CMC Finland YEARBOOK 2010 on

Peacebuilding and
Civilian Crisis Management Studies

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Kirsi Henriksson
(editor)

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Contents

Abbreviations

AMM	Aceh Monitoring Mission
AU	African Union
CAAC	Children affected by armed conflict
CCM	Civilian Crisis Management
CFSP	Common Foreign and Security Policy
CIVCOM	Committee for Civilian aspects of crisis management
CMC Finland	Crisis Management Centre Finland
CMPD	Crisis Management and Planning Directorate
COHOM	Council Working Party on Human Rights
CONOPS	Concept of Operations
CONUN	EU United Nations Working Group
CPCC	Civilian Planning and Conduct Capability
CSDP	Common Security and Defence Policy (post-Lisbon, 2010–)
CSRP	Police Reform Monitoring Committee (DRC)
DCAF	Geneva Centre for Democratic Control of Armed Forces
DDR	Disarmament, Demobilisation and Reintegration
DPKO	United Nations Department of Peacekeeping Operations
DRC	Democratic Republic of Congo
ECtHR	European Court of Human Rights
EEAS	European External Action Service
ESDP	European Security and Defence Policy (1999–2009)
ESS	European Security Strategy
EU	European Union
EUBAM	EU Border Assistance Mission to the Republic of Moldova and Ukraine
EUBAM Rafah	EU Border Assistance Mission for the Rafah Crossing Point
EUFOR Althea	EU military operation in Bosnia and Herzegovina
EUJUST LEX-Iraq	EU Integrated Rule of Law Mission for Iraq
EULEX Kosovo	EU Rule of Law Mission in Kosovo
EUMC	European Union Military Committee
EUMM Georgia	EU Monitoring Mission in Georgia
EUMS	European Union Military Committee Staff
EUNAVFOR Somalia	EU naval military operation, 'Operation Atalanta' in Somalia
EUPM	EU Police Mission in Bosnia and Herzegovina
EUPOL Afghanistan	EU Police Mission in Afghanistan
EUPOL COPPS	EU Police Mission for the Palestinian Territories
EUPOL RD Congo	EU police mission undertaken in the framework of reform of the security sector and its interface with the system of justice in the Democratic Republic of the Congo
EUPT	EU Planning Team in Kosovo
EUSEC RD Congo	EU mission to provide advice and assistance for security sector reform in the Democratic Republic of the Congo
EUTM Somalia	EU military mission to contribute to the training of Somali security forces
EUSR	European Union Special Representative
FARDC	Forces armées de la République Démocratique du Congo/ Congolese Armed Forces
FBA	Folke Bernadotte Academy, Sweden
FDLR	Forces démocratiques de libération du Rwanda
FiDH	Fédération Internationale des Ligues des Droits de l'Homme/ International Federation for Human Rights
GAERC	General Affairs and External Relations Council
GAM	Free Aceh Movement
GGO	Global Governance Organisation
HoM	Head of Mission
HR	Human Resources
HRM	Human Resources Management

HRRP	Human Rights Review Panel, EULEX Kosovo	UNHCR	United Nations High Commissioner for Refugees
HRW	Human Rights Watch	UNIFEM	United Nations Development Fund for Women
ICC	International Criminal Court		
ICISS	International Commission on Intervention and State Sovereignty	UNMIK	United Nations Mission in Kosovo
ICITAP	International Criminal Investigative Training Assistance Program	UNSCR	United Nations Security Council Resolution
ICO	International Civilian Office	USA	United States of America
IED	Improvised explosive devices	USAID	United States Agency for International Development
IMF	International Monetary Fund	WHO	World Health Organization
IPA	Instrument for Pre-Accession Assistance		
KFOR	NATO Kosovo Force		
Matine	Maanpuolustuksen tieteellinen neuvottelukunta/ National Defence Studies Committee, Finland		
MFA	Ministry for Foreign Affairs of Finland		
MMA	Mentoring, Monitoring and Advice		
MoI	Ministry of the Interior, Finland		
MONUC	United Nations Organization Mission in the Democratic Republic of Congo (1999–28 May 2010)		
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of Congo (1 July 2010–)		
NATO	North Atlantic Treaty Organization		
OISOS	United Nations Office of Internal Oversight Services		
OPLAN	Operational Plan		
OSCE	Organization for Security and Co-operation in Europe		
PKOs	United Nations Peacekeeping Operations		
PMG	Political Military Group		
PNC	Police National Congolaise/ Congolese National Police		
PRT	Provincial Reconstruction Team		
PSC	Political and Security Committee		
ROE	Rules of Engagement		
SAA	Stabilisation and Association Agreement		
SAP	Stabilisation and Association Process		
SEA	Sexual exploitation and abuse		
SG	UN Secretary General		
SGBV	Sexual and Gender based Violence		
SOFA	Status of Forces Agreements		
SOMA	Status of Mission		
SRSG	Special Representative of the UN Secretary General		
SSR	Security Sector Reform		
Tapri	Tampere Peace Research Institute		
UN	United Nations		
UNDP	United Nations Development Programme		
UN DPKO	United Nations Department of Peacekeeping Operations		
UNFPA	United Nations Population Fund		

Acknowledgements

"The experts make the mission!" I have pronounced this statement quite often during the past year when I have been referring to Finnish experts seconded in the international missions as well those working at CMC Finland – which is also a kind of a mission. Sound human resources management and understanding on how to utilise the full capacity of each expert is a key to efficient peacebuilding and crisis management. Therefore, it is not a coincidence that the majority of the articles published in this Yearbook 2010 discuss capacity building, "right" attitudes as well as the code of conduct of the experts working in international missions and operations.

While experts make the mission, the best working methodology is team work. The same methodology has been applied in consolidating this Yearbook 2010. I owe a special debt of gratitude to many, starting with our Editorial Board members. Obviously, I am also thankful to the authors who have been patiently revising their texts. My warm greetings also go to Ms. *Meghan Riley* and Ms. *Rachel Ferlatte-Kuisma* for having assured the quality of the language.

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from EUPOL and EUSEC operations in the Democratic Republic of Congo.

Finally, I would like to dedicate this Yearbook 2010 to those team players who are responsible for following the mainstreaming of gender issues in peacebuilding and crisis management. On the occasion of celebrating the 10 year anniversary of UNSCR 1325, a positive attitude is paramount in engaging our own colleagues and counterparts in implementing this resolution.

Brussels, 31 October 2010

Kirsi Henriksson, Editor
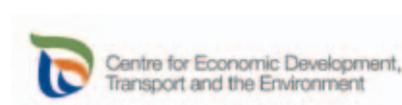
Foreword

The Development Policy Programme of 2007 emphasises social stability and comprehensive security as the cornerstone for all development. Poverty reduction and the promotion of sustainable development as well as strengthening human rights, democracy and the rule of law are key tools in crisis and conflict prevention as well as in post-conflict situations.

Development and Security in Finland's Development Policy – Guidelines for Cooperation, published by the Ministry for Foreign Affairs, guides the implementation of the Government's Development Policy Programme in promoting social sustainability and security in developing countries. Finland actively supports cooperation at the state and regional levels between Finland and developing countries. Finland also participates actively in multilateral cooperation, particularly in the United Nations system.

Competition for natural resources both causes and escalates conflicts in fragile states. Climate change will have a far-reaching effect on food production, the availability of water, health, the environment and migration. With the increase in fragility, the likelihood for violent crisis grows. Consequently, the international community will see more engagement with crisis management in various part of the world in the not so distant future.

There is a continuum between military crisis management, civilian crisis management, humanitarian assistance and development cooperation. Civilian crisis management is, by its nature, very close to the development policies promoting social sustainability. Currently, approximately ninety percent of Finnish civilian crisis management is considered eligible for Official Development Assistance (ODA).

Finland has much to offer in terms of civilian expertise

The distinction between civilian crisis management and development cooperation is not clear-cut. Both aim at building stability and social sustainability. Civilian crisis management engages primarily in short-term measures to assist for example the development of the police, border, customs and human rights administration. Development cooperation takes a longer and wider perspective in preventing conflicts and in supporting peace processes.

Furthermore, since civilian crisis management is a relatively new field there is much to be learned from development policy debates and practices concerning aid effectiveness, coherence and coordination. In addition, questions around local ownership and sustainability are keys to successful action.

The Crisis Management Centre (CMC) Finland is an important partner for the Ministry for Foreign Affairs and cooperation in terms of projects, training, expert meetings and research is growing. The CMC Finland Yearbook 2010 examines significant issues in the field of civilian crisis management such as impact of support, gender mainstreaming and human resource management. Development policy administrators and practitioners alike grapple with these kinds of issues and thus, there is a scope for further mutual learning.

I congratulate the authors and the editor for their valuable work

Dr. Paavo Väyrynen
Minister for Foreign Trade and Development

Introduction

Ari Kerkkänen & Kirsi Henriksson

Research is indispensable for conflict prevention, management and peacebuilding, and policy makers should pay more attention to analysis and advice provided by independent research when making decisions on international interventions. Peacekeeping, peacebuilding and conflict management, irrespective of the term interventions are called, is a complex and multi-dimensional field of international involvement. Forms of intervention vary, and are not only military but include interventions in the field of justice or policing as well.

Failures are easy to point out and they are convenient prey for critics, including media. At the same time, however, success is extremely difficult to measure. The standard jargon of intervention implementers in official reports is to hail operations as success without a transparent way of measuring it. Lessons learned or identified reports produced by implementers go through such a scrutiny and self-censorship that the politically correct end-result will in no way jeopardise the already pre-declared outcomes. The reality portrayed in reports often does not correspond with the reality on the ground. There often is an unexplained gap in between. Naturally, this casts a cloud of doubt in the minds of independent observers. Intervention impact, using a conflict management colloquialism, appears something like a blurred line between failure and success. Evidence from both certainly exists, but what is lacking is the objective and transparent mechanism of measuring successes and failures.

Visibility and flag-waving cannot be critical measurement criteria of success; although this is how the image of international conflict interventions appears in public. Measuring tangible results emanating from the visible presence is a more demanding task. Interventions have increasingly been characterised by using general-purpose terms like state-building; which by the mere interpretation of the term reflects a technical perception of the intervention. The term itself directs the focus on structures and institutions instead of human setting of the conflict context.

Afghanistan has suffered a lot, not only because of a continuous power struggle of more than three decades as well as the totalitarian and inhumane regime of the Taleban era from 1996 until late 2001, but also due to the fact that internationally led re-building of the criminal justice system as part of the state-building process, following the ousting of the Taleban regime, ignored to a regrettable extent both the justice traditions, legal framework and judicial practices that had served the interest of the Afghan society and citizens rather well in the past.

At least the remnants of the judicial infrastructure and legal framework, inherent to the values and traditions of the Afghans, were already existing and would have provided a decent foundation for reforms instead of re-invention of the entire criminal justice system based on ideas brought in from outside as it happened in the beginning of post-Taleban period.

The result was a partial chaos and confusion in the field of justice. For example, the roles and responsibilities of the police and prosecution in pre-trial investigation were confused. It was soon acknowledged by both the Afghans and internationals that the new judicial system adherent to a foreign template was seriously hampering services of justice provided to citizens of Afghanistan. Consequently, prompt steps had to be taken backwards and another review of the legislation related to criminal justice was launched – just few years after the first review. It remains obvious that it still takes years to rectify the damage caused by the hastily established international justice intervention. This serves as an example of the unwelcomed failures that will be placed under scrutiny and measurement in forthcoming years by the law historians shedding much needed light upon less desired impact of poorly planned and implemented international intervention.

Edward Said's poignant words are very appropriate in this regard when he states that:

> (...) what our leaders and their intellectual lackeys seem incapable of understanding is that history cannot be swept clean like a blackboard, clean so that "we" might inscribe our own future there and impose our own forms of life for these lesser people to follow.[1]

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1   Said 1977, xviii.

The responsibility and accountability of decision makers is enormous regarding interventions. Reading US policy on Afghanistan, the primacy is explicitly and without exception on *us* i.e. US Homeland Security. US Homeland Security is, as much as security in the UK, France and Europe in large as well as in Russia and the Middle East, of paramount importance to everyone, but the question must be asked whether the interventionist policy of sweeping a blackboard, using Said's words – and in this case Afghanistan as an example – serves these objectives in an effort to transform the whole society into *our* liking. If the primary objective is on *us* outside instead of *them*, the likelihood of attaining stated objectives of *our* security weakens.

Allowing the allegory of a state-building that refers to the construction type of activity in effort to rebuild failed states the perception that inevitably comes to mind is that of levelling ruins, making a new foundation and building a new house block by block. The idea is tempting from the outset, but the situation becomes more complex when people living in the building site must be taken into account – as they must be taken into account when operating within human societies. It should be natural to ask occupants of the house how they would like to have their house built; whether they would like both to design and build the house. Human beings are not just subject matters to be moulded and transformed on the basis of thoughts and ideas brought in which are not indigenous and part and parcel of the local tradition, heritage and culture. Cultures do change, indeed, as well as human beings, but the time-span of the cultural transformation is long and takes decades at minimum although the pace has accelerated in our globalised and inter-connected world. This fact, as it appears, is often neglected in state-building interventions concentrating heavily on restoring, reforming and re-building state institutions and governance.

In addition, as international interventions are products of coalitions and co-operation of a large number of actors and organisations within much repeated slogan of integrated approach and/or comprehensiveness, they all bring in a block of their own liking and/or system and mechanism which they are used to in their own settings. The outcome is the effort to build a house, not by blocks fitting together but of different shape, size and colour. One can only imagine how the house built this way will look? Furthermore, and deeply worrying, this is the reality of today's interventions in Afghanistan, the Balkans, and Africa. These houses may not be to the liking of their occupants.

Strategies, comprehensiveness and even coordination only add to confusion if a deeper understanding of reasons and motives of interventions is lacking, or they are as vague as they seem to be. Rhetoric of interventions is dominated by security and defence policy, but digging beneath this rhetoric one finds a myriad of obscure motives related to global dominance, natural and energy resources, and strategic geopolitical interests. The public in large is easily been convinced in post-2001 climate about the imperatives of interventions as the motives are wrapped in the package of security culture with emphasis on various threat scenarios. Security policy

and considerations therefore leads decision making in these interventions. In turn, it means that this policy is not free of influence of such interest groups as international arms industry and its need for markets.

Suffering, societal dysfunction, poverty, illiteracy, crimes and human insecurity in general are all real in conflict regions. Development co-operation has made huge and concrete efforts in alleviating this suffering and supporting development; and succeeding in many places by enhancing education and lessening poverty as part of the international development policy. This bespeaks about the fact that international support is much needed as part of our collective responsibility but more must be invested in thinking what support matters the most and what is the policy directing decision making on interventions. This again calls for the bigger role of research.

Often conflicts take place in circumstances that are difficult to grasp by outsiders. Internal dynamics, whether political, regional, tribal or cultural, are the result of development of hundreds of years. The local setting has been intertwined by triggers coming from outside in the forms of colonies, trade and exploitation. The present reality is, therefore, a creation of many influences and transformations, but which is understood only by those who have born and grown up in these regions, speaking local languages as mother tongue and practising local customs as part of the every-day life. *Them* vs. *us* are inherently part of the reality so alien and unknown to *us.*

Better understanding of *their* reality is a precondition for lessening failures of interventions in the future. It means knowledge of local languages, experience-based familiarity with the local way of life, patterns of thinking, traditions, customs, local values and networks. This understanding cannot be solemnly developed by a book-study. It requires living within those societies. In its essence it is much more than so-called cultural awareness touched upon in many peacekeeping trainings but scratching only the surface of difference without deeper analysis of currents that are moving events and affecting behaviour in regions that are different from ours.

That's why experience driven research is so much needed. Research is a well-tested analytical tool to address challenges described above. More analytical and research-based approach is the must in peacekeeping, conflict management and conflict resolution; not to speak about conflict prevention. Being objective, critical and independent as well as *apolitical* forms the basis for interventions from planning to support to evaluation. It assists in developing understanding of motives, driving forces and limits of international involvement in the effort to intervene for the betterment of conflict ridden societies. Research on interventions and mechanisms of intervention must start from within; what are existing and visible or hidden reasons behind the need to intervene; what is the local context and its dynamics where intervention is supposed to take place and which are the ways of intervening ensuring the minimum of harm to the local society and maximising desired effect of intervention. All these require comprehensive and deep understanding, which exceeds the average knowledge of different cultural settings. Without

it, the required legitimacy and justified representativeness in the eyes of the local populace is not attained. More research may suggest that a more leading role is to be given for the development policy and development culture driven interventions than that of the security policy.

The primary focus for outsider's support must be on the local people, population, communities and society. Enhancing human security principles by applying an intelligent approach based on understanding assists in finding proper means and mechanisms of support. Security cannot be imported and more importantly it cannot be imposed from above. It is something that can only be achieved by applying ways honouring locality and having its primacy in the needs of the local population. It mitigates causes of potential insecurity and conflicts. This objective remains unattainable in case that primacy is the security of *us*. On the contrary, we are witnessing the spreading radicalisation as a result of present intervention *modus operandi* in Afghanistan, which serves only as a catalyst for increased insecurity of both *them* and *us.*

* * *

Experience driven research characterises the new CMC Finland Human Security Research Programme which is built on five research themes: Peacebuilding; Conflict prevention and preparedness for disasters; Comprehensive approach; Equality and gender; Expertise and know-how.[2] These research themes are also discussed within the articles published in this Crisis Management Centre (CMC) Finland Yearbook 2010.

As one of the primary tasks of CMC Finland is to recruit and deploy Finnish civilian experts for international crisis management and peacebuilding missions, it is relevant to understand the whole cycle of expert's civilian crisis management (CCM) career as well as the working and living conditions of each expert during the expatriation period in the mission. The well-being of expert is a matter of concern for both the mission as well as for sending member state. While security is paramount, in the European Union Common Security and Defence Policy (CSDP) missions the everyday life of the expert is affected by other threats in addition to improvised explosive devices (IED), mines or kidnapping: polluted air, sandstorms, heat and humidity, limited physical freedom especially concerning life in compounds as well as occasional food poisoning. Assigning staff welfare officers for each CSDP mission, following the example of UN,[3] would be a step forward in understanding that the wellbeing of the personnel improves the effectiveness of the mission.

Each mission and member state should aim to guarantee that the expert returns back to his/her home country in a good mental and physical health. Still, there has been little attention paid to repatriation process of the experts. In autumn 2009, CMC Finland conducted a Finnish expert satisfaction study to collect information on how well CMC Finland performs its

duties towards the experts[4]. Research assistant Eeva-Maria Siljanen was involved in planning the questionnaire and compiling the research results. Based on the results of the satisfaction study as well as on her Master's thesis, Siljanen presents a model for the repatriation process of CCM experts. Her recommendations are not only valid for CMC Finland but also for the expert's home organisation as well as for each expert to prepare him/herself to the repatriation while still working in the mission.

As stated in the current CMC Finland Research Programme, working in international and multicultural civilian crisis management missions and under volatile security situation requires expertise. However, further training is needed in order to prepare the expert to demanding conditions. Capacity building of experts with the "right" attitude and respect both towards colleagues as well as counterparts goes beyond memorising mission's code of conduct by heart. It is quite easy, too easy perhaps, to claim that the attitude is most difficult to change. Nevertheless, Elina Penttinen shows in her article how a positive attitude can be enhanced through self-reflectivity. The negative attitude vis-à-vis other international actors as well as local counterparts brings about occasional "pulsion barbare"[5] which can cause further harm and mistrust. To be civilised and act accordingly builds capacity for cooperation with and respect for locals in the host country.

Penttinen's article is connected to a common research project between CMC Finland and Tampere Peace Research Institute on enhancement of expertise in civilian crisis management[6]. The research project, as well as Penttinen's article, analyse the paradigm shift towards comprehensive approach in crisis management which poses new demands in terms of recruitment and training. As the comprehensive approach is currently discussed inside the international community, it is often disregarded that, as Penttinen claims, to operationalise the approach first requires individual competence and willingness to act according to the new security paradigm. It is thus more than looking for a synergy between military and civilian actors.

While it can be presumed that capacity building of an expert has a clear impact to the outcome of mission objectives, the impact assessment on the accountability of peacebuilding and civilian crisis management still remains sporadic. Tanja Tamminen analyses the state-building process in Kosovo, which involves various international actors in addition to local communities. While EULEX Kosovo is implementing a programmatic approach to measure its progress in mentoring, monitoring and advising the rule of law situation in Kosovo, there are also side-effects caused by the international presence. Tamminen refers to David Chandler's *Empire in Denial* which analyses the long-term (unintended) consequences of state-building missions[7].

2   CMC Finland Human Security Research Programme available at www.cmcfinland.fi in English and in Finnish.
3   See for ex. http://unjobs.org.
4   CMC Finland 2010.
5   Todorov 2008, 49.
6   CMC Finland & Tapri 2009.
7   Chandler 2006.

As pointed out earlier, unfortunately the impact assessment delivered internally by the mission remains internal. At least the CSDP missions do not yet fully use external evaluation agencies to measure the impact of the mission in implementing its mandate. There is a lot to learn from professional evaluation exercises pursued by the development actors, especially the European Commission. However, an evaluation methodology and criteria should correspond to the dynamic situation of different conflict settings in order to measure the impact, not to mention the "evaluability" of human rights in a volatile security situation.

All international interventions should respect and promote human rights as well as "do no harm" -principle. However, understanding of the importance of mainstreaming human rights, not to mention gender issues in CSDP missions is still lacking. In order to "get it right", Kati Leinonen analyses the human rights and gender in each ongoing CSDP mission. She stresses that only when human rights and gender aspects are effectively considered throughout a CSDP mission, from planning to implementation, the mission can really succeed. Human rights and gender aspects are therefore not some abstract and noble rhetoric on the occasion of anniversary festivities but operational imperatives to make a difference.

Leinonen's article is important also due to the fact that it gives recommendations to policy-makers, mission planners and evaluators. Even though CDSP missions can be considered to be politically driven flag-waving exercises, their presence is already having an impact on the fragile post-conflict situation. The code of conduct of peacebuilding and CCM experts is paramount in a situation when they are the ones who should protect local communities against abuse and violence. Training is again presented as an instrument to better prepare the experts to understand this responsibility.

Yosi Echeverry Burckhardt digs deeper in the misconduct of international community. She analyses the very painful accusation, that of misbehaving and abusive peacekeepers specifically in the Democratic Republic of Congo (DRC). The misconduct becomes even more serious in a Congolese context where the sexual violence is one of the main characteristics of the conflict. However, the misconduct of UN peacekeepers is not the only point made by Echeverry Burckhardt; she analyses the UN discourse on gender in general and in relation to the conflict in the DRC in particular.

Burckhardt's article questions the legitimacy of international intervention. If the international community does more harm instead of preventing new conflicts, as it seems to do both in the DRC and in Afghanistan, its actions should be scrutinised even more thoroughly. Unfortunately, in the current world where different interest groups exists, the intervention of international community – for good and bad – seems to prevail. Nevertheless, continuous research on peace and conflict issues is needed to reveal abuse, and misconduct as well as to suggest new approaches to find a way forward.

* * *

The views expressed in the research articles are those of the authors and do not reflect the views of CMC Finland.

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Returning home after a civilian crisis management mission

Eeva-Maria Siljanen

Finnish civilian crisis management experts represent a unique group of professionals who participate in temporary international assignments. Repatriation, the return back to the home country after living abroad, represents an important stage in the civilian crisis management cycle. Still, the repatriation of Finnish experts has received surprisingly little attention even though it can involve some difficulties personally and professionally, for instance if the experts' home organisations do not appreciate and value the skills and talents the expert has gained, or further developed, during the mission. This article offers insight into the repatriation process of the Finnish experts, leaning on a conceptual framework of the repatriation process, which takes into account prior research on repatriation, as well as on empirical evidence, primarily in the form of a study on police experts. In addition, this article provides information and support not only to the experts themselves, but also to the experts' home organisations, as well as to Crisis Management Centre (CMC) Finland, on how to prepare for and facilitate the repatriation process of the experts.

1 Introduction

Civilian crisis management (CCM) missions represent a unique form of international assignments in which individuals are not only confronted with a new culture and challenging tasks, but they also have to act in a demanding, and sometimes dangerous, environment. In the year 2009, the mental wellbeing of Finnish peacekeepers was under discussion and an incident was quoted in which the stress from a peacekeeping mission was taken out on bystanders in Finland, resulting in one injury and two deaths.[1] While peacekeeping and CCM missions are two very different types of international assignments, both in terms of tasks and equipment-wise, there are many similarities as well: CCM experts still serve in post-conflict zones, sometimes alongside peacekeepers, and thus can be faced with similar risks as peacekeepers during the international assignment.

On the fifth of August 2010, there were 159 Finns, hereafter Finnish experts, abroad working in CCM missions around the world.[2] Finnish experts are unique from many expatriates because during the mission they are employed by CMC Finland and after the mission they return to their home organisation and job, which by law they retain while on the mission.[3] In addition, it is CMC Finland, as opposed to the home organisation, which is responsible for the expenses of the expert during the mission. While these experts serve in different countries with varying tasks and duties, as well as possess diverse personal characteristics, they all have one thing in common: all these experts will at one stage return back to their home country, they will "become repatriates."[4]

Repatriation, the return to one's home country from the foreign country, represents the last stage of the experts' CCM mission, which has proceeded in the following manner: CCM training;[5] decision on a political level, usually by the Ministry for Foreign Affairs of Finland (MFA), regarding Finnish participation in a specific mission; recruitment by CMC Finland; pre-deployment training, usually arranged by CMC Finland; the mission; and finally repatriation, which includes a debriefing session organised by CMC Finland.[6] Interestingly, it is this last stage that has been referred to as "arguably the most challenging and important transition in a global career. During the crucial repatriation period, overseas development is connected with prior experience to form an integrated career path."[7] Although the Finnish experts may have found the mission to be a good experience, an experience in which they were able to use their skills and talents as well as possibly acquire new ones, research has found that on return the repatriates reception back to the home organisation is often less than favourable.[8] In fact, the analysis on repatriated Finnish experts presented later in this article provides preliminary evidence that this may also be the case among Finnish experts working as police officers in Finland.

At first glance one might wonder whether the reception of the repatriates back to the home organisation is of any real importance. That is, why would the home organisations need to "cater to the special needs" of their returning employees? The thing is, these experts have most likely developed professionally during the CCM mission and could be a valuable asset to the organisation in today's increasingly global world. Moreover, if this does not motivate home organisations to take an interest in their repatriates, perhaps the following will:

> As a result of traumatic repatriation experiences or limited career advancement opportunities, a substantial percentage of expatriates [individuals who move to a foreign country] leave the company upon completion of the international assignment. Past research on U.S. companies suggests that between 20 and 25% of repatriated employees leave their firm within a year after return.[9]

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1   Helsingin Sanomat 28.12.2008; Bergqvist 2009, 36.

2   CMC Finland statistics 5.8.2010. Cf. Table 1 and Figure 2.

3   Siljanen 2009, 57. Cf. Finlex 12.2004/1287, 7§.Obviously, not all Finnish experts have a home organisation or job where to return.

4   Hyder & Lövblad 2007; Suutari & Brewster 2003, 1132.

5   Such as the European Union (EU) Core Course or the EU Civilian Police Course.

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6   The civilian crisis management cycle was presented in CMC Finland 2010, 3.

7   Herman & Tetrick 2009, 69.

8   Stahl et al. 2009.

9   Stahl et al. 2009, 91.

The Finnish experts are likely to have a great deal to offer to their home organisations, but if the experts feel that their expertise remains unvalued, then they may leave their home organisation. This, in fact would be contrary to Finland's national strategy for civilian crisis management which states that the "time spent abroad in international postings should be viewed as a positive factor in terms of career development."[10] Furthermore, if the expert decides to leave his/her home organisation, then the organisation would not only experience financial losses but would also lose the expertise of the expert.

The main purpose of this article is to serve as an aid to all those who are involved in the repatriation process of Finnish experts. More specifically, this article offers insight into the repatriation phenomenon, its complexity and dynamism as well as its multi-faceted nature. In addition, it provides information and support for organisations, especially CMC Finland and the experts' national employers (home organisations), on how to prepare for and facilitate the repatriation process of their experts (returning employees); a process which requires attention already before the expert has left for his/her mission.

The aforementioned aims are achieved by presenting a new conceptual framework of the repatriation process, with reference to current literature on repatriation (and expatriation). It is also achieved by exploring the repatriation of Finnish experts through empirical evidence, which primarily focuses on a study of a specific professional group of Finnish experts, police. In addition, reference will be made to other empirical studies on Finnish experts.[11]

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10   MoI 2008, 13.

11   This article is primarily a summary of the Master's thesis "Exploring the Repatriation of Finnish Civilian Crisis Management Personnel and Introducing a Conceptual Framework of the Repatriation Process" written in 2009 by Eeva-Maria Siljanen. In addition, this article incorporates some new research findings.

2   The repatriation process

2.1   *How can repatriation be explained?*

The return to one's home country after living in a foreign country has received far less academic attention than expatriation, which is the move or transition to a foreign country. Since the repatriate is returning to a place in which s/he has, in most cases, spent the majority of his/her life, the return back home was expected to progress relative smoothly.[12] In addition, repatriation adjustment was thought to occur in a similar fashion as adjustment within ones home country or to a foreign country. Research, however, has actually demonstrated that adjustment during repatriation can be problematic and present more difficulties than those experienced during expatriation.[13] Repatriation adjustment can even be more challenging[14] and stressful[15]. In the case of expatriation, difficulties are almost expected as the expatriate is confronted with a new culture. Juan Sanchez, Paul Spector and Cary Cooper, for instance, remark that "learning to manage in and cope with a foreign environment involves such a profound personal transformation that it has an analogue in the process of human development throughout the life-span."[16] Interestingly enough, this cannot be applied to repatriation, since the repatriate is returning home. The question therefore remains, what makes returning home problematic for some repatriates?

Although research on repatriation is in its early days in comparison to research on expatriation, the research that has been carried out up to this date offers some possible clues for why the return home can be so difficult. The words of Nelson Mandela serve as an illustrative opening in this respect: "There is nothing like returning to a place that remains unchanged only to find the ways in which you yourself have altered."[17] If one has ever experienced the return home following a brief, or not so brief, spell abroad, one may relate to the words of Nelson Mandela for it is on return, and when confronted with ones compatriots, that one notices the changes in oneself, that is one has the peculiar sense of not quite belonging or "fitting in."[18] As for home remaining "the same", repatriates sometimes expect life to stay the same while they are away: "It is as if they had pressed the 'pause' button as they flew out of the country and expected life at home to remain in 'freeze frame'."[19] Furthermore, repatriates can sometimes have idealised memories of their home country, which may cause problems on return as the reality turns out to be different to the one expected. In addition to the aforementioned variables, repatriates have other individual, work and organisational, as well as non-work factors which may influence their adjustment during repatriation.[20]

The first theoretical model on repatriation adjustment was offered by Stewart Black, Hal Gregersen and Mark Mendenhall in 1992. By distinguishing repatriation adjustment from other types of adjustment (expatriation adjustment and adjustment occurring during home country moves), this model laid the ground for repatriation research. It was proposed that during repatriation individuals had to face "adjustment to work, adjustment to interacting with home nationals, and adjustment to the general environment and culture," thus making the adjustment multifaceted.[21] In addition, repatriation adjustment was explained using uncertainty reduction, which could occur both on return (in-country adjustment) and prior to returning home (anticipatory adjustment) and which could be explained using job, organisational, work and non-work variables (antecedent variables).[22]

The original framework presented by Black, Gregersen and Mendenhall has been extended by other researchers and some new variables, in addition to new models, have been introduced as explanations for repatriation adjustment.

12   Andreason & Kinneer 2005; Black, Gregersen & Mendenhall (1992) quoted in Siljanen 2009, 10; Hyder & Lövblad 2007; Siljanen 2009, 10 & 25.

13   Siljanen 2009, 25 & 10.

14   Herman & Tetrick 2009, 69.

15   Sanchez, Cooper & Spector 2000, 104.

16   Ibid., 96.

17   Mandela 2010.

18   Sussman 2000, 365 (cf. 364).

19   Dowling & Welch quoted in Andreason & Kinneer 2005, 6.

20   cf. Siljanen 2009, 25–54.

21   Black, Gregersen & Mendenhall (1992) in Siljanen 2009, 13 & 26–27.

22   Siljanen 2009, 27–28.

As these models approached repatriation adjustment from more detailed and focused perspectives, there seemed to be a need for a more holistic approach to the repatriation process. Therefore, a new conceptual framework of the repatriation process was presented in 2009, which 1) takes into account the whole repatriation process yet explains it in a concise and simple manner, 2) is based on prior academic research on repatriation and 3) is based on the researcher's own understanding of the repatriation process.[23]

Since repatriation has been studied less than expatriation, existing research on repatriation represents a combination of both empirical and more theoretical attempts towards explaining the repatriation phenomenon. Translated into practice, this means that there are many fine ideas and hypotheses regarding repatriation, some of which have been empirically tested and some which have not. Together, these sources form a complex and intertwined web which is difficult to unravel. Thus, for the sake of clarity, and also to avoid repetition, the repatriation process will be presented using the aforementioned conceptual framework, rather than by first presenting a thorough literature review of repatriation research and then presenting the framework. Although this framework is yet to be empirically tested, the framework was chosen as a tool to present the repatriation process because the framework represents an attempt to bring all the variables identified or hypothesised as relating to repatriation adjustment, as well as new ones, together to explain the repatriation process in a more holistic, or comprehensive, manner. Moreover, due to its conceptual nature this framework offers suggestions, or hypotheses, on how specific variables might influence repatriation adjustment. Lastly, however, it is important to note that the empirical study of police officers, presented later in this article, does not represent an empirical testing of the conceptual framework. Rather, it represents one of the first, if not the first, explorations into the repatriation of Finnish experts working in CCM missions.

2.2   The new conceptual framework

In this new conceptual framework the repatriation process is divided into three stages (before the expatriate assignment, during the expatriate assignment and during repatriation), which together form the repatriation experience (cf. Figure 1).[24]
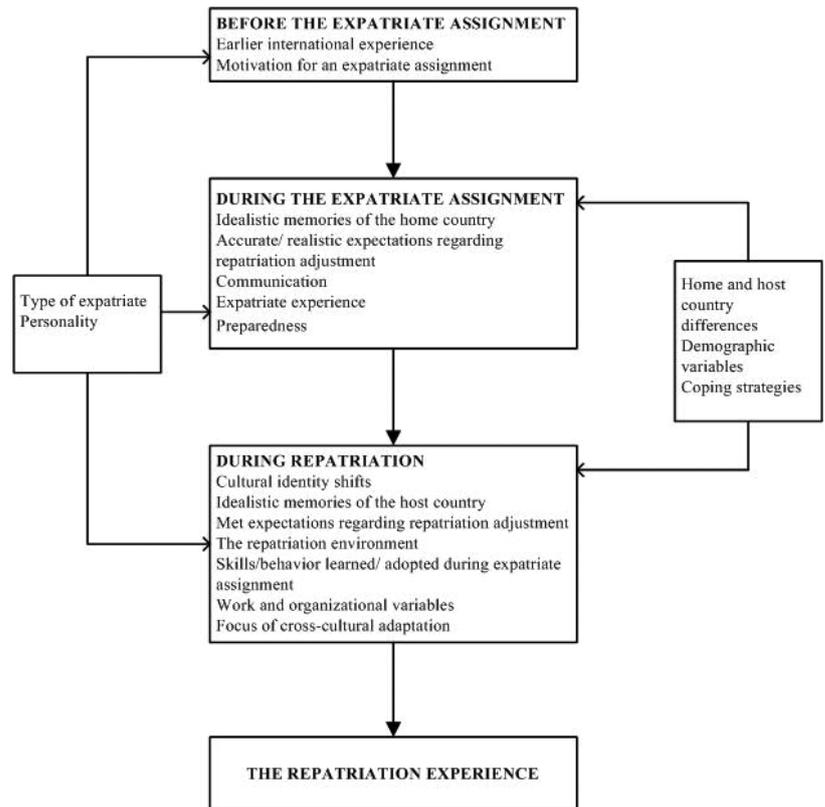
Figure 1: The repatriation process

2.2.1   Before the expatriate assignment

In this stage two variables are proposed to influence repatriation adjustment:

1) earlier international experience;
2) motivation for the expatriate assignment (including interest in the assignment and assignment motivators).[25]

Prior research has offered differing opinions on the influence of earlier experience on repatriation adjustment. The culture-learning theory proposed that repatriation adjustment becomes easier following successful expatriate adjustment since the individual has acquired "cultural coping skills."[26] Empirical evidence for this was provided by Nancy Adler, who found that those individuals who succeeded in adjustment during expatriation, in comparison to the less successful individuals, "were assessed as more effective, as more satisfied, and as being in a better mood at the re-entry."[27] Nan Sussman, on the other hand, proposed that repatriation adjustment becomes more difficult following successful adjustment during expatriation due to changes in ones cultural identity.[28] In fact, Sussman later found that neither

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23   The conceptual framework was originally presented in 2009 by Siljanen (cf. Siljanen 2009, 63 & 83–96).

24   Siljanen 2009, 83–84.

25   Ibid., 84–86.

26   Sussman 2000, 365.

27   Adler 1981, 352.

28   Sussman 2000, 365.

of the aforementioned relations was correct.[29] Meanwhile, Vesa Suutari and Katja Välimaa found that "willingness to relocate internationally appeared to be a positive correlate of organisation adjustment."[30] Lastly, it has been proposed that motivation for the expatriate assignment, as well as earlier experience and information, would influence the repatriates' expectations regarding interacting with people in the home country, the actual home environment, and work. Expectations regarding work, for instance, would be completely different for an individual who partook in the international assignment in order to experience new cultures in comparison to an individual who participated in an international assignment in the hopes of career advancement on return.[31]

What does this mean for the Finnish experts? Firstly, if the expert has earlier international experience, then this experience will influence the three dimensions of repatriation adjustment (adjustment to work, to the general environment and to interaction with home nationals). However, the direction of the influence, whether positive or negative, depends not only on how the expert perceived the assignment, but also on other variables influencing the repatriation process. Secondly, it is safe to say that most of the experts, if not all, have had a definite interest in participating in the CCM mission. In comparison to other types of international assignments, such as business assignments, the Finnish experts have themselves applied for the mission, rather than being assigned, or "forced", on an assignment. Therefore, this interest, in addition to the freedom to decide whether to attend the mission or not, are expected to positively influence repatriation adjustment to work. As for assignment motivators, the experts are likely to possess varied reasons for participating in the mission.[32] In fact, in recent interviews from Finnish experts participating in CCM missions some of the following were listed as reasons for participating in the mission: interest in an international assignment[33], favourable life situation[34], new professional skills[35] and the opportunity to use one's training[36]. In addition, one study revealed that professional development was an assignment motivator for all the respondents.[37]

The reason why these motivators are important during repatriation is because they are likely to either facilitate or hinder adjustment. Imagine for instance an expert who participated in the mission in order to be able to use all his/her skills, abilities and talents. Even if this was fulfilled during the mission, on return, the expert may be disappointed, and

frustrated, if the tasks in the home organisation are less challenging than those during the mission.

2.2.2 During the expatriate assignment

Five variables are proposed to influence repatriation adjustment in this stage:

1) idealistic memories of the home country;
2) accurate and realistic expectations regarding repatriation adjustment;
3) communication;
4) the expatriate experience;
5) preparedness for repatriation.[38]

During the assignment, idealistic memories of the home country may be formed by some expatriates in such a way that the negative aspects vanish and "only the good aspects of home" remain.[39] These idealistic memories are expected to negatively influence all three dimensions of adjustment: adjustment to the general environment, adjustment to work and adjustment to interaction with home nationals.[40] It remains uncertain, however, if this is applicable to Finnish experts. The reason for this is that in most cases the expert's family remains in Finland while the expert is away on the mission as opposed to some other types of international assignments, in which the expatriate's family accompanies them abroad. It is likely, therefore, that the expert considers his/her "real life" to be back in Finland, in which case idealistic memories of the home country might remain unformed.

In the case of expectations regarding repatriation adjustment, a recent repatriation model has proposed that expectations regarding all three aspects of adjustment will influence the "repatriation experience."[41] The new conceptual framework therefore proposes that accurate and realistic expectations regarding all three dimensions of repatriation adjustment will positively influence each dimension. Adjustment back to work would therefore be positively affected by the expert's realistic view of his/her tasks in the home organisation on return.[42]

It has also been suggested that repatriation adjustment is influenced by the expatriates' communication behaviour. This framework proposes that 1) repatriation adjustment to work and to interaction with home nationals will be positively influenced by interpersonal communication with the home organisation, 2) repatriation adjustment to the general environment and to interacting with home nationals will be positively influenced by interpersonal communication with loved ones (friends and family), and 3) all three dimensions

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29   Sussman 2002.

30   Suutari & Välimaa 2002, 628.

31   Hyder & Lövblad 2007.

32   Siljanen 2009, 85-86.

33   CMC Finland: Legal Officer at District Court Level.

34   CMC Finland: Police Adviser.

35   CMC Finland: Border Guard Expert.

36   CMC Finland: Rule of Law Adviser.

37   This study, conducted by CMC Finland and Tampere Peace Research Institute (Tapri), compared the characteristics and experiences of soldiers and civilians, and the study group consisted primarily of participants in certain crisis management training courses (CMC Finland & Tapri 2009, 7 & 9).

38   Siljanen 2009, 86–89.

39   Adler in Andreason & Kinneer 2005, as quoted in Siljanen 2009, 38.

40   Siljanen 2009, 86.

41   Hyder & Lövblad 2007.

42   Siljanen 2009, 87.

of adjustment will be positively influenced by frequent mass communication.[43]

In fact, the Finnish expert satisfaction study (response rate of 62%, 139 experts), conducted by CMC Finland in the year 2009, shed some light on how the experts view communication behaviour. This study investigated expert satisfaction with recruitment and human resource management (HRM) after the responsibility of recruitment was transferred to CMC Finland from the MoI on the first of August 2008.[44] When asked to assess the human resources (HR) department's success in certain duties,[45] those experts, who started in their tasks after 1.1.2009 and during 1.8.–31.12.2008 were least satisfied with communication with the experts during the mission.[46] While the conclusion of the study was that the majority of the experts were satisfied with recruitment and HRM, improvements to communication with the experts was recommended, for instance in the form of a newsletter to the experts, which could include current information about CMC Finland. In addition, a web-based environment was proposed as a means of communication between CMC Finland and both expatriated and repatriated Finnish experts. In this environment those experts already working abroad could, for instance, give advice to those who are only just leaving for a mission. In addition, experts could share what they had learned and network with others.[47] This proposition is worthwhile considering, because it could assist experts going to a mission as well as those returning from a mission. Even if the Finnish experts experience a smooth repatriation process, this web-based environment could offer an arena for professional development through self-reflection and learning from the experiences of others.

Regarding the influence of the expatriate experience, Suutari and Välimaa have proposed a positive relation between repatriation adjustment and expatriate assignment satisfaction. While this proposition remained unsupported by

their empirical investigation, this framework proposes that repatriation adjustment will be either positively or negatively influenced by 1) satisfaction with all three dimensions of expatriate adjustment and 2) by high expatriate adjustment.[48] Furthermore, as empirical evidence from a Finnish sample has found all dimensions of repatriation adjustment to be negatively influenced by the duration of the assignment abroad,[49] this framework proposes that repatriation adjustment to the general environment, work, and interacting with home nationals will be negatively influenced by a longer stay abroad.[50] Finally, this framework proposes a new variable, the expatriate environment, to influence repatriation adjustment[51]. As was discussed in the beginning of this article, the Finnish experts sometimes serve in dangerous, stressful and demanding environments, currently in Afghanistan and Iraq, and therefore this framework proposes that all dimensions of repatriation adjustment will be negatively influenced by this type of environment.[52]

Lastly, this framework proposes that all dimensions of repatriation adjustment will be positively influenced by higher preparedness for repatriation.[53] This proposition is based on an empirical study which revealed that "the less the preparedness, the more distressing the repatriation experience."[54]

2.2.3   During repatriation

Seven variables are proposed to relate to the final stage of the framework:

> 1) cultural identity shifts;
> 2) idealistic memories of the host country;
> 3) met expectations regarding repatriation adjustment;
> 4) the repatriation environment;
> 5) new skills and behaviours adopted during the expatriate assignment;
> 6) work and organisational factors;
> 7) the focus of the cross-cultural adaptation.[55]

Changes in an individual's cultural identity have been proposed to influence repatriation adjustment.[56] According to Sussman, these changes, which are recognised on return, can be affirmative (sense of being a Finn strengthened), subtractive (sense of being a Finn lessened), additive (sense of the host country strengthened) and intercultural (sense of belonging to the whole world). Individuals who experience additive or subtractive shifts in their identity will find repatriation

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43   Communication variables proposed by Cox 2004; Siljanen 2009, 87. Interpersonal communication includes for instance phone calls, loved ones visiting the expatriate and emails, while mass communication includes for instance films, news from the home country via different communication forms and television shows (Cox 2004). Nowadays, one could also add Skype and Facebook as means of keeping in touch with people.

44   CMC Finland 2010.

45   Luggage and travel guidance/arrangements, communication both before and during the mission and specification of the contract (CMC Finland 2010, 9).

46   The majority, 41%, of those who started after 1.1.2009 assessed the HR department as succeeding adequately in communication during the mission, while success in other duties was rated as either well or very well by the majority (scale: not at all, badly, adequately, well, very well). The majority, 52%, of those who started between 1.8.–31.12.2008 assessed success to be adequate in communication during the mission, while success in other duties was assessed by the majority as either well or very well, apart from communication before the assignment which 29% assessed as succeeding adequately, 29% as well and 29% as very well. The majority of those who started before 1.8.2008 assessed success in all duties adequately (CMC Finland 2010, 9–10).

47   CMC Finland 2010, 17.

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48   Siljanen 2009, 87–88; Suutari & Välimaa 2002, 630.

49   Gregersen & Stroh 1997, 647.

50   Siljanen 2009, 87–88.

51   The influence of the expatriate environment was first proposed by Esko Siljanen in a discussion regarding the new conceptual framework.

52   Siljanen 2009, 88.

53   Ibid.

54   Sussman 2001.

55   Siljanen 2009, 89–93.

56   Sussman 2000; 2001; 2002.

more challenging than those experiencing intercultural and affirmative shifts, yet they will adapt well to the host country. In the case of affirmative and intercultural shifts, repatriation will be easier because those experiencing an affirmative shift will be happy to return home and those experiencing an intercultural shift will feel as though they can live anywhere. Therefore, this framework proposes that all the dimensions of repatriation adjustment will be positively influenced by intercultural and affirmative shifts, yet negatively influenced by additive and subtractive shifts.[57]

As has already been stated, expatriates sometimes have idealistic memories of their home countries. The same can occur in the opposite direction: repatriates may have idealistic memories of the host country. Therefore, this framework proposes that all dimensions of repatriation adjustment will be negatively influenced by these memories.[58] Could the Finnish experts have such memories of the mission? As it is said, "time makes memories more golden." One need not use travels abroad as an example of more positive memories developing, since more likely than not every individual has "more golden" memories of a certain stage in his/her life, be that for instance from ones first job or some other significant life event.

As for expectations, this framework proposes that all three dimensions of repatriation adjustment will be influenced by met expectations regarding each dimension. For instance, if expectations regarding interacting with home nationals are met on return, then this will positively influence repatriation adjustment to interacting with home nationals. This proposition is based on the aforementioned model created by Akmal Hyder and Mikael Lövblad.[59] For instance, a repatriate may have expected career advancement on return: if this expectation is met, then this will have a positive effect on repatriation adjustment to work.

Empirical evidence has found that repatriation adjustment to work and to the general environment is positively affected by how long ago the repatriate returned home: the uncertainty provoked by the move back will decrease as knowledge of the home country increases.[60] In addition, often during international assignments the expatriates have a better social status and living conditions in comparison to those in the home country. In empirical studies, repatriation adjustment has either been uninfluenced or negatively influenced by a decrease in social status and living conditions. Therefore, this framework proposes that all dimensions of repatriation adjustment will be positively influenced by the return home occurring a longer time ago, and similar social status and living conditions on return to that during the expatriate assignment. The last variable relating to the repatriation environment is the repatriates' reception back home: the home organisation's welcoming reception will positively influence adjustment to work while the family and friends welcoming and warm reception will positively influence adjustment to interaction

with home nationals and adjustment to the general environment.[61] This proposition was based on the remark that the level of interest, on the part of friends and family, in the repatriates' experiences abroad is often low.[62]

Expatriates often learn or adopt new behaviour and skills during the expatriate assignment. This framework proposes that these skills and behaviours will influence all three dimensions of repatriation adjustment either in a positive or negative manner. For instance, a specific behaviour, which was accepted in the host country, may be inappropriate back in Finland, thus negatively effecting repatriation adjustment. Meanwhile, repatriation adjustment could be facilitated by certain skills and behaviours, such as the ability to get along with many types of people.[63]

During repatriation the repatriate also faces the return back to the home organisation. Many work variables have been proposed to influence repatriation adjustment, and some have been empirically proven.[64] This framework proposes the following variables to influence adjustment to work positively: the repatriate can utilise the skills developed during the assignment, repatriation support practices are offered, home and host task interdependence, role clarity/ negotiations/ discretion, the repatriation situation is weakly constraining, and the repatriate is offered opportunities for career advancement. On the other hand, adjustment would be negatively influenced by new or conflicting job roles.[65]

Finally, repatriation adjustment is proposed to be positively or negatively influenced by the focus of the cross-cultural adaptation.[66] It has been proposed that adaptation during the expatriate assignment succeeds if the expatriate has a focus for the adaptation, for instance other expatriates or one's career.[67] Applied to the Finnish experts, the focus of adaptation means that by focusing on one thing one may be more resistant to the influence of other variables.[68] For instance, if an expert focuses on his/her family, then difficulties in the home organisation, although influential, may be deemed less important in comparison to one's family.

2.2.4   *During the expatriate assignment and repatriation*

Three variables are proposed to influence the first two stages (during the expatriate assignment and during repatriation) in the framework:

      1) differences between the home and host countries;
      2) demographic variables;
      3) coping strategies.[69]

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57   Siljanen 2009, 31–33 & 89–90.

58   Ibid., 90.

59   Hyder & Lövblad 2007.

60   Gregersen & Stroh 1997, 639 & 647–648.

61   Siljanen 2009, 90.

62   Andreason & Kinneer 2005, 6.

63   Siljanen 2009, 91.

64   Cf. Siljanen 2009, 42–48.

65   Siljanen 2009, 91.

66   Ibid., 91–92.

67   Siljanen & Lämsä in Siljanen 2009, 44.

68   Siljanen 2009, 92.

69   Ibid., 95–96.

Both stages are proposed to be negatively influenced by large differences between home and the host country (both in degree and cultural novelty).[70] The influence of demographic variables on repatriation adjustment has received many suggestions and some empirical investigations have been carried out with different results.[71] Nevertheless, this framework proposes that repatriation adjustment will be either negatively or positively influenced by the repatriate possessing a higher level of education, being younger in age, being single, being female.[72] Lastly, based on the findings of Jeffrey Herman and Lois Tetrick, who explored repatriation adjustment and coping strategies, this framework proposes that repatriation adjustment will be negatively influenced by emotion-focused strategies (strategies which focus on emotionally managing a stressor, for example withdrawing from a situation), and positively influenced by problem-focused coping strategies (strategies which focus on dealing with the actual stressor, for example trying to get to know people).[73]

2.2.5   The entire repatriation experience

Two variables are proposed to influence the entire repatriation experience:

       1) type of expatriate;
       2) personality.[74]

In a recent study, Tuula Siljanen proposed that the type of expatriate influences expatriate adjustment. Four types were identified as: global careerists (adapt easily to a foreign country, career oriented, multiple assignments in different countries, realistic world view, and broad expertise); idealisers (adapt easily, optimistic, ideologically driven, and satisfied with life); balanced experts (realistic, well-rounded and stay in one country for longer periods of time); and drifters (unsure of who they are and what they should do, searching for self).[75] This framework proposes that drifters will have a more difficult adjustment back home than the other three types of expatriates.[76] However, this proposition needs to be investigated further and the Finnish experts would serve as an interesting case because determining what drives these experts to CCM missions could facilitate their recruitment.

Secondly, an individual's personality, namely the Big Five personality, is proposed to influence all dimensions of repatriation adjustment positively. The specific characteristics which would facilitate adjustment derive from the proposition by Sharon Leiba-O'Sullivan who discussed the relation between proactive behaviour and the Big Five personality: "extraversion, conscientiousness, openness to experience, emotional stability, and agreeableness."[77]

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70   Siljanen 2009, 95.
71   Cf. Siljanen 2009, 28–29 & 41.
72   Siljanen 2009, 95.
73   Herman & Tetrick 2009, 70 & 75–76; Siljanen 2009, 96.
74   Siljanen 2009, 94.

75   Siljanen & Lämsä (2007) in Siljanen 2009, 43–44.
76   Siljanen 2009, 94.
77   Leiba-O'Sullivan (2002) quoted in Siljanen 2009, 94.

3 An exploration of the repatriation of Finnish experts

Professional group	Male	Female	Percentage %	Total
Rule of Law	15	9	15,1	24
Police	47	5	32,7	52
Border	10	3	8,1	13
Customs	4	0	2,0	4
Civilian Administration	1	0	0,6	1
Human Rights	0	5	3,1	5
Monitors	10	10	12,6	20
Mission Support	12	7	11,9	19
Mission/ Office Heads and their Advisers	9	7	10,1	16
Secretariats	0	5	3,1	5
MFA Officials	0	1	0,6	1
Total	106	53	100	159

Table 1: Finnish experts currently on mission by professional group 22.10.2010[80]

3.1   Presenting the Finnish experts

On October 22nd, 2010, 159 Finnish experts were serving in various CCM missions around the world (cf. Table 1 and Figure 2). In fact, CMC Finland has now reached the goal set in *Finland's national strategy for civilian crisis management,* which declared the minimum number of Finnish experts to be 150.[78] Furthermore, the number of Finnish experts has remained above this goal since October 2009.[79] In terms of location and duties, the majority of the experts were concentrated to Europe (Bosnia-Herzegovina and Kosovo), Afghanistan and East-Caucasus and police represented the largest professional group of Finnish experts (cf. Figure 2).

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78   MoI 2008, 13.

79   E-mail communication with CMC Finland Head of Research and Development Kirsi Henriksson, 20.7.2010.

80   CMC Finland Statistics, 22.10.2010.

Figure 2: Finnish experts' participation in civilian crisis management missions[81]

Year	Number	Gender		Percentage
		Male	**Female**	
2010	42	36	6	29
2009	73	59	14	50
2008	30	21	9	21
Total	145[83]	116	29	100

Table 2: Repatriated Finnish experts according to year of repatriation[82]

In terms of repatriated Finnish experts, 146 experts have returned during the years 2008 and 2010: 116 were males and 29 were females (cf. Table 2).

The experts had served in twenty different countries in missions organised by five organisations, with diverse tasks ranging from police advisors, deputy head of missions, and monitors to judges and legal officers (Cf. Tables 3 and 4).

81   Updated 22.10.2010.

82   CMC Finland statistics of repatriated experts, 22.10.2010.

83   The date of repatriation was missing for one expert, who was then excluded from the following tables of repatriated Finnish experts. Therefore, in reality, the total number of repatriated experts amounts to 146.

Country	Number of experts (N=145)
Kosovo	47
Afghanistan	23
Bosnia-Herzegovina	14
Georgia	13
Sudan	12
Palestinian Territories	10
Moldova & Ukraine	5
Other countries with less than 5 experts	21

Table 3: Repatriated Finnish experts according to location of the mission[84]

Organisation	Number of experts (N=145)
European Union	98
United Nations	25
Organisation for Security and Cooperation in Europe	16
North Atlantic Treaty Organization	4
International Humanitarian Partnership	2

Table 4: Repatriated Finnish experts according to the organisation responsible for the mission[85]

3.2   Repatriated police officers

3.2.1 Design of the study

A study explored the repatriation of all Finnish experts who had worked as police officers during a CCM mission and returned to Finland in the years 2008 to 2009. This group was selected because 1) on May 31, 2008 the majority of the experts on a CCM mission (47,9%) were police officers, and 2) the largest professional group to repatriate in the years 2008 and 2009 were police officers.[86] This study was conducted because the repatriation phenomenon represented an under-researched field, in which a great deal of the research has concentrated on repatriates from American multinational corporations.[87] Moreover, the Finnish experts represented a professional group whose repatriation remained unexplored. Therefore, the aims of the study were:

- How did these Finnish experts experience the civilian crisis management mission and the repatriation process?
- What assistance was offered to these experts during the civilian crisis management mission and the repatriation process, and did these experts feel that they needed any assistance?
- Can current theoretical knowledge of the repatriation process explain the repatriation of Finnish experts?

Data was collected using a quantitative survey, which was chosen because the researcher felt most at ease with this method and because the sample size was expected to be high. The survey, which included Likert-scale, open-ended and multiple-choice questions, was based on the researcher's experiences and understanding of the repatriation phenomenon as well as on the variables tested, or proposed, by academic research on repatriation.

Participation in the study was voluntary. CMC Finland sent a bulletin of the study to the repatriated police officers, who could respond to the questionnaire using the link provided in the bulletin. One important issue that had to be considered was the confidentiality and anonymity of the experts, especially because the number of experts participating in CCM missions

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84   CMC Finland statistics of repatriated experts, 22.10.2010.
85   CMC Finland statistics of repatriated experts, 22.10.2010.
86   Siljanen 2009, 55–96.
87   Ibid., 12.

was quite low at the time of the study. The survey was filled in anonymously and specific details of missions, such as the country, were omitted from the study questions. Another issue to be considered was the experts and how the study would influence these experts. The possibility of the experts having to reminisce on difficult experiences during or after the mission was duly noted, yet this study was also considered an arena in which the experts could reflect on their experiences. Lastly, in considering the role of the client, CMC Finland, it was decided that CMC Finland would receive the final version of the thesis, while the responses to the survey would remain with the researcher in order to retain the confidentiality of the experts.

In terms of data collection, the study took a surprising twist during this phase as the number of repatriated police officers turned out to be less than expected: the survey was sent to only twelve experts. However, as the study represented, to the researcher's knowledge, one of the first (if not the first) study on the repatriation of Finnish experts, a decision was made to continue, rather than end the study. For this reason, no correlations were calculated during data analysis and greater focus was placed on qualitative analysis of the responses to the open-ended questions.[88] Nevertheless, the value of this study lies not in its sample size, but in the fact that it offers insight into the repatriation of Finnish experts, which has previously been undocumented (at least to the researcher's knowledge). Although the results of the study cannot directly be applied to concern all Finnish experts, it definitely opens the field for future research and discussion on the repatriation, and wellbeing, of our Finnish experts.

The survey was sent to twelve experts and the final response rate was ten experts:[89] seven were male and three were female. The majority of the experts (N=7) were either married or living in co-habitation, and all the experts were aged 35 or over. The highest educational level of the experts was diverse, as were the occupations of the experts (although two were in Police Command positions and three were police officers). In terms of international experience, eight of the experts had previous experience, which ranged from around one year to almost ten years. In addition, seven experts had participated in CCM missions before, ranging from two to seven missions.

3.2.2   Outcomes of the study

Motivation for the latest CCM mission

For all ten experts the initiative for participating in the mission derived from themselves as opposed to elsewhere. The reasons for participating in the mission were diverse,

with the most common one being a change, or break from their regular work and life (4 experts): "I sought a break from everyday work routines." Three experts discussed the international environment: "developing my skills of working in an international environment", "testing my ability to cope in an international police mission", and "I wanted an experience of an international work environment." In addition, for two experts a reason for participating in the mission was gaining new experiences. Furthermore, one of the reasons for one expert was "Seek more strength to continue in the home land tasks, which sometimes seem stagnant," while another expert noted that, "My own position feels familiar and safe after a chaotic operation." Other reasons included the development of language skills, pay, self-motivation, a CCM mission (in comparison to Finland) providing a better chance to help ones clientele, and contributing to "improving the situation in a crisis area."

Latest mission

The experts had different responsibilities during the mission, which ranged from leadership to administrative tasks and training. Four of the experts had been on a mission in Europe, one in Asia and five in the continent of Africa. For eight of the experts,[90] the length of the mission ranged from 12 to 35 months.

In terms of communication behaviour the experts kept the most contact with their friends and family (40% weekly and 60% daily)[91]. Contact with work occurred less (10% never; 80% every 2–6 months; 10% monthly). Meanwhile, 50% of the experts kept their knowledge of events (social/current) happening in Finland updated daily, while for 40% this occurred weekly and for 10% every 2-6 months.

Eight of the experts were satisfied with their latest mission while one could not say and one was not satisfied with the mission. This question, however, should have been phrased differently as one expert noted later in the survey that "there are some parts which you can be pleased with, but some parts which did not work."

When asked about pre-expectations regarding the return to Finland, five experts had no pre-expectations, which according to one of the experts was "because I have been in the same situation many times before." Two experts described some pre-expectations: "I expected some adjustment problems at work (new organisation at the local level) and at home (new everyday routines)" and "I thought returning home would be more difficult than going on the mission and adjusting to a new environment." On the other hand, three experts appeared to have no pre-expectations, but their feelings regarding returning to Finland appeared as either positive or neutral: "It is always nice to return home," "After I came home I did not

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88   The survey was conducted in Finnish and the answers to the open-ended questions were translated into English. While care was taken to preserve the essence of the responses, there is always the possibility that something was lost during translation.

89   Eleven responses were received but two were identical, word for word: this was considered to be an error and so one of these responses was omitted (Siljanen 2009, 64).

90   The question regarding the length of the mission was confused with the previous question regarding location of the mission so some experts wrote down the location of the mission instead of the length of the mission (Siljanen 2009, 68).

91   Scale: never, every 2-6 months, monthly, weekly and daily.

During the operation (N=10)	Completely disagree	Somewhat disagree	Cannot say	Somewhat agree	Completely agree
I felt more Finnish than before the operation	60%	40%			
I felt more global than before the operation	50%	20%		30%	
I felt like an outsider both in Finland and the host country	90%			10%	

Table 5: Cultural identity and the CCM mission[92]

even remember being away," and "I returned to my old work tasks back to being with my family."

Repatriation

The experts had returned to Finland recently, with their return occurring from less than one month to around one year ago. In terms of adjustment back to Finland, two experts had adjusted very well, two experts had adjusted well and six had adjusted moderately.

The cultural identity of the experts seemed to be uninfluenced by the mission (cf. Table 5), although one expert commented on the last proposition of feeling like an outsider in both countries and noted:

> I somewhat agree, because I feel like an outsider in Finland and of course felt so in the operation's host country… but as a correction: Within the mission I did not feel like an outsider at all, but rather a part of an international community/ family, which was formed both among Finnish colleagues living together and with my work unit. Returning home: I have experienced the same frustration and repatriation difficulties feelings when I returned home after a year as an exchange-student and so I knew to expect this neg. reaction to returning from myself. Therefore I do not even take any stress about it. This probably comes with the territory when you have enjoyed the trip…[92]

When asked about matched pre-expectations, three experts referred to having no pre-expectations, yet one noted that "It is nice to come home." In addition, for one expert the return home was something s/he was accustomed to. Meanwhile, for two experts the expectations matched reality completely, although one remarked that "Maybe after the operation I viewed matters more critically." For one expert the pre-expectations were pretty well met, although s/he noted that "adjustment difficulties lasted longer than I expected." The

expectations of two other experts were well met and finally, the expectations of one expert were met and this expert concluded that "therefore it is more difficult to return to the old than adjust to the new."

The experts were also asked about how they were treated on return. Nine experts experienced no change in the way their co-workers, friends or family treated them. However, two of these experts made the following comments: "everyone is already used to the fact that I sometimes go on foreign missions" and "the changes have occurred in me not in my neighbours." Meanwhile, one expert had experienced some changes in treatment by friends and co-workers, but not family: "friends were interested in my different experiences and my work colleagues did not really know how to take it." In addition, the experts were asked whether on return changes had occurred in their relationships with co-workers, friends or family. Seven experts reported no such changes while two experts had experienced some changes. In the case of one of these experts, sharing experiences from the mission was sometimes difficult since "the spectrum of events and people was so immense – in both good and bad," while the other expert observed that "Work colleagues keep more distance at least in the beginning," in addition to some changes occurring with his/her family who was "more sensitive to me planning a new mission." Lastly, one expert noted "Not as such. I do maybe appreciate my life in Finland more than before the operation."

In terms of positive and negative experiences of the return to Finland, one expert reported having neither, while one expert reported never having adjustment problems, either in Finland or elsewhere: "I strive to make my life resemble my own, wherever I am. In Finland there are less water- and electrical shortages than in the world. A traffic sign which is crooked does not bother me; in the posting all the traffic signs were more or less crooked." Furthermore, one expert noted that s/he had no negative, but many positive, experiences. One expert made an important comment stating that "The question is based on an assumption, which is not true in my case. There were no especially negative experiences." Examples of positive experiences included normal or old routines, relief of people that the expert was back, family's reception back, and "getting the central aspects of life back such as family, friends, hobbies and work." On the other hand, negative

92   Expert quote in Siljanen 2009, 71.
93   Almost an exact copy of the table in Siljanen 2009, 71.

On my return (N=10)	Completely disagree	Somewhat disagree	Cannot say	Somewhat agree	Completely agree
My work place was interested in my experiences abroad	50%	30%	10%	10%	
My work place recognised and valued my experiences abroad	60%	30%	10%		
My work place utilised my new skills	80%	10%	10%		
I received promotional opportunities on my return	90%		10%		
I felt I could influence my job tasks	40%	30%	20%	10%	
I was satisfied with the way in which my work place received me back	20%	30%	20%	30%	
I felt the operation influenced by career positively	60%	30%	10%		

Table 6: Home organisation's reception of the expert[95]

experiences included decreased work motivation, changes in oneself and money.

What then facilitated the adjustment of these experts? Family was the most common facilitator, followed by everyday routines[94]. One expert described his/her experiences in the following way: "Everyday routines and children keep you rooted in everyday life. The fact that you feel longed and loved from many directions is an important feeling." As for those factors which hinder adjustment, the responses of four experts included, for instance, their bank account being empty, being kept busy and settling the following conflict: "own life has gone forward – although now returned to the old."

Work

Apart from one expert, the rest of the experts had returned to their old job. It seems however, that although adjustment to the general environment and interaction with home nationals went relatively smoothly for the experts, adjustment to work caused more grievances. Table 6 describes the experts' experiences regarding home organisation reception back.

This question, was however, justly criticised by one expert who remarked that "The work place and its people are two different things: on an individual level, for example, which culminates to the manager level – at least until now no positive consequences of being on the mission are detected."

Although the reception from the home organisation could have been better, only four experts (out of the nine who responded to this question) had actually considered changing their jobs. For two of these experts the quest for new challenges influenced their desire to change their job: "During the mission I became accustomed to a managerial position, but also to completely new hands-on challenges and now I return to the bottom of the litter in my own unit and to the same slow paper rolling as before the mission   feelings of frustration." In addition, career progression problems influenced one expert to desire to change jobs: career advancement "in my current work place is completely stuck, because like a dictator the leader of the unit does not like us employees who go on international assignments." An altered view of one expert's job appeared as his/her reason for the desire to change jobs: during the time away from the job the expert realised that s/he "can live completely happy also in another job." Lastly, one expert had considered changing his/her job as a consequence of "the altogether lukewarm reception in the work place." This expert, however, would stay in the same job because of "the possibility of going to new missions from police work," "financial security during these times" and "family's opinion to stay in the same area." While some of the experts had considered changing jobs, only one expert had. This had occurred because of an offer of a temporary job elsewhere; the expert was not satisfied with his/her new job and wished to return this his/her previous employer.

Lastly, the experts reflected on how the mission influenced their jobs in Finland (cf. Table 7). The majority of the experts found the mission useful for their normal job back in the home organisation, but only 30% felt as though the mission motivated this job in a new way.

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94   A recent study conducted by CMC Finland and TAPRI also remarked that quickly commencing everyday routines, as well as work, facilitated repatriation adjustment (CMC Finland & Tapri 2009, 21).

95   Almost an exact copy of a table from Siljanen 2009, 75.

N=10 (one expert left all these answers blank)	Yes	No
The operation was useful for my own basic job	80%	10%
The operation changed my view of my own profession and job	30%	60%
The operation motivated me in a new way in my own basic job	40%	50%

Table 7: CCM mission and the expert's job[96]

The ways in which the experts' opinions regarding their job and profession were altered by the mission included greater insight into the work of police as well as greater respect for the skills of Finnish police: "It appears that you can throw a Finnish police officer to any job and it will get done. We Finns received very positive feedback from the mission both from colleagues and from the mission's management and we knew we were doing a good job and results [or outcomes]."[97] Meanwhile, one expert experienced a weakened view of his/her profession.

Health

For five experts the mission did not influence their physical and mental health, although one expert noted a loss of muscle mass due to a bad diet and lower levels of physical activity. Meanwhile, two experts for instance had reported some health problems during the mission, while two other experts noted some changes in their mental health: they felt tired mentally. Only one expert stated that during the mission s/he had experienced a difficult situation, influencing him/her professionally or personally, which s/he was thinking about on return. During the mission the expert had however received support in dealing with this experience from his/her partner and colleagues.

Training

All the experts had received preparatory training before and at the start of the mission. In addition, nine out of the ten experts felt that at the start of the operation they had enough information about the culture in the host country.

Support and debriefing

Half of the experts had received enough support prior to the mission and the majority of the experts (7/10) had the opportunity to consult a professional and discuss their experiences from the latest mission. In addition, the majority of the experts (8/10) had participated in the debriefing organised by CMC Finland.[98] Only three of the experts found the debriefing useful, for instance because it offered a chance to share ones experiences with others, while one expert did not really know "whether the debriefing was useful." The remaining four experts heavily criticised the debriefing because it was seen as lacking a practical basis. In terms of support on return, four of the experts felt that they required no support on return to Finland, while another expert noted that "previous experience seems to be the best trainer." On the other hand, one expert, for example, would have hoped for a longer debriefing and career management in the home organisation. In addition, this expert would have liked "Reality based descriptions of how different persons had experienced their return, both within their work and private life (peer stories)."

New mission?

Eight of the experts expressed interest in a new CCM mission and the assignment motivators were similar to the ones listed in the latest mission.

3.2.3 Repatriation – a positive or negative experience?

The evidence obtained from the responses of the ten Finnish experts seems to indicate that the experts were professional, pro-active, individuals whose repatriation process progressed relatively smoothly, apart from the less favourable work conditions. The assignment motivators of the experts expressed pro-activity, for instance by seeking motivation for homeland duties and by expressing a desire to develop ones skills. The majority of the experts were satisfied with their latest mission and none of the experts had experienced a poor or very poor adjustment back to Finland. As for the work related matters the experts experienced less favourable conditions at work, which was expected on the basis of prior research. For the majority of the experts, the mission did not influence their career positively. Lastly, the experts appeared fairly content with the amount of support offered during repatriation. The conclusion of this empirical study therefore was that based on these findings, the repatriation of Finnish experts cannot be explained by current theoretical research on repatriation. However, it was noted that due to the small sample size, no final or conclusive remarks can be made regarding the repatriation process of the Finnish experts.

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96   Almost an exact copy of a table in Siljanen 2009, 76.

97   Siljanen 2009, 77.

98   One of the remaining two experts had not participated in the debriefing yet because of his/her recent return, but was waiting to do so.

4   Discussion

The repatriation process of Finnish experts has been explored with the aid of a conceptual framework of the repatriation process as well as with empirical findings, primarily from the study of police. Although neither the framework nor the empirical study are able to offer concrete facts regarding the repatriation of Finnish experts, they do shed light on how the process might proceed and what kind of experiences some experts may have. It must, however, be noted that the aforementioned case study represented one of the first, if not the first, studies conducted on the repatriation of Finnish experts. While acknowledging the lack of concrete evidence, as well as the fact that research on repatriation in general still has a long road ahead, this chapter will still proceed in presenting a summary of the repatriation process of Finnish experts. Keeping in mind that the following thoughts on the repatriation process of Finnish experts require further empirical testing, this summary is still built on prior theoretical and empirical evidence of the repatriation process, as well as the researcher's own understanding of the phenomenon.

On one hand, the repatriation process of Finnish experts appears to be slightly different than that of many other professional groups. The temporal nature of CCM missions could be one factor contributing to this difference, since for many experts their "real" home remains in Finland and the mission represents something temporary:

> *During the mission you in a way experience a new birth and everyone starts from a clean slate – defining, to a certain extent, their own destiny again without history – also aware of the fact that the mission lasts a certain time – the issue at hand is not an eternal project.*[99]

Furthermore, the environment and surroundings of the mission are often less fruitful for a deeper adjustment to the host culture and country to occur. One must also not forget those experts who participate in multiple missions: for some their permanent home continues to be Finland while for others their home changes with each mission (and country). Difficulties in

such a lifestyle arise when the expert is unable to uphold his/her professional skills and simply attends numerous missions, that is, s/he becomes a mission-junky.[100] On the other hand, the Finnish experts in the case study did face less favourable work conditions, which is in line with the experiences of some other professional groups. But how exactly does the repatriation process of Finnish experts really proceed?

As all the experts are unique individuals with diverse personal characteristics and life experiences, they will naturally experience repatriation in different ways. In addition, the actual mission may influence the repatriation of some experts, especially if these experts have been under a great deal of stress or have experienced threatening events during the mission. Two key factors that are likely to influence the repatriation of all Finnish experts are assignment motivators and work conditions on return. Assignment motivators are expected to play an important role in repatriation because they influence the way in which the experts view their return to Finland. For instance, if an expert has attended the mission because his/her professional or personal life was problematic at home, then the return home will most likely be difficult.[101] Meanwhile, work conditions on return are likely to be very important in the repatriation process of Finnish experts, especially for those who have attended the mission for professional development. Imagine the frustration on return, if the job provides no new challenges or chances to fully apply ones skills.

To summarise, the repatriation process can be experienced in many ways, and to the surprise of some individuals, it can even be immensely difficult. Even though Finnish experts may find repatriation relatively easy, understanding what the process involves will be helpful not only for the experts themselves, but also for their home organisations, as well as for the experts' loved ones. The following chapter will present recommendations for the experts themselves as well as to CMC Finland and the experts' home organisations.

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99   Empirical study of police in Siljanen 2009, 82.

100   CMC Finland & Tapri 2009, 21–22.
101   Ibid., 21.

5   Recommendations

5.1   *Experts calling – recommendations to CMC Finland*

CMC Finland has an important role to play in the repatriation process of the Finnish experts since it 1) is involved in the recruitment of most of the experts, 2) is responsible for HRM during the mission, and 3) organises a debriefing on return. The recommendations for CMC Finland are:

- Discuss the assignment motivators of the experts. This can help identify possible problems and help in developing the debriefing and facilitating the repatriation of the experts;
- Discuss the repatriation process in the pre-deployment training. In addition, the expert's family should also be involved at this, and other, stage(s);
- Keep in contact with the experts while they are on the CCM mission. The frequency of communication depends on each expert, but communication is important for the wellbeing of the experts, which will also influence their repatriation. The experts can be informed of current research in civilian crisis management as well as on current events organised at CMC Finland.[102] The aforementioned web-based environment for the Finnish experts, as well as for repatriated experts, might prove very fruitful not only in facilitating the repatriation of the experts, but also in assisting new experts going on a CCM mission;
- Pay attention to how the debriefing is organised. Consult repatriated experts to determine what the debriefing should entail. If organised well, the debriefing will assist CMC Finland develop its activities as well as facilitate the repatriation of Finnish experts.

5.2   *The clock is ticking – recommendations to home organisations*

Finnish experts going on CCM missions can present a challenge to the HR of the home organisations, since a gap in expertise will be left in the organisation while the expert is away. The most important recommendation for the home organisations is valuing your employee, the Finnish expert, and showing an interest in him/her. With relatively simple measures, the home organisations can not only facilitate the repatriation of the expert but also take advantage of the experts' experiences and abilities/ skills. The recommendations for the home organisations are:

- Hold a meeting before the expert leaves for the mission. Discuss how the expert feels about his/her current job, what motivated him/her to go on the mission, for example, was it a lack of motivation at work, what the expert expects from the mission and its influence on the job on return, and lastly, what the expert expects from his/her job on return;
- Prior to the expert returning, or soon after the expert returns, hold another meeting with the expert to discuss what the expert has learned during the mission, what skills/ talents have further developed, have any new skills been learned, and how these skills/ talents could best be applied in the home organisation. In addition, discuss the expectations of the expert regarding his/her job. The home organisation can also keep in contact with the expert while s/he is on the mission, but this must be discussed with and approved by the expert before s/he leaves. If the expert for instance attends the mission in order to have a break from his normal work, then frequent contact by the home organisation may do more harm than good;
- View CCM missions positively and treat the experts fairly. For instance, in the case of career advancement and promotions, the CCM mission should not be considered a weakness or hindrance in situations where the expert completely matches

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102   Based on the aforementioned expert satisfaction survey CMC Finland has already started sending a newsletter to the Finnish experts currently on mission.

the skills/talents of another employee who has stayed in the home country (compare this with the view presented in *Finland's national strategy of civilian crisis management* regarding the influence of a mission on careers[103]).

5.3   On this joyous occasion – recommendations to the Finnish experts

Returning back home from a CCM mission evokes different feelings among the experts. For Finnish experts the recommendations are:

• Before applying for a CCM mission, consider your assignment motivators: are you looking to develop professionally, search for a "better" life elsewhere or gain new experiences?;

• On the mission, keep in contact with your loved ones (and your home organisation if you wish to do so), because this will facilitate your adjustment back to Finland;

• Prior to returning, spend some time reflecting on your assignment motivators, the mission and the upcoming return home. Consider the following questions: Were your expectations of the mission met? How do the assignment motivators reflect on the mission and the return home? What have you learnt during the mission and have you further developed already existing skills/ talents? What do you expect from your return, especially in relation to family, friends and work?;

• On return to the home organisation, make sure your employer is aware of your skills/ talents and expectations regarding your job. If the home organisation seems less interested in your experiences, you can ask to meet your superior to discuss your current tasks/ duties as well as career progression.

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103 "The release of personnel from various administrative branches for civilian crisis management posts must be encouraged, and time spent abroad in international postings should be viewed as a positive factor in terms of career development" (MoI 2008, 13).

6 Conclusion

Repatriation represents a complex, multi-factorial, phenomenon, in which a combination of variables is thought to either facilitate or hinder repatriation adjustment. What those variables are can depend on the personal characteristics and coping skills, as well as life experiences, of the expert, in addition to the influence of the outside world (work, non-work, and the surrounding network of people). The repatriation of Finnish experts, as well as the repatriation phenomenon in general, still requires further exploration in order to determine why repatriation adjustment is easier for some individuals and more difficult for others. Although it appears that the repatriation process of the Finnish experts differs in some ways with that of some other professional groups, the Finnish experts may experience less favourable work conditions, which has actually been the experience of some other professional groups as well.

Even though the repatriation process may progress relatively smoothly for most Finnish experts, returning back to the home country represents a change in the experts' life. When confronted with change, be it big or small, individuals may be more sensitive and open to personal reflection and evaluation. Repatriation, although representing only one stage in the civilian crisis management cycle of the Finnish expert, provides an excellent opportunity for self-reflection of the past (the mission that has just ended), present (confronting the return home) and future (future endeavours/ career/ personal life). As such opportunities do not always arise naturally, or are not actively sought, repatriation could be embraced positively. Therefore, even those experts who find they have nothing in particular to adjust back to could take the opportunity presented by the recent return home to pause and reflect on their life.

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Enhancement of expertise in civilian crisis management:
positivity as a key towards personal dedication
for a comprehensive approach

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This article discusses the meaning of comprehensive approach from the perspective of individuals working in crisis management. The possibility for the comprehensive approach to be operationalised is finally about individual competence and willingness to act according to the new security paradigm. Furthermore, it calls for a re-evaluation of the expertise required in the field, turning the gaze back to recruitment and training of individuals for international crisis management. To enhance the expertise, the author draws from the turnaround offered by positive psychology which allows shifting the focus on how to expand that which is good to be even better, instead of alleviating what is wrong.

> *What we need in civilian crisis management are people who can see beyond their own job description, who understand the big picture, and especially who are there for their colleagues.*
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> *When we are all put in the same room and work in the same group, we understand that we can learn from each other, and that the other (military) is not so different. I think the best way to understand the other is by working together.*
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> *Cooperation with (civilian) actors in the same area (in the host country) is, in practice, up to the individual commanders.*[1]

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1   These excerpts are from interviews during field research in 2008 for the project on gender-mainstreaming of civilian crisis management. In discussion on the demand for the increase of female personnel one cannot avoid touching on the civil-military binary oppositions and cooperation and indeed questions of identity whether across gender binaries or civil-military binaries.

1   Introduction

The demand for the comprehensive approach emerges from the acknowledgment of the complexity of the current security environment and the prioritisation of human security. In times of global insecurities, such as extreme violence against civilian populations; corruption and political instability in post-conflict countries recuperating from civil war; and far-reaching natural catastrophes, it is understandable that at an international level of crisis management there is a desire for a concerted effort in order to improve security in the environment at a societal and individual level. The value of human security and stability in post-conflict regions is appealing to a wider audience, legitimising crisis management missions.

In this paper, I will discuss the meaning of comprehensive approach from the perspective of individual security agents on the basis of interview and survey material collected during the project *Enhancement of expertise in civilian crisis management.* The project was a joint endeavour with Crisis Management Centre Finland (CMC) and Tampere Peace Research Institute (Tapri). The objective was to map out the consequences of the paradigm shift for security agencies in civilian crisis management. In other words, the focus was on developing understanding of the competences of individual experts to incorporate the comprehensive approach in their own work and identity in relation to the common goal of human security.[2]

The research project consisted of interviews and survey data collected mostly during training at CMC Finland. The survey was sent to participants of CMC Finland training in the spring of 2009. Interviews took place in the spring and autumn of 2009. The participants mostly had field experience from civilian crisis management missions, some also from military operations and humanitarian work as well as from the policy making level. In the interviews, the focus was on how the personnel participating in the training offered by CMC Finland saw their own expertise and experience in respect to the values emphasised by CMC Finland: Human Security, Gender, and the Comprehensive Approach. The aim was to map out the way in which crisis management personnel at this moment comprehend the relevance of these values in practice in regard to their own work, professional identity and in respect to other actors in the field.

The shift towards comprehensive crisis management certainly poses new demands in terms of recruitment and pre-deployment training. Therefore, this research serves also the development of training offered by CMC Finland in order to be able to get a better grasp on the already existing strengths and potential of the experts and to build on these strengths. This is also in line with positive psychology, which especially focuses on building character strengths, talents, interests and values.

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2   The project was funded by ESF and Matine. See CMC Finland & Tapri 2009; Also interviews from the earlier project on gender-mainstreaming of civilian crisis management funded by the Academy of Finland were used in developing an understanding of how identities are constructed in relation to civil-military. The interview material was re-analyzed partly in order to map out the framing of evaluation of one's expertise in terms of comprehensive security. This was possible because although the earlier interviews focused on gender-mainstreaming in particular, the relevance of gender-mainstreaming is also situated in the larger framework of a comprehensive approach.

2   Describing comprehensive approach and positivity

The three core values of CMC Finland are human security, gender and the comprehensive approach. This means in practice that the essence and relevance of these concepts is integrated in the training curriculum. The goal is that individuals participating in training at CMC Finland would not only have knowledge of these values as philosophical ideas, but have the capacity to incorporate and endorse these values in their own work in crisis management. The interview research and survey data showed that the comprehensive and integrated approach was very much the reality for personnel with field experience. What was crucial in the outcome was that values outlined above seemed to be first and foremost a question of having the right attitude. In practice this means that the comprehensive approach is a way of not only doing things, but a way of understanding the connectedness that already exists with the other actors and of genuinely feeling mutual respect.

In short, the comprehensive approach means that the cooperation of different organisations and operations in a crisis, conflict or post-conflict situation has been planned ahead so that there is a synergy of different actors working in concert for the common goal. The idea is that the different actors can focus their efforts on effective crisis management and do not have to worry about process or design for synergy while in the host country, for the design of cooperation has been planned and organised before deployment. This would bring clarity and efficiency for the military and civilian actors and decrease the overlap of tasks in the host country. This is crucial, as the difficulties in establishing lasting change through (disconnected) military operations and civilian crisis management has been acknowledged at policy level.

The synergy of different actors also places new demands for the individuals working in crisis management. In turn, it also calls for a re-evaluation of the expertise required in the field, turning the gaze back to recruitment and training of individuals for international crisis management. To achieve comprehensive approach, it is not enough that people working in civilian or military crisis management are experts in their own respective fields and continue doing their own

work separately from one another.[3] Instead there is a need for the capacity to understand the whole picture, the capacity for cooperation with a range of other actors in the same region,[4] and the sensitivity to understand these capacities in the host country. Essentially, a shift in the security paradigm has triggered, at an individual level, a new way of understanding the connectedness of self and other which is necessary for the policy and strategy of a comprehensive approach to be effective at an operational level.

Based on this research, it seems that the possibility for the comprehensive approach to be operationalised is finally about individual competence and willingness to act according to the new security paradigm. This translates into an understanding of one's own position and work in the larger context of comprehensive crisis management, seeing "the big picture", recognising and respecting the relevance of other actors in the field, and being motivated to work regardless of challenging circumstances.

I will argue that the key to accommodating the new ideology is by placing attention on the relevance of positive emotions during training for the comprehensive approach. As a basis for this argument, I draw from the turnaround offered by positive psychology,[5] which is a scientific approach focusing on what makes people thrive, flourish and grow. In this way, I also turn away from the unquestioned problem-oriented approach in security studies and International Relations, in which research questions focus mainly on what goes wrong in peace-keeping and crisis management and in which researchers are uneasy discussing the successes achieved through operations or by individual experts in the field.[6] The turnaround which positive

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3   Penttinen 2010a.

4   Penttinen 2010b.

5   Selignam & Csikszentmihalyi 2000; Fredrickson 2009; Peterson 2006.

6   As I have presented my earlier material from the interview study with Finnish female police officers and discussed how they were able to succeed in their work in crisis management missions in international scientific conferences, I have been met with immense resistance. It seemed that discussing that which is working well in crisis management crossed the line for critical security studies and with feminists in International Relations. This resistance encouraged me to understand the turnaround

psychology allows is to shift the focus on how to expand that which is good to be even better, instead of alleviating what is wrong. In this way, positive psychology is a conscious turn away from the inherent illness approach in psychology in which the objective is to map and alleviate mental illnesses. The trauma and illness approach has been the mainstream focus since the World Wars and has developed as a response to the immense suffering and trauma evident in those times. What Martin Selignam and Mihaly Csikszentmihalyi proposed is that psychology should not stop at alleviating the illness, but should also place focus on developing an understanding of how to increase human strengths, and how to promote the experience of flow and authentic happiness in everyday lives.[7] In this way, positive psychology challenges the disease model, which has become normalised in the past sixty years, and argues that there is more to psychology than repairing the worst.

Positive psychology does not claim that disease, disorder or distress does not exist in the world. Likewise, adopting this approach for developing the training for crisis management does not mean that the difficulties and problems acknowledged in the context of international crisis management do not exist. The underlying idea in positive psychology is that human goodness and excellence are just as authentic. In this way, the approach draws from pre-World War I interpretations on psychology such as Carl Jung and even Athenian philosophy on the virtue of the good life and meaning of happiness as well as on the value of eastern traditions[8].

In this context, Barbara Fredrickson has developed an approach, which is based on scientific empirical research, on the meaning and relevance of positive emotions for self identity and relationships. The broaden-and-build approach shows that positive emotions are a means by which individuals are able to broaden their perspective on self-image as well as their relationship with others.[9] This also shows that heartfelt positivity enables the experience of common humanity between racial and cultural groups. This research can, therefore, be extremely useful also for practices that enhance the expertise of individuals in civilian crisis management who are faced with new demands of cooperation and synergy with other actors and institutions in the field. Placing the attention on positive emotions can be a means to develop cooperation and coherence with different actors who have previously defined their own identity through difference and separation from others, as the police and the military have done in the past.

Studies of positive psychology normally focus on places and situations in which people normally flourish and experience connectedness such as family, communities, businesses and societies. The situation of crisis management is indeed more challenging as it is an environment in which individuals work

in a different cultural context from that of their home country and with a range of international colleagues. However, the turnaround which allows for the adoption of positive psychology for research on the enhancement of expertise in civilian crisis management stems from earlier research with Finnish female police officers who used the now familiar terms from positive psychology such as "flow", "emotional intelligence" and "social intelligence" to describe the methods for their success[10]. Thus, the experience of flow, creativity and innovation are already very much the experience of individual experts in the field.

which positive psychology offers, as it has also been met with resistance from the proponents of the disease model.

7   Selignam & Csikszentmihalyi 2000.
8   Peterson 2006, 6.
9   Fredrickson 2009.
10   Penttinen 2009; 2010a.

3   Mapping out what is

When I worked in a military mission, I could not care less about the local culture. It was not necessary for my work then. But now as I work in a civilian crisis management mission, it has become relevant and I have started to read books about the local culture to learn more about it. I like talking with my landlord and asking him why things are done a certain way here …[11]

Cooperation (with the military) could at first be technical. We could share the same tools, such as helicopters and other equipment. I do not see the need for cooperation beyond that. Soldiers should not be involved in humanitarian work.[12]

Both military and police are strong institutions, and attitudes towards the other might be slow to change. The actual shift towards more synergy has to come from above. The synergy should be legally binding. I can't see how it could take place otherwise.[13]

3.1   Professional identity

The above quotations represent three different experiences and ways to frame professional identity in crisis management. What is written in between the lines is the formation of identity according to the civilian and military binary opposition. In other words, what defines one's identity is the conceptualisation of self and other according to the difference by which either civilian or military security agents work in the field, the difference in mandate, the difference in technology and most of all the difference in attitude. In the first quotation, identity formation is a process in which the broadening of expertise and personal expansion has to do with the shift from military operation to civilian crisis management. In this process, identity and understanding of self is represented as a form of becoming. There is a sense of openness for change through

self-reflectivity. Curiosity towards local culture awakens as the way of working and living in the host country changes from being confined in a military compound to having conversations with a local, namely the landlord. This is important, for the quotation represents how identities are never fixed, but continually evolving and shifting. In a sense, there is also an understanding that the identity of the other is also shifting and evolving throughout the interaction.

Professional identity between civilian and military components is often seen through difference, separation and competition. Indeed the shift from old world view of security to the new reiterates the civilian-military dualism. Crisis management is therefore supposed to move from the old (military) crisis management to the new (civilian) comprehensive approach. The framework of competition between different actors presents a challenge to determine who should be in charge of the design and planning process for this transformed crisis management approach. It highlights the need to determine how the various tasks could be divided between civilian and military actors and whether the military components are truly equipped to take on humanitarian tasks, such as building wells in the host country. On the other hand, questions arise as to whether civilian missions are as organised and efficient as military missions, seeing that the bureaucracy and demand for political correctness towards member states in EU and UN missions can hinder the potential for actualising real progress in the mission area.

Interestingly, it was found through the interviews that negative attitudes towards others were common and often applicable to both the military and civilian counterparts. Both could see the other, at times, as incompetent, inefficient, incapable of self-reflexivity and unable to cooperate with others. Military operations are often viewed as a well oiled machine doing its own thing no matter what, implying the incapacity for self-reflectivity, incapability of dialogue with local populations, and the lack of knowledge of the wider effects that the military operation might have on the host country. This negative attitude is usually connected to tasks that military peacekeepers conduct in areas which are typically the domain of civilian police or humanitarian workers. Therefore, one's own expertise served as a point of reflection

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11   Interviews during fieldwork in Kosovo in May 2008.

12   Interview for "Enhancement of expertise" project, autumn 2009.

13   Ibid.

on the incompetence of others. The military was, in such situations, described as static and the soldiers indeed as part of the machine. From the humanitarian and civilian sides, the military is represented as devoid of humanity, personality and individuality. They are either the insensitive "bad guys", or too young to be capable of caring about the effects of the operation. In a sense, the other is represented as not being part of the shared humanity of thinking, feeling beings.

Conversely, civilian crisis management is viewed as flag-waving, meaning that the mission is about something other than actual crisis management. Indeed, military personnel see their own work as practical – they are there to do a job, whereas the civilian side is there only as a presence, representing the EU or UN. In this respect, civilian crisis management appears disorganised, inefficient and lacking the capacity for coherent and efficient action in the host country. The criticism of civilian crisis management is that it does not result in a real difference for the host country, but is a self-serving mechanism among EU member states, another sphere in which to compete politically. Therefore, the civilian experts are seen as self-interested, seeking individual benefits and experience, instead of being concerned about the goals of the mission as they are articulated in the mandate.

These are the negative stereotypes reiterated about the others, as the identity formation is articulated through difference and separation between self and other. In this framework, it comes down to the clear-cut civilian and military binary, though these roles and positions are interconnected. The negative stereotype functions as a way to establish a sense of self through differentiation from the stereotypical other, rather than as a way to articulate the truth about the other. In other words, voicing negative stereotypes of the other gives us the evidence we need to show that "our" mission (whether civilian or military) is efficient, relevant and the best way of working in the particular situation. This negative attitude towards the other may also hinder the willingness and openness to work with the experts from the other side in the same host country if both see the other as incompetent. In reality, this binary opposition between civilian and military operations is hardly applicable as many civilian experts also have a military background and vice versa and, as such, negative stereotyping refers to narratives of the other as opposed to actual experience in the field.

Häikiö has touched on the confusion of trying to define the different actors working in crisis management[14]. Military and civilian police operations are the most crucial, and as such, the formation of identity relates to the differentiation from the way the others work. In other words, identity is often formed in terms of defining how "we" work in the operations against how "they" work. The defining factor is difference, which attributes the self with better, more efficient, more ethical, more effective way of doing things, from the other who are less efficient, unethical and ineffective.

This negative attitude is unfortunate, yet, not limited to crisis management. It shows how individuality in the Western world is constructed through a fragmented or an atomistic world view according to which physical matter is constructed of independent particles[15]. In other words, we understand the individual self to be separate and disconnected from others and see each individual as an independent fragment disconnected from the whole. Indeed, in International Relations theory there is also a strong emphasis on conceptualising identity politics as a matter of differentiation and clear distinction between the boundaries of self and other.[16] The reality in international crisis management is such that it does not leave space and time for the reiteration of this distinction. The professionals with mission experience also acknowledge this. The changing circumstances require situational awareness, creativity and also emotional intelligence as a way of operating in an unfamiliar cultural context. Crisis management operations are conducted in a time and place in which the coherent boundaries of self and other, nationalities and communities, sovereign states and international institutions are no longer stable and fixed. Yet, political theories underlying crisis management may be the last to recognise that fixed boundaries between states, identities or individuals are an illusion.

3.2   *Working with the other*

The negative attitude and representation about the other, described above, represent a situational experience or feeling which can change through new experiences and new beliefs. Negative beliefs and attitudes are therefore never fixed or static, but instead reflect the way the person is feeling at the moment. Research has shown that heartfelt positivity broadens and opens towards seeing the other through connectedness and shared humanity. Positivity is also shown to widen perception (peripheral vision) and increase creativity[17]. Interestingly, the interviews conducted for this research on enhancement of expertise coincide with this evidence. During the interviews, which lasted from thirty minutes to more than an hour, a shift in attitude towards the other actors already took place if it was negative in the beginning. This means that openness and respect for other actors does not require years of experience in different missions, but can be seen reflected in the emotional states of a person, changing from negative to neutral, and further to positive feelings.

When civil-military cooperation was discussed at a more general level, the focus articulated a strong difference according to the binary logic. As the focus was already on the difference, personal professional identity was also formed against the abstract other, that is, the stereotype about the other. At this level it seemed that there really was no compromise. The comments reflected scepticism towards the future synergy of the different actors. Views put forth include that the synergy must be legally binding before the different

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14   Häikiö 2010.

15   Bohm 2008.

16   Walker (2010) criticises this fixation on clear boundaries in International Relations theory even though the complex interactions of people in this complex and interconnected world point to a different reality.

17   Fredrickson 2009.

institutions will be able to work together, that it must be well planned in advance, which is unlikely in the current situation. Moreover, the institutions, such as military and police, will not be willing to change their ways any time soon. Looking at the other from a distance it seemed that one can see only difference and difficulty in finding common ground.

However, when the respondents were asked to reflect on the possible ways that the other actors (such as military) could collaborate with civilian experts, the respondents could find examples that this kind of cooperation had indeed already taken place. In this case, the focus turned to the instances in which cooperation has taken place in a neutral and nonthreatening way, for example, by sharing equipment (helicopters) or technology. The familiar representation of a cycle of crisis management was often reiterated, meaning situating military first to stabilise the situation and thus enabling civilian experts to do their work in the area. Cooperation in this way is seen as rational, practical, and it does not threaten the possibly different values of the different institutions (military, police, humanitarian) as they are seen as independent and separate from one another, or working in the same region at different times in different ways.

However, as the discussion in the interviews shifted towards personal experience of working with the other, be it the military or the civilian side, the way the other was framed/identified changed fundamentally. The response was usually framed in the following terms: "It was because of this one person/ this one commander/ this one police officer, who was so friendly and could really take others into consideration."

The discussion frequently focused on an example of one person in the other "camp" who was described as seeing the big picture and understanding how the different operations in the area could work in concert. More importantly, this helpful person was described as genuinely positive, open minded and empathic towards others. The focus was not on the defining difference of the institutions, but on the result of the interaction which was the realization that the other was not that different after all. There was a shared experience of common humanity beyond professional difference. Remembering the positive experience with the other would also change how the "other side" was described. Instead of difference, it was connectedness and respect for the other that were emphasised. A positive experience could have been, for example, an instance when one has been treated with consideration and empathy in an unexpected place; the experience of being respected, recognised and heard; or when one has been helped in just the right way without asking for it.

When one has been treated with genuine kindness and empathy, the differences and prejudices are put aside or even overcome. In this respect, enhanced expertise is not a matter of doing, but a matter of being. In other words, it requires more than technical knowledge in the form of situational awareness, but also in respect of knowing how to communicate with the full range of colleagues in crisis management.

Training at CMC Finland was also described as an experience which enabled broadening one's perception of the other. Training in which people from different backgrounds and professions are put together in the same group allowed them to let go of prejudices and negative attitudes towards the others. Working together on a same assignment enabled the broadening of one's perspective and the recognition of similarities through the shared experience. This has also been openly discussed during training, which shows the relevance of training in broadening and building personal attitudes and beliefs. As one interviewee replied, "I have heard the military personnel here say that their understanding of the police has fundamentally changed during this course." Similarly, persons from civilian backgrounds commented on how they realised what they can learn from the military ways of efficiently organising and planning or finally understanding why the other does things in a certain way. This shows how genuine positive feelings allow for the experience of connectedness with others and for understanding difference. Successful completion of the assignments made it possible to draw from the strengths of each of the group members, enabling a sense of expansion and creativity. This positive experience was the active ingredient which consequently broadened the vision and understanding of the other.

Working together in a creative and permissive environment alleviates the division between us and them, not so much in terms of undoing the identification of oneself professionally, but in terms of seeing what can be learned from others and how the different expertise can be successfully combined. Working together may also allow for more openness and confidence in articulating what the other could learn from "us". These responses reflect how the constitution of the self and other continually change and indeed are in the process of becoming. More importantly the shift from negative, to neutral and ultimately to positive feeling states affected how one articulated the identity of self and other, whether through difference or through connectedness and respect. What seemed striking in the interviews was that the respect for others, positivity and a deep understanding of crisis management allowed for clarity in the actual process of crisis management.

3.3   *Positive attitude as a best practice*

As the discussion in the interviews focused on examples of what has been working well in the mission, organisation and cooperation with others, the attitude towards more synergy with other actors shifted from cynical, to hopeful and even to optimistic. From a positive mindset, the increase of synergy and coherence of crisis management seemed possible for the experts who just moments before had shown a sceptical attitude. It shows how personal experience with the other is relevant, but, more importantly, that having open minded and empathic personnel in leading roles allows for others to overcome prejudices and ultimately builds a positive attitude towards cooperation. Often, the positive experiences shared during the interviews were not something that had been established as part of strategy. Rather, these were examples of certain exceptional people did more than what their job required and recognised the needs for others. This reflects, in

particular, how providing security is fundamentally a matter of "human acts"[18].

Therefore, the way one reflects on one's professional identity in relation to other actors in crisis management is also relative to the way in which that person is feeling about self and other. Positivity is an active ingredient with which one is able to see the other in a more empathic and compassionate way. Even if there is difference, one can see that learning can take place on both sides and there is a possibility to find common ground.

In international crisis management this may mean also the ability to cultivate patience. One of the key challenges identified in the interviews was the feeling of frustration when things do not go as planned or take a long time. The difficulties in working with less qualified or culturally different colleagues were mentioned as circumstances in which one needs to try one's best to see the situation from the other's perspective and to control one's own frustration. Situations like these demand a positive attitude and the creativity to see what can work and what is working. In contrast, concentrating on the negative and what is wrong decreases the potential for sharing information, prevents open dialogue and makes people defensive[19].

One of the interviewees mentioned that in moments of frustration and negative emotions, the support from peers and co-workers was crucial. It always seemed that when someone was feeling negative about the project there would always be colleagues, who were feeling optimistic and could help lift their spirits. This example also shows the importance of recognising the difference between negative emotion about a situation and the reality of the situation. This does not mean that the situation itself is not negative, however, the attachment to frustration or negative feelings does not allow for the necessary clarity for creation of innovative solutions in those difficult situations.

Häikiö has raised the question as to whether personnel in crisis management who have been working in ineffective missions for a long time would be willing to change their attitude and way of working to accommodate the new values. He places the emphasis on individual motivation and capacity for change.[20] In this sense, in the context of imagining a successful integration of the values of gender, human security and comprehensive approach, the gaze is turned away from the politics of the donor/sending countries and their relations and, in turn, is placed on the actual people working in crisis management and their capacity and willingness to contribute to peaceful change. In this respect it is useful to understand that the right attitude is not a fixed and stable matter of "either you have it or you don't". Moreover, positivity is something which can be cultivated and trained in the context of civilian crisis management.

The framing of professional identity as fixed into the binary categories of civilian and military does not work as a defining factor of one's identity in crisis management as was seen to be the mandate of the mission according to the interviews and survey data. This is certainly interesting for the same individuals will work in different missions and/or military operations, and thus are able to change their own identity according to the demands of the mission. In this regard holding onto negative stereotypes about the other (civilian or military) is not very rational, but is rather reminiscent of the old world view of security.

Professional identity in crisis management already reflects a broadened perspective about oneself as a security expert in the world. Working abroad, expands one's perspective about self in the sense that the circle of compassion also widens to include distant others. Therefore, on the basis of this research one can argue that international crisis management is not, as such, working abroad as a foreigner, but instead it was framed as working with the mentality that the whole planet is one's home country and distant others are simply part of the local community. The concerns of people for security, stability and well-being in other parts of the world such as the Balkans or Darfur were just as relevant as the concerns at home.

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18   Toiskallio 2004.

19   Nemiro & al. 2009.

20   Häikiö 2010.

4   What good is positivity for civilian crisis management?

Working in civilian crisis management has broadened my view of the world.

Crisis management is rational action in challenging circumstances.[21]

I never bring up any of this negative stuff, when I am dealing with the military. I talk only about the ways we can cooperate.[22]

The comprehensive approach will entail the overlap of civilian and military operations for more coherence and efficiency in crisis and post-conflict situations[23]. This means in practice that individual security agents will need to broaden their own perspective in regard to their own work in crisis management. International crisis management turns into a process which is performed in synergy with other actors, who have been previously "the other" against which one's professional identity has been formed as described in the beginning of this paper. The motivation for the research project was the need to know how the individual professional experts in crisis management will be able to incorporate the values of gender, human security and comprehensive security[24]. Will they be ready to incorporate and enact these new values into their everyday work in civilian crisis management?

In the previous section, I described the process by which the other was seen through less resistance and difference as one focused on positive experiences. Remembering positive experience changed the way one described the role and identity of self and other actors in crisis management situations. Qualities such as empathy, assistance, understanding and respect were actually valued even higher than technical expertise. If there is a need to train to broaden professional identity beyond the civil-military binary, then the aim should

be in designing the training situations in such a way that the individuals feel appreciated, respected and recognised. Looking for what has gone wrong in civil-military cooperation in the past, or simply lecturing to the audience about what are the right values to have might not work well in this context, for it tends to raise peoples defences and hinder the process of learning and adopting new values.

What needs to be recognised in respect to training is that individuals working in crisis management usually have high self-esteem both professionally and personally. In other words, they have expertise and experience and indeed are well aware of their capacities for action in challenging and changing circumstances. In order in training to broaden this self-esteem and identity, it is most useful to concentrate on positive experiences, that is, what is already working well, before addressing the problems. The training setting would provide a safe environment conducive to establishing respect and recognition for the contribution of each organisation in crisis management, thereby abolishing our limiting beliefs about the other actors. From a positive feeling place, one can be more open to question the truth about negative attitudes and perceptions about others and gain clarity. As one of the opening quotes says "crisis management is rational action in challenging circumstances". I would argue that the rational action referred to here stems from clarity, which allows for situational awareness and the ability to follow through with appropriate (rational) action, whatever the situation. This means that in challenging circumstances one can approach the situation by recognising various possibilities that are present, instead of seeing the challenging situation as frustrating or impossible. Acting out of negativity is acting with limited perception.

I want to emphasise here that focusing on the positive does not mean that the negative aspects and situations are denied. Positivity does not mean fake smiles and cheerful attitudes at all times[25]. Instead, positivity means the capacity to stop the downward spiral of negativity. A positive person thus has more complex emotional resolve and in a challenging or difficult situation will have more clarity for right action. Therefore the

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21   These two quotes are from the research project's Webropol-surveys in which there was space to give written answers on the meaning of crisis management.

22   Interview for "Enhancement of expertise", autumn 2009.

23   Rintakoski & Autti 2008.

24   CMC Finland & Tapri 2009.

25   Seligman 2002.

negative emotions felt will not determine what the person believes to be true about the situation. Positivity enables one to question the validity of ones limiting beliefs and fears and to recognise that there may be no real truth behind them.

It is easy to see how positivity matters in terms of work in crisis management; an environment in which experts are under considerable amount of stress due to long working hours in an international environment surrounded by cultural differences and all the while being so far from home. From a negative feeling place it is easy to believe that dealing with a situation or certain individual is frustrating or close to impossible. If the other individual appears to be preoccupied with something else than making progress in the mission area, the effects can be demoralising[26]. In the context of crisis management, cultivating emotional intelligence and flow entails building more resilience in stressful situations and fostering more clarity. Therefore instead of being succumbed by the stressful and negative experience, positivity allows recognising potential forms of action and bolstering self-image to carry this action through regardless of how others are seeing or feeling about the situations.

Fredrickson lists positive emotions as feeling of aliveness, alertness, compassion, joy, gratitude, serenity flow, amusement, awe and love. Positivity takes place through a range of emotions, which all allow for the broadening of the mind, perception and building resilience. In this way, positive emotions and positive feelings states are not dependent on circumstances; these states occur not only when something good happens, but are accessible at any time. As Fredrickson explains, the probable reason for so much emphasis on negativity is that negative feelings are usually more intense. People generally have more positive feelings than negative throughout the day, but as these are often milder their relevance may go unnoticed. This phenomenon is called negativity bias and positivity offset.[27]

This explains why discussions on how to increase synergy and coherence in future crisis management missions focuses on the shortcomings of recent missions and the difficulties in overcoming them in a contemporary institutional setting. During the interviews, individuals enthusiastic about their own work saw the work as meaningful and making a difference. They discussed openly about the new innovative ways they had developed in order to conduct their work more efficiently to produce actual results. Talking about successes and positive experiences opened the possibility for sharing and remembering even more positive examples. As already mentioned from positive feeling place, the other actors in the field and colleagues in the same organisation were seen without judgement but instead with understanding. If something was not working well, this was described without drama, and in this way refusing to expand on negativity. But

more importantly, there was a personal desire to concentrate on the relationships and projects which did indeed yield the desired outcome, whether it was one negotiation, one mentoring relationship, or one specific project.

The interviews in which the discussion centred on positive outcomes, moments of success, personal growth and learning during the mission, tended to also last twice as long as interviews in which crisis management was discussed in either more neutral or negative terms. Therefore, positive emotions opened the sharing of expertise and cultivated enthusiasm and excitement for one's work even more. In contrast, in the interviews in which the work was described in neutral or detached terms, the difficulties of cooperation between different actors gained more emphasis than did the successes. In these instances, the shortcomings and lack of expertise of other actors in the field were slightly more emphasised and the successes downplayed.

This may not be surprising, as individuals who seek to go on the missions have a wide range of experiences and expertise. This interview and my earlier work[28] suggests that individuals with a strong positive self-image approach crisis management with more flexibility, situational awareness, respect and acknowledgment of the work of other actors in the field. In short, positive emotions made it possible to annul the difference between self and other, in this case, the divide between civilian and military personnel.

Learning to recognise positive emotions and making an effort to cultivate them in practice may therefore be a means by which the enhancement of expertise towards working in concert with others can be facilitated. In international crisis management, there is a demand for experts who can incorporate a positive attitude and can understand its relevance for themselves. This will enable holistic ethical competence[29], emotional intelligence[30], and a capacity for cooperation with and respect for locals in the host country[31].

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26   Interview with the Leader of Finnish Forensic Team, Professor Helena Ranta, published in Penttinen (2010a). Here the "something else" refers to taking time off for long weekends on one's own accord, drinking heavily and partying or being disinterested in the mission and host country.

27   Fredrickson 2009, 37–48.

28   Penttinen 2009; 2010a; 2010b.

29   Toiskallio 2004.

30   Penttinen 2009.

31   Donais 2009.

5   Conclusions

The focus of this paper has been to analyse how the individuals working in civilian crisis management conceptualise their own identity in the midst of a paradigm shift towards the comprehensive approach with increased cooperation among civilian and military components and the challenges this presents in redefining the boundary between self and other. Will experts in crisis management be willing to change with the new world view of security? Will they be ready to let go of the old and embrace a new comprehensive or holistic way of doing crisis management?

As a way of conclusion I argue that these questions and worries are in a way unfounded. The question itself reflects the "old world view" according to which individuals are seen as separate and independent from each other. This implies that there is an unquestioned ontology of professional identity as fixed and formed according to the civilian-military binary opposition.

The interview and survey research showed that the personnel who work in crisis management do not conceptualise their identity in these fixed terms. The civilian military binary opposition does play a part, but most importantly the professionals saw their own role as dependent on the mission and the mandate. As international crisis management represents a career in which the whole planet becomes one's home country so to speak, the identity of the crisis management professional is in itself broader and does not fit into a framework of home and abroad. Instead, there is a continuation of different forms of work which benefit the different spheres in which this work is done, home, abroad and somewhere in between.

Last, I want to emphasise the relevance of heartfelt positivity. As a result of this research and building on my earlier work[32], I would like to argue that the lack of positivity among the crisis management personnel is not a problem. Instead their attitude and experience is a tremendous resource which should be recognised and channelled to higher levels where strategy and planning for future integrated or comprehensive missions take place. Enabling a space in which the successes can be shared may show how that which is working well can be expanded and in line with positive psychology, turning the positive exception into a norm. This is what comprehensive approach is all about.

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32   Penttinen 2009.

6 Recommendations

- Recognition of the resources, professional expertise and individual capabilities of individuals participating in the civilian crisis management training at CMC Finland. This recognition and respect will create a space in which each individual will be motivated to share their expertise and learn from others.
- Recognition of the relevance of positive emotions and incorporating these in actual training assignments. This will enable individuals to learn and discover new and better ways to incorporate the values of human security, gender and the comprehensive approach in their actual work in the field.
- Negative attitudes and limiting beliefs about the possibilities of other actors to be efficient in crisis management should be addressed during training, but only after a positive and safe environment has been created.
- The lessons learned on what works well in the context of civilian crisis management should be incorporated in crisis management training as well as in the design and planning of future missions. The experts with field experience are eager to share their ideas as to how missions could be more effective, and this information and insight could be taken advantage of by CMC Finland in training and in sharing this information with policy makers with no field experience.

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Limits of the "institutionalisation before liberalisation" approach:
EULEX Kosovo measuring its impact and fighting side-effects as an example

Tanja Tamminen

The international community has become increasingly involved in large-scale crisis management operations. Commitment to more comprehensive and longer-lasting state-building has been considered a major tool for managing regional security risks. Despite the ambitious and well-meaning goals, however, the shortcomings of these missions have been questioned widely. The lack of local ownership and the by-passing of democratic decision making processes have been identified as major flaws of the current international state-building operations. Kosovo is an interesting case as the small area hosts a number of crisis management missions and actors, whose mandates are sometimes overlapping: the UN civil administration (UNMIK) still operates, the OSCE mission is part of it, the EU has deployed a Rule of Law mission EULEX as well as an EU Special Representative (EUSR); the EUSR also wears a "double-hat" as he serves as the Head of the International Civilian Office (ICO). Although shrinking, the NATO peacekeeping operation KFOR is still in place. All international actors strive to map their achievements, but what is left outside these mechanisms of measuring effectiveness? A special focus will be given to the EULEX Kosovo Rule of Law mission, its mechanisms of measuring progress in achieving the objectives on one hand and its efforts in fighting against a number of side-effects on the other.

1   Introduction

Commitment to comprehensive and long-lasting state-building is considered a major tool for managing regional security risks, and thus, an investment towards sustainable peace and development. Despite the ambitious and well-meaning goals, however, many new forms of state-building practices have constituted highly invasive forms of external regulation.[1] Liberal peacebuilding is a concept born from the pro-liberalisation rhetoric of the early 1990s, "when democratisation and marketisation were portrayed as almost magical formulas for peace in war-torn states."[2] Today liberalism is a broad paradigm; it hosts a number of alternative approaches to peacebuilding from promoting rapid political and economic liberalisation of the conflict societies to more prudent approaches of international regulation and surveillance. The shortcomings of liberal peacebuilding have been discussed widely and issues like inadequate attention to domestic institutional conditions, insufficient appreciation of the tensions and contradictions between the various international actors involved, limited knowledge of distinctive local conditions and insufficient "local ownership" over the strategic direction and daily activities have all been subject to academic criticism. The most extreme critics have presented peacebuilding missions just as a new form of western colonialism.[3] Still, this criticism has not offered any serious alternative models and it has given comparatively little attention to what has been achieved and what would have happened without these missions.

In fact, there is a wide gap between the critical academic research focusing on the moral flaws of the recent crisis management and state-building missions and the more policy oriented research that produces technical lessons learned reports of the implementation of such missions.[4] Critical debate on state-building missions often merely rejects the outside invasion rather than contributes to a strategic and conceptual understanding of missions. The lessons learned exercises, on the other hand, have been hindered by the dominating discourse of the necessity of interfering in the internal administrations of post-conflict or fragile states in the name of "sustainable development", "administrative reform" and "rule of law."

A less policy oriented and more theoretical analysis on the impact of civilian crisis management can try to bridge these two fields of study. It is important to understand *how* the international community measures its achievements and its overall impact. The definition of mission goals is also a way to define its exit strategy: when will the mission be "accomplished"? The lessons learned exercises, that all international crisis management missions conduct today, are important tools to identify the problems in achieving the planned objectives. However, it is also important to note what is left outside these mechanisms of measurement (benchmarking and lessons learned); what are the silences of crisis management and (closely linked) state-building discourse on the goals, deliverables and final achievements of the international interference.

The concept of impact implies causality, in this case between state-building operation and its effects. A number of analyses have been made to determine the effectiveness of different operations based on how well these operations have achieved their stated goals. Evaluation of effectiveness demands clear and measurable objectives and operational goals.[5] Progress on the activities and achievements can be followed through different benchmarks and related road maps towards these goals. However, impact of state-building activities is not merely limited to these stated goals and road maps described in mission mandates and concepts of operations. On the contrary, it is a larger concept implying also undesired or surprising outcomes directly or indirectly caused by these activities. Impact is thus considered as a consequence of an outcome[6] – as something broader and lasting. This kind of impact is rarely measured or evaluated by the established mechanisms of the state-building operations.

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1   Chandler 2006, 1.
2   Paris 2010, 338.
3   Ibid., 347–348.
4   This has been pointed out by Marko Lehti (Tampere Peace Research Institute) in a workshop on exit strategies of the international missions organized at the University of Pristina in Kosovo on 2 September 2010.

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5   Meharg 2009, 60 & 66.
6   Ibid., 70.

Often the responsibility of the state-building operations is denied when it comes to these undesired side-effects or the long-term consequences of the policies that have been implemented as a result of international intervention. This critical perspective is based on David Chandler's conceptualisations of the international community's rejection of political responsibility when it comes to the impact of the state-building policies. What happens, for example, when capacity building is seen as a more important goal of these missions than promoting liberal democracy? Chandler in his book, *Empire in Denial,* criticises the way the international community conducts its state-building missions denying and evading accountability for the long-term consequences.[7]

This article proceeds in three parts. The first chapter examines the case of Kosovo, where a number of crisis management missions overlap. The second chapter analyses the existing mechanisms to measure the achievements of EULEX activities – the benchmarking activities under the "programmatic approach". The third chapter focuses on the impact that cannot be measured; notably it focuses on the undesired impact of the multitude of civilian crisis management missions on the society including non-accountability of both the local and international authorities. In the conclusions I will contemplate the exit strategies of the crisis management missions in Kosovo.

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7   Chandler 2006, 1.

2 Kosovo – a testing ground of civilian crisis management operations

Today state-building is seen as part of the natural continuum (as are peacebuilding and crisis management) in an effort to rid the world of weak states, which are considered as a security threat to the West in the form of organised crime that is harboured in these "outlaw societies". Francis Fukuyama has written that "state-building is one of the most important issues for the world community because weak or failed states are the source of many of the world's more serious problems, from poverty to AIDS to drugs to terrorism".[8]

The case of Kosovo is highly revealing when thinking about the shift of the international peace building policies in the post-Cold War era. During the Cold War, the dominant discourse had been based on the rivalry between the two world visions. The rupture of the 1990s gave place for a more human centred discourse, focusing on the "needs" of the others, on international "responsibility to protect", on "empowering" the weak groups and on emphasising "local ownership".[9] The role of the United Nations changed "from a narrow diplomatic task of preventing war to the interventionist state-building task of constructing peace."[10] There seemed to be an "ethical turn" in international thinking.[11]

The 1990s in Kosovo were characterised by flagrant human rights violations committed by the highly repressive political regime of Slobodan Milosevic, who removed the autonomy of the province in 1989. Despite the fact that Albanians represented over 90% of the province's population they were quickly fired from all public functions. In the early 1990s this situation did not raise important international media coverage. Kosovo was not included in the Dayton peace negotiations and the situation was considered by many European leaders as an internal issue of Serbia.

In the mid-1990s a Kosovo Liberation Army was formed and started guerrilla attacks against the Serbian police and military forces. This triggered revenge attacks on the Albanian civilian population. These events were strongly condemned by the international community, but the political pressure on Milosevic did not result in a resolution and the situation in Kosovo only escalated in 1998. After the Rambouillet negotiations failed in February 1999, NATO launched an air campaign to halt any further attacks on the civilian population. The Serbian military and paramilitary forces responded by forcing a large part of the Albanian population to leave their homes and the country. Thousands were killed. The houses left behind by the refugees were robbed and torched.

The NATO bombings triggered a critical theoretical debate about the right of intervention, especially without a UN Security Council mandate. The Kosovo War marked an important milestone in the change of the international discourse. The concept of responsibility to protect – the right to intervene – gained support.[12]

After the war, Kosovo became a UN protectorate under the UN Security Council Resolution (UNSCR) 1244 with the NATO led peacekeeping force KFOR responsible for security and stability. The UNSCR 1244 left the future status question open and the UN interim administration without a clear exit strategy.

The UN administration organised municipal and later parliamentary elections, but the main decisions were adopted or at least approved by the Special Representative of the UN Secretary General (SRSG). In 2003, UNMIK introduced the standards before the status – a functionalist policy line supported by, for example, Roland Paris in his book *At War's End,* in which he calls for institutionalisation before liberalisation in a post-conflict situation. Paris argues that it is important to focus on rule of law and strong institutions before giving post-conflict societies the right of self-governance. He also notes that democracy is fine for developed stable states but that it is destabilising for states which are failing or are in transition from war to peace.[13] This stance "suggests that states and citizens can be capacity-built and empowered by correct practices of external regulation"[14] before actual liberalisation takes place and self-government is established.

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8   Fukuyama 2004, xvii.
9   Chandler 2006, 75–77.
10   UN 2004 "More Secure World" report.
11   Chandler 2006, 61.

12   ICISS 2001 "Responsibility to Protect" report.
13   Paris 2004.
14   Chandler 2006, 56.

In March 2004, Kosovo burst into flames after the death of a group of Kosovo Albanian children; rumours of Serbs being involved in their drowning spread like fire in the society and thousands of people rushed into the streets and burned hundreds of Serbian churches in furore. The violence lasted only for a weekend, but it left the international community perplexed. The peacebuilding process had started so well, a number of UNMIK listed standards had already been achieved and Kosovo institutions were being formed and trained. Why this sudden burst of violence? Norwegian diplomat, Kai Eide, when asked by the Secretary General of the UN to write a report about the issue, stressed that the main reason behind the violence was the frustration of the Kosovo people. The "standards before the status" -policy was seen as not providing a future status perspective. Kai Eide recommended negotiations commence as soon as possible.

The UN Secretary General, Kofi Annan, nominated Martti Ahtisaari as his Special Envoy to start negotiations between Pristina and Belgrade. It quickly became clear that there were no grounds for a negotiated solution: Belgrade would never want to give up Kosovo and for Pristina, the only possible outcome of the negotiations would be independence. The Independent International Commission on Kosovo had already recommended conditional independence in 2001. The Ahtisaari led bottom-up negotiations during 2006 focused accordingly on issues that would be monitored by the international community – financial questions, cultural heritage sites, minority rights and so on – rather than the final status itself. The comprehensive status proposal that was made public in the spring of 2007 outlined the mechanisms of surveillance: the International Civilian Office (ICO) and the European Union Rule of Law Mission would be deployed in Kosovo.[15] In the attached letter to the proposal, Ahtisaari recommended a supervised independence for Kosovo.[16]

The status proposal did not get the unanimous support of the international community and was never endorsed by a new Security Council Resolution. However, in the independence declaration on 17 February 2008 the "leaders of Kosovo" committed themselves to implementing the Ahtisaari plan. The Kosovo authorities agreed to the establishment of the ICO to monitor the implementation of the Ahtisaari plan and invited the EU's civilian crisis management mission to Kosovo; a mission which had already been created by a Joint Action of the 27 member states on 4 February.[17]

This interventionist approach is based on an assumption that the "political sphere is (…) part of the problem, not where solutions are to be found."[18] The external state-building efforts are presented as technical solutions for these problems. In the Kosovo case, the Ahtisaari package proposes solutions such as the creation of new municipalities to promote minority (or to be politically correct "community") rights in Kosovo. The establishment of a Rule of Law mission shows that problems

are seen "in moral rather than in political terms" – thus crimes need to be judged rather than viewed as political conflicts to be mediated. Indeed, many problems are considered as capacity problems and rule of law problems. Less attention is given to local political debates. Due to the fact that not all EU member states have recognised Kosovo's independence, but have accepted the deployment of the EU Rule of Law Mission, EULEX, in Kosovo, EULEX has declared itself as a "status neutral" and "technical" mission. Political questions do not belong to its mandate.

15   UNOSEK 2007.
16   Ahtisaari 2007.
17   Council Joint Action 2008/124/CFSP.
18   Chandler 2006, 61.

3   Progress in achieving objectives

David Chandler, in his book *Empire in Denial,* criticises the way the international community conducts its current state-building missions. He states that they are "highly invasive forms of external regulation"[19] that are placed into the target countries, but at the same time the international community deny and evade the accountability and the responsibility that this regulatory power wields.[20] Chandler approaches state-building especially from the point of view of capacity building and notes how a large amount of the world's development aid is in fact channelled into state capacity building[21]. In the case of the European Union's relations with the Western Balkan states, this capacity building is closely linked with a process of "member state-building". This kind of approach is seen as necessary since "these states are deemed to have 'capacity problems' which are held to prevent them from adequately dealing with the complex problems arising in the economic, social and political management of their societies." "They" have the problem but this situation can directly affect us if it is not addressed by the international community. Chandler sees the interventionist policies of the "West" as highly self-interested and security oriented. He calls for more empirical research on the actual impact of external capacity building projects and governance reforms linked with international support. The dominant state-building discourse is based on a very technical understanding of the goals of international intervention. Chandler observes, how interestingly "depoliticized" the nature of all these discussions on state capacity building is.[22] As the solutions proposed for these capacity problems are technical, it means the progress in implementing these solutions can also be measured.

In the case of EULEX Kosovo, the 27 EU member states made a collective decision on February 4, 2008 to deploy an ESDP/CSDP (European Security and Defence Policy/ Common Security and Defence Policy) mission to Kosovo to:

(…) assist the Kosovo authorities, judicial authorities and law enforcement agencies in their progress towards sustainability and accountability. It will further develop and strengthen an independent and multi-ethnic justice system and a multi-ethnic police and customs service, ensuring that these institutions are free from political interference and adhering to internationally recognized standards and European best practices.[23]

As the ESDP/CSDP mission is not considered as "capacity building," which is in the hands of the European Commission, the member states added that the mission, "in full co-operation with the European Commission Assistance Programmes, will implement its mandate through monitoring, mentoring and advising, while retaining certain executive responsibilities."[24] The executive powers were conserved for inter-ethnic crime, war crimes, terrorism, corruption, organised crime and financial crimes – crimes where local judges and prosecutors might be reluctant or unable to act due to a too harsh political pressure or security threats. The idea was to stress local ownership after 10 years of UNMIK administration; the local authorities would be "in the driving seat" as the Head of Mission (HoM), Yves de Kermabon has repeated many times. EULEX Kosovo was to operate in the overall framework of the EU Joint Action and UNSCR 1244, following an invitation from the Kosovo authorities.

As mandated, the EULEX mission will assist and strengthen the "transparent and accountable multiethnic justice system, police service and customs service" and "make sure that the rule of law institutions are free from political interference."[25] The monitoring, mentoring and advising mandate was accompanied by the "Programmatic Approach" delivered by the EU Planning Team (EUPT) which had been preparing the mission in Kosovo since 2006. EULEX was to *monitor* and improve the administrative system through its observations, to *mentor* and assist the local counterparts in acquiring new

19   Ibid., 5.
20   Ibid., 1.
21   Ibid., 3
22   Ibid., 5.

23   Council Joint Action 2008/124/CFSP, article 2.
24   Ibid.
25   Ibid.

skills and knowledge, and to *advise* and provide professional counselling. The achievements attained by these MMA activities were to be closely tracked.

EULEX was deployed in Kosovo in 2008. It was, however, not able to implement its mandate immediately. As there was no possibility to get a new Security Council Resolution accepted, UNMIK remained in Kosovo, contrary to the preliminary plans. UNMIK held an overlapping mandate in the field of rule of law with EULEX, having international judges and prosecutors active in Kosovo. It was only in November 2008 that the Security Council supported the Secretary General's plan for the reconfiguration of UNMIK and deployment of EULEX under the old UNSC Resolution 1244. This enabled the transition of the duties in the field of rule of law, including a number of judicial cases. EULEX declared "initial operation capability" on December 8, 2008 and "full operational capability" on April 4, 2009. The EU tried to make it clear from the beginning that it was not there to replace UNMIK and that Kosovo would now be "responsible" for managing its own affairs. EULEX would be there to support the Kosovo authorities in creating a sustainable and accountable rule of law system. Thus, since the beginning EULEX was presented as "a technical specialized mission in the field of Rule of Law."[26]

Despite these declarations, the National Committee on American Foreign Policy called for a reform of EULEX in May 2010, demanding that the European Parliament "hold hearings reviewing EULEX's performance, and adopt benchmarks and deadlines for specific tasks and milestones."[27] This has also been an issue raised by some Kosovo think-tanks calling for greater accountability and assessment of EULEX activities.

However, this criticism seems out-dated, or at least ill-informed, as this has been taken into account in preparing the EU Rule of Law Mission in Kosovo. The EU has acknowledged that to ensure operational accountability it needs a system to assess the impact of the mission work on the ground. This "Programmatic Approach" was designed by the EUPT. All EULEX personnel co-located with their local counterparts to monitor, mentor and advice them, are asked specific questions every month about developments in their specialist fields. The Programme Office compiles these answers and regularly produces public reports on the progress of Kosovo's Rule of Law institutions. "These results will then be measured against the strategic objectives agreed by EU member states", states the official document on EULEX Accountability.[28] This is a mechanism to statistically measure EULEX achievements, as progress of the local Rule of Law institutions is considered to be an achievement of the EULEX MMA Action. HoM de Kermabon underlines the local ownership aspect of the process, as the EULEX staff provides assistance in and actively monitors the process of implementation, "which [is] the sole

responsibility of professionals in Kosovo's police, judiciary and customs."[29] Even though EULEX is present, the responsibility of the results is thus cast onto the local counterparts.

The most recent EULEX Programme Report 2010 titled, "Building sustainable change together", outlines the achievements of the past year but also highlights remaining weaknesses of the rule of law institutions in Kosovo. The previous EULEX Programme Report published in July 2009 had prepared detailed plans to address areas of weakness in Kosovo police, judiciary and customs based on an assessment carried out between December 2008 and June 2009. This assessment had resulted in the preparation of a number of recommendations, which were later "translated into MMA Actions" by the relevant Kosovo institutions which are assisted by EULEX. By tracking the implementation of these MMA Actions, EULEX aims to measure its progress in a transparent way.[30] A catalogue of these MMA Actions (that cannot be called projects as this term belongs to the EU Commission Assistance jargon) can be found on the EULEX internet pages, where the progress of each Action can also be followed.

Officially stated this "system is at the same time the exit strategy for EULEX: Once the strategic objectives have been fulfilled EULEX will leave Kosovo and the full responsibility for Rule of Law in the hands of the local institutions."[31] Currently, EULEX still keeps limited executive functions, but will move towards a simple monitoring role in the years to come when the Kosovo institutions are assessed as ready to handle, for example, investigating and conducting trials of war crimes or high level corruption cases in a sustainable and accountable manner without political interference.

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26   See EULEX website: www.eulex-kosovo.eu
27   Phillips 2010, 11.
28   "EULEX Accountability" document 2010.

29   de Kermabon in EULEX Programme Report 2010, 5.
30   EULEX Programme Report 2010, 6.
31   Ibid.

4   Imposed policies and techniques of evasion

In the case of Kosovo, we have seen the functionalist tendency to promote "institutionalization before liberalization"[32]. Even though elections were organised under the UN administration, UNMIK saw that standards should be implemented before the negotiations on the future status could start. Now EULEX will move gradually more to a monitoring role as the local institutions get stronger. In its extreme, this policy is based on a thought that institutional capacity building (police, judiciary, civil administration) should be in place before full self-government, which is liberalisation. Thus functional capacity of state institutions is understood in technical and administrative terms rather than being representative of the political will of the population and so understood in policy making terms.[33]

This new state-building approach puts in question the old understanding of sovereignty as self-government and political autonomy. The international community rarely takes direct forms of rule (as in Kosovo with the UN administration that resembled the old trusteeship system), but rather introduces more subtle forms of control and regulation. Some commentators have thus introduced new concepts such as "neo-trusteeship", "guided sovereignty", "shared sovereignty"[34] and "shared governance"[35]. These concepts were put forth many times as possible future status solutions for Kosovo, for example by the Independent International Commission on Kosovo (conditional independence)[36], the International Commission on the Balkans[37] and finally adapted by Special Envoy Ahtisaari in his proposal of "supervised independence"[38].

In fact, the new state-building policies of the international community have appeared as a response to the 1990s humanitarian interventions. They have necessitated a redefinition of sovereignty "as state capacity rather than as political independence, recasting intervention as strengthening sovereignty rather than undermining it." The humanitarian interventions, including those in Kosovo, were based on a new definition of "sovereignty as responsibility".[39] If the state failed to protect its own citizens (as in the case of Kosovo with the Albanian minority) or, even worse, engaged in ethnic cleansing of a part of its population, the international community had the right, and in fact the need, to intervene. The state, acting irresponsibly, lost some of its sovereignty. Ahtisaari has defended the independence of Kosovo by stating that because of the suppressive policies of the Milosevic regime, Serbia "lost its sovereignty over Kosovo."[40] This logic has then led to the reinterpretation of state-sovereignty as being about the state capacity to provide services and protection to its citizens, leading to the interpretation of the state-building agenda being focused on capacity building.

This kind of an approach removes the importance from the political sphere and guides the thinking towards technical administrative solutions to overcome the problem of weak or failed states. The status negotiations between Pristina and Belgrade were directed towards technical issues such as the protection of cultural heritage and economic issues (for example, sharing of the international debt burden). The implementation of the Ahtisaari plan on how to deal with these issues is now supervised by the International Civilian Representative, not the sovereignty of the state itself.

When it comes to EU policies in the Western Balkans, the Stabilisation and Association Process (SAP) is a mechanism that strengthens the countries' ownership of their own reform policies in a very regulatory framework. This removes the EU's responsibility when it comes to the actual outcome of the reforms: it is solely the countries responsibility to succeed. Chandler's "empire in denial" – in this case the EU – does not occupy the region in a traditional way and thus denies its accountability and responsibility when it comes to the actual impact of its policies put forward in the region, as the ownership is in the hands of the local authorities.[41] However, EU introduces highly invasive forms of regulation.

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32   Paris 2004.

33   Chandler 2006, 6.

34   Ibid.

35   Fawn & Richmond 2009.

36   Independent International Commission on Kosovo 2001.

37   International Commission on the Balkans 2005.

38   Ahtisaari 2007, 2.

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39   Chandler 2006, 26.

40   Ahtisaari 2007.

41   Chandler 2006, 8.

The EU action in the Western Balkans is based on the rhetoric of technocratic and administrative concerns and European assistance in capacity building and empowering it's neighbours rather than in dominating. However, the European Partnerships that serve as individually tailored road map documents for each country on their reform road towards the EU are "partnerships" of two unequal partners. They may be tailored to the local situation, but the conditions and benchmarks are dictated by the EU. The International Commission on the Balkans calls this "Europe's neo-colonial rule" and notes that if "it becomes further entrenched, it will encourage economic discontent, it will become a political embarrassment for the European project and above all, European electorate would see it as an immense and unnecessary financial and moral burden."[42] Indeed, EU's power over South Eastern Europe is seen as a burden rather than an opportunity to Chandler. Instead of taking up the responsibility on the future of the region, the EU member states distance themselves from the developments, and the accountability is passed on to the partner states.[43]

Chandler notes, for example that the European Commission assistance programmes "tend to bypass mechanism of democratic accountability entirely, even though they involve direct regulation of South-eastern European state governance mechanism."[44] Financing the NGO sector, is not so much to create another voice to provide checks and balances, but to buy legitimisation for international community programmes by financing projects developed by the think-tanks and policy centres that support the international interventionist and technocratic agenda. Thus, the NGOs do not become alternative voices but advocates for the regulatory power of the international community.[45] When too many task forces and policy making groups bring together international actors, local NGOs and governmental authorities, Chandler sees a risk of the fragmentation of domestic political processes and points out "the corrosive nature of current policy practices."[46]

Chandler's critical approach stresses the lack of social and political legitimacy of these processes. He notes that "the Empire is not in denial because it is not regulating enough, but because the political power of decision-making elites seeks to clothe itself in non-political, therapeutic or purely technical, administrative and bureaucratic forms."[47] Western governments talk about sovereignty and accountability in the target countries of these policies while avoiding their own political responsibility for their actions and policy prescriptions. Democracy promotion, a keyword of the early 1990s, is no longer fashionable. Indeed, the institutional changes are introduced at the state level, but the external actors pay less attention to how societal pressures and demands are constitutive of stable and legitimate institutional mechanisms.[48]

When Chandler criticises the Empire in Denial he notes that many of the "techniques of evasion" lie in fact in the field of rule of law: questions of tackling corruption and establishing the rule of law.[49] In Kosovo, international actors, not only EULEX, but for example the US funded International Criminal Investigative Training Assistance Program (ICITAP), the United States Agency for International Development (USAID), the United Nations Development Programme (UNDP), the Organization for Security and Co-operation in Europe (OSCE) and others, participate in a multitude of working groups assisting local authorities in drafting new laws and, when it comes to implementing these laws, assisting in the preparation of action plans, strategies and administrative instructions. Lacking implementation of internationally accepted laws is a noted problem, both in the EU Commission Progress Reports[50] as well as in the EULEX Programme Reports[51]. However, law is a function of a given political order, whose existence alone can make it binding.[52] There is clearly a paradox between internationally imposed laws and the politically expressed will of the society if these laws are not considered as fully legitimate. Problems arise when externally drafted laws are adopted by the parliaments but lack implementation due to financial reasons or lack of political will. Nevertheless, the responsibility of implementing these laws is fully in the hands of the target state.

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42   International Commission on the Balkans 2005, 11.
43   Chandler 2006, 108.
44   Ibid., 111.
45   Ibid., 113–115.
46   Ibid., 27.
47   Ibid., 9 & 11.
48   Ibid., 43 & 48.

49   Ibid., 143.
50   EU Commission Progress Report on Kosovo 2009.
51   For ex., EULEX Programme Report 2010, 14.
52   Chandler points out following the thoughts of E. H. Carr, that law cannot be self-contained; for the obligation to obey it must always rest on something outside itself. It is neither self-creating nor self-applying. For Carr "the ultimate authority of law derives from politics". E.H. Carr (2001, 165) quoted in Chandler 2006, 170.

5   Undesired impacts and how to deal with them

After the 1999 war in Kosovo, the UN agencies and other international organisations (the EU being in charge of the economic reconstruction) took over the core functions of the state. Even if many responsibilities were gradually transferred to local authorities, the policies are still very much drafted by the donors and the international organisations in place in Kosovo, and thus the "local authorities [are] more accountable to the international policy makers" – the donors – rather than to the Kosovo population.[53]

This issue has been identified within EULEX as a problem, and the EU Rule of Law mission has made conscious efforts to overcome it. It is always easier for the international community to do things for the host country than to mentor the local authorities in hopes to go towards the right direction. However,

> (…) the EULEX programmatic approach is designed to help Kosovo's rule of law bodies to make the changes themselves, rather than rely upon an international presence to do it for them. Whilst Kosovo's rule of law professionals execute the changes, EULEX staff provide constant assistance and mentoring, thereby aiding the process of organizational change.[54]

The EULEX stated policy line defines that the "local authorities are on the driver's seat" and EULEX experts (in all but a very limited number of executive cases) are monitoring, mentoring and advising their counterparts. To underline this kind of mutual partnership, the Joint Rule of Law Coordination Board (the high level meeting between EULEX and Kosovo Rule of Law agencies co-chaired by the HoM of EULEX and the Deputy Prime Minister of Kosovo) alternates its meeting between the government location and EULEX headquarters. EULEX experts are mandated not to draft laws or strategies for their local counterparts, but merely to comment and propose amendments for documents prepared by the local authorities.

However, EULEX is not the only player in town. Many other organisations are active in Kosovo. Various NGOs financed by international donors push certain policy agendas supported by their donors. The USA is a major political player that has an interest in investing in Kosovo's development. The USAID capacity building projects do not have the same strict line of prohibiting foreign advisors from drafting laws or proposals for the locals – on the contrary. Sometimes the European best practices – models of implementing new laws, for example, adopted from the EU member states – and the American proposed policies do not coincide. This has been seen in a number of cases where both Europeans and Americans have assisted the local beneficiaries in the same field, whether it is to establish a border control data base (either the European or the American model) or to write administrative instructions on the functioning of the courts or to define the role of the prosecutors in a police investigation. Contradictory advice has left the local beneficiaries perplexed and the international community disagreements result in a regression to the old ways.

Disregarding the level of interference (whether the future strategies are written for them or amended by the international actors) the Balkans still remain "policy takers" rather than "policy makers" as Jelica Minic has put it.[55] This external guidance is done in the name of capacity building. The current Minister of Agriculture of Albania, Genc Ruli, noted in 2003 that when the political sphere is regulated without representation by the elected leaders, there is little domestic accountability. He calls the process "democracy without citizens" or "democracy without politics".[56]

When there is too large a divergence between international community priorities and domestic concerns, the reform process can have a number of undesired side-effects. Kosovo's state is not weak only because its independence is not globally recognised, but because the political leaders in power have little interest in strengthening formal organs of the state such as the judiciary and the anti-corruption agency. As their power rests on outside factors (the international community and donor community) and not on pure democracy, the assumption of the donors that the political class is acting in the best interest of the state is sometimes incorrect as it is often

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53   Chandler 2006, 30.
54   EULEX Programme Report 2010, 6.
55   Minic 2001, 13.
56   Ruli quoted by Chandler 2006, 120.

the best interest of themselves and their power networks that is placed above the society. Due to the accountability being directed more towards the international actors than the general electorate, it is easy to set aside the domestic concerns and focus on just the closest support structures. Lucia Montanaro calls Kosovo "a 'neo-patrimonial state' where public resources are exploited by the ruling elite and distributed to those in their clan, party and from their region in order to ensure their loyalty."[57] The Kosovo society is still rooted in family, clan and regional ties and interests.

In this kind of situation, the EU capacity building efforts and regulatory controls of good governance is about the "rules of the game" and not "the game itself" – not the democratic political processes. By "political process", David Chandler refers to the "process of social engagement in the making of policy and in the legitimisation of government; the existence of a public sphere, through which the state's relationship with society is cohered."[58] The same definition can be utilised in this situation. Political process is about media discussion, public debate, civil society engagement, and all the way to more formal political campaigning and party competition for representation.

Chandler argues that promotion of good governance has done little to promote democratic political processes both in Kosovo and in Bosnia and as such the population is seen as "bearers of human rights – rather than as 'citizens' with rights of political equality."[59] However, shortcomings of the state-building processes in promoting democracy are rarely seen as shortcomings of the international efforts but, on the contrary, as the fault of the limited capacities of the target countries and thus justifying these efforts themselves.[60] As the responsibility for the outcomes lies solely in the hands of the target countries, if democracy is not consolidated, the conclusion is that the citizens of these countries have failed to live up to the expectations. This kind of logic denies all political responsibility of the intervening powers.

These state-building strategies seek to build capacity within a state that in the end remains without the genuine capacity for self-government. They remain dependent on the International Monetary Fund (IMF); the World Bank, the EU and other international actors to formulate policies for them. Chandler, however, asks in the end if it is "such a problem if representational politics and traditional frameworks of self-government are sacrificed for new forms of enlightened, externally managed good governance?"[61] This would be to accept that the political sphere is no more able to find better solutions for society than the administrative one. "If governments have no political project for social change then there is no point in the struggle for representation as the job would be purely one of administration" notes Chandler.[62] Who

would then need elections, as the government officials should rather be chosen on the basis of their technical and professional skills. What could be added on this, Chandler's critical point, is that this kind of technical role of political representatives may be one of the reasons behind the existence of non-responsible local elites, who in Kosovo (and in the Western Balkans in general) do not promote a real political agenda, but on the contrary use the elections to get into the positions of power to be able to fill their pockets through corruption or promote the careers of their family and clan members.

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57   Montanaro 2009, 6.
58   Chandler 2006, 51.
59   Ibid., 68.
60   Ibid., 69–70.
61   Ibid., 193.
62   Ibid., 194.

6   Exit strategies – when the international community is no longer needed

The above described state-building practices are, according to David Chandler, "driven less by the desire to extend and enforce Western power than they are by the desire to deny it." The mechanisms and practices adopted by the Western powers today tell a lot about the West and the international community itself. He observes that "the approaches to the international sphere have never been less future-oriented that today" and that "the end of superpower competition has left the remaining power exhausted, without a mission or a sense of purpose."[63]

Thus, the West no longer provides the same certainty, the unquestionable future vision that it used to promote. The emerging Trans-Atlantic rift after the 9/11 terror attacks has contributed to several statements which question whether the "West will still be the West"[64] or "does 'the West' still exist"[65]. As there is no longer the Cold War framework of competition, the power structures lack a clear framework. Zaki Laïdi argues that power "is conceived and experienced less and less as a process of taking over responsibilities, and more as a game of avoidance."[66] This is also the basis of Chandler's criticism as he notes that all state-building efforts of today are characterised by a lack of a clear political goal or vision, which leads to the rejection of the responsibilities that the use of power would normally entail.[67]

At first glance, one could argue the contrary when it comes to EU policies in the Western Balkans. The state-building processes in the region have long been linked with the EU's enlargement agenda and seen as a kind of member state building. The future vision was about a unified Europe; stable development of the whole continent. It was based on the objective of gradual spreading of European ideals further towards the East. However, since the 2005 internal crisis of the EU, this discourse is changing. The EU's enlargement discourse plunged into crisis after the 2004 enlargement wave and the following negative referenda of Netherlands and France in

2005 rejecting the EU's Constitutional Treaty. These two totally separate events were quickly linked by the political elites of the EU sceptic countries and led to a political rhetoric blaming the enlargement for the negative image of the European Union among its citizens. Obviously, the enlargement process is today much slower than in the 1990s. There will be no more dates proposed for future enlargement; learning from Romania and Bulgaria who had been given two possible accession dates much too early to effectively measure whether they were at that time ready to join the EU. All steps of the accession process from the association agreement negotiations all the way to the accession negotiations are cut into smaller and smaller steps as we have witnessed in the case of Serbia, with whom the SAP has dragged for years. Each little step, such as the initiation of the Stabilisation and Association Agreement (SAA) by the Commission in November 2007, its signing in the spring 2008 and the start of its ratification in the summer 2010 have all been hailed as major political achievements. The question remains as to whether (in the case of Kosovo and Serbia) additional unresolved territorial disputes will be accepted inside the EU, as the Cyprus case already causes a number of problems.

In this context the "empire in denial" gets a new connotation. There is no clear political vision leading the EU in the Balkans: the future enlargement is presented as an administrative issue, as a simple question of fulfilling conditions, implementing administrative reforms and streamlining legislation. The responsibility of the advancement of each state on their road to Europe depends solely on their own efforts. The responsibility of the EU (which is the one dictating the reforms to be implemented) is denied. Even the political vision related to the process is more linked to the political aims of the region: "they want to join the EU". The benefits the EU might get out of this development are rarely mentioned, except maybe security – the regional stability. For the EU the end goal – accession of these countries – is not presented as important, in fact, the process is more important than the goal.

From this point of view, it is interesting to speculate on the future of the state-building processes in the Western Balkans. The enlargement process will continue to be closely linked with

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63   Ibid., 18.
64   Kagan 2004.
65   Moisi 2003.
66   Laïdi 1998.
67   Chandler 2006, 19.

these state-building mechanisms such as capacity building and crisis management tools. When it comes to the exit strategies of the civilian crisis management missions, they are presented as a technical question: EULEX will fade out as the mandate is being achieved and as the Kosovo rule of law institutions are progressing. This is tracked through the Programmatic Approach. ICO should be ready when the Ahtisaari plan is implemented. But in the end, the exit strategies are political questions. UNMIK used to talk about standards before status, but in the end it's withdraw or continuation in Kosovo depends on the Security Council decisions. Increasingly, the Kosovo Government is giving bold statements that the supervised independence period is coming to an end, that there is a need to get rid of the UNSCR 1244, and that the international missions should gradually fade away. Being economically and politically dependent on the big allies that have recognized its independence, it is however very unlikely that the Kosovo authorities would withdraw their support from EULEX Kosovo.

In the end, the withdrawal of any mission from Kosovo will be a political decision of the international community, which, however, is far from being united on the Kosovo question. When it comes to EULEX, following the results that EULEX presents of its work well done, EU member states will eventually make a unanimous decision to end the mission. This will, however, take a while. First, executive powers need to be transferred fully to the local authorities and must be followed by a period of close monitoring and mentoring. UNMIK cannot leave Kosovo until the UNSCR 1244 has been changed – requiring a support from the permanent Security Council members such as Russia and China. ICO's future depends on the decisions of its governing body, the International Steering Group. The practices presented as technical depend in the end on political decisions; but when there is no clear political vision of where the international community is going (every actor lives in a different reality when it comes to the Kosovo status issue), there is a disunited "empire in denial", which does not have a clear exit strategy. UNMIK is a good example. Hopefully, the EU gets its act together before the final game of EULEX is played in Brussels. The EUSR cannot wear a double-hat acting as the head of the European Commission Delegation as is the case in the Former Yugoslav Republic of Macedonia (to prepare transition from potential candidate status to accession) until all the member states recognise Kosovo and a Commission Delegation is deployed in Kosovo. Right now the Commission is represented by a Liaison Office. Until Kosovo is considered to be on the same level as other Western Balkan countries, participating fully in the Stabilization and Association Process and having full access to EU assistance programmes (such as the Instrument for Pre-Accession Assistance, IPA), as do other Western Balkan countries[68], the confusion will remain.

It is easy to say that the international community will not stay in Kosovo forever, but technically speaking, its departure is extremely difficult. This is not because the international community would be so willing to take responsibility for Kosovo's development or because it would want to be there forever, but because in the current political situation the EU actors rather like to deny their political responsibilities which would include having a clear political vision when it comes to future relations with the candidate and potential candidate countries. As the opinions of EU member states differ so much on crucial political issues (for example the status of Kosovo or the possible future accession of Turkey), what should be a political debate is camouflaged with an administrative and technical discourse of state and capacity building without clear exit strategies or road maps. This technical discourse is based on a number of measurement mechanisms such as the "SAP tracking mechanism of the European Commission", the "MMA tracking mechanism" of EULEX, and the monitoring of the implementation of the Ahtisaari package by the ICO. Despite the clear end goals of each of these tools and mechanisms, they do not present a comprehensive vision for the European future of Kosovo. Thus, these technical networks will remain in place in one form or another until a political vision is formed. The future goal should be the Euro-Atlantic integration of Kosovo as stated by Kosovo foreign policy, but until internal disagreements among the current EU members on such a goal are resolved, this vision remains *de jure* the legitimating basis of the above mentioned regulative mechanisms, but *de facto* nothing less than a utopia for the years to come.

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68   Due to the status issue, Kosovo cannot benefit from EU financing to cross-border cooperation projects in a similar way to its neighbours for example.

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Get it Right!
Giving the appropriate place to gender and human rights in the Common Security and Defence Policy

Kati Leinonen[1]

The present article argues that it is only when human rights and gender aspects are effectively considered throughout a CSDP mission – from its initial planning to its implementation and evaluation – can one "get it right", that is, plan and implement a CSDP mission successfully. While doing this importantly corresponds to the legal obligations of the EU and its political objectives, systematic consideration of human rights and gender brings about non-deniable operational advantages and increases a mission's efficiency and effectiveness. While in different missions, depending on their focus and nature, different kinds of approaches to human rights and gender issues are called for, the present article argues that there are no missions, whether civilian or military, to which these aspects would not be relevant.

Although the EU has since 2005 elaborated a robust policy on human rights and gender in CSDP, the picture is mixed if one looks at the Joint Actions establishing the current CSDP missions. A clear reference to human rights and gender aspects at this level would, however, be very important. Today, all the ongoing CSDP missions have human rights and/or gender advisers or focal points; however several amongst them are "double-hatted" between missions or tasks. Although the missions are implementing a number of interesting, specific actions related to human rights and gender, the impact of these should be systematically evaluated in order to further institutional learning. The setting up of the new European External Action Service (EEAS) in 2011 has a potential to further strengthen the human rights and gender mainstreaming in CSDP, and this opportunity will hopefully be fully embraced. Considering the EU's limited capacity to deploy simultaneous missions across the world, it needs to carefully weigh the different elements of a given situation before deciding to launch CSDP action. The protection of human rights should play a strategic role in this decision making, including as triggers for initiating or for discontinuing EU action.

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1   This article is written on a personal basis. The views reflected are those of the author only.

1   Introduction

The Common Security and Defence Policy (CSDP) in its current format is a young EU policy. It was only in 2001 that the EU declared the European Security and Defence Policy (ESDP) – using the nomination employed before the 2009 Lisbon Treaty – operational, and in 2003 that the General Affairs and External Relations Council (GAERC) declared that "the EU now has operational capability across the full range of Petersberg tasks" in the military sphere. In the same year the EU dispatched its first ESDP mission[2] to Bosnia and Herzegovina (EUPM, still ongoing). Since 2003, it has launched 24 missions, of which currently 13 are active (see Table 1).

The EU has, since 2005 elaborated specific human rights and gender equality related policies for CSDP. Four main strands have emerged: human rights in general, children's rights (particularly: children and armed conflict[4]), gender equality and women's rights (particularly: implementation of United Nations Security Council Resolution 1325 and subsequent resolutions on women, peace and security) and protection of civilians. Furthermore, specific guidance has been elaborated on the international humanitarian law. Also, *the Generic Standards of Behaviour for ESDP Operations* of 2005 contain, among other things, language prohibiting sexual exploitation and sexual abuse by staff deployed in missions[5].

This article argues that it is only when human rights and gender aspects are effectively considered throughout a CSDP mission – embedded from its initial planning to its implementation and evaluation – can one "get it right", that is, plan and implement a CSDP mission successfully. It

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Table 1: Ongoing CSDP Missions and Operations[3]

- EUPM: EU Police Mission in Bosnia and Herzegovina (since 2003)
- EUFOR: Althea European Union military operation in Bosnia and Herzegovina (since 2004)
- EUBAM: EU Border Assistance Mission to the Republic of Moldova and Ukraine (since 2005)
- EUBAM Rafah: EU Border Assistance Mission for the Rafah Crossing Point (since 2005)
- EUJUST LEX-Iraq: EU Integrated Rule of Law Mission for Iraq (since 2005)
- EUSEC Congo: EU mission to provide advice and assistance for security sector reform in the Democratic Republic of the Congo (since 2005)
- EUPOL COPPS: EU Police Mission for the Palestinian Territories (since 2006)
- EUPOL Afghanistan: EU Police Mission in Afghanistan (since 2007)
- EUPOL RD Congo: EU police mission undertaken in the framework of reform of the security sector (SSR) and its interface with the system of justice in the Democratic Republic of the Congo (since 2007)
- EULEX Kosovo: EU Rule of Law Mission in Kosovo (since 2008)
- EUMM Georgia: EU Monitoring Mission in Georgia (since 2008)
- EUNAVFOR Somalia or Operation Atalanta (since 2008)
- EUTM Somalia: EU military mission to contribute to the training of Somali security forces (since 2010)

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2   This article utilises the term "mission" interchangeably for both civilian and military missions and operations.

3   See more on CSDP missions and operations at <http://consilium.europa.eu/showPage.aspx?id=261&lang=en>.

4   The EU human rights guidelines on children and armed conflict were first adopted in 2003 (15634/03) but were not specific to ESDP.

5   EU document 8373/3/05.

Table 2: Some examples of relevant human rights and gender aspects for different types of missions[6]:	
Police reform (e.g. EUPM Bosnia and Herzegovina, EUPOL RD Congo)	• Improving local police capacity to respond to violence against women and children • Access to both men and women to employment in police forces • Codes of conduct and policies on discrimination, harassment and violence • Vetting police officers • Community policing
Justice reform and Rule of Law (e.g. EUJUST LEX-Iraq, EULEX Kosovo)	• Ensuring that states meet their human rights responsibilities under international law • Securing access to justice for both men and women • Access to both men and women to employment in the justice system • Juvenile justice • Complementarity between national, regional and international courts (particularly ICC) • Drafting of new legislation in a way that corresponds to the international obligations of the state • Harnessing possibilities for new legislation promoting more equal participation of men and women in decision making
Maritime security/fighting against piracy (e.g. EUNAVFOR Somalia)	• Respect of the relevant international human rights norms during detention on board • Treatment of suspected pirates under 18 years of age • Dealing with people in distress, asylum seekers and trafficked persons • Respect of the relevant international human rights norms in the conduct of judicial proceedings
Monitoring the implementation of a peace agreement (e.g. EUMM Georgia)	• Identifying and reporting human rights violations by parties to the peace agreement • Gender-disaggregated monitoring • Missing persons • Human rights issues deemed in direct relation to the conflict dynamics such as minority rights, freedom of movement • Access to both local men and women and to the information they submit
Securing and stabilising a region (e.g. EUFOR Tchad/RCA)	• Protection of civilians, particularly the most vulnerable • International Humanitarian Law • Access to both local men and women as sources of information (getting the entire security picture)
All missions	• Intentional or unintentional human rights violations of staff, misconduct, sexual exploitation and abuse etc. • Staff's understanding of human rights and gender and the mission's role • Including human rights and gender aspects in reporting

also argues that while doing this importantly corresponds to the legal obligations of the EU and its political objectives set at the highest level, systematic consideration of human rights and gender aspects actually brings about non-deniable operational advantages and increases a mission's efficiency and effectiveness. While in different missions, depending on their focus and nature, different kinds of approaches to these issues are called for, the present article argues that there are no missions, whether civilian or military, to which these aspects would not be relevant (see Table 2).

The first chapter of this article analysis human rights protection as a legal obligation and a political commitment for the EU. The second chapter explains the advantages that successful human rights and gender mainstreaming brings to a CSDP mission. In the third chapter, the article analysis the issue of internal conduct of a mission and the need to avoid human rights violations by CSDP staff as well as to enhance accountability. The fourth chapter describes the policies the

EU has enacted on human rights and gender in CSDP, as well as gives examples of results achieved and shortcomings still persisting. In the final chapter, the article proposes a number of conclusions and perspectives for future, including with regard to the upcoming creation of the EEAS.

This article refers to "gender" as the socially constructed differences, as opposed to the biological ones, between women and men; this means differences that have been learned, are changeable over time, and have wide variations both within and between cultures. Gender roles and relations are often altered during and after armed conflict.[7] The article generally considers the specific children's rights related issues, where these are not specifically referred to, as part of its general discussion on human rights.

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6   See also Instraw/DCAF 2008.
7   EC 2008.

2   Human rights protection as legal obligation and political commitment

Essentially, the protection of human rights within the European Union's external action is a legal obligation. First of all, the Charter of the United Nations in its articles 55 and 56, charges states with the promotion of universal respect for, and observance of, human rights. The Universal Declaration of Human Rights and a range of human rights treaties the Member States of the European Union have all ratified, restate this obligation.[8]

Since the Treaty of Rome established the European Communities in 1957, human rights have been one of the defining principles of European integration, and with the Maastricht Treaty on the European Union of 1992, human rights became an objective of the Union's Common Foreign and Security Policy (CFSP). The Treaty is unambiguous in this respect, and states in its current Article 3(5) that

> (...) in its relations with the wider world, the Union (…) shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.[9]

These objectives also cover the CSDP, due to the fact that it is part of the CFSP.

The Maastricht Treaty defines the scope of CSDP action, which includes joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation. In addition, the Treaty makes the link to the fight against terrorism by specifying that "all these tasks may contribute to the fight against terrorism, including by supporting third countries in combating terrorism in their territories." It is within all these tasks, considered by many practitioners as "hard" security matters versus what many regard as "soft" human rights and gender matters, that the EU is committed to the protection of human rights. There is thus no contradiction between "hard" and "soft" issues but one (human rights) should support and be included in the other (CSDP) as an essential part of the CFSP.

Other legal obligations to consider in this context, as listed for example by Frederik Naert[10] as well as Jana Arloth and Frauke Seidensticker[11], include the obligations arising from the provisions of a peace agreement (where one exists), agreements entered into by the EU, such as the Status of Mission or Status of Forces Agreements (SOMA/SOFA[12]) with the host state, and obligations under customary international law, including customary international humanitarian and human rights law. The EU Member States are bound by the EU's human rights obligations when implementing EU Joint Actions, including those concerning CSDP operations.

The EU has taken important political commitments with regard to human rights in its security policy. *The 2008 Report on the Implementation of the European Security Strategy* (ESS) with its seven references to human rights on 12 pages, contains solid language on the importance of the promotion of human rights in the EU's security policy, stating for example that "we need to continue mainstreaming human rights issues in all activities in this field, including ESDP missions, through a people-based approach coherent with the concept of human security". It also specifically mentions the need to address "the appalling use of sexual violence as a weapon of intimidation and terror".[13] This is a strong political statement by the EU, particularly bearing in mind the European Security Strategy's significance as the first such comprehensive security policy orientation by the EU, covering the full spectrum of external

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8   See Charter and Declaration at http://www.un.org.

9   Treaty of Maastricht on European Union 1992.

10   Naert 2008, 379.

11   Arloth & Seidensticker 2007.

12   SOFAs define the legal status of military operation personnel in the territory of the host state; and clarify the terms under which they are allowed to operate. Appropriate use of force is regulated in the so-called Rules of Engagement (ROE).

13   Report on the Implementation of the European Security Strategy 2008.

policy instruments including political, diplomatic, military and civilian, trade and development actions[14].

Furthermore, the EU Council has in its bi-annual conclusions on CSDP proclaimed the importance of systematic consideration of human rights and gender. On 26 April 2010, it notably recalled "the importance of a continued and systematic consideration of human rights, gender and children affected by armed conflict aspects from the early planning of CSDP missions and operations, during their conduct, as well as in the subsequent 'lessons identified' processes."[15]

Other than those policy commitments that are specifically and exclusively directed to CSDP, it is important in this context to recall the overall EU policy framework on human rights in the CFSP, particularly as expressed in the various human rights guidelines as key human rights tools that the EU currently has at its disposal. These contain specific commitments in respect of issues such as the fight against death penalty and torture, the protection of human rights defenders, the prevention of violation and discrimination against women and girls (with particular accent on violence against women and girls), the respect for international humanitarian law and the promotion of children's rights.[16] EU crisis management missions, as implementers of the CSDP within the wider CFSP context, are fully concerned by these guidelines and should act in coherence with their provisions.

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14   ESS 2003.

15   Council of the European Union 2010.

16   EU Guidelines on Human Rights.

3   Human rights protection – operational imperative?

This article argues that in order to "get it right" in the planning and the implementation of CSDP crisis management missions, it is necessary pay full attention to human rights and gender aspects. There are various reasons for arguing this.

First of all, in order to understand and resolve conflict, it is necessary to analyse it from a human rights perspective, as human rights violations – including violations of women's or of minority rights – in many cases figure prominently among the root causes of a conflict. Where human rights violations are persistent and go unpunished, they can create frustration and fuel rebellion movements and armed fractions. Long-lasting inequalities for example in the provision of housing or the access to work or in the use of natural resources are violations of economic and social rights that can contribute to create conditions favourable to instability. As an illustration of this, the Minority Rights Group's assessment of 53 conflicts in 2002 found that over 71 per cent of the conflicts had an ethnic dimension[17]. Sexual violence feeds from deep-rooted inequality between women and men and negative attitudes towards women, and contribute to fuelling hatred and conflict between communities. This in fact constitutes an explicit objective of sexual violence when it is used as a weapon of war.

Applying a human rights approach is also called for in the ESS, which talks about a "cycle of conflict, insecurity and poverty" in which a number of countries and regions are caught, and states that "spreading good governance, supporting social and political reform, dealing with corruption and abuse of power, establishing the rule of law and protecting human rights are the best means of strengthening the international order."[18]

Secondly, in most cases crisis management missions intervene in situations where important human rights violations have been committed recently or continue at the time of the action. In such contexts, human rights are an essential element of the operational context and an adequate response strategy needs to be prepared within the mission's mandate. This is the case for example in Kosovo, where EULEX Kosovo judges and prosecutors retain certain executive responsibilities. They work together with the local counterparts in mixed panels or mixed teams, seeking to ensure that human rights cases, among others of war crimes and inter-ethnic crimes, are properly investigated and prosecuted (see Table 3).[19]

In a conflict or in its aftermath, difficult human rights related questions come to the fore and need to be addressed by the intervening actors. In many situations highly complex – and even risky – decisions are called for. Issues such as the coverage (in time or in substance) of amnesty laws must be addressed, or specific policies must be developed for the demobilisation of child and women combatants. Wide-spread sexual violence taking place in the current operational context or before, as in the cases of the Democratic Republic of Congo and Bosnia and Herzegovina, requires adequate response strategies. Trafficking in human beings, including in women and children, across national borders, is exacerbated during armed conflict. Any intervention in the security sector would be directly concerned by this kind of questions, be it in respect to policing, providing security or ensuring access to humanitarian aid, rehabilitating justice or border management.

Tackling the human rights situation is furthermore important in order to provide comprehensive security to the local population, using a "human security" approach. As long

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Table 3: Human rights protection in EULEX Kosovo[19]

On the Day of Missing Persons in Kosovo, Yves de Kermabon, Head of EULEX Kosovo, expressed the Mission's commitment to help solve the issue of the missing: "Dealing with the legacy of past human rights violations is one of the many challenges facing Kosovo today. Initiatives undertaken to confront impunity and to promote the rule of law by investigating past abuses are important factors towards forging a justice system that advances international human rights standards, restores public confidence, fights impunity and strengthens the fabric of civil society."

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17   Minority Rights Group International.

18   ESS 2003.

19   http://www.eulex-kosovo.eu/en/news/000219.php.

as human rights violations continue, even in the absence of open warfare the local population does not perceive that it is living in a security and can even be prone to consider an international peacekeeping mission more as a nuisance as an advantage.

This was, for example, the stated reason for which a group of women's organisations from the Northern Kivu province of the DRC requested, in June 2010, the withdrawal of international peacekeepers. In their letter the women's organisations explained that international peacekeepers had not been able to put a halt to human rights violations, particularly towards women, and that the money put into their operations should better be used elsewhere. In the Eastern DRC, the international community has not managed to halt human rights violations. As a consequence, the local population remains mistrustful of the international actors. This further undermines their capacity to operate successfully, considering that it is essential for any actor in crisis to be able to count on full cooperation and trust from the local population in order to be effective.

In some situations, CSDP missions are in a particularly strategic position to promote human rights protection as they deal directly with the groups of suspected perpetrators of human rights violations as their target groups or "clients". A case in point is the DRC, where the CSDP missions support the reforms of the army (EUSEC RD Congo) and the police (EUPOL RD Congo). At the same time, particularly in the East of the country, "men in uniforms" constitute the main group of perpetrators of sexual violence. The UN estimates that in 2009 more than 60% of sexual violence in the provinces of North and South Kivu was perpetrated by uniformed men[20].

On the other hand, in the DRC the CSDP missions' "clients", particularly the police, are also in a strategic position with regard to the protection of the Congolese population, and notably initiate action to hold suspected perpetrators accountable for their crimes. The Congolese army (FADRC) could also play a role in the protection of local population, thus reflecting the role of an army as a security provider.

In other situations, CSDP action can itself give raise to important human rights considerations, even for missions which at the first glance might seem less concerned. An example of this is the EUNAVFOR, first CSDP naval operation, which aims to fight piracy off the Somali coast. Relevant human rights aspects would include the need to guarantee that detention of suspected pirates captured by the EU vessels is carried out according to the provisions of the relevant human rights law. Specific provisions would be necessary with regard to possible captured minors and their treatment.

As to the transfer of detainees to countries that have accepted to judge them, it is important to continue the follow

up to ensure that the judicial systems that are used guarantee the respect of the relevant international human rights norms, for example as contained in the International Covenant on Civil and Political Rights[21]. Suspects cannot be transferred to countries where they risk facing the death penalty[22]. Also, it needs to be considered that the mission has the obligation under the international law to rescue people in distress. Clear lines of action to the troops deployed on the European vessels are necessary for these kinds of situations in order to allow for them to uphold the high human rights standards the EU has committed to.

The issue of the public image of the EU should also not be underestimated in this context. CSDP missions, seeking to build up state institutions or to fight criminality in highly complex situations such as in Iraq, Afghanistan or Somalia, have (possibly under-utilised) potential to bring good publicity to the EU. Failure to address human rights questions in an adequate manner, leading for example to situations (in the example of EUNAVFOR) of prolonged detention of suspected pirates on EU vessels, to abandoning potential asylum seekers or persons in distress requesting protection on EU vessels or to killing of suspected pirates, could quickly lead to negative publicity and undermine the credibility of the EU. The reverse is also true, and adequate consideration of human rights by CSDP missions can bring value added and improve the EU's image and credibility as crisis management actor both locally in the host country and internationally. As Hadewych Hazelzet writes,

> (...) failure to effectively integrate human rights and gender concerns into ESDP – and thus perhaps failure to adopt 'human security' as a concept – has a price tag both for the success and credibility of ESDP and for the security and stability in the host countries where ESDP missions are deployed.[23]

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20 Although the bulk of these "uniformed men" are probably not in the ranks of the Congolese National Police (PNC) and army (FARDC), but consist of rebel groups such as the Maï Maï and FDLR, human rights observers such as those of the United Nations, frequently report on sexual violence and other human rights violations committed also by the FARDC and the PNC. See more at MONUSCO website: http://monusco.unmissions.org.

21 See http://www2.ohchr.org/english/law/ccpr.htm.

22 In Kenya, that has received 79 individuals for prosecution in the Kenyan national court, death penalty is still in the national law. However, the maximum sentence upon conviction for piracy offences in Kenya is life imprisonment; under Kenyan Law – and indeed as a precondition for suspected pirates being transferred by EUNAVFOR – capital punishment is not available.

23 Hazelzet 2010, 88.

4   Need to avoid human rights violations by those who should protect

It is particularly devastating for an organisation if its staff deployed abroad fails to respect the organisation's core principles with regard to human rights protection. As Arloth and Seidensticker note, misconduct committed by international staff in peace operations can have a devastating effect on the entire mission, and lead to loss of credibility, trust, respect and confidence among the population[24].

This has since early 1990s been a challenge particularly to the UN, and human rights abuses perpetrated by its peacekeepers have done great damage to the organisation's credibility. One of the earliest reports of violence against local populations was recorded in Somalia in 1992. Since the *Save the Children* and the UNHCR reports of 2002 more attention has been drawn to the peacekeepers and humanitarian workers coercing young girls to have sex in exchange for food, money or shelter.[25]

Learning from the of UN's painful experience, it is important that the EU take the enforcement of its standards of behaviour very seriously. As the EU becomes increasingly active and visible through CSDP operations, its vulnerability grows as well and the need for strict enforcement of behaviour standards becomes even more important. A scandal related to human rights abuses by its deployed personnel would do serious, even irreversible, damage to the EU's credibility as crisis management actor.

The EU Generic Standards of Behaviour for ESDP Operations contain clear language prohibiting prostitution, sexual exploitation and sexual abuse (see Table 4). One might, however, ask if there is not a "gray zone" between what could be considered equal sexual relations between a man and a woman and what is clearly sexual abuse and exploitation. Should local girlfriends or boyfriends be tolerated for short-term staff in situations where unequal living conditions between the deployed staff and the local population easily lead to the local partner benefiting from the relationship in terms of money or other advantages she or he would not otherwise have? Could some relationships be considered to constitute prostitution in disguise? Could it be detrimental to a CSDP mission's effectiveness and/or image if its staff, particularly those who are deployed for a short period, are seen to have local partners?

While it is not easy to come up with straight-forward answers to these questions, and while many would argue that consenting adults should be free to do what they want, they merit reflection and clear guidance to staff. The UN has tackled this question and in its *Comprehensive Strategy to eliminate future sexual exploitation and abuse* states that in certain situations it might be necessary for the Head of Mission to institute standards such as banning all sexual relations with the local population in all or part of the mission area. The Strategy further states that "this could be seen as an additional protective measure to protect the reputation and credibility of the mission and its ability to effectively and, in the eyes of the local population, impartially implement its mandate

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Table 4: Extracts from Generic Standards of Behaviour for ESDP Operations[26]

Personnel should be aware that both prostitution and the pornographic industry have established links with organised crime and human trafficking. Not only will the patronage of either serve to undermine the moral standing of the ESDP operation, but it will ultimately make the mission more difficult to achieve.

Sexual exploitation and sexual abuse violate universally recognised international legal norms and standards. They constitute acts of serious misconduct and are therefore grounds for disciplinary measures. Exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited.

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24   Arloth & Seidensticker 2007, 20.

25   Kent 2005.

26   Generic Standards of Behaviour for ESDP Operations 2005.

and to protect a local population that is highly vulnerable to exploitation and abuse." [27]

In July 2010, the EU Council adopted 17 measurement indicators on the EU implementation of the UNSCR 1325 on women, peace and security, including an indicator on the number of cases of sexual abuse or exploitation by CSDP staff investigated and acted upon. As the document itself states, this indicator is an important measure of CSDP missions' accountability on cases of misconduct, and shows that the EU takes seriously its commitments with regard to the standards of behaviour.[28] It is a positive sign that the EU has been willing to select such an indicator, measuring a sensitive aspect of its work. By doing so it signals its openness to being transparent about this issue, setting a good example for other organisations involved in crisis management, including peacekeeping. It would probably not be possible to completely rule out the possibility of sexual abuse and exploitation happening, but what is more essential is that it is dealt with in an adequate manner and that there are consequences to the staff member involved.

The legal issue of extra-territorial validity and applicability of international human rights conventions ratified by Member States participating in a peacekeeping or other type of crisis management mission is a highly relevant topic in this context, and seems to continue to be disputed by legal scholars. In general terms, international peacekeepers enjoy immunity of judicial proceedings in the country of operations and are subject to the jurisdiction of their sending countries. Wanda Troszczynska-van Genderen demonstrates, in the light of recent rulings by the European Court of Human Rights (ECtHR) on the inadmissibility of two cases related to human rights accountability of European peacekeeping forces in Kosovo, that there is a "lack of legal clarity as well as a legal lacuna prevailing in the field of accountability in peacekeeping, suggesting the limits of the jurisdiction of international

judicial bodies when its comes to international crisis response operations." [29]

As the only CSDP mission this far (and also the only one with executive mandate), EULEX Kosovo has set up a specific Human Rights Review Panel (see Table 5) to deal with reported human rights violations committed by it own staff. Setting up such structures is not a straight-forward task, and even in Kosovo the Review Panel is not a judicial body. It is however setting an interesting precedent, not least in respect to signalling to the local authorities and population that the international staff is held liable for possible misconduct. This is essential, considering the negative perception, as described in a United Nations report, that "peacekeeping personnel who commit acts of sexual exploitation and abuse that constitute crimes under generally accepted standards (e.g., rape or sexual relations with young children) are not normally subjected to criminal prosecution, whether by court martial or by trial before a national criminal court, which would have been the inevitable result if they had committed such acts in their home countries." [30]

In order to uphold a positive EU image in the host country, to avoid feelings of impunity and to gain the support of the local population, communicating back to the host government on measures taken in cases of misconduct is essential.

Table 5: How to tackle accountability issues? Example of EULEX Kosovo[31]

According to the usual practice for international and diplomatic missions, EULEX has been accorded immunity against local legal and administrative process. However, while local legislation cannot be enforced against EULEX or its staff members, these still must observe local legislation. If a EULEX staff member violates the law, his/her immunity might be waived and the person can be held criminally liable in their home country. Legal accountability, is ensured through the judicial mechanisms of the participating states. In this context, the mission is committed to informing about the results of such proceedings.

EULEX has an Internal Investigations Unit, and disciplinary boards and boards of inquiry are regularly convened to deal with violations of the staff rules and regulations, including the Code of Conduct, i.e. "unlawful conduct". Additionally, a Human Rights Review Panel (HRRP) was set up on October 29, 2009 for complaints from any person claiming to be the victim of human rights violations by EULEX Kosovo in the conduct of its executive mandate.

When the Panel determines that a violation has occurred, its findings may include non-binding recommendations for remedial action by the Head of Mission. The recommendations of the Panel and the subsequent actions by the Head of Mission are published in the English, Albanian and Serbian languages on the Panel's website.

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27   UN document A/59/710 (2005), 20.
28   EU document 11948/10.

29   Troszczynska-van Genderen 2010, 8.
30   A UN document A/59/710 (2005), 24.
31   EULEX Accountability: http://www.eulex-kosovo.eu/docs/Accountability/EULEX-Accountability-05.01.2010.pdf; HRRP: http://www.hrrp.eu/index.php.

5   Should CSDP promote gender equality?

Is the analysis similar with regard to the promotion of gender equality? The answer is yes, considering that both women and men are equally entitled to all human rights, starting from the right to life and to physical integrity, and ranging to the right to participate fully in the political life or to have access to the public service of their country. Gender equality is thus fundamentally a human rights question.

However, sometimes the notion of "gender equality" seems to be narrowly interpreted, considering it as an objective, at best, suitable to be pursued in the (North) European context and limiting it to issues such as equal pay for equal work. There are many who wonder if gender equality is an objective that should at all be considered within CSDP. Many furthermore see gender equality as being relevant to development cooperation but not a pertinent matter to be considered within the security policy.

This article argues that this scepticism stems from not fully grasping the implications of gender inequality in a conflict of a post-conflict situation, where this inequality leads to phenomena such as escalation of sexual violence, reinforcing feelings of hatred and revenge and making it more difficult to achieve peace, or exclusion of women from peace talks, leading to peace agreements not considering issues important for women. In a nutshell, it is about not understanding gender equality as a security issue, nevertheless constituting the vary basis for the different United Nations Security Council Resolutions on women, peace and security (see Table 6). As a consequence, the importance of considering both women's and men's security needs in the planning of crisis management actions and reconstruction projects, seems not yet to be adequately understood.

These sceptics fail to see the impact that considering gender aspects in a crisis management mission can have both in terms of allowing the mission to perform its duties more efficiently and therefore to attain its objectives better (the "enhancing the operational effectiveness" argument) as well as of ensuring the equal protection and participation of both men and women (the "human rights" or "gender equality" argument).

In fact, addressing gender equality can become a powerful means to enhance the operational effectiveness of crisis management action. As a recent study of NATO operations in Afghanistan shows, the operation's effectiveness[32] was improved in several areas when the content of UNSCR 1325 was incorporated in day-to-day operations. Examples given

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Table 6: United Nations Security Council Resolutions on Women, Peace and Security

United Nations Security Council Resolution 1325 (2000) was the first UN Security Council resolution to specifically address the impact of armed conflict on women, as well as to stress the importance of women's involvement in conflict-resolution and post-conflict political processes and reconstruction.

In 2008, the UN Security Council adopted *Resolution 1820*, which explicitly links sexual violence as a tactic of war with the maintenance of international peace and security.

UN Security Council Resolution 1888 (2009) restates the importance of increasing women's representation in mediation and decision-making processes with regard to conflict resolution and peacebuilding. The resolution establishes new measures to address sexual violence in situations of armed conflict, such as the appointment of a Special Representative and a Team of Experts on the use of sexual violence in armed conflict.

UN Security Council Resolution 1889 (2009) urges UN Member States (MS) and other actors to take further measures to improve women's participation during all stages of peace processes, requests that UN bodies and MS collect data on, analyse and systematically assess particular needs of women in post-conflict situations and requests the UN Secretary-General to submit to the Security Council a set of indicators to track implementation of UNSCR 1325.

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32   The study considers effectiveness primarily in terms of daily military operations to establish and maintain security and stability, but also in terms of projects related to reconstruction and development and strengthening the Governmental authorities.

included having more female soldiers to better reach the local population and collect intelligence, having expert support in the planning of operations, better handling issues of gender-based violence, better addressing women in civil-military cooperation (CIMIC) -projects and to better handling force protection issues.[33]

The study demonstrates how knowledge about differences in women's and men's situations and their respective behaviour during an armed conflict directly relates to the ability to understand and successfully conduct a peace operation in a conflict area. This knowledge can translate into more effective protection of the civilian population against violence. With regard to decision making processes, widening the target group resulted in the addition of more institutions, for example in health and education sectors, thus contributing to more inclusive processes. All Provincial Reconstruction Teams (PRT) interviewed for the study saw the need for female soldiers in order to be able to communicate with Afghan women.[34]

Another reason why it is important to pay specific attention to gender roles in a post-conflict context is that important windows of opportunities often emerge for new legislation that can reinforce women's participation in the decision making on the long run. In many situations this can be seen as a continuum to the roles women have taken on during the war when their spouses and other male relatives have been absent fighting. This window of opportunity was seized for example in the post-genocide Rwanda, where women's participation was boosted by enacting specific mechanisms, among them a constitutional guarantee, a quota system, and innovative electoral structures.[35] CSDP missions, through their essential role in providing advice, monitoring and mentoring, can play an important role in making sure that these entry points are effectively used.

Some of the misconceptions about the usefulness of a gender approach might result from the fact that its promoters often fail to see the two sides of the coin: how and on what basis both women and men interact and how both of them are affected by war. A lot of the gender agenda evolves around women's rights and needs without considering the role that men play in the respect or non, of these, or without considering the specific situations affecting both women and men. For example the discussions about sexual violence have long been very victim oriented, and whilst fully recognising the importance of emphasising the victims' perspective, this article calls for a more pronouncedly gender-sensitive approach to these issues, where one would also consider the specific situations of the perpetrators where these are male, and sexual violence committed against men and boys.

Interpreting the gender narrowly as only concerning women, or being a women's issue can even be counterproductive, as described by Maaria Ylänkö with regard to war-related sexual violence: "There is a risk that the claimed gender perspective marginalises sexual violence to a specific domain of a gender affair or women's affair that does not integrate with the general attempts to strengthen Rule of Law."[36] A gender approach to issues such as gender-based and sexual violence should first of all consider that in a war both women and men fall victims of all kinds of violence, including sexual, and secondly, also be concerned about the reasons for which (in most cases) men and boys become perpetrators of sexual violence and the consequences of this violence on both women and men[37].

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33   Olsson & Tejpar 2009, 4 & 126.
34   Ibid., 117.
35   Powley 2005, 155.

36   Ylänkö 2009, 72.
37   See for example Ericsson & Stern 2010.

6   EU efforts to make it happen

To date, the EU has developed a substantial body of policy related to human rights and in particular to gender in the CSDP. The EU Council adopted the first specific policy paper related to the implementation of UNSCR 1325 in the CSDP in 2005, and in the following year it made corresponding commitments with regard to human rights in general. Two years later, in 2008, the EU Council under the Slovenian presidency adopted a specific checklist on children affected by armed conflict,[38] echoing the 2003 *EU human rights guidelines*[39] on the same subject. The Political and Security Committee (PSC) adopted a working document on the *protection of civilians*[40] in 2003 (this document is currently under revision).

The year 2008 saw further developments with regard to gender and CSDP, particularly during the French presidency. Notably, on 8 December 2008, the EU Council adopted the *Comprehensive approach to the EU implementation of the United Nations Security Council Resolutions 1325 and 1820 on women, peace and security* (Comprehensive Approach)[41] as well as a *revised operational document on the implementation of these resolutions specifically within the CSDP*[42]. Furthermore, it adopted on the same day *EU human rights guidelines on violence and discrimination against women and girls*,[43] which strengthened the role of women's rights within the EU's overall human rights policy.

The Comprehensive Approach of December 2008 broke new ground by cutting across the previous pillar structure and linking the CSDP firmly to other policy areas such as development cooperation, political dialogue or EU action within the UN. It explicitly states that it aims to "ensure full coherence between and within EC and CFSP/ESDP instruments and proper continuity in its crisis management initiatives and further reconstruction and development work."[44] Still at that time what was not straightforward to achieve, such as suggesting information sharing and consultation on women, peace and security issues between ESDP missions and EC delegations in a third country, is what the EU is now more generally aiming at within the implementation of the Lisbon Treaty. Thus, by the adoption of a cross-pillar approach, the Comprehensive Approach remains a valid document in today's post-Lisbon context (see Table 7).

In order to operationalise the policy commitments, the Comprehensive Approach set up an inter-institutional "Women, Peace and Security Task Force" to oversee its implementation. This task force, which has been meeting

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Table 7: Extract from Comprehensive Approach[45]

A gender perspective, encompassing both women and men, should inform EU external actions in order to achieve a comprehensive response to the threats faced by the civilian population in times of conflict and in its aftermath. This is the premise for effective stabilisation, peace building, post-conflict reconstruction and institution building. Moreover, a strengthened commitment to gender issues in the EU activities, with regard to conflict prevention, crisis management, peace building and post-conflict reconstruction and institution building, can enhance efficiency and effectiveness. Furthermore women's peace initiatives and conflict resolution efforts are a valuable resource for the development of sustainable and inclusive approaches to peace and security.

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38   EU document 9822/08.

39   EU Guidelines on Human Rights 2003.

40   Revised Guidelines on the Protection of Civilians in CSDP Missions and Operations.

41   EU document 15671/1/08.

42   EU document 15782/3/08.

43   EU document 16173/08.

44   EU document 15671/1/08, 4.

45   Ibid.

> ### Table 8: Extract from EU Concept for support to Disarmament, Demobilisation and Reintegration (DDR)[51]
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> Efforts must be made to prevent the recruitment of children to armed forces and armed groups in violation of applicable international law and, where they are already recruited, they should be removed from armed forces and armed groups as early as possible in particular to avoid that they become a bargaining tool in the political process. Measures should also be taken to prevent their reinvolvement in violent activities. Particular attention should be paid to separate effectively the children from the armed groups and demobilised chain of command. Immediate support should be offered to children to reintegrate into society, through community-based approaches.

periodically since early 2009, has an informal character and should not be mixed with the formal Council Working Groups, several of which are relevant in this context[46]. As shortcomings, the Comprehensive Approach did not include timelines for implementation, benchmarks or indicators, and did not define the responsible services for each of its action points. The definition of these would have made the document punchier and allowed a better level of accountability.

On the other hand, the document included a commitment to adopt, at a later stage, indicators to follow up its implementation. These *indicators* were adopted by the EU Council on July 27, 2010[47] and have the potential to allow for the tracking of implementation across the EU Member States and institutions as well as CSDP missions, and thus to improve EU accountability for its commitments in this field. This is a very rare example of actually measuring the implementation of EU policy commitments with regard to human rights and gender in the external relations field.

As a limitation the indicators remain focused on processes and as such will only bring limited information about the actual impact of EU action on the lives of women (and men) living in conflict affected countries. The indicators for example cover issues such as the deployment of gender advisors in CSDP missions or the number and percentage of women mediators and negotiators and women's civil society groups in peace negotiations supported by the EU but do not measure the actual impact of gender advisors' work or of the participation of women in peace negotiations in terms of the quality of the resulting peace agreement.

This being said, the indicators correspond to the actions the EU committed to in the Comprehensive Approach and cover a wide range of sectors across the EU foreign policy. Their actual usefulness should also be considered with regard to their potential to act as triggers of action by the different EU institutions and Member States. In order to better account for the actual impact, it would be useful to consider them in conjunction with other relevant efforts such as the *"global indicators" on Resolution 1325 developed by the UN* in April 2010[48]. In addition to measuring processes

and funding, these include measure issues such as maternal mortality and women's and girls' physical security. It might also be useful to complement the indicators with specific evaluations or descriptions on the impact of EU action on the final beneficiaries, both women and men.

The operational paper Implementation of UNSCR 1325 as reinforced by UNSCR 1820 in the context of ESDP, also adopted on 8 December 2008, builds on a previous document on and checklist on the same topic (dating from 2005 and 2006 respectively). Its value added is to be highly practical and to consider the entire planning and implementation cycle of CSDP missions and operations, as well as their follow up (particularly in the lessons identified processes).[49] It can be considered that this document and the Comprehensive Approach jointly form the two main pillars of the EU policy on women, peace and security.

In addition, the *EU Concept for support to Disarmament, Demobilisation and Reintegration (DDR)* from December 2006 includes substantial references to human rights, including to children's rights, as well as to gender (see Table 8).[50]

To summarise, the EU policy, as included in the above mentioned policy orientations, is constructed around the following six main principles[52]:

1. Human rights and gender should be considered throughout the mission "cycle", starting from the fact finding phase to the planning and implementation of activities and the subsequent lessons learned exercises. Relevant planning documents need to reflect this approach.

2. Relevant expertise, that is, advisors or focal points, needs to be included in planning teams and missions. The document Mainstreaming of Human Rights into ESDP[53] specifies that the human rights advisor needs to be close to the Operation or force Commander or Head of Mission (this was the case for the Aceh Monitoring Mission, AMM and EUFOR RD Congo). The Checklist on Children

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46   Most importantly the Working groups such as Committee for Civilian aspects of crisis management (CIVCOM), United Nations Working Group (CONUN) and Council Working Party on Human Rights (COHOM), the Political Military Group (PMG) as well as the Political and Security Committee (PSC).

47   EU document 11948/10.

48   UN 2010.

49   EU document 15782/3/08.

50   EU document 16387/06.

51   Ibid., 9–10.

52   This list is non exhaustive, but seeks to capture the common main principles present in the relevant policy documents.

53   EU document 11936/4/06.

Affected by Armed conflict (CAAC)[54] calls for the designation of an expert designated for Child protection and CAAC issues for ESDP missions operating in the environment where the risk of grave violations of child rights is particularly high.

3. All CSDP staff should receive training on human rights and gender aspects, preferably prior to their deployment (notice that CSDP pre-deployment training is an EU Member State competence and thus it is the Member State that bears the responsibility for implementing this provision). Standard training guidelines or elements should be developed.[55]

4. Mission reporting should cover human rights and gender aspects. The operational document Implementation of UNSCR 1325 as reinforced by UNSCR 1820 in the context of ESDP[56] calls for the inclusion of gender related aspects, including information on sexual and gender based violence as well as local women's role as actors, in the regular and frequent reports by the European Union Special Representatives (EUSR), CSDP Heads of Missions or Commanders. The Checklist on Children Affected by Armed conflict makes a specific reference to monitoring and reporting in "full knowledge of, and coordination with, the reporting and monitoring system of the UN established through UNSC resolution 1539 and 1612."[57]

5. CSDP missions should coordinate their action with other EU initiatives and broader international community. The Comprehensive Approach on Resolutions 1325 and 1820 notably calls for a coordinated approach including CSDP missions, political dialogue, development cooperation, multilateral cooperation and humanitarian aid.[58]

6. In addition, Implementation of UNSCR 1325 as reinforced by UNSCR 1820 in the context of ESDP calls for contacts with local and international civil society organisations,[59] and the Checklist on Children Affected by Armed conflict mentions the need to collaborate with "child protection partners."[60]

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54 Document 9822/08.
55 See also Implementation of UNSCR 1325 and UNSCR 1820 in the context of training for the ESDP missions and operations – recommendations on the way forward (2009).
56 EU document 15782/3/08.
57 Document 9822/08.
58 EU document 15671/1/08, 4.
59 EU document 15782/3/08.
60 Document 9822/08.

7   Implementation of EU policies

Today, the EU has a robust policy in place, at least on paper, with regard to both human rights and gender in the CSDP, and has made additional, specific commitments on issues such as children's rights,[61] protection of civilians, transitional justice[62] and international humanitarian law. In addition, the various building blocks of the EU human rights policy, such as the human rights guidelines, provide further orientations. This is all grounded solidly in the legal basis and the laws governing the EU, which makes of the protection and the promotion of human rights both a legal and a political obligation to the EU.

The AMM, launched in 2005 to monitor the peace agreement signed by the Government of Indonesia and the Free Aceh Movement (GAM), was the first time the EU sent out specific human rights monitors in the context of a crisis management operation, with an explicit mandate to monitor the human rights situation, contribute to the process of reconciliation and provide assistance in this field. The 16-month mission mobilised around 190 international observers.

Another interesting example in this regard is the EUMM Georgia, whose mandate explicitly foresees that the mission should "monitor, analyse and report on the situation pertaining to the stabilisation process, centred on full compliance with the six-point Agreement, including troop withdrawals, and on freedom of movement and actions by spoilers, as well as on violations of human rights and international humanitarian law."[63] Many CSDP missions and operations do not, however, have such an explicit human rights focus.

While the Council Joint Actions establishing many of the ongoing missions (EUMM Georgia, EUPOL and EUSEC RD Congo, EULEX Kosovo, EUPOL Afghanistan and EUJUST LEX-Iraq) make specific reference to human rights, several of them (EUBAM and EUPOL COPPS in Palestinian territories, EUTM Somalia, EUFOR Althea and EUPM Bosnia and Herzegovina) remain completely silent about human rights. The Council Joint Action establishing EUNAVFOR does not include a general reference to human rights, but mentions however that transfers of detainees should be "consistent with relevant international law, notably international law on human rights, in order to guarantee in particular that no one shall be subjected to the death penalty, to torture or to any cruel, inhuman or degrading treatment."[64]

The picture is bleaker with regard to gender, as the Council Joint Actions for only two missions, EULEX Kosovo and EUJUST LEX-Iraq, refer to it. The Council Joint Action on EULEX Kosovo requests that the mission "ensure that all its activities respect international standards concerning human rights and gender mainstreaming."[65] On EUJUST LEX-Iraq the Council Joint Action states that "activities should maintain a balanced representation of the Iraqi population, based on a human rights and gender equality approach."[66] The Council Joint Actions on EUPOL and EUSEC RD Congo do not mention gender but include specific references to the need to combat sexual violence (see Table 9).

One can conclude that despite the existence of the robust policy, the picture is mixed with regard to translating the policy objectives into concrete language in the Joint Actions establishing the current CSDP missions. A clear reference to human rights and gender aspects at this level would, however, be very important, both in order to make sure that these aspects are adequately considered in the planning documents of the missions that follow, notably the Concept of Operations (CONOPS) and Operational Plans (OPLAN), and in order to communicate both internally and externally about the importance of the EU's human rights and gender commitments. This is particularly important, considering that the further planning documents are not public.

Internally, inclusion of clear language on human rights and gender in the Joint Actions would support efforts further down the line, including by human rights and gender advisors, and externally, communicate to the host governments and to partners about the EU's commitment to these issues. It would reinforce accountability by setting unambiguous, human rights and gender related objectives to the missions from the

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61   Document 10019/08
62   Check-list for transitional justice 2006.
63   Council Joint Action 2008/736/CFSP (2008).

64   Council Joint Action 2008/851/CFSP (2008).
65   Council Joint Action 2008/124/CFSP (2008).
66   Council Joint Action 2005/190/CFSP (2005).

Table 9: Human rights and gender: CSDP missions in the Democratic Republic of Congo

The two CSDP missions, EUPOL and EUSEC RD Congo, operate in a very challenging context with regard to the poor state of human rights protection in the DRC and the ongoing conflict and instability. The recent military operations against the FDLR by the Congolese Armed Forces (FARDC), supported by the UN operation in the DRC, MONUC (that became MONUSCO in July 2010), have further contributed to increasing human rights violations, including acts of sexual violence and rape. According to MONUC more than 1700 civilians were killed during military operations in 2009 and 6000 houses were burned. In 2009 the United Nations Population Fund (UNFPA) registered 15.297 cases of sexual violence in the country, of which 9.045 cases in the provinces of North and South Kivu.

Although according to the project on sexual and gender-based violence , implemented by UNFPA together with UNICEF and OHCHR, the proportion of violations carried out by civilian population is on the raise, it remains that in the Kivus in 2009, approximately 60% of presumed perpetrators were identified as "men in uniforms". Nevertheless, all figures need to be considered with utmost care as it is very difficult to get accurate information on the numbers of sexual violence cases.

Although Congolese tribunals have handed out an increasing number of judgements on sexual violence and rape, the judgements are hardly ever carried out thus leading to a de facto situation of complete impunity. In addition, although military tribunals play an important role, high-ranking FARDC officials are rarely brought to answer for their crimes and several continue in their activities despite having been sentenced. As a further impediment for rendering justice the penal system is in a very bad shape and most prisons, if there are some, do not allow for a secure imprisonment of convicted people – many of the detention facilities are even without doors or windows allowing for inmates to roam about freely.

Through its missions the EU has a privileged access to the groups that are in a key position with regard to protection of human rights in the DRC, including the fight against sexual violence. On the one hand, FARDC soldiers and Congolese police officers, who are the "clients" of EUPOL and EUSEC RD Congo, constitute one group of perpetrators of human rights violations. On the other hand, these groups could ideally be in a very strategic position and play a fundamental role with regard to the protection of the Congolese population from violence and the fight against impunity.

The mandates of both missions include specific reference to human rights:

EUPOL:[67]

"The particular objectives of the Mission shall be (…) to support the fight against impunity in the field of human rights and sexual violence."

"…by supporting the implementation of the Police Action Plan in order to enable the PNC to have at its disposal, to the largest extent possible, the instruments, decision- making processes and means to guarantee a proper keeping of public order, while fully respecting the fundamental freedoms granted in the Constitution as well as the international human rights standards…"

EUSEC:[68]

"The European Union (EU) is conducting a mission to provide advice and assistance for security sector reform (SSR) in the Democratic Republic of the Congo (DRC), hereinafter referred to as 'EUSEC RD Congo' or 'the mission', with the aim of assisting the Congolese authorities in setting up a defence apparatus capable of guaranteeing the security of the Congolese people, while respecting democratic standards, human rights and the rule of law, as well as the principles of good governance and transparency."

Both missions have sought to identify strategic actions in respect to human rights and gender, particularly fight against sexual violence. EUPOL RD Congo for example has sought to ensure that human rights and gender are taken into consideration in the Congolese police reform, particularly through the Police Reform Monitoring Committee (CSRP) overseeing the process. It has provided recommendations on issues such as the use of quotas to step up female participation and vetting of police forces. Furthermore, it has supported the Congolese authorities in drafting of bylaws on issues such as the child protection police. It has helped Congolese women's organisations to prepare joint position papers on the police reform. Another important element has been the training of the Congolese police on sexual violence and support to the specialised police units on family issues and violence against women, for example with regard to the use of suitable investigation techniques, building of protected areas for questioning victims and the elaboration of investigation reports.

EUSEC RD Congo has trained FARDC soldiers on human rights, humanitarian law and sexual violence as well as on the code of conduct, in addition to seeking to improve the living conditions of soldiers and their families by means such as supporting agricultural production in five military bases and helping to set up social activity centres in military camps.

In addition to these human rights specific activities, both missions' main components offer interesting opportunities for including human rights and gender considerations while planning and implementing actions. EUPOL RD Congo, for example, supports the Congolese police in preparing specific curricula on human rights in general, and sexual violence and children's rights in particular, to be used in the training of new police officers. EUSEC RD Congo, one of the main tasks of which has been the setting up of a reliable pay chain within the FARDC, could seek within this activity to also to facilitate the payment of family allocations to the widows of deceased FARDC soldiers, or to promote visible name plates in the soldiers' uniforms in order to make their identification easier (this could act as deterrent of human rights violations).

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67   Council Decision 2010/576/CFSP (2010).

68   Council Decision 2010/565/CFSP (2010).

very moment of their initiation, and allow for the inclusion of human rights and gender in benchmarking.

With regard to staffing, all the ongoing CSDP missions have human rights and/or gender advisers or focal points (the latter have been appointed to carrying out these tasks among their other duties). It is important to note, however, that many advisors are "double-hatted", meaning that they either cover two missions (the case of advisors for EUPOL and EUSEC RD Congo) or both human rights and gender. This hampers the work of the advisers concerned as these would be expected to manage a considerable workload considering the wide nature of issues involved. It also makes it more difficult for an advisor to ensure a daily presence in a given mission, which would almost seem a precondition for efficient work.

Some missions such as EUPOL RD Congo or EULEX Kosovo, have teams of several experts working on human rights and gender related issues. In June 2010, for example, the antenna of EUPOL in Goma, North Kivu, consisted of one police officer as head of antenna, three members of the mobile team on sexual violence and one human rights and one gender expert, both also covering EUSEC RD Congo. Human rights and gender related work comprised thus the bulk of the EUPOL RD Congo's work in Goma at that point of time.

At the moment of the writing of this article, there was, however, only one specific children's rights advisor (Juvenile/ Child Rights Expert in EUPOL COPPS), despite the commitment on the deployment of a specific child protection expert in risky environments[69], to which most, if not all, CSDP environments would belong.

On the basis of publicly available information, including on the missions' web pages and on the EU Security and Defence News[70], it is possible to make oneself an idea of some human rights and gender related activities conducted by CSDP missions. A non-negligible number of specific actions have taken place during the recent months, particularly in respect to training. CSDP missions have, for example, trained Somali soldiers on human rights and international humanitarian law, Congolese police on sexual violence, Afghan police on elections, Iraqi judges and prosecutors on fair trial standards and human rights and Afghan female police on security. In addition, the EUPM in Bosnia and Herzegovina, together with the BiH Agency for Gender Equality, has produced a report "Women in Police – Situation in BiH".

The fundamental question remains, however, what is the overall impact of these actions, or how they change the mentalities of the trainees and the day to day experience women and men living in conflict affected countries and regions. No external, independent impact evaluations exist, and CSDP missions and operations are generally not subject to similar kind of external evaluation practices as for example European Commission's development programmes. The missions would normally be evaluated periodically, through so called "lessons learned" exercises, but these reports remain confidential.

As an example of the difficulty to assess impact, Troszczynska-van Genderen takes the case of training provided by EUJUST LEX in Iraq, and concludes that whereas human rights are adequately embedded in the training curricula of the mission, it has proved impossible to follow up the trained Iraqi interlocutors in order to assess how much of this has really been taken on board, what aspects of knowledge acquired have been further disseminated upon return to the country and what overall transformational impact the training has generated[71]. Although the situation of Iraq is particularly challenging in this respect, this shortcoming is probably not unique. A key challenge, for example, would be to follow up the Somali soldiers trained by the EUTM Somalia training mission, including in order to ensure that these will not use their newly required military skills to perpetrate human rights abuses.

At the EU member state level, the adoption to date of 10 national action plans on Resolution 1325, demonstrates of increasing awareness about the importance of the issue. Although the figure only represents less than 40% of EU Member States, these now account for approximately half of existing national action plans in the world, which is not a negligible result and reinforces the EU's credibility as international actor in this field.

Several EU Member States have taken interesting initiatives to promote the implementation of Resolution 1325. Just to mention a few, Ireland has been partnering with Northern Ireland, Liberia and Timor-Leste in a cross-learning process on Resolution 1325 and has appointed a Special Envoy on women, peace and security.[72] Sweden has developed know-how particularly with regard to implementation of Resolution 1325 in its armed forces, including the organisation of courses for gender field advisors[73]. It is also the country which has sent out a large proportion of gender and human rights advisors to CSDP missions, thus allowing to build up their capacity. Finland has developed a Handbook on Human Rights and Crisis Management in the context of CSDP operations[74]. Austria has organised specific training courses on women, peace and security and child protection[75].

Another positive development has been the setting up of a coordination mechanism (Women, Peace and Security Task Force) between the EU institutions and Member States, as well as the involvement of Brussels-based non-governmental

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69   EU document 9822/08.

70   Available at http://www.consilium. europa.eu/App/newsroom/loadbook. aspx?BID=80&LANG=1&cmsid=978.

71   Troszczynska-van Genderen 2010, 21–22. At the time of her assessment, the mission had trained over 3.029 officials during 112 training courses and 21 work experience secondments mainly out of Iraq.

72   For more information, see http://www.dfa.ie/home/ index.aspx?id=82475.

73   See more at Swedish Armed Forces International Centre: http://www.forsvarsmakten.se/en/Organisation/Centres/ Swedish-Armed-Forces-International-Centre.

74   Forthcoming, see more at www.formin.fi and the Erik Castrén Institute of International Law and Human Rights: http://www.helsinki.fi/eci/index.html.

75   See more at Austrian Study Center for Peace and Conflict Resolution ASPR: http://www.aspr.ac.at.

organisations in its work. This coordination has potential to strengthen the EU's collective response and to make it more coherent.[76] There is no corresponding coordination structure that would cover human rights, however.

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76 On criticism with regard to the EU policy on women, peace and security as it stood before 2008, see Sheriff & Barnes 2008, 71–85.

8   Conclusions and perspectives

The implementation of the EU commitments on human rights and gender mainstreaming in CSDP should be more systematic. Importantly, many Joint Actions establishing CSDP missions have been approved without specific references to these issues, despite the relevant declarations at the highest levels including the Foreign Affairs Council (previously the GAERG) and the PSC. Although the missions are implementing a number of certainly interesting, specific actions related to human rights and gender, the impact of these should be systematically evaluated in order to guide further planning and enhance institutional learning.

The EU should seek to negotiate human rights and gender benchmarks with its host governments in the countries in which it operates, and should not continue supporting institutions that persistently commit human rights violations. Otherwise the EU can be perceived as accomplice, as has already been the case for example for the UN in the DRC in its support to the Congolese Army. CSDP missions should be withdrawn from situations where the local government does not undertake sufficient efforts to improve its human rights record.

Can the EU afford deploying staff that has not been trained in its key policies, such as human rights and gender in CSDP? Closing the gaps still prevailing in respect to human rights and gender training of CSDP staff should be considered among the top priorities. Only personnel that know the EU human rights and gender policy as well as the international framework sustaining it, can be expected to actually implement it.

At present, human rights and gender training of CSDP staff remains sporadic[77], with some Member States performing very well and providing systematic training and some others not providing any training at all. This leads to the newly recruited staff arriving to missions with wide variations in their level of knowledge. While human rights and gender advisors can manage to remedy to the lack of knowledge to a certain degree by providing induction training to newcomers, this is not an ideal solution considering that pre-deployment training is generally more efficient than training delivered in the theatre, where staff is less disposed to learning due to the stress resulting from the operational environment. EU Member States should step up their training efforts and cross invite each other's staff to trainings. Training in human rights and gender should be mandatory for all staff sent out. Innovative approaches, such as web-based courses and platforms for sharing good practise, should be developed.

Focus on specific gender and human rights activities should not turn the attention away from the need to further mainstreaming of human rights and gender to the missions' core activities, as this is where the true potential for impact can be found. It is more effective and sustainable on the long run, for example, to increase women's participation in police forces by developing gender sensitive personnel administration policies from the outset for a national police, than by organising specific trainings courses for female police officers. Human rights and gender activities, and the advisors in charge of these, should not be isolated but part of the implementation of the missions' general actions and objectives, strategically positioned close to the Head of Mission or Commander. There are no CSDP missions where human rights and gender issues would not be relevant, although the methods that can be used vary according to the context and the mission's objectives.

There is only one CSDP mission to date, EULEX Kosovo, which has set up a specific structure to deal with complaints for human rights violations against the mission's staff. For others, there are no systems in place for receiving complaints against the mission. The setting up of such mechanisms for other missions, possibly by pooling resources or centralising efforts in Brussels, would merit urgent analysis, considering the high-risk environments in which the missions operate and the real possibility for serious mistakes, including with weapons.

A particularly large implementation gap seems to exist on children's rights, with only one specific child protection adviser deployed in the current missions despite ambitious commitments. Interesting examples of child-specific actions do exist, though, such as main awareness training in schools conducted by EUFOR Althea and the organisation of specific children's events by a EUMM Field Office, and could be used as good practise for other missions.

The personal commitment of Heads of Missions and Commanders cannot be under-estimated, and this is very

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77   FBA 2009.

often mentioned as one of the most decisive aspects of successful human rights and gender mainstreaming in CSDP missions. It should not be taken for granted that they have the necessary knowledge about the relevant EU policies without receiving specific training and briefings, particularly in the beginning of their mandate but also periodically, as policies evolve. They should be held accountable by the instances they report to, particularly the PSC, for the implementation of the relevant EU policies, and regularly requested to provide related information as part of their reporting.

The setting up of the new EEAS in 2011 has a potential to further strengthen the human rights and gender mainstreaming in CSDP. It could for example do so by further reinforcing the working relations between the different actors involved within the institutions, such as the human rights unit, the Crisis Management and Planning Directorate (CMPD), the Civilian Planning and Conduct Capability (CPCC) as well as the European Union Military Committee (EUMC) and Staff (EUMS). All these structures should include human rights and gender expertise and focal points, preferably with field experience. It could be useful, in addition, to nominate a high-level personality to lead action, as was the case of the former Personal Representative for Human Rights of Javier Solana, Ms. Riina Kionka. The role of the European Union High Representative for Foreign Affairs and Security Policy remains, however, the most fundamental in terms of both ensuring visible commitment to these issues and requesting concrete results from the staff in Brussels and elsewhere.

CSDP has, since its beginning in 2003, been a high-growth sector of the EU. There is clearly scope and need for European crisis management, and willingness from the EU Member States to respond to this need. However, the EU's capacity to deploy simultaneous missions around the globe is limited, and the EU needs to carefully weigh the different elements of a given situation before deciding to launch CSDP action. It is in this decision making process, from the very beginning of the analysis, where the needs of human rights protection should play an important, strategic role, including as triggers for initiating or for discontinuing EU action.

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Sexual abuse by United Nations peacekeeping forces and the legitimacy of peace operations

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In December 2004, the *Washington Post* reported allegations of sexual abuse by UN peacekeepers in the Democratic Republic of Congo (DRC), quoting a fresh UN report which found that sexual abuse by UN peacekeepers "(…) appears to be significant, wide spread and ongoing." The official reactions of the UN system have been strong ever since, but not much has changed in reality. This paper will ask to what extent the continued incidents of sexual abuse and exploitation undermines the UN legitimacy in the field as well as argues that the repeated problems with sexual abuse will not change until the essentialist gender discourse within the UN system is changed, because discourse is in itself a practice. The main geographical focus of this paper will be the Democratic Republic of Congo.

1   Introduction

As early as 2001, rumours started to spread regarding incidents of sexual exploitation and abuse by international aid workers in Africa. The UN Office of Internal Oversight Services (OISOS) and the Office of the United Nations High Commissioner for Refugees (UNHCR) opened an initial investigation in 2001 in order to investigate on these allegations[2]. The investigations resulted in a report, in which it was clearly stated that sexual exploitation and abuse (SEA) by international staff working in conflict or post-conflict zones is not tolerated. A UN General Assembly Resolution was passed in 2003, reiterating the concerns expressed in the 2002 report[3]. Yet in December 2004, the *Washington Post* reported new allegations of sexual abuse, this time by UN peacekeepers in the DRC, quoting a fresh UN report, claiming that "[the report] accuses U.N. peacekeepers from Morocco, Pakistan and Nepal of seeking to obstruct U.N. efforts to investigate a sexual abuse scandal that has damaged the United Nations' standing in Congo."[4] In the aftermath of the scandal, the UN Secretary-General (SG) at the time, Kofi Annan, appointed His Royal Highness Prince Zeid Ra'ad Zeid Al-Hussein to be his special advisor and assist the SG in addressing the problem. A thirty-eight page report was subsequently published in March 2005, clearly stating in the summary "it is now time for the United Nations to take effective action to stop sexual exploitation and abuse."[5] Simultaneous to the publication of the Zeid report, the *Washington Post* once again reported on accusations of sexual abuse, this time in Burundi, Liberia and Haiti.[6]

In September 2006, the South African newspaper, *Independent Online,* reported another story of abuse in the DRC by peacekeeping troops, telling the story of a 16 year old girl selling her body in a local brothel and saying that "[t]he best [customers] are from the UN peacekeeping force, particularly the South Africans and the Indians."[7] Two years later, in 2008, the UK based charity NGO *Save the Children*

released its report "No one to turn to" on sexual abuse by humanitarian staff and UN peacekeepers, stating that "[c]hildren as young as six are trading sex with aid workers and peacekeepers in exchange for food, money, [and] soap…"[8] The repeated reports show that abuse continues to occur in spite of the many official efforts by the UN through resolutions, the Zeid report, and the SG bulletin[9] to fight this phenomenon. The wide gap between official policies and practical reality within the UN might be called what M. Lipson calls "organized hypocrisy",[10] a phenomenon that will be further discussed below. The evident discrepancy becomes clear when considering the statement of former United States UN ambassador Richard Holbrooke saying that "[h]uman nature is human nature. Where Peacekeepers go they attract prostitutes."[11] Is there really a genuine commitment to address the repeated allegations of sexual abuse within the UN?

The United Nations is the organisation most frequently in charge of peace operations[12] with a total of 64.000 peacekeeping personnel stationed around the world according to 2005 data[13], although there are other regional and multinational organisations such as the EU, NATO, AU and others who participate or are in charge of operations. The UN actions naturally become normative and an object of comparison for other organisations involved in similar activities. Therefore, the actions of the UN personnel on the ground will have wider implications than merely in the field where troops and personnel are deployed. They are followed and scrutinised by the entire international community. Also, the *reactions,* or rather the lack of actions to fight SEA by peacekeeping troops are closely monitored by others. The repeated accusations of sexual abuse and exploitation by UN

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2   UN 2003a.

3   UN 2003b.

4   Washington Post 2004.

5   UN 2005, "Prince Zeid Report".

6   Washington Post 2005.

7   Independent Online 2006.

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8   Save the Children 2008, 5.

9   UN SG Bulletin 2003.

10   Lipson 2007.

11   Holbrook quoted in Mazurana et al. 2005, 34.

12   The term "peacekeeping" "peacekeeper" and Peace Keeping Operations (PKOs) will be used in the broadest sense, including peacebuilding, and will at times be synonymous with "Peace operations". For separate definitions, see e.g. Paris 2004, 38.

13   Dwan & Wiharta 2005, 140.

peacekeepers as well as the UN's inability to act upon these allegations in practice seriously undermines the organisation's credibility and legitimacy in the field as well as in the eyes of the general public. Yet, what is usually addressed when discussing the UN peace operations is the vast number of practical challenges to their operations, that is resources, personnel, and security, when it is in fact the lack of legitimacy that can often constitute a great challenge to the efforts made to maintain or build peace.[14] The UN failures in Somalia are just one example of failure caused by lack of legitimacy, and it remains to be seen if the United Nations Organization (Stabilization) Mission in the Democratic Republic of Congo (MONUC/ MONUSCO) will succeed or not.

This essay will explore issues of legitimacy and how sexual exploitation and abuse contributes to undermining the legitimacy of the UN, both within the organisation and the international community, as well as amongst the local population where the peacekeeping troops are deployed. Is it relevant how the peacekeepers act, and if so, why and in what ways? The essay will address this and other questions, using the DRC as a primary case study. For the purpose of this essay, the definition of sexual abuse that will be utilised comes from the UN Secretary General Bulletin on this matter: "actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions."[15] Moreover, the term sexual exploitation "means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another."[16] These acts can include rape and other forms of sexual and gender based violence taking place in unequal power relations, as between a peacekeeper and a local, and can therefore also be identified as crimes against humanity as stated by the Rome Statute of the International Criminal Court (ICC): "[r]ape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of gender violence of comparable gravity" is a crime against humanity.[17] This definition is also useful in the sense that it is neutral with regards to the victim of such violence, i.e. there is no specific reference to whether this kind of violence is against a male or female victim.

It is important to acknowledge that sexual abuse and exploitation is not merely committed against women. By only mentioning the occurrence of gender violence against men in small footnotes or in a single sentence when writing about gender violence, the constructed image of men as perpetrators and women as victims is perpetuated further[18]. As the 2008 *Save the Children Report* shows, some cases of female aid workers abusing locals have been registered[19]. It is important to overcome these fixed perceptions of perpetrator

and victim and acknowledge that women can also participate in sexual violence as well as violence in general[20]. Nevertheless, this standpoint does not disregard the fact that *most* cases of sexual exploitation and abuse by peacekeepers and other international aid personnel are committed by men against women. The fact that gender violence is being presented as a phenomenon synonymous with violence against *women* throughout the UN discourse is highly problematic and will be discussed further below.

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14   Dwan & Wiharta 2005, 139; Pouligny 2006; Gya et al. 2009.

15   UN SG Bulletin 2003, 1.

16   Ibid.

17   ICC Rome Statute, article 7, 1(g).

18   Sivakumaran 2007, 3.

19   Save the Children 2008, 5.

20   Jacobs et al. 2000.

2   The United Nations, ideas of legitimacy, and the discourse on gender

2.1.   *Legitimacy*

As Herz has noted, "World history (…) might well be written in terms of legitimacy (…) its presence, strength, or else its erosion and its disappearance (…) its rise and decline has determined much of history and yet, (…) its meaning is difficult to define."[21] While trying to actually explore this contested concept, I realised, like Herz, that it is indeed impossible to find one finite definition or understanding of legitimacy that would cover all aspects adequately, as there are no universally shared criteria of the concept[22]. There is a vast literature discussing a number of ways to understand and conceptualise this idea. In an attempt to summarise this vast literature and provide some kind of order, Suchman divides legitimacy into three basic categories: normative legitimacy, cognitive legitimacy, and pragmatic legitimacy[23].

Normative legitimacy is argued to be a utility of convictions about what gives the right to an individual or institution to exercise power. In other words, an institution is legitimate because it is considered the righteous possessor of power by the standards of a given community. Cognitive legitimacy on the other hand, focuses on the psychological level which is the degree to which an institution is accepted. An institution is legitimate because we accept and treat it as a given. Lastly, pragmatic legitimacy focuses on the "interest-based" acceptance of an institution by the most affected parties. In other words, an institution is considered legitimate when the affected parties consider it to be in their interest to accept it.[24]

The idea of normative legitimacy is particularly interesting in the context of the UN and other global governance organisations (GGOs) because it focuses on the extent to which a community accepts the justness of an institution.[25] Cognitive legitimacy, on the other hand, could also be considered relevant when discussing the UN. It is an idea related to Herz's idea of "sullen toleration", which he argues renders legitimacy meaningless because an institution's "rule" is neither rejected nor accepted.[26] In fact, all these three ideas of legitimacy are relevant to international organisations like the UN. Pragmatic legitimacy seems fitting when considering the member states and their shifting interests to accept UN legitimacy depending on for example the passing of resolutions and other actions taken.

It is not only the UN that grapples with issues of legitimacy, all organisations do to some extent, but some are more vulnerable than others.[27] I would argue, considering the UN's dominant and normative position among the GGOs, that it is an organisation highly vulnerable to fluctuations in legitimacy. Further, I argue, that the UN is an organisation that is highly dependent on the public's acceptance of its actions and activities, and thus it has to try to avoid Herz's concept of sullen toleration exactly because it depends on the social and political support of the community to such a great extent[28].

As Buchanan and Keohane argue, "the perception of legitimacy matters, because, in a democratic era, multilateral institutions will only thrive if they are viewed as legitimate by democratic publics."[29] The mention of democratic publics in this quotation leaves me with the questions: what about the non-democratic publics? What about the perceptions of legitimacy among the local population,[30] in this case in the DRC? Their views ought to be part of the equation, because ultimately they are the ones suffering from the actions/misactions of the UN peacekeepers on the ground. In order to determine how sexual abuse impacts local perceptions of the legitimacy of the UN peacekeeping mission, one would have to conduct extensive field research. It can be assumed, however, taking into account the recent study by *Save the Children*, that local women and girls lose respect for peacekeepers that are involved in SEA and this would impact their views regarding the legitimacy of the mission as a whole.

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21   Herz 1978, 317–318.
22   Koppel 2008, 193.
23   Suchman (1995) quoted in Koppel 2008, 182.
24   Ibid.
25   Koppel 2008, 182.

26   Herz 1978, 320.
27   Hannigan & Kuenemann 1977, 131.
28   Dowling & Pfeffer 1975, 133.
29   Buchanan & Keohane 2006, 407.
30   I am not making any judgement with regards to the democratic nature of individuals in the country but rather on state level.

Whichever way one twists the issue of legitimacy, Buchanan and Keohane rightly argue that a legitimate GGO does not threaten human rights, it contributes to a state of affairs more so than it would if the organisation was not present, and it practices its values concerning procedure and mission.[31] Clearly, engaging in sexual relations with local girls, regardless of whether by force or "voluntarily," does not fulfil these criteria.

2.2. Gender discourse and practice

The United Nations has produced a number of documents, reports, and resolutions in recent years addressing issues surrounding women and girls in times of "war" and "peace".[32] Among these are the UN Security Council Resolution 1325,[33] Resolutions 1888 and 1889, the Secretary General's Report of 2002 on Women, Peace and Security and its follow-up report from 2004,[34] as well as evaluating the application of Resolution 1325 internally in the UN and in UN programs and agencies. In addition, the Windhoek Declaration (2000) and the Namibia Plan of Action (2000) are important UN documents addressing "women's issues". The ways in which these issues are articulated, produced and reproduced are problematic due the essentialist narrative of gender they are being articulated within[35].

Providing this brief outline of the UN discourse on gender is vital for the discussion later regarding issues of sexual abuse and how it undermines the legitimacy of the peace operations. Could it be that the failures of UNSCR 1325 and subsequent resolutions and documents are in direct connection to the ways in which gender is articulated within the reports and the resolutions itself? Dismissing women as "victims" legitimises their exclusion as equal parts. Both Shepherd and Väyrynen argue that discourse is not merely language but rather "practices that systematically form the object of which they speak."[36] In other words, the presentation of gender in the above mentioned documents has an impact on the ways in which the UN understands gender and thus, how it acts upon the goals it sets for itself as an organisation. If correct, that the representation of gender in the UN discourse is essentialist as Shepherd and Väyrynen argue, then this means that the practices in the field, such as in peace operations, are also treating gender questions in an essentialist way.

Many women's advocacy groups and feminist academics welcomed the UNSCR 1325 and other similar documents issued by the UN regarding women's issues.[37] They perceive UNSCR 1325 as the "final reward for the efforts made by determined women who have fought for equality between women and men in UN contexts (…)."[38] It is questionable, however, if it is indeed equality between the genders these documents are promoting or rather a conventional representation of essentialist and dichotomous gender roles, especially considering the slow progress of gender mainstreaming in recent years due to a great deal of reluctance from senior staff.[39] It could be argued that the ways in which women are presented throughout the above mentioned UN reports and UNSCR 1325 is problematic in several ways.

Firstly, gender is presented as if it is synonymous to women.[40] In all the above-mentioned documents, gender and women are presented as being the same. There are no definitions of what exactly is understood by "gender", and there is no mention as to how gender issues are related to men. Secondly, male and female identities are constructed to be inherently different and, thus, supposedly explaining why they experience conflict and violence in different ways. Shepherd notes that women are always presented as different from and inferior to men and quotes one UN report saying "women do not enjoy equal status to men in any society", which according to the report is "grounded in biological difference" and not in a social construction of identities.[41] This way of de-politicising the differences between men and women and claiming that women are essentially weaker than men is not only wrong but also a "(…) dangerous political force, designed to shore up differences and inequalities, to sustain domination."[42] Women can be dismissed because they are not considered to be equal partners in society due to their biological weakness.

The clear-cut dichotomies between women and men are further promoted through the essential linking of women to motherhood and to a caring nature. In point 9 of the SG 2002 Report, women are "providers and caregivers" and are the ones providing water and energy for their households[43]. They are not providers out of free will, however, and are always in more need of assistance because they are forced to provide for their family as the men and boys are lost in conflict. It could be argued that this representation of women minimises female agency and reproduces a conventional link between men/ conflict/ war/ protector versus women/ victim/ peace/ protected.[44] In addition, this representation fails to acknowledge the increased participation of women in armed combat, and implicitly makes those women who do participate appear as lesser women because they are acting outside the expected pattern of female behaviour.[45]

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31   Buchanan & Keohane 2006, 420.

32   The words "war" and "peace" are in quotation marks here because the ways in which these two words are presented as dichotomies by the UN, is problematic in itself. How do we distinguish between war and peace when the levels of violence often increase in a "post-conflict" period? Rape and SGBV has not decreased since the conflict in the DRC was officially over in 1999, but rather steadily continued each year since.

33   UN 2000.

34   UN 2002; UN 2004.

35   Shepherd 2008, 90; Jacobs et al. 2000, 13.

36   Shepherd 2008; Väyrynen 2004, 126.

37   see e.g. Olsson & Tryggestad 2001; Peace Women online.

38   Olsson & Tryggestad 2001, 1.

39   Raven-Roberts 2005, 5.

40   Shepherd 2008; Väyrynen 2004.

41   Shepherd 2008, 87.

42   Cockburn (1998) quoted in Shepherd 2008, 87.

43   UN 2002, 9.

44   Shepherd 2008, 87; Väyrynen 2004, 137.

45   Shepherd 2008, 88.

Thirdly, women are presented as incapable of helping themselves and are thus in need of special care and protection. UNSCR 1325 article 10 for example "calls upon all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual violence"[46]. This is a way of presenting women's issues through a managerial and problem-solving approach that perceives women as "a problem to be overcome."[47] It fails to acknowledge that in many cases men need similar assistance[48] and does not question the reasons as to why women are often targeted through rape and sexual gender based violence (SGBV). Furthermore, the reports and the UNSCR 1325 are conceptualised in a way that assumes that women, by nature, are more peaceful than men[49]. Resolution 1325 continuously stresses the "important role of women in the prevention and resolution of conflicts and in peace-building (…)."[50] Women are thus ascribed a specific type of agency and identity;[51] they are viewed as the essential victim in need of protection, not due to societal constructs of femininity and masculinity but due to biological weakness and their peace seeking nature.

Lastly, the slow process of gender mainstreaming within the UN and in its field missions, despite the ambitious goals set by the organisation itself and the recognised importance of employing an increasing number of female peacekeepers in the field, demonstrates the lack of commitment to gender equality within the UN. The number of female military personnel in UN peacekeeping missions in 2005 was still at the exceptionally low level of 1%[52]. According to Raven-Roberts, this is due to a strong reluctance from a majority of (male) managers throughout the UN system to adhere with the goals for gender equality within the organisation.[53] Thus, the representation of women as the essential victims seems to fit well with the lack of commitment to gender mainstreaming as they are also indirectly dismissed as equal and respected partners in important positions. The only thing one can do to promote women's rights is to "protect" them; allow participation but no decision-making power.

2.3   Gender and legitimacy in the United Nations

Linking the UN discourse on gender to the main concern of this essay, legitimacy, is vital. As has been argued, legitimacy is a highly contested concept. However, it has also been established that any legitimate organisation needs to, at the minimum, contribute to improving the state of affairs through its presence and its actions, and must practice its preached values[54]. In the case of the latter, this would mean that the UN peacekeepers ought to follow, their mission statements as well as their code of conducts to a much greater extent than they currently do. Although opposing views might exist on the threats to security that prostitution and trading sexual favours for food and other commodities pose to women's lives, there is no doubt about the strict moral obligations the peacekeepers have agreed to adhere to by signing up for peacekeeping missions. From the point of view of UN ethics, using local sexual services, regardless of whether forced or "voluntary", is an indisputable abuse of status and thus in clear moral contradiction with the aims that peacekeepers officially seek to achieve in conflict and post-conflict countries.

Although the question of legitimacy is particularly challenging for international organisations due to the fact that the constitution of the communities accepting or rejecting its legitimacy is ambiguous and multifaceted,[55] it could be argued that there is a strong enough disconnect between discourse and practice to claim that a problem of legitimacy arises. The UN relies on the international community's support for its actions to survive. The negative media-coverage could lead to a feeling of mistrust and loss of legitimacy in the eyes of the general public towards UN peacekeeping missions that the UN cannot afford.

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46   UN 2000.
47   Shepherd 2008, 92; Väyrynen 2004, 138.
48   Shepherd 2008, 92.
49   Väyrynen 2004, 137.
50   UN 2000.
51   Väyrynen 2004, 137.
52   DCAF 2005, 20.
53   Raven-Roberts 2005, 54.

54   Buchanan & Keohane 2006.
55   Koppel 2008; 2000.

3   Conflict and gender in the Democratic Republic of Congo

Sexual violence is serious in any situation, regardless of context or whether it occurs in times of peace or war. Rape and sexual violence have grave social, cultural, domestic, physical, and psychological repercussions regardless of who the perpetrator is[56]. It could be argued, however, that when UN peacekeepers are stationed in a country where rape and sexual violence has been a major war strategy, used to intimidate hundreds of thousands of women and men and used as a means to spread fear, it is even more problematic that the supposed protectors of law and order become perpetrators of sexual violence. Legitimacy is "crucial for the success of peace-building (...)."[57] Repeated involvement in sexual abuse, however, severely jeopardises this legitimacy.

The conflict in the Democratic Republic of Congo has been labelled the world's deadliest conflict since World War II with more than 5.4 million people killed[58] and where brutality against civilians, and specifically sexual violence, is an integral part of the war[59]. Jan Egeland, the former UN Emergency Relief Coordinator has called it "the biggest, most neglected humanitarian emergency in the world today."[60] The MONUC/MONUSCO, initially put in place to oversee the 1999 ceasefire,[61] is the largest UN mission with almost 20.000 military troops employed;[62] a number far too modest for a country of the size of Western Europe[63]. The most recent conflict officially broke out in 1998 in the aftermath of a *coup d'état* in 1997, in which Laurent Kabila overthrew dictator Mobutu[64]. The first peace agreement was signed in Lusaka in 1999. Despite this, 2.5 million people have died in the Eastern Congo between 1998 and 2001.[65] Furthermore, the conflicts in North and South Kivu have continued in spite of a power sharing deal – the 2002 Sun City Accords in South Africa –

as well as another Peace Accord signed in 2008 between the government (elected in 2006) and all armed forces in the Kivus.[66]

The conflict in the DRC clearly illustrates that the clear-cut dichotomous perceptions of peace and war within the mainstream discourse are not without problems[67]. As Johan Galtung has noted, "the absence of war does not mean peace"[68]. Violence has continued and epidemic rates of sexual violence have been a key feature of the conflict,[69] and, according to the UNHCR, are perceived as "normal"[70]. A Congolese counsellor calls the sexual violence "a war within the war."[71]

The rapes, forced prostitution, abductions, and slavery have not ended with the signing of treaties and accords. People remain living in fear of being abused and raped. The International Federation for Human Rights (FiDH) estimates that in South Kivu alone, there were 14.200 cases of rape reported in 2005, 27.000 in 2006 and 12.000 in 2007.[72] According to the Congolese Women's Campaign Against Sexual Violence, everyday 40 women are raped in the Eastern Congo.[73] The victims of rape and other forms of SGBV are not only adults; children are being raped to a great extent as well.[74] It is, thus, more useful to view the events of continued conflict and abuse in the DRC in light of Bourgois' notion of a *continuum* of violence[75]. As a *Time Magazine* reporter mentions: "Congo provides tragic proof that in some places peace and war can look a lot alike."[76]

Since there has been no anthropological research conducted in the DRC for many years due to the ongoing

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56   DCAF 2005, 14.
57   Dawn & Wiharta 2005, 149; Pouligny 2006.
58   ICTJ 2008, 4; Time Magazine 2006.
59   HRW 2002, 3; Mazurana et al. 2005.
60   Collins 2005.
61   HRW 2002, 13.
62   Time Magazine 2006, 2.
63   Ginifer 2002, 125.
64   ICTJ 2008, 4.
65   Ginifer 2002, 121 &124; HRW 2002, 17.

66   ICTJ 2008, 4–5.
67   Väyrynen 2004, 127–128.
68   Galtung quoted in Jacobs et al. 2000, 1.
69   ICTJ 2008, 2; FiDH 2008, 1.
70   ICTJ 2008, 3.
71   HRW 2002, 23.
72   FiDH 2008, 2.
73   Congolese Women's Campaign Against Sexual Violence, http://www.drcsexualviolence.org/site/en/node/35.
74   Kirchner 2007.
75   Scheper-Hughes & Bourgois 2004.
76   Time Magazine 2006, 2.

violent conflict, it is difficult to adequately assess the current social fabric and gender roles in the country. According to Human Rights Watch, the freedom and choices of women in the Congolese society have always (also before the recent conflicts) been constrained by social norms and traditional male and female identities[77]. As this essay attempts to challenge the usual victimisation and stigmatisation of women and their standing in society, this statement will not be taken at face value. In general, it should be mentioned that women in Central Africa have a relatively great degree of autonomy compared to other regions in the continent. This, of course, is not meant to undermine the harsh conditions women *as well as* men live in and that basic human rights are lacking.

In relation to the endemic levels of sexual violence, however, the somewhat gendered realities need to be noted. In this regard, the notion of honour is important; as rape and gender violence is often deliberately used a means of destroying that honour.[78] However, women and men are positioned differently in the distribution of honour. In the literature on gender violence, it is therefore often argued that in many cultures men are the agents and active producers of honour while women are those who break the honour of a given family or community by being raped[79]. In an attempt to restore the honour of women who are raped, they are often forced to marry the man that raped them. Children are forced into prostitution due to poverty and hunger after being excluded from their community as a result of losing their honour after rape.[80]

Given the circumstances of sexual violence against young girls and women, and the widespread use of "survival sex", it is highly disturbing and troubling that UN peacekeepers are repeatedly involved in rape and sexual abuse of adults as well as children. This is not to say that all peacekeepers are sexual offenders, although, the reputation of peacekeepers as a whole is jeopardised by the actions of a few. As Gya, Isaksson and Martinelli argue in a report on SEA for United Nations Development Fund for Women (UNIFEM), the EU needs to have a zero tolerance on SEA due to its negative effect on the local populations[81]. The same should apply to the UN.

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77   HRW 2002, 20.
78   HRW 2005; WHO 2002; Gilligan 2000.
79   Gilligan 2000, 230.
80   HRW 2002, 21; Save the Children 2008.
81   Gya et al. 2008, 4.

4   "Organised hypocrisy"

Despite the 2005 Zeid report investigating allegations of sexual abuse by UN peacekeepers in the DRC and several other documents that explicitly announced a "zero tolerance" policy towards sexual abuse, little action has been taken. The link between rhetoric and action remains weak, a phenomenon Lipson calls "organised hypocrisy"[82]. The cases of sexual abuse by UN personnel in the DRC have continued in the last decade despite the clear message in the UN's "Code of Personal Conduct for blue helmets" that says: "do not indulge in immoral acts of sexual, physical, psychological abuse or exploitation of the local population or UN staff, especially women and children",[83] yet sexual abuse by peacekeepers is not officially condemned by UN human rights bodies[84]. Although it is difficult to prove as it is not subject to a quantitative analysis, it is clear that the repeated breaches of the code of conduct damages the credibility of the UN mission's work[85].

According to a detailed report on sexual abuse published by *Save the Children*, there were 856 allegations of sexual abuse against UN staff in 2004–2006. It can be assumed that this is only the tip of the iceberg, as reporting of sexual violence is low due to fears of international authorities, lack of adequate response or disbelief and fears of being stigmatised by the community.[86]

Another problematic issue with regards to SEA by UN military personnel is that all UN peacekeeping personnel enjoy complete immunity from prosecution for any crimes while on missions. The responsibility to prosecute rests entirely on the sending country.[87] The only punitive measure the UN can take is to repatriate the person in question. As Koppel argues: "[p]rocedural regularity is a quintessential element of the legitimate bureaucracy" and further "[t]his 'rule of law' also extends to the application of organizational requirements to individual members and non-members."[88] In this case,

members could be interpreted as member states, and as an extension, the peacekeepers.

The impunity enjoyed by peacekeepers for serious sexual crimes thus undermines the legitimacy of the peace operations in several ways if we accept Koppel's argument above as well the afore-mentioned ideas of legitimacy in GGOs. Firstly, it undermines the *raison d'être* of the entire mission – establishing security and the rule of law in war torn countries – by sending out a signal that not all are equal before the law; some are allowed to act as they please without having to bear the consequences. Secondly, it clearly shows that the UN and the international legal system has serious flaws[89] and that despite "zero tolerance" policies and numerous reports condemning these actions, the issue is not taken seriously enough to consider policy changes in order to prosecute UN staff. Giving the sending countries of the troops the responsibility to prosecute perpetrators of serious sexual violence is highly problematic and troubling, considering that 92 per cent of today's UN peacekeepers come from developing countries where the juridical system might not even recognise sexual violence as a serious crime.[90] Further, the repeated cases of SEA in the DRC and elsewhere undermines best practices and hinders Resolution 1325, with all its flaws and essentialising representations of women, from being adequately implemented.[91] Thirdly, in the DRC, where impunity for sexual and gender based violence is a widespread problem, the UN's credibility on initiatives to fight gender violence is weak, due to the organisations own shortcomings in adequately holding those within the organisation itself responsible for such crimes.

Any successful and effective peacekeeping mission depends on good relations with the civilian population.[92] In the DRC, where impunity in general and especially for sexual violence and SGBV is almost absolute and people have no faith in their government as guarantor of justice, the UN peace mission risks to be perceived just as incapable as the

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82   Lipson 2007, 17.

83   Code of Personal Conduct quoted in DCAF 2005, 17.

84   Carey 2001, 62.

85   see e.g. Gya et al. 2008, 7.

86   Save the Children 2008, 15.

87   Bedont 2005, 86; Save the Children 2008, 16; DCAF 2005, 17; Carey 2001, 62.

88   Koppel 2008, 191.

89   Oostervald 2005, 70.

90   Dwan & Wiharta 2005, 146; Bedont 2005, 90.

91   Gya et al. 2008, 4.

92   Olsson & Tryggestad 2001, 1.

state and peacekeepers are seen to endanger the very security they are seeking to establish.[93] The fact that the MONUC/MONUSCO has launched a national strategy aiming to fight sexual violence in the DRC as late as in April 2009, 10 years after the first peacekeepers were employed in a country where rape and other forms of SGBV have been a key strategy of the conflict itself, shows the lack of priority these issues have for UN peace operations and further weakens the organisation's credibility when addressing gender issues in general.[94] UN peace operations are based on the primacy of human rights, and as the discussion on legitimacy has shown, legitimacy indeed does depend on a defence of basic human rights. Yet the actions of a number of individual peacekeepers and the fact that they are not acted upon adequately, seriously undermines any authority the UN might have when setting the agenda on gender issues. As Kofi Annan, mentions in the foreword to the OISOS report from 2003: "[s]exual exploitation and abuse by humanitarian staff (…) violates everything the United Nations stands for."[95]

The fact that sexual exploitation and abuse is committed by the people in charge of restoring some kind of security and stability in the phase of transition from war severely compromises the success of the peacekeeping mission itself and perpetuates and exacerbates any existing inequalities between the sexes in the societies in which they are placed.[96] Official policies against women can, at the worst, be reinforced by the practices of international organisations[97] and unfortunately the actions by UN peacekeepers do not improve the state of the situation, but rather worsen it.

Conflict, however, can also be transformative. It can profoundly amend the social and cultural values of a society.[98] Women may be in a new situation where they themselves have become the head of the household or the providers. They might have been forced into this position as the 2002 UN SG Report on *Women, Peace and Security* states, but it can also lead to a positive change and is not necessarily something negative for the women in question over the long run. The opportunity to consolidate any possible positive change to the gender dynamics in a transitional society such as the DRC should be seized to a greater extent by a UN peacekeeping mission. It could be argued that the MONUC/MONUSCO, rather than having contributed positively to narrowing existing gender inequalities in the DRC, has further worsened the situation by participating in the abuse and sexually exploitation of women and children as young as 10 years old[99]. The actions of peacekeepers send out the message that abusive behaviour and exploitation of women is acceptable.

Finally, to return to some of the issues raised above on the gender discourse within the UN, the discursive power of the representation of women is an important factor when considering issues of peace operations and their problems of legitimacy. It has been argued that discourse is more than words, and that it is a practice that shapes the object of which it speaks. This would mean that the essentialist way women are presented as eternal victims, promoters of peace, and weak beings in need of protection from the international community, is reflected in the actions by peace operations and other practices by the UN.

Lipson argues that the inconsistency between the UN official discourse on gender and the practices in the field (such as SEA) reflects "organised hypocrisy" and that discourses can often compensate for inconsistent action as they satisfy the demands to address an issue without actually taking any action.[100] The hypocrisy is further reinforced by normative pressure to "do something" (for example, fighting sexual abuse) which is not acted upon, however, due to lack of political will from member-states and opposition from masculine cultures in the higher ranks of the organisation.[101] Thus, this practice results in undermining the credibility of the UN and its actions. In other words, the discourse on action to fight sexual and gender violence is a practice in itself, rather than a starting point for subsequent action.

Without engaging too much with the concept of organised hypocrisy in itself, it becomes evident that Lipson makes an important point. The low priority that gender issues have had in the planning of UN peace operations in the past as well as the fact that there seems to exist a strong decoupling between the condemnations of sexual exploitation/abuse on the official level and actual reforms to hold perpetrators accountable, clearly demonstrates the validity of Lipson's argument.

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93   FiDH 2008; Pouligny 2006, 103 & 112–113.

94   MONUC interview 2009.

95   Un 2003a, 1.

96   Bedont 2005, 83 & 87; Gya et al. 2008.

97   Pankhurst 2008, 4.

98   Pouligny 2006, 22.

99   Save the Children 2008.

100 Lipson (2007, 6–7) refers to organised hypocrisy as a "product of formal organizations, [that] results from systematic contradictions in organizational environments" and argues that "[o]rganized hypocrisy is a variant of the institutionalist concept of 'decoupling' between organizational structure and behaviour"; a phenomenon that is more common in international organisations than we think.

101 Ibid., 10, 13 & 16–17.

5   Conclusion

This essay has shown that the behaviour of UN peacekeepers in the DRC is highly problematic in various ways. It has been argued that continued incidents of sexual exploitation and abuse by peacekeepers seriously undermine the UN legitimacy in the field because it does not contribute to improving the state of a situation. At the same time it is a serious abuse of the status (UN peacekeeper) and economical supremacy *vis-à-vis* the local population. By not responding adequately to allegations of sexual abuse and avoiding addressing the problems of the immunity that is enjoyed by UN peacekeepers, the organisation affronts the very principles it seeks to re-introduce in the war torn societies in which peacekeepers are employed – the rule of law and a sense of human dignity and safety.

The severity of the abuse is even greater when taking place in a country where rape and sexual slavery has been a key feature of the conflict. As many have argued, earning the trust of the local population is crucial for the success and legitimacy of any UN peace operation. This trust, however, is not gained through exacerbating the already highly insecure realities women and girls find themselves in due to the gendered nature of war. The UN is deployed with a mission to protect; to protect both men *and* women. As Raven-Roberts mentions, however, peacekeepers are mostly given no gender-awareness training, in fact they often receive no information about the local realities at all, and many are not aware of the mandate of the operation itself.[102] This can lead to distrust from the local population. In the future this should be addressed in close cooperation with the newly established UN Women agency.

Also the United Nations Department of Peacekeeping Operation (UN DPKO) needs to seriously consider changing the current parameters of peacekeeping missions. The immunity policy should be revised although it is clear that this is a highly complex issue, as it will directly impact the willingness of UN member states to contribute with troops. It is not sufficient; however, to simply dismiss a peacekeeper that has been found guilty in sexual exploitation and abuse, as this only reinforces the feeling of helplessness and insecurity of refugee women. Further, the UN needs to finally put into action the gender mainstreaming measurements it has put into place, in order to decrease the levels of organised hypocrisy prevailing today. Lastly, women's activists and promoters within and outside the UN need to consider a change of discourse on gender, in order to communicate a stronger focus on gender in general and not only women and in order to change the way women are represented in both discourse and practice within the UN system. A heavy responsibility now lies with Ms. Bachelet, former president of Chile, and newly elected head of UN Women.

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102   Raven-Roberts 2005.

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