

# *UN Peace Operations and the Rule of Law 1989–2017*

Data on Global Priorities and Applications



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The Folke Bernadotte Academy (FBA) is the Swedish government agency for peace, security and development.

FBA supports international peace operations and international development cooperation. The agency conducts training, research and method development in order to strengthen peacebuilding and statebuilding in conflict and post-conflict countries. We also recruit civilian personnel and expertise for peace operations and election observation missions led by the EU, UN and OSCE. The agency is named after Count Folke Bernadotte, the first UN mediator.

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# Foreword

There is widespread recognition that the rule of law is an essential foundation for development and human rights, as well as a necessary condition for establishing and sustaining peace after conflicts. Rule of law promotion has accordingly become a key objective of United Nations (UN) peace operations and considerable resources are being invested in a range of rule of law-related topics and activities.

It is also recognized, including by the UN itself, that UN rule of law promotion faces difficult conceptual, institutional and resource-related challenges. There is currently discussion within the UN on how to address these. This thought process, as well as its articulation into workable policies and tools, requires a holistic understanding of what has already been done and why. It is expected that this report will be able to contribute to this.

The report contains unique empirical data from 76 UN peace operations between 1989 and 2017. The data paint a picture of the kinds of rule of law assistance that have actually been provided, how orientations and focal areas evolve over time, as well as geographical variations. The data also allow discussion on how important shifts in peacekeeping and rule of law policy reflect in practice. We hope that this knowledge will enrich the discussions on the way peace operations define, deliver and measure the rule of law. We also hope that the report will inspire to and be a platform for further research and scholarship on various aspects of peacekeeping, peacebuilding and the rule of law.

The authors of the report are Per Bergling and Maria Nystedt, with the assistance of Frida Wall and Ulrik Åshuvud. The report continues and expands on the work presented in the 2012 FBA publication *UN Peace Operations and Rule of Law Assistance in Africa 1989–2010*, by Richard Zajac Sannerholm, Frida Möller, Kristina Simion and Hanna Hallonsten.

FBA is grateful to all experts, practitioners, researchers and members of the United Nations who have offered their assistance in discussing and commenting on the project and the report.



Sven-Eric Söder,  
Director General  
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# Executive Summary

This report presents new data on the rule of law as a global peacekeeping and peacebuilding topic in the period 1989–2017. The data can be of use in various ongoing UN reform efforts, including in completing the implementation of the new UN peace and security architecture, and as a platform for discussion and research on rule of law promotion, also in relation to the *Agenda 2030*.

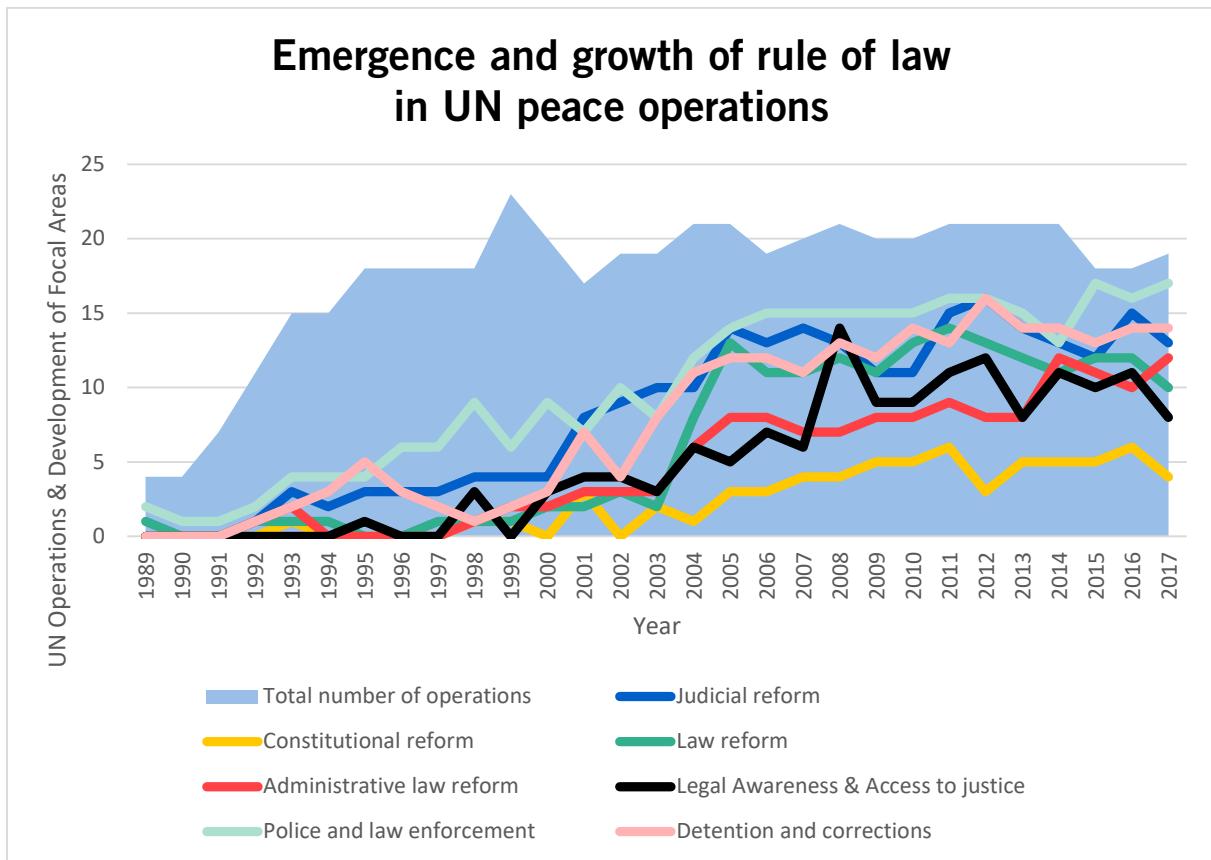


Figure 1: Emergence and growth of rule of law in UN peace operations.

The data show that rule of law activity has rapidly grown from virtually nothing in 1989 to something almost all peace operations are currently engaged in. The rule of law has also expanded horizontally and now encompasses a range of different focal areas and practices. The wider application of the rule of law seems more influenced by operational demand and evolutions in peace keeping policy (for example the *Brahimi Report*) than the issuing of new rule of law policies and other instruments. Several rule of law policy instruments in the period 1989–2017 actually endorse developments already under way, such as the expansion of the rule of law from *law enforcement*, *justice* and *corrections* to also addressing *law-making*, *access to justice* and *constitutional reform*. It should be noted that since 2005, the proportions between the various focal areas are almost the same. It may be concluded that there is an increasingly established idea in the Security Council that the rule of law has a given place among other key peacebuilding tasks, and that individual peace operations interpret and report on their rule of law mandates in rather similar ways.

## Reported rule of law activities per region 1989–2017

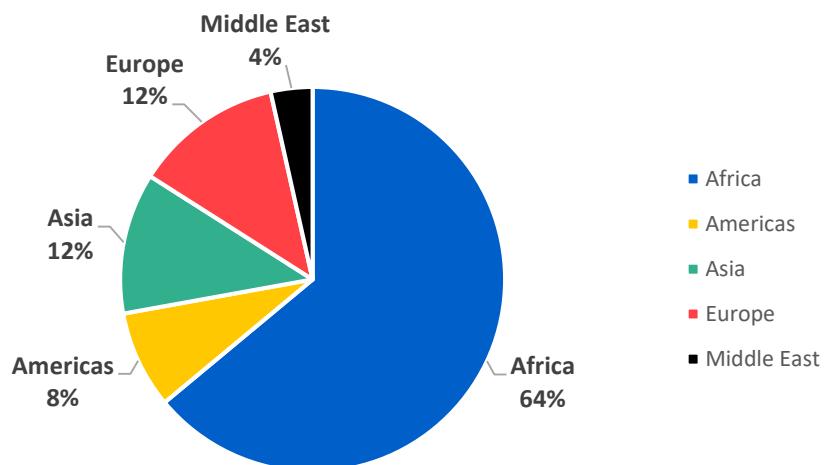


Figure 2: Reported rule of law activities per region, 1989–2017.

Another observation is that the rule of law is not equally in focus everywhere. Of the total number of reported activities in the period, 64% have been implemented by operations in African countries. Of course, the vast majority of peacekeeping and peacebuilding operations has also been deployed to African countries. Other geographical areas, including Europe and the Americas, have seen only a few operations and consequently a much lower number of activities. There are some interesting implications. For example, is it at all possible to make empirical statements on the global “relevance”, “success” or “failure” of the rule of law, when the concept is so unevenly applied, or to claim that rule of law policy is grounded in global experience and best practice?

A closer look at data on individual peace operations reveals some patterns or crude sequences. The rationale and *raison d'être* for peace operations – to keep and build peace – typically reflect in an initial focus on supporting law enforcement and judicial functions, and particularly in bringing high levels of political and ordinary violence and crime under control. After a few years in the country, and when the situation has stabilized, the scope of engagement tends to expand to comprise other focal areas such as *legislative reform* and *administrative law reform*, while maintaining a high activity level in *law enforcement* and adjacent areas such as *detentions and corrections*. In recent operations, the expansion into new focal areas and increasing multifunctionality has taken place quickly, perhaps as a reflection of the stronger policy emphasis in the United Nations and among influential member states on various aspects of prevention and sustainability. However, another much discussed topic, handovers between *peacekeeping missions* and *special political missions* does not reflect in reported activities in any clearly discernable way.

These observations should benefit different users in different ways, but certain observations and claims related to systematically collected data as an essential element of evidence-based decision-making merit special mentioning:

1. The large number of peace operations reporting on similar combinations of activities over long periods of time shows that **the rule of law is an established component of peacekeeping and peacebuilding**. The effects of the so called “push-back” in the related areas of *human rights* and *international criminal justice* seem rather limited.
2. The **increasingly multidimensional scope and application of the rule of law ought to reflect in long-term policies, planning, resourcing and evaluation**. Among other things, more comprehensive measurement and evaluation mechanisms and methodologies need to be introduced, and new categories of rule of law professionals need to be systematically identified and such professionals trained to work in a wider range of areas.
3. The **gap between rule of law norms and applications needs to be addressed to secure** the political legitimacy of rule of law promotion and the sustainability of results so far. The political appetite among several influential UN member states for high-level normative initiatives may be limited, but new uses of data can help to demonstrate that there is consistent and uncontested practice in the Security Council and among peace operations of understanding and applying the concept in specific ways.
4. More knowledge is needed about the **relationship between activities and goals, including new and global goals** (for example, SDG 16, *Just and peaceful societies*). The inference of rule of law activities and outcomes to larger goals is known to be difficult, and several attempts have been justly criticized, but continued and intensified efforts to combine systematically collected data on activities and outcomes are essential for legitimacy, efficiency and effectiveness.
5. The accelerating proliferation of rule of law actors promoting similar goals makes analysis of United Nations operations and activities in isolation less meaningful and possibly misleading. **Data and analysis need to be broadened and encompass the policies and activities of several international, regional and national actors**, as well as a much wider range of political, social and legal outcomes.
6. While the overarching conclusion is that the scope of future rule of law data collection and analysis would need to be much expanded, perhaps beyond the current reach and capacity of any researcher or institution, the sixth claim is that **much can be done today by more effectively combining and synthesizing existing data** from multilateral actors such as the World Bank or the United Nations, governments, civil society organizations, think tanks and academic institutions.

7. Another important step towards making data accessible and useful would be the **development of a comprehensive coding system for rule of law activities in UN peace operations**. Such a coding system should ideally be developed with the greatest possible political and institutional buy-in, and in alignment with existing UN reporting functions, but more modest initiatives by one or a few institutions could play an important role by illustrating the utility of such systems and providing models. This report may serve as a source of inspiration.

# 1. Introduction: Rule of Law and UN Peace Operations

A number of important United Nations instruments, including the 2012 *High-Level Declaration on the Rule of Law at the National and International Level* and the 2015 *Agenda 2030 for Sustainable Development*, underline the central role of the rule of law for establishing and sustaining peace and security, for facilitating various aspects of development in the post-conflict period, as well as for the protection of human rights. The rule of law is also mentioned, as means and goal, in virtually all recent thematic and country-specific United Nations Security Council resolutions. In 2018, 11,000 police officers, 205 judicial affairs officers and 367 corrections officers were directly engaged in the policy area in 12 operations, and working on a range of tasks from offering immediate protection of civilians to long-term undertakings such as extending legal and judicial services to all people (Secretary-General Report *Strengthening and Coordinating United Nations Rule of Law Activities* 2018).

However, it is increasingly clear, also to the UN itself, that various problems of a political, conceptual, institutional and resource-related nature make it difficult for peacekeeping and peacebuilding missions (hence *peace operations* in line with the recommendation on terminology of the 2015 *Report of the High-level Independent Panel on Peace Operations*) to bring the concept to full potential. For example, member states, including in the Security Council, are still deeply divided on whether the rule of law is most relevant at the international or national level (which significantly impacted on the 2012 *High-Level Declaration on the Rule of Law* and the *Agenda 2030 for Sustainable Development*). UN agencies also have different views on understandings and prioritizations, and several reports and commentaries highlight problems of fragmentation and adequate resourcing (for example *Report of the High Level Independent Panel of Peace Operations* 2015; and *Strengthening and Coordinating United Nations Rule of Law Activities* 2017 and 2018).

The “single pillar” peace and security architecture is envisaged to remedy several of these cross-cutting or sector-specific problems. The Department of Political and Peacebuilding Affairs (DPPA) and the Department of Peace Operations (DPO) are now jointly overseeing three regional pillars, each managing a mix of peacekeeping operations, special political missions and non-mission settings. These regional pillars are supported by policy and thematic capacities from both Departments, including the expanded Peacebuilding Support Office (PBSO) within DPPA. The Global Focal Point for Rule of Law (GFP) initiative has also recently been reviewed and has been reorganized to make it more effective in overcoming problems of fragmentation, duplication and competition among various agencies and other entities, as well as to improve accountability for delivering on operational responsibilities.

The idea behind this report is to help in the implementation of these important reforms, as well as other policy and institutional initiatives, by providing new empirical data on the actual application of the rule of law in peace operations so far. There is also hope that the unique data, covering all peace operations in the period

1989–2017, will be of use for researchers and others seeking to refine theories, concepts and methodologies on rule of law promotion generally. Of course, current and future recipients of rule of law assistance also have a very legitimate interest in knowing what the UN is typically delivering and how the Security Council uses its powers (Sampford 2016). The UN itself points out that these kinds of empirical baselines are also a precondition for planning, alignment with national development plans and priorities, as well as for harmonization with other actors (Security Council Res. 2447 2018).

Chapter 2, “*Scope, method and material*”, describes the scope and method used for this report (essentially the same method as used in the 2012 FBA report on UN Peace Operations and Rule of Law Assistance in Africa 1989–2010). Chapter 3, “*Policies and concepts*”, provides a chronology of UN strategies, policies and guiding instruments that influence understandings and applications of the rule of law in peace operations. Chapter 4, “*Emergence and growth*”, presents data on the growth of the rule of law over time. Chapter 5, “*Rule of law across regions*”, highlights regional variations. Chapter 6, “*Rule of law focal areas*”, shows what aspects or sectors of the rule of law are being addressed. Chapter 7, “*Focal areas over time*”, discusses topical changes over time, and Chapter 8, “*Individual operations over time*”, breaks down the data to the level of individual operations. Chapter 9, “*Handovers between operations*”, addresses changes in conjunction with handovers between the Department of Peacekeeping Operations and the Department of Political Affairs, as well as some other forms of transition. Chapter 10, “*Conclusions and thoughts on future needs*”, summarizes the most significant observations and makes a number of claims on the need to more systematically use data for purposes of measurement and evaluation, policy formulation and research.

## 2. Scope, Method and Material

This report is a continuation and global expansion of the 2012 FBA report, *UN Peace Operations and Rule of Law Assistance in Africa 1989–2010*. While the temporal and geographical scope is different, the method employed is the same in order to facilitate longitudinal comparison and future repetition.

The empirical basis of the report is United Nations Secretary-General reports and budget performance reports on activities, progress and expenditures in the implementation of 76 individual peacekeeping and peacebuilding mandates implemented by the DPKO or DPA in the period 1989–2017, see Annex 1.<sup>1</sup>

All activities in the 76 reports have been systematically coded.<sup>2</sup> The coding began with identifying the activities that had either had the rule of law as a stated goal or utilized rule of law concepts or tools for attaining other goals<sup>3</sup>, and assigning them the code 1. The next step consisted of assigning the various activities coded 1 (for example, the provision of technical knowledge on a specific topic, improvement of infrastructure, translation of legal texts, etc.) to one of seven rule of law categories or “focal areas” (identical in terms of variables and description to those used for the 2012 FBA report, above). Table 1 below describes the different focal areas and provides some examples of activities included (see Annex 2 for a full account).

Focal area	Description
POLICE AND LAW ENFORCEMENT	<ul style="list-style-type: none"><li>▪ Police and law enforcement infrastructure (police buildings, technical equipment, etc.)</li><li>▪ Vetting of law enforcement personnel, development of codes of conduct. Capacity-building and training. Monitoring and mentoring</li><li>▪ Accountability of law enforcement personnel and intelligence services (including standard setting, codes of conduct, etc.)</li></ul>
DETENTION AND CORRECTIONS	<ul style="list-style-type: none"><li>▪ Detention, correction and prison infrastructure</li><li>▪ Juvenile justice</li><li>▪ Support to pretrial detentions and detention institutions. Capacity-building, mentoring and training</li></ul>
JUDICIAL REFORM	<ul style="list-style-type: none"><li>▪ Judicial infrastructure</li></ul>

<sup>1</sup> Budget reports are only available for peacekeeping operations. An activity mentioned in a Budget Performance Report is assumed to have been conducted by the respective peacekeeping operation, unless the report specifically mentions otherwise. It should be noted that budget performance reports cover two years, which is why recurrent activities are included in the dataset under both report-years.

<sup>2</sup> The working definition of an “activity” is the same as in the 2012 FBA report (p. 12). A reported activity may refer to the training of magistrates, assisting in drafting a legal instrument or facilitating the introduction of new management principles for law enforcement agencies.

<sup>3</sup> Activities implemented by other UN agencies (i.e. UNDP, UNODC or UN Women) have been included in the dataset only when conducted in partnership with, supported by or financed by either DPKO or DPA. Activities reported as having been conducted by the “United Nations” have been included in the dataset when there has been a DPKO or DPA peace operation in the country at the relevant time, on the assumption that the operation then had a coordinating or managing role (e.g. “The United Nations provided technical and financial support to the Ministry of Justice in an evaluation of the justice system for children”).

	<ul style="list-style-type: none"> <li>▪ Judicial modernization or effectiveness programmes, standardization of key procedures and practices</li> <li>▪ Capacity-building and training</li> <li>▪ Support to judicial (reform) commissions and councils</li> </ul>
CONSTITUTIONAL REFORM	<ul style="list-style-type: none"> <li>▪ Constitutional (reform) commissions and councils</li> <li>▪ Technical assistance in constitutional drafting</li> <li>▪ Constitutional consultation processes and support to constitutional referendums</li> </ul>
LAW REFORM	<ul style="list-style-type: none"> <li>▪ General or particular law reform efforts</li> <li>▪ Legislative assemblies, commissions and councils</li> <li>▪ Infrastructure, communication and dissemination</li> </ul>
ADMINISTRATIVE LAW REFORM	<ul style="list-style-type: none"> <li>▪ Ombudsman institutions and similar</li> <li>▪ Transparency, accountability and anti-corruption initiatives.</li> <li>▪ External review institutions and complaints offices</li> </ul>
LEGAL AWARENESS AND ACCESS TO JUSTICE	<ul style="list-style-type: none"> <li>▪ Legal awareness/legal literacy</li> <li>▪ Legal education and law schools</li> <li>▪ Legal aid programmes and paralegal assistance programmes</li> <li>▪ Bar associations and other professional associations</li> </ul>

**Table 1:** Description of focal areas.

Some data issues and other methodological challenges merit special comment:

- The level of detail, style and general quality of the underlying Secretary-General and Budget Performance reports vary considerably, both between operations and over time. There is also a lack of consistent terminology for describing activities and outputs in the area of the rule of law. In some instances, reports may also emphasize what influential stakeholders may want to hear, rather than provide a full or balanced account of what has actually been done.
- The data do not tell how ambitiously or successfully (in terms of impact, etc.) an operation has implemented an activity, only that one or several activities belonging to one of the seven rule of law categories have been implemented in the specific year.
- There are several specific difficulties in categorizing and assigning activities in the partly overlapping and interlinked areas of *rule of law*, *human rights*, *security sector reform* and *transitional justice*. It is also frequently the case that the responsibility for implementation in these areas is vested with different and separately mandated UN entities. In line with the methodology used in the preceding 2012 FBA report, the following distinguishing principles have been applied:
  - Activities reported as “*human rights*” have been categorized only in so far as their stated objective is to realize or internalize international human rights in one of the seven focal areas, or rule of law has been an essential means for their implementation.

- Activities reported as “*security sector reform*” have been categorized only when implemented as part of a broader rule of law reform effort or policy, as for example in the drafting of new legislation governing the police.
- Activities in support of “*transitional justice*”, for example, support to truth commissions and international or hybrid courts, have not been categorized. The principal reason is that such activities tend to be the responsibility of differently mandated entities (on the organization of *transitional justice* work in peace operations, see for example, Kelly 2001).
- It should be noted that there is no specific category for measures against *corruption*. Activities that are described as being implemented with this purpose have instead been assigned to one of the other categories, in most instances *law enforcement, prosecution, justice* or *public administration reform*.
- The reported activities are unevenly distributed among countries and regions. Africa has seen a large number of operations, and consequently a high number of activities, while other continents or regions have seen only one or a few operations and a much lower number of activities. This circumstance makes global comparison of approaches and applications rather difficult and probably misleading.
- Obviously, the UN peace operation is not the only relevant international actor in the country or region. The policies and activities of others – whether multilateral or bilateral actors or international civil society – have great influence on what the UN decides to do and how. So do the preferences and activities of the host government. Harmonization and alignment should always be striven for. In this sense, the coding presents only one piece of the greater rule of law effort.
- Several of these challenges have been discussed with members of the UN, civil society, think tanks and academia (including in the 2019 FBA-UNIGE research workshop *State of the Art? The Future of Peacekeeping Data*). There has also been discussion on tentative results and how to make the conclusions of this report as well as future initiatives in data collection and analysis useful to various categories of users inside and outside of the UN.

### 3. Policies and Concepts

A range of international and UN documents and policy instruments, some on the rule of law and some on peacekeeping and broader topics (such as the *Agenda 2030 for Sustainable Development*) impact on the understanding and application of the rule of law in peace operations. When put in chronology (below), these documents reveal a succession of dominating ideas, moods and experiences, and illustrate the evolving “normativity” and other formal parameters for the rule of law. The chronology will also be revisited in the following chapters when discussing various aspects of rule of law implementation.

- The end of the Cold War opens up hitherto closed fields of UN engagement, and soon thereafter the 1992 Secretary-General report *An Agenda for Peace* formally establishes that the rule of law merits attention: “[t]here is an obvious connection between democratic practices – such as the rule of law and transparency in decision making – and the achievement of true peace and security in any new and stable political order. These elements of good governance need to be promoted at all levels of international and national political commitments.” The Security Council first uses the concept of the rule of law in 1996 in the context of promoting “national reconciliation, democracy, security and the rule of law” in Burundi.
- It takes another eight years before the 2000 *Report of the Panel on United Nations Peace Operations*, or “Brahimi Report” blows life into the policy area in earnest. The report recommends a doctrinal shift in the use of civilian police and related components of peace operations to systematically address the rule of law as means and goal. The report also highlights the need for new categories of peacekeepers and peacebuilders, among them civilian police, judicial experts, penal experts and human rights specialists, in order to strengthen rule of law institutions.
- In the same year, the General Assembly *Millennium Declaration* reaffirms that there is global commitment to promote democracy, the rule of law and human rights. But the Declaration is unspecific on how the rule of law should be understood and does not provide any measurable rule of law goals.
- In 2003, the Security Council inaugurates an agenda item entitled “Justice and the Rule of Law”. It acknowledges the Council’s “heavy responsibility to promote justice and the rule of law in its efforts to maintain international peace and security”.
- The 2004 Secretary-General report *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies* endorses the centrality of the rule of law to the United Nations. The report is issued with the expectation of facilitating the UN’s new and important role as administrator of countries and territories. It presents the first working definition of the rule of law for the United Nations:

“[the rule of law is] a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.”

The report also affirms that the rule of law has a basis in international norms and standards and that comprehensive approaches to the rule of law are necessary for sustainable results. The Secretary-General recommends that the Security Council prioritize the restoration of and respect for the rule of law in peacekeeping and peacebuilding mandates, and to integrate rule of law into strategic and operational planning.

- In the 2005 *In Larger Freedom* report, the Secretary-General argues that achieving the *Millennium Development Goals* requires transparency, accountable systems of governance, the rule of law and an accountable and efficient public administration. Rule of law is also mentioned as an essential element of lasting peace. The Secretary-General announces his intention to establish a dedicated Rule of Law Assistance Unit to assist national efforts to re-establish the rule of law in conflict and post-conflict societies.
- The 2006 Secretary-General report *Uniting our Strengths: Enhancing United Nations Support for the Rule of Law* introduces the concept of “lead entities” in order to ensure better coordination and adequate capacities across the system. DPKO is lead on issues relating to policing, criminal justice and corrections, the United Nations Office of the High Commissioner for Human Rights on issues relating to human rights and transitional justice, the United Nations Office on Drugs and Crime on issues relating to transnational organized crime and corruption, the United Nations Development Programme on long-term capacity-building for the administration of justice, etc. The Rule of Law Coordination and Resource Group (ROLCRG) is established within the UN Secretariat as the focal point for coordinating system-wide rule of law activities and for ensuring policy coherence and coordination. The Rule of Law Unit is established to act as a secretariat. The Unit is situated in the Executive Office of the Secretary-General.
- The 2006 DPKO *Primer for Justice Components in Multidimensional Peace Operations: Strengthening the Rule of Law* is issued as an operational guideline for justice components in field missions. It outlines several programmatic areas for rule of law engagement, including increasing the effectiveness of the criminal justice system, reforming the national legal framework, reforming legal education and training, strengthening judicial independence, increasing access to justice as well as developing legal aid.

- Several other guidance tools are also created in or after 2006. The OHCHR issues, inter alia, the documents *Truth Commissions*; *Mapping the Justice Sector*; *Prosecution Initiatives*; *Monitoring Legal Systems*; *Vetting*; *Reparations*; and *Hybrid Courts*. The DPKO produces its own set of guidelines and manuals, among them *Guidelines on the Methodology for Review of Justice and Corrections Components in United Nations Peace Operations*; *Policy Directive on Prison Support in UN Peacekeeping Operations*; and the *United Nations Police Handbook*. UNDP and other agencies provide guiding tools on topics such as rule of law in public administration and core government functions. Institutional reorganizations also take place at the time, notably the establishment of the DPKO Office for Rule of Law and Security Organizations (OROLSI) in 2007.
- The 2008 *Guidance Note of the Secretary-General: UN Approach to Rule of Law Assistance* attempts to provide a conceptual framework for strengthening the rule of law. The Note particularly addresses the laws, institutions and mechanisms needed. It also highlights the significance of the political context and the need for national ownership of rule of law reform processes.
- The 2008 *United Nations Peacekeeping Operations Principles and Guidelines* (“Capstone Doctrine”) enforces the idea of multidimensional peacekeeping. It argues that a core task should be the strengthening of the state’s ability to provide security, with full respect for the rule of law and human rights. This means empowering the judiciary and corrections, promoting legal and judicial reform and assisting in developing essential legislation. The Doctrine also mentions the establishment of an independent and effective judiciary and corrections system as a benchmark for determining when a situation in a country is sufficiently advanced for an operation to withdraw.
- The 2009 *A New Partnership Agenda: Charting a New Horizon for UN Peacekeeping* report, as well as the Secretary-General report *Peacebuilding in the Immediate Aftermath of Conflict*, stress that strengthening the rule of law is a main peacebuilding priority because not only is it essential for basic safety and security, but also for restoring core government functions.
- The 2012 Secretary-General report *Delivering Justice: Programme of Action to Strengthen the Rule of Law at the National and International Levels*, is issued in preparation for the 2012 UNGA High Level Meeting on the Rule of Law later the same year. The report reiterates not only that the rule of law is a principle of governance and at the heart of the social contract, but also that there are challenges in prioritizing and coordinating support for the rule of law, and in ensuring coherence. The Secretary-General proposes that member states should develop common goals for the policy area and that a multi-stakeholder consultative forum for issues relating to the rule of law should be established.
- Institutional reorganizations follow in the same year. At the strategic level, the Rule of Law Coordination and Resource Group is given the overall leadership role for the rule of law. The Global Focal Point for Police, Justice and Corrections is established to coordinate and integrate the police, justice and

corrections work of the different relevant UN agencies (the 2018 *Review of the Global Focal Point for Police, Justice and Corrections* recommends changing the name to Global Focal Point for Rule of Law in order to better reflect the widened scope functions it currently deals with).

- The 2012 *Declaration of the High-Level Meeting of the 67th Session of the General Assembly on the Rule of Law at the National and International Levels* reaffirms the commitment of 193 Member States to the rule of law at the national and international levels. The Declaration specifies that the rule of law not only applies to all states but also to international organizations, including the United Nations itself. It also reaffirms that the rule of law is a principle of governance and that the rule of law, human rights and democracy are interlinked and mutually reinforcing. Notably, the Declaration mentions the rule of law as a key element of conflict prevention and peacekeeping.
- The 2013 Secretary-General report *Measuring the Effectiveness of the Support Provided by the United Nations System for the Promotion of the Rule of Law in Conflict and Post-Conflict Situations* stresses the need for mainstreaming the rule of law in all areas of the work of the UN and proposes how this should be done. It also emphasizes measuring the impact of rule of law programmes. On the challenges this involves, including in collecting strategic data and establishing baselines, the report not only mentions the contribution of the Rule of Law Indicators Project, the Rule of Law Index, the Worldwide Governance Indicators, the Human Rights Indicators, as well as UNDP's users guide for measuring rule of law, justice and security programmes, but also underscores that additional tools and capacities are needed. The message is repeated in several later reports.
- The 2013 *Policy on UN Transitions* is the first instrument offering strategic guidance to UN headquarters, offices and field presences on how to plan and manage transitions. The document is intended to apply to all situations, but its focus is on drawdown and withdrawal. It stresses the identification of clear objectives and associated performance measures, such as benchmarks, and that progress should be regularly reviewed in order to determine when a transition process could be initiated.
- Three important 2015 documents – the *Report of the High-Level Independent Panel on Peace Operations* (commonly referred to as the *HIPPO Report*), the *Review of the UN Peacebuilding Architecture* and *Review of the Implementation of Resolution 1325* – highlight the preventive dimensions of peacekeeping and peacebuilding. Among the recommendations of the HIPPO Report are more attention to politics, focused and adequate Security Council mandates and more integrated and flexible use of existing resources. The Secretary-General responds to the Report with the action plan, *The Future of United Nations Peace Operations: Implementation of the Recommendations of the High-Level*

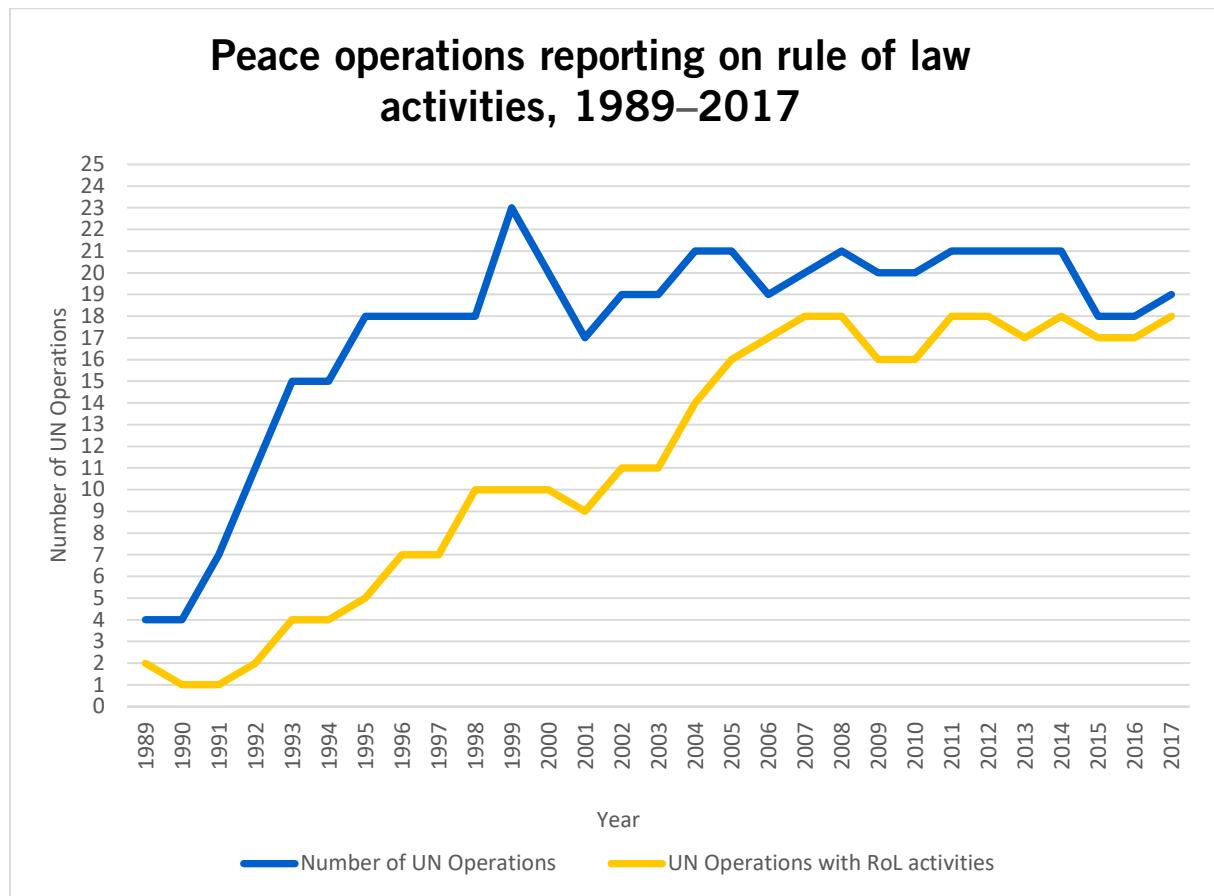
*Independent Panel on Peace Operations*. It specifically mentions the Global Focal Point as a good example of platforms for coordinated work in cross-cutting areas. As a result of the reports and reviews, the Security Council and the General Assembly adopt identical resolutions (the so-called “*Twin Resolutions on Sustaining Peace*”) outlining a new vision for the UN’s peacebuilding architecture in 2016.

- The 2015 *Agenda 2030 for Sustainable Development* ambitiously engages with various aspects of governance, law and justice. Some controversy still surrounds what the Agenda means with the rule of law. Some of the indicators under *Goal 16 on Peaceful, Just and Inclusive Societies* are regarded also difficult to apply. But the explicit mentioning of the rule of law in relation to “peaceful” societies creates a strong political expectation that the concept will be put to greater use in peace keeping and peace building. It is apparent that the Agenda and Goal 16 are already influencing policy and strategic planning at various levels, but too short a time has elapsed to empirically assess exactly how.
- The 2017 Secretary-General report *Strengthening and Coordinating United Nations Rule of Law Activities* repeats the message that the organization must cooperate and plan better in order to deliver on rule of law support. The report also mentions that the rule of law is a matter that cuts across all 17 sustainable development goals. The Secretary-General calls for greater accountability for the impact of rule of law assistance, as well as better tools for monitoring and evaluation.
- The 2018 *Action for Peacekeeping* (A4P) initiative is launched by the Secretary-General to renew mutual commitment to peacekeeping and secure the implementation of the new peace and security architecture. Another document, the *Declaration of Shared Commitments*, highlights the importance of ensuring that peacekeeping contributes to sustainable peace and argues that key to this is integrated or joint analysis, planning and implementation.

## 4. Emergence and Growth

This chapter discusses the emergence and growth of the rule of law in UN peace operations and relates these developments to political shifts in the Security Council and elsewhere, international and UN policy enactments and institutional reorganizations at various levels.

The figure below shows the number of peace operations reporting on rule of law activities relative to the total number of operations in each year in the surveyed period. As can be seen, there have been both periods of remarkable growth and periods of stagnation.

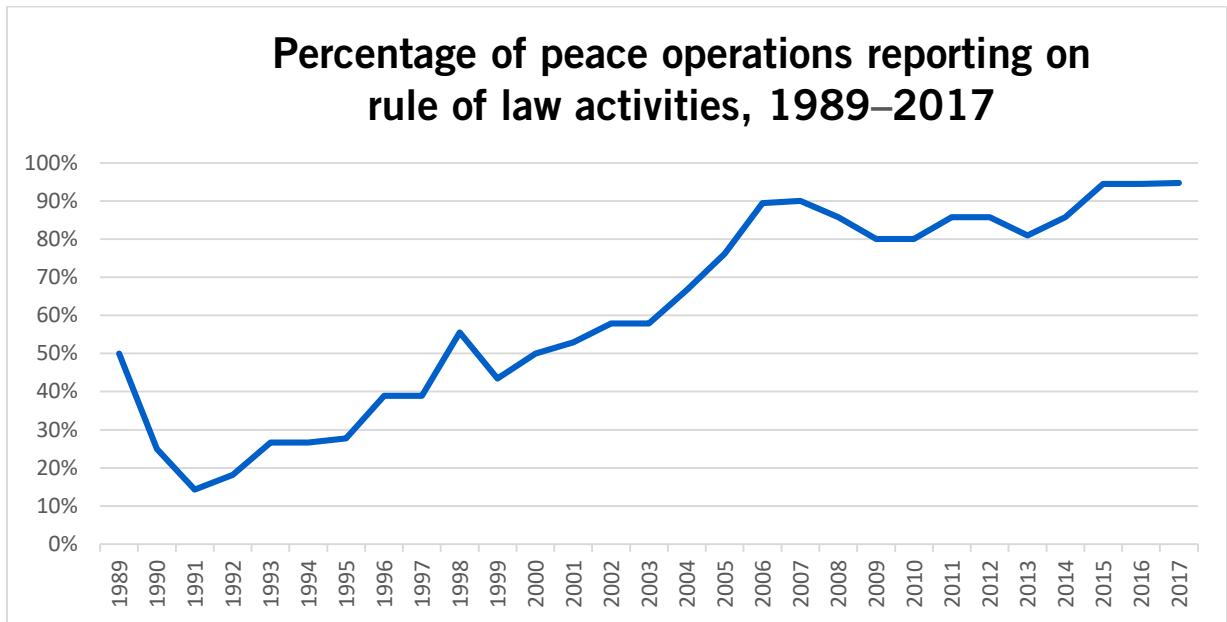


**Figure 3:** Peace operations reporting on rule of law activities, 1989–2017.

- 1990–1994 – *UN peace operations active, inter alia, in Angola, Cambodia, Mozambique*: The Security Council authorizes a significant number of new operations in the period and raises the number of peacekeepers from 11,000 to 75,000 in a few years. The shift from “traditional” missions to “multidimensional” operations also begins in the wake of the 1992 *Agenda for Peace* report. But data show that the number of operations that report on the rule of law grows slowly relative to the quickly expanding number of

- operations. Data cannot explain why, but the initial absence of endorsing and explaining instruments such as policies and guidelines, as well as formats for reporting on the rule of law, may have played a role (Sannerholm & Wall 2016).
- *1995–2000 – operations active*, inter alia, *in Bosnia, Haiti, Sierra Leone, Somalia*: Data show that the number of operations reporting on the rule of law increases notably as several ambitiously mandated operations are deployed, but then levels out at the end of the period as the UN and member states begin to realize that demand for UN engagement in the rule of law (as well as in other new and complex fields) exceeds the organization's capacity to deliver (United Nations Peacekeeping 2016).
- *2001–2007 – operations active*, inter alia, *in Kosovo, East Timor, DRC, Liberia, Sierra Leone*: Data show that the number of reported rule of law activities begins to grow again, now more quickly than in the previous period and relative to the number of new operations. The thoughts and recommendations expressed in the 2000 *Brahimi Report*, in the *Millennium Declaration*, as well as in other documents from the World Bank and other important actors, may influence both implementation and reporting. The issuing of a wide range of new topical reports, among them the 2004 *Rule of Law and Transitional Justice* report, and the 2006 *Uniting our Strengths* report seems also to play a role by suggesting new applications and facilitating new institutional arrangements (including the establishment of the Rule of Law Coordination and Resource Group, the Rule of Law Unit and the Office of Rule of Law and Security Institutions).
- *2008–2011 – operations active*, inter alia, *in Cote d'Ivoire, Darfur, DRC*: Significant documents such as the 2008 *Capstone Doctrine* and 2009 report on *Peacebuilding in the Immediate Aftermath of Conflict* provide additional endorsement for the rule of law as means and end and suggest areas of future engagement, but the number of reported rule of law activities remains virtually constant or begins to decline in the period (although from a high level). Recurring capacity problems seem to be part of the explanation, but also changing political dispositions towards “new” and “multidimensional” aspects of peacekeeping and peacebuilding among some influential members of the Security Council.
- *2012–2017 – operations active*, inter alia, *in Liberia, Darfur, DRC, South Sudan*: Data show that despite several important policy and institutional initiatives in the period (including the 2012 *High Level Declaration on the Rule of Law*, the 2015 *HIPPO Report* and the creation of the Global Focal Point for Police, Justice and Corrections) the number of reported rule of law activities remain rather constant. Too short a time has elapsed to allow any empirical statements on the impact of the *Agenda 2030* (adopted in 2015). It is similarly impossible to draw any empirical conclusions on the effects of the mandating in 2017 of the first dedicated “justice mission”, the “UN Mission for Justice Support in Haiti”.

Figure 4 below provides a graphical illustration of the growth of the rule of law, expressed in percent.



**Figure 4:** Percentage of peace operations reporting on rule of law activities, 1989–2017.

From 2005 and onwards, 80 percent or more of the peace operations report on rule of law activities. Since 2015 the percentage has been over 90. In other words, there are grounds for saying that the rule of law is an established and routinely reported component of peace operations.

# 5. Rule of Law Across Regions

This chapter discusses variations in the number of reported activities across continents or regions. Observations of spatial variations can be useful for understanding where the rule of law is believed to be of use or “in need”, whether operations read challenges and needs differently depending on location, and for determining whether there is any substance for arguing that there are “typical” regional approaches to rule of law promotion.

The figure below illustrates the total number of reported rule of law activities per region.

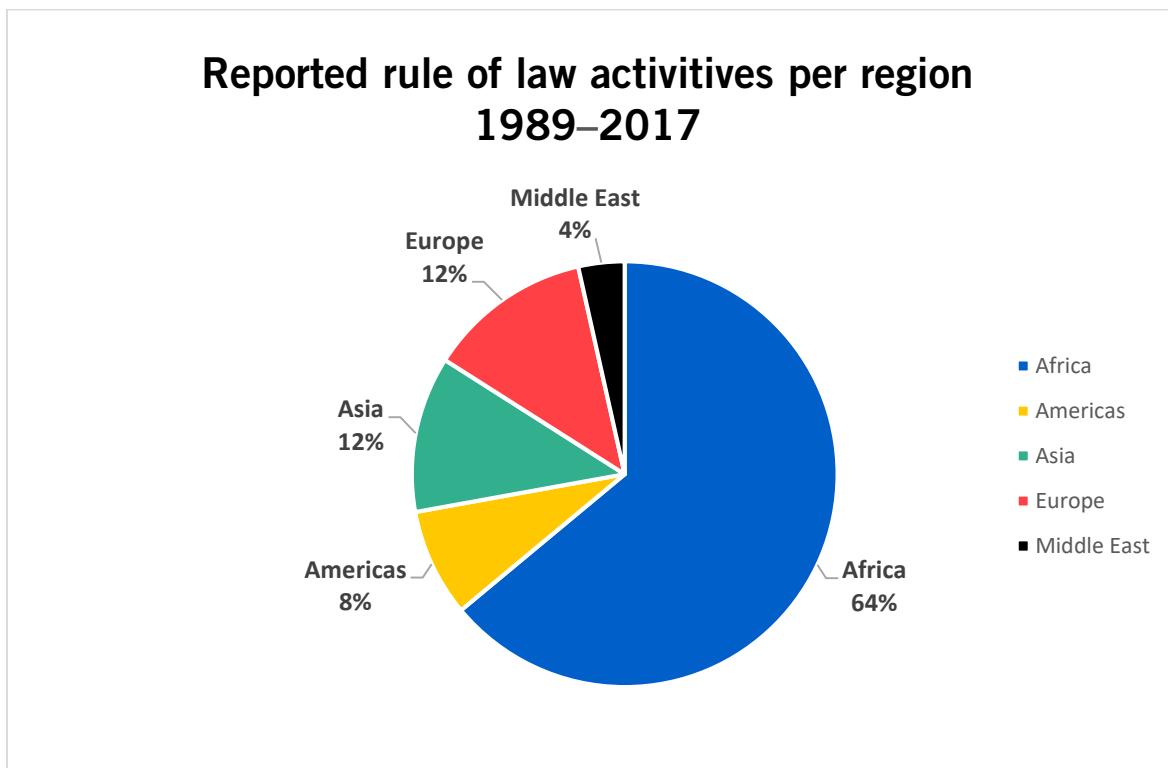


Figure 5: Reported rule of law activities per region, 1989–2017.

- It is clear that operations deployed to African countries account for a vast majority, 64%, of all reported rule of law activities (as already mentioned, Africa is also the continent to which most peace operations have been deployed). Asia and Europe account for 12% each. The Americas follow at 8%, while the Middle East accounts for a modest 4% of the total number of reported rule of law activities.
- The UN engagement as administrator of Kosovo and East Timor, and other ambitious rule of law undertakings in, for example, Afghanistan and Haiti, do not change the fact that Africa is the most important rule of law habitat. It should also be noted that this focus on Africa is likely to continue in the short to mid-term, as several non-African peace operations which have previously reported on the rule of law are currently downscaling or phasing out.

- This gives rise to several questions. For example, to what extent do current global policy and guidelines consider where the rule of law is actually applied and likely to be applied (sub-Saharan conflict and post-conflict environments, see Sannerholm & Wall 2016); is there an adequate evidence-base for also articulating policy for other geographical areas and situations; or empirical foundation for various assumptions and claims on the global “relevance”, “success” or “failure” of UN rule of law engagement?
- However, the low number of operations and reported activities in several regions is also a factor making detailed cross-regional comparison of rule of law approaches difficult and potentially misleading (see also Chapter 2, *Scope, method and material*, above). The risk of entrenching stereotypical ideas of an American, Asian, etc. rule of law recipe on the basis of insufficient or unreliable data is apparent.

# 6. Rule of Law Focal Areas

This chapter presents data on what aspects or ‘focal areas’ of the rule of law peace operations report on. The observations may be of use to anyone attempting to understand or make an argument about how the rule of law comes to life in peace operations.

The mandating Security Council resolution stipulates what role the rule of law is supposed to play in the specific peace operation. Often the mandate is open – “to promote the rule of law”, and sometimes more specific, for example, “to strengthen the police, justice and corrections”. The Concept of Operations (or “Mission Planning Assessment”) may provide additional and more detailed guidance on how the rule of law should be understood in the respective operation and on priorities, counterparts and methods. Other materials, for example, guidance notes and primers, may also suggest various applications in relation to various tasks and objectives. However, usually the individual operation (SRSG and team) has considerable latitude to decide on what rule of law focal areas to address and what activities to implement, as long as they are relevant to the general objectives of the mandate (Sampford 2016).

Figure 6 below shows the practical results of this process of interpretation and prioritization, *i.e.* how reported activities are distributed between focal areas.

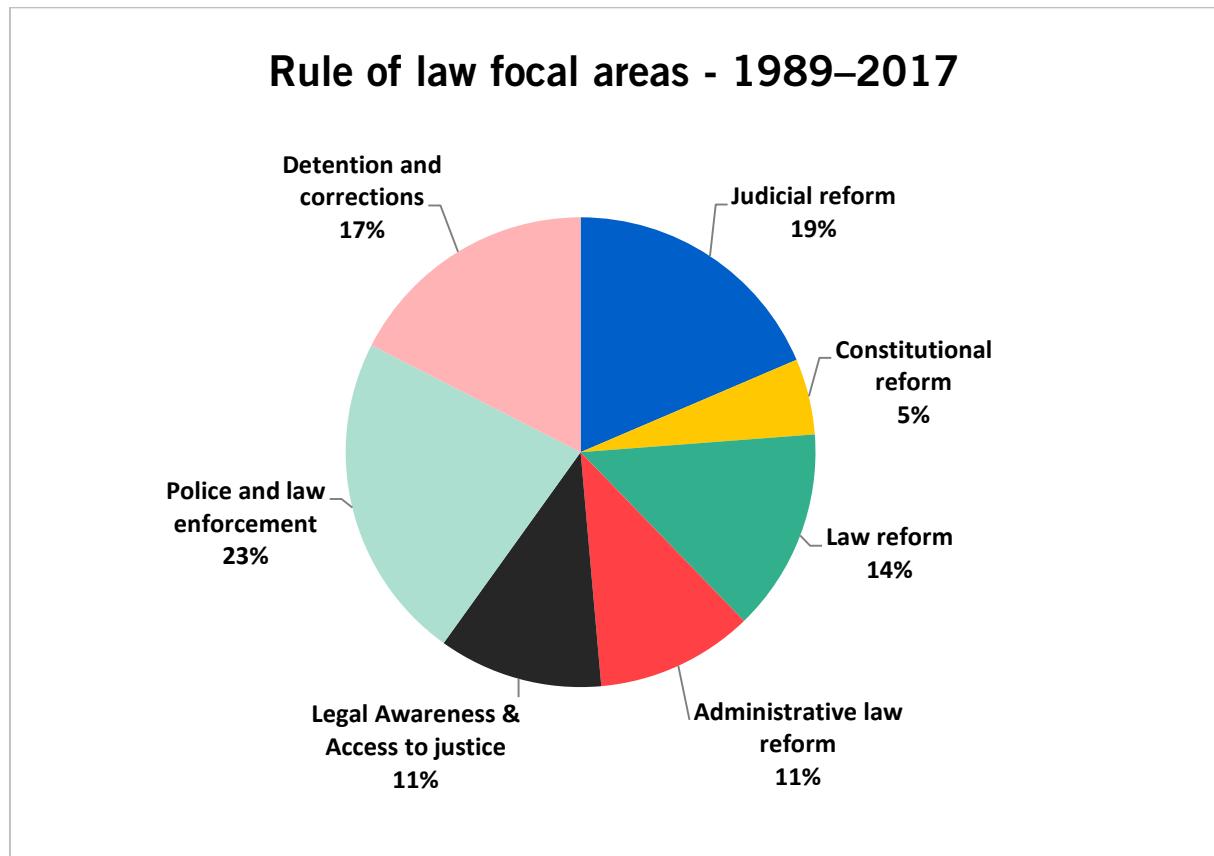


Figure 6: Rule of law assistance by focal areas, 1989–2017.

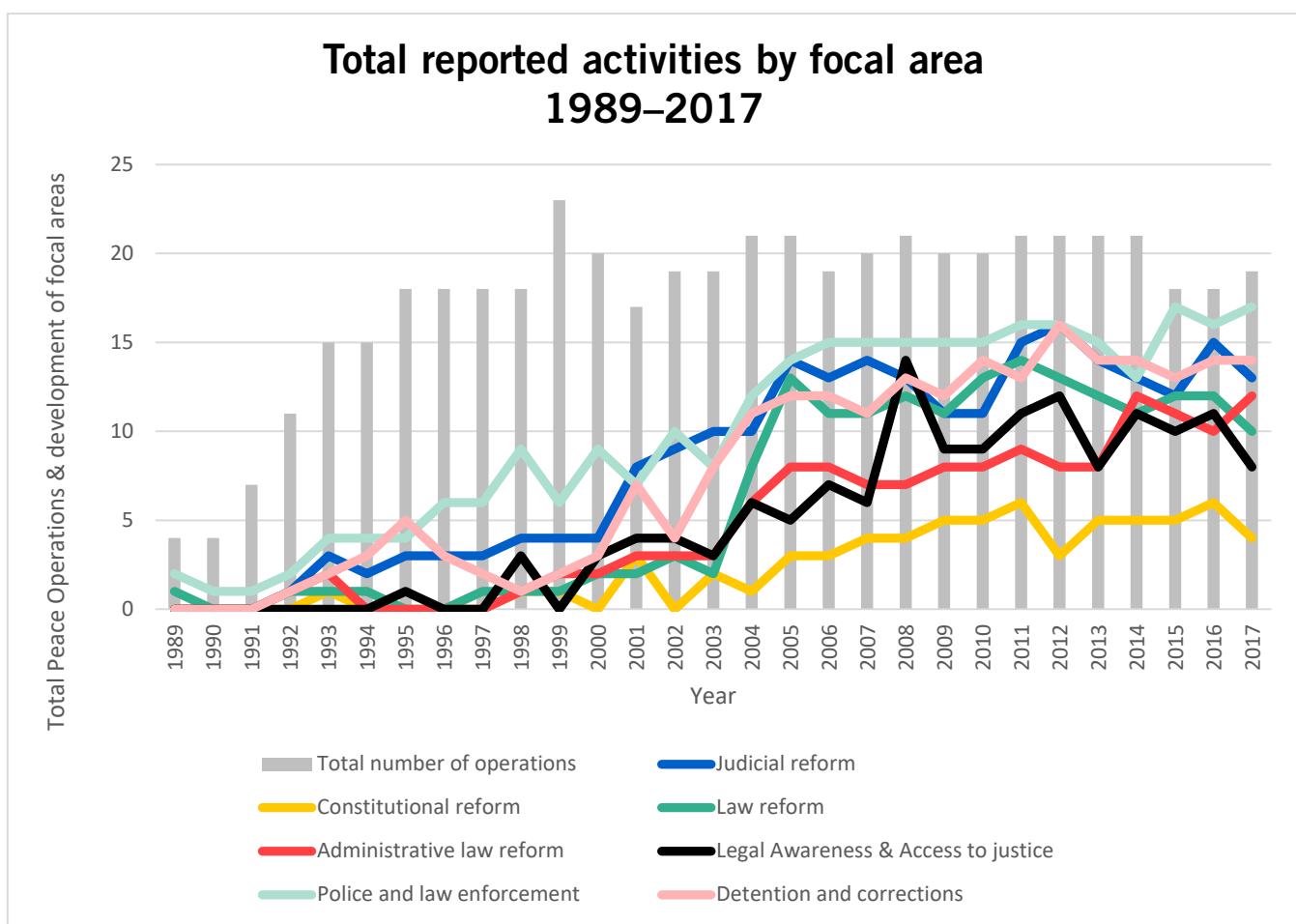
- Activities focusing on the **police, prosecution, judiciary and corrections** (sometimes referred to as “justice chain” functions) account for more than half, 59%, of all reported rule of law activities in the period. Police/law enforcement activities alone account for 23%. Activities related to judicial reform account for 19%. Detentions and corrections account for 17%. That security and stability-related functions are in focus in post-conflict and fragile environments should not surprise or be questioned. However, when considering the overwhelming dominance of justice chain activities, and that only 41% of the total number of activities have targeted the four other focal areas, questions emerge about the true “multidimensionality” of UN rule of law promotion, on the rule of law as a “principle of governance” as well as on the sustainability of some results.
- Among the other focal areas, **law reform** is the most frequently addressed at 14% of the total number of reported activities. Given its foundational and cross-cutting nature (legality is essential for all aspects of law, justice and governance, as well as a human right), and the relative efficiency of working in this area (assisting in drafting legal instruments does not require a lot of resources), it is surprising that the focal area does not account for a higher percentage.
- **Administrative law and justice**, which encompasses several matters of everyday relevance to many people, accounts for a modest 11% of all reported activities. The low number may be explained by the late “discovery” of this area of engagement (see below), lack of guidance materials and models, or a lingering perception that it is remote from conventional ideas of what peacekeeping operations should be doing (Sannerholm & Wall 2016). But the limited attention to this area is nevertheless notable considering the insight that property rights, access to civic registration, etc. are at the heart of prevention and are increasingly mentioned in peace agreements and high-level policy documents.
- The category **legal awareness and access to justice** also accounts for 11%. That several UN documents on the rule of law and human rights emphasize the important role of access to justice, not least for allowing people to seize the opportunities and protection provided by the law, could suggest that the number should be higher. However, it is possible that some activities in this category are instead reported on as Human Rights (see Chapter 2 above), particularly when implemented in cooperation with civil society actors.

- **Constitutional reform** accounts for a low but not marginal 5% of all reported activities. The rule of law is interlinked with and dependent on basic constitutional principles such as constitutional rule and the separation of powers (Sampford 2016). The peace and state-building logic of addressing the area should thus be obvious. However, it is also an area where the Security Council or peace operations may feel that sensitive aspects of state sovereignty and national integrity are touched upon. Sometimes, rather specific mandates or agreements required before an operation can openly initiate or engage in the focal area. Another factor is of course that constitutions tend to be seldom amended.
- That there is significant and consistent reporting in all focal areas shows that the **rule of law has expanded beyond the original law enforcement and criminal justice concept**. However, the remaining dominance of activities in support of law enforcement, justice and corrections, and the corresponding limited space and resources for other understandings and applications, suggest that the idea of the rule of law as a **multifunctional concept and a cross-cutting principle of governance** (2012 *High-Level Declaration on the Rule of Law and the Agenda 2030 on Sustainable Development*) remains to be fully embraced (it is of course possible that reporting formats do not allow or encourage operations to accurately describe the broad scope of what they actually do).

# 7. Focal Areas Over Time

This chapter discusses data on focal areas over time. It shows that different rule of law topics enter the scene at different times, in reaction to different impulses, and that prioritization between them varies. But it also shows that some trends seem to endure. The observations may be of use to those who seek to make predictions and prognoses, policy makers, evaluators, as well as to those seeking to establish correlations and causalities between ends and means.

The figure below, which offers a breakdown of the general curve of rule of law activities presented in Chapter 4, illustrates the growth and occasional decline of each individual focal area.



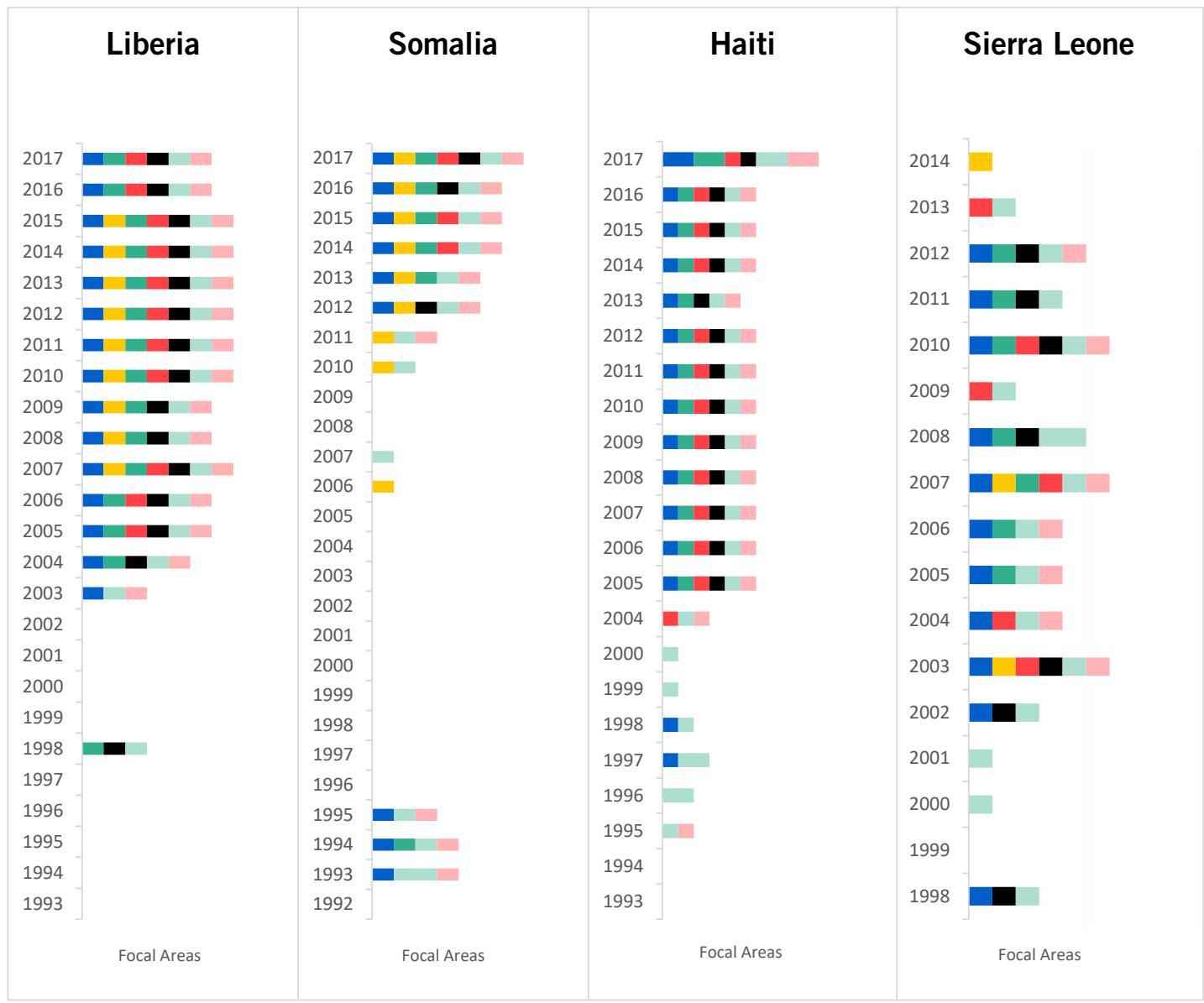
**Figure 7:** Total reported activities by focal area, 1989–2017.

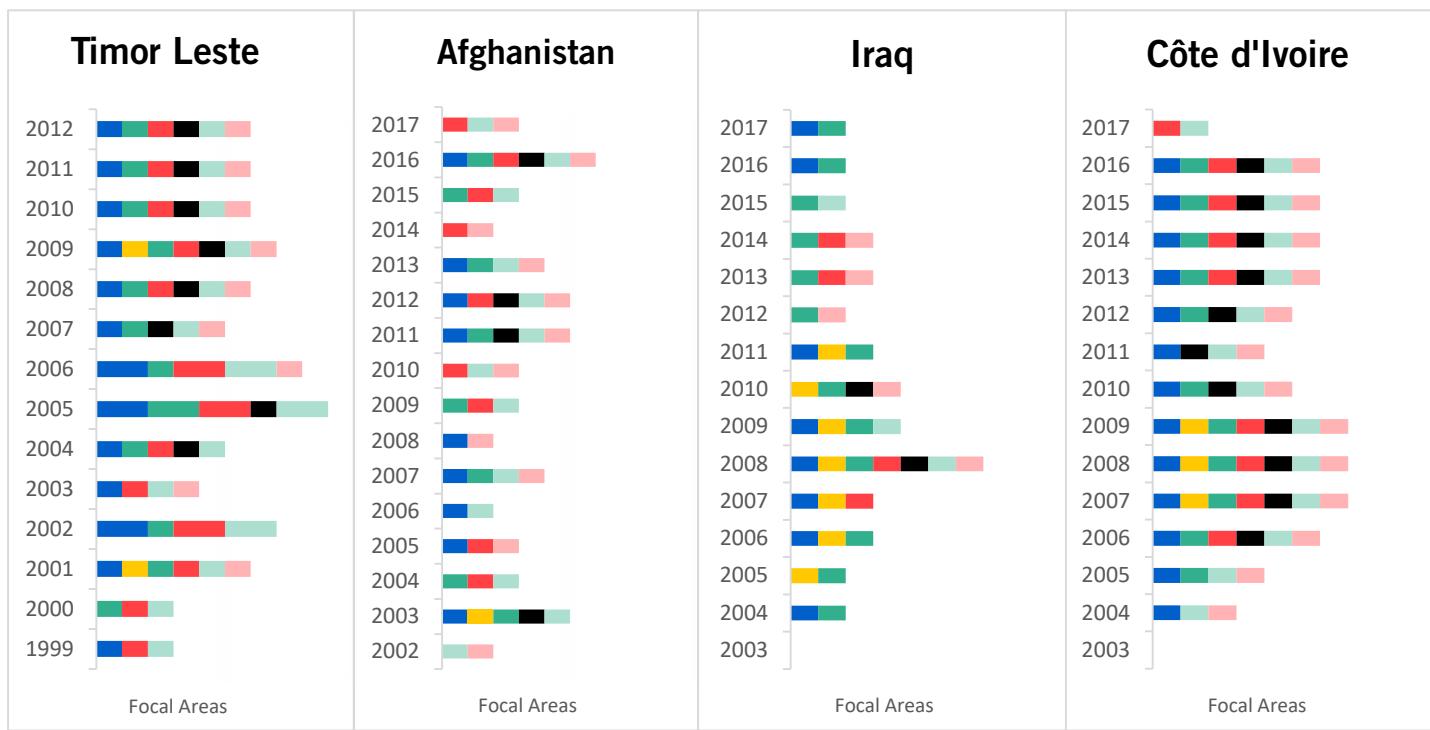
- In the first years, 1991–1992, peace operations reported almost exclusively on activities in the areas of police, judicial and corrections reform. The narrow scope of reported activities broadens at the same time as the 1992 *Agenda for Peace* endorses the rule of law as end and means as well as provides operations with a political incentive to highlight what they do in the area.
- The range of focal areas significantly expands when the UN is suddenly and unexpectedly tasked to administer post-conflict countries and territories between 1999 and 2001. The change is also prompted by the Brahimi Report, which suggests a much-expanded use of rule of law capacities to target a range of new areas. However, security and justice-related objectives and institutions remain the absolute and uncontested focus.
- Reporting in almost all focal areas surges in the mid-2000s. The surge roughly coincides with the release of several new reports and guidelines addressing both the understanding of the rule of law generally and its relevance for specific tasks and contexts, for example, the 2004 *Rule of Law and Transitional Justice* report and the 2006 *Uniting our Strengths* report. Some areas grow more dramatically than others. Between 2005 and 2008, legal reform and legal awareness and access to justice activities are almost as frequently reported on as justice chain activities.
- *Constitutional reform* has a slow start and begins to be reported on in earnest in 2004 as constitutional processes in territories subject to UN administration (Kosovo and East Timor) gain momentum. In 2011 the Security Council begins to specifically add constitution-making assistance to other mission mandates as well, including South Sudan and Libya. Commentators argue that sensitivities on sovereignty and internal affairs were then easing (Grenfell 2016). However, the number of reported activities in *constitutional reform* quickly drops again after 2011, apparently because the constitutional reform processes in Kosovo and East Timor come to an end.
- With the exception of *constitutional reform* and *legal awareness/access to justice*, the number of reported activities in all focal areas remains relatively stable after 2005 and until the end of the period. This may reflect an increasingly clear concept of how rule of law mandates should be understood, what operations are expected to report on, as well as recognition that rule of law promotion requires long timelines and a programmatic approach to implementation.

## 8. Individual Operations Over Time

This chapter offers a closer examination of reported activities of a selection of individual operations with considerable rule of law engagement over time. The data should be useful for establishing how operations react to changes in policy and other governing instruments, as well as in contextual factors. The observations may also be helpful for establishing whether there are typical patterns and sequences.

The figures below illustrate the development of the engagement of some of the most rule of law-intensive operations over time:





■ Judicial reform ■ Constitutional reform ■ Law reform ■ Administrative law reform ■ Legal Awareness & Access to justice ■ Police and law enforcement ■ Detention and corrections

**Figure 8:** Focal areas over time.

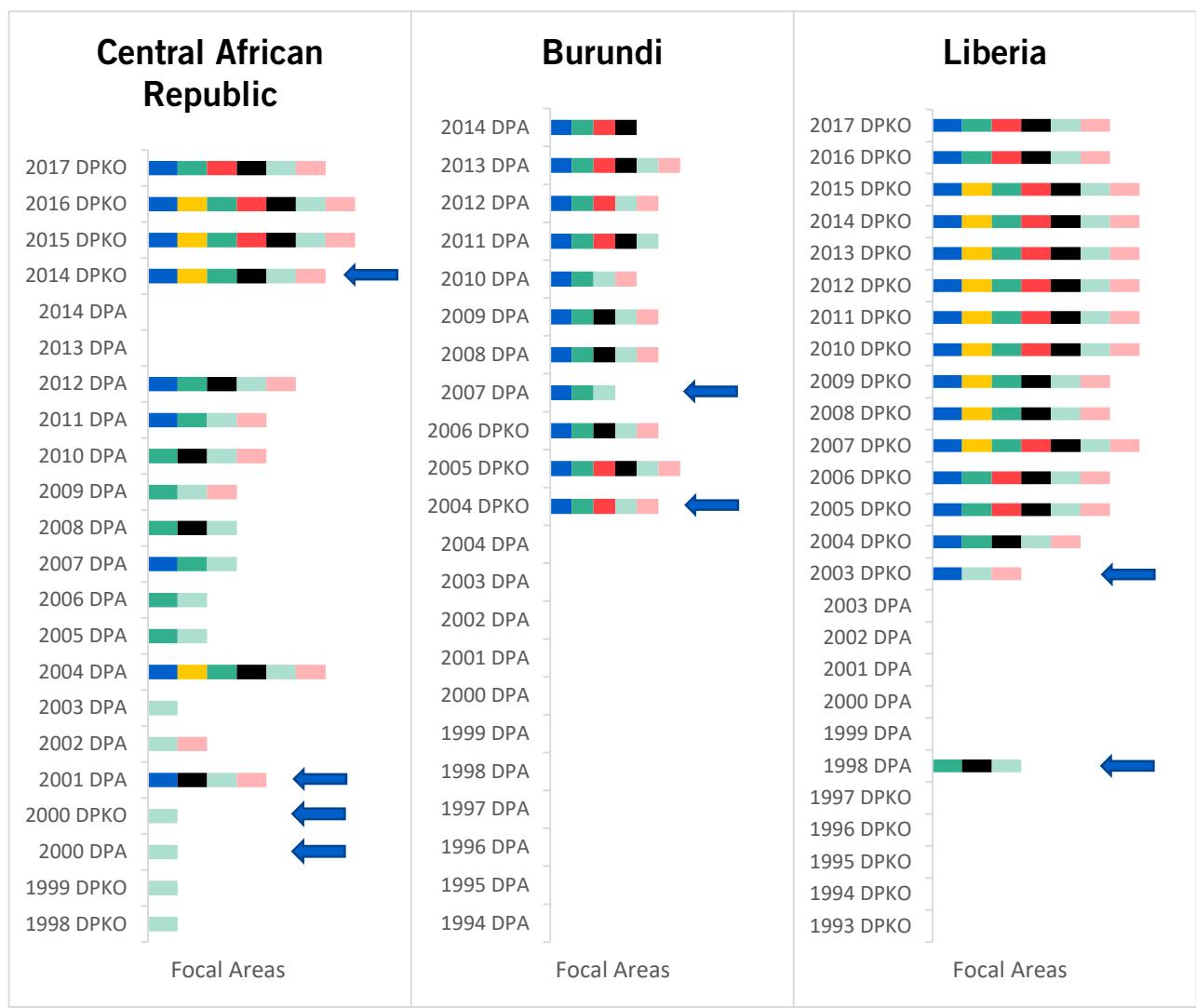
- In most instances, the rationale and *raison d'être* for peace operations – to keep and build peace – reflect an initial emphasis on supporting *law enforcement* and *judicial* functions, and particularly in efforts to bring high levels of political and ordinary violence and crime under control. See, for example, Haiti, Liberia, Côte d'Ivoire and Somalia, above (regarding Iraq, it is important to note that the mandate of UNAMI did not include providing assistance to *law enforcement* functions).
- After a few years in the country, and when the situation has stabilized, virtually all figures display an expansion of the scope of engagement to comprise additional focal areas such as *legal reform* and *administrative law reform*, while maintaining a high activity level in *law enforcement* and adjacent areas such as *detentions and corrections*.
- In this limited sense, there is indication of a crude sequence. But it is not possible to say whether this sequence is a function of strategy or of necessary adaptation to changing conditions on the ground. Data on the content of individual mandates/CONOPS/workplans would help to shed light on the matter.
- Data suggest that peace operations are often engaged in a focal area for two years or longer (and over transitions, see below). UNSTAMIH/MINUSTAH in Haiti maintained essentially the same scope of engagement for more than 12 years. These relatively long timespans suggest awareness that sustainable results in the rule of law require a continued presence and “programmatic” and “joint” approaches to implementation.

- In some instances, engagement in a focal area is suddenly abandoned and then resumed again a few years later. Sometimes the entire policy area of rule of law is not reported on for several years. See, for example, Somalia and Liberia, above. Data does not explain why, but transitions and reconfigurations, changes in the security situation, as well as the relationship to the host country can play a role.

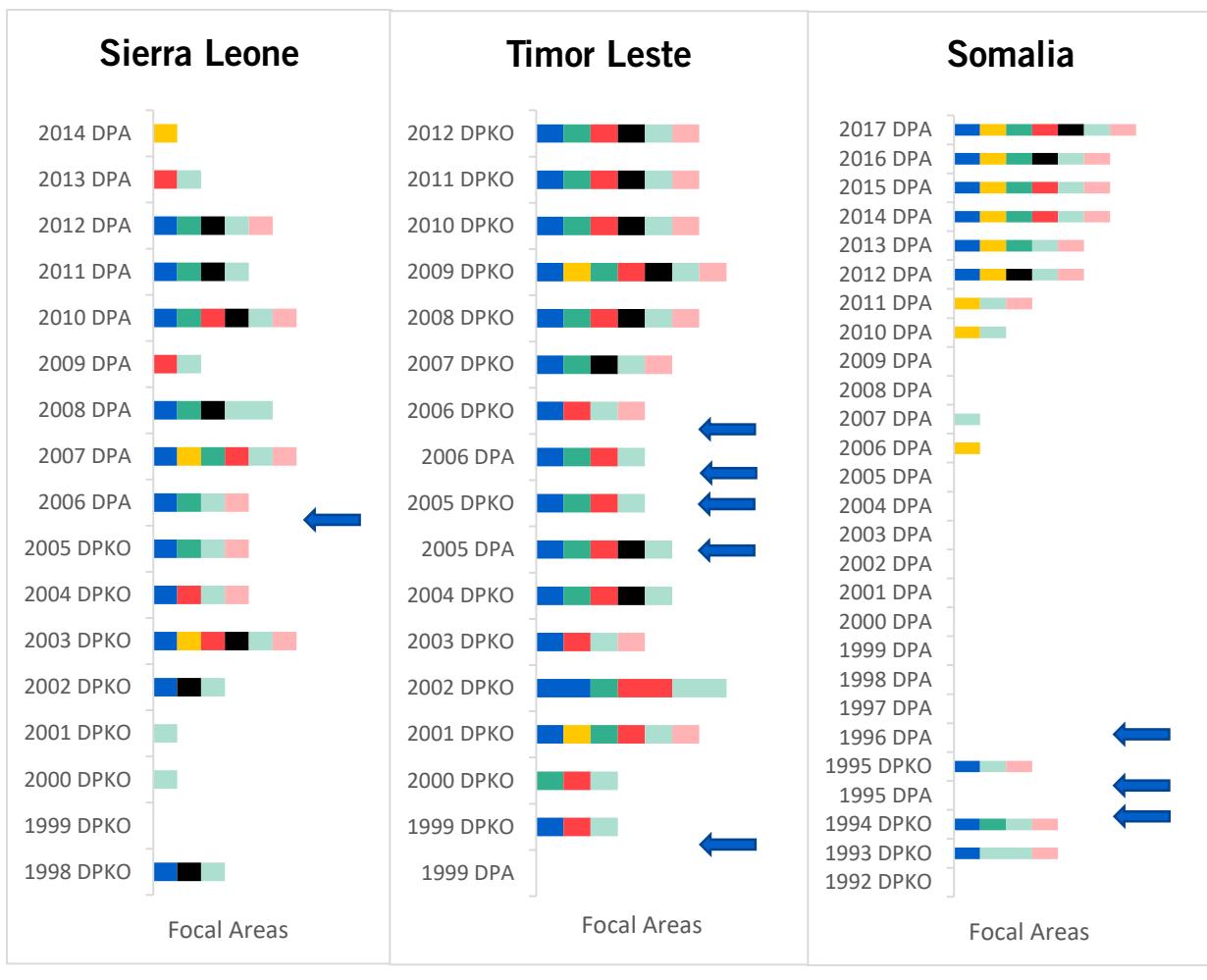
# 9. Handovers Between Operations

This chapter deals with changes in reported activities in conjunction with handovers between DPKO and DPA. Such handovers often comprise a reconfiguration from a large-scale *peacekeeping mission* to a smaller scale *special political mission* (see also FBA Brief, *Keeping and Building Peace: Ensuring a Right Fit for Rule of Law in UN Peace Operations*). The data could be useful for identifying knowledge and capacity problems, and for the refinement and implementation of various new or recent policy instruments.

The figures below illustrate what a selection of peace operations reported on before, during and after handover. Handovers are illustrated with the symbol [arrow]. When a handover takes place during a calendar year data is recorded from both DPKO and DPA. That is illustrated below by additional arrows during the year(s) when the handover took place.



■ Judicial reform ■ Constitutional reform ■ Law reform ■ Administrative law reform ■ Legal Awareness & Access to justice ■ Police and law enforcement ■ Detention corrections



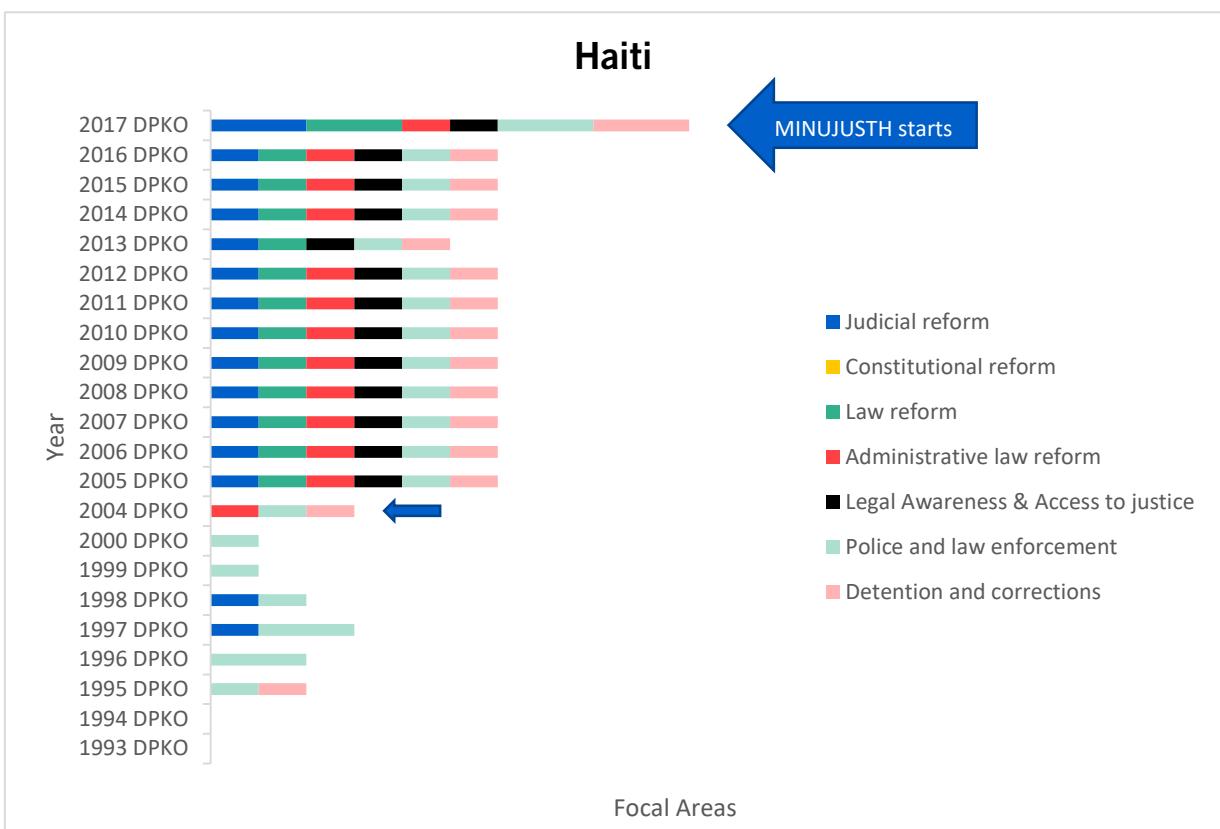
**Figure 9:** Handovers between different operations.

- Various aspects of transition, typically understood to mean drawdowns or exits, have attracted the attention of the UN for some time (see, for example, 2001 Secretary-General report *No Exit without Strategy*). In 2013, the first *Policy on UN Transitions* was issued to explain what the UN needs to know and prepare for when leaving a country. The 2019 *Planning Directive on Transitions* seeks to ensure that other forms of transition and hand-over are also carefully planned and coordinated with national actors.
- Our data on handovers in CAR, Liberia, Burundi and other countries show that transitions between DPKO and DPA operations (or vice versa) do not reflect in reported activities in any systematic or consistent way. Sometimes the scope of the engagement expands to comprise additional focal areas, sometimes the scope contracts, and in some instances, there is no discernable change at all (there is some indication that constitutional and administrative law reform activities are somewhat more frequently reported on by special political missions).
- In other instances, the scope may broaden while the “volumes” shrink. Sannerholm and Wall highlight a possible explanation, based on earlier data on peace operations in Africa: The usual successor mission – a political mission or office – may be more generously mandated and see various structural

initiatives as more feasible in the more mature political environment than the preceding peace operation, but also be more constrained in terms of funds, staff and expertise (Sannerholm & Wall 2016).

- The data offer some support for the argument that there should be some complementary relationship between subsequent operations (for example, that the same type of activities are continued in order to complete initiatives, projects and programmes, or to ensure sustainable results).

While reconfigurations of operations with the same principal are not systematically analysed in this report, the subsequent DPKO operations in Haiti, and particularly the establishment of the first designated “justice operation” – the United Nations Mission for Justice Support in Haiti (MINUJUSTH) – merit some comment:



**Figure 10:** Handover in Haiti

- The United Nations Stabilization Mission in Haiti (MINUSTAH) quickly begins to report on rule of law activities in almost all focal areas after its establishment in 2004. The operation then maintains virtually the same scope of engagement until its mandate ends in 2017. The wide scope of engagement is facilitated by a joint rule of law programme with programmatic funding.
- The successor MINUJUSTH then continues to report on virtually the same kind of activities in the same focal areas. It should be stressed that the dataset only comprises the first year of MINUJUSTH operations (and mandates have not been coded). What novel concepts and capacities the “justice mission” will bring to the table remains to be seen.

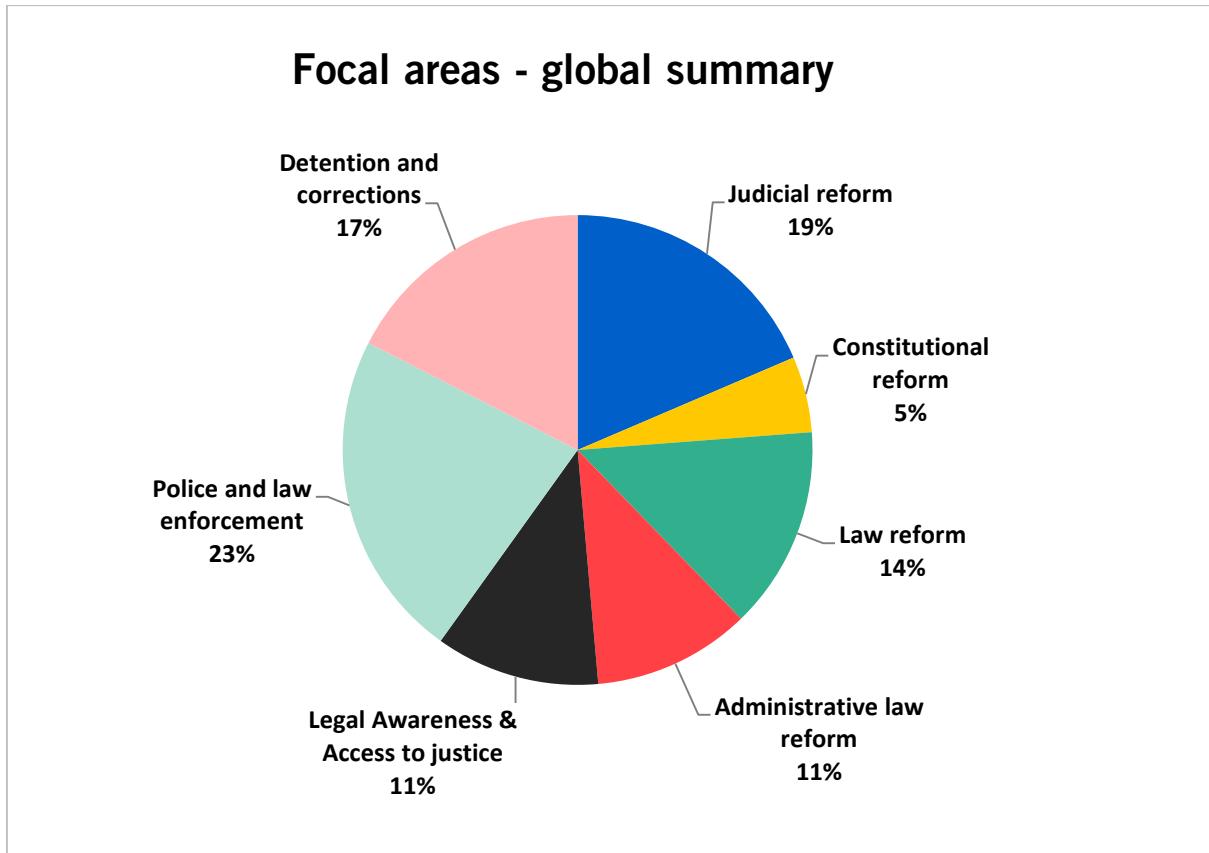
# 10. Conclusions and Thoughts on Future Needs

This chapter summarizes the most important observations on the application of the rule of law in UN peace operations. It also offers some observations on the way UN operations report on the rule of law and the implications thereof, including on the opportunities for policy formulation, coordination and organizational learning. The chapter concludes with some reflections on the need for additional data to meet other and emerging needs, and how such data can be collected, analysed and made available to users within and outside of the UN system.

**The Security Council and the rule of law:** The data show that rule of law activity has rapidly grown from virtually nil in the beginning of the period to something almost all peace operations currently report on. The Security Council may be the most important facilitator, but the growth and particularly the expansion of the rule of law into new fields of application are also functions of new operational necessities and other bottom-up factors. It is notable that several of the most important policy instruments on peacekeeping and peacebuilding in the period, including *An Agenda for Peace* and the *Capstone Doctrine* endorse developments then already under way (or address capacity problems), rather than identify or open up new areas and applications.

**Policy and practice:** Topical rule of law instruments (for example, the 2004 *Report on the Rule of Law and Transitional Justice*, the 2008 *Guidance Note* and the 2012 *High-Level Declaration*) seem to have some (though not significant) influence on what operations actually do or decide to report on. Peacekeeping and peacebuilding policy, as well as cross-cutting instruments, seem to be more influential. When the *Brahimi Report* and ensuing *Action Plan* suggested profound reforms of the entire peacekeeping and peacebuilding area, it more palpably impacted on reported activities in the field of rule of law as well. For example, integrated and comprehensive programmes were introduced and new tasks given to existing categories of peacekeepers and peacebuilders.

**Understandings and priorities:** While the rule of law remains to be authoritatively defined and its meaning is frequently disputed, the figure below presents data on what dimensions of the concept that peace operations actually seize on:



**Figure 11:** Focal areas – global summary.

Collectively, *law enforcement, prosecution, judicial* and *corrections reform* clearly and understandably dominates at 59% of all reported rule of law activities. Of the other focal areas, *law reform* accounts for 14%, a number which is surprisingly low given the essentiality of legality in virtually all aspects of governance, justice and human rights. The other focal areas account for even lower activity levels. *Administrative law reform*, which encompasses several matters of everyday relevance to many people, accounts for a modest 11%, perhaps because of the late opening or discovery of the engagement area (in conjunction with the mandating of the UN as the “administrator” of countries and territories). The focal area *legal awareness and access to justice* also accounts for 11%, but the categorization of activities as either awareness/access or human rights is problematic, and the real number may be higher. The engagement in *constitutional reform* accounts for a low but not insignificant share of 5%. There is growing awareness of the importance of this focal area, but UN engagement usually requires a specific Security Council mandate or host-country invitation.

**Variations between operations.** Data demonstrate that the mix of activities varies both over time and among operations. The rationale and raison d'être for peace operations – to keep and build peace – typically reflects in an initial emphasis on supporting *law enforcement* and *judicial* functions, and particularly in bringing high levels of political violence and ordinary crime under control. Data also show that after a few years in the country, and when the situation becomes more stable, the scope of engagement often expands to comprise other focal areas as well, primarily *legal reform* and *administrative law reform*, while maintaining a high activity level in *law enforcement* and related areas. The next step is addressing *legal awareness and access to*

*justice*. Data show that engagement in a focal area usually lasts for two years or longer, in some instances for up to 12 years, which suggests that there is often a programmatic approach to implementation. It should be noted that of the total number of activities in the period, 64% have been implemented by peace operations in African countries. What this implies for the evolution of new concepts, methods, etc., merits further research and discussion. There is also the question of whether political opinions on the “relevance”, “success” and “failure” of the rule of law are already, or risk becoming, overly influenced with how activities have fared in this particular part of the world.

**Handovers between UN programmes and departments:** Data show that handovers between peacekeeping operations and special political missions do not reflect in reported rule of law activities in any clear or consistent way. In some instance there is an expansion of the range of focal areas. In other instances, the scope of rule of law activities contracts. Neither is there much influence on reported activities of the various initiatives to introduce principles and benchmarks for strategic and systematic drawdown and handover. However, it should be noted that some instruments, including the Secretary-General’s *Planning Directive on Transitions* has been issued too late in the period to have discernable impact on reported activities.

What these observations may mean to various categories of users, whether inside or outside of the United Nations, obviously varies. Some may use them as evidence for action, some as platforms for research, etc. This is exactly the intention of the report. But the authors also think that there are some specific observations and claims regarding data on the rule of law, and its various uses, that should be highlighted:

1. The first, perhaps unremarkable, claim is that the large number of peace operations reporting on similar combinations of activities over long periods of time **shows that the rule of law is now an established component of peacekeeping and peacebuilding**. It also shows that the Security Council is not discouraged from putting the concept into practice by the so called “push-back” in the related areas of human rights and international criminal justice.
2. The second claim is that the **increasingly multidimensional scope and application of the rule of law ought to clearly reflect in long-term policies, planning, resourcing and evaluation**. Among other things, overarching policy instruments need to be adjusted or developed (including on the relationship to *Agenda 2030*), new delivery capacities created, and more comprehensive monitoring and evaluation (M&E) mechanisms introduced to capture outcomes both within and outside of the traditional core of rule of law. The need to systematically identify new categories of rule of law professionals and train them is particularly apparent. In some instances, the establishment of new standing capacities similar to those already existing for police, justice and corrections may be needed (Sannerholm & Wall 2016).
3. The third claim is that while rule of law activity is quickly expanding, both in terms of volumes and applications, the process of articulating and reaching agreement on the underpinning norms and definitions is much slower and

more problematic (the negotiations of the 2012 *High Level Rule of Law Declaration* and the 2030 *Agenda for Sustainable Development* are cases in point, see Arajärvi 2018 and Bergling & Jin 2015). Unless addressed, the ensuing gap between norms and applications could challenge the political legitimacy of the policy area, as well as the sustainability of some results so far. The current political appetite among member states for high-level normative initiatives may be limited, and there are apparent limitations in the UN Charter and other instruments to what the UN itself can do as a norm maker (Zürn et al. 2012; Gilbert & Rüsch 2018). However, **norms on the rule of law can also be bolstered by empirically demonstrating that the Security Council and its operations actually justify and apply the concept in a fairly consistent way. Rule of law data is a critical means to this end.**

4. The fourth claim pertains to the need to know more about the **relationship between activities and goals** (including SDG 16, *Just and peaceful societies*). The inference of rule of law activities and outcomes to larger goals is known to be very difficult in the absence of adequate evaluation systems (see for example, Cohen et al. 2011). The new *UN Comprehensive Performance Assessment System* (CPAS) is focused on whole-of-mission performance. There are also some specific problems in the interface between peacekeeping and the rule of law, notably that the ulterior goals of the respective “projects” only partially converge and are sometimes at odds with each other, and that there is inconsistent use of terminology. Continued and intensified efforts to combine empirical data on activities and outcomes are therefore essential for the legitimacy, efficiency and effectiveness of this important area of international engagement.
5. The fifth claim is that the **accelerating proliferation of rule of law actors make more comprehensive data and a wider analytical lens necessary**. In most post-conflict environments, there is parallel engagement by a range of bilateral and multilateral agencies, civil society organisations and others. Some of these may be better resourced than the United Nations to take on specific rule of law tasks (Farrall & Loiselle 2016) and expect there to be a special role for themselves to play. The host state also plays an important role (Ryan 2016). The implication is that analysis of the United Nations or any other actor in isolation tends to be insufficient and misleading, and that future data and analysis need to cover the policies and activities of several international, regional and national actors, as well as a much wider range of political, social and legal outcomes.
6. While the overarching conclusion is that the scope of future rule of law data collection and analysis needs to be much expanded, perhaps beyond the current reach and capacity of any researcher or institution, the sixth claim is that **much can be done today by more effectively combining and synthesizing already existing datasets and analytical efforts**. There is already recognition in the peace research community of the utility of combining various peacekeeping data (see for example Kroeker et al. 2019). For the area of rule of law specifically, a first step could be to make those who

collect, possess or analyse rule of law-relevant data, whether in multilateral organizations, governments, civil society organizations, think tanks or academic institutions, aware of each other. Then opportunities to combine datasets and seek other forms of synergy should be explored.

7. The seventh claim is that access to and analysis of data would be greatly facilitated by **a comprehensive coding system for rule of law activities in UN peace operations**. Such a coding system should ideally be developed with the greatest possible political and institutional buy-in, and in alignment with existing UN reporting functions, but some entity needs to take the first step and illustrate to the UN and member states what such a system could look like and be used for. Perhaps the conclusions and methodology of this report can serve as a source of inspiration.

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# Annex 1: List of Missions

<b>Country</b>	<b>Region</b>	<b>Mission</b>
Afghanistan	Asia	UNAMA (28 March 2002-)
Angola	Africa	UNAVEM I (20 Dec 1988-30 May 1991)
Angola	Africa	UNAVEM II (30 May 1991-7 Feb 1995)
Angola	Africa	UNAVEM III (8 Feb 1995-30 June 1997)
Angola	Africa	MONUA (1 July 1997-26 Feb 1999)
Angola	Africa	UNOA (15 Oct 1999-19 Dec 2002)
Angola	Africa	UNMA (15 Aug 2002-15 Feb 2003)
Bosnia	Europe	UNPROFOR (21 Feb 1992-31 Jan 1996)
Bosnia	Europe	UNMIBH (21 Dec 1995-31 Dec 2002)
Burundi	Africa	UNOB (Nov 1993-2004)
Burundi	Africa	ONUB (1 June 2004-31 Dec 2006)
Burundi	Africa	BINUB (1 Jan 2007-31 Dec 2010)
Burundi	Africa	BNUB (1 Jan 2011-31 Dec 2014)
Cambodia	Asia	UNAMIC (Oct 1991-March 1992)
Cambodia	Asia	UNTAC (28 Feb 1992-Sept 1993)
Central African Republic	Africa	MINURCA (15 April 1998-15 Feb 2000)
Central African Republic	Africa	BONUCA (15 Feb 2000-31 Dec 2009)
Central African Republic	Africa	BINUCA (1 Jan 2010-10 April 2014)
Central African Republic	Africa	MINUSCA (10 April 2014-)
Côte d'Ivoire	Africa	MINUCI (13 May 2003- 4 April 2004)
Côte d'Ivoire	Africa	UNOCI (4 April 2004-)
Croatia	Europe	UNCRO (31 March 1995-15 Jan 1996)
Croatia	Europe	UNMOP (UN Mission of Observers in Prevlaka (15 Jan 1996-15 Dec 2002)
Croatia	Europe	UNTAES (United Nations Transitional Administration for Eastern Slavonia, Baranja & Western Sirmium) (15 Jan 1996-15 Jan 1998)
Croatia	Europe	UNPSG United Nations Civilian Police Support Group (16 Jan 1998-15 Oct 1998)
Cyprus	Europe	UNFICYP (4 March 1964-)
DRC	Africa	MONUC (30 Nov 1999-30 June 2010)
DRC	Africa	MONUSCO (1 July 2010-)
EI Salvador	Americas	ONUSAL (20 May 1991-30 April 1995) election observer mission

<b>Georgia</b>	Europe	UNOMIG (24 Aug 1993-15 June 2009)
<b>Guatemala</b>	Americas	MINUGUA (20 Jan 1997-14 May 1997)
<b>Guinea-Bissau</b>	Africa	UNOGBIS (3 March 1999-31 Dec 2009)
<b>Guinea-Bissau</b>	Africa	UNIOGBIS (1 Jan 2010-)
<b>Haiti</b>	Americas	UNMIH (UN Mission in Haiti) (23 Sep 1993-June 1996)
<b>Haiti</b>	Americas	UNSMIH (UN Support Mission in Haiti (28 June 1996-31 July 1997)
<b>Haiti</b>	Americas	MIPONUH (UN Civilian Police Mission to Haiti) (28 Nov 1997-15 March 2000)
<b>Haiti</b>	Americas	UNTMIH (UN Transition Mission in Haiti) (30 July 1997-Nov 1997)
<b>Haiti</b>	Americas	MINUSTAH (United Nations Stabilization Mission in Haiti) (1 June 2004-Oct 2017)
<b>Haiti</b>	Americas	MINUJUSTH (United Nations Mission for Justice Support in Haiti) (Oct 2017-)
<b>Iraq</b>	Middle East	UNAMI (14 Aug 2003-)
<b>Kosovo</b>	Europe	UNMIK (10 June 1999-)
<b>Lebanon</b>	Middle East	UNIFIL (19 March 1978-)
<b>Liberia</b>	Africa	UNOMIL (22 Sept 1993-30 Sept 1997)
<b>Liberia</b>	Africa	UNOL (Nov 1997-Sept/Oct 2003)
<b>Liberia</b>	Africa	UNMIL (1 Oct 2003-)
<b>Libya</b>	Africa	UNSMIL (16 Sept 2011-)
<b>Macedonia</b>	Europe	UNPREDEP (31 March 1995-28 Feb 1999)
<b>Mali</b>	Africa	MINUSMA (25 April 2013-)
<b>Morocco</b>	Africa	MINURSO (29 April 1991-)
<b>Mozambique</b>	Africa	ONUMOZ (16 Dec 1992-9 Dec 1994)
<b>Namibia</b>	Africa	UNTAG (1978-1990)
<b>Nepal</b>	Asia	UNMIN (23 Jan 2007- 15 Jan 2011)
<b>Papua New Guinea</b>	Asia	UNPOB (Aug 1998-31 Dec 2003)
<b>Papua New Guinea</b>	Asia	UNOMB (1 Jan 2004-30 June 2005)
<b>Rwanda</b>	Africa	UNAMIR (5 Oct 1993-8 mars 1996)
<b>Sierra Leone</b>	Africa	UNOMSIL (13 July 1998-22 Oct 1999)
<b>Sierra Leone</b>	Africa	UNAMSIL (22 Oct 1999-Dec 2005)
<b>Sierra Leone</b>	Africa	UNIOSIL (1 Jan 2006-30 Sept 2008)
<b>Sierra Leone</b>	Africa	UNIPSIL (1 Oct 2008-31 March 2014)
<b>Somalia</b>	Africa	UNOSOM I (24 April 1992-25 March 1993)
<b>Somalia</b>	Africa	UNOSOM II (26 March 1993-31 March 1995)
<b>Somalia</b>	Africa	UNPOS (15 April 1995-2 June 2013)

<b>Somalia</b>	Africa	UN SOM (3 June 2013-)
<b>South Africa</b>	Africa	UNOMSA (UN Observer Mission in South Africa) (17 Aug 1992-27 June 1994)
<b>South Sudan</b>	Africa	UNMISS (9 July 2011-)
<b>Sudan</b>	Africa	UNAMIS (11 June 2004-Feb 2005)
<b>Sudan</b>	Africa	UNMIS (24 March 2005-9 July 2011)
<b>Sudan</b>	Africa	UNAMID (31 July 2007-)
<b>Sudan</b>	Africa	UNISFA (United Nations Interim Security Force for Abyei) (27 June 2011-)
<b>Syria</b>	Middle East	UNSMIS (21 April 2012-19 Aug 2012)
<b>Tajikistan</b>	Asia	UNMOT (16 Dec 1994-15 May 2000)
<b>Timor Leste</b>	Asia	UNTAET (25 October 1999-20 May 2002)
<b>Timor Leste</b>	Asia	UNAMET United Nations Mission in East Timor (11 June 1999-30 Nov 1999)
<b>Timor Leste</b>	Asia	UNMISET (17 May 2002-May 2005)
<b>Timor Leste</b>	Asia	UNOTIL (28 April 2005-25 Aug 2006)
<b>Timor Leste</b>	Asia	UNMIT (25 Aug 2006-31 Dec 2012)

# Annex 2: Description of Focal Areas

Focal area	Description
POLICE AND LAW ENFORCEMENT REFORM	<ul style="list-style-type: none"> <li>▪ Police and law enforcement infrastructure (police buildings, technical equipment etc.)</li> <li>▪ Vetting of law enforcement personnel, development of codes of conduct</li> <li>▪ Accountability of law enforcement personnel and intelligence services (including standard setting, codes of conduct etc.)</li> <li>▪ Capacity-building and training of law enforcement personnel and development of training modules/manuals</li> <li>▪ Support to establishing relationships with regional/international law enforcement agencies (e.g. Interpol)</li> <li>▪ Technical assistance programs for reform and restructuring/modernization and effectiveness programs</li> <li>▪ Monitoring and mentoring/joint patrolling</li> <li>▪ Support to strengthening public confidence in the police/ improve police conduct</li> </ul>
DETENTION AND CORRECTIONS	<ul style="list-style-type: none"> <li>▪ Detention, correction and prison infrastructure (buildings, technical equipment, construction of separate union for juveniles/women, provisions of food, medical service, sanitation and clean water for the detainees, etc.)</li> <li>▪ Juvenile justice</li> <li>▪ Support to pre-trial detentions and detention institutions</li> <li>▪ Vetting of detention/correction/custodial corps personnel</li> <li>▪ Capacity-building, mentoring and training of detention/correction/custodial corps personnel (including standard setting, codes of conduct, etc.) and development of training curriculum</li> <li>▪ Monitoring/assessment of prison conditions</li> <li>▪ Technical assistance programmes for reform and restructuring (e.g. developing procedural guidelines, strategic development plans)</li> </ul>
JUDICIAL REFORM	<ul style="list-style-type: none"> <li>▪ Strengthening judicial infrastructure or supplying technical equipment (court buildings and facilities, computers, office equipment etc.)</li> <li>▪ Judicial modernization or effectiveness programs, standardization of key procedures and practices</li> <li>▪ Support to reform of the judicial organizational system and support to judicial (reform) commissions and councils</li> <li>▪ Capacity-building, training and mentoring court personnel (e.g. judges, prosecutors, defense lawyers, law clerks, court bailiffs etc)</li> <li>▪ Development of handbooks/training curriculums for court personnel, support to the establishment of magistrate schools, legal training centers and continuing education for judges and prosecutors</li> <li>▪ Develop court policies and procedures (e.g. for handling cases, communication, etc.)</li> <li>▪ Assist in the publication of judicial decisions</li> <li>▪ Vetting processes of judges and legal personnel/(e.g. judges, prosecutors, defense lawyers, law clerks, court bailiffs, etc.), development of codes of conduct and disciplinary mechanisms</li> <li>▪ Support to /strengthening of judicial accountability/ independence/ address problems of corruption</li> </ul>

	<ul style="list-style-type: none"> <li>▪ Support to /strengthening of traditional/customary/religious/informal/ non state justice systems and dispute resolution and support to harmonization of formal and traditional justice systems</li> <li>▪ Support to military justice systems</li> <li>▪ Establishment of special chambers to deal with serious crimes</li> <li>▪ Efforts to strengthen judicial control over administrative and budgetary matters</li> <li>▪ Strengthen/introduce child sensitive procedures</li> <li>▪ Strengthen/introduce gender sensitive procedures</li> <li>▪ Trial monitoring/monitor and report on judicial processes</li> </ul>
CONSTITUTIONAL REFORM	<ul style="list-style-type: none"> <li>▪ Support to constitutional (reform) commissions and councils</li> <li>▪ Technical assistance in constitutional drafting</li> <li>▪ Constitutional consultation processes and support to constitutional referendums</li> <li>▪ Constitutional reform infrastructure (printing, distribution and dissemination of constitutional texts, publication, etc.)</li> </ul>
LAW REFORM	<ul style="list-style-type: none"> <li>▪ Law reform infrastructure (printing, distribution and dissemination, publication, etc.)</li> <li>▪ Law reform in general and particular (e.g. laws on specific rights or sectors: criminal law, civil law, electoral law, media law or gender justice etc.)</li> <li>▪ Support to law (reform) and legislative commissions/ councils</li> <li>▪ Support to legislative assemblies/capacity-building legislative assemblies</li> <li>▪ Review of national law, harmonization of legal frameworks and harmonization of national law with a new constitution</li> <li>▪ Harmonization/implementation of regional/international law and support to treaty ratification</li> <li>▪ Support to the creation of law libraries or repositories of law</li> </ul>
ADMINISTRATIVE LAW REFORM	<ul style="list-style-type: none"> <li>▪ Support to ombudsman institutions (or sometimes National Human Rights Institutions, Inspector General, etc.)</li> <li>▪ Anti-corruption agencies and anti-corruption initiatives</li> <li>▪ External review institutions and complaints offices in relation to public administration (e.g. oversight institutions)</li> <li>▪ Legal reform specifically addressing public administration in terms of accountability, transparency, etc.</li> <li>▪ Civil service reform and personnel management</li> <li>▪ Funding mechanisms and administrative support for the justice system</li> <li>▪ Decentralization and governance initiatives involving greater responsiveness, accountability, transparency</li> </ul>
LEGAL AWARENESS AND ACCESS TO JUSTICE	<ul style="list-style-type: none"> <li>▪ Legal awareness/legal literacy activities/events</li> <li>▪ Legal education/ law schools</li> <li>▪ Legal aid programs</li> <li>▪ Legal aid and paralegal assistance programs</li> <li>▪ Mobile court programs (if aimed at increasing access to justice)</li> <li>▪ Establishment of public defenders' programme</li> <li>▪ Strengthen victim services and help desk functions for particular crimes/victims</li> <li>▪ Public information campaigns, sensitization workshops and seminars (broader public and for legal professionals and civil servants)</li> <li>▪ Support to/creation of defense lawyers association/ bar associations</li> </ul>

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