

Review of Peacebuilding Studies (RPS)

Editor: Dr. Hideaki Shinoda, Dr. Yuji Uesugi,
Dr. Madoka Futamura, Dr. Tetsuro Iji,
Dr. Yoshiaki Furuzawa

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For the Purpose of Peacebuilding: Integrating Human Rights Based Approach into Development of Governance. How can Governance Assistance be more Effective?

Hiroko Oda

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*“We will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights.
UN Secretary-General Kofi Annan, 2005²*

1 Introduction

There have been numerous papers on governance and on human rights, but few on both topics. The link between governance and human rights has been barely explored³. This paper looks at the link between governance and human rights. How do human rights norms contribute to development of democratic governance? The Human Rights Based Approach (HRBA) is an example of how human rights norms are incorporated into assisting the development of governance.

This short writing will explore how HRBA is used in areas of development of governance through examples of practical experiences of international organisations. First, it will explore the concepts of governance. Second, it introduces HRBA. Third, it explains challenges in assistance to governance. Fourth, it illustrates governance assistance that incorporates HRBA using UNDP practices. It then examines how HRBA can bring a better result in assistance to governance. Finally, it will show good practices of assistance to governance that applies HRBA. This paper particularly looks at practice of “participation of the citizens,” among other practices embraced in HRBA.

2 Human Rights Based Approach

The United Nations Statement of Common Understanding on Human Rights-Based Approaches to Development Cooperation and Programming (the Common Understanding) was adopted by the United Nations Development Group (UNDG) in 2003. It was an outcome of an effort to have a unified approach in incorporating human rights norms in operations in the UN system, which include UN agencies, programmes and funds. This initiative was based on efforts stated in *Renewing the United Nations: A Programme for Reform 1995⁴*, which aims to restructure the UN system.

The Common Understanding⁵ states;

¹ Please note that this writing is an independent work of the author and any communications related to this article should be directed to the author.

² UN Secretary-General, *In Larger Freedom Towards Development, Security, and Human Rights for All*, New York, NY 2005. <http://www.un.org/largerfreedom/contents.htm>

³ Kaufmann asserts this statement in Kauffman, Daniel, *Human Rights, Governance and Development An Empirical Perspective, Special Report of Development Outreach*, World Bank, (Washington D.C.: 2004) P.16. Kaufmann claims that this is because of the paucity of measurement in the human rights field.

⁴ *Renewing the United Nations: A Programme for Reform*; Report of the Secretary General, (A/51/1950)”, July 14, 1997

⁵ An excerpt from *The United Nations Statement of Common Understanding on Human Rights-Based Approaches to Development Cooperation and Programming*, http://www.undg.org/archive_docs/6959-The_Human_Rights_Based_Approach_to_Development_Cooperation_Towards_a_Common_Understanding_among_UN.pdf

1. All programmes of development co-operation, policies and technical assistance should further the realisation of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments.
2. Human rights standards contained in, and principles derived from, the Universal Declaration of Human Rights and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process.
3. Development cooperation contributes to the development of the capacities of 'duty-bearers' to meet their obligations and/or of 'rights-holders' to claim their rights.

Because the Common Understanding incorporates the Universal Declaration of Human Rights, it includes wide-ranging and cross-cutting issues. This short writing looks at how the Common Understanding contributes to work for development of governance.

Participation of the citizens is one of the key values in the Common Understanding. Participation of citizens includes women and the poor who may be beneficiaries of assistance.

3 Governance

The term "governance" may sound vague in meaning to many people. The definition of the term varies according to organisations and individuals.

Oxford Advanced Learner's Dictionary defines that "the activity of governing a country: the way in which a country is governed."⁶ World Bank defines governance as "exercise of authority, control, management, power of government" and further "the manner in which power is exercised in the management of a country's economic and social resources for development"⁷. On the other hand, United Nations Development Programme (UNDP) defines "governance as the exercise of political, economic and administrative authority in the management of a country's affairs at all levels."⁸

For the sake of this paper, in short, governance can be defined as management of governmental practices.

4 Needs for development of governance

Support in developing democratic governance is needed in newly created countries and countries where there is an opportunity to improve governance. New countries generally face numerous challenges in establishing and strengthening their own government. War-torn countries and countries that have suffered from dictatorship, stagnant economic development, etc. need to rebuild their government. In such cases, the need for support is severe. The World Bank and UNDP are prominent international organisations that provide assistance to governance world-wide. Assistance to governance is one of their key programmes⁹.

⁶ Oxford Advanced Learner's Dictionary 7th edition 2005

⁷ World Bank, *Managing Development-The Governance Division*, World Bank, Washington D.C., 1991) p.i

⁸ UNDP Policy document P.6, (1997) <http://www.pogar.org/publications/other/undp/governance/undppolicydoc97-e.pdf>

⁹ It can be said that among others, World Bank and UNDP are major development organisations that work in the field of governance.

For example, UNDP promotes democratic governance in more than 130 countries¹⁰. They operate at the request of governments and work in partnership with national institutions in various governance areas.

The World Bank Group and the World Bank are working to support governance by providing support and policy and institutional advice to countries in their formulation of action programs. Their supports cover 212 countries and territories¹¹.

Development of governance is very important. Poor governance creates issues that severely affect people's life and dignity. The World Bank gives examples of such problems: torture, disappearances, unjustifiable imprisonment, marginalization of women, poor government accountability.¹²

Corruption is another example of poor governance. "Governments may be honest but inefficient because no one has an incentive to work productively, [...] Bribery might induce the lazy to work hard and permit those not in the inner circle of cronies to obtain benefits.¹³" Corruption brings about dysfunctional governments, and dysfunctional governments enhance corruption.

These problems caused by dysfunctional governance largely result in neglecting or violating human rights. The marginalized are more marginalized because of the fact that they are not able to pay bribes to their corrupted government for public services. Kaufmann asserts the linkages between poor governance and poor human rights records. Where there is the prevalence of corruption in a country, there is an absence of political and civil rights¹⁴. A poor government does not, in many cases, have motivation and capacity to manage the administration which would provide protection of rights of citizens. Governmental staff does whatever they want to do to seek their personal interests rather than endeavour to provide services to the citizens. In the end that creates human rights problems such as neglect and torture. Kaufmann furthermore claims that "we suggest that governance is a central mediating link between political/civil rights issues and socio-economic/ development issues..."¹⁵

This proves that governance which embraces human rights norms is essential to build a government that provides a good condition in which people enjoy their rights. Then how can governance be developed in light of human rights? How can the Common Understanding be included in formulation and implementation of programmes and projects that strengthen governance?

5 Challenges in assistance to governance

This section shows a general observation to assistance work in governance. How are governance programmes and projects implemented in reality? Are they going as well as they are aimed? The answer is probably "no" to a number of projects. Project implementation generally faces challenges

¹⁰ UNDP homepage http://www.undp.org/governance/about_us.shtml

¹¹ World Bank governance and anti-corruption homepage at (<http://web.worldbank.org/WBSITE/EXTERNAL/WBI/EXTWBI/GOVANTCOR/0,,menuPK:1740542~pagePK:64168427~piPK:64168435~theSitePK:1740530,00.html>)

¹² Kauffman, Daniel, *Human Rights, Governance and Development An Empirical Perspective*, Special Report of Development Outreach, World Bank, (Washington D.C.: 2004) P.16

¹³ Rose-Ackerman, Susan, *The Challenge of Poor Governance and Corruption, Copenhagen Consensus Challenge Paper, Copenhagen Consensus 2004* (Copenhagen: 2004)

¹⁴ Kaufmann Daniel, *Human Rights, Governance, and Development An Empirical Perspective Special Report, Development Outreach World Bank Institute 2006* P.19

¹⁵ Kaufmann Daniel, *Human Rights, Governance, and Development An Empirical Perspective Special Report, Development Outreach World Bank Institute 2006* P.15

that are not expected during the planning period. As a result that affects negatively on outcomes of projects.

Challenges vary significantly depending on projects, location where projects are implemented, beneficiaries and implementing bodies. Governance programmes and projects largely depend on cooperation from government bodies, as they are the targets of the projects. In some cases, government partners lack motivation to improve their work in governance or do not have enough capacity to work together with projects of international organizations. Thus project staff who implement projects in corporation with government partners are not able to receive support in project implementation from government partners. Government partners may lack motivation because objectives of the project do not coincide with interests of the nation, or they do not agree with how the project is executed. It could happen that capacity of government officials—who are beneficiaries—is discovered to be lower than initially estimated and the design of projects no longer suits the government officials. External disturbances like political uprisings may happen, and the project might become unable to run anymore or have to be postponed until the situation allows¹⁶.

Are there ways those challenges could be tackled and risks reduced to achieve expected goals? One suggestion is to use principles of HRBA, which is articulated in the Common Understanding.

6 How can we incorporate Human Rights Based Approach into practice of government? –Case of UNDP¹⁷.

This writing takes an example of UNDP to show how the Common Understanding is embraced in assistance for governance in international organisations. This is because UNDP publicly shows that it adheres to human rights standards in programme¹⁸ and its governance assistance policy explicitly contains essences of the Common Understanding¹⁹.

Policy

The first example is UNDP's practice. This is an example because its efforts toward reinforcing democratic governance²⁰ embrace elements of human rights promotion. It can be said that UNDP adopts the concepts of the Common Understanding in their programme policy. There are four main areas that UNDP supports to develop democratic governance in their democratic governance programme²¹. The words that are emphasized show the essence of the Common Understanding.

¹⁶ These examples are taken from project documents of UNDP Democratic Governance Programme, Decentralization and Local Governance Project of Angola Country Office (available at <http://mirror.undp.org/angola/LinkRtf/DLG-Phase2.pdf>) and UNDP Timor-Leste Democratic Governance Programme, Strengthening Parliamentary Democracy Project (available at <http://www.tl.undp.org/undp/what%20we%20do/Democratic%20Governance/Parliament/Parliament%202010.pdf>) as well as my observation in the field.

¹⁷ World Bank similarly works in a wide ranging field of governance in the world as stated above; however this essay specifically concentrates on the example of UNDP.

¹⁸ UNDP is "mainstreaming human rights". More details can be found in

(http://www.beta.undp.org/undp/en/home/ourwork/environmentandenergy/focus_areas/water_and_ocean_governance/human-rights-based-approaches.html)

¹⁹ As Hamm states that UNDP is a prominent organisation in applying HRBA. See Hamm Brigitte I, *Human Rights Based Approach to Development*, 23 Human Rights Quarterly 1005-1031 (2001) Vol.4

²⁰ It could be asserted that those governance practices that embraces HRBA are democratic governance. This idea is supported by UNDP's execution of democratic governance programme.

²¹ Ibid. http://www.undp.org/governance/about_us.shtml [Emphasis added.]

- Expanding people's opportunities to **participate** in political decision-making, particularly those of **women and the poor**
- Making democratic institutions more **accountable** and responsive to citizens, supporting national parliaments, public administrations and rule of law
- Promoting the principles of democratic governance — in particular, anti-corruption, **human rights, women's empowerment and equal opportunity**
- Supporting country-led democratic governance assessments that help countries to assess their needs, monitor their progress and achieve their goals

UNDP further states that “[w]orld leaders at the Millennium Summit²² called on the international community to spare no effort to promote democracy and strengthen the rule of law, as well as respect for all internationally recognized human rights and fundamental freedoms, including the right to development.” This is the challenge and promise of UNDP’s programme in democratic governance.²³

Programme and projects

How does UNDP in reality put these concepts into practice? UNDP carries out projects in a mixture of themes. Themes that projects work on are, for example, parliamentary development, anti-corruption, local governance, women’s empowerment, decentralization and income generation of villagers through reinforcing local governance²⁴.

With these themes, a series of activities is conducted. Capacity development is strengthened by assisting government officials in job efficiency, training on use of new tools and methods, road rehabilitation, promoting cooperatives of farmers training, training of teachers and waste management. Capacity development covers a wide range of issues from human rights awareness to local government management. Through these activities, UNDP aims to strengthen the capacities of national actors, both state and non-state actors²⁵. UNDP also conducts research and assessments in the area of democratic governance. It believes that the way to truly benefit people and to be in conformity of the universal human rights norms is the people-centered way, where voices of common people are treated highly when conducting such research and assessment. UNDP called its strategy “people-centred development”, which is in line with the Common Understanding²⁶.

UNDP project cases

This section covers some UNDP projects in different backgrounds.

²² It was held from 6 to 8 September 2000 in New York by the General Assembly under Security Council Resolutions 53/239 of 8 June 1999, 54/254 of 15 March 2000 and 54/261 of 10 May 2000. It discussed the theme of “[t]he role of the United Nations in the twenty-first century”.

²³ Ibid. http://www.undp.org/governance/about_us.shtml

UNDP further states that its programme is anchored in a rights-based approach. In *Capacity Development for Assessing Democratic Governance : A UNDP Global Programme*, OECD Journal on Development, Volume 9, Issue 2, 2008, p.223

²⁴ UNDP Oslo Governance Centre webpage at (<http://www.undp.org/governance/oslocentre.shtml>)

²⁵ *Capacity Development for Assessing Democratic Governance : A UNDP Global Programme*, OECD Journal on Development, Volume 9, Issue 2, 2008, p.223

²⁶ More details on “UNDP People-centred development” can be found at

(<http://www.beta.undp.org/undp/en/home/ourwork/democraticgovernance/successstories/local-governance-rwanda.html>)

In Mongolia²⁷, UNDP conducted a democratic governance assessment in support of the Government of Mongolia. The assessment was a highly participatory one and received extensive support of technical knowledge from international experts. Although the assessment was a UNDP project, the Government of Mongolia played a significant role in the process and a significantly large number of civilians from different communities participate in the assessment²⁸.

In Kosovo²⁹, Parliamentary Development for Social Policies project is being executed. This project aims to improve parliamentary capacities for policy planning, policy implementation and administration at central and local levels for effective and gender-responsive governance. Various trainings and on the job trainings are conducted and target government officials, women's groups and

civil societies. This includes building partnerships among government departments and civil societies, advisory assistance to the government departments, among other projects³⁰.

The establishment of Rwanda Peace Academy project in Rwanda has been cooperating with existing local institutions such as Gacaca and Ingado to address post-conflict transitional justice, reconciliation and grassroots mediation of local conflicts, which all strengthen the peace building process. The work is at the grass root level, and involves people in the local communities through working with local institutions. The project itself is managed by local staff with supervision from UNDP³¹.

The above mentioned projects incorporate ideas of the Common Understanding, such as people's participation in decision-making, including women's empowerment and participation.

7 How can Human Rights Based Approach overcome challenges in assistance to governance?

This section looks at how HRBA can improve assistance to development of governance.

Participation

UNDP defines participation in HRBA as “[e]very person and all people are entitled to active, free and meaningful participation in, contribution to, and enjoyment of civil economic, social and political development in which human rights and fundamental freedom can be realized.”³² Participation of all stakeholders, for example, government officials, the citizens and civil society organizations, is crucial. From the project planning period to the completion of project, including the project evaluation, the voice of government officials and citizens must be heard and paid respect. True needs of the beneficiaries and their potential for development can be correctly measured in a project designing stage. Listening to beneficiaries would keep the projects running on

²⁷ Mongolia had had a socialist government until 1992 when a new constitution, which brought ideas of democracy and market economy to the country, was introduced. The transition to market economy and democracy was not smooth and the country suffered the high rate of poverty and crime.

²⁸ *Capacity Development for Assessing Democratic Governance: A UNDP Global Programme*, OECD Journal on Development, Volume 9, Issue 2, 2008, p.226-7

²⁹ Kosovo was a region of the Former Republic of Yugoslavia, which suffered from the suppressive regime by the President Slobodan Milošević and Kosovo war in 1999.

³⁰ More details can be found in Project Document of Parliamentary Development for Social Policies, available at UNDP Kosovo Democratic Governance webpage at <http://www.ks.undp.org/?cid=2,100&sq=democratic+governance>

³¹ More information of the project is available at (<http://www.undp.org/rw/Democratic-project63145.html>).

³² UNDP, *Applying a Human Rights-Based Approach to Development Cooperation and Programme A UNDP Capacity-Development Resource* 2006, -18

the right track. Many of risks that affect programmes and projects would be prevented through this participatory approach. For example, training programmes might be designed in a way that is not suitable to beneficiaries if they are not participated in training planning. If they had a chance to give their views and requests in the planning, the training would be suitable to their needs as they are the ones who designed it³³.

In cases of external risks—such as political unrest that are out of hands of the project—the solutions might be hard to find. In some cases, these external challenges might not be able to be avoided. However if the beneficiaries are included in all stages of the project management and the project takes account of voices of the citizens, such external risks might be predicted in advance because local people see omens of such risks and suggest project implementers appropriate counter-measures or alternatives.

Proper baseline studies and monitoring

This closely relates to participation of stakeholders, which is described above.

The initial studies have to be conducted properly. That brings significant differences to a programme and project management cycle, comparing to programme and projects without proper baseline studies. Baseline studies and monitoring of projects that beneficiaries and all relevant stakeholders participate would bring true pictures of needs in the local communities and how the projects are going in line with their plan. Conducting such studies and monitoring ensure to achieve expected goals. The studies could be conducted over issues such as political participation of the people, capacities of government officials, control of corruption and accountability. Indicators should be set with consideration of the context and goals of the programmes and projects should achieve.³⁴

Outcomes of governance programmes and projects are to achieve human rights goals. For example, economic empowerment of women and marginalized indigenous people, and improved access to justice sectors have to be direct or indirect goals of improved governance. It is not limited to these examples, but there are countless human rights centered governance programmes and projects outcomes that can be expected as indicated in the Common Understanding.³⁵

Accountability

Accountability also relates to participation of stakeholders.

Progress and outcome of governance assistance need to be known by the beneficiaries who are citizens and government officials. Programme or project implementers should regularly disclose the updates to the public. With proper information, beneficiaries become more aware of what assistance they are receiving and possible outcomes. Capacity development trainings are one the main ways international

³³ Gaventa supports this argument by stating that participation is a way to realise a fulfilling life in Gaventa, John, *Introduction: Exploring Citizenship, Participation and Accountability*, IDS Bulletin, Vol. 33, No.2, 2002, p.2-3

³⁴ References of governance indicators are introduced in various publications. This writing refers to *A decade of Measuring the Quality of Governance: Governance Matters 2006 Worldwide Governance Indicators*, World Bank Institute (Washington D.C. 2006)

³⁵ The Common Understanding states that The Universal Declaration of Human Rights and other key international human rights laws guide all development cooperation. These include a range of themes such as civil rights, cultural rights, child rights, women rights and others.

organizations provide assistance³⁶ in governance support. Thus motivation of beneficiaries would likely be kept high when they know what progress they have made and what outcomes they are likely to gain. If all the related citizens and stakeholders participated in project processes, accountability could be naturally brought about because information is shared with them while they participate in all stages of project processes.

8 Example of good practice

This section looks at good practices of governance assistance projects that incorporate the Common Understanding. It looks at both UNDP and World Bank's examples.

UNDP Mongolia's case

The outcome of the above-mentioned democratic governance assessment achieved positive results. The highly participatory assessment contributed towards consolidation of democracy and developing a culture of evidence-based decision-making. National consultancies and local media have become very effective in raising public awareness on governance issues³⁷. This assessment had brought motivation to support those participated in democracy and governance in their country because they felt that they were part of the process of democratisation and governance issues became more transparent to them.

UNDP Lao People's Democratic Republic³⁸'s case

UNDP Laos office has conducted a Governance and Public Administration Reform project, which has part in constructing roads that ease access of villagers to markets as well as public services that the government provides. The request to construct the roads was made by the population living in a target area through voting, which individuals in the area had one vote. At the implementation phase of the project, the implementation and financial control were conducted by the local government. Through such activities, local people were involved in all processes of the project cycle. The roads were used now as the necessary infrastructure of the area by the local people. A representative of the area says that "the easily accessible services have encouraged business growth and entrepreneurial activities here."³⁹

World Bank Bolivia⁴⁰'s case

World Bank Institute shows an example of a successful governance project outcome. This case highlights the aspect of participation in the Common Understanding. The report asserts participation of all stakeholders in governance is an important element for good governance, which better protect

³⁶ This is my observation from looking at organizations that work in development projects world-wide.

³⁷ Capacity Development for Assessing Democratic Governance: A UNDP Global Programme, OECD Journal on Development Volume 9 Issue 2, 2008, p.226-7

³⁸ Lao People's Democratic Republic was under a Socialist regime until 1975. It suffered in the Vietnam War and a civil war.

³⁹ UNDP Democratic Governance homepage

(<http://www.beta.undp.org/undp/en/home/ourwork/democraticgovernance/successstories/lao-pdr-local-governance-new-roads-gpar.html>) More information can be found at UNDP Laos PDR homepage at (<http://www.undplao.org/whatwedo/demogov.php>)

⁴⁰ Bolivia had a military regime that created notorious human rights abuses in 1970s.

various rights, such as civil and economic rights, of the people. “Patronage, ‘clientelism’, corruption and political capture had played an important role in shaping institutional framework under which many public institutions operate. And for improving the effectiveness and integrity in public agencies in Bolivia, we found citizens’ voice is more important than traditional public sector management measures.”⁴¹ This case clearly shows the importance of citizens and beneficiaries in governance projects, and how successful the projects could be through participation of all stakeholders.

In addition to the above cases, various types of projects such as election assistance, discussion meetings for awareness rising and justice sector support have been conducted by UNDP in line with the Common Understanding⁴². Participation of stakeholders in all phases of development assistance is a key to develop efficient governance. Isham, Kaufmann and Pritchett assert that “citizen’s voice is an important precondition for government accountability and, not coincidentally, that voice is suppressed in the absence of civil rights.⁴³” Absence of it would result in failure of meeting goals of assistance and which would in turn bring oppression of civil and political rights. That would harm the economic development of the country. Isham, Kaufmann and Pritchett further argue that “suppressing liberties is likely to be inimical to government performance. This has obvious implications not just for government but also development assistance.”⁴⁴

UNDP further claims that “[t]he application of the human rights-based approach also favourably influences the development of programming which prioritizes the needs of the poor, marginalized and vulnerable groups.”⁴⁵

9 Conclusion

This short writing examined the application of HRBA in support of building and developing governance in particular the practice of participation of stakeholders in all phases of programme and project processes. HRBA indeed brings added values to governance building and development. Challenges happen throughout the course of assistance; however this writing suggests that HRBA is useful to overcome the challenges. From the designing phases of programmes and projects to the evaluation of them after their completion, HRBA should be referred to, which allows one to find different approaches and themes of solutions to unexpected challenges. This way will certainly make strong and sustainable governance, where human rights of the citizens are protected.

⁴¹ Kaufmann, Daniel, *Human Rights, Governance and Development An Empirical Perspective Special Report Development Outreach*, World Bank Institute 2006 P.19

⁴² UNDP, Human Rights for Development News Brief Vol.1 2009 available at (<http://practices.undp.org/pcb/index.cfm?prac=121515&tab=121658&doc=&src=121658>)

⁴³ Isham, Jonathan, Kaufmann Daniel, and Pritchett Lant H, Civil Liberties, Democracy and the Performance of Government Projects, in *The World Bank Economic Review*, VOL II, No. 2, 1997, p.219- 240, p. 234-235

⁴⁴ Isham, Jonathan, Kaufmann Daniel, and Pritchett Lant H, Civil Liberties, Democracy and the Performance of Government Projects, in *The World Bank Economic Review*, VOL II, No. 2, 1997, p.219- 240, p. 234-235

⁴⁵ UNDP, *Applying a Human Rights-Based Approach to Development Cooperation and Programme A UNDP Capacity-Development Resource* 2006, p.8

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<http://www.pogar.org/publications/other/undp/governance/undppolicydoc97-e.pdf>
Security Council Resolutions 53/239 of 8 June 1999
Security Council Resolution 54/254 of 15 March 2000
Security Council Resolution 54/261 of 10 May 2000

Online resources

United Nations Development Programme homepage
(http://www.undp.org/governance/about_us.shtml)

United Nations Development Programme Angola Country Office Democratic Governance Programme, Decentralization and Local Governance Project homepage
(<http://mirror.undp.org/angola/LinkRtf/DLG-Phase2.pdf>)

United Nations Development Programme Kosovo Country Office Democratic Governance homepage
([http://www.ks.undp.org/?cid=2,100&sqr=democratic governance](http://www.ks.undp.org/?cid=2,100&sqr=democratic%20governance))

United Nations Development Programme Laos People's Democratic Republic Country Office, Democratic Governance homepage (<http://www.undplao.org/whatwedo/demogov.php>)

United Nations Development Programme Oslo Governance Centre
(http://www.undp.org/governance/about_us.shtml)

United Nations Development Programme Timor-Leste Democratic Governance Programme, Strengthening Parliamentary Democracy Project homepage
(<http://www.tl.undp.org/undp/what%20we%20do/Democratic%20Governance/Parliament/Parliament%202010.pdf>)

World Bank governance and anti-corruption homepage at
(<http://web.worldbank.org/WBSITE/EXTERNAL/WBI/EXTWBIGOVANTCOR/0,,menuPK:1740542~pagePK:64168427~piPK:64168435~theSitePK:1740530,00.html>)

Youth Employment in Timor-Leste

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1. Introduction

In the newest draft of “the United Nations Integrated Strategic Framework For Timor-Leste 1 January, 2011-31 December, 2012 (ISF)”, there is a statement; “Significantly, the overwhelmingly young population is expected to double within 15 years¹ –posing a potential security threat in light of the already high levels of unemployment among youth”. Moreover, in Security Council 6487th meeting on 24 February, 2011, one of the newest mandates of UNMIT was resolved that “Encourages the Government of Timor-Leste to strengthen peace building perspectives in such areas as employment and empowerment, especially focusing on rural areas and youth, as well as local socio-economic development in particular in the agriculture sector”. Thus, youth employment issue has become one of the most essential points to develop a country in line with placing right truck in transition period of Timor-Leste. As stated in above mentioned, this issue became quite a critical issue for this country, however, it seems that the issue does not place on the right truck, and no significant out-put comes out yet.

According to “National Youth Employment Action Plan (NYEAP) 2009”, in Timor-Leste, almost 30% of the population are in the age cohort of 15-29 years old, with an unemployment rate of over 20% among youth in rural areas and 43% among urban youth². Given the structure of the population which is dominated mainly by young age, it is estimated that some 15,000 to 20,000 youths enter the labour market each year as job seekers, which far outstrips the number of jobs created³. Out-of-school and unemployed youth are at a much greater risk of behaviour that may be harmful to themselves and communities, including crime, gang activities, social unrest, adolescent pregnancy, risky sexual relationships, and drug and alcohol use.

This report aims at 1) identifying the current critical situation of youth un/employment, referring to the results of “Timor-Leste Labour Force Survey 2010” (LFS/2010), and data rendered by ILO in August 2010. 2) extracting the problems embedded in the current youth employment policy of the Government of Timor-Leste as well as in UN policy appearing as one of the key issues of “United Nations Development Assistance Frameworks UNDAF, 2009-2013”.⁴

2. Key Findings

- The 15,000 – 20,000 youths annually go out to the local market in the current situation, however, the market capacity is too small to absorb such a number of youths. Lack of opportunities causes the unemployment of youth population.
- Since the Youth Employment Promotion Program (YEP) began in 2007, a total of 10,096 jobs and training seekers had been registered (including 52.1% women and 72.7% youth). The trainees have received counselling from the Employment and Career Guidance Centres (CEOPs).

¹ See page 3 of ISF

² See page 4 of “National Youth Employment Action Plan (NYEAP) 2009”.

³ Ditto

⁴ See pages 12 and 17 of UNDAF

In cumulative terms, 617 jobseekers placed in wage employment in December 2010 with 21.1% women, and 71% youth. This impact is too small to absorb the youth unemployment on the ground. The result of LFS/2010 indicates only 13.3% of “Looking for work” people have registered at CEOPs.⁵

- According to LFS/2010, 205,000 (male; 94,000 female; 111,000) out of 262,000; the youth population in the age cohort of 15-29 years old are not “Labour force”. This group includes school students. The number of approximately 97,000 out of 205,000⁶ is registered students in the same cohort. Remaining 108,000 youth population undoubtedly belong neither to be in school, nor to be in “Labour Force” categories. Namely, 41 % of the youth population is not “Labour Force” excluding the registered students, which does not participate the economic activities.
- Market-oriented competency-based vocational training system established by SEFOPE provides a fundamental basis for Timor-Leste to respond to human resources development challenges in UNDAF and National Priorities.⁷ However, the opportunities of permanent employment are still very limited, as the market needs are little.

3. Survey Methodology of Major Reference Data

3.1 LFS/ 2010

Recently an important survey on employment issue was published by Secretary of State for Vocational Training and Employment (SEFOPE). The LFS/2010 is the first ever survey conducted in the country since the restoration of its independence in May 2002. Data collection took place over 1 year beginning from mid-2009 to 2010. Technical assistance was provided by International Labor Organization (ILO). This research was conducted in the same enumeration area (EAS) as the “Timor–Leste Survey of Living Standards 2007” (TLSLS 2007). The EAS were selected using the probability proportional to size (PPS), where the measure of size was the 2004 EA Census count.⁸ The detailed information was collected from approximately 17,000 people aged over 10 in 4,665of households.

The focus of the LFS/2010 was to identify the number of people who have had some work (even “one hour”) during the previous week, including “unpaid” work.⁹ The population less than the age of 14 were excluded from the survey as “Population aged”.¹⁰ And further “Population aged 15+ “ is divided into two categories i.e. “Labor force” and “Inactive”. Namely, this survey does not presume the “Inactive” as “Labor force”. The “Labor force” categories in the survey are composed of “Employed” (including “Vulnerable Employment”) and “Unemployed”.¹¹ Regarding “Vulnerable Employment”, the survey includes it with the category of economic activity as one of the elements in “Employed”. ILO widened the category in 1993 using the United Nations 1993 System of

⁵ See page 60 of LFS/2010

⁶ See “Population in School (Age Levels: 15-29)” - page 9 - in this report

⁷ See pages 18 of UNDAF Results, 45 of Annex A of UNDAF and page 12 of “2009 Government TLDPM Background Paper”

⁸ See page 3 of LFS/2010

⁹ See “Executive Summary” of LFS/2010

¹⁰ See “Executive Summary” and page 15 of LFS/2010; age 0-4: 137,000 people, age 5-9: 173,000 people, age 10-14: 148,000 people, total: 458,000 people or 42.2% over the total population

¹¹ See “Executive Summary” of LFS/2010: “Employed” is composed of “Paid employees” + “Employers + “Vulnerable employment (Own account workers + Contributing family workers)”

National Accounts (SNA).¹² Reasons mentioned in the “Inactive” category include “In School/Training”, “Family Duties” etc.¹³ The number of the “Unemployed” is measured by: (1) without work (2) available work, and (3) looking for work.¹⁴, which is included into the “Labor force” category. In this report, the analysis are focused on the age group between 15 and 29, except cases specified hereinafter.

3.2 ILO Hand-Out

A part of the data in this report is based on information provided by ILO, which represents the number of trainees having participated in various vocational courses organized by jointly with the Secretariat of State for Vocational Training and Employment (SEFOPE) during January–June 2010. The data displays of the number of training seekers, trainees, and job seekers. The number of trainees, job seekers and training seekers indicates the number in the half period of the year 2010, hence the data has neither a complementary relationship, nor is it interconnected to one another in the time series process. In fact the data does not cover all trainees in the whole district areas of Timor-Leste.

4. Survey Findings and Policies Challenged

4.1 LSF/2010

In LFS/2010, the total population aged 15 and above in the survey was 628,000 people. 262,000 people (male: 50.4% female: 49.6%); the number of the youth population (aged 15-29) out of 628,000 are identified with youth population group in this report. Those aged of 0-14 and above 30 years old were not included in the report, although such a portion occupies a larger share in the total population.¹⁵ The following diagram shows the current economic activity of the youth population in the abovementioned age group. As can be seen in the figure below, the “Inactive” population totaled 205,000, which account for 79% of the youth age group.

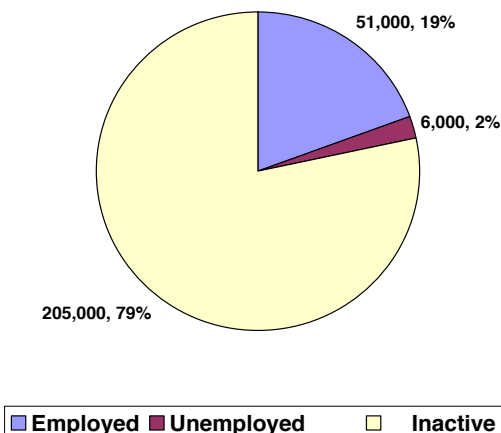
¹² See “Executive Summary” of pages 8 and 9 of LFS/2010

¹³ See page 29 of LFS/2010

¹⁴ See “Executive Summary” and page 59 of LFS/2010

¹⁵ 0-14 years: 458,000 people and 30 years old and above: 365,000 people. (76% of the total population)

Figure 4-1: Activities of Youth Population (Age:15-29)



Abbreviations & Notes: Employed = PLF/Paid Labour Forces (“Paid employees” + “Employers”) + VE/ “Vulnerable employment”(“Own account workers” + “Contributing family workers),

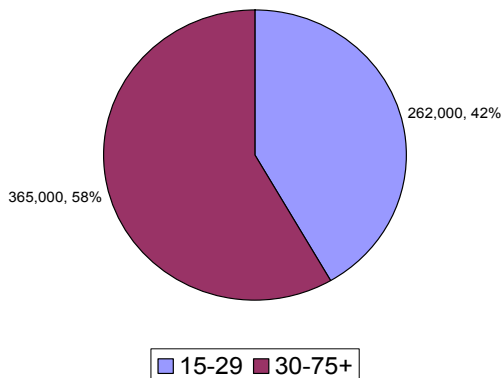
Source: Socio-Economic Unit Database, based on the LFS/2010 (page 63).

“Employed”

In LFS/2010, “Employed” totals 51,000 people (male: 68.6% female: 31.4%), which identifies the inclusion of the production boundary on all production of goods for own consumption. Therefore, activities such as tailoring or making mats for the household count as economic activity for the purpose of the SNA. The diagrams show the balance of between the portion of the youth population and the portion of the “Employed” youth population from the ages of 15 to 29.¹⁶

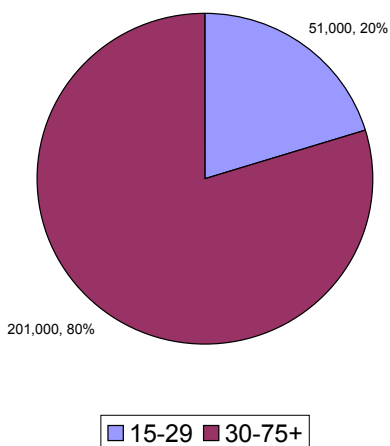
¹⁶ See executive summary and page 63 of LFS/2010

Figure 4-2: Proportion of Youth Population



Source: Socio-Economic Unit Database, based on LFS/2010 (executive summary and page 63)

Figure 4-3: Proportion of Employed Youth Population

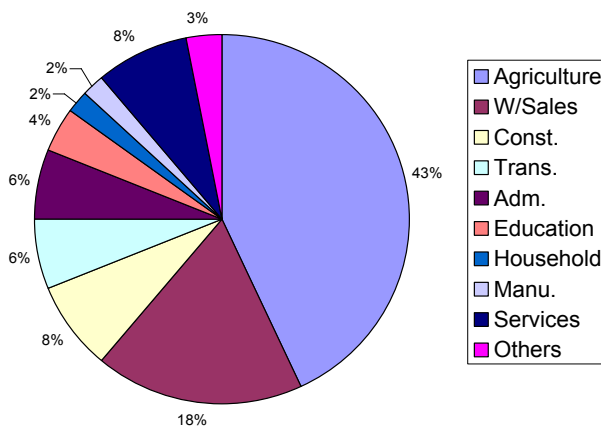


Source: Socio-Economic Unit Data Base, based on LFS/2010 (executive summary and page 63)

The proportion of the youth population is 42% (262,000 people) to the total population among the age of 15 to 75+ (627,000 people). However, the “Employed” population accounts for only 20%¹⁷ of the total “Employed”.¹⁸ The remaining 201,000 people in the youth population are not counted as the category of the “Employed”, but fall under the category of both the “Unemployed” and the “Inactive” population. The magnitude of the “Inactive” population between the ages of 15 and 29, is significant, while the youth “Unemployed” was identified no more than 6,000 people.

As for the “Employed” youth, the survey shows that 43% of them are engaged in “Agriculture”. and 18% are engaged in “Wholesales and retail trade” sectors. However, those who are the “Employed” in these two sectors fall mostly under the “Vulnerable employment”. Out of 51,000 employees, 14,000 are working in Dili, while the remaining 37,000 are in the districts.¹⁹ The following diagram shows the distribution of employment by other economic activities.²⁰

Figure 4-4: Youth Employment in Economic Sectors (LFS/2010)



Source: Socio-Economic Unit Database, based on LFS/2010 (page 64, age cohort: 15-29 years old)

¹⁷ Male:26.5%, female: 12.3%, Reference for “Employed” population; compared to the results of “Youth Employment Study 2007, of which database is Census 2004, LFS/2010, showing that the employment ratio over the population in each year has decreased by 20% i.e. 32% (55,000/171,000) to 12% (24,000/199,000), in the age cohort 15-24 years old. Source: page 63 of LFS/2010, SEFOPE, Table 3.3d in page 38 of “Youth Employment Study (YES)”, SSVTE, Timor-Leste 2007 and page 41 of “Population Projections for Districts 2004 - 2012” NSD.

¹⁸ 252,000 people, male: 68.7%, female: 31.7%

¹⁹ See page 65 of LFS/2010

²⁰ See page 64 of LFS/2010

“Unemployed”

The survey shows the small number of “Unemployed” people of only 6,000.²¹ The rate of “Unemployed” which may be surprisingly low can be explained as follows: work opportunities are very limited, and potential job seekers may give up after a few days of looking for work that is not available. A similar low rate of unemployment was identified by the World Bank in a study called “Timor-Leste Youth Development and the Labour Market: Summary of Findings and Options”, which was issued on October 13, 2007. The report also noticed that “At face value the total unemployment rate, conventionally measured as those not in work who would like and are looking for work, is low at only 1.6 percent of the labour force”. Furthermore, in the footnote, it is noted that “ This assumption is not an unrealistic one: In a recent ILO/World Bank survey (2007) only 5 percent of youth indicated they wanted to work in the agriculture sector but, when they started work, nearly half of them ended up in this sector.”²² Job seekers use different ways of seeking for a job. In LFS/2010, 28 % ask their “friends etc. for help”, 22 % searched for “adverts/internet”, 20 % “placed, answered a job advert”, and 13 % “Registered at employment centre”. 44 % of the job seekers responded that the period “without work” had continued from “less than 3 months” to “less than 6 months”.²³ It is not clear from the survey whether or not job seekers while waiting for a job became the “Paid employees” or the self-employers, hence, the “Employed” includes the “Vulnerable employment” as mentioned earlier.

“Inactive”

The people “Inactive” in LFS/2010 is identified with people, responding “Negative” answer on a question: “Last week, would you have liked to work if there had been an opportunity to work” and made inquiries such a “Negative” answering people the following questions that:

1. “What was the main reason why you did not want to work last week“ ?
2. “What is the main reason why you would not be available for work within the next 15 days” ?

According to the results of LFS/2010, the “Inactive” population in the age of 10-74 are 513,000 people.²⁴ There are just half a million who are classified as the “Inactive”.²⁵ These are people who are not currently working and are not available for work, which is included many of those in the younger age groups under full-time education. Among this age cohort, 205,000 people are in the age group of 15-29 years old.²⁶

The LFS/2010 provides us with information on the reasons for their inactivity as mentioned in a diagram below. The major reason for “Inactive” is mostly due to “In school/training”²⁷ and “Family duties”.²⁸ These reasons for “Inactive” account for 81% of the total number. The following table shows the dispersion of the “Inactive” people (aged 10-74 years old) and their corresponding reason for being “Inactive”.

²¹ 2.3% of the 262,000 of the “Population aged” 15-29 years old, male:50%, female:50%

²² See page 10 of “ Timor-Leste Youth Development and the Labor Market: Summary of Findings and Options”, World Bank

²³ See pages 60 and 61 of LFS/2010

²⁴ male:41.5%, female: 58.5%

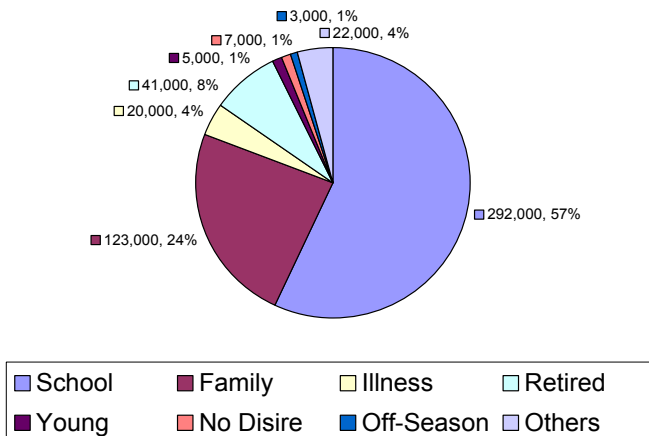
²⁵ 47% of the total population

²⁶ See page 63 of LFS/2010, Urban: 69,000 people Rural: 136,000 people, male; 45.9% female; 54.1%

²⁷ 57% of corresponding reasons, male: 51.7% female: 48.3%

²⁸ 24% of corresponding reasons, male; 11.4% female: 87.8%

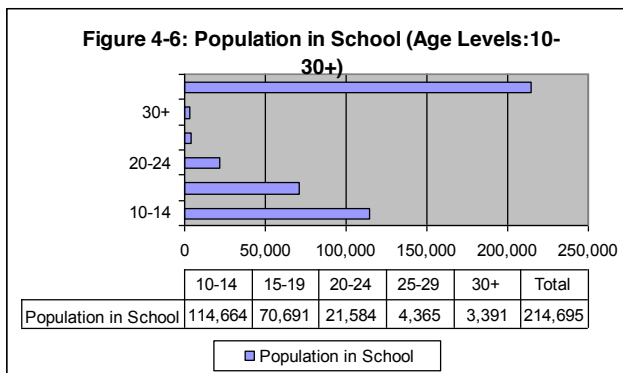
Figure 4-5: The reasons of the Inactive Population (Age: 10-74, LFS/2010)



Source: Socio-Economic Unit Database, based on LFS/2010 (page 29)

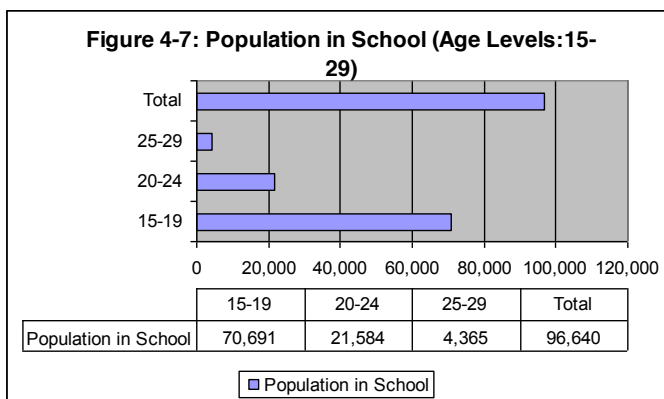
However, since the total number who mentioned the reason of “In school/training” is not correlated with the age category, hence, the number cannot be compared to those aged 15-29 years old group in the data provided by LFS/2010. For example, the data in LFS/2010 shows that 292,000 people of the total “Inactive” population (aged 10-74 years) mentioned the reason of “In school/training”.²⁹ This is somewhat contradictory information can be explained through identification of the actual number of the students in the age level registered in the database of Ministry of Education. Therefore, It should be concluded that the actual number of the students did not fit with the results of LFS/2010. This is shown in the figure below.

²⁹ See pages 28 and 29 of LFS/2010



Source: Socio-Economic Unit Database, based on Timor-Leste Ministry of Education, “Education Management Information System” Database(As of the Start of School Year, 2010), the UNESCO Institute for Statistics (UIS), UIS/E/2009C Page 4 (As of 31, March 2009).

As can be seen, the number of students in the 10-30+ age group is 214,695 based on Ministry of Education’s database. Thus, the number of the population mentioning the reason of “In school”, i.e. 292,000 exceeds the actual number of “In school” reported in LFS/2010. The 214,695 figure is more likely to be the most accurate one even if taking into consideration the possible number included in the ‘training’ group. Therefore, the balance, i.e. approximately 77,000 people would fall in other “Inactive” reasons accordingly.



Source: Socio-Economic Unit Database, based on Timor-Leste Ministry of Education, “Education Management Information System” Database(as of the Start of School Year, 2010), the UNESCO Institute for Statistics (UIS), UIS/E/2009C Page 4 (as of 31, March 2009)

In the age group of 15-29 years old, the population of the “inactive” is 205,000 as shown previously in this report. It constitutes 79% of the population of aged 15-29 years old. As there is no further explanation for this age cohort in the category of “In schooling/training” in LFS/2010, further investigation was done using Ministry of Education’s database. The Database shows that the actual number of the students in the age cohort of 15-29 was 96,640. Therefore, half has other reason/reasons of “In schooling/training”. The difference remains the large number of approximately 108,000. By implication, one could conclude that “Family duties”, “No desire to work”, and “Too young to work”, are the main causes of the “Inactive” among the youth population aged between 15 and 29 years old. Such a remaining figure of 108,000 can then be considered as the precarious figure in the number of reasons for the “Inactive” in the age cohort of 15-29.

4.2 National Priority -Transition of Youth Employment Issues-

In 2008, “Employment and Income Generation” ranked number 4 in “National Priority”. The main challenges in this policy aimed at four strategic targets. i.e. 1. “Providing vulnerable communities in all districts of Timor-Leste with immediate employment opportunities”, 2. “Stimulating economic growth and poverty deduction through the injection of cash in the communities”, 3. “Creating basic conditions to promote and facilitate the sustainable reintegration of IDPs”, and 4. “Building capacities of the communities and institutions for better employment planning”³⁰. The employment issues in youth population were not clearly itemized yet in “the 2008 National Priority Matrix”, and regarding the private sector development, it was noticed that the baseline had relied on the mindsets: “a detailed mapping of business registration procedures began at Ministry of Justice and preparations for a draft land law continued as a priority” in “the 2008 National Priority”.

In 2009, youth employment issue was emphasized by itemizing “Goal” as “Prepare youth to labour market”; one of the three pillars of the “Goals” in National Priority No.3; “Human Resources Development” of “2009 National Priority Matrix”, in order to develop a market-oriented competency-based training system by setting standard and certifying training providers. Other two “Goals” were “Improving quality of basic and technical professional education” and “Ensuring youth participation” on establishing “Youth Parliament”. These three distinct targets were combined into “Human Resources Development”, under the joint leadership of Ministry of Education, Secretary of State for Vocational Training and Employment (SEFOPE) as well as Secretary of State for Youth and Sports.³¹

In 2010, one of the “Goals” in “Human Resources Development”, having been stated the title as “Prepare youth to labour market” was converted into the title of “Increase participation in education, training and initiatives that contribute to community development”. This conversion was likely to follow UNDAF original framework on strengthening community-based natural resources management, labour-intensive works for response to disasters risks, when UNDAF was established.³² However, simultaneously UNDAF has emphasized the importance of youth employment and skills development under National Youth Policy, by making education more vocation-oriented through INDMO.³³

³⁰ See page 2 of “Follow up Meeting on National Program for Early Recovery through Labour Intensive Employment (ERLI) April 24, 2008”

³¹ See page 12 of “2009 the Government Timor-Leste Development Partners Meeting, 2-4 April, 2009”

³² See page 18 of UNDAF

³³ Ditto

4.3 United Nations Development Assistance Framework (UNDAF) 2009-2013

In UNDAF, youth unemployment issue has been taken into account as one of the elements in instability of social cohesion in Timor Leste. In the circumstances natural disasters easily attack to people's livelihood in Timor-Leste, such has caused significant problems in supplying of staple food, such as rice and maize, and this has led to sharply higher unemployment, especially among youth that has triggered social and political issues linked to the 2006 crisis. In "Section II of UNDAF Results", youth population issue is represented in UNDAF outcome 2 as one of the vulnerable groups to improve living conditions in Timor-Leste, emphasizing with Country Programme Outcome 2.3 as "Youth have better employability and access to sustainable gainful employment". Particularly, in the outcomes 2.3.2, UNDAF pointed out "No agriculture training program targeting youth" and "No farm based products by youth in the market" as well as "fewer agribusinesses involved by youth" as "indicators and baselines" in line with food security issue which is a critical issue for Timor-Leste.³⁴

5. Supply of Labour Force to the Market

5.1 The Number of Students Going Out to the Labour Market.

The youth employment issue involves both a supply and demand-side. In Timor-Leste, there are several institutes playing a role for youth to enter the labour market, including the Poly-Technical-Academy Institute, Institute of Technology, Institute of Business, the University and the secondary schools (senior high school level). Regarding the secondary schools, according to UNICEF database, the number of students enrolled in the secondary schools is 26,847 students³⁵ during 2007-2008. In 2010, the number of students in the secondary schools was 31,414³⁶ includes Es-Tech Students 5,306³⁷, which initially started in the same year. Ministry of Education (MOE) has proceeded to clarify the number of students graduated from secondary schools, according to the explanation made by UNICEF. As of the end of September 2010, we did not have any annually-based data yet on how many students have graduated from secondary school.

In high level education (university level) after the secondary schools, according to MOE Data, there are 4 universities and 8 institutes in Timor Leste, accommodating the students totalling to 16,727³⁸ in 2009.³⁹ Data of MOE indicates that students who graduated from higher education levels total 4,925⁴⁰ for the year of 2008/2009. The below profile shows the educational background of the graduated students. Economic Management and Accounting occupies 25% of the total amount. However, half of the university level students of the total number of 4,925 could not get jobs in the market, even after graduating from the higher level of education, according to the explanation of Director of Ministry of Education. The following diagram indicates the number of graduated students from university level education for one year 2008/2009.

Figure 5-1: The Number of Graduated Students from Higher Education

³⁴ See CP Outcomes 2.3, pages 82 and 83 of Annex B:UNDAF

³⁵ Grade 10: 10,481, Grade 11: 6,427, Grade 12: 9,939

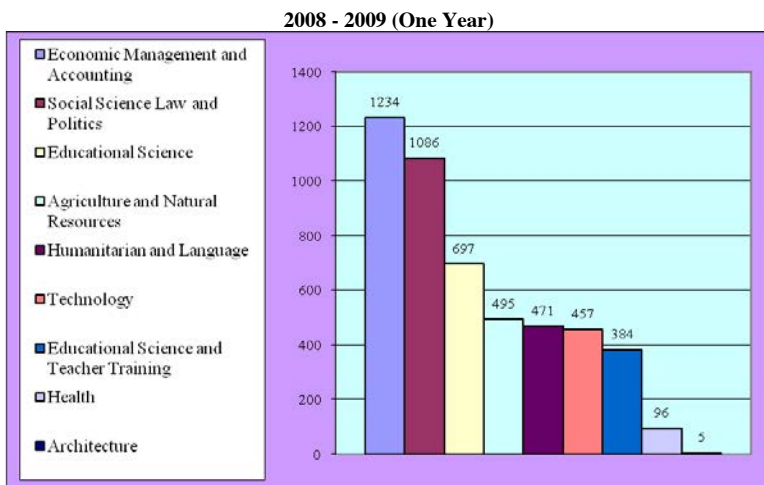
³⁶ male: 16,371 female: 15,043

³⁷ male: 2,979 female: 2,327

³⁸ male: 10,033 female: 6,694

³⁹ National University of Timor-Leste: 9,550 students (male: 5,872 female: 3,678)

⁴⁰ Male: 3,396 Female: 1,529



Source: Socio-Economic Unit Database, based on Department Higher Education of Ministry of Education

As of the end of September 2010, the official announcement of the number of graduated students from secondary school has not been made available yet in Ministry of Education. If dividing the number of students by the number of 3 (3 grades), we could get the number of the graduated students, roughly 10,000 students, and adding up the number of higher graduated students (i.e. 5000 students), reach roughly the number of job seekers which is 15,000 youths who go out to the labour market every year.

5.2 SEFOPE activities and ILO assistance.

The Government of Timor-Leste has acknowledged the importance of youth un/employment, as one of the priorities of the governmental policy. To that end, various measures have been taken by Secretary of State for Vocational Training and Employment (SEFOPE) since its establishment in 2007⁴¹.

For example, in 2008, SEFOPE’s Labour Market Information System announced detailed information concerning the 15,000 unemployed who registered in the Youth Employment Centres of Dili, Baucau, Bobonaro, Ermera and Oecusse. The Government has provided a number of vocational trainings through the SEFOPE as one of the implementation policies through the National Youth Employment Action Plan. The plan was approved by the Council of Ministers in August 2009. The Government has also implemented other vocational training programmes at Senai centre, (i.e. in the area of tourism hospitality, building technology and administration, and through at Tibar centre on construction and agriculture).

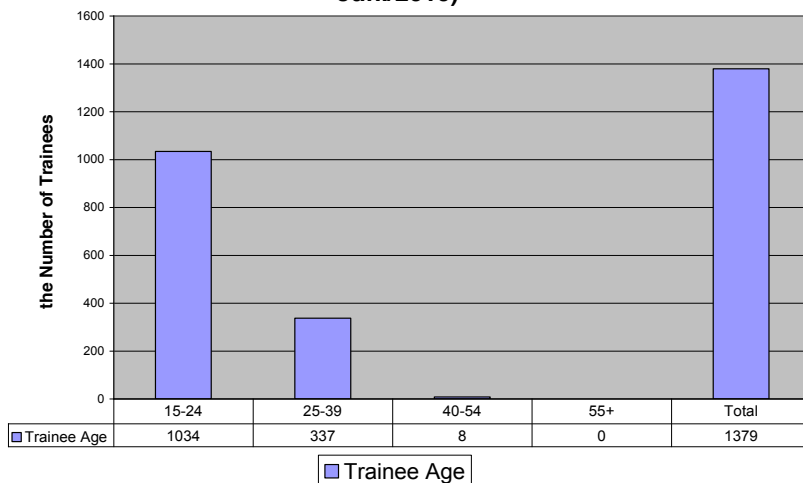
⁴¹ See, Decree-law 07/2007 of September 5, 2007

Furthermore, the Government has also established the National Institute for Manpower Development (INDMO), with the Decree No.8/2008, which was approved by the Council of Ministers on December 5, 2007. The main objective of the INDMO is to define the standards of skills required and establish a vocational training certification system in accordance with national and international standards adopted by SEFOPE. The end result is to produce a higher quality labour force that will be able to meet the demand of various production sectors, and to certify the training centres and/or companies on their performance as skills evaluation centres, as well as to certify the relevant training of trainer providers.

In 2009, SEFOPE also set up so-called Labour Information Centre and sub-committees under such organization, involving 60 members from various industrial fields, such as tourism, administration and financing, construction and education. Representation from the various industrial groups facilitates job seekers in obtaining jobs. This activity has been done in the collaboration with ILO.

According to the current data of ILO up to the 2nd quarter of this year from January to June 2010, the number of job trainings, which has been made by SEFOPE is shown in the profile mentioned below. 75 % of the trainees are in the age of group 15-24.

Figure 5-2: Age Levels trained by SEFOPE (Jan./2010- Jun./2010)



Source: Socio-Economic Unit Database, based on ILO information

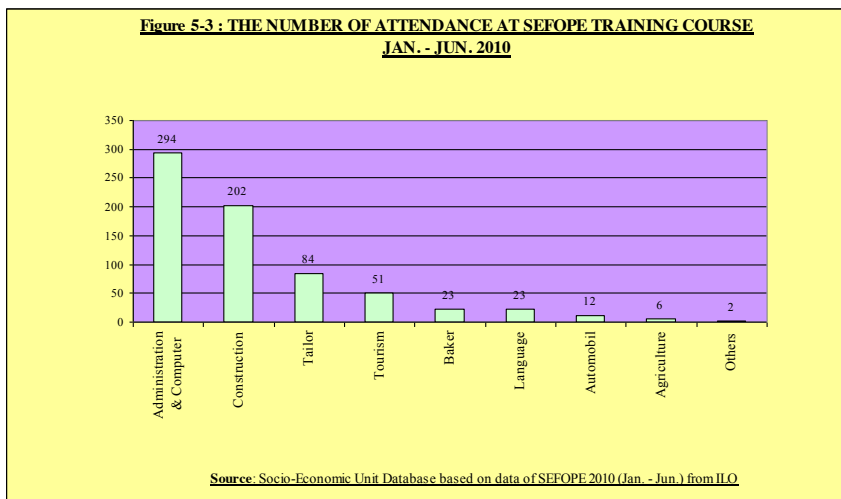
The total number of the trainees was 1,352 out of 1,379 persons⁴² of training seekers⁴³, including the number of those who attended special language course of Korean for the deployment to Korea⁴⁴.

⁴² 15-24 years old: 1,034, 25-39 years old:337

⁴³ male: 885 female: 494

⁴⁴ i.e. 655 persons

The followings are course components of the total number of attendances⁴⁵, excludes those taking the Korean language course.



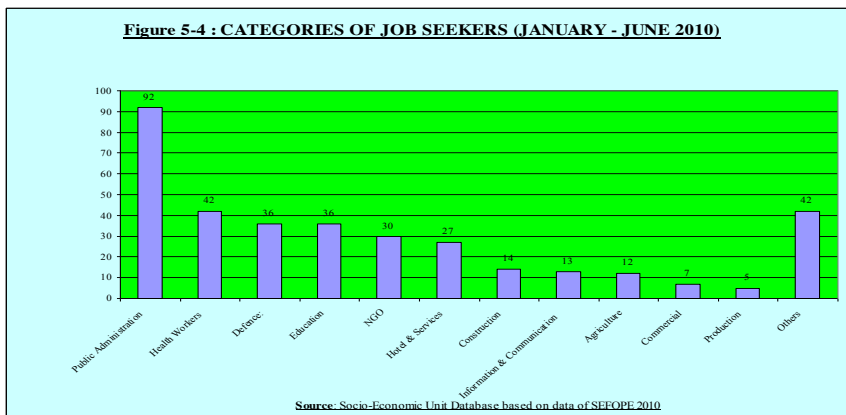
The above profile indicates the trend that the number of the administration training and the “Construction” field being occupied is a lot, notably, participants in the “Administration” and “Computer” training course occupies 42 % of all the participants. This trend is similarly identified with the trend shown in the profile for categories of job seekers, January – June 2010 mentioned below, which accounts for 26 % of the total job seekers in this categories.

Looking at the course relating to “Construction” for trades such as “Carpenters”, Stone-Masons”, and “Electricians”, this accounts for 29 % of the total number of trainees, and “Tourism” occupies 7 % over the same period.

Furthermore, Agriculture”, one of the pillars in Strategic Development Plan (SDP) indicates few numbers in the course. Particularly, the significance is the number in the training course of the construction field shown in the abovementioned profile. Such a remarkable trend is also identified in the profile of 356 total numbers in the following job seeker categories, indicating quite a low.⁴⁶ It seems that there is a gap between the government policy and the real trend of job seekers in young generation. Further clarification needs to examine the out-comes of the trainees from the training course for the construction fields. Regarding “Hotel & Service” in the job seeker profile, it occupies 8 % of the total job-seekers.

⁴⁵ i.e. 697 trainees

⁴⁶ i.e. 3 % of the total number of 356 job seekers



Of all the 447 registered job seekers, 372 graduated from a above professional training school level,⁴⁷ and 75 persons graduated below secondary school, including no educational enrolment.

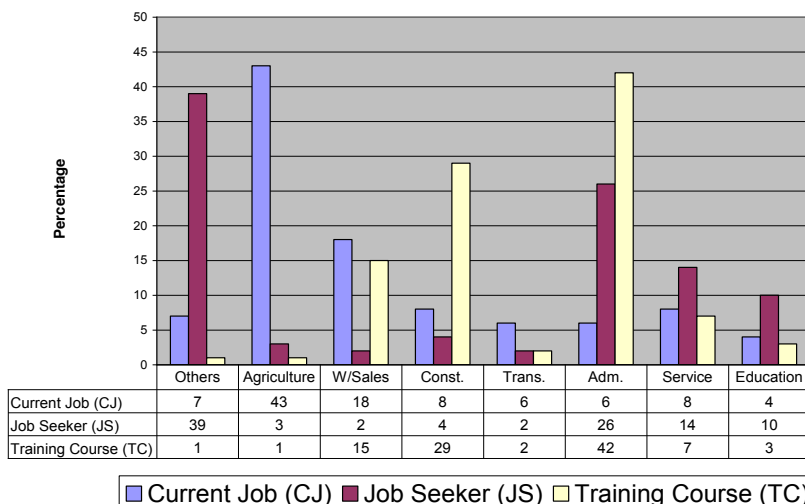
Regarding the results of such job training, according to the data of ILO, the number of people, advising the SEFOPE of their employment results is very few. The job placement of the trainees included 44 people from January to June 2010.

The employment opportunities are still very infantile stages and demand in the market is not created in this country yet, even though some trends are found in the Public Administration. Remarkably, there is little market capacity to absorb youth employment. This trend is caused by the structural issues which is emphasized by a lack of industrialized private sector demand in the country. “The World Bank Urban Employment Survey (UES)” indicates that over 72% of formal enterprises have less than 10 workers. Furthermore, in informal urban enterprises, the vast majority of activities are concentrated in trading firms, where close to 53% of such have only 1 worker. In such a context, it is doubtful that vocational training with the enterprises, which have been encouraged by “the National Youth Employment Action Plan (NYEAP) 2009”⁴⁸ can be maintained.

⁴⁷ university level: 153 persons, high school: 113, professional training school: 106

⁴⁸ Please see page 17 of NYEAP

Figure 5-5 : Sectors Percentage in CJ/JS/TC



Source: Socio-Economic Unit Database, based on LFS/2010 (page 64) and ILO Information

The above profile indicates the unbalanced proportions of each sector in each of the three different categories i.e., Current Job (CJ)⁴⁹, Job Seeker (JS)⁵⁰, and Training Course (TC)⁵¹ also indicated unbalanced situation between supply (JS/TC) and demand side (CJ) on youth employment in the market. The above numbers show the percentages apportioned by each sector in every CJ/JS/TC column. Others means other sectors, which do not include the current Training Course the job seekers who wish to engage in sectors, such as “Health”, “Defence” and “NGO”. Eventually, Job Seeker (JS) in those three sectors categories accounts 30 % out of 39% in the total number over Job Seeker (JS)⁵². Looking at this diagram, it can be seen that the “Agriculture” is a smaller percentage of both Job-Seeker (JS) and Training Course (TC) participants, compared with the Current Job (CJ). On the other hand, “Public Administration” has a remarkably unbalanced trend in youth employment generation, deviating toward Training Course (TC) / Job Seeker (J/S). This unbalanced trend is found as well in the number of the graduated students from university. 79% of students from university graduated from faculties in the humanities⁵³. Regarding “Construction”, it features a shortage of the Job Seeker (JS) category, though many people have attended the course.

Particularly, “Agriculture” sector has a very serious problem. Such trend will become critical moving forward, if the trend of the movement away from agriculture has continued and youth employment

⁴⁹ See diagram of Youth Employment in Economic Sectors (LFS/2010) . (Figure 4-4)

⁵⁰ See diagram of CATEGORIES OF JOBSEEKERS, (JANUARY- JUNE 2010). (Figure 5-4)

⁵¹ See diagram of THE NUMBER OF ATTENDANCE AT SEFOPE TRAINING COURSE JAN. – JUN. 2010. (Figure 5-3)

⁵² i.e. 356 persons: Health: 12%, Defense:10%, NGO:8%

⁵³ See “The Number of Graduated Students from Higher Education 2008 – 2009 (One Year) previously mentioned in this report (Figure 5-1)

generation has moved away from the rural areas. Looking through the abovementioned results, it should be considered that training course in agriculture sector must be made more attractive and including practical programs for youth population to meet the requirement for evolving technologies to increase a yield in agriculture sector. On the other hand, in administration fields, the Government should more provide employment opportunities to youth in public sectors in align with the Government governance policy.

6. Demand of Labour Force and Restrictions

6.1 Strategic Development Plan (SDP)

The UN and the Government have been success under the common understanding to share the frameworks in order to stimulate this youth employment issue. The forthcoming issue would be how to create market in Timor-Leste and how to prioritize a sector in three major sectors⁵⁴ to develop the draft of the SDP in Timor-Leste that has been still in process of the formal announcement. According the draft of SDP, each term of the plan is scheduled as follows⁵⁵;
Short Term Development Plan (2011-2015): extracted

- Oil and Gas sector as the engine of growth; provision of supporting facilities for oil and gas exploration and exploitation.
- Developing the agriculture sector as a means for social transformation.
- Developing tourism destinations (i.e. site, event, access, institution, capacity building, promotion).
- Developing infrastructure, particularly road building in the southern corridor and a better north-south connection between Dili and Casa.
- Developing quality education relevant to priority sectors.

1st Mid Term Development Plan (2016-2020): extracted

- Developing processing facilities in the oil and gas sector.
- Developing agriculture as a productive sector, coupled with processing industries.
- Consolidated development of tourism destinations⁵⁶ (Developing infrastructure (northern corridor) and a logistic port in Suai).

2nd Mid Term Development Plan (2021-2025): extracted

- Constructing LNG Liquefaction Plant in Timor-Leste
- Developing infrastructure to supply domestic gas for electricity generation, industry and household demand.
- Producing more exported-oriented agriculture products.
- Consolidating tourism industry.
- Developing infrastructure (southern corridor)

Long Term Development Plan (2026-2030): extracted

- Ensuring expertise in key sectors such as oil & gas, mining and agriculture
- Establishing petrochemical industry
- Increasing value of agricultural export
- Developing Timor-Leste as a regional tourist destination.

⁵⁴ i.e. oil and gas, agriculture, and tourism

⁵⁵ See 3-10 of the Draft of the Strategic Development Plan 2011-2030

⁵⁶ i.e. Site, event, access, institution, capacity building, promotion

What we come to know from the above schedule is that the development in oil and gas sector would not launch out within 5 years actually, and the development of oil processing facilities is to start on 2016 afterwards at the earliest, which may link to the employment issue in particular fields. And constructing LNG Liquefaction Plant is to start eventually from 2021 afterwards, passing on after 10 years. Considering time-span from 10 years from now on, the Government should concentrate to solve the current problems such as food security issues and human development issues lying on the ground with higher priority at least for forthcoming 5 years.

According to “Agriculture “ in SDP, the Government point out that the current nature of the agriculture activities is still in the subsistence level, resulting in low level of production and productivity, and “agriculture activities have not taken into consideration the comparative advantage of regions which has not been based on superior products of the districts”. In such a circumstances, SDP anticipates that Timor-Leste will be able to fulfill the needs of quantity of rice in domestic market by the year 2014 in line with food security policy, also tell us that the Government is currently prepare water and irrigation policies, seed and fertilizer policies as well as land management.

In medium term (2016 – 2020), they plan to “develop institution and partnership which are mutually beneficial especially in relation to financing, processing and marketing to expand business scale and managerial capacity of farmers intended to direct farmers in order to conduct business-oriented agricultural activities”. In order to develop the yield capacity in agriculture sector in response to food security issue, the Government should consider to accelerate the policy on strengthening and developing the access to domestic market as well, which is currently scheduled in the medium term, in parallel with the increasing production capacity in the sector during short term period.

6.2 Some restrictions in Agriculture Sector

As I explained in this report, the sector where relates both issues of food security and youth employment of the human development is the agriculture sector. Actually, 66% of youth population lies in the rural area, where totals 136,000 people of “Inactive” youth population. Furthermore, considering a trend of moving away from agriculture sector in youth population, and fragile situation of the food security issue in Timor-Leste, it requires establishing robust countermeasures very urgently in the agriculture sector in order to create the framework overarching to the long term development plan, as indicated by the target of 2.3.2 and 2.3.4 in UNDAF.⁵⁷

Notwithstanding quite a significant outlook lies in this sector for the future development, a national budget in 2011 has decreased the allocation of Ministry of Agriculture and Fishery by US\$ 6.1million, equivalent to 31.3% of the budget in 2010. The budget of Ministry of Agriculture only account for 1% of the total national budget, even through 72 % of the household population reside in the rural area, and 51% of household rely on their incomes from “agriculture and fishing” sources. The following tabulation shows the transition of the budget in Ministry of Agriculture from 2009 to 2011.

⁵⁷ See pages 82 and 83 of UNDAF

Table 6-1: Transition of Budget in Ministry of Agriculture and Fisheries

	2009	2010	2011
The Budget of Ministry of Agriculture & Fisheries	33.9	19.5	13.4
The Total National Budget	680	838	1,306

Source: Socio-Economic Unit Database, based on Ministry of Finance, Unit: Million US\$

Compared to the budget in 2009, the budget in Ministry of Agriculture in 2011 has decreased 60 % over the budget in 2009. Moreover, the recent “UNDAF Annual Review Year 2 draft Results Matrix” give a caution against the shortage of financial resources on country program i.e. 2.3.4;“ Youth have increased employment opportunities created through training, business development services, training programmes and access to financial resources” lacks funds for youth employment, especially in agriculture livelihood sector.

Besides financial restrictions mentioned above, there is serious obstacle in the Government policy. it is land issue. The draft of a new land law has been in process of deliberation by the committee in the National Parliament, which is to come into effective from September, 2011. According to informal news sources, a subject of the draft of new land law would be only national property land, and the superficialities of such land (“land use right”) is not to be secured independently from the land title owned by a country, even though the Government provide leasing rights during 50-99 years to investors in maximum. In such a circumstances, such leasing rights are not sustained by the inherent robust land title that is apart from land ownership of a country, which foreign investor’s property on such land is not to be secured legally.

7 Conclusion and Recommendations

7.1 Conclusion

Seen the current situation previously stated in this report, the labour market in Timor-Leste is too small to absorb the number of peoples i.e. 15,000 – 20,000 graduated from university and secondary school every year. And the current public services on this issued are not enough to provide the employment opportunity to youth population. Moreover, people totalling 108,000 exist in “Inactive” group, who are categorized with neither “ Labour force” , nor “Schooling”, responding negative answer on the question of “Last week, would you have to work if there had been an opportunity to work” in questionnaire of LFS/2010. These results indicate that the current situation is extraordinarily seriousness. In such a circumstances, we should realize that outcomes on the youth employment policy does not place on the right track.

“Employability” does not always mean “Employability” of human capacity building. The meaning might include “Employability” in market capacity building as well. This means youth employment issue in this country can not be solved by only focussing on increasing the professional training opportunity, and development of educational training, either. Timor-Leste is nascent and fragile in the economic activities which are still in the process of transition period from a time of conflict. Therefore, employment issue in youth population still includes the security issues.

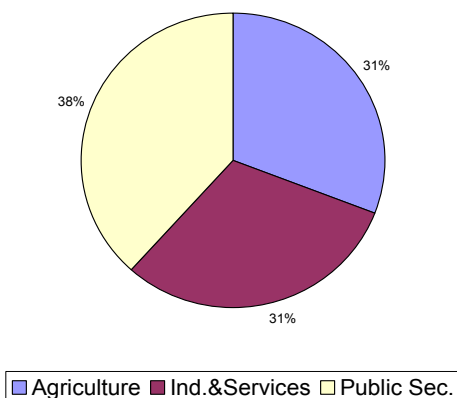
However, this issue is originally caused by unbalance between supply and demand in economic cycle. Obviously in Timor-leste, the supply-side is a surplus, and the demand-side is too little. The

education and training may affect to increasing quality of supply-side, but in order to increase the demand on the employment, it needs to create and increase capacities on production and service activities, which affect to the labour absorption mechanism in the demand-side of employment. In Timor-Leste, the production activities are quite little, as the domestic final demand relies upon production process in overseas, which provides very low impact on the domestic economy in GDP level and consequently does not impact on the domestic labour market, either. For Timor-Leste, it considerably requires evolving economic mindsets on this issue more intensively. The Government should be more conscious of the current situation in youth employment from the economic aspect. Additionally, the ratio of youth population in age cohort of 15 -29 years old is estimated to increase to 49% in 10 years.⁵⁸

7.2 Recommendations

As shown in the below mentioned diagram, the agriculture sector occupies 30.8% of sector share of Real Non Oil GDP as a single sector.⁵⁹ Actually, in this Timor-Leste, this sector is the one and only production sector which could more contribute to Real Non Oil GDP value, though the sector is not matured actively in economic cycle yet as still in the subsistence level. The Government should input a large number of youths in this sector with initiating the programmes such as conducting business oriented agriculture activity stated in medium term. This would provide impact on converting the subsistence level to the commercial level in the sector, of which spill over is expected to create another fruits such as eliminating the minus element in GDP on importing agriculture products.

7-1 :Sectoral Share of Real Non-Oil GDP (2009)



Source: Socio-Economic Unite Database, based on State Budget 2011, Budget Overview

⁵⁸ See page 66 of “Population Projection 2004 – 2050”, NSD

⁵⁹ See page 6 of “State Budget 2011, budget Overview Book

Table 7-1: Book 1 (Page 6)

	2009	2008	2007	2006	2005
Agriculture	30.8	30.9	30.6	35.3	33.2
Ind.& services	30.8	31.3	31.6	29.9	32.9
Public Sec.	38.4	37.8	37.8	34.9	33.9

The reasons why the Government should raise degree of priority on the developing the agriculture would be identified with a lot of the context in this country, namely; 1) The 51% of households rely on “Agriculture, Forestry Fishing” sector in economic activity,⁶⁰ 2) the large portion of the youth population live in the rural areas⁶¹, 3) The demographic feature indicates the continuation of the demand of the agriculture products in youth population⁶², 4) Agriculture products can be available in fresh condition in the domestic market, if the transportation problem has been solved. This is a big advantage in small-sized country, 5) The processing business in agriculture sector is relatively easier than other industrial production in a labour oriented production line, 6) Cooperatives offer the possibility of better management for this sector, and fit the community oriented mindset in Timor-Leste.

Another countermeasure would be employment in public sector, particularly in the district areas in this country in line with local governance. This idea would be effective for youth mindsets to uplift their ownership of the development outcomes through participating SDP programs of public sector in rural areas.

Recommendations to the Government

1. The higher authority should more focus on the youth employment issue with integration of each ministry for developing rural areas in the Short-term Plan, linking to “the draft of Strategic Development Plan” (SDP), and open up such information to ministries including SEFOPE, ministry of agriculture and fisheries, the relevant authorities to create common cornerstone on such developing rural area schemes. Such integration work would be useful for each ministry to make practical policy framework and to create the manpower schedule made by SEFOPE on the youth employment.

2. As shown in the profile mentioned (Fig.5-5) in item No.5-2 of “SEFOPE activities and ILO Assistance”, three sectors i.e. “Agriculture”, Infrastructure” and “Public Administration” have significantly seen an unbalanced situation between the current demand side and the supply side of the labour market. In developing district administration in the rural districts, the Government needs a lot of the public servants to provide the public services to the people, in case of establishing such a public institution in such areas. The public service in the district areas are imperative, and strongly initiate the youth population in the relevant area to make them penetrate the development scheme of SDP.

Accordingly, such institutional development would take a role to absorb the youth unemployment in public administration extensively for solving unbalanced trend in “Administration” as well as a great

⁶⁰ See page 23 of LFS/2010, rural population:72%, See page 15 of LFS/2010

⁶¹ i.e. 173,000 for 15-29, 506,000 for 0-29 people, See pages 15 and 63 of LFS/2010

⁶² Population in age cohort of 15-29 year old: 49% in 2020, according to “Population projection 2004-2050, NSD

number of students graduated from social science faculty. In supply side, as previously shown in this report, there are many youth population who wish to be engaged in public sectors,

3. The Government should increase the number of the Employment and Career Guidance Centres (CEOPs) in district area, also sets more substantial programme for training seekers in agriculture course under the collaboration with ministry of agriculture. As previously stated, only 13.3% of “Looking for work” people are registered with those centres. This proportion is too small to response on vocational training in line with the Government policy. Currently, SEFOPE has only 5 centres in the country.

4. It is necessary for the Government to concentrate on disaster management in rural area. The forest conservation and flood control, river improvement are the core policy in national policy necessary for the developing the agriculture sector.

5. The unbalance demand shown under “Infrastructure” of the Diagram mentioned above⁶³, it needs improvement in its training contents such as lecturing on basic engineering for actual jobs and international practices. Currently, the Government create temporary employment through the cash-for-work scheme: work by a day (US\$3 for a day work), but this would not be appropriate for Timor-Leste. Instead, the main source of employment creation should be sought in public infrastructure projects and the creation of a conducive private sector environment. In 2010, 20 trainees out of 44 (January – June 2010) have been employed with in construction sector. This is a very small the number, but totally different with the cash-for-work scheme mindset. As for demand in the infrastructure sector stimulated by SDP, it is recommended that the Government sets the regulations of labour quota to stimulate the local labour force under the contracts with foreign companies, The inclusion of a technical transfer clause, such as inviting lecturers to workshops and job site training should be incorporated into the contract.

6. The Government should examine combining the agriculture/agribusiness technology. vocational training centre, agriculture technical schools including agricultural economic such as agriculture credit, input supply system and irrigation technology, nursery centre, experimental laboratory, and experimental farm should be taken place in one place, in order to play the role of centre of integrating those dispersed technical practices into more integrated process in the agricultural sector for youth population. Such facilities should be set up in every district, and collaborate with the district cooperatives. Seed development and new agriculture products in such areas can be initially cultivated in such centres.

7. In order to initiate the demand of agriculture products in domestic market, the Government should establish public sector, so as to make investment for construction of processing factories at a national land nearby production areas. This public sector shall manage operation of the processing factories under collaboration of a private sector for a certain period. And it would be highly recommended that the raw material necessary for the production process in the processing factory would be purchased from the production area nearby. And human resources would be employed from the local society nearby, too.

Recommendations to Donors and UN Agencies

⁶³ See Sector’s Percentage in CJ/JS/TC (Figure 5-5)

1. The donors should more finance the disaster management for securing the developing agriculture sector to protect the yield of the agriculture products in rural area. SDP anticipates that Timor-Leste will be able to meet the needs of rice in domestic market by the year 2014 in line with food security policy, In order to attain this target, the donor should strongly assist the Government to improve conditions of the flood control in rural area. Particularly river revetment and forest conservation are essential issue for such improvement.
2. In order to facilitate agribusiness, collecting data and making a feasibility study on developing the food processing industries in this country, referring to the cases in ASEAN countries such as Thai, where they performed a couple of decades ago. This food processing industries would be of much benefit to the youth employment in such areas, as the processing industries are manpower initiated industries, which could absorb the youth labour force at the factory nearby.
3. Financing the development of production, marketing, including exploiting distribution channels in agriculture and agribusiness products in collaboration with the local NGOs to assist to develop the private sector. Such a series of transactions is necessary for youth people in agriculture sector, so that they could know how to tap with the market.
4. Financing the research on price information of agribusiness products over the domestic market, so as to protect farmers from improper information of middlemen, and further to formulate the distribution of agriculture products, under the evolving cash economy in the agriculture sector.
5. Considering the stimulation of agribusinesses, the role of NGOs is essential. Particularly, the collaboration with the local NGOs is a must to run such agribusinesses stably, so that agribusiness can be evolved after being transferred from a foreign NGO. There are so many cases that have deteriorated the business opportunities, after foreign NGO pulled out of such businesses. It will be necessary for the Government to foster the local NGO, initiate them to tie up with an international NGO intensively.
6. Financing the research on the technical complex centre in agriculture sector to make integration with technology and develop agribusiness products in each district.

Recommendations to NGO

1. Enhancing capacity building of youth population for developing distribution channels as well as marketing in the agriculture sector.
2. Developing agricultural products by fostering and breeding the seed in the nurseries.
3. To prevent of segregation between international NGO and local practices which must be exploited, international NGOs and agents should use local NGOs in the programmes to transfer such implementing knowledge to the local people.

Main Types of Contemporary Peacekeeping and Peace Enforcement, CIS

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Key words: *Preventive diplomacy, Peacekeeping, Post-conflict peacebuilding, Promoting peace, or peace-making, Collective Security Treaty Organization or CSTO, Collective Peacekeeping Forces of the CSTO, rapid reaction forces.*

The main goal of the article is to raise issues about the existing types of peacemaking, which methods are carried out peacekeeping in CIS, through which institutions operate these states and the example of foreign cooperation in the field of peacekeeping.

The Charter of the United Nations calls upon the peoples of the world "to unite our strength to maintain international peace and security", and charges the Security Council with the task of "determining the existence of any threat to the peace and deciding what measures shall be taken". There is ongoing development of processes and programs of conflict prevention and peacekeeping. Preventive diplomacy has expanded to include preventive deployment, preventive disarmament, humanitarian action, and peace-building.

Preventive diplomacy - measures aimed at preventing disputes between the parties, escalating into armed conflicts and curbing them if they nevertheless occur. In the framework of expected increased use of confidence-building measures, the establishment of fact-finding missions and early warning system on threats to peace, the use of demilitarized zones as a preventive measure, etc.

Peacekeeping implies a peacekeeping, using military observers, or multinational forces or peacekeeping forces of the countries - members of the UN or states - members of regional agreements. The peacekeeping operation - it is action with the participation of military personnel who are not entitled to resort to coercive measures taken by the United Nations to maintain or restore international peace and security in the area of conflict. Conduct peacekeeping operations required the voluntary consent and cooperation of all stakeholders. Involved in the operations of military personnel performing the tasks without resorting to armed force (except in self-defense in case of attempts by individuals / protection of the civilian staff of peacekeeping missions or other international, regional, community, etc., organizations operating in the area of conflict) than peace-keeping operations are different from peace enforcement, as provided in Art. 42 [Chapter VII] of the UN Charter¹.

Traditional peacekeeping operations are always carried out within the framework of Chapter VI and a half "of the UN Charter"², since it does not involve the application of force and force action. Complex peacekeeping operations, if required by the situation in the conflict zone, established under Chapter VII, which is reflected in their mandate. They allow limited use of force not only for

¹ The Blue Helmets. A Review of United Nations Peace-keeping. 2nd ed. UN DPI. N.Y., 1990. P. 4-5.

² Dag Hammarskjöld was the UN Secretary General from April 1953 to September 1961. Died in a plane crash under mysterious circumstances in the course of a peacekeeping operation in Congo (1961).

self-defense.

Post-conflict peacebuilding - a term involving post-conflict activities to address the causes of conflict and restoration of normal life. Peace-building includes - but is not limited to - the disarmament and reintegration of former combatants into civil society, restoration of damaged during the conflict of economic, social, political, communications and other structures, the return of refugees and displaced persons, the strengthening of the rule of law (for example, through training and reform structure of the local police, reform the judicial and penal systems), promotion of human rights, providing technical assistance to democratic development and the promotion of peaceful methods of conflict resolution, addressing the causes and conditions for their resumption.

Promoting peace, or peace-making - action to ensure that lead to an agreement the warring parties, mainly through negotiation, mediation, conciliation, good offices, arbitration and other peaceful (non-military) means under Chapter VI of the UN Charter.

Peace enforcement - a form of armed intervention, the adoption of force and other measures against the aggressor state or a party to the conflict, not wishing to comply with international or regional security organizations and threatening the international (regional) peace.

Peace enforcement requires two forms: without the use of armed forces (economic, legal, financial penalties) and the use of armed forces (UN, regional security organizations or coalitions of countries) - the so-called operations of peace enforcement. Peace enforcement does not imply acceptance of the warring parties. During operations, peace enforcement weapons and military equipment are not only used in self-defense, but also for its intended purpose: to destroy military installations and infrastructure, armed groups that prevent the localization of the conflict, its management and resolution. Such operations are conducted under Chapter VII of the UN Charter provides for enforcement actions (measures), only with the sanction of the UN Security Council and under its control.

Peacekeeping - a technique first proposed and developed by the UN, which defies a simple definition, since it has many aspects and nuances. Originating as an international means of maintaining and establishing peace on behalf of the entire international community under UN auspices in the future after the Cold War, peacekeeping has become firmly in the arsenal of various regional and subregional agreements and organizations.

It is worth mentioning peace operations in the CIS for the settlement of the Moldovan, Georgian-Ossetian, Georgian-Abkhaz conflict, as well as to end the civil war in Tajikistan, initiated in early 1990. Despite initial highly critical, and sometimes sharply negative assessments of these operations by Western experts, in the end they had to accept not only the status of the CIS as a regional security organization, but also take into account the unique experience of conducting these operations, deserves serious consideration³. It should be noted that the tasks of peacekeeping operations do not include a political solution to the conflict (the causes that gave rise to it). This is the issue of politicians and diplomats.

Central Asia in peacekeeping activities

³ O'Prey K. Keeping the Peace in the Borderlands of Russia. Occasional Paper No 23 // Handbook on UN Peace Operations. By Pamela L. Reed, J. Mathew Vaccaro, William J. Durch. The Henry L. Stimson Center, Wash., D.C., 1995.

1. The Collective Security Treaty Organization or CSTO, also known as the **Cooperation and Security Treaty Organization** is an intergovernmental military alliance which was signed on 15 May 1992. On 7 October 2002, the charter founding the CSTO signed in Tashkent. The purpose of the CSTO is to promote peace, strengthen international and regional security and stability, and ensure the collective defense of the independence, territorial integrity and sovereignty of the member states⁴.1

The CSTO is currently an observer organization at the United Nations General Assembly.

The CSTO charter reaffirmed the desire of all participating states to abstain from the use or threat of force. Signatories would not be able to join other military alliances or other groups of states, while aggression against one signatory would be perceived as an aggression against all. To this end, the CSTO holds yearly military command exercises for the CSTO nations to have an opportunity to improve inter-organization cooperation. The largest-scale CSTO military exercise held to date were the "Rubezh 2008" exercises hosted in Armenia where a combined total of 4,000 troops from all CSTO member countries conducted operative, strategic, and tactical training with an emphasis towards furthering efficiency of the collective security element of the CSTO partnership⁵.

The CSTO employs a "rotating presidency" system in which the country leading the CSTO alternates every year. Current members: Armenia (2002), Belarus (2002), Kazakhstan (2002), Kyrgyzstan (2002), Russia (2002), Tajikistan (2002).

Future membership

In May 2007 the CSTO Secretary-General suggested that Iran could join the CSTO saying, "The CSTO is an open organization. If Iran applies in accordance with our charter, we will consider the application.". If Iran joined it would be the first state outside the former Soviet Union to become a member of the organization.

On May 28, 2010 Ukrainian Minister for Foreign Affairs stated that Ukraine does not plan to become a member of the CSTO⁶. On June 3, 2010 the Ukrainian parliament excluded, with 226 votes, Ukrainian membership of any military bloc, but allowed for co-operation with military alliances⁷.

Recent developments

During 2005, the CSTO partners conducted some common military exercises. In October 2007, the CSTO signed an agreement with the Shanghai Cooperation Organization (SCO), in the Tajik capital Dushanbe, to broaden cooperation on issues such as security, crime, and drug trafficking.

On October 6, 2007, CSTO members agreed to a major expansion of the organization that would create a CSTO peacekeeping force that could deploy under a UN mandate. On December 10, 2010 the Member States approved a Declaration on the CSTO peacekeeping force and a declaration of the CSTO member states, and also signed a package of joint documents.

⁴ Charter of the Collective Security Treaty Organization, http://untreaty.un.org/unts/44078_158780/5/9/13289.pdf.

⁵ <http://www.pims.org/news/2008/08/06/rubezh-2008-the-first-large-scale-csto-military-exercise>

⁶ Kostiantyn Hryshchenko, Ukraine will not join Collective Security Treaty Organization, Kyiv Post (May 28, 2010)

⁷ Ukraine drops NATO membership bid, EU observer (June 6, 2010) Also: Ukraine's parliament votes to abandon NATO ambitions, BBC News (June 3, 2010)

In October 2007, the presidents of the member states signed the agreement on peacekeeping activities of the CSTO and the decision of the Council of Collective Security about "The documents on regulatory and institutional design of mechanism of peacekeeping activities in the framework of the Collective Security Treaty Organization." Agreement on peacekeeping activities of the CSTO entered into force on January 15 this year.

Also has been approved the Regulations on the Collective Peacekeeping Forces of the CSTO (CPF CSTO); Regulations on the operational working group on preparation of peacekeeping operations of the CSTO and the Regulations on the Head of the peacekeeping mission of the CSTO.

These documents regulate normative legal basis for the creation of peacekeeping forces of organization and procedure for the preparation and conduct of peacekeeping operations of the CSTO.

Today, no international organization has any peacekeeping troops on a permanent basis. CSTO could become the first international organization, which will be constantly ready for action "blue helmets". Agreement on the peacekeeping activities of the CSTO states that for acquisition of the peacekeeping force by Member States in accordance with its national legislation is ongoing peacekeeping forces: a specially trained military, police and civilian personnel, as well as the strength and resources provided by Member States to the peacekeeping forces of the CSTO.

The composition of the peacekeeping contingent and participation of CSTO member states in peacekeeping operations

As part of the Collective Peacekeeping Forces must be motorized, amphibious and mountain-rifle divisions, engineering units, primarily for demining, reconstruction of bridges and roads department of radiation, chemical and biological reconnaissance and decontamination units, communication units, medical and sanitary and epidemiological units, including to assist the local population, a group of military observers and capabilities of technical and logistical support and, of course, the aviation component (helicopter unit).

In addition, the Collective Peacekeeping Forces may be incorporated police and civilian personnel.

Peacemaking in the organization will be purely voluntary. That is, even if the Council of Collective Security will decide on the beginning of the peacekeeping operation, it does not mean that it necessarily will be attended by military personnel of all member states of the CSTO.

CSTO's rapid-reaction force

A **rapid reaction force** is a military or police unit designed to respond in very short time frames to emergencies. When used in reference to police forces such as SWAT teams, the time frame is minutes, while in military applications, such as with the use of paratroops or other commandos, the time frame is hours to days.

Rapid reaction forces are designed to intervene quickly in rather low-intensity conflicts, such as uprisings that necessitate the evacuation of foreign embassies. Because they are usually transported by air, such military units are usually lightly armed, but often extremely well trained to compensate for their lower calibre weapons and lack of heavy equipment like tanks.

The collective rapid-reaction force to be created by a post-Soviet regional security bloc will be just as good as comparable NATO forces.

The Collective Security Treaty Organization (CSTO) agreed in 2009 at a summit in Moscow to set up the new force, to be based in Russia.

The force, to be comprised of a sufficient number of units, would be well trained and well equipped.

The force will be used to repulse military aggression, conduct anti-terrorist operations, fight transnational crime and drug trafficking, and neutralize the effects of natural disasters.

The force will be permanently based in Russia and placed under a single command, with CSTO member countries contributing special military units.

Moral Obligations to Peacemaking

States that are party to the Geneva Conventions and the U.N. Charter have implied, though not legally binding, obligations to intervene in cases of genocide, disturbances to international peace, and other cases of human devastation⁸. Article 33 of the U.N. Charter states:

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.
2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

Similar clauses exist in the Geneva Conventions and the Genocide Convention. Unfortunately, constraints often outweigh obligations in the minds of state leaders; however, by signing on to these treaties, states have accepted an implicit moral obligation to intervene. In fact, weak as this obligation is, we do still see it as the motivating factor behind many of the interventions that take place in the world today.

To increase the effectiveness of peacekeeping efforts by the CSTO member states as a whole should pay more attention to prevention of occurrence or "buildup" of armed conflict, and prevent military action where they have not yet begun. It is well known that to prevent illness is much easier and cheaper than a pound of cure.

It is important that peacekeeping operations, respect the fundamental norms of international law and violated human rights and sovereign nations - as though it may be difficult to reconcile. This is especially significant overlapping or at least his attempt in the light of new operations in recent years, we ourselves to the name of "humanitarian intervention", or "humanitarian intervention", which are held in the interests of certain groups. But in protecting human rights, they violate the sovereignty of the State, the right to privacy from the outside - the international legal foundations formed over the centuries and until recently were considered inviolable. At the same time, it should not be allowed to intervene in the conflict outside the slogan of the struggle for peace and security or protection of human rights turned into a blatant military intervention and aggression.

⁸ Jane Boulden, *Peace Enforcement*, (New York: Praeger, 2001).

It is also important that in future all major issues related to peacekeeping, the CSTO continued to maintain its leadership role, enshrined in its Charter. By the way, agree with this and all the political leaders of major states, as they always claim the high international forums and meetings.

Conflict Transformation and Strategic Peacebuilding

The Role of Economic and Social Opportunities in Post-Conflict Societies

First, when economic opportunities diminish, grievances are more likely to become expressed through violence, while in an environment of increasing economic opportunities, political grievances will not result in violence, even if the grievances are considerable. Second, when economic and social opportunities exist, the transition to peace is more sustainable. Hence in post-conflict peacebuilding, more effort should be made to create economic opportunities in order to increase the probabilities of lasting peace.

Like the theory of horizontal inequality and relative deprivation, changes in opportunities represent a highly visible negative change between one's present and past capabilities. Such negative change is felt across groups and does not require inequalities between distinct groups. It seems that in a number of instances, such opportunity-deficiency has precipitated conflicts.

Generally, low opportunities tend to marginalize certain groups more than others. This leads to social unrest which is expressed in the form of crime, inter-group tensions, and short-term opportunistic behavior such as fraud, corruption and nepotism.

Low opportunities also make mobilization easier for at least two reasons. Declining opportunities reduce the perception of governmental legitimacy, especially in post-communist societies where the expectations of the state are high. Since worsening life conditions directly affect people, mobilization against the dominant group on these grounds is easy, even without a viable political alternative.

Secondly, as the Collier studies showed, poverty and lack of alternatives makes the hiring, equipping and maintenance of insurgents less expensive. Similarly, it is cheaper to bribe people during elections, or manipulate precinct staff, usually teachers or governmental workers.

In the long-term perspective, by-products of social and economic failures such as inter-group violence and demonstrations or armed insurgencies only reinforce authoritarian regimes and political grievances. The point here is that diminishing opportunities are likely to trigger long-lasting grievances, disrupt healing process after war, and stall democratization processes.

Post-conflict peacebuilding and the military

In a historic perspective, people directly concerned in violent conflict had to bear the consequences and the burden of reconstruction primarily on their own. In the post-international world a new understanding is emerging that it is in the very interest of the world society – for moral reasons, but more so for strategic and security reasons – to care about violent conflicts and their devastating consequences for regional, international, and human security. Not only the termination of war but also the rebuilding of post-war societies have become both livelihood and security issues. It was former UN Secretary-General Boutros Boutros-Ghali who, in his Agenda for Peace, introduced the

concept of post-conflict peacebuilding as an important step in the sequence of preventive diplomacy, peacemaking, and peacekeeping⁹. He briefly defines post-conflict peacebuilding as “action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict”¹⁰.

Post-conflict peacebuilding is a complex and multidimensional, genuinely political process of transformation from a state of war or violent conflict to one of stability and peace, requiring, a multifaceted approach, covering diplomatic, political and economic factors”¹¹. It embraces security, political, social, economic, and psycho-social dimensions, and it aims at the installation of both negative and, in the longer run, positive peace. While it is necessary to define appropriate measures and timetables (including exit strategies) and, in the interest of sustainability, to ensure transfer of ownership to local actors, this becomes a particularly difficult and cumbersome undertaking when the required multifaceted approach is not paralleled by “high-level strategic and administrative coordination” among the different actors involved in post-conflict peacebuilding tasks¹². Moreover, in the interest of sustainability, coordination with local partners has to lead towards transfer of responsibilities.

The roles of security forces – external and internal – and the process of security sector reform are key ingredients of the post-conflict peacebuilding agenda. Among the primary conditions for starting a process of conflict transformation and the rebuilding of political institutions, security, and economic structures is a secure environment. That is the point where external military forces must be at hand to cope with such diverse tasks as the reinstallation of order, support for local security forces, disarmament of combatants, facilitation of security sector reform, protection of elections, demining, and securing the repatriation of refugees and protection of human rights. This is only possible if the activities of external military forces are integral parts of the overall transformation process of the post-conflict society concerned.

The Role of Social and Economic Opportunities in Post-Conflict Peacebuilding

The Case of Post-Conflict Tajikistan (survey of the views of analysts)

Tajikistan which has the worst living conditions and fresh inter-group grievances? How has Tajikistan avoided the recurrence of social tensions during the dangerous first five years to be decisive in determining whether transition to peace or fallback to war occurs? Certainly the experience of war served as a deterrent, but what prevented reoccurrence of large scale social tensions among once-belligerent groups? It seems that opportunities to redress needs and avoid frustrations appeared in the form of massive labor migration to Russia. The role of labor migration in post-conflict Tajikistan is hard to underestimate.

Annually from 400,000 to 800,000 Tajiks, mostly men, migrate for work to Russia and other countries. In 2003, the adult population was around 59% or 3.7 million. This would make labor migrants roughly from 21% to 43% of the male adult population. The annual remittances are estimated to be from \$200

⁹ Boutros-Ghali, Boutros, “An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-keeping”, UN Document A/47/277–S/24111, 17 June 1992.

¹⁰ *Ibid.*, para. 21. For Boutros-Ghali’s more detailed description of post-conflict peacebuilding tasks, see paras 55–59.

¹¹ *Ibid.*, para. 64.

¹² Tschirgi, Necla, “Post-conflict peacebuilding revisited: Achievements, limitations, challenges”, Background paper for the WSP International/IPA Peacebuilding Forum Conference, 7 October 2004, New York, p. 9.

million to up to \$600 million, while GDP of the country is only around 2.1 billion. According to a Labor migration has thus been a major employer, providing post-conflict support comparable in size to the Marshall Plan and in nature to the Keynesian development model. It is hard to imagine where those millions would have found employment after the war had labor migration been prevented, and what consequences that might have brought. While the labor migration is not a panacea and involves heavy long-term costs; it was key to redressing social pressure in the most difficult, early years of peace.

Indeed, new sources of income bring more independence and security for the people and may respond to the original grievances. Of course, by end of the war, the grievances had changed. They probably were made of a mixture of predatory crime, grievances inflicted during the war, and group identities, rather than pure political confrontation. Nevertheless, new opportunities help distract people from conflict to caring for one's own well being. Leaders are also likely to focus on post-war economic opportunities, in an effort to take advantage of these before others do. This increases the cost of breaking the stability and makes co-optation of political outliers and spoilers easier.

As noted above, the lack of societal recovery, understood as restoration of rule of law, economic revival and regaining of the lost social capital in conflict-torn societies, is ammunition for spoilers and radicals, people who promulgate violent alternatives to allegedly incompetent political arrangements. Dynamic rehabilitation and employment, on the other hand, can entrench popular support for transition to peace and marginalize spoilers.

In the long-term perspective, more access to skilled work and education is necessary to haul the massive poor sector into the middle class on which democracy depends. While the belief that civil society and democratization prevent violent conflict has spurred many large civil society and democratization projects, research on Tajikistan's civil society reveals a sad reality: The concept of civil society is contained within the small "quasi middle class," while the powerful rich, and poor majority are completely ignorant or disinterested in the concept. Thus, the credibility of democratization projects is questioned, if they only target the small, self-serving middle class, while the majority is either suspicious of its impact or ignorant of the concept.

At last, and perhaps even more importantly, new opportunities result in intangible change in the social psychology of conflict-affected societies. Among these intangible changes is a sense of hope for the future. Hope for change and mutual trust are fundamental, indispensable elements that transform society from "war-system" to "peace-system." Hope restores trust and respect in dealing with other people. Creating basic social and economic opportunities helps stitch together the gap between the poor and the middle classes, in particular between urban and rural residents, through trade and services. Without hope, there will be efforts to cooperate, to rebuild societies, and no incentives to invest in long-term relations between battered communities.

Conclusion

Peacemaking efforts are often closely intertwined with preventive diplomacy, peacekeeping, and peacebuilding. Because of this, the diplomats and soldiers involved in these missions must maintain high levels of communication in order to ensure common goals and shared information. The hope, of course, is that preventive diplomacy will prevent the outbreak of violent conflict. In the event that those efforts fail, third-party diplomatic efforts must continue in the form of peacemaking. As a last resort, particularly in the face of widespread human devastation, peace enforcement units must be seen as a viable solution. The point of peacemaking efforts - diplomatic and otherwise - is to get the opponents to the bargaining table, at which point peacekeeping units can help to guarantee any agreed-upon ceasefire.

1. The CSTO member states, noting the importance of ensuring the effective participation of both the organization as a whole and each of its member states in the world community's efforts to maintain international peace, according to peacekeeping effective instrument to strengthen the international position of the CSTO, its credibility and political weight in world and regional affairs. Therefore, the leaders - Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia and Tajikistan approved the concept of formation and functioning of the mechanism of peacekeeping activities of the Collective Security Treaty Organization. The likelihood of conflict on the basis of political, economic, religious, ethnic, territorial and other contradictions remains high, and their prevention and resolution without the use of peacekeeping technology seems almost impossible.

2. The creation of economic opportunities is vital to prevent the reoccurrence of violence in post-conflict societies for a number of reasons. Opportunities reduce social tensions and restore interdependent relations that help transition to peace. Opportunities also help keep governments and peace deals legitimate and deny massive disenchantment that would allow mobilization for violence. Creating new sources of income reduces reliance on resources such as land, and water, and reduces strain on the governmental services. In the long term, more economic opportunities help redress grievances of people and create a wider middle class on which democracy can be built. Finally, economic opportunities bring hope and trust in people and discourage violence, emphasizing the prevailing benefits of peace. This said, peace processes must pay more attention to stimulating economic recovery and creating alternative opportunities for key stakeholders. They should also favor policies that increase peoples' abilities to change their lives by their own efforts, as opposed to concentrating peacebuilding efforts mostly on political reconciliation and attainment of certain political standards.

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Analysis of the Political Deadlocks in Bosnia and Herzegovina: The Efficiency of Bosnian Democracy in Conflict Management

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Introduction

Although over fifteen years has passed since the end of civil war, the International Crisis Group ranked the situation in Bosnia and Herzegovina (BiH) as “deteriorating” in May and April of 2011.¹ The reason was a political crisis over the legal status of “entity” and the lack of consensus on the formation of a coalition government, which was stipulated by the Constitution.² It seems that BiH remains caught in a trap of ethnic rivalry. Bosnia’s politics halted its function of governing issues and consolidating stability in the country. Such a situation in BiH can be observed as a “deadlock” of politics. Why did this deadlock emerge? One may answer that 20-years is too short for victims of the war to overcome or forget their trauma. It is not surprising that three ethnic groups – Muslims (Bosniaks), Serbs, and Croats – who fought for more than three years, do not fully trust each other and such mentalities affect people’s behaviour. There is still, however, a meaningful reason to investigate whether there is a fundamental problem in the society of BiH itself.

In Bosnia’s context, irreconcilable attitudes of ethnic groups against each other can be explained by concerns over political status and security for each group. According to Juan J. Linz and Alfred Stepan, different value and interests among communal groups pose a “stateness problem”. The “stateness problem” emerges when a state is separated into several communities and a considerable portion of these communities do not approve the existing state structure and its settings, sometimes rendering the transformation to democracy unrealistic and even harmful.³ Since democratic politics and its orders are legitimised by the general consent of the population, the presence of the stateness problem represents a dire threat against the legitimacy of state order. Besides, as the philosophy of democracy does not provide comprehensive resolution for the whole society and even encourages competition between people, improper democratic systems may even increase the tension among separated communities.⁴ In such circumstances, people would doubt the legitimacy of institutions established on democratic principles, creating a situation where people might become unlikely to rely on state institutions to resolve dispute among society members. Without a reliable state structure, people may choose physical and direct measures to secure their interests, and they may be likely to rely on violence. This article studies Bosnia’s risk of relapse into conflict by observing seriousness of the stateness problem in BiH and how it affected the relationships among ethnic groups before and during the civil war in BiH and how it was handled after the war.

In Chapter 1, the civil war started in 1992 is observed. This chapter discusses how the root cause of the conflict was not hatred out of ethnic difference: the outbreak of war is attributable to the collapse

¹ The International Crisis Group, “CrisisWatch No. 92” (April 2011), available at <<http://www.crisisgroup.org/en/publication-type/crisiswatch/2011/crisiswatch-92.aspx>>, and The International Crisis Group, “CrisisWatch No. 93” (May 2011), available at <<http://www.crisisgroup.org/en/publication-type/crisiswatch/2011/crisiswatch-93.aspx>> (accessed on 24 Aug 2011)

²² “Entity” system was established by the General Framework Agreement for Peace in Bosnia and Herzegovina, also known as the Dayton Accord, concluded in December 1995. Since its establishment, BiH has two entities: the Federation of Bosnia and Herzegovina and the Republika Srpska. For more details, please see later discussions.

³ Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Baltimore: John Hopkins University Press, 1996), p.16.

⁴ Roland Paris, *At War’s End –Building Peace After Civil Conflict* (New York; Cambridge University Press, 2004), p.163.

of the democratic system, caused by the stateness problem, in BiH at the time. In Chapter 2, the Bosnian post-war challenge towards sustainable society will be observed through the structure of political institutions established by the Constitution, which accompanies with the ceasefire agreement called the Dayton Peace Accord (DPA). Chapter 3 investigates the origin of political deadlocks. The beginning of the chapter follows the failure of constitution reform. The cause of the deadlocks and their implications on the sustainability of BiH is studied in the following sections considering the discussions in Chapter 1 and 2. Finally, the conclusion points out that the presence of political deadlocks implies the Bosnian politics is still caught by the “stateness problem” and the threat of relapse back into conflict remains.

1. Root cause of the Bosnian Civil War

1.1 Background

In order to consider the probability of relapse into conflict in BiH, it is required to study the mechanisms and conditions of the previous conflict in BiH. Understanding these past experiences enables us to identify the societal preconditions which might lead to the relapse of conflict. Bosnia and Herzegovina is a multi-ethnic state, mainly consisting of three ethnic groups: Bosniaks, Serbs, and Croats. The national census held in 2000 showed that the Bosnian population is composed of 48% Bosniaks, 37.1% Serbs, 14.3% Croats, and 0.6% Others (those who maintain identities other than the three majority ethnic groups).⁵ Bosniaks, Serbs, and Croats follow Islam, Greek Orthodox, and Catholic, respectively. Historically, the three ethnic groups coexisted for a long period of time, with few occasional small scale confrontations.

Their relationships drastically changed when Bosnia became a part of Yugoslavia. In 1941, at the time of World War II (WWII), Yugoslavia was occupied by the Axis Powers. The Nazis abused and massacred Serbs in Serbia because they did not obey the occupation army. During the occupation, Germany and Italy established a puppet government in Croatia and the government was under the control of Croat nationalist group “Ustaše”. Ustaše suppressed opposition groups, especially Serbs in Croatia during WWII. The number of Serbs killed during the period mounts to 0.3 million.⁶ These terrible events were engraved in the memory of the Bosnian people.

On the other hand, two resistance groups were organised in Serbia: “Partizan” led by Josip Broz (popular with his another name, Tito) and “Chetnik”. While the former called for unity of the nationalities in order to fight the occupation army with a communist idea, the latter mainly consisted of radical Serb nationalists and conducted massacres against Bosniaks and Croats.⁷ In the end, Tito's Partizan won the independence of Yugoslavia, and BiH became a republic of the Yugoslavia Federation. Under Tito's rule, an establishment of a multi-national society was a fundamental principle and memories of massacres committed by Ustaše and Chetnik during WWII were regarded as a taboo. It was a start of co-existence of the three ethnic groups with memories of tragic violence.

1.2 On the eve of civil war

The situation in the multi-national Federation of Yugoslavia changed drastically in 1990. Previously,

⁵ OECD, *Country Fact Sheet: Bosnia and Herzegovina* (2006), p.7. available at <<http://www.oecd.org/dataoecd/27/32/36454643.pdf>> (accessed on 24 Aug 2011)

⁶ Dinah Shelton (ed.) *Encyclopedia of Genocide vol.1* (Detroit: Macmillan Reference USA, 2005), pp.216-217.

⁷ Tetsuya Sahara, *Bosnia Naisen: Globalization to Chaos no Minzokuka* (Tokyo: Yushisha, 2008), pp.50-53.

ethnic nationalism was prevented from uprising by the federal government whose policy was directed to render people's identity to communism and the unity of nationalities. Along with the world trend of liberalisation following the collapse of the Soviet Union, however, establishment of ethnic political parties, or nationalist parties, became no longer illegal in March 1990. Emergence of nationalist parties changed the landscape of politics: *Stranka Demokratske Akcije* (the Party of Democratic Action, SDA), *Srpska Demokratska Stranka* (the Serbian Democratic Party, SDS), and *Hrvatska Demokratska Zajednica Bosne i Hercegovine* (the Croatian Democratic Union of Bosnia and Herzegovina, HDZ), represented the Bosniaks, Serbs, and Croats respectively. These nationalist parties ran for the first general election after the amendment in November 1990, and won most of the seats reserved for Bosniaks, Serbs, and Croats. For example, out of 110 seats of the Chamber of Municipalities, SDA, SDS, and HDZ won 43, 38, and 23 seats respectively, accounting for more than 90% of the entire seats.

The seats secured by the most successful party, the SDA, were still too few to control the government of BiH on its own. Therefore the SDA, SDS, and HDZ decided to establish a "partnership" by forming a coalition government.⁸ The nationalist parties, however, did not show their sincerity for state-level cooperation and caused a paralysis of BiH's ability to administer. Besides, on the municipality (or *opština*) level, the nationalist parties aggressively struggled for power and control of the district. As a result, nationalist party which gained supports from majority ethnic group in the district dominated administrative institutions in each municipality. They manipulated the legislature, government, police, and courts, often excluding other ethnic groups. While the state-level government was paralyzed with antagonistic behaviours of elite politicians, the municipality-level was replaced by ethnic politics under the control of nationalist elites. In each layer, BiH's governance mechanisms were unable to regulate antagonistic behaviours of those nationalists.

In this circumstance, growing tensions among ethnic groups in the state and the municipal-level led to the spread of a sense of insecurity. Along with a split among nationalist parties in domestic politics, regional tension concerning the ethnicities escalated with nationalist movements and hatred campaigns taken by leaders of Serbia and Croatia. Both the Serbian and Croatian leaders claimed their ethnic groups were victimised by genocide acts committed by the other groups during WWII. While Serbian leaders carried out the campaign to seize control over Kosovo, Croatian leaders used the rhetoric to justify independence of Croatia from the Federation of Yugoslavia. By those campaigns, both camps also intended to block uprising of their domestic opposition parties⁹. Although these campaigns were motivated by political concerns, they reminded people of memories of the atrocities during WWII, causing discriminative attitudes against other ethnic groups and surging nationalism within the people in BiH.

Facing a domestic and regional atmosphere of insecurity, Bosnian people voluntarily began arming themselves and forming neighbourhood watch groups for the sake of self-protection. At first, some watch groups were organised with multi-ethnic membership. Since the majority of nationalist parties obtained administrative control, however, watch groups were absorbed into the state-level ethnic armed networks and this phenomenon further escalated fears against different ethnic groups.¹⁰ This ethnic networking was a decisive factor of large-scale conflict, enabling mass-mobilisation of ethnic memberships.

⁸ Steven L. Burg and Paul S. Shoup, *The War in Bosnia-Herzegovina: Ethnic Conflict and International Intervention* (New York: M. E. Sharpe, 1999), p.52.

⁹ See, V.P. Gagnon Jr., *The Myth of Ethnic War: Serbia and Croatia in the 1990s* (New York: Cornell University Press, 2004)

¹⁰ Burg and Shoup, *War in Bosnia-Herzegovina*, p. 130.

With the growing tensions and formation of ethnic paramilitary networking, Slovenian and Croatian declarations of independence from the Federation triggered visible confrontation among the ethnic groups. Independences of these republics were perceived to bring dramatic change to BiH society. If these republics – whose populations were mainly non-Serbs – leave the Federation, the Federation would be dominated by Serbs. In order to avoid being marginalised in the Serb-dominated Federation, Bosniaks considered independence from BiH, while Croats wanted to be a part of an anticipated new Croatian state. For Serbs in BiH, independence of BiH meant they should accept their minority positions, which was not a realistic decision after the genocide campaigns launched in their home country. Facing rising security concerns, Bosnian people regarded the future form of the country as the most urgent matter.

These irreconcilable demands concerning the formation of BiH led to tangible confrontation among ethnic groups. The first incident occurred in October 1991. In the National Chambers, representatives of ethnic groups argued about the adoption of “the Memorandum on Bosnia’s sovereignty” which stated that Bosnia would declare independence if Croatia achieves its independence. Although representatives of Serbs expressed objections to the memorandum, Bosniak and Croat representatives supported the memorandum. They were obviously larger than the Serbs in number, and forced the Serb representatives to withdraw from the arena. The memorandum was passed by the affirmative votes of Bosniaks and Croats. These series of events made the cleavages between Bosniaks-Croats and Serbs decisive.

While Serb representatives were absent from the Diet, Bosniak and Croat representatives decided to implement a referendum on independence. The referendum was held in March 1992 and most of the Bosniaks and Croats voted for independence, while most Serbs boycotted responding to appeals by Serb elites. The referendum showed that Serbs, a minority compared to the coalition of Bosniaks and Croats, could find little possibility to satisfy their demands in the given democratic system. The approval by the European Community concerning the independence of the Republic of Bosnia and Herzegovina on April 6 only deteriorated the situation.¹¹ Since the occasion, violent confrontations between different ethnic groups escalated involving armies, citizens, and militias.

As above, series of events just before the outbreak of the civil war shows that political issues were the most influential factor in motivating Bosnian people to fight against each other. There were two phases in the period of escalating tensions among the ethnic groups. Bosnian democracy started after the general election in 1990, which resulted in prevail of nationalist politicians. Although they insisted their nationalist views, behaved in line with them, and paralysed the function of political institutions, still their confrontation was contained in political scenes until the Serb representatives decided to withdraw from the parliament in October 1991. It was the point where the stanness problem obtained seriousness. At this stage, Serbs weren’t able to find possibility of realising their demand in democratic manner. With the mounting anxiety surrounding them, the Serbs perceived it to be crucially hazardous for their security. As a consequence, a number of Serbs abandoned their trust on democratic politics as a conflict management structure and escalated their reliance on physical forces.

1.3 Escalation of the conflict

The arming of people were advanced through ethnic institutions, mainly nationalist parties. The arming of Serbs was led by SDS and *Jugoslovenska Narodna Armija* (the Yugoslav People’s Army:

¹¹ Burg and Shoup, *War in Bosnia-Herzegovina*, pp. 118-120.

JNA). Many JNA soldiers also came back from Croatia to the *Prijedor* district after the end of conflict there.¹² Serb factions declared the establishment of the Serbian autonomous district in BiH continually in 1991. Croatian private guards were also organised into the state-level armed network through local branches of the HDZ. These Croatian fighters were trained and dispatched to Croatia during the Croatian war after the declaration of independence of Croatia. Those trained and experienced fighters returned to BiH after the end of the Croatian war, and they were merged into the Croatian military.¹³ For the Bosniak part, SDA organised an unofficial military alliance and formed a military unit in municipalities, created networks of armed groups, and armed supporters of SDA through local branches of the party.¹⁴ The Bosnian governmental force was established in April 1992, but it was basically organised by Bosniaks.¹⁵ In this way, each ethnic group proceeded the arm themselves and intensified the conflict.

On the other hand, the motivation for fighting was not simply attributable to ethnic hatreds. If the conflict was led by ethnically shared hatreds against certain ethnic group, the opponent and collaborator should be fixed. The actual war situation, however, was different from that. For example, although Bosniaks and Croats made a coalition to fight against Serbs in the beginning, they gradually acknowledged that their desired territorial arrangements after the war were irreconcilable. After the break of the Bosniaks-Croats coalition, Bosniaks and Croats began to fight each other, Serbs and Croats cooperated against Bosniaks for their objectives in some regions of BiH, and other combinations of coalition were also formed in each battlefield.¹⁶ For another case, there was a self-defence group which was organised by a collaboration of Bosniaks, Croats, and Serbs in the town of Tuzla.¹⁷ Obviously, ethnic grouping played a key role in deciding the grand picture of the civil war in BiH, but ethnicities alone can not explain the people's behaviours during the conflict. These facts imply that there was a reason of fighting other than ethnic hatred.

The most striking and influential word invented during the civil war was "ethnic cleansing". In the general sense, ethnic cleansing can be understood as "the expulsion of an 'undesirable' population from a given territory due to religious or ethnic discrimination, political, strategic or ideological considerations, or a combination of these".¹⁸ The means of ethnic cleansing were various: killing, enforced movement, assimilation, and so on. The reason of conducting ethnic cleansing was not only for ethnic hatreds, but also strategic necessities. Conflicting parties tried to extend territories under control by enlarging areas where their ethnic group was able to be overwhelming majority. Details in each case of ethnic cleansing were different, but Bosniaks, Serbs, and Croats were reported as having conducted these acts. In addition, ethnic cleansing was not necessarily conducted institutionally. For example, some individual bandits concealed their violence motivated by private desires, justifying the act as a part of their ethnic mission. Such behaviours worsened the relationships of ethnic groups and disseminated fears.¹⁹ Although motives of each incident were different from each other, accumulation of those acts was understood as ethnic cleansing during the wartime and even in the aftermath of the conflict, fostering perceptions that only the ethnic membership can protect them. Finally, over 75% of the population of BiH was participating one of the camps during the civil

¹² Burg and Shoup, *War in Bosnia-Herzegovina*, p.130.

¹³ Tetsuya Sahara, *Bosnia Naisen*, pp. 168-169.

¹⁴ Tetsuya Sahara, *Bosnia Naisen*, p.170.

¹⁵ Burg and Shoup, *War in Bosnia-Herzegovina*, pp.130-131.

¹⁶ Burg and Shoup, *War in Bosnia-Herzegovina*, pp.134-135.

¹⁷ Burg and Shoup, *War in Bosnia-Herzegovina*, p.129.

¹⁸ Andrew Bell-Fialkoff "A Brief History of Ethnic Cleansing" in *Foreign Affairs* (vol. 72, No. 3; Summer 1993) pp.110-121, p.110

¹⁹ Tetsuya Sahara, *Bosnia Naisen*, p. 308.

wars²⁰.

Certainly, the promotion of ethnic mobilisation was a factor of the civil war in BiH, but it was not only derived from ordinary citizens. For a large-scale armed conflict erupt, elites must drive ordinary people towards collective aggression against another group members. For this sake, elites and ordinary citizens do not have to share the same principle. Each of elites and ordinary citizens has its role in uprising tensions and the combination of them causes a conflict²¹. Mobilisation of citizens was driven by elites of nationalist political parties. They inflamed fears against other ethnic groups, and it was possible since the Bosnian democratic system had stopped its work practically.

The large mobilisation was possible due to the stateness problem. The democratic check and balance system was totally collapsed in the context where effective decision making was hardly possible and a significant part of the society decided to disobey the system. In such a situation, ethnic discord could not be solved and tensions among the ethnic groups gradually increased. The problem was that the Bosnian political system was unable to keep nationalists within the system and provide incentives to reconcile their demands through negotiations.

2. Dayton Agreement and Political Structures in BiH

2.1 The end of civil war and the DPA

The United States intensified its intervention to end the civil war in 1994. The United States proposed to restore a coalition of Bosniaks and Croats in order to balance powers against the Serbs. It was because the U.S. negotiators had a blueprint of federalising BiH into two separated unit: one unit mainly consisting of Bosniaks and Croats, and the other one consisting of Serbs.²² In order to have Serbs sit at the table for peace negotiation, the international community pressured Serbs – both Serbs in BiH and those in Serbia – physically, including bombardments targeting military assets by the North Atlantic Treaty Organisation (NATO) in August 1995.

The BiH civil war continued until December 1995, when the ceasefire agreement DPA was concluded in Paris among BiH, Croatia, and Yugoslavia, backed up by the commitments of international community. DPA was a comprehensive set of documents containing an agreement on military arrangement, electoral rules, protection of human rights, and even the constitution of BiH.

DPA, including the constitution, possesses two characteristics in order to prevent a relapse of the civil war. The first characteristic was democratic governance. The international community attributed the occurrence of civil war to the failure of Bosnia's democracy, and assumed the immature culture of democracy in BiH allowed ethnic nationalist parties to win the massive votes, leading to a paralysis of the state-level governance institutions, which led to an ethnic conflict²³. If democratic system is adequately introduced, it enables the country to enjoy more flexible power-shift and urges decision-makers to incorporate demands from various social sectors, which promotes moderation of

²⁰ Greenberg Research, Inc., *The People on War Report: ICRC Worldwide Consultation on the Rules of War* (ICRC, 1999) p.4 (Figure 3)

²¹ Michael E. Brown, "The Causes and Regional Dimensions of Internal Conflict" in Michael E. Brown ed., *The International Dimensions of International Conflict* (Massachusetts: MIT Press, 1996), p.574

²² Derek Chollet, *The Road to the Dayton Accords: A Study of American Statecraft* (New York: Palgrave Macmillan, 2006), p. 6.

²³ Chandler (2000) argues that before the election held in November 1990 in which nationalist parties acquired most of the seats, BiH used to be seen as a typical case of multi-cultural co-existence and handling minority issues in a progressive manner. David Chandler, *Bosnia: Faking Democracy After Dayton* (2nd ed.) (London& Sterling: Pluto Press, 2000) p.39

the society²⁴. The first challenge was to implement free and fair elections. The international community considered that democratisation in BiH should have supports from the international community, especially countries with a long history of democratic governance. Therefore, international monitoring mechanisms, such as the High Representative, were introduced to BiH by DPA.

The second characteristic was a decentralised political structure which gives ethnic communities autonomy of governing issues in their region. It was arranged out of necessity to incorporate Serbs to peace negotiations. Otherwise they might have protested to sign a cease fire agreement because of their military advantage on the ground. In order to balance the powers of the parties, then-president of the United States Bill Clinton hosted talks to establish a coalition of Bosniaks and Croats. Finally, the parties agreed to create two parallel political units called “entities”. The land of BiH was separated into two entities: One entity was named as *Federacija Bosne i Hercegovine* (the Federation of Bosnia and Herzegovina, FBiH) covering areas close to the border with Croatia and the centre of BiH, where mainly Bosniaks and Croats were living; and the other entity called *Republika Srpska* (RS), covering areas along the borders of north and east, where Serbs were the majority population. As a result, FBiH is mainly represented by Bosniaks or Croats, and RS by Serbs in the state level institution. Since almost all the issues other than diplomacy are under the jurisdiction of the entities, they are working as a power base for those ethnic groups.

2.2 Democracy in Bosnia

Like BiH’s democracy, a decentralised mechanism with sub-state level autonomous units is a version of democracy which Arendt Lijphart called “consociational democracy”. The idea was also elaborated by his followers and understood as having four characteristics which were thought to work for maintaining stability. First, almost all the political actors representing each community can participate in politics by establishing grand coalition.²⁵ Second, minority groups are granted veto right so that they can maintain political independency. Third, political representatives are chosen with proportional representation system. Fourth, with decentralised structure, each administrative unit is designed to contain almost one homogeneous community sharing the same identity.²⁶

The goal of consociational democracy is to provide members of the society with a place where they can express their requests, compete with desires of other members, seek solutions of disputing demands, and expect that the decision properly regulates people and allocates resources adequately. The necessity of introducing this version of democracy to BiH is attributable to the cause of the civil war. As mentioned in section one, the civil war was triggered by the collapse of democracy, which was meant to be a conflict management system for the three ethnic groups. Especially for Serbs, who became a decisive minority when Bosniaks and Croats agreed to leave the Federation, the existing state structure was no more worth relying on. Therefore, the new governing structure was required to ensure that, even if an ethnic group becomes minority, their opinions and demands are still considered properly and maintain influence on state policy. Guarantee of participation to main political arena and grant of veto rights are conformable to this purpose.

²⁴ Rudolph J. Rummel, “Democracy, Power, Genocide, and Mass Murder” in *Journal of Conflict Resolutions* (Vol.39, No.1, March 1995), p.4

²⁵ Arendt Lijphart, *Democracy in Plural Societies: A Comparative Explorations* (New Haven: Yale University Press, 1977), p.48, and John MacGarry and Brendan O’Leary, *The Northern Ireland Conflict: Consociational Engagements* (Oxford: Oxford University Press, 2004), p.15.

²⁶ Arendt Lijphart, *Democracy in Plural Societies*, p.48.

Since the state authorities are distributed to sub-state units and those sub-state units consists of almost homogeneous communities in a decentralised democracy, political debates would usually take place in sub-state level institutions where number of communal groups can be limited. Consociational democracy intends to stabilise a society with divergent communities by mitigating the possibilities of dispute, which may frequently happen if several communities coexist and try to coordinate their different interests and values. Lijphart himself, however, acknowledges that the system should be understood as a temporary measure and may fix the separation of community groups. The consociational democracy will bring minimum peace to the society, while longer-term efforts for a more integrated society are to be addressed separately.²⁷ Without consolidated mutual confidence between ethnic groups, separation policy may contribute to strengthening security by preventing a minority group from perceiving they are unfairly treated²⁸.

3. Picturing Bosnia's Political Deadlock

3.1 Political deadlock on the ground: the case of constitutional reform

The grand scenario for Bosnia's peace was bringing a resolution to the stateness problem by introducing a state mechanism called consociational democracy. In consociational democracy, representations of main ethnic groups are always ensured. Such guarantee of political participation provides ethnic groups with opportunities to claim their interests in the arenas of politics. According to studies conducted by Ted Robert Gurr, minority groups in countries with matured democratic institutions tend to express their grievances through non-violent political "resistance" rather than violent "revolt" challenging the existing social structure.²⁹ The presence of political arenas as a functioning conflict management system enables people in the society to trust state functions for governing them, which is a significant advantage to resolving the stateness problem.

The phenomenon of political deadlock should be seen in this context: whether political deadlock observed today can be interpreted as a failure of the strategy to adopt consociational democracy or not? Political deadlock is a situation which occurs depending on conditions, environments, actors and their relationships, and sometimes become inevitable in consociational democracy structures. Therefore deadlock itself is free from the evaluation of good or bad for sustainability of BiH. In addition, consociational democracy sacrifices political functionality to some extent by granting carefully protected ethnic group's right. Therefore, the efficiency of consociational democracy cannot be measured simply by presence of political deadlock. It requires analysis of what is happening on the ground.

Powers of nationalist parties are significant in BiH politics since the first general election after the civil war. Those politicians who belong to nationalist parties insisted on protecting certain interests for their ethnic group and hardly compromised with other ethnic parties. The point is whether those politicians did so out of their personal prejudice, or other reasons coming from social structure which made them behave in that manner. In the former case, although antagonistic attitudes of those politicians are undesirable in cultivating a friendly atmosphere, the situation is not pressing in terms of sustaining the society because individual preferences may not bring a big influence on the

²⁷ Arendt Lijphart, *Democracy in Plural Societies*, p. 68.

²⁸ Brendan O'Leary "Debating Consociational Politics: Normative and Explanatory Arguments" in Sid Noel ed., *From Power Sharing to Democracy: Post-conflict Institutions in Ethnically Divided Societies* (Montreal: McGill-Queen's University Press, 2005), p.9

²⁹ Ted Robert Gurr, *Minorities at Risk – A Global View of Ethnopolitical Conflict* (Washington D. C.: United States Institute of Peace Press, 1993).

situation where international super powers are monitoring and neighbouring stakeholder countries such as Serbia and Croatia are no longer willing to support such nationalistic movements. In other words, such hatreds at the personal-level are *manageable* within the existing framework. On the other hand, Bosnia's future sustainability highly depends on the capacity of political institutions or conflict management system in coordinating the interests and values of society members. If the nature of conflict in BiH, discord among Bosniaks, Serbs and Croats, does not allow the existing frameworks to settle problems, Bosnia's sustainability should be seen as vulnerable.

The most significant political deadlock in BiH was seen in a process of constitutional reform which started in 2005. In BiH's context, the necessity of constitutional reform was found in a statement issued by the European Commission for Democracy through Law, or the Venice Commission, in March 2005.³⁰ Thereafter, accomplishing constitutional reform became a precondition for BiH to be integrated into the EU. Under the pressures from the international community, Bosnia's main political parties agreed on a package of drafts of constitutional reform, so-called the April Package. This package included provisions that demands transferring authorities under entities to state institutions, and to revise the structure, mandate, and procedures of the National Assembly, including enlistment of vital interests of ethnic groups for which the ethnic veto rights can be exercised.

This package faced, however, tough objection from Haris Silajdžić, the leader of the political party *Stranka za Bosnu i Hercegovinu* (the Party for Bosnia and Herzegovina: SBiH) which mainly consists of Bosniaks. According to Silajdžić, the proposal did not mean to bring comprehensive transformation of the political structure at that time. He said, it maintains the separation of ethnic groups by keeping entities main power holders, and even fixes such structures if it were approved³¹. In addition, voices of opposition to the package were also raised from the Croatian side. Among politicians of the Croat's largest party HDZ, those who opposed to the Package left HDZ and formed the second largest Croats party Hrvatska Demokratska Zajednica Bosne i Hercegovine 1990 (the Croatian Democratic Union: HDZ1990). They expressed their dissatisfaction with the Package, saying as it deprives Croat's political representation which had been secured in the original system³². At last, the Package was put on the ballot at the House of Representatives on April 24, 2006, and was not approved by the narrow margin, short of two votes.

The challenge of constitutional reform could not catch momentum due to the campaigns for general elections launched soon after the voting. During the campaigns for general election, nationalist parties used ethnic rhetoric as their main strategies in the campaigns and cooperation among different ethnic groups became hardly foreseeable. On top of that, since Silajdžić, who was the most critical politician to the Package, was elected as the Bosniak representative of the presidency as a result of the election, politicians became aware that showing supportive attitudes for constitutional reform cannot gain much supports and politically risky.

The situation got more tense when the International Court of Justice (ICJ) acknowledged that genocide was committed by the Serbs at Srebrenica.³³ After the statement of ICJ, Silajdžić insisted

³⁰ European Commission for Democracy through Law, "Opinion on the Draft Amendment to the Constitution of the Bosnia and Herzegovina, CDL-AD(2006)019" (June 2006), available at < <http://www.venice.coe.int/docs/2006/CDL-AD%282006%29019-e.asp> > (accessed on 24 Aug 2011)

³¹ *Balkan Insight* (25 Jan. 2007), "Bosnia: Constitution Reform Setback", available at < <http://bim.eu.com/en/67/10/2141/?tpl=30> > (accessed on 29 Sep 2011)

³² Constantine Arvanitopoulos and Nikolaos Tzifakis "Implementing Reforms in Bosnia and Herzegovina: the Challenge of the Constitutional Process" in *Eur View* (Vol.7, No.1, 2008), p.20

³³ ICJ, "Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina vs. Serbia and Montenegro), Judgement of 26 February 2007"

the abolishment of the RS grounded on that it was established as a result of the act of genocide, and Bosniaks publicly campaigned to exclude Srebrenica from RS control. On the other hand, the prime minister of RS, Milirad Dodik, accused the statement of ICJ as inaccurate and strengthened the voice to preserve the autonomous status of RS. As a result, ICJ's statement on genocide in Srebrenica triggered further confrontations between ethnic groups and made constitutional reform more unlikely.

The next movement toward constitutional reform started in 2008. After the High Representative's continuous persuasions, the leader of SDA, Sulejman Tihic, the leader of SNSD, Dodik, and the leader of HDZ, Dragan Covic, agreed on a framework of constitutional reform in Prud. They continued discussions on constitutional reform and confirmed the agreement on January 26 2009. After that, they made a joint statement in Banja Luka, reading:

We agreed that Bosnia should be a decentralised state with three layers of government of which the second one is divided into four territorial units, each with their own legislative, executive and judicial powers.

However, the following events ended up to show that there were still significant differences in views among leaders of the ethnic groups. Soon after the joint statement, Tihic, as a Bosniak representative, said "these regions (which the joint statement mentioned as components of Bosnia) will be formed according to geographical, historical and economic principles, that will not respect entity lines".³⁴ However, Dodik said the statement did not intend to change existing borders of RS, so he understood FBiH would be separated into three new regions. From their interpretations of the statement, the process was proved to bring no changes in attitudes and policies of participating ethnic groups. Constitutional reform faced deadlock again.

3.2 Vulnerability of Bosnia's mechanism

What is behind the collapse of constitutional reform? Consociational democracy presupposes cooperative attitudes among elites as key for a stable political atmosphere. Lijphart assumes that in a condition where elites can secure their seats under a legislation of forming a grand coalition government and enjoy autonomy they may not have a strong motivation to harshly fight against other elites.³⁵ If each ethnic group holds the power of veto, they do not have to go through hard arguments when they object; casting a dissenting vote is enough. In addition, important decision-making goes under the jurisdiction of units which consist of one major ethnic group, where severe political confrontation among ethnic groups can be avoided. Both of these political arrangements are thought of as necessary for a working consociational democracy.

However, the above preconditions are yet to be created in the context of BiH. It is due to the uncertainty of the state-entity structure. While Bosniaks and the international community are dissatisfied with the present separated entity system, Serbs would surely complain if the RS were abolished and they became a comparative minority in a united BiH. For Croats, being a minority group overwhelmed by Bosniaks even in their entity FBiH, they are eager to establish a new entity in which they can enjoy minority status³⁶. As long as political elites consider their ethnic identities as

³⁴ B92, 27 January 2009, available at <http://www.b92.net/eng/news/region-article.php?yyyy=2009&mm=01&dd=27&nav_id=56714> (accessed on 24 Aug 2011)

³⁵ Arendt Lijphart, "The Wave of Power Sharing Democracy" in Andrew Reynolds (ed.) *The Architecture of Democracy: Constitutional Design, Conflict Management and Democracy* (Oxford: Oxford University Press, 2002), pp. 38-39.

³⁶ Florian Bieber, "After Dayton, Dayton? The Evolution of an Unpopular Peace" in Mare Weller and Stefan Wolff eds., *International State-Building after Violent Conflict: Bosnia Ten Years after Dayton* (Oxon & New York: Routledge, 2008), p.20

the most appealing selling point for gaining supports from electorate and they continue to make political decisions by following ethnic ideas, they will not change their patterns of behaviours to ones that foster ethnic reconciliation and further integration. Since the BiH constitution sets ethnic identity as the most fundamental elements in forming the society, few elites would abandon their ethnic belongings as a means to enhance their political status.

For electorate, they also generally follow the stances deducible from the interests of the ethnic groups mentioned above. It was shown in a research conducted in 2005.³⁷ The research aimed to investigate opinions of people and see the differences of ethnic groups in regards to their perspectives of a future Bosnia state form. The research found 55.6% of Bosniaks preferred a more united BiH and a replacement of entities by less authoritative units, while 19.7% of Serbs and 15.3% of Croats answered the question in a similar way.³⁸ On the other hand, 41.5% of Serbs thought the Dayton agreement and the established state system was beneficial and should not be changed, while Bosniaks and Croats answered in this way was only about 7% respectively.³⁹ The significance of Croats desire was displayed in a finding that more than 40% of Croats expressed dissatisfaction with the present state form, because they could not be majority in neither of the entities.⁴⁰ As the research has shown, both elites and ordinary people were largely concerned over ethnic positions.

Inflexibility of ethnic groupings is hampering functions of a consociational democratic state-system as a conflict management mechanism. Differences in desired governance forms among the three ethnic groups undermine the expected path to stabilisation. With the right of veto and other arrangements, elites can easily block proceedings with minimal consent from their group. There is little prospect that elected politicians would choose policies which may hamper the privileges of their ethnicity. Elites representing ethnic groups keep stuck to positions drawn from their ethnic identities. Constituencies realise the difficulty of coexisting with other ethnicities by witnessing offensive behaviours conducted by nationalist elites. Therefore they continue to vote for candidates expressing nationalist ideas, thereby further increasing the inflexibilities of elites. The fixed positions of both elites and constituencies create a vicious cycle and make them rely on powers rather than cooperation with others.

The reason why the anticipated cooperative attitude does not emerge in BiH's consociational democracy has to do with their entity system and its perspective. Unity of Bosnia is a fundamental principle of DPA which is strongly backed by the superpowers, especially by the United States. Hence, claim of dissolving Bosnia means a challenge to those super powers and denial of integration with EU, which is basically so unfavourable to domestic elites. On the other hand, while necessity of reconsideration of the entity system for long-term sustainability of BiH was shared by the international community, a detailed blueprint was still to be drawn up. Therefore, elites regard the situation as an opportunity to enhance their political leverage, undermining voices irreconcilable with their favours. Therefore, voluntary cooperation is hardly possible and any political compromise is unlikely. This is what causes previous political deadlocks in BiH.

Those deadlocks are impeding the progress of Bosnia's state building. Besides the failure of constitution reform mentioned above, several challenges to reform, including the restructuring of

³⁷Gearóid Ó Tuathail (Gerard Toal), John O'Loughlin, and Dino Djipa, "Bosnia-Herzegovina Ten Years after Dayton: Constitutional Change and Public Opinion", *Eurasian Geography and Economics* 47:1 (2006), pp.61-75.

³⁸Tuathail, O'Loughlin, and Djipa, "Bosnia Ten Years after Dayton", p.68.

³⁹Tuathail, O'Loughlin, and Djipa, "Bosnia Ten Years after Dayton", p. 72.

⁴⁰ 24.7% of Croats answered the question about the Dayton agreement was imposed by outside superpowers. 18.7% of Croats answered the Dayton agreement was insufficient and should be abolished.

police institutions, have ended up without producing any significant progress, despite the fact that some of them were fully supported by the international community.⁴¹ Introducing an integrated social structure and a check and balance system among the ethnic groups should be understood as a necessary conditions for sustainable peace in BiH, because it was the segmented social structure at the onset of war that allowed nationalist elites to mobilise their supporters according to ethnic identities. Therefore, a paralysis of reform processes mean that the social conditions of the previous war are still kept intact.

Another negative influence of deadlocks is damage to confidence of the BiH democracy. If the governance administration is no longer worth relying on, people will turn to rely on other social bonds such as kinship, patronage, and ethnicity. Support for nationalist elites is also attributable to such motivations, rather than a reflection of deep-rooted hatreds against other ethnic groups and a rejection to integration.⁴² The combination of underlying disagreements on the formation of entity-state system and the lack of confidence on state institutions suggests that BiH is still at risk of returning to civil war: even if the disagreement escalates into severe confrontation, no instruments are available to settle it, leaving the dispute to get more intense. That is the danger BiH is now holding.

If reliable institution for conflict management is absent, people might more easily resort to violence to satisfy their needs. Since tensions are arising from uncertain perspectives on BiH's state formation and memories of the civil war, ethnic groups will continue to be a potential source of conflict, and any dispute which involves ethnicity could trigger a large-scale confrontation between ethnic groups. As the deadlocks imply there is no effective system of mitigating the tensions, the presence of them can be interpreted as implying the vulnerability of Bosnia's statehood.

Conclusion

This paper studied whether the political deadlocks in BiH imply a sound possibility of relapse into civil war. The key for successful conflict prevention is a well organised conflict management system which addresses issues arising from relationships of people across a broad range of people. Ascribing the cause of the civil war to elimination of Serbs from political arena, Bosnia's post-conflict peacebuilding was designed to promote democratic politics as a system of conflict-management among different ethnic groups: post-conflict BiH democracy intends to mitigate possible confrontations among the ethnic groups by ensuring that major ethnic groups can participate in decision-making processes and exercise veto rights. However, in the period immediately after the conflict, voluntary coordination was hardly expected because of feelings of distrust and fear. In this sense, political deadlock could be described as a *lesser evil*; some people would tell it is a predicted consequence of the strategy employed for peacebuilding. Instead of causing the paralysis of some components, the overall mechanism was designed to avoid large-scale confrontation among the ethnic groups by sacrificing immediate intercourse of the ethnic groups, which is an essential philosophy of consociational democracy.

⁴¹ For more information on police restructuring, Gemma Collantes Celador. "Police Reform: Peacebuilding through 'Democratic Policing'?", *International Peacekeeping* 12:3 (2005), pp. 364-376, and Thomas Muehlmann. "Policing Restructuring in Bosnia-Herzegovina: Problems of Internationally-led Security Sector Reform", *Journal of Intervention and Statebuilding* 2:1 (2008), pp. 1-22.

⁴² Whitt and Wilson (2007) found that Bosniaks, Serbs, and Croats living in BiH behaved accordingly to sense of fairness despite the tragic experiences during the civil war. They understood the result as indicating emotions of people in BiH were not fully occupied with hatreds or angers. Sam Whitt and Rick K. Wilson, "The Dictator Game, Fairness and Ethnicity in Postwar Bosnia", *American Journal of Political Science* 51:3, (2007), pp. 655-668.

However, this study found that the political deadlocks observed today, especially since 2006, suggest a presence of preconditions for relapse to ethnic conflict – an absence of an effective conflict-management system. For achieving stability in a consociational democracy, it requires each communal group to represent a segmental area so that they can reserve a privilege of participation, otherwise they might struggle over the power base by utilising entitled arrangements such as ethnic quotas and mutual veto. Therefore, cooperation among political elites would not ensue and the democracy would collapse. It means that if member communities are not sufficiently guaranteed of taking a part in the governance, this specially arranged democracy cannot handle the confrontations of those communities and will fail to fulfil its role as a conflict management system. This is what produces the deadlock observed in BiH. Therefore, the political deadlocks in BiH should not be interpreted as *status quo*, but as a sign of vulnerability and paralysis of political institutions put in place to consolidate peace. If these political functions are not able to function to solve disputes among ethnic groups, such dispute may easily escalate into a severe conflict.

Although listing of practical recommendations for consolidation of BiH stability is beyond the scope of this article, the study has revealed what must *not* be done. The first thing is rigid centralisation. Considering the deep-rooted structural difficulty BiH is facing, mere centralisation should not be considered as the final goal. Abolishment of current decentralised system only fits the demands of the Bosniak people, and totally contradicts Serbian demands. The Serb's expression of dissatisfaction against centralisation is not simply coming from their prejudice against other ethnic groups or their selfish ethnicism. It comes from their demand for the security. The way for decision-making assumed by the international community makes the situation worse. While the international community is insisting centralisation as a condition for accession to the EU, it leaves BiH to make the final decision. Frustrations will arise from people who do not think that centralisation is truly beneficial for them, while they agree on the necessity of being a part of EU. Since a democracy in BiH is incapable of managing these frustrations due to the conditions argued above, the political debate would end up in increasing tensions among the ethnic groups.

The above suggestion also implies the second one; without understanding the underlying demands of each community, overemphasis on a democratic process is undesirable and harmful. If not most civilians in the democratic system possess multiple identities and decide their voting practice according to the issues and policies concerned, not according to who is appealing them, democracy will permanently fix the winners and losers, accumulating frustrations of those who stuck in the loser side. If BiH's democracy fails to realise the demands of such people, emphasis on the democratic process may harm the fragile stability of BiH. Although the democratic principle was considered as the norm which restores social order in immediate post-conflict BiH, it has not yet functioned as anticipated and even disturbing the path to stable co-existence of the ethnic groups. It means that other principles in order to consolidate state order are necessary for BiH.⁴³

In general, Bosnia needs to establish a grand identity shared by the entire community regardless of their ethnic identity. Concealing differences by involving various communities into a single system is inadequate to achieve this purpose. In establishing a shared identity, people ought to recognise the differences among communities at the beginning. In BiH, such a shared identity might be a

⁴³One possible principle which may work as foundation of BiH stability is "rule of law". As pointing out the importance of "rule of law" principle as a remedy to dominance of nationalist elites which was enabled by democratisation in a process of peacebuilding, See, Hideaki Shinoda, "The Rule of Law in International Peace-building Activities: The Case of Bosnia and Herzegovina", *Hiroshima Peace Science* 26 (2004), pp.215-239.

nationality of the multi-ethnic state, as was the case during the time of the Federation of Yugoslavia. In order to shift identity, it is essential to establish confidence on the fairness of the governmental administration in treating its citizens and in providing opportunities, and distributing goods and resources. If not, people will continue to see ethnic identity and its bond as the most effective satisfier of their security and will continue to support nationalist elites as defenders of their right. Although international monitoring can support BiH in promoting fairness, it must keep neutrality and impartiality, and efforts to incorporate the critical needs of every community must be made.

In evaluating post-conflict situation, mere absence of violence does not tell the recovery of stabilised social order and its sustainability. Presuppositions which newly established state structure assumes, scenarios with which decision-makers intend to maintain order, their applicability to social circumstances especially the relationships among communities, and the momentum of the governance system in promoting reconciliation and maintaining the order, all of them are ought to be taken into consideration. This study indicates researches for peacebuilding and conflict prevention require a dynamic perspective with a wide-ranged time frame in designing an effective strategy for consolidation of peace.

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