IFP DEMOCRATISATION AND TRANSITIONAL JUSTICE CLUSTER

# SOCIETY IN STATEBUILDING

## Lessons for improving democratic governance

### Synthesis report

Edward Bell

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INITIATIVE FOR PEACEBUILDING

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The Initiative for Peacebuilding (IfP) is a consortium led by International Alert and funded by the European Commission. IfP draws together the complementary geographic and thematic expertise of 10 civil society organisations (and their networks) with offices across the EU and in conflict-affected countries. Its aim is to develop and harness international knowledge and expertise in the field of conflict prevention and peacebuilding to ensure that all stakeholders, including EU institutions, can access strong independent analysis in order to facilitate better informed and more evidence-based policy decisions.

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**The members of the IfP Democratisation Cluster are Clingendael, EPLO, FRIDE, ICTJ, International Alert and PDCI.**

These organisations each produced a country analyses (Pakistan, Angola, DRC and Georgia) with the aim of shedding light on the nature of governance in conflict-affected countries of very different types. The ICTJ complemented the case studies by exploring the notion of justice in peacebuilding, including the full range of transitional justice goals and instruments.

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# SOCIETY IN STATEBUILDING

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# ACRONYMS

| | |
|---|---|
| **DfID** | UK Department of International Development |
| **DRC** | Democratic Republic of Congo |
| **FATA** | Federally Administered Tribal Areas |
| **GDP** | Gross Domestic Product |
| **IfP** | Initiative for Peacebuilding |
| **INGO** | International non-governmental organisation |
| **MDGs** | Millennium Development Goals |
| **NWFP** | Northwest Frontier Province |
| **PRSs** | Poverty Reduction Strategies |
| **PRSPs** | Poverty Reduction Strategy Papers |

# EXECUTIVE SUMMARY

Many experts, inside and outside of development agencies, are trying to improve donor support to democratic governance in fragile and conflict-affected countries. They are beginning to look much more closely at power dynamics and incentives for change. Yet, as a whole, aid institutions tend to promote better governance by promoting capacity in executive government, representation and accountability through parliament, an autonomous civil service, and an active civil society. These are largely conceived out of western experience and can be overly "supply-driven". The goals are articulated through nebulous concepts such as "legitimacy" and "effectiveness".

Not only do the concepts remain open to wide interpretation, but western agencies cannot escape a fundamental paradox – that, although physical proximity and personal contact may give local political leaders a certain capacity and popular legitimacy, these local political ties may also be the main drag on the more open and equitable socio-political "orders" to which donor agencies aspire. At the same time, notwithstanding the inequity sustained by the local political ties, they may still be the best place to begin when looking at how to make leaders accountable in specific contexts.

In all contexts, the dilemmas are multiple and the right trade-offs will depend, as always, on the time and the place. The country analyses (Angola, Democratic Republic of Congo, or DRC, Georgia and Pakistan) produced by the Initiative for Peacebuilding (IfP) in this cluster aim to shed light on the nature of these governance issues in conflict-affected countries and make recommendations on how best to tackle them.

To help improve participation in political decision-making, external agencies must start with a deeper understanding of how ordinary people relate to the governance system – both formal and informal – that shapes their day-to-day lives. They need also to navigate better through the constraints implied by their mandates, contradictions in foreign policy as well as the simplistic aid paradigm that is centred on the notion of "national ownership" and "aligning" aid with government priorities.

The Paris Declaration on Aid Effectiveness represents a valid generic set of development aspirations. It is vital, however, given the depth and breadth of the governance problems that drive conflict, to identify the right sequence of actions for the right outcomes. This is needed before locking assistance into a narrow world of patronage by the governing elite. Where greater accountability is sought through elections, it is important to ensure that they do not end up as a paper exercise. Other programmes must be implemented before, during and (for years) after the event in order to start to change the way that citizens and officials of the state relate to each other. Changes within formal institutions and headline initiatives on "corruption" may amount to very little if the broader political culture and expectations of ordinary people are not also steadily transformed in the political and socio-economic spheres. This must necessarily involve an end to cultures of discrimination and impunity.

External agencies should seek instead to pursue the potential that is inherent in all development assistance to increase participation and improve governance. This would include:

- Using the processes for defining development strategies (such as Poverty Reduction Strategies, or PRSs) to widen and deepen their "ownership" by society as a whole (and not just a government), going beyond the traditional civil society consultations around the Poverty Reduction Strategy Papers (PRSPs) that usually take place in urban centres and where the range of people represented is often an issue;

- Integrating local initiatives that strengthen accountability between people and local officials into sectoral work, such as education, health or infrastructure;

- Making the investments necessary to design and deliver development programmes that have governance impacts locally; and

- Employing for all operations performance criteria that incentivise efforts to institutionalise negotiation and consensus-building within communities and between public administration and citizens.

# INTRODUCTION

> *'Democratic governance primarily seeks to promote the power and influence of poor people in society through a democratic political process, which is characterised by participation, equality in dignity and rights, transparency and accountability. The state's will and capacity to live up to its responsibility, and to the best of its ability, for guaranteeing the human rights and freedoms for all women, men, girls and boys, is central'.*
>
> Swedish International Development Agency (Sida) (2003). *Digging deeper: Four reports on democratic governance in international development cooperation*. Stockholm, Sweden.

"Democracy" refers to "government by and for the people", but there is neither a set definition of this concept nor any pre-established recipe for putting it in place. Most countries hold elections as the centrepiece of a formally "representative" model of democracy – selecting individuals for legislatures and executive government. However, democratic governance involves much more than elections. It is made up of a complex variety of principles, institutions and responsibilities which span politics and society[1] and are integral to "statebuilding".[2] To endure, such a system of interlocking elements must also be understood and sought by a country's people. This makes the goal and process of "democratisation" extraordinarily ambitious and difficult to achieve.

Yet there is clear evidence that "fragile" countries – places where governments cannot or will not respond to the needs of their people and where many lack a "voice" in political decision-making – face particularly severe development challenges and remain furthest from meeting the Millennium Development Goals (MDGs).[3] Their governance systems contribute to the instability which prevents or reverses their development. They also present enormous challenges and dilemmas for the planning and delivery of aid and for sustaining regional and global security. Improving governance, therefore, has to be part and parcel of international engagement in these places – but how?

The work produced under the Democratisation Cluster of the IfP, particularly its four country analyses (Angola, the Democratic Republic of Congo or DRC, Georgia and Pakistan), aims to shed light on the nature of governance in conflict-affected countries of very different types. The research distinguishes formal and *informal* political structures and focuses on the "political culture(s)" that exist in these places – as well as in sub-national regions within them. It also outlines the impacts of the activities and interests of external actors which affect those dynamics. By directing attention to the interactions between state and society, and among different social groups, the overarching objective is to help external agencies and conflict-affected societies generate a culture of public participation in decision-making and of accountable, responsive government.

1 See, for example, D. North et al. (2008) *Governance, growth and development decision-making*. Working Paper. Washington DC, US: World Bank.

2 "Statebuilding" is a central pillar of the new Organisation for Economic Cooperation and Development (OECD) Development Assistance Committee (DAC) International Network on Conflict and Fragility (INCAF), and was identified as a core concern in the Accra Agenda for Action agreed at the Third High Level Forum on Aid Effectiveness on 4th September 2008. For example, see: OECD-DAC (2008). *Concepts and dilemmas of state building in fragile situations: From fragility to resilience*. Paris, France: OECD-DAC.

3 According to one estimate by the UK's Department for International Development (DfID), there are 46 "fragile states", containing 870 million people or 14 percent of the world's population. DfID (2005). *Why we need to work more effectively in fragile states*. London, UK: DfID.

# KEY FINDINGS

*'The development community is in a bind over governance. As the UN Secretary-General noted in his 1998 annual report on the work of the organisation, "good governance is perhaps the single most important factor in eradicating poverty and promoting development in Africa or elsewhere". But, despite the proliferation of governance reform efforts, progress has been meagre and hard to sustain'.*

Institute of Development Studies (IDS) (2006). *Getting real about governance.* IDS Policy Briefing. Brighton, UK.

## CONCEIVING THE AGENDA

- Complementing (or in parallel to) its longstanding interest in promoting "democracy", the western donor community is now also paying considerable attention to issues of "statebuilding". Donor policy and country initiatives have begun to include welcome attention to the interface between "state" and "society".[4] Many donors have underlined the importance of a strong "social contract" and what the UK Department for International Development's (DfID) 2007 paper entitled *Governance, Development and Democratic Politics* called a 'culture of democratic politics – a politics that recognises the right of governors to govern, while at the same time recognising the rights of the governed to possess the ultimate sanction: the right of holding governors to account and removing them from power in free and fair elections'.[5]

- Notwithstanding the growing attention of western agencies to the notion of a "national political community", there are inherent tensions between theory and practice. The underlying purpose of western governance "interventions" is essentially to create the institutional and societal preconditions for a state that recognises equal rights and ensures equity of opportunities as pillars of stability and human security. Yet, while there may be resistance at the centre, this may pale in comparison to entrenched *local* practices that constrain access to opportunity. These are both political and socio-economic in their nature. In such situations, western agencies cannot escape the paradox that, although physical proximity and personal contact may give local political leaders a certain popular legitimacy, these local political ties may also be the main drag on the more open and equitable "orders" to which these agencies aspire. At the same time, notwithstanding the inequity sustained by the local political ties, they may still, as argued in the DRC study, be the best place to begin when looking at how to make leaders accountable in specific contexts. The dilemmas are multiple and are explored below.

- Efforts towards governance ideals, usually pursued by specialist staff under special instruments, are fraught with obstacles in dozens of countries that receive such assistance. Firstly, sovereign states may see "democratic governance" as an externally-driven political agenda that infringes upon principles of non-interference. Donors are particularly unlikely to be willing and/or able to actively counter this resistance in countries such as Angola, Georgia and Pakistan that have geo-strategic importance for western countries – for reasons relating to energy and/or security – and a low aid-to-Gross Domestic Product (GDP) ratio. In countries like the DRC, western countries may hesitate to tackle it because to do so might generate accusations of neo-colonialism. Secondly, since democratisation processes entail changes in the nature and

4 'State building is about strengthening state-society relations and working with all three branches of government (executive, judiciary, legislative) and civil society. State building takes place at all levels of government – from local to national'. Kinshasa statement of 2nd July 2008 in preparation for the Accra High Level Forum, 2nd-4th September 2008. See also, for example: A. Whaites (2008). *States in development: Understanding state-building.* Working paper, Governance and Social Development Group. London, UK: DfID.

5 DfID (2007). *Governance, development and democratic politics: DFID's work in building more effective states.* London, UK: DfID.

distribution of political power, they may themselves drive instability and violent conflict, undermining in the short to medium term the very objectives of peaceful development that are being pursued.[6]

- Attention to the underlying "political culture" nonetheless remains vital in all sectors and in all localities. The validity of this emphasis is borne out by IfP research in-country and within provinces. In Angola, for example, 'despite rhetoric on increased transparency, accountability and democratisation, little has yet been accomplished to overcome the gap between ruler and ruled'.[7] In the DRC's eastern provinces, meanwhile, research on local governance suggests that 'many [citizens] do not anymore believe in their personal capacities to influence the behaviour of the administrative and political elite'.[8]

**Box 1. Political culture**

Political culture is a nebulous concept that combines a number of elements. Building on work led by Sue Unsworth for the UK Department for International Development (DfID)[9] and, more recently, the Netherlands Institute for International Relations "Clingendael", the Initiative for Peacebuilding (IfP) compiled the *State-Society Analytical Framework*[10] as a way to explore the following issues:

1. *Political community*: To what extent do the inhabitants of a country believe that they share an identity, interests and mutual obligations as "citizens" of that state?
2. *Political accountability*: What arrangements govern the relationship between the "rulers" and the "ruled"? What is their basis? Do they reinforce broadly based, mutual rights and obligations?
3. *Political and economic institutions*: How do these operate? By what (formal/informal) rules are they governed? How far are they separated from the sphere of personal relations? To what extent does the public accept those rules?
4. *Competition for political power*: What are the ways of mobilising people? How do they allow for aggregation of interests and negotiation between political groups?

- Sometimes, external agencies abandon explicit democratic governance priorities in the name of country (i.e. state) "ownership" of development processes and in favour of technocratic approaches to particular sectors and tasks. In so doing, donors reduce important, nuanced concepts such as "statebuilding" to the (albeit still complex) technicalities of building state capacity to supply services. Despite the rhetoric, the political economy of the operating environment may, in practice, be set to one side in defining the approach (project, sector-wide approach and/or budget support) and in implementing the activities. It then becomes the elephant in the room

## THE DILEMMA OF "ELECTIONS"

- In some places, "traditional" external actors may engage heavily in an explicitly "governance" arena by giving political and substantial financial support to elections. Particular investment is made in countries that are emerging from civil war. The logic of generating popular legitimacy behind national authorities is self-evident. Moreover, very often the initial outcomes are encouraging and worthy of the headlines announced around the world. As the study on the DRC's South Kivu province underlines in respect of the country's general

6 OECD-DAC (2006). *Democratrisation and violent conflict.* DAC Issues Brief. Paris, France: OECD-DAC. Also, T. Ohlson and M. Söderberg (2003). *Democratisation and armed conflicts in weak states.* Stockholm, Sweden: Swedish International Development Agency (Sida). Available at http://www.oecd.org/dac/conflict/participants.

7 S. Kibble (2006) quoted by P. Ferreira (2009). *State-society relations in Angola*: *Peace-building, democracy and political participation.* Democratisation and Transitional Justice, Initiative for Peacebuilding. Available at http://www.initiativeforpeacebuilding.eu/publications/index.php.

8 K. Vlassenroot and H. Romkema (2007). *Local governance and leadership in the eastern DRC.* The Hague, Netherlands: Oxfam-Novib.

9 For example, see: S. Unsworth et al. (2004). *Better government for poverty reduction: More effective partnerships for change.* London, UK: Department for international Development (DfID).

10 Netherlands Institute of International Relations 'Clingendael', FRIDE, International Alert and Partners for Democratic Change International (PDCI) (2008). *State-Society Analytical Framework.* Democratisation and Transitional Justice Cluster, Initiative for Peacebuilding. Available at http://www.initiativeforpeacebuilding.eu/pdf/State_and_Society_Analytical_Framework.pdf. It draws considerably on the work of the Drivers of Change team, Policy Division, DfID in 2001-2004..

presidential, legislative and provincial elections of 2006–7 – the first multiparty elections in the DRC in 40 years – 'The pride and excitement the Congolese people had in the fact that their country was on the cusp of joining the ranks of the global democracies was visible, as was the intense hope people had that the democratic process would improve their lives'.[11]

- The problem is what happens next. Having become tied to a timetable which is more about holding elections *as an event* than on promoting a process of increasing the representativity and accountability of decision-makers, donors may be forced largely to ignore issues such as social fragmentation, and the actual norms and mechanisms by which some citizens do exercise a certain degree of "voice" and claim rights and entitlements – and therefore lose opportunities to build improvements in governance on the systems and norms that actually exist. Angola and DRC are examples *par excellence* in which extremely low societal expectations, along with the "exhaustion" of the population after years of war, led to huge victories for the ruling party, cementing its dominance in all aspects of politics and society.

- The result of over-rushed, untimely or badly sequenced elections, unaccompanied by other sustained mechanisms and processes to promote governance improvements can then be a deterioration of the responsiveness of state agencies for the *collective* good of the population as a whole. At the national level, a ruling party (perhaps dominated by a single ethnic or other identity group) increases its veneer of legitimacy abroad, and perhaps at home. Locally, power holders with wealth and/or support from state or military authorities may be able to consolidate their position and use their additional power to further their vested or patronage interests.

- The key point is not that elections worsen the status quo *per se* but rather that elections on their own are not enough and that, without the right accompanying activities, they can in some circumstances make things worse. What is essential is that the country's stakeholders and its external donors take a long-term view about the timeframe and activities that are required to transform political culture(s) – in terms of both the way that power is exercised and how it is constrained.

## THE DILEMMA OF DEVOLVING POWER TO PROVINCES

- Like national elections, the devolution of power to local areas carries great potential to influence the dynamics of legitimacy. In theory, by narrowing the distance between those that govern and the people their decisions affect, the accountability relationships should be strengthened. The notion of ensuring that officials in the localities are elected locally and not appointed certainly sounds sensible. However, as donors like the EC have themselves recognised, there is a risk that 'ethnic, religious or class divisions in society may be exacerbated rather than channelled into democratic debate'.[12] In practice, the outcomes of such processes can be both positive and negative depending on their goals. For example, as the DRC study argues, an emphasis on the quality of local governance does not necessitate the holding of local elections. Results also will depend on how the implementation unfolds.

- Depending on the context, outside actors may, in the name of democratisation, unintentionally accelerate processes that may have adverse affects on accountable and responsive governance. Such processes include the decentralisation of power to nascent local institutions. The experience in Pakistan, for example, as the IfP case study puts it, is that 'decentralised institutions, at least in those areas where law and order are under the control of the federal government and with a strong military presence, have not led to a devolution of power, but to a consolidation of control by the centre of the local levels of government'.[13]

- In a country as socially complex and fragmented as the DRC or even a district with relatively few social divisions such as Javakheti in Georgia (between Georgian and Armenian-speaking citizens), an elected

11 J. Smith (2009). *Democratisation and good governance in the Democratic Republic of Congo: A case study of South Kivu Province.* Democratisation and Transitional Justice Cluster, Iniitiative for Peacebuilding. Available at http://www.initiativeforpeacebuilding.eu/pdf/Democratisation_and_Good_Governance_in_the_Democratic_Republic_of_Congo.pdf.

12 European Commission (EC) (2006). *EIDHR Strategy Paper 2007–2010*. Brussels, Belgium. Available at http://ec.europa.eu/europeaid/where/worldwide/eidhr/documents/eidhr-strategy-paper-2007_en.pdf.

13 M. Mezzera and S. Aftab (2009). *Pakistan state-society analysis*. Democratisation and Transitional Justice Cluster, Iniitiative for Peacebuilding. Available at http://www.initiativeforpeacebuilding.eu/pdf/Pakistan_State_Society_Analysis.pdf.

system may accentuate tribal or other "identity-based" allegiances and divisions, particularly in a "first-past-the-post" system. Moreover, where civilian or military elites at the centre are already dominated by one political movement (as in Angola or Georgia) or provincial group (as with Punjabis in Pakistan), they may also be able to manipulate the nascent local state institutions in their favour. A skewed, unrepresentative system of controlling appointments and promotions at the centre would then be replicated locally.

- In situations where power is being officially devolved from the centre, other complex issues which have the potential to drive conflict or help increase cohesion include the fixing, collection and allocation of taxes (between local areas and national bodies) and the selection of "official" languages and/or language criteria for recruiting and promoting locally-based state officials and provincial politicians. For example, as the Georgia study outlines, language has been the most serious impediment to forming a unified political community. Georgian legislation prescribes that administrative proceedings must be in Georgian and that all public-sector employees speak Georgian. However, locally, the law is not only difficult to enforce, but if it were to be implemented, may accentuate divisions between non-Georgian speaking communities and their local state officials.

- As a further example of the multiple complexities of a democratic governance agenda, it can, be argued the other way, as with the Angola study, that decentralisation is also 'an effective way to strengthen control over the municipalities' and to reduce the 'discretionary powers of provincial governors, therefore eliminating the risk of governors becoming unaccountable and authoritarian'. It all depends, as ever, on the details of the process in relation to the political economy of the context.

## THE DILEMMA OF "UNWESTERN" AND/OR NEAR-ZERO EXPECTATIONS

- A particularly marked characteristic of many fragile and conflict-affected situations is that the expectations that people have of their (formal and informal) government system are often very limited. This is certainly quite different from the political mentalities of western country electorates. In places such as the Federally Administered Tribal Areas (FATA) of Pakistan that are essentially beyond central government control, feelings of belonging to a national political community are basically non-existent. Meanwhile, in the villages of Samtskhe-Javakheti province, Georgia, and many of the "territoires" of DRC's South Kivu province (where logistical challenges and armed groups mean that Congelese state authorities have little "reach"), notions of common and shared citizenship are also likely to be much weaker than traditional bonds of ethnic and cultural kinship. In some instances, as in much of eastern DRC, large numbers of locally-resident people, including people who have lived in the area for generations, continue to be rejected as "foreigners" by other local communities and perhaps state security services. This may fuel a desire to be "protected" by a non-state armed group.

- The ties relating to "identity" or traditional hierarchies, such as to rural landlords in Pakistan or local "mwami" (chiefs) in the DRC, are powerful forces that often cannot be managed or even influenced from the national capital. The reality of local governance in many places is, therefore, that the strength of the social contract in communities is primarily determined by the day-to-day interactions with local leaders and/or, perhaps, public administration officials (in the health, education or agriculture sectors). Such interactions matter far more to a person or community's experience of exercising "voice", negotiating options and motivating action than ministries located hundreds or thousands of miles away.

- It is often the case that, in the absence of the formal processes of the national government, a series of societal practices and coping mechanisms have emerged in their place, providing a degree of stability and even predictability at the local level. The IfP research in South Kivu, for example, shows that completely separate from the electoral process and access to formal oversight mechanisms, there are grassroots efforts aimed at holding both civilian and military leaders to account. Inevitably in the context of the DRC, some of these show signs of success and others less so. Evidence in South Kivu does, however, suggest that it was not the fact of being elected that provided the crucial "accountability link" between the leader and the population, but rather the physical closeness or accessibility to the population, interacting with other factors such as shared identity, that created the pressure for the leader to act in the public interest.[14]

14 J. Smith (2009). Op. cit.

## THE IMPORTANCE OF GENDER "SENSITIVITY"

- In different contexts, the nature of social relations and public "voice" will vary greatly between women and men. The nature of social relations and hierarchies between the sexes varies dramatically according to evolving interpretations and perceptions of household roles, community traditions, institutional (including party political) practices as well as religious ideologies. Where, for example, there are women formally elected to parliament or dynamically active on the local or national political scene, this may mask entrenched and unchanging discrimination and exclusion (notably in relation to holding title to household assets). As highlighted by some of Alert's work in eastern DRC, customary songs, sayings and the "rumour mill" provide a good indication of, and themselves sustain, male and female attitudes that hinder greater gender equality – notwithstanding the courage and dynamism of many local people and civil society groups.[15] In Pakistan and DRC, the IfP research underlines the gap between the prominent role of some women in politics and institutional positions compared with prevalent traditional practices such as those limiting women's rights to inherit family land.

- The "formal" situation should also be seen as largely irrelevant particularly where armed forces enjoy near-total impunity for attacks perpetrated on defenceless or "opposition" populations. In remote secteurs of South Kivu, for example, a militia fighter's rape of a man, women or child of an "enemy" ethnic group may go unquestioned by his comrades and perhaps community. An attack on kin, on the other hand, might carry an immediate death penalty. The DRC also exemplifies the problems whereby no civil judicial authority can pursue a prosecution of a soldier accused of sexual violence and where relatively small payments to officers-in-charge can lead to the quick release of an arrested suspect.

- In other places, "official" legislative and institutional changes may actually indicate a genuinely positive evolution of the context where it is underpinned by improved education, increased exposure to the more cosmopolitan ways of "urban" life and, above all, greater access to economic opportunities. In Pakistan, the quality of women's voice and rights appears to be directly linked to their socio-economic status and the degree to which caste traditions are still practised.[16] Research in Georgia suggests also that the advent of a particular institutional framework can also add momentum to positive change. There, the Human Rights Ombudsman's office, responsible for overseeing protection of human rights and freedoms, is beholden to only the constitution and the relevant laws, and interference with its activities by any party is illegal.[17]

- The key for serious gender analysis is to dig below the surface and to disaggregate the issues. For example, with respect to the position of women in society, qualitative findings from the country studies are diverse. In Georgia's Samtskhe-Javakheti province, for example, Armenian-speaking communities retain "traditional" social practices that limit women's public roles rather more than their Georgian-speaking neighbours. In the district as a whole, meanwhile, the position of women in public affairs bears no comparison with the situation among the educated urban population of Tbilisi. In Pakistan, despite the relatively visible presence of women in the country's parliament, 76 percent of those women indirectly elected are related to male parliamentarians and, as predominantly Punjabi elites, are unlikely to wield any influence over gender relations in the "conservative" rural areas of the Northwest Frontier Province (NWFP) and Baluchistan. Formal legal provisions or initiatives relating to women's rights and representation in politics must not divert attention from day-to-day realities. Alert's work in DRC on women's political participation, for example, highlights the wide gap between legal requirements on the numbers of women sitting in national and provincial assemblies and the actual number of women chosen "indirectly" by party parties.[18]

15 International Alert (2008). *Les mots qui tuent* [Words that kill]. London, UK: International Alert; International Alert (2008). *Women's political participation in countries emerging from conflict in the Great Lakes Region of Africa: Report of the consultation workshop.* London, UK.
16 M. Mezzera and S. Aftab (2009). Op. cit.
17 E. Metreveli and J. Kulick (2009). *Social relations and governance in Javakheti, Georgia.* Democratisation and Transitional Justice Cluster, Initiative for Peacebuilding. Available at http://www.initiativeforpeacebuilding.eu/publications/index.php. From December 2008, the Human Rights Ombudsman's office will open a regional representation in Samtskhe-Javakheti, with the head office in Akhalkalaki.
18 M. Lyytikäinen (2009). *Building inclusive post-conflict governance: How the EU can support women's political participation in conflict-affected contexts.* Brussels: Initiative for Peacebuilding. Available at http://www.initiativeforpeacebuilding.eu/pdf/Building_Inclusive_Post_Conflict_Governance.pdf.

## DEFINING THE RESPONSE

- In line with many papers before this one, the emphasis here is first on *analysis* as the essential basis for decisions on operational practice. Identifying avenues for improving democratic governance must involve attention to why such a situation has arisen. Notwithstanding the inherent limitations on what can reasonably be known, better analysis means seeking out the underlying and historical factors, as well as evolving dynamics, which determine why governance institutions function the way they do – *i.e.* what makes the context as it is. This process of analysis needs to consider how power is, and has traditionally been, distributed and perceived as between elite groups and provincial areas. It must also look at the nature of political culture(s) – how it is affected by the way information flows as well as by the country's socio-economic system (including factors such as caste).

- The assessment also must take account relatively recent, but fundamental, ongoing changes to the socio-political landscape. Post-war Angola, for example, is seeing the growing dominance of a single party underpinned by oil revenues and a flood of investment from China. The ruling party is extending the politicisation of state structures, including the police, state organisms (notably the civil service through such practices as "lateral entry")[19] and public companies across the country. The dominance of a single ruling party (and its allies) may be perpetuated and even reinforced by the composition of national legislatures (as in Angola and Georgia) and provincial assemblies (as in South Kivu) as well as by the system of appointments to the top levels of the judiciary. In such situations, the institutions that are mandated to provide checks and balances in the system have neither teeth nor much likelihood of acquiring any in the short to medium term.

- In conflict-affected states, such as the eastern DRC and Pakistan's FATA and Baluchistan, the legacy of past atrocities and the psychological impact on affected populations also strongly affects the governance situation. Where perpetrators of crimes remain in the security sector and other public office, these impacts are particularly severe. In such situations, both judicial and non-judicial responses to human rights abuses are necessary. Integrated, comprehensive, and localised approaches to transitional justice should comprise five key elements: prosecuting perpetrators, documenting and acknowledging violations through non-judicial means such as truth commissions, reforming abusive institutions, providing reparations to victims, and facilitating reconciliation processes.[20]

- In other places, ongoing demographic shifts may generate some of the most profound impacts on the political economy of the context. In Angola, for example, the population became increasingly urban during the war. This means that after the conflict, with the government (and ruling party) coffers filled with money from the country's oil and minerals, a bigger share of the population is exposed to government propaganda and to the reconstruction efforts funded in the main cities.[21] In Pakistan, in the already troubled province of Baluchistan, the IfP research points to the emerging impacts of the thousands of Pashtuns arriving in the area, particularly in the capital Quetta. The 'tangible and growing intolerance among the Baluchi towards the presence of Pashtun refugees from Afghanistan' threatens to drive a further deterioration of governance and stability.

- As evidenced in different ways in all the study countries, pivotal issues can also be derived from external factors, including regional spill-overs and the particular strategic interests of international actors including "traditional" donors, multinational western companies, Chinese state banks, shadowy arms dealers, etc. As the Angola study puts it: 'the Angolan political economy cannot be separated from the external constituencies, chiefly the global oil and banking industries, and strongly favourable diplomatic and military currents driven by western strategic interests'. In this context, the problems of internal governance 'are at the same time problems of global governance' in which the constrained forms of global citizenship 'practiced by institutions offshore set limits to citizenship for ordinary Angolans onshore'.[22]

19 This can also be seen in Pakistan. See M. Mezzera and S. Aftab (2009). Op. cit.
20 See the work of the International Center for Transitional Justice (ICTJ) (http://www.ictj.org/en/index.html) and particularly, in the context of the IfP Democratisation and Transitional Justice Cluster, the outcomes of the March 2009 workshop on 'Justice and conflict' in Brussels, Belgium.
21 P. Ferreira (2009). Op. cit.
22 Ibid.

- For the aid agencies committed to principles of equitable, pro-poor development, it often proves extremely difficult to convert conflict or political economy analysis into context-appropriate action. This is because the decisive voices in government policy have prioritised a "harder" interpretation of national security interests and/or because the main institutional incentives of the agency derive from internal factors (notably the reduction of transaction costs or the rapid scaling up of aid flows). Moreover, global policy statements like the Paris Declaration on Aid Effectiveness give little impetus to governance work because they are largely confined to technical efficiency targets and are constrained by "lowest common denominator" politics. The same is often true of much of the multilateral programming by the UN Development Programme, the World Bank and the regional development banks.

- Even where aid officials clearly understand governance dynamics (including the primacy of informal, customary dynamics over formal institutions) and are willing to engage with/on them, the decision of their institution may nonetheless be to proceed with "business as usual" – confining programming to technical trainings for counterpart officials, the construction or refurbishment of buildings or relatively piecemeal funding of civil society organisations. This is perhaps unsurprising given western political experience and the relatively lower complexity of set piece events such as elections and voter education. However, such an approach fails to grab the bull by the horns when it comes to the objectives and processes of democratisation.

# RECOMMENDATIONS

*'It is a much more delicate task for outsiders to become involved in the underpinnings of the social contract that sets the terms of the local political debate. And experience shows that deep-seated cultural and structural factors, which exist in every society, are seldom amenable to rapid change, particularly change pressed by outsiders'.*

Organisation for Economic Cooperation and Development (OECD), Development Assistance Committee (DAC) (2006). *OECD-DAC Development Report*. Chair's overview. Paris, France.

Before making their strategic decisions and project choices, donor agencies (both governmental and non-governmental) should conduct analysis that focuses attention on the foundational factors, rules of the game and immediate dynamics which characterise the context.[23] The following questions are of particular importance:

- How are social and political formations defined by the past, current and/or expected interaction of peoples with each other and with "traditional" as well as formal power structures? Who are the key actors? How do they exert influence? What is the relationship among them?
- How do the dynamics of these inter-relationships determine the types of public institutions that formally exist, their ability to operate effectively and whether they override, strengthen or conflict with informal power-holders? What are the impacts of economic factors and of perceptions of "identity" and kinship on these processes?
- In what ways do cross-border, regional and global factors influence these dynamics?

In each given context, and in light of the above, external agencies should do the following:

1. Reverse institutional resistance to "software" priorities so that country strategies and programming explicitly prioritise the following kinds of objectives:

   **Widening a population's sense of shared identity, interests and mutual obligations at local, provincial and national levels**. This means funding projects that aim to overcome popular rejection of "foreigner" communities (an ongoing priority in the Kivus of eastern DRC and an emerging one in Katanga province, for example) as well as barriers among internal identity groups (such as among the Georgian- and Armenian-speaking peoples of Javakheti). The availability of radio sets, the geographical coverage of bandwidths and the content of programming are usually key issues in conflict-affected countries. Close attention must also be paid in all such countries (including those like Georgia where television is more common) to explicit and implicit objectives in media controls, journalist accreditation rules as well as media licensing and taxation.

   **Changing how people understand their role in a political "community"**. Efforts to improve formal accountability mechanisms, such as elections and "public audits", will no doubt remain in place in many country programming strategies (such as those under the 10th EDF). In line with the DAC Chair's overview to the *2006 Development Cooperation Report*, attention and action is certainly also needed to help media, judiciary and civil society groups provide practicable checks and balances in the political system and reduce the degree that public office is used for private gain. However, greater attention must be paid to the composition of these institutions and groups, their incentives and their geographical coverage. Changes within formal institutions and headline initiatives on "corruption" may amount to very little if the broader political culture

23 See: State-Society Analytical Framework (2008). Op. cit.

and expectations of *ordinary* people are not also steadily transformed in the political and socio-economic spheres.

**Deepening public involvement in influencing strategies, policies and institutional practices, notably at the local level.** This work must not be limited to periodic voter education programmes. It needs to involve sustained support for "citizen education" for their engagement in public affairs and to increase their sense of citizenship, such as through cooperative groups on education by parents or water by users (see below). In addition, more attention is needed to the area of taxation. Public and government understanding of roles and mutual obligations are heavily influenced by a country's experience of revenue-raising. Ground-breaking work is being done by some development institutions to define and implement ways to strengthening the social contract through citizen's involvement in public-revenue raising and the monitoring of public financial management – generally and within sectors (such as education).[24] This work should be deepened and accelerated, not least in respect of how such mechanisms for more "active citizenship" affect men and women differently.

**Strengthening efforts to level the "playing field" between men and women**. The key to changing long-standing social practices lies in transforming levels of public awareness. This means generating a shared sense of areas of common interest among men and women and increasing popular knowledge of the remarkable work done by individuals in certain places to promote equity and equality. This agenda, once again, is about political culture and requires heavy investment. It must accompany the targeted capacity development of political and social leaders – an area in which donors have been, and should remain, engaged. It must also accompany efforts to ensure formal structures have the legal basis and mandate as well as institutional will to combat discrimination.

2. External agencies should also pursue the potential that is inherent in all development assistance to increase participation and improve governance. This would include:

**Using the processes for defining development strategies (such as Poverty Reduction Strategies – PRSs) to widen and deepen their "ownership" by society as a whole (and not just a government).** A one-off series of "set-piece" workshops in the country capital is not enough to achieve self-sustaining momentum in a genuinely participatory process. Donor agencies need to invest significant financial resources to ensure staff are numerous enough, and have the time, to facilitate and accompany the process over a prolonged period of time.

**Integrating local initiatives that strengthen accountability between people and local officials into sectoral work, such as education, health or infrastructure**. This may, for example, involve providing funds and/or logistical support for local health, education or engineering officials to travel out from national or political capitals into outlying districts (rather than pooling such money at the centre). The paper on South Kivu also makes the suggestion that it would be useful in the particular governance context of DRC to offer small loans or grants to local government authorities so that they can invest in works at the grassroots level, instead of the vast bulk of aid remaining tied up with central government negotiations that unfold over a thousand miles away.[25]

**Making the investments necessary to design and deliver development programmes that have governance impacts locally**. In a country as large and diverse as the DRC, improvements to political cultures and state-society relations through donor programming may only come with a decentralisation of resources to provinces *within* countries. The mindset that needs to prevail is that democratic governance in fragile and conflict-affected governance is "*expert labour intensive*" at the district level, must be tailored to the local situation (its structures and dynamics) and, therefore, needs regular staff engagement there.

24 OECD-DAC (2008). *Governance, taxation and accountability: Issues and practices*. A DAC Reference Document. Paris, France. Available at http://www.oecd.org/dac/governance. See also: Centre for the Future State, Institute of Development Studies (IDS) website, 'Research Programme - Phase 2, Programme 1: Public Action and Private Investment'. Available at http://www2.ids.ac.uk/gdr/cfs/research/Phase2/prog1/phase2prog1.html.

25 J. Smith (2009). Op. cit.

**Applying performance criteria for *all* projects that will incentivise efforts to institutionalise negotiation and consensus-building within communities and between public administration and citizens**. This kind of interaction can be integrated into any kind of project or programme, from education delivery to infrastructure. Even if not labelled as such, the process and results can drive governance-related outcomes. It is vital that donors recognise as soon as possible that, in this respect, international non-governmental organisation (INGO)-led projects can have significant "statebuilding" benefits – even where state structures are not themselves in the "driving seat". The crux lies in the project design and the monitoring criteria.

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