Developing a Strategy for Early Peacebuilding: Priorities, Sequencing and Delivery of Rule of Law and Security-related Activities by UN Peacekeeping Operations

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I. Executive Summary

1. Over the past two decades, there has been a recognition that peacekeeping alone cannot bring about sustainable peace in complex, post-conflict situations unless accompanied by peacebuilding efforts aimed at preventing the recurrence of violence. The needs in the immediate aftermath of conflict are great while the capacities, both national and international, are limited; it is thus critical that the early peacebuilding efforts of UN peacekeeping operations be based on a coherent strategy and clear priorities that maximize resources. This paper provides analysis and recommendations that the Office of Rule of Law and Security Institutions (OROLSI) in the Department of Peacekeeping Operations (DPKO) can consider in developing a strategy, which DPKO and the Department of Field Support (DFS) have committed to producing, for identification, sequencing and enhanced delivery of critical early peacebuilding tasks related to the provision of safety and security.[2] This paper focuses only on the five sectors that fall within the remit of OROLSI: mine action, police, corrections and justice, Security Sector Reform (SSR) and Disarmament, Demobilization and Reintegration (DDR).

2. Because the needs in the immediate aftermath of conflict are vast and varied, field missions have been tempted into the entire spectrum of peacebuilding activities, often assessing where the greatest needs lie and defining their role around that. They are not, however,

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[2] A New Partnership Agenda: Charting a New Horizon for UN Peacekeeping (2009), p. 24. Although many of the OROLSI areas have critical links to other key areas of peacebuilding as well, such economic revitalization and support to the political process, this paper focuses on those aspects related to safety and security, as specifically requested in the New Horizon non-paper.

necessarily staffed or resourced to address this wide and ever-changing array of needs effectively, and many of these tasks could, more appropriately, be carried out by other actors. Thus, while each peacekeeping context is different, the OROLSI strategy must set out certain clear priorities for the post-conflict period.

3. This paper proposes a general framework that OROLSI can use to identify and sequence its early peacebuilding priorities. The main elements of the framework are an in-depth assessment and consultative process for determining the early peacebuilding "end state" and related priority activities, the need for these to reflect the key objectives and comparative advantages of UN peacekeeping, and identification of the right capacities to ensure effective delivery.

4. A key premise of the OROLSI strategy must be that peacekeeping is fundamentally political. It takes place in a constantly evolving context marked by insecurity and volatility, an unpredictable political situation, unclear, fluid or collapsed institutional structures, and complex relations with national counterparts who may not be "legitimate" or willing partners. Too often, early peacebuilding tasks, whether carried out by peacekeeping operations or other actors, are approached as technical responses occurring in a development context, where peace generally prevails, the political situation is relatively clear and a legitimate government seeks assistance with reform of its institutions. Instead, early peacebuilding must be framed within a peacekeeping mission's overall priorities, such as supporting the political process and national reconciliation, and helping extend the authority of state institutions. The OROLSI strategy must recognize that these are fundamentally political tasks and that OROLSI components must also, therefore, approach their role as primarily political, rather than technical. This requires a strategic rather than task-oriented approach to early peacebuilding, and closer coordination with other relevant mission components and the mission leadership.

5. The Secretary-General's 2009 report on peacebuilding identifies "support to basic safety and security" as one of several recurring early peacebuilding priorities.[3] This is the primary area where OROLSI sectors are involved on the ground. Some of the tasks involved are straightforward: formed police units might be deployed to help maintain law and order, roads might need to be cleared of landmines to allow for the safe movement of the population, or an alternative livelihood or emergency employment programme targeting high risk groups (i.e. youth or criminal gangs) could be launched. In addition, however, the Security Council has, over the past decade, increasingly mandated peacekeeping operations to "support the strengthening of an independent judiciary and prison system", "promote the rule of law" or "reform and restructure the national police".

6. Newly-arrived external actors are unlikely to possess enough familiarity with the country or the conflict to delve right into the highly sensitive task of outlining plans for reform of key institutions, and often resort to "templated" solutions borrowed from other peacekeeping contexts or based on their own countries' systems. Such an approach has not led to long-term, sustainable solutions. Thus, rather than launching straight into reform, the mission's first priority should be to ensure (for example, by deploying UN troops, formed police units or individual police officers) that temporary safety and security are provided for the country's citizens and life

[3] Report of the Secretary-General on peacebuilding in the immediate aftermath of conflict (A/63/881 – S/2009/304), p. 6.

can begin to return to normal. This will allow the population to begin to see the return of basic services and even some peace dividends, thereby buying time for the political process to take hold and support to be built for appropriate and realistic institutional reform. In the meantime, rather than hurriedly assessing institutional reform needs and rushing into implementation in the early months, the peacekeeping operation should engage in in-depth assessment aimed at understanding the country's conflict, history, culture, internal dynamics and the hopes and aspirations of the population. This step is crucial and cannot be skipped or rushed.

7. This would allow the peacekeeping operation to play one its key roles effectively: catalyzing or preparing the ground for longer term reform, by helping national counterparts define the early peacebuilding security "end state" and identify the activities required to get the country there. Here, a key point needs to be underscored: institutional reform is a complex, politically-fraught process and, despite the billions of dollars the international community has poured into these efforts over the years, it has been difficult to achieve major successes. Indeed, there has been a tendency on the part of the international community to underestimate challenges and substitute enthusiasm, hope and its own aspirations for realism. In the context of UN peacekeeping, reforms, even in areas where the mission has had a clear capacity building mandate (such as policing and corrections), have often been pushed through without a coherent strategy across sectors (though sector-specific strategies have usually been developed) and in the absence of real political commitment by national authorities. Nor have there generally been meaningful attempts to build the population's support or overcome their doubts about the legitimacy of institutions that may be seen as unjust or repressive. At other times, OROLSI sectors have used their "advisory" role to enter into the weeds of reform – areas where partners with relevant mandates or bilateral actors should step in to help develop capacity – whereas the real value added of peacekeeping is at the strategic, political level.

8. To be successful, institutional reform requires a highly political and potentially long process of chipping away at cultural barriers to institutional change, overcoming resistance due to fears of loss of power and influence, and building national constituencies for reform; it is not a technical box to be ticked off by peacekeeping personnel in order to make their exit from the country. OROLSI sectors should be clear, therefore, that when it comes to institutional reform, their primary role in the early peacebuilding period should be to prepare the ground, and then leave implementation to national authorities and bilateral and development partners.

9. Often, only the peacekeeping operation, which represents the collective will of the international community, has the necessary political leverage and legitimacy vis-a-vis the parties to provide this "catalytic" support. This gives peacekeeping operations the "comparative advantage" to carry out the following critical early peacebuilding tasks:

a. Advocate for and provide advice to national and local authorities in developing appropriate strategies for institutional reform;
b. Encourage and facilitate inclusive and in-depth consultations to guide the reform and make the population stakeholders in it; and
c. Convene and coordinate the vast array of international donors and other actors behind a national strategy.

10. In addition to the priorities identified above – providing immediate safety and security, conducting in-depth assessment and these three priorities aimed at catalyzing future reform

efforts – OROLSI components may need to carry out some limited capacity building activities to ensure that existing institutions that are critical to security and stability function to a minimally acceptable level – but not, at this stage, to re-imagine or reform them. These tasks, and their sequencing, cannot be pre-determined, as the needs will vary depending on the specific context. Annex I lists the likely sector-specific and cross-sector priorities that OROLSI sectors could consider as priorities. It is necessary, however, for the OROLSI strategy to set limits for the field by identifying parameters for the capacity building tasks that a peacekeeping operation can carry out.

11. To deliver more effectively, there also needs to be greater strategic coherence in the work of OROLSI at Headquarters and in the field, both across OROLSI components and vis-a-vis other mission components and members of the UN Country Team. Currently, OROLSI components or sectors consult each other at various stages but, despite the linkages, work largely in isolation from each other and without an overall strategic objective or vision. Specifically, the new strategy must address the need for an overarching security/justice framework on the ground, set out clear mechanisms for achieving this and clarify the role of the SSR Unit (both at headquarters and in the field) in this respect.

12. The paper recommends a number of changes to current OROLSI Headquarters and field practices. These include the need for:

a. A more strategic, in-depth and consultative approach to early peacebuilding, particularly when it comes to conducting assessments;
b. Greater internal integration and coherence across OROLSI sectors, as well as with other mission components and mission leadership;
c. Narrowing the focus of OROLSI field activities; and
d. A move away from exclusively "technical" expertise to inclusion of a new range of skills in field components (e.g. country/regional knowledge, and the skills to carry out meaningful assessments, provide strategic advice, conduct negotiations and advocacy at a political level and advise on designing and changing institutional structures)
e. The need to evaluate a few key areas of OROLSI's work and ensure ongoing monitoring and evaluation of future activities.

13. It should be underlined that the intention is not, in any way, to single out OROLSI sectors for shortcomings in the areas above. Indeed many, if not most, of these recommendations apply equally to other areas of peacekeeping, but an examination of the wider implications of this approach for UN peacekeeping is beyond the scope of this paper.

14. To OROLSI's credit, the Office itself has been at the forefront of calls for a more coherent and strategic approach to early peacebuilding – not only in the OROLSI areas, but across all peacekeeping components – and was instrumental in inviting independent views to assist with development of the early stabilization strategy. That there is a need for such an approach is clear; indeed, since it is now widely recognized that the OROLSI sectors are critical to achieving a sustainable peace, the tasks, demands and expectations have multiplied. This has left these sectors with little time and few resources to sit back and evaluate the merits of current priorities and approaches or how strategic coherence might be enhanced. It is commendable that each and every OROLSI sector has nevertheless managed to produce at least some guidance and other resources for field staff. What this paper seeks to highlight is the questions that need to be

asked and the process that needs to be undertaken to ensure that, moving forward, OROLSI sectors are able to deliver more effectively in the early peacebuilding period.

II. Introduction

15. Scope. A 2009 non-paper issued by DPKO and the Department of Field Support (DFS) entitled "A New Partnership Agenda: Charting a New Horizon for UN Peacekeeping" ("New Horizon") provides that DPKO and DFS will "[d]evelop a coherent strategy for sequencing, resourcing and implementing mandated early safety and security stabilization tasks". [4] The Office of Rule of Law and Security Institutions (OROLSI) in the United Nations Department of Peacekeeping Operations (DPKO) thus plans to develop such a strategy, with a focus on the sectors that fall under OROLSI (Security Sector Reform (SSR), Disarmament, Demobilization and Reintegration (DDR), justice/corrections, mine action and police). The current paper provides analysis and recommendations to guide the development of this strategy. The OROLSI strategy could feed into a wider DPKO strategy on early peacebuilding, highlighting the linkages between safety and security and other key early peacebuilding priorities.

16. While the focus of the paper is on early peacebuilding tasks in the peacekeeping context, the considerations that are set out and the priorities proposed would apply equally to OROLSI's activities outside of the peacekeeping context. The United Nations Mine Action Service is the designated focal point on mine action in the United Nations system, while the Police Division and the Criminal Law and Judicial Advisory Section (CLJAS) in OROLSI have been designated "global leads" in the area of policing and corrections, respectively, for the rest of the UN system, and the lead on strengthening legal and judicial institutions in the context of DPKO-led missions. In addition, the SSR Unit chairs the Interagency SSR Task Force and the DDR Section co-chairs, with UNDP, the Inter-Agency Working Group on DDR. Thus, as a service provider for the rest of the UN system in these areas, OROLSI will find itself facing similar choices about peacebuilding priorities in non-peacekeeping post-conflict contexts.

17. Link between Peacekeeping and peacebuilding. Over the past six decades, United Nations peacekeeping has evolved from a primarily military response to the end of conflict, involving observation of ceasefires and separation of forces, to a multidimensional tool aimed at laying the foundations for a sustainable peace. Over time, however, it has become clear that operations that aim to stem violence cannot bring about sustainable peace unless accompanied by peacebuilding programmes designed to prevent the recurrence of violence.

18. The integral relationship between peacekeeping and peacebuilding has recently been re-emphasized in key UN documents. As described in the United Nations Peacekeeping Operations Principles and Guidelines (hereinafter the "Capstone Doctrine"), peacekeeping operations are increasingly mandated by the Security Council to play a catalytic role in certain critical peacebuilding activities, particularly related to the restoration and extension of state authority and the provision of security and maintenance of public order.[5] It is now accepted, moreover, that the two do not have a linear relationship in which peacekeeping ends and peacebuilding

[4] *Ibid.*
[5] United Nations Peacekeeping Operations Principles and Guidelines (2008), pp. 25 – 26.

begins; rather, the lines between the two are often blurred, particularly in the immediate post-conflict period.

19. Two recent documents[6] set out the overall framework for OROLSI's critical early peacebuilding tasks. The New Horizon non-paper states that "UN peacekeepers play a critical role in building peace after conflict, in establishing the conditions of recovery, and in carrying out some of the tasks essential to stabilization and early consolidation of peace".[7] The Secretary-General's Report on Peacebuilding of June 2009 identifies a number of "recurring peacebuilding priorities" in post-conflict peacebuilding, many of which are core peacekeeping responsibilities. It states that, at a minimum, international actors must be capable of responding rapidly and effectively in these priority areas. These include support to:

a. basic safety and security (including mine action, protection of civilians, disarmament, demobilization and reintegration, strengthening the rule of law and initiation of security sector reform);
b. political processes (including electoral processes, promoting inclusive dialogue and reconciliation, and developing conflict-management capacity at national and subnational levels);
c. the provision of basic services (such as water and sanitation, health and primary education, and support to the safe and sustainable return and reintegration of internally displaced persons and refuges);
d. restoring core government functions (in particular basic public administration and public finance, at the national and subnational levels); and
e. economic revitalization (including employment generation and livelihoods (in agriculture and public works) particularly for youth and demobilized former combatants, as well as rehabilitation of basic infrastructure. [8]

20. The first priority area – support to the provision of basic safety and security – describes one of the core functions of multi-dimensional UN peacekeeping operations, i.e. to "create a secure and stable environment while strengthening the State's ability to provide security…."[9] This priority involves all five of the OROLSI sectors. The priority of economic revitalization also has important DDR aspects but will only be touched upon in this paper, which focuses on safety and security-related tasks.[10]

21. Terminology. Depending on the organization or government concerned, there is a great diversity in the terminology used to refer to what are essentially peacebuilding tasks; these range from "civilian crisis management", to "post-conflict reconstruction" and "early" or "post-conflict

[6] In addition, a recent research study entitled "Second Generation DDR Practices" outlines additional examples that foster the integral relations between peacekeeping and peacebuilding. These measures include a number of different activities that cane be implemented when the preconditions for traditional DDR (including an all-inclusive peace agreement and minimum degree of security) are not in place in order to support the peace process, build trust, contribute to a secure environment and help build the foundations for longer term peacebuilding.
[7] A New Partnership Agenda: Charting a New Horizon for UN Peacekeeping (2009), p. 22.
[8] Report of the Secretary-General on peacebuilding in the immediate aftermath of conflict (A/63/881 – S/2009/304), p. 6.
[9] United Nations Peacekeeping Operations Principles and Guidelines (2008), p. 23.
[10] For example, emergency employment prgrammes, such as in Liberia, alternative livelihood programs as in Cote d'Ivoire and community violence reduction programmes, as in Haiti, all have economic revitalization aspects.

recovery" to "stabilization". In the peacekeeping context, the term used is "peacebuilding", which is defined in the Capstone Doctrine as

> *… a range of measures targeted to reduce the risk of lapsing or relapsing into conflict by strengthening national capacities at all levels for conflict management, and to lay the foundation for sustainable peace and development. Peacebuilding is a complex, long-term process of creating the necessary conditions for sustainable peace. It works by addressing the deep-rooted, structural causes of violent conflict in a comprehensive manner. Peacebuilding measures address core issues that affect the functioning of society and the State, and seek to enhance the capacity of the State to effectively and legitimately carry out its core functions.*[11]

22. Early peacebuilding priorities that are outside the remit of OROLSI. While this paper focuses on the OROLSI sectors' priorities related to the provision of immediate safety and security, other critical early peacebuilding tasks must be carried out alongside the OROLSI priorities. For example, it is critical that the state be viewed, as quickly as possible, as legitimate by the population. One fundamental way is through the delivery of basic services such as water, electricity, waste collection and repair of basic infrastructure. In addition, putting in place sound mechanisms for the management of public finances can ensure that both domestic revenues and donor contributions are properly channeled to priority expenditures that citizens can benefit from. Early focus areas will usually include (re)-establishment of payroll for key civil service personnel and collection of key revenues such as customs. Equally important is revitalization of the economy, including job creation and a climate that lays the foundation for the private sector and investment. As life begins to return to normal for the population, refugees and displaced persons can be assisted in coming home.

23. It is usually other UN or external actors that are in the lead on these issues, but peacekeeping operations are sometimes mandated to play a supporting role. In all cases, however, the provision of safety and security by the peacekeeping operation, in which OROLSI plays a key role, contributes to creating the enabling environment for carrying out these tasks. This is critical, because unless there is delivery in all these areas early on, the overall peacebuilding effort is likely to fail. Equally, strengthening of the rule of law and progress in the security sector are part and parcel of progress in the political process, as they also involve supporting the restoration and extension of State authority, strengthening of key institutions of governance, and assisting in national reconciliation. Other mission components (political affairs and civil affairs) are in the lead on these priority issues but OROLSI components will need to work closely with them, as discussed below. OROLSI's proposed strategy must, therefore, provide mechanisms to ensure that its own priorities are linked to those of the wider early peacebuilding effort.

[11] *Ibid*, p. 18.

24. A framework for determining early peacebuilding priorities for OROLSI sectors in the field

1. Determine the desired early peacebuilding "end state" and priority activities

A. Knowledge. Have sectors taken the time needed to understand the history of the conflict and the evolution of the country's institutions?

B. Consultation. Were a wide range of national stakeholders (government, civil society, population) adequately consulted?

C. OROLSI integration. Were all relevant OROLSI field sectors involved?

D. Integration with mission components and partners. Were all relevant mission components, the UNCT and international partners consulted? Is the "end state" aligned with the broader political strategy?

2. Ensure the priorities identified reflect:

A. The key objectives/expectations of UN peacekeeping:

- Support the political/peace process
- Ensure immediate security and safety
- Catalyze or prepare the ground for longer term institutional reform
- Carry out limited, essential capacity building

B. The comparative advantages of UN peacekeeping -- i.e. the political leverage to:

- Provide strategic advice to local and national authorities;
- Ensure inclusiveness and national consultations; and
- Convene and coordinate international actors.

3. Ensure that OROLSI components have the capacity to deliver

A. Do staff have the right skills for the early peacebuilding period?

B. What capacity do partners have to implement or support this activity?

C. Is there adequate funding?

III. Determining the Desired End State and Priorities

25. Knowledge: Does OROLSI understand the history of the conflict and the evolution of the country's institutions? One of the key goals of peacekeeping staff, including those in OROLSI sectors, should be to assist national counterparts in determining the desired early peacebuilding "end state" in terms of safety, security and stability in the country, and the gaps and needs that must be addressed to get there. It is not useful, realistic or necessary, in the early peacebuilding stage, to map out what the country's institutions should look like ten or twenty years down the road. What must be determined, instead, is how to support basic safety and security, ease political tensions, ensure that basic mechanisms exist for the peaceful resolution of conflicts and disputes and protection of basic human rights and, finally, how to get the post-conflict society firmly on the road to addressing the longer-term questions.

26. This process -- "assessment" -- essentially requires knowledge. International staff must approach this task, and the new country in which they find themselves, with humility, recognizing their lack of knowledge and familiarity with the country and the conflict. Assessment takes place in two stages: the first is the "Technical Assessment Mission" (TAM), which consists primarily of headquarters staff and takes place in-country, prior to adoption of a Security Council mandate. The TAM, which is part of the Integrated Mission Planning Process (IMPP), aims to assess the overall situation on the ground and recommend the possible tasks, size and resources for a peacekeeping operation. Because the mandate must be in place for a budget to be approved, the TAM, which is usually carried out very quickly by staff who have little familiarity with the country or conflict, must essentially jump to conclusions. This is a systemic problem that needs to be urgently addressed both within DPKO/DFS and with Member States.

27. The second phase of assessment takes place in-country, and is carried out by mission staff. This, too, is generally carried out very quickly, so that the mission can "begin its work". Moreover, it is usually conducted as a technical exercise that neglects the context of the problem. A mission cannot succeed, however, unless it has a deep understanding of the conflict, history, culture and internal dynamics of the country, as well as the hopes and aspirations of the population. Thus, the first order of business should be in-depth familiarization and data collection -- over months, not days. At present, assessments and data collection in peacekeeping operations tend to be relatively informal processes, but these almost casual assessments then form the basis of critical decisions. The experience of the Mine Action Service, which previously launched programmes prior to extensive data collection but now relies on surveys and institutionalized processes before implementation, indicates that a more systematic data gathering methodology can greatly improve strategies.

28. To carry out a proper assessment[12], OROLSI field sectors need to conduct, jointly, a conflict analysis (ideally building on an overall mission conflict analysis), which looks at the underlying political, security, social, economic and other aspects of the conflict, as well as the peace process and future trends. In addition, the roles and relationships of key stakeholders must be understood and mapped out. In gathering information, it is important to start by reviewing existing analyses and assessments (including those prepared by the Department of Political

[12] See Annex II for considerations when carrying out an assessment.

Affairs and other partners), as well as relevant literature. The next step is to gather first-hand information on the ground. When speaking to people, it is important to avoid certain pitfalls. First, the international community often initially primarily speak to each other, as well as to the same limited group in the population: i.e. "elites", who tend to speak English, are familiar with the lingo of the international community and donors, are usually based in the capital or major urban areas and are unlikely to represent the perspectives of the voiceless masses whom most peacekeeping personnel rarely meet. International actors, particularly those who have been in the country for some time, such as members of the United Nations Country Team (UNCT), as well as national elites, will have useful perspectives. However, the information gathering process must not stop there, as it often does. It can also be difficult to know, early on, whether an interlocutor speaks with a political agenda, or has real knowledge of the country's needs and problems. At this stage, and until personnel understand the situation well enough to make well-considered, impartial judgments about the facts, everyone, within reason, should be listened to.

29. To this end, regular meetings should be held with the widest possible range of stakeholders representing all backgrounds, religions, ethnicities, and political leanings, including national and local authorities, civil society groups, youth and women, rural, refugee and IDP communities, and "spoilers". As information is gathered, the relations between and among these actors should be mapped out, as well as their interests, agendas, resources and incentives. Taking the time to engage a wide range of individuals and groups is the best way to become familiar with the dynamics and needs in the country and to build up personal relations and trust. Assistance and advice from country/regional experts is critical in this process, and the mission, or OROLSI, need to bring these on board in the early days, or consult experts (e.g. political affairs officers) who are already in the mission or part of the UNCT. In addition, it is essential to work closely with various mission components such as the political affairs unit, the Joint Operations Centre (JOC), and the Joint Mission Analysis Centre (JMAC), as well as the civil affairs unit, which deploys quickly and gathers information about local conditions and perceptions, and can be tasked to collect information and analysis.

30. There should also be extensive visits throughout the country to gain in-depth, first-hand knowledge of the history and origins of its institutions and how well they functioned prior to and during the conflict. Existing capacities, infrastructure and processes should be mapped out, as well as the willingness of national and local authorities to engage. Finally, partner capacities should also be mapped in detail, to prepare for OROLSI sectors' convening/coordination responsibilities (see below).

31. This in-depth assessment process is proposed because it is naïve, even arrogant, for foreign technical experts with little or no familiarity with a country or a conflict to begin outlining plans for reform of its key institutions soon after arrival in a country. This has, however, been the standard practice, not just of peacekeeping operations but of most international actors. Experience has shown that Identifying institutional gaps and solutions properly is highly political, requires in-depth consultations and takes time. Yet, UN peacekeeping operations tend to rush assessments, often reacting to external pressure, whether from headquarters, the Security Council or donors, to reform certain sectors or institutions quickly. This is because the conventional wisdom has long been that institutional reform risks failure if it is not initiated in the early peacebuilding period stage. Evidence to the contrary abounds, however – of ill-conceived, poorly-consulted assessments that the international

community has carried out hurriedly, that are then followed by further assessments to get to the bottom of facts that should have been uncovered at the outset. The design of a traditional DDR programme in Haiti following the establishment of MINUSTAH in 2004 is an example of where the problem was initially misdiagnosed because of inadequate assessment; following reassessment, a new community violence reduction programme targeting gangs was implemented instead of a programme aimed at former combatants.

32. In the absence of accurate and informative data and analysis, personnel often fall back on solutions with which they are personally familiar, or which were applied in other peacekeeping or development contexts, but may not be suitable for the particular context. This can damage the credibility of the mission and set back the peace process. To be sure, those familiarizing themselves with the new environment should be armed with institutional knowledge and lessons learned from past experiences, but should not apply these mechanically. Rather, they should adapt this knowledge to the history of that particular country and the origins of its institutions. This is important, as there is a danger of applying the wrong lessons to contexts that differ sharply from previous cases. At a very basic level, for example, a situation where security and justice institutions were taken over and used as an instrument of repression during the conflict would call for a different approach to one where these institutions may have been dysfunctional, corrupt and subject to interference, but were not implicated in the conflict.

33. Consultation: Were a wide range of national stakeholders (government, civil society, population) adequately consulted in determining the end state? The Secretary-General's 2009 Report on Peacebuilding and countless other studies and reports underscore that one of the key lessons about peacebuilding is that it is a national challenge and responsibility, and that peacebuilding initiatives must, therefore, be nationally-owned and led. National ownership has, however, become an oft-repeated mantra that is often ignored in practice. To be sure, where core state functions have collapsed, a peacekeeping operation may initially have to replace national authorities in some critical areas – for example, UN troops and Formed Police Units (FPUs) will often play a key role in providing basic safety and security. Even beyond this critical area, however, international actors are often in such a hurry that it proves easier to temporarily substitute themselves for national counterparts**.** Ultimately, however, this approach lacks legitimacy and can undermine any progress made. The OROLSI strategy should, therefore, spell out how peacebuilding initiatives should safeguard national ownership. This should begin at the planning stage, for example by ensuring that initiatives are fully consulted with a range of national stakeholders, that national counterparts are visibly in the lead in discussions with partners, donors and national partners (e.g. that UN personnel should facilitate, not chair, gatherings), and that initiatives and approaches are not imposed on national counterparts.

34. One of the key aspects of national ownership is that national stakeholders must be involved in both assessment and consultation, further discussed below. It should be noted that, with regard to the TAM, the opportunity for meaningful consultation with the population is usually quite limited and legitimate authorities may not be in place yet or have the capacity to engage. When it comes to in-mission assessments of longer term needs and activities, such as institutional reform, however, which are carried out sectorally once the mission has been established, OROLSI sectors can approach consultation very differently.

35. Political advocacy with authorities. OROLSI should recognize that effective reform can only take place if preceded by a potentially long process of chipping away at cultural barriers to

institutional change. One requirement is to address the hesitations, lack of commitment or even obstacles created by the authorities. Institutional reform often arouses internal opposition, so the leadership usually has little incentive to pick this as one of their main battles, even if they support it in public. When a "lack of political will" exists, however, it should not be seen as a static problem; it can be slowly engaged with and strengthened.[13] Thus, the development of an advocacy strategy vis-a-vis the authorities is a clear priority in terms of the mission's political advocacy in furtherance of the political/peace process. OROLSI sectors should develop this in close consultation with other mission components, such as political affairs, to ensure consistency with the overall mission strategy. The ultimate goal is for national authorities to believe in and back the development of a national reform strategy.

36. Inclusive consultation with population. Also essential, and often overlooked or carried out superficially, is a formal consultative process with the population. Experience has shown that inclusive dialogue can build confidence in a peace process, provide a shared, national understanding of priorities and challenges related to institution-building and legitimize civil society as a partner in policy making. [14] This process, which should begin as early as possible, must be nationally-driven (not just by authorities but other national stakeholders as well), with the UN assisting in facilitation of meetings, providing advice, mobilizing resources and encouraging inclusiveness.[15] When carried out properly, such dialogue can address fears and doubts the population may have about the legitimacy of their justice and security institutions, perhaps based on injustices, trauma and repression they have experienced at the hands of these institutions.[16] It should also ensure that women and women's groups, who often have different perspectives on security threats and their solutions than men, are consulted. This process must be developed from the bottom up, with the goal of building popular momentum and making the population stakeholders in the reform. As the UN has learned the hard way in countries such as Haiti and Timor-Leste, this kind of far-reaching change cannot be willed into place from the top down.[17] Indeed, the encouragement of debate also supports existing reform constituencies in the

[13] Giovanni Bassu, "Law Overruled: Strengthening the Rule of Law in Post-conflict States" in *Global Governance* no. 14 (2008), p. 33.
[14] Peacebuilding Commission Working Group on Lessons Learned from National Dialogue in Post-conflict Situations, Chair's Summary (November 2009).
[15] The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies, Report of the Secretary-General, 23 August 2004 (S/2004/616) pp. 6 - 7;
[16] One of the critical decisions faced by post-conflict societies concerns the approach to transitional justice, and broad-based consultations can be indispensable in determining the most appropriate route for the society. Transitional justice is not discussed in this paper as it does not fall under OROLSI; the Office of the High Commissioner for Human Rights has the global UN lead on this issue. Decisions about transitional justice will have important implications, however, for the security and justice sectors and are critical to safety and security. As such, any UN advice or support on this issue requires consultation and coordination among OROLSI components, the human rights unit and any OHCHR presence in the country.
[17] One of the issues raised by the Police Division during consultations on this paper is that getting stakeholder buy-in for reform is not so clear-cut. The concerns raised were that (i) it is difficult to know when consultations have been extensive enough; (ii) what to do if there are differing levels of support for various aspects of reform; and (iii) how this process can guarantee stakeholder support throughout the reform process. There is no formula for how much consultation is enough. A determination must be made in each specific context and political affairs and civil affairs units can provide useful advice in this regard. Moreover, absolute consensus is neither necessary nor achievable on any of these issues, and a national dialogue cannot guarantee support for the duration of the reform. Rather, the purpose of consultation is to ensure that a cross-section of views is considered and that reform efforts are responsive to the key concerns of the population, so that a broad constituency is developed for reform.

country and can help develop civil society capacity to take on these issues and demand that resulting policies better serve the needs of their communities.

37. Such processes also commit national and local officials to reform and, crucially, obtain commitments for how the structures are to be paid for and sustained. For example, consultations might include guarantees that the state will honor the SSR-related provisions of the peace agreement, or address key concerns such as civilian oversight of state institutions, thus increasing the legitimacy of the state in the eyes of the population – a key objective in the early peacebuilding period. Moreover, when national actors have agreed on a common vision for the security and justice systems in their country, the engagement of international actors gains more legitimacy.

38. A consultative approach similar to what is being advocated here was recommended in the Secretary-General's 2004 report on the Rule of Law and the Secretary-General's January 2008 Report on SSR, yet the approach of peacekeeping missions to assessment does not appear to have changed accordingly.[18] At present, consultation is usually done in a piecemeal manner and without strategic thought, through public information campaigns and occasional meetings with civil society representatives. What is required is a clear strategy for national consultations, including stakeholder identification, and making it clear that the UN's role is to facilitate, not lead, such processes. This strategy should be developed jointly by all OROLSI sectors, in close collaboration with the political affairs and civil affairs units. The latter, in particular, are present at the local/regional level and familiar with the local dynamics and stakeholders; they may also be experienced in organizing consultations. In addition to meetings and gatherings, another useful mechanism is public information surveys, carried out with assistance from the Public Information Office and civil affairs. When skillfully developed, these can provide very useful information. It would be beneficial for OROLSI to commission guidance for carrying out national consultations in the peacekeeping context, which should review and draw lessons from several past processes.

39. Integration: Were all relevant OROLSI sectors involved in determining the end state and related activities? Need for a holistic approach. OROLSI priorities in each field mission should be determined and carried out in an integrated way among OROLSI components and with other peacebuilding actors. Indeed, this was the rationale for creating an Office of Rule of Law and Security institutions: to bring about greater strategic coherence among the component parts of today's OROLSI. One of the lessons from earlier multidimensional peacekeeping operations such as Haiti in the 1990s and Bosnia in the post-Dayton period, was that simply focusing on the police, without taking into account the justice system and prisons at the same time, was ineffective.

40. Today, there is agreement that a holistic, systemic approach is required when dealing with the rule of law. By extension, dealing with the law enforcement chain without considering other parts of the security sector, or planning a DDR strategy without considering how former

[18] The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies, Report of the Secretary-General, 23 August 2004 (S/2004/616) pp. 6 - 7; Securing Peace and Development: the Role of the United Nations in Supporting security Sector Reform, Report of the Secretary-General, A/26/659 – S/2008/39, p. 11 . There have been some exceptions, such as assessments of DDR-related issues in Liberia, which brought together political heads, heads of office, police and military, to deliver shared "hot-spot assessments".

combatants will be integrated into new security forces, or failing to factor in cross-cutting issues such as gender and human rights, can also lead to unbalanced and inconsistent strategies. This is one of the lessons of Afghanistan, where different international actors were designated as leads in each sector (police, army, DDR, justice, counter-narcotics). The approach was considered innovative at the time, but due to the absence of an overarching strategy, the results were less than optimal. Understanding this lesson is one thing, but applying it in practice is another. Developing integrated strategies and plans and coordinating the multiplicity of donors can be challenging, particularly when there tends to be greater donor interest in certain sectors (e.g. justice, SSR) than in others (e.g. prisons, reintegration of former combatants). Thus, donors need to be regularly reminded that a sectoral approach to these issues is not helpful.

41. OROLSI needs to operate as more than the sum of its parts. OROLSI is still fairly new and, by most accounts, not yet functioning as a cohesive whole that contributes more than the sum of its parts; indeed, there appear to be different views on some fundamental issues and approaches. Among the challenges to be overcome is how components that have been accustomed to working independently and are experiencing a rapid expansion in tasks and expectations, can come together under a single strategic framework and set of priorities. Currently, they consult each other at various stages but, despite the linkages described above, work largely in isolation from each other. For example, the SSR, justice/corrections and police components should be in a constant dialogue and have a shared vision and objectives for a basic, functioning criminal justice system and its role within the larger security architecture of a country. This is not presently the case, however.

42. This uncoordinated, sectoral approach has had an adverse impact in the field. In UNMIT, for example, the lack of progress in the policing, corrections, justice and defence sectors has been attributed, in part, to the failure, despite the creation of an SSR Unit and appointment of a Deputy SRSG for Security Sector Support and Rule of Law, to adopt an overarching vision for these issues.[19] Similarly in Liberia, where an SSR component did not exist at the time UNMIL was established, but where security sector reform programmes have been "unprecedented in ambition", the lack, from the outset, of a coherent vision for the overall security architecture has hampered achievements.[20]

43. The role of the SSR Unit. The Secretary-General's 2008 Report on "Securing peace and development: the role of the United Nations in supporting sector reform" states that

> *the importance of security sector reform is that it demonstrates that security goes beyond traditional military elements and involves a much wider range of national and international institutions and actors. It also highlights the need for security arrangements to take into account the linkages between the different actors. Equally, security sector reform underscores that effectiveness, accountability and democratic governance are mutually reinforcing elements of security. Thus, security sector reform offers a*

[19] See. e.g., Report of the Technical Assessment (TAM) to Timor-Leste, 10 -1 7 January 2010.
[20] Liberia: Uneven Progress in Security Sector Reform, International Crisis Group, 13 January 2009, pp. 1, 18 and 20.

framework to assist national actors, the United Nations and other international partners in implementing a shared vision of security.[21]

44. The creation of a DPKO SSR Unit, now located in OROLSI, provides an opportunity to operationalize the holistic, integrated approach that was intended when OROLSI and, indeed, the SSR Unit, were created, and avoid a disjointed, sectoral approach. There is a need for OROLSI components in each field mission to develop jointly an overarching strategy for their activities. Such a strategy would include two key priorities: the need for OROLSI components to provide political and advisory support to facilitate a national dialogue on SSR and justice issues, and to support national authorities in development of an overarching national strategy – i.e. a single national security strategy, policy, and set of plans and structures, rather than a series of sector-specific efforts. However, one of the concerns with this approach is that the justice sector, while it contributes to security, is not a "security institution", because security is one, but not the main, function of courts.[22] Similarly, DDR, which has clear linkages to SSR, also has important aspects that are completely distinct.[23]

45. Whether the overarching OROLSI strategy is a "security" strategy, or a "security and justice" strategy, or whatever other formulation is deemed appropriate is not the critical aspect. What is urgently needed is for OROLSI to discuss this critical issue both internally and with outside experts, to determine what mechanisms and guidance need to be developed, both at headquarters and the field, to ensure a coherent, coordinated approach to these sectors and that assessments, identification of priorities and sequencing, planning and strategy development are carried out jointly. One key aspect is that the responsibility to facilitate among OROLSI field components and ensure that these tasks are approached in a coherent and holistic way must always be assigned to *someone* – for example, a Deputy SRSG or the SSR Unit, or an integrated unit. The role of the SSR unit, both at headquarters and in the field, must be clarified in this respect.[24] In any case, the relationship among sectors should not be a hierarchical one, in which

[21] Report of the Secretary-General on "Securing peace and development: the role of the United Nations in supporting sector reform", A/62/59 - S/2008/39, 23 January 2008, pp. 6 – 7.

[22] The belief that the justice sector is distinct from the security sector is also related to the way in which the concept of SSR has been developed. As pointed out by Professor Yezid Saygih of Kings College, London, the manner in which SSR has been developed and promoted "has tended to emphasize its 'technical' aspects and so to de-politicize it, partly in an effort to make it more acceptable to governments, both of Western donor and …recipient countries". Y. Sayigh, Security Sector Reform in the Arab Region: Challenges to Developing an Indigenous Agenda, Arab Reform Initiative Thematic Papers, December 2007, p.1. The United Kingdom, for example, now approaches the justice sector and SSR as two distinct sectors that are "closely connected and overlapping, but not identical". Stabilisation Issues Note, Security Sector and Rule of Law, Stabilisation Unit, United Kingdom Government, p. 3 and Annex 1.

[23] According to the UN Integrated DDR Standards (IDDRS), Timelines are shorter for DDR and activities and actors are often more clearly defined and limited than for SSR. At the same time, there are important convergences. "Both sets of activities are preoccupied with enhancing the security of the state and its citizens. They advocate policies and programmes that engage public and private security actors including the military and ex-combatants as well as groups responsible for their management and oversight. Decisions associated with DDR contribute to defining central elements of the size and composition of a country's security sector while the gains from carefully executed SSR programmes can also generate positive consequences on DDR interventions. SSR may lead to downsizing and the consequent need for reintegration. DDR may also free resources for SSR. Most significantly, considering these issues together situates DDR within a developing security governance framework." IDDRS, "DDR and Security Sector Reform, Chapter 6.10.

[24] One commentator observes that "Although the decision to create a separate pillar dedicated to 'security sector and rule of law" affirmed its centrality to the UNMI mandate, confusion reigned [in UNMIT] as to what "security sector

one "leads" and others are subordinate to it. Rather, it should be a horizontal relationship in which one area plays a facilitation role to ensure a single, strategically coherent framework for peacekeeping activities in these areas. A few different approaches have recently been initiated in the field, such as the establishment of the "Justice and Security Sector Advisory and Coordination Cell (JSSACC)" in Southern Sudan, and the plans to integrate police, DDR and corrections personnel in two Special Political Missions, UNOGBIS and UNPOS. These will have to be closely monitored and evaluated to draw lessons for other missions.

46. Inter-operable capacities. There may also be a need for more innovative approaches, such as developing inter-operable capacities for assessment and planning, particularly in the early days of the Integrated Operational Teams (IOTs) and for the TAM. As further discussed below, in the early stages it is not technical skills, but political knowledge, country expertise and experience in carrying out assessments that are likely to enable OROLSI areas to form the right judgments about the early peacebuilding "end state" and how it fits into the overall, political strategy of the mission. Thus, instead of stove-piped, technically-oriented assessments and planning carried out separately by DDR, SSR or Rule of Law "experts", it should be possible, especially with slots at a premium, for one or two experienced and well-briefed "OROLSI experts" to participate; these personnel should, together with the rest of the DPKO assessment team, have the combination of key skills needed to accurately assess the situation across sectors. This would also ensure that OROLSI-wide priorities are always considered in the IOT and TAM, even if an expert from each sector cannot be included for space or other reasons. In addition, it could prevent supply-driven assessments and planning, where each sector that participates ultimately proposes a corresponding sector in the mission. This is a much wider question for DPKO consideration, but OROLSI can take the initiative to begin addressing it.

47. Integration: Were other mission components and international partners consulted? OROLSI sectors must also consult with and coordinate the many UN and external actors engaged in rule of law and security sector-related activities. This coordination/convening role (further discussed below) is much-needed because there is a proliferation of international actors working on these sectors, creating a high risk of supply or donor-driven approaches, duplication and wasted resources. At the same time, limited funding, expertise and capacity exists for these sectors in comparison to the vast needs, so a widely-coordinated and strategic approach is essential. OROLSI's current strategy identifies effective partnerships as a key strategic goal, and this needs to be an even greater priority in the early peacebuilding period.[25] In addition to the Funds and Programmes and bilateral donors, another key partner is the World Bank, which has been increasing its engagement on rule of law and SSR issues.

48. Effective national institution-building cannot take place sector by sector and needs to be part of a larger strategy of political and governance reform. Thus, in supporting national counterparts with their efforts, OROLSI sectors must integrate and coordinate effectively with

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reform" was or was not. Was it simply a term to apply to police and military reform? Was it a framework for thinking conceptually or programmatically? What was UNMIT's role actually in this regard?.... Calling the pillar 'security sector reform and rule of law' as if these are somewhat different concepts only added to the confusion". Peake, Gordon, "A Lot of Talk But Not a lot of Action: The Difficulty of Implementing SSR in Timor-Leste "in Born, Peake, Albrecht, Scharbel, Security Sector Reform in Challenging Environments, DCAF (2009).

[25] The Way Forward: A strategic Approach for the Office of Rule of Law and Security Institutions, United Nations Department of Peacekeeping Operations, 23 July 2008, p. 6.

other mission components (such as civil affairs, human rights, gender and child protection units), as well as partners such as UNDP and the World Bank. This would ensure that OROLSI strategies are part of and consistent with an overall national governance strategy, and that the latter can sustain justice, corrections, DDR or SSR initiatives. In addition, it would ensure that appropriate linkages are made between UN peacekeeping activities related to security and safety and other critical early peacebuilding activities (such as support to the political process, delivery of basic services, and revitalization of the economy, as discussed above, or other key, related areas which peacekeeping operations do not directly address, such as civil justice and financial and regulatory reform). This would recognize that OROLSI activities do not occur in a vacuum and have a significant political impact. Ensuring linkages would allow OROLSI, and DPKO as a whole, to provide better leadership and direction within the UN system, as the bridge between peacekeeping and peacebuilding.

49. Getting the mission's political leadership on board. While expressing support for strengthening of the rule of law and security institutions in peacekeeping has become *de rigueur*, receiving meaningful political support from the mission's senior leadership for efforts in this area can be challenging. This usually reflects a lack of understanding on the part of the senior leadership of the fundamental impact that progress in these areas can have on political and socio-economic progress in the country. Thus OROLSI components have an important advocacy role to play within the mission as well, and must demonstrate a keen understanding of political developments and nuances, rather than simply of technical issues. They will need to provide regular reminders and suggestions to mission leaders for how to bring these issues to the fore politically. Making the case effectively could require asking for regular briefing meetings with senior leadership, and approaching briefings in senior management meetings more strategically (i.e focusing on links to political progress and how senior leaders, including the SRSG, can use their good offices to move the agenda forward, rather than, for example, simply summarizing the activities of the unit, or listing technical shortcomings that need to be addressed in these sectors). In addition, OROLSI can work at the headquarters level to ensure that the Secretary-General, the Under-Secretary-General and the Assistant-Secretary-General for Peacekeeping Operations stress to senior leaders and the Security Council how important these sectors are to effective mandate implementation. This can also be done in DPKO guidance materials and training courses that target senior leadership, such as the Senior Leaders Programme (SLP) and the Senior Mission Leaders course (SML).

IV. Reflecting the Objectives and Comparative Advantages of UN Peacekeeping

50. Much of the literature and practice reflect a fear that the early peacebuilding period represents a narrow window of opportunity that will close if a number of "urgent" tasks are not conducted or, at least, initiated. But, as discussed above, while the needs may be vast and the pressures great, OROLSI must determine which of these needs must be addressed in the early peacebuilding period and which can wait, or are better left to other partners.

51. Thus, once the early peacebuilding end state has been determined, OROLSI should narrow down the vast array of possible priorities by ensuring that they reflect two criteria: (i) the key objectives and expectations of UN peacekeeping related to safety and security; and (ii) the comparative advantages of UN peacekeeping. These are further explained below.

Key objectives/expectations of UN Peacekeeping
(related to safety and security)

- Support the political/peace process
- Help provide immediate security and safety
- Catalyze or prepare the ground for longer term institutional
- Carry out essential capacity building

52. Multidimensional Peacekeeping is political and everything should be in support of the political process. Most multi-dimensional peacekeeping operations are fundamentally political, typically assisting with implementation of a peace agreement or supporting a political process. The main comparative advantage that peacekeeping brings to post-conflict settings derives from this political aspect of its work. As stated in the Capstone Doctrine,

> *The fact that multi-dimensional UN peacekeeping operations enjoy a high degree of international legitimacy and represent the collective will of the international community gives them considerable leverage over the parties. This leverage can be used to build and sustain a political consensus around the peace process, promote good governance and maintain pressure on the parties to implement key institutional reforms.*[26]

53. This also means that peacekeeping operations should approach peacebuilding issues through a political, rather than a technical, lens, if they are to add value. All the areas under the remit of OROLSI are, in fact, highly political. Decisions about how to structure security forces, for example, or when to put in place accountability mechanisms for police or judges, or determining whether there is political will for DDR, are all politically sensitive and have clear implications for the political process. It is the political rather than technical aspects of these issues, and the goal of supporting the political process, that must drive OROLSI activities in the early peacebuilding period.

54. Is the activity related to providing immediate safety and security? Support for immediate safety and security is a core peacekeeping function in the early days. Peacekeeping operations are clearly mandated to carry out this task and are often the only actor with the requisite capacity or political legitimacy to do so. The first months of a peacekeeping operation are certainly critical when it comes to stabilizing the country, as national security and law enforcement forces are often unable to provide adequate security, leaving a vacuum that can heighten violence or criminality. The main peace dividend populations expect following the cease-fire or peace agreement is reasonable safety and security, and the hope of resuming a "normal" life. Failure to deliver can irreparably damage the peace process and the credibility of the new UN operation. Thus, tasks related to immediate safety and security must be among OROLSI's highest priorities.

[26]United Nations Peacekeeping Operations Principles and Guidelines (2008), p. 24.

55. Decisions on whether to carry out these tasks are usually dictated by urgent circumstances on the ground; sometimes the TAM will identify certain critical needs, such as supporting police in maintaining law and order, which could lead to the deployment of formed police units, or a separate DDR programme to help stabilize a particularly insecure area, or the need to clear roads of landmines to allow deployment of the peacekeeping operation or safe movement of the population.

56. Often, the activities in this area involve support to the immediate functioning of key institutions or, when institutions have completely collapsed, giving careful thought to the bare minimum that needs to be put in place, until enough knowledge has been gathered to design longer-term solutions. The aim here is to address or prevent immediate safety and security problems. For example, through mentoring and advising of local police, the UN police can help bridge the gap that usually exists between the local police and local communities in the immediate aftermath of conflict and discourage illegal or abusive behavior by police. They will need to establish trust and ties with local communities and civil society; mechanisms that could be considered are deployment of joint teams of civil affairs and police officers, or joint protection teams based on the MONUC model, if these have been successful, to monitor protection by security forces and determine if abuses are being carried out.[27] In addition, attempts by national police to impose law and order in the early days can lead to arrests, but there may be a lack of functional prisons or trained staff. Detainees may be subjected to inhumane treatment and conditions (including lack of basic accommodation and access to food and basic healthcare); this not only violates international standards, but can trigger prison rebellions and breakouts, as well as the outbreak of disease or deaths. These are priority issues that corrections units will need to address.

57. If the justice system has also broken down and proper criminal investigation procedures do not exist, backlogs can exist in hearings and trials, contributing to prison overcrowding and raising the number of people held unfairly in pre-trial detention in the without investigations, hearings or proper procedures. In Chad for example, where judicial capacity is quite limited, MINURCAT has set up an emergency mobile court system, which is an innovative response whose impact and effectiveness should be further evaluated. Detention backlogs can lead to prison disturbances and breakouts and, where the UN is associated with arrests (e.g. supporting local police, who make arrests), can pose legal, moral and credibility problems for the peacekeeping operation. In some contexts the peacekeeping operation has considered advocating for the release of detainees held beyond legal limits, which could have serious security and political implications. Other options, such as conducting emergency training on proper investigative procedures for police and prosecutors, may not be realistic or effective in the early emergency stages.

58. The correct response is not always evident, but the failure to respond in some way to these needs not only threatens safety and security, but could also damage the credibility of a peacekeeping operation that is associated with national authorities and, therefore, with arrests, detentions and so forth. As discussed above, the aim at this stage should be to make the existing institutions function to a minimally acceptable level – not to re-imagine or reform them. With regard to police, for example, advisory and mentoring functions by UN police (especially with

[27] MONUC Joint protection teams include police and civilians (e.g. human rights, child protection and sexual violence specialists) and can be accompanied by UN Troops.

regard to public safety) can be useful in terms of getting the local police up and running again, as long as UN police have the right skills, capacities and training to carry this out effectively (see below). It is also important not to take on more than can be handled – addressing a few key prisons, for example, rather than attempting to make all the prisons functional at this stage, or seeking short-term solutions to reduce the number of pre-trial detainees, rather than hastily amending the laws or training hundreds of police officers on investigative procedures that might not be contextually appropriate.

Annex I lists some common tasks related to immediate safety and security which OROLSI sectors might consider in determining their priorities.

59. Does the activity aim to catalyze or prepare the ground for essential longer term reform? *(Note: This section applies to the SSR, Justice, Corrections and Police sectors. DDR is addressed separately, below.)* Among the most difficult choices facing OROLSI components is what activities to engage in when it comes to longer-term institutional reform. In making these choices, it is important to recall that peacekeeping is a fundamentally political tool and the main comparative advantage that it brings to post-conflict settings is its political leverage. This gives it the legitimacy to play the "catalytic" role described in the Capstone Doctrine with respect to longer term peacebuilding activities.

60. What, then, should this "catalytic" role of the OROLSI justice, corrections, police and SSR components consist of with regard to longer term institutional reform? The greatest contribution OROLSI field components can make is to use the political leverage of the peacekeeping operation to prepare the ground for longer term reform, to be carried out by national authorities and development partners. In most cases, however, OROLSI sectors should not begin carrying out the longer term reform or capacity building activities themselves, as this is, in turn, the comparative advantage that development partners bring to the table. Instead, OROLSI components should focus on three critical roles in the post-conflict period: (i) make available specialists/experts to provide strategic-level advice to local and national authorities, leading to development of an overarching national strategy in these areas; (ii) facilitate the consultation of national stakeholders and ensure inclusiveness; and (iii) engage and convene international actors and coordinate their efforts.

Comparative advantages of UN Peacekeeping[28]

UN Peacekeeping has the political leverage to:

- Provide advice, at the strategic level, to local and national authorities, leading to a single national strategy;
- Ensure inclusiveness and facilitate national consultations; and
- Convene international actors and coordinate their efforts.

61. These are heavy responsibilities which no other actor has the political leverage or legitimacy to carry out as effectively as the UN peacekeeping operation. Thus, these tasks, in addition to support for immediate safety and security, should be the focus of the SSR, justice, corrections and police components in the early peacebuilding period. When, on the other hand, these components devote substantial efforts and resources to capacity building or implementation of reform programmes in the early peacebuilding period, they start moving away from core peacekeeping functions and pulling their limited staff and resources into multiple directions. Indeed, effective, sustainable, institutional reform is a long-term undertaking which, when properly approached, can take years, even decades, to complete. Peacekeeping, on the other hand, is a short-term instrument that should always have an eye on its exit strategy. Laying the groundwork for longer-term reform is thus consistent with the basic peacekeeping paradigm; actual implementation of reform is often not.

Convening and coordination role

One coordination mechanism that currently exists is the Provincial Justice Coordination Mechanism (PJCM) in UNAMA. The PJCM coordinates donor assistance programmes, identifies and mobilizes resources for future justice assistance programmes, conducts assessments and facilitates communications and information sharing between the Afghan Government and the international community. While there have been mixed accounts of its effectiveness, it would be useful to evaluate it and draw lessons for other missions.

[28] Another key comparative advantage of UN peacekeeping is the fact that it is funded through assessed contributions (which are made available far more quickly than the voluntary contributions on which the Funds and Programmes must depend) and has access to police and corrections personnel seconded by Member States. These characteristics should, in theory, allow peacekeeping personnel to deploy far more rapidly than those of Funds and Programmes, although this is not always the case. Moreover, as mentioned below, peacekeeping assessed contributions are usually not available for programmatic/operational activities. With regard to personnel, the argument below is that it is quality, not quantity, of personnel that determines the effectiveness of peacekeeping, so it is not entirely clear that access to seconded personnel should, by itself, be considered a comparative advantage of peacekeeping.

62. Essential capacity-building activities. This does not mean that OROLSI components should never engage in capacity building activities. Indeed, the line is often blurred between essential capacity building related to the provision of immediate safety and security and the stability of the political process, as discussed above (e.g. getting key institutions to function to a basic level) and capacity building related to longer term reform. There needs to be flexibility in the system so that activities that might be critical in a particular context – e.g. when a country is facing a total vacuum in a particular sector – are not ruled out. However, the test should not be whether the activity is needed and adds value – i.e. "someone needs to do it" – as most reasonable activities will meet that test when basic institutions have been destroyed or are dysfunctional.

Setting parameters for capacity building activities in the early peacebuilding period

- Activity must be modest, tailored and build on pre-existing structures
- Activity must add more value than core peacekeeping functions (strategic advice, consultation and coordination)
- No peacekeeping partner is available, or can be approached, to undertake the task
- The mission's personnel have the skills and experience to deliver effectively

63. Rather, if it is to be considered a *priority for the peacekeeping operation* in the early peacebuilding period, four criteria should be met: first, dedicating scarce mission resources to this activity must add more value and make more of a difference than engaging in the core strategic advisory, consultation and coordination functions. Second, it should be confirmed that there is no peacekeeping partner who is able, or can be approached, to undertake the task instead. Third, if it is to undertake capacity building, the OROLSI sector must be assured that its personnel have the skills and qualifications to deliver effectively. Fourth, as discussed below, the activity contemplated must be modest, tailored and build on pre-existing structures.

Current capacity building activities in the field

Some internal OROLSI policies list specific programmatic or capacity building activities among their substantive areas of engagement. For example, the DPKO Policy on Justice Components includes activities such as supporting the development of magistrates' schools and legal training centres, supporting the development of legal professional associations, assisting the publication of judicial decisions, developing court policies and procedures and helping national authorities design effective organizational structures among the substantive areas of its field work. The DPKO Policy on Support for Reform, Restructuring and Rebuilding of Police and Law Enforcement Agencies lists many capacity building tasks, such as vetting, training, and institutional development, as core elements of police work. Additional programmatic tasks are designed by field components,

based on the needs in that context. In the areas of justice and corrections, for example, field components have provided assistance with legislative drafting, the organization of ad hoc training initiatives, the provision of contracted national staff to undertake prosecutorial functions and the strengthening of prison and other infrastructure. These activities must be reviewed to ensure they meet the four tests above.

64. Is the activity modest, tailored and does it build on pre-existing structures? Experience has taught us that peacebuilding should be tailored to the specific context and make use, as far as possible, of existing structures and systems. This lesson is often invoked but rarely heeded. Indeed, when the international community arrives and realizes the enormity of the problems – not only physical destruction and disrepair resulting from the conflict, but also imperfect institutional foundations, corruption and dysfunctional operations (which all often pre-date the conflict), it is tempting and seems far more noble to try to rebuild and fundamentally transform these institutions, and to aim to complete the process within a few years. In doing so, donors and international agencies often fall back on "templated" solutions that are picked from the same generic menu of options and applied, with slight tweaking, to virtually every post-conflict situation. These are often imported from other countries or missions, and generally based on Western models or are supply/donor-driven.[29] As such, they may be familiar and convenient for international actors but baffling, ineffective, or even unwelcome in the local or national context. Local and national authorities may agree to implement these new programmes, sometimes under pressure, but often simply revert to their old systems upon the departure of international advisers, as happened in Kosovo and Haiti, among others.

65. The better approach, in this initial period, is to support modest and realistic improvements aimed at ensuring that pre-existing institutions or local practices (such as alternative or community-based dispute resolution mechanisms), with which the population is already familiar, can simply function again, even to a minimum level of standards. (Ideally, both the government and the OROLSI sectors should approach this in an integrated manner, considering justice, corrections, law enforcement and other security institutions as a whole, rather than as separate sectors). This "achievable approach" usually means that existing structures and reporting lines should be kept in place for the time being, while ensuring that very basic administrative capacities exist and that only those aspects that threaten safety and security are addressed. The modestness of this "end-state" should be very clearly communicated to the Security Council, when mandates are being developed, as well as to the authorities and the population, in order to manage expectations. This is not to say that the country does not need or deserve more fundamental change – indeed, this may be appropriate at a later stage. It is usually unrealistic, however, for sweeping change to take place during the early peacebuilding period (particularly when most peacekeeping components currently take a year or so to get to or near authorized strength). Instead, peacekeeping operations should aim to do only what is absolutely essential, before handing over to national authorities and development partners that can remain engaged over the long haul.

[29] This was particularly acute in Kosovo and Timor-Leste, where the UN had an executive mandate, but has also been the case in a range of other missions, including Bosnia and Herzegovina, Haiti and Liberia.

66. If it is clear to OROLSI sectors and, ideally, the entire mission that what is being sought is a modest and achievable end state in the various priority areas, this will curb the field's desire to do everything. At the moment, OROLSI field components are increasingly faced with peacekeeping mandates that are overloaded with very broad peacebuilding tasks, without adequate consideration of the limitations of UN peacekeeping. It can be challenging for well-intentioned peacekeeping personnel to exercise restraint, particularly when the mandate gives them an opening to do virtually everything. This is especially difficult when the UN peacekeeping operation is the largest or most visible actor on the ground and feels pressure to do *something*, even if imperfect, in the face of huge needs and the population's often unrealistic hopes and expectations of what the UN can achieve. This impulse to respond has overstretched OROLSI components, sometimes driving them to engage in vastly different activities across missions, for which they lack adequate resources, expertise or standards. As discussed above, for example, several peacekeeping operations have carried out DDR programmes too quickly, or designed and conducted training programmes in the absence of adequate expertise, as in Timor-Leste and other missions.

Vetting

One of the standard reform activities of policing components in the field has been vetting of police officers, aimed at excluding individuals who have committed abuses from police forces. While the theory behind vetting is sound, it is, in practice, extremely complex, lengthy and highly divisive. As such, questions arise about whether it is an appropriate priority for the early peacebuilding period. Given how laborious the process is, it is also worth exploring whether it makes sense for peacekeeping operations to vet an entire police force, rather than, for instance, initially focusing only on the senior-most managers. As with many other standard early peacebuilding activities, it would be useful to evaluate a few vetting processes in peacekeeping operations and draw some lessons about the use of this mechanism.

67. With regard to early technical advisory/capacity building activities, OROLSI should agree on a limited range of modest, achievable activities that are considered essential to get to the end state (e.g. Are UNPOL authorized/qualified to advise and mentor on anything and everything, drawing on their own national experience and national policies? Or will there be clear issues and areas, with UN guidance developed accordingly, on which they are authorized to "mentor"?) Additional context-specific activities could be approved on a case-by-case basis. At present, there are serious shortcomings in delivery in some of these areas (see section on capacities, below). The point, as with the designation of the three priority areas of strategic advice, consultation and coordination, would be to set some parameters, enabling OROLSI to develop clear strengths or areas of excellence in a certain number of critical capacity building tasks, rather trying to address every need on the ground and adopting ad hoc, potentially contradictory approaches among or within missions. To ensure quality and consistency among missions, OROLSI would then need to define the specific skills that field personnel need to carry

out these activities, recruit accordingly and provide clear guidance to them on implementation, including the need for indicators and monitoring.

68. One caveat is that stop-gap measures can easily slide down a slippery slope and transform into longer-term reform, with longer-term implications that need to be carefully thought-through. Often, national capacities are weak at this stage and cannot contribute meaningfully, creating the risk that any longer term plans or strategies developed will be driven by the UN, instead of national counterparts. At other times, infrastructure or security problems can reduce access, thus precluding an accurate understanding of the needs. Consequently, any investments in capacity building, infrastructure or equipment at this stage (whether by the UN peacekeeping operation or other actors) should be in essential areas and strictly de minimis, pending decisions and strategies for longer term reform. Equally, as further discussed below, quick training programmes, whether for judges, prisons staff or police, are unlikely to be effective unless part of a broader strategy and until adequate analysis has been conducted of the country's training system and needs. Thus, such initiatives should be used sparingly in the early stages.

69. "Honeymoon" and "entrenchment" arguments. Some argue that peacekeeping missions should take advantage of the "honeymoon" period in the early days of the peacekeeping mission, when the willingness of the authorities to cooperate is at its highest, to implement whatever reforms are possible, even if these are small steps. However, well-intentioned authorities, or even those paying lip service to reform, may adopt strategies or secure the adoption of legislation early on, but these are unlikely to be implemented or enforced unless backed up by a national constituency for reform that goes beyond the intentions of a few officials in positions of power. It must be recognized that "the security sector is the most closely bound to ruling elites and power structures; it is all about power relations, and to seek to reform it in any meaningful way is inevitably political and profoundly threatening to the established domestic order".[30] The fundamentally political aspects of reform must be addressed internally in the country before true reform can be implemented. Thus, the urge to address institutional reform in a piecemeal way, in response to initial openings, must be balanced against the risk of leaving behind a series of partially-completed projects. Again, it makes more sense to focus efforts on the strategic advisory, consultation and coordination roles and wait until there is sufficient popular support for implementing lasting reform.

70. There is also a fear that bad practices will become "entrenched" if the UN does not begin to reform institutions right away. Bad institutional practices in post-conflict countries generally predate the conflict, however, or, at the very least, became entrenched during the conflict. Therefore, the burden of setting this historic wrong right in the early peacebuilding period should be lifted from the shoulders of peacekeeping personnel, especially if corrective measures are to be carried out hastily and compromise longer term reform strategies.

71. Filling the void. A common complaint by UN peacekeeping personnel is that they have been let down so often by the promises of the UN Funds and Programmes, which have subsequently failed to deliver on funding and programmes, that they believe UN peacekeeping has no choice but to develop its own capacities in these critical areas and stop relying on agencies. Another argument is that UN peacekeeping has access to personnel, through assessed budgets and secondments from Member States, while the Funds and Programmes depend on

[30] Sayigh, p.1.

unpredictable voluntary funds. By extension, peacekeeping is best-placed to implement programmes in the early peacebuilding period because it can bring large numbers of personnel on board quickly.[31]

Justice activities in MINURCAT

In Chad, one of the main activities of the OROLSI justice component in 2009 has been to train, together with UNDP, 76 judges, 100 police investigating officers and 12 lawyers, and collaborate on the design of a legal aid programme for Chad. Another 75 personnel are expected to be trained in 2010. Because the main task of MINURCAT is to support the establishment of the DIS, a Chadian police force, the justice unit felt that MINURCAT, rather than another entity, should also have the responsibility to ensure that the judicial and penal sectors, which process the detentions, were capable of ensuring due process. Ideally, it should not be MINURCAT, but a partner with an appropriate mandate and the capacity to remain on the ground for the duration of such an undertaking, that carries out such training and programme development. It appears that no such partner was initially available in the case of MINURCAT and the circumstances of MINURCAT may be sui generis. This does, however, raise broader mandate questions and whether steps can be taken during the planning stages to engage the Funds and Programmes or bilateral donors, if necessary at the level of DPKO senior leadership. This would ensure that needs are appropriately covered by partners so that the peacekeeping operation can avoid getting overly involved in technical needs and can concentrate on more political and overarching needs that only the mission can address.

72. Since the UN's own record of achievements in these areas is mixed, not least in its slow deployment of personnel, the instinct, even when well-intentioned, to take on activities because no one else can or will, needs to be contained. There are often fears that the mission's credibility will be damaged if nothing is done in the face of obvious needs, but the Organization's overall credibility is damaged when what is done is not effective or appropriate for a peacekeeping operation, or core peacekeeping responsibilities are neglected. The parameters set out above must be strictly applied to guard against this tendency.

Coordination of assessment visits

One function that does not currently figure among UN activities in the OROLSI sectors, but would address a priority need in the early post-conflict phase, is coordination of assessment visits. National and local authorities are often unable to focus on the needs at hand because they are inundated with requests to meet and brief governmental delegations, donors and international non-governmental organizations that flock to the country immediately following the conflict with promises of assistance,

[31] It should be noted that, with very few exceptions, assessed contributions are not available for programmatic/ operational activities. Thus, when it comes to programme implementation the peacekeeping operation often finds its hands tied as well.

many of which never materialize. Many of these delegations also visit UN Headquarters, where briefings must also be repeated multiple times. As part of both its strategic advisory and coordination roles, OROLSI should advise and assist in discouraging such visits until national consultations and assessments have been carried out. OROLSI can also assist national authorities in arranging thematic conferences (e.g. on "security sector reform" or "police") and encourage donors and other interested organizations to schedule their travel to the country at these times, instead of a steady stream of visits throughout the first critical year of the peacebuilding effort.

73. DDR. Most of the characteristics and priorities in the section above apply equally to DDR. For example, DDR, which was once considered a technical process to remove weapons, is, in fact, a highly political undertaking that is directly linked to the peace process. Its success is, therefore, dependent on the ability to negotiate successfully with an array of actors and build confidence in the wider peace process, particularly when key parties are unwilling to engage.

74. Since DDR is generally a nationally-led process, the strategic advisory role of the UN is also critical. In addition, the need to convene and coordinate closely with other mission components and partners is essential, since DDR represents the convergence of security, political progress and economic recovery. Thus, key partners include the SSR Unit, the military, the police, civil affairs and political affairs. Finally, as with other OROLSI areas, unless adequate consultation takes place, solutions will not have the support of affected communities. Indeed, a recent DPKO study on "Second generation DDR" found that correct analysis and early consultation of all key stakeholders, including assessment of the dynamics around armed individuals and perceived threats and motives among the wider population for holding arms, are a prerequisite for successful DDR[32]. DDR also has an important role to play in laying the foundations for longer term reform activities. Programmes, such as the "1,000 projets" in Côte d'Ivoire and CVR in Haiti, which involve at-risk youth, including ex-combatants and gang members, do not attempt to serve as long-term development projects. Rather, they aim to contribute to basic safety and security and "buy time" until space can be created for development actors to step in and begin their longer term programming.

75. What sets DDR apart from the other OROLSI areas is the fact that it also has a critical operational aspect, which is carried out by the DDR unit, with assistance from other mission components. This, combined with the fact that peace agreements often set tight deadlines for DDR and that ridding opponents or spoilers of arms is seen as directly linked to immediate safety and security, has at times pushed peacekeeping operations to rush into implementation. This has proven to be counterproductive, if not disastrous. In Liberia in 2004, for example, political pressure to implement DDR quickly, although structures and processes were not yet in place, led to violence and deaths. It is also possible to misdiagnose the problem, as in Haiti, or to get the "D", "D" and "R" sequence wrong. Indeed, while traditional disarmament, demobilization and reintegration proceeded in a set sequence, it has become increasingly clear that flexibility is required. In Cote d'Ivoire, for example, reintegration or "reinsertion" had to be the first step,

[32] Second Generation Disarmament, Demobilization and Reintegration (DDR) Practices in Peace Operations: A Contribution to the New Horizon Discussion on Challenges and Opportunities for UN peacekeeping (2010), p. 31.

while measures were taken to build confidence in the wider peace process. At other times, a lack of agreement on security sector reform may effectively block progress in DDR. This was the case in Cote d'Ivoire, where the failure of the transitional government to agree on whether and how to incorporate former rebels into reformed security institutions held up the DDR process.

76. Most important, while actual disarmament and demobilization can prove to be relatively simple, these steps may actually increase insecurity if they are premature – that is, if armed former combatants are disarmed and demobilized with no way of keeping them occupied or fed. A number of complex pieces, particularly funding, must be in place for reintegration, or even stop-gap "reinsertion" programmes, to proceed. These programmes are linked to the "recurring priority" of "economic revitalization" set out in the Secretary-General's Report on Peacebuilding and depend, in most cases, on the capacity of partners. Experience has shown that it can be a lengthy process for agencies to get pledges from donors, disburse funds and recruit personnel; as a result, it is often necessary to plan for reintegration before even beginning disarmament and demobilization. Despite the political pressure to move quickly, this reality must be taken into account when determining timelines and the overall sequencing of OROLSI activities.

V. Ensuring the Capacity to Deliver

77. Successful early peacebuilding requires funding and qualified, trained personnel with clear core functions**.** Capacity and personnel can have an enormous impact on the effectiveness of peacekeeping and peacebuilding efforts. The work of the justice, police, corrections, DDR and SSR units in support of national reform efforts has been hampered by the absence of qualified personnel. In peacekeeping this is usually thought of in technical terms – i.e. the need for forensics specialists, or experts in civil law. The OROLSI strategy should indicate, however, that a range of essential skills are needed that peacekeeping operations have not, to date, prioritized. In addition, the strategy should highlight how a more integrated, prioritized approach within OROLSI will help improve the ability to identify and obtain funding.

78. The capacity of police components. DPKO has the longest experience of any organization with international policing, and the greatest capacity to recruit and deploy individual police officers. Yet, the effectiveness of UN policing has been called into question in both internal and external reports, in Bosnia and Herzegovina, Liberia, Timor-Leste, Haiti and elsewhere.[33] There seem to be several major problems: first, rather than focusing initially on a few critical areas, UN police are being asked to address the entire spectrum of police reform, which involves too vast an array of tasks and skills. Second, longer term reform and restructuring requires skills that UN police, who are mainly "cops on the beat" with no experience of complex post-conflict settings, are unlikely to have. Even highly skilled police

[33]Handing Back Responsibility to Timor-Leste's Police, International Crisis Group Asia Report N°180, 3 December 2009; Bu V. E. Wilson and Nelson De Sousa C. Belo, The UNPOL to PNTL Handover: What Exactly is Being Handed Over?, Conflict Prevention and Peace Forum, 2 October 2009, Liberia: Uneven Progress in Security Sector Reform, International Crisis Group, 13 January 2009, Reforming Haiti's Security Sector, International Crisis Group, Latin America/Caribbean Report N°28 , 18 September 2008, Report of the expert mission on policing to Timor-Leste 17 to 27 March (S/2008/329), Alexander Mayer-Rieckh, "Time to be more serious about Post-conflict Police Development", *Peace and Security* (upcoming), "On Mount Olympus: How the UN violated human rights in Bosnia and Herzegovina and why nothing has been done about it", European Stability Initiative, 10 February 2007.

officers do not automatically have "mentoring" skills, let alone the knowledge and experience to design an organization, develop core values, build financial and management systems and accountability mechanisms and deal effectively with political actors. Nor are they given the tools or guidance to compensate for this, including any training on how to transfer knowledge. These are some of the factors that contributed to the findings by an April 2009 Headquarters TAM to Liberia, tasked with making recommendations on the third stage of the draw-down of the mission, that "all stakeholders provided a rather sobering assessment of the efforts to develop the Liberian National Police, characterizing the force as ineffectual".[34] The mission identified "several reasons for the serious deficiencies facing the police, including shortcomings in the training and mentoring that UNMIL police advisers are providing".[35]

79. In the absence of the right skills and training, police have tended, as have many other peacekeeping personnel, to revert to what they know best – the system in their own country. This is compounded by the fact that a single UN police component can consist of dozens of nationalities, each believing that their national system is the most logical one to transfer to the country in which they find themselves. In addition, they have opted to focus on capacity building and training – operational, quantifiable activities – rather than taking on underlying systemic issues such as abusive conduct and a lack of meaningful internal discipline and external oversight mechanisms. Neglecting the latter, in cases where police forces are abusive and unaccountable, and focusing, instead, on building organizational and operational capacities, risks making a force even more effective in carrying out abusive practices.[36] Finally, police are deployed to UN peacekeeping operations on secondments of relatively short duration, making it difficult, if not impossible, for most to become really familiar with the culture or history of the country, gain institutional knowledge of the way UN peacekeeping operates, develop the required relationships with national authorities or have a longer term frame of reference for the peacekeeping operation's activities.

80. Due to shortcomings in capacity, police reform has tended to be carried out as a relatively independent technical exercise in missions, rather than the highly political exercise that it is. Police reforms have lacked strategic coherence and not been placed within the broader framework of security sector reform and reform plans; in particular, they have generally failed to address other law enforcement institutions apart from the police.[37] Moreover, as in many other areas of peacekeeping, police reform plans have tended to pay lip service to national ownership and the participatory consultations that would have strengthened their legitimacy and national support. This can be attributed, in part, to the fact that police officers are, by training, operational, and want to "make things happen". This is well-intentioned but not always possible in complex, politically sensitive, post-conflict contexts, and can lead to police officers substituting themselves for national counterparts in an effort to make things happen more quickly.[38]

81. Although an overall assessment of UN Policing has not been conducted, an expert mission on policing to Timor-Leste in March 2008 found a number of serious problems with the

[34] Special Report of the Secretary-General on the United Nations Mission in Liberia, 2009, S/2009/299, para. 20.
[35] *Ibid*, para. 21.
[36] Mayer-Rieckh, pp. 9 - 10
[37] See, e.g., Mayer-Rieckh, p. 4.
[38] *Ibid*, p. 11.

way in which UN policing is carried out. The expert mission noted that a draft reform, restructuring and rebuilding plan already submitted by UNMIT to Timorese authorities nearly a year earlier lacked

> *a) a detailed statement of the aims and objectives to be achieved in the process; b) a clear allocation of responsibilities between the Government of Timor-Leste, UNMIT and other stakeholders; c) clear benchmarks and performance targets; d) the identification of human, material, technical and financial implications of the actions required for implementation of the plan. It cannot consequently be used as a basis for the reform, restructuring and rebuilding of the [National Police of Timor-Leste (PNTL)] in its current format and would require substantive changes. Furthermore, various national and international interlocutors expressed their concerns on national ownership of the plan as it was not prepared based on the active participation of local stakeholders.*[39]

82. The expert mission also noted concerns by Timorese authorities that UNMIT, which had 1,529 police officers (including formed police units) from 40 police-contributing nations at the time "brings different policing approaches and standards from its Member States … [creating] confusion amongst personnel of the PNTL to the extent that training and advice provided may be contradictory as they are often based on different doctrinal approaches". It was recommended that reform activities should be undertaken "by police personnel from fewer Member States, assigned for longer-term in the country and based on detailed standard operating procedures endorsed by the United Nations".[40]

83. It has also proven challenging to recruit individual police in the large numbers demanded by current mandates. With over 6,600 individual police currently authorized in 11 (?) peacekeeping operations, the Police Division has experienced serious difficulties in meeting the needs. Even before the sudden rise in demand, due primarily to the approval of over 6,400 police (both individual police and formed police units) for UNAMID, there had been longstanding issues with deployed police failing to meet the qualifications, including basic policing, language and communication skills, as well as with motivation, performance and accountability. Because of the struggle to meet the required numbers, skills have at times been compromised, which has impacted on the effectiveness of UN police as "mentors" and advisers.

84. In 2000, the Report of the Panel on United Nations Peace Operations ("Brahimi Report") called for a doctrinal shift in peacekeeping to police reform and restructuring.[41] Given how difficult it has been to get the quality right and achieve the desired impact, it may be time for DPKO to explore a second doctrinal shift that recognizes the enormous challenges associated with effectiveness of the large police deployments that have become commonplace in today's peacekeeping operations.[42] It may be appropriate, for example, to move away from large policing components that try to address the entire spectrum of reform and restructuring to

[39] Report of the expert mission on policing to Timor-Leste 17 to 27 March (S/2008/329), para. 30.
[40] *Ibid*, para. 31.
[41] Report of the Panel on United Nations Peace Operations, 23 August 2000, A/55/305-S/2000/809.
[42] Serious deficiencies have also been found with regard to Formed Police Units (FPUs), which has also damaged the credibility of UN peacekeeping. A recently revised DPKO policy on Formed Police Units in United Nations Peacekeeping, which will take effect in March 2010, seeks to address some of these issues.

significantly smaller components that focus on a number of priority areas. These would be made up of fewer, carefully-vetted and selected police experts as well as civilian (non-police) experts to mentor the local police. These personnel would provide initial advice on, *inter alia*, institution-management, needs assessment and strategy development, and would be qualified to mentor and advise because they would be familiar with managing or changing an organization – i.e. knowledge of personnel, finance, logistics, planning and administration, as well as oversight/review and disciplinary matters.[43]

85. The system of police secondments and short rotations is also at odds with the need for personnel who can conduct in-depth assessments, familiarize themselves with the country situation and carry out national consultations before advising on reform. This puts UN police at a distinct disadvantage when carrying out their jobs. Thus, both police and civilian personnel in these smaller police components should ideally be recruited as staff, rather than deployed on secondment; at a minimum, components should consist of a combination of seconded personnel and staff, selected using rigorous criteria and processes.

86. It should be underscored that advocating a smaller UN involvement in policing is not an argument against the importance of policing and law and order. On the contrary, in view of the importance of policing to a country's recovery from conflict, it is an argument for quality and impact over quantity. The days of deploying a large number of police officers (or civilian staff in other sectors, for that matter) with unsuitable qualifications and then instructing them to roll up their sleeves and begin to implement reform should come to an end. Although it is police personnel who are blamed for failings in this area, it is ultimately the political leadership of field missions and DPKO who must address them. The Police Division's current work on developing a Strategic Doctrinal Framework for International Police in Peacekeeping (SDF) is a key step in addressing some of the deficiencies of the system. In this connection, it would be timely for DPKO to conduct an in-depth review or evaluation of UN policing, to determine the effectiveness of the current UN policing model and draw lessons for the way forward.

87. <u>The capacity of the SSR, Justice, Corrections, DDR and Mine Action components</u>. There are also mismatches between skills and tasks in the SSR, Justice, Corrections and DDR sectors. Although the numbers are significantly and it is thus easier to be selective in recruitment, there have been challenges with quality and clarity of functions.

88. Moreover, the recruitment process for field posts is very long and takes up an inordinate amount of headquarters staff's time, delaying deployment and leaving many missions with high vacancy rates in key OROLSI areas well into the first year. OROLSI does not have much leverage over this process, but until the system changes, it must acknowledge this challenge and plan its activities with a recognition that components will be not be fully staffed in the early period. The proposed Justice and Corrections Standing Capacity could help, by deploying a small team of experienced officers during mission start-up.[44] This team, if its members are

[43] A similar point about UN police lacking the capacity to drive reform efforts, and proposing the recruitment of "personnel administration and management experts which can come from either within or outside a police service" was made in a 2008 review conducted of the Police Division in DPKO. Report on the Comprehensive Analysis of the Police Division, Office of the Rule of law and Security Institutions, Department of Peacekeeping Operations, 10 December 2008, p. 12.

[44] CLJAS Justice and Corrections Standing Capacity Proposal, December 2009.

carefully selected and have the right skills (see below), could immediately start the priority familiarization, assessment/ mapping and coordination tasks discussed above.

89. There are also other capacity issues that OROLSI can address. As with police, these sectors recruit "experts" (judges, prosecutors, lawyers, prison officials, military experts, former corrections or prison officials), who have tended to approach their work, including assessments as a technical exercise, rather than operating at the political and strategic levels. It has become increasingly clear that it is not exclusively technical, subject-matter experts that are needed in the OROLSI sectors, but expertise in a wide range of other areas. Job descriptions need to be revised accordingly to reflect the range of skills and profiles required. As discussed above, for example, the skills required to carry out an effective assessment of institutional capacities and gaps and identify solutions might not be "technical" expertise in rule of law, policing, etc., but expertise in assessments and planning, country/regional expertise, experience with conflict analysis methodologies and with facilitation of highly political stakeholder consultations. Similarly, technical expertise might be less important for the head of a field component than in-depth knowledge of peacekeeping, political and negotiation skills, the ability to advocate and provide strategic advice to the mission and to national counterparts, and extensive managerial skills and knowledge of UN administrative procedures; this would, ideally be complemented by country or regional expertise. Convening and coordinating partners also requires specific experience, such as how to manage a range of actors over whom one has no real authority. Finally, serious questions arise about whether former judges, prosecutors, lawyers, corrections experts and police officers, who may be experts in their fields, are qualified to design, implement and evaluate projects, provide advice on building and managing complex institutions, or have the political and other skills required to serve as effective facilitators, negotiators, advisers and advocates in discussions with and among national counterparts. The absence of key skill sets needs to be addressed and OROLSI could also budget for external experts (e.g. country or regional experts, experts in assessment or planning, etc.) to participate in TAMs or in-country assessments in an advisory capacity.

90. With regard to corrections, the UN is the only organization that currently has the capacity to deploy seconded corrections officers, which is an advantage. At the same time, as with police, above, some combination of seconded corrections and civilian staff with some of the other areas of expertise listed above would provide greater continuity as well a broader range of required skills. The DDR sector, for its part, has realized the importance of having not just "DDR expertise" in their field components, but also logisticians, media experts and programme management skills.

91. A related problem is the acute absence of qualified field civilian personnel to meet the ever-growing demand, especially for specialists and managers. Identifying qualified personnel has always been a challenge, but as missions have grown more complex and tasks more specialized, the UN is increasingly seeking rare profiles and finds itself competing with regional organizations that seek many of the same profiles. Even when qualified staff are identified, insufficient specialized guidance exists on the range of tasks that need to be carried out and very little or no job-specific training, though some components have begun to develop these. Nor are there minimum standards to which performance should be held. These need to be developed without delay, as part of a comprehensive DPKO/DFS approach to capability development set out in the new Horizon non-paper. The prerequisite to such an effort is, of course, defining the

core tasks and responsibilities for each of these functions before moving to minimum performance standards. Narrowing the focus of OROLSI sectors to a few, well-defined, core tasks will make this easier to achieve.

92. Other than for the police, it should be underscored that doing fewer things is not likely to require fewer people, especially since most OROLSI components are currently under-resourced. Rather, it means that roughly the same number of staff should have fewer and clearer functions and better qualifications, so they can excel at what they do and stand a better chance of making an impact.

93. Capacity of partners to implement or support the activity. As a national strategy is developed and related activities planned, it is important that the peacekeeping operation and OROLSI sectors identify partners to support the national authorities with implementation. It is crucial that partners have funding, or the capacity to raise and disburse it quickly; too often, programmes are delayed because partners are not, in fact, able to obtain funding, or they obtain less than expected, making programmes unsustainable. The experience and expertise of partners in specific areas must also be ascertained so that OROLSI components can provide appropriate advice to national authorities about whom to partner with. Assistance with Identifying partners and reviewing their funding capabilities is, thus, a key aspect of OROLSI's coordination role.

94. Funding. One of the challenges to effective delivery for OROLSI is lack of funding. There is generally a gap between the enormity of the problems and the ambitious plans designed to address these, on the one hand, and the modest funding and resources available for implementation, on the other. The funding that exists tends to be stovepiped, so that it is not available for furtherance of overall OROLSI strategic priorities but for specific sectors. This leads to gaps in areas such as funding for prisons, which donors are generally less keen to support than justice and police activities. And, as discussed above, assessed contributions cannot (with the exception of reinsertion programmes for DDR) cannot be used for programmatic activities. Yet, funds are needed for a range of key activities, many at the sector-wide level, such as support national dialogue processes, or in support of efforts to develop national security policies, strategies and plans), or "quick-win" initiatives that could build public confidence in security institutions, such as development of a Code of Conduct for Armed forces and Security Services.

95. A more integrated, prioritized approach within OROLSI will help improve the ability to identify funding needs and increase the potential that donors will support the overall sector, rather than picking and choosing among them. Better coordination and planning with partners can also go a long way to address funding concerns. In addition, since many programmes are actually implemented by funds and programmes, which can experience long delays in raising and disbursing funds, OROLSI sectors can jointly provide critical political support to fundraising, or raise awareness about the importance of this area of work for successful peacebuilding.

VI. Sequencing of Priorities

96. A major caveat when identifying priorities is that while a framework can help ensure that a sound process is followed, decisions about specific priorities must, ultimately, be made on a case-by-case basis, taking into account the specific mandate and context of each post-conflict

situation, including the provisions of the peace agreement. The same applies to sequencing of priority activities. Indeed, it is difficult to adhere to a pre-determined sequence in peacekeeping because everything is so context-specific. In the Congo and Afghanistan, for example, one of the immediate post-conflict priorities was to set up a transitional government, whereas in Darfur it was to achieve a ceasefire so that a political process could be launched. Pre-determined timelines are also unrealistic. The Secretary-General's Report focuses on "the immediate aftermath of conflict" and defines this period as "the first two years after the main conflict has ended". In some contexts, the early peacebuilding period might, indeed, last two years, while in others, such as the Congo, it extended well beyond that. At times the political situation is ripe, in the early days, for certain activities, while at others, an opportunity to make headway on a peacebuilding task might not present itself until several years after the conflict has ended. This report does not attempt, therefore, to tie activities to a specific timeline; nor does it recommend a specific sequence for priority activities. It does underscore, however, the *need* for sequencing. Indeed, unless priorities are sequenced, much of the value of prioritization dissipates, as there is still a list of tasks with no informed agreement as to which is the most crucial. There is little best practice available about sequencing of peacebuilding tasks, other than debates about whether peace or justice should come first and the like, in addition to the many lessons pointing to the need to carry out justice, corrections, police and other institutional reform activities in tandem.

97. What is needed is a process for deciding on sequencing. Prioritization and sequencing go hand-in-hand and, it goes without saying that both should be conducted in an integrated manner, across sectors, to ensure coherence and avoid stove-piping. Other partners should also be included in the discussions because one conclusion of a sequencing exercise may be that not everyone is needed right away. This can be an unwelcome but necessary finding. Tasks must be weighed against each other and agreement reached as to which are "urgent" (e.g. certain tasks related to maintaining law and order) or prerequisites for other tasks to be carried out (e.g. mine clearance), and which ones are "important" but can follow a bit later in the sequence. These decisions must be guided by the mission's political and security objectives and be consistent with the overall mission strategy. While it can be artificial to over-quantify these sorts of exercises in the peacekeeping context, it is useful to set out the assumptions about each priority, as well as the risks of not engaging in it immediately. This could include factors such as impact, sustainability, degree of local ownership, likelihood of achieving objectives and timeframes. Practical considerations such as availability of experts or funding would also affect sequencing, but where certain activities are considered to be greater immediate priorities than others, overall peacekeeping resources should be directed to those areas first. For example, if getting the DDR programme up and running were considered an immediate priority, then the Field Personnel Division should be asked to focus its efforts on getting the relevant DDR staff deployed to the field, rather than spreading its resources thin by trying to deploy the staff of all OROLSI components at the same time.

VII. Need for evaluation/assessment

98. As with most other areas of peacekeeping, just keeping up with the pressures and daily demands has left OROLSI components with little time for meaningful evaluation and analysis, let alone real soul-searching about their overall mission and impact. Instead, the focus has been on rapid "implementation" – lists of tasks that can be ticked off to show that something is being done. The commissioning of this paper, the upcoming development of an OROLSI strategy on early peacebuilding and the concurrent development of an overall OROLSI policy indicate that OROLSI wants to know how it can deliver most effectively. Yet priorities cannot be accurately identified in the absence of concrete data about what field missions are actually doing and what the value and impact of these activities has been. Such analysis must be an ongoing part of OROLSI's work but there is also an urgent need now for OROLSI to conduct in-depth evaluations of key areas of work to see where its field components have performed well and where they have not, so that its activities and approaches are based on solid data and analysis, rather than unquestioned assumptions and ad hoc decisions taken by different missions.

99. Data and analysis are especially needed because while it is now the conventional wisdom that promotion of the rule of law and institutional reform are critical to peace consolidation, there is little data available to show how successes or failures in international efforts have actually impacted on the risk of relapse into conflict. Liberia, for example, which has largely succeeded in its transition to peace, has seen relatively little progress in the rule of law or security sector reform, despite significant engagement by the UN, the US and others since 2004 aimed at "radically reforming" the security sector.[45] Yet, it has not relapsed into conflict. On the other hand, the reality is that nearly 50% of countries relapse into conflict within 5 years, most of which had some sort of rule of law and institutional reform programme.[46]

100. Repeated failures by the international community, both in post-conflict and development contexts, and from Latin America to Eastern Europe and Africa, have shown that the results of international institutional reform efforts are usually disappointing -- at best, they make a small dent in fundamentally flawed systems. Moreover, it has been noted that "the evidence [on the success of peacebuilding] is limited and the analysis provisional".[47] The UN has collected very little data or analysis of its own, and what exists often raises more questions than it answers. For example, in a 2009 survey of Haitians, 26% of respondents said that MINUSTAH had done a "good job" in its support for justice reform while 41% said it had done a bad job. 16% saw a positive change in the work of the justice system in the previous year, while 67% either thought there had been a negative change or no change. This response does not, however, provide details on which aspects were "negative" or "positive" and why. [48] It is important that OROLSI sectors not work on the basis of unquestioned assumptions, but also, at least in part, on the basis of more precise feedback from beneficiaries, as well as other data.

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[45] Liberia: Uneven Progress in Security Sector Reform, International Crisis Group, 13 January 2009.
[46] Peacebuilding: What is in a name?, Michael Barnett, Hunjoon Kim, Madalene O'Donell and Laura Sitea, *Global Governance* no. 13 (2007), p. 35, citing Paul Collier et al, Breaking the Conflict Trap: Civil War and Development Policy (New York: Oxford University Press and World Bank, 2003) and Charles T. Call and Susan E. Cook, "On Democratization and Peacebuilding," *Global Governance* 9, no. 2 (2003): 223 – 234.
[47] Barnett, et al. p. 37.
[48] National Survey of Haitian Residents: Measuring the Work of MINUSTAH, 2009.

101. Peacekeeping operations have generally been weak at benchmarking, monitoring and evaluating their work. The DDR unit has advocated for more Monitoring and Evaluation Officers and currently has this capacity for its programmes in MINUSTAH, UNOCI and UNMIS. The Criminal Law and Judicial Advisory Service (CLJAS) has also developed a "Methodology for review of justice and corrections components" and a few mission review have been carried out to date. Moving forward, OROLSI needs to aim for some minimally acceptable results and impact and then be able to assess these and change its direction, as needed. As the OROLSI components become more established, Member States will also increasingly ask questions about performance and impact.

Training in the early peacebuilding period

One area that requires serious evaluation is early peacebuilding training, which lies at the core of most reform plans and programmes. OROLSI sectors in the field conduct or are otherwise involved in a multitude of such programmes annually, but while many practitioners have raised questions about the value and impact of such programmes, they have not been subjected to serious evaluation. Perhaps the most fundamental problem is that these programmes are implemented quickly in the early days, before a broader national strategy has been developed or there is adequate knowledge of the country's training system and needs. At this stage, it can be hard to know for certain exactly who works for the relevant ministry/ institution. Even if it can be ascertained that training is required and for whom, the construct, length and timing of such programmes need to be evaluated for effectiveness. Often, these programmes are brief and superficial, aiming only to provide a baseline of knowledge to untrained officials, but are not later supplemented with more tailored, in-depth training. In other cases training has taken place before authorities have even committed to addressing systemic flaws such as the absence of accountability mechanisms. This can prematurely empower judges, police officers or prosecutors, who might suddenly view themselves as "legitimate", though they are still not well-trained or remain susceptible to political pressure. Training programmes also generally focus on low-ranking personnel, which yields higher numbers trained. However, there is often a greater need to develop middle or senior managers, which can be more challenging and requires the engagement of more experienced trainers.

102. Benchmarks are an important tool that can assist both peacekeeping operations and the Security Council in conducting quality control of activities and processes, assessing progress towards peace consolidation and making the right decisions about programmes and mandates. The OROLSI strategy should require that clear "benchmarks" be developed to measure impact and allow for development of an exit strategy. Benchmarks should express an aspect of the end-state and thus would normally require action by multiple actors, not just the peacekeeping operation or a specific sector. Thus, benchmarks should not be seen simply as a mission performance measure; it is important that gaps and negative or challenging developments be reported as well.

103. Designing the right indicators is crucial to measuring progress (or roll-back) against the benchmark. It would be useful to develop indicators in an integrated way with partners to capture what the benchmark means to different stakeholders; at the same time the indicators need to form a coherent set that together act as a reasonable proxy for progress. Given the lack of

resources for monitoring and evaluation in peacekeeping missions, it is important that benchmarking tools be simple and not onerous to measure. Benchmarks should be consistent with the Integrated Strategic Framework (ISF), but will vary from mission to mission depending on which tool is developed first. Benchmarks should also feed into Results Based Budgeting (RBB), but while the RBB would focus primarily on the mission's contribution to achieving benchmarks, benchmarks and indicators should take a wider view. In addition, it is important to build in measures to manage risks and plan for contingencies. The DDR Unit, for example, has developed a risk assessment template to assist managers in weighing programme risks.

104. In addition to benchmarks, all programmes should include a monitoring and self-evaluation capacity to ensure they are meeting their objectives and to allow refinements of the plan. Measuring impact can be challenging; one tool that can be used is well-crafted and carefully executed public opinion polls.

105. Where a programme has significant strategic dimensions (or is closely linked to other programmes), OROLSI could engage a consultant to conduct the evaluation, or request an evaluation by the Policy, Evaluation and Training Division (DPET) in DPKO or the UN Office of Internal Oversight (OIOS). The findings of evaluations should be fed into programme design, policy development and training activities. Support for lessons-learned can also be requested from DPET.

106. A new UN handbook entitled "Monitoring Peace Consolidation" contains practical advice on benchmarking and designing sets of indicators, both qualitative and quantitative, capturing risks/threats as well as capacity, and making these easy to measure through existing data.[49] Some missions, such as UNMIL, have also developed practical lessons learned and good practice which could be useful to other missions. In addition, DPKO is currently developing practical guidance for field missions, to complement the UN handbook. The Office of Operations and the Office of the Chief of Staff can work with OROLSI to develop further thinking on benchmarking.

VIII. Next Steps

107. Many of the issues raised in this paper will require further in-depth discussion and decisions within OROLSI (including field components) before an early peacebuilding strategy can be agreed upon and finalized. These discussions would benefit greatly from an externally commissioned evaluation of OROLSI sectors, particularly policing, across peacekeeping operations, or even within one or two specific missions (including assessments by national stakeholders). DPKO **(DPET?)** has also begun to gather lessons from missions involved in peacebuilding which might provide useful data. In addition, a workshop could be held where practitioners, including OROLSI and other field components, as well as partners (including UNDP, the World Bank and bilateral actors) and national stakeholders, can review and validate the overall priorities and framework proposed for the OROLSI strategy, what capacities are required, and how "success" should be defined and measured.

[49] Monitoring Peace Consolidation: UN Practitioners Guide to Benchmarking (2009), FAFO.

IX. Conclusion

108. The development of an OROLSI strategy on critical early peacebuilding tasks is an important step both for OROLSI and for UN peacekeeping. The early peacebuilding period is full of promise, but complex and politically fraught. To deliver effectively, OROLSI sectors must be capable of rapidly deploying small, highly qualified teams of personnel who carry out focused tasks that reflect the comparative advantages of peacekeeping. To ensure that responses are appropriate, OROLSI components need to work across sectors in a strategically coherent way and agree on clear priorities. As outlined above, certain responses will have to be immediate, to address urgent safety and security needs that could destabilize the country and compromise the political process. With regard to longer term institutional reform, OROLSI's primary focus should be on (i) conducting meaningful assessments; (ii) helping facilitate a national dialogue/consultations aimed at achieving a consensus vision of the security and justice architecture of the country; and (iii) supporting, when the political situation is ripe, the development of a single, coherent nationally-owned strategy and policy in this regard.

109. Working within a single framework would ensure that OROLSI sectors do not identify and implement parallel "priority" activities in each sector that disregard linkages and could veer off into cookie- cutter/templated approaches to these complex issues. This would also enable OROLSI to develop clear strengths or areas of excellence within its areas of responsibility, allowing it to set clearer limits and provide better guidance for OROLSI sectors in the field. In addition, it would increase OROLSI's coherence, efficiency and effectiveness across components, as well as its institutional impact and overall value. Finally, more focused responses would enhance OROLSI's critical role as a convenor and coordinator of other actors, since it would be clear exactly what OROLSI brings to the table and where others are expected to step in.

110. When it comes to international policing, UN peacekeeping has been "the only game in town", because no other organization has the years of experience with international policing or the capacity to deploy thousands of individual police a year. Yet, fundamental questions need to be asked about the effectiveness of the current UN policing model as a post-conflict response. Again, the OROLSI strategy provides an opportunity for the Police Division to narrow its focus to a few core areas and establish multi-disciplinary teams of qualified police and civilian staff to carry out these functions. This would require frank discussions with Member States, who are also invested in the current policing system and might initially resist this proposal. A change in approach must be seriously considered, however, if the Police Division aspires to provide consistently high quality responses in the early peacebuilding period. An in-depth review of UN policing would provide useful lessons and data for planning the way forward.

111. The time is ripe for an OROLSI strategy on early peacebuilding. Having internalized how vital DDR, mine action, the rule of law and security sector reform are to core peacekeeping objectives, all indications are that the Security Council will continue to adopt broad mandates covering virtually all early peacebuilding tasks. A coherent strategy that captures OROLSI's priorities and makes clear that there are certain areas where OROLSI sectors can deliver and others where they cannot, would allow OROLSI to advocate for peacekeeping mandates that are more focused and consistent with the strengths and capabilities of UN peacekeeping. This would

assist the Security Council in adopting the clear, credible and achievable mandates called for ten years ago in the Brahimi Report.

Annex I

Possible OROLSI Priorities related to Safety and security

A. Priorities Related to immediate Safety and Security		
PRIORITY	**IMMEDIATE ACTIONS**	**LINKAGES/PARTNERS**
Protect UN personnel, key governmental figures, key installations, prisons, cultural sites, and infrastructure	Consult with DSS; Conduct threat assessments with host country police; Consult with community leaders; Coordinate with military components; Deploy FPUs (when appropriate)	UNPOL, Host country, Military
Support maintenance of public order; Protect civilians under imminent physical threat	Deploy FPUs to address public order or as confidence-building patrols; Address demilitarization of law enforcement forces (if applicable); Co-locate police and monitor policing activities, especially in areas where civilians might be threatened (e.g refugee camps); Establish trust/ties with communities/civil society (in coordination with civil affairs) to monitor protection and determine if abuses are being carried out; Establish joint protection teams (e.g MONUC) to ensure national security agencies providing adequate protection; Conduct joint patrols and operations with national counterparts(?); Enhance the visibility of police in the community	FPUs, UNPOL, Military, Political Affairs, Human Rights, MNF or Regional forces, civil affairs
Ensure that prisons exist, are basically operational and have humane conditions/ standards	Select a few key prisons for support; Ensure perimeter security (using troops or FPUs); Ensure basic prison management and administration system in place to provide: basic and secure accommodation, basic register; sanitation, adequate food and basic health; Use QIPs funds as needed for provision of humane housing, water, food and medicine.	Corrections, police, justice, SSR (?) Human Rights, UNCT, bilateral donors
Address pre-trial detention backlog/overcrowding	Ascertain number of pretrial detainees and detention capacity; Advise prison authorities not to accept detainees arrested without warrant/legal process; Advise police on following arrest procedures; Explore mechanisms to reduce number of detainees, either through release of those who are not real suspects or have been held too long, and	Justice, Corrections, Police.

	moving others to trial ***(Note: mobile courts and pre-trial detention review committees have been used but can divert resources so clear evidence of impact is needed if these are used).***	
Prepare for launch of DDR programme	Conduct assessment; Begin sensitization and public relations; Establish policy and coordination framework; Coordinate with partners on funding for Reintegration programmes, Registration of weapons	DDR Unit, Political Affairs, Civil Affairs, UNCT, WB
Establish Mine Action Coordination Centre, Emergency Mine/ERW survey and clearance, and Emergency Mine/ERW risk education	Allow safe deployment of PKO and protect population by collecting data, coordinating to ensure standards and priorities, and surveying and clearing roads	UNCT, NGOs

B. Priorities related to Immediate Functioning of Key Institutions/Capacity Building		
PRIORITY	**IMMEDIATE ACTIONS**	**LINKAGES/PARTNERS**
Consultations on disciplinary and accountability mechanisms for key institutions (police, justice, corrections)	Support enforcement/interim establishment of (i) complaints mechanisms for abuse or corruption; and (ii) disciplinary offense and penalties, with appeals mechanism.	
Support to local police	Co-locate with local police, if possible; Support day-to-day functioning of key police stations; Work with communities on prevention; Provide essential training so local police can provide basic policing; Advise on operational planning, structures and investigations ***(Note: Clear guidance is required from DPKO HQ on the parameters of these activities)***	FPUs , UNPOL, UNDP
Support to local courts	Ensure basic functioning of a few key courts, including basic supplies and repairs ; Conduct focused monitoring of courts, if applicable	Political Affairs, Civil Affairs, UNDP,
Support civic education/awareness of the rule of law and the	Support civil society, local communities and relevant ministries to raise awareness through education, mass media and popular cultural	OROLSI, Political Affairs, Civil Affairs, PIO, Human Rights,

population's rights	activities	UNDP
Support customary/traditional/ informal justice and dispute resolution mechanisms	Determine if alternative mechanisms are used, considered legitimate by population and comply with minimum standards; Provide support for basic functioning	
Identify well-designed and sustainable Quick- Impact Project (QIPs) or other confidence-building measures	Consult with the affected population and local authorities on needs; ensure visible impact and benefits; ensure that project will not have adverse implications for long-term reform.	All OROLSI sectors, civil affairs

C. Priorities related to catalyzing or preparing the ground for longer term reform		
Assessment (*See Annex II)*	In-depth familiarization; Meet with wide range of stakeholders and visit country and institutions; Conduct conflict analysis; Map out institutional capacities; clarify applicable legal frameworks	All OROLSI, Civil Affairs, Political Affairs, PIO, JMAC
Encourage and assist with national consultations	Identify stakeholders; Support organization of consultations to identify needs, gaps and possible solutions.	
Advise on national strategies and priorities	Support development of integrated national priorities, outcomes and strategies for relevant sectors/institutions;	All OROLSI, Civil affairs, political affairs, human rights
Convene and coordinate partners *(See Annex III)*	Map out partner capacities; Ascertain expertise and capacities; Ensure that those offering assistance don't overwhelm national authorities with requests for meetings and information;	

Annex II

Guidance on Conducting Assessments

DPKO/OROLSI should commission guidance on conducting post-conflict assessments, which could draw upon assessment methodologies and tools available in the UN system and from other organizations, as well as the following points:

1. Need for familiarization. Peacekeeping personnel should be humble and recognize their lack of knowledge and familiarity with the conflict, culture, internal dynamics and hopes and aspirations of the population. Any assessment should begin with in-depth familiarization (i.e. over months, not days). The goal is to develop a strong mission/OROLSI analysis and understanding of the conflict and current dynamics.

2. Research, Meetings and country visits.

- Personnel should recognize that national capacities might be weak at the outset, or legitimate authorities might not be in place yet. Infrastructure or security problems could also reduce access to certain parts of the country. These factors should not be an excuse for jumping to conclusions, or seeking to "persuade" national counterparts of the right strategy or system to be implemented. The purpose of the assessment, at this stage, is to listen to the people of the country at all levels and learn as much as you can from them.
- Keep in mind best practice and lessons that the UN and the international community have learned so that you ask the right questions, but do not assume that these lessons necessarily apply here, as the history and context are different.
- Review available academic literature, internal reports/assessments/ISF, external reports (e.g. ICG, human rights organizations), aid reports (World Bank, bilaterals, etc.)
- Meetings with stakeholders are a time for asking questions and listening – not lecturing about your own country's system or countries where you or the UN have previously been present. Nor is it the time to provide your assessment of what is wrong with their system.
- Consult international experts (UN Department of Political Affairs (DPA), academics, UNCT, knowledgeable diplomats, NGO staff, in-mission experts)
- Consult national experts and other stakeholders. Meetings should take place regularly with the widest possible range of stakeholders throughout the country representing all backgrounds, views, political leanings, religious and ethnic groups, geographical areas and economic categories, including national and local authorities, political parties and factions, other key political and military players, civil society, women's and youth groups, private sector, academics/intellectuals, religious, tribal leaders and other community leaders, rural populations, refugees and IDPs, minorities and marginalized communities, and "spoilers". These meetings should be coordinated amongst sectors and can take place jointly with other sectors.
- Be mindful of not focusing all efforts on "the usual suspects" – those who speak English, are based in capitals or major urban areas, and already have contacts with or are familiar with the lingo of the international community and donors
- Be mindful of the fact that some interlocutors will speak with a political agenda, or have no pertinent knowledge of the country's needs and problems or be unwilling to engage.

At this stage, and until you understand the situation well enough to make well-considered, impartial judgments about the facts, everyone should be sought out and listened to, with a view to understanding different perspectives on the conflict and the peace agreement, and building up personal relations and trust.

- Seek assistance and advice from country/regional experts at Headquarters (e.g. DPA) and in the mission, including civil affairs and others who may have deployed earlier, especially in the regions, and can be requested to collect information and analysis.
- In particular, seek political guidance from mission experts before meetings where there may be sensitivities or risks involved.
- Be discreet about information that is shared with you.
- Civil Affairs has developed "Tips for Conducting Interviews and Working with Interpreters". This should be consulted and followed.
- Institutions. Visit relevant local, national and informal institutions throughout the country and speak to past and current personnel to gain in-depth, first-hand knowledge of them. (See para. 5). These visits could be conducted jointly with other OROLSI or mission components.

3. Conflict analysis. *(Many in-depth methodologies exist for conducting conflict analysis. These are just a few points to consider).*

Map out the conflict, including its underlying political, security, social and economic causes, and regional and international aspects, main actors in conflict, evolution of the peace process/peace agreement, main actors in peace process (including spoilers), security situation and threats, and future political trends. Much of this information may be available through literature, the JMAC, Political and Civil Affairs sections, other mission components and partners.

4. Mapping of Stakeholders.

Establish a database that would begin to map out stakeholders (see list above), their relationships to each other and their roles in the conflict and the peace process (including interests, agendas, resources and incentives). In addition to assessment, this process will assist with stakeholder identification for future consultations.

5. Mapping of institutional capacities and processes

Jointly with other OROLSI sectors, assist national/local authorities in mapping out (both at the headquarters and regional/branch/station levels) existing institutions and their capacities in each sector, including:

- Historical roots and evolution of the institution
- How well did it function prior to and during the conflict?
- Role of the institution in the conflict, if any
- Mandate (and any overlaps with other institutions)
- Infrastructure
- Equipment, supplies, reference materials
- Mobility and communications capabilities
- Training capacities (facilities, personnel and curricula)

- Structures (including management)
- Work processes
- Census of personnel
- Education/training/basic skills/specialist skills and development needs
- Human resource system (including recruitment, appointment and promotion procedures)
- Financial/management capacities and skills
- Resources/budgets
- Salaries, allowances, grading and motivations
- Standards
- Adequacy of existing constitutional/legislative frameworks and supporting legislation
- Oversight mechanisms
- Accountability procedures
- Relationship among institutions and coordination mechanisms
- Adequacy of existing policy development
- Effectiveness, speed of handling cases/dossiers, impartiality
- Willingness of authorities to engage
- Existence of parallel ad hoc or traditional systems
- Professional associations/activities (if relevant)

6. Mapping of partner capacities (see Annex III)

In coordination with other OROLSI sectors and missions components, meet with members of the UN Country Team, bilateral partners, NGOs and other potential partners. Map out their areas of expertise/interest/mandate, funding and personnel capacities, experience in-country, ongoing projects, etc.

7. Further sources:

- A Template of UN System Capacity Development Tools, UNDG, (2006)
- Practical Guide to Multilateral Needs Assessment in Post-conflict Situations, UNDP, World Bank, UNDG (August 2004).
- Joint Guidance Note on Integrated Recovery Planning using Post Conflict Assessments and Transitional Results Frameworks, UNDG and World Bank, September 2007.
- The UK Approach to Stabilization
- UN Rule of Law Indicators Project (DPKO/OHCHR/Vera Institute – currently being finalized)
- Rule of Law Tools for Post-conflict States: Mapping the Justice Sector, Office of the High Commissioner for Human Rights (2006)
- The Civil Affairs Unit in DPET also has a comprehensive list of a range of conflict analysis frameworks. This issue will also be addressed in the upcoming Civil Affairs Handbook (November 2010).

Annex III

Guidance on Convening and Coordinating partners

One of the key roles of OROLSI sectors is to identify, convene and coordinate national, UN and other partners, including regional organizations, international financial institutions, bilateral and multilateral donors and NGOs. The key aspects of this role are as follows:

1. Mapping of partner capacities. OROLSI should, jointly with other OROLSI sectors and in consultation with other mission components, meet with each partner to understand their mandates, capacity to support national plans and strategies and constraints, and ensure they understand the constraints of OROLSI sectors. Then map out each potential partners ':
    - Areas of expertise
    - Interests
    - Mandate
    - Funding and personnel capacities
    - Experience in-country
    - Ongoing projects, etc.

2. Division of Responsibility. Coordination meetings should determine how OROLSI sectors and partners will work in the early period in furtherance of national priorities, and what should be done by whom.

3. Information sharing. OROLSI should regularly convene partners to brief them on consultations with national stakeholders, which donors may also be prepared to support and fund. As a national strategy is developed, partners should also be kept abreast of its progress.

4. Support for national strategy. Ensure that all partners understand and support a single nationally-led strategy and set of priorities and are committed to their implementation. Partners may have their own agendas – often, for example, they will want to pursue specific objectives, or implement only in particular regions of the country. That is fine, as long as plans and activities are not driven by donors or external agendas but are consistent with the national approach and strategy. Where necessary, the mission leadership should be engaged to assist with this.

5. Identification and mobilization of resources. OROLSI should keep track of funding capabilities and provide political support for the identification and mobilization of additional resources required for current and future priority activities, in accordance with the national strategy.

6. Coordination of informational/assessment visits. OROLSI should also seek information from partners about governmental delegations, donors and non-governmental

organizations that intend to travel to the country to carry out assessments for provide assistance, and seek (through the mission leadership) to discourage such visits until national consultations and assessments have been carried out. OROLSI can assist national authorities in arranging thematic conferences (e.g. on "security sector reform" or "police") and encourage donors and other interested organization to schedule their travel to the country at those times.

7. Coordination should be across sectors. Coordination of partners should take place with a view to linkages among the sectors, not as parallel or independent activities. This is critical since every partner will define the parameters of the various sectors differently.

8. Linkages to wider peacebuilding efforts. OROLSI should also ensure that mechanisms are in place to link sectoral priorities to those of the wider early peacebuilding effort (e.g. support to the political process and governance institutions, provision of basic services, revitalization of the economy, etc).

9. Transition planning. After the initial stages, OROLSI should engage in transition planning with partners, so that peacekeepers can withdraw smoothly once the security situation has been stabilized and it is time for a handover.

Annex IV

Matching tasks to skills for effective early peacebuilding delivery

1. Narrow the focus of OROLSI sectors: OROLSI components should focus on select priority tasks so that they truly excel and stand a better chance of making an impact.

2. Quality over quantity: There should be a move away from quantity to quality when staffing peacekeeping/OROLSI components. Particularly with regard to police components, DPKO has the longest experience with international policing, and the greatest capacity to recruit and deploy individual police officers, but the size of these components, compounded by the rapid expansion of policing over the past years, has compromised quality. OROLSI should underscore to Member States the challenges of ensuring quality with such high numbers and advocate that component sizes be significantly reduced to ensure better quality and the matching of skills to tasks (e.g. "cops on the beat" with no experience of complex post-conflict settings are not the best fit for peacekeeping operations).

2. Revise job descriptions:

Early peacebuilding tasks require multi-disciplinary teams with multiple skills sets. Job descriptions across OROLSI sectors should be revised to reflect the *range of skills* required to carry out priority tasks. This requires discussion and agreement, across sectors, on the skills required for effective delivery. For example, OROLSI components should move away from hiring only "technical experts", and seek to ensure the availability a range of skills that are currently. These staff could be drawn upon by all OROLSI components or, as appropriate, hired within each component, or hired externally for certain periods/projects. *(e.g. for conducting assessments, advising on national consultations, etc).*

Multi-disciplinary teams would include the following skills:

- Political, negotiation, advocacy and strategic advice
- Institutional development/development of financial and management systems/change management
- Conflict analysis, needs assessment and planning
- Strategy development
- Project design, implementation and evaluation
- Stakeholder consultations
- Consultation/coordination/facilitation expertise; "managing without authority"
- Country/regional expertise (history, anthropology, etc.)
- subject matter expertise
- inter-operable capacities for assessment, planning and other priority activities
- For heads of components: More important than technical expertise, political and advocacy skills, extensive managerial skills, knowledge of UN peacekeeping and administrative procedures, ideally, but not necessarily, complemented by country/regional expertise and/or background in the specific sector.

- Budget for external experts (e.g. country or regional experts, experts in assessment or planning, etc.) to participate in TAMs or in-country assessments in an advisory capacity.

3. Ensure effective rapid deployment. Compensate for slow deployments (which is dependent on Member States, for seconded personnel, and on FPD for civilian personnel) by defining the combination of skills required in the early stages and ensuring that those deployed earliest possess these. This would include those deployed through the Standing Police Capacity and the proposed Justice and Corrections Standing Capacity, if approved.

4. Combine seconded and non-seconded personnel: The ability to recruit and deploy seconded police and corrections officers is a great advantage of UN peacekeeping. However, the high turnover makes it difficult for most to become really familiar with the culture or history of the country, gain institutional knowledge of the way UN peacekeeping operates or develop the required relationships with national authorities. To ensure continuity and the right combination of skills, police and corrections components should consist of a combination of seconded and non-seconded staff, including civilians who are not police or corrections officers.

5. Recruitment. Make recruitment standards more rigorous and recruit personnel in accordance with the specific criteria in job profiles, not just to fill posts. Cast the recruitment net more widely and develop innovative methods for increasing access to qualified experts. This could include approaching non-UN country experts, seasoned managers with peacekeeping experience, international NGOs, etc.

6. Training and standards: Developing minimum performance standards and providing on-the-job training should be priorities and are easier to achieve when more qualified personnel are being hired for well-defined jobs, and components are smaller or more focused in their work. Among other issues, training should stress (i) that reform-related efforts in the OROLSI sectors should be addressed as highly political and sensitive undertakings, rather than as technical exercises; (ii) the need for national ownership and participatory consultations before development of longer term strategies and plans; and (iii) the need for strategic coherence across OROLSI sectors – i.e. the need for joint assessments, planning and coordination of partners, as well as inter-operable capacities.

Annex V

Resources consulted

UN DOCUMENTS[50]

Annual Report on strengthening and coordinating United Nations Rule of Law Activities, Report of the Secretary-General, 17 August 2009 (A/64/298).

CLJAS Justice and Corrections Standing Capacity Proposal, December 2009.

Decisions of the Secretary-General, 5 September 2006 Policy Committee meeting, Decision No. 2006/33 – Peacebuilding; and 22 May 2007 Policy Committee meeting, Decision No. 2007-28 – Peacebuilding Support Office.

DPKO-DFS Guidelines on Methodology for Review of Justice and Corrections Components in United Nations Peace Operations, Ref. 2009.27, 1 December 2009.

DPKO-DFS Policy Directive on Civil Affairs, Ref. 2008.9, April 2008.

DPKO-DFS Policy on Justice Components in United Nations Peace Operations, Ref. 2009.30, 1 December 2009.

DPKO Policy (Revised) on Formed Police Units in United Nations Peacekeeping, Ref. 2009.32 March 2010.

DPKO Policy Directive on Prison Support in UN Peacekeeping Operations, Ref. 2005/8.

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