

Synthesis of results of the support to the rule of law by five peacekeeping operations

19 July 2023

Assignment No: IED-23-009



INSPECTION AND EVALUATION DIVISION

Function *“The Office shall evaluate the efficiency and effectiveness of the implementation of the programmes and legislative mandates of the Organization. It shall conduct programme evaluations with the purpose of establishing analytical and critical evaluations of the implementation of programmes and legislative mandates, examining whether changes therein require review of the methods of delivery, the continued relevance of administrative procedures and whether the activities correspond to the mandates as they may be reflected in the approved budgets and the medium-term plan of the Organization;”* ([General Assembly Resolution 48/218 B](#)).

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Contents

Summary.....	3
I. Introduction	4
II. Background	4
III. Scope of the Evaluations	5
IV. Synthesis of Results.....	8
V. Conclusion.....	15
VI. Key Takeaways for Programme Managers	16
Annex 1: Management Response	17

Summary

This report aims to synthesize the findings from five outcome evaluations conducted by the United Nations Office of Internal Oversight Services focusing on the support provided by peacekeeping operations to strengthening the rule of law, justice and security functions, and restoration and extension of state authority in five instances. The evaluated missions were United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), United Nations Multidimensional Integrated Mission in the Central African Republic (MINUSCA), United Nations Interim Administration in Kosovo (UNMIK), and United Nations Mission in South Sudan (UNMISS). The evaluations were published in either 2022 or 2023. Although these missions had different mandates and operated in different contexts, some common trends were identified in their contribution to strengthening the rule of law.

Despite several contextual challenges, external stakeholders and the local populations generally perceived the missions' contributions to strengthening the rule of law and accountability and supporting extension of state authority as relevant.

The use of good offices provided relevant support to the reforms in this area. However, gaps between the design and implementation of these reforms, partly caused by the lack of comprehensive strategic planning and systematic follow-up to ascertain results, impeded the likelihood of inducing systematic change. So did inconsistent coordination within the missions and with external partners. Nevertheless, certain good practices to enhance coordination with local authorities and civil society were identified.

The support provided was found to be most effective when the missions leveraged their comparative advantages, such as superior logistical and protection capacities. In some cases, the presence of government institutions in remote areas would have remained non-existent but for the support of the peacekeeping operations. Support was particularly successful when planned and executed jointly with local counterparts, as it simultaneously enhanced capacity building and monitoring of skills, improved access to justice, increased the mutual understanding between justice actors, and raised the populations' confidence in the justice sector. Other aspects identified which contributed to effective support and sustainability across the missions were when a triple nexus approach was applied, viz, encompassing the peace and security, development, and humanitarian pillars; when civil administration was present alongside security and justice providers; when local coordination was strengthened; and when communities and traditional justice mechanisms were involved in the wider rule of law reform. Challenges to strengthen human rights and promote transitional justice remained, while mission support to gender equality, environmental issues and vulnerable populations yielded few visible results.

Based on these synthesized results, the report provides some key takeaways for programme managers on how to improve the effectiveness and sustainability of peacekeeping operations' support to strengthening the rule of law and extending state authority. These include increased resources for strategic planning and knowledge management, better staffing balance between mission components supporting the justice chain, greater focus on the comparative advantages of peacekeeping operations, while creating space for other actors to contribute in a coordinated fashion, and the development of a coordinated strategy encompassing the activities of all relevant United Nations entities working in on strengthening the rule of law.

I. Introduction

1. Between 2021 and 2023, the United Nations Office of Internal Oversight Services (OIOS) undertook five outcome evaluations to assess the following peacekeeping operations in their support to strengthening the rule of law, justice and security functions, and restoration and extension of state authority in the respective country/ territory:

- United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA),
- United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO),
- United Nations Multidimensional Integrated Mission in the Central African Republic (MINUSCA),
- United Nations Interim Administration in Kosovo (UNMIK), and
- United Nations Mission in South Sudan (UNMISS).

2. This report synthesizes the results of these five evaluation reports,¹ with a goal to identify trends in the evaluation results, generate cross-cutting lessons learned, and contribute to the understanding of key processes for effective support to strengthening the rule of law, justice, and security, so that better interventions can be designed in the future. The five evaluations and their related background material constituted the basis for this evaluation; the aim was not to collect fresh evidence. Management comments were sought on the draft report and considered in the final report, which is included in the Annex to this report.

Limitations

3. This report is derived from five evaluations that assessed five different peacekeeping operations with unique mandates, and their associated operationalization. Although all evaluations had a similar principal aim, i.e., to evaluate how missions contributed to the rule of law and related areas, they differed in some of the sub-thematic areas and detail focus. This constituted certain challenges for this synthesis. As an example, the evaluations used different variables for quantitative analyses of similar topics, which did not allow for direct comparison. Consequently, even though several trends were identified across all missions, some of the results highlighted in this report were more pertinent to some missions than others.

II. Background

4. Contemporary conflicts have generally become more complex, involving a multitude of actors including armed and extremist groups and other security personnel with differentiated agendas, often featuring cross-border elements. Political solutions to address these conflicts, such as peace agreements, have often been implemented on a limited basis in contexts where United Nations peacekeeping missions are currently deployed. Simultaneously, peacekeeping missions faced challenges in delivering on their protection mandates, in contributing to long-term, sustainable peace, and in achieving coherence with other actors that operated in the same contexts.²

5. In response to the increasing complexities in peacekeeping settings, the United Nations Security Council and General Assembly in 2016 expressed a unified commitment to the concept of “sustaining peace”, underlining that conflict prevention was to be undertaken by all pillars of the

¹ A/76/698, A/76/707, A/77/739, A/77/734, and IED-22-012

² <https://peacekeeping.un.org/en/action-for-peacekeeping-a4p>

United Nations to address the root causes of conflict.³ In 2018, the Secretary General also launched the “Action for Peacekeeping” initiative, with the following eight priority commitment areas: (1) politics, (2) women, peace and security, (3) protection, (4) safety and security, (5) performance and accountability, (6) peacebuilding and sustaining peace, (7) partnerships, and (8) conduct of peacekeepers and peacekeeping operations. Furthermore, peacekeeping mandates have oftentimes been broadened and formulated as multidimensional operations based on Chapter VII of the United Nations Charter with more robust and offensive elements. Based on the fundamental notion that it is not possible to have peace without justice, strengthening the rule of law and the extension of state authority have oftentimes become central components of United Nations peacekeeping mandates.

Rule of Law and Extension of State Authority

6. In the United Nations, the rule of law is conceptualized as a set of principles according to which both citizens and the state are held accountable to laws that are “publicly promulgated, equally enforced, and independently adjudicated” and which are “consistent with international human rights norms and standards.”⁴ The United Nations rule of law agenda targets both citizens and states⁵ and is tightly connected to its three pillars – peace and security, human rights, and development – as there are strong links between establishing democratic governance, reducing poverty and securing access to justice.⁶

7. The extension of state authority relates to effective and legitimate governance for the population. To achieve this, government institutions including the judiciary as well as security providers and administrative services, need to adhere to the rule of law principles and be accessible to the population. As such, the extension of state authority relies on an intricate relationship between accessibility, legitimacy, accountability, and the rule of law; and is central to strengthening the social contract between the state and its citizens.⁷

8. Within the Department of Peace Operations (DPO), the Office of Rule of Law and Security Institutions (OROLSI) is structured around five components: Police Division; Justice and Corrections Service; United Nations Mine Action Service; Disarmament, Demobilization and Reintegration (DDR) Section; and Security Sector Reform (SSR) Unit. This organization reflects the interrelation among all these areas in achieving the rule of law through support to the security and justice institutions in the host nations.

III. Scope of the Evaluations

9. The interconnectedness of the rule of law principles and support to the justice and security sectors, as well as restoration and extension of state authority, was reflected in the mandates and strategic priorities of the evaluated missions. For MINUSCA, the mission’s strategic vision referred to using a comprehensive approach to support areas identified in the mandate, including national and international justice, the fight against impunity, the rule of law, the extension of state authority, the deployment of security forces and the preservation of territorial integrity. UNMISS strategic vision

³ Adam Day and Jessica Caus, *Rule of Law and Sustaining Peace: Towards More Impactful, Effective Conflict Prevention*. New York: United Nations University, 2021.

⁴ United Nations Secretary-General. 2008. *Guidance Note: United Nations Approach to Rule of Law Assistance*. New York: United Nations.

⁵ Blair, Robert A. *UN Peacekeeping and the Rule of Law*. *American Political Science Review* (2021) 115, 1, 51–68.

⁶ United Nations Development Programme. 2004. *Access to Justice, Practice Note*.

⁷ United Nations. 2019. *Extension of State Authority in the Area of Justice and Corrections – A Lessons Learned Study on the Work of the United Nations Peace Operations*. United Nations, Department of Peace Operations.

included the notion of support to inclusive and accountable governance. The strategic priorities for MONUSCO and MINUSMA included support to stabilization in their respective areas of operations, as well as support to key governance and security reforms, to establish functional, professional, and accountable state institutions, including security and judicial institutions. UNMIK strategic priorities included support in the areas of human rights and the rule of law. In addition, support to implementation of peace agreements was frequently linked to strengthening the rule of law and supporting institutional reforms and transitional justice. Table 1 provides an overview of the temporal scope and purpose of the evaluations.

Table 1: Overview of Evaluation Purpose

Mission	Temporal scope	Evaluation purpose
MINUSCA	2016 - 2022	Determine the relevance and effectiveness of MINUSCA support to the fight against impunity and the extension of State authority and rule of law in the Central African Republic.
MINUSMA	2017 - 2020	Assess the extent to which key outcomes in returning, restoring, and extending state authority in the rule of law area including fight against impunity have been achieved in Central and Northern Mali through MINUSMA support.
MONUSCO	2014 - 2020	Determine, as systematically and objectively as possible, the relevance and effectiveness of MONUSCO support to rule of law and security institutions in the Democratic Republic of Congo.
UNMISS	2018 - 2022	Assess the extent to which UNMISS has made plausible contributions to achieving the rule of law and accountability outcomes in South Sudan.
UNMIK	2016 - 2022	Assess the extent to which, and how, UNMIK has made plausible and significant contributions to achieving rule of law outcomes in Kosovo.

10. The focus areas of the five evaluations were aligned with the respective mission mandate. The evaluation of UNMIK had a more limited scope, focusing on support to the justice sector, reflecting the mission's relatively truncated activities since 2016. Table 2 provides an overview of the coverage of the various mission components by the five evaluations.

Table 2: Overview of Evaluation Coverage

Mission components covered	MINUSCA	MINUSMA	MONUSCO	UNMISS	UNMIK
Rule of law/Justice and Corrections	X	X	X	X	X
Police	X	X	X	X	
Human Rights	X	X	X	X	X
Gender	X	X	X	X	X
Child Protection	X			X	
Civil Affairs	X	X	X	X	
SSR	X	X	X		
DDR	X	X	X		
Political Affairs	X	X	X	X	X
Military	X		X		
Strategic Communication and Public Information	X				X

Mission components covered	MINUSCA	MINUSMA	MONUSCO	UNMISS	UNMIK
Stabilization Support			X		
Senior Women Protection				X	
Legal Affairs					X

Common contextual factors

11. There were several contextual factors that made each peacekeeping mission unique, and which affected its ability to succeed. These included: the political and security situation in the host country/ territory; the relationship between host government and the peacekeeping mission (including discrepancies between desired and available support); national justice and security infrastructure; the presence of plurality of legal systems in the host country; the level of functioning and resilience of national rule of law institutions, ability/willingness of national institutions and partners to absorb support; and the history of the mission. UNMIK stood out both in size and budget, was active in a relatively small geographical area with a smaller population, and there was relative peace in Kosovo. The other four missions were considerably larger and had multidimensional components, all based in the African continent. These four missions shared many similarities, while a small number of features were relevant for all five missions.

12. A challenge shared by all missions, albeit to varying degrees, was the lack of political appetite of those holding power to receive support and/or advance reforms to strengthen the rule of law. In contrast, communities and individuals affected by the conflict had voiced strong demands for justice and accountability. In the four multidimensional missions, political will was central to hold perpetrators of human rights and war crimes accountable, particularly higher-ranking officers within the national military. Unwillingness to do so exacerbated grievances and continued to fuel conflict, impeded transitional justice, undermined the confidence in justice institutions as perpetrators of looting, sexual violence, murders, illegal land grabbing, mining or extraction of natural resources often were known to communities. All host nations/ territories faced challenges with having limited human and budgetary resources available, including for the justice and security sectors. This hampered the respective governments' ability to strategically plan activities with a long-term focus, maintain infrastructure, pay salaries (and thereby retain staff), buy fuel for vehicles, and so on, which in turn impeded the effectiveness and sustainability of the missions' support.

13. All conflicts, and hence the missions and their various operations, were affected by international and cross-border elements in one way or another, be it regional political involvement, engagement of foreign armed groups, or the illegal trafficking of natural resources across national boundaries. In the four multidimensional peacekeeping operations, the large size of each country, and the distance from the capital to the peripheral areas posed a challenge for civilians to work safely outside the capitals, and to support the extension of state authority on a sustainable basis. Recurring waves of violence compounded this challenge. Limited mission resources were also an inhibiting factor in this regard, at times exacerbated both by insufficient coordination with the United Nation Country Team (UNCT), as well as the insufficiency of available development funding to meet the vast needs of the sector.

IV. Synthesis of Results

14. The support provided by United Nations peacekeeping operations to strengthen the rule of law and accountability, to reform the justice institutions and to restore and extend state authority, all aimed at contributing to stabilization and durable peace in the respective mission areas. Evaluating the contribution of the country's security sector to strengthening the rule of law and supporting extension of state authority was more pertinent in the evaluations of MINUSCA and MONUSCO. All missions provided relevant support that was aligned with the respective mandates and underlying peace agreements.

The use of good offices provided relevant support to the rule of law reforms

15. As discussed above, effective support was dependent on the host nation/ territory's appetite to receive such support. The evaluations of MONUSCO, MINUSCA and MINUSMA all found that the political will to receive support was varying, whilst UNMIK faced resistance in this regard (UNMISS support was better received in South Sudan as the governance foundation in place following independence, including justice sector institutions, was limited). The missions used their good offices to counter such resistance, facilitated by the status of the Special Representative of the Secretary General (SRSG) and a Security Council mandate that offered frequent access to the highest level of decision makers of the host government, in most cases. The good offices had multiple roles, among which was advocating for the advancement of peace agreements and relevant reforms, as well as provision of advice on strategic aspects to strengthen the rule of law and extension of state authority.

16. All evaluations⁸ were able to register improvements in the establishment of legal and regulatory frameworks and reform plans. Accordingly, the support provided by the good offices was uniformly deemed relevant, with host governments generally appreciative of the technical expertise of advisers. In South Sudan, the legal system was reconstituted after independence, transitioning away from a Sharia-based system. Here, UNMISS support was seen as laying the foundation for the statutory justice system. In Mali, MINUSMA support contributed to the overall justice reform, and in the Central African Republic, MINUSCA facilitated dialogue and negotiations between the government and opposition groups, which culminated in the signing of the peace agreement.

There were gaps between the design and implementation of reforms partly caused by the lack of comprehensive strategic planning

17. Several legal frameworks and plans, although relevant and appropriate, were not fully implemented in practice. For example, MINUSMA supported legislative reforms to establish a functioning criminal justice chain, but improvement on the ground was limited. Similarly, UNMISS supported the creation of strategic plans for the rule of law institutions in South Sudan, but they were not implemented, and the lack of an effective and operational case management system was identified one of the root causes of the inefficiencies in the criminal justice chain. A variety of reasons contributed to the slow implementation of reforms in these contexts. Recurring waves of instability rendered challenges for implementation. Sometimes national authorities did not take ownership of reform processes, and there was lack of political will as well as of financial and human resources at the host government level to implement the reforms. This indicated that the good offices were insufficient in fully securing relevant reforms but facilitated the first steps pertaining to establishing relevant legislation and plans in the country/territory.

18. When implementation took place, it was often found to be piecemeal and characterized by silo thinking. This was the case in Mali and South Sudan where the host countries had not managed to implement security and justice reforms horizontally across different agencies. In Mali, this could be

⁸ Except for the UNMIK evaluation where this was not part of the mandated tasks.

attributed to the lack of state presence in the North. The lack of strategic planning of reforms by national agencies was mirrored by insufficient strategic, integrated, and holistic reform support by these missions. In Kosovo, UNMIK focused on providing operational support to the judiciary institutions in Mitrovica. The primary reason identified was a combination of unwillingness to receive strategic support from UNMIK, and lack of space in the rule of law area due to a multitude of actors present.

19. A few internal issues that hampered strategic planning within the mission were identified. When tools such as logical frameworks were used, they were done so separately for different sectors by the various mission components. Although Integrated Planning Offices made improvements towards a 'One United Nations Approach', MONUSCO and MINUSCA had not fully succeeded in integrated planning. Another example was the reported lack of internal integration and coordination between the Civil Affairs Section and Rule of Law Support Office in MINUSCA due to different reporting lines. Similarly, in MINUSMA, the cooperation between the rule of law experts and those in human rights faltered, partly due to different organizational cultures and reporting lines.

Good practices to enhance local coordination were identified

20. Coordination, both within missions and between actors operating in the rule of law space proved to be challenging. To mitigate a situation where local justice providers worked in silos, MINUSMA supported the establishment and operation of a framework for consultation within the justice chain, with a purpose to discuss gaps and needs, and to sustain reform progress. This programme gathered governmental agencies, as well as traditional leaders and civil society, and was rolled out in several regions. The wide representation resulted in increased mutual understanding for the work of the justice institutions, including the complementary role of traditional justice mechanisms, and the expectations of people. It had positive effects on the populations' confidence in the justice system, and thereby, reportedly, contributed to increased access to justice. In Kosovo, UNMIK held monthly coordination meetings with civil society organizations present in Mitrovica, which improved both information sharing and activity coordination in this geographical area. These two examples stood out as localized approaches to coordination that worked well, and they were examples of bottom-up approaches in the otherwise very top-down dominated peacekeeping landscape.

When coordination was inconsistent, it sometimes resulted in inefficiencies and duplication

21. Although good examples of effective coordination were identified as above, all evaluations also found that inconsistent coordination among actors operating in the rule of law space was an obstacle to effective support, albeit with variations in its significance. Coordination affected both strategic and operational support and in the worst cases, it resulted in conflicts, overlapping/duplication of activities, and other inefficiencies. Notwithstanding the identified good examples of coordination, the dominant view in South Sudan, Mali, Kosovo, and the Central African Republic was that the overall coordination with other actors could be improved. In South Sudan, weak coordination with the UNCT hampered UNMISS ability to leverage its comparative advantages. In Mali, Kosovo⁹ and South Sudan, weak coordination contributed to the lack of a comprehensive rule of law-related training. Both MONUSCO and MINUSCA had Joint Justice Reform Support Programmes where the respective missions and United Nations Development Programme (UNDP) cooperated closely, which may have contributed to a more holistic approach towards strengthening the justice chain in these countries. A mechanism that sometimes contributed to improved coordination was when trust funds promoted a culture of information sharing, as most implementing partners were dependent on such financing. This was the case in South Sudan and in the areas from which MONUSCO had withdrawn in

⁹ Kosovo stood out in this example as there was little appetite to receive capacity building support.

the Democratic Republic of Congo (the Kasais and Tanganyika provinces). However, in Mali, where most projects related to the rule of law were financed by a trust fund, coordination between United Nations entities nevertheless remained weak.

Capacity building efforts were at times effective, but also hampered by the absence of an overarching strategy

22. Capacity building was a central part of the missions' support to strengthen local authorities' capabilities and accountability. Although the substantive knowledge of mission experts was appreciated, training was often delivered without an overarching strategy and was at times relatively ineffective. In UNMISS and MINUSMA, the strategic approach to capacity building was generally inadequate and these missions lacked a vision on how to plan and sequence training initiatives over the long-term period. Here, missions commonly had little influence on the selection of trainees, did not follow up where the trained officers were deployed, and did not monitor if and how the skills acquired were used. Oftentimes, training was provided in piecemeal or an *ad hoc* basis, in response to wishes from local counterparts. MONUSCO provided critical support to, for example, priority prisons in the short term but was not as successful in sustainably addressing the systemic issues such as prison overcrowding, food insecurity, basic hygiene, and sanitary in a sustainable manner, due to lack of local financial resources. UNMIK did not provide any substantial capacity building as there was no local appetite for such support.

Mentoring and joint operations were relatively effective in building capacity

23. A concept that was well appreciated and generally yielded positive results was that of collocated or embedded experts providing on-the-job mentoring. Such experts had the opportunity to coach their local counterparts both in the office environment as well as while conducting joint operational activities (which was done in the judiciary and corrections sectors, the police, and the military). A clear advantage of such an approach was the ability to monitor the performance of their local partners and provide timely and action-based feedback. This approach was more resource intensive, but also emerged as more effective than traditional classroom training of limited duration. There was insufficient data to measure any change in hard skills and knowledge attained by security and justice personnel or how it translated into citizens' better access to justice, but a common viewpoint was that more of this type of support was needed, particularly in dealing with the more vulnerable sections of society.

External factors and inadequate follow-up negatively affected the effectiveness of capacity building efforts

24. Host countries generally did not seem to take sufficient ownership in prioritizing training in terms of what knowledge and skills, to whom and when it should be provided. These weaknesses were exacerbated by weak coordination amongst the various providers, as discussed above. In several missions, there were anecdotes about overlapping training activities and individuals receiving similar training on multiple occasions from multiple providers. Such overlaps were found also within the UNCT, and particularly where separate rule of law programmes were present. Because of inadequate or sometimes non-existent follow-up, there was insufficient data available to draw evidence-based conclusions on the support provided, including quality assurance, or for the mission to evaluate and adapt its training activities according to needs. However, where present, there were indications of an overall professionalization, with improved conduct and attitudes, and an increased willingness to engage in their duties, among security and justice officers.

Operational and logistical support was relevant and relatively effective

25. All missions provided support to constructing and refurbishing infrastructure such as civil administration offices, police stations, courts, prisons, and so on, often through quick impact projects

(QIP). This support was highly appreciated and contributed to an increased overall professionalization of the respective institutions. One of the strengths of the peacekeeping operations was the ability to provide a combination of logistical and protection support, which enabled UNMISS, MINUSCA, MINUSMA and MONUSCO to reach remote locations where none, or few, international partners went previously. Other types of support included provision of fuel, transport, and office equipment. MINUSCA, UNMIK and MINUSMA also provided accommodation and daily subsistence allowances to staff of the supported governments, and in rare instances, UNMIK paid salaries to translators and legal assistants.

26. This type of support in combination with the establishment of toll-free numbers to report crimes (e.g., in MONUSCO), and awareness raising campaigns, contributed to improving the presence of institutions and access to justice in all host countries/ territories. The support was deemed relevant and relatively effective (buildings were generally utilized and equipment properly maintained), but it was rarely sustainable. There was commonly no plan for transitioning the responsibility of the support to local authorities that faced resource constraints. A prerequisite enabling most of this support was access to funds, either quick impact project funds available within the mission, or by teaming up with partners to access trust funds, other financing streams and additional implementing capacities. However, there were no examples identified on how to secure financing through national budgets after mission support was ended.

Mutually reinforcing effects were observed when operational, logistical, and capacity building support were combined

27. A concept that was implemented in all evaluated missions was support to mobile versions of entities like courts and legal aid clinics. The missions' ability to provide logistical and operational support, in combination with security and expertise to mobile entities proved efficient and enabled outreach to citizens in remote areas. In Kosovo, UNMIK supported legal aid clinics that, among other activities, reached out and provided support to vulnerable groups, increasing their access to justice. In Mali, MINUSMA supported remote hearings or mobile courts in areas where justice institutions were not present. In South Sudan, UNMISS supported mobile courts that contributed to resolving local conflicts, thereby contributing to the reduction in the cycles of violence. In the Democratic Republic of Congo, the deployment of mobile courts in remote areas was seen as an essential element in bringing justice closer to these communities and demonstrating that justice could be delivered away from urban centres. When mobile support was undertaken as a joint activity between the mission and local authorities, it had mutually reinforcing effects by simultaneously opening opportunities for mentoring, providing protection, and increasing access to justice outside of capital cities. Although such initiatives were rarely sustainable and commonly lacked a plan for transitioning responsibility to local partners, they had an important emblematic effect, demonstrating how the justice chain could function when all parts came together. As such, they also contributed to increasing the local populations' awareness about rights and the functioning of the justice systems, as well as building trust between government institutions and citizens. In the case of UNMISS, bringing different justice actors together in mobile entities also helped build mutual understanding between and capacity of judges, prosecutors, clerks and so on. In the Central African Republic, given the very challenging security situation in much of the country, MINUSCA support to facilitate temporary judicial court sessions and temporary police missions to undertake arrests emanating from the mandate on Urgent Temporary Measures, was critical to ensuring that the criminal justice chain was able to operate in priority geographic areas, at least in a basic way.

Mobile initiatives were effective in the short term, but did not replace the need for more permanent solutions

28. Mobile initiatives were found to be appreciated by local counterparts and populations, who found them relevant to fill justice gaps in the short term. However, there were some caveats. Joint

operations were resource-intensive, both in terms of human and financial resources, while also carrying higher security risks. In addition, some interlocutors feared that focus on mobile solutions could normalize the absence of *in-situ* justice personnel for longer periods, indicating the need to transition to more permanent structures and institutions.

Functioning civil administration helped reinforce the presence of the justice sector

29. Several structural barriers to accessing justice were identified across the various contexts. Some related to the lack of presence of state institutions outside capital cities, leading to long distances to the closest tribunal or judge, and high costs of processing (salaries, transports, printing, fees, etc.). Other barriers included lack of witness protection, stigmatization of victims, and limited knowledge of laws, resulting in trust deficits between citizens and the justice sector. Against this backdrop, all evaluated missions, except for UNMIK, supported the extension of state authority as a means to improve access to justice and other basic services. By building and renovating infrastructure, the visibility of the justice actors was improved. Missions trained and facilitated the deployment of justice actors to these and other facilities. However, insecurity was a major obstacle in retaining staff in these locations, and so was often the inability to pay wages to staff. There were limited incentives for judiciary and civilian personnel to stay in remote locations in Mali. In general, there was a tendency that such personnel in all evaluated countries tried to return to the capital city or other urban centres, often citing the lack of civic infrastructure such as schools and hospitals. The mobile entities previously described was one way of mitigating the challenge of retaining personnel in remote locations.

30. A common observation from MINUSCA, MINUSMA, MONUSCO and UNMISS was that the presence of civil administration authorities had positive effects on the ability to provide justice. In Mali and South Sudan, some results indicated that the presence of civil administration, and that of the security and judiciary institutions were mutually reinforcing. While some acknowledged that insecurity was a hindrance for civil administration to deploy in remote areas, it was clear that security presence by itself did not constitute restoration of state authority. In Mali, the availability of institutions such as police, tribunals and detentions facilities in the north, except Kidal, was only possible through MINUSMA support. Still, there was a call for a 'civilian surge' focusing on support to civil administration and civil society organizations, and to promote human security, as a complement to justice and security operations. In South Sudan, civil administrators were deployed throughout the country, resulting in the recognition that this was a pre-requisite for enabling mobile courts to be deployed to three highly volatile states, which was widely seen as contributing to de-escalation of significant cattle conflicts there. The *combination* of civil administration and justice institutions may have reduced the crime rates and increased security in these areas. In the Central African Republic, MINUSCA enabled the regaining of territorial control from armed groups, including through Disarmament Demobilization and Reintegration and Community Violence Reduction Initiatives in many parts of the country. Following these military operations, MINUSCA also provided substantial support related to the deployment of civil administration, as part of its activities towards restoration and extension of state authority, and this support was pivotal to extend the state's presence outside the capital, Bangui.

Adopting a triple nexus approach facilitated coordination and reinforced sustainable state presence

31. In the Democratic Republic of Congo, a successful partnership between the Government, the UNCT and MONUSCO resulted in the adoption and implementation of the joint strategy on the progressive and phased drawdown of MONUSCO (including transition priorities and benchmarks). This initiative resulted in concerted efforts to boost state authority presence, including civil administration, as well as security and justice institutions. Another key was the well-functioning coordination with UNCT as well as internally within MONUSCO (e.g., between the Civil Affairs Section and the DDR team). The initiative was supported by funding from the Peacebuilding Fund and ultimately allowed MONUSCO to transition out of three provinces (Kasai, Kasai Central and Tanganyika). Although there

were still many challenges in these three provinces, not least regarding retaining deployed personnel and making sure ex-combatants did not revert to predatory practices, it constituted a successful peacebuilding initiative with elements of sustainability. In fact, the evaluations of MINUSCA, MINUSMA and MONUSCO all recommended a stronger emphasis on a triple nexus approach, supplementing justice and security work with development and humanitarian assistance to boost civil administration and basic services, and provide economic opportunities.

Integrating traditional justice mechanisms and involving local communities increased local ownership of reform support

32. There were several examples that pointed to the benefits of increasing local ownership. An approach that increased local ownership, acceptance and effectiveness of judicial reform was to combine customary with statutory practices. In Mali, this combination was promulgated and supported in the peace agreement and followed by a legislative reform. In the Democratic Republic of Congo, South Sudan, and the Central African Republic, customary or alternative justice mechanisms were used as a complement to statutory institutions at a local level. For example, UNMISS supported special courts where the statutory judge was offered advice on local customs and practices related to conflict resolution by the traditional justice actors. In general, public confidence in customary or alternative justice mechanisms was found to be higher than in statutory judicial institutions in these countries, and when traditional justice mechanisms were included alongside statutory institutions, access to justice increased, along with confidence in the statutory system.

33. Furthermore, involving communities in demobilization, disarmament and reintegration processes made them more effective. In the Democratic Republic of Congo, there was evidence that reintegration of ex-combatants in the national military had adverse effects on professionalization and discipline in the corps, and there were similar indications in Mali and the Central African Republic. On the other hand, the lack of economic opportunities when reintegrating ex-combatants into society often resulted in their return to armed groups. MONUSCO attempted a new “community recovery and stabilization programme” which was first implemented in the Kasai province. Here, a Peacebuilding Fund financed project included community-based reintegration of former combatants, transitional justice, reconciliation and social cohesion, inclusive local governance with an emphasis on the participation of women. Similar community violence reduction programmes were employed by MINUSMA, MINUSCA and UNMISS. MINUSCA also promoted peace and reconciliation initiatives at all administrative levels, addressing grievances through dialogue between communities and armed groups. In general, the community-based approach seemed effective as a conflict resolution mechanism and in addressing both impunity and grievances. It also strengthened local ownership, particularly when traditional justice mechanisms were involved, and improved the local legitimacy of actions taken.

Support to strengthen human rights and promote transitional justice was crucial but faced many challenges

34. MONUSCO, MINUSCA, MINUSMA and UNMISS provided substantial support in the fight against impunity and to promote transitional justice.¹⁰ These missions supported the establishment and operation of national databases used to identify, investigate, and prosecute perpetrators of human rights violations. MINUSCA supported the government in the creation of legal instruments, mechanisms, strategies, and plans, that at the aggregated level, strengthened the strategic framework to fight impunity and strengthen the rule of law. In the Democratic Republic of Congo, the mission’s advocacy resulted in the establishment of human rights commissions, both at the national and provincial levels. In South Sudan, UNMISS support included establishment of general courts martial to

¹⁰ In UNMIK, support transitional justice and the fight against impunity were not part of the mission’s focus.

dispense military justice, although, in practice, it remained restricted to addressing misconduct and human rights violations perpetrated by the lower levels of the military establishment. In Mali, MINUSMA supported the administration of military justice and as well as supported the Truth Justice and Reconciliation Commission with capacity building through mentoring and monitoring of commissioners conducting investigations. However, the evaluation of MINUSMA found that overall mission support in this area could have been more effective, for example, regarding support and advocacy to investigate and prosecute perpetrators as well as in the follow-up of the cases that were handed over to national authorities. Within MINUSMA, different reporting lines, where some staff reported to the Office of High Commission on Human Rights (OHCHR), created certain cooperation challenges. Nevertheless, MINUSMA support to the overall justice reform contributed to laying the foundation for aligning the justice system with international human rights standards.

Mission support was crucial in making any progress at all

35. Overall, the number of reported human rights abuses increased in three of the countries/territories (Kosovo was excluded and in South Sudan, the reported numbers was relatively stable during the period evaluated). Although the increase was at least partly derived from improved reporting practices, there was a general acknowledgement that a pervasive climate of impunity persisted. Despite substantial efforts invested, the prosecution of commanding or high-ranking officers was rare. In both the Central African Republic and the Democratic Republic of Congo, the missions supported the organization of emblematic trials, wherein high-ranking officials, armed group leaders, and senior politicians were prosecuted and convicted. These trials were held after coordinated advocacy from the missions' good offices and other donors. These convictions were seen as having a deterrent effect on the local population from joining armed groups, and increased the willingness to demobilize, which in turn contributed both to fighting impunity and increasing security.

The support to gender equality, environmental issues and vulnerable groups yielded few visible results

36. Gender issues, environmental considerations and the inclusion of disabled persons and other vulnerable groups were largely seen to be sufficiently mainstreamed in the mission's planning. In UNMISS, the evaluation found that gender issues could have been better taken into consideration at the programming stage. Even where gender was mainstreamed into planning, there was a lack of female representation in programs and activities that the missions' supported. The use of community-based engagement stood out as an emerging positive trend to increase the share of female beneficiaries. Community violence reduction programs included approximately 30 per cent female beneficiaries in the Central African Republic and almost 40 per cent in the Democratic Republic of Congo. More negative examples included the lack of women's representation in the consultation frameworks in Mali, while in South Sudan, little evidence was found within the design and documentation of court deployments promoting full and meaningful participation of women legal actors. Overall, there was little evidence on how the missions' mainstreaming efforts contributed to the empowerment and protection of vulnerable groups within the country/ territory. There were other positive exceptions, such as the legal aid clinics in Kosovo and the Central African Republic, and the female engagement teams and dedicated training of female uniformed personnel in the Democratic Republic of Congo. The support to female engagement teams promoted women's role in the military and enabled better interaction with women (that often were reluctant to interact with male security personnel), which resulted both in better intelligence about the threats faced by, and improved security for women.

37. The four multi-dimensional missions addressed conflict-related sexual violence (CRSV) and sexual and gender-based violence (SGBV). These aspects were covered by capacity building efforts, with some evidence pointing to an increased knowledge of rights in this area among the security and justice institutions, as well as among the population and survivors. The increased focus on supporting

community-based conflict resolution mechanisms also, to a certain degree, showed potential to address these issues, that were often coupled with combating the stigmatization affecting these vulnerable groups.

V. Conclusion

38. The results from the five evaluated peacekeeping operations confirmed their overall contribution to strengthening the rule of law, increasing access to justice and improving security, thereby contributing to sustaining peace in the country/ territory. However, whilst mission support to the rule of law generally was relevant and sometimes effective, it faced sustainability challenges. The synthesized results pointed to several reasons for this. Some factors were external such as the continued high level of insecurity in some areas, coupled with the low appetite of local counterparts to receive support, whilst others related to internal aspects such as inadequate strategic planning and follow-up, and inconsistent coordination with other actors working in this field.

39. In some cases, support was provided reactively and on a piecemeal basis, and rarely strengthened the justice chain at an institutional level. While recognizing that the staffing structures and resources of the relevant mission components depended on their respective mandated tasks and operational requirements, this however resulted in certain areas of the justice chain receiving more extensive support than others, where the support capacities were stretched to the maximum.

40. The evaluated missions generally did not track performance data on capacity development initiatives while also lacking any monitoring data on how the knowledge and skills imparted were deployed in practice and how they fostered greater confidence towards justice institutions amongst the populace. Furthermore, institution building support generally benefitted from an inclusive bottom-up perspective (in combination with the mission's typically top-down approaches) focusing on local ownership to be sustainable. Only in a few instances were such initiatives found to have followed such an approach (involving local coordination and community engagement), which also were found to be relatively successful.

41. The evaluated missions' operational and logistical support was found to be relatively effective and appreciated. In this area, the comparative strengths of peacekeeping operations were utilized efficiently. Due to their extensive logistical and protection capacities, missions were able to reach remote areas where few or no other partners went, providing infrastructure and facilitating deployments or presence in other ways, such as through mobile entities. Similarly, when engaging in joint operations with local counterparts, the operational expertise of mission staff was useful as they could provide on the job training and direct feedback to their local counterparts. Mobile operations conducted jointly with national counterparts emerged as particularly successful, simultaneously providing access to justice, capacity building and increasing the mutual understanding between different justice actors, as well as enhancing public confidence in the justice sector.

42. In conclusion, the support of peacekeeping operations to strengthening the rule of law was maximized when the missions' comparative advantages and the operational nature of peacekeeping missions were leveraged. If peacekeeping interventions are carried out in close conjunction with humanitarian and development support, and a triple nexus approach is applied, there is greater potential to achieve more effective and sustainable outcomes in the wider rule of law area.

VI. Key Takeaways for Programme Managers

43. The aggregated results suggested some ways forward, many of which were also individual recommendations in the five evaluations.

44. **Knowledge management:** Enhanced knowledge management could contribute to a better understanding of the kind of support that works in specific contexts, addressing root causes of conflict and thereby increase relevance, effectiveness and potentially, sustainability across support areas. It could therefore improve the ability to adapt capacity building support to evolving needs over time. Knowledge management is also a useful tool to improve coordination, both internally within the mission and with external partners. In addition, better knowledge management could contribute to mitigating the inherent challenges of high staff turnover and hardship absence. Lastly, it could contribute to more rigorous and meaningful mainstreaming of gender, human rights and needs of persons with disabilities.

45. **Organizational aspects and staffing requirements of peacekeeping operations:** These could be reviewed to better correspond to long-term capacity building needs of the host government institutions. There seemed to be a need for increased resources to better deal with integrated planning and implementation of all the areas that contribute to the rule of law and extension of state authority. To facilitate planning and follow-up, relevant components should ideally have the same reporting line. Some components were understaffed and needed more resources to reinforce the missions' capability to support the entire justice chain in a holistic way. To enhance capacity building support further, substantive experts could be supported by colleagues that have more experience in designing programs based on bottom-up approaches, and in creating monitoring and evaluation frameworks of such programmes/support.

46. **Comparative Advantages:** Missions' support to strengthening the rule of law could focus more on their comparative advantages. This would include the ability of their good offices to provide strategic advice and political space for support in the field, provision of protection and logistical support to development agencies, and when appropriate, support to improved infrastructure or facilitating deployments of civilian government staff. Consequently, the role of peacekeeping operations' role in capacity building could be more accentuated at an early stage of the peacekeeping intervention when the overall local governance is at its weakest and when access to remote areas is difficult for other relevant actors. At a later stage in the mission cycle, peacekeeping support to capacity building would benefit from transitioning towards joint operations with development actors and local counterparts. It would be important to stress the critical role of good offices and to ensure that it is sustained throughout the mission lifespan (and transitioned to its next iteration, for example, as a Special Political Mission) and informed by field work and programming.

47. **Coordinated United Nations strategy on rule of law support:** It would be useful to explore possibilities to develop a consolidated United Nations strategy for rule of law support to the country/territory, ideally aligned with a national strategy if it exists. Such a strategy could, in some cases, help bring coherence by encompassing the various programmes and workstreams planned and implemented by the relevant agencies operating in this area, identifying key benchmarks to frame dialogue with the host government, and facilitating joint engagement with other international partners.

Annex 1: Management Response

Comments Received from the Under-Secretary-General for Peace Operations.

Thank you for your memorandum of 26 June 2023 sharing the draft OIOS evaluation report on the synthesis of results of the support to the rule of law by five peacekeeping operations. The report synthesizes the outcome evaluations published in 2022 and 2023 on support provided by MINUSMA, MONUSCO, MINUSCA, UNMIK and UNMISS to strengthen the rule of law, justice and security functions, and restore and extend state authority.

Thank you for undertaking a consultative process, inclusive of staff working on rule of law issues in the field and at Headquarters, and for incorporating many of the initial comments that the DPO Office of Rule of Law and Security Institutions (OROLSI) submitted on the earlier draft. I am pleased to inform you that DPO agrees with the report's results and conclusions. Although the evaluated missions had different mandates and operated in different contexts, this synthesis is useful in identifying common trends as well as each mission's overall contribution to strengthening the rule of law, increasing access to justice and improving security, thereby contributing to sustaining peace in the country/territory concerned.

We appreciate the OIOS findings that external stakeholders and local populations generally perceived the missions' contributions to strengthening the rule of law and accountability and supporting extension of state authority as relevant and effective, despite contextual and sustainability challenges due to external and internal factors. As the report notes, there is room for improvements in securing inclusive community engagement and local ownership for rule of law institution building support. Noting that efforts are already ongoing in several of these identified areas, OROLSI will continue working with missions to address issues pertaining to piecemeal approaches, imbalance of support across various components of the criminal justice chain and to generate better impact analysis and performance data.

With regards to leveraging the comparative advantages of peacekeeping operations, we concur that the combined use of good offices - which offers frequent access to the highest level of decision makers of the host government - with the provision of operational and logistical support (which was found to be "relatively effective and appreciated"), is crucial to maximize peacekeeping support to strengthening the rule of law. As underlined in the report, mobile court initiatives conducted jointly with national counterparts emerged as particularly successful in the five evaluated missions, "simultaneously providing access to justice, capacity building and increasing the mutual understanding between different justice actors, as well as enhancing public confidence in the justice sector".

In response to the need to enhance coordination and coherence of rule of law engagement, DPO is confident that the New Vision for the Rule of Law will pave the way for greater coherence between rule of law initiatives across the Organization. DPO will closely consult and work with the relevant stakeholders to implement this vision, including through high-level engagement. This will be done by considering ways to better leverage the capacities and deep field presence of peacekeeping operations.

With respect to paragraphs 22 and 38 of the report specifically, DPO notes that United Nations police components' training plans are shared and/or coordinated with other sections, including justice, corrections and human rights (as relevant).

DPO also notes that the report does not explore the evaluated missions' support to security sector reform (SSR), although the Scope of Evaluations refers to support to key governance and security reforms. As the conceptualization of the SSR-rule of law nexus remains a work in progress at the United Nations, DPO is not concerned that the report does not delve into the support provided by United Nations peace operations to SSR and governance.

My thanks again to OIOS for its thorough and useful report, which recognizes the important contributions of OROLSI components to key mission mandates. DPO stands ready to provide any further support or assistance that may be required.