

## A UN Peacebuilding Commission: What Could be its Core Functions?\*

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*This comment focuses on the conflict preventive role of the future Peacebuilding Commission. For it to be effective it would need to have an independent analytical capacity. Such a capacity would make it possible for the Commission to bring awareness, commitment and resources to situations that may otherwise develop into severe crises.*

Half a century of practice shows that the UN – broadly defined – often acts *after* the outbreak of an armed conflict, that is, when a situation in a country has deteriorated severely. This is a difficult time to intervene in conflict situations since it requires a coherent, long-term strategy and coordination which is often difficult to shape and maintain. Short-term measures may reduce tension or bring a conflict to a halt, and even result in a peace agreement. However, the risks of the recurrence of armed struggle may be great. Recent experience of conflict is a high risk factor.

There is a tendency for post-conflict regions to re-emerge as war zones. Around 85% of civil wars are either occurring in marginalized countries or in post-conflict countries relapsing into new armed conflicts.<sup>1</sup> Countries coming out of civil war face a 44% risk of relapsing into war during the first five years of transition.<sup>2</sup> From this follows that preventive measures are likely to be less costly for the UN and the international community than the start and restart of war.<sup>3</sup> Furthermore, it is a crucial function of the UN to 'take effective collective measures for the prevention and removal of threats to the peace' (Article 1.1 of the UN Charter).

Given a mixture of long-term and short-term perspectives, an effective implementation of this objective requires a centrally placed organ to:

- monitor situations that may develop into threats or breaches of international peace and security, i.e. ensure sustained attention;
- find a way to bridge a divide between emergency activities that may be unleashed at times of severe conflict and long term peace-building efforts;
- deal with the danger of a financial gap in the implementation of long-term peace building strategies;

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\* See also Peter Wallensteen and Carina Staibano, *Attention and commitment: Practical approaches in bridging gaps in UN's post-conflict peace building capacity*, June 2004 [available at: [www.smartsanctions.se](http://www.smartsanctions.se)].

<sup>1</sup> Collier, Elliott, Hegre, Hoeffler, Reynal-Querol, Sambanis, *Breaking the Conflict Trap: Civil War and Development Policy* (Washington D.C.: World Bank and Oxford University Press, 2003), chapter 6.

<sup>2</sup> See World Bank Group, Conflict Prevention and Reconstruction [available at: <http://Inweb18.worldbank.org/ESSD/sdvext.nsf/67ByDocName/ConflictPreventionandReconstruction>].

<sup>3</sup> See Report of the Secretary-General on strengthening the coordination of emergency humanitarian assistance of the United Nations, 14 May 2002 (A/57/77-E/2002/63).

- bridge the gap in mandate between those organisations that deal with immediate relief and those occupied with peace building and development activities;
- maintain sustainable interest among leading UN members; and
- keep an international presence even in extreme situations where state structures are weak or non-functioning.

The case of Haiti illustrates that many of these aspects are missing. After the return of democratic conditions in 1994, Haiti soon developed into an increasingly extreme case: the promised democratic reforms were not realised and, as a consequence, international aid to the country began to diminish (prior to the events of 2004). A rapid resurrection of resources after the crisis in 2004 turned out to be difficult.

On a theoretical level a solution to these kinds of problems is to develop a flexible member state mechanism that could cover extreme situations. In fact, there is a need to reform the UN in at least three areas: analysis capacity in the UN Secretariat; member state commitment through existing organs, for instance ECOSOC; and the creation of subsidiary organs of the Security Council. Let me elaborate on the latter.

The High-Level Panel Report *A more secure world: Our shared responsibility* (2004) (hereafter the 'HLP') brings forward the idea of a Peacebuilding Commission as a subsidiary organ under the Security Council established in accordance with Article 29 of the UN Charter. Linking efforts of peace building directly to the Council gives 'automatic' attention and commitment. Also, nothing prevents the Council from adding other than Council members to such an organ, which would serve to make the Commission more representative. By connecting it to international financial institutions and development and humanitarian agencies there would be possibilities of making this new organ highly operative. The Commission could also bridge some of the divides mentioned earlier. Thus, the idea is highly significant, and the fact that it also has political salience makes it the more important recommendation.

The idea of creating a Peacebuilding Commission has been followed up in the report of the Secretary-General, *In larger freedom: towards development, security and human rights for all* (2005) (hereafter the 'ILF'). This report constitutes the key document for the deliberations on the UN reform in the 60<sup>th</sup> session of the General Assembly.

However, there are important differences between the two documents with respect to the core functions of the proposed Commission. The HLP states that there is a 'clear international obligation to assist states in developing their capacity to perform their sovereign functions effectively and responsibly' (para 261). The HLP situates the Peacebuilding Commission to face the challenge of state collapse. According to the HLP, the core functions of the Commission should be to:

- identify countries which are under stress and on the brink of state collapse;
- organize, in partnership with the national Government, proactive assistance in preventing that process from developing further;
- assist in the planning for transitions between conflict and post-conflict peace building; and in particular to marshal and sustain the efforts of the international community in post-conflict peace building over a given period (HLP, para 264).

The ILF document also discusses the core functions of the proposed Commission but rests on a somewhat different description of what it could do (ILF, para 115):

- improve UN planning for sustained recovery in the immediate aftermath of war, with particular emphasis on the creation of crucial institutions;
- help to ensure predictable financing for early recovery activities;
- improve the coordination of post-conflict activities of UN activities;
- provide a forum for greater coherence where donors, troop contributors and financial institutions can share information about recovery strategies,
- periodically review progress;
- extend the period of political attention to post-conflict recovery.

In addition, the Secretary-General states that: 'I do not believe that such a body should have an early warning or monitoring function' (ILF, para. 115). Nevertheless, he expects member states to follow the Commission's advice and suggests a standing fund for peace building.

At the outset these appear to be contradictory proposals. While the HLP links the Commission's functions to an understanding of the dangers of state failure and would like to prevent these dangers from leading to war, the ILF points to post-conflict phases with the aim of avoiding relapses into war. There is evidence that both situations are dangerous. State failure may lead to internal wars that can spill over to neighbouring countries or result in interventions from the other side of the border. Not all state failures, however, may follow this fate. Remedies have been found even to severe financial collapses and social unrest (e.g. Argentina). Some failures are more significant than others, and they may be difficult to identify.

Post-conflict situations are more directly linked to the dangers of a relapse into war. It is obvious that states and societies face extremely fragile conditions after a protracted war. The quality of peace agreements and the resources available will be key factors in ensuring a smooth transition. There is, however, no certainty about the time of the transition. The war in Lebanon ended in 1989, but the situation in 2005 may still appear volatile. However, the Council and the Commission could understand either situation as a threat to international peace and security, and thus as part of their agenda. Therefore, the Council and the Commission can – and should – determine which situations they want to deal with.

However, in so doing the Security Council and the Peacebuilding Commission may seek some guidance in accomplishing this task. A central concern is the identification of the dangers of a particular situation and close scrutiny is required so that appropriate actions can be advised. In this respect, then, the ILF is less blunt than the HLP. The latter talks about the need to identify situations at risk. This, in effect, is an early warning function that will require some degree of monitoring of particular situations. However, the ILF rules out such a function. This is to be regretted. For the Commission to be effective it would need to have a capacity for independent and detached analysis on the basis of which it can develop advice and direct its own activities. Without any capacity and ability to take up new issues, the Commission will be dependent on other organs and, most likely, be less effective. It would be unfortunate if this worthwhile reform of the UN did not include such a capacity from the outset, since it could be difficult to create later, when the necessity becomes more obvious.

If the Commission will have an independent analytical capacity, it would be possible to bring attention to particular situations, and call public opinion in favour of early action. The assessments of the Commission would make it a central organ that donors, troop contributors, IFIs and NGOs would listen to, and become a voice of significance. But this capacity does not necessarily have to be construed as a complete system of early

warning, while the problem is not the ability of early *warning*, but of early *acting*. The Commission should have a function of bringing awareness, commitment and resources to situations that may otherwise, over a period of time, develop into severe crises. Rather, it is for the Security Council itself to act on emerging crises. If successful, the Commission's work would – in the long term - contribute to reduce the workload of the Council.

However, if there is no analytical capacity within the Commission, it will have to establish linkages to other institutions that have such resources, whether within the UN system, among member states, NGOs or academic communities. Within the UN system, the ILF proposes a Peacebuilding Support Office as well as a Scientific Adviser (ILF, para 189). Both these could be seen as ways of creating access to knowledge that could also benefit the Commission. If, furthermore, the Ministries for Foreign Affairs created their own units for peace building efforts (within development assistance bodies, for instance, whether among donors or recipients) member state networks of great value could develop. Additionally, the Scientific Adviser could be encouraged to establish links to academic institutions and relevant NGOs. This solution will, indeed, be weaker than the establishment of a corresponding analytical function within the Commission itself, but it may also add some diversity of opinion that will enrich the deliberations of the Commission. In fact, these proposals do not exclude each other.

Against this background, it is suggested that the creation of a Peacebuilding Commission should be established; that its present form (as in the ILF) will serve a useful purpose, but also that its mandate should be expanded so as to enable the Commission to make independent public assessments in order to galvanize sustained international efforts of peace building in critical situations.

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