

## **Consultation Ministry for Foreign Trade and Development Cooperation Feedback Impunity Watch**

### **3. How can the Netherlands' efforts to achieve policy coherence for development be further strengthened or enhanced?**

Trade and investment requiring an enabling environment, which means that trade, aid and development cannot be seen as separate issues. Therefore we recommend that the new policy include a strong coherence between trade and human rights, which considers the analysis of structural causes of inequality and impunity also as a basis for trade agreements.

### **7. In your opinion, what are the Netherlands' strengths when it comes to development cooperation? In which policy themes could the Netherlands play a leading role?**

We value a number of key themes and approaches within Dutch development cooperation and encourage the Minister to include these in the new policy. First of all, we highly value the themes of rule of law and people-centred access to justice, including victim-centred transitional justice. We believe that focusing on improving the rule of law, and combating impunity and corruption, are key preconditions for any successful development and trade policy, as they create an enabling environment for any policy to be successful.

More specifically, we believe the Ministry's people-led and people-centred approach is extremely important, especially in light of the commitment to advance the SDG's and especially SDG16. We believe this people-centred approach is a real added value of the Dutch development cooperation, in which we hope the Netherlands will continue to take the lead. A people-centred approach is also essential when working on accountability and access to justice, as it is crucial to understand what people's understandings, experiences and needs are when designing such an agenda. Applying a people-centred perspective in our opinion also means analysing, understanding and calling attention to the root causes of impunity and the deep structures of inequality that constitute obstacles to justice, and which define the everyday lives of people at the grass-roots level. We recommend that the Minister adopts a holistic approach to justice and includes the need for such a deep understanding of inequalities and root causes of conflict in the new policy. We would also like to encourage the Ministry to be consistent in its people-centred approach throughout its policy, as there are risks of tensions between the Dutch trade policy and the people-centred approach, as trade interests most often prevail over human rights considerations, while trade can reinforce structural inequalities which can damage grassroots communities. We encourage the Ministry to make sure its policy is coherent, and that it reconciles the people-centred and trade perspectives, giving precedence at all times to human rights and equality principles.

Gender is another theme that the Ministry has an important track record on. We applaud this focus and hope it will have an important space within the new policy. We would however like to recommend that the focus on gender moves beyond sexual and reproductive rights only. Even though these are important rights, we believe that to effectively tackle gender inequalities, a more comprehensive approach is needed which deals with gender inequalities in a deeper and more holistic way. Such an approach should address the deep structures of inequality that lead to oppression and violence, mostly but not only against women, and including but not limited to sexual and reproductive rights violations. To address such violations, a focus on men's role and masculinities is also needed, especially in the current global context where many countries experience increasing militarisation. Militarised masculinities, which cannot be seen separate from the dynamics of the global arms trade in which the Netherlands also participates, have damaging effects not only on women, but also on men themselves. We believe this is an important theme

to be integrated in the Ministry's policy, especially given the current war in Ukraine and the effects this might have for Europe in the coming years. Likewise, we hope that the Ministry continues to promote women's leadership, adopting a diverse and intersectional perspective, as an important step towards achieving SDG 16 and promoting more inclusive societies.

We very much agree with the Ministry's focus on mental health and psychosocial support. We believe MHPSS is an essential aspect of working on people-centred access to justice. Overcoming individual and collective trauma is a precondition for people in developing and conflict contexts to become active agents in their own lives and struggles for justice and development. This focus on promoting agency and empowerment is crucial in our understanding, as it allows for building on the strength and resilience of communities, rather than emphasising their victimhood. This is crucial to enable the Ministry's people-led approach to justice and development. MHPSS is also essential to address different forms of violence and structures that enable it in order for survivors to rebuild their life projects, to establish trust within and between communities and the broader society, and to disrupt cycles of violence by preventing that victims become perpetrators in protracted conflicts with intergenerational transmission of trauma. We would however like to stress that, in line with the Ministry's people-centred approach, MHPSS should be delivered in ways and forms that correspond to local and culturally appropriate understandings of trauma and emotional well-being, both individual and collective. The Western approach to understanding and dealing with trauma, which is mainly individualistic, is not appropriate in all non-Western contexts, and enforcing such an approach can in fact be counter-productive. In light of a 'do no harm' approach and a responsible way of providing MHPSS, we recommend that the Ministry adopt a broad understanding of MHPSS which considers locally and culturally specific approaches. Any engagement of Dutch development aid should include such a broader MHPSS assessment.

In terms of approaches to the Ministry's work, we value the connection between diplomacy and development that the Ministry promotes. We do however believe that the Ministry could be even more pro-active in this approach. We see scope for this for instance within the European Union, where we would like to see the Netherlands taking a more leading role and showing more ambition, especially in relation to themes of justice and inclusion. We also see space for this with UN agencies, where the Netherlands could take more initiatives to facilitate the participation and interaction with grassroots communities and groups of victims of violence and conflict. In this way, the Netherlands could really capitalise on its people-centred approach, while connecting diplomacy and development.

Finally, we strongly encourage the Ministry to continue its work on protecting civic space, and support civil society around the world. Participation and representation, especially of grassroots groups, is essential for achieving access to justice and creating more inclusive and democratic societies. The Netherlands has been an important supporter of civil society in the past, and we hope that the Ministry continues this line. We would recommend however that the Ministry avoids relying on market-based approaches to supporting CSO partners, avoiding tendencies to organise support through tendering mechanisms or to force CSO partners to work in coalitions. We encourage the Ministry to allow CSOs sufficient freedom to design their own approaches, methodologies and partnerships, while working within the Ministry's main themes and approaches.

## **8. In what other ways and areas could Dutch development cooperation innovate more?**

In the current global context in which societal calls for decolonisation are strong and increasing, we believe that Dutch development cooperation could be really very innovative and an important contribution to global development if it would promote the further decolonisation of development aid. We believe that the adoption of a truly people-centred and even people-led approach is essential for this. This could consist of understanding even better what decolonisation of aid means for those most directly affected by it, and by working together even more closely with those affected at the grassroots level. Furthermore, the Dutch development cooper-



ation could be even more innovative if it would allow for greater risk in its funding, and build in space for contingencies. Development and (post)conflict contexts are often volatile, and beneficiaries need sufficient space to adapt funding and partners as needed. Finally, instead of only focusing on very static success stories and best practices, it could be useful to also increase processes of learning of mistakes and looking at change at the grassroots level from a long-term perspective.

#### **9. In what ways or areas could the Netherlands, as a donor, be even bolder?**

We believe that the Netherlands could be a bolder donor if it would make an even stronger connection between its focus on promoting systemic change of structures of inequality and its approach of connecting diplomacy and development. In recent decades, the Netherlands had a very strong track record of combating root causes of inequality and impunity. We believe that a deep understanding of the root causes of impunity and deep structures of inequality is essential to make aid effective. We recommend that the Ministry aims to institutionalise such an approach to understanding the root causes and the pathways for systemic change, as a basis for all its development and aid strategies. To obtain such a deep understanding, strong interaction with grassroots actors is essential, rather than just relying on the views of international experts, as is common in development aid. In this way too, the Ministry could put its people-centred approach into practice. This requires an investment in time and resources.

Another area in which the Netherlands used to be very successful was its two-track approach, in which it invested both in governments and civil society, and attempted to connect those two actors. We believe the Netherlands could be a bold donor by continuing and strengthening this role as a broker between its partners at different levels, which allows for effectively transmitting the needs of those at the grassroots level to policymakers at the national and international level. The IIIM is a good example of this, and we hope the Netherlands, as a small country, continue to take a leading role in facilitating such processes of dialogue, thereby placing the root causes of injustice and inequality on the agenda.

In addition, we hope that the Netherlands can be bolder in speaking out about the obstacles that prevent systemic change and the transformation of structural inequalities, including impunity and corruption, and the shrinking civic space in many countries. In addition to speaking out, we would like to see even bolder steps, including supporting individual sanctions in cases that are currently not high up on the Dutch political agenda. In some cases, we see that the Dutch people-centred approach gives way to other interests, such as trade and investment. For instance, we applaud the Dutch support for sanctions and public condemnation in the conflict in Ukraine. We however hope that the Netherlands could be bolder and more consistent in speaking out against corruption, impunity and human rights violations also in countries that are not priority areas for the Ministry, or where there are strong trade relations, such as Central America. We see similar patterns where the Netherlands has development relationships with a country, while at the same time maintaining arms deals. We call for more coherence in the policy, which will ultimately lead to more credibility and counter claims of double-standards and selectivity. In this regard, we recommend that the Netherlands better aligns its approach with other international actors. In Central America, for example, the United States has repeatedly condemned the crumbling rule of law, and has imposed sanctions against individuals involved in promoting impunity and corruption. The Netherlands could coordinate with the United States in such cases, and boldly speak out about the root causes of impunity.

#### **10. Are there any other points that you believe should be included in the new policy document?**

Achieving systemic change is a long-term process. We therefore recommend that the Ministry adopts a long-term approach to its development strategy. When successes are achieved, these need longer-term support, especially because successes in tackling structural injustices are of-



ten vulnerable to attacks to undo such progress. Unfortunately, in the past we have seen that success cases have been abandoned too soon. Examples include of course the case of Afghanistan, but also the successful anti-corruption policy in Guatemala, which led to the internationally acclaimed International Commission against Impunity in Guatemala (CICIG). This policy was abandoned too quickly, resulting in the systematic dismantling of the rule of law that we currently see in the country and region. This means that the Dutch investment in the country was lost, while a crumbling rule of law also provides an adverse context for Dutch business interests, and paves the way for organised crime, especially in relation to the drug trade, which ultimately negatively affects the Netherlands and Europe. We believe it is important that the Ministry learns from such reflections and evaluations, and designs development strategies that have a built-in sustainability approach and a responsible exit strategy which ensures that gains are not easily undermined. Sustaining support does not necessarily require strong investment, as ongoing support can also consist in political support and monitoring, while closer coordination with other international donors can help to maintain support. Finally, we recommend that the Dutch policy also adopts a more long-term approach in selecting its priority countries. The selection of priority countries should be more predictable and transparent than it might have been in the past, in order to have a positive impact upon partnerships, which require time to build and maintain. This will improve the credibility and impact of Dutch development work.

