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PEACEBUILDING COMMISSION

Introduction

The Peacebuilding Commission (PBC) is a subsidiary body of both the Security Council and the General Assembly. The Council has requested that the PBC consider Burundi and Sierra Leone.

Because of the institutional link with the Council, as well as the fact that the PBC will be involved with a number of issues on the Council's agenda, Security Council Report will provide occasional reports on the progress of the PBC, starting with the present report on the inauguration of the PBC Organisational Committee and surrounding issues.

The PBC Organisational Committee was convened for the first time on 23 June. Members elected Angola as Chair of the PBC and adopted provisional rules of procedure. Two Vice-Chairs (El Salvador and Norway) were also elected. Burundi and Sierra Leone are the first cases in the PBC's country-specific mode, following the Council's request.

The rules of procedure for the PBC have proved controversial. An agreement was reached in which some provisional rules were adopted today, leaving more controversial issues (such as the formal outcome of meetings) for a later stage.

Key Facts

The PBC is an "intergovernmental advisory body" created in 2005 by concurrent resolutions of both the Security Council and the General Assembly (S/RES/1645 and A/RES/60/180 respectively of 20 December 2005). It was established to provide advice on peacebuilding strategies and to serve as a forum for coordination and exchange of views among major stakeholders, donors and countries with experience in peacebuilding.

These same resolutions also established the Peacebuilding Fund and requested the establishment of the Peacebuilding Support Office (PBSO) within the Secretariat to assist the work of the PBC. The current PBSO head is Carolyn McAskie of Canada, former Special Representative of the Secretary-General and head of the UN Operation in Burundi (ONUB) and prior to that Deputy Emergency Relief Coordinator and Deputy to the Under-Secretary-General for Humanitarian Affairs.

There is as yet no shared vision among the member states, beyond the very general statement in the constitutive resolutions, on what the PBC will do and how it will do it. This lack of clarity, and differing perspectives amongst the members, have been largely responsible for the controversies on procedure in the weeks leading up to the inauguration of the Commission.

One perspective, held strongly by many in the donor community, but also more widely in the Commission, is that the PBC will be most effective in the country-specific mode in the field. And related to that is the view that simply bringing together in one place all of the stakeholders to discuss a country strategy and how gaps in responding to the needs can be filled, the PBC will actually add significant value and that this will be more useful than trying to reach negotiated agreements on formal decisions and reports.

There is wide agreement that matters of general policy should be handled by the Organisational Committee and that country issues should be considered in a country-specific mode with differing participants according to the country situation.

The Organisational Committee adopted the PBC's rules of procedure and agenda. Following a letter from the Council's President, Ambassador Ellen Margrethe Løj of Denmark to PBSO head McAskie referring the cases of Burundi and Sierra Leone, the Committee seems to have decided that those will be the first ones on the PBC's agenda. It will also receive annual reports from and decide on the composition of country-specific meetings.

Members have agreed that the rules of procedure should be light and flexible (at least initially), allowing for a periodic review as the PBC's work progresses. But the significant differences which emerged earlier seem to reflect quite different views about the working methods—and these may re-emerge once the Commission gets down to work.

Membership and Work Programme

The Organisational Committee is comprised of 31 members, namely:

- seven Security Council members: the five permanent members (China, France, Russia, United Kingdom and United States), plus Denmark and Tanzania;

- seven members elected by the Economic and Social Council (ECOSOC): Angola, Belgium, Brazil, Guinea-Bissau, Indonesia, Poland and Sri Lanka;
- five top providers of assessed contributions to UN budgets and of voluntary contributions to UN funds, programmes and agencies not among those in (a) or (b), selected by and among the ten top providers (Germany, Italy, Japan, the Netherlands and Norway have been selected);
- five top providers of military personnel and civilian police to UN missions not among those in (a), (b) or (c) selected by and among the ten top providers (Bangladesh, Ghana, India, Nigeria and Pakistan have been selected); and
- seven additional members elected by the General Assembly (Burundi, Chile, Croatia, Egypt, El Salvador, Fiji and Jamaica were elected).

The PBC is a standing body and there is consensus that it should meet as frequently as is necessary to accomplish its work programme (especially in the country-specific mode). Most members expect that the country-specific meetings will be the priority.

The constitutive resolutions envisage that the PBC's work programme would be decided on the basis of:

- requests for advice from the Security Council;
- requests for advice from ECOSOC or the General Assembly with the consent of a concerned member state in exceptional circumstances on the verge of lapsing or relapsing into conflict and with which the Council is not seized in accordance with article 12 of the Charter;
- requests for advice from member states in exceptional circumstances on the verge of lapsing or relapsing into conflict and which are not on the agenda of the Security Council; and
- requests for advice from the Secretary-General.

In practice, however, the assumption seems to be that most, if not all, countries on the PBC work programme will initially be chosen from the list of situations on the Security Council agenda. In addition, it is expected that, although the language of the constitutive resolutions seems to suggest that the consent of the country concerned is only needed in "exceptional cases", in practice a situation would only be included on the PBC country-specific agenda with the active cooperation and consent of:

- the country concerned;
- the Security Council; and
- the PBC Organisational Committee.

In the cases of Sierra Leone and Burundi, both countries have requested inclusion in the PBC work programme.

Institutional Link with the Security Council

The constitutive resolutions imply that inclusion in the PBC work programme of a situation that is in the Council's agenda would need some kind of formal action by the Council. A letter from the Council's President to the PBSO head seems to have been established as the practice.

However, despite the focus on "advice" in the constitutive resolutions, current thinking seems to be that inclusion of a country on the agenda is unlikely to result in a regular advisory reporting relationship, in which the PBC would submit formal recommendations to the Council for Council decision. But this is one of the working methods issues awaiting clarification. The expectation is that the PBC Chair and Vice-Chairs will engage in a broad dialogue with the Council as well as other UN bodies, and with countries concerned prior to including any situations in the PBC's agenda.

First Cases on the PBC Agenda

There is consensus among both Council and PBC members that the first cases should not be highly complex, and that they should have some real prospects of success. It is envisaged that the PBC will consider about two to three cases in its first year, and Sierra Leone and Burundi will be the first ones.

Once a situation is put on the PBC agenda, the intention is that it remains under consideration for a number of years, or until the peacebuilding phase is considered to be completed. (The recent case of Timor-Leste and the statements from the Secretary-General on the need to avoid leaving conflict areas too soon seem to have bolstered the expectations around the work of the PBC.)

There has been speculation that Liberia and Haiti may also be included on the PBC agenda in due course. Timor-Leste had also been raised previously, but the recent instability seems to have decreased the likelihood that it will be taken up by the PBC in the immediate future.

Some seem to support the option that the second PBC meeting already be a country-specific one.

Mode of Operation

Once a situation is put on the PBC's agenda, the expectation is that the PBSO will consult with major stakeholders, donors, civil society and the government about a comprehensive strategy for assistance. In addition, it may produce reports giving a preliminary assessment of gaps that need to be addressed.

The reports may need to be produced in-country by the UN Resident Coordinator (or the office of the Secretary-General's Special Representative where there is still a peacekeeping mission) in close conjunction with the country concerned. The reports

would then become the backbone of the country-specific discussions (which will probably take place in-country), which will include:

- members of the Organisational Committee;
- the country under consideration;
- other countries in the region engaged in the post-conflict process and other countries that are involved in relief efforts and/or political dialogue, as well as relevant regional and subregional organisations;
- the major financial, troop and civilian police contributors involved in recovery effort;
- the senior UN representative in the field and other relevant UN representatives; and
- such regional and international financial institutions as may be relevant.

There is hope among some PBC members that the country-specific meetings will be highly dynamic and interactive, making use of a range of flexible and innovative working methods as well as avoiding long statements.

There is also consensus that there should be both open and private meetings, according to necessity and the requirements of transparency.

There is much less clarity about the outcomes that are expected. The constitutive resolutions are not particularly helpful. They speak of “recommendations” and “information”, “advice” and an annual report.

Some PBC members seem focused on the PBC following traditional UN reporting practices. Others, perhaps the majority, believe that the added value from the PBC will come not from formal “reports”, or “advice”, but from the operational outcomes envisaged in the interaction stimulated by PBC meetings in the field amongst all the stakeholders and donors.

An issue which is still unresolved is how to respond to the fact that the constitutive resolutions determine that, in situations of which the Council is “actively seized”, “the main purpose of the Commission will be to provide advice to the Council at its request”. The concrete implications of this provision remain to be seen, particularly due to the fact that many members seem to expect that the PBC’s main purpose will be to provide guidance and advice to major stakeholders on the ground. This issue also needs to be considered in light of the fact that much of the work of the PBC will relate to problems outside the security sphere which is normally the focus of the Council.

Key Issues

Four sets of key issues were considered to be a priority for decision at the outset.

- Electing a bureau of vice-chairs: there were proposals for creating a bureau in order to achieve better geographical balance. Options included appointing two initially, or four (one from each region that does not hold the chairmanship). Members reached an agreement in which two Vice-Chairs (Norway and El Salvador) would be elected, leaving the decision on a final number to a later stage, once the number of cases on the PBC's agenda is finally decided upon.
- Deciding on the Chair's tenure: there was agreement on one-year tenure.
- Consideration of which would be the first two country cases on the PBC's agenda is resolved. Sierra Leone and Burundi are on the agenda, but it is still unclear whether new requests will emerge.
- Adopting the rules of procedure: provisional agreement has been reached on a relatively simple set of initial rules, but some members still favour rules modeled on existing UN practices. The rules include open and closed meetings and the level of participation of institutional members (particularly donors) of country-specific meetings (expected to be full participants, yet unable to block consensus. Only member-states would be able to do so.)

A much wider range of controversial issues, raised during preparatory discussions, are likely to resurface once the PBC starts working:

- Who will chair country-specific meetings; whether the PBC Chair, one of the eventual vice-chairs or someone else. Some seem to believe that there are advantages in having only one Chair for all meetings for the sake of procedural consistency in the beginning.
- The frequency of Organisational Committee and possible thematic meetings. There is general support for few Committee meetings, but a number of members seem to favour a significant amount of Committee activity, including thematic debates. The issue of thematic debates is very sensitive and it is still unclear how this will evolve.
- The procedure for allowing the input from civil society organisations and the private sector. There are proposals for the use of ECOSOC accreditation and participation procedures in that regard, but also views that there should be a more flexible process.
- The kind of output that country-specific meetings will produce; whether those will be conclusions of the Chair (more focused on the discussions and on an operational roadmap and deadlines) or a more formal negotiated document (which would require substantial negotiations on the text).
- The procedure for adoption of outcomes in both the Organisational Committee and country-specific meetings. Options are a non-objection rule or a more formal procedure.
- Whether the output of country-specific meetings will need to be formally submitted through the Organisational Committee. This seems to be favoured

by some, but there may be concerns related to the creation of yet another layer of deliberation that may substantially alter the focus from country-specific meetings, in which all members of the Committee will also participate. A consensus seems to be emerging that the outcome would not require an input from the Organisational Committee.

A key issue in the future will be the size of country-specific meetings. This is likely to raise questions such as them being small enough to allow substantive discussions, but large enough to accommodate all major stakeholders.

PBC and Wider UN Dynamics

Some G77 countries seem to favour procedures more in line with practice within ECOSOC and the General Assembly. This approach gives prominence to progressing issues through formal negotiation of texts. The motivation for this approach stems from concerns that donors could exercise an undue influence in the work of the PBC, particularly the institutional donors. This perception leads to support for more formal procedures and control over the final outcome of meetings.

The divisions among the PBC membership also reflected some of the ongoing tension around the UN budget cap debate, the dispute over UN management reform and even residual anger over fixed seats for the P-5 in the PBC itself. A number of developing countries were concerned with perceived attempts to diminish the importance of regional representation and the participation of the membership at large in key decisions in the organisation. This is combined with fears of an increase in the power of the Security Council and the P-5.

Despite these tensions in the background there seems to be a consensus on launching the PBC in a spirit of cooperation and being open to working methods for the PBC which are more dynamic and less formal than typical in UN bodies.

Background

The establishment of the PBC and the Fund was mandated by the 2005 World Summit Outcome. It reflects many of the recommendations contained in the report of the Secretary-General in preparation for the Summit (the *In Larger Freedom* report) as well as those of the High Level Panel on Threats, Challenges and Change.

The establishment of the PBC represented one of the few areas in 2005 on which broad consensus on UN reform could be achieved. Indeed the general perception is that the PBC is one of the few achievements of the 2005 Summit with concrete chances of success. As a result, significant political investment in it has already been made.

From the outset, there was considerable disagreement as to which body would formally establish the PBC following the Outcome. Early proposals were based on the concept of the PBC as a Council subsidiary body (a position favoured by the

P5). However, many delegations wanted to revitalise the General Assembly and ECOSOC and favoured the PBC being established by and accountable to the General Assembly. A related concern was the composition of the PBC Organisational Committee and the role, if any, of the P5.

A compromise was achieved by adopting two identical resolutions in both the Council and the General Assembly establishing the PBC. As part of the compromise an additional category of PBC membership elected by the General Assembly (a category not foreseen in the Summit Outcome) was also approved. The resolutions were drafted with great ambiguity on the question of whether all or some of the P5 would participate. However, this ambiguity was immediately dispelled by Council resolution 1646, which permanently fixed the Council's membership in the PBC, specifying that the P5 plus two Council elected members would be on the PBC.

This outcome was accepted but it created resentment amongst many delegations in the General Assembly who saw it as an increase in the powers of the Council. Some members saw it as an attempt to slip a Council veto into the PBC's activities "through the back door". There was criticism in the General Assembly and even within the Council. Brazil and Argentina abstained in the voting on resolution 1646.

Tanzania and Denmark were elected in January to hold the two elected Council seats but in the face of some concerns from Argentina and Peru regarding the future participation opportunities for Latin American members.

Lengthy negotiations in the General Assembly on the remaining categories followed. The main concerns were competing positions on the geographical distribution of seats.

The top financial and troop/police contributors quickly established that the top five contributors, with the exception of those already on the PBC through the Council, would be chosen.

Complicated simultaneous negotiations in ECOSOC and the General Assembly ensued, with a particular concern from the Latin American group (GRULAC) with under-representation.

In May, ECOSOC decided that, in addition to one seat per geographical group (Asia, Africa, GRULAC, Eastern Europe, and Western European and other States (WEOG)), one seat would go to Africa and one to Asia. The move further increased GRULAC concerns. As foreseen in the constitutive resolutions, the distribution of General Assembly seats was used to offset geographical imbalances (two for Africa, one for Asia, one for Eastern Europe, three for GRULAC and none for WEOG), particularly since WEOG was perceived to hold a disproportionately high number of seats.

Underlying Problems

The divisions displayed during the recent negotiations are in part a reflection of wider dynamics in the UN itself. They could possibly continue for some time and create challenges to the work of the PBC.

The PBC is mandated to report annually to the General Assembly (under the constitutive resolutions) and to the Security Council (under resolution 1646). At this point, it is unclear how both bodies will coordinate their approaches to the report and any recommendations for review.

Observers also note that the PBC's success will depend to a great extent on the Chair's conduct of business and on a strong and effective PBSO. It is unclear, however, whether the PBSO will have enough resources and whether the PBSO will be able to harness the necessary cooperation from UN agencies and departments, including offices in the field.

Decision making by consensus, which gives every member a veto, seems likely to present problems for the PBC in terms of effectiveness.

Country-specific meetings may also include neighbouring countries. However, other regional neighbours may have potential conflicts of interest and may have played a negative role during the conflict phase. Some may have been major sanctions violators. These aspects will continue to be ongoing concerns.

Longer-term problems relate to the five year review mechanism set up in the resolutions. Questions have arisen as to whether future changes to the PBC are subject to the veto of the P5.

Finally, the PBC is not designed to act in situations where conflict is emerging. This is a major difference between the PBC as established and what was recommended in the High Level Panel report. There was significant controversy about this aspect of the High Level Panel report. The resolutions seem to allow a member state to request advice when it is on the verge of "lapsing into conflict", only in "exceptional cases". It is widely assumed that any PBC "conflict prevention" role will be negligible.

UN Documents

Peacebuilding Commission Letter
<ul style="list-style-type: none">• PBC/OC/1/2 (21 June 2006) was a letter from the Council president for June to the Secretary-General requesting the advice of the PBC on the situations in Burundi and Sierra Leone.
Security Council Resolutions
<ul style="list-style-type: none">• S/RES/1646 (20 December 2005) decided that the five permanent members will be in the Organisational Committee.• S/RES/1645 (20 December 2005) created the PBC and the Fund.
Selected Presidential Statement
<ul style="list-style-type: none">• S/PRST/2005/20 (26 May 2005) took note with interest of the PBC proposal.
Selected Council Meeting Record
<ul style="list-style-type: none">• S/PV.5335 (20 December 2005) is the record of the adoption of resolutions 1645 and 1646.
Selected Letter
<ul style="list-style-type: none">• S/2006/25 (17 January 2006) communicates the Council's election of Denmark and Tanzania to the Organisational Committee.
Selected General Assembly Resolutions
<ul style="list-style-type: none">• A/RES/60/261 (8 May 2006) decided on the distribution of General Assembly PBC seats.• A/RES/60/180 (20 December 2005) created the PBC and the Fund.• A/RES/60/1 (16 September 2005) 2005 World Summit Outcome
Selected General Assembly Press Release
<ul style="list-style-type: none">• General Assembly/10439 (20 December 2005) contained a summary of the General Assembly meeting on resolution 60/180.
Selected ECOSOC Document
<ul style="list-style-type: none">• E/2006/L.2/Rev.2 (12 April 2006) was the draft resolution adopted with the distribution of ECOSOC PBC seats.
Secretary-General's Reports
<ul style="list-style-type: none">• A/60/430 (25 October 2005) reported on the implementation of the Summit Outcome.• A/59/2005/Add.2 (23 May 2005) was an explanatory note on the PBC proposal.• A/59/2005 (21 March 2005) was the "In Larger Freedom" report.• A/59/565 (2 December 2004) contained the High Level Panel report.

Historical Events

May 2006 ECOSOC and the General Assembly decided on the distribution of seats and elected their respective PBC members.

January 2006 Tanzania and Denmark were elected for the two remaining Council seats on the PBC.

December 2005 The Council and the General Assembly established the PBC and the Fund. The Council decided to grant five of its seven PBC seats to the permanent members.

September 2005 The General Assembly adopted the 2005 World Summit Outcome.
May 2005 During the Danish presidency, the Council held an open debate on the PBC.

March 2005 The “In Larger Freedom” report was issued.

December 2004 The High Level Panel report was issued.

Other Relevant Facts

PBC Members
<ul style="list-style-type: none">• From the Security Council: the five permanent members (China, France, Russia, United Kingdom and United States), Denmark and Tanzania• From the top ten financial contributors: Germany, Italy, Japan, the Netherlands and Norway.• From the top ten military and police contributors: Bangladesh, Ghana, India, Nigeria and Pakistan.• From ECOSOC: Angola, Belgium, Brazil, Guinea-Bissau, Indonesia, Poland and Sri Lanka.• From the General Assembly: Burundi, Chile, Croatia, Egypt, El Salvador, Fiji and Jamaica.
Chairman of the PBC Organisational Committee
<ul style="list-style-type: none">• HE Ismael Gaspar Martins, Ambassador of Angola to the UN
PBSO Head
<ul style="list-style-type: none">• Carolyn McAskie (Canada)
PBSO Budget
<ul style="list-style-type: none">• US\$ 1,571,300.00

Useful Additional Sources

- PBC website: <http://www.un.org/peace/peacebuilding/>
- In Larger Freedom website: <http://www.un.org/largerfreedom/index.html>
- 2005 World Summit website: <http://www.un.org/summit2005/>
- UN Reform website: <http://www.un.org/reform/>

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