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AFRICAN UNION
DISARMAMENT, DEMOBILISATION AND REINTEGRATION
CAPACITY PROGRAM

NATIONAL DDR FRAMEWORKS
OPERATIONAL GUIDELINE

AFRICAN UNION COMMISSION
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Abbreviations and Acronyms

ACHPR   African Charter on Human & Peoples' Rights
ACRWC   African Charter on the Rights and Welfare of the Child
AfDB   African Development Bank
APSA   African Peace and Security Architecture
AU   African Union
AUC   African Union Commission
CAAFAG   Children Associated with Armed Forces or Armed Groups
CAR   Central African Republic
CPU   Child Protection Unit
CRC   Convention on the Rights of the Child
CSO   Civil Society Organization
DDR   Disarmament, Demobilization and Reintegration
DRC   Democratic Republic of Congo
ICRC   International Committee of the Red Cross
ICCPR   International Covenant on Civil & Political Rights
ICRS   Information, Counselling and Referral Systems
IDDRS   UN Integrated Disarmament, Demobilization and Reintegration Standards
IDDRTG   Integrated DDR Training Group
IDP   Internally Displaced Person
ILO   International Labour Organisation
LRA   Lord's Resistance Army
M&E   Monitoring and Evaluation
MDTF   Multi-Donor Trust Fund
MIS   Management Information System
NDDRC   National DDR Commission
NGO   Non-Governmental Organization
OGN   Operational Guidance Notes
PCRD   AU Post-Conflict Reconstruction and Development Policy
PSO   Peace Support Operation
PTSD   Post Traumatic Stress Disorder
REC   Regional Economic Communities
RM   Regional Mechanisms for Conflict Prevention, Management and Resolution
SALW   Small Arms and Light Weapons
SGBV   Sexual and Gender based Violence
SOPs   Standard Operating Procedures
SSR   Security Sector Reform
TJ   Transitional Justice
UN   United Nations
UNDP   UN Development Programme
UNICEF   United Nations Children's Fund
UNDPKO   UN Department for Peacekeeping Operations
WAAFAG   Women Associated with Armed Forces or Armed Groups
XC   Ex-combatants

A. PURPOSE OF GUIDELINE

1.1. DDR in Africa

Over the past few decades a sizeable number of African countries, drawn from across all the AU regions, have undertaken some form of Disarmament, Demobilization and Reintegration (DDR) process. Effective DDR can be a crucial element of stabilization and recovery interventions and DDR processes are often amongst the fundamental preconditions for establishing stability. Conversely, poorly conceptualised and delivered DDR may undermine stabilisation efforts and even be a cause of further conflict and insecurity. It is important that every effort is made to ensure that DDR interventions are well designed, effectively delivered and properly coordinated with other activities such as Security Sector Reform (SSR) and stabilization, recovery and development frameworks.

DDR interventions have increasingly been called for in complex security and political environments where responses often have to be undertaken in situations where security remains fragile, and that many of the historically stated preconditions for DDR are not present. With many conflicts increasingly having cross border dimensions it is also increasingly important that policy frameworks and approaches are also regional and transnational in nature. This includes ensuring that DDR approaches consider the regional dimensions of conflict and the potential both for the recycling of combatants and the frequent high mobility of armed groups. In recent years DDR programmes have also had to consider issues related to violent extremism and terrorism.

1.2. DDR and the African Union

Strengthening capacity within the AU regional security architecture to provide effective support to DDR is viewed by the AU as integral to its objective of promoting peace, security and stability in Africa. The importance and mandate of the AU Commission to support DDR was made in the 2004 Common Africa Defense and Security Policy (CADSP) and then subsequently in the 2006 Post Conflict Reconstruction and Development Policy (PCRDP). The African Peace and Security Architecture (APSA) Roadmap (2011 – 2013) specifically recognised that that DDR must: *"Be integrated into the entire peace processes, from the initial peace negotiations through peacekeeping and follow-on peace building activities"*[i]. Effective and appropriate DDR responses are also important in terms of realizing Aspiration 4, *"A Peaceful and Secure Africa"* of the Agenda 2063 Framework and Objective 8 of the African Governance Architecture. It also recognized that whilst, historically, many DDR programmes have often fallen under the auspices of the UN that there has been increasing demand for a strengthened role of the AU with a growing number of Peace Support Operations (PSO) AU led and including DDR activities.

1.3. Operational Guidance Notes on DDR

Following discussions with the Regional Economic Communities, Regional Mechanisms (RECs/RMs) the AU Peace and Security Department (PSD) through its Defense and Security Division (DSD) has developed a series of Operational Guidance Notes (OGN's) as part of efforts to strengthen APSA capacity. The OGN's aim to provide African stakeholders, and particularly APSTA stakeholders, with practical guidance to assist in the planning and implementation of individual DDR programs including those providing support and training to PSO. It is also hoped that the OGN will be useful for a wider group including colleagues in the Inter-Agency Working Group on DDR and the Integrated DDR Training Group (IDDRTG). While drawing from experiences in Africa and catering to the specific needs of stakeholders on the continent, they are also compliant with international best practice and complementary to existing DDR frameworks including the UN Integrated Disarmament, Demobilisation and Reintegration Standards (IDDRS).

As well as being compliant with international standards and best practice the AU OGN series is also cognisant of the aspirations contained within Agenda 2063 on peace and security and work related to the African Governance Architecture (AGA). Specific efforts have also been made to ensure that human rights issues are considered and integrated into the OGN's in line with international and African Human Rights instruments and standards in recognition of the fact that DDR interventions should be designed and built in a manner consistent with normative human rights standards as set out in international treaty and customary international law. This is based on the recognition of the centrality of human rights in the establishment of a sustainable transition to a secure, peaceful and stable society.

The following DDR OGN's have either been produced or are under development;

- DDR and Children
- DDR and National Frameworks
- DDR and Reintegration
- DDR and Foreign Fighters
- DDR and Women
- DDR and Detention
- DDR and CVE
- DDR and M&E

Completed OGN can be downloaded via the Defense and Security Division DDR web pages at: African Union OGNs on DDR

1.4. About this OGN

This guidance note is intended to provide DDR stakeholders with operational ideas, practical guidance and insights to assist in designing and building institutional frameworks for a national DDR program. The guideline will attempt to provide an outline on how, from a national perspective, African governments could best engage national institutions, mobilize funding, create partnerships, manage the downsize military structures and support the transition of XCs as they transition to civilian life.

The AUC welcomes feedback on this OGN from users including suggestions related to additional content, corrections or revision. Comments can be sent to:

B. GENERAL PRINCIPLES AND CONSIDERATIONS

Definition of DDR
Disarmament **refers to the process by which the XC is disarmed and weapons collected, safely stored or destroyed.** The IDDRS defines disarmament as the collection, documentation, control and disposal of small arms, ammunition, explosives and light and heavy weapons of combatants and often also of the civilian population. Disarmament also includes the development of responsible arms management programmes. *Demobilisation* **is the process by which XCs are formally discharged from the armed forces or armed group. After demobilisation, the XC is officially considered a civilian.** The IDDRS defines demobilization as the formal and controlled discharge of active combatants from armed forces or other armed groups. The first stage of demobilization may extend from the processing of individual combatants in temporary centers to the massing of troops in camps designated for this purpose (cantonment sites, encampments, assembly areas or barracks). The second stage of demobilization encompasses the support package provided to the demobilized, which is called reinsertion. *Reinsertion* is the small "r" of the DRR process. It is defined as short-term assistance provided to XCs immediately after demobilization, as a form of transitional assistance to help cover their basic needs and that of their immediate families before entering into the reintegration program. The IDDRS defines reinsertion as the assistance offered to ex-combatants during demobilization but prior to the longer-term process of reintegration. Reinsertion is a form of transitional assistance to help cover the basic needs of ex-combatants and their families and can include transitional safety allowances, food, clothes, shelter, medical services, short-term education, training, employment and tools. While reintegration is a long-term, continuous social and economic process of development, reinsertion is a short-term material and/ or financial assistance to meet immediate needs and can last up to one year. **Reintegration** is the longer-term process through which an XC regains a civilian life. In most cases, the reintegration process involves not only the XCs but also their family and community. Reintegration is multi-faceted and includes *social reintegration* through which the XC is accepted back into the community; *political reintegration* where by the XC acquires a role in decision-making processes; and e*conomic reintegration* which allows the XC to gain a livelihood through gainful employment**.** The IDDRS defines Reintegration as the process by which ex-combatants acquire civilian status and gain sustainable employment and income. Reintegration is essentially a social and economic process with an open time-frame, primarily taking place in communities at the local level. It is part of the general development of a country and a national responsibility, and often necessitates long-term external assistance.

National governments face a delicate dilemma as they find their place and role in the DDR of XCs. In some cases, some of the XCs 'sacrificed several years of their life to liberate their country and to improve the development perspectives for their compatriots'.[ii] In others they may have been a part of an armed group that was seen as highly predatory by the civilian population. Whatever the case ex-combatants often have extremely high expectations and represent a potentially dangerous group if not handled appropriately. In some situations, specific promises or undertakings may have been made in the tenets of peace or ceasefire agreements. Supporting them is therefore seen as necessary for stability of the state. On the other hand, governments do not want to be seen as rewarding XCs or giving them more attention or support than the ordinary citizen who is just as in need.

Governments that come into power soon after an end to war need to approach DDR with utmost care, considering the needs and peculiarities of the XCs just as much as those of the victims. Policies made affecting XCs should comply with normative international human rights

standards to avoid another eruption of war and also to ease the reintegration of the XCs as the final and ultimate goal of these programmes.

Several considerations must be made by national governments as they implement DDR initiatives. The following excerpt is a precise caption of the reality of the XCs that calls for a human rights approach in DDR programmes for national governments;

> "To prevent ex-combatants from becoming marginalised in post-conflict societies, it is necessary to find substitutes for the loss of empowerment that demobilisation entails…First, when handing in their weapons, ex-combatants lose the ability to fend for their own security, whereby it is imperative to find ways to ensure their physical security. Second, the economic survival of ex-combatants and their families' must be ensured. Third, there needs to be mechanisms that allow ex-combatants to channel their political demands peacefully…The most insecure period for ex-combatants is when they are discharged from their military units and return to civilian life…According to a majority of scholars, ensuring the economic security of ex-combatants is the most decisive factor in the post-demobilisation phase. If former soldiers and guerrilla fighters lack means of securing their economic survival as civilians, there is a high probability that they will take up arms again."[iii]

To this end, governments are to be guided by international and regional human rights instruments that guarantee the rights of the XCs, both as persons and as vulnerable people in society- meaning that they are 'easily susceptible to physical or emotional injury, or subject to unnecessary criticism, or in a less advantageous position' and who 'need some kind of special attention for protection of the State'.[iv]

Accordingly, in the relationship between the government and the XCs, whichever faction they are known to have supported, the XCs must, as Article 5 of the ACHPR dictates, be treated with dignity and respect.

In addition, pursuant to Article 5 of ACHPR XCs should not be subjected to torture, cruel, inhuman or degrading punishment or treatment. The same position is buttressed by Article 7 of the International Covenant on Civil & Political Rights (ICCPR) which provides that 'that 'no one shall be subject to torture or to cruel, inhuman or degrading treatment or punishment.' Importantly, the prohibition against torture is *jus cogens* or peremptory norm of customary international law. The African Commission on Human and Peoples' Rights (African Commission) in the case of *Article 19 v Eritrea*,[v] stated 'that the right to freedom from torture and cruel, inhuman or degrading treatment cannot be derogated from for any reason, in whatever the circumstances.'

Example: Prohibition against torture
In regard to peremptory nature of the prohibition against torture and cruel, inhuman or degrading treatment the International Criminal Tribunal for the former Yugoslavia (ICTY) in *Prosecutor v Furundzija*,[vi] stated**:** 'Because of the importance of the values it protects, this principle has evolved into a peremptory norm or *jus cogens*, that is, a norm that enjoys a higher rank in the international hierarchy than treaty law and even "ordinary" customary rules. The most conspicuous consequence of this higher rank is that the principle at issue cannot be derogated from through international treaties or local or special customs or even general customary rules not endowed with the same normative force.

Therefore, states should not torture XCs. The subjection of XCs to torture, cruel, inhuman and degrading treatment by states would be in violation of normative principles of international treaty and customary international law.

Having relied on weapons as a source of security some XCs may view demobilization as making them vulnerable to a bitter society. The right to life of the XC as guaranteed under Article 4 of the ACHPR could therefore be under threat. Internationally, the right to life, *including for XCs*, is provided for under Article 3 of the Universal Declaration of Human Rights and under Article 6 of the International Covenant on Civil and Political Rights. At the regional level, the ACHPR under Article 4 guarantees the right to life. Member States have a positive obligation to protect the life of every citizen and thus 'a State can be held responsible for killings by non-State actors if it approves, supports or acquiesces in those acts or if it fails to exercise due diligence to prevent such killings'.[vii]

Example: Upholding of the right to life
Position of African Commission in *Social and Economic Rights Action Centre (SERAC) & Another v Nigeria* (*SERAC* case),[viii] The African Commission asserted that states have an obligation to respect, protect, promote and fulfill the rights guaranteed under the African charter. In particular, the African Commission stated that 'governments have a duty to protect their citizens, not only through appropriate legislation and effective enforcement, but also by protecting them from damaging acts that may be perpetrated by private parties.' The same position is reflected in the decision of the African Commission in the case of *Commission Nationale des Droits de l'Homme et des Libertés v Chad,*[ix] where it was stated that states have a responsibility to protect all people residing within their jurisdiction. Also, the African Commission in the *SERAC* case relying on the decision of the Inter-American Court of Human Rights in *Velasquez Rodriguez v Honduras*,[x] stated that 'when a state allows private persons or groups to act freely with impunity to the detriment of the rights recognized, it would be in clear violation of its obligations to protect the human rights of its citizens.'

Thus while international organizations, multinational donor agencies and non-governmental organizations provide support to XCs through DDR programmes, States have the primary duty to protect them.

In addition, any limitation of rights and freedoms during DDR processes must meet the standards set under international and regional human rights law. The ACHPR under Article 27(2) provides a basis for limitation of rights by stating that 'rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security and common interest.'

Example: Limitations on rights and freedoms
In regard to derogation from rights guaranteed under the ACHPR the African Commission in Constitutional Rights Project and Others v Nigeria,[xi] stated: In '[41] in contrast to other international human rights instruments, the African Charter does not contain a derogation clause. Therefore limitations on the rights and freedoms enshrined in the Charter cannot be justified by emergencies or special circumstances. The only legitimate reasons for limitations of the rights and freedoms of the African Charter are found in article 27(2), that is, that the rights of the Charter 'shall be exercised with due regard to the rights of others, collective security, morality and common interest.' [42] The justification of limitations must be strictly proportionate with and absolutely necessary for the advantages.'

B.1 National Ownership

In implementing DDR programmes it is ideal for every country to consider its own unique context and therefore lay out country specific programmes that are suited for its context and purpose. Every conflict is different and thus, it is not possible to have a blueprint of the DDR

programmes that fits all countries emerging from conflict. The excerpt below explains the problem as far as national ownership of DDR programmes or lack thereof is concerned.

'Charity begins at home'
"…one of the biggest criticisms of …DDR programs in Africa has been the lack of local/national ownership. Due to the human capacity challenges and a lack of financial resources in fragile and Post-conflict countries, the design and implementation of peace building initiatives such as DDR and SSR are always led by external actors. Ownership of in-country security programs is a bi-product of the security vision being a local initiative; donors should support programs started by local actors rather than local support for donor programs. As it stands right now, most SSR efforts in Africa with the exception of South Africa have been an initiative of external donors. The problem this has posed is that international donors do not take time to fully comprehend the complex mix of conditions (political and economic) that contribute to the security environment in Africa. If robust and effective changes are to take root, they must be spearheaded and supported by regional bodies."[xii]

Ensuring national ownership of reintegration programming is essential for its success and sustainability as well as its ability to be integrated within the broader national stabilisation and development planning. National ownership ensures that the intervention is informed by an understanding of the local context and conflict dynamics as well as the dynamics between the XC and the local population. The Multi-Country Demobilization and Reintegration Program (MDRP) which worked with over 400,000 XCs in Angola, Burundi, the Central African Republic (CAR), the Democratic Republic of Congo (DRC), the Republic of Congo, Rwanda and Uganda between 2003-2009. Important operational principles for the programme included partnership and national ownership.[xiii]

Although the government may receive financial and technical assistance from partners, it is the responsibility of the national government to ensure that it is leading the process from the design to implementation. It is also the responsibility of the government to ensure that there is sufficient coordination within the government ministries and local government, between government and national civil society and between the government and external partners. In contexts where state structures are weak, the principle of national ownership still requires that national authorities be involved in national reintegration programming with a view to progressively taking over responsibilities as their capacity develops.

The IDDRS notes that even in situations where 'UN system is called upon to provide strategic, technical, operational and financial support to DDR, national and local actors — who are ultimately responsible for the peace, security and development of their own communities and nations — should lead the process. When the UN supports DDR, it also aims to increase the capacities of governments, implementing partners, communities and participants, and to assist them as they take ownership of the process: the promotion of national ownership is therefore a principle that guides both policy and the operational design of DDR programmes carried out with UN support.'[xiv]

The 2014 African Union DDR Capacity Program provides that "a government exerts national ownership by contributing its own national contributions to the DDR process, leading the engagement with national and international stakeholders, building the capacity of its national institutions, ensuring coordination and division of responsibilities between the national and local government, national leadership over the M&E of external support to DDR, implementing effective public information strategies, keeping the armed groups engaged and informed and creating links to other peace building and development initiatives."[xv] It is, however, important to recognise that the perceived legitimacy of the government that attempts to outline and implement DDR effects the extent to which the process is 'nationally owned' as is illustrated in the case study below:

Case Study: Sierra Leone vs Liberia
"In Sierra Leone, you had a legitimate government on the ground. That put the government in a very strong position, where they could partner with the United Nations in doing the process." However, in Liberia, the government is an unelected transitional entity, pending the installation of an elected government, probably in January 2006. It therefore has limited legitimacy. Also, because the government is fractious, Mr. Achodo told *Africa Renewal*, "it lacked the political will to drive the DDR process." The UN Security Council, "in its wisdom," therefore gave UNMIL the central mandate to implement DDR."[xvi]

In countries affected by conflict state legitimacy and control may not yet be fully established and the ability of the state or its institutions to fully implement programmes may be very limited indeed. It is important that realistic assessments of what can be achieved and of national or local Government counterparts technical and political capacity are made in the initial stages of the planning of DDR responses. In these contexts, the following points are important to consider;

- Engagement should always be informed by an analysis of political, social and security dynamics and by a stakeholder analysis that considers the role of different groups, their concerns and interests and ability to influence and control events in reality.

- While Governance structures at either national or local level may be weak this should never be an excuse for non-engagement with local authorities or the non-promotion of national/local ownership. In these situations, national authorities should still be involved in all aspects of programming with a view to progressively taking over responsibilities as capacity develops or emerges.

- While external help may be needed to support local capacity development too much involvement or control by external actors is likely to limit sustainability and ownership of processes. Capacity constraints should never be an excuse for circumventing local stakeholders but a reason for prioritising capacity building.

- National ownership does not only mean government ownership. It is essential that a broad range of stakeholders are involved in planning and overseeing DDR interventions Failure to do this in situations where state legitimacy may be highly nascent and in some cases often still contested it risks the marginalization of some groups and renewed conflict. DDR interventions should be developed based on the establishment of a range of partnerships both within and outside Government which need to be nurtured, expanded and developed as processes develop.

- Regional institutions such as the AU and the REC's have an important and leading role to play in providing support to member states to help bridge critical capacity gaps and to help advise on the development of agreements and coordination within and between national authorities and groups - and with external actors.

Support to national authorities may sometimes include technical or logistical support, or at the very least cooperation, with security forces which may include both civilian Police or military units. This can raise practical and ethical dilemmas in many situations, particularly those where there has been recent or ongoing conflict and tension between armed groups.

UN Human Rights Due Diligence Policy – implications for DDR

In 2011 the UN Secretary General issued a Human Right Due Diligence Policy that aimed to establish principles and measures to mainstream human rights in support provided by UN entities to any non-UN security forces globally, in order to ensure that support was consistent with the Organization's Purposes and Principles in the Charter and its obligations under international law to respect, promote and encourage respect for international humanitarian, human rights and refugee law. The policy has implications for the provision of support to the security forces of member states and to support to PSO operated by others, including the AU.

Fundamentally, in fragile states the fulfilment of normative aspirations of international human rights standards is desirable goal. International treaty and customary international law obligations to respect, protect and fulfil human rights must be adhered to even in politically and legally difficult situations in fragile states and remote areas characterised by limited state presence. The stakeholders involved in development of national DDR programs in fragile states should appreciate that protection and promotion of human rights significantly contributes to inclusive state building and influences the transition from fragility and conflict towards more inclusive and resilient state-society relations.

Importantly, incorporation of human rights in designing DDR programs in fragile states can assist in addressing legitimacy deficit by bringing to light the grievances and human rights violations that might be at the root of conflict and fragility. In addition, incorporation of human rights is a tangible basis for social justice which can help in reducing the risk of recurrence of conflict. Further, human rights approach can promote the agency and voice of previously marginalised groups which makes DDR programs more acceptable to them. This is essential to national ownership of DDR programs.

Integration of human rights in national DDR programs should also be realistic in regard to the transformative potential of human rights-based approaches considering the high levels of volatility, weak institutions and fractured societies in fragile states. An assessment of prevailing structural and institutional conditions that characterise legal obligations, entitlement and power relations should be made.

B.2 Harmonize the DDR Program with Other National Processes and Policies

For the DDR operation to deliver the intended results, the government needs to ensure that the DDR program is coherent and complementary to other national policies and programmes. The responsible DDR authority needs consult and create linkages with other institutions at the national and local level in order to prevent conflict and enhance synergy and cooperation. This is particularly important when designing the reintegration program as the program should be designed as part of the national development and recovery efforts. The program should also be de-conflicted with land, employment, and transitional justice policies as well as commensurate with the capacities of national institutions.

DDR alone, however, cannot be expected to prevent further conflict and restore stability. DDR is a precondition, and not a substitute, for recovery interventions aimed specifically at vulnerable groups like IDPs, returnees and other victims of the conflict. It is important that it should be accompanied by other economic, political and social reforms, as well as wider development and recovery initiatives. Reintegration programming shall therefore be conceptualized, designed, planned and implemented as part of, or at least in very close cooperation with, the wider recovery strategy, which often includes post-conflict rehabilitation, resettlement of displaced populations, reconciliation efforts, respect for human rights, rule of law, and improved governance.'[xvii]

B.3 Consult with National and International Stakeholders

An effective DDR process needs to be designed in consultation with *a* broad group of stakeholders. The government, possibly the National DDR Commission (NDDRC) itself, should take the lead in this consultation process. Consultations should be held with the military, the key line ministries, local government authorities, political parties and representatives of armed groups as well as civil society, traditional and religious leaders. Consultations should also be held with members of the international community including the AU, UN, RECs/RMs, and funding sources including the World Bank and diplomatic missions. Holding consultations at the initial stages will create a better understanding of the landscape, avoid possible conflicts and create inclusivity in the DDR process.

B.4 Promote Choice and Respect

Clear criteria and a selection process is needed from the outset when identifying combatants that will participate in the DDR process. Those who participate should do so as a choice rather than being forced to participate. Forcing participation often creates resentment and may lead to further to further conflict. Normally, when downsizing national militaries, the national forces will select those members who will participate. When choosing members of armed groups, it is particularly important to have clear criteria on which members qualify for the DDR process. These criteria should be communicated to avoid the feeling of unfair treatment. These criteria should also avoid the creation of perverse incentives or the tendency of individuals to mobilize additional recruits in order to gain the benefits of the DDR process. Even once a combatant is selected to participate in the DDR process, the individual should have the choice as to where they settle and what livelihood they want to pursue. Participants, and their dependents, should be treated with respect throughout the process and should not be discriminated due to their religion, gender, ethnicity, location or background.

B.5 Provide for the Needs of Special Groups

It is the duty of the State to take care of the all its citizens including XCs. However, beyond that duty, international human rights law imposes an obligation on states to go an extra mile to reach out to, protect and provide for the needs of certain special groups by virtue of their unique vulnerabilities and challenges. These include the following:

i. The chronically ill and the disabled

"…the wounded and the sick shall be collected and cared for."
-Article 3 (2) of Geneva Convention IV, 1949-

It has been observed that there is a considerable gap in post-conflict reintegration processes when it comes to XCs with disabilities and chronic illnesses 'notwithstanding an apparent acknowledgement that physical and mental trauma impact civilians and ex-combatants alike.'[xviii]

International humanitarian law and human rights law appear to have taken a similar view towards injured or disabled persons, regardless of their role in conflict. Article 15 of Geneva Convention IV, for instance, allows for the creation of neutral zones where the wounded and sick are treated equally regardless of whether they are combatants or non-combatants. Article 30 of the Geneva Convention III of 1949 additionally, accords protection to prisoners of war who are ill and disabled as follows;

> "Prisoners of war suffering from serious disease, or whose condition necessitates special treatment, a surgical operation or hospital care, must be admitted to any military or civilian medical unit where such treatment can be given, even if their repatriation is

contemplated in the near future. Special facilities shall be afforded for the care to be given to the disabled, in particular to the blind, and for their rehabilitation, pending repatriation."[xix]

This protection is to be extended to the ill, wounded and disabled ex-combatants. Human rights law protects this group of persons, particularly the disabled who have been defined by the Convention on The Rights of Persons with Disabilities (CRPWD) to 'include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others'.[xx] As far as DDR programs for the ill and disabled are concerned, a human rights approach should be based on the assertion in the CRPWD that they should have 'the opportunity to be actively involved in decision-making processes about policies and programmes, including those directly concerning them'.

Due to injuries or health problems associated these ex-combatants will require access to health services as well as particular attention in developing an appropriate livelihood program. This group often has the most difficulty with social reintegration and finding employment. On average about 10% of XCs are in this category.

Given the fact that XCs are may be already alienated by society being disabled or chronically ill XC is double tragedy because when the donors fold up their files and budgets, these are left alone and helpless if they are not in an accepting environment. It is for this reason that governments should pay attention to, not only the disabled XCs, but also their families. The preamble of the CRPWD is based on, among others, the following conviction;

> "…the family is the natural and fundamental group unit of society and is entitled to protection by society and the State, and that persons with disabilities and their family members should receive the necessary protection and assistance to enable families to contribute towards the full and equal enjoyment of the rights of persons with disabilities".[xxi]

In Sudan, disabled soldiers are particularly prone to attack not only when they remain with their units but also when they return to their home communities since some of them are denied access to rifles and other weapons due to their inability to use them.[xxii]

Rwanda's efforts to bring on board XCs living with disabilities and chronic diseases have been praised and although no shoe fits all as far as reintegration is concerned, States, donors and NGOs can all borrow a lesson or two;

Case Study: Rwanda
The Rwanda DDR program created a special assistance to XCs considered ill or disabled or otherwise vulnerable. Assistance provided included building homes for the disabled XCs, health insurance, and access to grants, additional training and counseling services. Candidacy for this additional assistance was based on criteria that included socio-economic and health factors. Candidates were identified by representatives of the community and civil society.

National Frameworks for DDR should also focus on promoting independent living of XCs with disabilities within the society. The CRPD in Article 19 provides for the rights of persons with disabilities to live independently and be included in the community, with freedom to choose and control their lives. The Committee on the Rights of Persons with disabilities in General Comment No.5 provided the state obligations to repeal or reform discriminatory policies, laws and practices that hinder persons with disabilities from living independently and participating in the community.

Further, within this conversation, the need to specifically target women and girls who are XCs and living with disabilities should not be left out. General Comment No. 3 of 2016 by the Committee on The Rights of Persons with Disabilities made the following introductory remark;

> "International and national laws and policies on disability have historically neglected aspects related to women and girls with disabilities. In turn, laws and policies addressing women have traditionally ignored disability. This invisibility has perpetuated the situation of multiple and intersecting forms of discrimination against women and girls with disabilities. Women with disabilities are discriminated against on the grounds of gender and/or disability, or other possible grounds".[xxiii]

As such, it would be imperative for States to incorporate a gender sensitive DDR programs for the ill or disabled XCs.

ii. Victims of Gender Based and Sexual Violence

Women ex-combatants or women and girls associated with armed groups often suffer high rates of sexual or physical abuse, particularly if they were forcefully conscripted. While this paper acknowledges that even men have been abused during war, the statistics are greatly tilted towards women. As a special group of XCs, should be acknowledged that even if they are XCs, they become victims of SGBV and are therefore entitled to a greater deal of protection and attention. The following excerptillustrates the role of SGBV and gender-based discrimination in the success or failure of DDR programs.

Female Fighters: Disarmament and Demobilization

There is a pressing need to recognize that in many post-conflict societies in Africa female ex-fighters are associated with commercial or transactional sexual activity, often to the detriment of the young women involved. In certain contexts, in particular where post-conflict support to female fighters has been lacking and where their reintegration into society has been difficult, prostitution is seen as the only remaining alternative for survival…However, it has to be acknowledged that regardless of their sexual experience, forced or otherwise, most female fighters…are engaged in combat whether or not they are also sexual partners: they therefore need their role and experience as fighters also to be taken into account…In a study conducted with female fighters from Angola, Burundi, DRC, Liberia, Rwanda, Sierra Leone, Somalia, South Africa, Sudan, Uganda, and Zimbabwe, most stated that a majority of the women and girls within their fighting forces neither participated nor benefited from DDR programmes. A number of reasons were given for why this pattern seemed to have repeatedly occurred, the primary among them being that they were excluded because they had not been identified as 'combatants'…

Ironically, surviving war does not automatically mean surviving peace… Female ex-combatants are often punished twofold: they are often excluded from DDR programmes due to the failure to implement these programmes in gender-sensitive ways, and they are not easily welcomed back and are often stigmatized by the civil society, often because they have transgressed traditional gender roles. The rejection by their home communities that women and girls often face when returning to civilian life, and their history of having resorted to 'unwomanly' behaviour like being violent or having been sexually abused, often causes them to feel tremendous shame which can make reintegration even harder. Despite the physical scars from warfare, torture and sexual violence, female ex-combatants also suffer from war traumas which represent additional post-conflict challenges. [xxiv]

Victims of SGBV may suffer from varying degrees of physical disability and illness (including sexually transmitted diseases including HIV) as well as psychological trauma. Both victims and alleged perpetrators of sexual violence may face significant stigmatisation at community level and may have difficulty expressing or acknowledging the violence that occurred. A report by Save the Children in 2005 revealed that in DRC, many girls deliberately avoided the DDR

programs for fear of being viewed by the community as 'having lost their value and dishonoured their families due to the assumed sexual abuse and involvement with multiple sexual partners they have been subjected to'. [xxv] Governments should take specific, deliberate measures to assist this group recover from both physical and psychological trauma and to actively involve them in the drafting and implementation of the programs.

Women XCs also are likely to be the most affected in post-conflict societies as they continue to face the risk of violence.[xxvi] Research has shown that during post-conflict periods, 'violence against women remains widespread (or increases in prevalence), but moves from the "public" sphere of war to the "private" sphere of home.'[xxvii] This is 'attributed to the "normalization" of violence against women during conflict, the effects of trauma suffered by men during war and frustrations in the post-conflict period manifesting in domestic violence, the continued availability of weapons and the lack of jobs, shelter and essentials services.'[xxviii] The Committee on the Elimination of Discrimination Against Women (CEDAW Committee) in General Recommendation No. 35, which is an update of CEDAW Committee's General Recommendation No. 19, stated that opinion juris and state practice suggest that the prohibition of violence against women has evolved into a principle of customary international law. As such, violence against women XCs is a violation of normative principles of international human rights treaty and customary international law.

States have an obligation under Article 3 (4) of the Maputo Protocol to 'adopt and implement appropriate measures to ensure the protection of every woman's right to respect for her dignity and protection of women from all forms of violence, particularly sexual and verbal violence.' Article 12 of the same also places a positive obligation on States to provide 'access to counselling and rehabilitation services to women who suffer abuses and sexual harassment'. This should be interpreted to include XCs and should be an integral part of any DDR program. The CEDAW places on States obligations that should be fulfilled, even in post-conflict situations. These obligations have been discussed in detail under General Recommendation 35 of the Committee. The excerpt below captures some of the remarks;

Committee on the Elimination of Discrimination against Women: General recommendation No. 35 on gender-based violence against women
Gender-based violence against women constitutes discrimination against women under article 1 and therefore engages all of the obligations in the Convention. Article 2 establishes that the overarching obligation of States parties is to pursue by all appropriate means and without delay a policy of eliminating discrimination against women, including gender-based violence against women. This is an obligation of an immediate nature; delays cannot be justified on any grounds, including on economic, cultural or religious grounds. General recommendation No. 19 indicates that in respect of gender-based violence against women this obligation comprises two aspects of State responsibility: for such violence resulting from the actions or omissions of (a) the State party or its actors, and (b) non-State actors. Under the Convention and general international law, a State party is responsible for acts and omissions by its organs and agents that constitute gender-based violence against women…   States parties must have an effective and accessible legal and services framework in place to address all forms of gender-based violence against women committed by State agents, on their territory or extraterritorially…   Under the obligation of due diligence, States parties have to adopt and implement diverse measures to tackle gender-based violence against women committed by non-State actors. They are required to have laws, institutions and a system in place to address such violence. Also, States parties are obliged to ensure that these function effectively in practice, and are supported and diligently enforced by all State agents and bodies.40 The failure of a State party to take all appropriate measures to prevent acts of gender-based violence against women when its authorities know or should know of the danger of violence, or a failure to investigate, prosecute and punish, and to provide reparation to

victims/survivors of such acts, provides tacit permission or encouragement to acts of gender-based violence against women41. These failures or omissions constitute human rights violations.[xxix]

Gender based and sexual violence should also be and has been viewed as a violation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. General Comment 2 of the Committee against Torture is to the effect that under the Convention, States have a positive obligation to eradicate, among others, gender based violence.[xxx]

The involvement of the State in the deliberate and effective elimination of gender based and sexual violence not only benefits the victims but also goes a long way in cementing the peace processes in the country. Where this is ignored, however, gross violations continue to occur both for the civilians and the XCs. Consider the following observation by the Committee on the Elimination of Discrimination against Women under General recommendation No. 30;[xxxi]

Committee on the Elimination of Discrimination against Women under General Recommendation No. 30
There is a correlation between the increased prevalence of gender-based violence and discrimination and the outbreak of conflict. For example, rapid increases in the prevalence of sexual violence can serve as an early warning of conflict. Accordingly, efforts to eliminate gender-based violations also contribute in the long term to preventing conflict, its escalation and the recurrence of violence in the post-conflict phase…Conflicts exacerbate existing gender inequalities, placing women at a heightened risk of various forms of gender-based violence by both State and non-State actors…For most women in post-conflict environments, the violence does not stop with the official ceasefire or the signing of the peace agreement and often increases in the post-conflict setting. The Committee acknowledges the many reports confirming that, while the forms and sites of violence change, which means that there may no longer be State-sponsored violence, all forms of gender-based violence, in particular sexual violence escalate in the post-conflict setting. The failure to prevent, investigate and punish all forms of gender-based violence, in addition to other factors such as ineffective disarmament, demobilization and reintegration processes, can also lead to further violence against women in post-conflict periods.

Further, in developing National Frameworks DDR states should take into consideration measures that should be put in place to eliminate stigmatization and discrimination of women XCs. The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and its Optional Protocol, the African Charter on the Rights and Welfare of the Child and more specifically in Africa, Protocol to The African Charter On Human And Peoples' Rights on the Rights of Women In Africa, all provide a cogent and solid basis for the abolition of discrimination against Women, and this should be and must be even be extended to those that are XCs.

The CEDAW Committee in General Recommendation No. 28 stated that pursuant to Article 2 of CEDAW states have an 'obligation to respect, protect and fulfil the right to non-discrimination of women and to ensure the development and advancement of women in order that they improve their position and implement their right of de jure and de facto or substantive equality with men.[xxxii] Therefore, states have an obligation to respect, protect and fulfil the right to non-discrimination of XC women and to ensure their development and advancement.

iii. Children Associated with Armed Groups

UNICEF Paris Principles And Guidelines On Children Associated With Armed Forces Or Armed Groups (2007)
A child associated with an armed force or armed group refers to any person below 18 years of age who is or who has been recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, messengers, spies or for sexual purposes. It does not only refer to a child who is taking or has taken a direct part in hostilities.[xxxiii]

A rights centred approach to children associated with armed groups is imperative. As far as the national frameworks are concerned, States should work towards fulfilling their obligations under international and regional law pertaining the children. Notably, the CRC under Article 38(4) requires states to take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Importantly, Article 3 of the CRC provides that in all actions concerning a child, the best interests of the child shall be a primary consideration. The ACRWC in Article 4 provides that in all actions concerning a child, the best interests of the child shall be the primary consideration. The UN Committee on the Rights of the Child in General Comment No. 14 stated that the concept of the best interest of the child aims at ensuring the enjoyment of the rights of the child and the development of the child.[xxxiv] In addition, in General Comment No.14 the Committee asserted that the principle of best interests of the child is linked to the other cardinal principles, namely; non-discrimination (Article 2 of CRC), the right to life, survival and development (Article 6 of CRC) and the right to be heard (Article 12 of CRC). The National Frameworks DDR in regard to children should therefore, be in line with the principles of best interest of the child, non-discrimination, right to life, survival and development and the right to be heard.[xxxv]

The excerpt below is particularly important in guiding drafters of policies, procedures or programs targeting children associated with armed groups or conflict.

General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1)
The full application of the concept of the child's best interests requires the development of a rights-based approach, engaging all actors, to secure the holistic physical, psychological, moral and spiritual integrity of the child and promote his or her human dignity… Article 3, paragraph 1, establishes a framework with three different types of obligations for States parties: (a) The obligation to ensure that the child's best interests are appropriately integrated and consistently applied in every action taken by a public institution, especially in all implementation measures, administrative and judicial proceedings which directly or indirectly impact on children; (b) The obligation to ensure that all judicial and administrative decisions as well as policies and legislation concerning children demonstrate that the child's best interests have been a primary consideration. This includes describing how the best interests have been examined and assessed, and what weight has been ascribed to them in the decision. (c) The obligation to ensure that the interests of the child have been assessed and taken as a primary consideration in decisions and actions taken by the private sector, including those providing services, or any other private entity or institution making decisions that concern or impact on a child…. The concept of the child's best interests is flexible and adaptable. It should be adjusted and defined on an individual basis, according to the specific situation of the child or children concerned, taking into consideration their personal context, situation and needs. For individual decisions, the child's best interests must be assessed and determined in light of the specific circumstances of the particular child. For collective decisions – such as by the legislator –, the best interests of children in general must be assessed and determined in light of the circumstances of the particular group and/or children in general.[xxxvi]

It is this approach that was reiterated by the Special Representative for Children and Armed Conflict on 30 October 2017 thus;

> "First and foremost, the best interest of the child must be at the heart of any reintegration program. Yet, it is very easy to lose sight of this principle when there are competing political or economic interests. Another fundamental principle is that children associated with Armed Forces or Armed Groups should be considered primarily as victims. If they are accused of serious crimes allegedly committed while they were associated with Armed Groups, wherever possible, alternatives to prosecution and detention should be found in order to facilitate reintegration and avoid further stigmatization. This principle is particularly important to keep in mind in the context of Armed Groups who use tactics of terrorism".[xxxvii]

The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict calls on States to be 'mindful of the necessity of taking into consideration the economic, social and political root causes of the involvement of children in armed conflicts', to strengthen the 'physical and psychosocial rehabilitation and social reintegration of children who are victims of armed conflict' and encourage the participation of the community.[xxxviii] Resolution 1612 as adopted by the UN Security Council stressed that it is the primary responsibility of the State to effectively protect and provide relief to children affected by armed conflict and that 'the protection of children in armed conflict should be regarded as an important aspect of any comprehensive strategy to resolve conflict'.[xxxix]

The Paris Principles advocate for an 'inclusive approach' to reintegration which factors in cultural, religious and gender backgrounds. Specifically, the principles propose that;
  i.   Programmes should build on the resilience of children, enhance self-worth and promote their capacity to protect their own integrity and construct a positive life;
  ii.   The participation of women and girls in programme development and implementation should incorporate their views with regard to reintegration into family, community and economic and political life;

Activities should always consider the age and stage of development of each child and any specific needs.

C. OPERATIONALISING REINTEGRATION PROGRAMING

C.1 Contexts Where DDR Occurs

Any DDR process in Africa is unique and ranges from demobilising parts of a standing army to the demobilisation of disparate armed groups. Any design of a DDR program and the organizational framework to manage it, should be based on the particular needs and objectives of the situation. DDR processes also take place in a range of security situations some of which are very fluid. Broadly, these situations include:

i)   **Peace Agreement:** A DDR process may be negotiated as part of a peace agreement. In such a situation the parameters of the DDR are already established, although the details of implementation often need continued attention.

ii)   **Absorption of armed groups into the regular security forces:** Armed groups may have been absorbed into the regular security forces either as part of a peace

agreement or part of the counter-insurgency arrangement. In either case, DDR process is generally the same as they are in theory one coherent military structure. In these situations, SSR factors need to be carefully considered.

iii) **Defeat of an armed group:** In the situation of an outright defeat by one force over the others such as in wars of national liberation, the defeated side will either be absorbed or demobilised. The winning side will also require DDR to right-size their force.

iv) **As a component of stabilisation efforts:** DDR, or DDR-related programs, can also be implemented as part of confidence building or stabilisation efforts. These programs are generally adapted to specific armed groups or areas which require special attention to address the security situation.

"Yes, but our case is special"

If you ask a national official to explain the challenge of demobilization and reintegration in their country, nine out of ten, the official will say that DDR in their country is not like the others. Indeed, all DDR operations have their specific history and are being implemented within a particular political process. There is no blueprint that can be applied to all contexts. The design of any program needs to respond to the challenges and opportunities at hand. In fact, it would be difficult to point out where and when so-called 'traditional DDR' has actually been practiced

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C.2 Pre-Conditions for DDR

"DDR can suffer from trying to be too many things to too many people. If DDR is too broad and tries to include everybody affected by the war it becomes impossible to implement… DDR planners need to have proper knowledge of the history of the conflict, how it was fought, its politics, its ethnic dimensions and its probable impact on peace."
-Anonymous-[xl]

In several contexts, such as Sudan, South Sudan and DRC, while DDR has assisted in managing the conflict, it has not been successful in resolving the conflict. This is because DDR cannot replace political commitment to resolve the conflict but must form part of a broader set of policies and processes, such as SSR, political reform, transitional justice, community-based violence reduction and national reconciliation. Unless DDR is being used as part of counter insurgency operations to promote defections among the opposing side, DDR needs to take place where there is a basic level of agreement and confidence in the political process. If too much is invested in DDR without other processes or conditions in place, DDR will likely not contribute to successfully transforming combatants into productive members of the community and there is a high likelihood of re-recruitment and recidivism.

Case Study: The Sudans

The 2005 Comprehensive Peace Agreement (CPA) between the Government of Sudan and the Sudan People's Liberation Army (SPLA) contained a commitment to start a DDR programme. However, despite years of major investments in the process, it became evident that the parties were not sufficiently prepared to significantly reduce the size of their armies.

In situations where the pre-conditions for DDR do not exist and members of armed groups are reporting to or being captured by AU PSOs or national forces, there is often imperatives to provides these combatants with support in order to assist them to return to their communities,

support them so that others in their group will follow their example or on humanitarian grounds. This type of support should avoid the provision of financial packages but rather services such as:

- Educational grants
- family tracing
- medical and psychosocial support
- life-skill training;
- referral to development opportunities and job creation
- provision of physical protection

In these situations, the AU PSO or national government will need to have an in-depth understanding of the background of the people that they would be assisting as well as the risks associated with the support. In some instances, for example, support may antagonise another war-affected group creating tensions and sources of conflict. Another risk is that the providing support to XCs without an agreement and manageable monitoring system might actually encourage others to join. Preferably, any such support provided should be a part of a broader peace process.

Case Study: DRC
Since the closing of the National PNDDR process in eastern DRC in May 2011, MONUSCO, together with the Congolese national army, has continued a type of DDR process without political arrangements with the armed groups. In some situations, particularly with foreign armed groups of the M23, FDLR, ADF and LRA, DDR has worked in concert with military pressure to promote defections and has resulted in either the neutralisation of the armed group or a significant reduction in their numbers. However, particularly with domestic armed groups, there has been rampant re-recruitment with some DDR processes inadvertently resulting in a conflagration of the size and number of armed groups.

C.3 Legal and Political Instruments of National DDR Processes

National DDR frameworks become increasingly relevant when there is a relatively stable and legitimate government which can exert control over most of its territory. In situations where a government decides to downsize its own national military, a clearly defined National DDR Policy, issued as part of an interim constitution or a provisional order of the government, could suffice.

In situations where the demobilization follows an armed conflict without a clear victorious party, such as in Burundi in the 2000 or the Agreement between Sudan and South Sudan in 2005, the parameters of the DDR process will usually be defined in a ceasefire or peace agreement. Such agreement would preferably contain the objectives, eligibility criteria, institutional mandates and structure and timeframe of the DDR process. While it is important to have clarity on the DDR process, providing too much detail may also create a risk by limiting flexibility or not being pragmatic. Even where there is a peace agreement that outlines the parameters of a DDR process, the new government should still issue a National DDR Policy either as an executive order or DDR Policy document that is in line with the parameters of the peace agreement but which provides more detail.

This DDR policy document should designate one government authority to manage the development and implementation of the DDR program. Generally, African governments have created National DDR Commissions (NDDRC) which bring together representatives of the main ministries, including the Ministry Defence. This has been done Sudan, South Sudan,

Burundi, Rwanda and many other countries. Creating a NDDRC has the advantage of creating synergy among line ministries and creating a bureaucracy that is capable of developing and managing a complex program. In other situations, however, governments have designated focal points within the Ministry of Defence or even created a separate DDR Ministry.

The National DDR Policy should contain the following components:
    i.   Objectives and timeframe of the DDR program
    ii. Role of the DDR in the broader development in the security sector
    iii. Targeted size of the national armed forces after the downsizing
    iv. Eligibility criteria for those to be demobilized and to receive reintegration support
    v.   Steps in the DDR process
    vi. Possible benefits for the combatants being demobilised
    vii. Linkages with other national policies and programmes.
    viii. The mandate and institutional structure of the national DDR authority as well as oversight and coordination mechanisms

In addition to the National DDR Policy document, the designated DDR authority will need to develop an operational project document which provides for the details of the DDR operation including a list of the activities, division of responsibilities, costing and a description of the funding modality.

In addition to the National DDR Policy document, the national government or parliament may also need to issue a legal instrument that provides for a qualified amnesty for ex-combatants or another document that provides for the legal status and process for ex-combatants. As experienced in the case of Somalia, it should be noted that the inclusion of the death penalty as a punishment for ex-combatants may limit the ability of international actors to support the DDR program.

In situations where PSO mandates are given a mandate to conduct or support DDR operations, it is the PSC and UN Security Council mandate that provides the authority and scope of intervention.[xli]

Lastly, DDR instruments and policies have as the end goal, the restoration and promotion of social cohesion and the rule of law . It is therefore important that a clear human rights agenda is incorporated in the documents, both in the dealings with the XCs and the communities that are involved. A proper understanding of international standards is imperative to ensure that as the XCs are assisted, the rights to such things as justice for the victims are not trampled on and disregarded and to ensure that for the XCs, they are protected from discrimination of any kind, including that based on gender.

Case Study: DRC
Since the closing of the National PNDDR process in eastern DRC in May 2011, MONUSCO, together with the Congolese national army, has continued a type of DDR process without political arrangements with the armed groups. In some situations, particularly with foreign armed groups of the M23, FDLR, ADF and LRA, DDR has worked in concert with military pressure to promote defections and has resulted in either the neutralisation of the armed group or a significant reduction in their numbers. However, particularly with domestic armed groups, there has been rampant re-recruitment with some DDR processes inadvertently resulting in a conflagration of the size and number of armed groups.

C.4 Establishing Political Oversight and Coordination

There are a variety of formulas for creating the national organisational structure to implement national DDR programs. Although there is no one approach, it is recommended to have at least two levels of administration in order to promote oversight and accountability:

Political and Strategic Oversight Body: This body is generally referred to as the National DDR Commission (NDDRC). The NDDRC is a composed of a broad-high level range of government authorities that meet in a committee to approve strategies, policies and programs proposed by the technical committee as well as to manage the politics of the DDR process. The NDDRC is also responsible for liaising with partners including the AU, RECs and the UN as well as mobilising donor support. Most importantly, the NDDRC ensures that the armed forces or other armed groups remain committed to the process and that the DDR program is consistent with other government policies.

> The NDDRC is headed by the most senior government official, usually the President or Prime Minister and is composed of senior representatives from the:
> i. Ministries of defence and interior
> ii. The national security forces
> iii. Relevant ministries, such as that of finance, justice, agriculture, labour, youth, social affairs, information, etc.
> iv. Parties to the peace accord
> v. Agencies associated with the reconciliation process
> vi. Civil society organizations
>
> In several countries, such as Angola, Burundi, the Ivory Coast, Rwanda and Sierra Leone the DDR was indeed led by a NDDRC. The name, however, can change though the powers and responsibilities remain the same. In CAR and Somalia, this body is embedded in a ministry, usually either the Ministry of Defence or Interior. The advantage of not being within a ministry is that it could more easily cut across different sectors and deal with the most critical political questions.

Case Study: Uganda

Depending on the country, different DDR institutions may exist. For example, Uganda managed its DDR of its national army in the 1990s through the Uganda Veterans Assistance Board (UVAB) chaired by a senior General. In 2000, the Ugandan government established the Ugandan Amnesty Commission to manage both the DDR process for rebels who renounced the rebellion. Whatever the name given, it is still important to have two levels of government oversight.

Technical Implementation and Management Body: This body is generally called the Executive Secretariat (ES) of the NDDRC. It is responsible for the technical development and implementation of the DDR program as well as the monitoring of the activities. The head of the ES could also be a member or even the Secretary of the NDDRC. The main tasks of the ES include:

- Function as Secretariat of the NDDRC (preparation and follow-up of decisions);
- Design and propose the DDR operation
- Planning for implementation
- Technical coordination with national and international partners
- Dialogue and reporting to funding agencies;
- Selection, contracting and supervision of implementing partners
- Management and operational oversight
- Procurement of goods and services
- Financial accounting

- Monitoring and evaluation (M&E) of DDR activities
- Reporting to the NDDRC and other stakeholders

The structure of the ES depends on the specific design of the DDR operation, the mandate of the NDDRC, the funding modality, and the role of the various partners. Some of the key considerations in structuring the organization are: efficiency, flexibility, transparency and accountability. In general terms, the ES should include the following units with their respective tasks:

- *Disarmament and Demobilization:* Sometimes the national military or AU PSO has already taken care of this step but the ES still needs to verify eligibility
- *Reintegration Support:* Contracts implementing partners and liaise with the relevant line ministries; manage reinsertion packages for XCs; may manage the Information Counselling and Referral System (ICRS). This unit would need to work closely with the Operations Unit.
- *M&E:* Monitors and evaluates project as well as maintain the Management Information System (MIS)
- *Public Information and Communication:* This unit is sometimes called the Information and Sensitization Unit.
- *Gender:* Ensures gender issues are taken into account including support to WAAFAG
- *Children (CAAFAG):* this component may be managed by the Child Protection Unit within the armed forces or another child protection body
- *Disability and health* issues: support physical rehabilitation, medical checks and services, voluntary and confidential HIV testing and counseling, trauma counselling, etc.
- *Operations:* supports all logistics and procurement
- *Administration and Finance*
- *Information Technology* (IT)
- *Human Resource Management:* includes management of staff at the state or provincial

Once the mandate and structure is defined, the degree of decentralization needs to be established. The ES normally needs to implement DDR-related activities throughout the country. Therefore it is generally essential that the NDDRC operates offices at the regional/state/provincial level to implement the program and maintain relationship with local stakeholders. This may include establishing liaisons at the community level including XCs who are recruited and trained for outreach and program management.

Centralised leadership and management are important especially in the early phases when critical decisions are made and procedures are developed. However, there will be a need to progressively decentralise particularly in the reintegration phase. Clear reporting chains need to be established so that the ES HQ can maintain oversight and monitoring of the program.

Recruitment of ES staff should be based on technical merit and competence. The composition of the team will also need to reflect the various groups in the country. However, staff members within the ES should be technicians not actual representatives of these groups.

Case Study: Burundi
In Burundi some of the senior management of the NDDRC Executive Secretariat change with time due to changes in the government as well as changes resulting from the implementation of the Arusha Agreement. These changes are sometimes necessary to maintain the political engagement of the relevant parties.

C.5 Factoring in Groups Associated to Armed Forces

The national DDR program needs to include issues and support to related groups that are broader than the traditional DDR operations. Even if support for these groups is being done by other agencies than the NDDRC, it is important that links be established and the support available by communicated. These groups may include:

C5.1. Dependents of XCs:

Dependents, and in particular the children and the wives of the XCs often get neglected during the DDR discussions despite being a key part of the XCs life. Some of the dependents are the ones who take care of the XCs as they seek to be reintegrated and are especially invaluable to the chronically ill and the disabled. The fact that XCs may have many wives all with their own set of children is also a key dynamic that States should factor in as they draft and implement DDR programs. The observation below captures the caution as follows:

> "In some cases, the ex-combatant may have more than one wife, each of whom has a number of children. Reinsertion packages generally provide a flat payment that does not take into account the number of dependents that an ex-combatant is supporting. As a result, ex-combatants may declare only one wife or in some cases, no wife at all. The women and children then lose their primary means of support and are generally not eligible for support in their own right."[xlii]

As such, cutting out the dependents may end up, not only frustrating the effectiveness of the DDR programs, but also resulting in the gender-related ramification. It is therefore imperative that the support provided to the XC be allocated with the consideration that this support can benefit the dependents of the XC.

C5.2. Women Associated with Armed Groups (WAAFAG):

These have been defined as those who "participated in armed conflicts in supportive roles, whether by force or voluntarily" and who, "rather than being members of a civilian community, are economically and socially dependent on the armed force or group for their income and social support for example as a porter, cook, nurse, spy, administrator, translator, radio operator, medical assistant, public information officer, camp leader, sex worker/slave."[xliii] Depending on the circumstances of each context, most WAAFAGs have been at the receiving end of physical and sexual abuse that has its roots in the gender misconstructions concerning women. When the war is over and DDR programs are being designed, the State should recognize that the discrimination, alienation and abuse faced by women does not end at the war camp but can, if ignored, follow them back to their homes. With no source of income and common casting aside, WAAFAGs are at the brink of poverty if forgotten in the national DDR conversation. As such, there are needs of women who are not combatants which may not be addressed as dependents of XCs. A support program may therefore be needed to provide for these women though not necessarily be the NRCCP itself.

As already stated, the CEDAW Committee in General Recommendation No. 28 pointed out that pursuant to Article 2 of CEDAW states have an 'obligation to respect, protect and fulfil the right to non-discrimination of women and to ensure the development and advancement of women in order that they improve their position and implement their right of de jure and de facto or substantive equality with men.[xliv] Therefore, states have an obligation to respect, protect and fulfil the right to non-discrimination of WAAFAGs women and to ensure their development and advancement.

In particular, women associated with armed groups should not be disregarded as their male counterparts are receiving DDR assistance. Indeed, the 18th Beijing Declaration of the UN declared thus;

> "Local, national, regional and global peace is attainable and is inextricably linked with the advancement of women, who are a fundamental force for leadership, conflict resolution and the promotion of lasting peace at all levels".[xlv]

As a matter of principle and law, WAAFAGs must be enjoined in the DDR process and their contributions made part of the conversations regarding DDR. The preamble of the CEDAW declares that 'the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields'. This participation will ensure that all other rights, including the right to peace and to dignity, are observed and monitored.

C5.3. Children Associated with Armed Groups (CAAFAG)

The CRC under Article 38(4) requires states to take all feasible measures to ensure protection and care of children who are affected by an armed conflict. Importantly, CRC under Article 3 provides that the best interests of the child should be a primary consideration in all matters concerning a child. The ACRWC under Article 4 provides that in all matters concerning a child, the best interests of the child should be the primary consideration. The best interests of the child principle should guide the manner in which states deal with CAAFAG. The other cardinal principles, namely, non-discrimination, right to life, survival and development and the right to participation must also be put into consideration in dealing with CAAFAG.

C5.4. Communities where XCs resettled without registration

Where there is spontaneous return, it may not be possible to identify individual combatants. As such, programs may need to be designed to benefit the community as a whole.

C.6 Partners

C.6.1 Implementing Partners

To implement a DDR program, the government will need to work with a range of partners beyond its own line ministries. These implementing partners include
   i.   UN agencies
   ii. International and National NGOs
   iii. Private sector companies

The need of the government to rely on implementing partners depends on its own capacity. Even where the government outsources implementing partners to provide a service, it is important that the NDDRC provide the framework and monitor the quality of the service being provided.

C.6.2 Other Partners

Besides implementing partners, there are a range of other partners that the NDDRC will need to coordinate and communicate with. These include
   i.   Regional Organisations: AU, RECs
   ii. International Organisations: UN, ICRC, World Bank
   iii. International and Regional Diplomatic missions
   iv. Media outlets
   v.   Civil Society: youth, traditional, faith based, human rights, advocacy

These partners are particularly important when national institutions are not yet fully developed and experienced. In Africa, there is always a dilemma when countries come out of conflict: there is an immediate need to release and address the needs of combatants as soon as possible but the national authorities responsible are not fully developed or prepared. This often creates the need for national authorities to give up some ownership of the DDR process to external partners who can provide immediate services while the national authorities continue to develop their own capacities. In such a situation, one of the top priorities must remain the training and mentoring of national staff.

In such situations support must be found from external agencies with experience in these matters, such as the AU, UN (including UNDP) or the World Bank. Donors could also assist in bringing in expertise in the start-up phase. However, the government needs to ensure that it decides on the actual policy and strategy decisions. When expert staff are seconded to the ES, loyalty and reporting lines still need to go to the ES management rather than the external agency providing the support. No unit of the ES should be seen as working for an external agency.

C.6.3 Coordination Mechanisms

In principle it is the national government's responsibility to invite partners to support the DDR. Once partners have been identified it is important that the roles and responsibilities of each stakeholder be clarified as well as the relationships among them. Once those have been defined, coordination will be required at several levels. Leadership over the coordination of support to the DDR national program is the responsibility of the government as well as the issuance of regular progress reports.

i.   **Policy Level**: The NDDRC should lead although the NDDRC may request the AU and UN to take an active role in the coordination, particularly if there is a peacekeeping mission in the country. This could even include a co-chairing mechanism with the UN, AU or a major multilateral funding mechanism such as the World Bank.

ii.   **Operational Level:** The ES of the NDDRC should lead in the coordination of the implementation and operations of the DDR program. The co-chairing mechanism could, however, be considered where there is a peacekeeping mission.

iii.   **Finances**: If there is more than one donor financing the DDR program, the donors themselves may agree to coordinate their contributions and organise platforms for dialogue with the government. Whatever the platform, the NDDRC should attend these meetings and be prepared with a list of needs that are cross-referenced with existing contributions. This will create clarity as to the remaining funding gaps and avoid the duplication of funding for a particular item.

iv.   **Joint Operations Centre (JOC):** At the early stages of the program, a JOC can be formed with the key actors such as the ES, the national military, police and AU or UN, to coordinate on a daily basis the pressing operational issues. The JOC addresses and resolves immediate issues and ensures adherence to the agreements and standards of operation.

v.   **Technical Coordination Committee:** This committee can be formed to coordinate the reinsertion and reintegration phases of the program. The Committee is usually chaired by the ES and includes representatives of the main stakeholders such as the AU, UN, UN agencies, government agencies, donors and implementing partners. Technical committees could also be formed at the regional level to ensure coordination in the provinces.

vi.   **Special Interest Groups:** Special coordination mechanisms may be established to cater to the needs of particular issues or groups such as sensitisation, CAAFAG, WAAFAG, the ill and disabled, etc.

Case Study: MDRP
The World Bank Multi-Country Demobilization and Reintegration Program (MDRP) in the greater Great Lakes Region was a multilateral trust fund for DDR programs in the region. Besides providing a funding modality for governments, MDRP also provided effective coordination among donors as well as a broader coordination platform for interaction between al the DDR stakeholders in the region.

C.7 Completing the DDR Program

Once the objectives of the DDR operation are achieved or there are no more combatants to process, the institutional infrastructure for the DDR will normally be closed down. It is therefore important to consider early on how the DDR institutions and infrastructure will be discontinued or converted at the end of the operation. Anticipating the completion, national authorities should consider how the institutions and experience gained could best benefit the country in its entirety.

Anticipating the end of the DDR operation is also important in the communication with the XCs and their communities. After a certain period of time the XCs should no longer count on the advice and services from the ES. They should not expect special treatment as XCs, since they would have become regular citizens, engaging in society and the economy as others without a military past.

D. FINANCING

Based on the objectives and strategy in the policy documents, the NDDRC should create a project document that includes an initial budget against a list of activities. As funding will not normally come from one source, it is beneficial for the government to keep the funding structure by agreeing on a funding modality where donors can pool their resources.

As first step, the government should determine how much of the DDR program it can fund from the national budget. Generally, the more national funding is invested in the DDR program, the more national ownership and flexibility the government will have. If the direct involvement of the national military is politically acceptable in the DDR process, it could provide a wide range of services in the disarmament, demobilisation and transportation of the combatants.

In regards to external financial support, there is a range of funding mechanisms that could be considered to channel these resources. A DDR program can use one or several of these mechanisms.

Table 1: Overview of potential financing modalities

Funding Modality	Key Features	Comments
A.National budget	• Government uses national funds to finance priority activities • National accountability mechanisms apply	• Promotes national ownership and demonstrates commitment which may encourage additional external assistance • Reallocates military resources to national development
B. Bilateral support to the government	• Depending on the conditions, the government can use this as it would its national funds	• Governments emerging from conflict generally do not have the capacity to manage and account for funds given by international donors
C. Funding from AU or UN Peacekeeping Operations	• AU or UN peacekeeping operations could facilitate disarmament, demobilisation and reinsertion activities	• Budgets related to peacekeeping operations generally cannot be used for reintegration programs

Funding Modality	Key Features	Comments
	• Both could also provide technical and logistical assistance to the government	
D. Support from UN Agencies	• There are a range of options with UN agencies based on the agreement negotiated with the government • One option is the direct execution by a UN organisation (DEX) • Another option is the direct implementation of by the government (NEX)	• One disadvantage of UN agency funding is that, if the NEX is not utilised, the funds can only be used by UN agencies.
E. World Bank or AfDB Load or Grant	• National DDR Program would be drawn up and approved by the Bank • Government would implement normally with technical assistance • Requires close Bank supervision and accountability	• The advantage of this system is that it strengthens national systems • If it is a loan, the government will eventually need to repay
F. Multi-donor Trust Fund	• Funding could be managed by the World Bank, AfDB or UN	• Strict management systems are needed • UN Trust Funds can only be used to fund UN agencies
G. NGOs	• NGOs can receive funding directly from donors to provide specific services particularly in the area of reintegration	• Strong coordination and oversight needed from the government

From the perspective of national ownership and capacity building, the preferred modality would allow the funding to be managed by the ES of the NDDRC. This would in principle be possible with national financing, World Bank managed multi-donor trust funds, World Bank loans or grants, or UNDP's National Execution (NEX). Throughout the operation, agreed upon financial management and procurement rules would be applied and regular reporting, supervision and audits conducted.

Where an external funding modality is agreed upon, it is important that the selected financial management agency be embedded in the ES so as to create synergy with the government authority and build the capacity of national staff. Where the capacity of national institutions is too limited, the preferred option would be to pool finances through a UN agency that can both manage funds and implement the program. However, this latter option would make it difficult for national authorities to oversee DDR operations and it may impede its development.

Case Study: South Sudan
In the years before independence, the direct implementation of the DDR program by a UN agency created major inefficiencies and disconnections with the NDDRC which contributed to poor results.

E. CROSS CUTTING ISSUES

In order for the DDR operation to be an effective component of a broader peace-building and development process, coherence and synergies are required with related national policies and programs. It is important to consider the long-term impact, even when DDR activities are sometimes designed and implemented under time pressure and focussed on immediate results.

E.1 Security Sector Reform (SSR)

Report of the Secretary-General (2008) : A definition of SSR[xlvi]
Security sector reform describes a process of assessment, review and implementation as well as monitoring and evaluation led by national authorities that has as its goal the enhancement of effective and accountable security for the State and its peoples without discrimination and with full respect for human rights and the rule of law. As the Security Council noted, security sector reform "should be a nationally owned process that is rooted in the particular needs and conditions of the country in question" (S/PRST/2007/3).

The preamble of the PSC Protocol raises awareness of the fact that the "implementation of post-conflict recovery programmes and sustainable development policies, are essential for the promotion of collective security, durable peace and stability, as well as for the prevention of conflicts".[xlvii] Within the context of SSR, DDR has been defined as "a process that contributes to security and stability by disarming combatants, removing them from military structures, and socially and economically integrating them into society."[xlviii] Thus, whereas DDR may operate on a different timeline, DDR needs to be closely connected to SSR. Scholars have not found much difficulty establishing the link between SSR and DDR due to the commonness of the end goals and objectives. The following is a particularly accurate description of the link;

> "…the distinctions between DDR and SSR are potentially less important than the convergences. Both sets of activities are preoccupied with enhancing the security of the state and its citizens. They advocate policies and programmes that engage public and private security actors including the military and ex-combatants as well as groups responsible for their management and oversight. Decisions associated with DDR contribute to defining central elements of the size and composition of a country's security sector while the gains from carefully executed SSR programmes can also generate positive consequences on DDR interventions. SSR may lead to downsizing and the consequent need for reintegration. DDR may also free resources for SSR.DDR and SSR play an important role in post-conflict efforts to prevent the resurgence of armed conflict and to create the conditions necessary for sustainable peace and longer term development…"[xlix]

Ideally, linkages between SSR and DDR would be framed in government policy documents and strategies as it is impossible for either to succeed without political will. An agreement on the role, size and composition of the new security forces will make it easier to determine how many and who need to leave the military to return to civilian life. A program to right-size the military through a DDR process will also save government funds which can then be re-invested in modernising the military.

The risks associated with XCs returning to their communities are also linked to the ability of the government security services re-establishing security in those areas. There must also be sufficient law enforcement facilities to ensure that misconduct by XCs is handled as a matter of civilian law and order. In some cases, a process of SSR might be a precondition for the DDR to be successful. If the forces lack sufficient civilian oversight, the credibility of the DDR process may be jeopardised and could even lead to conflict.

In relatively stable countries, the process of downsizing the national military may not require a DDR process. After the development of mature security sectors, a management cycle develops where the hiring and retiring soldiers ensures that the military is the right size.

The 2063 AU Agenda envisions, rather ambitiously, that by 2020, all guns will be silenced.[l] While effective DDR programs have the potential to realize this fourth aspiration, they can be the very reason for the return and escalation of conflict. DDR, depending on the context and circumstances of the conflict, can be the make or break deal as far as security and peace is concerned. An except on a case study on Angola is illustrative of the fragility of peace and security when the relationship between DDR and SSR is not well understood

Case Study: Angola
Angola suffered 40 years of conflict before the Bicesse Accords were negotiated between the Government and the National Union for the Total Independence of Angola (UNITA) in May 1991. Those accords contained provisions for a DDR process that envisioned the disarmament of combatants from the warring factions—the Popular Armed Forces for the Liberation of Angola (FAPLA), an arm of the Popular Movement for the Liberation of Angola (MPLA) government, and the Armed Forces for the Liberation of Angola (FALA), an arm of the opposition UNITA. The DDR program stemming from the Bicesse Accords made provision as well for the creation of an integrated national army that would have 20,000 members each from the FAPLA and FALA and the demobilization of close to 200,000 troops. The DDR process in Angola failed because UNITA refused to accept the outcome of the elections held in 1992.[li]

E.2 Transitional Justice and National Reconciliation

The relationship between transitional justice, national reconciliation and DDR is intricate. One author has articulated the nexus thus;

> "Reconciliation is an answer to the question: After truth-telling, what next for the relationship between victims and perpetrators in society? Reintegration is an answer to the question: After demobilization of combatants, what next for the relationship between them and the unarmed who had been victims of their guns? Thus, both reintegration and reconciliation are about post-war relationships between individuals who were armed and perpetrated atrocities during the war and the individuals who were unarmed and suffered those atrocities."[lii]

Scholars have been quick to observe that "while both DDR and transitional justice often operate simultaneously, neither process has traditionally been designed with the other in mind" and that "they are often in tension or competition, pursuing competing demands and potentially drawing on the same scarce donor pools."[liii] One of the sources of tension lies in the prosecution element of transitional justice which is, often times, the last thing that XCs want to face and the first that the victims of the war want to see.

Other mechanisms that have been used in transitional justice include reparations, truth commissions, national dialogue, criminal prosecution, qualified amnesties or any combination thereof. These processes occur outside of the DDR process. However, as the XCs are generally the perpetrators of possible criminal acts, the choice of the transitional justice mechanism may influence the confidence of the XC to fully engage with the DDR process.

Notably, transitional justice strategies 'must be grounded in international human rights standards,'[liv] and must also be holistic. Therefore, transitional justice strategies applied to XCs must be premised on international human rights law and must also be holistic. Transitional justice should also assist to attain justice for victims of mass atrocities and assist societies ravaged by conflict to achieve sustainable peace, security and reconciliation.

DDR programs must be carefully drafted to ensure that they are not seen to be rewarding and over-sympathizing with the perpetrators of the war. Conversations and dialogues with XCs must be so structured as to help them understand the need to be held accountable to their misdeeds and the need to be deliberate about easing the pain of the victims. Reconciliation cannot, however, be hurried and it can certainly not take place when either party, especially the victim, feels short changed. A delicate balance must be sought through careful and structured engagements with the XCs and the community. A case study on Sierra Leone indicates how a well thought idea can miss a golden opportunity when careful strategies are not adopted. The Sierra Leone Truth and Reconciliation Commission (TRC) and the Special Court for Sierra Leone (SCSL, or Special Court) were established within the same time frame after years of brutal civil war. Thus, transitional justice and reconciliation were to occur simultaneously. However, despite this near-perfect arrangement, it was observed that the two institutions acted completely independent of each other and the incoordination cost the fragile state a golden opportunity.

Case Study: Sierra Leone
On the issue of reconciliation, the backers of the TRC were more interested in the truth-telling aspect than they were in the reconciliation component. The operational plan of the TRC, developed by the Office of the High Commissioner for Human Rights, divided the work of the Commission into three phases—statement taking, public hearings and report writing. In essence, the TRC worked as a human rights research project aimed at unearthing human rights abuses and violations. Reconciliation was secondary to the processes of documentation. Reconciliatory moments between victims and perpetrators during public hearings were few and far between, and they hardly captured the imagination of the country. Public hearings, especially in Freetown, were poorly attended. Most statements given by victims to the Commission ended with pleas for material assistance and not with commitments to reconcile with perpetrators. In an effort to meet tight budgetary constraints, the TRC, much like the DDR processes preceding it, was also hurriedly implemented, but like reintegration, reconciliation takes time and careful planning…In Sierra Leone, approaches to reintegration and reconciliation were conceived of and implemented separately. Ex-combatants received material benefits (reinsertion packages) to aid their reintegration, whereas victims did not receive material resources that might have helped promote the acceptance of ex-combatants into their communities. Both reintegration and reconciliation would have benefited if reintegration benefits for ex-combatants and reparations for victims were provided at approximately the same time.[lv]

The above excerpt points out that DDR and transitional justice initiatives need to be coordinated. Practical steps that could be used to integrate both processes include:

i. Provisions stating that the DDR program will respect and promote international law
ii. Only qualified amnesties are permitted (excluding genocide, crimes against humanity and war crimes)
iii. Collaboration between the DDR authorities and criminal investigations
iv. Use of vetting process when absorbing members of armed groups into the regular military
v. Participation of XCs in truth commissions or other similar processes
vi. Consider community-based rather than XC targeted reintegration support
vii. Utilize indigenous and informal traditions for administering justice or settling disputes
viii. DDR authorities should consult with victims' groups and communities receiving XCs
ix. Encourage the transformation of rebel movements into a political parties
x. Identify a transitional justice focal point in the NDDRC
xi. Sensitize XCs on the importance of transitional justice processes

E.3 Disarmament and Weapons Management

The disarmament component of DDR usually only involves the weapons carried by the combatants being demobilized. Depending on the situation, the weapons remain in armouries of the national armed forces or are destroyed. Given that the proliferation of small arms and light weapons (SALW) in post-conflict societies, measures need to be taken to control them to ensure that the government maintains a monopoly on the use of force. These measures may include the review of national legislation or improvements in regional cooperation. The DDR process and could be linked to these broader measures.

E.4 Reintegration of Refugees and IDPs

Armed conflict is a major, if not the single most dominant, cause of displacement and migration. As the guns fall silent, people, including refugees, IDPs and the XCs themselves, head back to their original communities with the hope of starting over. In some cases the return of XCs to their communities coincides with the return of former refugees or IDPs to these same communities. This meet is rarely cordial. Tensions within the community could arise that complicate the reintegration process if the XCs are given considerable support upon their return while the war-affected community does not. Prior consultation and clear communication efforts are necessary. The NDDRC should work closely with the government agencies responsible for rural development and the resettlement of returnees as well as with local leaders. The key concern as far as this is concerned is to ensure that XCs are not over-attended to at the expense of other groups just as needy as the XCs. It is important that the refugees and the IDPs are made to understand the importance and the reason behind the issuance of financial aid to the XCs so as to ease the tension and bitterness.

It is, however difficult this may be, important to implement transitional justice mechanisms within the dialogue involving the IDPs and the refugees. This is largely due to the expected prevailing attitude that the XCs are the reason behind their homelessness in the first place. Governments should be deliberate and strategic about showing the refugees and IDPs that the XCs are not being rewarded for the destruction inflicted. The awareness must start at the very communities where the XCs are set to return, lest the DDR programmes will collapse. The excerpt below is a good example of how this can be achieved.

Case Study: Northern Uganda
In Northern Uganda, the number of IDPs returning to their communities was fifty times larger than the number of LRA returning. As such, the Ugandan Amnesty Commission worked through community leaders and organisations to sensitize the communities that XCs must be received well in the communities in order to encourage the others who remain in the bush to return.

E.5 Employment Creation and National Recovery

Disarmament and demobilization are the pillars of a peaceful society that is emerging from armed conflict. But it is reintegration that is the foundation of the entire system. Where reintegration is not sustained or is threatened, the risk of the XCs taking up the arms and re-joining military groups becomes very real. This is particularly important to consider when one puts into context what XCs find lucrative about armed conflict and violence. Consider the following observation, for instance.

> "One of the main benefits of participating in war is the opportunity for economic gain. Some authors argue that the central aim of rebellion is economic profit, especially through the illegal taxation of natural resources for export…Even though other factors

may explain the outbreak of violence, economic considerations may become more important with time. In some civil wars, an economic interest in continuing the war at a profitable level may replace defeating the enemy as the main objective …Taking part in war can also be profitable for the individual. Being a combatant ensures a certain income either in the form of a salary or from looting. The use of violence may also be a way to gain access to land, water and mineral resources by forcing original owners away."[lvi]

In a society emerging from conflict, a core challenge is the facilitation of the creation of sustainable employment, considering the negative impact that conflict usually has on the economy. The creation of jobs is important for reintegration of XCs as well as the general population. The lack of jobs could create opportunities for armed groups to remobilise their forces or increase criminality. On the other hand, communities are likely to accept an XC who is seen to be engaged in a meaningful economic and income generating activity. Any economic reintegration assistance to XCs should therefore not be designed and implemented in isolation but be closely linked to broader employment creation and national development measures.

The relationship between economic recovery and stability and the economic reintegration of XCs should be seen by the national government as being circular in that, reintegration of XCs in the job sectors keeps their minds from being the devil's workshops and therefore helps maintain and foster peace in the country. While this is happening, the economy benefits from the effective input of the XCs and businesses steadily improve. National recovery must be driven by the government to actively involve the XCs, ensuring that their label as XCs does not promote discrimination within the job sector, while sensitizing businesses on the need to incorporate the XCs for the greater and long term good of the country. This, however, has to be done carefully so that, like in the treatment of refugees and IDPs, it is not perceived as favouritism based on crimes.

E.6 Regional Dynamics

Due to the nature of conflicts in Africa and cultural, political and economic inter-connectedness or African regions, many conflicts have cross-border implications. This has been the case particularly in Libya where combatants left the country during the recent conflict creating instability in Mali and neighbouring countries. The same phenomena has also occurred during other conflicts in West, Central and East Africa. In fact, the recycling of combatants due to cross-border recruitment has now become more of the norm than an exception. Consider the below excerpt concerning West Africa,

> "Although West African wars are considered internal conflicts, they cannot escape the influence of realities and dynamics of the immediate sub-regional, regional, and wider international environments in which they unfold. Conflicts in any state in West Africa have affected neighbouring countries, all due to the complexity and depth of the demographic, political, economic and cultural ties between countries…For instance, the Casamance conflict has embroiled neighbouring Guinea-Bissau and the Gambia just as the influx of mercenaries from the Liberian conflict has exacerbated insecurity in western Côte d'Ivoire. In the same way, the insurgency in northern Niger has influenced the resurgence of separatism and banditry in northern Mali, particularly among the local Tuareg"[lvii]

The design of any DDR operation and its institutional framework should therefore consider possible regional and international aspects, especially in countries with interrelated conflicts and porous borders. In such cases, combatants and weapons are known to move back and forth across borders and there is the risk of 'recycling' combatants of different nationalities.

The movement of combatants across borders requires countries to cooperate on a number of issues including the repatriation of foreign combatants. To do so, it is important for countries to establish procedures by which their nationals are returned to their country of origin where they can either be demobilised, integrated into the national force or dealt with by the judicial authorities. Depending on the specific regional situation, the AU, RECs or UN can play an essential role in getting the relevant national agencies to collaborate and guiding them through these sort of complex issues. The Protocol on the Statute of the African Court of Justice and Human Rights that established the African Court also provides an opportunity for African States to cooperate on DDR in as far as it is driven together with transitional justice, and in particular, prosecution. [lviii]

The regional nature of conflicts is also part the solution. Economic and development cooperation within the APSA, and the growing role of the RECs/RMs, also provide potential opportunities for reintegration efforts of XCs. Where there are existing trade or monetary unions, there are also opportunities for XCs to find jobs and livelihoods in neighbouring. However, to ensure that the regional dimensions are used as a positive rather than a negative, it is important that a country coordinate with and be transparent in their reintegration planning with other interested countries.

Case Study: LRA
After the movement of the LRA into CAR in 2008, the LRA became composed of individuals from four countries. Initially under an inter-governmental arrangement and now under an African Union mandate, the four countries are cooperating to neutralise the LRA including through the promotion of defections. As many of those defecting do so in a foreign country, states and partners such as the UN missions and ICRC facilitate their repatriation.

Annex: Case Study Matrix

Key characteristics of recent DDR operations in African countries

Country	Decision to demobilize	Legal DDR Documents	Forces to be demobilized	Political Oversight	Management of the Program	External support	Financing arrangements	Link to SSR	Link to Transitional Justice
Angola	DDR efforts before 2002 floundered due to weak political support; Agreement on DDR reached between UNITA and GoU following defeat of UNITA	i. Luena MoU, Addendum to the 1994 Lusaka Protocol, between the GoA and UNITA ii. Letter of demobilization policy (2003)	Unintegrated UNITA combatants Regular FAA combatants Disabled and underage combatants; very few female combatants.	National Commission for the Social and Productive Reintegration of the Demobilized and Displaced (CNRSPDD) established June 2002 and chaired by Minister of Interior	Institute for Socio-Professional Reintegration of Ex-combatants (IRSEM), implementing the Angola Demobilization and Reintegration Program (ADRP) Offices in 18 provinces.	World Bank supported design of DDR program, and coordinated donor support through the MDRP	IDA financing + MDRP MDTF + Government national budget External accountancy firm managed the financial management and procurement unit	DDR contributed to downsizing of the FAA	No direct link
Burundi	Political agreements between the Government and rebel groups	i. Arusha Peace and Reconciliation Agreement (2000) ii. Ceasefire agreement between GoB and	Rebel forces who did not integrate to the new national forces (NDF) Once integrated,	National Commission for Demobilization, Reinsertion and Reintegration (NCDRR), chaired by	Executive Secretariat (ES) of the NCDRR, implementing the Programme National de Démobilisation, Réinsertion	Financial and technical support through MDRP framework, close cooperation with UN	World Bank IDA grant and MDRP MDTF. IDA grant.	Integration of combatants of all armed groups into the NDF NDF downsizing saved	No direct link

Country	Decision to demobilize	Legal DDR Documents	Forces to be demobilized	Political Oversight	Management of the Program	External support	Financing arrangements	Link to SSR	Link to Transitional Justice
		CNDD-FDD in Dar-es-Salaam (2003) iii. Force Technical Agreement (FTA) between GoB and CNDD-FDD and FAB (2003) provided for integration into new National Defense Force (NDF) iii. Letter of Demobilization Policy (2004) iii. separate agreement with FNL	NDF downsized FNL demobilised in separate process	the President	et Réintégration (DRRP) Underage soldiers also responsibility of ES-NCDRR, assisted by UNICEF In 2009, a Technical Coordination Team (TCT) replaced the ES	Office in Burundi (UNOB).		government revenue	
DR Congo	DDR rooted in the Lusaka Ceasefire Agreement (1999)	i. Global and All-Inclusive Agreement on the Transition in the DRC (2002) ii.Transitional Constitution; the memorandum	Demobilization and reintegration of signatories to Global Accord: FAC, MLC, RCD, RCD-	Demob by Min. of Defence; reinsertion by Min. Social Affairs; supporting role by Min.	DDR Commission (CONADER), implemented, PNDDR In 2007 CONADER replaced by	Financial & technical support through MDRP framework + bilateral donors	World Bank IDA grant, MDRP MDTF, AfDB grant Retroactive financing, MDTF, direct cash	New national force created (FARDC)	Qualified amnesty

Country	Decision to demobilize	Legal DDR Documents	Forces to be demobilized	Political Oversight	Management of the Program	External support	Financing arrangements	Link to SSR	Link to Transitional Justice
		on military and security issues (2003) iii.36 resolutions adopted by the Inter-Congolese Dialogue in Sun City (2002)	ML, RCD-N, Mayi-Mayi 10-20% of fighting forces were children	of Solidarity & Humanitarian Affairs Oversight of PNDDR by Interministerial Committee on DDR (CIDDR)	project management unit in Min. of Defence & private accounting firm managed financial and procurement matters.	support to GoDRC	payments to ex-combatants		
Ethiopia	DDR undertaken following major war with Eritrea. Agreement on the cessation of hostilities. No further need of such large armed forces.	Funding agreement with the World Bank	Demobilisation entailed controlled reduction in force of standing national army, the Ethiopian National Defence Force (ENDF)	Prime Minister's Office for policy issues Ministry of National Defence Force for disarmament & demobilization. Ministry of Labour and Social Services (MoLSA) for reintegration assistance.	Federal Project Management Units (FPMUs) of MoLSA reported to Emergency Recovery Project Management Units (ERPMUs) and Ministry of Finance and Economic Development Regional council	Through the Emergency Demobilization and Reintegration Project (EDRP)	IDA credit plus GoE own contribution Special accounts created at National Bank of Ethiopia. Fund used exclusively for payment of reinsertion and reintegration assistance. Fund transferred to each Regional Finance Bureau program fund account and Regional Finance Bureaus transferred it to	Since initiation of the EDRP, defense expenditure declined from 40% to 17% of recurrent Government expenditure. Share of social services increased from 15.3% of the total expenditure in FY1999/00 to 22.5% in	No link.

Country	Decision to demobilize	Legal DDR Documents	Forces to be demobilized	Political Oversight	Management of the Program	External support	Financing arrangements	Link to SSR	Link to Transitional Justice
					responsible for implementation at region, zone and wereda levels.		wereda finance office bank accounts.	FY2001/2002	
Rwanda	GoR decision to downsize RDF and support reintegration of former armed groups	Letter of Demobilization Policy	Demobilization of RDF combatants and members of armed groups and support their transition to civilian life;	Rwanda DDR Commission (RDRP); Min. of Defence provided logistical assistance; Min. of Local Government and Social Affairs supported reintegration for CAAFAG	Technical Secretariat of RDRC implements the RDRP 12 provincial RDRC offices Min of Social Affairs supports Community Development Committees (CDC)	MDRP framework used.	MDRP MDTF,	IDA, DFID, Germany, GoR, AU	Reallocation of Government expenditure from defense to social and economic sectors	No direct link National Unity and Reconciliation Commission (NURC) created reconciliation process in DDR camps

Country	Decision to demobilize	Legal DDR Documents	Forces to be demobilized	Political Oversight	Management of the Program	External support	Financing arrangements	Link to SSR	Link to Transitional Justice
Sierra Leone	Peace agreement facilitated by external intervention	i. GoSL and RUF Ceasefire Agreement (1999) followed by the Lomé Peace Agreement ii. RUF and GoSL Ceasefire Agreement in Abuja (2000) and (2001) iii. Joint Operations Plan (2003)	Both national forces and RUF, CDF and paramilitary groups CAAFAG and WAAFAG	National Commission for DDR (NCDDR), chaired by President Dept. of Development (under the Min. of Finance) responsible for of managing assistance to NDDRP	NCDDR's ES implemented National DDR Program (NDDRP) 3 Technical Committees established: i.Disarmament & demobilisation ii. awareness & information iii.Reintegration	World Bank, UK, UNICEF, WFP, UNDP, Japan, USA	MDTF + bilateral contributions	UK supported extensive SSR support and reform Armed forces reduced to 3,500; training; rebels integrated into police force	Blanket Amnesty (Lomé Peace Agreement) XCs participate in the Truth and Reconciliation process
South Sudan	Comprehensive Peace Agreement (CPA) (2005)) included DDR commitments Independent South Sudan adopted its own new DDR policy in September 2011	i. 2005 CPA ii. post-referendum each Government issued a DDR policy	SPLA and armed groups integrated into SPLA Support to CAAFAG and WAAFAG	Post-referendum: National DDR Council chaired by the President and including representatives from line ministries	Pre-referendum: Southern Sudan DDR Commission Post-referendum: National DDR Commission (NDDRC)	Pre-referendum: UN system Direct support by UNMIS UNICEF providing assistance CAAFAG	UNDP MDTF New systems for post-Independence DDR being developed.	Insufficient linkages	No direct link

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