



RESEARCH PROJECT ON RULE OF LAW IN PEACE OPERATIONS

GLOBAL MAPPING OF UN RULE OF LAW ASSISTANCE BETWEEN 1989 AND 2014

The promotion of the rule of law is at the heart of UN peace operations and a central element in the maintenance of international peace and security. The Security Council has gradually but significantly increased the integration of rule of law elements in its resolutions since the early 2000s, thus making rule of law an essential part of UN peace operations. While there are increased demands for the rule of law and corresponding appeals for turning the idea into reality there is, however, a lack of comprehensive empirical studies on the topic. This research project examines how the UN has operationalized the concept of the rule of law, and analyses its potential shortcomings before considering the means of progression towards a more adequate and efficient method of assistance than currently exists.

KEEPING AND BUILDING THE PEACE: UNDERSTANDING THE BIG PICTURE OF UN RULE OF LAW ASSISTANCE

A discrepancy exists between the UN's investment in rule of law assistance and the systematic empirical data on how the concept is implemented in practice. This concerns the problem of knowledge falling short of both demand and expectation. The significant growth of UN rule of law assistance in post-conflict and fragile states corresponds with the growing complexity of its peace operations. These are often mandated to keep or build peace where there is none, resulting in volatile security situations and a growing set of challenges – for example, transnational organized crime, corruption, protection of civilians, and a lack of core government functions and public service provision. The rule of law stands at the centre of many of the approaches needed to meet these demands, yet the roles, responsibility and capacity to provide adequate rule of law assistance are still not clearly defined for peacekeeping operations and special political missions, which are the UN's two main approaches to conflict management.

The tendency seems to be that the demand for rule of law assistance in peace operations will continue, just as patterns of conflict appear to indicate its proliferation. This raises a number of questions in relation to the UN's capacity to provide rule of law assistance that is compre-

hensive, timely and country-specific. Thus without a systematic overview of reported rule of law activities in the field it is difficult to assess and identify future trends, challenges and demands - not least to respond to increasing political pressure that urges concrete and measurable results of UN rule of law assistance.

PROJECT BACKGROUND

The first step of mapping was finalized in 2012, covering UN peace operations in Africa during the period 1989-2010. The findings from the project are collected in the report *UN Peace Operations and Rule of Law Assistance in Africa: Data, Patterns and Questions for the Future*, by Richard Zajac Sannerholm, Frida Möller, Kristina Simion and Hanna Hallonsten.

The report shows that while the volume of rule of law assistance has increased over past decades, most rule of law assistance has been directed towards the justice chain (police, justice and corrections reforms). However, since year 2000 a broader scope of assistance has been seen in legal awareness/access to justice and legislative reform, though such support seems to be less consistent over the course of time. The report also reveals that apart from mentoring, advice and technical assistance (which are integral to all UN operations) rule of law assistance relies mainly on capacity-building through training and support for infrastructure. Another interesting finding is that there

seem to be more similarities than differences in the rule of law assistance provided by both peacekeeping operations and the special political missions.

PROJECT OBJECTIVES

Building on the existing data, and drawing upon current UN doctrine in the area, the project views the UN's operationalization of the rule of law through the creation of a UN rule of law dataset. More specifically, the project has the following aims:

- Identifying the volume, scope and methods used in UN rule of law assistance, as well as trends, practices and changes over time - both in relation to different mandates, mission transitions, geographical areas and organizational developments.
- Identifying future policy and programming implications in the field of rule of law, and provide targeted recommendations at the strategic, operational and tactical level on UN rule of law assistance.
- Providing information and recommendations on quality and coherence with policy, and practical guidance on the rule of law and the preparedness and capacity of the UN to provide adequate and timely rule of law assistance through its various peacekeeping and peace-building initiatives.

A number of crucial and forward-looking questions on UN rule of law assistance in post-conflict and fragile states will be addressed. The findings in the report aim to inform and inspire debate and discussion on the UN's commitment to the rule of law.

PROJECT OUTLINE

The project covers all UN peace operations (including peacekeeping operations and special political missions and peace-building offices) that have been in operation between 1989 and 2014. The empirical base will be drawn primarily from UN Security Council Resolutions, UN Secretary General Reports and UN Budget Performance Reports, where available.

The dataset covers seven broad reform areas within UN rule of law assistance, and are selected and delimited on the basis of the UN's definition of the rule of law, subsequent policy documents and the organization's practical guidelines and manuals on rule of law assistance.

These are:

1. Justice reform
2. Constitutional reform
3. Legislative/law reform
4. Public administration reform
5. Legal awareness and access to justice reform
6. Police reform
7. Corrections reform

On the basis of the empirical dataset a number of both country-specific and thematic case studies will be conducted. Together with information from other databases and indexes the case studies enable a more comprehensive and qualitative analysis of the main findings in the report. In order to further validate the data, presentations and focus group discussions among practitioners, academics and policy makers active in the

field of rule of law will be conducted. Additional field visits and interviews in continuing peace operations will be carried out in order to validate the findings of the project.

The scheme will be ongoing throughout 2015 and will result in a research report in 2016. The aim is to conduct yearly updates to expand the dataset and follow-up on developments in peace operations that are in progress. The project will be able to provide thematically and geographically targeted analyses to UN actors both during the project process and after completion of the report.

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