

Accountability of the proposed Peacebuilding Commission

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The creation of a Peacebuilding Commission raises accountability concerns. This comment outlines four inter-related dimensions of this field as identified by One World Trust, i.e. transparency, participation, evaluation, as well as complaints and redress. It explains how each of these dimensions can be applied to the proposed Commission and which issues will need to be addressed in the process of its establishment.

Introduction

Of all the recent proposal for UN reform the proposal for creating a Peacebuilding Commission is both one of the most eye-catching and, at a first glance, the least controversial. While there still remains some confusion over its institutional structure, it is clear that the Commission will have a co-ordinating and best practice remit, bringing together UN agencies and other actors in the field to focus on the importance of post conflict reconstruction.¹

For an institution, such as the Commission, that will be working in fraught situations accountability is essential. At its simplest accountability refers to the processes by which individuals, organisations and other entities are answerable for their actions and the consequences that follow from them. However, accountability means more than indicated in this traditional definition, limited as it is, to *post hoc* activity with an emphasis on control. Accountability should be defined more widely using a 'stakeholder' approach. Such an understanding of accountability recognises the need for ongoing involvement in decision-making processes, and emphasises that those affected by a decision should have a right to be involved in these processes.

Although accountability can be regarded as an end itself and as an essential part of democracy, it also has beneficial effects. By including individuals and communities in decision-making processes that will affect them, there will be greater ownership of those decisions. In this way, the decisions may be more responsive to real needs.

Furthermore, organisations can derive legitimacy from accountability. This will be of particular importance for the Peacebuilding Commission. Although part of the legitimacy of the Commission will be derived from the United Nations—an internationally recognised organisation—there is already some controversy over the reporting structure of the Commission. In his recent explanatory note, the Secretary-General suggests a procedure of sequential reporting to the Security Council and the Economic and Social Council (ECOSOC).² This suggestion contrasts with the recommendation of the High Level Panel according to which the Commission should be a subsidiary body of the Security Council.³ Thus, the possibility of a confused mandate has already emerged as well as a possible "leaking" of long established concerns about the unrepresentative nature of the Security Council into the Commission.

¹ In larger freedom: towards development, security and human rights for all. Report of the Secretary-General, 21 March 2005, para. 115

² Explanatory Note of the Secretary-General: Peacebuilding Commission, 23 May 2005. p. 7.

³ A More Secure World: Our Shared Responsibility. Report of the Secretary-General's High-level Panel on Threats, Challenges and Change, 2 December 2004, para.82.

The Commission will also derive legitimacy from tackling the needs of those in counties where it will be working, giving it a source of legitimacy separate from its institutional status. Accountability can help ensure that the Commission will be an effective body that fulfils its important mandate of promoting peace by responding to the needs of the people it directly and indirectly affects.

[One World Trust](#) has developed a definition of accountability that can be applied to any organisation, including international NGOs, transnational corporations and intergovernmental organisations. Its account rests on a wider understanding of 'organisational stakeholders'. These include:

1. groups that are formally associated with the organisation (for example, staff, trustees or members); and
2. groups and individuals that are affected by or can affect, directly or indirectly, an organisation's decisions.

The Trust's conception of accountability rests on four inter-related dimensions—transparency, participation, evaluation, complaints and redress—which can each be enacted through specified mechanisms.⁴ This comment will consider how these four dimensions can be applied to the proposed Peacebuilding Commission and which issues that will need to be addressed in the process of its establishment.

Transparency

Transparency is a pre-condition for accountability as it ensures access to the information necessary for participation, evaluation and complaints. There is little point in encouraging participation in decision-making processes unless all the pertinent information for the decision has been disclosed.

The Peacebuilding Commission will be working in a highly sensitive context, often dealing with high politics and delicate situations; however, this is not in itself a reason to maintain a culture of secrecy. The Commission must adopt a disclosure policy with a presumption in favour of disclosure and with clear criteria for non-disclosure. The introduction of a disclosure policy at the inception of the Commission will make it possible to consider those whose needs are affected by its decisions and establish a policy that reflects these needs. The policy itself will have to be formulated through an open and accountable process. Without such a process the policy may fail to include important factors, undermining the whole effort towards accountability.

There is furthermore a need for transparency and clarity at the institutional level. Given the different recommendations of the *High-level Panel Report* and *In Larger Freedom* concerning the institutional location of the Commission, and considering the idea of a dual reporting structure, there is a risk of confusion with respect to the institutional channels of internal accountability. By applying the principle of transparency at the institutional level and ensuring clarity both with respect to reporting mechanisms and decision-making channels a more effective institution will result.

⁴ For an organisation to be accountable a number of core mechanisms must be the main feature of all its policies, procedures and practices at all levels of decision making and implementation. See e.g. Blagescu, M., *What Makes Global Organisations Accountable? Reassessing the Global Accountability Framework*, London: One World Trust, 2004. p. 3.

Participation

This aspect of accountability is concerned with the need to engage stakeholders in the decision making process. What is essential is that there is participation by stakeholders at the right time—when decisions are still to be made. Participation entails a correct identification of stakeholders and their subsequent involvement in the decision making process. Engaging stakeholders can not be an added extra, but must be a firmly entrenched aspect of the decision making process.

There are two distinct groups of stakeholders – internal and external. ‘Internal stakeholders’ are those at the institutional level and will be concerned with the Commission’s mandate and targets. ‘External stakeholders’ are those affected by the decisions that the Commission makes in the field and will be concerned with tackling the needs ‘on the ground’. Given their distinct aims there is a potential conflict between the different groups of stakeholders. However, a participatory decision-making process will go some way to aligning the institutional and country levels aims and help resolve some of the potential differences between the two groups of stakeholders.

One of the main functions of the proposed Commission is to bring different actors in the field together to better co-ordinate their peacebuilding efforts. It is anticipated that these actors will not only involve those within the UN family, but also the international financial institutions and relevant countries, thus, forming a core membership at the institutional level. For decision-making regarding a specific country, it has been proposed that there will be variable representation of countries and regional organisations depending on the specific situation. However, neither *In Larger Freedom* nor the *High-level Panel Report* or the Secretary-General’s *Explanatory Note* recognise the need to involve civil society organisations. Nevertheless, these organisations are in many cases closest to the people that the Commission is likely to affect—either at the international level or at the project level. This glaring omission will limit both the legitimacy and potentially the effectiveness of the Commission.

By establishing a core membership, and explicitly stating that the group will be small,⁵ the participation of different stakeholders at the institutional level is significantly limited. Although there are clearly reasons for this limitation—it is presumed that efficacy is high on the list—it will be very important to ensure that the core members are correctly identified and that other needs and interests not directly represented in the core group will be considered through other means. Although the Secretary-General has suggested some criteria for membership there will inevitably be a degree of geo-politics involved. By focusing on the need to identify the stakeholders it is to be hoped that some of these problems will be resolved.

The proposed variable representation in different post-conflict situations raises the possibility of a structure that could be used to ensure participation by all the stakeholders in a particular project. However, several practical issues must be considered. One aim of the Commission is to provide a forum for the co-ordination of Peacebuilding efforts; yet there are no plans for the Commission to have country or regional offices. This is a challenge when ensuring participation of local stakeholders in country-level decisions of the Commission.

There are always practical difficulties in ensuring that the correct groups are identified as participants in any decision-making process, however, in the problematic situations within which, by definition, the Commission will operate these difficulties will be even more pronounced. The issues to be addressed will vary from ensuring that ‘might is not right’ in societies that may have long been controlled by brute force to the involvement of an interested diaspora that may be spread around the entire world. The Commission must also be culturally sensitive and consider questions such as the language used for involvement in countries that host linguistic differences.

⁵ In his explanatory note, the Secretary-General suggests between 15 and 20 members.

Evaluation

Evaluation is where One World Trust's understanding of accountability contrasts most with more traditional conceptions. Evaluation is not concerned with an 'after-the event' review; rather, it is an ongoing process that monitors performance against objectives set with stakeholder participation. It is essential in the learning process that is part of the broad aim of accountability. Such evaluation incorporates a consideration of the Commission itself and its processes as well as its performance at the country level.

Although the goals of the Peacebuilding Commission will often be at the macro level, it will need to establish the necessary steps to achieve its goals (usually through the involvement of stakeholders in a participatory decision-making process). The Commission will also often be working in a complex and fluid environment where the country-level situation may change rapidly as the Commission will be dealing with the most fragile States which are often highly susceptible to system shocks.⁶ The challenge for the Commission will be to create a timely evaluation process that fits the fluidity of the situation within which it will be working, allowing for a reassessment and realignment of the goals to reflect the situation. In doing this it is essential that the evaluation mechanisms do not hinder the work of the Commission, but are flexible enough to adapt to different contexts while still providing the necessary information from which the Commission can learn and adapt its strategies accordingly.

The Secretary-General's Explanatory Note refers to a periodic review process.⁷ Such a process could be developed into an effective evaluation mechanism. It is heartening that the need for such a process has already been recognised by the UN when considering the establishment of the institution. However, while the recommendation of the Secretary-General only goes so far as a country-level review process, it will also be necessary for an evaluation process for the whole institution.

Depending on the final structure of the body the Commission may be working with unclear and multiple mandates. An effective evaluation process will help resolve some of these conflicts and clarify confused communication lines and overlapping mandates.

Complaints and Redress

Complaints and Redress is the dimension of last resort. Complaints and redress mechanisms should enable stakeholders to hold an organisation to account when the other dimensions and respective mechanisms have failed. For *One World Trust* complaints and redress mechanisms are non-judicial means of dispute resolution through which an organisation's internal and external stakeholders lodge and receive a response to their grievances. Redress does not necessarily mean compensation; it can also mean an apology or a change in policy. The complaints and redress mechanisms are analogous to the traditional understanding of accountability and allows stakeholders to literally hold an organisation to account for the decisions that it has made.

For a complaints and redress mechanism to be effective it is necessary that it is independent and demonstrably so. Given the situations in which the Commission will be working there will be particular difficult balancing act to be achieved. It is essential that the mechanism is low cost both for the Commission and the individual or organisation that is filing the complaint. Such a mechanism must be accessible to those in need; otherwise it will have little purpose.

However, it must also be ensured that the complaints and redress mechanism can not be easily co-opted for political ends. Inevitably there will be 'losers' from any peace. While not prejudging these cases it is important to ensure that the complaints and redress mechanisms can not be co-opted to hinder the peace process. The difficult balance that needs to be struck is between access and efficiency.

⁶ Prime Minister's Strategy Unit, *Investing in Prevention*, London: Cabinet Office, 2005. pp. 7-9.

⁷ *Op. cit.*, p. 7.

Conclusion

Although the creation of a Peacebuilding Commission that is accountable to all its primary stakeholders will take some time, effort and consideration, in the long run it will allow the Commission to be more effective. The four elements must all be embedded into the Commission both at the policy and the project level. In embedding these elements accountability becomes not just an 'added extra' but an essential part of the Commission.

For more information about the Global Accountability Project and the GAP Framework please see www.oneworldtrust.org/gap.

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