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Consolidating Peace: Priorities and Deliberative Processes

Ian Johnstone

While efforts to suppress violence in Afghanistan, Darfur, and Lebanon dominated the peace operation headlines in 2006, most of the world's peacekeepers were doing something different. From Haiti to the Democratic Republic of Congo (DRC) to Aceh, soldiers and civilians were engaged in the less attention-grabbing but equally important work of helping to consolidate peace.

“Peace consolidation” is not a term of art, and in this chapter it is not meant to describe a specific phase or set of activities in a peace process. The expression is used here as a way of discussing the particular role peace operations can play in planting the seeds of self-sustaining peace, without drawing a sharp line between “peacekeeping” and “peacebuilding.” It assumes that, because there is always pressure to end an operation quickly—or at least to move from one phase of a peace process to the next—the period when an integrated military, police, and civilian presence is on the ground presents a relatively limited window of opportunity. Peace operations cannot themselves complete the long-term enterprise of consolidating peace, but they can begin the process—they can lay the foundations for effective peace consolidation.

The starting point in understanding how to lay those foundations is to acknowledge that peace consolidation is an inherently political exercise, whose central goal is to channel conflict from violent into peaceful forms of settlement.¹ Recent experience has highlighted the importance of making an early start in three areas—governance (including economic governance), security, and justice. Peace operations play a variety of roles in

each area, ranging from active patron, informed by international standards of legitimacy, to passive observer, deferring at every step to local ownership and local conceptions of legitimacy. The central argument of this chapter is that the best way to determine where on that spectrum an intervention should fall, and how to move from one point to another, is through genuine deliberation among internal and external actors. By guiding the engagement of the relevant actors, deliberative principles can help to set priorities and allow for midcourse corrections, while cultivating the sort of conflict resolution and participatory governance that sustainable peace requires.

Peace Consolidation: Priorities and Recent Practice

The spectrum of peace operations extends from pure observer missions to transitional administrations with full governing powers.² Most operations fall between those extremes. Indeed, there has been an evolution: in the early 1990s, multidimensional missions like those in El Salvador and Mozambique were formally mandated only to monitor and assist; in the mid-1990s, missions in Eastern Slavonia and Bosnia had a degree of executive authority; in the late 1990s, the United Nations was given governing powers in Kosovo and East Timor. The United States had similar authority in Iraq in the early days of the occupation, but most peace operations since then have employed more of a “light footprint,” the strategy used in Afghanistan. Yet even assistance missions, like those in Haiti and Liberia today, sometimes become

involved in governance functions without formally assuming executive powers. Thus the distinction between patron and passive observer, the weight of the footprint, the line between consent and coercion, and even the “gradations of sovereignty” in postconflict societies tend to come in shades of gray rather than either/or dichotomies.³

The result is that all peace operations face a basic dilemma: on the one hand, the more proactive the external role, the harder it is for local state structures to gain legitimacy and effectiveness; on the other hand, rigid adherence to “local ownership” can mean deferring to local power brokers that may lack the legitimacy and capacity to deliver sustainable peace. Where the balance should lie is rarely self-evident from the start of an operation, and is never static. If the UN was too heavy-handed in the early days of its mission in East Timor, its approach in Haiti in 2005 was probably too passive. If a “light

footprint” was the right way to support Afghanistan’s nascent governance institutions, it was not the way to provide security beyond Kabul.

How then to strike the balance is a core challenge for peace consolidation. Because neither internal nor external actors have privileged insight into that question, and because it may vary based on the function (security versus governance, for example), the process must be interactive. It requires genuine deliberation among local actors, and between local and external actors. Deliberation means more than consultation and dialogue; it is one of three principal modes of public policy decisionmaking in democratic societies, along with bargaining and voting. It is aimed at building consensus through reasoned exchange and, when agreement is not possible, makes it easier to live with disagreement in a pluralistic society.

The argument that deliberative principles can usefully guide the engagement of all



José Ramos-Horta, then foreign minister of Timor-Leste, speaks at a UN Security Council meeting, 5 May 2006.

(AP/David Karp)

actors in a peace process is developed further at the end of this chapter.⁴ First, however, a review of recent practice in three areas—transitional governance, transitional security, and transitional justice—illustrates the value of deliberation to peace consolidation. These are not priorities per se, but rather frameworks within which specific peacekeeping and peacebuilding activities occur, from police training to elections to economic reconstruction. The central point is that the process by which all of these activities are undertaken is as important as the outcome. And while many of them are long-term endeavors, not all good things can be done at once and most peace operations face constant time pressure, from the UN Security Council (or other mandating organization), donors and local leaders. The creation of the Peacebuilding Commission may help to extend time horizons, but it is nevertheless important that an early start be made in each of these areas, as soon as the worst of the fighting is over. Deferring action may mean failure to seize the moment when international commitment is greatest. Even more serious, noninclusive politics and institutions may become entrenched, making it hard to reverse course once the failings are perceived.

Transitional Governance

Cultivating legitimate and effective governance cannot be engineered through a series of predetermined steps. However, the nature of governance arrangements between the end of the worst fighting and the establishment of permanent institutions can have a profound effect on the prospects for sustainable peace. Not mere placeholders until legitimate government can be established, transitional arrangements shape the political landscape for competing groups in a postconflict society. If well designed, they can foster the sort of nonviolent contestation, conciliatory politics, and consensus building that are at the foundation of sustainable peace.⁵ They hold the promise of what Michael Doyle and Nicholas Sambanis call “participatory peace,”⁶ which may but will

not necessarily evolve into more robust forms of democratic governance.

Interim institutions, moreover, do real work: they prepare for elections, write constitutions, manage the budget, and appoint people to the ministries that administer the transition, such as Defense, Interior, and Justice. Terrence Lyons favorably compares the transitional arrangements leading to elections in El Salvador, and Mozambique, with those in Angola, Bosnia, and elsewhere.⁷ The former helped to demilitarize politics in their respective societies, while the latter did little to cement peace, let alone democracy. Lyons highlights the importance of creating political parties and independent electoral commissions, but also makes the broader point that interim institutions can be used to foster peaceful political competition. Liberia recently completed a two-year period of transitional government, setting the stage for peaceful elections, the relatively smooth assumption of power by Ellen Johnson-Sirleaf, and a productive first year in office. It is too soon to judge the three-year power-sharing arrangement that preceded recent elections in the DRC, but from the perspective of today, it looks more successful than anyone would have dared hope a few years ago.

Similarly, the process of writing and adopting a constitution can be as important for sustainable peace as the principles and structures it enshrines. An inclusive, deliberative process is especially important in postconflict societies, because the future governance of the country cannot be left entirely in the hands of those who fought the war.⁸ The making of Afghanistan’s constitution is illustrative. The “interim authority” that was selected to govern Afghanistan at the 2001 Bonn meeting handed over to the more inclusive transitional government that came out of the Emergency Loya Jirga held in 2002. This gathering of 1,051 elected and 500 appointed delegates, though not perfectly representative, debated some of the most difficult and controversial issues facing the country.⁹ That

set the stage for the drafting of a constitution by a 35-member commission, following extensive public consultations with an estimated 178,000 people. The constitution was formally adopted in a 502-representative Constitutional Loya Jirga in 2004, paving the way to elections in 2004–2005. While this transitional exercise involved back-room deals and pressure tactics, as well as traditional forms of consultative governance, it did produce a government that enjoyed substantial respect among the Afghan population—at least until the lack of progress in improving security became apparent.¹⁰ By way of comparison, the rushed and improvised constitutional process in Iraq was far less successful in animating an inclusive debate about the future of that country.¹¹

This is not to say that long-term power-sharing is easy, as the case of Sudan illustrates. The north-south conflict ended in a comprehensive agreement that embodies a partnership between the Sudan People's Liberation Movement (SPLM) and the ruling National Congress Party (NCP). By mid-2006 the partnership was under serious strain, and the two parties had all but stopped engaging each other politically. Thus when President Omar al-Bashir (of the NCP) rejected the decision of a boundary commission regarding the oil-rich region of Abyei, Vice President Salva Kiir (of the SPLM) figuratively threw up his hands rather than demand that Bashir justify his position before the world and the Sudanese people.

The Darfur peace agreement (DPA) is even less promising as a vehicle for sustainable power-sharing. Negotiated in Abuja over a period of two years and then rushed to conclusion in May 2006, the agreement became increasingly disconnected from realities on the ground. Opposition to the DPA, which was signed by the government of Sudan and only one rebel faction, mobilized almost immediately, to the point where much of the population of Darfur became contemptuous of both the rebel faction who had signed the agreement

and the African Union peacekeepers who were overseeing its implementation. It quickly became clear that the political process would only be salvaged by addressing the concerns of the other rebel groups through direct negotiations, and by convening a more inclusive Darfur-Darfur dialogue involving hundreds, loosely modeled on Afghanistan's Loya Jirga.

The Darfur situation also illustrates the importance of interaction between local and external actors. The disconnect between the AU mediators and Sudanese parties in Abuja, on the one hand, and the people of Darfur, on the other, led to an agreement that was not implementable. Similarly, the distance between the NCP leadership in the government of Sudan, and external actors pushing for the UN to take over from the AU in Darfur, led to a serious impasse over the proposed transition. Given that there is neither the will nor the capacity to impose a solution in Darfur, both the DPA and the transition require that local dynamics be reconciled with international expectations and human rights norms.

Interim institutions can also be useful in getting a start on good *economic* governance. This is increasingly seen as important to a peace process because many conflicts are fueled in part by competition over resources, and because the ability to deliver basic services is a measure of a state's authority. The Governance and Economic Management Assistance Program (GEMAP) in Liberia had a rocky start because the initial plan, designed by the United States, World Bank, International Monetary Fund (IMF), and EU, was too intrusive and therefore was rejected by the UN Security Council. A protracted consultative process with the Liberian transitional government, the UN, and the Economic Community of West African States (ECOWAS) resulted in a compromise that included cosigning authority for international experts, but also considerable emphasis on local capacity building. Moreover, the details of implementation were not spelled out in the initial plan, leaving room for deliberation among the members of

Box 1.1 The Effectiveness of Peacebuilding: Empirical Studies

The year 2006 saw the publication of two important studies on the effectiveness of peacebuilding strategies. Michael Doyle and Nicholas Sambanis published *Making War and Building Peace*, a comprehensive analysis of all UN and non-UN peace operations between 1945 and 1999. They identify three key factors that impact the prospects for success of a peace operation, in what they call the “peacebuilding triangle”:

- The level of hostility between the factions, measured by the amount of deaths and displacement, as well as the type of war and number of warring parties.
- The local capacities remaining after the war, measured by per capita gross domestic product or energy consumption, and past experience with democratic governance.
- The level of international assistance—as measured by type of mandate and number of troops committed.

Their core finding is that the deeper the hostility and the less the local capacity,

the greater the need for international assistance to establish a lasting peace. This, combined with qualitative analysis of a number of cases, leads Doyle and Sambanis to a seven-step plan for effective peacebuilding: establish internal security, seek the cooperation of neighbors, identify some “quick wins” in delivering basic services, build the rule of law and constitutional consent, guarantee property rights, foster democratic participation, and promote genuine moral and psychological reconciliation.

In an August 2006 study of seventy-four cases, Paul Collier and his associates compare the political, economic, and military aspects of postconflict situations. They come up with three interesting findings on the risk of a relapse into conflict:

- An election reduces the risk substantially in the year of the election itself, but increases it even more substantially in the following year.
- Economic development substantially reduces risks, but it typically takes a

decade, and so there is a need for an interim strategy for risk containment.

- United Nations peace operations bring the risks down. Moreover, in a typical country, doubling expenditure on peacekeeping would reduce the risk over the course of the decade from 40 percent to 31 percent.

Based on their results, Collier and colleagues propose a “politics+” strategy, in which the plus would be long-term economic development through substantial aid and rapid reform, combined with a commitment to the provision of security by external peacekeepers throughout the first postconflict decade. Finally, the lower the per capita income, the higher the postconflict risks, at the outset of the peace. According to the authors, this provides a clear and uncontroversial principle for resource allocation among postconflict countries: resources per capita should be approximately inversely proportional to the level of income in the postconflict country.

Sources: Michael Doyle and Nicholas Sambanis, *Making War and Building Peace* (Princeton: Princeton University Press, 2006); Paul Collier, Anke Hoeffler, and Mans Soderbom, “Post-Conflict Risks,” Centre for the Study of African Economies, University of Oxford, CSAE WPS/2006 12, 17 August 2006.

the tripartite steering committee, composed of government actors, international actors, and civil society representatives. Early signs of GEMAP’s impact are positive, as government revenue is rising.

Transitional Security

In the early days of a peace process, security is not up for discussion: either outsiders impose it, or a peace agreement obliges it. The primary function of most peace operations is to help provide security, and increasingly they are being given robust mandates—if not always the capacity—to do so. But peace-

keepers cannot be expected to keep the peace forever; at a certain point they must hand over to local forces. Peace operations necessarily become involved in that transition, even though the lead actors in security sector reform (SSR) tend to be bilateral partners.

As Barnett Rubin argues, the security transition and the political transition are mutually reinforcing; control over security institutions is central to building a legitimate state, while building effective security institutions requires credible political leadership.¹² And because SSR is not only about equipping and training, but also about governance—about who over-

sees the security sector and whose interests it protects—the parties to the conflict and security establishments cannot deliberate in secret, alone. Representative assemblies, local governments, and the broader population must be engaged. This lesson was well-learned in Sierra Leone, where the Office of National Security has taken the lead in facilitating inclusive decisionmaking processes, including consulting local communities.¹³ The talks on SSR in Afghanistan, on the other hand, lacked transparency.¹⁴ In contrast to the constitution-making process described above, the security arrangements in Afghanistan were driven more by a desire to enlist allies in the war against Al-Qaida and the Taliban, than by a genuine effort to build national security institutions dedicated to supporting the central government.

The connection to governance is also borne out by Salman Ahmed's comment that the most difficult part of SSR is agreeing on the ethnic and regional composition of national forces, and reducing their size to fiscally sustainable levels.¹⁵ The outbreak of violence in Timor-Leste in early 2006 was as much a problem of the neglect of the new defense force, mishandling of the new police, and inattentiveness to governance issues, as it was a matter of not staying long enough to support the new security institutions. In the Democratic Republic of Congo, MONUC and other international actors have been struggling to create an effective Congolese army, in part through joint operations. This has proven to be controversial, because the "integrated" Congolese brigades, composed of former militias of different ethnic groups, have become a source of human rights abuses. In Iraq, the building of broadly representative security institutions has proven to be enormously difficult and, in the view of one observer, may be making matters worse by exacerbating communal tensions.¹⁶

Policing and police reform constitute a further illustration of the deeply political nature of security sector reform. In Haiti, beginning in early 2005, the main security threat came not from a single organized opposition to the transitional government, but rather from disparate



(REUTERS/Carlos Barria)

MINUSTAH peacekeepers from Uruguay guard the transport of ballots north of Port-au-Prince, Haiti, 6 February 2006.

armed gangs engaged in low-level politically motivated or criminal violence. The threat could have been dealt with through low-intensity military operations, high-intensity police operations, or some combination. The choice had implications beyond the immediate challenge of providing security, because ultimately the consolidation of peace entails reducing the role of the military in internal security. Thus the process of transitioning from security provided by external military forces, to external police forces (typically formed police units), to local police forces, is at its core a process of forging a social contract between the local police and population. This social contract is not going to emerge simply from the successful imposition of law and order; it is an interactive, evolutionary process. And external actors have an important role to play, because many postconflict societies see domestic popular demand for an "iron hand" in dealing with rising violence and crime.¹⁷ This can be coun-

tered by imparting the ethos of community policing, which has become a major strategy in peace operations.

Multinational institutions, including the Organization for Economic Cooperation and Development (OECD), EU, and UN, have begun to develop principles for security sector reform, all of which place a premium on “local ownership” in addition to stressing the importance of good governance.¹⁸ Good security sector governance is widely understood to mean limiting the role of the military in internal security, ensuring that all security forces are under civilian control, meeting basic standards of accountability and transparency, and insisting on respect for basic human rights. These standards cannot be imposed by outsiders, nor can they be adopted wholesale by national security forces in the early stages of a peace process. But they can be the starting point for an inclusive dialogue about the security requirements of a given society. While a peace agreement may set the path, midcourse adjustments must often be worked out along the way, as the political transition unfolds and legitimate local authorities emerge to lead or partner in the process. External actors have a role to play not only in equipping and training, but also in giving advice on security sector governance, through a process that ideally engages all national and international “stakeholders,” as the new UN mission is doing in Timor-Leste.¹⁹

Transitional Justice

There is a tendency in peace operations to defer action on justice, given the more pressing security and governance demands in the immediate postconflict period. This is misguided, for two reasons. First, failure to address justice issues at an early stage can undermine both security and transitional governance: a “rule of law vacuum” can be seized on by spoilers and criminal groups;²⁰ and local leaders may appear to be benefiting from a culture of impunity, undermining the confidence of the broader population in the peace process. Second, the assumption that a

tradeoff must be made between peace and justice is based on too narrow a reading of both concepts. Broadly speaking, there are three goals of transitional justice: accountability, truth and reconciliation, and restoration (both individual and societal). These goals may be given different priorities in different societies, or in the context of particular conflicts. None can be achieved quickly, and often the question is whether they should be pursued simultaneously or sequentially. It is important for a society to begin a discussion about what sort of justice is appropriate soon after the fighting ends. External actors have a role in encouraging that discussion. There are international standards that ought to be promoted, and normative red-lines that ought not to be crossed, such as amnesty for genocide, crimes against humanity, and war crimes.²¹ The exercise of agreeing on transitional justice mechanisms should be a collaborative one, with domestic and foreign actors working together to map the range of options and to catalyze policy and public deliberations on which to pursue.

A closer look at each of the three goals illustrates the complexity of the relationship between local and external actors. Whether based on a theory of retribution or deterrence, accountability reaffirms the shared norms of a society by expressing condemnation of those who committed the crimes, and condemnation of the crimes themselves. But rushing to punishment can undermine a peace process. Fear of being arrested by peacekeepers and handed over to the International Criminal Court (ICC) is one reason why the Sudanese government opposed a transition to a UN mission in Darfur. The Lord’s Resistance Army only entered into peace talks with the government of Uganda when its leaders were given assurances by the mediators that they would not be handed over to the ICC (though the ICC indictments stand). Without Nigeria’s offer of asylum to Charles Taylor, there likely never would have been a peace agreement in Liberia. This does not mean that deferring or ignoring criminal justice is always wise—the indictment of Taylor by

the Special Court for Sierra Leone removed him from the political process in Liberia—but it does suggest that instant accountability is not always possible. On the other hand, the prospect of prosecution, whether by the ICC, hybrid tribunals like in Sierra Leone (and proposed for Burundi), or national courts, now affects the dynamics of almost all peace processes. It raises questions about whom one engages with: Should indicted war criminals be treated as legitimate participants in the political process? To what extent should their “stake” in the outcome be a consideration?

The second broad purpose of transitional justice—truth and reconciliation—is important when the facts about the past are in doubt, or in order to “lift the veil of denial” about widely known or unspoken truths.²² Unlike trials that depend on making a choice between individual guilt and innocence, truth commissions can hear different points of view about the pattern of abuses and the political, social, and economic conditions that may have led to them. If truth commissions promote reconciliation, as advocates claim, it is not because they lead to forgiveness about the past, but because they are exercises in deliberative politics—a way to stimulate public debate about how to address the past and carry on.²³ The Truth and Reconciliation Commission (TRC) in Sierra Leone served this purpose to an extent, and the recently launched TRC in Liberia has been designed to do the same. Belated efforts are now under way to set up a truth commission in Burundi. The UN is consulting not only government officials, but also religious leaders, political parties, and nongovernmental organizations on the form that truth commission should take.²⁴

Restoration, a third goal of transitional justice, relates directly to rule-of-law reform. Societal restoration is about reconstructing the social, political, and legal systems destroyed by violence.²⁵ Peace operations have an obvious role to play, although rule-of-law mandates tend to be vague. Scott Carlson, in a UN lessons-learned study, makes a compelling case for a more “robust” approach to

counter the fact that transitional or newly elected governments often lack the legitimacy and capacity to take the lead in rule-of-law reform.²⁶ In Haiti, MINUSTAH shifted toward a more proactive approach to justice reform in late 2005, when it became apparent that sustained progress would require greater involvement of international personnel throughout the entire system. This meant more hands-on mentoring of magistrates, prosecutors, and other justice officials, and it had the effect of opening the system to closer scrutiny. Restoration, it should be stressed, may involve resurrecting traditional approaches to justice rather than importing models from elsewhere. In Liberia and southern Sudan, many citizens—especially in rural areas—are inclined to look to customary law and “community-based” systems for justice, rather than formal courts and processes.²⁷ Yet the leadership in each place has concerns about resurrecting traditional systems, in part because they are hard to reconcile with international human rights norms. This suggests that the planning and implementation of reform programs requires not only internal deliberation, but also engagement by external actors to ensure that international standards are respected while nascent institutions are built.

Timor-Leste is an instructive case for all three goals. The UN Secretary-General established a commission of inquiry to gather information on possible violations of human rights committed in the period leading to and immediately after the vote on independence in September 1999. That report put in motion a process that led to the establishment by the UN Transitional Administration in East Timor (UNTAET) of a hybrid special panel on serious crimes and a truth commission, whose 2,000-page report was issued in mid-2005; national trials in Timor-Leste; the creation of an ad hoc court by Indonesia; the creation of a “truth and friendship commission” by the governments of Timor-Leste and Indonesia; and finally a “commission of experts” to review all those efforts and make recommendations on what more could be done. The most interesting

Box 1.2 Peacekeeping to Peacebuilding: Burundi—A Minor Success with Major Consequences*Carolyn McAskie*

Burundi suffered from terrible ethnic conflict for many years, but unlike other peacekeeping “clients,” it was never a failed state. Throughout the darkest days of conflict, it had a functioning government and an army that, despite its faults, had control of the territory. What it lacked was capacity, due to extreme poverty, years of war, and the flight of people and resources.

The Burundi peace talks began in 1993 with political help from the UN, and gained steam in 1995 when former Tanzanian president Mwalimu Julius Nyerere launched the round of consultations that led to the Arusha peace process. In Arusha, the Burundian parties slowly realized they could talk to each other, but it would take eighteen months after the signing of the Arusha Agreement and intense pressure from Nelson Mandela (who had replaced Nyerere as mediator following his death), to push them into a transitional government.

Burundians always assumed there would have to be a UN peacekeeping force at some time, but it was difficult to persuade the Security Council or the senior ranks of the Secretariat that this would be realistic. South Africa therefore

pushed for the African Union’s first ever peacekeeping mission in 2003 and then for the UN to take over in 2004. By the time the UN Operation in Burundi (ONUB) arrived on the ground, the parties had been engaged on one level or another for years, and formally for the six years since 1998.

ONUB’s mandate was to ensure completion of the Arusha peace process before the end of the transitional period and the beginning of elections. It undertook a complex set of tasks to ensure security, encourage the legislative process, and improve the human rights situation, including the position of women. Support for elections became the most visible element of ONUB’s work, but only part of it. The success of the mission was due to the fact that external players—political, peacekeeping, and humanitarian—worked together in a coherent way, particularly with Burundi’s neighbors. An important challenge for the post-conflict period will be for these elements to continue to work together coherently to support the consolidation of peace.

In the process of negotiating peace, Burundians dealt courageously with issues of power and ethnicity, building

institutions that embodied an evolution away from ethnic bias and toward ethnic balance. In years of dialogue, the parties discovered that their demons diminished as they spoke to each other. In consolidating peace, Burundi’s external partners must deal equally boldly with social and economic needs, to ensure that frustration and exclusion do not draw Burundi into conflict again. Over the past decade, the world has come to better understand the link between lack of development, and conflict. Helping to set societies on a sound social and economic footing must receive the same high-level international attention as does the traditional peace and security agenda.

Hope is being placed in the UN Peacebuilding Commission, created in December 2005. Burundi has been identified as one of the commission’s first clients, making it the beneficiary of a strategic process to bring donors and international institutions together with Burundians to consolidate peace. A concerted effort to help the government meet the expectations of the population would be a strong signal to Burundi and other countries in conflict that there are gains to be made from peace.

Note: Carolyn McAskie is UN Assistant Secretary-General for Peacebuilding Support, and former Special Representative of the Secretary-General for Burundi. Original article published in *International Insights* (Canadian Institute of International Affairs) 6, no. 1 (September 2006).

finding is that both governments, Timor-Leste and Indonesia, place more emphasis on “restorative” than “punitive” justice, and seem to be more willing to accept what has been accomplished than are the international experts who have investigated and the victims and families who were consulted.²⁸ (The position of the Timorese government is driven in part by a desire not to jeopardize improving relations with Indonesia.) The UN recom-

mended a multidimensional approach for the new mission in Timor-Leste, which includes ongoing monitoring, institutional capacity building, support for “accountability” measures, and compensation to victims.²⁹ Complemented by the mission’s governance and security functions, the approach embraces a broad conception of justice that ultimately is designed to build an inclusive political community in Timor.³⁰

As Secretary-General Annan put it, “re-establishing justice systems, planning rule of law reforms and agreeing on transitional justice processes are . . . necessary subjects of serious public consultation and debate.”³¹ International actors have a role to play in these debates, both as mediators to help decide what kind of justice and for whom, and as advocates for international standards. They also have a critical role to play in helping to build a functioning legal system, not least because it can create the conditions for peaceful political contestation. While it may not be possible to guarantee rights of political participation, assembly, and expression in an immediate postconflict environment, some belief that basic rights will be guaranteed in the future are necessary to create political space for deliberation.

Deliberative Principles and Methods

Thus there is a substantial body of recent practice to suggest that the transitional period in a peace process be used to foster deliberation among and between local and external actors. Genuine deliberation means more than dialogue; it is a fundamental democratic value, the most important characteristic of which is reasoned exchange. Its guiding principle is reciprocity—the notion that decisions must be justified in terms that all who are bound or seriously affected can accept, even if they disagree with the decision itself: “you make your claims on terms that I can accept in principle . . . I make my claims on terms that you can accept in principle.”³² Deliberation is valued both because it leads to better outcomes when there are disputes about public policy, and because it signals mutual respect. It makes both reaching agreement and living respectfully with disagreement easier.

Deliberative democracy is not incompatible with liberal democracy, but the differences are important in light of recent critiques of the so-called peacebuilding consensus, with its emphasis on the establishment of electoral democracies and market-oriented economies.³³ Rather than assuming there is some predetermined

end-state toward which all postconflict societies must be pushed, deliberative principles are aimed at informing the process that determines what the end-state should be and how to get there.³⁴ Moreover, in a peace operation, outsiders make decisions that have a profound—sometimes even binding—effect on local citizens. In the spirit of accountability, deliberative principles should guide the engagement of outside actors as well as local systems and institutions.

The ideal of deliberation—that participants have equal standing and voice, and that the debates occur unaffected by relationships of power and coercion³⁵—is not met in any society, let alone one coming out of conflict. But two of its underlying principles—participation and publicity—can usefully inform the relationships among the relevant actors. The process of formulating, implementing, and revising a peace consolidation strategy should be as participatory as circumstances permit. Typically this will be limited to the parties to the conflict and the most powerful outside actors in the early stages, but can become more inclusive as the postconflict situation stabilizes. Inclusiveness is important because those who wield the greatest decisionmaking influence in a postconflict society are not always seen as legitimate by the local population or powerful outside actors.

While it is never possible to consult all who are affected by every decision (just as it is never possible for all citizens to participate directly in democratic decisionmaking), another basic deliberative principle—publicity—is an indirect way of engaging a broader range of stakeholders. The publicity principle holds that the reasons for decisions should be accessible and understandable, and the debates that lead to them should be as transparent as possible. The notion that positions must be stated publicly in terms that all can accept is a device for engaging parliamentarians, opposition groups, and civil society, turning them into an audience at whom the justifications must be directed. Direct participation is not necessary for deliberative principles to have an impact: the audience effect

impels the speaker to account for the concerns of all who have a stake in the outcome of the deliberations.³⁶

None of this is easy, of course, and deliberation is no panacea. Nobody imagines that it can supplant the influence of power; the ambition is more modest. To the extent that political struggles take place through deliberation (as opposed to bargaining, and pressure), it levels the playing field by reducing the impact of power. Moreover, an immediate postconflict environment is too fraught to expect peaceful, broadly inclusive political competition. If anything, fostering such competition can be divisive—an obstacle to the sort of consensus-building and conciliatory politics that is required. Thus the deliberative processes themselves may have to evolve, from confidential exchanges among the most powerful actors, to public exercises of justification and reason-giving, to a more stable process in which decisions are made in institutions that lend themselves to inclusive, open—perhaps confrontational but nonviolent—political contestation.

It is not possible to come up with a checklist of operational devices to incorporate more and better deliberation in any peace process—they are too context-specific. Nevertheless, the above review of recent practice, as well as the case studies in this volume, offer some illustrative suggestions:

- One of the principal functions of the political head of any mission is to foster deliberation. Some are much better at this than others; former UN Special Representative of the Secretary-General Lakhdar Brahimi is reputed to be one of the best.
- Use the transitional period to engage actors other than the parties to the conflict, and provide platforms for them to participate in decisions, like the Loya Jirgas in Afghanistan and the proposed Darfur-Darfur dialogue in Sudan.
- Encourage transparency in decisionmaking on important matters of public policy, in order to take advantage of the audience effect, indirectly holding decisionmakers accountable. The publication of decisions by the steering committee that oversees Liberia's GEMAP program is an example.
- In exercising good offices, draw on expert opinion and empirical data, in order to pressure the parties to deliberate on the basis of assessable evidence rather than self-serving claims. Resolution of the north-south boundary disputes in Sudan, for example, could benefit from expert opinion on the historical boundary and the location of oil reserves.
- Start with interim constitutions and even legislation, because they automatically come up for reconsideration at times and in institutions that are likely to be more conducive to genuine deliberation compared to an immediate postconflict period.
- Encourage truth commissions as a first step in seeking transitional justice, because they are themselves devices for public deliberation about what happened and why, and how to move forward. The commissions in Sierra Leone and Timor-Leste serve as examples. The broad-based consultations on setting up a truth commission for Burundi illustrate the value of inclusiveness even in designing the institution.
- Include the leadership of peace operations in committees set up to oversee implementation of a peace agreement. The presence of impartial third parties can generate deliberation on issues the parties would rather avoid, and can ensure that all perspectives get a fair hearing. The cease-fire commission for the north-south peace process in Sudan is a positive example; removal of the nonsignatories to the Darfur peace agreement from the cease-fire commission there serves as a negative example.
- Use these joint bodies to engage with civil society and local communities, as the commissions on security arrangements did in Aceh. Engaging civil society directly in the implementation of a peace agreement can have the incidental benefit of creating new cadres of political actors while opening political space for dealing with matters that do not relate directly to the peace process.
- Seek to revive or cultivate traditional de-

liberative mechanisms. Local reconciliation initiatives in Liberia and Sudan are examples, as are the transitional justice approaches adopted in Mozambique in the early 1990s. Sometimes this requires local community empowerment, as the World Bank has attempted in Timor-Leste and Afghanistan with respect to the allocation of development funds.

- Some UN Security Council visits to mission areas can be seen as deliberative exercises, where engagement is direct and on the basis of reciprocity, rather than “megaphone diplomacy.” Security Council missions to Haiti in 2005 and the DRC in 2006 are examples.
- Finally, it is possible to imagine the UN Peacebuilding Commission as a venue for not only coordination, but also deliberation: a forum for reasoned exchange between members of the commission and national counterparts. In fact, when Burundi and Sierra Leone, the first two “clients” of the commission, presented their strategies, they were encouraged to attend each other’s sessions—a nod to deliberative principles.

Conclusion

The debate between those who would place democratization at the center of peacebuilding

and those who see it as a “pipedream” has not been resolved.³⁷ While the built-in conflict-management potential of representative democratic institutions is widely acknowledged, there is ample evidence that rushing to elections can be destabilizing. This chapter has focused on a different element of democracy. I have argued that laying the foundations for sustainable peace depends as much on deliberative mechanisms as it does on representative ones. Clearly there are limits on the scope and impact of deliberation in a post-conflict society. Most decisions will be made on the basis of bargaining, voting, arm-twisting, and less subtle forms of coercion, though hopefully not violence. In the early days of a peace process, deliberation may begin at a low level, with few participants and not much publicity, but it can build over time as deliberative habits and institutions take hold. Moreover, deliberation between local and external actors is a way for the latter to practice what they preach, enhancing the legitimacy of their intervention while cultivating the sort of democratic practices that self-sustaining peace requires. In sum, deliberative principles and methods are a way of holding the parties in a peace process accountable to the larger population, and may be the only way of holding outsiders accountable to the people on whose behalf they purport to be acting.

Notes

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1. See United Nations, “Secretary-General’s Address to Opening Session of Peacebuilding Commission,” 23 June 2006; Elizabeth Cousens and Chetan Kumar, *Peacebuilding as Politics: Cultivating Peace in Fragile Societies* (Boulder: Lynne Rienner Publishers, 2000).

2. Richard Caplan, *International Governance of War-Torn Territories: Rule and Reconstruction* (Oxford, UK: Oxford University Press, 2005); Simon Chesterman, *You the Peoples: The United Nations, Transitional Administration, and State-Building* (Oxford, UK: Oxford University Press, 2004).

3. On gradations of sovereignty, see Robert Keohane, “Political Authority After Intervention: Gradations of Sovereignty,” in J. L. Holzgrefe and Robert Keohane, eds., *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas* (Cambridge, UK: Cambridge University Press, 2003); Stephen Krasner, “Shared Sovereignty: New Institutions for Collapsed and Failing States,” *International Security* 29, no. 2 (2004): 85–120.

4. For a similar argument that focuses primarily on internal deliberations rather than deliberation between local and external actors, see Michael Barnett, “Building a Republican Peace: Stabilizing States After War,” *International Security* 30, no. 4 (2006): 87–112.

5. Terrence Lyons, "Transforming the Institutions of War: Post-Conflict Elections and the Reconstruction of Failed States," in Robert Rotberg, ed., *When States Fail: Causes and Consequences* (Princeton: Princeton University Press, 2003).
6. Michael Doyle and Nicholas Sambanis, *Making War and Building Peace* (Princeton: Princeton University Press, 2006), pp. 18–19.
7. Lyons, "Transforming the Institutions of War." On interim consultative institutions, see also Michael Doyle, Ian Johnstone, and Robert Orr, *Keeping the Peace: Multidimensional UN Operations in Cambodia and El Salvador* (Cambridge, UK: Cambridge University Press, 1997).
8. Vivien Hart, "Constitution-Making and the Transformation of Conflict," *Peace and Change* 26, no. 2 (April 2001): 153–176.
9. Briefing to the UN Security Council by the SRSF for Afghanistan, New York, 19 July 2002.
10. See Barnett, "Building a Republican Peace," pp. 102–103; Richard Ponzio, "Transforming Political Authority: UN Democratic Peacebuilding in Afghanistan (2001–2005)," paper presented at the nineteenth annual meeting of the Academic Council of the United Nations System, 8–10 June 2006.
11. For critiques of the constitutional process in Iraq, see Hamid Barrada and Philippe Gaillard, "Le Grand Interview: Lakhdar Brahimi," *Jeune Afrique* no. 2375, 16–22 July 2006; International Crisis Group, "Unmaking Iraq: A Constitutional Process Gone Awry," Middle East Briefing no. 19, 26 September 2005; US Institute for Peace, "Iraq's Constitutional Process: An Opportunity Lost," Special Report no. 155, December 2005.
12. Barnett Rubin, "The Politics of Security in Post-Conflict Internationalized State Building," in Charles Call and Vanessa Wyeth, eds., *Building States to Build Peace* (forthcoming), p. 31; Barnett Rubin, "Peace Building and State-Building in Afghanistan: Constructing Sovereignty for Whose Security?" *Third World Quarterly* 27, no. 1 (2006): 180.
13. See Conflict Prevention and Peace Forum, "Workshop on Peace Consolidation in Sierra Leone," Freetown, Sierra Leone, 30 June–1 July 2006.
14. Rubin, "Politics of Security," p. 24.
15. Salman Ahmed, "No Size Fits All: Lessons in Making Peace and Rebuilding States," *Foreign Affairs* 84, no. 1 (2005): 165.
16. Stephen Biddle, "Seeing Baghdad, Thinking Saigon," *Foreign Affairs*, no. 2 (2006). See also, James Baker III and Lee Hamilton, *Report of the Iraq Study Group*, December 10, 2006.
17. Eric Scheye and Gordon Peake, "To Arrest Insecurity: Time for a Revised Security Reform Agenda," *Conflict, Security, and Development* 5, no. 3 (2005): 303.
18. OECD, *Security System Reform and Governance*, DAC Guidelines and Reference Series (2005); EU, *Concept for ESDP Support to Security Reform* (2005); United Nations, *DPKO Policy Directive on Law Enforcement Agencies* (2006); UNDP, *Strategic Approaches to Justice and Security Sector Reform* (2002). The UN Special Committee on Peacekeeping Operations requested the Secretariat to conduct "a process of joint policy-making on security sector reform best practices," which the UNDP and DPKO are leading in collaboration with other UN entities. UN doc. A/60/19.
19. United Nations, *Report of the Secretary-General on Timor-Leste Pursuant to Security Council Resolution 1690 (2006)*, 8 August 2006, para. 114; S/RES/1704, 25 August 2006.
20. Scott Carlson, *Legal and Judicial Rule of Law Work in Multidimensional Peacekeeping Operations*, UN Lessons Learned study (2006), p. 4.
21. The UN registered a reservation to the Lomé Agreement in Sierra Leone because it granted amnesty for those categories of crimes.
22. Priscilla Hayner, *Unspeakable Truths: Facing the Challenge of the Truth Commissions* (New York: Routledge, 2002), p. 25.
23. Amy Gutmann and Dennis Thompson, *Why Deliberative Democracy?* (Princeton: Princeton University Press, 2004), p. 185.
24. United Nations, *Seventh Report of the SG on the UN Operation in Burundi*, S/2006/429, 21 June 2006, para. 8. The UN has also been engaged in consultations about a "special chamber" for war crimes, which will likely take the form of a hybrid tribunal.
25. Martha Minnow, "The Hope for Healing: What Can Truth Commissions Do?" in Robert Rotberg, ed., *Truth v. Justice* (Princeton: Princeton University Press, 2000), p. 253.
26. Carlson, *Legal and Judicial Rule of Law Work*.
27. On Liberia, see International Crisis Group, "Liberia: Resurrecting the Justice System," 6 April 2006, p. 1. My conclusion on southern Sudan is based on interviews in Juba, September 2006.
28. United Nations, *Report of the Secretary-General on Justice and Reconciliation for Timor-Leste*, S/2006/580, 26 July 2006, para. 19.
29. S/2006/628, 8 August 2006, paras. 73–90, 125–126.

30. See Rama Mani, "Rebuilding an Inclusive Political Community," *Security Dialogue* 36, no. 4 (2005): 511–526.

31. United Nations, *Report of the Secretary-General on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies*, S/2004/616, 23 August 2004, para. 19.

32. Gutmann and Thompson *Why Deliberative Democracy?* See also Amy Gutmann and Dennis Thompson, *Democracy and Disagreement* (Cambridge, MA: Harvard University Press, 1996); Stephen Macedo, ed., *Deliberative Politics: Essays on Democracy and Disagreement* (Oxford, UK: Oxford University Press, 1999). For a fuller analysis of the relevance of deliberative democracy theory to international affairs, see Ian Johnstone, "Deliberation and Legal Argumentation in International Decision-Making," in Hilary Charlesworth and Jean-Marc Coicaud, eds., *The Faultlines of Legitimacy* (New York: United Nations University Press, forthcoming 2007).

33. Barnett, "Building a Republican Peace," pp. 88–89; Roland Paris, *At War's End: Building Peace After Civil Conflict* (Cambridge, UK: Cambridge University Press, 2004); Oliver Richmond, "UN Peace Operations and the Dilemmas of the Peacebuilding Consensus," *International Peacekeeping* 11, no. 1 (2004): 83–101; Alex Bellamy, Paul Williams, and Stuart Griffin, *Understanding Peacekeeping* (Cambridge, MA: Polity Press, 2004).

34. Barnett, "Building a Republican Peace," p. 90.

35. Jurgen Habermas, *Between Facts and Norms* (Cambridge, MA: MIT Press, 1996).

36. Even if the public reason-giving is insincere, paying lip service to shared interests can moderate behavior, because the speaker feels impelled to make some effort to match words with deeds. Jon Elster calls this the "civilizing force of hypocrisy"; Jon Elster, ed., *Deliberative Democracy* (Cambridge, UK: Cambridge University Press, 1998).

37. For a summary of the debate, see Ponzio, "Transforming Political Authority."