Rule of Law in United Nations Peace Operations

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Objectives:

Show how rule of law contributes to strategic objectives of peace operations

Highlight most common challenges
Key issues

Rule of law is at the core of peacekeeping objectives

Rule of Law is political and requires high-level engagement

Rule of law is essential to secure, protect civilians and stabilize

Rule of law is broad and priorities need to be defined
Structure

1) UN definition of rule of law

2) Overview of rule of law mandates

3) Rule of law serving peace and security objectives

4) Challenges and lessons

5) Available tools
1. UN definition of the Rule of Law
UN definition of the rule of law (2004)

- Accountability to laws
  - publicly promulgated, equally enforced and independently adjudicated

- Supremacy of law and accountability to the law

- Procedural and legal transparency

- Consistency with international human rights norms and standards

- Legal certainty, fairness and avoidance of arbitrariness

- Separation of powers

- Equality before the laws

Principle of governance
Promotion and protection of human rights

Rule of law is broad and systemic

Constitutional and legislative reform

Governance (executive and legislative bodies)

Law and order – public security (police)

Justice institutions

Corrections

Elections

Transitional justice

Public administration – efficient and transparent administration

Traditional justice – customary or religious

Property and commercial disputes – economic regulation

United Nations Peacekeeping
2. Rule of law mandates
3. Serving core peace and security objectives
Incentivizing mediation and negotiation

Degrading spoilers through legal means

Fighting impunity

Rule of Law serves political objectives

Supporting Extension of State authority

Incentivizing mediation and negotiation
Democratic Republic of the Congo

Supporting military justice authorities to investigate and prosecute serious crimes through the Prosecution Support Cells

Strengthening prison security following mass escapes, resulting from armed attacks

Over 800 convictions (FARDC, armed groups, national police)
Rule of Law Serves Security Objectives

Essential in asymmetric environment
- criminal accountability
- safe and secure detention and PVE

Essential to law enforcement
- Combat organized crime
- Restore law and order
Mali

- Re-opening of justice institutions in conflict-affected areas
- Support to the Pôle Judiciaire Spécialisé
- Support to prison security
Rule of Law serves stabilization objectives

Liberia
UNMIL contributed to the re-establishment of prisons and courts after armed conflict, including through the recruitment and training of personnel
Haiti

Contributing to the release of thousands of prisoners from unlawful detention

Establishing model jurisdictions and legal aid offices
4. Challenges and opportunities
Cycles of violence are fuelled by insecurity and injustice = barriers to social and economic development

Security, justice and jobs should be integrated developmental and programmatic goals

Achieved through strengthening institutions
Challenges and opportunities

Political will
- Seize opportunities: peace negotiations, constitution, elections
- Political dialogues, national dialogues, benchmarks, incentives
- Technical entry points

Accessibility
- Mobile/remote courts
- Legal aid - Legal Awareness
- Traditional Justice - ADR

Needs and priorities
- Priority plans
- Prosecution strategies

Long-term endeavor
- Conflict analysis: identify RoL deficits fueling the conflict
- Lay foundations (political and technical)
- Support national and international coordination

Siloed approach
- Police Justice Corrections - Human Rights - GFP
- Cross-mission collaboration
- Joint programming
SUSTAINABLE DEVELOPMENT GOALS

1. No Poverty
2. Zero Hunger
3. Good Health and Well-being
4. Quality Education
5. Gender Equality
6. Clean Water and Sanitation
7. Affordable and Clean Energy
8. Decent Work and Economic Growth
9. Industry, Innovation, and Infrastructure
10. Reduced Inequalities
11. Sustainable Cities and Communities
12. Responsible Consumption and Production
13. Climate Action
14. Life Below Water
15. Life on Land
16. Peace, Justice, and Strong Institutions
17. Partnerships for the Goals
Significantly reduce violence and related deaths everywhere.

End abuse, exploitation, trafficking and all forms of violence against and torture of children.

Promote RoL nationally and internationally, ensure equal access to justice.

Reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime.

Substantially reduce corruption and bribery in all their forms.

Develop effective, accountable and transparent institutions at all levels.

Ensure responsive, inclusive, participatory and representative decision-making at all levels.

Broaden and strengthen the participation of developing countries in the institutions of global governance.

By 2030, provide legal identity for all, including birth registration.

Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime.

Promote and enforce non-discriminatory laws and policies for sustainable development.

Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.
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