

A Peacebuilding Commission for the United Nations

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POLICY PAPER

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Summary

The High-level Panel and the Secretary-General recommend the establishment of a Peacebuilding Commission for the United Nations. The basic motive for creating this new organ is the need to ensure that countries that have managed to come out of war do not relapse into conflict again. The mere signing of peace agreements is not enough: such agreements must be made to last. The realization of this goal requires co-ordination among actors involved in peacebuilding related efforts, sustained international political and financial attention, as well as a more serious consideration of the economic, social, and political conditions that obstruct the implementation of these agreements.

There is broad agreement among U.N. member states on the need for a Peacebuilding Commission to make a crucial contribution to these endeavours. However, several issues need to be discussed further before a sufficiently detailed proposal on this organ can emerge. In particular, questions concerning its institutional location, core functions, what tools it will be given and what substantive peacebuilding strategies it will develop, remain unsettled. Closer attention to these issues becomes especially important in the light of the subtle, but relevant, differences that exist between the two sets of recommendations put forward by the High-level Panel and the Secretary-General, and replicated in the ongoing debates in and among U.N. member states. While not all of them need to be resolved ahead of the 2005 September Summit, some of them do and this is the upshot of the focus of this paper.

The main purpose of the present policy paper is to provide an analysis of outstanding issues that have arisen in the process of establishing a Peacebuilding Commission, and how to deal with some of them in the light of the importance of this proposal. The Commission is the most straightforward manifestation of the responsibility to protect to the extent that it emphasises the role of non-military measures in attaining lasting peace. As such, it is essential part of the U.N. reform package. Thus, a constructive discussion on how to move forward on remaining issues is crucial for the eventual success of the Commission and the package as a whole.

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Introduction

Secretary-General Kofi Annan calls upon the U.N. to enlarge freedom in a world riven by deadly conflict. At present, there are about 70 situations of current or potential conflict in the world.¹ In 2003, 19 of them amounted to armed conflict.² In order for the U.N. to deal with these situations more effectively, the Secretary-General states in his report *In larger freedom: towards development, security and human rights for all* ('ILF') launched on 21 March 2005 that 'the United Nations must be transformed into the effective instrument for preventing conflict that it was always meant to be acting on several key policy and institutional priorities' (ILF, para. 83). Indeed, 'no task is more fundamental to the United Nations than the prevention and resolution of deadly conflict' (ILF, para. 106). How could the U.N. better achieve these objectives?

The Secretary-General recommends the establishment of a Peacebuilding Commission ('the Commission') and a new office within the U.N. Secretariat to support its work (the 'Peacebuilding Support Office').³ The Commission will serve to fill 'a gaping hole in the United Nations institutional machinery ... [since] no part of the United Nations system effectively addresses the challenge of helping countries with the transition from war to lasting peace' (ILF, para. 114). The recommendation of the Secretary-General on how to improve the peacebuilding role of the U.N. builds on those made in the High-level Panel Report on Threats, Challenges and

¹ For a more detailed information on each of these situations, see e.g. *Crisis Watch*, no. 21, 1 May 2005 [available at: <http://www.crisisgroup.org/home/getfile.cfm?id=1769&tid=3399&type=pdf&l=1>].

² According to *SIPRI Yearbook 2004. Armament, Disarmament and International Security* (Oxford University Press, 2004), in 2003 there were 19 major armed conflicts in 18 locations worldwide. Only two of those conflicts were fought between states and the rest are intra-state conflicts [a summary of the book chapter on armed conflict is available at: <http://editors.sipri.se/pubs/yb04/ch03.html>].

³ According to the High-level Panel, the Peacebuilding Support Office 'could provide assistance and advice to the heads of peace operations, U.N. coordinators or national Governments—for example, in developing strategies for transitional political arrangements or building new state institutions' (HLP, para. 267).

Change ('the Panel') *A More Secure World: Our Shared Responsibility* ('HLP') publicized on 2 December 2004. Indeed, also the Panel emphasizes the urgent need for a Peacebuilding Commission 'to assist in the planning for transitions between conflict and post-conflict peacebuilding and, in particular, to marshal and sustain the efforts of the international community in post-conflict peacebuilding over whatever period may be necessary' (HLP, para. 264).

The idea of a Peacebuilding Commission for the U.N. is generally perceived among its member states as an 'idea whose time has come' and, thus, as deserving further consideration.⁴ It is an idea that most countries support,⁵ particularly in Africa.⁶ However, several issues need to be discussed further before a sufficiently detailed proposal on this organ can emerge. While there seems to be broad agreement about the need for the U.N. to shoulder a more sustained and constructive role in conflict management of international significance through the establishment of a Peacebuilding Commission, and agreement even on its general composition and some of its functions, other issues, such as its institutional location, core functions, what tools it will be given, and what substantive peacebuilding strategies it will develop, remain unsettled.

⁴ Conference Report. Accepting 'Our Shared Responsibility'. 36th United Nations Issues Conference, sponsored by the Stanley Foundation, 11-13 Feb. 2005, p. 12 [available at: <http://www.stanleyfoundation.org/reports/Issues05.pdf>].

⁵ See 'Assembly President previews possible outcome of summit on UN reform', U.N. News Service, 3 June 2005 [available at: <http://www.un.org/apps/news/printnews.asp?nid=14492>].

⁶ The Common African Position on the Proposed Reform of the United Nations ('The Ezulwini Consensus'), African Union, Executive Council, 7th Extraordinary Session, Addis Abeba, 7-8 Mar. 2005 [available at: http://www.africa-union.org/News_Events/Calendar_of_%20Events/7th_%20extra%20ordinary%20session%20ECL/Ext%20EXCL2%20VII%20Report.doc]. See also 'Our Common Interest'. Report of the Commission for Africa, 11 Mar. 2005 [available at: <http://commissionforafrica.org/english/report/thereport/12chap5.pdf>] (but note that none of the 17 members of the Commission for Africa are representatives of African states).

Closer attention to these questions becomes especially important in the light of the subtle, but relevant, differences that exist between the two sets of recommendations and replicated in the ongoing debates in and among U.N. member states. For sure, not all of them need to be resolved ahead of the 2005 September Summit, but some of them do and this is the upshot of the focus of this paper. The main purpose is to provide an outline of the state of affairs with respect to each of these issues, and some input on how to deal with them in the light of the importance of this proposal. It is the most straightforward manifestation of a growing willingness of the U.N. and its member states to shoulder a responsibility to protect and, as such, is an essential part of the U.N. reform package. Thus, a constructive debate on how to move forward on remaining questions is key for the eventual success of the Peacebuilding Commission and the package as a whole.

Purpose of the Peacebuilding Commission

The most basic concern behind the creation of a Peacebuilding Commission is the need to ensure that countries that have managed to come out of war do not relapse into conflict again. As it is now, roughly half of all countries that emerge from war fall back into violence within five years (ILF, para. 114). The mere signing of peace agreements is evidently not enough: peace agreements must be made to last. According to the Secretary-General's report, the realization of this goal requires sustained political and financial attention of the international community; however, it also requires a more serious consideration of the economic, social, and political conditions that now obstruct the implementation of these agreements. That is to say, the public institutions of failed states⁷ must be (re)built, and this necessitates not only international financial support, but also international guidance of the state-building process itself.

It is in this context the Peacebuilding Commission is expected to assume a central role. For a start, it

⁷ 'Failed state' is a controversial term. See e.g. Daniel Thürer, "Failed States" and International Law', Global Policy Forum, 31 December 1999 [available at: <http://www.globalpolicy.org/nations/sovereign/failed/2003/0725law.htm>]. See also Robert I. Rothberg, 'The New Nature of Nation-State Failure', 25:3 *Washington Quarterly* 85-96 (2002).

will provide a much needed *forum* for all the major stakeholders involved in global conflict management, including actors besides principal organs of the U.N., such as international financial institutions, regional organizations, donors, and troop contributors. The forum will facilitate co-ordination among these actors in relation to country-specific operations as well as common ground on cross-cutting themes. The Commission will convene these meetings and ensure that the stakeholders commit themselves, financially and politically, to assist in the difficult task of building lasting peace.

Moreover, the Commission is expected to provide *advice* on general and country-specific issues related to peacebuilding. The idea is that the availability of advice will not only serve to reduce the risk of war, but also aid the rebuilding of failed states. In this way, the Peacebuilding Commission may establish a clearer place and purpose for the U.N. and perhaps for the international community as whole in putting an end to deadly conflict.

The Peacebuilding Commission will provide:

- a *forum* for, and coordination of, all the major stakeholders involved in global conflict management;
- sustained international financial and political *support* for countries under consideration; and
- *advice* (expertise) on peacebuilding strategies, mainly to the Security Council, ECOSOC, and U.N. member states.

No doubt, the goods to be provided by the Peacebuilding Commission—co-ordination, advice, and sustained international financial and political involvement—are important to make global conflict management more effective. If the international community really is committed to end deadly conflict, actors involved in peacebuilding need to co-ordinate their activities, acquire and disseminate expertise, and secure outside financial resources and political support. The convening and advisory capacities of the Commission will enhance the delivery of these goods. Less clear are the more precise terms of cooperation among the various stakeholders, the availability of analytical capacity, and the specific (and appropriate) role of the Peacebuilding Commission in the rebuilding of failed states beyond and besides coordination and mobilization of resources and general political support.

Composition

The need for international co-ordination is key in peacebuilding. The issue came to the fore at the 4278th meeting of the Security Council held on 20 February 2001 in connection with the Council's consideration of the Secretary-General's letter concerning a 'Framework for cooperation in peace-building' dated 12 February 2001 to the President of the Council. During this meeting, the President affirmed the Council's view about the need for

a comprehensive and integrated strategy in peace-building [which] must involve all the relevant actors in this field, taking into account the unique circumstances of each conflict situation.⁸

Also U.N. member states generally agree about the importance of establishing a forum for all the major international stakeholders involved in conflict management in order for them to meet and co-ordinate their activities. These are understood to be the Security Council, the Economic and Social Council ('ECOSOC'), international financial institutions, regional organizations, donors, military troop contributors, and countries under consideration. Furthermore, the convening of these stakeholders will facilitate the exchange of information and ideas on how to move forward whether it is in relation to a particular theme, country, or region. In this manner, it will also provide the essential conditions for the development of a more consolidated international approach to peacebuilding.

A more precise proposal on composition has emerged in the course of U.N. negotiations with member states. In his explanatory note regarding the Peacebuilding Commission issued on 17 April 2005, the Secretary-General recommends that:

Its core membership [should be] comprised of a sub-set of Security Council members, a similar number of Economic and Social Council members, the major donors to a standing fund for peacebuilding, or representatives of the donor community and some leading troop contributors. The total number of core members should be small, about 15 to 20 members.⁹

⁸ Statement by the President of the Security Council, 20 Feb. 2001 (S/PRST/2001/5), para. 6.

⁹ In larger freedom: towards development, security and human rights for all. Report of the Secretary-General.

Core membership should be about 15-20 members and include:

- a sub-set of Security Council members;
- an equal subset of ECOSOC members;
- major donors to a standing fund for peacebuilding, or representatives from the donor community; and
- some leading troop contributors.

Other authorities, actors, and organizations will be involved in the meetings of the Peacebuilding Commission to the extent that their participation serves to enhance the effectiveness and legitimacy of its ensuing recommendations. Therefore,

country-specific operations ... should involve the national or transitional authorities as appropriate, relevant regional actors and organizations, troop contributors, where applicable, and the major donors of the specific country.¹⁰

Country-specific operations should involve:

- national or transitional authorities (as appropriate);
- relevant regional actors and organizations;
- troop contributors (where applicable); and
- major donors of the specific country.

Moreover, the participation of international financial institutions and regional organizations is deemed vital and so is the involvement of development and human rights organs in the U.N. system. A place must be secured for them as well.

The prevailing idea, then, seems to be that core membership will be reserved to the two principal organs of the U.N.—the Security Council and the ECOSOC—as well as to major economic and military powers and organizations. In this sense,

Addendum. Peacebuilding Commission. Explanatory Note by the Secretary-General, 23 May 2005 (A/59/2005.Add.2) [hereafter Explanatory Note], para. 27.

¹⁰ *Ibid.*, para. 28.

the selection of members differs from other organs of the U.N., e.g. the Security Council and the Human Rights Commission. It differs from that of the Security Council in the sense that its membership includes international organizations; and it differs from the Human Rights Commission in the sense that relatively powerless (or failed) states will never be able to join as core members. Still, there might be some rotation since contributors and donors are not necessarily the same across time. At present, however, no account is made for this possibility.

The issue of membership raises difficult questions about legitimacy. Even though, on the face of it, it seems fair that those who pay should have a say, and that the most powerful actors are the ones whose activities stand in most need of co-ordination, it is not entirely certain that these will be the most experienced actors in the field, i.e. actors that sit on the expertise that the Peacebuilding Commission promises to provide.¹¹ Above all, no special attention is paid to the potential input of humanitarian organizations or academic communities. Some account must be given to the importance of their contributions.

Decision Procedure

A concern with legitimacy also directs attention to the way in which the Commission is expected to make its decisions. According to the Secretary-General, decisions should ideally be consensual.¹² However, it is not clear how decisions are to be made in situations where no such consensus can be reached. Will decisions then be made by simple or absolute majority? Will countries under consideration be able to block the adoption of decisions that affect them?

Another question related to decision procedure is whether the views of non-core members, in particular representatives of countries under consideration, will be weighed in the same way as those of core members. Further thought must be given to the question as to what a more concrete decision procedure will look like, which ideally will be one that balances power considerations with interests in legitimacy, including consistency and acceptability, as well as knowledge and expertise.

¹¹ *Ibid.*, para. 27. 'Members should have expert knowledge of the issues ...'.

¹² *Ibid.* '... it [the Commission] should work by consensus'.

Institutional Location

Power struggles can never be avoided in the formation of a new organ. The Peacebuilding Commission yields no exception. The question as to where the Commission should sit institutionally is a contentious one and several proposals are on the table. The High-level Panel recommends that the 'Security Council, acting under Article 29 of the Charter of the United Nations and after consultation with the Economic and Social Council, establish a Peacebuilding Commission' (HLP, para. 263). The choice of this procedure for its establishment would make it a subsidiary organ of the Security Council. The Secretary-General instead envisions the creation of an inter-governmental Commission that is neither a subsidiary organ to the Security Council nor to ECOSOC, but to the General Assembly. In short, it should be an 'inter-governmental organ' that will be composed of an equal number of members from the Security Council and ECOSOC and report to both (ILF, paras. 114-117).

Where the Commission is to be located in the U.N. institutional structure crucially depends, at least in theory, on what its core functions will be. If its main functions are preventive and reactive, it should be placed under the Security Council which is the principal organ endowed with powers and responsibilities to engage in preventive diplomacy and the peaceful settlement of international disputes. Additionally, the Council may decide on humanitarian intervention and the establishment of international tribunals; additionally, it usually creates and defines the mandates of U.N. peacekeeping missions. If, on the other hand, the main function of the Peacebuilding Commission is to assist with post-conflict economic and social development efforts, then it would seem more natural to tie it more closely to ECOSOC and/or related funds and programmes.¹³ However, a decision as to where it will sit institutionally surely also depends on which organs of the U.N. are actually up to endow the Peacebuilding Commission with the leverage it needs to be effective. In this context, it must be noted that especially ECOSOC, despite the

¹³ For a more elaborate account of the institutional alternatives available, see e.g. James Fearon, *Comments on a More Secure World: Our Shared Responsibility, Report of the High-Level Panel on Threats, Challenges and Change*. Prepared for a conference at the Yale 21 Feb. 2005, esp. 17 ff. [available at: <http://www.stanford.edu/~jfearon/papers/yalehlpconf.rtf>].

position it has won in the ongoing negotiations concerning the institutional location of the Peacebuilding Commission, is seen as relatively weak and ineffective and in need of pervasive reform. Furthermore, ECOSOC as such is not directly involved in peacekeeping. It is furthermore necessary to find a place for the Commission where it will be able to bridge peacekeeping with economic and social development most effectively, an institutional link that is now missing, and to which the Commission seeks to be a response.

The question about institutional location is not without international political significance. The U.S. President Bush has signalled his intention to support the idea of a Peacebuilding Commission. However, at an early stage, the Bush administration insisted that the Security Council should be in charge of the Commission and, thus, decide where and when it engages.¹⁴ Other countries, especially on the African continent, maintain that the Commission should be directly linked to ECOSOC and the General Assembly. As stated in the ‘Common African Position on the Proposed Reform of the United Nations’ the reason for this is that ‘it is important for it to benefit from the contributions of all the major organs, particularly, the General Assembly, the Security Council and ECOSOC’.¹⁵

The disagreement stems from a range of issues and concerns not all of which may be based on

¹⁴ Stewart Patrick, ‘A U.N. Reform We Can Support’, *Taiwan News*, 20 Mar. 2005 [available at: <http://www.cgdev.org/docs/pstewartTWN.pdf>]. But see also ‘Statement by Ambassador Anne W. Patterson, Acting US Representative to the United Nations, on Post-Conflict Peace-building, in the Security Council’, 26 May 2005 according to which the U.S. has modified its position: ‘While the security of a country is on the agenda of the Security Council, the Security Council should be the UN body that invokes the Commission’s structure, wisdom and capacity. We recognize, however, that the Peace-building Commission must extend beyond the Security Council. We agree with the Secretary General that, once the Council determines that a post conflict situation no longer requires its oversight, the Commission could so inform other UN organs and agencies – which will have participated in the Commission’s work from the beginning’.

¹⁵ The Common African Position on the Proposed Reform of the United Nations, *supra* note 6, sec. B, para. 4. But see also Statement by Indonesia, New York, 28 Jan. 2005 [available at: <http://www.indonesiamission-ny.org/NewStatements/ps012805.htm>].

‘good intention’ (i.e. based solely on legitimacy and efficiency concerns). But even with ‘good intention’ the choice of location is not entirely clear. Sweden joins the U.S. in its view about the need to ‘link’ the Commission to the Security Council given the importance of co-ordinating with peacekeeping.¹⁶ Brazil, on the other hand, raises concerns about the role of the Security Council. In its view, peacebuilding ‘is best implemented by means of a core social and economic approach, rather than one based almost exclusively on political and security considerations’.¹⁷

Two proposals on establishment that seek to balance these concerns have emerged from informal consultations with member states. One is that the Commission will be established jointly by the Security Council and ECOSOC. The other is that the Commission will be established by the General Assembly. Also the Secretary-General’s recommendation on ‘sequential reporting’ deserves mentioning in this context since it, too, seeks to balance the various concerns. In essence, ‘sequential reporting’ means that the Peacebuilding Commission will report to the Security Council as long as it is seized of a situation and thereafter to ECOSOC. In this way, a close link between peacebuilding and ongoing peacekeeping operations in specific countries will be ensured.

The difficult question about institutional location must be resolved ahead of the 2005 September Summit. Quite regardless of where the Commission will be located, in the end, this much can be said: a ‘free-standing’ Commission—a Commission that is neither a subsidiary body to the Security Council nor to ECOSOC—means that it won’t set up its own operations, programs, and activities in the way initially envisioned (and in a way similar to e.g. the Counter-Terrorism Committee or the Human Rights Commission with its special procedures). It will then function mainly as an advisory body that must trust that the Security Council and the ECOSOC will respond, willingly and ably, to its recommendations.

¹⁶ Sweden, Overview of Member States’ Positions: Peacebuilding Commission [available at: <http://www.reformtheun.org/index.php/issues/105?theme=alt4>].

¹⁷ Brazil, Overview of Member States’ Positions: Peacebuilding Commission [available at: <http://www.reformtheun.org/index.php/issues/105?theme=alt4>].

A more powerful Peacebuilding Commission seems to require that it is not subject to cumbersome informal rules of intra-institutional co-operation, but that it is more closely tied to one of the principal organs and, thus, acts on the basis of the general support given to those organs.

Core Functions

What will be the core functions of the Peacebuilding Commission? Can these functions be traced from its very name? The term ‘peacebuilding’ entered the U.N. agenda with the former Secretary-General Boutros Boutros-Ghali’s ‘Agenda for Peace’ (‘AFP’) launched in 1992. The agenda distinguishes between four sequential but overlapping activities in the area of conflict management: preventive diplomacy, peacekeeping, peacemaking, and peacebuilding. It defines peacebuilding as ‘actions taken to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict’ (AFP, para. 22).

According to this agenda, then, peacebuilding entails not only the task of obtaining security and putting an end to hostilities but also the task of engaging in the parallel longer term process aimed at the reconciliation of people and groups, the reform or rebuilding of institutions, structures, and economies so as to reduce the possibility of a violent setback. While the functions of the Peacebuilding Commission may very well cut across different activities in the area of conflict management, a strict understanding of what peacebuilding entails suggests that the Commission will mainly assist conflict and post-conflict societies.

a. Prevention

The question of core functions is brought to the fore as a result of the somewhat different stances of the Secretary-General and the High-level Panel on the role of the Commission in the area of conflict prevention.¹⁸ According to the Panel, the Commission will help states to ‘avoid state collapse and the slide to war’ (HLP, para. 261). In this context, its tasks would be to ‘identify countries which are under stress and risk sliding towards State collapse’ and, moreover, to ‘organize, in partnership with the national Government, proactive assistance in preventing that process from developing further’ (HLP, para. 264).¹⁹ In contrast with these recommendations, conflict prevention was left almost untouched in the report of the Secretary-General issued on 21 March 2005. However, it was given renewed attention in his explanatory note delivered about a month later following informal consultations with member states. The return to conflict prevention indicates a continued interest among member states in this dimension of global conflict management.

In his explanatory note, the Secretary-General explains that, given that about half of the countries that emerge from war relapse into conflict within five years, *post-conflict peacebuilding*—his understanding of the main focus of the future work of the Commission—must be seen as a critical form of prevention. Nevertheless, he also recognizes that some attention must be paid to the need to prevent war from breaking out in the first place. That being said, the Secretary-General refutes the idea of an ‘early warning’ function. Instead, he alludes to the existing mechanisms in the U.N., such as mediation and preventive peacekeeping, to be used when conflict has become imminent or has broken out on a small-scale. In his view, these tools should continue to be used and strengthened. While decisions on when and where to use them remain with the Security Council, it would benefit from the advisory input of the Commission.

¹⁸ For a general account of meaning and measures for conflict prevention, see e.g. *Preventing Deadly Conflict*. Final Report. Carnegie Commission on Preventing Deadly Conflict, Carnegie Corporation of New York, 1997 [available at: <http://www.wilsoncenter.org/subsites/ccpdc/pubs/rept97/finfr.htm>].

¹⁹ This would, in effect, be an ‘early warning’ function. See Peter Wallenstein, ‘A UN Peacebuilding Commission: What Could Be Its Core Functions’, FRIDE Comment, July 2005.

According to the Secretary-General, a more relevant issue for the Peacebuilding Commission, and one that is consonant with preventive diplomacy, is that of *risk reduction*. The idea is that the advisory function of the Commission will be utilized by states in such a way so as to reduce the risk of war. Indeed, member states should be able ‘at any stage to appeal for advice to the Peacebuilding Commission’ and, moreover, to ask for financial assistance from a *Standing Fund on Peacebuilding*. The main thrust of giving advice and financial assistance to states for preventive purposes is to aid them in their ‘efforts to build state capacity, especially in the area of the rule of law’.²⁰

The modest attention paid to conflict prevention may best be understood in the light of the various preventive-oriented initiatives and actions that have already been undertaken by the U.N., especially in recent years. There is a growing awareness of the importance of the preventive aspect of global conflict management. For one thing, it is less costly and, most importantly, it saves human lives. Although preventive diplomacy remains the primary measure for preventing and resolving conflicts, the U.N. has come to rely on additional forms of action with preventive effect, including: preventive deployment (i.e. the fielding of peacekeepers to forestall probable conflict); preventive disarmament (i.e. reducing the number of small arms in conflict-prone regions); development projects in the context of a prevention strategy; and humanitarian action. The term ‘structural prevention’ has been introduced to focus on long-term activities that seek to address deep conditions that can lead to conflict, such as poverty, socio-economic inequalities, endemic underdevelopment, weak institutions, the lack of good governance and gross human rights violations. These measures are undertaken jointly by the Secretariat and by different UN programmes and agencies.²¹

To this should be added some concrete U.N. initiatives in the area of ‘early warning’. The ‘U.N. Interdepartmental Framework for Co-ordination on Early Warning and Preventive Action’, established in 1995, seeks to co-ordinate the humanitarian, peacekeeping, and political sectors of the U.N. Secretariat in connection with peacekeeping

²⁰ Explanatory Note, para. 18.

²¹ For an overview of U.N. preventive action, see U.N. Department of Political Affairs: Conflict Prevention [available at: http://www.un.org/Depts/dpa/prev_dip/fst_prev_dip.htm].

missions. It is intended as a ‘gearbox’ between the field and Headquarters, channelling early warning information and suggestions on preventive and preemptive measures to the appropriate forum and decision-making bodies. Furthermore, about a year ago, a Special Adviser on the Prevention of Genocide, Juan Méndez, was appointed.²² One of the primary tasks of his office is to function as an ‘early-warning’ mechanism to the Secretary-General, and through him to the Security Council, by alerting the U.N. of potential situations that could result in genocide.²³

Finally, the recognition of a more extensive preventive function of the Peacebuilding Commission may interfere with preventive diplomacy known to be especially delicate. It would be especially difficult for the Secretary-General to do quiet diplomacy if the Peacebuilding Commission were to give advice on issues that lie at the heart of these efforts.²⁴

Against this background, it may be concluded that the Commission should not develop concrete tools on conflict prevention. It will be difficult for the Peacebuilding Commission to contribute further to the already existing spectrum of conflict preventive activities of the U.N. without risking duplication of work and interference. Though the conflict preventive mechanisms that the U.N. now has at its disposal may be unsatisfactory, it is by no means certain whether the Peacebuilding Commission could overcome the pervasive problems facing the other U.N. offices involved in this work, including lack of political will to react in time, reluctance towards intelligence-sharing, etc.

²² The proposal on the nomination of a Special Adviser on Genocide was put forward by the Secretary-General in a speech at the Stockholm International Forum in January 2004. See U.N. Press Release SG/SM/9126/Rev.1, 11 Feb. 2004 [available at: <http://www.un.org/News/Press/docs/2004/sgsm9126Rev1.doc.htm>].

²³ Annex to Letter dated 12 July 2004 from the Secretary-General addressed to the President of the Security Council, 13 July 2004 (S/2004/567): Outline of the Mandate for the Special Adviser on the Prevention of Genocide [available at: http://www.un.org/Depts/dpa/prev_genocide/letter_to_sc_on_appointment.pdf].

²⁴ Conclusions. Building a New Role for the United Nations: The Responsibility to Protect. A Roundtable Discussion on the Recommendations on UN Reform, FRIDE, Madrid, 3 June 2005 [available at: www.fride.org].

Given the extent of U.N. involvement in conflict prevention and, if true to its name, the main focus of the Commission will be on conflict and post-conflict situations with due recognition of the fact that activities in this field may very well have a preventive effect.

b. Peacebuilding

Notwithstanding the centrality of conflict prevention to U.N. work, especially in the light of the responsibility to protect, which emphasizes the right—or the obligation—to protect vulnerable populations *at risk*, the essential function of the Peacebuilding Commission, if the Secretary-General's views find sufficient support, will be on conflict and post-conflict societies and, in particular, on making peace agreements last. To this end, the Secretary-General has suggested that the Commission could perform a host of functions to improve the work of the Security Council and ECOSOC, including the following:

- in the immediate aftermath of war, improve U.N. planning for sustained recovery, focusing on early efforts to establish the necessary institutions;
- help to ensure predictable financing for early recovery activities, in part by providing an overview of assessed, voluntary and standing funding mechanisms;
- periodically review progress towards medium-term recovery goals; and
- ensure sustained financing of recovery and development activities and extend the period of political attention to post-conflict recovery.²⁵

At the moment, then, the main focus of the envisioned work of the Commission seems to be to ensure international financial and political support for operations, programs, and activities undertaken by the Security Council through the Secretariat (DPKO in particular and, on occasion DPA), and relevant offices tied to ECOSOC.

Whether the Commission will be involved in the development of a consolidated comprehensive international approach to peacebuilding is unclear. Evidently, the Commission is expected to

²⁵ Explanatory Note, paras. 9-15.

encourage *coherence* in actual decisions on peacebuilding strategies as adopted by member states, the U.N. Secretariat, agencies, and programmes. On general issues, its main function will be to consolidate good practice on cross-cutting themes such as demobilization, disarmament, reintegration, and rehabilitation ('DDRR'). However, the main emphasis will be on country-specific activities. In this context, the Commission should support—not attempt to replace—effective country-level planning for recovery and peacebuilding.²⁶

Still, the development of a consolidated comprehensive approach to international peacebuilding is needed to safeguard values of legitimacy including transparency and consistency. The Peacebuilding Commission could take the lead in the development of such an approach. As a new organ with a membership that cuts across institutional sectors both within and outside the U.N. framework it may have a potential to take this lead, *inter alia*, by developing concrete tools and mechanisms for rule of law implementation in post-conflict situations, governance, political participation and representation, as well as security reform.

Substantive Strategies for Peacebuilding

Closely related to the need for a comprehensive international approach to peacebuilding is the question as to what substantive strategies for peacebuilding the Peacebuilding Commission will pursue. Since the time of the report of the High-level Panel, the envisioned purpose of the Peacebuilding Commission has changed. It is no longer meant to pursue its own policies, programmes, and operations on the ground; instead, as the Secretary-General notes, it should mainly have an advisory function. The idea is that the Commission should dedicate itself to all issues related to peacebuilding so as to make it possible for member states *at any stage* to ask for advice and to 'request assistance from a standing fund for peacebuilding to build their domestic institutions for reducing conflict, including through

²⁶ *Ibid.*, para. 6.

strengthening the rule-of-law institutions' (ILF, para. 115). Indeed, the Commission 'must provide a central node for helping countries to create and promote comprehensive strategies for peacebuilding both in general terms and in country situations'.²⁷

However, of equal importance is the role of the Commission in supporting the activities and decisions of heads of peace operations, and respond timely to the needs arising from evolving situations on the ground. As it is now, peace operations may be faced with peacebuilding issues without anywhere to turn for advice and support besides the Department of Peace-keeping Operations (DPKO), which is not empowered to take decisions affecting the mandate issued by the Security Council.

Although it may still be a matter of disagreement as to whether the role of the Commission should be that of an advisory body or whether it should also be able to pursue its own programs and operations in addition to a purely advisory function, it will in any case still be expected to develop views on what are the most effective and legitimate substantive strategies of peacebuilding. What strategies will it recommend to member states (as well as the Security Council and ECOSOC) to pursue? Which model (or models) will it recommend to be employed to assist governments (or U.N. transitional administrations) in the reconciliation of people and groups, and in the reform and rebuilding of institutions, structures, and economies? To what extent should national interests, ideas, and aspirations of the host government and/or civil society of a country under consideration play a role? Or, to put it more bluntly, how will the bodies of the U.N. react if preferred model or models are eschewed by the countries under consideration? For example, will the Peacebuilding Commission recommend a policy of transitional justice that advises all countries under consideration to prosecute war crimes, genocide, and crimes against humanity committed by outgoing regimes and/or occupying powers even in the face of objections?

The Panel refrains from developing this point. It only holds that the core task of peacebuilding is 'to build effective public institutions that, through negotiations with civil society, can establish a consensual framework for governing within the rule of law'. To address this task, 'U.N. field

representatives (including heads of peacekeeping operations) require dedicated support on the broader aspects of peacebuilding strategy, especially in the area of rule of law' (HLP, 229-230). The Secretary-General, in contrast, puts forward a more comprehensive package on peacebuilding strategies, in part, based on his earlier report 'The rule of law and transitional justice in conflict and post-conflict societies' submitted to the Security Council on 23 August 2004.²⁸ Similarly to the Panel, he stresses the importance of the rule of law dimension of peacebuilding and explains that it is his intention to create a Rule of Law Assistance Unit in the proposed Peacebuilding Support Office to assist national efforts to re-establish the rule of law in war-torn societies (ILF, para. 137). Unlike the Panel, however, he makes a more substantive proposal inasmuch as he holds that 'justice is a vital component of the rule of law' and, in this context, alludes to the important advances made to end impunity for war crimes, genocide, and crimes against humanity (ILF, para. 138).²⁹

Unlike questions about composition, mandate, and core functions, the question related to substantive strategies for peacebuilding will surely not be settled ahead of the September Summit. Nevertheless, it is a question that inevitably will crop up in the initial period following the creation of the Commission and, as such, nevertheless deserves some consideration in the pre-Summit negotiations. The issue is very controversial especially with respect to the extent of international involvement, not merely due to prevailing concerns with sovereignty *per se* or difficulties of finding sufficient financial support; it is also the result of scepticism among experts on whether extensive international involvement in the rebuilding of failed states actually improves the conditions for lasting peace.³⁰

²⁸ The rule of law and transitional justice in conflict and post-conflict societies. Report of the Secretary-General, 23 Aug. 2004 (S/2004/616).

²⁹ The Secretary-General calls on the member states to 'cooperate fully with the International Criminal Court and other international or mixed war crimes tribunals, and to surrender accused persons to them upon request' (ILF, para. 138).

³⁰ See e.g. Michael Barnett, 'Illiberal Peacebuilding and Liberal States'. Remarks Prepared for the Social Science Research Council's Roundtable on Humanitarian Action, 8 Feb. 2005 [available at: <http://www.ssrc.org/programs/emergencies/publication/s/barnett.pdf>].

²⁷ *Ibid.*, para 6.

If the Peacebuilding Commission really wants to move forward on issues related to peacebuilding strategies, it will be necessary to acquire analytical and practical expertise in key areas of peacebuilding, such as negotiation and implementation of peace agreements; security stabilization; good governance; democratization and human rights; justice and reconciliation; and humanitarian relief and sustainable development.

The complex nature of and rationale for post-conflict peacebuilding was recognized in the Secretary-General's report on 'The causes of conflict and the promotion of durable peace and sustainable development in Africa' (1998):³¹

By post-conflict peace-building, I mean actions undertaken at the end of a conflict to consolidate peace and prevent a recurrence of armed confrontation. Experience has shown that the consolidation of peace in the aftermath of conflict requires more than purely diplomatic and military action, and that an integrated peace building effort is needed to address the various factors which have caused or are threatening a conflict. Peace building may involve the creation or strengthening of national institutions, monitoring elections, promoting human rights, providing for reintegration and rehabilitation programmes, as well as creating conditions for resumed development activities in countries emerging from crises. Peace building does not replace ongoing humanitarian and development activities in countries emerging from crises. Rather it aims to build on, add to, or reorient such activities in ways that are designed to reduce the risk of a resumption of conflict and contribute to creating conditions most conducive to reconciliation, reconstruction and recovery.³²

In the same report, the Secretary-General describes in more detail what needs must be addressed in the aftermath of conflict:

³¹ Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa. Report of the Secretary-General, 13 April 1998 (A/52/871-S/1998/318).

³² *Ibid.*, para. 63.

Societies which have emerged from conflict have special needs. To avoid a return to conflict while laying a solid foundation for development, emphasis must be placed on critical priorities such as encouraging reconciliation and demonstrating respect for human rights; fostering political inclusiveness and promoting national unity; ensuring the safe, smooth and early repatriation and resettlement of refugees and displaced persons; reintegrating ex-combatants and others into productive society; curtailing the availability of small arms; and mobilizing the domestic and international resources for reconstruction and economic recovery. Each priority is linked to every other, and success will require a concerted and coordinated effort on all fronts.³³

The extent to which the Peacebuilding Commission will engage in and coordinate other areas related to peacebuilding as explained in this report, but not developed in the report of the Secretary-General of 21 March 2005, remain unsettled. Several issues are evidently already handled by the Secretariat and other organs of the U.N., including peacebuilding strategies (Department of Political Affairs-DPA and Department of Peace-keeping Operations-DPKO),³⁴ post conflict countries in Africa (ECOSOC),³⁵ transitional issues (United Nations Development Group-UNDG and Executive Committee on Humanitarian Affairs-ECHA), repatriation and resettlement of refugees (UNHCR), respect for human rights (OHCHR), and democracy assistance (UN Electoral Assistance Division-EAD, United Nations Development Program-UNDP, Department of Economic and Social Affairs-DESA, United Nations online network in Public Administration and Finance-UNPAN, United Nations Center for

³³ *Ibid.*, para. 65.

³⁴ The Department of Political Affairs has established peace-building support offices in Central African Republic, Guinea-Bissau, and Tajikistan.

³⁵ ECOSOC has created two ad hoc Advisory Groups on African Post-Conflict Countries with the mandate of examining the humanitarian and economic needs of the country in question, preparing recommendations for a long-term programme of support and providing advice on how to ensure that the assistance of the international community in supporting the country in question is adequate, coherent, well coordinated and effective.

Human Settlements-Habitat, and the Office of the High Commissioner for Human Rights-OHCHR).³⁶ These are issues in which several regional organizations are also engaged. To this should be added several NGO initiatives in different fields.

Given the range of actors already involved in peace-building both within and outside the U.N. institutional framework, the development of a more consolidated comprehensive international approach to peacebuilding surely calls for international co-ordination. However, it might also require an international organ taking the lead in advancing more substantive and general ideas on how peacebuilding should be carried out, and the extent to which national needs, interests, and aspirations should be taken into account.

That being said, the question about strategies prompts further attention, but no easy response. Nevertheless, it is in this context that concerns about *legitimacy and accountability of international organizations*, in particular U.N. transitional administrations, are growing.³⁷ In response to these concerns, the U.N. has already issued some recommendations on guidelines. Besides the Secretary-General's 2004 rule of law report,³⁸ the 'Framework for co-operation in peacebuilding' (2001)³⁹ deserves consideration. Among the principles mentioned in this report is the promotion of self-reliance (on the assumption that peace-building is a home-grown process); complementarity of peacebuilding efforts between the U.N. and regional organizations, multidisciplinary in action, mobilization of

assistance, and international legitimacy. However, while these kinds of guidelines usually recognize the general importance of taking account of national needs, interests, and aspirations ('local ownership'), it is difficult to understand their implications in more concrete terms with respect to questions ranging from more precise provisions on national and grass-root participation in law-making activities, to the more precise composition of courts (international judges), and the enforcement of the rule of law (international staff). These concerns are still far from resolved.

The call for local participation and involvement in the actual formulation of peacebuilding strategies—including law-making and law enforcement—derives not only from democratic imperatives, and an emerging norm of legitimacy and accountability of international organizations, but also from a sheer concern with efficacy. Still, the democratic ideal is difficult to implement when not even the minimum conditions for democratic governance of a country are in place.

The recommendations on the creation of a Peacebuilding Commission do not deal with difficult issues related to strategies for peacebuilding, limited as they are, for the most part, to institutional gaps and solutions. Even so, once the Commission is up and running, as it is expected, its members will hardly be able to avoid tackling these thorny issues as well. Given the difficulties involved, however, a policy of avoidance in the pre-Summit discussions might be the most strategic manner to deal with them.

³⁶ The U.N. has currently 10 political and peace-building missions. More detailed information about these missions is available at: http://www.un.org/Depts/dpa/prev_dip/fst_prev_dip.htm.

³⁷ Accountability of the U.N. is a central theme running through the 'Henry J. Hyde United Nations Reform Act of 2005', the Committee on International Relations, U.S. Congress, 10 June 2005 [available at: http://www.house.gov/international_relations/109/HR_2745.PDF].

³⁸ *Ibid* footnote 28.

³⁹ Framework for cooperation in peace-building. Letter dated 12 Feb. 2001 from the Secretary-General addressed to the President of the Security Council (S/2001/138). The set of guidelines presented is a summary of the chairman's understanding of the proposals presented at the Fourth High-level United Nations-Regional Organizations Meeting, New York, 6-7 Feb. 2001.

Peacebuilding and the Responsibility to Protect

The different outlooks on questions concerning institutional location, core function, and substantive peacebuilding strategies can be explained, at least in part, in the light of the differences that exist between the broader frameworks, and the foundations of these frameworks, that support a more sustained U.N. focus on peacebuilding. Permeating the report of the High-level Panel is the responsibility to protect which brings to the forefront the claim that the state has the duty to protect its own population at risk from civil war, insurgencies, state repression, and state collapse. The international community has the right—or the obligation—to step in when states are unable or unwilling to secure the essential conditions for ensuring freedom from fear within their jurisdictions.⁴⁰ Indeed, according to the ‘Report of the Independent Commission on Intervention and State Sovereignty’ issued in 2003, the responsibility in question entails both a responsibility to *prevent* as well as to *rebuild*.⁴¹

The responsibility to protect is closely connected with the emerging concept of human security.⁴²

⁴⁰ *The Responsibility to Protect*. Report of the Independent Commission on Intervention and State Sovereignty (2003) [available at: <http://www.iciss.ca/pdf/Commission-Report.pdf>].

⁴¹ *Ibid.* For a more detailed account of each of these more specific responsibilities, see chapter 3 (on prevention) and chapter 5 (on peacebuilding) of this report.

⁴² Human security remains a new and controversial concept. There is considerable argument over its proper meaning and potential usefulness. The concept is most developed in ‘Human Security Now’. Report of the Commission on Human Security (2003) [available at: <http://www.humansecurity-chs.org/finalreport/outline.pdf>]. The definition set forth in this report is used by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) [available at: <http://ochaonline.un.org/webpage.asp?MenuID=9431&Page=1494>]. For a recasting of this term, see UNESCO SecuriPax Forum [available at: <http://www.unesco.org/securipax/secpax.htm>].

However, see also the Vision of the Human Security Network according to which ‘human security’ in essence means ‘freedom from pervasive threats to people’s rights, their safety and even their lives’ [available at: <http://www.humansecuritynetwork.org/menu-e.php>].

Finally, for a more elaborated discussion on the theme, see e.g. Michael Brzoska and Peter J. Coll (eds.),

More precisely, human security defines the deeper purpose for states, and the international community, to exercise the responsibility to protect. In its report on human security, the Commission on Human Security defines the concept in the following terms:

Human security means protecting fundamental freedoms—freedoms that are at the essence of life. It means protecting people from critical (severe) and pervasive (widespread) threats and situations. It means using processes that build on people’s strengths and aspirations. It means creating political, social, environmental, economic, military and cultural systems that together give people the building blocks of survival, livelihood and dignity.⁴³

In the context of global conflict management, both the responsibility to protect and human security are primarily meant to emphasize the need for the international security sector and, in particular, the Security Council, to broaden and refocus its understanding of international security and threats, and consider the fate of victims and affected populations, and even resort to the use of military force—as a last resort—to end mass atrocities. However, a commitment to the same responsibility also supports, even demands, non-military U.N. measures for protective purposes. Among these measures are also those aimed at conflict prevention, risk reduction, and state-building.

In contrast with the High-level Panel, the Secretary-General puts forward his proposal about a Peacebuilding Commission in the context of a broader normative framework in which the responsibility to protect is only a part (ILF, para. 135). The essential foundation for his framework is that of human dignity (rather than human security). As he notes, ‘while freedom from want and fear are essential they are not enough. All human beings have the right to be treated with dignity and respect’ (ILF, para. 127). Moreover, ‘no security agenda ... will be successful unless they are based on the sure foundation of respect for human dignity’ (ILF, para. 128).

‘Promoting Security: But How and for Whom?’. Contributions to BICC’s Ten-year Anniversary Conference. Bonn International Center for Conversion, Brief 30 (October 2004), esp pp. 40-55 [available at:

<http://www.bicc.de/publications/briefs/brief30/brief30.pdf>].

⁴³ ‘Human Security Now’. Report of the Commission on Human Security (2003), p. 4.

At the centre of the notion of human dignity lies the claim about universal respect for human rights and, in the context of deadly conflict, the concomitant obligation of the U.N. and all its organs to realize this objective. It is an appeal not merely to the Security Council, but also to other organs, such as the High Commissioner for Human Rights ('OHCHR'). Indeed, the Secretary-General specifically calls on the OHCHR to play a more proactive role in the deliberations of the Security Council and of the proposed Peacebuilding Commission (ILF, para. 144).

Unlike the concept of human security, the concept of human dignity is more developed.⁴⁴ It is inextricably associated with human rights;⁴⁵ it is also closely linked with a particular set of ideas about the appropriate political, social, and economic organisation of a state.⁴⁶ Over the years, it has also become tied to the claim about the need for transitional justice, including the prosecution of war crimes, genocide, and crimes against humanity, committed by outgoing regimes or occupiers.⁴⁷ In an important sense, the affirmation

⁴⁴ The concept of human dignity was at the centre of political thought in 17th century England, especially in the writings of John Locke. The notion of human security lacks a comparable historical background.

⁴⁵ Even though there are several philosophical justifications for human rights, human dignity ranks high among them. Besides the rhetorics of leading U.N. officials in contemporary international human rights debates, it is a central theme running through contributions of e.g. Christian organizations.

⁴⁶ The cultural relativist critique of human rights, emphasizes the close relationship between human rights and liberalism. For an overview of this critique, see e.g. Henry Steiner & Philip Alston, *International Human Rights in Context: Law, Politics and Morals* (Oxford: Oxford University Press, 2000), esp. 323 ff. See also Jack Donnelly, *International Human Rights in Theory and Practice* (Ithaca, N.Y.: Cornell University Press, 2002). Donnelly accepts 'the common association of human rights with Western liberalism' (46-47).

⁴⁷ The link has been articulated most prominently by key human rights NGOs, including Amnesty International [<http://web.amnesty.org/pages/jus-index-eng>], Human Rights Watch [<http://hrw.org/justice/about.htm>], and Human Rights First [http://www.humanrightsfirst.org/international_justice/intl_justice.htm]. See also Henry Steiner & Philip Alston, *International Human Rights in Context: Law, Politics and Morals*, *supra* footnote 46. One out of the three 'current topics' in focus in this book is the prosecution of international crimes (see 1131 ff).

of human dignity as the overarching goal of peacebuilding delimits the powers and range of options of governments involved in peacebuilding processes by placing uncompromisable responsibilities on them to fulfil all their obligations under international human rights law, including the right to freedom of expression, the right to free and periodically held elections, and the right of minorities to enjoy their own cultures. It also requires the U.N. not to make any concessions in relation to these obligations in the event of quarrels with countries under consideration about the ultimate peacebuilding goals. The Peacebuilding Commission must remain committed to build a society that protects human rights and respects the rule of law as difficult as this task may prove to be. Experiences in Haiti and Bosnia-Herzegovina remind us that transitional concessions aimed at short-term stability will back-fire, and will require sustained attention by the Commission.

In the light of these differences, it is contended that questions about substantive strategies for peacebuilding, institutional location, and core functions of a future Peacebuilding Commission are not simply questions of detail or practicality: an attempt to resolve them may indeed bring us back to a more difficult discussion about the deeper reasons behind the idea of creating a Peacebuilding Commission, and reveal a disagreement about the ultimate objectives, powers, responsibilities, and mandate of a reformed U.N. For this reason, a policy of avoidance in relation to issues that do not need to be settled ahead of the September Summit might be the most strategic way to deal with them. However, once created, it is necessary for the U.N. and its member states to revisit the questions related to substantive strategies for peacebuilding and the appropriate role of the international community in making peace agreements last. These are questions which the international community will be struggling with in years to come as a result of its commitment to act on the responsibility to protect.

Concluding Remarks

The time has come for the creation of a Peacebuilding Commission to ensure some of the conditions that are now lacking, but deemed essential to improve peacebuilding efforts around the world: co-ordination, expertise, and sustained international financial and political commitment.

The process of establishing this Commission also presents an appropriate moment to reflect on how to secure other conditions of equal importance to lasting peace, such as security, good governance, democracy and human rights, justice and reconciliation, and sustainable development. The U.N. has seen itself, on some occasions, such as Kosovo and East Timor, responsible to ensure some of these conditions in the absence of a functioning state. However, a more consistent realization of these conditions has proved to be difficult. The lack of political will resulting in unjustifiable inconsistencies is a pressing problem. However, there is also an increasing awareness that the precise meaning of these conditions, and how to bring them about, cannot and should not be defined by the U.N. or any other outside actor for that matter, but by those who are supposed to benefit from them.

The creation of a Peacebuilding Commission enables the articulation of a broader and more nuanced international peacebuilding approach that could accommodate broader long term goals of the U.N. in the area of human rights, democracy, and development. The Commission could assume a leading role in providing the forum needed for all actors involved in peacebuilding activities to engage in a common discussion and develop effective and legitimate strategies, and in this way gain more general support for their actions. More importantly, it could avoid the repetition of failures in peace operations that occurred in the nineties.

Recommendations

The U.N. needs to shoulder a more sustained and constructive role in the peacebuilding dimension of global conflict management. Peace agreements have little value unless attention is paid to the conditions deemed essential for them to last. The creation of a Peacebuilding Commission, as recommended by the High-level Panel and the Secretary-General, and expected to begin operations no later than 31 December 2005, serves to address these conditions.

In the light of the importance of this proposal, this policy paper sets forth the following recommendations:

1. Purpose

- The main purpose of the Peacebuilding Commission should be to address main challenges facing countries that have come out of war in their efforts to secure the essential conditions for lasting peace and assist these countries in tackling them. In particular, it should seek to secure continued and coordinated international financial and political attention after peace agreements have been signed. It should also assist in securing the essential conditions for lasting peace, including rule of law, security, and public institutions to deliver basic rights and goods to citizens.
- The convening and advisory capacities that the Commission will be given should be used so as to secure the conditions that are now lacking.

2. Institutional Location

- Where the Peacebuilding Commission will sit institutionally depends on where it will be able to bridge peacekeeping with economic and social development most effectively.
- A more powerful Commission is one that is not subject to cumbersome rules of intra-institutional cooperation but one that is more closely tied to one of the principal organs, ideally the Security Council and acts on the basis of the support given to it, and in close cooperation with the situations it is seized of.

3. Composition

- The selection of members should be guided not only by the need to include the most powerful actors, but also by legitimacy considerations and the importance of expertise.

4. Decision Procedure

- Commission decisions should ideally be consensual. However, once the Commission is created, a more precise decision procedure must be established that can settle disagreements. It must also consider the importance of support from countries under consideration. The decision procedure must balance power considerations with interests in legitimacy, including consistency and acceptability, as well as the importance of knowledge and expertise.

5. Core Functions

- It will be difficult for the Commission to contribute further to the already existing spectrum of conflict prevention activities, including early warning functions. The main focus of the Commission should be on conflict and post-conflict situations with due recognition of the fact that activities in this field may very well have a preventive effect.
- The Commission should ensure international financial and political support of operations, programs, and activities undertaken by the Security Council and other UN organs and agencies. However, a more substantive impact on the work of these organs, and the engagement in questions related to the development of a consolidated and comprehensive approach to peacebuilding may be needed for the Commission to make a difference. It should ideally go beyond mere consolidation of existing approaches and develop more general guidelines and recommendations aimed at the facilitation of peacebuilding efforts by states and other relevant actors.

6. Peacebuilding Strategies

- The Commission should develop effective and legitimate substantive strategies for peacebuilding. It should, in particular, support the activities and decisions of heads of peace operations, and respond timely to the needs arising from evolving situations on the ground.
- The Secretary-General's 'Framework for co-operation in peacebuilding' (2001) deserves consideration in developing these strategies.
- The issue as to what peacebuilding strategies it will develop does not need to be settled ahead of the September Summit. However, if the Commission really wants to move forward in this area, it will be necessary to acquire further analytical and practical expertise in key areas of peacebuilding including negotiation and implementation of peace agreements, security stabilization, good governance, democratization and human rights, justice and reconciliation, and humanitarian relief and sustainable development.
- Given the range of actors already involved in peacebuilding both within and outside the UN framework, the development of a more consolidated comprehensive international approach to peacebuilding calls for coordination. However, it also seems to require an international organ taking the lead in advancing more substantive and general ideas on how peacebuilding should be carried out, and the extent to which national needs, interests, and aspirations are to be taken into account. The Commission could assume that role.
- A policy of avoidance in relation to issues that do not need to be settled ahead of the September Summit seems to be the most strategic way to deal with them. However, once created, it is necessary for the U.N. and its member states to revisit the questions related to peacebuilding strategies and the appropriate role of the international community in making peace agreements last.

Annex: General Assembly President's Draft Outcome Document (3 June 2005) (Excerpts)

Peacebuilding

40. Emphasizing the vital role that the United Nations plays in helping parties end hostilities and emerge from conflict towards recovery and development; we decide to:

- Establish a Peacebuilding Commission to provide sustained international attention and support to countries in the transition from post-conflict situations to recovery and long-term development. The Peacebuilding Commission should be advisory in nature. In respect of country-specific situations, the Peacebuilding Commission should in the immediate aftermath of conflict, make recommendations to the Security Council regarding measures to ensure coherence between peacekeeping, economic recovery, and efforts to restore national institutions for public administration and the rule of law. It should periodically review progress towards medium term recovery goals, and help ensure adequate financing. It should extend political attention to recovery beyond the period of dedicated attention by the Security Council, working with the Economic and Social Council and other bodies as relevant, and should report on country-specific issues to the Security Council and the Economic and Social Council in sequence, depending on the phase of the conflict. On general issues, the Peacebuilding Commission should make recommendations on peacebuilding policy to the Security Council, the Economic and Social Council, and the General Assembly within their areas of competence;
- Support the establishment of a multi-year standing fund for peacebuilding;
- Request the Secretary-General to establish a Peacebuilding Support Office within the United Nations Secretariat.

41. We request the President of the General Assembly, assisted by the Secretary-General, to conduct consultations with Member States in order to develop the necessary modalities for the effective operation of the Peacebuilding Commission, including on its composition, its rules of procedure and financial arrangements for its functioning, so that the body can begin operations no later than 31 December 2005.

The full text of the draft outcome document is available on the website of the Conference of Non-governmental Organizations in consultative relationship with United Nations

[at: <http://www.reformtheun.org/index.php/articles/754>. Last visited on 29 June 2005].

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