

Report on human rights developments in the Peacebuilding Commission in 2008: Human rights emerges as key element in the PBC's work, but concrete results are spotty across countries.

Introduction

Within the UN system, the Peacebuilding Commission (PBC) and its related mechanisms is an unprecedented forum to debate peacebuilding and human rights issues with the participation of both international and local actors. Over the last few years since the establishment of the new body, Member States and other actors have identified human rights as a crosscutting issue relevant to all priority peacebuilding areas, including among others, security sector reform, promotion of good governance, and socio-economic recovery. However, although human rights is emerging as one of the core areas in the PBC's documents, it is usually covered very generally, and the challenge remains to translate this conceptual commitment into tangible results.

In this report the PBC's mandate, its position within the UN system, and its key outputs are reviewed in the light of the human rights dimensions of its work. This review looks at developments in 2008, although it will also refer to some key documents drafted by the PBC in 2007 when necessary. Successes and challenges are highlighted, in particular those that relate to civil society and human rights defenders.¹

Overview

Established in September 2005 as one of the key outcomes of the World Summit,² the PBC represented an innovation outside of the traditional UN approach to address conflict situations, promising to close the institutional and strategic gap in the UN system on peacebuilding in post-conflict countries. For the first time the UN now has a central coordination hub and a main forum for a variety of actors (including national government, donors, international financial institutions, UN operational actors, and civil society) to come together in support of integrated approaches to peacebuilding.

A subsidiary organ of the General Assembly and the Security Council, the goals of the PBC include preventing peace agreements from collapsing within a few years, and helping prevent war-torn countries from once again falling into deadly conflict. To achieve these objectives, the PBC works in partnership with key stakeholders to identify and build political consensus around issues on which the international community should focus more and which could threaten peace in a country on its agenda if not addressed, and to overcome bottlenecks that have prevented the implementation of other development frameworks and peace and security strategies. The PBC is positioned to draw on all UN experience on such matters, whether that knowledge and

¹ For a more general information on the PBC in 2008, please see Security Council Report's Special Research Report (October 2008), which provides a more general analysis and overview of the second year of the PBC (technically June 2007-2008) at

http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.4673567/k.8301/Special_Research_Report_No_5brPeacebuilding_Commissionbr17_October_2008.htm

² A/RES/60/1

experience is related to political, security, development or human rights issues. In addition, the PBC plays a unique role in marshalling resources from donor countries, international financial institutions and regional bodies and drawing their attention to post-conflict countries' specific peacebuilding needs.

A major significance of the PBC is that it is the first UN body that can bring together the UN three main pillars – peace and security, development and human rights – in an integrated approach to peacebuilding, a point that the Secretary-General underlined in June 2008 when he spoke to the PBC at the close of its second session.

Since the creation of the PBC, four countries have been placed on its agenda: Sierra Leone, Burundi, Guinea-Bissau and the Central African Republic. In partnership with national governments and civil society, the PBC has created for each **country strategic peacebuilding frameworks**, which can be understood as roadmaps with key priorities for the consolidation of peace. With a very broad and sometimes vague language, these frameworks encompass a number of areas that include, for example, security sector reform, youth empowerment, good governance and the promotion of human rights. In addition, the PBC has also developed mechanisms to monitor and track progress in achieving key peacebuilding goals, including **biannual reviews** of the strategic frameworks.

Strategic Peacebuilding Frameworks

*One of the key political instruments of the PBC is the potential to negotiate a **Strategic Peacebuilding Frameworks**) with the government of the country on the PBC agenda. The Strategic Peacebuilding Framework is understood by many to be a potential 'compact', embodying mutual commitments and benchmarks between the international community and the Government concerned and its people, which can be monitored by civil society, including human rights groups.*

As part of the UN peacebuilding architecture, the UN also established two other supportive pillars, the **Peacebuilding Support Office** in the UN Secretariat, and the **Peacebuilding Fund**. While the PBC is an advisory body with the main activity of proposing integrated strategies to all relevant actors involved in the process, the Peacebuilding Fund is a multi-donor trust fund that serves as a first opportunity for the international community to pledge and provide financial support to a country on the PBC agenda to aid it on its road from conflict to recovery. The Peacebuilding Support Office is a non-operational body that supports the PBC, manages the Peacebuilding Fund, and assists the Secretary-General in bringing together the peacebuilding actors in the UN system. It supports the work of the PBC by, among other tasks, catalysing the UN system and partnering with external actors to develop peacebuilding strategies and enhance international coordination. The Peacebuilding Support Office is also a knowledge center for lessons learned and good practices on peacebuilding, being staffed by a number of experts on peacebuilding and conflict resolution.

Peacebuilding Fund³

The Peacebuilding Fund provides an opportunity for the international community to back up its commitments with resources. It is an ‘early funding instrument,’ which aims to compensate for the lack of funding available in the period directly after a peace accord has been reached. It aims to give more sustained support and engagement until commitments from other key stakeholders are established. The Peacebuilding Fund is funded by voluntary contributions, and is supposed to be separate from the PBC’s key role of marshalling donor funds to support medium and long term priorities set out in the Peacebuilding Fund Strategic Peacebuilding Frameworks.

The Peacebuilding Fund priority plans provide analysis of critical gaps concerning peacebuilding by in-country key stakeholders, and identify priorities and projects (with associated budgets) to address them. Among other activities, the Peacebuilding Fund supports dialogue processes, capacity-building and employment generation. The PBC exercises very little oversight of the Peacebuilding Fund though its recommendations for funding priorities have generally been accepted. In addition to an advisory board at the international level, the Peacebuilding Fund also has a national steering committee for each country, where civil society has a place.

The Peacebuilding Fund can support not only countries on the PBC’s agenda but also those that the Secretary-General may designate as eligible for funding. Countries funded by Peacebuilding Fund as of December 2008: Burundi, Central African Republic, Comoros, Côte d’Ivoire, Guinea-Bissau, Guinea, Haiti, Kenya, Liberia, Nepal, Sierra Leone.

Status, mandate, structure, methods of work

The PBC is connected to the Economic and Social Council (ECOSOC), and is a subsidiary body of both the General Assembly ([A/RES/60/180](#)) and the Security Council ([S/RES/1645](#)).⁴ As a subsidiary body, with only a mandate to advise, the PBC is restricted in determining its own agenda. It must rely on requests for advice from the Security Council, ECOSOC, the Secretary-General, and, in exceptional circumstances (and only when the Security Council is not seized with the matter), also from a Member State on the brink of lapsing or relapsing into conflict. There must always be full commitment from the Government in the country under a PBC mandate.

³ For more information, see the Peacebuilding Fund page on the UN website at <http://www.unpbf.org/index.shtml>

⁴ The discussion over the body to which the PBC should report (Security Council, ECOSOC or General Assembly) created much disagreement during the founding months of the Commission. It was eventually decided that the PBC would serve as an “advisory subsidiary organ” to both the Security Council and General Assembly and that the General Assembly would have overall responsibility for the PBC’s work. The PBC submits an annual report to the General Assembly and the Security Council and the GA holds an annual session to discuss it. The PBC submitted its Second Annual Report ([A/63/92-S/2008/417](#)) to the Security Council, the General Assembly and ECOSOC in June 2008. The report outlines the activities of the PBC and its chairpersons, progress achieved in the country-specific configurations and recommendations for going forward.

Although the relationship between the Security Council and the PBC continues to be defined,⁵ when the Council is “seized” of a country situation, one of the key roles of the PBC is to feed into Security Council debates and resolutions, including potentially on issues relating to the protection of human rights. For example, the PBC’s Strategic Framework for Peacebuilding in Burundi formed the basis of the Security Council’s consideration of the situation in Burundi in August 2008.⁶

The PBC’s close relation to the Security Council clearly boosts its standing, since the Security Council is the only UN body authorised to send peacekeeping troops to a country. As a joint creation of both the Security Council and the General Assembly, it is also viewed by many as more democratic than many other UN bodies.⁷ The connection to ECOSOC is symbolically important, though less practical. However the PBC is in a unique position to link together the work of the ECOSOC and the Security Council, which may influence getting the international financial institutions (the International Monetary Fund and World Bank) to take the PBC seriously.⁸

The structure of the PBC⁹ is relatively novel, and has what some have called a ‘stakeholder based’ representation, which means it is not solely on geographical basis (the membership of the Security Council is similar in this respect). For example, top troop contributing countries (which are mostly developing countries), as well as top funders to UN peacekeeping forces (developed countries) make up part of the membership.¹⁰

⁵ See Security Council Report’s Special Research Report No. 5Peacebuilding Commission 17 October 2008, pp 9-11 at http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/SRR5_2008_PBC.pdf

⁶ During the meeting, Sweden, the Chairperson of the PBC’s Burundi country configuration, addressed the Security Council, highlighting urgent challenges, namely capacity-building in the administration of justice, the functioning of an effective transitional justice system, the establishment of an independent human rights commission, the launch of the Truth and Reconciliation Commission, and the need for support to land code reform.

⁷ Quaker United Nation Office Briefing Paper, The UN Peacebuilding Commission: Getting Down to Work <http://www.quono.org/geneva/pdf/peacebuilding/BPpeacebuildingCommission200707.pdf>

⁸ See Security Council Report’s Special Research Report No. 5Peacebuilding Commission 17 October 2008, pp 10-11.

⁹ The PBC is comprised of an Organisational Committee, country-specific ‘configurations’ created to address specific country cases on the PBC’s agenda, and formal and ad-hoc working groups. The Organisational Committee is the primary decision-making body of the PBC. Its membership consists of 31 Member States selected by the main UN organs, as well as from lists of the top troop and financial contributors to the UN. From these members, the chairpersons of the Organisational Committee, and all country-specific configurations and working groups are chosen. The country-specific configurations, which address the peacebuilding needs of individual countries on the PBC’s agenda, have more flexible membership processes: all Organisational Committee members are automatically selected as members of PBC country-specific configurations, and in addition countries or entities invested in peacebuilding in a given country on the PBC’s agenda may be invited to participate in country-specific meetings upon request.

¹⁰ For membership of the PBC as of Dec 31 2008 see: <http://daccessdds.un.org/doc/UNDOC/GEN/N08/230/82/PDF/N0823082.pdf?OpenElement>. The elections of representatives to the Organisational Committee were postponed in 2008 due to a number of difficult issues, particularly with respect to regional rotation. See <http://www.pbcupdate.org/?tag=elections> and Security Council Report’s Special Research Report No. 5Peacebuilding Commission, pp 4-5 for more details.

When analysing the political make up of the PBC, and its potential support in making human rights a central part of its peacebuilding mandate, one has to consider that the majority of States addressed by the PBC may be aid-recipient countries in the ‘South’ and not always keen to have, what they often view, as ‘conditions’ imposed on the strategic frameworks that are agreed under the PBC. This can affect both what the Government of a country on the PBC agenda agrees to commit to, and how the monitoring and accountability mechanisms assessing progress are developed and structured.

Of particular note is the PBC’s unique working methods, with meetings simultaneously organised in New York and in the focus country. There is no other UN body that has a ‘mirror’ at the country and headquarters levels in the same way.¹¹

Successes and challenges

Within the UN system, the new peacebuilding structure represents an unprecedented forum to debate peacebuilding and human rights issues with the participation of both international and local actors. Civil society is encouraged to contribute to the PBC discussions, and though there has been criticism regarding the limited avenues for broad NGO engagement with the PBC/Peacebuilding Fund, some NGOs, including human rights defenders, have been actively involved in these processes, especially at the country level.

The PBC is less of an actor and more a platform for bringing multiple actors together. In this sense, the PBC has been pivotal in inviting governments and non-state actors to identify priority areas and develop and/or support projects for the consolidation of peace. This, of course, raises a series of practical dilemmas with regard to civil society participation, including how many people can physically attend the meetings; who should be invited; how to assess the extent to which there has been genuine civil society contribution. The selection of civil society representatives has drawn criticism from local groups, especially those not based in urban centers, or those which are not part of the more well-funded and well-connected mainstream peace organisations.

In countries where there is a strong civil society, such as Sierra Leone and Burundi, some NGOs and community-based organisations have united in order to better participate in the PBC meetings. In Guinea-Bissau, where civil society is mainly organised in two national platforms, NGOs have chosen a representative to attend the meetings and voice common concerns. International NGOs as well as Member States have raised concerns with regard to the Central African Republic, where civil society is not as strong as in the other three countries on the PBC’s agenda.

In general, planning and the resources for mobilising and organising civil society remain the largest constraints to more effective participation in UN headquarters in New York. There, international NGOs continue to work with the Peacebuilding Support Office and chairpersons of

¹¹ The PBC also undertakes field missions to the countries on its agenda to learn more about the situations and challenges in the country and to meet with local actors. Representatives of the country specific configurations traveled to each of the four countries in 2008. See Security Council Report’s Special Research Report No. 5, Peacebuilding Commission, pp 7-8 for more details.

the country-specific configurations¹², which address specific country cases on the PBC's agenda, to facilitate civil society participation in meetings of the PBC.¹³ National NGOs have regularly participated in the thematic-based meetings in regard to Burundi and Sierra Leone, often via video-link.

While the PBC emphasises the need for 'national ownership' of peacebuilding, it has also helped focus actors on the need to address politically sensitive issues, which have previously been seen as beyond the mandate of other aid mechanisms,¹⁴ or fall in an area where only government and donors usually engage.¹⁵ In addition the mutual commitments that governments have made in the frameworks are commitments to their people, not to donors, as in many aid frameworks.

One of the PBC's added values lies in its potential to help diversify the range of issues that could be addressed by the international community in the post-conflict period. This may lead to the broadening of the perspectives of donors with regard to specific countries emerging from conflict, which tend to be driven by political concerns and the bilateral relationship between a donor and the country. The discussions in Guinea-Bissau's country-configuration, for example, have led to the inclusion of drug trafficking in the strategic framework. In Sierra Leone, the energy sector has been chosen as a crucial area.

With respect to human rights, the general consensus is that human rights are a crosscutting issue important to all priority areas, such as security sector reform, good governance, youth empowerment and combating drug trafficking. However, although human rights has emerged in the PBC's documents as one of the core areas, the commitments made in them are often overly broad. It thus remains a challenge to understand what it means to say that human rights is a cross cutting issue, as well as to get governments and other actors to isolate human rights as a specific issue that needs particular attention.

Similarly, another challenge for the PBC overall has been the fact that peacebuilding continues to be a nebulous concept. This has been a challenge to some NGOs not only in their engagement with the PBC but in their efforts to mobilise other NGOs. There is a sense that peacebuilding is 'everyone's problem and no one's responsibility'. Because the PBC covers an extensive range of issues, including human rights, it is not often clear what kind of organisation should take the lead on peacebuilding. It has also been difficult to make the wider population fully understand the dimensions of peacebuilding. In this regard, solid outreach programmes are needed to explain to all sectors of society what peacebuilding and the PBC really achieve.

¹² Country-specific configurations are created to address specific country cases on the PBC's agenda.

¹³ Since the process for engagement with civil society for each country is also highly dependent upon the chair of the country-specific configuration, a proactive and effective Chair is one key to a more efficient and valuable process.

¹⁴ The passage of several progressive gender bills in Sierra Leone is an example of the impact of engagement by different types of donors in the PBC process (guided by the foreign affairs or political side) rather than in the poverty reduction strategy process (a more traditional donor approach directed by the development agency).

¹⁵ In Burundi, for example, the preparation of a PBC background paper on land issues, a very contentious topic in the country, resulted in a good dialogue between government and civil society. The discussion itself was seen by local NGOs as an added value of the PBC.

Effective monitoring of the PBC's strategic frameworks also poses challenges given that these documents can be excessively vague and broad. Lack of capacity is a major barrier: UN country teams are not always able to support the monitoring process on the ground, the government and civil society do not have the resources to measure progress and track efforts. The in-country technical committees¹⁶ that are set up to support the monitoring process have also faced difficulties in operating effectively. In Burundi, for example, national stakeholders invited to join technical work-groups for monitoring and evaluation were given inadequate time to complete their reviews.¹⁷ In order for the PBC to overcome some of these technical gaps, other UN agencies and programmes need engage with the PBC. While the United Nations Development Programme (UNDP) has actively assisted the PBC, other UN bodies such as the Office of the High Commissioner for Human Rights (OHCHR) have not engaged as much as they could.

Moreover, there has been a real gap on the member States' side in measuring their own accountability and their own contributions. The strategic framework does not only outline those actions to be taken by national governments; it identifies actions to be taken by a wide range of actors. However there are not adequate mechanisms in place to identify such actions and systematically track them as yet.

Instability in the countries on the PBC's agenda may threaten the process. In Guinea-Bissau, military elements launched an armed attack on the President's residence during a failed coup in November 2008, just one week after legislative elections. In a statement, the PBC expressed its concern and stressed that political stability was pivotal for the consolidation of peace.¹⁸ In the Central African Republic, a country that is questionably in a post-conflict situation, rebel movements and a lack of governance may also jeopardise the work of the PBC.

Sierra Leone

Adopted on 3 December 2007, the Sierra Leone Peacebuilding Cooperation Framework identified justice and security as one of the five areas¹⁹ that required urgent intervention by the Peacebuilding Fund/PBC. Among its human rights-related goals, the document stressed the need to support the implementation of the recommendations of the Truth and Reconciliation Commission Truth and Reconciliation Commission and the National Human Rights Commission as a means to achieve national reconciliation and promote human rights. In addition, the Sierra

¹⁶ In partnership with the PBC, each country defines its own monitoring mechanisms. The mechanisms are technical committees established in each country to produce reports on progress in implementation of the framework goals. In Burundi for example, this process is part of a joint monitoring mechanism tied to the Poverty Reduction Strategy Paper (PRSP) process.

¹⁷ For more information on the monitoring of strategic peacebuilding priorities in Burundi, see Action Aid's The Peacebuilding Commission in Burundi Year 2: An INGO Perspective at http://www.actionaid.org/docs/the%20peacebuilding%20commission%20in%20burundi%20year%202_an%20ngo%20perspective.pdf

¹⁸ "UN peacebuilding arm stresses need for political stability in Guinea-Bissau after failed coup." UN News Centre. 26 Nov 2008. <<http://www.un.org/apps/news/story.asp?NewsID=29098&Cr=bissau&Cr1=>>>.

¹⁹ The other areas are energy sector; youth empowerment and employment; democracy and good governance; and capacity building of public administration. See Sierra Leone Peacebuilding Cooperation Framework. PBC/2/SLE/1. 3 December 2007. <<http://www.un.org/peace/peacebuilding/pbc-countrymtgs.shtml>>.

Leone Peacebuilding Fund Priority Plan²⁰ included projects to train magistrates and to reinforce alternative dispute resolution mechanisms, including building the capacity of the traditional courts to uphold national and international human rights laws. The projects on justice and security cost US\$ 15 million out of US\$ 35 million requested from the Peacebuilding Fund. This included US\$ 3 million to the implementation of the recommendations of the Truth and Reconciliation Commission and US\$ 1.5 million for the National Human Rights Commission.

One year after the adoption of the Cooperation Framework, according to the first UN review report,²¹ there have been a few successes in Sierra Leone, though progress in some priority areas remains slow. During this time, two reviews of the framework were undertaken by the PBC, which took stock of the progress and challenges encountered by all stakeholders in the implementation of the framework.

The first review, released in June 2008, resulted in a report²² and a separate document with conclusions and recommendations²³ to the Government of Sierra Leone, the international community and the PBC. Though describing the 2007 elections as a success, the PBC acknowledged that greater efforts were needed to strengthen local governance institutions and foster national reconciliation. In the area of justice sector reform, the PBC welcomed the training of over 100 police prosecutors and investigators and the fact that the National Human Rights Commission was fully operational and working on a comprehensive report on the state of human rights in Sierra Leone. The PBC report emphasised that gender-based violence, limited participation in decision-making and endemic poverty were still critical challenges to gender equality and the empowerment of women in the country.

According to the PBC's second review and progress report,²⁴ released in December 2008, Sierra Leone had made noticeable progress in implementing several commitments contained in the cooperation framework, in particular in the areas of anti-corruption, public sector reform and conduct of local council elections. The PBC welcomed the fact that the National Human Rights Commission had produced its first annual report on the state of human rights in the country and had also undertaken a number of sensitisation workshops on gender and child rights. Moreover, the National Human Rights Commission monitored political campaigns during local council elections and was finalising a strategic plan to guide its future work. The PBC noted that the work of the National Human Rights Commission was being supported by the Peacebuilding Fund and that sustainability of funding for its work remained a concern. The National Human Rights Commission has been tasked with the follow-up to the recommendations of the Truth and Reconciliation Commission. In this regard, the PBC's report stated that an action plan for the

²⁰ Sierra Leone Peacebuilding Fund Priority Plan. Revised July 2008.
<<http://www.unpbf.org/beta/sierraleone/sierraleone.shtml>>.

²¹ Progress report on the implementation of the Sierra Leone Peacebuilding Cooperation Framework. PBC/2/SLE/9. 23 June 2008. <<http://www.un.org/peace/peacebuilding/pbc-countrymtgs.shtml>>.

²² Ibid

²³ Conclusions and recommendations of the biannual review of the implementation of the Sierra Leone Peacebuilding Cooperation Framework. PBC/2/SLE/8. 19 June 2008. Available at
<http://www.un.org/peace/peacebuilding/pbc-countrymtgs.shtml>

²⁴ Progress report on the implementation of the Sierra Leone Peacebuilding Cooperation Framework, PBC/3/SLE/3. 16 December 2008 Available at
<http://www.un.org/peace/peacebuilding/pbc-countrymtgs.shtml>

Truth and Reconciliation Commission follow-up still needed to be developed and a government focal point on the issue should be identified in order to liaise with the National Human Rights Commission. The PBC adopted review recommendations in December 2008 relating to some of these issues.²⁵

Another important step toward the full implementation of the PBC's framework was the creation of the Joint Vision of the United Nations' Family in Sierra Leone in December 2008. Recognising their responsibility for a fully integrated peacebuilding mission in the country, UN agencies, organisations and programmes such as the UN Children's Fund (UNICEF), the Office of the UN High Commissioner for Refugees (UNHCR), the World Food Programme (WFP), the UN Development Fund for Women (UNIFEM) and the OHCHR united to combine efforts to further the consolidation of peace and four programmatic priorities: the economic integration of rural areas, the economic and social integration of the youth, an equitable access to health services and an accessible and credible public service. Other international organisations such as the World Bank and the IMF have also associated themselves to the Joint Vision.

Burundi

In Burundi, a Peacebuilding Fund Priority Plan²⁶ (adopted in 2007) identified the strengthening of justice, promotion of human rights, including the need to establish an independent National Human Rights Commission (National Human Rights Commission), reconciliation and action to combat impunity as some of the country's most sensitive areas that needed to be addressed with urgency. This plan served the basis for the allocation of US\$ 35 million from the Peacebuilding Fund in Burundi and included among other immediate priorities good governance, and strengthening of the rule of law within the security forces.²⁷

Adopted on 30 July 2007, the Strategic Framework for Peacebuilding in Burundi²⁸ also identified that impunity for crimes committed since independence was one of the fundamental causes of the Burundian conflict. Moreover, the absence of mechanisms that would investigate past abuses in Burundi was another huge barrier to national reconciliation. The framework also noted the lack of independence of the judiciary, which prevented the Government from tackling impunity and recurring violations of human rights or from carrying out sustained activity to promote and protect human rights, especially with regard to violence against women. As part of the Government's commitments outlined in the document, Burundi reaffirmed its intention to create the conditions for the establishment of an independent judicial system to serve the citizens, encourage regular recourse to the justice system and facilitate access to it. The Government also pledged to prosecute those responsible for human rights violations, including violence against children, women and other vulnerable groups, and to establish independent mechanisms for the protection of human rights.

²⁵ Conclusions and recommendations of the second biannual review of the implementation of the Sierra Leone Peacebuilding Cooperation Framework, PBC/3/SLE/2, 16 December 2008. Available at <http://www.un.org/peace/peacebuilding/psc-countrymtgs.shtml>

²⁶ Burundi Peacebuilding Fund Priority Plan. July 2007. < <http://www.unpbf.org/index.shtml>>.

²⁷ Strategic Framework for Peacebuilding in Burundi, op. cit., pp. 5.

²⁸ Strategic Framework for Peacebuilding in Burundi. PBC/1/BDI/4. 30 July 2007. <<http://www.un.org/peace/peacebuilding/psc-countrymtgs.shtml>>.

On 23 June 2008 the PBC held the first biannual review of the progress and challenges to the Burundi Strategic Framework. The Review of Progress in the Implementation of the Strategic Framework²⁹ stressed that, despite the fact that a constitutional Government had been set up in November 2007, the functioning of this government remained inadequate. With regard to gender equality, the document emphasised that though women's representation in the highest institutions of government was constant, the absence of a woman among the three top positions of the executive branch and the failure to meet the agreed quota of 30 percent³⁰ in women's representation in public service showed that gender had not been fully taken into account in politics and programmes, including in the defense and security forces. The review also noted that there had been delays in the setting up of the judicial institutions and the National Human Rights Commission, and described concern that the setbacks in starting transitional justice mechanism consultations may impact the preparations for the elections of 2010. In addition, it pointed out that impunity regarding various crimes, in particular sexual violations committed by members of the security forces, continued despite demonstrable efforts to condemn the perpetrators. Recommendations of the review related to some of these issues were adopted by the PBC in June 2008.³¹

Guinea-Bissau

In Guinea-Bissau, a US\$ 6 million Peacebuilding Fund Interim Priority Plan³² proposed several short-term projects to be implemented before the adoption of the Strategic Framework. Among the peacebuilding priorities, the plan included projects on the consolidation of the rule of law and security sector reform. Though the security sector reform is mostly related to the fight against drug trafficking, it also includes a capacity-building component that envisages the training of prison staff on fundamental rights of prisoners. Another human rights-related priority area is the support for the legislative elections that will take place this year. This area has projects to ensure that the population exercise their democratic rights and are given a fair opportunity to participate in national democratic governance. Some programmes are under way to address the challenges of the justice sector. For example, the Peacebuilding Fund provided support for the rehabilitation of selected prisons in the country and for the provision of surveillance and other prison management equipment to the Judiciary Police.

Adopted on 2 October 2008, the Strategic Framework for Peacebuilding in Guinea-Bissau³³ underlined that women in the country have unequal access to justice, particularly for cases of gender-based violence. It also stressed that an integrated approach was needed for the protection

²⁹ Review of Progress in the Implementation of the Strategic Framework for Peacebuilding in Burundi. PBC/2/BDI/10. An analysis of trends and engagements, assessment of mutual engagements, and conclusions and recommendations, circulated at first biannual review formal country specific meeting on 23 June 2008, available at <http://www.un.org/peace/peacebuilding/psc-countrymtgs.shtml>

³⁰ Ibid. para 7.

³¹ Recommendations of the biannual review of the implementation of the Strategic Framework for Peacebuilding in Burundi, PBC/2/BDI/9, 23 June 2008, available at <http://www.un.org/peace/peacebuilding/psc-countrymtgs.shtml>

³² Guinea-Bissau Peacebuilding Fund Interim Priority Plan. June 2008. <<http://www.unpbf.org/beta/guinea-bissau/guinea-bissau.shtml>>.

³³ Strategic Framework for Peacebuilding in Guinea-Bissau. PBC/3/GNB/3. 2 Oct 2008. <<http://www.un.org/peace/peacebuilding/psc-countrymtgs.shtml>>.

of women and children's human rights, through the creation of specific mechanisms in the relevant institutions responsible or through legislation. This could include, for example, special support and protection services for victims, training and sensitisation of staff in the justice and security systems, and the formulation of laws and policies promoting effective protection. The document also emphasised the need to strengthen the overall capacity of the justice sector, including through the revision of legal frameworks, such as the Code of Criminal Procedure and the Code of Judicial Costs, ensuring their harmonisation with international legal and human rights instruments. Among the key priority areas, drug trafficking was identified as a crucial issue that has threatened peace and stability.

As part of the Strategic Framework, the Government of Guinea-Bissau reaffirmed its commitment to strengthening the ability for women and members of marginalised groups to play a more meaningful role in the political processes of the country, both as voters and as candidates. The government also stated that it would undertake great efforts to strengthen the existing judicial mechanisms and institutions, including through the establishment of functioning regional tribunals and detention facilities and the provision of basic legal services throughout the country.

Legislative elections took place in November 2008, with the PBC having an important role in mobilising international support for the electoral process. For example, the PBC assisted with the gap in the electoral budget and galvanised financial and technical support to key components of the electoral process, including voter registration, civic education campaigns and training of electoral staff.

As of December 2008, consultations were under way on the conclusion of a monitoring mechanism to assess progress in the implementation of the Strategic Framework.

Central African Republic (CAR)

Added to the PBC's agenda on 12 June 2008, the Peacebuilding Strategic Framework for the CAR was being prepared as of December 2008.

In partnership with the Government of the CAR, the PBC has identified some key areas to help address threats to peace and security, including good governance, the rule of law and human rights. The PBC has also focused its efforts on the Inclusive Political Dialogue (IPD), initiated in 2007 with the aim of promoting reconciliation among all national political stakeholders in the country. Funded mainly by the Peacebuilding Fund, a 25-member Dialogue Preparatory Committee, composed of national political actors, has been set up in order to facilitate the IPD, which is considered a crucial step toward stability.

With regards to good governance and human rights, the PBC has stressed in its meetings in New York that civil and political rights remain of high concern in the CAR. Human rights groups have reported to the PBC that acts of violence committed by security forces are widespread. According to the PBC, the absence of disciplinary sanctions towards law enforcement personnel remains one of the main issues to be addressed. The PBC has also emphasised the need to create and/or strengthen institutional capacity to produce periodic reports on the human rights situation in the country, and to lead the fight against impunity. Furthermore, the PBC has underlined that

initiatives to jump-start the country's economy is pivotal to improve the human rights situation.

Conclusion and looking forward

The PBC has recognised that real peace must be built upon a solid foundation of law and human rights. However the question remains of whether and how the PBC can play an effective role in protecting and promoting human rights, including through garnering and focusing political pressure on implementation of agreed goals in this realm.

On this front, a key issue is the willingness of national government, UN agencies, donor governments, and international financial institutions to adhere to the strategies developed by the PBC for each country. The PBC is an advisory body and as such has no direct authority over all the agencies and actors it aims to coordinate and spur to action. At the same time, one of the main added values of the PBC is in its status as a UN body, and it is this high-profile political nature that makes it different from other development or donor-recipient relationships.

There remains wide-ranging skepticism about effective implementation of the strategic frameworks in general, and their usefulness as political tools unless they include clear benchmarks, and effective accountability mechanisms. Overall, international and national human rights organisations have expressed some satisfaction, although the results have been 'spotty',³⁴ and more time needs to pass before a realistic assessment can be made.

Another criticism is that the reviews in general have provided little critical analysis of how the international community is meeting its commitments under the framework and its failure to successfully marshal resources.

In regard to civil society engagement, the results have been mixed.³⁵ NGOs appear to have contributed to development of priorities, the integrated peace building strategies, both in terms of developing the original structure and into specific country ones,³⁶ and the monitoring process. The civil society selection process³⁷ has drawn criticism, with some local organisations expressing concern that they have not had the same opportunity to engage with the PBC and the Peacebuilding Fund. Though fairer selection is certainly desirable, the concern is not an

³⁴ For example, in Sierra Leone, national groups have in general seen more results, in the Peacebuilding Fund support to a national human rights institution, the implementation of the Truth and Reconciliation Commission recommendations and follow-up process, justice sector reform, and successful pressure on the passage and implementation of three gender equality related bills. While a change of government obviously impacted changes in some of these areas, several groups we interviewed for the drafting of this report generally felt that the PBC's attention to the issue played some role, including with effectively pushing the timeframe for the setting up of the Truth and Reconciliation Commission Follow-up Committee established in the national human rights institution, and in making the justice sector initiatives a political priority.

³⁵ For more detailed information on this issue on the first two countries on the PBC's agenda, please see Consolidating the Peace: Views from Sierra Leone and Burundi on the UN PB. By CARE, CAFOD and Action Aid. 2007 at http://www.peacewomen.org/un/women_reform/PBC/NGO/ConsolidatingthePeace.pdf

³⁶ During the development of the Strategic Frameworks in Sierra Leone, Guinea Bissau and Burundi, the PBC organized consultations with civil society representatives, including several human rights organizations. These meetings led to the inclusion of some human rights issues, especially with regard to women's rights.

³⁷ A main criticism is that in the absence of a more efficient method to select representatives from different sectors of civil society, the UN country team has generally invited groups with whom it has already worked.

exclusive feature of the PBC, but a broader issue of how civil society engages domestically and internationally. Another concern is that resources of the Peacebuilding Support Office remain stretched – especially as more countries are added – to guide consultations at the national level. Leaving it up to the national governments to facilitate the discussions has not always resulted in very good process in the first countries on the agenda.

Regarding the role of international NGOs, lack of capacity remains a constraint for their participation in the PBC meetings at UN headquarters (UNHQ) in New York. There is a general consensus among the small number of global NGOs following developments that their participation should be mainly focused on supporting the work of local groups in countries. At the same time, international NGOs are also in a position to speak out forcefully in the PBC meetings since they do not operate under the kind of political constraints that a local human rights defender might have depending on each country's circumstances.

Background

Please see ISHR's guide to the Peacebuilding Commission at http://www.ishr.ch/hrm/nymonitor/new_york_updates/guide_pbc_english.pdf.