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Executive Summary

The policies of the UN, the World Bank, OECD-DAC and most bilateral donors have converged around a liberal peacebuilding model, where rule of law, market economy and democracy are seen as central to build a lasting peace. There are also procedural principles that are included in this consensus that stipulates *how* to proceed to build liberal democracies. The first principle is that external actors need to respect and secure *local ownership.* The second is that that external actors need, wherever and whenever possible, to build on existing institutions and thus to take *local context* as their point of departure. While the substantive elements of peacebuilding (i.e. democracy, rule of law, market economy) clearly define peacebuilding practice, the two procedural principles – ownership and context – are often neglected or marginalized. Extant research strongly suggests that this lack of attention to ownership and context go a long way in explaining why so many peacebuilding efforts are judged to be ineffective and unsustainable over time. This report seeks to understand why these two procedural principles are recognized as important yet seem to be of little import in shaping peacebuilding efforts. I offer an explanation that locates the problem in two key assumptions that are fundamental to how peacebuilding efforts are organized. The first assumption is that knowledge about universal features and mechanisms of the liberal peacebuilding is more important than geographically specific knowledge of the post-conflict country in question. The second assumption is that the international legitimacy of peacebuilding efforts automatically translates into domestic legitimacy of peacebuilding efforts in post-conflict countries. I show that these two assumptions lead peacebuilders to be both "blind" and "arrogant". They are "blind" to local factors that are central to effective peacebuilding because their frame of reference is mainly drawn from universal templates for how to build peace which draws heavily on western experience, expertise and institutions. And they are "arrogant" as they believe that lack of domestic legitimacy is caused by misperceptions which can be addressed through quick impact projects and ad-hoc measures. The prevalence of these assumptions helps explain why respect for *ownership* and sensitivity to *local context* is preached but not practiced. The problem, then, is built into the widely shared yet mostly unrecognized assumptions and the attendant organizational forms and practices that define what peacebuilding is about.

Introduction: professionalizing post-conflict peacebuilding

Since the end of the Cold War, the UN has been engaged in close to twenty so-called complex peace operations. These operations include not only peacekeeping, but extends to de facto state building operations where the UN is to help organize democratic elections, establish the rule of law and help design and implement social and economic reforms. To meet this expansion of tasks, there has been considerable effort – both inside and outside the UN – to formulate new strategies, policy positions and best practices. Within the UN's Department of Peacekeeping Operations (DPKO) Department of Political Affairs (DPA), and the Development Programme (UNDP) new policies have been established that seek to address the central problems facing so-called "failed states". New institutional entities have been established, such as the Peacebuilding Commission and the Peacebuilding Support Office, and new, cross-organizational mechanisms - such as integrated missions – are being developed. Moreover, new doctrines and guidelines for field staff has emerged that seeks to capture lessons learned from these more ambitious and comprehensive operations, as evidenced by the recent publication of DPKO's Capstone Doctrine.

Concomitant with the professionalization and institutionalization of peacebuilding within the UN and other international organizations there has been a rapidly expanding literature on the effectiveness and character of peace- and statebuilding. Some studies show that important progress has been made over the course of the last decade or so. The Human Security Report from 2007 concludes that "Between 1999 and 2006 … The number of armed conflicts being fought in [sub-Saharan Africa] fell by more than half. The number of people being killed dropped even more steeply—by 2006 the annual battle-death toll was just 2 percent of that of 1999." (p. 5). At the same time, however, studies focused more specifically on the effectiveness of efforts to prevent and stop violent conflicts by the UN and other actors paint a less positive picture. These studies find that the failure to build a sustainable peace range from 30 % of countries relapsing into conflict within two years (Doyle and Sambanis 2006) to 44% within five years (Mack 2007). These findings give rise to questions about the viability

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and relative efficacy of externally driven efforts to build a lasting peace. At minimum, these findings suggest that we should be concerned with ways to make peacebuilding more sustainable. This report is an attempt to do so.

The explanations for why the UN – and others – so often fail in building a sustainable peace range from lack of resources and long-term commitment (i.e. lack of "political will") to lack of or poor strategies of how to build peace (i.e. *what* peacebuilding should be about).[1] Here, however, I focus primarily on one finding that seems to cut across the research on the topic, which concerns *how* external actors go about formulating peacebuilding strategies and implementing them in practice. Specifically, a central factor accounting for the lack of sustainability over time of peacebuilding efforts is arguably the inability of peacebuilders to secure and respect local ownership and to build domestic, bottom-up legitimacy for the reforms that liberal peacebuilding entails (Chandler 2006; Suhrke 2007; Richmond 2007; Paris and Sisk 2008). This conclusion conforms to research on the literature on ownership in development studies more generally, where a key lesson is that lack of support for political and institutional reforms from key local groups reduces the effectiveness of external actors' efforts to help generate institutional and political change. In their discussion of aid effectiveness, for example, Collier and Dollar note that "Meaningful, sustained policy reform requires commitment and 'ownership' from the governments in question and some degree of acceptance by the wider society." (2004: 255).

Indeed, the importance of securing local ownership for peacebuilding efforts have since long been recognized as among the central principles by policy makers, as evidenced by key policy documents on peacebuilding from the UN, the World Bank and the OECD-DAC. But if ownership is recognized as being critical to long-term success of peacebuilding efforts, and this has been established policy for quite some time, then why do external actors so often fail in implementing in practice? Why, in short, does the UN (and other multilateral and bilateral actors) not live by and implement the two procedural principles of securing ownership and being sensitive to local context? I locate the answer in two assumptions that pervade peacebuilding efforts that are rarely discussed and reflected upon. The first assumption concerns the *privileging of universal over local knowledge*. The second assumption concerns the *privileging of international over domestic sources of legitimacy*. I discuss each assumption in turn, arguing that they both follow from a particular "Archimedean" interpretation of the

1 Evidently, local actors' interests, strategies and power rivals that of external actors in determining whether a sustainable peace will emerge over time. The report deliberately sidesteps this issue, however, as it is concerned with the more limited question of how to maximize external actors positive contribution to such a sustainable peace.

liberal principles that define the content of the liberal peacebuilding model (Bhuta 2008). In this Archimedean interpretation of the liberal peacebuilding model, its constituting substantive elements (free markets, rule of law in keeping with human rights, democratic elections) are seen to be non-negotiable principles that, in a sense, stand outside history and above politics. As such, they do not form part of the ongoing debates about and reflection on what peacebuilding is and should be about. Because these are seen as "principles true in every country" (Mitchell 2002), there is little room for compromise, adaptation and context-specific approaches. As a consequence, knowledge about country-specific issues thus always takes the back-seat to universal knowledge about what the liberal peacebuilding model entails, and international sources of legitimacy – in the form of conformity to international norms about the liberal goals of peacebuilding – of the state that is to be built takes precedence over domestically generated legitimacy.

Universal knowledge trumps country-specific knowledge

A common criticism of peacebuilding efforts is that they exhibit a "one-size fits all" approach. Referring to the inclination to adopt cookie-cutter solutions, Call and Cousens have noted, for example, that "peacebuilding programs … prefer technical solutions over culturally specific approaches" and "assume that international standards will always be applicable." (2007: 14). This is, indeed, recognized as a central challenge at the level of peacebuilding policy, as evidenced by OECD-DAC's "Principles for Good International Engagement in Fragile States and Situations" (OECD-DAC 2007). This feature of peacebuilding is in part explained by the fact that international organizations, such as the UN and the World Bank, are bureaucratic organizations that operate through standardized templates. They thus flatten diversity, operating as if the challenges of peacebuilding are the more or less the same in very different countries (Barnett 2006; Barnett and Finnemore 2004). But the issue is not only that bureaucratic organizations favour universal templates and in that sense privileges the universal over the context-specific. The drive for standardization is, after all, a ubiquitous feature of modern organizations, not a particular feature of international organizations involved in peacebuilding. To fully understand how the universal trumps the local in peacebuilding efforts, therefore, we need to look more closely at the substantive contents and organization of peacebuilding efforts.

The end of the Cold War ushered in an era where there were fewer constraints on the expansion of more explicitly liberal principles as the foundation for the ever more complex post-conflict efforts undertaken by the UN. The UN Security Council thus referred to "democracy" in 53 resolutions between 1993 and 2000. The UN Secretary General has summarized what is arguably common wisdom within the UN with regards to peacebuilding in saying that the role of the UN is to "help countries emerging from conflict build democratic institutions and entrench democratic norms. Today, the UN's efforts to promote democracy are inseparable from our broader work for security, development and human rights."[2] By making post-conflict peacebuilding synonymous with the advancement of liberal democratic principles, peacebuilding has become defined as a project that entails a comprehensive

2 UNSG, April 10th, 2007. Speech at the UN Democracy Fund on UN Peace Day. See: http://www.un.org/democracyfund/XNewsPeaceDay.htm

set of interventions aimed at re-building not only state institutions, but the very organization of state-society relations.

Against this background, the authority of external actors in a post-conflict setting is not only derived from their humanitarian mandate, or the legal mandate from the UN Charter, or from the resources that are marshalled to help re-build a country following a conflict. It also stems in no small part from how peacebuilders claim to *know* what needs to be done to prevent future conflicts, and to help build a liberal democratic state. Because all peacebuilding efforts are modelled on and seek to advance goals associated with liberal principles, that knowledge is tied to expertise and experience in what these liberal principles are, how they should be made operational and how they should be implemented in a post-conflict setting. Very schematically, we may say that the substantive content of peacebuilding is defined "top-down" (deductively) from a set of liberal principles stipulating how (ideal) societies *should* be organized and governed, and not "bottom-up" (inductively), where knowledge about what works is generated from concrete experience.

To say that the content of peacebuilding and the knowledge deemed most important in operationalizing and implementing it is determined "top-down" is to suggest that the principles that defines peacebuilding are non-negotiable and given. These liberal principles are given from an "Archimedean" position where the means and ends of peacebuilding are seen as a-historical and pre-political. In defining peacebuilding as being about efforts to implement what are essentially non-negotiable principles about democratic rule, human rights, liberal economic policy, rule of law etc, peacebuilders' technical competence in and knowledge about the functionally specific tasks of how to reform the judicial sector, or the security sector, or the economy invariably takes precedence over local and context specific knowledge.

This feature of peacebuilding helps account for how it is that peacebuilding professionals with functionally specific expertise in a particular issue-area (security sector reform, rule of law, human rights, gender, etc) assume a position of authority in knowing what needs to be done in countries they often know little about. One becomes an "expert" by virtue of knowing about a functionally specific area, not by knowing about a particular country. This is exacerbated by a number of institutional constraints within the UN. For one, UN member states have put limits both on what the UN can do to gather "intelligence" on countries, and the Department of Political Affairs (DPA) – the institutional home for country-specific knowledge in the UN system – is small and poorly equipped to track developments in different countries (Call and Cousens 2007). This is exacerbated by the fact that UN

missions at the country level only to a very limited degree hire and make effective use of national and local staff that really knows the country. Not only are they paid less, they can rarely advance to positions concomitant with their experience and expertise of the country in question compared to expats with expertise in a functionally defined issue-area.[3]

Such privileging of universal knowledge – of institutional forms, mechanisms, governing tasks etc – helps explain how and why peacebuilders, despite the best of intentions, quite simply do not have an appropriate understanding of the central problems and challenges they are facing. In an extensive study of MONUC, Autesserre (2008) reports how the UN and other donors defined the country as post-conflict despite clear indications to the contrary. Local conflicts persisted, causing deaths and displacement on a large scale, yet the UN continued to insist that these local conflicts were insignificant. What mattered, the UN held, was to address the problems at the national and regional level. Her description of the professional background and behaviour of MONUC staff in Kinshasa captures how the tendency to rely on universal templates is produced and reproduced:

> "During the international intervention in the Congo …, newcomers were socialized in the culture of their organization through long formal training (for diplomats) or a short induction course (for MONUC staff) and through everyday interactions with other staff members. Diplomats and UN officials moved from headquarters to the field or from one field mission to the next every couple of years. They brought to their new position the knowledge they acquired in previous postings – and many approached the Congo exactly as if it was their previous country of deployment. [UN staff] found (or privileged) information indicating that violence in the east was a top-down problem. The UN Secretary General reports on the Congo emphasized mostly the national and regional roots of violence." (2008:15)

This is not to suggest that local and country-specific knowledge is not considered important. Rather, it is to suggest that the relevance of country-specific knowledge is always relative to the pre-defined uni-

3 A long-time Sudanese employee of UNDP in the Sudan once noted that despite her having a university degree, much younger colleagues *not* from Sudan would almost always assume positions higher up in the hierarchy after a relatively short period of time. See also the discussion about this in Autesserre (2008), and Call and Cousens 2007.

versal principles that stipulate the goals of peacebuilding: Knowledge about the particular geographical, social, economic, political characteristics of a country are considered important as a *means* to the end of fine-tuning and adjusting, on the margins, *how* to implement a predefined liberal peacebuilding model. The Office of the High Commissioner on Human Rights' (OHCHR) "Rule-of-Law tools for post-conflict states" states, for example, that "Understanding how the justice sector actually worked in the State before and during the conflict, and how it *should function* if the rule of law is to take root, should be a central feature of any peacekeeping operation." (2006: 1) and proceeds to describe how peacebuilders should operate to establish the rule of law:

> "…efforts to reform the justice system are doomed to failure unless the peacekeeping operation knows the strengths and weaknesses of the courts, police, prosecution and prison service, the influence wielded by the minister of justice over the appointment of judges, the root causes of corruption or the simple dysfunction of court administration. This knowledge results from intense, ongoing observation and interaction by civilian peacekeepers whose job it is to know and follow the key actors in the justice sector closely." (2006: 2).

Note how the document operates on the assumption that there is a standard against which the actual justice system should be measured and how the key to success is for peacekeepers to know both "strengths and weaknesses", which presumably must be defined in relation to a standard, and how to "work the system" in terms of following "the key actors in the justice sector closely." Indeed, the document proceeds to assert that "Monitoring the administration of justice is also important as a way to test a Government's good fait and intentions" and that

> "A government's true commitment to upholding judicial guarantees can best be determined by its willingness or refusal to implement legal reforms when the peacekeeping operation presents it with solid, substantiated information and recommendations, and feasible responses to the problem." (ibid.: 2—3).

Thus conceived the liberal peacebuilding model certainly operates with a given standard for how society is to be organized and governed in that failure to agree with or take on board the "substantiated infor-

mation and recommendations" of peacebuilders is seen as lack of political will.

In a report on transitional justice, the UN Secretary General similarly notes, in a language reminiscent of the description of the knowledge and skill demanded by colonial administrators (Cohn 1996), how predefined templates and universal knowledge-claims are to be adjusted in light of the local circumstances, and where a cadre of skilled experts is considered critical to the success of effective governing:

> "Through the years, specialized United Nations staff have acquired significant expertise and experience in assisting post-conflict countries to establish transitional justice processes, restore shattered justice systems and rebuild the rule of law. Given the large (and growing) demand in this area, however, their numbers are not adequate for the task at hand. As such, we are increasingly drawing on external expertise to supplement the work of our expert staff. However, finding and deploying such personnel expeditiously presents a number of difficulties. … What is required is a mix of expertise that includes knowledge of United Nations norms and standards for the administration of justice, experience in post-conflict settings, an understanding of the host country's legal system (inter alia, common law, civil law, Islamic law), familiarity with the host-country culture, an approach that is inclusive of local counterparts, an ability to work in the language of the host country and familiarity with a variety of legal areas. (UN 2004: para 60-61)

As a final illustration of the hierarchy between general and local knowledge, consider a report produced by the Peacebuilding Support Office (PBSO). The PBSO is presumably the place in the UN system where lessons about how to improve and organize peacebuilding efforts are to be crystallized and disseminated. The PBSO summarizes its workshop by noting that "One of the main conclusions to emerge from the Working Group's review … is that each case is unique. There are no universal lessons and no ready-made, "one-size-fits-all models." It continues, however, to emphasize that

> "…there are certain normative frameworks, such as the Guiding Principles for Internal Displacement, or the Security Council Resolution 1325 on Women, Peace and Security which enjoy widespread accep-

> tance. In addition, there are general principles and operational guidelines across countries and sectoral areas that have broader relevance and applicability. The challenge, therefore, *lies in calibrating general principles with country-specific realities based on an accurate analysis of commonalities and differences among countries."* (UN, PBSO 2008: 4. Emphasis added)

Here, the recognition of having to avoid universalist templates still operates from inside an understanding of peacebuilding as being to calibrate and adapt non-negotiable *general principles* to knowledge of country-specific realities. The frame of reference for what is to be done is defined by the universal liberal project from which liberal peacebuilding draws its content and legitimacy. It is, moreover, the peacebuilding expert that is to "calibrate" the model to fit with "country-specific realities" based on his or her analysis of "commonalities and differences" between countries.

The hierarchical relationship between the universal and the local described above is also expressed in how peacebuilders interact with their local counterparts at the country level. UN staff in Liberia interviewed for this project typically described their relation with their Liberian counterparts in terms not only of the UN having capacity and the Government of Liberia having no or little capacity, but also in terms of an un-spoken assumption that the UN knows what is important to do to build a liberal peace. Asked about the involvement of UNMIL in the formulation of the Poverty Reduction Strategy (PRS) – a document that is to be produced and "owned" by the government – an UNMIL civil affairs officer specializing in peacebuilding said that one of his roles was to "ensure that the PRS was conflict sensitive". He noted that

> "…there is a tendency on the part of post-conflict governments, because of urgent needs to rebuild, to forget or overlook critical needs regarding post-conflict issues. We sat down identified critical conflict factors in Liberia.[4]

The PRS process was organized around different working groups, with representatives from different parts of the government and from the UN and other donors. When asked whether it was the government

4 Interview, UNMIL Civil Affairs Officer, May 22, 2008. All interviews – totalling 15 in UNHCR, UNDP and UNMIL - were conducted by the author in Monrovia, Liberia, May, 2008. Interviews were semi-structured and conducted with a tape recorder.

that took the initiative to establish a working group on peacebuilding and conflict sensitivity, he responded:

> "No, no, it came from us. Then the government saw the need. Then we had series of meetings. … We developed several papers on conflict sensitivity for each of the four pillars of the PRS. … It was the UN that took the lead in drafting the 10 pager. We said: "These are the issues you need to address". We took lead. Quite frankly we really did not only have a say. Government lacks capacity on conflict sensitivity and peacebuilding."

When asked about the specific techniques or modes of operating to seek to influence government counterparts, all of those interviewed emphasized how the UN had access to and knowledge of global best practices from which the government could draw. They described in detail how they would sit down with government official and try to explain to them how things work and what would be an appropriate policy response to a particular problem. Another UNMIL official described his position in the following terms:

> "We have lot of influence. In fact, Rule of Law section is supposed to act as coordinator of different activities being undertaken. So that you have a sense of who is doing what where. Then we identify gaps and tell actors where there are gaps."[5]

When asked more specifically about *how* they go about their job, how they operate, how things get done, a particular view of the relevance of knowledge of the local context typically emerged. A senior rule of law official in UNMIL described, as an example, how other actors would come to him to ask for advice about how to proceed vis a vis the national government:

> People would come here to get information. When they come in – when they do work within justice area – they come and you tell them how to handle the ministry. If there are people in there that get things done. Or, in the case of the judiciary, the chief justice is a very difficult man if you don't handle him in this or that way. You have to understand his history and background.[6]

5 UNMIL Rule of Law Specialist, Interview May 20, 2008.
6 UNMIL Rule of Law Specialist, Interview May 23, 2008.

Similarly, an UNMIL political affairs officer provided the following description of how he operated:

> You ask a lot of people. Civ Affairs in UNMIL, people in the ministries, you talk a lot before you do anything. That's the best approach. Asking people in the ministries. Who's got what knowledge. What's discussed already in the cabinet. It's 101 political affairs. Networking. In my position you have to know who's got knowledge. I have to know who would object if they were not included. You gotta tap into what people know.[7]

Some times, such views of how to "work the system" – how to lobby government officials to advance pre-defined peacebuilding goals – were linked directly to the identity of the UN as a non-political organization respecting state sovereignty. That is: by placing themselves in a position of being bearers of, and experts in how to implement "principles true in every country" (Mitchell 2002), the knowledge that was deemed relevant about local factors had almost exclusively to do with how to approach more or less recalcitrant or "difficult" institutions and individuals in Liberia. This tendency to privilege policy responses built around a specific type of, western-based, universal knowledge is intimately related to what Hughes and Pupavic (2005) have called the "pathologisation" of fragile states and post-conflict societies: peacebuilders tend to define post-conflict countries as traumatized, dysfunctional, irrational, immature, which legitimizes a turn towards models and solutions defined by outsiders rather than local actors.

7 UNMIL Political Affairs Officer, Interview May 21, 2008.

International legitimacy trumps domestic legitimacy

Peacebuilders increasingly recognize the importance of focusing on questions of legitimacy, both in terms of how external actors are perceived by the local population, and in terms of how the general population in a country understand and perceives of the state that is to be built to prevent future conflicts (OECD-DAC 2008). Indeed, one of the most important criteria for judging whether peacebuilding efforts will succeed is the extent to which different local groups see the state as legitimate. But while the legitimacy of the state is increasingly recognized as central for success, *how* this issue is approached by the UN and other external actors is another matter. As noted above, peacebuilding is defined in terms of advancing a set of liberal principles to be built into the new state that is to emerge throughout an extended peacebuilding effort. Because the content of these principles are non-negotiable and self-evident, however, there is little discussion about and negotiation over what, precisely, these principles should entail in a specific setting. This is because the ends and means of peacebuilding are considered legitimate *by virtue* of being in conformity internationally established norms and principles, leaving the question of *how different domestic groups* perceive of the state as a question of less importance. In essence, peacebuilders tend to assume that the internationally established legitimacy of the liberal principles that they advance will automatically *translate into domestic legitimacy* of the state as viewed by the local population. While the normative pull of liberal principles are unmistakable, it is an open question whether different domestic groups see such principles as legitimate – especially when these are effectively being imposed from the outside rather than being developed through negotiations and debate domestically.[8]

In the new Capstone doctrine for UN "multidimensional" peacekeeping operations – including peacebuilding efforts – the discussion of the normative framework that legitimizes peacekeeping is noteworthy in several respects. It is asserted that

> "International human rights law is an integral part of the normative framework for United Nations peacekeeping operations. The Univer-

8 For an excellent discussion how liberal principles such as those that define peacebuilding can or should be imposed as a set of given and non-negotiable principles or whether they should be allowed to emerge, over time, through an extended process of domestic debate, criticism and contestation, see Bilgrami (2006).

> sal Declaration of Human Rights, which sets the cornerstone of international human rights standards, emphasizes that human rights and fundamental freedoms are universal and guaranteed to everybody." (UN 2008a: 14).

In the document, human rights are discussed as one of four central sources defining the normative framework for UN peacebuilding, the other three being the Charter of the UN, International humanitarian law and Security Council mandate. Ownership is defined as a success-factor linked to establishing good or positive perceptions of the peace operation among the local population. The document asserts that "Effective approaches to national and local ownership not only reinforce the perceived legitimacy of the operation and support mandate implementation, they also help to ensure the sustainability of any national capacity once the peacekeeping operation has been withdrawn." (ibid: 39).

> "The experiences of the past 15 years have shown that in order to succeed, United Nations peacekeeping operations must also be perceived as legitimate and credible, particularly in the eyes of the local population. The United Nations recent experience with multi-dimensional peacekeeping has also served to highlight the need for United Nations peacekeeping operations to promote national and local ownership, in order to contribute to the achievement of a sustainable peace." (Ibid.: 36).

As it moves on to discuss the general question of peacekeeping operations' legitimacy, the doctrine exhibits a clear tendency to view local perceptions as potential *mis*perceptions. "International legitimacy" it is asserted, "is one of the most important assets of a United Nations peacekeeping operation." (p.36). This is explained as stemming from UNSC mandate, the broad composition of troop contributing countries (TCCs) and from the authority vested in the Secretary-General of the UN. It is acknowledged, however, that this legitimacy also hinges on the quality of the conduct of peacekeepers. Indeed, the doctrine refers three times in a few paragraphs to how the "perceived legitimacy" of peacekeeping is affected by the quality of the conduct of peacekeepers. Here, "effective approaches to national and local ownership" is seen as important to "reinforce the perceived legitimacy of the operation and support mandate implementation." (ibid. 39).

To talk about the *perceived* legitimacy of a UN peacekeeping operation, however, is to assume that their *actual* legitimacy does not de-

pend on the views of the local population. Indeed, it is to assume that the international (liberal) standards that peace operations, and peacebuilding efforts, adhere to are what *really* provides them with legitimacy. This amounts to invoking a *normative* definition of legitimacy where legitimacy is linked to general concepts of right and good (i.e. human rights), and it is thus possible that some actors "perceive" of this legitimacy in the wrong way – that they have misperceptions about what is and what is not legitimate in a normative sense. It thus makes sense to talk about the "perceived legitimacy" of UN peace operations at the local level and to juxtapose that to the international legitimacy that peace operations have. In an *empirical* reading of legitimacy, by contrast – one following from Weber's discussion of the matter – to talk about "perceived legitimacy" is nonsensical since legitimacy is, by definition, established and maintained through the perceptions, or beliefs, people may have regardless of their normative content (Bellina et al 2009).

The emphasis on international over domestic legitimacy is perhaps best expressed in how local ownership is conceptualized in the Capstrone Doctrine: Whereas human rights are seen as *defining* for the normative order of peace operations together with the UN charter, UNSC mandate and international humanitarian law, ownership is included as "other success factors" that are derived from experience. In short, local ownership is *not* seen as part of the legitimacy of peace operations. In much the same way as in the Secretary General's report on Rule of Law in post-conflict settings, the Capstone doctrine brings out the extent to which the principle of ownership is not foundational but is (merely) a measure to increase effectiveness. It is a principle that emerges from the outside to constrain peacebuilding operations, as it were, not a principle that defines what peacebuilding is from the inside in terms of its goals and mode of operations. This is eminently understandable against the backdrop of the universalist, Archimedean interpretation of the liberal principles that define peacebuilding, where the end-state is given from outside rather than inside the social.

One of the more striking aspects of contemporary peacebuilding efforts is that whereas rule of law principles are defined as the very cornerstone of what a well-functioning state should look like, these rule of law principles are *not* applied to the UN itself. That is: at the same time as the UN is deeply involved in defining what laws should look like, how institutions should be set up and function, what should be prioritized etc, the local population whose lives are affected by UN decisions do *not* have access to the type of review and contestation that fall within administrative law-mechanisms of accountability at the national level in liberal democracies. Such principles includes the i) procedural participation and transparency, i.e. the right of affected in-

dividuals to receive relevant information and to have their opinions heard; ii) reasoned decisions, i.e. that decisions are justified and open to contestation; and iii) review – the right to challenge decisions made by administrative bodies in court or another form of independent review.

For the military side of UN peacekeeping operations, there are Rules of Engagement (RoE), but for the civilian aspect of a UN peacekeeping operations, as well as for, say, the UNDP, there are no rules with *legal standing* that secures – as far as I have been able to document – such rights for the local population. A recent review of the accountability of IOs by one international law scholar concludes in this regard that whereas bureaucracies in the national context are embedded in a rule of law context, IOs are not:

> "A turn to the domestic context for inspiration also draws attention to the institutional context in which autonomous bureaucracies are embedded, namely the context of a rule-of-law. A functionally equivalent context is blatantly missing at the international level. An elementary function that the national context of a rule-of-law provides is the institutional framework for contesting the actions of bureaucracies – their decisions and interpretations – both in legal and political fora. This makes autonomous bureaucracies bearable. It is more fundamentally a prerequisite for their desirability and a necessary ingredient for individual and collective democratic self-determination" (Venzke 2008: 1422-1423).

This feature of the UN's mode of operations is in part explained by the fact that the UN and other external actors are there to assist national governments, who ultimately are "owners" of and responsible for what goes on through the principle of sovereignty. To the extent that there should be such accountability mechanisms, then, it should be organized through national governments. As David Chandler (2006) has noted, however, external actors' role in peace- and state-building efforts amounts to an "empire in denial" where their vast powers are concealed by their insistence that they are merely advising and facilitating, that it is the national government that "owns" the policies and actions undertaken to re-build society. Moreover, there is no reason why the UN could not establish some form of accountability and review mechanisms, as the World Bank has already done through its Independent Inspection Panel.[9] While DPKO has guidelines and

9 The Independent Inspection Panel is to make sure that the Bank adheres to its own procedural rules in assessing the impact of particular projects on local populations. Citizens can

best practices for how to engage with the local population, how to consult with political leaders and to secure "ownership", there are no rules or institutionalized mechanisms that bestows any rights to the local population to hold the UN accountable. This lack of accountability mechanisms reflects, I argue, the built-in assumption that peacebuilding is about advancing allegedly universally agreed upon principles. Because peacebuilders are seen to advance the "right" objectives, and know how to do it, there is no need for elaborate checks and balances, for review and for accountability, of how they go about effort to reform a society's core institutions.

When coupled with the assumption that international legitimacy translates into de facto domestic legitimacy, it is not surprising that peacebuilding efforts are rarely based on solid local ownership. As one study argues:

> "In practice.., local ownership in peacebuilding contexts has come to be less about respecting local autonomy and more about insisting that domestic political structures take responsibility for – *ownership* over – the implementation of a pre-existing (and externally-defined) set of policy prescriptions." (Donais 2008: 7)

Current peacebuilding practice tends to interpret ownership in a nominal, technocratic way, aimed at transferring responsibility of externally defined reforms to local authorities, yet leaving little room for genuine dialogue, experimentation and innovation to establish custom-size approaches. "Far from restoring autonomy to local societies", therefore, the approach to ownership "can be viewed as a fundamentally *dis*empowering form of local ownership, with internal political forces expected to both uncritically adopt and actively implement external blueprints for post-conflict transformation (ibid).
This impulse to *do* rather than support, to define plans and to tell government officials what they should do in order to build a peaceful, liberal democratic state is intimately linked to two standard phrases found in the discourse on peacebuilding and state failure. Societies emerging from conflict are seen to "lack capacity" to govern effectively, which justifies a more hands-on approach on the part of external actors to get things done. Some groups in post-conflict societies, including the government, are also seen to sometime "lack political will" in the sense of not being on-board with the goals contained in the liberal peacebuilding model. The categorization of post-conflict societies, and sub-groups within them, as lacking capacity and/or political will only makes sense, however, within a framework where the

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submit complaints to the Panel only concerning the procedures used, not the content of the decision as such.

goals and specific reform efforts are primarily defined by outsiders. Even in cases where the government is generally seen to have a strong pro-western and liberal agenda – as in the case of the Ellen Shirleaf Johnson's Government in Liberia – "lack of political will" is often invoked as the central reason why it is difficult to succeed in implementing the stated goals of a UN peaceoperation. At a retreat for the UN Country Team and UNMIL senior management in 2008, for example, the participants identified lack of "capacity and will" of both civil society and the Government of Liberia as among the central obstacles to be addressed in order to "improve the impact of the UN". (UN 2008b: 2). While the frustration about lack of capacity for efforts to re-build a society emerging from conflict is understandable, it is doubtful whether understanding, and acting on, post-conflict societies in terms of lack of capacity and lack of political will is conducive to fostering local ownership and generating "bottom-up" legitimacy for a liberal democratic political and institutional arrangement.

Conclusion

The two assumptions about the superiority of universal knowledge and of international legitimacy underpin the rationale and organization of peacebuilding efforts, and they help explain why respect for local ownership and sensitivity to local conditions is so difficult to implement in practice. In this framework, universal templates are privileged, external actors assume the position of experts, and legitimacy is believed to follow from the assumed normative force and universal acceptance of the international standards that underpin peacebuilding.

The problem, then, is written into the very rationale and definition of what peacebuilding has come to mean, in terms of advancing and implementing a set of a priori defined principles for the organization and governing of society. But adjusting the ends and means of peacebuilding to make it fit in with the local context and the "political will" of key local groups involves some very difficult normative considerations, not least in terms of how to adjudicate between different and possibly conflicting ends and values. Should democratic elections be put on hold until a robust institutional framework is in place, as many authors have suggested (Paris 2004)? Or should a trusteeship arrangement be used, where sovereignty is transferred back to the country in question only after an extended period of tutelage and training (Krasner 2005)? Alternatively, should one seek to foster ownership by building on local institutions even when doing so means supporting illiberal forms of rule?

These are all difficult ethical and political questions that are far beyond the scope of this report and I limit myself to noting that public-political debate and reflection about *how and whether* liberal principles should always and a priori define the goals of peacebuilding efforts is of central importance. There is a strong argument to be made that only when external actors allow for *liberal principles to emerge from and through* domestic debate and contestation – rather than being already defined by external actors – will peacebuilding efforts be sustainable and "owned" by the population in question. Here, there is considerable inspiration to be taken from Akeel Bilgrami's discussion of how liberal principles can also be understood in non-Archimedean and a priori universalistic terms. Discussing the case of securalism in India, Bilgrami argues that what was problematical with Nehru's stance vis a vis Muslims and Sikhs was not that it was secular, but that it was *a priori secular*, refusing any involvement of Muslims and Sikhs as religious groups because Nehru's Congress Party – as a self-

proclaimed secular party – claimed to represent both religious and non-religious groups. Bilgrami summarizes his charge thus:

> For three decades before independence the Congress under Nehru *refused to let a secular policy emerge through negotiation between different communal interests*, by denying at every step in the various conferrings with the British, Jinnah's demand that the Muslim League represents the Muslims, a Sikh leader represents the Sikhs, and a harijan leader represents the untouchable community. And, the ground for the denial was simply that as a secular party they could not accept that they not represent all these communities. *Secularism thus never got the chance to emerge out of a creative dialogue between these different communities. It was sui generis. This archimedean existence gave secularism procedural priority but in doing so it gave it no abiding substantive authority*. (Bilgrami 1994: 1754. Emphasis added).

The key phrase here is "no abiding substantive authority": because it was defined unilaterally and prior to public-political debate, secular principles never got the chance to be seen as substantively authoritative ("owned") by Sikhs and Muslims. The parallel to contemporary efforts to have different domestic groups "own" policies, institutions and principles that have been defined by others is striking. A more pluralist reading of liberal principles would insist on placing the *procedural principle* of participation, debate and contestation on a more equal footing with the substantive principles of the liberal peacebuilding model.

At a more practical level and organizational level we can identify some elements that can at least alleviate some of the problems identified above. Based on the analysis above, the problem with peacebuilding is that there is too much emphasis on *building* – on the idea that the peace is there to be built by outsiders and their expertise rather than assisted, cultivated, facilitated and mediated. If peacebuilding had more to do with *facilitation, mediation and conflict resolution*, it would arguably take the edge off the arrogance of peacebuilding, and would help peacebuilders see the problem in a more nuanced and context specific way. Peacebuilders will arguably help secure local ownership in a more effective way if they are trained to always work *with* local counterparts rather than *on* them, and to build new institutions on the basis of what can be plausibly agreed upon by different local actors. Institutionalizing the ideal of the peacebuilder as a facilitator rather than a builder, then, could possibly be a step in the right direction.

In the current institutional set-up at the UN, however, both country specific knowledge and good offices functions, such as diplomatic negotiations and facilitation, is the purview of the Department of Political Affairs (DPA). Often, the working relationship between DPA and

DPKO are suboptimal, owing to classic turf-battles for resources, competence and decision-making authority. The difficult relationship between these two organizational units is not readily resolved, given the complex political nature of UN reform efforts. But there are *other ways* to institutionalize the ideal of the facilitator within the central organizations involved in peacebuilding: the development of best practices and operational guidelines within key organizations, including the DPKO and UNDP are cases in point. Moreover, the development and institutionalization of specific training modules aimed at instilling skills and knowledge of facilitation, mediation and conflict resolution at all levels of operations will help take the edge off the technocratic *building* ideal of existing peacebuilding efforts.

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