STATE BUILDING IN CRISIS
AND POST-CONFLICT COUNTRIES

Lakhdar Brahimi
Former Special Adviser of the Secretary-General of the United Nations

June 2007

Introduction

The end of the Cold War reinforced peace and stability in the developed part of the planet. In the Third World, a number of conflicts arising from the East-West divide were resolved in the late eighties and early nineties of the twentieth-century as a direct result of international détente and the end of the Cold War: Namibia, Mozambique, Cambodia, Salvador and Guatemala come to mind. Other conflicts resisted international attempts to resolve them – Angola and the North-South conflict in the Sudan, for example. Other conflicts actually arose in the dawn of the post-Cold War era, in the former Yugoslavia, Liberia, and Somalia, for example.

We know only too well that conflict is the antithesis of development, and what is more, in today's globalised world, an internal conflict will not remain confined within the borders of a single country for very long; it will spill over in a variety of ways to contaminate its immediate neighbours and affect the lives of people much further away. In this sense, the seeds of conflicts that affected Sierra Leone, Cote d'Ivoire and Guinea may be traced back to Liberia; narcotics sold on the High Streets of European capitals come directly from conflict zones in Afghanistan and, arguably, the tragedy of 9/11 may never have happened if Afghanistan had not been neglected the way it had been prior to 2001.

The international community is well aware of the devastating effects of conflict and the necessity of lending a helping hand to communities and countries trying to restore peace and rebuild what war has destroyed. Indeed, the United Nations deserves recognition for its dedication, and many wealthy countries have contributed generously to peacebuilding efforts in all parts of the world. We may find comfort in the flattering statistics of the Human Security Report 2005 (published by the Human Security Centre of the University of British Columbia, Canada) or in the publications of the Rand Corporation in Washington that report that the number of conflicts has dramatically decreased since the end of the Cold War and that UN peace operations have, on the whole, been much more successful – and needless to say vastly less costly – than US military interventions. Still, it is rather embarrassing for the international community in general, and for those individuals like myself who were directly involved in particular, that about half of the countries where peace operations were said to have ended in success, actually fell back into conflict within five years or less. Look at Haiti and look at Afghanistan, to mention only two countries where I was personally involved.

When internal conflict erupts, the downward trajectory is not easy to reverse. Empirical experience with various conflicts in different parts of the world show that the collective efforts of the international community to help end wars and establish peace are often inadequate. Two shortcomings are particularly frequent and damaging: insufficient knowledge and understanding of local and regional conditions is one; the other is the low priority given by international players to the rebuilding of national institutions. Without functioning and self-sustaining government systems, peace and development will be, at best, short-lived, and the disengagement of the international community will take place in less than ideal conditions.

In post-conflict situations, there is an absence of war, but not necessarily real peace. The end of fighting does offer an opportunity to work towards lasting peace, but that requires the establishment of viable institutions, capable of ensuring lasting security for the entire population. Extended conflict leads to terrible human loss and physical destruction; it also leads to the collapse of the systems and institutions that make a stable society function and these are the very systems that need to be resurrected. As Krishna Kumar has pointed out: "Rebuilding institutional infrastructure shattered during conflict is as important, if not more important than physical infrastructure… yet this is an area which has largely been overlooked by the international community in the past." [1] Since this observation was made, ten years ago, more attention has been given to this issue. But there still is much room for improvement.

It should be obvious to all concerned – but alas, it is not – that the sole agenda around which everyone should unite in a post-conflict situation can only be one that serves the interest of the people we pretend to be there to help and them alone. The reality, however, is that there invariably is a plurality of different agendas and if the national interest of the local population is not totally ignored, it is rarely given the priority it deserves. Even the United Nations and its agencies are all too often guilty of giving too much importance to considerations of prestige and their own funding needs at the expense of what is actually required to establish and consolidate peace and stability.

The first task for the international community when it engages in a peace operation should be the establishment of a solid partnership with the national stakeholders. In that partnership, the leadership role of the nationals must be unquestionably recognised. The foreigners need to fully understand and accept that, vital as their own contributions may be, this is not their country, their stay is temporary, and however important and even indispensable their contribution – security forces, financial aid and technical expertise – might be, they do not have the right to impose their views over the national will and the legitimate aspirations of the indigenous people. Naturally, the relationship between the local authorities and their international partners is dialectical in nature and disagreements, even tensions, will unavoidably arise. To underscore the primacy of local over foreign concerns in no way means that the international partners have to accept the views of the local parties unconditionally and without discussion. But it does mean that arrogance is not acceptable, and humility and genuine respect for the local population indispensable.

In post-conflict situations, everything is a priority and the expectations engendered by the prospect of peace, symbolised amongst other things by the arrival of scores of international workers, are incredibly high. Therefore, the international community must plan, prioritize, sequence and explain its assistance carefully in order to sustain the transition towards stability. Their actions should be framed within a holistic approach in which all interventions are directed towards the goal of statebuilding.

---

[1] Kumar, Krishna. *Rebuilding Societies after Civil War: Critical Roles for International Assistance.* Boulder, Colorado: Lynne Rienner (1997).

In this paper, statebuilding is unapologetically seen as the central objective of any peace operation. To serve that objective, all international protagonists – the United Nations and its agencies, the international and regional financial institutions, bilateral donors and non-governmental organisations (NGOs) – should all work in a coordinated fashion, each according to their possibilities and comparative advantage.

In this context and with this objective in mind, I propose to discuss some of the key activities that need to be undertaken:

   a) Constitution-making;
   b) Electoral processes;
   c) Reintegration and national reconciliation;
   d) Rule of law.

Process being often as important as substance, we shall also address two important issues. One, the so-called "light footprint" approach, was put forward in the Report on UN Peace Operations submitted to the Millennium Summit in 2000 by a panel that I had the privilege to chair. The other is the Peacebuilding Commission (PBC) that was created by the last UN Summit in 2005.

Constitution-drafting processes should be closely linked to the peace process, must not be rushed, and as far as possible, should be carefully aligned with existing legal provisions. **Elections** are not the ultimate aim of a peace process and must be used as a mechanism to engender deliberation, participation and national reconciliation; they should not be turned into a superficial and hurried public demonstration of doubtful democratization. **Disarmament** and **demobilization** must be supported by adequate **reintegration** processes in order to ensure their sustainability and underpin security, while development of the **rule of law** is essential for longer-term structural stability. And to heal the deep wounds left by years of conflict, it is necessary to conceive and implement a comprehensive, inclusive programme for **national reconciliation.**

Despite a mandate for global security and many years of experience working on post-conflict reconstruction, the UN is still struggling to develop the necessary concepts and capacities to assist statebuilding in a coherent and effective manner.[2] Senior UN officials would be the first to agree that their institution is not always fully equipped to provide relevant advice on how or when reforms should be carried out, or well enough resourced and managed to assist in their implementation. Its interventions should adhere to the idea of a **"light footprint"** and avoid the creation of parallel institutions and dual systems which undermine local authority, hinder coordination and precipitate competition. It is now becoming clear where the gaps in knowledge and practice exist, and the **Peacebuilding Commission** (PBC) has been created as a body through which these gaps can hopefully be filled. If the PBC does become a mechanism to pull resources together,

---

[2]   While in the first forty years of the United Nations, only 18 peacekeeping missions were set up, since 1990, 42 new missions have been authorized. The annual budget of the UN peacekeeping mission now exceeds $5 bn. See http://www.un.org/reform/investing-in-un.html.

ensure support, and improve coordination in peacebuilding and statebuilding efforts, it will no doubt deserve a great deal of credit. But much like rebuilding post-conflict states themselves, reforming the work of the United Nations in the area of post-conflict statebuilding will be a long and difficult task.

1.   *Statebuilding*

The concept of "nation-building," often used in reference to development efforts in post-conflict states, is misleading. As Francis Fukuyama points out, it reflects the specifically American experience of constructing a new order in a land of new settlement without deeply rooted peoples, cultures and traditions. Nations cannot be built, especially not by foreigners descending on a country for a short period of time. Nations emerge through an unplanned historical-evolutionary process.[3] Equally, the term peacebuilding does not encompass fully the tasks that must be carried out in order to reconstitute a viable and functioning state.

Understandably, the very word "state" is perceived as a negative reality by those who have suffered under repressive governments in the recent past. It is looked at with equal suspicion by NGOs and human rights organisations whose sympathies are firmly on the side of those who have been the victims of that state. But the term statebuilding is about transforming such states, not restoring them as they were. The concept of statebuilding is becoming more and more accepted within the international community and is actually far more apt as a description of exactly what it is that we should be trying to do in post-conflict countries – building effective systems and institutions of government. Indeed, acceptance of statebuilding as a generic term to describe our activities will help to concentrate international support on those very activities.

The establishment of a virtuous circle of trust and mutual accountability, and the assumption of rights and obligations by citizens require a statebuilding agenda that creates an inclusive state to support equitable economic, political and social orders. This begins with a careful analysis of state functionality. Without a candid assessment of objective conditions in a specific post-conflict situation, it is impossible to develop a statebuilding strategy. Beyond the traditional Weberian conception of state functionality, states must perform a series of interrelated functions in the political, security, economic and social spheres that are the key to long-term stability. A clear understanding of the objective realities in the country concerned is necessary for the international community to establish – in close cooperation with the local partners – the statebuilding process required, and the type of resources, sequencing and time-horizon necessary to rebuild.

Although diplomatic attention and large amounts of donor assistance will be necessary to end many conflicts, experience indicates that any statebuilding intervention will be sustained only through national structures. To foster and ensure peace and stability, there is no substitute for viable and accountable state institutions able to provide services, build the rule of law and support economic development. In any post-conflict context, the

---

[3]   Fukuyama, Francis, in Fukuyama, Francis (ed) *Nation-building: Beyond Afghanistan and Iraq*. Johns Hopkins University Press, Baltimore, 2006, p.3.

media attention inevitably fades, donor funding diminishes and international engagement recedes. Thus, it makes no sense to inject massive international assistance to try and build peace and stability without supporting state-structures and ensuring the active participation of national leadership within those structures. To achieve this, both the substance and process of statebuilding need substantial rethinking.

A particularly successful experiment in post-conflict statebuilding that I had the privilege to observe was in post-apartheid South Africa. The delicate transformation of the apartheid state into the new, non-racial, democratic Republic of South Africa was achieved through a deliberate, patient, careful, inclusive process led by Nelson Mandela – a giant of a man – ably seconded by another remarkable personality, W. F. De Klerk. But they did not do it alone. An inclusive national debate was organised by the "peace structures," and nobody was excluded from this process. Even the most extremist groups and individuals who did their damnest to derail the process knew that they were welcome to join in if they so desired and, along the years, many of them did.

The South Africans had the political experience, managerial skills, financial resources and above all the national leadership to accomplish the task with minimal external involvement. In other countries where such assets were in short supply – either because they had never been there in the first place or had been largely depleted by years of destructive conflict – external assistance will be severely needed. But foreign assistance is just that: assistance; it can in no way be a substitute for a national agenda aiming at rebuilding the national state. International efforts in Afghanistan seemed promising in this context in the first two or three years of the Bonn process. But there are now serious uncertainties, and it is high time for the Afghan government of President Karzai, the United Nations and other partners to seriously review their options. In Iraq, the experiment was doomed to failure from the start as this was not a post-conflict peace operation, but an invasion with predictable – and mostly predicted – consequences.

The qualitative difference between the Afghan and Iraqi situations notwithstanding, the two cases offer a dramatic illustration of the difficulty of statebuilding and they are helping bring the issue to the forefront of public thinking.

In Afghanistan, a brave effort was made with the Bonn process to create a national administration that enjoys genuine legitimacy with the majority of the people. The easy steps in the political process – electing a president and parliament, drafting a constitution, starting the training of an army, collecting heavy weapons from the former factions – were implemented. But more, much more, is needed to actually create or restore a functioning state. In particular, the elected, national authorities need assistance in recruiting and training human resources, and obtaining the funding and equipment necessary to provide the security and other services the country and its people crave. This was not done to the level required and the donors, including the United Nations, continued to operate, far too often, through parallel structures that did provide some services to the population but undermined rather than helped the state establish and sustain its credibility.

In Iraq, the institutions created by the invaders and the Iraqis drafted to serve under occupation never acquired any legitimacy or credibility in the eyes of the people of Iraq. The return to the Security Council may have given occupation a semblance of legality; but neither the Security Council resolutions nor the participation of the United Nations in the attempts to rebuild the state helped in any significant way to make the new institutions acceptable to the vast majority of the people of Iraq. In both countries, the lack of a political order projecting its presence deep into the various parts of the country and accepted as legitimate by its people, inevitably led to incoherence and increasingly divergent perspectives with, in particular, issues of identity continuing to pull communities apart.

To build a state, there must be consensus on the type and shape of the state to be built and agreement between all parties as to the process that will be used to create that state. This can come about through the patient development of a joint vision for the country's future, generating forward momentum, creating cross-cutting ties between and among citizens, communities, the private sector and policy makers, and providing effective mechanisms through which to connect discussions within formal and informal authority structures and processes. In a highly politicized post-conflict environment where expectations of peace are very high, the perception of an inefficient or unfair system can be highly damaging. Therefore, national leaders and their international partners must be particularly careful to convey their vision to their various constituencies, demonstrate their progress, and explain positive changes to win support for the legitimacy of the emerging order. Progress is about sequencing tasks, and credibility is gained through momentum towards the goal so that the expectations of a population can be realistically managed and the trust of citizens can be gained and consolidated. Peace must be seen as an outcome of a truly inclusive process, achieved through steady progress and providing hope for more justice, more equality and increasingly better opportunities for upward social mobility.

2.   *Constitution-making*

Ashraf Ghani, who gained considerable experience through his successful contribution to the Bonn process and its implementation, defines a peace agreement as a framework "for writing the history of the future." This is more than a catching, beautiful phrase. A peace agreement is a roadmap crafted by domestic actors – often with support from external players – in which they agree on the rules of the game that will govern future conduct and progressively build mutual confidence and improve cooperation between factions and individuals who, until recently, were engaged in deadly conflict with one another. Obviously, the constitutional process is intimately linked to the peace process. A new constitution ultimately is needed to serve as the framework of principles and rules upon which the new state will be based. The other elements of the peace process, if properly sequenced and implemented, will help facilitate a successful constitutional process. Reciprocally, a well-conceived and implemented constitutional process will be a decisive contributor to the overall success of the peace process.

But it must be understood that a constitution cannot be rammed through too early in the process: people coming out of a conflict are hardly capable of building the national consensus required for the successful drafting of a constitution. This is more so if, as was the case with Iraq, conflict is still raging. Nor is the provision of a new constitution an end in itself. Quite often an existing constitution will be perfectly adequate, with minor amendments if necessary, at least for the immediate post-conflict period. In Latin American constitutional processes, for example, parties often found previous constitutions acceptable and focused their energies on striking a balance between the branches of government, or addressing specific issues such as indigenous rights. During the Bonn Conference on Afghanistan in November/December 2001, it was easily agreed that the 1964 constitution, cleaned of its original monarchical dispositions would serve Afghanistan well at the start of the new era.

In hindsight, I strongly believe that it would have been much better to keep that constitution for a few more years rather than artificially decide (as it was done under strong external pressure) that a brand new constitution had to be produced barely two years after the adoption of the Bonn Agreement. Actually, the constitutional process in Afghanistan was reasonably successful. But failure confronted the Afghan delegates for a good part of the drafting period and, all in all, the added value brought by the new constitution was not worth the risks taken, the energy and the financial resources spent, and for a time, the bitterness produced. In Iraq, it was transparently evident that the unrealistic deadlines imposed on the constitutional process had much more to do with the political needs of the occupiers than with the requirements of a successful transition. The result has been a constitution which further deepens divisions and fuels tensions; the new Iraqi political class agreed to amend the constitution even before it was adopted, but the present parliament seems incapable of building the consensus needed to complete that task. The "Transitional Administrative Law" (TAL) drafted under Ambassador Bremer was understandably resisted by the Iraqi people because it reflected the will of the occupying power. However, looking at the messy outcome of the constitutional process, the long-term interests of Iraq would have been served much better if the TAL had been retained until peace and security had returned to that unhappy land.

Here again, it is South Africa that offers the example of a successful process. It took perhaps ten years in all for the political elite to complete and adopt the new constitution. An interim constitution was agreed on initially and the first non-racial election in April 1994 produced a parliament which also acted as a constitutional assembly. It was further agreed that during the life of that first parliament, the country would be run, not by the party that won the election but by a government of national unity in which every single group that had five percent or more of the popular vote would be represented. Public participation in the constitutional process included a carefully planned civic education programme and a well-organised public participation that included consultations at the village level, radio broadcasts and a large distribution of all relevant documents.

A new constitution immediately raises the question of the alignment of the new constitutional provisions with existing laws: the previous structure of the state needs to be aligned with the nascent constitution, and previous rules and regulations must be compatible with newly promulgated legal statutes. The constitution is a new suit of provisions in which the old, decrepit body of laws must be regenerated. The constitution then becomes the basis for a series of amended or newly drafted laws, rules, and regulations. It is important to seriously consider the dichotomy that exists between new and old law, and more importantly, the extent to which a new law actually corresponds to conditions and behaviour in practice. These are some of the critical issues that arise in any post-conflict context that need careful and sustained thought from both national and international protagonists.

The drafting of a new constitution is an important benchmark in the process of developing new rules of the game and creating a legitimate political centre. It defines the polity, sets out the relationship between the state and its citizens, and fixes the social contract that underpins the functioning of an organized society.

However, comparative knowledge of constitutional processes is still underdeveloped and it is only relatively recently that lessons are beginning to be drawn from past experiences and shared across contexts.[4] The tendency to prescribe universal constitutional advice, and broad rules and regulations that do not fit the country context and are not underpinned by broad, inclusive and participatory inputs from national populations must be resisted.[5] The historic, cultural, institutional, ethnic and linguistic differences among countries cannot be ignored. Generic constitutional provisions cannot be indiscriminately applied to highly individualized contexts. Ignoring these basic principles leads to problems of substance and process at both the micro and macro levels. Equally, the pace of constitution-building must not be dictated by the international community. The process must be politically driven and the result of discussions that outline common goals and areas of agreement, and not based on externally imposed timelines.

The international community, including the United Nations, is not sufficiently well-equipped to provide relevant advice on the process or timeline of constitution-drafting. I recognize that in Afghanistan, the UN constitution-drafting plan contained minimal public education and consultation, despite the fact that outreach and public input are proven methods to improve both the substance and validity of a constitution. The international community is working to fill the gaps in its knowledge in this regard. Past experience must be reviewed without complacency; it will be greatly beneficial to carefully and systematically identify strengths and weaknesses in the state of our current knowledge and practice. Only by asking the right questions will we stimulate further

---

[4]   Between 1990 and 2000, 17 African states, 14 Latin American states and nearly all of the post-communist states in Eastern Europe and the former Soviet Union significantly changed or replaced their constitutions.Vann Cott, Donna Lee.

   The international community must work to integrate further the lessons from these processes.

[5]   As Kirsti Samuels points out: 'In all cases where the constitutional process was inclusive, representative or participatory, the constitution-building process has led to incremental democratization of the state.' Samuels, Kirsti. *Constitution-Building Processes and Democracy: A Discussion of Twelve Case Studies*. International IDEA. IDEA's work on constitutional processes is instructive.

thought and develop new approaches: When and to what extent should public participation take place? How can constitutional processes become more inclusive? What assistance should the international community be providing, and at what stage is this assistance most needed? How can constitutional Commissions be made more representative? How can the judicial system best be used to protect constitutional rights and guarantees? Asking these types of questions will provide the stimulus to move us towards formulating constructive answers.

3.   *Electoral Processes*

Elections, like constitutions, are not an end in themselves. Nor are they a panacea. Naturally, elections are a hugely important part of any peace process but an election will produce all the good expected of it only if it takes place at the right time in the sequence of activities that constitute the peace process. Bullets yield to ballots when parties in a conflict realize that politics provides a better instrument than war for achieving their goals, and not when elections are held on an artificially prescribed date to allow the Western press to splash across national newspapers images of women sporting ink-marked fingers and colourful national costumes. The rush to equate democracy with elections risks confusing the goal and process with the mechanism, and often leads to a relapse into conflict. Remember Rwanda and remember Angola. In contexts where institutions are not stable, criminal groups control areas of the state apparatus and mature political parties do not exist, it is not at all certain that elections will necessarily advance the goal of enfranchising citizens, particularly if elections are held in a hurried fashion, without sufficient preparation.

While the political momentum generated by a peace agreement or by the fall of an authoritarian regime can create pressure for elections to take place quickly, voting that takes place too soon after the end of conflict may well reinforce existing divisions and fault lines rather than create new bonds to promote mutual trust and cooperation. Moreover, hurried balloting will not necessarily favour progressive, moderate forces that are so critical to the maintenance of peace as these parties do not have sufficient time to raise the economic resources necessary to become competitive. The electoral playing field is inevitably tilted in favour of a small, powerful elite often resistant to change, or to armed groups and ex-combatants enriched through resources captured during the conflict period.

Clarity over the criteria, which must be reached for elections to take place, particularly in terms of the institutional capacity of the police, administration, judiciary and the media, is important to ensure that the elections foster, rather than hinder democracy. The choice of the electoral system is important. The proportional representation system adopted by South Africa at the end of Apartheid rule in 1994 contributed significantly to the creation of an atmosphere of inclusiveness and reconciliation that allowed for the peaceful political transition. Proportional representation avoided the politically-charged question

of drawing constituency boundaries, and fit in with the power-sharing ethos which both the ANC and the Nationalists saw as a key tenet of the Interim Constitution.[6]

The international community must deliberate more carefully about how to help local stakeholders engender the "substance" of democracy through the sequencing and timing of electoral processes, and must think more innovatively about mechanisms that can be used to generate the participation and consultation necessary to support a democratic polity. This thinking can benefit from the experience of specific national consultative processes such as the use of the Loya Jirga in Afghanistan or the Truth and Reconciliation Commissions in South Africa.

National elections and censuses, given their inherent political and procedural sensitivity require significant preparation time for national authorities to promulgate the necessary laws, organize logistics and ensure security. Instead of rushing into national elections to satisfy donors, more consideration should be given to traditional processes that build on village- and community-based mechanisms rooted in tradition. In specific cases of post-conflict countries, we may well find that democracy can be supported far more efficiently and cost-effectively in this manner. Enormous potential also exists for rethinking electoral processes, voter registration, census and citizen identification preparation in light of modern technology. These technologies enable more frequent but transparent elections at a fraction of the cost; prevent perceptions of inequality or discrimination through facilitation of identification mechanisms; and allow for the creation of a significant information base for governance and development purposes.[7]

The UN must reassess its role in providing electoral assistance to these types of countries and better understand how to make electoral processes and bodies more effective. The structure, financing and staffing of Electoral Commissions and Monitoring Boards; the relationship between electoral administrators and the media; the processes for resolution of electoral disputes; and the affordability of elections are all issues that need further examination. Well over $200 million was spent on the national elections in Afghanistan, but this is clearly not affordable over the long-term in a country where national revenues total under $1.5 billion.[8] Overpaid, and at times under-qualified, foreign "experts" do not add sufficient value to electoral processes and seldom work to build the institutional and human capacity necessary to ensure that future democratic mechanisms are self-sustaining. We must ask exactly what is required to create the basic institutional infrastructure for future electoral processes in post-conflict states and how the international community can best sequence the necessary assistance to support locally-rooted, independent, effective, electoral bodies.

---

[6]   Electoral System Design: The New International IDEA handbook, p. 63.

[7]   The peace process in Guatemala stands out for its emphasis on the creation of identity cards for all the citizens of the country. New systems of voter identification through iris recognition are also now available to prevent voter fraud.

[8]   IMF, Statement of IMF staff at end of staff visit, February 1st, 2007:
        http://www.imf.org/external/np/ms/2007/020107.htm

Although our understanding of electoral processes is still incomplete, the increasing expertise and experience of national electoral administrators and legislators around the world is broad, and is an important resource upon which democratizing countries can draw. There is a wealth of lessons to be learned from India, for example, which, surprisingly, has not been looked at closely enough. This is a country that has organised successful elections for sixty years and its highly respected National Electoral Commission has successfully met all the challenges one finds in such a vast and diverse country: illiteracy among much of the population; difficult, basic or inexistent communication; violence, etc. The creation of information-sharing networks among and between post-conflict countries that have gone through difficult political reform processes could become a relatively low-cost yet valuable mechanism for overcoming the deficit of knowledge.

4.   *Reintegration and National Reconciliation*

An important and urgent task in the immediate post-conflict phase in almost every case is DDR – demobilisation, disarmament, and reintegration of former combatants. Ideally, this begins with a peace agreement wherein the parties to the conflict agree on how precisely their combatants will be demobilised to return to civilian life or to be integrated in new or reformed, national security forces, and how their weapons will be disposed of or collected. But peace agreements do not always provide for DDR – this was the case of the Bonn Agreement for Afghanistan – and even when such provisions do exist, implementation is rarely easy and straightforward. One misconception must be immediately dispelled: the United Nations does not and cannot actually *disarm* combatants. It collects their weapons and will, at best, use its moral authority and whatever incentives and means of pressure it may have to encourage factions to live up to their commitments. Parties to a peace agreement seldom have enough confidence in their former adversaries to immediately surrender their weapons and demobilise their soldiers. Besides, most of the time there are splinter groups and rogue elements who continue to see their interest in the conflict not in its resolution. Nevertheless, the UN has a decent track record in this regard, and disarmament and demobilization work now adheres to a comprehensive set of guidelines and procedures that are very helpful in practically every situation. However, security cannot be assured without reintegration, and while this process has also been analyzed and distilled into policy prescriptions by the UN, it still does not receive the attention it deserves and the funds it needs. Without reintegration, disarmament and demobilization will be difficult to sustain. New, creative thinking is needed to ensure that ex-combatants become stakeholders in society and to create the solid links that will firmly integrate these men and women in the social and economic relationships that will reconstitute the fabric of society and engender citizenship.

Youth, which often represents over 50 per cent of the population, is a critical issue in post-conflict societies, but too often youth are not considered as a constituency per se and too frequently little or no attention is paid to the articulation of a vision for their future. It is usually young men and women that drive armed conflict, and it is the physical and psychological wounds sustained by them that make the transition back to peace over the

long-term so difficult.[9] These young people, who have been ensconced within a culture of violence and impunity for years, are all too often demobilized and released back into society without any opportunity for productive employment or means through which to change their thought processes. This is exactly why they turn to crime or pick up arms again in a bid to improve their circumstances or simply to relieve boredom. I hear that in some parts of Liberia, idle teenagers loudly regret "the good old days with Charles Taylor," when they had guns and money and power.

The rule of the gun cannot be converted into the rule of law without the economic incentives for this process to take place. We are not saying that peace-making should be correlated with job-creating, but political security in any post-conflict society is also based upon the economic security of its citizens, and disenchanted youth groups must be given an economic stake in the future. This involves not only job creation and dialogue with the private sector – if it exists to any significant level – about how best to generate employment, but also training programs and vocational courses for the development of new skills, and thus the removal of legal and administrative obstacles to employment. Concerted attention to youth makes the critical difference between consolidation of security and the fragmentation of authority.

Furthermore, peace and security will not be consolidated and sustained without patient, skillful efforts to promote genuine, effective reconciliation between warring parties. National reconciliation is based on a sense of national unity and equality under the law that must take root for state institutions to become legitimate. It is based on four distinct but interlinked mechanisms: healing wounds of the survivors; some form of justice; historical accounting via truth-telling;[10] and reparation for the material and psychological damage inflicted on the victims. This necessitates the construction of political and institutional processes that may include truth commissions, international or national justice mechanisms, methods of compensation or reparation, social and psychological counselling projects, education, dialogue processes and support for civil society grass-roots initiatives.[11] A national reconciliation programme would benefit greatly from a genuinely inclusive peace agreement. That is what we did not have with the Bonn Agreement for Afghanistan: the hastily assembled delegates were not representative of the Afghan ethnic and political diversity. The Taliban who controlled 90 percent of the country a mere few weeks before the Bonn Conference were kept out and the Pashto population, the largest ethnic group, was poorly represented. The Taliban had been routed by US military intervention, but they did not surrender and did not accept defeat. In the post 9/11 environment, it was not possible to invite them to Bonn and they would have refused to come anyway. But efforts should have been consistently made, immediately after the establishment of President Karzai's interim administration on 22 December 2001, to open serious discussions with those Taliban leaders who might have been willing to join the national consensus. This was a serious failure that, together with the refusal of the US and the European Union to expand the UN-mandated military presence

---

[9]   It is estimated that there are approximately 300,000 children taking an active part in armed conflict around the world.

[10]   "Revealing is healing" was the slogan of the South African Truth and Reconciliation Commission

[11]   www.idea.int

– the International Support Afghanistan Force, (ISAF) – outside of Kabul account for many of the problems Afghanistan is facing today.

The same failure took place in Iraq. When the government of Ayad Allawi was formed, in May 2004, it was clearly stated that that government was not fully representative and that a national conference should take place to select an advisory council that would much more inclusively represent the rich diversity of the Iraqi people. A conference did indeed convene, but it was used to further deepen divisions rather than heal wounds and attract those who had been excluded since occupation.

There is no one-size-fits-all strategy for reconciliation and the methods and sequencing must be adapted to context. Ideally, provisions for the mechanisms and funding for reconciliation efforts should be included in peace agreements. Transitional justice and truth telling bodies are now often written into internationally-brokered peace agreements. These are important and useful tools. They must however be handled with great care. Elements of former regimes often embody a significant proportion of the human capacity that exists in post-conflict countries as a result of their former roles in government, and thus blanket rejection and prosecution – and even worse, persecution – of everyone associated with the former regime can undermine the creation of functioning state-structures in the future. In Iraq, some of the new leaders who came back to Iraq with the occupying forces continue to resist all attempts at national reconciliation under the pretext that this may rehabilitate pro-Saddam Hussein elements. In reality, the so-called "debaathification" laws initiated under Ambassador Bremer were supposed to dismiss those individuals who were guilty of gross human rights abuse during President Saddam Hussein's regime. But these laws were used to summarily dismiss hundreds of thousands of government officials, teachers, physicians, nurses, engineers, etc., who were guilty of no crime, except that they had joined the Baath party, most of the time because it was the only way to secure employment or to get a promotion. The Iraqi state was practically dismantled and ceased to function. Corruption, injustice and human rights abuse are at least as rampant in the new Iraq as they were under Saddam. Already, many Iraqis have nicknamed the son of one of the new leaders "Uday," after one of the sons of Saddam who was particularly cruel and feared all over the country.

Finally, reconciliation processes must be locally owned. Donors and experts can generate the opportunities and create favourable conditions for reconciliation processes through funding for reparations or witness protection, for example, but ultimately it is the former enemies, the victims and perpetrators of crimes who must come to terms with their past in order to allow for a better future.

5.   *Rule of Law*

Stability slowly takes root through a series of agreements among key political forces on the definition of a system of governance that will serve citizens rather than exploit them. Stability further requires strict adherence to the newly agreed upon rules of behaviour. To move from situations where the whims of the warlord are the law, to one where the warlord is subject to the same law that applies to all, is not easy and will not happen overnight. Building the instruments to implement the rule of law is as important and as

difficult as the production of the comprehensive and coherent legal framework that will govern the relationship between the state and its citizens as well as between citizens themselves.

Without solid, credible and non-corrupt institutions that embody the rule of law, democracy and human rights will remain elusive and confined to the realm of high-minded international rhetoric rather than reality. Building the capacity of the judicial system and the police is often the most fundamental task in re-establishing law and order, and with it, justice, accountability and public trust; that in turn will encourage economic investment by nationals as well as by foreign institutions and individuals. Yet these processes cannot be rushed. There is simply no way to reform the rule of law quickly. Setting the bar too high, or expecting results too soon, is not realistic. Many post-conflict programs have also suffered from poor sequencing and balancing of legal mechanisms. If the judicial system functions adequately but the police force is not arresting criminals, then this reform remains somewhat redundant. Equally, if the police force is making significant efforts to curb crime, but the justice and corrections systems lack capacity and are corrupt, the functioning of the justice system as a whole is undermined.

The international community, including the United Nations is just starting to pay enough attention to rule-of-law issues. In Afghanistan, the judicial reform process was largely neglected, and I must confess that I personally bear a large part of responsibility for that. Our efforts involved only limited, and mostly inadequate, input from Afghan traditional structures and citizens to ensure legal alignment with existing *de jure*, and more importantly, de facto legal regulations and practices. Legal experts must collaborate with traditional, local institutions that can provide invaluable contributions to the establishment of the reformed rule-of-law statutes. Laws as well as judicial or police systems cannot be brought in "off the shelf" from other countries in total disregard for the present conditions, traditions and practices in the country concerned.

The United Nations Development Programme and the U.S. Institute of Peace are making brave attempts to store some institutional memory about rule-of-law issues. Far too often we are guilty both of "reinventing the wheel" again and again, and repeating the same mistakes from mission to mission.

Funding is invariably a problem because, as we said earlier, the international community does not give the issues of rule of law all the importance they deserve. Besides, salary scales imposed by the International Monetary Fund and donors on this vital sector make it practically impossible to attract the best cadres or effectively control corruption. The correction system is particularly neglected. For example, the international community has been trying to help Haiti rebuild a viable state for twenty years. When I was in Haiti, in 1995, we wrote countless reports and made application after application for funds to address the appalling conditions of the detention centres. Today, ten years later almost nothing has changed. The following lines from a recent International Crisis Group report on Haiti are sadly eloquent and require no further comment:

"Haiti's seventeen prisons hold more than 5,500 inmates but fewer than 10 percent have been convicted and many are yet to be charged. In the National Prison in Port-au-Prince, which is filled to eight times capacity with 2,500 prisoners, there are only twenty-five guards, and disease is rampant. In the system, countrywide access to food is minimal and to water insufficient, while 90 percent of inmates have some form of scabies or chronic itching, and risk of Tuberculosis (TB) is far higher than the national norm. Prisoners have to take turns sleeping or sitting, and a walk to sanitation facilities – granted only once daily and only for 30 minutes – is often the prisoners' only opportunity to leave cells. The National Prison is a labyrinth of dormitories and yards, where the response as elsewhere in the system to crumbling walls and inadequate security is to keep prisoners penned in their cells."

6.   *A Light Footprint*

In countries such as Afghanistan or Haiti, long-drawn conflict or prolonged political crises have significantly eroded or destroyed already weak state institutions, and whatever human resources once existed are scattered in exile around the world or in refugee camps in neighbouring countries. However, lessons from statebuilding in post-conflict environments indicate that significant pockets of capacity manage to survive even in these contexts, and government systems, however corrupt and inefficient, continue to exist. If it is clearly understood and accepted that the aim of international support is to help a country rebuild its state institutions, surely no effort will be spared to identify the weaknesses in the system, locate all indigenous talent and make sure that no foreigner will do a job that can be done by a national citizen. Obviously, it may take time to mobilize local human resources and there will be a need for foreign staff: the urgency of the situation, the pressure to intervene quickly and the need to "tie one's shoelace while running" may justify the early arrival of large number of international personnel. But there is no justification to keep international staff one day longer than absolutely necessary. A golden principle for international assistance should be that everyone shall do everything possible to work himself or herself out of a job as early as possible. This is, in very simple terms, the principle of a "light footprint" advocated in the so-called "Brahimi Report". This recommendation was the result of what had been seen in almost all post-conflict situations. Invariably, we helplessly witness overly-large international missions duplicating local skills without the benefit of local knowledge, which leads to parallel aid delivery mechanisms that actually undermine national institutional development. In Afghanistan, for instance, approximately 280,000 civil servants work in the government bureaucracy receiving an average pay of $50 per month, while approximately 50,000 Afghan nationals work for NGOs, the UN and bilateral and multi-lateral agencies where support staff can earn up to $1,000 per month. Unsurprisingly, there has been a brain drain from the managerial tier of the government to menial positions in the aid system. It is puzzling that the donors who fund all these bureaucracies have no objection to the high salaries paid by the foreigners, but strictly demand that the government keep its salaries at those unrealistically low levels.[12]

---

[12]   See the work of Ashraf Ghani and Clare Lockhart of the Institute for State Effectiveness.

Services provided entirely outside government institutions decrease the credibility of the state in the eyes of the population, as the obligations of citizenship, such as taxation, are perceived to be government driven, while the rights, such as health and education, are seen solely as donor driven. Meanwhile, a sense of rivalry ensues between UN agencies over resources, competing agendas develop, and national authorities and the international community blame each other for the inefficient reconstruction and development outcomes. Furthermore, the multiplicity of UN and national donor agency reporting and procurement requirements and practices overwhelm national administrations and divert attention from the central goal of statebuilding.

In Afghanistan, to avoid this and to build a real partnership with the Afghans that would support an Afghan-led reconstruction process, we tried to implement the principle of a "light footprint" presence. Let me insist that this never meant that international missions had to limit themselves to a reduced staff, irrelevant of what their real needs were. It did mean, however, that we should do our best to ensure that nationals perform jobs that they are capable of performing, with qualified and appropriate international staff only carrying out those tasks for which they can provide a genuine added value. I regret to say that while lip service was paid by everyone to this "good idea," the principle of a "light footprint" was neither really accepted nor acted upon by the UN system, NGOs or donors. We all spoke virtuously of government leadership and national capacity-building, but in practice little was done to support the implementation of these ideas.

Yet, I was very surprised to hear recently that some are suggesting that one of the reasons reconstruction efforts have been so disappointing in Afghanistan was *"Brahimi's insistence on a light footprint approach!"* Better still, it is also suggested in some quarters that the US and its European partners did not allow the expansion of ISAF outside of Kabul for several years due to their deference to the "light footprint" principle! No one ever said this to Secretary-General Kofi Annan or to me when we went around pleading for the expansion of ISAF from January 2002 onwards.

Be that as it may, let me add that a "light footprint" never meant for us a "rushed footprint." The international community must understand that statebuilding efforts require long-term commitments of human and financial resources. Experience has proven this point again and again. In Afghanistan in 2001-2002, hope for the future was very high, but the lack of sustained attention to the statebuilding effort (and the half-hearted approach to national reconciliation) allowed security and economic conditions to deteriorate.

Let us hope that the consequences of our mistakes in Afghanistan and elsewhere will serve as a lesson for the United Nations and other international players in future missions.

7.   *The Peacebuilding Commission*

There is no doubt that the United Nations system has both the mandate and the comparative advantage to put together and lead political processes and peacebuilding strategies that can result in the creation of stable states that enjoy legitimacy at home and abroad. However, capacity made available to the various parts of the UN is not often articulated around a comprehensive approach in support of institution building. What we have, rather, is each UN Agency, each NGO, each bilateral donor going it alone. Here again, lip service is paid to the principle of adopting an integrated approach, but the reality is that even coordination within the UN family and between the UN and other international partners remains a challenge.

In the Report of the Panel on UN Peace Operations in September 2000, we argued at length that the Organisation was confronting serious problems in terms of strategic direction, decision-making, rapid deployment, operational planning and support, and in the use of modern information technology.[13] These issues prevent the emergence and implementation of a coherent statebuilding approach. In 2005, in the context of discussions surrounding the creation of the Peace Building Commission (PBC) and Peace Building Support Office (PBSO), the UN also took stock of peacebuilding capacities throughout the UN system, indicating again that although improvements have been made, the organisation is still deficient in many areas of its post-conflict work, and indeed lacks a "strategic focus on building national and local institutions that are equipped not only to ensure the population's safety and well-being, deliver basic services and maintain law and order, but also address the underlying causes of persistent conflict."[14]

The efforts to create the PBC and PBSO are an important step towards integrating statebuilding as a central aim of UN interventions in post-conflict situations. The PBC has been conceived as a mechanism through which resources will be brought together, support sustained and coordination established for peacebuilding operations. However, there is serious risk that it will duplicate rather than clarify and simplify existing processes, and will end up doing little more than adding yet another layer of bureaucracy to an already heavy, complicated and slow system. One hopes that the PBC will manage to help charter a clear delineation of the critical tasks the UN faces in complex crises and mobilize in a timely fashion the human and financial resources required in each case. It should also:

- advocate for a more coherent statebuilding approach that avoids the artificial distinctions often made between peacekeeping, recovery and development activities;

- ensure sustained attention to statebuilding even after the immediate post-conflict period is over;

---

[13]   Report of the Panel on United Nations Peace Operations, available at:
        http://www.un.org/peace/reports/peace_operations/

[14]   Inventory: United Nations Capacity in Peacebuilding, Executive Office of the Secretary-General, September 2006

- encourage integration among the UN entities involved in post-conflict contexts;

- identify gaps in capacity and financing for UN missions; and

- institutionalise and integrate knowledge and lessons learned in these contexts.[15]

Everywhere one goes, from Kinshasa to Port-au-Prince and from Kabul to Basra, one hears the same questions, the same complaints: How is international aid being used? How much of it is spent by the UN, NGOs and bilateral donors on themselves?

These are legitimate questions and the public is perfectly entitled to know that the benefits and costs of any operation have been clearly analyzed, accountabilities established, and expenditure of resources transparently and regularly made available. It is equally important that a time-bound process for transfer of functions to national actors is agreed upon. After all, it is the effectiveness of the services provided, not the identity of those who are used to provide it that matters most to those affected by war. Dealing with the plethora of challenges in such contexts requires a great deal more than the creation of yet another, large commission in New York. It is up to the PBC to prove its worth.

The United Nations is not perfect, but it remains the world's most important multilateral political body. It has the legitimacy and many of the capabilities to ensure successful statebuilding efforts. The key is for its influential members to foster the political will to take up difficult challenges, the creativity to build consensus, and generate the funding to make these efforts a reality.

Conclusions

Ending a conflict, rebuilding what has been destroyed by years of war and strife, ensuring that what has been built does not crumble again into conflict is difficult, complex and delicate undertakings. My own modest experience with the vagaries and dynamics of a number of war-affected countries has taught me that the business of helping counties make peace and rebuild after conflict is not an exact science.

No two situations are alike, there is often need to navigate by sight, there are no quick fixes may sound like worn-out clichés. They are also fundamental truths we forget at our peril. We are still learning, and we must continue to look for better ways to tackle the incredibly difficult and changing hurdles that litter the road from conflict, to peace, to stability.

---

[15] These ideas were discussed recently at a seminar on integrated peacebuilding strategies in New York, hosted by the International Peace Academy and the Center on International Cooperation. (March 1st, 2007).

In this paper, we have tried to show that in a post-conflict context, national stakeholders and their international partners must resolutely put the objective of rebuilding the state and its main institutions at the very centre of their plans. In so doing, we are aware that we have not addressed all the issues a peace operation has to confront. Nor do we pretend to have provided final answers even to the issues we did raise. Indeed, as we went along, we must have raised as many questions as we have provided answers.

To end where we started, let us repeat – because it bears repeating - that constitutional processes must not be rushed, must be aligned with previous legal provisions, and must be thought of holistically as part of the consolidation of peace. An election is not an end in itself and should not be equated with democracy. It should be seen as a means through which to engender deliberation and genuine, inclusive participation in the future rather than merely as a tool through which to vote on it. Local mechanisms are often a useful, effective way to foster democratic processes. Security is essential for these processes to be carried out. Security will be greatly consolidated if former combatants who have been disarmed and demobilized are successfully reintegrated, and a credible national reconciliation program elaborated and implemented. Longer-term stability, however, cannot be brought about through force – as we are witnessing in Iraq. It is only the rule of law that can create the framework for power to be transformed from a repressive force into an instrument for the realization of citizenship rights, central to the formulation of a new state.

All of these changes must be underpinned by an international assistance that supports rather than undermines national efforts. Statebuilding is a process of cooperation that comes only from partnership and mutual trust, not duplication and competition.

A "light footprint" approach is based on patient identification and systematic use of the human and institutional assets that do exist in the country concerned, even in post-conflict environments. The gaps in capacity and the operational inadequacies within the United Nations system are now reasonably well-known as a result of several comprehensive reviews and reports. The creation of the Peacebuilding Commission is an attempt to begin to institutionalize some of these ideas and improve coordination, focus and funding for the work of the United Nations in post-conflict situations.

It is now time that actions were taken to ensure that mistakes made in the past are not repeated and that lessons learned are integrated into practice – both for the reputation and relevancy of the institution, but more importantly, for the well-being of the millions of people around the world who look up to the organisation for a safe, prosperous and peaceful future.