

**Discussion Paper on the
High Level Panel on Threats Challenges and Change**

Recommendation to Establish a Peacebuilding Commission

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Background: In its November, 2004 report, *A More Secure World: Our Shared Responsibility*, the High Level Panel on Threats, Challenges and Change (HLP), 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 (Chapter XV:263, page 83).

This paper presents: **I. the rationale** for the proposed Peacebuilding Commission, examines some of its basic premises, and presents some options regarding its: **II. institutional status**, including its relationship to the Security Council and other organs of the United Nations, particularly the proposed Peacebuilding Support Office within the Secretariat (XV. 266. page 84.); **III. Functions**; **IV. Composition and membership**; and **V. Financing**.

I. The rationale.

In its analysis of the United Nations capacity to promote and maintain peace, the HLP identified

“...a key institutional gap: there is no place in the United Nations system explicitly designed to avoid State collapse and the slide to war or to assist countries in their transition from war to peace. That this was not included in the Charter of the United Nations is no surprise since the work of the United Nations in largely internal conflicts is fairly recent. But today, in an era when dozens of States are under stress of recovering from conflict, there is a clear international obligation to assist States in developing their capacity to perform their sovereign functions effectively and responsibly ...Strengthening the United Nations capacity for peacebuilding in the widest sense must be a priority for the organization.” (p. 83).

There is by now ample evidence of substantial gaps in the planning, financing and implementation capacities for the critical civilian components of complex missions. While substantial improvements have been made over the years in the international community's peacebuilding capacities, concepts, policies and practice continue to evolve within the UN system, including the international financial institutions, and among bilateral donors. In proposing the creation of a Peacebuilding Commission and related Peacebuilding Support Office in the Secretariat, the High Level Panel is seeking to build on and consolidate these advances in order to strengthen national as well as the UN's and international community's shared capacity to prevent state failure and more effectively manage post-conflict peacebuilding.

In brief, the Peacebuilding Commission is intended to create an authoritative, intergovernmental mechanism that can make the substantive link between security and development and ensure that for each specific country situation a comprehensive, integrated mission plan is developed, that there is adequate coordination among the diverse intergovernmental and national donor agencies, and that sufficient resources are marshaled to ensure that the bases for sustainable peace and development are put in place.

While there appears to be growing consensus about the need for a more effective mechanism for post-conflict reconstruction and peacebuilding, the guidelines laid out by the High Level Panel raise a number of critical questions about form, function and decision-making authority that must be resolved before any decisive action on the Peacebuilding Commission and associated Peacebuilding Support Office can be taken. This paper seeks to elaborate some of these questions in the interest of promoting constructive debate on the Panel's recommendation.

In brief, the High Level Panel recommends that:

“The Peacebuilding Commission should be reasonably small; it should meet in different configurations, to consider both general policy issues and country-by-country strategies; it should be chaired for at least one year ...by a member approved by the Security Council; in addition to representation from the Security Council it should include representation from the Economic and Social Council; national representatives of the country under consideration should be invited to attend; the Managing Director of the International Monetary Fund, the President of the World Bank and, when appropriate, heads of the regional development banks should be represented at its meetings by appropriate senior officials; representatives of the principal donor countries and, when appropriate, the principal troop contributors should be invited to participate in its deliberations; and representatives of regional and subregional organizations should be invited to participate in its deliberations when such organizations are actively involved in the country in question.” (XV.265, p.84).

II. Institutional status.

The High Level Panel has recommended that the Peacebuilding Commission be established as a subsidiary body of the Security Council, thereby raising a set of questions about the relationship between the two bodies and what alternative options were explored and rejected. A number of considerations argue for its association with the security council, including:

- the political weight and authority afforded by the Security Council;
- the simultaneity needed between peacekeeping and peacebuilding operations;
- the required coordination across phases of conflict – prevention, mediation, peacekeeping and peacebuilding;
- the increased recognition of the need to join up security and development.

Notwithstanding, questions surface with regard to infringement on the mandate and purview of other organs of the United Nations, particularly ECOSOC and the General Assembly, raising the possibility of other alternatives, including:

- Establishing the Peacebuilding Commission as a subsidiary body to ECOSOC which has attempted with mixed success to provide coordination in the development field, including with the Bretton Woods Institutions, and has taken tentative steps in a few cases of peacebuilding.
- Establishing, through Charter revision, the Peacebuilding Commission as an independent organ under the Charter, perhaps as a successor to the Trusteeship Council.

III. Functions: In his Note to the General Assembly transmitting the report of the High Level Panel, the Secretary-General endorses the Panel's recommendation to establish a Peacebuilding Commission, and states that:

“...work and resources in this area remain too dispersed and I welcome the idea of a new intergovernmental body, as well as that of dedicated capacity in the Secretariat. It is

my hope that such a Commission, which would assist States in the transition from the immediate post-conflict phase to longer-term reconstruction and development, would also be available, at their request, to assist Member States in strengthening their own capacity.” (paragraph 14, page 3).

As described in the Panel’s report, the Peacebuilding Commission is intended to enhance the security-bound planning, implementation and monitoring capacity of the Security Council, by ensuring simultaneity of critical peacebuilding tasks. By bringing together members of the Security Council, ECOSOC, the International Financial Institutions and major donors, it would help to link at headquarters the diplomatic, security and development dimensions of complex missions, thereby providing greater support capacity for field operations. It would enable the Security Council to draw in a consistent and systematic way on the knowledge, experience and resources of the World Bank and the International Monetary Fund, as well as the development ministries of Member States, all present in the field but not readily a part of Security Council deliberations.

Left to be determined is whether the Peacebuilding Commission would serve in an advisory or decision-making capacity and, in the later instance, how it would relate to the Security Council; whether it would have functional authority over resources mobilized through the proposed Peacebuilding Fund; how it would draw on and interface with current efforts such as integrated mission planning and inter-agency collaborations; and how precisely it would backstop and provide support for field operations.

Yet, the implications of the Panel’s recommendations are that the Peacebuilding Commission would be structured in a way that would enable it to deal with both general as well as country specific issues. These issues of mandate and scope of activities need to be further specified and could include:

III.A. Country specific activities:

- Provide a forum in which donors and intergovernmental agencies can endorse a common strategy developed in response to local needs and priorities, including the identification and sequencing of priority tasks, by ensuring that there is an integrated mission plan with by-ins from and co-ordination among all relevant stakeholders (UN agencies, departments

and programs; the IFIS; bilateral donors; regional organizations, and – critically – affected States;

- Help to ensure timely and adequate funding for the year-to-eighteen month gap period;
- Help to establish sustained country-level funding mechanisms for on-going and longer-term activities;
- Help to ensure sustained donor and UN attention to countries emerging from conflict as the security dimension of peacekeeping missions recedes.

III. B. General Activities:

- Provide a standing capacity at the United Nations to provide broad strategic thinking and general policy guidelines in response to the needs of countries in transition or under stress, and to mobilize resources, as necessary;
- Develop a shared conceptual framework and integrated approach to peacebuilding that bridges political, security and development dimensions;
- Develop criteria and procedures to respond to countries seeking assistance in addressing weaknesses in national capacity and state institutions;
- Act as a convening authority for *variable arrangements* to initiate action in specific cases, recognizing that operational planning and program implementation need to be undertaken at the country level.

These functions pertain by and large to instances of post-conflict reconstruction and peacebuilding, leaving open the critical question of the role to be played by the Peacebuilding Commission with regard to prevention and, in particular, countries at risk.

In his transmittal letter to the General Assembly, the Secretary-General stressed that these prevention activities could be undertaken at the request of the countries in question. This, however, elides the question of intervention and

assumes that there will be instances in which countries might seek the advice and resources at the Commissions disposal without detailing what these might be or under what authority they would be dispensed. While it is conceivable to imagine that some counties might appeal for assistance in special circumstances, for example declining capacity because of HIV-AIDS, a set of questions regarding preventive action remain to be resolved, including:

- What role should the Peacebuilding Commission play in forestalling conflict;
- Under what criteria and circumstances could ECOSOC refer a country to the Peacebuilding Commission?;
- Could the IFIs indicate fragile states eligible for some form of collective action?;
- How and under what authority could the Peacebuilding Commission respond in a country context not on the Security-Council agenda?;
- Under what circumstance could the Peacebuilding Commission continue its work in a country after a Security Council mission ends? How should its relationship to the Security Council be structured in those circumstances?]

III. C. Relations to the proposed Peacebuilding Support Office:

“To give the Peacebuilding Commission appropriate Secretariat support and to ensure that the Secretary-General is able to integrate system-wide policies and strategies, develop best practices and provide coherent support for field operations, a Peacebuilding Support Office should be established in the Secretariat.” (Paragraph 265, p. 84).

The Peacebuilding Support office would be comprised of staff drawn for their field experience and technical expertise (e.g. in public administration and management, policing, judicial reform and other essential elements of peacebuilding) from the diverse departments, agencies and programs now engaged in the UN’s currently diffuse pursuit of peacebuilding. Under the guidance of an inter-agency advisory board headed by the Chair of the United Nations Development Group, the Peace Support Office would help to:

“...integrate system-wide peacebuilding policies and strategies, develop best practices and provide cohesive support for field operations. In addition to supporting the

Secretary-General and the Peacebuilding Commission, the Office could also, on request, provide assistance and advice to the heads of peace operations, or to UN Resident Coordinators, or to national governments – for example in developing strategies for transitional political arrangements or building new state institutions.” (XV,267, p.84).

Guidelines for the establishment of the Peacebuilding Support Office are being elaborated elsewhere. However, the following matters need additional consideration regarding its relationship to the Peacebuilding Commission:

Functions: Staff of the Peacebuilding Support Office should:

- Provide overall staff support to the Secretary-General (and Deputy-Secretary-General) and through them to the Peacebuilding Commission in developing peacebuilding strategies;
- Ensure that all relevant agencies, departments and programs, including the IFIs and NGOs, participate in producing a comprehensive and unitary integrated mission plan;
- Provide technical assistance in the field, as requested, to SRSG’s and Resident Coordinators;
- Maintain rosters of UN department, bureau and agency personnel with extensive professional and field experience in peacebuilding;
- Establish and maintain a data base of national and international experts, particularly those with experience in recently developed countries and post-conflict cases;
- Provide a lessons-learned and evaluation capacity commensurate with that developed by the Best Practices Unit in DPKO and the Policy Unit in DPA.

While each of these functions would strengthen the civilian planning and implementation capacity of the UN system, particular attention will have to be paid to the institutional locus and reporting lines of the proposed Peace Support Office if its primary integrated mission planning function is to be carried out effectively. Reporting should probably be directed to the Deputy Secretary-General level.

IV. Composition and Membership.

The Panel proposes that the Peacebuilding Commission should include representation of Member States drawn from the Security Council, ECOSOC, bilateral donors, and major troop contributors as well as by senior officials of the IFIs and, as appropriate, the regional development banks and regional organizations. At the same time, however, the Panel recommends that the body should be kept reasonably small in the interest of effectiveness, thereby raising a critical issue of how selection might be done.

To accommodate the issues of appropriate participation and effective size, consideration should be given to constituting the Commission as both a *standing body*, charged with the general tasks of policy and oversight previously described, and *variable representation* that could be convened to attend to specific country situations on a case-by-case basis. Even in these circumstances, however, decisions about trade offs between size and breadth of participation will need to be made, recognizing that each choice will have consequences with respect to institutional politics and legitimacy. Among possible options for consideration:

The *standing body* could consist of 12-15 representatives from Member States drawn from the Security Council, ECOSOC and lead donor governments, although this would have the effect of curtailing representation from each of these bodies. For example:

- The Security Council could formulate a mechanism to delegate three-five (3-5) Members to represent it on the Peacebuilding Commission. One possible criteria would be to select those Members most involved in peacebuilding activities, or to establish a formula for periodic rotation;
- ECOSOC membership could determined on optional formula, including:
 - a) vote to elect two- three (2-3) representatives to the Peacebuilding Commission;
 - b) be represented by its Chair and two Vice Chairs;
 - or c) establish an alternative selection or rotation procedure.
- Membership on the Peacebuilding Commission could either (a) be automatic for the top seven-ten (7-10) donors, according to rankings of all assessed and voluntary contributions to UN funds, programs and agencies involved in UN peacebuilding (not including those already represented through the Security Council or ECOSOC); or (b) be based on contributions to the proposed 'Peace building Fund' (see below.)

- Member State representation should be at a senior level; however, consideration will have to be given to whether representation should be from the resident Missions or explicitly provide peacebuilding and development expertise drawn from specialized, national post-conflict reconstruction units, or development or finance ministries. (participation by video-conferencing may be appropriate);
- The World Bank and International Monetary Fund should be represented at the level of President and Managing Director, respectively, or by senior designees charged to speak in the organizations' behalf.

Although not stipulated in the Panel's report, additional consideration should be given to representation by UN funds and programs, perhaps by the Chair of the UN Development Group (UNDG) both the ensure participation by the development side of the Organization and to provide for greater legitimacy.

Variable representation for the purpose of developing country strategies and backstopping operations should be determined by the *standing body* on a case by case basis but could consist of:

- Senior representatives of the country under consideration;
- The appropriate SRSG or his/her senior designee for peacebuilding/aid coordination; additional donors that play a significant role in that country;
- Senior officials of relevant Regional and Sub-regional Organizations on a case-by-case basis;
- Regional actors involved in peacebuilding strategy, as appropriate;
- Country Directors of the World Bank and IMF and a senior official of the appropriate regional development bank.
- Troop contributing countries.

Clearly, representation and membership are different forms of participation and the Panel report makes no distinction between them, although they could carry with them implications for quality of participation and decision-making. Would decisions be taken by vote or arrived at by consensus? How would

representatives from the IFIs and regional organizations relate to the proposed body and to their own Boards of Directors? Are the categories for representation stipulated by the Panel the right ones? Should some be eliminated? Others added? Would *variable arrangements* established for specific cases be organized as sub-committees or as part of the *standing body's* plenary deliberations?

IV.A. Chairmanship: The HLP recommends that the Chair should be approved by the Security Council for at least one year, leaving open issues regarding:

- Criteria for selecting the chair (e.g. Permanent Member, major donor, other?)
- Length of service (one year or longer);
- Whether the Chair of the Peacebuilding Commission's *standing body*, or separate chairs representing major donors should chair the *variable arrangements*.

V. Financing.

The HLP has recommended the establishment of a \$250 million Peacebuilding Fund to ensure adequate and timely funding of the essential civilian components of a lasting and sustainable peace. The now well-documented gap between relief and development has been narrowed modestly by the recent inclusion of funds for disarmament and demobilization as part of assessed budgets; however, serious gaps continue to hamper efforts at reintegration of former combatants and displaced persons, training and deployment of indigenous police forces, judicial reform, recurrent costs of fledging government services, and other essential elements of peacebuilding. In brief, the Peacebuilding Fund would be intended to:

- Finance the costs of critical early recovery and rehabilitation phase activities not covered by assessed budgets;
- Fund the intermediary costs of essential governance activities until mainstream development financing and private sector investment come on board.

The modality, management and location of such a fund remain to be determined.

In considering the proposal for a fund one should keep in mind the potential 'politicization' this could bring to the whole enterprise, the national pressure from donors to the fund, and the potential overlap with other mechanisms, including the UNDP's BCPR trust fund.

Modality: three options should be considered for establishment of the Peacebuilding fund:

- A standing fund to be replenished on a periodic basis by willing donors;
- A revolving fund to be used as an advance account and replenished as pledges for country activities come on board;
- A draw-down facility whose pre-pledged funds would be released upon approval by the Peacebuilding Commission of a plan of action based on a joint, field-based assessment.

Management: Decisions regarding use of the fund should be determined by needs in the field based on integrated mission assessment and planning.

- the Peacebuilding Commission should have an advisory, and perhaps, oversight role in the expenditure of funds;
- Funds could revert to the field to be managed by the Office of the Special Representative of the Secretary-General in support of the essential civilian components of peacebuilding;
- An appropriate reporting and auditing function should be established.

The Peacebuilding Fund could be established as a UN Trust Fund or located at the World Bank, depending on donor comfort levels and assurance of efficient procedures.