

The United Nations Peacebuilding Commission

Tasks, Mandate, and Design for a New Institution

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The sixtieth UN General Assembly opens on September 14, 2005, with a three-day summit of heads of state and government to conduct the five-year review of the Millennium Declaration of 2000. Institutional reform of the United Nations will also be on the top of the agenda. One substantial outcome is expected to be the establishment of a Peacebuilding Commission. This body will be particularly significant for Germany if it is decided not to expand the Security Council in the foreseeable future.

After John Bolton, the new US ambassador to the United Nations, declared that the first draft of the final declaration was not “summit-worthy,” a core group of representatives of about thirty United Nations member states negotiated until shortly before the summit on seven key issues: development, terrorism, disarmament and non-proliferation, protection from genocide, establishing a Human Rights Council, reforming the UN Secretariat, and setting up a Peacebuilding Commission.

The roots of the proposal to establish such a Commission are to be found in the report of the High-Level Panel on Threats, Challenges and Change appointed by United Nations Secretary-General Kofi Annan (see *A More Secure World: Our Shared Responsibility*, December 2004), which identifies an institutional shortcoming. There was no central political instance in

the UN system, the report found, that concerned itself explicitly and continuously with the problems of failed states, conflict prevention, and post-conflict peacebuilding. The Security Council concentrates primarily on acute crises and ending wars, and rarely acts preventatively. The often difficult transition from conflict to a stable peace generally only becomes an issue when violence threatens to break out again. Here, the experts believe, a Peacebuilding Commission could provide a remedy.

The task of the Commission—made up of Security Council members and representatives of key donor countries, the World Bank, the International Monetary Fund (IMF), and the affected state—will primarily be to support medium- and long-term processes of post-conflict peacebuilding, develop corresponding strategies and concepts, and follow their implementation.

It is to be supported by a Peacebuilding Support Office attached to the Executive Office of the Secretary-General (with around 20 staff) and a permanent Peacebuilding Support Fund of at least \$250 million.

This proposal was widely welcomed. Kofi Annan took up the idea in his reform report (see *In Larger Freedom*, March 2005). The debates in the General Assembly (April 21, 2005) and in the Security Council (May 26, 2005) clearly demonstrated that industrialized and developing countries broadly agree that the United Nations needs to be better equipped for dealing with fragile states and post-conflict societies. Even the non-aligned movement, generally critical of intervention, does not reject the plan. The idea was also well received in the United States, for example in the *American Interest and UN-Reform* report published in June 2005 by the bi-partisan Task Force on UN Reform appointed by Congress. Even UN critic Bolton accepts the idea of setting up such a Commission.

This broad agreement of principle, however, cannot obscure the considerable differences over details, which are plain to see in the different drafts for the summit's final declaration. The principal points of disagreement are the size and composition of the Commission, its position in the institutional structure (especially its relationship to the Security Council), its mandate, and its responsibilities. In the light of past experience, whether the Commission actually brings about innovation and improvement in the field of peacebuilding will depend not least on the way these questions are resolved.

The Peacebuilding Approach

Peacebuilding—alongside peacekeeping and peacemaking—already occupied a prominent place in former Secretary-General Boutros Boutros-Ghali's *Agenda for Peace* (1992) as a significant instrument for securing and maintaining world peace. Whereas traditional peacekeeping focuses largely on directly stopping a violent con-

flict by stationing multinational peacekeeping troops, peacebuilding measures aim to deal with the political, economic, and social consequences of civil wars and to tackle the structural causes of conflict (e.g. socioeconomic inequalities, ethnic/national tensions, poverty, water shortage). In that sense the peacebuilding approach combines the perspectives of both security and development.

Four dimensions are generally distinguished, associated with a broad palette of measures that should ideally reinforce one another:

(1) *Security aspects*, including programs for demobilizing, disarming, and reintegrating fighters and reforming the security sector (setting up a police force and judicial system);

(2) *Political aspects*, such as setting up a civil administration and political institutions, conducting elections, and adopting a constitution;

(3) *Socioeconomic aspects*, which encompass measures to rebuild infrastructure, revive the economy, and set up health and education systems;

(4) *Psychosocial aspects*, including projects for reconciliation and for caring for refugees and other victims of war.

Most of these measures involve deep intervention in the sovereignty of the affected countries aiming at building complex and interdependent state and societal structures in such a way that future conflicts will be conducted without violence. The implicit goal of intervention is often to create free-market parliamentary democracies.

However, following a string of failures, calls have grown louder to lower expectations and concentrate primarily on establishing a secure environment and state-building.

Successes and Failures of the UN

Although the United Nations makes a technical distinction between military/

civilian peacekeeping operations (currently 16) and the exclusively civilian political and peacebuilding missions (currently 10), in fact almost all UN operations are concerned to some degree with post-conflict peacebuilding tasks. Of the ten most recent missions only one—UNMEE limiting the conflict between Ethiopia and Eritrea—is a classical “blue helmet” mission intervening in a conflict between states and predominantly acting to keep the warring parties apart. All the other missions intervene in intra-state conflicts and combine civilian and military means. The missions vary greatly in scope, with the UN currently running its largest operations in DR Congo (about 18,700 men), Liberia (about 17,600), Haiti (about 9,000), Ivory Coast (about 6,900), Burundi (about 6,400), and Kosovo (about 6,100). Major civilian missions are operating in Iraq (UNAMI) and Afghanistan (UNAMA), while at the other end of the spectrum there are smaller peacebuilding support offices with a few dozen staff (currently in Tajikistan, Guinea-Bissau, and the Central African Republic).

The results of current and completed operations are very mixed. In a speech at the University of Ulster on October 18, 2004, Kofi Annan cited peace operations in Namibia (1989–90), Mozambique (1992–94), El Salvador (1991–95), Eastern Slavonia (1996–98), Guatemala (1994–2004), and East Timor (since 1999), as well as the UN’s involvement in South Africa, as examples for successful post-conflict peacebuilding. But even in some of these cases (e.g. Guatemala) there must be doubts—depending on the standard of comparison—about whether the externally supported peace process will have a sustained effect.

It is especially evident that the UN is a long way from putting the peacebuilding concept into practice. Its missions generally operate on the basis of ad hoc structures, and despite recent coordination efforts, neither in New York nor on the ground are the various dimensions of peacebuilding systematically taken into account and integrated into an overall strategy. And

although it has been possible to improve the security situation in some cases, the achievements of the ensuing period failed to match the expectations that had been awakened in the population and/or the ambitious goals of the international community (e.g. Kosovo). One indicator of this is that several countries where UN missions have operated can to this day hardly be classified as democratic states.

There are several cases where a conflict has escalated again despite peacebuilding activities—as for example in Haiti, where after an initially successful peacekeeping effort (1994–2001) the conflict broke out again three years after the withdrawal of the UN forces. The same applies to Liberia, where in 2003 fighting and disturbances following the end of the peace mission thwarted the international effort to create stability.

In other cases already the military peacekeeping operation failed, leaving civilian peacebuilding measures no chance of implementation. The most dramatic failures in this respect occurred during the early and mid-1990s in Somalia, Bosnia, Angola, and Rwanda.

Which Problems Should the Peacebuilding Commission Solve?

The reasons why peace missions fail are to be found not only in the respective conditions on the ground, but also in the UN’s structure and procedures. There are substantial deficits in the planning, financing, and execution of the civilian components of peace missions. That is where the Peacebuilding Commission comes in.

Insufficient and insecure resources. One fundamental problem is the gap between the ambitious goals of missions and the personnel and finance provided. This problem is seen especially starkly in the UN operations in Africa, where it has proved difficult to mobilize sufficient ongoing support from Western donor countries for measures in this region of the world.

Although the Security Council has the authority to set up peace missions, it is unable (and generally also unwilling) to ensure sufficient funding for all the measures it initiates. While security measures (stationing peacekeeping troops, demobilizing combatants, etc.) are paid for out of the assessed contributions of the UN member states, funds for civilian programs—for example reintegrating combatants in society—have to be raised through appeals and at donor conferences.

This makes it difficult to predict the level of available funds, which in turn hampers strategic planning. The fundraising process often drags on, and significant discrepancies can arise between pledged and actually provided resources. Especially in the critical early phase of a mission, when it is vital to convince the population and the conflicting parties that peace is an alternative and the international intervention is justified, a shortage of funds often causes great difficulties—as can currently be observed in Sudan. The consequence is frequently that important elements of interlocking strategies (such as disarmament, demobilization, and reintegration) can only be implemented in a restricted form.

The proposed reforms aim to rectify these deficits. Firstly, the Secretary-General will set up a Peacebuilding Fund financed through voluntary contributions. The funds will be available for early peacebuilding measures in the immediate aftermath of war. Secondly, the Peacebuilding Commission is to improve coordination between Security Council, troop providers, and donors and ensure predictable financing methods before a mission is launched.

Lack of political attention. The Security Council's almost exclusive responsibility for post-conflict states has negative effects on post-conflict peacebuilding, because the Council's actions are largely guided by security considerations, with little room left for development perspectives. Furthermore, its span of attention is very short, not only due to the large number of crises it has

to deal with. The end of fighting often leads to the conflict being taken off the Security Council's agenda, even though the transition from a fragile cease-fire to a stable peace would require longer-term political attention, support, and funding. Attempts to assist the transition processes in Haiti, Burundi, and Guinea-Bissau in ad hoc advisory committees of the Economic and Social Council (ECOSOC) by ensuring continuous political attention and funding within the UN system—were met with little success.

Thus there is no effective intergovernmental body within the UN system to support and monitor such transition processes. The new commission is to take on this role in future by bringing together security and development and by monitoring progress in post-conflict peacebuilding over the longer term.

Lack of planning capacities. A further problem is the lack of provision of peacebuilding expertise by the UN Secretariat, which does not yet have a department equipped with the resources, competence, and authority to take on the tasks of analysis, planning, and strategic development. In the Department of Peacekeeping Operations (DPKO) the military perspective and day-to-day operational concerns dominate, while the task would overstretch the personnel of the Department of Political Affairs (DPA). That is why the new Peacebuilding Support Office should focus and operationalize the expertise in the field of post-conflict peacebuilding that the UN undoubtedly already possesses. It should serve as the institutional memory for peacebuilding, by systematically analyzing successes and failures in close contact with the mission's personnel. On the basis of a German-Finnish-Jordanian initiative the office will also have a Rule of Law Assistance Unit, which will expand the UN's thus far underdeveloped capacities in this area.

Problems of coherence and coordination. As well as the UN missions and the UN Secretariat, about fifteen UN organizations

and programs are already involved in implementing Security Council mandates—for example, the Development Program (UNDP), the High Commission for Refugees (UNHCR), the Office for the Coordination of Humanitarian Affairs (OCHA), the Children’s Fund (UNICEF), or the office of the High Commissioner for Human Rights (UNHCHR). There are also—alongside a string of non-governmental organizations (NGOs)—regional organizations, the World Bank and the IMF, and numerous bilateral donors, all running projects of their own in post-conflict societies. Each of these actors brings with it its own ideas, influenced by its own particular mandate and interests, concerning which peacebuilding measures should be given priority in which order, which short- to medium-term goals should be set, and how they are to be achieved. Some of them compete for scarce resources, influence, and authority. At the same time most of them are concerned with retaining a certain degree of autonomy and control over their activities. Overall, as a result of a lack of willingness and ability to coordinate and of a mutually agreed peacebuilding strategy, the coherence of the international community leaves much to be desired—as we have been able to observe with unfortunate predictability in almost all peacebuilding cases. The result is a plethora of competing goals and measures where the work of one actor undermines the efforts of another.

The Commission, which is to meet in varying configurations, is designed to improve this notorious deficit. Its heart will be a standing organizational committee, which will be expanded by other key actors as the particular post-conflict situation demands. This can be representatives of the concerned country, regional organizations, neighboring states, other important troop providers and donor nations, UN special representatives, and other senior UN representatives. In this way the relevant actors will be gathered round one table in order to prevent contradictions, conflicts of interest and rivalries, and if possible to develop a

unified strategy.

The Peacebuilding Support Office will assist this process. It will probably be attached to the Executive Office of the Secretary-General, in order to benefit from its authority and neutrality. In cooperation with the principal actors in the UN system, the Support Office, made up of staff from the relevant fields (emergency relief, development, peacekeeping, political affairs, human rights, et al.), will play a substantial role in the planning processes of peacebuilding operations.

What Can the Peacebuilding Commission Achieve?

Although the implementation of the reform proposals would be an important first step toward fundamentally improving the UN’s post-conflict peacebuilding operations, we must also warn against seeing the creation of new institutions in itself as the solution to the problems outlined above. One important contribution by the Commission could be to draw up more realistic, implementable concepts for peacebuilding operations before the Security Council authorizes the corresponding mandate. The question here is not overall coordination of all activities in the field; the Commission must concentrate on providing strategic guidance and on minimizing goal conflicts.

In the end, however, the Commission will only be successful to the extent that it succeeds in getting the UN member states to take on more responsibility. The member states will have to take the Commission seriously and actually use it for its intended purposes. Another UN arena for North-South show fights would be just as meaningless as a body whose recommendations are ignored by the Security Council, or whose promises of funding and coordination are not put into practice.

The same applies with respect to the resources of the Peacebuilding Support Office. In the past—disregarding all appeals to do otherwise (e.g. the Brahimi Report)—

the member states have failed to provide the Secretariat with the resources it needs to push forward strategic development and planning. The blame for this is not held exclusively by the major contributors. Many developing countries, in particular, have so far resisted beefing up the UN's bureaucracy, which would then theoretically—supported by the United States and Europe—be able to intervene even more strongly in their internal affairs.

Controversy in the Negotiating Process

The controversies about what shape the Commission should take give great grounds for skepticism. They give us a preview of the lines of conflict that will probably open up in the later practice of the new body. One set of conflicts runs between the industrialized and developing countries, another between the interests of the five permanent members of the Security Council and the other member states.

Mandate and Responsibilities. The High-Level Panel originally proposed also giving the Commission preventative and early warning responsibilities to identify at its own initiative those states where there is a danger of civil war breaking out or the state collapsing. This proposal, however, quickly met with stiff resistance from member states. On the one hand, they argued, conflict prevention would be more effective if it did not take place in the limelight of the world public opinion. On the other hand, the governments of many developing countries feared that they would end up on the Commission's agenda and thus possibly more quickly become candidates for UN intervention.

There were also suggestions of giving the Commission operative powers, for example to control activities on the ground from the UN Headquarters in New York, but this initiative was also dropped. The Commission will now exercise only an advisory function, and it remains unclear when

exactly it should spring into action. Who can activate the Commission? Only the Security Council or other bodies too? Or should only the affected countries themselves be entitled to do so? The draft for the Summit's final declaration proposes that as well as the Security Council, the affected state should also be able to call on the Commission via the Economic and Social Council.

The question of who the Commission should report to was equally controversial: exclusively to the Security Council or only to ECOSOC, both organs simultaneously or one after the other? The compromise will probably be sequential reporting: as long as the Security Council has a conflict on its agenda the Commission will operate under its leadership. When the Security Council is no longer actively involved, for example after the end of a peace mission with a military component, the Economic and Social Council will take up the reins.

Institutional structure. Originally the High-Level Panel proposed setting up the Commission as a subsidiary organ of the Security Council in order to give it the greatest possible authority. This, according to reasoning also shared by some African states, would have a positive effect on the implementation of its proposals and the success of its funding requests. The five permanent members, first and foremost the United States, also argued for close ties to the Security Council. They wanted to preserve their hegemony by exercising the greatest possible control over the new body and profit preferentially from the Commission's expertise, financial strength, and legitimacy. As would be expected, this met with resistance on the part of those who observe with unease the increasing expansion of the Security Council's powers. Representatives of developing countries and the non-aligned movement therefore call for a greater say for ECOSOC, where they hold the voting majority. One possible compromise would be for the Commission to be set up by the General Assembly and

attached to both the Security Council and the Economic and Social Council via the reporting channels—a solution strongly opposed by the United States.

Membership. UN member states were able to agree relatively quickly on which categories of members the standing organizational committee of the Peacebuilding Commission will be composed of. Members of the Security Council and ECOSOC, major financial contributors and troop providers should be represented, along with representatives of the World Bank and the IMF, and a deputy of the UN Secretary-General. But which actual countries will receive a seat in the Commission is the subject of tough negotiations. Initially five representatives from each of the two councils were under discussion; that figure has now increased to seven. While earlier drafts proposed that the five biggest contributors should be members (regular UN budget plus voluntary contributions), now the talk is of five from the group of ten biggest contributors. In the first case Germany would have automatically become a member of the Commission as the third-biggest payer; in the second case the seat is by no means a certainty. The same principle has been applied to troop providers (five of the ten biggest). This rule is intended to give an incentive to supply more personnel or funds for peacebuilding measures. All representatives are to be elected by as yet unspecified procedures.

Altogether the core of the Peacebuilding Commission will probably comprise up to twenty-four states plus representatives of other organizations—and such a size and composition give every ground for doubts over the body's ability to work constructively and take decisions. On the other hand, the Commission will probably be a good deal more representative than the Security Council, because it can be expected that countries like India, Pakistan, Bangladesh, and Nigeria as major troop contributing countries will be represented. We must also expect that all five permanent

members of the Security Council will be represented in the Commission, so any decisions taken can be expected to have considerable weight. Conversely, the risk grows that any stalemate in the Security Council will be duplicated in the Commission, especially if consensus is required for the commission's decisions.

Under these conditions it seems unlikely that the Commission will be able to begin its work before the end of the year as planned.

Perspectives for Germany

Regardless of these question marks, Germany will aim to get a seat in the Commission. This should be seen neither as a substitute for a permanent seat on the Security Council, nor as a trade-off. On the other hand, it is obvious that an enlargement of the Security Council will not take place in the foreseeable future. Even if the initiative of the G 4 (Brazil, Japan, India, and Germany) should eventually bear fruit, it would be subject to a ratification process of uncertain outcome lasting years. In this context, a seat in the Peacebuilding Commission could certainly represent an attractive option in order to give German policy ideas more leverage in the UN system and in this way exerting influence on decisions in the Security Council.

The latter will depend to a great extent on whether the Commission manages to find a constructive *modus operandi* and does not in practice restrict itself to its advisory character. Although its agenda will initially probably be set by the post-conflict cases passed on to it by the Security Council, the Commission could still exert influence informally and take the initiative on a case by case basis.

With a seat in the Commission, Germany would gain a greater say in the planning and conduct of peacebuilding operations in the short run. That also means greater influence in the question of which funds should be spent where, and that would

require the German government to develop clearer priorities than in the past and above all an end to the interministerial conflicts associated with post-conflict peacebuilding.

German foreign policy should also argue for the Commission to regularly discuss the situation in selected conflict and crisis regions—also involving NGOs and experts—and in this way intervene at an early stage in the peacekeeping process.

In the medium to long term it is certainly possible that the Commission could gain in stature and influence with respect to the Security Council. After all, the decisions of the Security Council cannot be implemented without the financial and personnel resources of the actors in the Commission.

Thanks to the broad spectrum of its members the Commission will be able not only to enhance the effectiveness of UN peacebuilding operations, but also to increase their legitimacy and transparency. This could enhance the reputation of the UN—which has taken much stick for its peace missions—and thus strengthen the position of the UN's supporters—like Germany—against the skeptics.

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ISSN 1861-1761