

Final Report of the PBC Working Group on Lessons Learned

“Institution-building: the challenges for the UN system”

Executive Summary

The Peacebuilding Commission’s Working Group on Lessons Learned focused its work in 2015 on the issue of institution-building as a key priority in conflict-affected countries. The WGLL discussed two key components of institution-building: extension of state authority and the role of political institutions. Throughout those discussions, the WGLL has drawn lessons on the importance of national ownership and inclusiveness, and how the international community, through a coordinated and coherent approach, can assist countries emerging from conflict strengthen their institutions in an inclusive manner and based on ownership in order to achieve sustainable peace. In this connection, the Peacebuilding Commission, through its unique position in the UN system, has a crucial role to play in forging that coherence and partnerships towards sustaining peace.

I. Introduction – why focus on institution-building?

1. The PBC was established following the report of the Secretary-General entitled "In larger freedom: towards development, security and human rights for all (A/59/2005)" which pointed out the existence of a gaping hole in the UN institutional machinery: no part of the United Nations system effectively addresses the challenge of helping countries with the transition from war to reconstruction and to lasting peace. From the very beginning, focusing on early efforts to establish necessary institutions was expected as a core function of the PBC.
2. At the formal meeting of the Organizational Committee meeting of the Peacebuilding Commission (PBC) of 11 March 2015, the Chair of the PBC Working Group on Lessons Learned (WGLL) proposed that the WGLL would focus its work in 2015 on the issue of institution-building as a key priority in conflict-affected countries. The objective of the WGLL was to draw lessons from countries on the Commission’s agenda on how the UN system can better support the strengthening of national institutions.
3. Strengthening core institutions that provide security, justice, public administration, as well as basic social services, is fundamental for a successful transition from war to lasting peace and development. Institution-building is a long-term process that needs to build on existing institutions and take account of the political, social, economic and historical context, which is likely to change over time. In order to contribute to long-term peace, institution-building should address causes and drivers of conflict. Therefore, the approach should be based on nationally-led plans that start with a conflict analysis.

4. Political institutions are at the core of the state and strengthening them is central to any peacebuilding effort. They manage competing interests and determine who has power, how decisions are made and to what aims resources are allocated as tools to prevent grievances to escalate into violence and to rebuild trust within and among communities. The essential institutions include constitutions, parliaments, political parties, local governance bodies, the executive branch, electoral commissions, etc. Political institutions can also be informal.
5. The international community can play an important role in providing political, technical and financial support to efforts of national actors to strengthen their institutions and rebuild trust within societies. Institution-building takes time and funding should be predictable over the long-term, so as to look beyond stabilization and reconstruction.
6. In this connection, the objective of the WGLL throughout the year was to discuss:
 - Specific challenges associated with institution-building in post-conflict situations;
 - The need for further development of partnerships between the UN and international and regional financial institutions for increased coherence of policy approaches and support to institution-building; and
 - The role to be played by the PBC in addressing the challenges of institution-building and in facilitating partnerships with international and regional financial institutions.
7. Through two expert-level meetings, held on 19 May and 20 October, the WGLL provided a platform for the Members of the PBC, the representatives of the countries on the PBC agenda, lead UN entities (DPKO, DPA and UNDP), PBSO and civil society to exchange views on two key elements of institution building processes: extension of state authority and the role of political institutions. On 7 July, the Chair of the WGLL convened a special meeting to discuss the challenges of institution-building in Afghanistan.
8. This report intends to summarize the outcome of those discussions with a view to better understand the role the PBC can play in strengthening the UN system's support to nationally-led institution-building efforts by bringing coherence at both the intergovernmental and the operational level.

II. Challenges and lessons learned for institution-building in post-conflict settings

9. The effective and equitable provision of the rule of law through national institutions, such as the justice system, police and corrections, is often a challenge in post-conflict countries, with negative consequences for the legitimacy of and trust in the Government.
 - Trust is a key requirement for the development of a social contract between the state and the people, which represents the backbone of each society: citizens pay taxes and, in return, they receive from the state security and services. For that relation of trust to be established, the authority of the state has to extend to all areas of a country

and needs to be grounded in political agreements that are achieved through inclusive dialogues. Therefore, in situations where the state does not have full control over its own territory, the extension of state authority is a key priority for sustainable institution-building.

- Local governments are best positioned to provide basic services based on the needs expressed by the population. Platforms for dialogues with local communities on the performance of governments to provide basic services can enhance state-society relations and prevent grievances to escalate into violence.

10. Institution-building requires a long-time process that needs to build on existing institutions and take account of the national political, social, economic and historical context, which can transform over time.

- The restoration and extension of state authority has to be linked to addressing drivers of conflict in order to contribute to long-term peace. A strategy to extend the authority of the state should also be based on an analysis of the presence of the state in different areas of a country, the existence of informal and traditional mechanisms to deliver services, the perception of specific institutions of the state and the revenue collections and spending authorities.
- Looking at the case of Central African Republic, a fragility and conflict analysis identified a number of conflict drivers, including exclusion and marginalization of minorities, divide between the capital and the periphery, regional differences in development and access to services and mutual fear and suspicion between communities. Combination of these factors can points to inability of state and society in CAR to build legitimacy and trust, create space for dialogue to avoid conflict escalation or tap into socio-economic potentials for development that could benefit many. It is at the local level that the national policies meet the aspiration of the population. In this context, the extension of state authority outside of the capital is crucial.
- Institution building efforts in Afghanistan show that major challenges in nation-building efforts are strengthening capacity building especially in the administrative institutions, fighting against corruption and impunity and promoting social acceptance with consideration of tradition and religious aspects in the justice system.

11. Extending state authority has to be delivered carefully and in a manner supporting the political process, the legitimacy of the state, state-society relations, social cohesion and development objectives.

- An up-front conflict analysis and monitoring of country capacities at early stages can help avoid a negative impact of the international assistance to the extension of state authority.
- There is a lot of potential to working closely with the World Bank, UNDP and others on this kind of good up-front conflict analysis, using diagnostic tools they have been developing.

12. Conflicts may erode state authority in areas beyond the confines of the capital. During the civil war in Liberia, state authority gradually dissipated and the centralized governance system upon which Liberia had relied since independence was eroded. Even in the efforts of decentralizing the state functions by establishing the regional hubs outside of the capital, logistical constraints still remain.
- In post-conflict Liberia, the government endeavoured to restore the authority of the state and ensure people's access to security and justice outside of the capital. This requires building the trust of the citizens in the security and justice system. The rule of law and security sector reform remain crucial to the extension of state authority and the capacity and means to implement the priorities is critical.
 - The Government of Liberia has been establishing, with the support of the PBF, five justice and security hubs to decentralize justice and security services to areas outside the capital. The first hub was inaugurated in Gbarnga in 2013 and is fully operational and the delivery of services in the second and third hubs (Zwedru and Harper) has started. Under the hub concept, various elements of the justice system, including the police, immigration, county attorneys, public defenders, magistrates and judges, are working together in delivering justice and security services to all Liberians. This is particularly important in light of UNMIL's drawdown, whose mandates have included assistance to the government to extend its authority throughout the entire country.
13. Institution-building needs to be anchored in political agreements that are achieved through inclusive dialogues. These inclusive dialogues can be important instruments to create support for reforms, when such are needed. Yet, national capacities are often low and the political environment is frequently contentious in the aftermath of violent conflict. In such situations, systemic reforms, grand designs, blueprints or a technical approach to institution-building need to be avoided. Approaches that start with a clearly identified problem that the strengthening of institutions should address have generally had more success. The results should be stronger institutions and higher levels of trust of the population towards the state.
14. There are several specific challenges to the building of political institutions. They include limited capacities and continued availability of human and financial resources; enhancing the credibility and legitimacy of political institutions; the development of a democratic vision and culture; and the influence of organized crime and drug trafficking in some countries.
- The quality, ownership and inclusivity of political institution determine to what extent a state and its societies are able to manage conflicts through non-violent means, and ensure that power is exercised through democratic processes. Ownership and inclusion are an essential underpinning of sustainable peace and a core element of rebuilding political institutions. Sustainable peace cannot be achieved through outside pressure, but needs to emerge organically from within the society over time.

Support and assistance by the international community and regional and sub-regional actors, however, can also have positive impact.

- Inclusivity, as well as transparency, can be broadened by partnering with a vibrant and empowered civil society in delivering services.
- In rebuilding resilient political institutions, understanding the context within which political institutions are created or evolved is important, especially the nature of political settlements and the social contract between state and society. In this context, in Central African Republic, the Bangui Forum was inclusive and has legitimacy.
- The experience of Sierra Leone shows the critical importance of building democratic political institutions for a strong, stable, peaceful and resilient state. Sierra Leone has developed several frameworks to strengthen political institutions, such as the Interim National Electoral Commission, the National Electoral Commission Act, the Political Parties Act, the Electoral Laws Act, the Human Rights Commission of Sierra Leone, as well as an electoral legal reform process, which identified legal reform as a priority area. Many of these developments has received support from major donors, including the PBF.
- In case of Guinea, the political institution process has been enhanced since the first democratic election held in 2010 aiming at setting up the foundations of democracy and reinforcing the rule of law. The Parliament, the Constitutional Court, the High Authority of Communication, the National Independent Commission for Human Rights and the Supreme Judicial Council have been instituted in the past five years. Beyond the holding of the third democratic elections on 11 October 2015 in Guinea, there is continued need to strengthen the credibility of the institutions. In doing so, building the capacities of the institutions and confidence of the population in the existing institutions will be critical.

15. Finally, institution-building is a long-term process which requires strong political support as well as adequate and predictable funding. Even in cases where political institutions are strong, like in Sierra Leone, an unforeseen crisis such as the outbreak of Ebola can reveal some weaknesses in the existing institutions.

III. Partnership and coherence to support institution-building

16. While it is agreed that sustainable peace cannot be reached through outside pressure and it can only emerge organically from within the society, the international community has an important role to play in supporting national authorities strengthening their institutions, including through South-South cooperation and the exchange of good practices among conflict-affected states. Several peacekeeping operations and special political missions have been mandated by the Security Council to extend, consolidate or (re)establish state authority in conflict-affected areas or countrywide, for example in Afghanistan, Central African Republic, the Democratic Republic of Congo, Haiti, Liberia, Mali and South Sudan. Mandates have included references to security, rule of law and good governance, as well as strengthening state-society relations and addressing root causes and drivers of

conflict. For example, the United Nations Office in West Africa's support efforts aimed at establishing and strengthening democratic, inclusive and accountable political institutions in close cooperation with regional and international partners to defuse tensions, engage in dialogue and include civil society, especially women networks, as a vibrant and empowered civil society is the cornerstone of democracy.

17. United Nations Country Teams, international financial institutions (IFIs) and other development actors have also supported both the extension of state authority and the strengthening of political institutions. The United Nations can also play an important role in the coordination of development actors in support of institution-building.
18. A stronger partnership between the UN and international/regional financial institutions can bring a more coherent approach to support institution-building. This is particularly true in the case of transitions from humanitarian towards development situations. By reinforcing the state's capacity to address challenges in the political/security, humanitarian and development areas, institution-building is at the core of what the UN is mandated to do to support countries emerging from or affected by violent conflict. A long-term approach towards sustaining peace, from conflict prevention to development, is built upon the need to build stronger national institutions.

IV. Role of the PBC in supporting institution-building

19. In view of the challenges conflict-affected countries are facing in strengthening their institutions and of the role the international community can play in supporting national authorities, the Peacebuilding Commission can be an important instrument in ensuring that the international community can respond in a coherent way and provide cohesive support to institution-building and, ultimately, to sustainable peace.
20. As the report of the Advisory Group of Experts on the 2015 Review of the Peacebuilding Architecture underlines, fragmentation that originates in the major intergovernmental organs of the UN, and which is mirrored in the UN system at headquarters and in the field, represents a major obstacle to the efforts of the UN in sustaining peace. The report notes that the PBC, as a platform that brings together members from the General Assembly, Security Council and ECOSOC, but also representatives of IFIs and regional organizations, can be instrumental in fostering strategic coherence. That was the case, for example, when the PBC engaged, at the sub-regional level, to support the West African countries affected by the Ebola crisis. A similar approach is to be welcomed when it comes to institution-building.
21. The PBC has an important role to play also with regard to its advisory role to the Security Council. Whereas the Security Council finds its comparative advantage in the more immediate and urgent tasks of conflict resolution, the PBC's comparative strength lies in undertaking long-term endeavors of laying the foundations for sustaining peace.

The PBC can and should complement the Security Council's work and fill the gaping hole by providing more long-term remedies essential for sustainable peace for post-conflict countries. In essence, this lies in institution building. If the PBC can demonstrate its strong ability in long-term endeavors of institution building, the Security Council will then be able to "outsource" more fully this task to the PBC and seek its advice, allowing the PBC to perform its intended function as an advisory body to the Security Council. This will also allow the Security Council to concentrate on its main responsibility of addressing immediate and urgent tasks.

V. Conclusions

22. The discussions in the WGLL represented an important opportunity for the Members to exchange views with representatives of UN entities and civil society on what are the key challenges that the international community faces in trying to support local authorities in building or strengthening their institutions. In this regard, a number of important lessons have been drawn which the Chair of the WGLL hopes could benefit Member States while they bring forward the intergovernmental process on the peacebuilding review:

- Institution-building is not simply a technical process but, *in primis*, a political one. It requires time, adequate financial, technical and political support and it should be led by national authorities based on the needs of the population.
- The provisions of basic services by state institutions to the citizens contribute to legitimacy of and trust in the state by the population.
- Inclusiveness is an indispensable element to ensure sustainable peace. The inclusion of various groups across the political spectrum and across the country, including civil society, women and youth, in an active dialogue on the shape and performance of institutions is crucial.
- In supporting institution-building in post-conflict settings, the international community should do a conflict analysis up-front and assess the country-capacities at an early stage.
- Institution-building needs national ownership and leadership. Institutions cannot be imposed from the outside, but need to be built on existing institutions, taking account of national contexts and be guided by political agreements. The provision of appropriate domestic resources is also essential in this regard.
- Political institutions need to be instruments through which difficult issues are debated and decided upon in an inclusive manner by considering equal access and balance of power among various groups and interests with a society to enhance reconciliation, social cohesion and national identity.
- The UN system needs to move towards a coordinated and coherent approach, working with IFIs and, most importantly, regional and sub-regional organizations.
- The Peacebuilding Commission can play an important role by bringing together a broad range of actors, from Member States to regional organizations and civil society, and strengthen the support to national actors in mission and non-mission settings.

- The Security Council should make better use of the recommendations of the PBC, in particular when it comes to ensuring smoother transitions from peacekeeping operations.
- Investment in capacity development is of utmost importance to create effective institutions.
- Funding for building institutions is often not adequate, and a larger and more predictable financing is desirable in such cases for peacebuilding and for sustaining peace. The Peacebuilding Fund is a crucial actor in supporting efforts to develop capacity.