

# SECTION 8

## STABLE GOVERNANCE

### Provision of Essential Services

- Core Service Delivery
- Access and Non-Discrimination
- Host Nation Capacity

### Stewardship of State Resources

- Restoration of Executive Institutions and Public Administration
- Security Sector Reform
- Protection of State Resources

## STABLE GOVERNANCE

Ability of the people to share, access, or compete for power through nonviolent political processes and to enjoy the collective benefits and services of the state.

### Civic Participation and Empowerment

- Civil Society Development
- Independent Media and Access to Information
- Inclusive and Participatory Political Parties

### Political Moderation and Accountability

- National Constituting Processes
- Political Governance and Conflict Management
- Systems of Representation
- Legislative Strengthening

# Stable Governance

*Ability of the people to share, access, or compete for power through nonviolent political processes and to enjoy the collective benefits and services of the state.*

## 8.0 What is stable governance?

Stable governance refers to an end state where the state provides essential services and serves as a responsible steward of state resources; government officials are held accountable through political and legal processes; and the population can participate in governance through civil society organizations, an independent media, and political parties. Stable governance is the mechanism through which the basic human needs of the population are largely met, respect for minority rights is assured, conflicts are managed peacefully through inclusive political processes, and competition for power occurs nonviolently. National and subnational government institutions may work with a range of non-state partners to provide some of the government functions. Essential services—defined here as security, the rule of law, economic governance, and basic human needs services—are addressed fully in Sections 6, 7, 9, and 10, respectively.

## 8.1 What are the key governance challenges in societies emerging from conflict?

Societies emerging from conflict often have debilitated or corrupted governance institutions, lack professional capacity for governance, and require new or reformed legal frameworks for political engagement. State security forces may be degraded, nonexistent or have been co-opted by warring parties. An urgent demand for humanitarian assistance, amplified by a general lack of institutional capacity, often exists, especially for minority or displaced populations. Due to the degradation of security and the rule of law during violent conflict, a culture of fear may have overwhelmed a culture of civic participation, resulting in the collapse of civil society organizations and media.

## 8.2 Why is stable governance a necessary end state?

Without stable governance, political spoilers may rise to fill the governance vacuum and usurp state resources. Their quest to gain authority and control over resources—often aided and abetted by organized criminal groups, terrorist organizations, or other profiteers—can destabilize the state and motivate a return to violence. When the government cannot provide for the population, people will do whatever it takes to put bread on the table and ensure their own security, even if it means supporting opponents to the peace process or engaging in criminal activity.

## 8.3 What are the necessary conditions to achieve stable governance?

- *Provision of Essential Services* is a condition in which the state provides basic security, the rule of law, economic governance and basic human needs services; essential services are provided without discrimination; and the state has the capacity for provision of essential services without significant assistance from the international community.

- **Stewardship of State Resources** is a condition in which national and subnational institutions of governance are restored, funded, and staffed with accountable personnel; the security sector is reformed and brought under accountable civilian control; and state resources are protected through responsible economic management in a manner that benefits the population.
- **Political Moderation and Accountability** is a condition in which the government enables political settlement of disputes; addresses core grievances through debate, compromise, and inclusive national dialogue; and manages change arising from humanitarian, economic, security, and other challenges. A national constituting process results in separation of powers that facilitates checks and balances; the selection of leaders is determined through inclusive and participatory processes; a legislature reflects the interests of the population; and electoral processes are free and fair.
- **Civic Participation and Empowerment** is a condition in which civil society exists and is empowered, protected, and accountable; media are present, professional, and independent of government or political influence; equal access to information and freedom of expression are upheld; and political parties are able to form freely and are protected.

## 8.4 General Guidance for Stable Governance

**8.4.1 Build host nation ownership and capacity.** Stable governance is fundamentally dependent on domestic capacity to perform core administrative, political and economic governance functions.<sup>346</sup> That means helping leaders, government personnel, and civil society acquire the skills and tools needed to govern accountably, participate in political processes, and provide core services for the population. This may often require helping to build the capacity of informal/non-state governance institutions to complement formal/state functions.

**8.4.2 Act only with an understanding of the local context.** Understand the specific and unique governance needs of the host nation. There are few universally applicable approaches for achieving the conditions necessary for stable governance.<sup>347</sup> Programs aimed at strengthening governance must be based on in-depth needs assessments and specific knowledge of the host nation's historical, cultural, societal, economic, and political background. This understanding should include input from the host nation population from various sides of the conflict and marginalized groups such as women, minorities, youth, and the poor. Key considerations include the following:

- What are the core functions the government must perform?
- What role did institutions of governance play in the conflict?
- What is necessary and acceptable to the host nation population given cultural, political, and historical considerations and resources?
- What are the core institutions—state and non-state—that can perform governance functions and in what condition are they?
- What laws and regulations, processes, and procedures, if any, govern these functions?

346. U.S. Army, *Field Manual 3-07*, 2008.

347. United Nations Department of Economic and Social Affairs and United Nations Development Programme, *The Challenges of Restoring Governance in Crisis and Post-Conflict Countries*, 2007. Hereafter: UNDESA/UNDP, *Challenges of Restoring Governance*, 2007.

- What is the condition of the basic infrastructure required to perform core functions?
- What financial and human resources exist? Are they adequate to provide essential services to places in need?
- Are there oversight mechanisms for state institutions? Are they empowered to take action?<sup>348</sup>

**8.4.3 Prioritize to stabilize.** For stability, prioritize governance functions that support the delivery of essential services and contribute to political settlements.<sup>349</sup> Focus on producing political settlements that help resolve conflicts that were not addressed in a peace agreement or a mandate. Think hard about the protection of critical state resources—human, natural, financial, cultural, and infrastructure—that are necessary to prevent and mitigate conflict. Priorities should ultimately be determined by their potential to prevent conflict and increase the strength of nonviolent political settlements.<sup>350</sup>

**8.4.4 Use a conflict lens.** All choices in governance affect power relationships. The choice of an interim minister, the location of a municipal center, the adoption of a regulation, or the award of a contract to a local business has the ability to exacerbate tensions or address and resolve internal conflicts. Be sure to identify and understand the specific sources of conflict and motivations for violence to ensure that governance reform efforts do not reignite violent conflict.

**8.4.5 Recognize interdependence.** The widely understood core functions of governance—security, the rule of law, meeting basic human needs, and economic governance—are intertwined like a rope. Failure to provide one will unravel the ability to provide the others. The administration and delivery of humanitarian assistance and basic services to the population, for example, depends on adequate security for civilians and some basic rule of law system that prevents banditry and looting of critical supplies and resources. All of these core services depend on sound economic management and governance.

## 8.5 Necessary Condition: Provision of Essential Services

### 8.5.1 What is the provision of essential services? Why is it a necessary condition?

Providing essential services is the primary function of administrative governance in societies emerging from conflict. These societies are in immediate need of security, the rule of law, economic governance, and basic human needs services such as health and education.<sup>351</sup> In providing these services, the focus must be on the development of host nation capacity, equal access, and nondiscrimination in service delivery, and adequate and timely payment of civil service salaries to make peace pay. Providing essential services boosts the legitimacy of the host nation government and limits the influence of drivers of conflict that exploit the absence of essential services. Experience shows that

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348. UK Stabilisation Unit, “UK Approach to Stabilisation,” 2008.

349. Organisation for Economic Co-operation and Development, *From Fragility to Resilience: Concepts and Dilemmas of Statebuilding in Fragile States*, 2007.

350. UK Stabilisation Unit, “UK Approach to Stabilisation,” 2008.

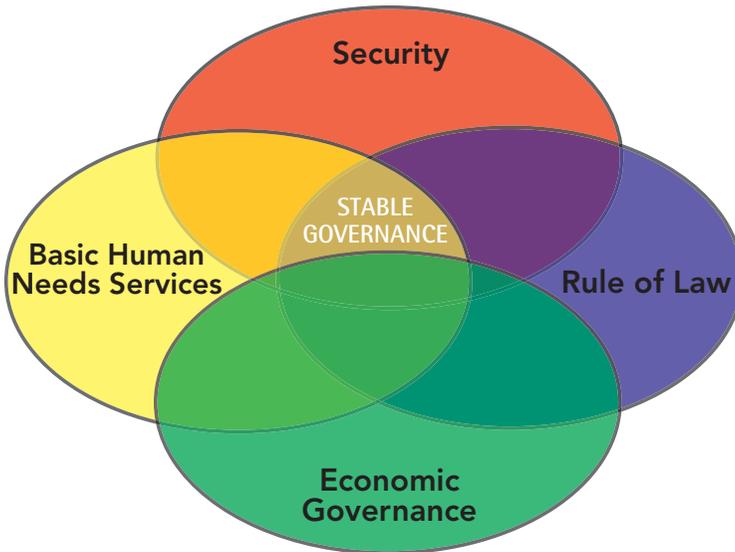
351. Derick W. Brinkerhoff, ed., *Governance in Post-Conflict Societies: Rebuilding Fragile States*. (New York: Routledge, 2007). Hereafter: Brinkerhoff, *Governance in Post-Conflict Societies*, 2007.

people perceive the authority to govern to be contingent upon the provision of security, the rule of law, sound economic governance, and basic human needs services.

## 8.5.2 Guidance for the Provision of Essential Services

### 8.5.3 Approach: Core Service Delivery

Core service delivery involves providing security, the rule of law, economic governance, and basic human needs services for stabilization and reconstruction. Providing these services involves developing the core administrative and institutional capabilities of government. Accountability and transparency mechanisms, along with adequate resources, are necessary to provide equitable and effective service delivery, minimize corruption, and impede threats to the peace process by those who aim to sabotage delivery.



Providing security, the rule of law, economic governance, and basic human needs services are interdependent priorities.

**8.5.4 Focus on providing security, the rule of law, economic governance, and basic human needs services for stability and to provide space for political settlements and development.**

Not all government services are immediately essential, and in this resource-constrained, war-shattered environment, not all services can be delivered at once anyway. The priorities will always be security, the rule of law, economic governance, and basic human needs services if not already provided. The military or police, acting in accordance with human rights laws and conventions, must provide security for the host nation population, government employees, and the institutions of the state. Basic human needs—for water, food, shelter, health care, education, and sanitation—must be met. The society needs a system of justice based on the rule of law that holds violators of the peace accountable and offers human rights-based penal institutions for those convicted. When planning and providing these services, their interdependence must be recognized.

**8.5.5 Transparency and accountability mechanisms help ensure that the government delivers essential services effectively and reliably.** In societies emerging from conflict, government policies and use of state assets may have benefited elites and their networks at the expense of the population. Lax budget controls and public management may have led to endemic corruption. Redressing this common pattern of abuse requires, at a minimum, an adequate regulatory framework and budget management executed through some basic professional administration that strictly adheres to human rights conventions and the law. Also needed is a commitment to transparency in developing and implementing government policies, regulations, budgets, contracts, private-public partnerships, and civil service systems for the delivery of essential services.<sup>352</sup> Mechanisms for transparency and accountability help ensure that the government protects the resources it needs to provide services, operates within the bounds of the law, and responds to the population's needs.

**8.5.6 Understand the roles of state and non-state actors in providing services and the impact of those actors on stability.** The host nation government should play a dominant role in providing services by engaging in direct provision of services to the population or by overseeing their provision through contracts. In the latter case, the government sets standards and monitors quality and quantity of service delivery through contracts.<sup>353</sup> But informal actors can fulfill basic functions of governance as well.<sup>354</sup> These actors may include traditional tribal, religious, clan-based networks or those led by warlords and their militias. While these differ from conventional western models of governance, they may have a central role in providing order and social services. These structures could be legitimate or benign and serve as the basis for local governance. Their control over delivery, if completely independent from the state, may have implications for stability, government legitimacy, and the need for nondiscrimination and equal access as they potentially serve only one part of the population (e.g., religious or tribal groups). If they are tied to destabilizing activities, such as arms trafficking

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352. Brinkerhoff, *Governance in Post-Conflict Societies*, 2007.

353. United States Agency for International Development, "DRAFT: Guidance for Democracy and Governance Programming in Post-Conflict Countries," 2009. Hereafter: USAID, "DRAFT: Guidance for Democracy and Governance," 2009.

354. Louise Anten, *Strengthening Governance in Post-Conflict Fragile States* (The Hague, The Netherlands: Clingendael Institute, 2009). Hereafter: Anten, "Strengthening Governance," 2009.

or other organized crime activities, their role could undermine peace and should be proscribed or restricted.

**8.5.7 Deliver security as a top priority and provide the cornerstone for stable governance.**

Security affords fragile government institutions an opportunity to develop their capacity, ensures the safety of new political leaders and processes, facilitates the effective provision of basic humanitarian services for populations in need, strengthens public support for inclusive and participatory government, and enables and protects critical revenue-generating activities for government operations. The hard lesson learned here is that security is more than the cessation of combat and separation of warring parties. It is about law and order and whether violators of the peace answer to a system of justice based on the rule of law. See also Section 6, Safe and Secure Environment.

**8.5.8 Rebuild and uphold the rule of law as a primary responsibility of the host nation government.**

The inability of the justice system to function can allow crime and politically motivated violence to flourish. An integrated system of police, courts, and prisons must not be an afterthought—it is the basis for security. In order to restore the rule of law and banish a culture of impunity, civil and criminal legal codes, law enforcement, judicial institutions, and a penal system are required immediately and will likely need to be restored, rebuilt, or reformed. Equal access to justice should be ensured, particularly for minorities, women, and the poor, and international human rights standards should be upheld.<sup>355</sup> Legal and constitutional frameworks for national and subnational governance need to be established or reformed based on the desires of the host nation population. See also Section 7, Rule of Law.

**8.5.9 Provide good economic governance as a framework for stabilization and reconstruction.**

Good economic governance is essential to enable effective provision of basic services and to provide a framework for jumpstarting economic activity in a conflict-affected society. Such a framework for economic governance also addresses the challenges of a war-ravaged market economy, the need to generate employment, the collapse of the public finance system, and management of state of resources.<sup>356</sup> Good economic governance requires a system of laws and regulations, policies and practices, and institutions and individuals that provide a framework for economic recovery.<sup>357</sup> See also Section 9, Sustainable Economy.

**8.5.10 Deliver essential services to meet basic human needs and restore the basis for government legitimacy.**

In these environments, there is a potential for large-scale humanitarian crises to threaten a fragile peace and host nation government legitimacy. The role of the government is to create the administrative foundation and infrastructure required to provide these services in a non-discriminatory and effective manner. Nongovernmental or private sector organizations that may help deliver these services should be accountable to national and local authorities with transparent accounting, hiring and management practices, and should adhere to human rights laws and conventions. See also Section 10, Social Well-Being.

355. United Nations Development Programme, *Access to Justice Practice Note*, 2004.

356. UNDP/USAID, “First Steps,” 2007.

357. United States Agency for International Development, *Economic Governance in War Torn Economies: Lessons Learned from the Marshall Plan to the Reconstruction of Iraq*, 2004.

### **8.5.11 Approach: Access and Nondiscrimination**

In societies emerging from conflict, control over the provision of essential services translates into power for those who deliver. Whether it is the government or non-state providers delivering the services, it is necessary that the population have equal access to the services and that the services are provided in a nondiscriminatory manner. Equal access means that administrative, geographic, political, and financial barriers to essential services are removed. Nondiscriminatory service delivery that affords equal treatment regardless of ethnicity, religion, or political affiliation is a requirement for stability.

#### ***8.5.12 How essential services are provided is just as important as the delivery itself.***

Because the provision of essential services empowers and bestows authority upon providers, those responsible for decisions must think about which institutions will provide the services, which political officials will be responsible for oversight, how the services will be provided, and by what standards. The dialogue on restoring services and accompanying infrastructure should begin before a peace agreement is signed and should include both providers and intended beneficiaries. Identify the appropriate individuals for managing resources, developing institutional capacity and monitoring service delivery, and be sure that implementation is carried out by legitimate national and subnational agencies.<sup>358</sup> An effective monitoring system that engages the host nation population and civil society will enhance service provision.

#### ***8.5.13 Provide equal access to services and nondiscrimination in delivery to enhance the government's legitimacy, support the peace process, and help prevent a renewal of conflict.***

Before or during violent conflict, essential services may have been denied to certain segments of the population either as a means for punishing some and rewarding others or because the collapse of government institutions prevented delivery. Restoration of service delivery is directly connected to securing peace and preventing renewal of conflict. In service delivery, money, personnel, and infrastructure need to be distributed across the population. In doing so, ensure that all communities, regardless of ethnic, religious, or political affiliation, are provided for and that access is guaranteed.<sup>359</sup> If equal access is not assured or the population perceives that access is preferential, resentment and frustration with the government will likely increase and be capitalized on by spoilers. Impartiality is a legal obligation, regardless of considerations of political necessity.

### **8.5.14 Approach: Host Nation Capacity**

Developing host nation capacity is the exit strategy for international actors and the path for peace for the host nation population. Host nation capacity for service delivery means that services are largely implemented and managed by the host nation population. This approach is more affordable and sustainable than using international actors, enhances the government's legitimacy, and boosts the economy by putting resources into the hands of the host nation population. Weak capacity is better than no capacity.

*See Trade-off: Section 8.9.1, Rapid and effective delivery of essential services vs. legitimacy for nascent government institutions.*

*See Trade-off: Section 10.9.1, Delivering assistance through host nation vs. international capacity.*

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358. UNDESA/UNDP, "Challenges of Restoring Governance," 2007.

359. Organisation for Economic Co-operation and Development, *Fragile States: Policy Commitment and Principles for Good International Engagement in Fragile States and Situations*, 2007.

**8.5.15 Build host nation capacity to deliver essential services in a professional, accountable, and sustainable manner.** This requirement places a heavy burden on the need to find, train, mentor, and pay local personnel. Accountability mechanisms to ensure delivery and equal access and to prevent destabilizing corruption are key to building sustainable local capacity. If international assistance is required while capacity is built, typical approaches include (1) temporary substitution for these governments, (2) direct assistance for capacity-building to these governments, (3) support for public-private partnerships, and (4) assistance through nongovernmental organizations.<sup>360</sup> Even when government capacity to provide services is very weak, delivering services “with” rather than “for” local government improves prospects for legitimacy and stability.<sup>361</sup>

**8.5.16 Make peace pay through effective personnel management.** For peace to last, it has to pay. Making peace pay means that government employees responsible for essential services are provided quick employment and are paid. In the immediate aftermath of violent conflict, fair systems are needed for vetting those who perpetrated war crimes or who might use government positions to continue violence. To ensure reasonable guarantee of service delivery, prevent the rise of pervasive corruption, build constituencies for peace, and make it a priority to pay the salaries of essential service providers on a regular and timely basis.<sup>362</sup> This means that significant resources for salaries should be committed to the central budget, and a transparent and efficient system should be in place for disbursement, including local banking or payment mechanisms. Accounting and tracking procedures should ensure that the money goes to the providers who earn it.

*See Gap/Challenge: Section 8.10.1, Making peace pay and civil service reform.*

**8.5.17 Manage expectations of the population through communication about service delivery.** The population’s expectations for services should match reality. This is especially important when a peace accord generates high expectations among the former warring parties and the population.<sup>363</sup> Spoilers are quick to capitalize on unmet expectations and can use the population’s frustration to their advantage. National and subnational government institutions should conduct strategic communications campaigns about service delivery to keep expectations aligned with the ability to provide.<sup>364</sup> Consultative structures, particularly for local government, should be created to facilitate dialogue about service needs and delivery between the population and providers.<sup>365</sup>

## 8.6 Necessary Condition: Stewardship of State Resources

### 8.6.1 What is stewardship of state resources? Why is it a necessary condition?

Stewardship of state resources refers to a condition in which the government serves as an effective manager and responsible protector of critical state resources. Achieving this condition in the aftermath of violent conflict entails restoring national and subnational institutions of governance; ensuring civilian control, management, and oversight of security services; and protecting state resources. Audit and oversight capabilities,

360. UNDESA/UNDP, “Challenges of Restoring Governance,” 2007.

361. UK Stabilisation Unit, “UK Approach to Stabilisation,” 2008.

362. UNDP/USAID, “First Steps,” 2007.

363. Shari Bryan, *Engaging Political Parties in Post-Conflict Parliaments*, presented at the International Conference on Parliaments, Crisis Prevention and Recovery, 2006. Hereafter: Bryan, *Engaging Political Parties*, 2006.

364. UNDP/USAID, “First Steps,” 2007.

365. UK Stabilisation Unit, “UK Approach to Stabilisation,” 2008.

both within the government and civil society, are required for effective stewardship of state resources. Since competition for state resources can motivate violence, effective stewardship of those resources helps prevent renewal of violent conflict. Responsible stewardship of state resources also enhances legitimacy and protects and generates critical revenue to provide essential services. In societies emerging from conflict, state resources will likely include substantial contributions from external sources. Protecting those funds is an essential element of stewardship.

### 8.6.2 Guidance for the Stewardship of State Resources

#### 8.6.3 *Approach: Restoration of Executive Institutions and Public Administration*

For the purposes of the manual, executive institutions refer to national and subnational agencies that carry out the main functions of government at the direction of appointed or elected leaders. They often exist in the form of ministries or agencies. Public administration refers to the personnel, systems, and infrastructure in these institutions that are needed to manage budgets, implement government policies, and deliver services. Reform of public administration entails identifying the roles, responsibilities, regulations, and processes involved in providing government services.

**8.6.4 *Understand the terrain.*** Needs assessments help to determine how to restore government institutions. If the design of former institutions contributed to the collapse of the state or fueled violent conflict, they may need to be reformed rather than simply rebuilt. Critical questions include the following:

- Did the government institutionalize discrimination, violate human rights, promote economic inequality, or foster violence prior to or during conflict?
- Have spoilers captured the institutions of the state?
- What is the relationship between national and subnational government institutions (formal and informal)?
- To what degree does corruption exist in government? Is there a nexus between government officials and perpetrators of violent conflict?
- What resources does the government have (personnel, budgets, infrastructure, facilities)?
- How are government employees selected, trained, paid, promoted, and managed?

#### 8.6.5 *Prepare for transitional governance, but keep a focus on permanent governance.*

Interim governance institutions led by international staff may temporarily substitute for host nation institutions in the immediate aftermath of violent conflict, either due to a lack of host nation capacity or because the peace agreement or mandate demands a period of transition. Transitional structures are most successful when they have access to substantial resources, maintain coercive enforcement capabilities, incorporate host nation personnel, provide essential services, and focus on training government officials and employees.<sup>366</sup> Transitional administrators often have to take quick action on a number of priority issues involving human rights, property rights, and elections.<sup>367</sup> Transitional authorities should make provisions for transferring responsibilities to the

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366. Karen Guttieri and Jessica Piombo, eds., *Interim Governments: Institutional Bridges to Peace and Democracy?* (Washington D.C.: United States Institute of Peace Press, 2007).

367. United Nations Development Programme and Christian Michelsen Institute, *Governance in Post-Conflict Situations*, 2004. Hereafter: UNDP/Michelsen, *Governance in Post-Conflict Situations*, 2004.

institutions that should be designed and built largely by the host nation.<sup>368</sup> International actors may also help develop the design, mandates, and oversight mechanisms of permanent executive, legislative, and judicial institutions.<sup>369</sup>

**8.6.6 Ensure local participation within transitional governance structures through consultation or co-administration.** Engage local leaders, civil society groups, and the general population through consultative or co-administrative mechanisms to ensure legitimacy of transitional governing structures.<sup>370</sup> Consider creating a political advisory council comprising host nation leaders who advise on political decisions, a joint military committee composed of senior commanders from different factions who provide input on security matters, or a joint functional committee of civilians to consult on or help oversee domestic governance functions.<sup>371</sup> Consultative or co-administrative structures should be given sufficient resources and authority. They should enable host nation leaders to participate in decision-making and implementation, give the population a voice in transitional governance, help develop cooperation among representative groups, and train the country's future leaders.<sup>372</sup>

**8.6.7 Restore managerial capacity for governance.** Managerial capacity for governance involves recruitment, appointment, training, and mentoring of ministers, deputy ministers, and other senior public administration personnel. Merit-based criteria for selection may be ideal, but in an S&R environment, the host nation's ability to provide this level of talent may be degraded. Warlords and other faction leaders may need to be included in a new administration, and the diaspora may be brought into positions of leadership, whether for political reasons or because they are most qualified for service. If political considerations dictate the need for inclusion of power brokers and potential spoilers, consider time-restricted appointments and strict oversight of these positions.<sup>373</sup> Build capacity early through advanced training and mentoring and consider placing advisers with some authorities for direct oversight.<sup>374</sup>

**8.6.8 Reform national ministries and public administration to ensure accountable use of public resources and use of regulatory power in a nondiscriminatory manner.** Executive institutions of governance in societies emerging from conflict may have a history of favoritism, cronyism, lax budget controls, corruption, and the use of government policies and regulations to benefit the powerful. Incentives for conflict abound with these situations and the reform of these institutions is a focus for governance in most S&R missions. Ministry restoration and reform is a time- and resource-intensive undertaking that involves defining clear lines of responsibility and parameters for political engagement of personnel and developing organization charts, job descriptions, procedures and

368. UK Stabilisation Unit, "UK Approach to Stabilisation," 2008.

369. UNDP/Michelsen, *Governance in Post-Conflict Situations*, 2004.

370. Beth Cole DeGrasse and Christina Caan, *Transitional Governance: From Bullets to Ballots* (Washington, D.C.: United States Institute of Peace, 2006). Hereafter: Cole DeGrasse/Caan, "Bullets to Ballots," 2006.

371. Jack Covey, Michael J. Dziedzic, and Leonard Hawley, eds., *The Quest for Viable Peace: International Intervention and Strategies for Conflict Transformation* (Washington, D.C.: United States Institute of Peace Press, 2005). Hereafter: Covey/Dziedzic/Hawley, *Quest for Viable Peace*, 2005.

372. Dobbins/Jones/Crane/Cole DeGrasse, *Beginner's Guide*, 2007.

373. USAID, "DRAFT Guidance for Democracy and Governance," 2009.

374. Governance and Economic Management Assistance Program, "Overview," <http://www.gemapliberia.org/pages/overview> (accessed June 17, 2009).

processes, and structures for administrative control and oversight.<sup>375</sup> Based on decades of experience, trying to establish and legitimize a range of institutions at once is unrealistic and can result in underperformance in multiple institutions.<sup>376</sup> Understand that the host nation must work out its own sequencing of institutional development that is responsive to the needs of its citizens. This should not be imposed by outsiders.

**8.6.9 Focus on civil servants.** A professional and ideally meritocratic civil service<sup>377</sup> promotes effectiveness and accountability. To build trust and credibility, the civil service should be inclusive of marginalized groups and representative of the society as a whole. Build upon existing institutional capacity and start by conducting a census of civil servants.<sup>378</sup> Understand the statutory basis for the civil service and the rights and duties of civil servants. Determine how the service is organized, including grades, salaries, benefits, recruitment, promotion, disciplinary, and termination procedures. Appropriate boundaries between the political and administrative spheres should be established.<sup>379</sup> Create monitoring mechanisms of civil service personnel to mitigate corruption, inefficiency, and discrimination that might exacerbate conflict.<sup>380</sup> Ensuring civil servants are paid in a timely fashion and receive sufficient training and resources contributes to accountability.

*See Gap/Challenge: Section 8.10.1, Making peace pay and civil service reform.*

**8.6.10 Develop the top-down and bottom-up political processes and institutional structures that are required for stable governance.** Stable governance is a product of successful interaction between functioning and accountable national and subnational institutions and an empowered civil society. Top-down processes aimed at building national governance must also be matched step-by-step with bottom-up processes that develop subnational governance, political parties, and civic participation. Progress at the national level requires that subnational government institutions gain legitimacy and authority, which in turn depends on the ability of the national government to extend resources and services beyond the capital city.

**8.6.11 Strengthen subnational governance capacity.** Developing and strengthening the institutional capacity of subnational governance can lead to increased responsiveness to local concerns, create a venue for conflict management of local disputes, and present opportunities for emerging leaders or previously marginalized groups to enter government.<sup>381</sup> These aspects of decentralization can enable more effective service delivery and

375. USAID, "DRAFT Guidance for Democracy and Governance," 2009.

376. Brinkerhoff, *Governance in Post-Conflict Societies*, 2007.

377. For the purposes of this manual, the "civil service" refers to public servants (national and subnational), whose salaries come from the government, who are hired and managed in accordance with civil service laws, and who are protected from political interference in hiring or removal and the conduct of their duties. See [http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTPUBLIC\\_SECTOR/ANDGOVERNANCE](http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTPUBLIC_SECTOR/ANDGOVERNANCE) for more information.

378. National Academy of Public Administration, *Civil Service Reforms and International Assistance: An Initial Framework of Lessons Learned*, 2007.

379. World Bank, Conflict Prevention and Reconstruction Unit, *Rebuilding the Civil Service in a Post-Conflict Setting: Key Issues and Lessons of Experience*, 2002. Hereafter: WB, *Rebuilding the Civil Service*, 2002. UNDP/Michelsen, "Governance in Post-Conflict Situations," 2004.

380. Harry Blair, "Rebuilding and Reforming Civil Services in Post-Conflict Societies," in *Governance in Post-Conflict Societies: Rebuilding Fragile States* (New York, NY: Routledge, 2007).

381. U.S. Agency for International Development, *Decentralization and Democratic Local Governance Programming Handbook*, 2000. Hereafter: USAID, *Decentralization and Democratic Local Governance*, 2000.

inter-group political discussion that strengthens bonds within and across communities after conflict.<sup>382</sup> Subnational institutions typically require real decision-making power and authority, control over budgets and resources, the institutional capacity to deliver services, and adequate and timely pay to be effective.<sup>383</sup> Decentralized governance, the degree and forms of which should be a host nation decision, can create rapid and visible results to garner legitimacy within local communities through responsiveness and transparency and emphasize revenue generation as a key priority.<sup>384</sup> Mechanisms to coordinate and communicate between national and subnational institutions facilitate success. Oversight mechanisms for subnational institutions help to ensure inclusivity, transparency, and accountability to the rule of law and may mitigate against factional struggles for control of local governance and resources.

**8.6.12 Consider the impact of different forms of decentralization on stabilization.** Peace agreements and mandates may include provisions for decentralization, regardless of the local conditions. Understand the potential consequences of decentralization, however, particularly when insecurity or threats to the central government persist and emanate from specific regions. In unstable environments, the potential for spoilers to control local governments raises concerns for continued conflict. Plan for the effects of different forms of decentralization, which may include the following:

- Deconcentration (assigning responsibility to local offices of national ministries);
- Delegation (involving a contractual relationship for the performance of certain functions that may include national, subnational, and nongovernmental institutions)
- Devolution (endowing subnational governments with freedom for autonomous action, accomplished typically through subnational elections).<sup>385</sup>

When possible, align decentralization options to reflect local conditions and increase accountability and stability. Experience in stabilization environments reveals that incremental steps toward decentralization may be most effective. These steps can involve starting with administrative responsibilities for delivering essential services, continuing with fiscal authorities for spending and raising revenue, and concluding with the endowment of political authorities.<sup>386</sup>

*See Gap/Challenge: Section 8.10.2, Subnational governance.*

### **8.6.13 Approach: Security Sector Reform**

In a society emerging from conflict, stable governance requires a legitimate state monopoly over the means of violence, which can be developed through security sector reform. SSR seeks to strengthen civilian control, management, and oversight<sup>387</sup> of security forces to ensure that the forces are liable for their conduct and held accountable for abuse of

382. Paul Jackson and Zoe Scott, *Local Government in Post-Conflict Environments* (Oslo, Norway: United Nations Development Programme and Oslo Governance Centre, Democratic Governance Group, 2008).

383. UNDP/Michelsen, "Governance in Post-Conflict Situations," 2004.

384. USAID, "Decentralization and Democratic Local Governance," 2000.

385. USAID, "DRAFT Guidance for Democracy and Governance," 2009.

386. Ibid.

387. For the purposes of this manual, "oversight" encompasses supervision, inspection, responsibility, and control, as defined in *Organisation of Economic Co-operation and Development* (Development Assistance Committee), *Handbook on Security System Reform* (Paris: OECD Publishing, 2007). Hereafter: OECD DAC, *Handbook on SSR*, 2007.

power. SSR also involves developing formal security policy that is often absent in governments after violent conflict and may be neglected by S&R actors. Security policies are necessary to govern when and how forces are to be used, how they are managed, and how abuse of authority will be dealt with. These policies should be promulgated by the legislative branch, addressed in a constitution reform process, and implemented by executive institutions. Other aspects of SSR are discussed in Section 6.7.18.

**8.6.14 Prioritize good governance of the security sector.** An effective and accountable security sector relies on good governance. Good governance includes policies and laws that ensure security forces are accountable to legitimate civilian authority, including executive, legislative, judicial, and civil society structures and processes with the necessary checks and balances to prevent abuse. Peace agreements often mandate the reform of security bodies without a concomitant mandate for civilian governance of those bodies. Focus on developing accountable and capable civilian government authorities and nurturing specific civil society involvement in oversight.<sup>388</sup> Monitoring the development and implementation of security policy may be effectively accomplished with the help of community advisory, review, and oversight boards. A functioning judicial system should provide legal recourse when abuses occur.<sup>389</sup>

*See Gap/Challenge: Section 8.10.3, Security sector governance.*

**8.6.15 Establish accountable civilian authority over the security sector to protect human rights and prevent the renewal of conflict.** Placing security forces under effective and legitimate civilian authority can provide accountability to the population for the conduct of the security forces, based on the rule of law and protection of human rights. Civilian authorities should exercise oversight and transparency in appointment, budget, and administrative processes through such mechanisms as internal financial controls; disciplinary procedures; performance reviews; and legitimate selection, retention, and promotion policies. Authority and oversight should be multilayered and involve internal controls within security forces, parliamentary and civil society monitoring, review and reporting mechanisms, and review by the judiciary. Independent oversight bodies may include human rights commissions, audit and inspector general offices, ombudsmen, and public complaint commissions that offer specific mechanisms for oversight and accountability.<sup>390</sup>

**8.6.16 Strengthen legislative, judicial and civil society participation and oversight to prevent abuse of power.** Accumulation of excessive power by the executive branch is often a factor in conflict and may not be resolved in its aftermath. A largely discredited government may also remain in conflict's wake. Oversight that is external to the executive branch can offer an immediate path for accountability and a check on official abuse of power, while lengthy reform processes within executive ministries unfold. Legislative approaches include holding hearings and using subpoena powers to compel testimony from ministry officials, commanders, and others; exercising budget review and approval

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388. See example, Articles 17–51, “Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society,” Guatemala (September 19, 1996), [http://www.usip.org/files/file/resources/collections/peace\\_agreements/guat\\_960919.pdf](http://www.usip.org/files/file/resources/collections/peace_agreements/guat_960919.pdf) (accessed June 17, 2009).

389. Nicole Ball, “Democratic Governance and the Security Sector in Conflict-Affected Countries,” in *Governance in Post-Conflict Societies: Rebuilding Fragile States* (New York: Routledge, 2007). Hereafter: Ball, “Democratic Governance and the Security Sector,” 2007.

390. OECD DAC, “Handbook on SSR,” 2007.

authorities; and creating new laws for governance of the security sector. Inspections of facilities and investigations of alleged abuse are additional parliamentary tools for oversight. The judiciary also plays an important role by adjudicating cases involving members of security forces, performing judicial review of policies and special powers, and providing remedies in accordance with human rights.<sup>391</sup> Civil society organizations (CSO) may have official mandates to help oversee the security sector. CSOs with expertise in security issues are also sources for training new or reformed forces and providing policy advice and/or staff for new or reformed ministries or parliamentary oversight committees.<sup>392</sup> For more on oversight mechanisms, see Section 7.7.6.

**8.6.17 *Ensure that the host nation population drives governance reform of the security sector, as it is an inherently political process.*** Reform of the security sector begins with a comprehensive assessment of the specific context of security needs and what the population expects and will accept. Understand that since the control of security forces likely enabled conflict, the reform of those forces is among the most sensitive and dangerous issues that will confront society. Resistance to change from those who stand to lose control in a reform process may become violent. Significant and lasting reform can only result from a process of active dialogue with key stakeholders in government, security bodies, and civil and political society, led by legitimate host nation actors. If significant change is to occur, these local stakeholders need to support reforms. International actors can help facilitate this politically sensitive process with the understanding that reform is a long-term effort.<sup>393</sup>

**8.6.18 *Approach: Protection of State Resources***

The resources of the state belong to the population. It is the responsibility of the government to protect those resources and ensure they are collected, managed, and spent in a manner that meets the social and economic needs of the population. Protecting state resources requires sound public financial management based on transparency in revenue collection, taxation, and budgetary processes. It also means preventing corrupt government officials from abusing their positions of power for personal gain, thereby impeding efforts for good governance and economic development. If they are mismanaged, these resources can serve as a source of instability for societies emerging from conflict.<sup>394</sup>

**8.6.19 *Promote good economic governance to enable recovery and generate confidence in the government's ability to manage public finances.*** After violent conflict, the need to reform political governance often overshadows the need for good economic governance. But the latter is vital to strengthen public trust in the government and enable long-term development.<sup>395</sup> Good economic governance relies on a system of laws and regulations, policies and practices, and institutions and individuals that provide the

391. Ibid.

392. South African Defense and Security Management Network, "SADSEM: The South African Defense and Security Management Network," <http://sadsem.org> (accessed June 17, 2009).

393. Ball, "Democratic Governance and the Security Sector," 2007.

394. Paul Collier, ed. *Breaking the Conflict Trap: Civil War and Development Policy* (Washington, D.C.: The International Bank for Reconstruction and Development and The World Bank, 2003). Hereafter: Collier, *Breaking the Conflict Trap*, 2003.

395. United Nations Economic Commission for Africa, 2005 African Governance Report, 2005. Hereafter: UNECA, *African Governance Report*, 2005.

framework for economic recovery.<sup>396</sup> The system should enable the government to perform its financial responsibilities—including licensing, tax collection, central banking, concessions, and trade and investment policies—with accountability and transparency to ensure those resources benefit the general population and do not end up in the pockets of corrupt government officials. Fiscal management is further discussed in Section 9.5.12.

**8.6.20 Address low-level corruption that deprives the government of badly needed resources.**

The government is frequently the largest single employer in societies emerging from conflict. During and after conflict, many employees will have engaged in various degrees of corruption, from extortion to nepotism, to accepting bribes in exchange for ignoring traffic, tax, or customs violations.<sup>397</sup> While this level of corruption may seem minimal, it can have detrimental consequences. Low-level corruption deprives the population of their tax money and hinders critical investments in electricity, education, roads, and other infrastructure. It can also reinforce inequities, alienate parts of the population, and undermine public trust in the government’s ability to manage finances. Addressing these activities requires developing anticorruption laws and regulations and enforcing them by consistently investigating complaints about corruption, punishing convicted officials, and denying government contracts to companies that fail to demonstrate tax compliance.<sup>398</sup> It should also involve streamlining government processes and limiting discretion. To protect customs and import revenue, pay close attention to improving border management by reforming customs procedures and equipment.<sup>399</sup> Also ensure that tax policies and systems are perceived as equitable and nondiscriminatory, as perceptions of inequities can also encourage tax evasion.

**8.6.21 Sever the nexus between government officials and illicit sources of revenue.**

During violent conflict, many government officials will have engaged in high-level corruption to entrench their power at the expense of the public good. One of the biggest threats to stable governance arises from this political-economic nexus, in which political actors maintain power by receiving royalties from extractive industries or by taxing organized crime syndicates or actors who control, exploit, and capture trade networks, remittances, and other assets.<sup>400</sup> Pay close attention to this reality and resist pressures from these groups to simply restore long-standing political structures that facilitate corruption. An important means of preempting the entrenchment of vested interests is to address corruption early on when the government is being designed.<sup>401</sup> This can include specifically addressing corruption in the peace agreement. Whenever possible, keep out officials who have been well-known

396. United States Agency for International Development, *Economic Governance in War Torn Economies: Lessons Learned from the Marshall Plan to the Reconstruction of Iraq*, 2004.

397. RAND, *Guidebook for Economic Development in Stability Operations* (Santa Monica, Calif.: RAND Corporation, 2009).

398. United Nations Development Programme, *Anti-Corruption Practice Note*, 2004; Emil Bolongaita, “Controlling Corruption in Post-Conflict Countries,” presented at the Distinguished Lecture Series, Joan B. Kroc Institute for International Peace Studies, January 2005; UNECA, “African Governance Report,” 2005.

399. United States Agency for International Development, *Guide to Economic Growth in Post-Conflict Countries*, 2009. Hereafter: USAID, “Guide to Economic Growth,” 2009.

400. Karen Ballentine and Heiko Nitzschke, *The Political Economy of Civil War and Conflict Transformation* (Berlin: Berghof Handbook for Conflict Transformation, 2005). Hereafter: Ballentine/Nitzschke, *Political Economy*, 2005.

401. USAID, “DRAFT Guidance for Democracy and Governance,” 2009.

for corrupt behavior to avoid setting the wrong standard for the future. Permitting the impunity of political-criminal actors can seriously hamper prospects for good political and economic governance and undermine government legitimacy. Confronting vested interests requires strong political will. Severing the criminal-political nexus is further discussed in Section 9.6.

**8.6.22 Establish oversight mechanisms in government processes to ensure accountability.** Robust systems of oversight will most likely be needed to ensure that public funds are collected and spent with integrity. Oversight mechanisms may include internal controllers and auditors who reside within executive institutions or exist in the form of parliamentary commissions, civil society commissions, and external auditors.<sup>402</sup> These bodies should be independent of executive branch authorities and fully staffed and resourced to do their jobs effectively, even if they are part of the executive branch (e.g., inspector generals). Oversight units should monitor government institutions and employees to ensure that all financial conduct adheres to laws, regulations, instructions, and directives related to the management of public funds. Activities subject to monitoring should include meeting reporting requirements, observing budget limits, and determining recipients of government contracts. Enforcement mechanisms are also critical to give teeth to oversight units and ensure their effectiveness in keeping public officials accountable for their actions. In extreme cases, colocating international finance experts in host nation financial institutions may be useful to provide training and build capacity for transparent financial management systems. Giving these international actors co-signing authorities also ensures that all major transactions are reviewed by both a host nation manager and an international adviser.<sup>403</sup> Ultimately, the success of any oversight mechanism depends on strong political will for government reform. Fiscal management is discussed further in Section 9.5.12.

*See Gap/Challenge: Section 8.10.4, Oversight and accountability.*

**8.6.23 Make government financial data and activities as clear and open as possible for the population.** Publishing government financial information and giving the population to access to it helps build the trust in the government's ability to manage resources well.<sup>404</sup> Keep the budgetary process open and widely publicized, including its preparation, execution, and expenditure reporting processes. The legislature should hold public hearings to force ministers to justify budget requests. Information on all domestic and international debt should also be made publicly available. Ensure that all information published is consistent with actual activities in government.

**8.6.24 Keep budget deficits under control by mobilizing revenue and increasing the efficiency of the tax system.** Shortfalls in revenue are often a major cause of budget deficits, so pay attention to generating sufficient funds to finance critical social and economic development programs.<sup>405</sup> In societies emerging from conflict, key sources for revenue will likely be indirect taxes, rents from nonrenewable resources, and ex-

402. UNECA, "African Governance Report," 2005.

403. Governance and Economic Management Assistance Program, "Overview," <http://www.gemapliberia.org/pages/overview> (accessed June 17, 2009).

404. UNECA, "African Governance Report," 2005.

405. Ibid..

ternal grants, so focus on protecting those revenue streams. Keep tax regulations and procedures open and accessible and educate the public about the system to increase efficiency and make it easier for taxpayers to comply. Other aspects of the tax system are discussed in Sections 9.5.14 to 9.5.16.

**8.6.25 Protect natural resources as fundamental state assets that are integral to economic recovery and political stability.** Lucrative nonrenewable natural resources such as oil, diamonds, and timber are a common endowment in societies emerging from conflict. Depending on how they are managed, these resources can serve as either a major source of wealth or a destabilizing force that engenders corruption, economic instability, and conflict over control and distribution of assets.<sup>406</sup> Ensuring that wealth generated from profits or rents fully benefits the population requires protecting natural resource extraction sites and related infrastructure, managing the revenue generated, and establishing transparent and accountable processes for letting resources concessions. Clear rules and procedures for public procurement should ensure that government contracts are awarded based on merit rather than parochial or personal interests. Protect the integrity of the revenue stream through the aforementioned mechanisms for prevention through good public financial management and enforcement through prosecutions and the judiciary. Additionally, natural resource wealth management issues should be addressed in peace agreements, constitutions, and other aspects of the political settlement process.<sup>407</sup> Natural resource wealth management is also discussed in Section 9.6.11.

## 8.7 Necessary Condition: Political Moderation and Accountability

### 8.7.1 What is political moderation and accountability? Why is it a necessary condition?

Political moderation and accountability refer to the condition where the government provides the official fora and processes for settling core political grievances through debate, compromise, and inclusive national dialogue and manages change arising from humanitarian, economic, security, and other challenges through a renegotiation of rules and policies. Achieving this condition involves a national constituting process that provides for the institutional design and constitutional framework for governance, the selection of leadership for national and subnational government institutions that is determined through inclusive and participatory processes and that is representative of society as a whole, a legislative or parliamentary system that reflects the interests of the population, and electoral processes that are free and fair. After major conflict ends, fierce confrontations between and within factions for control of government often continue.<sup>408</sup> Intimidation, targeted acts of violence such as arson, and revenge killings become tools of those who oppose a new political order. Dealing with these threats and transforming this violent struggle into a peaceful one is the charter for the political governance of the host nation. Good political governance affords the host nation the opportunity to move beyond violent conflict so that disputes can be moderated and resolved peacefully.

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406. Collier, "Breaking the Conflict Trap," 2003; Jill Shackleman, *Managing Natural Resource Wealth* (Washington, D.C.: United States Institute of Peace, 2006). Hereafter: Shackleman, *Managing Natural Resource Wealth*, 2006.

407. Shackleman, "Managing Natural Resource Wealth," 2006.

408. Covey/Dziedzic/Hawley, *Quest for Viable Peace*, 2005.

## 8.7.2 Guidance for Political Moderation and Accountability

### 8.7.3 *Approach: National Constituting Processes*

Societies emerging from conflict often find a new path for the country's political future. This new path may be discovered through inclusive and participatory national constituting processes that generate consensus for political progress and define the political arrangements<sup>409</sup> for the host nation based on a shared vision. National constituting processes broadly involve the population in the shaping, drafting, and approval of a document that shapes the country. Processes can include drafting sessions, debates, and referenda through which the population defines the institutions of governance; the duties, rights, and relationships of the host nation and its citizens; and a vision for the identity of the host nation.<sup>410</sup>

**8.7.4 *Build broad-based consensus on the country's political future through inclusive and participatory national constituting processes.*** Constituting processes, ranging from national dialogue to constitutional conventions, seek to foster broad-based agreement on the political future and government structure of the host nation.<sup>411</sup> The provision of technical support and resources, the training of dialogue facilitators, and the identification of media outlets to disseminate information to the population helps to ensure national constituting processes are effective, gain momentum, and are capable of engaging a range of participants.<sup>412</sup> Elites play a particularly important and powerful role in this form of political settlement, and their buy-in and support is critical.<sup>413</sup> The inclusion of women, minorities, and non-state traditional institutions is fundamental to the success of national constituting processes. Guarantee their participation through quotas, appointments, or other necessary measures to ensure representation.<sup>414</sup>

**8.7.5 *Help generate agreement on central issues for governance to prevent the renewal of violent conflict.*** Constitution-making processes afford the host nation population a major opportunity to make fairly momentous decisions about the shape of the state following violent conflict. Agreement may emerge on issues concerning religion and language, the secular or religious identity of the state, the degree of centralization or subnational distribution of power and authorities, the role of the armed forces, political and civil rights and liberties, minority rights, the type of and rules for electoral and legislative systems—in short, the issues that shape the kind of state that will govern a society that has undergone conflict severe enough to warrant the amending or replacement of a constitution.<sup>415</sup>

**8.7.6 *Focus on the process for writing the constitution as much as what the constitution says.*** The UN has recognized that the International Covenant on Civil and Political

409. Anten, "Strengthening Governance," 2009.

410. Vivien Hart, *Democratic Constitution-Making* (Washington, D.C.: United States Institute of Peace, 2003).

411. Robert Orr, "Governing When Chaos Rules: Enhancing Governance and Participation," in *Winning the Peace: An American Strategy for Post-Conflict Reconstruction* (Washington, D.C.: The Center for Strategic and International Studies Press, 2004).

412. UNDP/Michelsen, "Governance in Post-Conflict Situations," 2004.

413. Alan Whites, *States in Development: Understanding State-building* (London, UK: Department for International Development, Governance and Social Development Group, 2008).

414. Conaway, *The Role of Women*, 2006.

415. USAID, "DRAFT Guidance for Democracy and Governance," 2009.

Rights affords the population the right to choose their form of constitution.<sup>416</sup> Inclusive and broad-based public participation in the constitution-making process is an international standard that is key to developing a constitution that is widely supported.<sup>417</sup> Often, these processes are more important than the document that is produced.<sup>418</sup> Options for public participation in the constitution-making process can include electing a constitutional convention, generating a public dialogue on the draft content of the constitution, or holding a referendum on the adoption of the constitution. To hold a participatory constitution-making process, sufficient resources, attention, and time are critical to ensure that the result is based on consensus rather than externally imposed deadlines.<sup>419</sup> This process can also play a powerful role in transforming conflict and generating legitimacy for the host nation government, because it helps the population articulate their common values, societal norms, and hopes for the future.<sup>420</sup> Understand that the process may also be deemed as lacking legitimacy if leaders control commission appointments, block participation from segments of the population, or refuse to abide by term limits or other restrictions on power that are frequently part of constitutions.

### **8.7.7 Approach: Political Governance and Conflict Management**

In a society emerging from conflict, institutions of governance that provide for political moderation and conflict management and structure competition to transform wartime objectives into nonviolent political objectives hold the key to stabilization. Issues not resolved by peace accords or that are left to be negotiated after violent conflict ceases typically fall to nascent structures that attempt to moderate differences and produce agreements. This approach refers to those aspects of political systems that offer official, regular, and inclusive forums and processes for debate over core grievances and ongoing challenges facing a government. Interim structures such as special assemblies and transitional governing councils—and ones more characteristic of permanent government systems such as regular meetings of the cabinet and other inter-ministerial processes—and parliamentary sessions and committee processes can combine to facilitate peaceful debate and resolution of grievances and challenges. Traditional means of resolving core issues of particular national contention can be extremely important and add legitimacy for acceptance of results by the population.

**8.7.8 Help former warring factions to reframe their interests through non-violent political processes.**<sup>421</sup> Help parties with conflict aims to view their interests differently through a political process. This will require time and patience and will typically not be amenable to any script or external control. Attitudes and demands, fortified by conflict and perceived sacrifice, may require years to transform into productive, peaceful ends. In these settings, former armed groups do sometimes transform themselves into political parties. Rejection of violence; acceptance of competitive elections; and respect for freedom of speech, association, and other fundamental human rights must

416. United Nations, "International Covenant on Civil and Political Rights," [http://www.unhcr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhcr.ch/html/menu3/b/a_ccpr.htm) (accessed June 17, 2009).

417. UNDESA/UNDP, "Challenges of Restoring Governance," 2007.

418. Noah Feldman, "Agreeing to Disagree in Iraq," *New York Times*, August 30, 2005.

419. Lakhdar Brahimi, *State Building in Crisis and Post-Conflict Countries*, 2007. Hereafter: Brahimi, *State Building*, 2007.

420. A.B. Inbal and H. Lerner, "Constitutional Design, Identity, and Legitimacy in Post-Conflict Reconstruction," in *Governance in Post-Conflict Societies: Rebuilding Fragile States* (New York: Routledge, 2007).

421. Covey/Dziedzic/Hawley, *Quest for Viable Peace*, 2005.

be the price for entry into politics. When this decision occurs, consider the need for campaign training, platform development, and party law development, in addition to disarmament, demobilization, and reintegration. Understand that setbacks and protests in political governance may frequently occur and include temporary withdrawal or walk-outs of parties from parliamentary structures, boycotts of sessions or elections, and threats of or actual resignation by ministers.<sup>422</sup> Protection for those who enter the political process, whether by peacekeeping or close protection police forces, is often required to confront threats from those who oppose their participation.

**8.7.9 Bring the widest range of leaders into the political process and seek to include voices of moderation.** Addressing problems of exclusion that characterized the period of violent conflict by including those who were marginalized and victimized because of ethnic, political, or religious identity offers hope for lasting stability. Many times, including previously marginalized or excluded groups in power sharing arrangements has formed a central objective of peace agreements. Creating all-parties councils, or *Loya Jirgas*, for example, can enhance the goal of having former opponents see their interests promoted through working cooperatively with the other.<sup>423</sup> Understand, however, that in highly divisive societies, governmental decision-making may be inhibited by periods of paralysis and be hampered by patronage arrangements as a result of including very different views and interests.<sup>424</sup> Power-sharing among identity-based groups that command allegiance over followers can dampen prospects for democratization and potentially exclude other groups, emboldening or even creating spoilers.

**8.7.10 Reinforce issue-based politics over identity politics.** Encourage and support collaboration among parties through coalitions or caucuses that seek to appeal to the population through issues that cut across identity groups. Issue-based politics focus on the interests of the population writ large, such as health care and housing, rather than the interests of ethnic, religious, or other identity groups.

*See Gap/Challenge: Section 8.10.8, Identity and issue politics.*

### **8.7.11 Approach: Systems of Representation**

Governments should represent the interests of their population through a regular and fair process that allows the population to select their legislators and chief executive and remove them if they fail to perform. Creating effective representation involves uprooting embedded power imbalances that may have caused conflict, enabling the participation of marginalized populations in political processes, and holding free and fair elections when conditions are favorable. Legislators should reflect the needs of their constituencies and act as a counterbalance to the executive branch to ensure accountability.

**8.7.12 Meet requirements for free and fair elections in order to reflect the population's interests.** The ability to elect political leaders is a fundamental human right recognized by the UN.<sup>425</sup> It is also one of the most important mechanisms the population has for ensuring their interests and needs are represented by the government. Free and fair elections require agreement on the election laws and systems; available assistance with

422. USAID, "DRAFT Guidance for Democracy and Governance," 2009.

423. Covey/Dziedzic/Hawley, *Quest for Viable Peace*, 2005.

424. USAID, "DRAFT Guidance for Democracy and Governance," 2009.

425. United Nations, "Article 21, Universal Declaration on Human Rights," <http://www.un.org/Overview/rights.html> (accessed June 17, 2009). Hereafter: UN, "Article 21, UDHR."

election administration; and adequate oversight of the process.<sup>426</sup> In addition, the following daunting requirements are typically needed: a safe and secure environment, a functioning justice system, a media sector, accurate census data and voter registration, inclusive and participatory political parties, civic education, campaign rules, balloting logistics, disarmament and demobilization of armed groups, and trained and funded election staff.<sup>427</sup> An independent national electoral commission is normally created to assist in the establishment of legal procedures and basic electoral rules, including the requirements for voting and the means to verify the voter registry.<sup>428</sup> The inclusion of refugees, internally displaced populations, women, and minorities is important for effective elections after conflict and for stable governance. Broad participatory processes can also pose challenges—logistics, security, resource constraints, and management of public expectations—so understand and plan for these.

**8.7.13 Consider the timing and impact of elections on the stability of the host nation.**<sup>429</sup>

Elections are not just an exit strategy for the international presence or an antidote for violent conflict, they can produce negative consequences if not properly managed. While elections can increase the government's legitimacy, they can also reignite tension and escalate motivations for violence if held under improper conditions. These may occur when adequate security conditions are not met, not all stakeholders and potential spoilers are engaged in the political process, institutions and laws such as electoral commissions or voter registries are not in place, and civil or political rights are not assured. Consider holding local elections prior to national elections to allow time for the proper conditions to emerge across the host nation. Consider the impact of the electoral system on the development of political parties when selecting the format for elections. Also, understand the impact on the operation of the legislature and of local government vs. national government when selecting the format for elections. Finally, understand and prepare for the role of the diaspora.

*See Trade-off: Section 8.9.5, Early elections vs. maturation of politics and processes.*

**8.7.14 Approach: Legislative Strengthening**

Legislatures and parliaments<sup>430</sup> can play a critical role in conflict management by offering a forum for debate and dispute resolution, ratifying peace settlements and political accords, working across divisions to enact laws and manage resources, representing the diverse interests of constituents, and providing a check on power of the executive. Parliaments also serve as the primary vehicle through which the opposition presents its views and opinions.<sup>431</sup> Legislative strengthening involves establishment or reform of procedures and process, training and support for members of the parliament and staff, development of committee and other administrative support systems for legislative activities, and building of necessary infrastructure.

426. United States Department of State, Office of the Coordinator for Reconstruction and Stabilization, *Transition Elections and Political Processes in Reconstruction and Stabilization Operations: Lessons Learned*, 2007. Hereafter: S/CRS, *Transition Elections*, 2007.

427. UNDP/Michelsen, "Governance in Post-Conflict Situations," 2004; UNDP/USAID, "First Steps," 2007.

428. United Nations *Development Programme, Electoral Systems and Processes Practice Note*, 2004; Cole DeGrasse/Caan, "Bullets to Ballots," 2006.

429. Brahimi, "State Building," 2007.

430. For the purposes of this manual, legislatures and parliaments are used interchangeably.

431. USAID, "DRAFT Guidance for Democracy and Governance," 2009.

**8.7.15 Consider the design and structure of the legislature to aid in stabilization.** The type of legislative system that exists will depend on the electoral system the host nation chooses. The system may involve either proportional representation, where parties or individuals are elected based on their share of the vote, or majoritarian systems that award victory to those with overwhelming majorities. Understand the impact of both systems on prospects for stabilization and strive to ensure that, whatever system is used, the broadest representation from across the political spectrum exists in formal legislatures.

**8.7.16 Strengthen legislative bodies to counterbalance the executive branch and help bolster representative and accountable governance.** Develop effective legislative bodies, including national parliaments, assemblies, senates, or other elected legislative chambers, for sustainable governance. Legislative bodies are a vehicle for the representation of public interests in government and are the foundation for government legitimacy and accountability. They are needed to enact critical laws and reforms required for successful conflict transformation. Initial needs assessments help determine the institutional, professional, financial, and legal assistance required for progress. Assessments should analyze the political context of parliamentary development.<sup>432</sup> Parliamentary development should also be included in the constitutional and electoral design.<sup>433</sup> Technical assistance is often necessary for the institutional design and rules of conduct for legislative bodies, training for legislators and administrative personnel, and assistance with ensuring effective budget oversight and transparency. Specific attention to the competencies of political groups to perform their responsibilities within parliamentary processes strengthens legislative performance.<sup>434</sup> A strong committee system that enhances lawmaking, oversight, and representation is a typical feature in effective legislative bodies.<sup>435</sup> Transparency and accountability are served by holding open legislative sessions, publishing records of chamber and committee sessions, and ensuring legislators and their staff are accountable to the rule of law.

**8.7.17 Train and mentor legislators and staff for conflict management.** Legislatures typically mirror major divisions in society and without specific training and support for conflict management and mitigation skills and processes, those divisions may be enhanced, not ameliorated. Facilitation, mediation, and negotiation skills emerge from experience and are often not sufficient in S&R environments. Prioritize the strengthening of these skills. Help develop and sustain a community of support outside of the formal parliament in the form of civil society organizations, media, and academic institutions to provide analysis of issues, advise members and staff on process, offer training, and provide forums for constituents to channel concerns.<sup>436</sup>

432. United Nations Development Programme, *Parliamentary Development Practice Note*, 2003.

433. United Nations Development Programme, *Parliaments, Crisis Prevention, and Recovery: Guidelines for the International Community*, 2006.

434. United Nations Development Programme, *Lessons Learned in Parliamentary Development*, 2002.

435. *Ibid.*

436. USAID, "DRAFT Guidance for Democracy and Governance," 2009.

## 8.8 Necessary Condition: Civic Participation and Empowerment

### 8.8.1 What is civic participation and empowerment? Why is it a necessary condition?

Civic participation and empowerment refer to a condition in which every citizen has the means to actively engage in the public sphere, including political processes.<sup>437</sup> Under this condition, civil society is empowered, protected, and accountable; the media are present, professional, and independent of government influence; equal access to information and freedom of expression is upheld; and political parties are able to form freely and are protected. Civil society, the media, and political parties can mitigate the potential for violent conflict by providing legitimate public forums and mechanisms for peaceful debate.<sup>438</sup> Through these means, the population can also peacefully participate in politics, provide a check on the government, and influence government policy. Without opportunities for civic engagement, motivations for violence may be more likely to increase, as the population seeks to ensure their voice is heard and their needs are met. Civic participation and empowerment also require respect for fundamental civil and political rights<sup>439</sup> of minority groups, including the perception that these rights can be freely exercised without fear of retribution.<sup>440</sup>

### 8.8.2 Guidance for Civic Participation and Empowerment

#### 8.8.3 Approach: Civil Society Development

Civil society occupies the political space between the individual and government. It is a public sphere where citizens and voluntary organizations can engage freely outside of the government, family, and the private sector.<sup>441</sup> Civil society organizations can include a wide range of nongovernmental organizations, advocacy groups, charities, faith-based organizations, civic education organizations, business and professional associations, or community groups, among many others.<sup>442</sup> These organizations embody an active citizenry that reflects the values of those it represents, based on cultural, ethical, political, or other such considerations. They often serve as a link between the state and population, helping to influence and monitor government decisions; mobilize the population and educate them on their rights, responsibilities, and opportunities to influence government policies and lobby for reform; assist in public service delivery; and facilitate intergroup dialogue and other means for social reconciliation.<sup>443</sup> The important role of a vibrant civil society in S&R environments is widely accepted.

437. World Bank, Social Development Department, *Civil Society and Peacebuilding: Potential, Limitations and Critical Factors*, 2006. Hereafter: WB, *Civil Society and Peacebuilding*, 2006.

438. Dobbins/Jones/Crane/Cole DeGrasse, *Beginner's Guide*, 2007.

439. Refers to the freedom of religion, assembly, press, speech, association, and movement. Dziedzic/Sotirin/Agoglia, "Measuring Progress in Conflict Environments," 2008.)

440. Ibid.

441. London School of Economics, "Centre for Civil Society," <http://www.lse.ac.uk/collections/CCS/> (accessed June 17, 2009); WB, "Civil Society and Peacebuilding," 2006.

442. Dobbins/Jones/Crane/Cole DeGrasse, *Beginner's Guide*, 2007; London School of Economics, Centre for Civil Society, "What Is Civil Society?" [http://www.lse.ac.uk/collections/CCS/what\\_is\\_civil\\_society.htm](http://www.lse.ac.uk/collections/CCS/what_is_civil_society.htm) (accessed June 17, 2009).

443. Michael Lund, Peter Uvin, and Sarah Cohen, *Building Civil Society in Post-Conflict Environments: From the Micro to the Macro* (Washington, D.C.: Woodrow Wilson International Center for Scholars, 2006). The World Bank identifies seven key functions of CSOs: (1) protection, (2) monitoring and early warning, (3) advocacy and public communication, (4) socialization, (5) social cohesion, (6) intermediation and facilitation, and (7) service provision (World Bank, "Civil Society and Peacebuilding," 2006). Dziedzic/Sotirin/Agoglia, "Measuring Progress in Conflict Environments," 2008.

**8.8.4 Leverage existing capacities in developing civil society.**<sup>444</sup> Understand that many forms of civil society will have existed prior to or during the conflict, filling the vacuum of service delivery that the state failed to provide. Many of these civil society groups or networks emerge in refugee camps and other environments where communities are forced to reorganize themselves as a means of survival. Often, these organizations may not resemble westernized civil society structures and may include community councils, church groups, community social networks, or other traditional structures that seek to strengthen social bonds in response to conflict. While there may be a tendency to favor partnerships with more familiar NGO structures, do not neglect these traditional groups and the resources they bring to the table.<sup>445</sup> To leverage existing capacity, conduct rigorous assessments and analyses of the diverse landscape of organizations that are already present and identify those with the potential to play a positive role, as well as those that have played a negative role.<sup>446</sup> Understanding the historical relationship between the state and population is also an important step in maximizing the potential of civil society in ensuring lasting peace and promoting good governance, among other peacebuilding objectives.

**8.8.5 Establish a legal and regulatory framework to protect CSOs and ensure they are allowed to form and operate freely.**<sup>447</sup> Because some of these organizations may be unfamiliar forces in societies emerging from conflict, they may need special protections. Establishing legal and regulatory frameworks for the formation and operation of CSOs ensures they have a basis in law. Laws should guarantee the right of association, expression, information, and participation; and regulations should address rules for financing, tax status, and registration.<sup>448</sup> Legal standing can enhance the contribution of CSOs to society by legitimizing their activities, decreasing potential public mistrust in them, and ensuring their accountability.<sup>449</sup> No statutory or regulatory framework, however, should encroach upon the independence or freedoms of these organizations, which is paramount to their effectiveness. Civil society activists should not be threatened or harmed and should not be imprisoned without reason.<sup>450</sup> They should be able to freely assemble and file complaints against the government for abuses.

**8.8.6 Foster ownership of host nation CSOs by providing necessary support to boost capacity.** Societies emerging from conflict often experience a sudden expansion in CSOs, as the space for civic engagement opens up. This mushrooming of organizations may include both an influx of international CSOs and the emergence of new local organizations, in addition to those that existed before or during the conflict. International CSOs should be careful not to supplant or undermine local resources.<sup>451</sup> Focus on empowering domestic organizations whose sustainability will be vital to lasting peace

444. Dobbins/Jones/Crane/Cole DeGrasse, *Beginner's Guide*, 2007

445. Beatrice Pouligny, "Civil Society and Post-Conflict Peacebuilding: Ambiguities of International Programmes Aimed at Building 'New' Societies," *Security Dialogue*, vol. 26, no. 4 495-510 (2005).

446. WB, "Civil Society and Peacebuilding," 2006.

447. Dobbins/Jones/Crane/Cole DeGrasse, *Beginner's Guide*, 2007.

448. WB, "Civil Society and Peacebuilding," 2006.

449. International Center for Not-for-Profit Law, "Enabling Organizational Development: NGO Legal Reform in Post-Conflict Settings," *The International Journal of Not-for-Profit Law* 9, issue 4 (2007).

450. Dziedzic/Sotirin/Agoglia, "Measuring Progress in Conflict Environments," 2008.

451. Dobbins/Jones/Crane/Cole DeGrasse, *Beginner's Guide*, 2007.

and development. Many local organizations may lack the necessary skills and resources to perform their functions, and will likely be hampered by weak membership bases and a lack of national visibility. The lack of sustainable funding is another recurring challenge for new local CSOs, so assist them with budget management and administration through skills training and mentoring programs.<sup>452</sup> Consider innovative funding approaches that have been used before, such as granting tax-exemptions for donations to CSOs or creating a foundation where funds are invested to provide a continuous source of funding over the long term. Top-down approaches in developing civil society can encourage dependency, rather than empowering local actors to drive their own agendas and seek out innovative sources of funding and support.<sup>453</sup> See also Sections 7.8.8 and 7.8.14 for the role of civil society in justice.

**8.8.7 Promote inclusivity in developing CSOs.** If they are not diversified, civil society organizations can be perceived as exclusionary. Emphasize inclusivity in CSOs to ensure that their work fully represents the interests and values of what may be a very diverse population. In societies where divisions run deep, encourage CSOs to build bridges across social groups and avoid reinforcing divisions based on identity. Pay close attention to marginalized groups, particularly women, given their demonstrated potential for contributing to lasting peace. The civic engagement of women may help ensure, for example, that there is support for laws that address women's issues. These laws may include protecting women from domestic violence, safeguarding their inheritance rights if their husbands die, and ensuring their rights in customary marriage, which is important for rural women.<sup>454</sup> Assess diversity of CSOs by examining the funding sources, member demographics, and the range of issues or interests represented.<sup>455</sup>

**8.8.8 Foster and support community-based development to broaden civic participation and enhance opportunities for developing leadership in civil society.**<sup>456</sup> Community-based development involves partnering with the host nation population to design and implement programs aimed at meeting the needs of communities.<sup>457</sup> Such programs have an inherent and profound benefit for civil society development because they cultivate local leadership and broaden civic participation in political processes. They also teach people basic organizational and management skills, such as resource management, budgeting and accounting, and project evaluation.

**8.8.9 Promote accountability of CSOs through regulatory oversight mechanisms.** The boom in CSOs after violent conflict can serve as an entry point for organizations controlled by those who oppose the peace process or seek to manipulate the population. Other CSOs may form simply to take advantage of robust flow of donor funds. Promote accountability of these organizations by establishing CSO registration proce-

452. Ibid.

453. Initiative for Peacebuilding (International Alert and European Commission), *Building Inclusive Post-Conflict Governance*, 2009.

454. Ibid.

455. Dziedzic/Sotirin/Agoglia, "Measuring Progress in Conflict Environments," 2008.

456. World Bank, "Strengthening Local Governance and Promoting Community Based Development in Afghanistan," <http://web.worldbank.org/WBSITE/EXTERNAL/EXTABOUTUS/IDA/0..contentMDK:21296643~menuPK:3266877~pagePK:51236175~piPK:437394~theSitePK:73154.00.html> (accessed June 17, 2009). Hereafter: WB, "Strengthening Local Governance."

457. U.S. Agency for International Development, *Community-Based Development in Conflict-Affected Areas*, 2007.

dures and encouraging development of important corporate governance mechanisms—boards of directors, audits, and bylaws—to ensure that CSOs operate within the law and with respect for human rights.<sup>458</sup>

### **8.8.10 Approach: Independent Media and Access to Information**

An independent media sector includes print, broadcast, or Web-based outlets that serve the public interest by disseminating information to the population about social, economic, and political developments. Journalists in the media sector typically include publishers, editors, producers, and reporters. In societies emerging from conflict, the primary function of the media is to report on the actions of the government and provide a public forum through which the population can debate issues peacefully and voice its concerns about the government. Without a functioning media sector that is free from censorship, the population cannot fully participate in political processes, exercise their civic rights and responsibilities, or express their needs to political officials. Access to information is a basic human right and entails that information is available in a format and language that is usable and understood by the population.

**8.8.11 Nurture and sustain a media sector that is pluralistic, transparent, sustainable, and independent.** These characteristics are vital if the media sector is to perform its key function of ensuring government accountability for its actions by keeping the population abreast of key political developments. A pluralistic media sector includes a diverse array of voices with competing perspectives, including marginalized populations such as women and minorities. A transparent media sector prizes truth and credibility in the reporting of information. A sustainable media sector is one that comprises local staff with the capacity to generate and manage revenue needed to finance its operations. Assessing fully the media landscape and the enabling environment in which it operates is a necessary first step in developing a sustainable media sector.<sup>459</sup> An independent media is free from government control or political influence and enjoys the freedom of speech. Assess the media's independence and capacity to oversee government actions by examining the extent of editorial criticism against the government, the number of opposition media outlets that exist, and the severity of cases involving government efforts to threaten journalists or censor information.<sup>460</sup>

**8.8.12 Consider creating media monitoring mechanisms to prevent incendiary or hate speech from destabilizing the country.** During violent conflict, warring parties may have dominated major media outlets as a means for disseminating propaganda, delivering hate messages, or reinforcing societal divisions. Consider establishing an outlet for the UN or other UN Security Council-mandated mission, that can counter these messages and communicate the peacebuilding objectives of the mission. The mission-owned outlet may be used to raise awareness about public information such as where the population can access essential services, how to vote, and what rights the population has, among others. Another mechanism for preventing media abuses can involve creating an independent regulatory commission that sets standards, monitors media abuses, and

458. Dobbins/Jones/Crane/Cole DeGrasse, *Beginner's Guide*, 2007.

459. Eron Frankel and Sheldon Himelfarb, *DRAFT Peacebrief: Purpose and Possibility, A Formative Media Assessment Template*, (Washington, D.C.: United States Institute of Peace, 2009). Yli Bajraktari and Emily Hsu, *Developing Media in Stabilization and Reconstruction Operations* (Washington, D.C.: United States Institute of Peace, 2007). Hereafter: Bajraktari/Hsu, *Developing Media*, 2007.

460. Dziedzic/Sotirin/Agoglia, "Measuring Progress in Conflict Environments," 2008.

addresses complaints.<sup>461</sup> A commission should operate with fairness and transparency, within a clearly defined set of rules. While cracking down on spoilers, also be sure to identify and promote the voices of moderate organizations and individuals.

**8.8.13 *Ensure that media outlets are representative of and accessible to the population.***

The ability to access information on political processes, basic rights, and public services is recognized by the United Nations as a human right.<sup>462</sup> In planning for new media outlets, maximize the population's access to information by carefully assessing the demographics of the country. Large rural populations may be illiterate, which may render print outlets ineffective. Limited access to television sets may also mean radios are a more appropriate medium for information. Also consider the languages in which information is published to ensure that all segments of the population have a means for consuming the information. Create a diverse array of outlets that includes the voices of women, minorities, and other marginalized groups. A pluralistic market can elevate competing views while diluting incendiary ones.

**8.8.14 *Define media broadly but distinguish carefully between media sector development and strategic communications.*** Adopt an expansive definition of media sector support to include both information and communications technology (ICT) thereby spanning traditional media (radio, tv, print), new media (text messaging, internet) as well as telecommunications. However, conflating strategic communications and media development diminishes the efficacy of both. The former is about controlling the message; the latter about developing a media sector (radio, tv, print, internet, telecom) that is valued by the body politic and pluralistic. This is not to say that the media sector is unable to engage in social marketing types of messages, but that those messages need to be clearly labeled as such (originating sponsor/funder) for credibility and usefulness.

**8.8.15 *Develop a strong legal framework to protect the rights of journalists.*** During conflict, many journalists are persecuted, kidnapped, or murdered for their views and activities by the government or by opposition groups. Other serious offenses against media may involve ransacking of offices; denial of registration or funding; libel suits and other forms of harassment; and death threats targeted at reporters, editors, and owners. To safeguard the greatest possible freedoms for the press, a strong legal framework for media is needed to clearly define media freedoms and prevent the government or other groups in society from unlawfully censoring information. Laws, however, are worthless without an effective judiciary that is willing and capable of administering justice to violators of the law.

**8.8.16 *Encourage the development of journalism training and education programs to promote journalistic standards and potential for long-term success.*** Professional training and education programs should underscore journalistic concepts such as truth, impartiality, and public service. Before and during violent conflict, many journalists will have worked in isolation under an authoritarian regime and may not have been exposed to international standards for journalism. Journalism education should go beyond ethical principles to include comprehensive education on critical business concepts that are

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461. Bajraktari/Hsu, *Developing Media*, 2007.

462. UN, "Article 21, UDHR"; UNDP/Michelsen, "Governance in Post-Conflict Situations," 2004; United Nations Development Programme, *Access to Information Practice Note*, 2003.

key to sustainability of outlets—competition in the media market, management of sales and advertisement activities, and administrative capacities.

**8.8.17 Complement education programs by creating professional associations for journalists to connect host nation actors with the international media network.** Establishing associations can help cultivate leadership and promote accountability and compliance with journalistic standards in professional integrity and ethics. Promulgating widely accepted standards can help to control inflammatory rhetoric in the media. Engaging in a wider network of foreign journalists helps domestic journalists avoid isolation and provides greater support for those who continue to face persecution or manipulation by the state or other opposition groups. Domestic journalists as well as the general population should have access to international media, including foreign newspapers, magazines, and broadcast stations, along with unfiltered access to the Internet.<sup>463</sup>

**8.8.18 Approach: Inclusive and Participatory Political Parties**

The right to participate in the political arena is a central element of stable governance. Political parties are the basis for participatory governance and serve as the vehicles through which groups with political differences can compete non-violently for power. Through these groups, political opponents can engage each other in a constructive way, forging relationships across party lines and establishing lines of communication.<sup>464</sup> Political parties are responsible for developing positions on key public issues and cultivating candidates who compete for elected office during election season.<sup>465</sup> They also help to facilitate and stimulate public debate and structure political competition and participation.<sup>466</sup>

**8.8.19 In developing political parties, foster inclusivity but prioritize the commitment to peace.**<sup>467</sup> Engaging as many warring parties and potential spoilers as possible in the political process may help develop a lasting peace. But while inclusivity is ideal, it is most important that participating parties be fully committed to peace. Be wary of criminals, human rights abusers, or former leaders, who may seek to legitimize themselves through elections only to abuse their positions for personal gain. Carefully assess each group's record of past crimes, the level of popular support, and their commitment to peace when deciding cases where certain individuals may have to be prohibited from engaging in the political process. Continue to monitor abuses during the campaign process to minimize violent or unethical practices through election commissions or other CSOs. Emphasize issue-based politics, rather than politics based solely on ethnicity, religion, or other potentially divisive lines, which can increase the potential for conflict.

**8.8.20 Pay special attention to engaging women, minority ethnic groups, and other marginalized populations in the development of political parties.** In societies emerging from conflict, certain groups may have historically been excluded from forming political parties or otherwise participating in the political process. Take special care to ensure that all groups have access to the political process and can promote candidates

463. Dziedzic/Sotirin/Agoglia, "Measuring Progress in Conflict Environments," 2008.

464. Bryan, "Engaging Political Parties," 2006.

465. United States Agency for International Development, *Political Party Assistance Policy*, 2003.

466. Eric Bjornlund, Glenn Cowan, and William Gallery, "Elections Systems and Political Parties in Post-Conflict and Fragile States," in *Governance in Post-Conflict Societies: Rebuilding Fragile States* (New York: Routledge, 2007).

467. S/CRS, "Transition Elections," 2007.

to run for office. Ensuring representation of marginalized groups is a fundamental aspect of ensuring broad-based public involvement and support for political processes. Recognize and empower women in these activities, as they often make up the strongest constituency for peace.<sup>468</sup> UN Security Council Resolution 1325 recognizes and mandates the participation of women in the political process.<sup>469</sup> Consult and inform women's organizations about political processes, support women's participation in government administration, and provide training and resources aimed at developing female leadership.<sup>470</sup> Depending on the situation, quotas or other such mechanisms may be an effective way to help correct power imbalances and ensure full participation of marginalized groups.<sup>471</sup>

**8.8.21 Provide political parties with necessary training and support, but ensure neutrality in delivering that support.**<sup>472</sup> Many political parties will have limited know-how in civic processes. Assist parties in strengthening their voter bases by training them to be responsive to the needs of their constituencies. Help smaller parties increase their impact by building coalitions across society. Ensure equal access to media outlets, opportunities for campaigning, and training forums to inform party members about their roles and responsibilities. Financial support is also critical for the viability of political parties. While some states may be prohibited from providing direct assistance to political parties, create public financing laws or an international fund through which political parties can legitimately access financial support. But keep in mind that the neutrality of international actors and the existence of equitable access to support are critical to perceptions of legitimacy and the appearance of a balanced playing field.<sup>473</sup> Regulate the flow of money in the political sphere by means such as limiting campaign and party contributions, banning donations from foreign nationals, placing spending limits on campaigns, creating time limits for the campaign period, ensuring public disclosure of expenditures, and providing some public campaign financing to limit dependence on donors.<sup>474</sup>

## 8.9 Trade-offs

**8.9.1 Rapid and effective delivery of essential services vs. legitimacy for nascent government institutions.** International actors may be the only ones capable of providing essential services to the population in the early stages of recovery. But having international actors provide critical services can sacrifice legitimacy for nascent government institutions, even though they lack the capacity to provide those services. Carefully balance urgency to deliver with the need to build local capacity.

**8.9.2 Hiring host nation actors to assist international organizations vs. staffing domestic institutions.** International organizations often attract some of the most educated and experienced host nation actors. While this temporarily boosts the economic well-being

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468. Ibid.

469. United Nations Security Council, "United Nations Security Council Resolution 1325," available from <http://www.peacewomen.org/un/sc/res1325.pdf> (accessed June 17, 2009).

470. Conaway, "The Role of Women," 2006.

471. S/CRS, "Transition Elections," 2007.

472. Ibid.

473. United States Agency for International Development, *Money in Politics Handbook: A Guide to Increasing Transparency in Emerging Democracies*, 2003. Hereafter: USAID, *Money in Politics*, 2003.

474. Ibid.

of those individuals and helps international organizations achieve their goals, it can also deprive domestic institutions and organizations of domestic talent that is badly needed.

**8.9.3 Rapid service delivery and resource procurement vs. empowerment of spoilers or criminal elements.** International humanitarian organizations and military forces spend vast sums of money on projects that can have a substantial political and economic impact. In the quest to provide rapid delivery of services, internationals or domestic government bodies may need to use or purchase resources from spoilers, which can inadvertently empower them and undermine the legitimacy of the state.

**8.9.4 Responsible fiscal management vs. the need to provide immediate services.** Under pressure to provide services, nascent governments may spend significant amounts of money that require robust oversight to ensure that the funds are properly spent. Fiscal management reform, however, can take years to build, and capacity will likely be weak. The government will have to carefully maneuver between the need for short-term results and the reform of public expenditure management.<sup>475</sup>

**8.9.5 Early elections vs. maturation of politics and processes.** Elections are necessary to provide representative governance and bestow legitimacy on a new government. Running the country for too long with government appointees can reduce domestic and international legitimacy for governance institutions. However, rushing to hold elections before the necessary conditions exist can undermine the political process and create barriers to future political development. Carefully balance the pressures to hold elections with the patience needed to do the job right.

**8.9.6 Political appointments vs. meritocracy.** Appointing warlords and other power brokers who played a role in violent conflict, but who may have no qualifications, is often a necessary step to facilitate an end to hostilities. Meritocratic appointments, conversely, offer opportunities to bring in qualified individuals to govern effectively based on talent and technical skills. One way to manage this trade-off is to limit the time period for political appointments during a transition phase after violent conflict ends and increase meritocratic appointments gradually.<sup>476</sup>

## 8.10 Gaps and Challenges

**8.10.1 Making peace pay and civil service reform.** The failure to adequately resource personnel budgets and pay service providers regularly and on time are recurring challenges in S&R environments. This shortfall has a direct impact on the legitimacy of the host nation government, corruption, and security, as warlords and other spoilers step into the vacuum. Reinstating a government payroll with adequate donor assistance and oversight in the initial stages and a major reform and rebuilding effort to create an effective civil service are required.<sup>477</sup>

**8.10.2 Subnational governance.** Decentralizing governance by strengthening and empowering subnational institutions can have destabilizing effects, particularly when insecurity or threats to the central government persist and emanate from specific regions. The potential for spoilers to control local governments raises concerns for continued conflict.

475. USAID, "Guide to Economic Growth Program Planning," 2009.

476. Ibid.

477. UNDP/USAID, "First Steps," 2007.

Address this challenge through greater accountability and oversight of subnational governance institutions, incremental steps toward decentralization, and choosing decentralization options based on local conditions.<sup>478</sup>

**8.10.3 Security sector governance.** Security sector reform tends to be focused on the vetting, training, and funding of the security forces, with less attention on the need for effective governance over the security sector. This has led to the misuse or theft of equipment and funds, corruption in the forces, and collusion of security forces with spoilers and opponents to the peace process. The need to focus on developing accountable and capable civilian government authorities, nurturing specific civil society involvement in oversight, and providing judicial checks on abuse could not be more necessary.<sup>479</sup>

**8.10.4 Oversight and accountability.** Government leaders and personnel may divert public funds for private use, accept bribes from spoilers in exchange for lucrative contracts, and engage in other forms of corruption. The absence of mechanisms for oversight and accountability poses serious governance problems for societies emerging from conflict. Oversight mechanisms should be implemented early and may include controllers and auditors within executive institutions and parliamentary or civil society commissions that work externally.<sup>480</sup>

**8.10.5 Human capital for basic governance functions.** Many war-torn societies face high levels of illiteracy and lack professional skills for governance due to inadequate education and training programs during prolonged conflict. In the face of this challenge, international donors provide direct technical assistance in the form of international personnel or turn to private contractors, NGOs, or informal providers on the local level. The costs for technical assistance absorb high percentages of central budgets, capacity for self-government remains weak, and ineffective administration for governance results. Investments in training and education across many professions should be a central priority.<sup>481</sup>

**8.10.6 Democracy in societies emerging from conflict.** The establishment of democracy after violent conflict has proven to be immensely challenging. Bad actors emerge under the cloak of democratic elections; traditional or informal sources of power assert control and challenge those legitimately elected to lead; and the demands and complexity of democratic systems overwhelm decimated states. The extraordinary difficulties may be overcome with time and resources and development of the foundation for sustainable democratic self-government.<sup>482</sup>

**8.10.7 Transition from international to host nation actors.** Immediately after large-scale violence ends, international actors may have to perform the bulk of governance functions because capacity among local actors will be weak. The inability to transition these functions effectively from international to host nation control impedes capacity development

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478. USAID, "Guide to Economic Growth Program Planning," 2009.

479. See example, Articles 17–51, "Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society," Guatemala (September 19, 1996) [http://www.usip.org/files/file/resources/collections/peace\\_agreements/guat\\_960919.pdf](http://www.usip.org/files/file/resources/collections/peace_agreements/guat_960919.pdf) (accessed June 17, 2009).

480. UNECA, "African Governance Report," 2005.

481. Ashraf Ghani and Clare Lockhart, *Fixing Failed States: A Framework for Rebuilding a Fractured World* (Oxford: Oxford University Press, 2008).

482. Brinkerhoff, *Governance in Post-Conflict Societies*, 2007.

of leadership and staff and results in dependencies that are difficult to reverse.<sup>483</sup> As soon as possible, these responsibilities should be transitioned to local actors, with appropriate safeguards, in order to promote capacity and ownership and to ensure legitimacy over the long term. Managing this transition has proven to be extremely challenging.

**8.10.8 Identity and issue politics.** Identity politics will likely be both divisive and prevalent in societies emerging from conflict and will challenge those who seek political moderation and accommodation. Issue politics—those built around concerns such as economic progress, health care, education, and human rights—offer a more lasting remedy to prevent renewed conflict. They avoid creating divisions along ethnic, religious, or other forms of identity that likely precipitated the conflict. Building political processes to recognize this reality and sustain peace will involve managing the trade-offs between the two forms of politics. Dealing effectively with issue and identity politics is also a gap in current knowledge and a challenge in practice.

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483. Anten, “Strengthening Governance,” 2009.