

Volume 6 Number 3 – November 2008

## Implementing the Rule of Law in Integrated Missions: Security and Justice in the UN Mission in Liberia

Till Blume<sup>1</sup>

### Abstract

*“[W]hile trying to achieve a coherent approach, we must be cautious not to let our focus on the mechanics of coherence overshadow the UN’s objectives “.*<sup>2</sup>

This article seeks to review the concepts of integrated missions, rule of law (RoL), and security sector reform (SSR) – as well as analyse the United Nations Missions in Liberia’s (UNMIL) efforts at integrating both concepts in its implementation plans and procedures. Firstly, an overview of integration efforts will be given. Thereafter, the RoL coordination and implementation of holistic planning and thinking in UNMIL will be described. At the end of the article, the focus will turn to some of the key challenges and policy implications that come with integrating RoL and SSR.

---

<sup>1</sup> PhD Candidate, Department of Politics and Management, University of Konstanz, Germany ([till.blume@gmail.com](mailto:till.blume@gmail.com)). The author would like to thank all interview partners in UNMIL for their valuable time, insights, and efforts. Frederik Trettin contributed to the section on integrated missions. The author is especially grateful to Asith Bhattacharjee and Alex Loden as well as an anonymous reviewer for their comments and helpful suggestions. All errors and judgements in the article remain the sole responsibility of the author. The Collaborative Research Centre 485 and Center of Excellence at the University of Konstanz (Germany) funded the research for this article.

<sup>2</sup> Doss 2008: 581.

## **Introduction: Peace Operations, the Rule of Law and Security Sector Reform**

In response to the dramatic failures of peace operations in the 1990s and the challenges imposed on the United Nations (UN) by larger and more complex peace operations, the UN established the concept of “integrated missions” to link the different dimensions of peacebuilding into a coherent organisational framework. Much of this thinking originated in the Report of the Panel on Peacekeeping Operations, the so-called ‘Brahimi Report’, named after the Chairman overseeing the exercise. Around this time strategic thinking about the RoL was also coming into focus, on the back of several experiences where police reforms did not sufficiently serve to maintain security and justice.

One of the proposed solutions in the Brahimi Report was to tackle RoL reforms from a “team-based” approach<sup>3</sup>, and to take a more holistic perspective rather than a sole focus on police reforms. Among others, the experiences in Bosnia-Herzegovina and Kosovo contributed to the realisation that a more encompassing concept of RoL – including police, human rights, justice, and corrections reforms – would be paramount in future peacekeeping operations. A Task Force report was commissioned on RoL in peace operations by the Executive Committee on Peace and Security (ECPS)<sup>4</sup> in which several UN departments and agencies participated. Subsequently a small two-person Criminal Law and Justice Advisory Team (CLJAU) translated the recommendations into a framework for RoL in peacekeeping.<sup>5</sup>

Several reports followed which provided the conceptual basis of the RoL within the UN System (2004), and how it could be achieved (2006).<sup>6</sup> As a result, most UN peace operations today have a dedicated RoL Department. Furthermore, since 2007 there is an Office of Rule of Law and Security Institutions (OROLSI) within the UN Department of Peacekeeping Operations (DPKO), and a RoL Coordination and Resource Group in the Office of the Deputy Secretary-General of the UN (ODSG). A second drive for integrating security and justice related activities within the UN took place in 2007, when under the Security Council Presidency of Slovakia, a concept for SSR stemmed from the peacekeeping agenda. DPKO and the Secretary-General (SG) issued a report on how to mainstream the concept of RoL in the UN and across a range of peace operations<sup>7</sup>.

Nevertheless, at the time of writing this paper, the linkages between RoL and SSR are still being debated. Major challenges lie ahead for DPKO’s OROLSI and the UN peace operations in having to implement RoL, police, and SSR concepts while maintaining coherency and operability of

---

<sup>3</sup> A/55/305-S/2000/809 21 August 2000: para 126e.

<sup>4</sup> ECPS 2002.

<sup>5</sup> See Durch, et al. 2003: 31.

<sup>6</sup> S/2004/616 3 August 2004, which originated in the ECPS report mentioned above; S/2006/980 14 December 2006.

<sup>7</sup> A/62/659–S/2008/39 23 January 2008.

peace operations.<sup>8</sup> Much has been written about RoL and the security sector issues in peace operations.<sup>9</sup> However, little has been published about the implementation of holistic concepts of RoL and SSR in recent peace operations in the field.<sup>10</sup> This paper will attempt to fill this gap, concentrating on the United Mission in Liberia (UNMIL).

## Rule of Law and Integrated Missions

The ineffectiveness and *ad hoc* coordination between the various UN departments involved in planning missions during the late 1990s caused frustration and agitation within DPKO and within field missions. As with the RoL, the general integration of mission planning and implementation was also subject to review in the Brahimi Report.<sup>11</sup> Following the initial publication of a concise report on integrated missions in 2005<sup>12</sup>, more coherent and detailed outline of the purpose of integrated missions were provided by the SG's 'Note of Guidance on Integrated Missions' in 2006 and the finalised 'Capstone Doctrine'<sup>13</sup> in 2008. The Note of Guidance proposed that "an integrated mission is based on a common strategic plan and a shared understanding of the priorities and types of programme interventions that need to be undertaken at various stages of the recovery process".<sup>14</sup> Furthermore, that an integrated missions "strategy should reflect a shared understanding of the operating environment and agreement on how to maximise the effectiveness, and impact of the UN overall response".<sup>15</sup> Origins can be traced back to Kofi Annan's reform agenda "Renewing the United Nations" in 1997. In his report, Annan pointed out that:

It is now widely accepted that present-day conflicts have many dimensions that must be addressed comprehensively and require more integrated and coordinated action. [...] an integrated approach is particularly important in the field, where lack of cohesion or

---

<sup>8</sup> There are academic contributions on SSR, which attempt to define SSR as the holistic framework (Hänggi and Scherrer 2008a), in line with the OECD DAC Handbook on Security System Reform (OECD 2007). However, the policy community should keep an eye on simultaneously ongoing discussions about frameworks for security and justice reforms. Taking RoL rather than security as the overarching principle might do good in transition and post-emergency situations. So far, little has been done to integrate RoL and security sector thinking.

<sup>9</sup> There are many books published on the subject (Call and Cousens 2007; Hurwitz and Huang 2008; Jones, et al. 2005; Stromseth, Wippmann and Brooks 2006), for an overview see (Blume 2008)

<sup>10</sup> Exceptions are the volumes by Call (2007) and Hänggi and Scherrer (2008b), which both provide extensive case studies. In general, there is little work that relates to what is mandated to implement security and justice actually do; an approach which could be termed 'al ethnography' (compare Neyland 2008).

<sup>11</sup> A/55/305-S/2000/809 21 August 2000: para. 198-218.

<sup>12</sup> Eide, et al. 2005.

<sup>13</sup> [http://pbpu.unlb.org/pbps/Library/Capstone\\_Doctrine\\_ENG.pdf](http://pbpu.unlb.org/pbps/Library/Capstone_Doctrine_ENG.pdf)

<sup>14</sup> SG 2006: para. 4.

<sup>15</sup> UNDPKO 2008: 53-54.

differences among the United Nations entities can be exploited by the parties [to the conflict].<sup>16</sup>

Similarly, the “Note of Guidance on Relations between Representatives of the Secretary-General, Resident Coordinators and Humanitarian Coordinators” issued in 2000, emphasises the coordinative and leadership role for the Special Representatives of the Secretary-General (SRSG) in the field.<sup>17</sup>

As a result of these reports, at the Headquarters level, Integrated Mission Task Forces (IMTFs) were created, which were intended to strengthen the capacity of DPKO’s Office of Operations to function as a real focal point for all aspects of a peacekeeping operation. The whole process was conceptualised as an Integrated Mission Planning Process (IMPP). In 2005 a review of the IMTF concluded that “while the mechanism has functioned well as a forum for information exchange, it has been less successful at providing strategic planning and management [...]”.<sup>18</sup> Likewise, reviews of the IMPP indicate serious shortcomings.<sup>19</sup> Today, due to the split of DPKO into the Department of Peace Operations and the Department of Field Support, Integrated Operational Teams (IOTs) have been formed in order to coordinate the cooperation between the new departments running UN peace operations since mid-2007.<sup>20</sup> However, as highlighted in the literature dealing with coordination and cooperation in the UN System, the efforts to coordinate and integrate are hampered by political interference or a lack substantive operationalisations, despite ongoing and planned measures.<sup>21</sup>

## **UNMIL: Integrating the Rule of Law**

Translating concepts into practice is always difficult. Integration often works on paper, but integrating organisations and departments, or operational outputs and outcomes meaningfully is challenging, particularly in fast-changing and resource-competitive post-conflict situations.<sup>22</sup> For Integrated Missions, one of the key mechanisms for implementing the concept in the field is the integration of the UN Country Team (UNCT) into the overall mission structure through a Deputy SRSG (DSRSG), who acts as Resident Coordinator (RC) and Humanitarian Coordinator (HC) simultaneously. Conceptually, there are further tools which include Integrated Mission Planning Teams (IMPT) (established at the country level to cooperate with the IMPP at the Headquarters’ level) and the Joint Mission Analysis Centre (JMAC) and the Joint Operations Command (JOC), both of which provide

---

<sup>16</sup> A/51/950 14 July 1997: para 117-119.

<sup>17</sup> SG 2000: para. 2.

<sup>18</sup> A/60/640 para 15

<sup>19</sup> Campbell and Kaspersen 2008: 473.

<sup>20</sup> Compare Benner and Rotmann 2007.

<sup>21</sup> See Herrhausen 2007.

<sup>22</sup> Compare Burke 2008.

‘intelligence’<sup>23</sup> and knowledge to the mission. Once the mission is operational, an Integrated Mission Priorities and Implementation Plan (IMPIP) is developed, which includes work plans, priorities and benchmarks for all parts of the peace operations and the UNCT. It is at this level that the actual RoL activities are planned and potentially coordinated. This paper will now turn to look specifically at the coordination of RoL activities in peace operations, using Liberia and UNMIL as a case study.

## **UNMIL and Rule of Law Challenges**

In August 2003, the Security Council adopted resolution 1497 (2003), authorizing the establishment of a multinational force in Liberia and declaring its readiness to establish a follow-on UN stabilisation force to be deployed in October of that year. The mandate of UNMIL incorporated significant component of RoL activities in seeking to provide support for humanitarian and human rights assistance, support for SSR and in implementing the peace process. In terms of RoL coordination amongst an integrated mission, UNMIL was one of the first of its kind amongst UN peace operations

UNMIL’s two main areas of activity – next to the Military Force – were cited as ‘Recovery and Governance’ and ‘RoL Operations’. Parallel to the preparations for the first report of the SG on RoL in post-conflict situations,<sup>24</sup> UNMIL undertook one of the largest RoL components (parallel to other ongoing missions in Burundi and Haiti). The main thrust of RoL activities in UNMIL’s mandate relate to human rights,<sup>25</sup> police reform,<sup>26</sup> and the support of legal and judicial institutions.<sup>27</sup> Under the heading “Support for Security Reform”, both the police reform and the military reform were initially included in the UN’s tasks.<sup>28</sup> The latter was subsequently handed over to the United States, who were implementing the reform of the Armed Forces of Liberia (AFL) through

---

<sup>23</sup> Compare Shetler-Jones (2008) and Chesterman (2008) on intelligence in the UN.

<sup>24</sup> S/2004/616 3 August 2004.

<sup>25</sup> “Contribute towards international efforts to protect and promote human rights in Liberia, with particular attention to vulnerable groups including refugees, returning refugees and internally displaced persons, women, children, and demobilised child soldiers ensure an adequate human rights presence, capacity and expertise within UNMIL to carry out human rights promotion, protection, and monitoring activities” (S/RES/1509 19 September 2003: para l), m)).

<sup>26</sup> “assist the transitional government of Liberia in monitoring and restructuring the police force of Liberia, consistent with democratic policing, to develop a civilian police training programme, and to otherwise assist in the training of civilian police, in cooperation with ECOWAS, international s, and interested States” (S/RES/1509 19 September 2003: para 3n)).

<sup>27</sup> “Assist the transitional government in conjunction with ECOWAS and other international partners in developing a strategy to consolidate governmental institutions, including a national legal framework and judicial and correctional institutions” (S/RES/1509 19 September 2003: para 3q)).

<sup>28</sup> S/RES/1509 19 September 2003: para 3n), o).

private contractors outside the UN framework<sup>29</sup>, while Disarmament, Demobilisation, and Reintegration (DDR) remained under the responsibility of UNMIL.<sup>30</sup> In the third quarter of 2006, UNMIL and the UNCT set up the Integrated Mission Priorities and Implementation Plan (IMPIP) “as a tool for joint programming and monitoring of the efforts of the UN family in Liberia”, this included the considerable number of RoL activities being undertaken as part of UNMIL.

Within UNMIL, a RoL group coordinates the strategies and policies among the various departments at the management level (including the UN Civilian Police, Legal and Judicial Systems Support [LJSSD], Corrections, Human Rights, Civil Affairs, and the senior staff from the Recovery and Governance Department). While all the above functions in relation to RoL were integrated into the RoL Department, UNMIL did not have a dedicated capacity for SSR until late 2007<sup>31</sup> and as such this remained a detached and uncoordinated programme. The significance of the RoL to UNMIL is reflected in the large field presence of UNMIL Police, Civil Affairs officers, human rights monitors, and – to a lesser extent – legal and judicial systems officers.

However despite this high profile place for RoL activities, significant improvements in RoL and access to justice were very slow due in a large part to a lack of coordination and joined-up working. Small successes have been noted as a result of the LJSSDs based in Monrovia who were instrumental in commenting on proposed laws and in mapping areas of responsibility for courts. However significant institutional reforms remained difficult for several reasons; principally a lack of Liberian capacity; mutual accusations of incompetence between UNMIL and Liberian lawyers; resistance of the Liberian judiciary to engage in reforms; and UNMIL’s state-centred approach to legal reforms. Many of these issues were exacerbated by personality clashes between individuals in UNMIL and the Liberian judiciary.<sup>32</sup>

The RoL Task Force and GRC reports on the RoL reforms are currently limited to commenting on assessments of both the political and strategic dimensions of the RoL assistance, as well as the difficulties for implementation and dire needs for greater funds. Although UNMIL recognise these issues and the need to follow through the recommendations of both reports, UNMIL is still facing resistance from

---

<sup>29</sup> Dyncorp and PAE. Critical voices have pointed out that there could have been alternatives to private contractors rebuilding a public military force in a region previously dominated by private armies and militias without any link to, or for private purposes of, the government. While outputs have increased in 2007 and 2008, the whole reform of the AFL experienced a slow start (compare Malan 2008).

<sup>30</sup> S/RES/1509 19 September 2003: para 3d-i).

<sup>31</sup> The post of a SSR Advisor was created, located in the Recovery and Governance Department. The post was seconded from UNDP and funded by the British Department for International Development (DfID). Author’s interview with UNMIL official, Monrovia, 31 January 2008 and email conversation, 5 September 2008.

<sup>32</sup> Apparently, the difficulties of coordination and cooperation between LJSSD and the Liberian counterparts seemed to be more personal than structural, especially in LJSSD.

the Liberian counterparts in particular with the Liberian judiciary. As a result within UNMIL is reported to be waning: “LJSSD seems to have given up” – either due to the strong resistance of the Liberian judiciary towards any attempt to reform, or due to, as some say, a lack of initiative and political will.<sup>33</sup> The LJSSD was also criticised for the employment of Liberian lawyers in UNMIL because it would take them out of the Liberian system, which remains in dire need for more qualified personnel. However, it is also true that UNMIL needed local expertise and therefore had to employ national legal advisors who have a good understanding of the Liberian legal system.

The LJSSD’s reforms before 2007 had focused on the review of targeted laws (rape law, jury law, human trafficking, and a law providing financial autonomy to the judiciary), on the improvement of infrastructure and the provision of basic material resources (furniture, stationery). It also helped to strengthen capacity and capability of the Liberian justice sector. In this context, UNMIL hired 11 public defence consultants for the judiciary’s public defender system and 13 Prosecutorial Consultants for the Ministry of Justice (MoJ). Despite the fact that the Liberian court infrastructure continues to be very poor, and remains a problem especially in terms of ongoing maintenance. Recognition needs to be given to the successes that the LJSSD have made in advising the government on laws through its Advisory Unit, and in continuing to successfully monitor judicial activity in the counties. Furthermore, for the first time in decades, the areas of responsibility of courts are being mapped and defined, in cooperation with the MoJ.<sup>34</sup>

Currently, paralegal structures deal with more than 90% of court cases in Liberia, especially in rural areas.<sup>35</sup> Historically, Liberia has a dual legal system, with a statutory law for Monrovia and the “Rules regulating the hinterland” for the rest of the country. Although the Rules were criticised in the 1980s,<sup>36</sup> little has changed. As the International Crisis Group (ICG) proposed in 2006, an improved dual structure of the justice system could have served as an interim structure. Justices of the Peace, once vetted, trained, and supported financially, could have been a valuable tool for providing justice all over the country.<sup>37</sup> This option was not considered for a long time, and the focus on the statutory system was maintained, although its capacity will remain very low for the years to come. Recent plans of UNODC apparently include a project paper on the relationship between criminal justice reform and paralegals.<sup>38</sup> UNDP, in cooperation with the Ministries of Internal Affairs, Public Works, and Justice, has also been involved in coordinating law reforms with UNMIL

---

<sup>33</sup> Author’s interview with international staff, Monrovia, 19 April 2007.

<sup>34</sup> Author’s interview with UNMIL Staff, Monrovia, 21 April 2007.

<sup>35</sup> Author’s interview with international staff, Monrovia, 19 April 2007.

<sup>36</sup> Apparently, in the 1980s by the Supreme Court. The author wishes to thank Tania Bernath for this comment.

<sup>37</sup> Some international NGOs were preparing programmes on improving access to justice, and are doing paralegal assessments. No one, however, seems to plan to work directly with the Justices of the Peace (Overview over Legal Assistance Activities in Liberia, April 2007, on file with the author).

<sup>38</sup> Proposal for a Rule of Law Coordination Mechanism, Liberia Partners Conference, p. 7. Draft UNMIL Document, on file with the author.



RRR and LJSSD.<sup>39</sup> It appears that UNDP also plans to implement projects aiming to improve access to justice through the Community Based Recovery Programme.<sup>40</sup> Furthermore, the LJSSD will be working on a project with the United States Institute for Peace on “customary law issues and alternative dispute resolution programs”.<sup>41</sup>

Although experience among international donors to support access to justice and paralegal structures (in contrast to statutory judiciary) has increased in recent years,<sup>42</sup> little of this thinking has reached UN peacekeeping where there is a continued concentration on state centred approaches. Since 2008, the cooperation between UNMIL and NGOs on tackling access to justice in Liberia has increased significantly. Furthermore, cooperation between the Liberian counterparts and UNMIL has improved since a new Minister of Justice came into office in November 2007, and a new Chief Justice was appointed in 2006. Thorough reforms of the judiciary are now being tackled within the framework of the Governance Reform Commission (GRC), including the full recovery of judicial infrastructure, a Law Reform Commission, institutionalising new practices and performance measures for Liberian judges.<sup>43</sup>

However, building the RoL will require long-term efforts, not only in relation to justice and security institutions, but also in terms of social and economic efforts. Crucial activities which need to be undertaken with immediate effect and integrated properly into RoL projects and programmes include the reintegration of ex-combatants<sup>44</sup> and the governance, access and distribution of natural resources. However, this is likely to take years, way beyond the timeframe of UNMIL’s presence.

## **Rule of Law Coordination with the Government**

In order to coordinate with the NTGL, UNMIL created a Rule of Law Implementation Committee (ROLIC) in 2004. LJSSD and UNMIL Police were part of ROLIC during the National Transitional Government (NTGL, 2003-2005).<sup>45</sup> However, in terms of an overall RoL strategy, about 98% of the decisions taken on police matters and the judiciary by

---

<sup>39</sup> Ibid., p. 8.

<sup>40</sup> IASC Country Team Discussion Paper for Implementing the Cluster Approach, p. 5, on file with the author.

<sup>41</sup> <http://www.unmil.org/content.asp?ccat=judicial> [accessed 28 August 2008].

<sup>42</sup> Compare DFID’s activities in recent years (DFID 2003; Piron 2006). Compare also Thomas Carother’s (2006) and Stephen Golub’s (2006a; 2006b; 2007) work.

<sup>43</sup> Compare Governance Reform Commission 2006.

<sup>44</sup> For both, see Jennings 2007 and Paes 2005.

<sup>45</sup> ROLIC was chaired by the Deputy Special Representative for Rule of Law and included the Minister of Justice, the National Security Adviser, a representative of the Chief Justice, the Director of the Liberian National Police and representatives of the UNMIL civilian police, corrections, judiciary and human rights divisions (S/2004/430, para. 25).



ROLIC were neglected or ignored.<sup>46</sup> In 2005, UNMIL created the RoL Task Force, which brought together Liberian counterparts and international partners to discuss the issues of RoL reform. The RoL Task Force issued a report, which was the first joint document on police, judicial, and legal reform by Liberian and international actors. The report was transmitted to the President in May 2006 and served as a basis for further reform and the assessment of funding needs. In this context, the President approved that the Task Force should reconvene as a working group under the Liberian Reconstruction and Development Committee (LRDC).<sup>47</sup> However, it took until the Partners' Forum held in February 2007 for a decision to be taken to reconstitute a Rule of Law Working Group (ROLWG) under UNMIL's auspices.<sup>48</sup> Also during 2007, a bill for a Law Reform Commission was drafted, whose establishment is still pending despite the original delivery in July 2007 and its citation in the Poverty Reduction Strategy (PRS) (GoL 2008: 90).

RoL as a priority area is mentioned in a number of further planning documents. It is addressed in the Early Recovery Cluster under the focal point themes on judicial reform of the Inter-Agency Standing Committee Country Team (IASC-CT)<sup>49</sup> in Liberia, created in early 2006. Furthermore, for the coordination of the ROLWG, a parallel structure to the Liberia Development and Reconstruction Committee's (LRDC) Pillar Three on Governance and RoL is proposed, to be chaired by the Chief Justice. However, the Governance and RoL Pillar remains chaired by the Ministry of Planning, which makes the Chief Justice resentful of participating in a structure dominated by the executive. The IASC-CT has proposed a compromise to set up the parallel structure in which IASC-CT would support a small secretariat. However, governance issues related to RoL remained part of the Pillar Three competencies.<sup>50</sup> Therefore, the struggles over the boundaries between Pillars and ownership within the Liberian political systems are likely to remain. For example, RoL is also part of the final PRS (GoL 2008: 84-96) under Pillar 3, whereas security reforms are taking place under Pillar 1. Nevertheless, there are indications of improvement, especially after the appointment of the new Minister of Justice in November 2007.

---

<sup>46</sup> Interview with senior UNMIL staff, Monrovia, 11 April 2007.

<sup>47</sup> That the RoL Working Group would be subsumed under the LRDC, was not without problems in terms of legal position. The LRDC is a committee of the executive to coordinate reform efforts of the government. However, most RoL tasks do touch upon the judiciary, which – formally at least – should not be subject to executive control (Author's interview, UNMIL staff, 30 and 31 January 2008).

<sup>48</sup> Author's interview, UNMIL staff, Monrovia, 2 February 2008.

<sup>49</sup> The Early Recovery Cluster is co-led by UNDP and UNMIL RRR. Along its priority areas on basic infrastructure (a) and income generation (b), the cluster focuses on transitional support for justice (c) (Proposal for Inter Agency Standing Committee Early Recovery Cluster Lead Additional Funding, on file with the author).

<sup>50</sup> Author's interview with senior UNMIL staff, 5 February 2008.

## Planning for Rule of Law Integration

The institutional prerequisites – relating to joint planning with the government, internal planning tools (IMPIP), and the overarching framework of the RoL Department – provided UNMIL with a good basis for integrating RoL and public security reforms. However, despite achievements in relation to the police, the record in relation to the judiciary and further security agencies remains sketchy.

Joint planning in UNMIL has taken place among the various UN actors and between the UN and the Government as well as bilateral project implementation and development agencies. After five years of UNMIL's presence and several initiatives, there are encouraging signs both within UNMIL and for the Liberian security and justice institutions and with cooperation with the MoJ and the Government.<sup>51</sup> However, UN peace operations still depend to a large extent on hierarchical structures and, therefore, depend upon informal coordination at the working level and the smooth cooperation of senior management. Thus clashes of personalities and turf battles become a real and intractable problem. As Doss observes, the selection of senior management is crucial<sup>52</sup> – and also that of middle management. In order to avoid bottlenecks and to improve working level coordination, lean management and flat hierarchies could be one way forward to meaningful integration and coherence below the planning and policy level.<sup>53</sup>

### Integration at the Working Level

Based on discussions with UNMIL staff, many staff attributed their cooperation with colleagues to personal contacts and informal networks as there was a lack of formalised structures for cooperation between the departments at the working level<sup>54</sup>. Although UNMIL is a good example of integrated planning and benchmarking, the reality of working inside a peace operation seems different to that which is planned at the policy level. Most coordination at the policy level takes place between the heads of divisions; and little of this intended cooperation is filtered down to result in cooperative working practices on the ground and in the field.<sup>55</sup> Integration in terms of substantial programmatic work outside Headquarters at the field level depends on leadership on the ground. What is needed to rectify this is strong working practices and outlook from the Regional Administrative Officer in field offices to underpin the overall goal of integration and coherence. This will require the head of the field presence to have direct links to the SRSG and with the authority

---

<sup>51</sup> Interview with senior UNMIL staff, 26 January 2008.

<sup>52</sup> Compare Doss 2008.

<sup>53</sup> At the University of Konstanz, an international conference was held on management issues in peace operations (see <http://www.uni-konstanz.de/FuF/Verwiss/Seibel/conference/start> [accessed 28 August 2008]). For an overview, see Seibel et al. (2008).

<sup>54</sup> Interviews with UNMIL staff, April 2007 and January/February 2008.

<sup>55</sup> This may be different for the coordination in the Recovery and Governance Pillar and the UNCT.

to coordinate staff and integrate programmes from the various departments in the respective field offices. This has recently been tested in other peace operations, with very positive results.<sup>56</sup>

## Core and Contextual Benchmarks

In terms of mission planning, UNMIL has submitted a benchmarking system as part of the SG's reports to the Security Council on UNMIL, which conceptualises contextual and core benchmarks for UNMIL's consolidation and drawdown. The "restoration of the RoL" was a particular benchmark for UNMIL (S/RES/1777 19 September 2007). Although efforts to improve impact of RoL efforts and to conceptualise concrete, measurable benchmarks are ongoing,<sup>57</sup> more could be done to conceptualise RoL for UN peace operations. In this context, the following "core" benchmarks should be achieved (S/2007/479 8 August 2007: para 66, 67)<sup>58</sup>: the completion of police operating procedures should be finalised by December 2008; the Emergency Response Unit (ERU), which is supposed to take over heavy riot control and protection against terrorism and *coup d'états*, should be operational by July 2009 (para 73),<sup>59</sup> further infrastructure needs to be addressed by December 2010; a national security infrastructure created by December 2008; and two AFL battalions ready by September 2008 and September 2009, respectively. "Restoration of RoL", "strengthening of State administration and authority", and "sub-regional security situation"<sup>60</sup> serve as other contextual benchmarks that need to be taken into account when considering a further drawdown of UNMIL. The contextual benchmarks were introduced in 2007 in order to include the political and institutional developments into the analysis. One year later, in August 2008, the situation remained moderately positive.<sup>61</sup>

## Rule of Law as a Framework for Peace Operations

Proceeding sections underscore how RoL provides an overall framework for the various components working towards security and justice in UN peace operations. However, more needs to be done in terms of

---

<sup>56</sup> For example, the UN Mission in Southern Sudan in 2007 had deployed a Regional Representative and Coordinator to Juba in Southern Sudan, having authority over the various departments and troops in the southern region. (Interview with former UNMIS official, 25 June 2008).

<sup>57</sup> Author's interview with senior UNMIL staff, Monrovia, 27 January 2008.

<sup>58</sup> Interview with senior UNMIL staff, 2 February 2008.

<sup>59</sup> Crucial benchmark for the further drawdown of UNMIL Force between January and August 2009. S/2007/479, para. 73.

<sup>60</sup> UNMIL, Senior Staff Retreat, 11 December 2007, Objectives and Expected Outcomes. On file with the author.

<sup>61</sup> A National Security Strategy was passed in mid-2008; the National Security Architecture still needs to be reformed and built. The UNMIL Police strength was reduced by 105 police officers between April and August 2008, while maintaining the FPU strength at 605 officers. S/2007/479, para. 75; S/2008/553, para. 53.

integrating the various departments within the UN peace operations. At the Headquarters' level, the foundation of OROLSI is an important step for the integration of planning and policy processes. Furthermore, the policy process of integrated resources and work plans of the various UN organizations cooperation within the RoL Coordination and Resource Group, administered by the RoL Unit in the ODSG, is gaining shape. A Guidance Note has been issued, including a detailed work plan for the UN agencies and departments.<sup>62</sup> Today, a number of handbooks and policies within the Guidance Project<sup>63</sup> set the basic determinants of RoL reforms in UN peace operations.

The example of UNMIL shows that, despite improvements in terms of integrated missions and policy planning at the field level, much remains to be done to integrate RoL and security tasks in a meaningful way. It is imperative to consider the need to think beyond short-term goals and quantitative indicators for benchmarks evaluations. As initiated by UNMIL – amongst others through the sophisticated benchmarking system and an internal RoL Retreat in 2007, with a similar event planned together with the national counterparts – there is the need to think substantially about what RoL means and how it can be achieved meaningfully both at the field and international levels. One area where more can be done is with the integration of the various RoL efforts within a peace operation, the UNCT, NGOs, and the international community. In terms of system-wide thinking, the Guidance Note by the SG is a welcome first step in order to achieve integration of HQ concepts and programmes. However, this still needs to be translated into organisational support to overcome internal turf battles, and into support from the member states.

RoL remains one of the under-funded areas of international post-conflict and development assistance. Furthermore, international support is strongly needed to be able to achieve substantial integration of implementing organisations, projects and benchmarks. As the example of UNMIL showed, the linkage of planning tools to substantial, qualitative progress on the ground – as evidenced in the recent benchmarks for drawdown – is one of the areas where more activity will be necessary. The various experiences and lessons learned from UNMIL, but also from other ongoing peace operations and integrated offices such as in Haiti, Sierra Leone, and Democratic Republic of Congo, in the area of RoL should be assembled in order to provide a field level counterpart to the integration of RoL efforts in New York.

---

<sup>62</sup> Secretary-General 2008.

<sup>63</sup> For handbooks see Carlsson 2006 and UNDPKO 2005, 2007. The Guidance Project has been ongoing as part of the Peacekeeping Best Practices Section's efforts, including the Strategic Policy and Development Section of the Police Division.

## Conclusion

RoL reforms are a long-term endeavour. Integrated thinking is necessary in order to be able to tackle the intertwined areas of providing law and order, building security and justice institutions, and in addressing post-conflict RoL issues.<sup>64</sup> Major challenges for each peace operation anew will include the translation of RoL and integrated missions' concepts into meaningful frameworks in the field. Given the difficult state of many countries to which UN peace operations are deployed - and the numerous priority areas which need to be tackled - the slow nature of change, both in UN peace operations and the RoL sector, is not surprising. RoL – an area which encompasses security, police, justice, human rights, DDR, and law enforcement institutions – will remain one crucial area for UN peace operations. Integration and coherence will be of critical importance for planning peace operations and achieving success in implementing RoL activities. As the example of UNMIL has illustrated, efforts have been made to address lessons learned and good practice. The benchmarking system in relation to core and contextual benchmarks serves as one example.

IUN peacekeeping and peacebuilding efforts continue to focus on increasing the capacity of the state and on the technical improvement of the legal system, and not on the impact and access to justice. Although there has been some debate on UN legal reforms in post-conflict contexts<sup>65</sup>, the UN approaches to legal reform can still be characterised by a “rule of law orthodoxy”.<sup>66</sup> A similar focus can be observed in SSR approaches.<sup>67</sup> Despite the inclusion of access to justice, the provision of legal aid clinics, support for traditional justice practices, the establishment of mechanisms for legal assistance into DPKO guidelines, and the inclusion of paralegals<sup>68</sup> into DPKO guidelines, the perception of RoL as part of “social development”<sup>69</sup> does not seem to figure high on the agenda. As policy processes are ongoing in DPKO within OROLSI, considerations on access to justice, the informal security sector, and political consequences of SSR should all be addressed within these processes.

There are plenty of reasons why peace operations tend to focus on state institutions. Such reasons include the preferences of member states, path dependency of established principles, turf battles between the various UN agencies (some of which are opposing tendencies towards development within UN peacekeeping), and DPKO's focus on criminal justice which must be state-centred (to complement police reforms).<sup>70</sup> In the context of development aid, the discussion about state-centred – as opposed to people-centred approaches - to legal reform has led to policy change towards access to justice among a number of donors, including DFID and

---

<sup>64</sup> Cf. Stromseth, Wippmann and Brooks 2006.

<sup>65</sup> See especially the work by Béatrice Pouligny (2003, 2006).

<sup>66</sup> Golub 2006a, b.

<sup>67</sup> Ebo 2007.

<sup>68</sup> UNDPKO 2007: 36, 39-40.

<sup>69</sup> Golub 2007.

<sup>70</sup> Huang 2005.

UNDP.<sup>71</sup> As mentioned in earlier sections, few donors work on RoL issues in post-conflict societies.<sup>72</sup> However, there is a growing trend in post-conflict assistance to look closely at the ultimate beneficiaries. For example, more and more peace operations are applying community policing concepts; in the health sector, more agencies are starting to work on primary health care rather than to start immediately with long-term and highly expensive reform packages<sup>73</sup>; a similar concept for judicial reforms would benefit access to justice issues. Critics of these approaches might argue that short-term approaches are not sustainable. However true this may be, a more important issue is whether or not there are better interim and short-term solutions which could help in tackling pervasive RoL vacuums. In order to be effective, they would need to be built into coherent and integrated structures and strategies.

As Alan Doss's quote at the start of this paper indicates, structures like integrated missions do not guarantee coherence, but can offer a tool for achieving it.<sup>74</sup> Achieving greater coherency depends on leadership, sound political advice, holistic thinking, sequencing, and capacity for inter-organisational thinking and sound analysis. Therefore, the lessons learned in recent years on RoL assistance through UN peace operations should be taken seriously in current policy debates, both in New York and within the member states. RoL, SSR, and DDR will remain key challenges for the UN and the international community to address both failed and post-conflict states.

---

<sup>71</sup> See respective reports from 2003 (DfID) and 2006 (UNDP).

<sup>72</sup> According to a 2005 assessment, Denmark, Norway, Sweden and USAID also have programmes on RoL, but these are not systematically included in conflict resolution strategies (Hurwitz and Studdard 2005: 6).

<sup>73</sup> The author would like to thank Alex Loden for pointing out this comparison.

<sup>74</sup> Doss 2008: 571.

## References

- A/51/950 (14 July 1997). *Renewing the United Nations: A Programme for Reform - Secretary-General's Report*. New York: United Nations.
- A/55/305-S/2000/809 (21 August 2000). *Report of the Panel on United Nations Peace Operations (Brahimi Report)*. New York: United Nations.
- A/62/659-S/2008/39 (23 January 2008). *Securing peace and development: the role of the United Nations in supporting security sector reform*. New York: United Nations.
- Benner, Thorsten and Philipp Rotmann. *Operation Blauhelmreform. Ban Ki-Moons umstrittener Umbau der Hauptabteilung Friedenssicherungseinsätze*. Vereinte Nationen 5: 177-182 (2007).
- Blume, Till. *Security, Justice and the Rule of Law in Peace Operations*. Review Essay. *International Peacekeeping* 15 (5): forthcoming, 2008.
- Brzoska, Michael. "Embedding DDR Programmes in Security Sector Reconstruction". In: Alan Bryden and Heiner Hänggi (eds.): *Security Governance and Post-Conflict Peacebuilding*. Münster: LIT, 2005.
- Burke, Adam. "Peacebuilding and rebuilding at ground level. Practical constraints and policy objectives in Aceh." *Conflict, Security & Development* 8 (1): 47-69, 2008.
- Call, Charles T., and Elizabeth M. Cousens. *Ending War and Building Peace. Coping with Crisis Working Paper Series*. New York: International Peace Academy, 2007.
- Campbell, Susanna, and Anja Therese Kaspersen. "The UN's Reforms: Confronting Integration Barriers". *International Peacekeeping* 15 (4): 470-485, 2008.
- Carlsson, Scott N. *Legal and Judicial Rule of Law Work in Multidimensional Peacekeeping Operations: Lessons-Learned Study*. New York: UN DPKO Peacekeeping Best Practices Unit, 2006.
- Carothers, Thomas, ed. *Promoting the Rule of Law Abroad: In Search for Knowledge*. Washington D.C.: Carnegie Endowment for International Peace, 2006.
- DFID. *Safety, Security, and Accessible Justice. Putting policy into practice*. London: Department for International Development. 2003.
- Doss, Alan. "Eyewitness: Crisis, Contention and Coherence – Reflections from the Field". *International Peacekeeping* 15(4): 570-581 (2008).



Durch, William J., et al. *The Brahimi Report and the Future of UN Peace Operations*. Washington D.C.: Henry L. Stimson Center 2003.

Ebo, Adedeji. "The role of security sector reform in sustainable development: donor policy trends and challenges". *Conflict, Security & Development* 7(1): 27-34, 2007.

ECPS. *Final Report ECPS Task Force for Development of Comprehensive Rule of Law Strategies for Peace Operations*. New York: UN Executive Committee for Peace and Security, 2002.

Eide, Espen Barth, et al. *Report on Integrated Missions - Practical Perspectives and Recommendations*. New York: United Nations ECHA Core Group, 2005.

GoL. *Liberia Poverty Reduction Strategy*. Monrovia: Government of Liberia, 2008.

Golub, Stephen. "A House Without a Foundation". In: Thomas Carothers (ed.): *Promoting the Rule of Law Abroad. In Search of Knowledge*. Washington D.C.: Carnegie Endowment for International Peace, 105-136, 2006a.

\_\_\_\_\_. "The Legal Empowerment Alternative". In: Thomas Carothers (ed.): *Promoting the Rule of Law Abroad. In Search of Knowledge*. Washington D.C.: Carnegie Endowment for International Peace, 161-187, 2006b.

\_\_\_\_\_. "The Rule of Law and the UN Peacebuilding Commission: a social development approach." *Cambridge Review of International Affairs* 20(1): 47-67 (2007).

Gompert, David, et al. *Making Liberia Safe. Transformation of the National Security Sector*. Santa Monica. RAND National Defense Research Institute, 2007.

GRC. *Reforming Liberia's Legal and Judicial System: Towards Enhancing the Rule of Law*. Monrovia: Governance Reform Commission, 2006.

Huang, Reyko. *Securing the Rule of Law: Assessing International Strategies for Post-Conflict Criminal Justice*. New York: International Peace Academy, 2005.

Hänggi, Heiner, and Vincenza Scherrer. "Towards an Integrated Security Sector Reform Approach in UN Peace Operations." *International Peacekeeping* 15 (4): 486-500, 2008a.

\_\_\_\_\_. eds. *Security Sector Reform and UN Integrated Missions. Experience from Burundi, the Democratic Republic of Congo, Haiti and Kosovo*. Zurich: LIT Verlag, 2008b.

- Herrhausen, Anna. "Coordination in United Nations Peacebuilding: A Theory-Guided Approach". *WZB Discussion Paper*. Berlin: Wissenschaftszentrum, 2007.
- Hurwitz, Agnès, and Reyko Huang. *Civil War and the Rule of Law. Security, Development, Human Rights*. Boulder: Lynne Rienner, 2008.
- ICG. *Liberia: Resurrecting the Justice System*. Brussels: ICG, 2006.
- Jaye, Thomas. *An Assessment Report on Security Sector Reform in Liberia*. Monrovia: Governance Reform Commission, 2006.
- Jennings, Kathleen M. "The Struggle to Satisfy: DDR Through the Eyes of Ex-combatants in Liberia." *International Peacekeeping* 14(2): 204-218, 2007
- Jones, Seth G., et al. *Establishing Law and Order after Conflict*. Santa Monica: RAND, 2005.
- Malan, Mark. *Security Sector Reform in Liberia: Mixed Results from Humble Beginnings*. Carlisle: U.S. Army War College Strategic Studies Institute, 2008.
- Neyland, David. "Organizational Ethnography. London: Sage.
- OECD." *OECD DAC Handbook on Security System Reform. Supporting Security and Justice*. Paris: OECD Development Assistance Committee, 2008.
- Paes, Wolf-Christian. "The Challenges of Disarmament, Demobilization and Reintegration in Liberia." *International Peacekeeping* 12(2): 253-261, 2005.
- Piron, Laure-Hélène. "Time to Learn, Time to Act in Africa." In: Thomas Carothers (ed.): *Promoting the Rule of Law Abroad. In Search of Knowledge*. Washington D.C.: Carnegie Endowment for International Peace, 275-300, 2006.
- Pouligny, Béatrice. "UN peace operations, INGOs, NGOs, and promoting the Rule of Law: exploring the intersection of international and local norms in different postwar contexts." *Journal of Human Rights* 2(3): 359-377, 2003.
- \_\_\_\_\_. *Peacekeeping seen from below. UN missions and local people*. London: Hurst, 2006.
- S/2004/616 (3 August 2004): *The rule of law and transitional justice in conflict and post-conflict societies*. Report of the Secretary-General. New York: United Nations
- S/2006/980 (14 December 2006): *Uniting our strengths: Enhancing United Nations support for the Rule of Law*. Report of the Secretary-General. New York: United Nations.

S/2007/479 (8 August 2007): Report of the Secretary-General on Liberia. New York: United Nations.

S/RES/1509 (19 September 2003): Resolution 1509. New York: United Nations.

S/RES/1777 (19 September 2007): Resolution 1777. New York: United Nations.

Seibel, Wolfgang, et al. (2008): Public Administration meets Peacebuilding. Peace Operations as Political and Managerial Challenges. Paper presented at the International Studies Association, 26-29 March 2008, San Francisco.

SG (2008): Guidance Note of the Secretary-General: United Nations Approach to Rule of Law Assistance. New York: Secretary-General of the United Nations.

\_\_\_\_ (2006): Note of Guidance on Integrated Missions. New York: Secretary-General of the United Nations.

\_\_\_\_ (2000): Note of guidance on relations between Representatives of the Secretary-General, Resident Coordinators and Humanitarian Coordinators. New York: Secretary-General of the United Nations.

Shetler-Jones, Philip. "Intelligence in Integrated UN Peacekeeping Missions." The Joint Mission Analysis Centre. *International Peacekeeping* 15 (4): 517-527, 2008.

Stromseth, Jane, David Wippmann, and Rosa Brooks. *Can Might Make Rights? Building the Rule of Law After Military Interventions*. New York: Cambridge University Press, 2006.

UNDP. *Programming for Justice: Access for All. A Practitioner's Guide to a Human Rights-Based Approach to Access to Justice*. New York: United Nations Development Programme, 2006.

UNDPKO. *Primer for Justice Components in Multidimensional Peace Operations: Strengthening the Rule of Law*. New York United Nations Department of Peacekeeping Operations, 2007.

\_\_\_\_ *Supporting National Prison Systems: Lessons Learned and Best Practices for Peacekeeping Operations*. New York: United Nations Department of Peacekeeping Operations Peacekeeping Best Practices Section, 2005.

\_\_\_\_ *United Nations Peacekeeping Operations. Principles and Guidelines Capstone Doctrine*. New York: United Nations Department of Peacekeeping Operations, 2008.