

Chapter 1

Fragile Situations revisited – new Perspectives

I. Framing the Debate

A. The Emerging Paradigm of Sustained Peace

1. Transformative Power of the SDGs

Sources & links:¹⁾ Cassese, Antonio (1995): Self-determination of peoples: A legal reappraisal, Cambridge: Cambridge University Press; Collier, Paul (2009): Wars, Guns, and Votes. Democracy in Dangerous Places, London – New York: The Bodley Head, and Harper Collins; European Forum Alpbach 2015: InEquality, <https://www.alpbach.org/en/>; International Federation of the Red Cross and Red Crescent Societies (IFRC) (2015): World Disasters Report. Focus on local actors, the key to humanitarian effectiveness, Geneva, <http://www.ifrc.org/wdr> 2015; Milanovic, Branko (2016): Die Ungleiche Welt, Berlin: Suhrkamp; Launsky-Tieffenthal, Peter/Werther-Pietsch, Ursula (2017): Das neue Entwicklungsparadigma für alle Länder: “Welt-Nachhaltigkeitsziele”, in: Bayer, Kurt/Giner-Reichl, Irene (eds.): Entwicklungspolitik 2.0. Auf dem Weg zur Nachhaltigkeit, Wien: MANZ, 33–45; Nowak, Manfred (2003): Introduction to the international human rights regime. Leiden: Nijhoff; Nowak, Manfred/Werther-Pietsch, Ursula (eds.) (2014): All Human Rights for All. Vienna Guidebook on Peaceful and Inclusive Societies, Vienna – Graz – Antwerp: n.w.v. – intersentia; Peacebuilding Forum Berlin, 1–2 October 2015, <http://www.frient-peacebuilding-forum.de/>; OECD (2016): States of Fragility Report 2016, Paris: OECD; Piketty, Thomas (2014): Capital in the Twenty-first Century, Cambridge – London: College Publications; Roithner, Anna-Katharina (2014): Gewaltprävention und -reduktion in sozialen Gemeinschaften als Basis für lokale Entwicklung, in: Werther-Pietsch, Ursula (ed.): Trends und Innovationen im zivilen Krisen- und Konfliktmanagement – Optionen für Österreich, Series of the Austrian National Defence Academy 1/14 (Vienna), 71–100; World Bank (2011): World Development Report on Conflict, Security, and Development, Washington D.C., http://siteresources.worldbank.org/INTWDRS/Resources/WDR2011_Full_Text.pdf.

a) The intrinsic link between peace and development

According to Preamble pt. 5 and op. 35 of the Agenda 2030 (A/70/L.1), “*sustainable development cannot be realized without peace and security; and peace and security will be at risk without sustainable development*”. The new Sustainable Development Goals (SDGs) that came into effect on 1 January 2016 interact with principles of international law by framing new ground for its

¹⁾ All internet sites unless otherwise indicated accessed in July 2017.

value-driven parts. That is particularly true when addressing root causes of crisis and conflict. For the first time the Agenda addresses underlying factors of inequality, poverty and extremism that regularly meet with fragility, and this in a quasi-contractual manner.

- **Inequality**

Discrimination and exclusion gaps are widening; a self-determined way of life is a varied experience around the globe. For instance, different levels of income in the US resemble those of the European countries before the outbreak of WWI. (Piketty 2014: 22)

A reference to self-determination as a general prerequisite of equality is to be found in SDG Declaration para. 35, albeit in the usual, rather conservative contextualization of decolonisation. While from a scholarly point of view, this connotation seems already obsolete (Cassese 1995: 335), the main challenge here is to link the universal potential of this guiding principle of international law to individual freedoms and capabilities as stipulated in (common) Art. 1 of both Global Covenants on Human Rights to broaden its scope.

- **Poverty**

By 2030, 62 percent of the poor, i.e. 1,5 billion will live in fragile situations from Nigeria to Pakistan. (OECD 2016: 20) Therefore, it is imperative that care for the powerless will manifestly guide strategies to achieve inclusive development. Whereas the MDGs were silent to this very challenge, state fragility is now systematically addressed by SDG 16 as the no. 1 factor to overcome poverty at global level. Being a highly sensitive matter, the security dimension of development has long been neglected and denied by political leaders and donors as well, and will certainly meet further resistance. (Collier 2009: 29, 34)

- **Violent Extremism**

On top, constructive but critical engagement of civil society organizations for peace, human rights and democracy experiences a downward trend. (Peacebuilding Forum Berlin 2015) This is particularly the case when conscience-shocking terrorist attacks in rather intractable and amorphous environments block both authorities and populations.

Saving space for civil responses to the new risks is at first a clearly normative task. Moreover, at subsidiary level, promising new instruments of countering violent extremism work through decentralized non-coercive means such as supporting grass-roots women and promoting community engagement. (Roithner in Werther-Pietsch 2014: 91–93)

b) The aspect of fragility and peace in the SDG framework

The international community has progressed with its engagements in fragile situations during the last two decades and come to a mature, rather cooled-down point. The protracted conflict in Syria, rise and fall of the IS movement throughout the MENA region, progressive radicalization due to lacking perspectives as well as phenomena of mass flight and migration across continents draw a dark picture of the interwoven local, regional and geo-strategic interests with considerable cross-fertilising influences. (Walter Feichtinger, “Im Zentrum” – Roundtable on Syria, ORF 2, 7 April 2017) Against this background, ambitious mandates and hybrid peace operations falsified themselves increasingly. (Horta Report 2015, see section 2.I.A.3)

In response to these challenges, the SDGs, and SDG 16 in particular, provide for support of peaceful and inclusive societies in their struggle for peace. As ambiguous as it may be, strategies include dialogue through local facilitators, mediation and conflict transformation, access to justice and meaningful participation in peace processes. All of these instruments are expected to effectively foster a balance of power within society. In contrast to these strategies, only four percent of total official development aid (ODA) is used for legitimate politics underpinning stable political orders.

The 2011 World Development Report on Conflict, Security, and Development, followed by the OECD State of Fragility Report 2016, summarized the situational conditions which are meant by fragility and transition from war to peace and prepared the ground for the wider SDG negotiations in this respect: Ground-breaking evidence showed an average decline of up to 30 percent of the GDP of states that are affected by crisis and conflict. The risk of weak or polarized, in many cases corrupt state institutions remains high throughout the transition phase. Given high levels of youth unemployment and hybridization of societies along ethnic, social and cultural lines, the danger of a relapse into conflict is omnipresent, a threat that can last up to three decades. New actors and political elites count for innovative drivers of change, but there may also be partners that act in their own capacity and for their own benefit seeking to derail stabilization. The more non-state armed groups are involved, the more complex the situation gets. (WDR 2011: 28–39) These findings have been confirmed by the States of Fragility Report 2016, partly complemented by considerations on forms of non-state violence (see section 1.II.A.2).

c) Focus on new actors

Consequently, interpreting SDG 16 rightly means putting a focus on civil society as a primary target. Civil society, the state-citizen relationship and social cohesion are much more important for conflict transformation today than they have been in any former institution building approach. The

2030 Agenda itself already reaches out and pioneers in embracing both the national and more subsidiary levels of governance. (A/RES 70/1 para. 6, 39–52, 60) Moreover, in handling complex emergencies, this movement forms part of a huge turn towards local communities and their resilience mechanisms. (World Disasters Report 2015: 86)

The SDG Declaration partly reflects this **individualization** in perspective. A few quotations from the body of the Declaration show references to the human security approach, even if the concept has not succeeded in being inserted into the document. Equally, the document does not speak a clear human rights language, the fact that reflects the ongoing systemic crisis of the Human Rights Council and the human rights community on the whole. Nonetheless, these quotations have put the individuum into the center:

- “On behalf of the peoples we serve, we have adopted a historic decision on a *comprehensive, far-reaching and people-centred* set of universal and transformative Goals and targets.” (pp. 2)
- “A just, equitable, tolerant, open and socially inclusive world in which the needs of the most vulnerable are met.” (pp. 8)
- “The new Agenda is guided by the purposes and principles of the Charter of the United Nations, including full respect for international law. It is grounded in the *Universal Declaration of Human Rights, international human rights treaties*, the Millennium Declaration and the 2005 World Summit Outcome Document. It is informed by other instruments such as the *Declaration on the Right to Development*.” (pp. 10)
- “We reaffirm all the principles of the Rio Declaration on Environment and Development, including, inter alia, the principle of *common but differentiated responsibilities*.” (pp. 12)

Key lessons

1. The SDGs represent the novel global consensus for sustainable development.
2. Strategies against inequality, poverty and violent extremism are interlinked with each other and have to be addressed together (“holistic approach”).
3. SDGs from 2015 to 2030 have been set forth to play a transformative role in the building of resilient and inclusive societies.
4. For the first time, the roadmap includes a political commitment for stable political orders.

DOCUMENTS TO KNOW

Transforming Our World: the 2030 Agenda for Sustainable Development – the alternative “P-5”?

Preamble

This Agenda is a plan of action for people, planet and prosperity. It also seeks to strengthen universal peace in larger freedom. We recognise that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development. All countries and all stakeholders, acting in collaborative partnership, will implement this plan. We are resolved to free the human race from the tyranny of poverty and want and to heal and secure our planet. We are determined to take the bold and transformative steps which are urgently needed to shift the world onto a sustainable and resilient path. As we embark on this collective journey, we pledge that no one will be left behind. The 17 Sustainable Development Goals and 169 targets which we are announcing today demonstrate the scale and ambition of this new universal Agenda. They seek to build on the Millennium Development Goals and complete what these did not achieve. They seek to realize the human rights of all and to achieve gender equality and the empowerment of all women and girls. They are integrated and indivisible and balance the three dimensions of sustainable development: the economic, social and environmental.

The Goals and targets will stimulate action over the next fifteen years in areas of critical importance for humanity and the planet:

People

We are determined to end poverty and hunger, in all their forms and dimensions, and to ensure that all human beings can fulfil their potential in dignity and equality and in a healthy environment.

Planet

We are determined to protect the planet from degradation, including through sustainable consumption and production, sustainably managing its natural resources and taking urgent action on climate change, so that it can support the needs of the present and future generations.

Prosperity

We are determined to ensure that all human beings can enjoy prosperous and fulfilling lives and that economic, social and technological progress occurs in harmony with nature.

Peace

We are determined to foster peaceful, just and inclusive societies which are free from fear and violence. There can be no sustainable development without peace and no peace without sustainable development.

Partnership

We are determined to mobilize the means required to implement this Agenda through a revitalised Global Partnership for Sustainable Development, based on a spirit of strengthened global solidarity, focussed in particular on the needs of the poorest and

most vulnerable and with the participation of all countries, all stakeholders and all people.

The interlinkages and integrated nature of the Sustainable Development Goals are of crucial importance in ensuring that the purpose of the new Agenda is realized. If we realize our ambitions across the full extent of the Agenda, the lives of all will be profoundly improved and our world will be transformed for the better.

Visualizing exercise



Source: <https://sustainabledevelopment.un.org/>

2. From UNSCR 2086 to 2282

Sources & links: Debiel, Tobias/Held, Thomas/Schneckener, Ulrich (2016): Peacebuilding in Crisis: Rethinking Paradigms and Practices of Transnational, Routledge Global Cooperation; McRae, Rob/Hubert, Don (ed.) (2002): Human Security and the New Diplomacy: Protecting People, Promoting Peace, Montreal, McGill-Queen's University Press, 14–27; UN World Summit (2005), <http://www.un.org/womenwatch/ods/A-RES-60-1-E.pdf>.

a) First upcoming of the notion of sustained peace – a milestone forward

In parallel to the SDGs, and as a corollary to cooperation policies in fragile situations, a second phase of “**humanitarisation**” of peace support operations took place between 2013 and 2016, UNSCR 2086 and 2282.

It remains open to date whether this shift has mainly been a result of the human security concept. But regardless of this conceptual dispute, human security

has certainly promoted the notion of accountability and rules-based approaches of all actors and parties involved to answer one of the major challenges that have come up in recent years. At least, a dynamic albeit still incomplete response to non-state armed actors has been initiated. (UNSCR 1373, 2249)

These developments are central to the fragility debate with far-reaching consequences to be expected in the near future.

b) From the Capstone Doctrine to the Horta Report

The first series of horizontal topics – women, security and peace (UNSCR 1325), children affected by armed conflict (UNSCR 1614), protection of civilians (UNSCR 1894) as well as youth (UNSCR 2252) – compacted cross-cutting issues within UN led peace support missions (introduction of Gender Advisors, etc.). Findings were compiled in the Capstone Doctrine 2008. Subsequently, a generation of different civil experts entered mission staff altering the civilians/military ratio by augmenting it substantially.

There has been a further turn towards a comprehensive line of action with regard to the design of missions with a view to foster a **holistic understanding of peacebuilding** in 2015. This is due to the UN “reform year” which simultaneously comprised review processes of Peace Support Operations (“Horta Report”), the UN Peacebuilding Commission and UNSCR 1325 on the role of women in armed conflict (see section 2.II.A.5).

Importantly, our knowledge of how to set up, facilitate and accompany peace processes grows steadily with countless experiences gained in diverse fragile situations. It is a sad fact that what suits one case cannot easily be transferred to another. In other words, context matters heavily in peacebuilding and statebuilding work. Therefore, frameworks for integrated solutions have been created that have to be applied and concretised in the field. Two best practices are presented in UNSCR 2086 and 2282.

Both Security Council resolutions are the endpoint of a longer bargaining process within the UN on how to best cope with fragility, whereby deliberations in the C34 Committee in New York have been central for the debate. At the same time, they are based on a bulk of informal materials such as Handbooks and Manuals from within the UN Secretariat, especially prepared by the departments of Peacekeeping Operations (UNDPKO/DFS) and Political Affairs (UNDPA) for TCCs and respective expert rosters.

c) The main messages of UNSCR 2086 and 2282

Whereas UNSCR 2086 with the aim of completing the design of integrated missions summarizes all cross-cutting issues that have been established in political terms and institutionalized over time, UNSCR 2282 focuses conceptually on peace as the overarching aim (“*telos*”) of the UN Charter as well as the role the UN Peacebuilding Commission can play in this context.

Activities listed in UNSCR 2086 and concepts contained in UNSCR 2282 reinforce each other mutually: What the one defines is substantiated by the other. “**Sustained peace**” as laid down in 2282, replacing the narrower “post-conflict peacebuilding concept”, has been enriched by elements of engagement as set forth in 2086. It has taken further the understanding and vision that peacebuilding definitely depends on how fragility is handled with. For instance UNOCHA, DFID and SIDA are developing joint fragility and resilience assessments, as presented at INCAF in Paris in May 2017.

Key lessons

5. Peace is arguably at the centre of the UN Charter.
6. Peacebuilding is an inherently political process embedded in tackling main challenges of fragility and resilience.
7. Horizontal (“cross-cutting”) issues operationalize what is meant by sustained peace.
8. Integrated missions combine civil and military aspects of external engagement and build part of the Comprehensive Approach (see chapter 3.III).

DOCUMENTS TO KNOW

UNSC Resolution 2086 (2013) Adopted Unanimously, as Nearly 60 Speakers Take Floor, on Integrated Missions

“The Security Council,

Reaffirming its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security and its readiness to strive for sustainable peace in all situations under its consideration,

Reaffirming its commitment to uphold the purposes and principles of the Charter of the United Nations, including its commitment and respect to the principles of political independence, sovereign equality and territorial integrity of all States in conducting all peacekeeping and peacebuilding activities and the need for States to comply with their obligations under international law,

Commending the critical role of United Nations peacekeeping operations in the maintenance of international peace and security, preventing and containing conflicts, promoting compliance with international norms and Security Council decisions and building peace in post-conflict situations, ...

*Reaffirming that **respect for the basic principles of peacekeeping, including consent of the parties, impartiality, and non-use of force, except in self-defence and defence of the mandate,** is essential to the success of peacekeeping Operations, ...*

*Encouraging further progress on a **comprehensive, coherent and integrated approach** to the maintenance of international peace and security by preventing conflicts, preventing relapse and building sustainable peace through effective preventive diplomacy, peacemaking, peacekeeping and peacebuilding strategies, ...*

1. *Welcomes the **contribution of peacekeeping operations to a comprehensive strategy for durable peace and security** and, notes with appreciation the contributions*

that peacekeepers and peacekeeping missions make to **early peacebuilding** [*a dictum of Jeanmarie Guehenno, former SRSR for UN Peacekeeping Operations*]

4. *Stresses* the importance of grasping the challenges of peacebuilding from the inception of a peacekeeping mission through Integrated Strategic Assessment and Planning processes, so as to ensure coherence between, and integration of, peacemaking, peacekeeping, peacebuilding and development to achieve an effective response to post-conflict situation from the outset;

5. *Recognizes* the important role of multidimensional peacekeeping missions to: (a) assist host countries in developing critical peacebuilding priorities and strategies; (b) help to create an enabling environment for relevant national and international actors to perform peacebuilding tasks; and (c) implement early peacebuilding tasks themselves;

8. *Notes*, in this regard, that **multidimensional peacekeeping missions** may be mandated by the Security Council, inter-alia, to:

(a) *Provide* support to **basic safety and security by assisting national security sector reform programmes**, through strategic assistance to develop security sector frameworks, and capacity-building of military, police and other law enforcement institutions in key areas, while upholding the spirit of complete national ownership and true partnership, with a view to building a legitimate, accountable and sustainable security sector, responsive to the needs of the population;

(b) *Enable* national Governments in conceiving and developing the programmes of **disarmament, demobilization and reintegration (DDR)**, which must follow a political process in an inclusive manner with a view to ensuring effective transition from disarmament and demobilization to reintegration, taking into consideration the different needs of all parts of the affected population, and in accordance with specific needs of a situation;

(c) *Support* the strengthening of **rule of law institutions** of the host country, in a coordinated manner with other United Nations entities, within the scope of respective mandates, in helping national authorities develop critical rule of law priorities and strategies to address the needs of police, judicial institutions and corrections system and critical interlinkages thereof, with a view to supporting the States' ability to provide critical functions in these fields, and as a vital contribution to building peace and ending impunity;

(d) *Provide for* **rapid response in mine action** as well as **advisory services and training** tailored to needs of national authorities, upon request, with a view to enabling risk reduction, victim assistance, demining and stockpile management and disposal;

(e) *Support* peace **consolidation and inclusive political processes** and through their good offices, advice and support, as well as by their ability to deter threats to the ongoing peace process, and *facilitate* **consultation** process among local population and civil society to help them contribute to national processes and discussions, and upon request, *provide* security, technical, logistic and administrative support to representative **electoral processes**, within the limitation of its capacities and resources;

(f) *Help* to establish the necessary security conditions to *facilitate* **delivery of humanitarian assistance**, taking into account the special needs of refugees, IDPs, women, children, elderly and disabled people, and to create conditions necessary for voluntary, safe, dignified and sustainable return of refugees and IDPs;

(g) *Contribute* towards agreed international efforts to **protect human rights** including through monitoring and prevention and support national Governments' efforts

to promote and protect human rights, within its capacities and resources and according to its mandate throughout the life cycle of a mission;

(h) **Protect civilians**, particularly those under imminent threat of physical violence, in conformity with paragraph 16 of its resolution 1674 (2006), within missions' zones of operation and taking into account their capacities and resources, and *support* the efforts of the host authorities in protection of civilians from violence, including all forms of sexual and gender-based violence, and in this regard, *help* in building and reforming security sector institutions of the host country that are able to sustainably and consistently protect civilians, while recognizing that protection of civilians is the primary responsibility of the host country;

(i) *Cooperate and coordinate* with **United Nations agencies and funds and programs**, as well as all relevant **partners** including international financial institutions and **donors**, to support the host Government and relevant Government institutions in designing poverty reduction and economic development policies, plans and strategies, within the context of specific situations;

(j) *Support* the participation of **women in conflict prevention, conflict resolution and peacebuilding**, and also *support* the efforts of the host Government towards inclusion of women in decision-making roles in post-conflict governance institutions;

14. *Underlines* the importance of **clarity on roles and responsibilities of United Nations peacekeeping operations**, United Nations country teams and other relevant actors, including entities of the United Nations peacebuilding architecture and the United Nations agencies, funds and programmes for the delivery of prioritized support to a country, consistent with its specific peacebuilding needs and priorities, as outlined by national authorities, in order to ensure effective integration of effort.”

UNSC Resolution 2282 (2016) Adopted Unanimously on the Review of United Nations Peacebuilding Architecture

The Security Council,

Guided by the purposes and principles of the Charter of the United Nations, ...

Taking note of the report of the *High-Level Independent Panel on Peace Operations* (A/70/95-S/2015/446) and the report of the Secretary-General on the Implementation of the Recommendations of the High-Level Independent Panel on Peace Operations of 17 June 2015 (A/70/357-S/2015/682) and the report of the Secretary-General of 17 September 2015 (S/2015/716) submitting the results of the Global Study on the implementation of resolution 1325 (2000), and encouraging coherence, synergies, and complementarities in taking them forward,

Recognizing that development, peace and security, and human rights are interlinked and mutually reinforcing, ...

Recognizing that ‘sustaining peace’, as drawn from the Advisory Group of Experts report, should be broadly understood as a goal and a process to build a common vision of a society” ...

Recalling General Assembly resolution A/70/1, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, which adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets,

Emphasizing the importance of a comprehensive approach to sustaining peace, particularly through the prevention of conflict and addressing its root causes, strengthening the rule of law at the international and national levels, and promoting