

# Recovery and the rule of law: what have we learned?

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**While the tragedy and suffering have made a deep impression, it is people's courage and hope that keep me going.**

It has been my privilege to serve the UN for the past 25 years, working for four different agencies in five countries. Now, as Director of the Bureau for Crisis Prevention and Recovery (BCPR), I am involved in supporting communities ravaged by conflict or natural disaster to rebuild and recover. For more than two decades, I have seen people at their most vulnerable and most resilient. I have seen courage in places where children torn from their families and forced into battle, women brutally raped and families dispossessed are ready to pick up their lives and start afresh.

The challenge has always been to re-think old ways of doing business and to support and serve people in their most vulnerable moments. The strengths of women, in particular, have defined both my professional career and my personal ambitions. Women suffer disproportionately during crisis and are often barred from the recovery process. Yet they remain the backbone of their communities before, during and after crisis strikes.

I recall vividly an encounter I had with young girls in Uganda. At the age of 13 they were taken from their beds in a school dormitory and forced into sexual servitude for the Lord's Resistance Army. These girls bore children, they bore arms and they survived unspeakable horrors. And yet, when they escaped and returned to their communities, they had the resilience to resume their education and get their lives back on track. Helping them achieve this is the essence of recovery.

One of the most important elements of the work of BCPR is access to security and justice, which are preconditions for sustainable peace and the cornerstone of our mission.

And since women victimised during crisis are so frequently denied justice, much of UNDP's rule of law programming focuses on the needs of this neglected half of the population – whether by training lawyers and police forces to respond to gender-based violence, establishing free legal clinics or working with governments



to bring national legislation into line with international standards.

Establishing rule of law in a region ruled by force is not easy but we have learned a lot about what works. In recent years, five very important lessons have become clear:

- Engage early in a crisis.
- Instil a sense of national ownership.
- Promote women as leaders of recovery.
- Recognise security as a long-term process.
- Be flexible and adapt to realities on the ground.

## Engage early

Responding early to a crisis is key to success. As humanitarian workers rush in to distribute blankets, food and medicines, recovery must also begin. UNDP serves as a bridge between humanitarian relief and long-term recovery, helping to restore the capacity of national institutions and communities in areas such as security and rule of law.

Immediately after any crisis – whether one prompted by armed conflict or natural disaster – there is a short-lived window of opportunity to 'build back better'. In crises, days and even hours can make a difference. With this in mind, UNDP developed a rapid crisis response strategy in 2007, creating a network of specialists around the world deployable within 72 hours. Last year, these specialists supported 15 countries hit by crises, including Bangladesh, Liberia, the Solomon Islands and Sudan.

The introduction of a rule of law programme in Darfur is an example of progress against all odds. Since this programme was launched in 2004, seven legal aid centres and four legal information centres have been established, granting legal aid to displaced people, many of them women seeking justice for sexual abuse and gender-based crimes. The programme has also provided training to over 40,000 legal professionals, police officers, traditional leaders and members of civil society.

Focusing on security and justice issues immediately after conflict may seem premature to some people. But restoring people's human rights and dignity – sometimes after generations of chaos and brutality – is essential to peace. The very idea that justice is possible, that the rule of law might be re-established, that brutality will be punished – these ideas create hope. They motivate people to abandon violence in favour of a future of peace and prosperity.

### Instil national ownership

The success of the Darfur programme lies in its empowering of local authorities and communities to drive their own recovery process. It is not an imposed solution; it is rooted in the local context. We cannot underestimate the importance of national ownership.

National ownership is about humility. It's about listening to what women, men and children who have lost their limbs to machetes, their family members to marauders and their homes to warring militias want from us – not what we think they want or what we want from them. National ownership is about patience to cultivate a constructive relationship with government and other national partners and to empower local authorities to do the right thing at the right time. It is about trust and believing in the people we are mandated to serve; about recognising that beneath the sometimes corrupt leadership lies the inherent strength of societies; about reinforcing their own capacity to recover and rebuild; and about empowering communities when they are most vulnerable. In the end, our role is to catalyse national ownership by providing the space for national partners to pursue change on their own terms.

### Promote women as leaders of recovery

One of the most common and disturbing images of war is of women on the road, uprooted from their homes and communities, reeling from unspeakable brutalities, clutching terrified children to their breasts. They must not only take care of themselves but also provide for extended, exhausted families. Women bear the brunt of suffering in crises.

In passing Resolution 1325 in 2000, the UN Security Council recognised the impact of armed conflict on women. Resolution 1325 is ambitious in scope and comprehensive in its directives; among other important issues, it identifies rape and sexual violence as war crimes and calls upon states to end impunity for perpetrators. Equally importantly, it recognises women not only as victims of war but as valuable partners in peace-building and recovery.

During conflict, in flight and in refugee camps, women and girls are vulnerable to violence, sexual abuse and exploitation. As community structures collapse and violence escalates, their protection crumbles. I have come across women who have been raped while gathering wood for their cooking fires or while walking to a distant latrine. I have met girls forced into sexual slavery by roaming militias. I have seen widows eke out a living for themselves and their children when their livelihoods have been destroyed and their rights to property and assets have been denied. In times of crisis women have shown extraordinary resolve and strength, often forming networks to provide services and support to each other. Yet they are too often excluded from the recovery process. This exclusion not only denies them their rights to services and to participate in government; it also denies recovering communities the benefits of their insight and resourcefulness.

Women can be empowered through opportunities to 'build back better'. With appropriate, sustainable and innovative support to governments and civil society, post-conflict recovery can provide better prospects for women to live free of violence and to emerge as leaders of their communities and governments. When the destructive forces that cause crises are weakened in post-crisis settings, we should seize the opportunity to challenge prejudices against women.

During my tenure at UNDP, together with our partners we have launched an eight-point agenda that seeks to realise women's rights in post-crisis situations. This 'action plan' aims to end sexual violence, reduce security risks to women in crisis, address discrimination that prevents them from claiming land and property, and transform social norms that exclude them from the recovery and peace-building process.

These efforts are already bearing fruit in Somalia, for example, where the first Women Lawyers' Association was established, providing legal assistance to victims of rape and domestic violence. UNDP's support has also helped ensure that women made up an estimated 10% of police academy graduates, and in September 2007 50 of the nearly 600 graduating

police officers were women. In Afghanistan, East Timor and southern Sudan UNDP is helping governments ensure that national laws protect women.

Against the horrific backdrop of crisis, leaders are born. Left without the protection of fathers, husbands or other male relatives, women in crisis often discover new strength and an ability to protect themselves and loved ones from danger. Once peace returns, these women want to continue to make a difference. They want their voices to be heard. The UN should support this resolve and should not allow them to fade – or be pushed – into the background.

### Recognise security as a long-term process

The rule of law programmes in Somalia and Darfur help bring conflict-ridden countries closer to peace. Yet improving the security of a country takes time, and the recovery work is designed with long-term goals in mind, not short-term exit strategies. To make the shift from military rule to civilian governance may require decades of investment. Our security and development work serves as an important complement to the more robust security deployment provided by UN peacekeepers. Peacekeepers protect civilians. But civilians' rights must also be protected by law and by the institutions of law enforcement and justice institutions. Our work empowers national rule of law institutions to protect citizens without outside help, by supporting national judicial commissions, courts, community policing and prison administration and by promoting democratic oversight over security institutions.

### Adapt to realities on the ground

Over the past year, UNDP has developed a Global Program on



Strengthening the Rule of Law in Conflict and Post-Conflict Situations. This programme – rolled out in 17 countries in crisis – promotes complementarity and inter-action between humanitarian agencies that handle immediate needs, peacekeepers who provide security and stability, and development agencies with their long-term perspective. This yields better results on the ground. The Global Program is built on a strategy and clear areas of focus:

- strengthening the rule of law within an early recovery framework and during transitions
- addressing women's security and access to justice
- supporting capacity development of justice and security institutions
- facilitating transitional justice

- promoting confidence-building and reconciliation.

The strategy will be adapted to the challenges in each country. In an area such as the rule of law, flexibility is key. We must listen to our partners and respond to their needs, not some misguided desire for comparable data.

I work for a big institution. We think on a global or national scale: millions of people reached; thousands of livelihoods restored; hundreds of communities rebuilt. Yet recovery is built on the strength, hopes and determination of individuals. For me, recovery is about a woman called Immaculata. I met her in Burundi in October 1999 as we both fled an ambush in the displaced people's camp in which she was living. She ran alongside me with her four children, one of whom ended up on my back for much of the day. We ran for hours before finally making

it to the relative safety of another village. I remember thinking that, while this may have been the worst day of my life, it was Immaculata's life. Day after day, year after year, she picks up her children and runs, never knowing where to or what awaits them when she gets there.

Recovery means that Immaculata can stop running. It is as simple as that. It means she can live with dignity, her children safe and in school, her livelihood assured. It means she will feel secure and have access to justice when and if she needs it. The value of our efforts lies in practical, concrete outcomes for the people we serve.

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