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Peacebuilding and Postconflict Recovery: What Works and What Does Not?

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The fourth International Expert Forum (IEF), "Peacebuilding and Postconflict Recovery: What Works and What Does Not?" was focused squarely on the challenges of rebuilding peace in countries and societies emerging from conflict and the role of external actors in supporting these processes. The IEF was held at the International Peace Institute (IPI) on May 23, 2013, and participants considered the track record of peacebuilding, political and economic transition processes, as well as rule of law and transitional justice. The goal was to distill insights and identify policy implications. This IEF was the fourth meeting in a series of high-level seminars dealing with the conflict cycle. Previous forums considered conflict prevention, the mitigation of consequences of conflict, and peacekeeping. The IEF serves as an informal platform for exchange and dialogue among researchers, practitioners, and decision makers on issues related to conflict prevention, peacemaking, and peacebuilding. The IEF convenes one-day workshops at IPI in New York and is a joint initiative by IPI, the Folke Bernadotte Academy (FBA), the SecDev Foundation, and the Center for International Peace Operations (ZIF).

Introduction

The fourth International Expert Forum (IEF) focused on the question of what works and what does not in peacebuilding. In the process, it considered not only UN activities over the past two decades but also initiatives undertaken independently by governments alongside multilateral, bilateral, and non-governmental entities. A key question posed by the organizers was whether peacebuilding writ large has contributed empirically to improving safety, security, justice, democratization, and economic recovery, and thus contributed to positive development.

Peace, defined narrowly as the decline of armed conflicts, is spreading. Today, there are an estimated thirty-three conflicts. Despite an increase compared to previous years, this number still marks a strong decline compared to the 1990s. While there are very real challenges in Syria, Iraq, the Sahel, and Central Asia, the facts show a reduction in lethal violence associated with warfare.¹ Additionally, the character of violence and its context are transforming. Organized crime and urban violence are increasingly viewed as threats in many parts of the world. Internationally, new norms and principles are emerging regarding the protection of civilians, the role of women and girls in conflicts, human security, the responsibility of governments to protect their

¹ See Uppsala University's Conflict Data Program (UCDP), "Two Out of Five War Fatalities Occurred in Syria," press release, June 12, 2014, available at www.uu.se/en/media/news/article/?id=3514&area=2,6,10,16&typ=artikel&na=&lang=en.

citizens, and the prosecution of individuals for committing war crimes and atrocities.

Macro-level data show the positive effect of increased UN involvement and the expansion of peacemakers, peacekeepers, and peacebuilders on managing conflicts and building peace. Peace scholars such as Joshua S. Goldstein, Andrew Mack, Peter Wallensteen, and Thomas G. Weiss have shown that the United Nations and the evolving peace architecture do play a key role.² Even if this might sound self-congratulatory, and has been criticized as such, research and “big data” support this view, showing that there is an association and in some cases a correlation.³

In previous IEFs, we heard that there have been more than 600 peace agreements since the 1990s. Scholars explained that these tend to be more often than not connected with conflict reduction and peace. Also, we learned that there were as many as 120,000 peacekeepers by the late 1990s and into the 2000s, and that interventions based on Chapters VI and VII correlate with reductions in violence and conflicts.

Yet our knowledge is still very limited about why, how, and which of the instruments and tools available to peacebuilders work on the ground. This holds true despite the fact that the new peacebuilding architecture that is in place since 2005 is better at organizing and coordinating responses. Therefore, the major challenge for peacebuilding is to find out what works and what does not. More than only getting the facts right, this is about introducing an evidence-based approach to a fast-growing field.

The fourth IEF dwelled on these questions—what works in peacebuilding, and how is this connected to early and longer-term recovery? What does peacebuilding entail? While the UN architecture to build peace is evolving and consists of many institutions, how does it work in everyday terms? Is it a generic category for a range of practices? Is it a set of activities that are temporally bound? Is it something that can be institutionalized and replicated? The 2009 report of the secretary-

general on peacebuilding defined it as at least five major activities—the provision of security and safety, support for political processes, basic service delivery, restoration of core state functions, and economic revitalization—virtually everything.⁴ A related conundrum is determining who is involved in peacebuilding and who is not.

Identifying answers to these questions is critical to inform and improve future peacebuilding. Knowing what works will help to make peacebuilding more successful and field more realistic expectations in terms of what can be achieved and what cannot.

Session I: The Track Record of Peacebuilding

There has been an impressive growth in data-driven research on peacebuilding in the past decade. This complements a very large body of case study work. However, there are comparatively few actual evaluations of what works and what does not. There is a clear need to apply multiple methods to start testing impacts. Academics and policymakers agree that in all cases an evidence-based approach is required. To this end, the first session focused on the track record of past peacebuilding efforts and shed light on the difficulties of defining successful peacebuilding and its end point. Without a commonly accepted definition of peacebuilding, its goals, content, success, and failure remain contested.

Defining success in peacebuilding is far less straightforward than it may seem. Is the end point of peacebuilding the absence of violence or a state of positive peace? When does peacekeeping end and peacebuilding begin? What is the difference between peacebuilding and development assistance? Generally, peacebuilding is closely connected with liberal and democratic values. Many of the contemporary constructs of liberal and democratic peace build on values and ideas put forward by thinkers such as Kant, Locke, and Rousseau. This approach has been criticized for representing

² See, for example, Joshua S. Goldstein, *Winning the War on War: The Decline of Armed Conflict Worldwide* (New York: Penguin, 2011); and Human Security Report Project, *Human Security Report 2013: The Decline in Global Violence* (Vancouver: Human Security Research Group, 2014), available at www.hsrgroup.org.

³ For trends and data on armed conflict, see Uppsala Conflict Data Program (UCDP), www.pcr.uu.se/research/ucdp/, and Peace Research Institute Oslo (PRIO), www.prio.org/Data/.

⁴ United Nations, *Report of the Secretary-General on Peacebuilding in the Immediate Aftermath of Conflict*, UN Doc. A/63/881-S/2009/304, June 11, 2009.

Western ideas and agendas while lacking an understanding of the challenges met by peacebuilding on the ground.

Since the 1990s, we have witnessed an increasing institutionalization of the field, with a range of actors, aspects, and programs added to the idea and practice of peacebuilding. Peacebuilding is now widely understood to consist of several dimensions—beginning with the first phase that might include disarmament, demobilization, and reintegration; extending into the second phase that can include efforts to establish the rule of law and build critical services and democratic institutions; and to the third phase dealing with transitional justice, community dialogue, and economic development, etc. Such a broad concept makes it difficult to discern the contents and limits of peacebuilding, as well as to assess what successful peacebuilding is. A usual starting point is Johan Galtung’s approach, describing peacebuilding as all those activities that help prevent and reduce violence. According to this interpretation, success entails the reduction of violence, including structural and indirect violence.

Defining success in peacebuilding thus requires clarity on the end point: whether it aims at achieving the absence of direct violence or improving the access to basic rights and reduction of injustices, i.e., positive peace. At the United Nations, peacebuilding was introduced as a tool by former secretary-general Boutros Boutros-Ghali’s *Agenda for Peace* in 1992. Since then, the concept of peacebuilding has evolved and grown in line with the changing nature of conflicts and the need for the United Nations to develop appropriate and comprehensive approaches for building self-sustaining, durable peace. This includes, among other things, reconciliation, the prevention of renewed violence, integration of civil society, rule of law, and the resolution of underlying structural and societal issues. Reflecting this development, the Brahimi Report thus defines peacebuilding as “activities undertaken on the far side of conflict to reassemble the foundations of peace and provide the tools for building on those foundations something that is more than just the absence of war.”⁵ Raising the bar to positive peace not only

represents a very ambitious goal, but it also makes it hard to measure impact and raises the question of what can be attributed to peacebuilding activities. How, practically, can we measure whether it is successful or whether there is value for money?

Finally, the recent years have witnessed a turn to local peacebuilding, which not only takes into account external actors but also considers local actors and the demands and expectations from the local communities. To those who have suffered from conflict and who are struggling with its aftermath, peace and successful peacebuilding might mean different things than external actors presume.

In his contribution on the track record of peacebuilding, **Richard Gowan** stressed that only little is known about the success factors of peacebuilding. Rather than due to a lack of interest, this is mainly due to the challenge of measuring the effects of peacebuilding when dealing with today’s comprehensive mandates of peacebuilding missions to build positive peace. As an example, he recalled the attempts of a Swedish general to determine the success of a political mission in Yemen in the 1960s. Success was evaluated on the basis of the number of heads on pikes found each morning. Although crude, it exemplifies a straightforward way to measure negative peace.

In addition to rising expectations, the track record of peacebuilding shows areas needing improvement, particularly when considering past UN-led peacebuilding missions. Coups, continuing or recurring conflicts, and failure to fulfill their mandates characterized the missions in Timor-Leste, Liberia, Guinea-Bissau, and the Central African Republic. More than half of the countries where peacebuilding offices had been established witnessed a return of mass violence or experienced violent coups.

The picture becomes more nuanced when including a wider range of peacebuilding measures and political missions. This broader understanding of peacebuilding encompasses a total of sixty-six civilian missions in postconflict countries undertaken by the United Nations, the European Union (EU), the Organization for Security and Co-

⁵ Brahimi Report, also known as United Nations General Assembly and Security Council, *Report of the Panel on United Nations Peace Operations*, UN Doc. A/55/305-S/2000/809, August 21, 2000, para. 13, available at www.unrol.org/files/brahimi%20report%20peacekeeping.pdf.

operation in Europe (OSCE), the African Union (AU), the Organization of American States (OAS), and other actors. Africa is the center of gravity for peacebuilding efforts including the AU's civilian capabilities, often in close cooperation with UN efforts. The OSCE has fifteen missions in Europe and Central Asia. However, the OSCE is no longer the vibrant actor it was during the 1990s. That role has been assumed by the EU, which is an atypical actor covering the entire range of civilian missions from specific and targeted engagements to strengthen rule of law or the police sector to delegations dealing with the full range of postconflict recovery.

As stressed in the *World Development Report 2011*, one of the major difficulties with measuring the success of these missions is that they are long-term processes.⁶ For instance, to rebuild a justice sector after conflict takes on average two decades. Institutional processes not only take time, but they often risk falling victim to political dynamics. There will always be a tension between technical measures and the political dimension. According to Richard Gowan, it is the duration and the vulnerability of these processes that explains why efforts to measure success on an institutional matrix are bound to fail. Mali represents a serious test case for the limits of peacebuilding. There are good efforts by the international community to build up and train a new army, but the real test will be whether the political elites will cooperate.

In light of these challenges, a focus on achievable short- and mid-term goals seems more feasible. The political dimension needs to be put back into the center—that is, how political elites, parties, and low-level actors cooperate and commit to the process. In this context, big data analyses only take us so far. Qualitative assessments, human rights reports, and the like are important tools to assess peacebuilding efforts. Political analyses remain central to understanding what peacebuilding missions do. The policies and politics of peacebuilding represent the core of these missions.

In her intervention, **Mercedes García Pérez**, representing the EU Civilian Planning and Conduct Capability of the European External Action Service (EEAS), highlighted the EU's history as a peacebuilding project aimed at reconciling countries and societies after conflict. As a reminder of that role, she referred to the experience of the EU as a facilitator for the agreement reached between Kosovo and Serbia on April 19, 2013.⁷ García Pérez alluded to the eleven civilian missions currently conducted by the EU that fall within the peacebuilding domain and whose mandates range from specific operations to rebuild rule of law or the security sector to missions with a broad, comprehensive mandate such as the European Union Rule of Law Mission in Kosovo (EULEX Kosovo).⁸

To assess the missions, regular strategic reviews have been put in place and impact assessment will be introduced as another tool to evaluate missions. Moreover, a system of benchmarking is included in the planning period, which is implemented while missions are underway. These tools have been introduced only quite recently, and while these quantitative and qualitative assessments are useful, García Pérez agrees with Gowan that decision making about peacebuilding is political, and assessments are secondary to the political decision. Due to the political nature of peacebuilding, exit strategies and drawdown of missions represent key challenges. To prevent jeopardizing what has been achieved and to ensure long-term stability, continued commitment also is needed after the end of a peacebuilding mission.

From the perspective of the EU, peacebuilding missions have proven to be quite cost-effective, with the yearly budget of 300 million Euros representing only a small proportion of the EEAS' total budget. Considerable work needs to be done to spread information and to engage the public in a debate about peacebuilding.

Ayaka Suzuki called on the United Nations and other actors to be humble in their endeavors to

6 World Bank, *World Development Report 2011: Conflict, Security, and Development* (Washington, DC: World Bank, 2011), available at <http://go.worldbank.org/QLKJWJB8X0>.

7 European External Action Service, "Serbia and Kosovo Reach Landmark Deal," April 19, 2013, available at http://eeas.europa.eu/top_stories/2013/190413__eu-facilitated_dialogue_en.htm.

8 In 2012, new missions were launched in South Sudan (the EU Aviation Security Mission [EUAVSEC]), the Horn of Africa (the EU Regional Maritime Capacity Building Mission in the Horn of Africa and the Western Indian Ocean [EUCAP Nestor]), and Niger (EUCAP SAHEL Niger). In 2013, two further missions were launched in Libya (the EU Border Assistance Mission in Libya [EUBAM Libya]) and Mali (the EU Training Mission in Mali [EUTM-Mali]).

build peace. External actors are not the drivers of social change and will not be able to bring sustainable peace without the support, the commitment, and the ownership of national leaders and local actors. According to Suzuki, a major reason why measuring the success of peacebuilding has become a challenge is the sheer size of the peacebuilding industry that has emerged in recent decades. The 1992 *Agenda for Peace* included six articles on postconflict peacebuilding.⁹ Since then, peacebuilding has evolved considerably in scope and scale. Peacebuilding missions are now one among many bodies comprising peacekeepers, UN agencies, regional organizations, civil society, and many others. Assessing success requires clear benchmarks based on the missions' mandates. Far too often, peacebuilding is still done in a way where resources are allocated and activities are carried out in the hope that something will stick.

Burundi marks a more hopeful example as benchmarks were established in cooperation with the government. Assessments were carried out jointly by the United Nations and the government and provided an accurate inventory of the progress of the peacebuilding efforts. However, the indicators had a tendency to measure activities that were easily quantifiable instead of dealing with impact. There is a risk of becoming dependent on these metrics, leading to a prioritization of programs at the expense of political work, mediation, and other activities that are crucial for postconflict societies, but which are less tangible and more difficult to measure. The focus needs to remain on what helps to build peace, not on what is easy to quantify and to report. The United Nations needs to fine-tune the approach and tools to assess the effects of peacebuilding and acknowledge that the core aspects of every peacebuilding endeavor are of a political nature.

Other participants stressed the importance of including local communities in the process to prevent peacebuilding from remaining a purely foreign intervention. If peacebuilding is about strengthening societies and increasing their resilience and capacity to manage crises, then the local residents need to be part of an inclusive process that does not only focus on the elites. Some

missions do address this broader picture, but participants agreed that more work needs to be done. Also, in addition to dealing with institutions of the host country, peacebuilding has to pay more attention to external factors such as international organized crime, trade policies, external security agendas, and the like. These factors are often overlooked although these dynamics can easily jeopardize peacebuilding projects. Therefore, peacebuilding needs to be seen much more as a partnership with a stronger focus on collaboration and dialogue. Cooperation is often compromised by turf battles and high transaction costs. Peacebuilding actors need to live up to the promises made in this regard.

Participants recognized that peacebuilding is a long-term process and involves many actors, making it difficult to assess the effects of certain tools and instruments. Nonetheless, there are techniques to identify trends and developments in the short term, allowing for adjustments if necessary. Perception surveys can be used to collect data and are an easy tool to assess certain aspects, e.g., whether or not people feel that the overall situation is improving or how the security forces' behavior is seen. As important as collecting data is translating findings into actions when necessary, but this is often not the case. Generally, more honesty is needed when it comes to acknowledging failure and poor performance. Closely related are methodological questions. Are measurements undertaken against an ideal-type of outcome or have benchmarks been established? If causal links and successes of particular operations and programs have been identified, then how can they be isolated in the larger context? To what degree should the efforts to measure the success of peacebuilding take into account where interveners go and whether they deal with the hardest or the easiest cases? And how can we deal with normative components such as stability? For the future, an internationally agreed set of indicators similar to the Millennium Development Goals is needed to measure progress in a consistent and comparable way.

The first session gave an idea about the universe of peacebuilding and what it entails. When

⁹ United Nations, *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-keeping*, UN Doc. A/47/277-S/24111, June 17, 1992, available at www.unrol.org/files/A_47_277.pdf.

discussing the success and failure of peacebuilding, we have to take into account that the United Nations has to engage the hardest and most intractable cases. Also, we need to carefully differentiate between correlation and causation and might have to accept that causal effects are exceedingly difficult, if not impossible, to isolate. However, the discussion also gave a clearer idea about the dependent variables: politics, institutions, and resilience. There is today an abundance of data, and good data that are needed for analysis can be generated and might help to answer some of the questions.

Session II: Economic and Political Transition Processes

The second session dealt with two core expected outcomes of peacebuilding—economic recovery and the political transition to democracy. What lessons can be learned from experiences about economic recovery? And what can be expected about the transition to democracy? Does democracy depend on certain requirements or can it arise from any condition? Does democratization require international democracy promotion from the outside or does it succeed best when it is driven from the inside? How can external actors contribute, and what is the role of mechanisms such as elections?

Jan Teorell discussed wider theories on democratization processes and what empirical findings can tell us about the driving factors of democratization. He presented four schools of thought putting forward different explanations of democratization.¹⁰ The structural approach or modernization theory claims that economic development is the primary factor leading to democracy. The strategic approach focuses on the role of the elites who trigger democratization, a voluntary move from above without structural preconditions. Another actor-centric or social forces approach stresses the role of popular mass mobilization from below. Finally, the economic approach combines several of the factors singled out by the other schools. It

focuses on structural issues leading masses to call for democracy. How elites react to these demands is crucial for the process of democratization. In this approach, distributional conflicts within societies determine the extent to which these factors play out.

Empirical analyses, based on a large set of determinants covering the years 1972–2006, were deployed to test these approaches. The data indicate that structural determinants are useful to show long-term trends of several decades and perform well, explaining up to 60 percent of the cases of democratization processes over the past forty years. Yet eruptive, sudden changes are more difficult to understand. Socioeconomic modernization does not cause democratization, but economic development supports democratization and reduces the risk for de-democratization and backsliding. Furthermore, short-term economic growth is potentially detrimental to democratization. Sudden, short-term economic crises, on the other hand, can undermine a non-democratic regime's legitimacy. The strategic approach is further supported by the unpredictability of short-term events that arise from, for example, splits within regimes that can initiate democratization from the top. In addition, peaceful mass mobilization remains important, whereas income distribution is not systematically connected to democratization. Finally, the type of authoritarian regime also matters. According to the findings, multiparty autocracies, i.e., regimes that allow elections with several parties while barring the opposition from power, are most likely to democratize.

Overall, the empirical findings stress the importance of internal factors over external factors. To what extent international determinants, such as trade dependence or the diffusion of democracy, have an effect remains largely unexplained. Based on these findings, there are several crucial implications for policy. First, democracy promotion targeted toward domestic actors may pay off in the short term. Of particular importance is support to multiparty elections, even if they fail to meet all standards, as well as nonviolent protest movements, which have proven to be more successful

¹⁰ In this context, democracy is defined along the basic criteria, i.e., universal and equal suffrage; free, fair, and effective elections; and continuously upheld civil and political liberties.

than violent movements. Also, the international community needs to be aware of the paradox that development assistance, to the extent that it boosts economic growth in authoritarian regimes, may be counterproductive for promoting democratic change.

In her presentation, **Vally Koubi** discussed the complex relationship between armed conflicts and economic performance. She highlighted a number of key policies to promote economic recovery in postconflict settings. The effects of armed conflict on economic performance are manifold. In addition to inflicting suffering and destruction, armed conflicts on average reduce the gross domestic product (GDP) of affected countries by 15 percent. Outputs are affected through the negative effects of conflict and instability on the inputs of production, e.g., when supply chains are disrupted. At the same time, war can accelerate technological progress, a result that is often balanced by negative effects. Conflicts also affect economic performance in the long term by changing political and distributional structures. After conflicts, policies to promote recovery and direct interventions such as peacekeeping that restore security are important stimuli for spending and investments as found by Virginia Page Fortna (2008).¹¹ Likewise, economic assistance can raise productivity through humanitarian aid or the reconstruction of infrastructure.

Yet all of these strategies have mixed effects owing to the limited capacity of postconflict societies to absorb assistance. Moreover, peacekeeping and foreign aid provide only a jump start to economies but cannot sustain entire economies in the long run—long-term growth depends on the quality of policy, governance, and institutions. To this end, the political equation must change and give more power to those actors who are committed to reforms that are favorable for economic growth and that attract capital. Currently, the cases of Iraq, Afghanistan, or Libya illustrate the challenges related to changing this equation so that it provides a basis for economic recovery. While the economic effect of peacebuilding alone is insufficient for long-term economic recovery, peacebuilding is a building block for national policies and institutions needed

for economic growth by providing a peaceful and stable environment and a jump start to the economy.

Discussant **Eugenia Piza-Lopez** pointed to the important lessons the United Nations has drawn from the experience with democracy assistance in the past. United Nations interventions today are based on a more sophisticated understanding of transition and what conditions are favorable and present windows of opportunity. There is a need to promote transition with stabilization to ensure success. Also, it is the responsibility of international actors to support inclusive political settlements that give voice to potential spoilers in the political process.

Often, external interventions tend to treat political institutions too narrowly and with an exclusive focus on technical aspects. For example, election support often deals with the institutions alone, whereas little attention is paid to factors empowering the population to take part in the process or conveying legitimacy and capacity. As a result, there are numerous examples of perfect election processes resulting in illegitimate governments consolidating fault lines and societal divisions.

To prevent the transition to democracy from triggering renewed violence, political institutions such as parliaments and constitution-making processes need to be perceived as open and responsive. The United Nations needs to identify processes and institutions that can enable transition in highly fragmented contexts based on a thorough understanding of the core drivers of conflict and change. This is often compromised by tight timelines and external interests. Instead of just building institutions, the international community needs to put more emphasis on how institutions can be put to use. This requires more responsiveness and bridges between institutions and people as well as among people in societies emerging from conflict. This also includes informal institutions and the subnational level. Political transitions are one of the most critical elements for societies emerging from conflict and have far-reaching consequences on the course of postconflict reconstruction. Measuring the impact of

11 Virginia Page Fortna, *Does Peacekeeping Work? Shaping Belligerents' Choices after Civil War* (Princeton: Princeton University Press, 2008).

peacebuilding in the short, medium, and long term in this area is necessary to ensure a successful transition.

Henk-Jan Brinkman highlighted the need to look beyond economic growth alone and to take into account the manifold effects of violent conflicts, such as, for example, the fact that 77 percent of children who are not attending school live in conflict-affected countries. Also, while war is known to have a negative effect on economic growth, little is known about the reverse relationship. It still is an open question if and to what extent economic growth reduces the risk of war. Many experiences point out the horizontal inequalities within societies as crucial drivers for violence. The question of distribution needs to be included when discussing economic growth and armed conflict. The way assistance is provided matters as much as the scale of development.

Regarding democratization, Brinkman recalled the many experiences showing that transitions to democracy are long term and messy processes that go far beyond organizing elections. Ideally, and rather than holding elections quickly, the rule of law and institutions such as an independent judiciary, as well as independent media and political institutions, need to be in place. The aftermath of the 2007 elections in Kenya exemplifies this challenge. To prevent violence, inclusive processes that embrace minorities and marginalized groups are needed.¹² In this regard, it is important to not only focus on vertical inequalities but also horizontal inequalities among regions, educational systems, and the like. How education, employment, and markets contribute to peacebuilding is still only poorly understood. A peacebuilding approach can help economic recovery to ensure equal distribution and prevent marginalization.

Participants discussed to what extent democratization can be seen as an end in itself and whether democratized states per se are more peaceful. There was agreement that the quality of democratic institutions is a major issue, as installing institutions is different from making them fulfill their role. How can democratization take root in societies where neither the elite nor the population have experience in democracy? Finally, the findings

that economic development can hinder democratization raises the question whether a different take on development and postconflict reconstruction, such as the New Deal for Engagement in Fragile States and the g7+, is needed. In many respects, expectations of fast democratic transitions are too high. This concerns the young generation in affected societies as much as external actors that have high expectations regarding, for example, more peaceful regimes and less corruption. However, democracy is no panacea and much depends on the social fabric. Thus, in addition to what leads to democracy, another question waiting to be answered is what democracy leads to.

While the participants agreed about the importance of democratic institutions and that building these institutions does take time, others also warned of potential trade-offs, e.g., when elections are delayed to allow democratic institutions more time to become part of the society.

Session III: Rule of Law and Transitional Justice

The final session dealt with rule of law and transitional justice as two crucial elements of peacebuilding and postconflict recovery. **Leigh Payne** stressed the role of transitional justice and its positive effects on democracy and human rights in societies emerging from conflict. Nevertheless, certain practices bear risks and can hamper democratization and human rights. For example, research has shown that truth commissions introduced as singular measures have negative effects on human rights. Amnesties have become the most frequently applied transitional justice practice in postconflict environments worldwide. Amnesties also serve as incentives to bring parties to the table and are valuable bargaining tools. Nevertheless, amnesties can only promote transitional justice as long as they do comply with international human rights standards. An inherent challenge is the trade-off between amnesties and accountability. Conditional amnesties prevent this trade-off by combining trials, material compensation, and restitution for victims. Instead of wiping the plates clean even for perpetrators of serious human rights violations, conditional amnesties that

12 United Nations Peacebuilding Support Office, *2012 Annual Report*, available at www.un.org/en/peacebuilding/pbso/pdf/2012PBSO-AnnualReport-Final.pdf.

exclude war crimes, atrocities, and crimes against humanity can provide meaningful tools by offering reduced sentences for those who comply with the conditions, while at the same time recognizing the victims' rights.

A potential, though controversial, model of a conditional amnesty is the case of Colombia and its 2005 Justice and Peace Law. The law reduces sentencing, assures the victims' right to know, and provides material compensation or land restitution. Ten percent of the armed groups accepted the conditions, and trials resulted in twenty-four guilty verdicts. Along with the peace law, national historical memory processes, a new victims' law, and other transitional justice activities were put in place. Ideas to extend the conditional amnesty to the Revolutionary Armed Forces of Colombia (FARC) met much resistance. There also has been broad criticism among national and international actors of the way in which issues such as child soldiers and drug trafficking are addressed. The law has been described as a gift to paramilitaries. Even though the context in Colombia is favorable for the implementation of a conditional amnesty, the process faced considerable difficulties.

Nonetheless, the case provides important lessons about how conditional amnesties can contribute to violence reduction and peacebuilding. Conditional amnesties may be a necessary evil that is better than the alternatives at hand. Major challenges are the lack of international recognition and the question concerning how conditional amnesties can be enforced.

Eric Wiebelhaus-Brahm raised questions regarding how transitional justice informs stability and democratization. Generally, transitional justice can serve as a stabilizing factor in a society emerging from conflict. It signals costly consequences by the authorities and a commitment to stability and rule of law. That way, transitional justice can become a tool to build trust in the government and among fellow citizens and former opponents and adversaries.

However, the notion is not without controversies and it remains unclear to what extent transitional justice—or the lack thereof—impacts stability and peacebuilding. Research on the relationship between transitional justice and democratization has not resulted in a clear picture. Generally,

transitional justice has proven to be more successful in democratic countries, raising the question regarding what effect it has on democratization. The effects also depend on the instruments used. Trials held during a period of democratization can serve as signals of the government's commitment to rule of law and can help to isolate anti-democratic forces and potential spoilers. At the same time, other research found that trials can undermine democratization. Truth commissions can have a positive effect and help deal with the past by uncovering myths and naming perpetrators. Yet critics point to the lack of accountability of these processes and the risk of partial outcomes and limited effects of the commissions. Other findings show that markets are increasingly positive to transitional justice, which thus can help economic recovery. For example, countries with truth commissions have attracted more foreign direct investment, and the perception of them by the international financial institutions is more positive. However, the relationship between transitional justice and economic development also highlights socioeconomic inequalities as transitional justice is typically concerned with violations of political and civil rights, but disregards the socioeconomic roots of violence and repression.

Overall, research on transitional justice is struggling with a lack of indicators to measure the effects and to test the assumptions, and existing evidence calls for modest expectations. Wiebelhaus-Brahm agrees with Payne that amnesties should not be dismissed as some findings indicate that the combination of trials and amnesties has yielded positive effects. Finally, the relationship between transitional justice and economic growth is not necessarily a trade-off as stated by critics. Rather, both require a stable environment to yield synergies and long-term effects.

According to **Annika Hansen**, the presentations underlined the tension arising from the increasing complexity of mandates and growing expectations on the one hand and the need to focus on the basics of peacebuilding on the other hand. Also, the growth in the number of political missions shows that peacebuilding is moving into the center of attention next to peacekeeping. The intense work with rule of law as an important part of postconflict recovery has led to remarkable improvements in

identifying suitable indicators to assess such projects, while also underlining the difficulties of measuring progress. For example, the UN Rule of Law Indicators Project is measuring progress based on 138 indicators.¹³

Despite an emerging consensus that transitional justice should begin early, it remains unclear what can be achieved in the immediate aftermath of a conflict. Both resources and attention seem to be devoted to planning rather than implementation, with the latter in many cases being impeded by dysfunctional state institutions. Transitional justice also needs to include elements of reconciliation to rebuild trust and the social fabric after conflicts. Without reconciliation, transitional justice runs the risk of turning into a tyranny of the majority, making it impossible for peacebuilding efforts to succeed. Peacebuilding and transitional justice are political processes, and they have to be treated as such.

Roger Duthie addressed further challenges of transitional justice in postconflict contexts, such as organized crime and fragile state institutions. Fragile states often lack resources and capabilities to carry out transitional justice, for example, when it comes to distribution of reparations to victims. Reparation schemes furthermore carry the risk to be conflated with reconstruction and humanitarian assistance whereas they are different in nature and should be treated as such. Despite these challenges, transitional justice offers opportunities to strengthen peacebuilding. It is an opening to share knowledge and information about the past and, in addition to rebuilding trust, it can reinforce legitimacy of institutions and strengthen civil society.

In the ensuing discussion, participants considered the role of the International Criminal Court in relation to conditional amnesties and the critical role of external interventions. Many participants called for realism and a lowering of expectations. Even if justice and democracy after conflict might not be perfect, both will still contribute to less violence. While these processes take time and are vulnerable to spoilers, external actors need to accept that justice and democracy, if not

homegrown, will not work in the long run and that rebuilding local capacities is a long-term process.

Concluding Remarks

The fourth IEF underlined the vast landscape of peacebuilding. Discussants and participants noted that peacebuilding can be promoted from above and from below. Some contributors emphasized that it constituted a political intervention and focused on political elites. Others saw it as a set of practices articulated from below as a means of strengthening community resilience to stresses. A key theme was the role of both internal and external factors. No community is an island—a big picture is needed.

The focus of the IEF nevertheless turned to the principles, practices, and impacts of “external actors” in relation to peacebuilding. This is hardly surprising. There is a growing emphasis on measuring what has been accomplished by the United Nations, EU, OSCE, and other actors. For the past few years, the discussion has focused on benchmarks to assess impacts and determine exit strategies. Assessing the impact will remain a core task and challenge. For that, we need clear and measurable S.M.A.R.T. goals that take into account the needs of peacebuilding.¹⁴

Ultimately, determining what works in peacebuilding requires ensuring clarity on its parameters. Some participants equated peacebuilding narrowly as a set of specific peacebuilding operations. Others described it as political missions that increased in number from seven to sixty-six missions. Still others described peacebuilding as a wide spectrum of activities encompassing democracy promotion and transitional justice. Irrespective of how democracy is defined, its process seems to have had a progressive institutionalization, including in relation to mediators, political missions, and a wider set of institution-building.

All participants conceded that peacebuilding has a strong or even central political component. Most also agreed it consisted of a distinctly “civilian”

13 United Nations, *The United Nations Rule of Law Indicators: Implementation Guide and Project Tools*, 2011, available at www.un.org/en/events/peacekeepersday/2011/publications/un_rule_of_law_indicators.pdf.

14 S.M.A.R.T. = smart, measurable, accepted, reasonable, time-bound.

activity. Practically, it was agreed that it consisted of narrow and broad tasks (from security to recovery) that were often, though not necessarily, mandated by political actors (EU, AU, UN, OSCE, etc.). It was agreed that peacebuilding is a long and delicate process. It is an exercise in engineering and in some cases implies reshaping and learning the rules of the game.

There were many examples of how research can inform practice. However, measuring success remains a challenge, as does the identification of causal relations. But there is a need to know more about what works and the role of external actors. The discussions generated a number of possible core dependent variables for future research focusing on three key areas. These concern the importance of political signals and the commitments of elites and local actors to peace. Participants agreed that peacebuilding only works in cooperation with local actors. This requires finding ways to measure confidence and trust. A second area concerns institutional changes. A major challenge here is the time period given that it can take ten or twenty years for institutional changes to show results. Also, informal institutions need to be taken into account. The third area concerns resilience and ways of assessing social cohesion and social capital.

In conclusion, participants offered the following recommendations:

Clarify the referent: Policymakers and researchers need to be clear on what is included in the

“universe” of peacebuilding. There are narrow and broad interpretations.

Review internal and external types of peacebuilding: Be mindful to external and internally driven peacebuilding processes—foreign versus local actors.

Recognize varied temporal and spatial scales of impacts: There are short-, medium-, and long-term goals of peacebuilding. There are also impacts at the aggregate and disaggregated levels. Be aware of multiple impacts and adjust expectations accordingly, since some interventions yield generational outcomes.

Ensure that metrics are focused on objective and subjective markers of peacebuilding: Participants emphasized the role of metrics that capture perceptions, attitudes, levels of confidence, and the rest.

Learn from some general lessons emerging from practice: Inclusive and responsive processes at the national and subnational level sometimes are more important than the institution itself. Recognize the central role of politics, institutions, and resilience—but also the central role of homegrown and locally owned peacebuilding.

Gain general insights emerging from academia: For example, democratization can exacerbate divided societies (the process matters); aid to authoritarian regimes can roll back democracy; support for mass popular movements is needed; the qualified use of transitional justice (amnesties and trials) needs to be explored, etc.

Agenda

Peacebuilding and Postconflict Recovery: What Works and What Does Not?

The International Expert Forum

09:00–09:20

Welcome and Introductory Remarks

Mr. Francesco Mancini, *Senior Director of Research, International Peace Institute*

Dr. Birger Heldt, *Director of Research, Folke Bernadotte Academy*

Dr. Robert Muggah, *Principal, SecDev Foundation and Research Director, Igarapé Institute*

Ms. Wibke Hansen, *Head of Analysis and Deputy Director, ZIF-Berlin*

09:20–10:50

Session 1: The Track Record of Peacebuilding

This session presents data and analysis about the track record of peacebuilding. It will look into the challenge of identifying benchmarks to measure success in achieving peacebuilding goals, which are also political in nature and require long-term efforts (“positive peace”). Particular consideration will be given to the role of the many actors engaged in peacebuilding, including peacebuilding missions, and UN funds and programs, across time and space, and their comparative strengths and weaknesses.

Chair

Dr. Robert Muggah

Presenter

Mr. Richard Gowan, *Associate Director, Center on International Cooperation*

Discussants

Ms. Mercedes García Pérez, *Acting Head of Operations Division, European External Action Service*

Mr. Bernard Harborne, *Lead, Violence Prevention Team, World Bank*

10:50–11:15

Coffee Break

11:15–12:45

Session 2: Economic and Political Transition Processes

Postconflict societies are characterized by multiple transition processes. Supporting economic recovery and political transition are two overarching goals of postconflict peacebuilding and reconstruction. This session surveys whether and under what conditions peacebuilding contributes to meaningful political transition and economic recovery. What are the positive—and less positive—experiences of peacebuilding processes in jump-starting early economic recovery? What lessons have been learned on the role of peacebuilding in supporting political transitions?

Chair

Dr. Birger Heldt

Presenters

Dr. Vally Koubi, *Professor, University of Bern*

Dr. Jan Teorell, *Associate Professor, University of Lund*

Discussant

Dr. Henk-Jan Brinkman, *Chief of the Policy, Planning and Application Branch, United Nations Peacebuilding Support Office*

13:00–14:45

Working Lunch—Session 3: Rule of Law and Transitional Justice

Support to the rule of law and transitional justice processes have become part and parcel of peace processes. The session examines the relationship between peacebuilding and wider rule-of-law processes, the extent to which peacebuilding supports or diminishes transitional justice processes, and the extent to which such efforts have contributed to durable peace.

Chair

Mr. Francesco Mancini

Presenters

Dr. Leigh Payne, *Professor, University of Oxford*

Dr. Eric Wiebelhaus-Brahm, *Professor, Florida State University & DePaul University*

Discussants

Dr. Annika Hansen, *Policy Officer, Police Division, United Nations Department of Peacekeeping Operations*

Mr. Roger Duthie, *Senior Associate, Research Program, International Center for Transitional Justice*

14:45

Closing Remarks

Dr. Birger Heldt

Ms. Wibke Hansen

Dr. Robert Muggah

Participants

Hamid Abdeljaber
Rutgers University

Victor Casanova Abos
Security Council Report

Tom Adala
Permanent Mission of the Republic of Kenya
to the United Nations

Viviana R. Arenas
Permanent Mission of Guatemala to the
United Nations

Jerreh Badjie

Michelle Breslauer
Institute for Economics and Peace

Henk-Jan Brinkman
United Nations Peacebuilding Support Office

Michelle Brown
Refugees International

Gabriella Buescher
United Nations Children's Fund

Camilla Campisi
Quaker United Nations Office

Elodie Convergne
Paris Institute of Political Studies (Sciences Po);
Columbia University

Luc Dockendorf
Permanent Mission of Luxembourg to the United
Nations

Hugh T. Dugan
United States Mission to the United Nations

Roger Duthie
International Center for Transitional Justice

Leena Mari Etelapaa
Delegation of the European Union to the
United Nations

Mercedes García Pérez
European External Action Service

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Annika Hansen
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Friedrich Ebert Foundation

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Caleb Zimmerman
United Nations Democracy Fund

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