Foreign Trade and Development Cooperation
Theory of Change
SECURITY & THE RULE OF LAW
Narrative

1. Why focus on security and the rule of law?

Countries that have serious problems of fragility and instability lag far behind in achieving sustainable development, especially when instability degenerates into violent conflict. It is projected that by 2030 more than half of the world's poor people will live in countries affected by severe forms of violence.[1] Violent conflicts often have devastating consequences: deaths, massive human rights violations, destruction of infrastructure, waves of displaced persons, irregular migration, an increase in organised crime, radicalisation and terrorism. These consequences affect the stability and security not only of the country directly involved but also of neighbouring countries and of Europe. For these reasons the Netherlands views investing in combating instability and insecurity – particularly in the Sahel/West Africa, the Horn of Africa, North Africa and the Middle East – not only as a moral obligation but also as an investment in our own security and stability.

'Preventing conflict and instability' is one of the four overarching objectives of the Dutch policy document on foreign trade and development cooperation, 'Investing in Global Prospects',[2] which describes the rule of law and a legitimate government as essential to sustained socioeconomic development, stability and security. It takes the Sustainable Development Goals (SDGs) as its guiding principles and describes them as the ultimate prevention agenda. The SDGs' preamble confirms that 'there can be no sustainable development without peace and no peace without sustainable development'.

In recent years, research has proved that conflict prevention saves lives. Moreover, the costs of preventive measures are significantly lower than the costs incurred when conflicts erupt, particularly when their aftermaths are taken into account.[3] Effective conflict prevention is aimed at tackling underlying causes and grievances that motivate people to use violence to achieve their goals. The objective of Dutch policy on security and the rule of law is to tackle these causes of instability and insecurity, especially by improving human security, strengthening the rule of law and making political institutions more inclusive.

2. Context

The international security situation has worsened in recent years. The number of armed conflicts in the world has tripled since 2010.[4] This is the chief cause of the recent increase in the number of people suffering from hunger[5] or fleeing their country.[6] Instability has increased particularly in the regions surrounding Europe: the Middle East and North Africa, the Sahel region of West Africa and the Horn of Africa.

While inequality between countries has decreased in recent years, inequality within countries is growing.[7] The degree of inequality in terms of social, economic and political rights and opportunities between different population groups is especially closely linked to a heightened risk

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[1] https://www.un.org/sustainabledevelopment/peace-justice/

[2] Minister for Foreign Trade and Development Cooperation (2018), 'Investing in Global Prospects: For the World, for the Netherlands', policy document on foreign trade and development cooperation.

[3] United Nations and World Bank (2018), *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict.*

[4] United Nations and World Bank (2018), *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict.*

[5] See: FAO, *The State of Food Security and Nutrition in the World* (2017).

[6] UNHCR (2018), 'Global Trends: Forced Displacement in 2017', http://www.unhcr.org/5b27be547.

[7] World Bank (2016), *Taking on Inequality: Poverty and Shared Prosperity.*

of armed conflicts.[8] Vulnerable groups, such as women and young people, are often hardest hit by conflict situations. These situations also have an adverse impact on the amount of space for civil society.

One positive trend is the rise of conflict prevention and more lasting peace as priorities on the international agenda, as shown by the adoption of SDG 16 (promote just, peaceful and inclusive societies) and of UN resolutions on conflict resolution and lasting peace. By adopting these resolutions, countries have committed themselves to stepping up their efforts to prevent 'the outbreak, escalation, continuation and recurrence of conflict'.[9] The UN and the World Bank are visibly making greater efforts to prevent conflicts,[10] as is the European Union. The EU has adopted an integrated approach to conflicts and crises as one of the five priorities of its Global Strategy. The European Consensus on Development also pays particular attention to fragile and conflict-affected states, and to promoting and protecting human rights, democracy, the rule of law and good governance.

3. What the Netherlands is working towards

Sustainable peace and development require stability and security. For the Netherlands, however, stability is not an end in itself. An oppressive, authoritarian regime may be stable, but it does not provide a basis for sustainable peace and development. That is why the central concept of Dutch policy on security and the rule of law is 'legitimate stability'. This stability is characterised by inclusive political processes, mutual confidence between the state and people (a social contract) and social cohesion between groups, thus making people feel safe and represented.

The central goal of Dutch policy is to strengthen legitimate stability and promote lasting peace in conflict-affected areas in order to achieve sustainable development.

This goal can only be attained when there are effective mechanisms to address and overcome tensions by nonviolent means. Activities in the area of security and the rule of law are therefore aimed at enhancing human security, strengthening the legal order and promoting peace processes and legitimate political governance, as illustrated below.

Legitimate stability and lasting peace in conflict-affected areas

Human security: A reduction in the levels of violence and fear experienced by people.	Strengthening the rule of law: The rule of law has been strengthened, so that citizens are able to obtain their rights and have greater access to effective, independent, fair and accountable legal institutions.	Legitimate political governance and peace processes: National, regional and local authorities are capable of preventing or resolving conflicts by effective, nonviolent means.

See the security and rule of law results framework (2018), including its appendix with specific goals, anticipated results and indicators.

Human security - Theory of Change
Long-term exposure to violence and lack of personal safety are obstacles to sustainable peace and development. Insecurity undermines people's physical and mental resilience, which is a key precondition for enhancing individual wellbeing and prosperity. Security services that effectively guarantee people's safety can also increase mutual confidence between citizens and the state, which is a major building block for lasting peace. Poor treatment of members of the public by the

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[8] Stewart, F. (2010), 'Horizontal Inequalities as a Cause of Conflict', World Development Report 2011 Background Paper.
[9] UN General Assembly resolution A/RES/70/262 (2016) and UN Security Council resolution S/RES/ 2282 (2016).
[10] United Nations and World Bank (2018), *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict.*

police or armed forces, conversely, is one of the main causes of radicalisation and violent extremism.[11]

Dutch policy on security and the rule of law therefore aims to enhance human security by reducing the levels of violence and fear experienced. This concept of human security emphasises individual safety, protection from threats and empowerment, in contrast to more state-oriented definitions that emphasise national security and sovereignty.[12] This choice is founded on a commitment to people's rights to life, freedom and personal inviolability. The **assumptions** underlying this choice are that the state's monopoly on the use of force should be used to meet individual needs, and that citizens, civil society and formal and informal authorities at national and local level should be prepared for and capable of working together to protect individuals and to prevent or rein in violent conflict and terrorism.

Within the realm of human security, we concentrate on reducing physical threats to safety, reforming security services and national security policy, and preventing violent extremism.

Strengthening the legal order - Theory of Change
A robust legal system provides opportunities to peacefully resolve conflicts, rein in power structures and promote respect for human rights. Conversely, weak legal systems exacerbate existing tensions and cause them to escalate.[13] Our goal is therefore to strengthen the rule of law, to better enable individuals to obtain their rights through formal and informal institutions that are effective, independent, impartial and accountable to citizens. When individuals have access to the justice system and are equal before the law, this can help reduce inequality and lead to more equal opportunities. By contributing to a sense of justice, this can strengthen mutual confidence between individuals and the state.

A major **assumption** underlying this thesis is that formal and informal institutions can exist alongside one another without undermining each other. Moreover, the **assumption** that access to the justice system leads to greater equality before the law does not necessarily hold in all cases. It is not the case, for example, when women do have access to the justice system but are not equal before the law, for example when they are not allowed to inherit land. Dutch interventions are therefore aimed at enhancing access to the justice system in situations where this is combined with the promotion of human rights, with special attention to women's rights. A stronger legal order can also provide a more solid foundation for socioeconomic development, by making legislation and law enforcement more predictable in such areas as land rights and employment law. The development of a state based on the rule of law with fair and reliable institutions is often not in the interests of elites that seek self-aggrandisement and see themselves as above the law. In a strong state based on the rule of law, the law applies to elites as well as everyone else.

Serious violations of human rights often lead to profound tensions and a persistent sense of injustice. This can result in unrest and violent conflicts. Transitional justice mechanisms, including both criminal prosecutions and institutional reforms, can help forestall or address such grievances.[14] In the field of strengthening the legal order, the Netherlands therefore focuses on enhancing access to and reforming the justice system and on promoting transitional justice mechanisms.

Peace processes and legitimate political governance - Theory of Change
Excluding people from political or peace processes creates a breeding ground for feelings of powerlessness and can lead them to resort to violence. Feelings of marginalisation and exclusion can be alleviated if political decision-making is inclusive: involving or taking account of individual citizens and groups and rendering account to them. In a widely supported process of this kind, feelings of exclusion can be reduced, citizens feel heard and involved, and confidence in state institutions and political leaders is restored.

Legitimate political governance can also reduce political, economic and social inequality between individuals and groups, if the **assumption** holds that marginalised people can in practice

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[11] UNDP (2017), 'Journey to Extremism in Africa: Drivers, Incentives and the Tipping Point for Recruitment'.

[12] This same interpretation of security is used in SDG 16.

[13] United Nations and World Bank (2018), *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict.*

[14] UN Security Council (2004), 'The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies: Report of the Secretary-General'.

participate in decision-making (with sufficient knowledge and experience) rather than having a merely symbolic presence. In this way, legitimate political governance can create the conditions in which a society can effectively prevent and peacefully resolve conflicts in an inclusive way. SDG 16 also emphasises the importance of effective, accountable and inclusive institutions. In additional to the national level, Dutch policy particularly focuses on the local level, which more directly affects individuals in their day-to-day lives.

In societies emerging from conflict, peace processes often lay the basis for future political governance systems, and therefore greatly affect the inclusiveness of future political decision-making structures. Research shows that peace processes that are inclusive – both while they are under way and in the results they produce – are more likely to lead to lasting peace, particularly when women are more expressly included.[15] When peace accords are also implemented in a truly effectively manner and backed up with long-term investments in socioeconomic development, they can create a sense that peace is directly improving people's living conditions. This in turn further stimulates peacebuilding. In the area of political governance and peace processes, Dutch policy on security and the rule of law therefore focuses on inclusive political decision-making at national and local level, social cohesion and peacebuilding.

4. How the Netherlands intends to achieve these results and through which partners

Our vision of how change happens
While each country has its own unique characteristics, we recognise that the justice, security and political systems in many conflict-affected areas are weak and in many cases primarily serve the interests of the dominant elite. Often these systems pay little attention to the rights and needs of the general population. They are thus expressions of the inequality, power asymmetry and other structural factors that perpetuate instability and conflict. Reforms to these systems are by definition the outcome of political struggle, and for this reason cannot easily be brought about from outside. Reforms must therefore be primarily set in motion by local actors, both governmental and non-governmental. Our role is to support, facilitate and work with local actors and development partners to foster such change.

One of the main lessons of the last several years is that change demands considerable time, occurs during 'windows of opportunity' and sometimes goes two steps forward, one step back. Many of the obstacles to effective reforms are political rather than technical in nature, and are due more to the distribution of power than to lack of institutional competence. Institutional capacity-building is therefore often insufficient to generate lasting change, and may even perpetuate or reinforce the power imbalance. In other situations, a strong focus on establishing accountability mechanisms and making them work may genuinely be effective, and civil society organisations' amplified demand for better service provision and transparent decision-making may set reforms in motion. Unfavourable political conditions can however make such programmes impossible or force the Netherlands to end existing programmes prematurely. A tailored approach is needed in every case.

Starting from this understanding of the dilemmas and the specific character of each situation, the Netherlands will always base its work on a thorough understanding of the sociopolitical context. Adaptive programming can help provide the flexibility needed to adjust programmes to reflect changes in the political and broader context.[16] The Netherlands will also try to strike the right balance between short-term results and long-term structural change. In the short term safety and the immediate alleviation of physical distress are often needed, but the Netherlands' long-term focus is on achieving visible results for the population in terms of lasting peace, the legal order and inclusive governance.

Our activities and partners
The Netherlands uses three channels to achieve its envisaged goals: i) bilateral assistance, with activities to promote security and the rule of law being embedded in Multiannual Country Strategies, ii) strategic partnerships with parties whose international networks, knowledge and influence make them well suited to help achieve our goals, and iii) funding of multilateral partners

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[15] United Nations and World Bank (2018), *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict.*

[16] For this approach to 'adaptive programming', see e.g. Valters, C. et al. (2016), 'Putting Learning at the Centre: Adaptive Development Programming in Practice', ODI.

that are capable of influencing policy and implementing large-scale programmes. Our main activities and the partners we work with are set out below.

Human security

Mine action is one of the focus areas in which we try to directly enhance individuals' safety and reduce physical risks. Even years after the end of an armed conflict, explosive remnants of war (ERW)[17] continue to pose a threat to human security. Besides being a direct risk to people, ERW can be an obstacle to humanitarian assistance and make it harder for refugees and displaced persons to return home. At international level, the Netherlands lobbies for the ratification and implementation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines. At national level, we work to strengthen the capacity of national and local mine action authorities, while at community level we support mine clearance and raise awareness of the risks of landmines. To carry out these activities we work largely through international organisations that specialise in mine action.

To promote an effective, inclusive, accountable and responsive security sector, we work with UN and EU organisations and other international, regional and civil society partners to promote integrated, coordinated support for security sector reform. We also promote a greater role for women and gender sensitivity in peace enforcement (see UN Security Council Resolution 1325 on Women and Peace and Security).

We concentrate our bilateral aid on a limited number of countries, particularly in order to make the security sector more effective and better adapted to meeting people's needs. At local level, too, we try to improve the security situation. In areas where a country's security sector is not perceived as legitimate or where there is a risk of radical armed groups filling a power vacuum, we work with informal actors that do not use violence and are seen as legitimate by the population. Our programmes in this field are closely linked to bilateral activities in support of the rule of law and the prevention of radicalisation and of sexual and gender-based violence. Where possible, the Netherlands also cooperates in security sector reform as part of multilateral peace missions, particularly those missions in which the Netherlands itself participates.[18]

Radicalisation and extremism are caused, among other things, by political and administrative marginalisation, insecurity and a weak legal order. Dutch policy on security and the rule of law tackles these root causes of radicalisation and extremism.[19]

At international policy level, the Netherlands provides finance to the UN and other international organisations, and is an active member of the Donor Community of Practice on Development and Preventing Violent Extremism. At national level, we support national and local authorities in tackling the root causes and triggers of violent extremism by means of our country strategies, linked to our broader institutional support to justice and security institutions. We focus specifically on respect for human rights, access to the justice system and improving prison conditions. At local level the Netherlands supports programmes that offer vulnerable groups alternatives to radicalisation, by promoting social networks, improving education and supporting income-generating activities.

Strengthening the legal order

To enhance access to justice, we will promote impartial, effective formal and informal systems that are accessible to all groups in society. Because reforming justice system institutions is a long-term process, we will also invest in activities to give people more direct access to justice, including legal assistance and public empowerment through legal education. These activities will focus specifically on women and girls and other vulnerable and marginalised groups, such as displaced persons and refugees.

As many people rely on informal, local forms of dispute resolution in dealing with disputes relating to family and work matters and ownership,[20] the Netherlands supports law centres, legal assistance websites and paralegals (including 'barefoot lawyers'). In strengthening formal and

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[17] These include landmines, improvised explosive devices (IEDs) and cluster munitions.

[18] Such as MINUSMA (Mali), the anti-ISIS coalition (Iraq) and the Resolute Support Mission (Afghanistan).

[19] See e.g. UNDP (2017), 'Journey to Extremism in Africa: Drivers, Incentives and the Tipping Point for Recruitment'.

[20] See e.g. HiiL (2018), 'Justice Needs and Satisfaction in Mali' and HiiL (2016),'Justice Needs and Satisfaction in Ukraine'.

informal justice systems, it is essential to ensure that human rights and above all women's rights are securely anchored in them. To achieve results, we work mainly through our bilateral country programmes and with strategic partners such as the UN Development Programme (UNDP), the International Development Law Organization (IDLO), The Hague Institute for Innovation of Law (HiiL) and the International Center for Transitional Justice (ICTJ). At international level we promote access to justice systems through the Pathfinders for Peaceful, Just and Inclusive Societies, and particularly its Task Force on Justice, which our Minister for Foreign Trade and Development Cooperation co-chairs.

Dutch support for **justice system reform** complements our work on access to justice. Through this work the Netherlands endeavours to reform legal institutions and the entire criminal justice system (police, public prosecutors, the judiciary and prisons). This theme is clearly linked to human security, as the police are usually the first contact point for complaints. At international level, within the UN we advocate an effective policy to strengthen the rule of law and reform justice systems. At national level we support judicial institutions so that they can perform their tasks in an independent, impartial, effective and accountable manner. Civil society organisations play an important role in the fight for greater accountability. For this reason the Netherlands supports dialogue between public authorities and civil society, chiefly through our bilateral aid programmes.

To **strengthen transitional justice**, we support processes that support society effectively in dealing with the legacy of large-scale past abuses. These processes give a central role to victims and their needs. At international level, the Netherlands supports the efforts of organisations like ICTJ to influence the policy of the UN and its member states on transitional justice. At national level we support innovation in the field of transitional justice. In Iraq and Syria, for example, we focus on the professional collection of evidence of human rights violations, anticipating future prosecutions and alternative (non-legal) transitional justice mechanisms. We also support initiatives such as perception studies, which provide insight into the public's needs in areas such as justice. This helps guide decisions on appropriate future transitional justice activities. Such activities are closely linked to the broader accountability agenda of the Netherlands, which supports international courts, tribunals and committees of inquiry such as the International Criminal Court (ICC) and the International, Impartial and Independent Mechanism (IIIM).[21] These Dutch efforts are also directly related to our work on peace processes, as transitional justice strategies are often included in peace accords.

Peace processes and legitimate political governance

To **strengthen political governance**, we aim to make national and local governance structures more inclusive and accountable, strengthen political parties and parliaments and enlarge democratic space. We also strengthen the capacity of civil society organisations and communities to take part in the public debate and participate effectively in political decision-making at national and local level. Including young people and women in political and other decision-making is at the heart of these efforts, because these groups are often sidelined. We consider the media an important tool for making decision-making more open, by making policy and debates public and giving citizens a voice. We also work with informal forms of governance, particularly in situations where formal governance is weak or absent. We mainly do this work via partners such as the International Institute for Democracy and Electoral Assistance (International IDEA), the National Institute for Multiparty Democracy (NIMD) and the Global Partnership for the Prevention of Armed Conflict (GPPAC),[22] and via our embassies' local partners.

Due to the changing nature of conflicts and the increased role of non-governmental actors, mediation efforts must promote **inclusive peace processes**, in which a great number of both armed and unarmed parties play a role and in which women, young people and civil society are actively involved.[23] Our activities are aimed particularly at strengthening attempts at mediation by third parties (the UN, regional organisations and specialised NGOs) – through support for mediation efforts at regional, national and local level as well as strengthening the skills of negotiating partners and mediators – towards inclusive peace accords. At international level we seek to make peacebuilding interventions more effective by promoting joint strategic planning and

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[21] International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011.

[22] See http://www.idea.int; http://nimd.org; http://www.gppac.net.

[23] United Nations and World Bank (2018), *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict*.

better coordinated use of resources and instruments by multilateral and regional organisations and NGOs.[24] Our international partners are UN organisations such as the UN Peacebuilding Fund (UNPBF), the UN Department of Political Affairs (DPPA) and UNDP,[25] the World Bank and international NGOs such as the Centre for Humanitarian Dialogue (HD), International Crisis Group (ICG) and Interpeace.[26] At national level we also support more long-term efforts to strengthen national and local mechanisms for conflict resolution and peacebuilding.[27] In this, we work jointly with government and with a wide range of non-governmental actors, including traditional and religious leaders, women's and youth organisations, the media, entrepreneurs and political parties. These efforts are linked to transitional justice processes.

Cross-cutting themes

First and foremost, we strive for an **approach based on analysis**. To ensure that policy is conflict-sensitive, we need to better identify the risks of conflict and instability in order to address them in a timely manner. This requires comprehensive conflict, power and gender analyses with a sharp focus on the degree to which specific groups are included in political and other decision-making processes. The Netherlands aims to take greater account of unintended effects of interventions on all groups in society, and to ensure that interventions alleviate existing conflicts and certainly do not ignite or fuel them.[28] We also support the generation of knowledge and data that contribute to early warning of conflict risks and to early action, working together with international partners.[29]

Secondly, we work on the basis of a **gender-transformative approach**, guided by UN Security Council resolution 1325 and Security Council resolution 2282 on sustaining peace,[30] focusing specifically on combating sexual and gender-based violence. We also strive to enhance women's participation in peace missions: in terms of not only the number of women, but also of the positions they occupy.[31]

Thirdly, we seek to **strengthen the analytical foundation of our policy and programmes on security and the rule of law** by supporting independent, interdisciplinary research. We also promote **knowledge exchange** between researchers, policymakers and practitioners through the Knowledge Platform on Security and the Rule of Law.

Finally, we strive for **results-based management** in order to be as effective as possible and achieve the greatest possible impact, by learning from experience and drawing on these lessons in our future activities. Results-based management also enhances accountability to parliament, society and the recipients of our assistance.

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24 The last Report of the Secretary-General on 'Peacebuilding and Sustaining Peace' stresses that 'the fragmentation of efforts across the United Nations system undermines its ability to support Member States in their efforts to build and sustain peaceful societies and to respond early and effectively to conflicts and crises'.

25 See https://dppa.un.org/ and https://www.undp.org/.

26 See https://www.hdcentre.org/, https://www.crisisgroup.org/ and https://www.interpeace.org/.

27 The UN/World Bank study *Pathways for Peace* emphasises the importance of investing in local mechanisms for conflict resolution and of the political independence of these mechanisms.

28 'Investing in Global Prospects: For the World, for the Netherlands' (2018), policy document on foreign trade and development cooperation.

29 Such as the UN Security Council, the Human Rights Council, the EU and NATO.

30 UN Security Council resolution 2282 on sustaining peace 'underscores the importance of women's leadership and participation in conflict prevention, resolution and peacebuilding, and recognizes the continuing need to increase representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention and resolution of conflict'.

31 We work together on this issue with like-minded partners such as the UK, Spain, Italy, Sweden, Denmark and Canada.