



DEVELOPMENT CO-OPERATION TIPS TOOLS INSIGHTS PRACTICES

In practice

STAYING ENGAGED UNDER PRESSURE: THE NETHERLANDS' SUPPORT TO THE JUSTICE, LAW AND ORDER SECTOR IN UGANDA

Key messages

The Netherlands has a strong focus on fragile contexts in its development co-operation and defines itself as a critical but constructive partner that stays engaged in the long term. In practice, staying engaged involves taking measured risks, being prepared for difficult dialogue, and clearly communicating with partners and stakeholders around the aims and consequences of engaging. This has been aptly demonstrated in the Netherlands' support to the Justice, Law and Order Sector in Uganda.

Keywords

Crises, fragility and humanitarian assistance | Partner countries | Risk management | Management systems

Key partner

Netherlands

Challenge

The Netherlands is committed to staying engaged in fragile contexts and defines itself as a critical but constructive partner in development co-operation. What staying engaged means in practice, and how decisions to stay engaged are shaped, are challenges that require responses carefully tailored to each context. Uganda is a country that experiences high levels of human, societal and political fragility. When in the run up to the 2021 elections police cars financed by the Netherlands as part of a refugee protection project were identified in police operations outside of the scope of the programme and against members of the opposition, the Dutch government needed to consider how best to respond. Coverage in Dutch media and parliamentary inquiries brought high pressure to react both quickly and strongly. Later, the adoption of the *Anti-Homosexuality Act 2023* again required the Dutch government to consider its reaction, so it wouldn't directly provide financial support to Ugandan government agencies that may be involved in the implementation of the law.

Approach

Through close dialogue with project partners, the Ministry of Foreign Affairs' headquarters and the Ugandan government, the Netherlands was able to calibrate its response to each situation:

- **Political dialogue:** In the first instance, instead of withdrawing, the Netherlands chose to engage in a frank dialogue with the Government of Uganda to help strengthen accountability for the incident. It was able to do this as it had built up a strong partnership and credibility over many years in the sector. Later, against a backdrop of constant political dialogue, the adoption of restrictive legislation led to a strong public response from the Minister who clearly indicated the limits of Dutch acceptance by announcing a stop to support in the Justice, Law and Order Sector (JLOS).
- **Civil society dialogue:** Civil society partners highlighted that despite the risks and challenges, engaging with the police in the Justice, Law and Order Sector remained critical, which was important in informing the initial response. In reaction to the restrictive legislation, the Minister confirmed that support to the protection of the LGBTQI+ community would continue.
- **Programmatic adjustments:** The embassy assessed its whole project portfolio in the Justice, Law and Order Sector before deciding on measured responses to these incidents. The support to Uganda's refugee response was maintained but all activities with the police were halted and later stopped. Under a separate but related multi-donor JLOS programme, a significant payment was withheld. After assessing that Ugandan authorities had taken important steps towards accountability, the Netherlands decided that it would be willing to develop a new programme in the sector. This decision was also based on tangible results achieved with Dutch support, as well as civil society support for continued Dutch engagement. However, when in 2023 Dutch red lines on human rights were crossed, support to the sector was no longer deemed appropriate.
- **Communication with domestic stakeholders:** Heightened media attention resulted in strong public interest and pressure to respond decisively. In both cases, the Ministry of Foreign Affairs clearly set out its approach to parliament and to the public, explaining steps taken in response to the incidents.

Results

The Netherlands was able to calibrate its responses to serious incidents whilst maintaining its principled engagement in a challenging context and satisfying demands for accountability.

Weighing its objective to contribute to sustainable development in Uganda with the heightened risks of difficult incidents, the Dutch government adjusted its engagement in the Justice, Law and Order sector in proportion to events.

By initially withholding a payment to a separate but related Justice, Law and Order Sector programme, the Netherlands was able to signal that the accountability issues had not been satisfactorily addressed despite the robust dialogue. After Uganda showed it had taken important steps towards accountability, the Netherlands decided it would be willing to resume support for a new programme in the sector. By later maintaining political dialogue at all levels whilst suspending support to the sector, the Netherlands clearly indicated its red lines and its intention to continue protecting human rights and vulnerable groups.

In reaction to the first incident, the recalibrated support to refugee hosting districts was maintained in recognition of its valued contribution and importance to civil society partners and beneficiaries. However, the Dutch government decided that support to the police under this programme would be halted.

Later, the Netherlands again re-assessed its engagement in the JLOS sector in reaction to the “Anti-Homosexuality Act 2023” deemed contradictory to its human rights values. At the same time as announcing a stop to support in the sector, the Minister confirmed continued support to the protection of human rights and vulnerable groups, including the LGBTQI+ community. Signalling a sense of proportion and priorities was possible on the basis of long-standing and balanced engagement in the sector.

Clear and structured communication with the Dutch parliament ensured support for continued engagement and offered assurances on the nature and scope of the responses. Sharing information on the Netherlands' zero tolerance for inaction in the first incident helped explain the rationale for the approach and led to more understanding and acceptance of the possible risks involved. Taking a stronger stance in the second instance aimed to demonstrate commitment to human rights and show the limits of its acceptance on the one hand and willingness to continue defending these rights on the other.

Political dialogue with the Ugandan government has been maintained throughout, demonstrating what it means to be a critical but constructive partner and showing how staying engaged is central to taking proportionate and considered action.

Lessons learnt

The Netherlands' experience with its support to the Justice, Law and Order Sector in Uganda has shown that **staying engaged requires careful and calibrated choices**:

- **Building partnerships and credibility over the long term** opens the way for a robust and critical dialogue when needed and helps identify responses that balance the impact on programming with the need to respond.
- **Considering the overall portfolio of activities, and not solely focusing on one project** in a specific country or sector is important and enables a firm response to incidents while minimising the impact of potential response measures or additional controls on development objectives and/or beneficiary populations.
- Domestically, **sharing more detailed information on programming** is a good way to build understanding for the levels of risk and potential consequences of operating in specific sectors and in fragile contexts.
- **A sustained effort to ensure continued engagement with stakeholders** such as political advisors and technical staff, parliament, legislative committees, other government departments, but also media outlets and interest groups, is key to increasing public understanding around the importance of engagement in politically constrained contexts.

Further information

Ministry of Foreign Affairs of the Netherlands, Letter to Parliament on Dutch commitment to security and rule of law in Uganda, <https://open.overheid.nl/Details/ronl-3b95d8de4a848bff4deb42c1c1a0e49b5f0bc98a/1?hit=68&text=oeganda&sort=date-desc&page=7#panel-gegevens>.

Ministry of Foreign Affairs of the Netherlands, Theory of change on security and rule of law, <https://www.government.nl/topics/development-cooperation/documents/publications/2023/01/26/theories-of-change-accompanying-policy-memorandum-foreign-trade-and-development-cooperation-doing-what-the-netherlands-is-good-at>.

OECD resources

OECD (2023), *OECD-DAC Development Co-operation Peer Reviews: Netherlands 2023*, [upcoming]

OECD, Conflict, fragility and resilience, <https://www.oecd.org/dac/conflict-fragility-resilience>.

OECD (2022), "Engaging in fragile contexts", *Development Co-operation Fundamentals*, https://read.oecd-ilibrary.org/view/?ref=1154_1154188-e83x8ymqam&title=Engaging-in-fragile-contexts.

To learn more about the Netherlands' development co-operation see:

OECD (2023), "Netherlands", in *Development Co-operation Profiles*, <https://doi.org/10.1787/2faea623-en>.

See more *In Practice* examples from the Netherlands here: <https://www.oecd.org/development-cooperation-learning?tag-key+partner=netherlands>.

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