



Dutch Policy on One UN in the Field of Rule of Law

The Case of Mali and MINUSMA

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1 Introduction

Working more coherently and efficiently is a challenge within the UN system, which is still working in silos. The Delivering as One approach (2007) aims to better coordinate the different parts of the UN system, and so avoid overlapping roles. This initiative focuses on five main principles: One Leader, One Budget, One Programme, One Office and One Voice. The Integrated Strategic Framework, launched in 2013, meant to also include military and police components, relevant for countries with UN peace operations. The Dutch government has been a staunch supporter of integration within the UN as part of its policy on multilateral effectiveness.¹

Mali's government initially embraced the UN Delivering as One approach, when the UN involvement in the country was mainly humanitarian and development-oriented. The crisis that started in 2012 altered the UN landscape in Mali substantially, and UN military and police came in as part of the new mission, the Multidimensional Integrated Stabilization Mission also called MINUSMA², in 2013.

The Netherlands decided to contribute substantially to the Minusma mission and collaborate in various fields, among which rule of law and justice. Being a long time development partner in Mali, it had already started working on this locally with the UN Development Programme (UNDP). Meanwhile, at UN headquarters level, the Netherlands had been very active in facilitating the collaboration among these UN organisations - UNDP and the Department for Peacekeeping Operations (DPKO) for missions - and helped establish the Global Focal Point on Police, Justice and Corrections³. These efforts proved useful in Mali: Minusma and UNDP integrated their strategies in these fields to a great extent. However, its implementation depends on many factors and a gap remains between this One UN effort and its practical implementation on the ground, operating in the politically volatile context of Mali.

Scope, structure and methodology

Initially intended as a more extensive case study, including systematic literature review and a series of interviews, the scope of this paper has since been reduced significantly. It is based on review of key literature on One UN, analysis of policy documents and internal reporting by the Dutch Ministry of Foreign Affairs. Moreover, interviews were held with the Dutch Embassy in Bamako, Mali, as well as with UN officials.

The first part of the paper provides a brief overview of the problems within the UN with regard to cooperation and integration. It reviews two approaches towards a more coherent and efficient: 'Delivering as One' and 'Integrated Strategic Planning'. The latter aims to have a broader scope including security and rule of law, which however is contentious with parts of the UN. The second part of the paper provides a short overview of Dutch policy towards One UN is provided, and how the Netherlands has tried to seize an opportunity to pursue the One UN agenda specifically in the field of rule of law.

¹ Art. 90 of the Dutch Constitution provides that 'the government shall promote the development of the international legal order

² this paper refers to MINUSMA as Minusma

³ corrections are umbrella terms describing a variety of functions typically carried out by government agencies, and involving the punishment, treatment and supervision of persons who have been convicted of crimes

The third part of the paper describes a practical example of the way in which One UN is applied at country level in the field of rule of law, and the Dutch contribution at that level: the case of Mali.

What is the problem?

Increased efficiency and improved coordination between departments are challenges for any major organisation and the UN is by no means different. Since the foundation of the UN in 1945, new areas of operation have been added on a yearly basis. Today the organisation encompasses a myriad of agencies, funds and programmes. UN organisations symbolically operate under the authority of the secretary-general (SG), who is not the hierarchical leader as such, but rather the *primus inter pares*. The UN organisations each have their own separate board of directors and funders, guarding their independence.

While some are working well, others are operating independent of each other in so-called silo's, often allegedly wasting valuable resources for uncoordinated efforts.⁴ At the same time, UN member states, with their own individual agendas, obstruct coordination even though in principle they agree on the need to improve overall efficiency of the system.⁵ According to Weiss (2009) donors protect the territory and budget allocations of their preferred UN organisations in patron-client-like relationships. This duality is regarded as a serious obstacle for collective action.⁶ Another complicating factor is the extreme decentralisation of UN headquarters: for example, the Department of Peacekeeping Operations (DPKO) operates from New York, but most of the humanitarian organisations, including UN Office for Coordination of Humanitarian Affairs (UNOCHA), operate from Geneva. On field level, they work in the same locations, but still do not always speak with one voice. The question this paper asks is what works with regard to One UN and which factors are of main influence.

⁴ Weiss 2009, p. 72

⁵ Von Freiesleben 2009, p. 1

⁶ Weiss 2009, p. 96

2 One UN: two integrated approaches

Delivering as One approach

The Delivering as One approach seeks to improve coordination between UN organisations, at different levels - including country level - and including the UN relations with specialized organizations and civil society. This approach emerged from the 2005 World Summit, and the recommendations of the 2006 High Panel on System-wide Coherence⁷. Delivering as One on a country level meant to work towards the 'Four Ones': One Leader, One Program, One Budget, One Office. After inception, One Voice was added to the goals.

Eight countries volunteered to launch pilot programs: Albania, Cape Verde, Mozambique, Pakistan, Rwanda, Tanzania, Uruguay and Vietnam. These programs were launched in early 2007. The pilot countries experimented with ways to increase the UN system's impact through more coherent programmes, reduced transaction costs for governments, and lower overhead costs for the UN system. The exercise also aimed to align programmes and funding more closely to national priorities to strengthen government leadership and ownership.⁸ For example, it experimented with the One Budget, both for reasons of cost effectiveness (important for donors) as well for joint resource mobilisation (important for recipient countries).⁹

Interest for this One UN approach steadily grew amongst a group of member states in the UN General Assembly, mainly from the non-aligned movement (NAM). This group, together with the European Union, including the Netherlands, advocated strongly for the advancement of the approach.¹⁰ Mali showed particular interest and volunteered to be a pilot country in 2007, as a so-called self-starter¹¹. However, other member states cautioned against this One UN approach and the consolidation of UN programs. They argued that it could potentially undermine countries' sovereignty and restrict their freedom to work with the UN partner they choose.

Limitations of Delivering as One

In 2007 the pilot countries expressed the need for an independent evaluation with regard to the One UN approach with regard to joint planning, prioritization, and programming. The UN had developed the United Nations Development Action Framework (UNDAF): an agreement between a government and the United Nations Country Team (UNCT) that describes the collective actions and strategies of the UN in that country. This was supposed to support enhanced national ownership and leadership of the development agenda and secure access to the full range of mandates and expertise of UN agencies.¹² According to the evaluation,¹³ the approach was effective in some of the pilot countries: not only had the UN avoided duplication and fragmentation, the countries had made some progress towards the ultimate objective: countries better able to achieve their national development goals. The effort was mostly led by the UN Development Group (UNDG).

However, this sole focus on the development agenda (at the level of the UN Country Team) did not always match the reality on the ground. In the pilot countries, such as Rwanda and Tanzania, the relationship between the government and the UN was indeed development-oriented and there was

⁷ see UN document A/61/583

⁸ Jagel 2012, p. 2

⁹ *ibid.*

¹⁰ Von Freiesleben 2009, p. 51

¹¹ UN Evaluation Management Group 2012, p 4

¹² Von Freiesleben 2009 p. 47/48

¹³ *ibid.*

considerable political will to work towards One UN. However in countries where crises occurred, the relationship with the UN was multi-faceted. In countries with humanitarian crises, UNOCHA representing the humanitarians, confronted the government with their own 'cluster approach'. And in (post) conflict countries with peacekeeping missions, UN military and police continued to follow their own lines of command and instructions from headquarters in New York and paid lip service at most towards the Delivering as One approach.

In other words, particularly in (post) conflict situations, there was an integration gap as the approach did not encompass all UN actors on the ground. The Delivering as One Approach therefore proved mainly useful in countries without peacekeeping missions, (few) humanitarian crises and a degree of political will from the leadership for the approach, such as Tanzania and Rwanda.

Integrated Strategic Planning

As the Delivering as One approach focused mainly on the development area, another tool, the 2013 UN Policy on Integrated Assessment and Planning (IAP), also called integrated strategic planning, was introduced.¹⁴ This tool envisioned integration of the traditional UN organisations also called 'civilians' with military and police components - the so-called 'the missing whole'¹⁵ - to reside under one senior UN official on the ground, supported by one budget. In practice, this tool was meant for contexts with UN peacekeeping operations. Its objective was 'to agree on where it makes sense to work jointly and to define the depth and structural form of such work together, on the basis of a common understanding of the situation and the most appropriate UN responses'¹⁶. An objective very similar to the goal of the Delivering as One approach, but with a broadened scope covering military and police components as well.¹⁷

Unfortunately, while both of these integration initiatives, the Delivering as One approach and integrated strategic planning, work towards One UN, they are being implemented in parallel. Only recently has convergence been attempted, as in the case of Mali, which will be described later on.

Dilemma of One UN integration: military versus humanitarian imperative

Including military and police components into the integrated approach of the UN is a sensitive issue. Concerns had been voiced at an early stage in the General Assembly that it could potentially restrict the freedom of member states to work with the UN partner they choose and undermine countries' sovereignty¹⁸, in the extreme sense alluding to the so-called non-intervention principle.

Other concerns came from the humanitarian part of the UN family, often seen as a 'defector' from integrated approaches. The humanitarian part of the UN consists of a very diverse group (UNHCR, UNICEF, WFP etc.) with a track record in conflict areas well before the emergence of peacekeeping operations in the 1990's. Within this group, many have traditionally opposed centralisation and hierarchy, as they are convinced this would destroy some of the most productive parts of the UN system.¹⁹ The fact that most of the headquarters of the humanitarian UN organisations are outside of New York (Geneva, Rome etc.), is considered to impede a coordinated approach beyond ad hoc arrangements. Moreover, the organisation entrusted with the responsibility for overall coordination

¹⁴ The UN Policy on Integrated Assessment and Planning (IAP) was approved by the Secretary-General on April 9, following endorsement by the Integration Steering Group on March 15, and by the UN Development Group on March 13th.

¹⁵ Boutellis 2013, p. 5

¹⁶ *ibid.*

¹⁷ *ibid.*

¹⁸ von Freiesleben 2009

¹⁹ Weiss 2009, p 85

responsibility, UNOCHA, considers it a challenge to its own authority to coordinate the action of the various agencies to start with. They derive legitimacy vis-à-vis the development community for this independent, non-aligned approach from the fact that funding for the humanitarian component has grown – with a proliferation of NGOs - as compared to total official development assistance (ODA) which has shrunk.²⁰

However tensions started to mount as a result of an increased number of missions sent out into the field by the UN Security Council with a stabilisation mandate²¹. Stabilisation is about using military means to stabilise a country, often with all necessary means to neutralise [eg. kill] potential ‘spoilers’ to a conflict²². However, this concept goes against the main principles of the humanitarian imperative, as upheld by the UN humanitarian organisations: neutrality, humanity, independence, impartiality, when providing emergency relief and protection of human rights of war victims. As a result, the UN humanitarian community has not been eager to integrate with these stabilisation missions, even if they are called ‘integrated’, as in the case of Mali. These tensions provide a fundamental obstacle to the UN integrated approach in the area of peace and security. A recent report of the International Peace Institute on UN integration recommends to intensify efforts to highlight the potential benefits of integration for humanitarian operations as well as to mitigate risks emerging from an increased role of the UN role in stabilisation, which might jeopardize its image of neutrality.

²⁰ Weiss 2009, p 90

²¹ such as Mali

²² Karlsrud 2015, p. 42

3 Summary of NL policy

The Netherlands government has been a staunch supporter of UN integration over the past 5 years. Whereas the messaging on UN integration in general has been consistent, its gains as mentioned in policy documents and official communication have varied over the years: from more impact of the UN in fragile states to cost saving from a donor point of view. The Dutch position as voiced in New York however continued the messaging on UN integration with a view to promoting more effectiveness and impact of UN operations in the field. To this end, the Netherlands has supported innovative initiatives on One UN, such as bringing together organisations like the UN Development Programme (UNDP) and the Department of Peacekeeping Organisations (DPKO), through the Global Focal Point on Police, Justice and Corrections.

Selling One UN at home

From 2012 on, UN coherence and ‘delivering as one’ were increasingly presented to the Dutch parliament and public as a useful tool from a financial and cost efficiency point of view. This focus on the cost side of the UN, is illustrated by the Dutch statement at the UN General Assembly of 2012. Minister Rosenthal had chaired an important event in the framework of rule of law, but later ended his speech at the assembly itself in his capacity as substantial core-donor urging the larger share of emerging powers in the world economy should also be reflected in the contributions of those states to the budget of the UN.²³

The 2013 International Development Strategy of the Dutch government ‘*A World to Gain*’ mentions the need for integrated approaches, but surprisingly only with regard to the EU.²⁴ Multilateral organisations are being mentioned, though in the framework of decreasing budgets. The government’s report to parliament²⁵ of the 2013 UN General Assembly mentions ‘delivering as one’ as a rather technical issue and important cost saving mechanism.²⁶

(...) the Quadrennial Comprehensive Policy Review

- The Netherlands, as a relatively substantial core-donor, regards the full cost recovery principle as a positive development. This principle allows for the proportional distribution of management/overhead costs of UN programmes and activities from core and non-core contributions. This leaves more funds for implementation of programmes.
- Agreements were reached on further harmonisation of the operational management among various UN organisations aimed at cost saving.

In other policy documents, the Dutch government opted not to delve into the substance of One UN, but to keep it simple. In the International Security Strategy ‘Secure World, Secure Netherlands’ (*Veilige Wereld, Veilig Nederland*), that was published in 2013, there was hardly any mention of the UN - except for the archaic structure of the UN Security Council. One sentence was dedicated to integration: that it is the organisation’s own responsibility. The chapter on integrated approaches only mentioned examples from NATO practice.

The government did claim success over earlier UN integration efforts, such as in response to the IOB evaluation report ‘Investing in stability: Netherlands fragile states policy reviewed’. It stated in 2013 that over the period 2005–2011 it had actively contributed to integrated approaches of

²³ House of representatives 2012, report UNGA p. 3

²⁴ See: MFA ‘A World to Gain’, pag 24

²⁵ House of representatives 2013, report UNGA p.4

²⁶ QCPR: resolutie, die sturing moet geven aan de nieuwe strategische plannen van de VN organisaties voor de periode 2014–2017, geeft concrete en tijdgebonden aanwijzingen voor verbeterde harmonisatie, coördinatie en samenwerking van de VN-organisaties.

international organisations such as the UN, EU and NATO, and stressed that these goals had gained more²⁷ international support in the years to follow.²⁸

Seizing the opportunity at UN headquarters

The Dutch position on One UN as voiced in New York in 2012/2013 was primarily on more effective UN policies as well as supporting rule of law in post-conflict situations. In doing so, the Netherlands stressed the crucial role of donors providing incentives for an integrated approach and drew attention to the role of national ownership in (post) conflict countries.

(...) important priority for my country is to improve international support for the Rule of Law at the national level, particularly in the context of post-conflict situations. We consider the promotion of the Rule of Law key to conflict management, its prevention and resolution. The UN has an important role to play in peace and security, and has gained a lot of experience in the field in recent years. We believe that specific goals and criteria could enhance this process, but underline the need to ensure a harmonized approach bringing together existing efforts by the UN, World Bank and other international organizations. We would like to stress the need for a more integrated approach [of the UN], sufficient capacity in the field, and increased South-South cooperation in supporting Rule of Law in post-conflict-situations.²⁹

Moreover, the Netherlands put great effort in preparing the High Level Event on Rule of Law in 2012, not only with regard to the international legal order and institutions it hosts like the ICC, but also with regard to the importance of rule of law for conflict management, prevention and resolution.³⁰ The problem of the UN in the field of rule of law was considered to be the lack of coordination, or instead the proliferation of coordination mechanisms (including interagency taskforces and working groups), with regard to peace, justice and security since the UN 'Agenda for Peace'³¹. In 1992 the Department of Peacekeeping Operations (DPKO) and the Department of Political Affairs (DPA) had been created, and in 2007 the Office of Rule of Law and Security Institutions (OROLSI); which in itself were innovative institutions but led to silo's and an uncoordinated UN response.

The High Level Event on Rule of Law facilitated the decision by the UN Secretary-General's September to appoint DPKO and UN Development Programme (UNDP) as the "global focal point for police, justice and corrections areas" as part of the larger rule of law sector, for post-conflict and other crisis situations. DPKO and UNDP were made responsible for ensuring the response to requests from individual missions and countries by mobilising timely and quality police, justice and corrections assistance in terms of global knowledge, experts and advice, including for assessments, planning, funding and partnerships. Moreover, the Netherlands provided core funding for the Global Focal Point Justice Police and Corrections of 7 mn Euro. While such initiatives remained ad hoc and risked having limited impact on the overall coherence of the UN response in the field, the Netherlands led the way in taking a step forward in supporting the UN coordinating activities in the specific area of police, justice and corrections, as part of rule of law.³² A recent report by Van de Goor et al. identified strengths and shortcomings of the focal point, with a number of recommendations.

Furthermore, the permanent representative continued to stress integrated approaches and

²⁷ This in itself is an interesting claim to evaluate.

²⁸ House of Representatives 2013, response to IOB evaluation 'Investing in Stability'

²⁹ Permanent Representative of the Kingdom of the Netherlands to the UN H.A. Schaper April 2012

³⁰ House of Representatives, report of UNGA 2012, p. 5

³¹ Boutellis, p. 13

³² *ibid.*

mentioned the Delivering as One approach and the integrated strategic planning in one speech pleading for integration of a topic like peacebuilding in both security, rule of law and development:

Let me mention in particular the High Level Meeting on Rule of Law (...) I would like to highlight three issues from the Netherlands perspective:

First, the response by the UN family has improved and many institutional changes have been implemented, especially at Headquarters; interagency taskforces for DDR and SSR have been established, a Joint Global Focal point for police, justice and corrections has been created, the UN is improving its civilian capacities in the aftermath of conflict, Integrated Mission Planning Processes and Integrated Strategic Frameworks have strengthened cooperation within the UN-system, Peace and Development Advisors are increasingly being deployed.

Important steps, but the key question that we still need to answer is whether these changes have had substantial positive impact on the ground. Did they result, not only in better coordination and cooperation at country level, including more joint analysis, joint planning and programming and joint implementation, but did they also achieved better and quicker results on the ground in line with priorities of national governments in post-conflict situations?

Feedback we receive from our embassies indicates that progress is mixed. Substantial improvements remain necessary, especially at country level, and also in non-mission settings.

Speeding up Delivering as One, overcoming internal divisions within the UN-system, and further increasing coordination, cooperation and alignment are essential steps in this regard. The SG and the membership could improve results on the ground by providing the necessary incentives, including through donor funding.³³

Again in 2014, the permanent representative stated:

A comprehensive approach is needed, especially in post-conflict situations (...)

The Netherlands has for many years supported the UN engagement on rule of law, through UNDP, DPKO and the Peacebuilding Fund. We support the decision of the SG to appoint DPKO and UNDP as focal points for police, justice and corrections activities and urge all involved to continue strengthening the implementation of this initiative, as requested by UN missions and offices in the field.

(...) But it only works if a coordinated and comprehensive strategy is in place early on, to which bilateral and multilateral actors are truly committed. National ownership and vision must guide this to meet the expectations and to keep the momentum and credibility of the process.³⁴

³³ Permanent Representative of the Kingdom of the Netherlands to the UN H.A. Schaper December 2012

³⁴ Permanent Representative of the Kingdom of the Netherlands to the UN K. Van Oosterom February 2014

4 Putting One UN in practice: Mali and MINUSMA

These last words, on the need for national ownership and vision, link to the complex practice of One UN and integrated approaches in a politically volatile environment. Mali provides a useful and recent example of a situation in which UN integration was put to the test after the arrival of the United Nations Multidimensional Integrated Stabilization Mission in Mali, Minusma.³⁵ With its broad mandate, it brought increased potential for duplication and confusion in roles and responsibilities. This chapter describes the Netherlands policy in Mali and how it came to be one of the main supporters of an opportunity of the One UN policy: Rule of Law and within that, the Global Focal Point for Police, Justice and Corrections.

Background on Dutch government policy in Mali

Donor darling: Mali is a landlocked country in West-Africa and ranks in the lowest PART OF THE human development index.³⁶ For long, the country had a reputation as a model democracy³⁷ and was a so-called donor darling. The Netherlands was a long standing donor and consistently in the top 3 of biggest donors in Mali. The Netherlands was a close development partner of the Malian government. The priorities of the Dutch development programme were primary education and agriculture. The Netherlands channelled its support mainly through the national budget of the government (budget support), which was common among donors at that time, in line with the Paris agenda on aid effectiveness.³⁸ The United Nations has been present in Mali for decades as well. Humanitarian organisations had started operating in the country in the 1960s in response to protracted droughts. UNDP established its Mali office in 1978³⁹, albeit with a small office and programme. The Netherlands had limited cooperation with UNDP.

Delivering as One: When the former UN representative for Mali Mr Moctar Wane was appointed foreign minister in the Malian government, he proposed to pursue the approach of Delivering as One with the UN locally in Mali from 2007 and to become one of the self starter countries⁴⁰. This was in line with the general enthusiasm at that time for the initiative among the other non-aligned movement (NAM) member states. The UN country team started talks on an integrated framework and together with the government produced the first UNDAF strategy for Mali in 2011. This was approved by UN organisations on the ground - including the humanitarian agencies - and the Malian government in 2008⁴¹.

Conflict Northern Mali: However, in January 2012 an armed conflict broke out in northern Mali, which Tuareg rebels took control of by April and declared secession of their new state, Azawad. There had been conflict with Tuareg rebels in previous decades, but the influx of arms and fighters from Libya intensified the conflict. The situation was further complicated by a military coup in March 2012 and further incursions of Islamist groups into the country.

³⁵ Boutellis 2013, footnote 42, p. 20

³⁶ see Human Development Index 2014/Mali http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/MLI.pdf

³⁷ Thurston, p. 1

³⁸ OECD Paris declaration on aid effectiveness

³⁹ UNDP 2015, p. 1

⁴⁰ as referred to under 'Delivering as One approach

⁴¹ UN Mali 2010, p. 3

UN initial response: The conflict caused a shock in the donor community⁴², including the Netherlands. Governments were unprepared for the rapid deterioration of the security situation. As donors had been mainly working through the central government, there was limited knowledge of the socio-political dynamics in northern Mali. Conversely, the humanitarian agencies were very well versed with that context due to their drought control and other activities in that area over the years. As such, these organisations got connected to the military track of the UN, represented by the Department of Peacekeeping Operations (DPKO), which needed instant reliable information on the situation in the north. UNDP at that stage had a limited role to play, and also struggled to adjust to the new situation of fragility - also in terms of conflict sensitivity - and the need to concentrate efforts in the remote north. From the start, even before the stabilisation mission, the Netherlands had lobbied for better integration of the development programming in the mission planning at the UN headquarters level.⁴³

UN military intervention: The African-led International Support Mission to Mali (AFISMA) had problems fulfilling its mandate properly. In January 2013, when Islamist groups quickly gained territory and advanced southward in the direction of the capital Bamako, France was called upon for help and launched operation Serval.

This course of events accelerated the decision-making process on a possible UN intervention in New York, which would consist of a stabilisation mission. Already in 2012, the Dutch representation in New York had played an active role behind the scenes in bringing together UN member states and other stakeholders on the topic of a possible UN peacekeeping mission to Mali⁴⁴, while the UN Department of Political Affairs (DPA) was still in charge with its political mission in Mali.

Meanwhile, the upcoming stabilisation mission caused a stir among the local humanitarian community:

The use of military or armed escorts by one or several humanitarian actors would therefore be detrimental to the perception of neutrality and independence of humanitarian actors and would put humanitarian workers and affected population in danger.⁴⁵

Dutch concerns about integrated approach: In March 2013 the Dutch representation in New York reported that working relations between UNDP and DPKO had improved, as evidenced by a joint assessment mission to the north of Mali, but was concerned how the long term development strategy fit with the Integrated Strategic Planning process for Minusma.⁴⁶ The strategy of UNDP got delayed as it was dependent on government inputs from all levels.⁴⁷ However most bilateral donor programmes had been suspended at that time due to the rules not to provide aid to governments in place after a military coup.

NL participation in Minusma: At the same time, domestic pressure in the Netherlands to contribute to the UN mission Minusma mounted. During a debate in parliament in July 2013 members cross-examined government about the reasons behind the failure of the Netherlands to participate in the first batch of the EU training mission in Mali. This opened the way for the government to contribute to Minusma.⁴⁸ Moreover, mid-2013 the Dutch former minister Koenders

⁴² Balt, p. 3

⁴³ Archive MFA (3D-aanpak Mali), 21 November 2012,

⁴⁴ interview with staff MFA.

⁴⁵ UNOCHA Mali 2013, p. 2

⁴⁶ Archive MFA (Vredesopbouw Mali) 18 March 2013.

⁴⁷ *Ibid.*

⁴⁸ House of Representatives, 9 July 2013

was appointed Special Representative of the Secretary General (SRSG) in Mali, and this built momentum for a Dutch contribution to Minusma.

In November 2013, the Netherlands government decided to contribute 380 military and civilian staff including individual police officers to Minusma. The majority of the Dutch contribution consisted of military personnel whose primary task is to gather, process and analyse intelligence (ASIFU) for the mission as a whole.

Parliament advocating for an integrated approach with Minusma: In the so-called Dutch ‘Article 100’ letter of 1 November, a component of the approval procedure for participating in peacekeeping missions in the Netherlands, the government stressed the importance of the integrated approach. The subsequent questions in the Dutch parliament⁴⁹ demonstrated a sharply increased interest in the integrated approach of the UN and the need for inclusion of the longer term development perspective into a peace keeping operation. This interest was fuelled by the disappointment in the results of the Dutch missions to Afghanistan⁵⁰ and Iraq, which had been dominated by military approaches.

One UN progress in Mali

As soon as Minusma started operating, the UN ensured that a number of staff were available to continue the campaign ‘Nations Unies Mali: Unis Dans l’Action’ (UN delivering as one in french) which had been initiated in 2007. They took office in the building of the Minusma mission. Interviews with these staff in March 2015 were used as a basis for the quickscan below of the progress on the ‘four ones’ as well as One Voice as described below.

Most progress was achieved with regard to One Leader and One Programme, of which the work through the Global Focal Point on Police, Justice and Corrections, described in the next chapter, is part. Progress with regard to One Office, One Budget and One Voice was limited, the latter especially with regard to the tensions between the military and the humanitarian approach to the situation in Mali.

One Leader was quickly established. The existing UN leadership structures had to be adapted to the incoming Minusma mission, in order for it to be a truly integrated mission. The UN Country Team was now under the responsibility of the newly appointed Special Representative of the Secretary General (SRSG), who had the mandate to oversee all activities of the UN in Mali. The deputy SRSG was put in charge as co-lead of the UN Country Team and co-lead of the cluster approach.

One Office turned out to be hardly feasible. In the second half of 2013, Minusma was quickly deployed with thousands of military and civilian personnel. They headquartered in the largest hotel in the capital Bamako, hotel l’Amitié, which was, however, in another part of town than UNDP and other UN agencies were located. This prohibited the co-location envisaged by One Office. There are however steps towards co-location of certain staff, eg. the UNDP staff charged with tasks for the ‘Unis Dans l’Action’ approach are located in the mission building.

One Budget

In pilot countries such as Rwanda there was One Fund as a vehicle to work together on certain themes; both headquarters and donors through voluntary contributions would promote this collaboration. However in a non-pilot country such as Mali there is hardly any headquarters’ contribution, so it mainly depends on donors’ willingness to contribute at the local level. An overall strategy has now been agreed with the government, UNDAF+ (see One Programme), and its total

⁴⁹ House of Representatives, 10 December 2013

⁵⁰ Van der Lijn, p. 8

budget is 1.15 bn USD, for all UN agencies together (excluding Minusma). A risk is when agencies keen to maintain their traditional donor relations such as the World Food Programme (WFP) start mobilising their own funds; this might trigger others to do the same. However, the Peacebuilding Fund, with the Netherlands as a major donor, has commenced recently in Mali and is looking into expanding its activities. This type of common funding has proved to be a great incentive for UN agencies to work together.

One Voice

The UN in Mali has greatly invested in speaking with One Voice, as this is perceived to be key to maintain support of the general population and the government. However, the UNOCHA representative in Mali mentioned that being associated with Minusma can have negative implications for humanitarian operations and the safety of staff; and therefore at times not be desirable. In a situation of escalating tensions and violence the impartial image of the UN is key to continue operating in conflict zones. However Minusma is charged to help 'extend and re-establish state administration throughout the country', including police and justice but also increasingly getting involved in a combat operation. As France and its operation Barkhane seeks to transfer more tasks to Minusma, the Security Council should carefully consider the implications of a more robust mandate on the UN role as a whole. These tensions impact on One Voice as part of 'Unis Dans l'Action'.

One Programme offers most opportunities, but also challenges, from a Dutch perspective. The UN initiated a renewed exercise with the newly elected Malian government in 2013, called UNDAF+. This covered the period 2015-2019, and had the intention to combine the previous UNDAF to the current situation and with Integrated Strategic Planning. However, one year after Minusma had started operating, the Dutch ambassador warned the Dutch Ministry of Foreign Affairs that the integrated approach was hardly working and there was no coherent strategy. One impediment mentioned was the bureaucratic character of the mission and the UN overall, but above all the leadership of the higher UN management, beyond the SRSG. There were concerns that it took more leadership than only the SRSG to render the integrated approach more effective and efficient.⁵¹ In April 2015 UNDAF+ (*plan cadre intégré*) was approved.⁵² Although it does not include military aspects of Minusma's strategy⁵³ it has a number of sections on security, justice and rule of law which involves Minusma.

Opportunity: Global Focal Point on Police, Justice and Corrections

As part of the relative success of the One Programme approach within 'Unis Dans l'Action', there has been some progress in the specific area of Rule of Law, to which the Netherlands has contributed. Within the UNDAF+ strategy, the global focal point on justice, police and corrections is considered to be a step towards an integrated approach.

Background

The Netherlands adapted its programme to the new situation in Mali in 2012/2013 and included a new priority in its development programme: Security & Justice.⁵⁴ In April 2013, the Netherlands embassy announced it was planning a contribution to this sector.⁵⁵ In May 2013, the Netherlands pledged 12 mn Euro for security & rule of law and elections, on top of 100 mn for 2013 and 2014. In

⁵¹ Archive MFA (weekly information Mali) 2 September 2014

⁵² UNDP 2015, ToR, p. 1

⁵³ for Minusma, the Concept of Operations (CONOPS) is still leading; a description of how a set of capabilities may be employed to achieve desired objectives or end state.

⁵⁴ Archive MFA (multi-annual strategic planning) 13 May 2014.

⁵⁵ Archive MFA (Vredesopbouw, Mali) 19 April 2013.

total 3.25 bn was pledged at the Brussels donor conference for Mali.⁵⁶

The rule of law programme of the Netherlands government in Mali was launched in October 2013 together with Minister of Justice, Mohamed Aly Bathily. The Malian government declared it a national priority to end the rule of law vacuum and to re-establish a fully functioning penal chain in key localities in the north.

Despite the re-opening of major tribunals and prisons since then, critical challenges with regard to rule of law remained in place. These included a lack of adequate infrastructure, limited security including for victims, witnesses and judicial personnel, inadequately trained personnel, limited forensic capacity as well as systemic challenges faced by the justice system such as corruption and limited financial and administrative capacities.⁵⁷ Moreover, since 2013 the security situation in the north of Mali had further deteriorated and the independence movement (MNLA) regained control of certain areas in the north, where the government now holds no sway.

UNDP and Minusma joining hands

UNDP had also built a partnership with the Ministry of Justice and started working on these issues, both in the north and the south. As part of its rule of law in Mali, the Netherlands government started working with UNDP and Minusma. This collaboration was facilitated and spurred through the Global Focal Point for Police, Justice and Corrections managed from New York.

An occasion to join hands was offered in February 2014, when the Malian Minister of Justice submitted a formal request for assistance to both Minusma and UNDP in the formulation of an overarching justice and corrections sector reform document. The local teams of DPKO and UNDP asked for support by their headquarters; they requested to mobilise timely and quality police, justice and corrections assistance in terms of global knowledge, experts and advice, including for assessments, planning, funding and partnerships. But also in a practical way: how to work together in a complementary way?

As the Netherlands had provided core funding for the Global Focal Point Justice Police and Corrections of 7 mn Euro, it helped fund the initial start of the Mali programme. The Global Focal Point for Police, Justice and Corrections in New York arranged a team of UN experts, who were joined by national experts. They finalised the report in February 2015.

This report⁵⁸ should now form the basis of the government's vision on the way forward for the justice sector reforms in Mali. The ultimate aim is that these efforts towards an integrated UN approach will become part of the national strategy on Rule of Law and budget will be made available for the implementation of the reforms; and start actually addressing the urgent problems in Mali's rule of law sector not only in Bamako, but also in Timbuktu and possibly Kidal in the far north.

However, the political will (and strategic patience) of the Malian government for implementation of One UN idea in Mali has diminished as compared to the years 2010-2011. It therefore comes down to the international community to display a concerted, instead of divisive approach towards the government and help the UN to get a national policy on rule of law agreed.

⁵⁶ House of Representatives, 18 February 2013, report of EU General Affairs Council

⁵⁷ UNDP (2015) ToR p. 3

⁵⁸ especially the annexed Strategic Action Plan and Logical Framework

5 Conclusions

Even within the One UN ambition, there are two initiatives that are not fully compatible and cause confusion among UN organisations in the field. Delivering as One is limited to development and humanitarian aspects. The Integrated Strategic Planning intended to broaden the approach to include peace and security operation. However, there remain several sensitivities towards this approach both of developing member states (due to sovereignty and non-intervention principles) and of the humanitarian community of the UN (due to neutrality and other principles).

The Netherlands has played an active role in supporting opportunities of One UN at international level, such as the Global Focal Point for Justice, Police and Corrections, and rendering it impactful for the field, such as in Mali. This context is certainly not an obvious one to achieve progress with regard to longer term goals such as One UN. However, as the example shows, even in those circumstances there are opportunities for working in a more integrated way. It was important to start small and in a flexible mode, as civil-military cooperation is not easy and even more difficult in a unpredictable place like Mali.

The incentives provided by donors, such as the Netherlands, are important in this respect. Moreover, given the importance of national ownership, a solid partnership with the Malian government could prove helpful in embedding the integrated approach in the national strategy on the Rule of Law and in this way contributing to results in this key sector.

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