

Strengthening the Rule of Law for Sustainable Peace

A Position Paper on the Peacebuilding Architecture Review (PBAR)

The 2024 Report of the Secretary-General on Peacebuilding and Sustaining Peace underscores the critical role of the rule of law as a vital element of conflict prevention and the maintenance of peace and security. It emphasizes that the rule of law addresses the root causes of grievances and violence, ultimately serving as an effective exit strategy from the ongoing cycles of conflict and crisis. By fostering justice, accountability, and equitable governance, the rule of law contributes to building resilient societies, and sustaining development and lasting peace.

United Nations rule of law work is foundational to the Organization's mission of supporting Member States in achieving sustainable peace and security, from prevention to peacebuilding, peacekeeping to sustaining peace. It is crucial to address the root causes of conflict and provide peaceful avenues for dispute resolution. This aligns with peacebuilding goals by preventing the resurgence of conflict through structural prevention and addressing underlying grievances.

For these reasons and in light of the Elements Paper produced by the co-chairs of the PBAR, this paper recommends explicitly mentioning the work of other United Nations entities, agencies, funds and programmes on peacebuilding in the field. The paper also recommends strengthening the collaboration between the Global Focal Point for the Rule of Law (GFP) and the Peacebuilding Architecture (PBC/PBF/PBSO) to advance peacebuilding goals and the rule of law globally by maximizing efficiency at the national and international levels and avoiding overlap and duplication.

Complementarities and lessons from past collaborations on the rule of law

By bringing together diverse United Nations entities,¹ co-led by UNDP and DPO/OROLSI to work collaboratively, the GFP is a unique and effective mechanism that responds to requests for assistance from peace operations and Country Teams (through DSRSG/RCs when applicable), in order to strengthen support to countries in the area of the rule of law. Through this arrangement, each entity supports national authorities in conflict-affected and fragile environments facing severe rule of law challenges. It provides expertise in areas such as police, justice and corrections reforms in support of national priorities, relying on the expertise and program management capacities of the partners, including the Secretariat's rapidly deployable standing capacities of experts based in Brindisi, Italy. In many of these settings, the GFP has contributed to pooling resources and seed funding to support the conceptualization and implementation of broader rule of law projects and programmes, thus incentivizing partnerships and coordination in the field.

In many instances, this is directly related and complementary to the work of the PBF/PBSO which aims, more broadly, to bridge the gap between immediate stabilization efforts and longer-term peace consolidation. Indeed, the PBF relies on voluntary and assessed contributions with a mandate to

¹ The GFP's partners are OHCHR, UN Women, UNOPS, UNHCR, UNICRI, UNICEF, UNODC, EOSG, UNDCO, DPPA, PBSO and the Team of Experts on Sexual Violence in Conflict (TOE).

provide gap funding for post-conflict peacebuilding. By investing in rule of law, transitional justice, and inclusive governance, particularly during mission transitions or downsizing, the PBF/PBSO sustains critical reforms and prevents institutional vacuums that could destabilize conflict-affected fragile contexts, thereby reinforcing the United Nations' broader political engagement and sustaining peace agenda. The PBF has the ability to provide catalytic, flexible and timely funding to address root causes of conflict such as impunity and weak rule of law institutions through inclusive, joint planning and programming processes, in countries that are on the PBC agenda and eligible for PBF funding.

Together, GFP partners and PBF/PBSO have sought to collaborate to deliver effective multifaceted rule of law and conflict prevention solutions, for example in the following settings:

In the Central African Republic (CAR), the CAR Configuration of the Peacebuilding Commission chaired by Morocco has been crucial in mobilizing and maintaining support for rule of law work in CAR since 2019. The PBF contributed to ongoing efforts towards the restoration of the rule of law and reform of the justice and security sectors in CAR and engaged in a community dialogue project to address local conflicts and support the 2019 Peace Agreement. This was designed to complement and boost the MINUSCA-UNDP joint rule of law programme which supports the Special Criminal Court (hybrid tribunal) and other initiatives. These PBF-funded projects were essential to the joint programme, enhancing its effectiveness and ensuring a cohesive approach to strengthening the rule of law. Currently, UNDP, MINUSCA, and UN Women are working with the PBSO to strengthen rule of law and social cohesion in under-served areas outside the capital.

In 2021 in South Sudan, the PBF funded a joint project to establish and operationalize the transitional justice mechanisms envisioned in South Sudan's 2018 peace agreement with OHCHR, UNDP, and UNHCR. This was designed to complement and contribute to rule of law assistance being provided by the Mission and its partners.

In the Democratic Republic of the Congo (DRC), the GFP and PBF/PBSO are collaborating to create synergies between a PBF project on strengthening the penal chain in South Kivu and the new United Nations Joint Justice and Corrections Programme, exploring how the PBF project could serve as seed funding for the joint programme. However, due to the deteriorating security situation in eastern DRC, all activities have been put on hold. This could be an opportunity to repurpose the project to clarify DRC's criminal accountability strategy, considering the ongoing multiple initiatives.

While some concrete results have been achieved where the GFP partners and the PBC/PBF/PBSO have jointly engaged on rule of law projects or programmes, there is room for better coordination and alignment between PBF/PBSO and GFP in this area.

Proposals for the way forward for more effective rule of law support

Strengthening the structural collaboration between peacebuilding and rule of law partners would serve not only to enhance the effectiveness of rule of law initiatives and ensure alignment with broader peacebuilding goals but better position the United Nations System as a whole to collectively tackle complex challenges and support the broader peacebuilding architecture. There are multiple ways in which to maximize the efficiency of United Nations' engagement:

1. Prioritize joint rule of law planning and programming to more efficiently link expertise with available funding

Enhancing collaboration between PBF/PBSO and the GFP in planning and programming ensures that rule of law interventions remain consistent and aligned, fostering stronger partnerships with national counterparts. This alignment is critical as the demand for specialized expertise in transitional environments grows. The GFP and PBSO should aim for regular information-sharing through joint assessment missions, joint planning and programming, and monitoring reports. PBSO and PBF could be partners of the GFP and attend their regular meetings at the Headquarters level. This facilitates cooperation among missions, PBF-funded projects, and national stakeholders, underscoring the importance of a unified approach.

Concretely, at the country level, PBF/PBSO could be further integrated from the onset into joint planning and implementation of joint justice and rule of law programmes undertaken by Missions, UNCT and other partners. For example, when the GFP receives a request for rule of law assistance the GFP would consult and coordinate with PBSO/PBF to align and leverage on resources. Such integration would contribute to more effective and coherent planning, ensuring that rule of law initiatives are seamlessly incorporated into broader peacebuilding efforts. Common goals could be better achieved by leveraging both GFP and PBF/PBSO expertise and resources, by multiplying the impact of joint rule of law programmes focused on peacebuilding, while also saving on inefficiency costs. For instance, the capacity of the GFP to provide rule of law expertise - including through rapidly deployable rule of law capacities - could be more systematically made available to assist PBF/PBSO in their programming cycles for rule of law interventions.

2. Focus jointly on rule of law transitions

As missions conclude or transition, there is a risk of the respective host country relapsing into conflict as a result of diminishing support for security, justice including transitional justice, or corrections initiatives. Proactive and coordinated planning is essential to ensure that vital rule of law programmes remain effective and well-resourced. These are key elements in sustaining peace and fostering peacebuilding.

Transition phases provide a valuable opportunity to strongly embed and strengthen rule of law responsibilities of national authorities. The likelihood of sustainable rule of law institutions increases with a clear transition and capacity-building plan, bolstered by adaptable financing through mechanisms like the PBF. The PBF facilitates smooth transitions during mission exits by providing transitional funding and technical support to maintain and expand essential programmes, thereby preventing gaps that could jeopardize stability and peace. Additionally, the PBF plays a crucial role by offering a forum for discussing rule of law interventions and mobilizing political support, ensuring that these initiatives receive the backing they need to be effective.

The GFP serves as an operational platform offering the necessary competencies and capacities to support transitions effectively in the rule of law areas. It has demonstrated its versatility in both mission and non-mission contexts and successfully delivered crucial support across diverse

environments. Making the link with peacebuilding efforts could help to further consolidate these efforts and ensure their sustainability throughout and beyond the transition process.

3. Closely link the political to the technical support

Rule of law interventions are political in nature and require sustained political engagement within the country and between national authorities and their international partners. The PBC provides an ideal forum through which rule of law interventions can be discussed, and political support mobilized. The GFP and PBSO should seek to reinforce their collaboration to support the PBC's engagement in the field of rule of law.

To achieve such collaboration, it is recommended to explicitly refer to other United Nations entities, agencies, funds and programmes actively working on peacebuilding and to ensure that the twin resolutions highlight the importance of coordination and collaboration between peacebuilding architecture and those UN entities, agencies, funds and programmes. Additionally, the PBSO can avail itself of the tools of the GFP, including the Standing Capacities in Brindisi, for temporary rule of law operations in the field. Staff exchanges or the co-location of staff between PBSO and the GFP core team could be organized, including potentially with peacebuilding officers being placed in Brindisi. A dedicated channel of communication could also be established between the GFP and PBSO/PBF at Headquarters to coordinate rule of law related support efforts, programmes and projects for continued strong positioning to effectively contribute to peace building and prevention. This could serve to leverage existing mechanisms to enhance joint planning and coordination and ensure a more cohesive approach without creating new structures. By streamlining communication and collaboration, there is a way to maximize the impact of rule of law initiatives and ensure alignment with broader peacebuilding goals.