

Peacebuilding Commission – Working Group on Lessons Learned

Comparative lessons from the United Nations Rule of Law Assistance

Monday, 20 October 2008

ECOSOC Chamber

Chair's Summary

Introduction

1. The United Nations has a principal mission in promoting and helping to restore rule of law in countries emerging from conflict. In developing integrated strategies for post-conflict peacebuilding, the Peacebuilding Commission (PBC) and the four countries on its agenda have identified rule of law among the priority issues.

2. On 20 October 2008, the Commission's Working Group on Lessons Learned (WGLL) convened a panel discussion on "comparative lessons from United Nations rule of law assistance". The panelists included Mr. Alvaro de Soto (former Under Secretary-General and Special Representative of the Secretary-General), Mr. Jamal Benomar (Director of the UN Rule of Law unit, Executive Office of the Secretary-General), Mr. Robert Pulver (Chief of the Criminal Law and Judicial Advisory Unit, Rule of Law and Security Institutions, Department of Peacekeeping Operations), and Ms. Yasmine Sherif (Senior advisor, Bureau for Crisis Prevention and Recovery, UN Development Programme). The Peacebuilding Support Office (PBSO), in collaboration with the panelists, prepared a concept note (Annex) outlining relevant and critical questions.

3. In her opening remarks, the Chair of the WGLL, H.E. Ambassador Carmen Gallardo-Hernandez, underlined that the discussion on comparative lessons from the UN's rule of law assistance is timely in view of the upcoming thematic discussion on rule of law and security sector reform in the context of the Central African Republic configuration, as well as in view of ongoing efforts by other PBC country configurations to address rule of law assistance, as a priority area in national peacebuilding strategies.

Lessons learned presented by the panelists

- Rule of Law should guide the long-term undertaking of a societal transformation in countries emerging from conflict.
- Rule of law issues should be addressed starting at the peacemaking stage (peace processes). National ownership of the peace process is crucial and the notion extends to both, state actors and people. Carrying out regular dialogue with marginalized communities can help generate responsive programmes.
- Rule of law assistance programmes can help build confidence amongst the formerly warring parties and can be the basis for a new social contract.
- Rapid assessment is critical for timely identification of rule of law related challenges and for identifying adequate UN entry points and sequencing of assistance.

- Rule of law assistance should prioritize the areas of creating a constitution, combating corruption and strengthening public administration.
- Humanitarian and peacekeeping interventions should not prevent development actors from working towards building sustainable peace, including through restoring national rule of law capacities.
- Rule of law assistance is a long-term process and therefore should be nationally-owned, taking into consideration specific local contexts and needs. National expertise should be utilized in developing rule of law strategies.
- Rule of law capacities should be deployed rapidly with the objective to build national expertise on the basis of existing local capacities.
- Rule of law training needs should be carefully assessed and catered towards addressing country-specific priorities.
- UN rule of law assistance should be systematic and coherent with clear priority given to sharing knowledge across all engaged actors.
- Rule of law assistance require significant programmatic resources. International and national actors need to raise awareness of the critical country-specific needs.
- International actors should keep in mind and try to mitigate the potential destabilizing effects of their interventions.

Conclusions from presentations and discussion

4. The discussion in the WGLL session illustrated that rule of law assistance must be an integral part of peacebuilding processes. The Chair of the WGLL recommends to the other PBC configurations to take into account the following general lessons when addressing rule of law as a peacebuilding priority for countries under the Commission's considerations:

- Peacebuilding can have a lasting impact if it is based on legal and societal mechanisms to prevent recurrence of violence.
- Long-term commitment of all relevant actors, a shared vision and a coherent approach are decisive factors for success.
- Inclusive consultative processes with civil society representatives and marginalized groups should result in more responsive and inclusive rule of law assistance programmes.
- The need for the UN system and other assistance providers to act at an early stage in peace processes with a unity of effort when engaging in rule of law assistance, if the desired impact of this engagement is to materialize.
- Investment in national capacity-building and strengthening of local expertise in the area of rule of law is a critical component of UN assistance in this area.

Prepared by PBSO
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