Summary: Expert Group on Security & Rule of Law in the light of the COVID-19 pandemic

- Tuesday 12 May, DSH and KPSRL organized an Expert Meeting on the possible impact of the COVID-19 pandemic on Security & Rule of Law as relevant to Dutch Development Cooperation policy.
- Broadly, shared analyses entailed:
  - The way in which governments respond to COVID shows the importance of SRoL in this time and as the impact of the pandemic seeds longer-term trends;
  - Facilitate top-down (from central to local) capacity building with governments and bottom-up transparency and accountability mechanisms in cooperation with informal actors, incl. (modern) influencers;
  - Support inclusive judicial processes to address abuses and socio-economic recovery;
  - Coordinate with like-minded donors and regional actors to fill the gap left due to politicized and non-multilateral aid.
- Currently, ways are explored to integrate these findings in (the implementation of) Dutch policies. Concrete examples are the MFA's Rule of Law narrative on COVID-19 and the internal 'Fragile States Working Group' with Embassies on COVID-19.

On Tuesday 12 May, DSH and KPSRL organized an Expert Meeting on the possible impact of the COVID-19 pandemic on Security & Rule of Law (SRoL). Experts from various parts of the SRoL sector (NGO's, knowledge institutes, multilaterals) shared their analyses on the possible consequences, specifically in relation to the MFA's policy – based on DSH's Theory of Change and results framework.

Just like climate change, COVID-19 exposes and aggravates existing problems. The pandemic gives reason to look at specific subjects to ensure effective response or be aware of changing dynamics. For that reason, the discussion was focused around three statements based on earlier input from the experts: 'Governance and Legitimacy', 'Rule of Law and Prevention from Instability' and 'Human Security and Accountability'.

General observations
There is a difference between short-term response (mostly health care, but also socioeconomic) and **middle-to long-term response, which would focus on strengthening governance and peacebuilding. Experts advised to implement response through a systems approach** which acknowledges that those levels are entwined, and encouraged to base this on data and evidence. Be aware that it's not necessarily the virus, but more so the government and societal response that determines the SRoL outcome (possibilities for a new social contract?). COVID highlights the importance of a functioning and trusted/legitimate state, both central and local. Moreover because it shows how COVID measures are used for autocratic tendencies, such as legitimization of reducing civic space.

Also be aware of Western solutions to problems in other parts of the world. We ourselves are still searching for solutions and e.g. African societies are radically different than ours, a.o.: demography, coping with insecurity of illness, COVID as one of the many crises, dependency on informal economy, weak of authoritarian governance, degree of acceptance to measures and the role of criminal groups. Additionally, **take the differences between the countries into account as well, and use this to ensure locally tailored responses.**

Governance and legitimacy
The first statement for discussion was that this pandemic undermines local governance and legitimacy, due to, a.o., authoritarian responses, fake news and unequal impact. This implies that Dutch response should be aimed at strengthening governance and supporting inclusive political processes.

The experts agreed that capacity building on central and especially local levels is essential, but stressed that such formal institutions often already lacked legitimacy (especially in fragile states). Effective response is, in some areas, only possible in cooperation with informal actors (e.g. religious organizations, civil society, (social) media) and this poses a challenge for strengthening the legitimacy and capacity of the state. Furthermore, legitimacy is greatly influenced by the 'face' of the government for civilians, such as law enforcement and the juridical processes – especially on local level. There was a consensus that legitimacy was best supported through (1) counterbalancing abuse of law enforcement and the state and (2) (inclusive) justice in times of e.g. dissolved contracts and fired employees.

For law enforcement, participants described the response of local governments as mostly 'securitized' due to hard lockdowns and stressed the importance of preventing non-state actors to seize this moment when the state is under pressure. This harms human rights and marginalized groups. The experts warned of fear (for instability) driven donor response that would support such a seemingly stabilizing approach; such an approach could initiate cycles of violence. **Possibilities for the Netherlands lie in facilitating transparency (e.g. through civil society) and training police both physically and psychologically to deal with the pressure of enforcing lockdowns and COVID-measures, which could lead to abuse.**

Supporting inclusive juridical processes is important in challenging such matters of abuse and corruption, but also essential in terms of economic recovery. The importance of this for legitimacy and accountability seems underestimated, even by people from the sector itself. It is unrightfully deprioritized in times of crisis, while the justice system is the instrument to solve civil disputes. **The Netherlands was encouraged to support local justice (e.g. through innovative socially distanced processes), in which it can focus on youth and women – according to policy – in times where new patterns of exclusion emerge.**

Conclusion: The SRoL goal of legitimate stability in DSH's ToC remains highly relevant. Pay more attention to the role of and connections between: central and local institutions; and formal or informal stakeholders and the citizens (social contract).

Rule of Law and Prevention of Instability

Correct law enforcement and inclusive juridical processes don't only support legitimacy, but are also essential pillars for stability and socioeconomic recovery; abuses and grievances have to be channeled effectively. It was also stressed that stability is only possible when involving or cooperating with regional organizations.

The justice sector undervalued itself. It seems to accept it is not a 'vital sector' (courts are closed and cases are postponed during lockdown). However, it is a crucial sector – especially as executive powers expand – and this deserves a change of mindset. Experts emphasized to **look beyond formal justice; experiences of exclusion and injustice demand a broad interpretation of accountability.** For example, think of informal players that are important players in influencing public perception in these times of crisis and fake news (which often undermines legitimacy or targets marginalized groups).

In terms of prevention of instability, the Netherlands was mostly attributed a facilitating role. Through a system approach, it could be a dynamic platform for finance or (scaling) innovation and a safe space for public dialogue.

Conclusion: **Provide a better narrative on (systems)connections between a functioning justice system and other important (socioeconomic) pillars of society in the ToC.**

Human Security and Accountability

In the 'Governance and Legitimacy' part, a lot has already been said about how the 'securitized' approach currently outweighs the people-oriented approach to security. The same goes for the medicalized focus on 'flattening the COVID-curve': aggressively fighting this medical issue implies a trade-off with other important indicators of human well-being and finally stability and security – especially in fragile states. **In every context, a people-oriented approach to security demands different accents and this pandemic offers opportunities to deepen the definitions of security and justice and renew attention to marginalized groups.**

The experts encourage The Netherlands, due to its appreciated moral leadership and 'middle power' status, to promote this people-oriented definition of security and socially-aware definition of Justice in cooperation with like-minded donors, multilaterals and regional actors. **In times of politicized aid, diminished multilateralism and lack of leadership, it is important to jointly fulfill a role as convening power**, both diplomatically as programmatically.

Conclusion: **The MFA's people-oriented approach for security (as opposed to a mere focus on 'hard security') has gained relevance and deserves extra attention in programming.**

Follow-up
Currently, DSH is looking for ways to integrate some of these conclusions of the Expert Meeting in (the implementation of) Dutch policies. The following avenues are explored:

- Integrating the conclusions in the MFA's **SRoL narrative on COVID-19**;
- Translating conclusions to practice in the internal **'Fragile States Working Group'** on COVID-19;
- A follow-up **discussion with other donors** on their approach in this SRoL context;
- A possible continuation of the dialogue with the MFA department Bureau for International Cooperation on the options for intensified **cooperation with governments;**
- Translate conclusions to programmatic level by incorporating them in the SRoL **portfolio review**.