

# Peacebuilding and reintegrating ex-combatants with disabilities

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There is a significant gap in post-conflict reintegration processes when it comes to ex-combatants with disabilities, notwithstanding an apparent acknowledgement that physical and mental trauma impact civilians and ex-combatants alike in large numbers and that social reintegration is vital to peaceful transitions. Moreover, processes aimed to reintegrate ex-combatants are typically disconnected from broader efforts to build and sustain the legal institutions that support the rights of the most marginalised groups in conflict affected countries. We examine the implications of this marginalisation of ex-combatants with disabilities and set our analysis within the framework of the Convention on the Rights of Persons with Disabilities.

**Keywords:** DDR; disability; ex-combatants; legal empowerment; reintegration

## Introduction

Over the past decade, a small but growing body of literature has begun to examine the nexus between post-conflict reconstruction and peacebuilding, and the reintegration of marginalised groups into society.<sup>1</sup> This research seeks to understand how interventions can be more adequately and appropriately designed during the early stages of renovating fractured societies to improve lives, infuse social stability, and facilitate lasting peace. Such assessments point to shortcomings in post-conflict reintegration, including peacebuilding activities and processes of disarmament, demobilisation, and reintegration (DDR), in successfully promoting social and economic reintegration of women and children with ties to fighting forces.

A related but distinct literature addresses another aspect of reintegration, namely, legal empowerment both within and apart from conflict environments.<sup>2</sup> Much of this work touches upon the unique vulnerabilities of historically disadvantaged groups and the potential of legal empowerment to redress or correct their relative power imbalances.<sup>3</sup> Legal empowerment approaches may reflect academic perspectives or be directed at practitioners who are working to design effective interventions to advance legal empowerment for women, persons living in extreme poverty, persons living with HIV and AIDS, and other marginalised groups.<sup>4</sup>

Peacebuilding programmes and processes in post-conflict environments typically provide ex-combatants with resources and skills, with the objective of assisting those individuals (and their families) through the reinsertion and reintegration process.<sup>5</sup> Missing from

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analyses of these programmes is an interrogation of the extent to which ex-combatants with disabilities<sup>6</sup> have effective access to these supports and whether their particular needs are addressed within legal and institutional frameworks. Based on a critical review of the legal, social science and development literatures relating to post-conflict reintegration, ex-combatants and disability in conflict-affected countries, we examine the post-conflict reintegration of ex-combatants with disabilities as an important yet absent component of efforts addressing the many challenges of reintegrating ex-combatants through legal empowerment measures. In so doing, we recognise an important but often neglected aspect of post-conflict reintegration, namely, reintegration as a process of social, economic and, significantly, legal dimensions. It is this last element, the legal dimension of reintegration as a means of empowerment – both through access to reintegration (and other) benefits and participation in post-conflict institution building – that we are particularly interested in exploring.

Following this introduction, part one sets out the gap in the literature, noting both the methodological and theoretical shortcomings of current research. In part two, we examine the growing body of largely anecdotal yet salient accounts of marginalisation and disaffection experienced by disabled ex-combatants as a result of failed peacebuilding reintegration and its connection to shortcomings in legal empowerment initiatives. Thereafter, we examine the implications of marginalisation for peacebuilding and legal empowerment, and set our analyses within the framework of the Convention on the Rights of Persons with Disabilities (CRPD). Part three applies the insights of our analyses more broadly to the development of democratic processes and the potential of post-conflict peacebuilding to revise or correct uneven power structures that inevitably oppress marginalised groups.

### **Assessing the gaps**

Anecdotal evidence suggests that there is a significant gap in addressing ex-combatants with disabilities in post-conflict reintegration processes, notwithstanding an apparent acknowledgement that physical and mental trauma impact civilians and ex-combatants alike in large numbers, and that reintegration is vital to post-conflict peaceful transition. Here we put forward a definition of post-conflict reintegration of ex-combatants – whether men, women or children – that is multidimensional and iterative, encompassing social, economic and legal processes by which ex-combatants transition to civilian status, attain sustainable employment and an adequate standard of living, and participate in both legal and social empowerment.<sup>7</sup> We therefore understand reintegration as dynamic and open-ended, primarily taking place in communities at the local level. In contrast with more traditional definitions of reintegration, reintegration must be seen as an integral component of development that includes legal and institutional mechanisms of transition such as transitional justice mechanisms, law and policy development, and participation in the institutions of government whether through local councils or the work of national human rights commissions, among others.

Moreover, processes aimed at reintegrating ex-combatants typically are disconnected from broader efforts to build and sustain legal institutions that support the rights of the most marginalised groups, including individuals with disabilities, in conflict-affected countries.<sup>8</sup> In particular, little attention is given to legal empowerment as a tool for effective reintegration for such conflict-affected populations. We view legal empowerment as a mutually constitutive process, helping to support social, economic and political participation for marginalised and disaffected groups and contributing to the rebuilding of legal

and institutional frameworks vital for post-conflict transition. Absent attention to enabling the most marginalised among ex-combatants – whether women or children connected with fighting forces, or ex-combatants with disabilities – reintegration initiatives will inevitably fail to accommodate critical population segments and undermine peacebuilding. Reintegration, understood in this context, must be oriented to address both the accessibility of and participation in legal institutions by highly marginalised groups. Indeed, it is increasingly appreciated that addressing conflict and eradicating violence must include ensuring security and access to justice, equality and social cohesion, inclusion in development and participation in decision-making, and access to services. Failing to address these issues for marginalised groups, which includes disabled ex-combatants, can rapidly lead to participation in violence and criminal conduct.<sup>9</sup> Preliminary evidence suggests that legal empowerment of disabled ex-combatants is neglected.

To assess the links between post-conflict reintegration, ex-combatants and disability in conflict-affected countries, we conducted a comprehensive literature review that identified the existing research relating to post-conflict peacebuilding, reintegration, disability and ex-combatants and evaluated more generally the social reintegration of marginalised groups in post-conflict peacebuilding processes (law and policy frameworks) and programming. To conduct the review, we searched the following major legal, social science and international development databases: Abstracts in Anthropology; Google Scholar; EconLit; Disability and Society Studies; IBBS; Index of Foreign Legal Periodicals; JSTOR; JSTOR Anthropology; Legal Journals Index PubMed; PsychInfo; SSCI; Web of Science; Women's Studies International. In addition, we examined the principal journals on disability, including: *Disability Studies Quarterly*, *Disability and Society*, *Review of Disability Studies*, *Scandinavian Journal of Disability Research*, as well as the *African Journal of Disability*.

We also undertook targeted reviews of the literature appearing in peace studies and conflict resolution publications, as this is particularly pertinent to examining and understanding reintegration and seemed most likely to yield articles addressing the nexus between post-conflict reintegration, disability and ex-combatants. Furthermore, understanding and appreciating the link between gender and post-conflict reintegration, and with the knowledge that so often in the context of disability and development generally some of the same issues emerge with respect to women and development, we also searched for terms including 'women' and 'female combatant' in a number of our searches both with and without terms associated with disability (e.g. 'disabled').

And, as we were interested in identifying any information pertaining to the topic, we looked beyond peer-reviewed journals and law reviews to newspapers, online web articles and publications, case law, and other articles and book chapters. A general Google search and a Nexis search were performed to uncover pertinent newspaper articles. Searches were also conducted of United Nations (UN) documents on websites (Refworld and UN Resource Centre on Disarmament, Demobilization and Reintegration) to track documentation addressing post-conflict reconstruction, reintegration processes and disability and to better understand whether and how the international law and policy framework addresses the reintegration of ex-combatants with disabilities, as well as selected domestic frameworks in conflict-affected countries.

Existing literature addressing the situation of ex-combatants with disabilities in DDR programmes or in peacebuilding more generally is scant. So, too, is literature examining the role of legal empowerment approaches in reintegrating persons with disabilities – whether ex-combatants or not – in post-conflict peacebuilding. An analysis of reintegration programmes reveals minimal attention given to the needs or challenges of reintegration for ex-combatants with disabilities. Where referenced at all, the situation of ex-combatants with

disabilities is acknowledged to be a factor and additional challenge for successful reintegration, but is often lumped together with other 'special' or 'vulnerable' groups such as women or child soldiers.<sup>10</sup> The UN Integrated Disarmament, Demobilisation, and Reintegration Standards (IDDRS) are illustrative in this regard, yet nonetheless retrogressive. They denote disability as a 'health status', emphasise health measures, and state unhelpfully that '[a]ttention should be given to vulnerable dependants such as the children of female and girl combatants, widows, orphans, and disabled and chronically ill dependants'.<sup>11</sup> The United Nations Development Programme (UNDP), which has supported social reintegration efforts for ex-combatants in more than 19 countries, published a 68-page *Practice Note on DDR* in 2005 which likewise glosses over the disabled population, stating only the following in relation to ex-combatants with disabilities:

The war-wounded are widely considered to be one of the most difficult categories of former combatants to reach and reintegrate. They are typically far away from their home community when fighting ends and without means or physical ability to return. Furthermore, they are often disabled in a way that makes it impossible for them to generate an income, unless they receive intensive retraining and psycho-physical rehabilitation.<sup>12</sup>

As such, the disability dimension of reintegration for the ex-combatant population remains an under-examined issue even though it is fundamental in terms of informing and improving interventions to facilitate reintegration, whether through social, economic, legal empowerment or other approaches. The most detailed account of integrating ex-combatants with disabilities is a publication of the International Labour Organisation (ILO) in 1995 which presciently identifies some of the common pitfalls in terms of disability inclusion in DDR programmes, including inadequate planning, barriers to employment programming, and failure to meet specific needs.<sup>13</sup> Surprisingly, there is no more recent ILO publication that takes into account lessons learned from the many recent DDR processes, pertinent insights from the relatively recent literature on gender inclusion in post-conflict peacebuilding, and the new frameworks for assessing disability inclusion, such as the CRPD.

To the degree that the extant literature does address disability in the context of the ex-combatant (or civilian) population, it does so from a theoretical framework grounded in biomedical understandings of disability. The principal focus, therefore, is on the provision of medical care or rehabilitation in narrow terms and not on the multitude of social and economic barriers that inhibit reintegration in a broader sense.<sup>14</sup> The medical manifestations of war-related trauma and disabling injuries are important for understanding how to guide health-related interventions. Yet too often, as discussed in the seminal *World Report on Disability* and a host of other disability and development, disability rights and disability studies publications,<sup>15</sup> the literature presents disability as predominantly a health issue. This orientation is heavily reflected in international humanitarian law and humanitarian action frameworks.<sup>16</sup>

There are various problems with this prevailing orientation to disability in development and post-conflict literature. First, a purely biomedical framework misses the complex array of factors that contribute to the stigma and discrimination inhibiting the social inclusion of persons with disabilities generally in society, and ex-combatants in particular.<sup>17</sup> Second, in the context of post-conflict peacebuilding, research tends to characterise ex-combatants with disabilities as an additional burden to recovery, while ignoring altogether the social context that makes rehabilitation (broadly defined) for ex-combatants with disabilities challenging or even vital.<sup>18</sup> Thus, while the existing literature addressing disability in the

context of armed conflict does successfully highlight the dire lack of access to appropriate health and rehabilitation services in the vast majority of conflict-affected countries, it does not yield useful insights as to the social and other determinants of successful reintegration. Of even greater concern is the tendency of this literature to view uncritically the social isolation of ex-combatants with disabilities which quite clearly undermines the purpose of social reintegration and runs against prevailing international standards.<sup>19</sup> Understanding reintegration of disabled ex-combatants exclusively in medical or rehabilitation terms leads inevitably to exclusion from interventions that could ameliorate some of the challenges to reintegrating such populations – particularly, though not exclusively, in terms of having a voice in processes such as the creation of compensatory schemes through legal processes.<sup>20</sup>

The existing literature addressing post-conflict social reintegration and peacebuilding, whether of ex-combatants or specific sub-groups of ex-combatants, similarly overlooks the particular needs of ex-combatant men, women and children with disabilities. Literature in the conflict resolution and peacebuilding realms does not address the disability dimension during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction, beyond pointing to the need for rehabilitation (often narrowly defined as prosthetics and/or physical services). Nor does the literature assess measures that support local and indigenous peace processes for conflict resolution that involve persons with disabilities, whether ex-combatant or civilian, in their implementation. From a methodological standpoint, and consistent with a long line of research critical of the failure of peace processes and post-conflict peacebuilding to include the voice of women at all stages,<sup>21</sup> existing work similarly silences persons with disabilities generally, and ex-combatants with disabilities specifically.

There is also a research void regarding the situation of ex-combatants with disabilities within the context of post-conflict reintegration within the disability law and policy and disability studies literatures. Here it should be noted that the dearth of data and knowledge lacunae in the field of disability is a major theme of the first *World Report on Disability* which stresses the need for further research and policy development across the field.<sup>22</sup> There is, however, an emerging literature on the experiences of persons with disabilities in situations of risk such as natural disaster and refugee and internally displaced persons contexts.<sup>23</sup> Moreover, it is now widely acknowledged in the general literature on development that persons with disabilities are among the most marginalised groups in society, are disproportionately affected by poverty and discrimination, and must be included effectively to achieve development goals.<sup>24</sup> Finally, literature reviews in the conflict resolution and peace studies field disclose little to no research concerning disability issues and only one addressing ex-combatants with disabilities.<sup>25</sup>

In sum, while passing reference is sometimes made to this challenge in the peacebuilding and conflict resolution literature, the research does not: (1) identify the specific barriers for ex-combatants with disabilities in reintegration or DDR programmes; (2) identify the particularised needs of this population and the role that legal empowerment could play in reintegration; or (3) provide operational guidance both in terms of DDR programme design, programme implementation or evaluation. Ex-combatants with disabilities already live in poverty, are less likely to marry or receive an education, face discrimination in job training and employment, are socially isolated, and often unable to inherit property.<sup>26</sup> For these individuals, the inability of reintegration programmes to meet their multiple and complex needs or provide a means of facilitating access to basic benefits is often a final blow that creates disaffection and conflict, as suggested below.

### **Limited prospects for reintegration**

Research discloses that successful reintegration of ex-combatants, regardless of disability status, is a complex and challenging process.<sup>27</sup> Factors working against successful reintegration into society for ex-combatants include stigmatisation and community perceptions about returning participants in the conflict, undue focus on the operative mechanisms of DDR programmes without attention to the social, political and cultural dynamics of conflicts, and barriers to developing relationships and participating in organisations and activities in the community.<sup>28</sup> For certain vulnerable subsets of the population of ex-combatants, additional barriers to reintegration are increasingly well-documented and understood. Thus, the specific needs of women and children in peacebuilding generally and in DDR programmes specifically have been repeatedly emphasised in Security Council resolutions.<sup>29</sup> So, too, have researchers disclosed the importance of ensuring that the negotiation and implementation of peace agreements must adopt a gender perspective as a major component of post-conflict transition.<sup>30</sup>

For ex-combatants with disabilities, the situation is likely to be bleaker than for other ex-combatants owing to a combination of factors. They may face additional barriers in returning to home communities in light of disability-related stigma and discrimination. This is especially pertinent for those who return to civilian life with psycho-social trauma. Furthermore, all these individuals are unlikely to be able to access health and rehabilitation, especially in rural areas, and face additional hurdles in securing employment, including accessing educational opportunities.<sup>31</sup>

It is well understood that ex-combatants who have few economic prospects are far more likely to re-engage in some form of violence.<sup>32</sup> Given the importance attached to communities and the critical role they play in the success of DDR programming in recent scholarly work, inaccessible and non-inclusive communities may hinder the successful DDR of ex-combatants with disabilities.<sup>33</sup> Legal frameworks provide insufficient protection for ex-combatants with disabilities, or indeed for the wider population of disabled persons.<sup>34</sup> Moreover, lack of awareness, low legal literacy, and disengagement from broader civil society initiatives create additional barriers to reintegration. The possibility of differential legal rights between ex-combatants with disabilities and other individuals with disabilities – or indeed between groups of ex-soldiers with disabilities – can create additional friction and challenges for reintegration.

DDR processes may face difficulties in reaching ex-combatants with disabilities due to ‘self-demobilization’ where such individuals have left military units prior to the onset of DDR programming following disabling injury.<sup>35</sup> In almost all post-conflict countries, ex-combatants with disabilities are entitled to obtain some form of assistance; however, the benefits may not be the same as those for demobilised combatants without disabilities. A reason for this is that most reintegration assistance and financial benefits are allocated and partially distributed at the time of demobilisation.<sup>36</sup>

Other subsets of ex-combatants with disabilities face compounded discrimination and barriers to reintegration. Beyond passing acknowledgements in the literature that women ex-combatants are often traumatised both physically and mentally as a result of their experiences, very little is known about reintegration processes for women ex-combatants who have disabilities. Moreover, there is no accounting for their role in peace and reconciliation processes, as is well-documented by Ortoleva.<sup>37</sup> In several contexts, such as the Intifada in Palestine, male ex-combatants with disabilities were considered heroes, whereas female ex-combatants with disabilities were outcasts because they were unable to play the traditional role attributed to women.<sup>38</sup> The specific needs of ex-child soldiers also require attention



tailored to their individual needs. Children who have been associated with fighting forces often experience both mental and physical trauma resulting in long-term disability. The likelihood of children disabled during conflict being able to reintegrate successfully is especially low, particularly given that children with disabilities generally in developing countries have virtually no possibility of accessing education.

### **Evidence of failed reintegration**

While ex-combatants with disabilities are a heterogeneous group encompassing men, women and children with varying degrees and types of disability (mental, physical and/or sensory), they appear to share one characteristic in common, namely, limited access to benefits when peace and demobilisation arrives, and exclusion from reintegration measures targeting other segments of the affected population. Although a developed body of research on ex-combatants with disabilities and post-conflict reintegration is woefully scant, anecdotes of the linkages between failed reintegration for ex-combatants with disabilities and conflict and disaffection are in fact common. These accounts point to a discernible pattern of exclusion, disaffection and violence among ex-combatants with disabilities that can linger well after the immediate post-conflict period.<sup>39</sup> In some instances, this disaffection has necessitated emergency measures of redress by donors to satisfy unmet needs in DDR programming and adequately respond to the challenges of social reintegration for ex-combatants with disabilities. This emerging picture, combined with a heightened attention to numerous gaps in meeting the needs of persons with disabilities in development and humanitarian programming, suggests that more attention is needed to ensure that all affected and marginalised groups are considered in the design and implementation of legal empowerment measures.

Anecdotal accounts and field observations point to a wide variety of grievances experienced by ex-soldiers with disabilities, many of which were not considered in the initial design of peacebuilding and DDR processes. Ex-soldiers with disabilities in Mozambique more than once resorted to violent land-grabbing in response to a perceived lack of attention to their specific needs.<sup>40</sup> They also engaged in organised road blocking protests at UN checkpoints.<sup>41</sup> Former fighters with disabilities from the rebel Renamo movement voiced repeatedly that they experienced discrimination in accessing pensions. Although those claims were denied by the government, it introduced post hoc legislation providing for equality of disability benefits for all ex-fighters following protests.<sup>42</sup>

In 2001, Rwanda's government asked the World Bank to help revamp and expand the Rwanda Demobilization and Reintegration Program (RDRP), launched in 1997, to address ongoing challenges and shortcomings of the initial DDR process. This resulted in a second phase Emergency Demobilization and Reintegration Program (EDRP) to demobilise an additional 45,000 ex-combatants and to provide them with assistance in assimilating into civilian life.<sup>43</sup> In that programme, a number of ex-combatants with disabilities, some with multiple disabilities and intense support needs, were belatedly demobilised. Some were successfully returned to their communities, while many others were sent to military hospitals owing to numerous barriers to community reintegration. The RDRP realised a major part of the reintegration process was a need for homes that could accommodate persons with disabilities and prepared a housing scheme activity in the 2008 EDRP project, building 162 accessible homes and provided a lifetime monthly stipend. The bank acknowledged ongoing shortcomings with programming, as some 300 ex-combatants with disabilities still required access to accessible homes and the homes built required accessible pit latrines, retention walls and access to electricity.<sup>44</sup>

In Sierra Leone in 2012, a compensation fund was established following a demonstration that turned violent when ex-combatants with disabilities attacked and wounded the minister of defense and complained that they were not effectively reintegrated into society in prior DDR processes.<sup>45</sup> In Burundi, the World Bank in 2013 approved emergency funding, some of which was earmarked to address a volatile situation with ex-combatants with disabilities living in horrific conditions in the capital.<sup>46</sup> The programme was an urgent action implemented to address wholly inadequate shelter needs of ex-soldiers with severe disabilities during prior DDR efforts. In other instances, ex-combatants with disabilities have formed begging bands that have contributed to street crime, as in the case of Liberia where stabbings by disabled ex-fighters have occurred on the streets of Monrovia.<sup>47</sup> The existence of segregated camps of ex-combatants with disabilities in Liberia is also suggestive of failed reintegration, although references to this phenomenon are surprisingly uncritical even when made in a study assessing social reintegration.<sup>48</sup> Yet segregated camps of disabled ex-combatants are evidence either of failed reintegration or a decidedly wrong-headed attempt at meeting specific needs through targeted, non-inclusive interventions. The Liberian experience points to efforts made to prepare communities for reintegration of non-disabled ex-combatants with no concerted effort to address the long-term needs of disabled ex-combatants. Radio and theatre programmes were used to sensitise communities towards receiving ex-combatants back into their villages, with the Flomo Theatre Group and the Talking Drum Studio moving from town to town to promote reconciliation, dramatise peace, and message communities to accept their former members turned ex-combatants without, however, attention being given to the barriers of reintegration by disabled ex-combatants, such as stigma associated with psycho-social disability.<sup>49</sup>

Accounts of DDR programmes suggest that the failure to respond to these unique needs can undermine peacebuilding and post-conflict transition.<sup>50</sup> In the Democratic Republic of the Congo, for example, a humanitarian worker reported bands of roaming ex-combatants with disabilities engaging in extortion of shopkeepers in Kinshasa, who were compelled to comply with a 'disability tax'.<sup>51</sup> Other factors have appeared to hinder the reintegration process for ex-combatants with disabilities, among them lack of information about the existence of services and transport barriers. Some 37% of war veterans with disabilities in Zimbabwe did not receive demobilisation allowances as they had self-demobilised following injury and had no knowledge of their entitlements and were, in any case, required to travel long distances for medical assessments prior to receiving benefits.<sup>52</sup>

In El Salvador, following a dozen years of civil war, a UN-brokered peace agreement was adopted in 1992. Pursuant to the agreement, a law was passed creating benefits for individuals disabled as a consequence of the armed conflict and a 'Fund for the protection of the war wounded' was created, with a board constituted to administer the fund. Former combatants, mainly those who had served in the Armed Forces of the Frente Farabundo Marti Para La Liberacion Nacional (FMLN), were beneficiaries of the fund and received medical assistance, but early on complained about changes in beneficiary status based on one-sided medical evaluations resulting in a reduction of their benefits, overall insufficiency of the benefits to provide for a decent living, and problems in assessing medical treatment in public health facilities. Dissatisfaction with the operation of the fund was cited as a principal obstacle to the full implementation of the brokered peace agreement. As a result, an agreement was reached between the government and the various associations of the war wounded and disabled with a view to providing a permanent resolution to problems with the operation of the fund for ex-combatants with disabilities. In 2002, the agreement was presented to the UN General Assembly for adoption at its 56th session, according to which the composition and operation of the Board of Directors of the 'Fund for the



protection of the war wounded' was amended to include the Association of War Wounded of El Salvador (ALGES). The amended agreement addressed the issue of medical evaluations and allowed for referral of cases to specialists and a more objective basis for adoption of decisions regarding disability status. It also allowed for review of its decisions where beneficiaries disputed medical reports. Reports suggest that the concerns of the ex-combatants with disabilities are still unresolved, with complaints of insufficient pension payments, barriers to medical care, and changes in status resulting from unquestioned evaluations of war wounds, etc., made by the former combatants with disabilities.<sup>53</sup> A follow-up report in 2012 by the same news agency revealed an unchanged situation.<sup>54</sup>

Colombia, with the highest number of internally displaced persons – estimated to be as many as 5.5 million – has faced numerous demands from victims of the long-standing conflict for greater voice and participation in governance.<sup>55</sup> The displaced populations are demanding access to justice in order to seek redress for lost land and means of livelihood. In this case, the lack of participatory governance has long been regarded as a driver of inequality in Colombia and an impediment to peace and stability. Disabled ex-combatants have been an important constituency in this call for more participatory and accountable governance.

There is some evidence that differential standards are sometimes created through measures to ensure the protection of ex-combatants with disabilities. Access to benefits may differentiate among sectors of the ex-combatant community according to roles played in the conflict and/or may differentiate between ex-combatants with disabilities and civilians with pre-existing or conflict-inflicted disabilities. In Afghanistan, civilian landmine survivors reported land allotments and other benefits for former officers and soldiers but not civilians.<sup>56</sup> In South Sudan, the government has created a South Sudan National Commission for War Disabled, Widows and Orphans, also raising the spectre of differentiated benefits. And in Iran, persons with non-military disabilities receive lower benefits than injured former combatants, while anyone disabled in pre-revolutionary military activity is excluded from any category of social welfare benefits.<sup>57</sup> Hence, an important element in assessing how to meet the needs of disabled ex-combatants is assessing the broader law, policy and institutional context and to be mindful of the unintended consequences of reintegration planning. The failure to appreciate the broader context for the reintegration of disabled ex-combatants can undermine such efforts and create fractures that can precipitate conflict.

### **Using disability rights principles to inform reintegration approaches**

With the adoption of the CRPD, there is an opportunity to provide real and concrete guidance on the design of social protection measures such as pension schemes and other types of programming. Its principles of non-discrimination, inclusion, participation and accessibility, among others, offer a framework within which DDR programmes can be made more inclusive of ex-combatants with disabilities and responsive to their specific and unique needs. Additionally, and critical to a holistic approach to reintegration, the CRPD should be used as a guide for law reform efforts and institution building processes that must adhere to human rights standards.

The emergence of disability rights standards as set forth in the CRPD is contributing to a shift in the conceptualisation of disability as a narrow, medical issue or charitable concern limited to beneficent ideas about caring for wounded and disabled soldiers. It reflects instead a more broadly (and socially) constructed human rights approach that seeks to dismantle barriers for all persons with disabilities. A socio-contextual understanding of

disability underscores the range of societal factors – separate and apart from individual limitation – as determinative of the ability to participate and, in the case of disabled ex-combatants, to reintegrate into society. The CRPD thus accomplishes a shift away from disability as individual deficit and towards the identification and removal of barriers that inhibit full realisation of personhood.

The adoption of the CRPD should serve to animate the post-conflict peacebuilding and reintegration processes. Article 11 of the CRPD, more specifically, requires positive measures of protection and safety by states parties for persons with disabilities affected by situations of humanitarian emergency and risk. This includes, of course, combatants and others disabled as a consequence of armed conflict. The necessity of such protection is recognised overtly in the CRPD's preamble which affirms that 'the observance of applicable human rights instruments are indispensable for the full protection of persons with disabilities, in particular during armed conflicts and foreign occupation'.

A core mandate of the CRPD is to clarify and make applicable existing general human rights obligations to the context of the lived experiences of persons with disabilities, including the application of these principles in peace and in times of conflict. Its specific obligations add disability-specific content to well-established human rights obligations (e.g. requiring non-discrimination in relation to health care access or mandating rehabilitation) and thereby contribute to the interpretation of other instruments. Indeed, its provisions speak also to the important role of private actors, such as humanitarian organisations, in ensuring the implementation of the CRPD. The progressive development of a disability sensibility in domestic and international law and policy compels a reconsideration of how persons with disabilities are accommodated in post-conflict processes and requires humanitarian actors to consider and then respond to the requirements presented by these human rights obligations.

Law reform (or law development) underway as a consequence of CRPD ratification in countries across the world presents an opportunity to address the specific and often unique needs of ex-combatants with disabilities in conflict-affected countries. Yet, the picture emerging from post-ratification law reform efforts is not encouraging in this regard. For example, the 2011 Sierra Leonean Persons with Disability Act makes no mention of ex-combatants with disabilities, notwithstanding ongoing failures in reintegrating ex-combatants with disabilities. While this may be attributable, at least in part, to the absence of a cohesive and diverse coalition of advocates with disabilities that includes ex-combatants with disabilities, more research would be required to support such a claim.

More recent DDR efforts provide some promise of greater inclusiveness. Sri Lanka's National Framework Proposal for Reintegration of Ex-Combatants into Civilian Life, for instance, recognises disability as a cross-cutting theme. Although it maintains a curious and unnecessary distinction between psycho-social disability and other disabling conditions, it notably underscores the need for ensuring that ex-combatants with disabilities are able to fully access the general reintegration programme as opposed to a separate, segregated programme. The framework also seeks alignment with both domestic as well as international standards on disability. Ultimately, the framework – much like other DDR programmes around the world – will be challenged with responding to the specific and individual needs of ex-combatants with disabilities.<sup>58</sup>

## **Conclusion**

The legend of Philoctetes, set out in the Trojan Cycle and dramatised by each of the three great tragic poets, centres on a soldier disabled and thus turned ex-combatant.<sup>59</sup> The odious

nature of his wound leads his fellow soldiers to scorn and abandon him on a desert island. There he is left to his bitter indignation, seething with fury against Odysseus and the Greeks and nursing a passion for violent revenge. In due course it is revealed, however, that this disabled ex-combatant soldier, a distinguished archer, possesses the magic bow of Hercules. An oracle reveals that unless Philoctetes is returned along with his bow the Greeks will face certain defeat against the Trojans. The abandonment of Philoctetes therefore turns out to be potentially catastrophic for the survival of the Greek state itself. A young soldier, Neoptolemus, is dispatched to the island and manages to connect with Philoctetes and convince him to turn away from his plan for revenge. The ex-combatant and his bow returned, Philoctetes is restored to full citizenship and the Greek state is preserved.<sup>60</sup>

As long as there has been armed conflict, there have been disabled and disaffected ex-combatants. Unfortunately, societies have consistently neglected to address the needs of the wounded ex-combatant from the time of the Greeks to the present day. As the legend of Philoctetes reveals, the failure to reintegrate disabled ex-combatant can have deleterious consequences. Left to fester, disaffection leads inexorably to disempowerment and a return to violence, as evidenced in a number of contemporary post-conflict cases.

Research further demonstrates that persons with disabilities the world over, and particularly in developing and post-conflict and transitioning countries, experience stigma, prejudice and social isolation, combined with a lack of education, social support networks and the legal right to appeal injustices at the family, community or national levels.<sup>61</sup> Increasingly, issues such as social inclusion and equity, access to education, job training and employment, micro-credit and social support systems have been examined and demonstrated to be significant components in breaking cycles of poverty among persons with disabilities.<sup>62</sup> As yet unexamined, however, is whether and how such interventions are being successfully implemented to support the reintegration of ex-combatants with disabilities in post-conflict peacebuilding.

Our preliminary research suggests that:

- Ex-combatants with disabilities face challenges due to inaccessibility and stigma in social and economic reintegration.
- Many reintegration programmes are not inclusive of the needs of persons with disabilities, and service providers are not fully sensitised and aware of how to operationalise accessibility in such programmes.
- Several individual, social, environmental and programmatic factors impact successful social and economic reintegration of ex-combatants with disabilities.
- Failed reintegration can lead to social conflict.
- Innovative initiatives at the community level or spearheaded by key individuals with service provision agencies can become examples for deployment at a wider scale.

From the review of the existing literature, three main points emerge. First, post-conflict reintegration of ex-combatants – whether men, women or children – requires a social and economic process by which ex-combatants transition to civilian status, and participate and gain sustainable employment and income, consistent with and informed by disability rights principles in the CRPD. Including ex-combatants with disabilities in post-conflict processes must be seen as an important part of a country's overall development. Inclusion requires opportunities for participation not just in reintegration processes but in all processes of transition, including transitional justice mechanisms, law and policy development and institution building.

Second, we understand that the social model perspective of disability broadens the realm of inquiry regarding barriers experienced by persons with disabilities well beyond traditional approaches rooted in biomedical and charitable approaches which fail to account for the range of human rights issues that such barriers pose.<sup>63</sup> As reflected in the articulation of the social model perspective in the CRPD, the identification and dismantling of barriers experienced by persons with disabilities – whether those particular to ex-combatants with disabilities or generally applicable to persons with disabilities – requires innovative and broad-based interventions. CRPD obligations are to be implemented not only through actions required by traditional legal reform efforts, but also through culture building, participatory and empowering engagement in decision-making, inclusive development practices, disability rights education, rights-based budget analysis, and other activities.

Third, we take as the principal normative framework for assessing the inclusion of ex-combatants with disabilities the standards set forth in the now widely ratified CRPD. Beyond its reflection of the social model of disability, the CRPD addresses in comprehensive form the rights of individuals with disabilities in situations of risk and thus covers ex-combatants with disabilities and should inform reintegration efforts and align with those standards.<sup>64</sup> Moreover, the CRPD framework reinforces the requirement that development and poverty reduction programmes, of which DDR programmes are considered a part, be disability inclusive.<sup>65</sup> In so doing, the CRPD, in evoking the social model perspective of disability and providing detailed guidance for disability rights in all contexts including post-conflict contexts, moves beyond traditional health or charity approaches.

In sum, more work is needed to assess new knowledge and understanding of the challenges and gaps in service delivery faced by ex-combatants with disabilities in reintegration into society. This focus, together with the impact of the lack of reintegration on ex-combatants' social behaviours, feelings towards the state and economic self-sufficiency, is necessary in order to determine how best to achieve inclusion and thus lessen the potential for future conflict by the constituency of disabled ex-combatants. Further, understanding the predictors (negative and positive) for social and economic reintegration of ex-combatants with disabilities and the specific barriers they face in accessing existing DDR programming and their unique needs will, we believe, help to identify solutions and resources to promote their economic and social welfare and human rights. Finally, these elements must be placed within the broader context of law, policy and institutional change in the post-conflict environment. In this respect, legal empowerment initiatives that seek to connect disaffected groups to transitional justice (and other) mechanisms, facilitate participation in decision-making, institution-building, social services and resources should be regarded as a major element of the reintegration process.

### **Disclosure statement**

No potential conflict of interest was reported by the authors.

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