Mission impossible? Police and justice capacity building by international peacekeeping missions

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Abstract

International peacekeeping missions are vital contributions to conflict management and resolution. Chiefly, they aim to create a time-limited window in which the root causes of conflict can be addressed in relative calm. Increasingly, such missions include tasks that focus on strengthening civilian police and state justice systems in (post-) conflict societies as part of a broader statebuilding mandate. This report inventories and analyses factors that influence the effectiveness of such activities undertaken by non-executive, UN-authorised peacekeeping missions. Three levels of analysis can be usefully identified:

- Factors that influence how well a mission fits with, and adapts to, the conflict context in which it operates;
- Factors that influence how well mission design and operations are focused, aligned and resourced; and
- Factors that influence how well mission activities reflect good practice in terms of content and design.

Such multilevel differentiation allows for making a distinction between factors that influence strategic, bureaucratic and operational effectiveness. Ultimately, only strategic effectiveness represents a measure of true success, even though it is hard to achieve and remains susceptible to conflict relapses.

Based on an in-depth literature review, this report identifies 16 factors of influence that will need to be accounted for to achieve strategic effectiveness in strengthening civilian police and state justice systems. These range from the need for a mission to have a clear conflict transformation strategy that is grounded in a sound understanding of the domestic political economy to the need for a mission's programmatic activities to be long term in their engagement (especially with regards to time and funding). It needs to be noted that most factors identified suggest plausibility of effectiveness – *ceteris paribus* – rather than causality.

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1 Introduction

In January 2018, the BBC noted that c. 70% of Afghanistan was once more under the control of the Taliban.[1] Despite their courage and sacrifices, the Afghan National Security Forces (ANSF) proved incapable of discharging their constitutionally mandated duties. This situation arose after eight years (2006–2014) of support for the ANSF from the NATO-led International Security Assistance Force (ISAF) and four more years of support from NATO's Operation Resolute Support.[2] While it is reductionist to conclude that such efforts to support the rebuilding of the ANSF have been ineffective, the current state of affairs nevertheless demands examination. This is especially so because many analyses find UN-mandated peacekeeping to be effective in producing 'peace', i.e. bringing about a reduction in or cessation of hostilities, in a cost-effective manner, for at least some time.[3] Although this is clearly not the case in Afghanistan at present, there are good examples of relative success like the UN missions to Liberia, Ivory Coast and Haiti.[4] Yet, assessing the effectiveness of international peacekeeping missions, including those with significant capacity-building components, is difficult for several reasons:

- Contemporary intrastate conflicts are typically fragmented and inter- and transnational, as well as volatile, which means that violence can abruptly change in intensity, duration and location. Missions operating in such a dynamic situation regularly shift between stabilisation, warfighting and peace/statebuilding. This makes it hard to assess how much 'peace' a mission has brought and whether this was 'effective'.

1 See: https://www.bbc.co.uk/news/world-asia-42863116 (accessed 22 October 2018).

2 ISAF started operations in 2001 but only established nation-wide command and operations in 2006. It was authorised by United Nations (UN) resolution no. 1386 and Operation Resolute Support by resolution no. 2189.

3 Fortna, V., 'Does Peacekeeping Keep Peace? International Intervention and the Duration of Peace After Civil War', *International Studies Quarterly*, Vol. 48, pp. 269-292, 2004; Dobbins, J., *The UN's role in nation-building: From the Congo to Iraq*, Santa Monica: RAND, 2005; Sambanis, N., 'Short-term and long-term effects of United Nation's Peace Operations', *World Bank post-conflict transitions working papers*, WPS407, No. 11, 2007; Fortna, V., *Does peacekeeping work? Shaping belligerents' choices after civil war*, Princeton: PUP, 2008; Goldstein, J., *Winning the war on war*, New York: Penguin, 2011; Beardsly, K., 'UN intervention and the duration of international crisis', *Journal of Peace Research*, 49 (2): 335-349, 2012; Hultman, L., J. Kathman and M. Shannon, 'Beyond keeping peace: United Nations effectiveness in the midst of fighting', *American Political Science Review*, 108 (4), 737-753, 2014.

4 Gowan, R. and R. Rappa, *Global peace operations review: Peace operations 2018*, CIC: New York, 2018.

- Missions are to violence what a pressure bandage is to injury – temporary interventions that may stabilise the environment and create time for more complex mechanisms to kick in that can sustain peace. The longer-term effectiveness of missions depends on what happens politically, diplomatically and developmentally before, during and after deployment.

- Mission mandates seek to deliver on an increasing number and complexity of objectives. Some are contradictory, such as maintaining peace and building the state when the latter's policies are a source of conflict. The delivery of other objectives requires programmatic approaches, but typically missions are not equipped with the required experience or resources.[5]

This report examines a particular dimension of the picture just outlined, namely the effectiveness of international peacekeeping missions in strengthening civilian police and state justice systems in (post-)conflict societies. While these tasks have become increasingly common in mission mandates over the past 15 years, they form only a subset of the broader effectiveness issue raised above. More specifically, the report inventories and analyses key *factors* that influence the effectiveness of mission activities that intend to strengthen civilian police and state justice systems in (post-)conflict societies. The insights generated can help improve the evaluation of past missions, operational methods of present missions and design of future missions.

5 United Nations, *Report of the High-level Independent Panel on Peace Operations on uniting our strengths for peace: politics, partnership and people* ('HIPPO report'), New York: United Nations, A/70/95, 2015.

2 Methodology

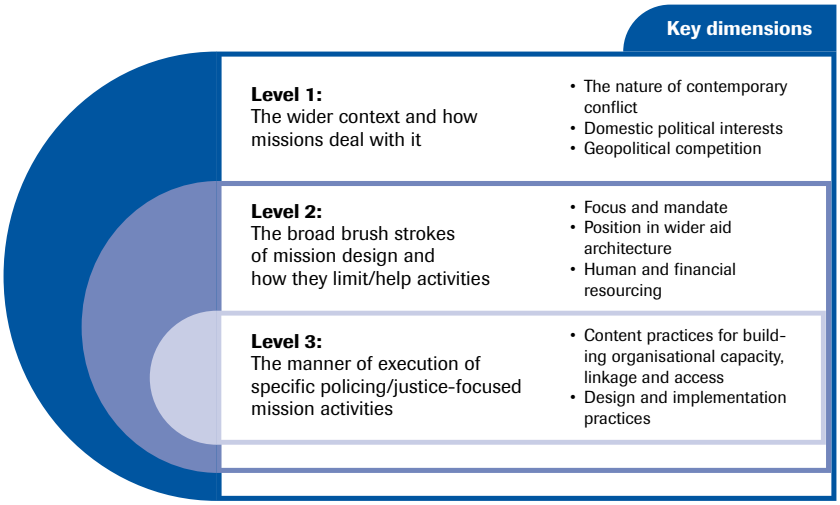
In our analysis, international peacekeeping missions refer to UN-authorised political, military and civilian-military missions tasked with peace- and/or statebuilding, as well as to similar missions conducted by regional organisations on the proviso that they are mandated by the UN.[6] We largely exclude so-called 'executive missions' from our analysis, i.e. missions with the authority to temporarily undertake sovereign tasks and whose decisions take precedence over those of host country authorities (in Bosnia-Herzegovina, Timor-Leste and Kosovo). This is because their greater prerogatives substantially change their way of operating and their position in the domestic political economy when compared to non-executive missions. We do, however, include non-executive traditional 'bare bones' peacekeeping missions, multidimensional (or integrated) peacekeeping missions, as well as special political missions.

To identify factors influencing the effectiveness of mission activities that seek to strengthen civilian police and state justice systems, the report uses a multilayer framework of analysis (illustrated in Figure 1 below) to guide an extensive review of existing academic, think tank and policy literature on conflict, peacebuilding, statebuilding, peacekeeping, security sector reform (particularly engagement with police forces and justice organisations) and political-economy analysis. The multiple layers of the framework ensure that our analysis reflects the complexity of the peacekeeping environment and its many conditions for 'success'.

As a general rule, each factor identified in the report is referenced by at least five different sources, of which at least one is prominent – e.g. a landmark UN, World Bank or governmental document that is regarded as having significantly advanced a particular insight or debate, a multi-country mission or programme review, a thematic evaluation of a set of programmes/projects, or a major research study.

6 UN-authorised missions may be conducted by regional organisations such as the EU, AU or NATO. The bulk of their personnel usually consists of bilateral contributions.

Figure 1 A multilevel framework for inventorying 'effectiveness factors' of mission activities to strengthen civilian police and state justice systems in (post-) conflict societieas



Source: This framework is inspired by the World Development Report (2011 and 2017), the Agenda for Peace (1992), the Brahimi report (2000), the United Nations High-Level Panel on Peace Operations' report (HIPPO) and the UNSG's response (both 2015), as well as the Global Peace Operations Review series (2012–2018).

- *Level 1* analysis focuses on the nature of the conflict environment in which a mission operates, how a mission makes sense of its conflict context, and how/whether a mission influenced and/or adapted to its dynamics.
- *Level 2* analysis focuses on how the political drivers and practical aspects of mission design influence its performance.
- *Level 3* analysis examines mission activity content, design and implementation. It looks at the extent to which activities reflect accumulated professional insights into, inter alia, effective civilian police and state judiciary capacity building and good programming practices.

A final note of caution is in order. If all the factors identified in this report were assessed positively for a particular mission and/or activity, this would only mean that its effectiveness is *likely* to be more significant compared with a case in which these factors are assessed more negatively.

Judgement of *actual* effectiveness requires additional evaluation in terms of how outputs, outcomes and impact stack up in the mission's context of active, latent or post-conflict conditions. In other words, most factors identified here suggest plausibility of effectiveness –*ceteris paribus* – rather than causality. Much will depend on practical implementation in a particular conflict context, as well as the nature of that context.

3 Conflict context: Factors influencing mission effectiveness (Level 1)

This section inventories factors that influence the effectiveness of mission activities aiming to strengthen civilian police and state justice systems in (post-)conflict societies at the level of the conflict context. Specific mission activities pertaining to rule of law elements, such as capacity building for civilian police forces, are only one dimension of the activity portfolio of a mission, which is susceptible in its entirety to developments in the conflict that the mission was deployed to mitigate. The exact nature of the interdependence between conflict developments and mission performance is influenced by variables such as type of conflict, country size, number of conflict parties, volume of peacekeeping resources deployed, levels of inter- and transnational support for conflict parties, sources of revenue, conflict legacy and types of grievance.[7] In most cases, however, the interaction between conflict and mission is unbalanced in the sense that conflict developments will have a major impact on mission effectiveness, while mission activities usually have a more modest impact on conflict.[8]

Contemporary intrastate conflicts are typically: volatile in terms of the intensity and geography of the violence they exhibit; feature a vast and diverse array of conflict parties with loyalties that can rapidly change; tend to recur; and are often domestic, transnational and international at the same time. In terms of their drivers, they often

7 For example: Dobbins et al., *America's role in nation-building: From Germany to Iraq*, Santa Monica: RAND, 2003; Dobbins et al. (2005), *op.cit.*; Stewart, R. and G. Knaus, *Can intervention work?*, New York: Norton & Company, 2012.

8 The recurrent nature of conflict, despite the increase in peacekeeping resources deployed by the international community since the 1990s, offers reasonable proof for this assertion. On the recurrent nature of conflict: World Bank, *Conflict, security and development*, Washington DC: WB, World Development Report, 2011; especially: Walter, B., *Conflict relapse and the sustainability of post-conflict peace*, World Development Report background paper, 2010. On UN peacekeeping resources: Human Security Report Project, *Human security report 2009/2010: The causes of peace and the shrinking costs of war*, Vancouver, HSRP, 2010; Della-Giacoma, J., *Global peace operations review 2016*, New York: CIC, 2017. See also: Autessere, S., 'International peacebuilding and local success: Assumptions and effectiveness', *International Studies Review*, 19:1, 114-132, 2017.

share the presence of repressive or kleptocratic ruling elites.[9] Examples include present-day conflicts in Syria, Iraq, Yemen, Libya, Burundi, Somalia, the DR Congo and Afghanistan. Governance in such places typically consists of a mix of formal procedures and state institutions on the one hand, and informal and/or traditional networks, powerbrokers and armed groups on the other. Together, these produce hybrid authority systems that usually feature intensive linkages with existing war economies.[10] This means that working with 'the state' in these types of settings is far from a benign, progressive or neutral course of action. It also means that governance intentions and administrative capabilities are often radically – and purposefully – different from the imagined Weberian state bureaucracy.[11]

It is in these settings that the international community – multidimensional peacekeeping missions in particular – has long sought to initiate wholesale socio-political transformations through prolonged statebuilding efforts focused on (re-)establishing state institutions via pre-set policy templates in areas such as Security Sector Reform (SSR), Disarmament, Demobilization and Reintegration (DDR) and Rule of Law (RoL) reform once a government of national unity has been established through classic mediation processes.[12] Arguably, such an approach has generally had little success in bringing the intended transformations about – Iraq and Afghanistan represent the most obvious failures – and appears to be of declining utility in contemporary intrastate conflict, as exemplified by recent UN peacemaking and peacekeeping efforts in South

9 See for example: Smith, R., *The utility of force: The art of war in the modern world*, New York: Alfred Knopf, 2007; Simpson, E., *War from the ground up: Twenty-first century combat as politics*, London: Hurst and Company, 2013.

10 Boege, V., A. Brown, K. Clements and A. Nolan, *On Hybrid Political Orders and Emerging States: State Formation in the Context of 'Fragility'*, Berlin: Berghof, 2008; North, D.C., J.J. Wallis, S.B. Webb and B.R. Weingast (eds), *In the Shadow of Violence: Politics, Economics, and the Problems of Development*, New York: CUP, 2013; Risse, T. (ed.), *Governance without a state? Policies and politics in areas of limited statehood*, New York: Columbia University Press, 2011; Staniland, P., 'States, insurgents and wartime political orders', *Perspectives on politics*, 10:2, 2012; Van Veen, E. and F. Fliervoet, *Tools of political (dis) order: Coercive organisations in the Levant*, The Hague: Clingendael, 2018. Lund provides an excellent recent micro case study of an aspect of the Syrian war economy highlighting both elite links and international complicity: Lund, A., *The Factory: A glimpse into Syria's war economy*, The Century Foundation, online, 2018.

11 For an insightful discussion of this issue: Development Leadership Program, *Inside the black box of political will: 10 years of findings from the Development Leadership Program*, Birmingham: DLP, 2018.

12 Della Giacoma, J., *Global peace operations review 2015*, New York: CIC, 2016.

Sudan (UNMISS), Mali (MINUSMA) and Libya (UNSMIL).[13] This is the case for several reasons:

- In its philosophy, the approach is (too) optimistic in terms of how able and willing societies are to embrace fundamental change of vested interests, culture and existing practices, as well as how fast such change can happen.[14] This has caused missions to become insufficiently attuned to what is feasible in the domestic politics of the host countries in which they operate.[15]

- In its objectives, the approach is state-centric, focused on ruling elites and on state institutions although persistent and devastating *state* failure is often a root cause of conflict.[16] As a result, incremental and rational improvement of state capability will not bring about sustainable peace in many cases, which reduces the relevance of the work of peacekeeping missions.[17]

13 This is also the case because UN missions increasingly undertake stabilisation-type tasks under a peacekeeping mandate and with peacebuilding-type capabilities. See: De Coning, A. Chiyuki and J. Karlsrud (eds.), *UN peacekeeping doctrine in a new era: Adapting to stabilisation, protection and new threats*, London: Routledge, 2017.

14 The WRR makes a similar point in relation to Dutch development efforts in: Van Lieshout, P., R. Went and M. Kremer, *Less pretention, more ambition. Development aid that makes a difference*, The Hague: WRR, 2010.

15 The new emphasis in New York on the 'politics of peacekeeping' and the need for peacekeeping missions to engage on the basis of a political strategy represents a clear admission of this shortcoming. See: UN (2015), *op.cit.*; Guéhenno, J-M, *The fog of peace: A memoir of international peacekeeping in the 21*st *century*, Washington DC: Brookings Institute Press, 2015.

16 As aptly put by George Bernard Shaw: 'Reformers mistakenly believe that change can be achieved through brute sanity.' See: https://oxfamblogs.org/fp2p/a-3-fold-theory-of-social-change-and-some-great-quotes-on-complexity-ambiguity-and-dreaming/ (accessed 6 September 2018).

17 For example, extremism and radicalisation are often labelled as drivers of conflict, enhanced by the transnationalised linkages of many intrastate conflicts. Yet, the underlying problem is often better understood as repetitive state failure and deep state complicity. A compelling argument to this effect in relation to tribes in the peripheries of many Islamic states is made by Ahmed, A., *The thistle and the drone: How America's war on terror became a global war on tribal Islam*, Washington DC: Brookings Institute Press, 2013. The problem of state failure and conflict complicity in terms of centre-periphery relations is also significant in the Sahel, for instance in relation to the conflict in Mali and the operations of MINUSMA. See for example: Boukhars, A., *Les rebords fragiles du Mahgreb*, Centre d'Etudes Stratégiques de l'Afrique, No. 34, online, 2018. Recent field work of Clingendael researchers in Mauritania, Senegal, Nigeria and Chad for the European Commission arrived at the same conclusion (unpublished).

- In its implementation, the approach is grounded in a number of largely unproven assumptions (e.g. the 'all good things go together' assumption that holds it is possible to advance a liberal market economy, the rule of law and democratization at the same time),[18] and is too generic, with little attention paid to local context, conflict development and national political economies. This has caused missions to become too technical in their focus and working methods.[19]

While the UN's 'HIPPO' report, as well as the UN Secretary-General's response to this report and subsequent implementation efforts have all set out new strategic directions, increased political awareness and triggered capability reforms, the struggles, tensions and issues outlined above are likely to remain pertinent for a good while longer. This is because reforming the UN system, with its 193 political stakeholders and many principals, is a difficult and slow process.[20] As a result, the UN's approach to peacekeeping will only change slowly. Quick change – including greater effectiveness of UN-missions – should not be expected.

Meanwhile, geopolitical tensions have risen to new levels as the global agenda-setting and enforcement power of the United States has both diminished and is being used differently. Russia seeks to re-assert itself on the global stage, China claims its own global and regional spheres of influence and, importantly, regional powers like Iran, Saudi Arabia, Turkey and India have become increasingly assertive.[21] As a consequence, missions, when authorised, are likely to operate in a tenser and more crowded geopolitical situation. Traditionally, missions manage their diplomatic relations via the UN Secretary-General and the UN Security Council, but the complex demands and fast tempo of contemporary intrastate conflict also require that this is done in real-time and locally.[22]

18 Stewart and Knaus (2012), *op.cit.*; Valters, C., E. van Veen and L. Denney, *Security progress in post-conflict contexts: between liberal peacebuilding and elite interests*, London: ODI, 2015.

19 See for instance: Valters et al. (2015), *op.cit.*; Autessere (2017), *op.cit.*

20 UN (2015), *op.cit.*; Van der Lijn, J. et al., *Progress on UN peacekeeping reform: HIPPO and beyond*, The Hague: Clingendael, 2017; Boutellis, A. and A. Novosseloff, *Road to a better UN? Peace operations and the reform agenda*, New York: IPI, 2017. As the late Adrian Leftwich remarked: 'Ultimately, if you wish to defeat poverty, prepare to address the power and the politics that keep people poor. The rest is detail'. The same can be said for the 'defeat of violence and conflict'. See: Hudson, D. and A. Leftwich, *From Political Economy to Political Analysis*, Birmingham: Developmental Leadership Program, 2014.

21 Note that the argument here is not that this will lead to more conflict. It is likely that this situation will make it more difficult to reach consensus in the UN Security Council on how best to maintain peace in cases where great or regional power interests clash. For a good discussion of consensus-building and compliance in the UN Security Council see: De Bruijne, K. and M. Meinders (eds.), *Multi-orde: Clingendael strategic monitor 2017*, The Hague: Clingendael, 2017.

22 Van Veen, E., *Upgrading Peacekeeping to Counter Transnational Conflict Drivers: Five Essential Actions*, The Hague: Clingendael, 2014; United Nations (2015), *op.cit.*

Against this background sketch, which emerged from our literature review, we have identified key conflict context factors that influence the likely effectiveness of the entire portfolio of mission activities, including those seeking to strengthen civilian police and state justice systems (see Table 1).

Table 1 Key factors influencing mission effectiveness at the level of conflict context

Factor	Indicator(s)	What is the issue?
1. The mission has a clear conflict transformation strategy grounded in a sound understanding of the domestic political economy. This strategy includes a realistic assessment of the mission's own political engagement and scope/methods of influence.[23]	• Conflict transformation assumptions are clearly spelled out, gradually substantiated and regularly revised. • Analysis of the conflict and the domestic political economy is conducted regularly and fed into strategic deliberation about mission mandate and activities. • Mechanisms are in place to solicit a wide range of inputs from the general population and elites, and sufficient mission capability is available for strategic analysis with direct access to mission leadership. • Political engagement is considered as the key route to positive change.	Superficial understanding of the conflict leads to engagement strategies based on faulty assumptions. Political engagement needs to be a key topic for mission leadership that is discussed regularly. This includes a focus on strategic individuals, barriers to collective action and contestation of ideas.[24] Effective political engagement requires a strategy based on a deep understanding of both the conflict and the domestic political economy, in particular elite interests. An overly state-centric focus prioritises statebuilding over peacebuilding.[25] This risks accelerating conflict recurrence.

23 Della Giacoma (2015), *op.cit.*; Della Giacoma (2016), *op.cit.*; Guehenno (2015), *op.cit;* UN (2015), *op.cit.*; DLP (2018), *op.cit.*; Cheng, C., Goodhand, J., and P. Meehan, *Synthesis Paper: Securing and Sustaining Elite Bargains that Reduce Violent Conflict,* London: UK Stabilisation Unit, 2018; Hansen, A., *From Congo to Kosovo: Civilian Police in Peace Operations*, Oxford: OUP, 2002; Neild, R., 'Democratic police reforms in war-torn societies', *Conflict, security and development*, Vol. 1, Issue 01, 2001.

24 On this point specifically: DLP (2018), *op.cit.*; also: Booth, D., *Development as a collective action problem: The Addressing the real challenges of African governance*, London: ODI (on behalf of APPP), 2012.

25 For peacekeeping missions that seek to strengthen state police and judiciary capacity this means that it is unwise to work with these organisations without having a deep understanding of how they are perceived, how they operate and how they are linked to the overall conflict.

Table 1 Key factors influencing mission effectiveness at the level of conflict context (part 2)

Factor	Indicator(s)	What is the issue?
2. The mission has an effective mechanism to track and influence regional conflict drivers.[26]	• There is a 'friends of the mission' group that includes regional powers and acts as a forum for consultation. • The mission has regional components in its mandate and a regional envoy and/or clearly organised links with missions in adjacent countries and/or can avail itself of a 'group of experts' for more in-depth regional analysis.	Most conflicts feature a range of transnational and international linkages and drivers. If these are not addressed in parallel with domestic conflict drivers, mission efforts are unlikely to be successful. While regional mandates are rare, mechanisms exist that can nonetheless assure helpful linkages.
3. Mission capabilities are designed to adapt to changing conflict conditions during deployment.[27]	• The mission's concept of operations contains a process of regular capability review. • Capability upscaling or downscaling can happen swiftly through rosters, troop-contributing countries, UN agencies, or otherwise.	A well-informed and up-to-date political strategy is of little use if the additional capabilities it suggests are needed cannot be obtained in time. Similarly, mission effectiveness can be negatively impacted if a mission is not downscaled in a timely and orderly manner.

26 Van Veen (2014), *op.cit.*; Della Giacoma (2015), *op.cit.*; Guehenno (2015), *op.cit.*; UN (2015), *op.cit.*; World Bank (2011), *op.cit.*

27 UN (2015), *op.cit.*; Della Giacoma (2016), *op.cit.*; Guehenno (2015), *op.cit.*; De Coning et al. (2017), *op.cit.*; United Nations, *United Nations Peacekeeping Operations: Principles and Guidelines* ('Capstone doctrine'), New York: UN DPKO/DFS, 2008.

4 Mission design: Factors influencing mission effectiveness (Level 2)

This section inventories factors that influence the effectiveness of mission activities aiming to strengthen civilian police and state justice systems in (post-)conflict societies at the level of mission design. Mission activities are developed within the broader framework of overall mission design, meaning that any flaws and limitations in that design will inherently influence activity effectiveness.

To start out with, it is important to note that there has been a noticeable shift in the set-up of peacekeeping missions over the last decade-and-a-half. Missions in the 1990s and early 2000s were fielded on the basis of narrower mandates and characterised by fairly large military and police components relative to the territories and populations they served. They also featured longer-term commitments to anchoring peace in post-conflict states (like the UN missions in Liberia and Ivory Coast). Today's missions have so-called 'multi-dimensional' mandates that are subject to confusion and tend to feature inherent trade-offs.[28] Increasingly, they also lack both the resources (in terms of personnel, equipment and finances) and political leverage necessary to promote 'peace'.[29] The UN 'HIPPO' report defines this new generation of missions as 'conflict management operations' that do not support bringing about a new political settlement of sufficient strength to prevent conflict recurrence, but that rather aim to contain and mitigate conflict.[30] Briefly, the bottom line of this development is that pursuing broader and more demanding mandates with comparatively fewer resources reduces mission effectiveness and hence the ability to help bring about sustainable peace.

In particular, wide-ranging and ambitious mandates increase the risk of missions facing heavy and contradictory demands on their operations. Such mandates also reduce the ability of missions to make progress on issues that require sustained political focus

28 UN (2008), *op.cit.*; UN (2015), *op.cit.* ; De Coning et al. (2017), *op.cit.*

29 Gowan (2018), 'Peace Operations in 2017-18: Balancing conflict management and political approaches as an era comes to a close', pp.7-8; in: Gowan & Rappa (2018), *Global Peace Operations Review 2018*, CIC/NYU, New York. Also: NYU/CIC & ZIF (2010) – *Beyond Heavy Peacekeeping: Alternative Mission Models for Building the Rule of Law; Expert Seminar - Berlin, Germany - 2 June 2010 Meeting Note*, p.1.

30 UN (2015), *op.cit.*

over time.[31] For example, there is little international political agreement on how to deal with the plethora of today's non-state armed groups in the context of 'getting to peace' (linked to varying definitions of terrorism). In the DR Congo, the Force Intervention Brigade aggressively pursues M23, while in Mali MINUSMA struggles to deal with the country's varied landscape of rebel, terrorist and criminal groups.[32] Such lack of strategic direction undermines the possibility for missions to address a major driver of modern-day conflict and instability.

In addition, the increase in large-scale conflict-induced humanitarian crises means that missions become increasingly intertwined with humanitarian relief (i.e. providing security for humanitarian efforts). As a result, reviews[33] suggest that multidimensional peacekeeping missions, as well as special political missions, are increasingly involved in efforts to mitigate human suffering and create access for humanitarian interventions. This comes at the cost of working on complex peace- and statebuilding tasks that can only be advanced incrementally, such as promoting the rule of law.[34]

Meanwhile, there has nevertheless been no shortage of missions that include training and support functions, incorporating civilian, police and/or military components, to

31 Advisory Group of Experts (AGE), *Report of the AGE on the 2015 Review of the UN Peacebuilding Architecture,* New York: United Nations, 2015; UN Secretary-General, *Peacebuilding and sustaining peace*, New York: UN, A/72/707 – S/2018/43, 2018; Gowan (2018), 'Peace Operations in 2017-18: Balancing conflict management and political approaches as an era comes to a close', p.12; in: Gowan & Rappa (2018), *Global Peace Operations Review 2018*, CIC/NYU, New York. The same holds true for UN Special Political Missions.

32 Ball, N., E. van Veen and M. Price, *Fighting for Peace: The Tricky Business of Using Greater Force in UN Peace Operations*, The Hague: Clingendael 2015. On this dilemma see also: UN (2015), *op.cit.*; De Coning et al. (2017), *op.cit.*

33 UNSG (2016), *Special report of the Secretary-General on the review of the mandate of the United Nations Mission in South Sudan*; UN OIOS (2016), *Evaluation of the Integration Between Peacekeeping Operations and the United Nations Country Teams in Haiti, Côte d'Ivoire and the Democratic Republic of the Congo*; Gowan (2018), 'Peace Operations in 2017-18: Balancing conflict management and political approaches as an era comes to a close', p.12; in: Gowan & Rappa (2018), *Global Peace Operations Review 2018*, CIC/NYU, New York.

34 In response, the UNSG has argued for operational mandates of peace operations to go back to basics, which means that missions should concentrate on executing temporary, properly equipped and strategically focused peacekeeping efforts rather than on large-scale and open-ended deployments that pursue stabilisation, peacekeeping and peace-/statebuilding objectives simultaneously. See: Boutellis (2018), 'Hostile Forces: Cruz Report Risks Distracting from the Strategic Context', *IPI Global Observatory*, February 5, 2018; https://theglobalobservatory.org/2018/02/cruz-report-strategic-context; Novosseloff, A. (2018), 'UN Peacekeeping: Back to Basics is Not Backwards', *IPI Global Observatory*, April 13, 2018; https://theglobalobservatory.org/2018/04/peacekeeping-basics-is-not-backwards; Stewart and Knaus (2012), *op.cit.* make a similar argument.

support longer peace- and statebuilding efforts.[35] Typically, such missions do not undertake the full spectrum of training and support tasks (such as the rule of law) in their area of engagement. This makes coordination and cooperation with other international organisations and bilateral donors engaged in the same area of critical importance in achieving full spectrum coverage – and hence the success of individual activities. Our literature review suggests that key issues include:

- The level of alignment of mandates, strategies and plans between a mission and relevant other actors engaged in the same area influences effectiveness. While there has been an increase in terms of joint programming over recent years (both between e.g. EU and UN missions, as well as between missions and other, mostly developmental, actors), reviews have shown that in many cases 'jointness' means operational entities aligning their respective existing programmes rather than developing a truly joint programme from scratch.[36] Good practices – like early integrated mission planning, joint contingency planning, joint monitoring and reporting, and having dedicated liaison staff – are well-known[37] but remain rare in practice due to the various 'pillars' of the international peace and aid architecture still being driven by their own set of incentives and demands, and competing for the same scarce resources.[38]

- If there is alignment, continuous coordination is the next factor that makes a difference.[39] As is the case for all integrated and comprehensive efforts, effective coordination requires a lead organisation that sets the strategic direction of

35 NYU/CIC & ZIF (2010), *op.cit.*

36 Tardy, T. and R. Gowan, *Building EU-UN Coherence in Mission Planning & Mandate Design*, Brussel: ISS-EU / NYU-CIC / ZIF, 2014; IPI, *Peacekeeping Operations and the Durability of Peace: What Works and What Does Not?*, New York: IPI, 2013; Kluyskens, *Evaluation of the UNDP/DPKO-DFS/DPA Project on UN Transitions in Mission Settings*, online, 2017; UN OIOS, *Evaluation of the Integration Between Peacekeeping Operations and the United Nations Country Teams in Haiti, Côte d'Ivoire and the Democratic Republic of the Congo*, New York: UN, 2017.

37 Van de Goor et al., *Independent Progress Review on the UN Global Focal Point for Police, Justice and Corrections*, Washington DC: Stimson Center / Clingendael Institute / Folke Bernadotte Academy, 2014; Price and Titulaer, *Beyond Transitions: UNDP's role before, during and after UN mission withdrawal*, The Hague: Clingendael, 2013; UN (2015), *op.cit.*; Kluyskens (2017), *op.cit.*

38 UN (2015), *op.cit.*; AGE (2015), *op.cit.*; UNSG (2018), *op.cit.*; IPI, *Peacekeeping Operations and the Durability of Peace: What Works and What Does Not?*, New York: IPI, 2013.

39 Because the rule of law is such a broad area, it tends to feature a particularly high number of active international organisations, bilateral donors and (I)NGOs, which renders coordination efforts difficult. See for example: NYU/CIC & ZIF (2010), *op.cit.*

international action in a particular area of activity. It also demands shared recognition of the fact that not all organisations are equal in their contribution.[40]

- The provision of technical expertise has to be aligned with political processes because technical support missions (e.g. carrying out justice and police training) cannot be successful without respecting and engaging with the political settlement in which they are expected to bring about progressive change. This means, among other things, that rule of law support has to be sequenced to transition from the finite timeline of peacekeeping missions to the more open-ended timeline of development efforts. Insofar as international support is concerned, political leadership over such a transition should lie with the international development organisation that is key in the particular context at hand and not necessarily with a mission.[41]

- Reviews find that missions often lack civilian capacity for highly technical justice and security sector positions. In combination with a lack of predictable resources, missions can often not deliver on all aspects of their rule of law mandate. There is a need for 'smarter' missions that are well staffed and can prioritise activities based on political and practical feasibility. What is feasible depends at least in part on the quality of analysis and local insight discussed in the previous section, as well as the ability of a mission to identify and work flexibly with partners.[42]

Against this background sketch, we have inventoried key mission design factors that have an influence on the likely effectiveness of the entire mission, including activities seeking to strengthen civilian police and state justice systems (see Table 2).

40 IPI (2013), *op.cit.;* NYU/CIC & ZIF (2010), *op.cit.*; OECD/DAC, *Whole of Government Approaches to Fragile States*, Paris: OECD, 2006.

41 UN (2015), *op.cit.*; Ilitchev, A. *Implementing the HIPPO Report: Sustaining Peace as a New Imperative?*, Policy Brief 5, International Forum for the Challenge of Peace Operations, 2015; NYU/CIC & ZIF (2010), *op.cit.*

42 Madsen, B. *Rule of Law Assistance in UN Peace Operations – Next Steps*, Berlin: Centre for International Peace Operations (ZIF), 2013; Hurwitz and Studdard, *Rule of law programs in peace operations*, New York: International Peace Academy, 2015; Ilitchev (2015), *op.cit.*; NYU/CIC & ZIF (2010), *op.cit.*

Table 2 Key factors influencing mission effectiveness at the level of mission design

Factor	Indicator(s)	What is the issue?
1. The mission has a clear, i.e. sequenced and prioritised, mandate to realise its objectives.[43]	• The mission mandate is based on a set of prioritised needs, including benchmarks to guide transitions between priorities and activities.[44] • Mission-mandated tasks are clearly linked with the mission's political strategy. • The mission's work plan is regularly tested and updated. This happens in large part in function of modifications to the mission's conflict transformation strategy that result from better insight into the local political economy (see Table 1).	Pursuing too many priorities at the same time means pursuing none. Often this means that short-term, urgent priorities take precedence, and this does not normally include rule of law type activities.

43 UN (2015), *op.cit.*; AGE (2015), *op.cit.*; Gowan, 'Peace Operations in 2017-18: Balancing conflict management and political approaches as an era comes to a close' in: Gowan & Rappa (2018), *op.cit.*; UNSG, *Comprehensive Review of the whole question of peacekeeping operations in all their aspects*, New York: UN, 2011; IPI, *Prioritizing and Sequencing Peacekeeping Mandates: The Case of MINUSMA*, New York: IPI / Stimson Center / Security Council Report, 2018; Hansen (2002), *op.cit.*

44 Key questions here are which priorities matter and how they should be sequenced. Although these questions lie outside the scope of this paper, useful academic and policy research exists that should briefly be mentioned. To start with, there seems to be broad consensus on statebuilding priorities. Ghani and Lockhart (2008) emphasise 10 core state functions that centre around security, governance, rights, services and public resources/finance. The International Dialogue on Peacebuilding and Statebuilding (IDPS) (2011) – a joint political and diplomatic initiative of over 40 fragile countries, international organisations and donors – highlighted five priorities: legitimate politics, security, justice, economic foundations and revenues & services. Sisk (2013) underlines three: authority, capacity and legitimacy. It must be noted, however, that these priorities are formulated in the abstract. There is much less agreement about the sequencing of such priorities after they have been tailored to a particular context. Ghani and Lockhart (2008) argue for a negotiated political process that aligns interests, objectives and resources. The IDPS (2011) suggests a fragility assessment followed by a compact to sort out operationalisation and sequencing while Sisk (2013) observes that prioritisation and sequencing depends largely on how the conflict ended and will feature inherent dilemmas requiring difficult trade-offs. Langer and Brown (2016) argue for a 'people-centred' instead of a 'state-centred' sequence and present a diverse array of case studies that also suggests that the particulars will be unique in each instance. In short, there is agreement about the importance of correct sequencing, but what this will look like must be assessed and determined in each context. See: Ghani, A. and C. Lockhart, *Fixing failed states: A framework for rebuilding a fractured world*, London: OUP, 2008; IPDS, *A new deal for engagement in fragile states*, Buzan: IDPS, online, 2011; Sisk, T., *Statebuilding: Consolidating peace after civil war*, Cambridge: Polity Press, 2013; Langer, A. and G. Brown (eds.), *Building Sustainable Peace: Timing and Sequencing of Post-Conflict Reconstruction and Peacebuilding*, London: OUP, 2016.

Table 2 Key factors influencing mission effectiveness at the level of mission design (part 2)

Factor	Indicator(s)	What is the issue?
2. The mission is embedded in the wider aid architecture to assure continuity of its longer-term efforts.[45]	• Mission design/mandate are based on a mapping of the focus and activities of key mission partners and stakeholders, using the principle of 'value added'. • A strategic forum exists in which key international partners, the host country and mission leadership discuss planning and prioritisation of activities. • Coordination arrangements with leading rule of law development actors (e.g. UNCT or UNDP) provide for an integrated approach. • The mission has developed a transition plan for strengthening of the rule of law beyond its expiry date.	Despite its high political profile, a mission is typically only one player among many actors in similar areas. Alignment and coordination are essential to ensure leverage and avoid duplication of efforts. Also, missions typically have a short-term, extendable timeframe of operations that will usually end before its more complex tasks are completed. Avoiding the loss of investments made until that point requires a smooth handover of activities. This requires alignment from the start.
3. The mission has dedicated and sufficient resources for alignment and coordination.[46]	• There is dedicated and qualified staff capacity to focus on institutional coordination between major international organisations, the mission and large donors on issues like country strategy, programmes and political messaging (lynchpin actors). • The mission sets benchmarks for inter-institutional coordination and for the development of joint planning and programmes, and monitors progress. • The mission has access to predictable funding for coordination and alignment.	Integrated or joint planning is often done in isolation in missions, international organisations and aid agencies. Such planning is hampered by the lack of dedicated resources, differing lengths of mandates and work plans, claims of planning fatigue and, at times, a culture of autonomy/resistance.

45 IPI (2013), *op.cit.*; Tardy, T. and R. Gowan (2014), *Building EU-UN Coherence in Mission Planning & Mandate Design*, ISS-EU / NYU-CIC / ZIF; Price and Titulaer (2013), *op.cit.*; UN OIOS (2016), *op.cit.*; UNSG (2011), *op.cit.*; UN (2015), *op.cit.*; Ilitchev (2015), *op.cit.*; Kluyskens (2017), *op.cit.*; European Court of Auditors, *The EU police mission in Afghanistan: mixed results*, Luxemburg: ECoA, 2015; Kavanagh and Jones, *Shaky foundations: An assessment of the UN's rule of law support agenda*, New York: NYU/CIC, 2011.

46 Tardy and Gowan (2014), *op.cit.*; IPI (2013), *op.cit.*; UN OIOS (2016), *op.cit.;* Price and Titulaer (2013), *op.cit.*; Van de Goor et al. (2014), *op.cit.*; UNSG (2011), *op.cit.*

5 Mission activity: Factors influencing mission effectiveness (Level 3)

This section inventories factors that influence the effectiveness of mission activities aimed at strengthening civilian police and state justice systems in (post-)conflict societies at the level of activity content, design and implementation. Such activities are part of a broader thematic area that is usually referred to as the 'rule of law', i.e. efforts to increase the quality of governance and social justice by ensuring that political contestation, policy formulation and dispute resolution are as much as possible bound by rules that are seen as fair, transparent, universal and enforceable.[47] One key observation from our literature review indicates that little hard empirical evidence exists about the extent to which rule of law reform is significant (or not) in transitions from war to peace, or about the nature of progressive pathways of rule of law development that are compatible with the types of hybrid, informal and fragile political orders that

47 Note that a universally accepted definition of the 'rule of law' does not exist. The closest approximation can be found in a 2004 UNSG report: UNSG, *The rule of law and transitional justice in conflict and post-conflict societies*, New York: Report by the Secretary-General (S/2004/616), 2004. For some useful definitional and conceptual discussions of the rule of law, see: Kavanagh, C. and B. Jones, *Shaky foundations: An assessment of the UN's rule of law support agenda*, New York: New York University CIC, 2011; Bingham, T., *The Rule of Law*, London: Allen Lane, 2010; Kleinfeld Belton, R., *Competing Definitions of the Rule of Law: Implications for practitioners*, Washington DC: Carnegie Endowment for International Peace, Carnegie Papers no. 55, 2005; Van Veen, E., *A shotgun marriage: Political contestation and the rule of law in fragile societies*, Clingendael: The Hague, 2017

characterise most conflict settings.[48] In addition, our review indicates that the 'success rate' of much rule of law work is low due to persistent design and implementation problems.[49]

In contrast, normative assumptions abound on what and how rule of law promotion efforts should be conducted. Activities promoting the rule of law generally consider a well performing and human rights respecting state-based justice system that is grounded in principles of fairness, accessibility, equality, and affordability as a template. While this is fine as an over-the-horizon aspiration, it is risky as a starting point for designing programmatic activities in (post-) conflict settings. The gap between aspiration and reality is significant in most of these settings, requiring many intermediate steps that may have little immediate bearing on the desired ideal state.[50] Moreover, these steps do not unfold in a neat sequence that can be pre-planned but tend to be subject to intense political contestation.[51] Apart from the problem that the meagre evidence base about 'what works in promoting the rule of law' makes it difficult to identify factors that increase the effectiveness of such efforts, the abundance of normative

48 North, D., J. Wallis and B. Weingast, *Violence and social orders: A conceptual framework for reinterpreting recorded human history*, Cambridge: Cambridge University Press, 2009; World Bank, *Governance and the law*, Washington DC: WB, World Development Report, 2017; World Bank (2011), *op.cit.*; Desai, D., D. Isser, and M. Woolcock, 'Rethinking Justice Reform in Fragile and Conflict-Affected States: The Capacity of Development Agencies and Lessons from Liberia and Afghanistan', *World Bank Legal Review: International Financial Institutions and Global Legal Governance*, Vol. 3., 2011; Samuels, K., 'Rule of Law Reform in Post-conflict Countries: Operational Initiatives and Lessons Learnt', *World Bank Social Development Papers: Conflict Prevention and Reconstruction*, No. 37, 2006; Carothers, T., *Promoting the Rule of Law Abroad: The Problem of Knowledge*, Carnegie Paper No. 34, 2003; Tamanaha, B., *On the Rule of Law: History, Politics, Theory*, Cambridge: CUP, 2004; Messick, R., 'Judicial Reform and Economic Development: A Survey of the Issues,' *World Bank Research Observer* 117, 1999; Haggard, S., A. MacIntyre, and L. Tiede, The Rule of Law and Economic Development, *Annual Review of Political Science*, Vol. 11, pp. 205-234, 2008; Browne, E. *Evidence on 'rule of law' aid initiatives*, Birmingham: GSDRC, Helpdesk Research Report, 2014; Henderson, K., C. Jakosa and C. Gibson, *Evaluation of Rule of Law Programs In Liberia,* The QED Group, 2011; Carter, B., *Evidence on establishment of the 'the rule of law' through deliberate interventions*, Birmingham: GSDRC, 2013.

49 Samuels (2006), *op. cit.*; Kavanagh and Jones (2011), *op.cit.*; World Bank (2011), *op.cit.*; World Bank (2017), *op.cit.*; Van Veen (2017), *op.cit.* ADE, *Thematic Evaluation of the European Commission Support to Justice and Security System Reform*, Final report ref. 1295, Brussels: European Commission, 2011; Independent Commission for Aid Impact, *Review of UK Development Assistance for Security and Justice*, Report 42, London: ICAI, 2015; Scheye (2009), *op.cit.*; Goldston (2009), *op.cit.;* Carter (2013), *op.cit.*; World Bank (2012), *op.cit.*; Madsen (2013), *op.cit.*; Browne (2014), *op.cit;* Manuel, M. and C. Manuel, *Achieving equal access to justice for all by 2030: Lessons from global funds*, London: ODI, Working Paper 537, 2018.

50 Scheye (2009), *op.cit.*; Goldston (2009), *op.cit.* Van Veen (2017), *op.cit.*; World Bank (2017), *op.cit.* See also many of the works cited in footnote 11, 27 and 28.

51 See for example: Kleinfeld, R., *Improving development aid design and evaluation: Plan for sailboats not trains*, Washington DC: Carnegie Endowment for International Peace, 2015.

views and templates also creates problems at activity level when matched against key characteristics of the 'legal' realities of many conflict-affected countries:

- By far the majority of citizens of such places resolve their disputes outside of the state justice system and via informal or customary justice systems. This does not suggest these systems are unproblematic – they are often patriarchal, discriminatory and lack due process – but it is reflective of the fact that they generally perform much better than state justice systems in terms of access, cost, perceived legitimacy by the local population and enforcement.[52]

- Many legal disputes in conflict-affected countries are about land, property rights, family matters and commercial transactions.[53] It is the effective resolution of such conflicts that their citizens would probably prioritise if they had any say in the matter. Quite a few of the associated cases are not criminal in nature. Moreover, areas such as administrative law, which exist to guarantee impartial, transparent and accountable performance of public bodies and are key to regaining popular confidence, are typically vastly underdeveloped and entirely inaccessible.[54]

- State justice systems in many conflict-affected countries are profoundly politicised, corrupt, inaccessible (in terms of distance, cost, language, procedural complexity and speed), mistrusted or even alien and illegitimate to much of the population. They typically need wholesale reform if they are to earn the confidence of the population, which is usually not feasible due to vested interests.[55]

52 See for instance: Gaston, E., A. Sarwari, and A. Strand, *Lessons Learned on Traditional Dispute Resolution in Afghanistan*, Washington DC: USIP, Building Peace No. 3, 2013; Van Veen, E., D. Goff and T. van Damme, *Beyond dichotomy: Recognising and reconciling legal pluralism in Mali*, The Hague: Clingendael, 2015; Isser, D. (ed.), *Customary Justice and the Rule of Law in War-Torn Societies*, Washington DC: USIP, 2011; Van Veen (2017), *op.cit.*; World Bank (2011), *op.cit.*; World Bank (2017), *op.cit.;* Goff, D., *Working with informal justice: Key considerations for confident engagement*, The Hague: Knowledge Platform Security and Rule of Law, 2016.

53 See for example: Scheye, E., *Rule of Law in Fragile and Conflict Affected Countries: Working within Interstices and Interfaces*, World Bank Framing Paper for the Headline Seminar on Rule of Law in Conflict-Affected and Fragile Situations, 2009; Isser (2011), *op.cit.*; World Bank (2011), *op.cit.*

54 Bergling, P. et al., *Rule of Law in Public Administration: Problems and Ways Ahead in Peace Building and Development,* Stockholm: FBA, 2008; Tankebe, J. 'Public Confidence in the Police: Testing the Effects of Public Experiences of Police Corruption in Ghana', *British Journal of Criminology*, *50*(2), pp. 296-319, 2008.

55 Isser (2011), *op.cit.*; World Bank (2011; 2017), *op.cit.*; Goff (2016), *op.cit.*; Scheye (2011), *op.cit.*

- Rule of law reform is a slow and politically sensitive process that cannot be fast-tracked since political interests, institutional capabilities, mindsets, organisational capabilities, popular confidence, accessibility, and quality and quantity of performance need to improve more or less in tandem for sustained improvements to take hold.[56]

Many external interventions, international peacekeeping missions included, superficially acknowledge these realities but nonetheless take recourse to top-down and state-centred approaches to rule of law development.[57] They often prioritise improvements in criminal justice on the grounds that it represents a key function and prerogative of the state that must be centrally provided.[58] Subsequently, they tend to pursue this objective through a narrow focus on capacity building.[59] To strengthen civilian police and state justice systems, missions typically use a mix of train-the-trainer activities, seconding strategic advisers into government bureaucracies and supporting the drafting of legal reforms. In the same vein, increasing access to justice is often pursued through paralegal support schemes, mobile courts and outreach campaigns to increase public legal awareness.[60]

In other words, the exploratory and adaptive search for localised, flexible and good-enough solutions that pragmatically build on elements of informal and formal security and justice systems, which has emerged from the available literature as the more appropriate way to pursue rule of law improvements, has largely remained a niche activity.[61]

56 Kleinfeld (2015), *op.cit.* In fact, World Bank (2011), *op.cit.* notes that the fastest developmental transitions towards establishing a basic version of the rule of law took no less than 40 years.

57 Madsen (2013), *op.cit.*; Goldston, J., 'The Rule of Law at Home and Abroad', *Hague Journal on the Rule of Law,* Vol. 1, pp 41-42, 2009; Scheye (2009), *op.cit.*

58 Illustrative is: Zoellick, R, 'Fragile States: Securing Development', *Survival*, Vol. 67, pp. 75–76, 2008.

59 UN General Assembly, *Special report on the strategic review of the United Nations Assistance Mission in Afghanistan*, A/72/312–S/2017/696, 2017.

60 The typical UN or EU mission is a human resource-intensive and capital-extensive undertaking with a short-term mandate that is regularly extended. This makes short-term strategic/policy advice, on-the-job coaching and training primary tools for activity implementation and realization of mission objectives. See for example: UNSG (2015), *op.cit.*; CIC's annual reviews of global peace operations: https://peaceoperationsreview.org/category/library/annual-publications/; Madsen (2013), *op.cit.*; Kavanagh and Jones (2011), *op.cit.*; Scheye (2009), *op.cit.*; Goldston (2009), *op.cit.*

61 Browne (2013), *op.cit.*; Cox, M., E. Duitutaraga, and E. Scheye, *Building on Local Strengths: Evaluation of Australian law and justice assistance*, AusAID ODE Evaluations and Reviews, 2012; ADE (2011), *op.cit.*; ICAI (2015), *op.cit.*; Kleinfeld (2015), *op.cit.*

Against this background sketch, which emerged from our literature review, we have inventoried key activity content and design factors that have an influence on the likely effectiveness of mission activities that seek to strengthen civilian police and state justice systems (see Table 3). The evidence of a number of these factors lies outside the direct mission sphere and many have broader applicability, both beyond the rule of law and beyond missions (see Box 1).

Box 1 Mission activities and aid programmes in the rule of law area – Reflecting on the evidence

Mission activities that seek to strengthen civilian police and state justice capabilities in conflict-affected settings are typically organised as projects or programmes, i.e. as time-bound interventions with a stated purpose, fixed resource envelope, activity portfolio, and a set of assumptions on how inputs translate into outputs/outcomes. In this regard, mission activities are similar to developmental aid programmes with comparable objectives that take place outside of mission contexts. Instead of an aid agency, an international peacekeeping mission sponsors the intervention.

In consequence, existing evidence on factors that influence the effectiveness of activities seeking to strengthen civilian police and state-provided justice within the broader rule of law context, is likely to be applicable to both missions and aid programmes. Both can learn from one another.

A key difference between mission and non-mission activities (or aid programmes) is that missions typically have a greater political profile and therefore, presumably, more political clout with host country authorities to promote reforms that run counter to the vested interests embedded in the domestic political-economy.

If anything, mission activities that seek to strengthen civilian police and state justice capabilities in conflict-affected settings should be more effective than the average aid programme that seeks to achieve a similar effect.

Table 3 Key factors influencing mission effectiveness at civilian police and state justice promoting activity level

Content focus of the engagement			*Design of the engagement*		
Factor	**Indicator(s)**	**What is the issue?**	**Factor**	**Indicator(s)**	**What is the issue?**
1. Activity objectives reflect security (police) and justice priorities of the people that are tolerable to elites.[62]	• A security/justice needs survey and/or a political-economy analysis of the 'state of security/justice' exists. Results are used as a basis for activity design. • Existing caseloads have been analysed in terms of most recurrent legal disputes and these are addressed first.	Working on state or international security/justice priorities is unlikely to be effective in the short term given conflict legacies and a poor track record of state-provided justice. A (latent) constituency for change must already exist if external intervention is to be successful.	**1. Activities are part of a long-term programmatic engagement in terms of time and funding.**[63]	• Major activities are initiated for at least 5–10 years of duration. • Handover of short-term activities to development actors with longer-term horizons is pre-planned and well executed. • Short-term activities are designed to succeed each other.	It takes time to identify the strategic individuals, build change coalitions and contest ideas/practices that enable change. Building the required levels of trust, confidence and associated relationships is time consuming. Understanding among international staff of how rule of law provision 'ticks' in a particular place improves incrementally.

62 Scheye (2009), *op.cit.*; Madsen (2013), *op.cit.*; Browne (2014), *op.cit.*; Cox et al. (2012), *op.cit.*; Suroush, Q., *Assessing EUPOL Impact on Afghan Police Reform* (2007-2016), Afghanistan Research and Evaluation Unit, 2018; Gajic, S., *Capacity Building for Security Sector Reform in Kosovo*, Brussels: EU-CIVCAP Working Paper No. 02–17, 2017; see also: Bayley, D., *Changing the Guard: Developing democratic police abroad*, New York: Oxford University Press, 2006.

63 Madsen (2013), *op.cit.*; Browne (2014), *op.cit.*; Imagos & Berenschot, *Thematic Evaluation of Rule of Law, Judicial Reform and Fight against Corruption and Organised Crime in the Western Balkans – Lot 3. Final Main Report,* The European Union's IPA Programme For Western Balkans, 2012; Van Veen (2017), *op.cit.*; Van Veen, E., *Improving Security and Justice Programming in Fragile Situations: Better Political Engagement, More Change Management*, Paris: OECD, 2016; Ekhard, S., *The challenges and lessons learned in supporting security sector reform,* Berlin: FES, 2016; Penksa, S. et al., *Evaluation of EU Support for Security Sector Reform in Enlargement and Neighbourhood Countries (2010-2016),* Brussels: European Commission, 2018; Manuel and Manuel (2018), *op.cit.;* Hansen (2002), *op.cit.*; King, I. and W. Mason, *Peace at any price: How the world failed Kosovo*, New York: Cornell University Press, 2006.

Table 3 Key factors influencing mission effectiveness at civilian police and state justice promoting activity level (part 2)

Content focus of the engagement			*Design of the engagement*		
Factor	**Indicator(s)**	**What is the issue?**	**Factor**	**Indicator(s)**	**What is the issue?**
2. Activities include significant engagement with informal and formal justice actors.[64]	• Complementarity of the respective strengths of both systems, based on analysis, is used for activity design. • A permanent dialogue is established between representatives of all spheres that constitute a country's legal plurality.	A state-only focus is bound to generate resistance from local elites and the population. A state-only focus is likely to be irrelevant in the short term.	**2. Activities are organised adaptively so that they can learn from experience and adjust to environmental change.**[65]	• Activities feature an in-built element of strategic reflection. • Part of an activity's resources can be tapped into flexibly. • Activity objectives can change rapidly if needed.[66] • Activity monitoring results feed into regular strategic reflection on progress.	Adaptiveness results from practical flexibility of objectives and resources on the basis of regular and honest reviews of activity progress.

64 Gaston et al. (2013), op.cit.; Davis, K. and M. Trebilcock, 'The Relationship Between Law and Development: Optimists versus Skeptics', *American Journal of Comparative Law*, *56*(4), 2008; NYU Law School, *Public Law Research Paper No. 08-14*; NYU School, *Law and Economics Research Paper No. 08-24*; Browne (2014), *op.cit.*; Bull, C., *Building the Rule of Law under UN Transitional Administration,* United Nations University: Policy Brief No. 7, 2008; Desai et al. (2011), *op.cit.*; Caparini, M., 'Capacity-building and Development of Host State Police: the Role of International Police', *Challenges Forum Occasional Papers*, International Forum for the Challenges of Peace Operations, 2014, pp. 14-15; Hansen (2002), *op.cit.*

65 Adapt, *Adapting aid: Lessons from six case studies*, Adapt, Mercy Corps and International Rescue Committee, 2016; USAID, *What difference does CLA make to development? Key findings from a recent literature review*, Washington DC: USAID, 2017; Kleinfeld, R., *Improving development aid design and evaluation: Plan for sailboats not trains*, Washington DC: Carnegie Endowment for International Peace, 2015; Christie, A. and D. Green, *Adaptive Programming in Fragile, Conflict and Violence-Affected Settings: What works and under what conditions? The Case of Pyoe Pin*, Myanmar, Itad and Oxfam in association with IDS, 2018; Andrews, M., *The limits of institutional reform in development: Changing rules for realistic solutions*, Harvard: HUP, 2013; Van Veen (2016), *op.cit.*; Ladner, D., *Strategy testing: An innovative approach to monitoring highly flexible aid programs*, San Francisco: The Asia Foundation, 2015.

66 A stark example of how the negative results that can otherwise occur is found in Timor-Leste where the UN mission (UNMIT) continued working on a national Security Sector Reform review long after the government had changed and completely deprioritised the issue, while prioritising others, because (among other things) the mission mandate prescribed working on such a review. Van Veen (2016), *op.cit.*

Table 3 Key factors influencing mission effectiveness at civilian police and state justice promoting activity level (part 3)

Content focus of the engagement			*Design of the engagement*		
Factor	**Indicator(s)**	**What is the issue?**	**Factor**	**Indicator(s)**	**What is the issue?**
3. Training activities are part of integrated capacity-building programmes.[67]	• Capacity-building efforts address values, attitudes and skills in parallel. • Capacity-building efforts are made at organisational, unit and individual level at the same time.	It is not realistic to expect systemic improvements to result from individual and collective skills upgrading without duly considering the organisational environment and political interests that continue to constrain performance.	**3. International police and justice staff conducting mission activities and programmes are both competent and demonstrate behaviour/ coaching skills that are locally and culturally relevant.**[68]	• Trainers, experts and seconded advisers are professionals and also have well-honed advisory and knowledge transfer skills. • They are made familiar with the culture and social relations where they will work before deployment. • They have a basic command of the language.	It is not sufficient to send in professionals who are great at what they themselves do. They may be less adept at conveying their skills in general, or in other cultures in particular. Appreciable attention needs to be given to training, job standards and on-the-job learning by international police and justice staff.

67 Caparini (2014), *op.cit.*; Goldston (2009), *op.cit.*; Scheye (2009), *op.cit.*; Langan, R., *Evaluation Report: Independent Evaluation of UNDP - EUPOL COPPS Joint Programme,* UNDP PAPP and EUPOL COPPS, 2014; Durch, W., England, M., & Mangan, F., *Understanding Impact of Police, Justice and Corrections Components In UN Peace Operations*. The Stimson Center, 2012; Datta, A., L. Shaxson and A. Pellini, *Capacity, complexity and consulting: Lessons from managing capacity development projects*, London: ODI, 2012); OECD, *The Challenge of Capacity Development: Working towards Good Practice,* Paris: DAC Network on Governance, 2006; Brinkerhoff, D., *Capacity development in fragile states*, Maastricht: ECDPM, 2007. Note, however, that there is little consistency in the literature of the concept of capacity or capacity building. See: Denney, L. and C. Valters, *Evidence synthesis: Security Sector Reform and organisational capacity building*, London: DFID, 2015.

68 McLeod, A., 'Police Capacity Development in the Pacific: The Challenge of Local Context', *Policing & Society*, Vol. 19, No. 2, 2009; Caparini (2014), *op.cit.*; Ricklef, N., Fourteen rules for advisors in Iraq, Small Wars Journal, Blog, online, 2008; Gerspacher, N., *Preparing advisors for capacity-building missions*, Washington DC: USIP, Special report No. 312, 2012; Helmer, D., 'Twelve urgent steps for the advisor mission in Afghanistan', *Military Review*, July-August 2008; Manuel and Manuel (2018), *op.cit.;* Hansen (2002), *op.cit.*

Table 3 Key factors influencing mission effectiveness at civilian police and state justice promoting activity level (part 4)

Content focus of the engagement			*Design of the engagement*		
Factor	**Indicator(s)**	**What is the issue?**	**Factor**	**Indicator(s)**	**What is the issue?**
4. Activities are guided by a uniform policing/justice concept.[69]	• Several troop contributing countries (TCCs)/ donors use the same policing/justice concept. • Key philosophical and organisational parameters for policing/justice that are locally relevant have been agreed between TCCs and donors in the mission's concept of operations.	The introduction of multiple policing or justice concepts in an already fragmented society where, generally, the 'rule of the strong' prevails, is a recipe for confusion, coordination problems and inefficient resource allocation. Parameters for international policing/justice activities are not necessarily locally appropriate or relevant.	**4. Activities are based on an assessment of likely political resistance against a particular rule of law reform and how it can be overcome.**[70]	• There is a topical analysis of the political, organisational and technical factors that explain current poor performance. • An activity has mechanisms to regularly bring tacit knowledge on resistance into a conversation.	Progressive change, including more technical change, always meets political resistance because it threatens vested interests. The sources and drivers of this must be understood for change to succeed.

69 Groenewald, H. and Peake, G., *Police Reform through Community-Based Policing: Philosophy and Guidelines for Implementation*, International Peace Academy, 2004; Hansen (2002), *op.cit.*; King and Mason (2006), *op.cit.;* Desai et al. (2011), *op.cit.*; Carothers, T. (2003), *op.cit.*

70 Carter, B., *Evidence on establishment of the 'rule of law' through deliberate interventions (domestic or international)*, Birmingham: GSDRC, Helpdesk Research Report, 2013; World Bank, *New Directions in Justice Reform: A Companion Piece to the Updated Strategy and Implementation Plan on Strengthening Governance, Tackling Corruption*, Washington DC: World Bank, 2012; Scheye (2009), *op.cit.*; United Nations, *Rule of Law Assistance: Lessons Learned from International Experience,* New York: Rule of Law Unit, Office of the Deputy Secretary-General, United Nations, 2007; Hansen (2002), *op.cit.*; Desai et al. (2011), *op.cit.*; Browne (2013), *op.cit.*; Cox et al. (2012), *op.cit.*

Table 3 Key factors influencing mission effectiveness at civilian police and state justice promoting activity level (part 5)

Content focus of the engagement			*Design of the engagement*		
Factor	**Indicator(s)**	**What is the issue?**	**Factor**	**Indicator(s)**	**What is the issue?**
5. Activities that work on specific policing/ justice aspects are embedded in more comprehensive reform efforts.[71]	• Support for (re) drafting laws and regulations also supports implementation. • Community policing is part of a broader effort to progress societal perspectives on impunity, crime and social relations.	Working on specific issues in standalone fashion assumes that islands of good practice can be created in a single institution. This is unlikely to be effective. Not everything needs to be done at once, but key linkages must be addressed.	**5. Activities address key sources of popular mistrust in policing/ justice behaviour and performance.**[72]	• Activities have clear and practical anti-corruption elements that are visible. • Popular views on police/ justice credibility are actively sought.	Agents of state tend to be profoundly mistrusted for their abuse of power. Corruption is a common element. Building greater popular trust requires that these issues are addressed.

71 European Network on Central Africa, *EU support to security sector reform in the DRC, Towards an improved governance of Congolese security forces?*, EURAC, 2016; Carter (2013), *op.cit.*; Langan (2014), *op.cit.*; UNDP, *Annual Report 2016: Global Programme on Strengthening the Rule of Law and Human Rights for Sustaining Peace and Fostering Development*, New York; Bayley (2006), *op.cit.*

72 EURAC (2016), *op.cit.*; Suroush (2018), *op.cit.;* Hansen (2002), *op.cit.*; King and Mason (2006), *op.cit;* Groenewald and Peake (2004), *op.cit.;* Neild (2001), *op.cit*; Ponzio, R. 'Public Security Management in Post-Conflict Afghanistan: Challenges to Building Local Ownership', in: Ebnöther, A. and Fluri, P. (eds.), *After Intervention: Public Security Management in Post-Conflict Societies, From Intervention to Sustainable Local Ownership*, Geneva: DCAF, 2005; Kavanagh and Jones (2011), *op.cit*; Browne (2014), *op.cit.*

6 Conclusion

Assessing the effectiveness of non-executive, international peacekeeping missions' efforts to strengthen civilian police and state justice systems in (post-)conflict societies is a complex endeavour because there are several ways in which 'success' can be measured:

- *Operational success*: Effectiveness of mission *activities* suggests operational success (level 3 in our analytical framework). It means that mission activities are implemented in line with existing good content and design practice. However, if this happens in a context of poor overall mission design (level 2) and a mission that is not sensitive, adaptable and responsive to the conflict in which it operates (level 1), results will lack coherence and be limited in scope. This is akin to 'the battle was won, but the war was lost'.

- *Bureaucratic success*: Effectiveness of mission *design* indicates bureaucratic success (level 2 in our analytical framework). It means that a mission smoothly delivers on its mandate. Inputs will have been translated into outputs in accordance with mandate and resources. Yet, if this happens in a mission that is not sensitive, adaptable and responsive to the conflict in which it operates, its bureaucratic success may be irrelevant. This is similar to 'the war was won, but it was the previous one'.

- *Strategic success*: Effectiveness of a mission in its conflict *context* suggests strategic success (level 1 in our analytical framework). It is arguably the true measure of success. It means the mission is sensitive, adaptable and responsive to the conflict in which it operates, delivers on its mandate and implements its activities in line with existing good practice. In all likelihood, this amounts to a meaningful contribution to sustainable conflict management/resolution. Of course, if the conflict deteriorates in the same period, the net result might still be limited.

On the basis of a broad review of existing conflict, peacebuilding, statebuilding, peacekeeping, security sector reform and political-economy literature, this report identifies 17 factors across three analytical levels that influence the effectiveness of missions intending to strengthen civilian police and state justice systems in (post-) conflict societies (summarised in Table 4 below).

A number of these factors can undoubtedly be framed differently, split, combined or added to. The evidence base is significant for some factors and more limited for others, which creates room for discussion. Yet, by and large there is adequate evidence for each of these seventeen factors. In consequence, they offer a solid basis for assessing the effectiveness of mission efforts to strengthen civilian police and state justice.

Finally, it must be noted that if all of the factors listed would be assessed positively for a particular mission and/or activity, this only means that effectiveness of its police and justice-enhancing activities in that conflict setting is *likely* to be more significant, *ceteris paribus*, compared with a case in which these factors are assessed more negatively.

Table 4 Overview of key factors influencing the effectiveness of mission activities that intent to strengthen civilian police and state justice systems in (post-)conflict societies

Level 1: Conflict context	Level 2: Mission design	Level 3: Mission activities	
		Content	**Design**
(1) The mission has a clear conflict transformation strategy grounded in a sound understanding of the domestic political economy.	(4) The mission has a clear, i.e. sequenced and prioritised, mandate to realise its objectives.	(7) Mission activity objectives reflect security (police) and justice priorities of the people that are tolerable to elites.	(12) Mission activities are part of a long-term programmatic engagement in terms of time and funding.
(2) The mission has an effective mechanism to track and influence regional conflict drivers.	(5) The mission is embedded in the wider aid architecture to enable continuity of its longer-term efforts.	(8) Mission activities include significant engagement with informal and formal justice actors.	(13) Mission activities are organised adaptively so that they can learn from experience and adjust to environmental change.
(3) Mission capabilities are designed to adapt to changing conflict conditions during deployment.	(6) The mission has dedicated and sufficient resources for alignment and coordination.	(9) Mission training activities are part of integrated capacity-building programmes.	(14) International police and justice staff conducting mission activities are competent and demonstrate behaviour/ coaching skills that are locally relevant.
		(10) Mission activities are guided by a uniform policing/justice concept that is locally relevant.	(15) Mission activities are based on an assessment of likely political resistance against particular rule of law reforms.
		(11) Mission activities that work on specific policing/justice aspects are embedded in more comprehensive reform efforts.	(16) Mission activities address key sources of popular mistrust in police/ justice behaviour and performance.

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