UN’s DDR practice, bodies, or experience, and there has been no effort, within the Organisation, to consider how the experiences, lessons, and insights of 25 years of DDR programming might be applied to this new global field of practice.

THE FUNDAMENTAL QUESTION IS HOW TO DISENGAGE COMBATANTS WHO SEE ORGANISED VIOLENCE NOT AS POLITICS BY OTHER MEANS, BUT AS EITHER AN EXISTENTIAL STRUGGLE OR AS A MEANS TO ENLARGING CRIMINAL RENTS.

236. “Resolution 2178 (2014),” S/RES/2178 (2014).

This is all the more remarkable given that UN DDR actors are daily confronting these threats on the frontline in UN peace operations, with imagination, courage and resourcefulness, as the remarkable field report on Somalia by Felbab-Brown, in this collection, makes clear. Thus while Naureen Chowdhury Fink, in her essay in this collection, argues that “it is natural to adapt best practices and lessons from the CVE and terrorist rehabilitation fields to DDR contexts,” we might just as easily argue that the UN Secretary-General should be looking to DDR for a concept of operations for UN assistance to Member States in tackling foreign terrorist fighters around the world, especially as he prepares his much-awaited UN System-Wide Plan of Action on the Prevention of Violent Extremism, expected in late 2015. This collection of essays aims to inform that discussion, and reflect on what steps the membership should take to equip the UN to play a constructive role in this area. We believe that the first step is for the membership and UN bodies to adapt DDR, developing a framework for demobilizing and disengaging violent extremists, including foreign terrorist fighters.

INTEGRATING GUIDANCE ON DDR AND CVE

Specifically, we propose the development of integrated programming guidance combining insights and lessons from CVE and DDR, as a basis both for UN service-delivery through UN peace operations, and in the context of UN assistance to Member States through UN country teams and in other contexts. In her piece for this collection, Chowdhury Fink argues that, “There is a natural nexus between DDR and CVE, the latter term also encompassing terrorist rehabilitation efforts in this context, as they both deal with the questions of preventing and stopping violence, preventing recidivism, and reinserting previously violent actors into society.” Yet we should be cautious about haphazardly re-branding DDR as CVE, or vice versa: there are strong incentives for DDR actors to rebrand their work as CVE, because it seems to offer a fast track to financial and political capital lacking in the DDR field. Similarly, there appears to be interest in some quarters of the counter-terrorism industry in colonizing DDR. Fink’s piece also shows that the two fields proceed from very different theories of change, and use very different tools and techniques to influence combatant and violent extremist behaviour. It is not at all clear that CVE and DDR pursue similar – or necessarily even compatible – strategic concepts for influencing the strategic environment.

Muddling DDR and CVE – without carefully thinking through that integration – risks both strategic and operational confusion, as Felbab-Brown’s experience in Somalia makes clear. Both Somali and UN interlocutors told her that, “a key definition of success for the DDR effort [in Somalia]... is its ability to encourage defections from Al-Shabaab and discourage youth from joining Al-Shabaab.” They are, in other words, treating DDR as an effort to counter and prevent violent extremism: CVE and ‘PVE.’ But as Felbab-Brown points out, there is little

evidence that the programming offered addresses the drivers of participation in, or support for, Al-Shabaab, nor that it reflects empirical analysis of defection motivations. Felbab-Brown's research suggests that CVE-style religious re-education programming is being emphasized by local actors over other, more established forms of DDR programming, notwithstanding evidence that in many cases motivations for joining Al-Shabaab are more closely related to clan politics and anti-government grievances than religious ideology. Moreover, as Fink's piece makes clear, there is, as yet, essentially no robust empirical base demonstrating that such religious re-education is effective in countering or preventing violent extremism *anywhere*, let alone in Somalia. That does not mean it *is* ineffective: it just means that we do not yet have the proof.

What this all points to is the need for careful work to figure out – in short order – if, and how, CVE and DDR learning should and can be meaningfully and effectively integrated into policy and programming guidance. There are, indeed, areas of apparent overlap, for example relating to the role that social networks and institutions (including families) play in shaping norms of violence and individual disengagement choices; techniques for disrupting command structures of armed groups; and techniques for promoting socio-economic reintegration and reinsertion. Moreover, it is clear that there is operational overlap in that DDR practitioners in the field are increasingly confronted by radicalized combatants and foreign terrorist fighters. It is impractical to continue to pretend that there is no intersection between the two fields of CVE and DDR. To move forward thoughtfully, however, will require study, planning, and guidance. As Felbab-Brown points out, effective CVE and deradicalisation activities will require a step-change in UN actors' knowledge of local armed groups and conflict dynamics, if programming is to be appropriately tailored to individual targets. Again, basic tools such as individualized case management systems will also be essential – as will training in specific 'DDVE' techniques.

EFFECTIVE CVE AND DERADICALISATION ACTIVITIES WILL REQUIRE A STEP-CHANGE IN UN ACTORS' KNOWLEDGE OF LOCAL ARMED GROUPS AND CONFLICT DYNAMICS.

How would such guidance be applied in practice? Given the challenges for the UN of operating in hostile environments, the role of the UN in this field may look less like the DDR delivery of the past, and instead focus more on: 1) brokering access for national actors to relevant expertise and resources from elsewhere; 2) developing standards on effective DDVE programming, including human rights protections; and 3) helping national actors deliver to those standards. The UN's role will thus need to combine norm-development, expertise, clearing-house functions – and knowledge development. This last point is crucial, but often overlooked in the UN's counterterrorism work: the UN is in a

THE UN WILL HAVE TO GET MUCH MORE SERIOUS ABOUT DATA COLLECTION, PROGRAMME DESIGN, MONITORING AND EVALUATION, AND KNOWLEDGE DEVELOPMENT IN THIS FIELD TO ENSURE FUNDS ARE NOT BEING FRITTERED AWAY ON PROGRAMMING NOT PROVEN TO WORK.

unique position to help foster a global evidence-base on what works in this field, though to date it has barely taken advantage of this potential. The UN – and its funders – will have to get much more serious about data collection, programme design, monitoring and evaluation, and knowledge development in this field, if Member States want to ensure that the very significant funds they are putting at the UN's disposal – such as the \$100 million Saudi Arabian contribution underpinning the UN Counter Terrorism Centre – drive innovation and are well spent, rather than being frittered away on programming not proven to work.

Ultimately, the UN can do little to develop this field of practice without the support of Member States: as Fink reminds us in her piece, “Political sensitivities, restricted access to data, programmes, and participants, and a consequent reliance on government figures have made an independent assessment of CVE and rehabilitation programmes difficult.” The same obstacles will prevent the adaptation of insights from DDR to this field, unless Member States make a concerted effort to support it. Of course, such support is in Member States' interest: with the Security Council encouraging Member States to undertake CVE and terrorist rehabilitation efforts worldwide through the adoption of Resolution 2178, there is every reason to ensure that taxpayers' money is wisely spent.

2. DEVELOP A DETENTION AND INTERNMENT POLICY FRAMEWORK

Questions of detention are moving from the margins to the centre of DDR concerns, and will be central to any DDVE practice, given the mandatory disarmament obligations imposed on FTF by Resolution 2178 (2014). As Bruce Oswald summarizes in his piece for this collection,

as DDR programmes are increasingly employed in on-going conflicts, especially those in which radicalized combatants and terrorist groups are active, the likelihood that DDR programmers will have to deal with detention issues will increase, raising a host of operational, reputational, and political risks for the UN, its staff, and donors.

Felbab-Brown's research suggests these dynamics are already playing out in Somalia. She suggests that a significant minority (40%) of those in the DDR facility in Baidoa, supported by the UN and IOM, were captured, and are not voluntary DDR participants. Others detained in that DDR facility were being held as security detainees, after prison sentences had been served. As Felbab-Brown puts it, “one DDR facility was thus simultaneously operating as a straight-forward DDR programme, a de facto detention centre, and a half-way house.”

This poses challenges for both the UN and Member States because, as Oswald demonstrates, the legal basis for, and rules around, such detention and internment arrangements for violent extremists, in non-international armed

conflicts, and in peace operations contexts, remain hotly contested.²³⁷ Efforts have been undertaken to develop principles guiding peacekeepers' role in detention (the so-called *Copenhagen Principles*);²³⁸ and the ICRC is currently fostering thinking about detention and internment in non-international armed conflict contexts.²³⁹ But as DDR actors are drawn into CVE and involuntary detention arrangements, there would seem to be a need for Member States and other interested stakeholders to reflect specifically on the legal framework and safeguards required in those situations.

In particular, there is a need to clarify the rules around reception, screening, case management, release, and non-refoulement.

We propose that Member States, the UN, and other interested stakeholders (such as the ICRC) convene an expert group to develop handling principles for involuntary participation in DDR programmes, similar to the *Copenhagen Principles*.

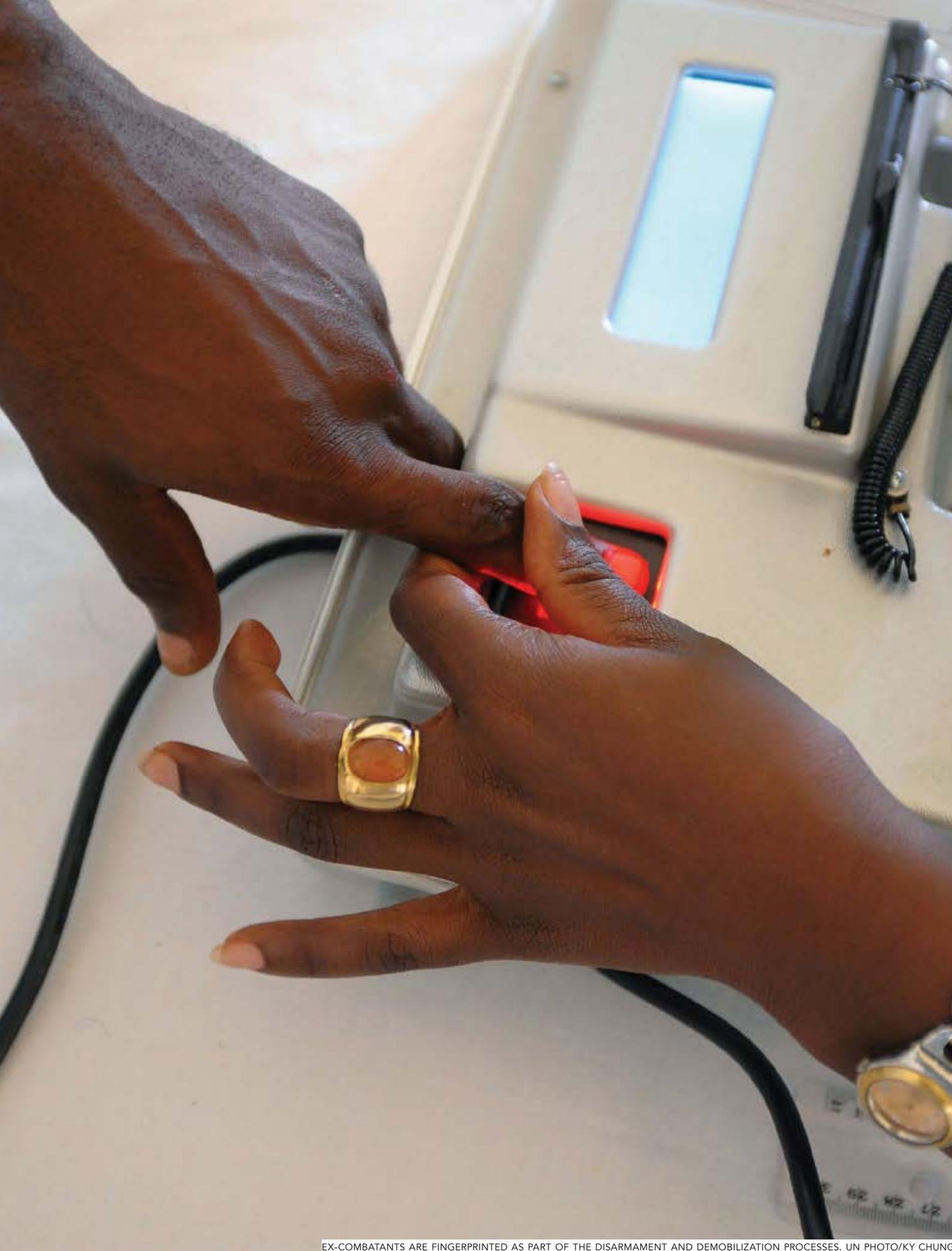
AS DDR IS DRAWN INTO CVE AND INVOLUNTARY DETENTION ARRANGEMENTS, MEMBER STATES AND OTHER INTERESTED STAKEHOLDERS NEED TO REFLECT ON THE LEGAL FRAMEWORK AND SAFEGUARDS REQUIRED IN THOSE SITUATIONS.

Oswald argues this 'Detention in DDR' framework should combine both generic doctrine and mission-specific guidance, as well as Mission-Host State-contractor MOUs to clarify expectations and responsibilities. Oswald calls for the development of a 'tiered' approach, with voluntary DDR separated from an involuntary detention regime, and a clear legal framework for the movement of cases (participants) between these two legal regimes. Oswald also highlights accountability concerns as fundamental to ensuring perceptions of UN Mission credibility and impartiality: he calls for the development of guidance on a "status review system" to allow those within UN-supported 'DDR' programmes to have their status reviewed; and the development of a complaints and remediation system, such as a 'Visiting Officer' or ombudsperson system. While this may appear cumbersome in some DDR contexts, as DDR is drawn into the area of CVE, such safeguards will be essential to ensure that the UN is not seen as repeating its mistakes of the past. For example, when the Security Council created terrorist listing regimes (with associated sanctions) without affording any opportunity for those affected to contest their listing or its impacts, it was roundly criticized, leading eventually to the creation of the position of

237. See *Al-Jedda v. The United Kingdom*, Application no. 27021/18, European Court of Human Rights (Grand Chamber), 7 July 2011, para. 109.

238. See Oswald and Winkler, "The Copenhagen Process," pp. 128-167.

239. See ICRC Legal Division, *Strengthening Legal Protection for Persons Deprived of their Liberty in relation to Non-International Armed Conflict, Regional Consultations 2012-13, Background Paper* (Geneva, ICRC, 2013) and ICRC Legal Division, *Strengthening International Humanitarian Law Protecting Persons Deprived of their Liberty: Synthesis Report from Regional Consultations of Government Experts* (Geneva, ICRC, 2013).



EX-COMBATANTS ARE FINGERPRINTED AS PART OF THE DISARMAMENT AND DEMOBILIZATION PROCESSES. UN PHOTO/KY CHUNG

Ombudsperson, to afford those listed an avenue to contest their listing. Such safeguards, and more, might be addressed through the convening of an expert group to develop policy guidance in this area.

3. AN IMPROVED RISK AND CASE MANAGEMENT SYSTEM

The fragmented nature of contemporary conflict environments, and the security and safety constraints that UN peace operations face in the field, make clear that the UN's role in DDR and CVE programming will increasingly be focused on support and influence, rather than programme delivery. This will also be the case if the UN's CVE work involves supporting Member States' efforts to reintegrate foreign terrorist fighters into home countries, where no UN peace operation is deployed. Depending on the specific role of the UN in funding, oversight, or delivery of DDR programming, different forms of leverage will be available to it. But whatever the leverage involved, UN DDR actors will always be involved in complex risk management. As Felbab-Brown's pieces make clear, there may be scope for clearer guidance to steer the UN's DDR and CVE practitioners on how to manage these risks, while ensuring results are in line with UN principles and standards.

Fortunately, such discussions do not need to take place in a guidance vacuum. The UN Human Rights Due Diligence Policy (HRDDP) (explained in the box below) provides a framework governing this risk management in extreme cases. HRDDP "aspires to introduce a form of standard administrative procedure into decision-making processes on the granting or withholding of UN support," based on human rights due diligence.²⁴⁰ It does so by clarifying the internal risk assessment process that all UN entities must go through before providing support to armed forces, where there are substantial grounds of a real risk of their involvement in grave violations of international humanitarian, human rights, or refugee law. The HRDDP applies not only to peace operations, but to support by all UN entities – and would thus cover, for example, UNDP or UNICEF DDR-related activities.²⁴¹ The HRDDP has, predictably, met with a sceptical response from some UN DDR practitioners, nervous that their discretion and ability to deliver effective DDR programming in the field may be unduly constrained by legalistic considerations imposed by headquarters.²⁴² But the HRDDP itself aims to marry principle with realism, providing structure to the difficult dialogue that the UN must undertake with non-UN security forces, if it wishes to exert leverage over their conduct. We

240. *Ibid.*

241. "Identical letters dated 25 February 2013 from the Secretary-General addressed to the President of the General Assembly and to the President of the Security Council," A/67/775-S/2013/110, annex, para. 6.

242. UNU roundtable with DDR practitioners, 2 March 2015.

propose that UN DDR staff receive dedicated HRDDP training, and that its application to UN CVE (or DDVE) activities also be addressed in the upcoming UN Secretary-General's Plan of Action on Preventing Violent Extremism.

Principled engagement: applying the UN Human Rights Due Diligence Policy²⁴³

The UN Human Rights Due Diligence Policy (HRDDP) governs the UN's provision of support to security forces about which the UN has substantial grounds to believe there is a real risk of grave violations of international humanitarian law, human rights, or refugee law.²⁴⁴ Where such grounds exist, the UN cannot provide support, *unless* "the relevant forces... take the necessary corrective or mitigating measures."²⁴⁵ Yet the policy recognizes that

In the peacekeeping context, withholding or withdrawing support in the face of a failure by recipient security forces to comply with the core principles of the policy may significantly diminish the mission's ability to fulfil the overall mandate and objectives set out by the Security Council.²⁴⁶

To address this dilemma, the Policy sets out principles that should structure on-going dialogue between the UN and the intended recipient of support, based on a system of due diligence. This requires:

- A pre-support risk assessment, including attention to how providing or withholding support would affect the UN's ability to influence the group's compliance with international law;²⁴⁷
- Transparency with recipients about UN legal obligations and core principles; and
- An effective implementation framework with procedures for monitoring efforts to address the risk of grave violations.²⁴⁸

The Policy thus leaves it open to the UN to continue to provide support to non-UN security forces that have been involved even in grave violations, *if* they put in place appropriate mitigating and monitoring arrangements.

The HRDDP also points to the kind of policy framework that could usefully be developed to guide DDR and DDVE risk management in other, less extreme, cases. The HRDDP is limited to situations of real risk of grave violations of international humanitarian law, human rights law, and refugee law. However, much contemporary and near-future DDR programming may not raise concerns regarding such grave violations, yet will require principled engagement with local, national, regional and private DDR partners to induce DDR programming that conforms with the IDDRS. Member States, UN DDR actors and outside experts could work together to develop a policy framework that guides DDR actors on how such principled

engagement should play out, especially in cases of on-going lower-level human rights abuse that falls short of meeting the grave violations spelled out by HRDDP. Legal scholars suggest that the UN may still have legal responsibility for complicity in state violations even where they are not “grave violations.”²⁴⁹ But in the absence of clear administrative or policy guidance on how DDR practitioners should initiate, structure, and handle discussions with local actors about such sub-standard DDR programming, the danger is that these difficult discussions will be avoided, to the detriment of those who suffer the resulting abuse or mistreatment.

Beyond principled policy guidance, effective risk management will also require significant upgrades in the use of case management systems. In Somalia, for example, there is no case management system in place. At the UN, there is no universal, high-quality, user-friendly case management system in place.²⁵⁰

243. “A/67/775-S/2013/110, annex. The Policy arose in response to allegations in 2009 that the UN peace operation in DRC, MONUC, was providing assistance to governmental armed forces that were violating IHL and human rights law. See further “Responsibility of International Organizations: Comments and Observations Received from International Organizations,” A/CN.4/637/Add, sect. “Draft Art 13,” para. 4.

244. This includes: commission of war crimes, crimes against humanity, or other gross violations “that are committed on a significant scale or with a significant degree of frequency,” “a pattern of repeated violations . . . committed by a significant number of members of the unit,” or “the presence in a senior command position of the unit of one or more officers” about whom there are substantial grounds to suspect their involvement in the commission of certain international crimes. A/67/775-S/2013/110, annex, para.12(a), (i), (ii), and (iii) and 12(b).

245. *Ibid.*, annex, para. 1.

246. *Ibid.*, annex, para. 28.

247. *Ibid.*, annex, para. 14.

248. *Ibid.*, annex, paras. 16 and 17.

249. Helmut Philipp Aust, “The UN Human Rights Due Diligence Policy: An Effective Mechanism against Complicity of Peacekeeping Forces?” *Journal of Conflict & Security Law* (2014), pp. 11-12..

250. For example, UNDP, which historically was a leader in reintegration programming, developed the DREAM (Disarmament, Demobilization, Reintegration and Arms Management) database as generic DDR software available to other UN entities free of charge. UNDP, *How to Guide: Monitoring and Evaluation for Disarmament, Demobilization, and Reintegration Programs*, p. 22. There have been disparate efforts in DPKO to develop an alternate system. There is also an enormous variation across states. In many cases, nationally-owned DDR programmes don’t have effective case management systems, or any system in some cases like Somalia. In other cases, like Colombia, the state has developed, in concert with the private sector, a high quality case management system. Some have raised the possibility that Colombia’s system could potentially serve as a model for other DDR practitioner agencies. UNU roundtable with DDR practitioners, 2 March 2015.

This impedes empirical assessment at the programme and cross-programme level, effective cost evaluation, and the monitoring of beneficiary treatment. The development of a mobile, scalable case-management system, drawing on good practice from rehabilitation, reintegration, and reinsertion programming and other fields, could help to address these shortcomings. It could also have other positive impacts: by developing a scalable, cost-effective case management system that it can make available to its partners, the UN could both attract Member States seeking to use the system in their own programming and create a multi-programme data platform that will help underpin comparative research and analysis, further driving innovation and effective programming in this field. Such a system would need to be equipped with security protections and accompanying protocols to ensure that beneficiaries' privacy is respected. This is an area of great concern, especially given the blurring of lines between DDR and CT operations in some conflict contexts, and requires significant attention when designing such systems as the UN could potentially be confronted by situations where national security services demand access to such data.

AN EX-FIGHTER PRESENTS HIS DDR CARD IN CÔTE D'IVOIRE. UN PHOTO/BASILE ZOMA



Conclusion

Read together, the essays in this collection by Felbab-Brown, Fink, and Oswald offer something of a wake-up call about the challenges that DDR will face in adapting to an era of violent extremism, and the need for speedy, careful reflection on how to equip the UN to address those challenges. These pieces also highlight several fundamental challenges that are not necessarily new, and indeed have thwarted effective DDR programming in its numerous iterations and generational forms in various contexts. Consideration of these enduring challenges is also necessary if a new approach to demobilizing and disengaging violent extremists is to be effective and efficient.

BUDGETARY PROCESS

All four essays highlight how deeply the effectiveness of DDR programming is constrained by short-term budgetary mechanisms. The absence of a reliable funding stream for DDR programming means that DDR practitioners cannot reliably plan, and places DDR at the mercy of fickle political winds. Felbab-Brown finds that “the short-term, insecure, and sporadic bilateral financing of the various DDR efforts” in Somalia “greatly compounds many of the challenges of the DDR effort and reinforces a lack of transparency.” It also plays to the advantage of local authorities, because it creates an incentive for DDR actors to maintain access – to demonstrate programming outputs and secure further funding. This risks undermining efforts to promote international standards in DDR programming. The fix would be to stabilize funding to DDR programming, for example through the creation of a dedicated direct support account, or to create a specific DDR line within a relevant multi-donor trust fund such as, in Somalia, the Somalia Stability Fund. As the UN develops new thinking on CVE or, as we suggest here, DDVE, it should avoid making the same mistakes it has made in the DDR arena, by placing budgetary support to UN programming in this area on a more stable and predictable footing.

EFFECTIVENESS – ESPECIALLY IN REINTEGRATION AND REINSERTION PROGRAMMING

The chapters in this collection also hint that we may be taking the *effectiveness* of DDR – and now CVE – programming for granted. There appears to be a focus on *outputs* rather than *outcomes*. As Felbab-Brown points out, “post-release monitoring is minimal to non-existent” in Somalia, so there is no way of knowing what impact DDR programming is having on participants’ behaviour or choices, or whether they are returning to conflict or violent extremism. This problem is not limited to Somalia and has long troubled most other DDR programmes. Fink points to a similar absence of empirical evidence about effectiveness in the CVE field. For all we know, DDR and CVE participants may be *more* radical after



their participation than they were before: that may be unlikely, but – based on available evidence - there is absolutely no way to disprove it. To move forward effectively, it is necessary to conduct better assessments of DDVE outputs – using thoughtfully chosen metrics, over longer periods of time – to better discern impact and tailor future programming.

One area that deserves particular attention – and may require revisiting in a broader DDR context, beyond the narrow remit of CVE – relates to the question of how to reinsert combatants into economies dominated by informal – and illicit – activity. Felbab-Brown’s work on Somalia suggests that the existing approach to reinsertion strategies in that country is rudimentary, with only limited efforts to assess local economic opportunities and match them to DDR participants, for example through cooperation with local private sector, and little understanding of how DDR programming may impact market dynamics. Anecdotal evidence from past DDR programming suggests that the absence of diversification in vocational training within DDR programmes has created gluts in certain service sectors, and even contributed to the creation of mafias or cartels in those sectors. Such a haphazard approach to reinsertion is thus



JOB TRAINING FOR EX-COMBATANTS IN CÔTE D'IVOIRE. UN PHOTO/ABDUL FATAI

highly dangerous, particularly given the emerging evidence about the support that terrorist organisations draw from informal and illicit economies.²⁵¹ As UN entities have scaled down their involvement in large-scale reintegration and reinsertion programming in recent years, this is another area that appears ripe for revitalization.

RETHINKING MANDATES

Taking the effectiveness of DDR for granted, and simply routinely inserting it into the mandate of UN peace operations, is risky. The absence of strategic reflection by the UN membership on the purpose to which it wishes to turn DDR, in the context of on-going conflicts, many of which are likely to be characterized by violent extremism, risks unintended consequences. The Security Council

251. See Report of the Secretary-General on the Threat of Terrorists Benefiting from Transnational Organized Crime (Security Council Resolution 2195 (2014)), S/2015/366.

continues to mandate DDR in conflict contexts where there is no peace to keep and offensive operations against one or more non-state violent groups are on-going. The question is raised whether such environments are conducive to positive DDR outcomes if there is no buy-in from parties to the conflict in the DDR process and on-going violence prevents the level of economic development necessary to support the reintegration of ex-combatants into alternate livelihoods? Additionally, and importantly, do concurrent offensive operations against the same groups targeted for DDR actively undermine the latter? These are important questions but they are rarely if ever addressed, if even considered, when DDR is mandated as part of a peace operation.

NATIONAL OWNERSHIP

As Felbab-Brown finds, in Somalia, “there is little systematic basis as to who enters DDR and who leaves, nor is there transparency in decision-making processes.” While respect for national ownership of DDR predicated UN assistance on host state primacy in case management, the absence of the UN from screening processes and case-management systems leaves UN DDR support vulnerable to manipulation and abuse for local political, patronage, intelligence, and even military purposes.

We must be cautious, therefore, about taking ‘national ownership’ for granted in DDR programming. As Felbab-Brown’s chapter on Somalia makes clear, the fractious nature of post-conflict political settlements is likely to complicate the operationalization of the concept of ‘national ownership,’ making DDR a political football. This has always been the case: but in the ‘classical’ model of DDR, the associated risks were reduced by the expectation that a formal peace accord was already in place. Under contemporary conditions, that is not the case. This raises the risk that DDR support will be manipulated for domestic political and patronage purposes, and complicates the task of principled engagement necessary to improve programming. In Somalia, for example, the detention facility in Kismaayo is not a DDR facility, but the efforts of local authorities to access resources and legitimacy under the colour of ‘DDR programming’ risks instrumentalising the DDR concept. Felbab-Brown concludes that other regional authorities, for example in Puntland, are likely to similarly seek to engage with the UN DDR machinery to “transform prison programmes” into DDR programmes.

FIGHTING FOR DDR

One of the reasons these challenges have perpetuated across generations of DDR is due to the lack of political will to champion DDR. In many ways this



A FORMER FDLR MEMBER AWAITS REPATRIATION TO RWANDA FROM CONGO. AFP, BY GETTY IMAGES/WALTER ASTRADA

is understandable: it is hard to prove counterfactuals, and while it may be reasonable to believe that the likelihood of conflict relapse would increase absent DDR programming, demonstrating that to be the case is no easy task. There is to date only limited empirical evidence to demonstrate that DDR programming achieves its direct goal of reintegration, or its indirect goal of fostering peace and preventing conflict relapse. Moreover, DDR also suffers from a public relations challenge: it is difficult to get donors excited about funding programming for ex-combatants – not always the most politically sympathetic group, notwithstanding their own conflict traumas – and on the basis of a counter-factual argument that things would be even worse if such programming were not undertaken. Without significant interest in, or ownership over, DDR programming, many of the challenges and risks outlined in this collection may grow.

If the UN is to continue to engage in DDR programming and support in today's – and tomorrow's – complex conflict environment, serious reflection is required for addressing how DDR can be made Fit for Purpose. A Business as Usual approach leaves the risks identified herein unaddressed. We believe DDR is worth fighting for, and adapting to today's conflict environment. We hope that this collection will provide a first step towards a much-needed debate amongst Member States, UN entities, and partners about the future of demobilizing and disengaging combatants in on-going conflicts characterized by violent extremism.



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