F O R U M

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Governance and Democracy in Post-Conflict Situations: Entry Points and Options for External Support

by Tobias Debiel and Ulf Terlinden

Armed conflicts are major obstacles to economic development and put extreme pressure on social cohesion. Even in countries where violence has ended or a formal peace settlement been concluded, the population is faced with the massive task of rebuilding their nations. In this post-conflict phase, the state's authority has often collapsed completely, while warlords, gang leaders and other thugs continue to hold the population at ransom. What remains of the government has often lost its legitimacy because it has failed to provide its citizens with security or prosperity. In an overwhelming number of cases, post-conflict phases are thus periods of precarious and chaotic transition rather than the more ordered progress previously envisioned at the conference tables. Various countries currently in a state of (civil) war are set to become post-conflict societies in the coming years. In 2003 we already counted 37 countries in that group. Good governance and democracy can play a key role in rebuilding post-conflict countries – and international support for these developments may make a difference. Identifying entry points and conceptualising options for external actors can thus contribute to strengthening local and national peacebuilding processes. In the following sections recommendations are made for priority measures, which are differentiated according to four dimensions of governance (security, political, administrative and socio-economic governance). We conclude with suggestions for sequencing good governance measures according to three phases of post-conflict transformation.

Security governance: establishing the monopoly of force, while controlling the security sector

In post-conflict societies security is the most important prerequisite for the development of governance structures and institutions. The present article concentrates on the following areas:

- establishing and maintaining the monopoly of force
- civil control of the security sector

Establishing and maintaining the monopoly of force. This core task of security governance in post-conflict societies involves a dual challenge (Suhrke et al. 2002: xiii). On the one hand, local leaders – and specifically warlords – have to be brought under control. On the other hand, it is important to establish legitimate supervision of the various armed units and the police. This frequently involves the need to balance the vested interests of these powerful actors, without whose cooperation it is impossible to improve governance in post-conflict societies. There is a growing number of cases in which poten-

ABOUT THIS ISSUE

You now have in your hands the issue that coincides with our 11th annual conference. As usual our annual conference is a good chance for all the ERF fellows to meet and discuss each other's papers. Apart from our five themes of research, topics of general interest are discussed. Among them this year is Post Conflict Reconstruction. At this particular time our region is passing through multiple conflicts. The countries emerging from these conflicts require a lot of support from academics and social scientists. It is ERF's goal and ambition to facilitate the communication channels between academics and researchers on the one hand and policy makers. This communication will present to policy makers data and insight that has been collected through scientific measures and that will help in formulating policies that target actual needs of the emerging societies. Following this same theme, the issue starts with a general study of governance and democracy in post conflict situations by Dr. Tobias Debiel and Ulf Terlinden. Dr. Mustafa Nabli then provides us with an overall review of the first year of reconstruction in Iraq. This is of particular interest as the reconstruction of Iraq will receive special attention in our annual conference. Dr. Samir Makdisi has also provided us with an interesting article about the post conflict experience in Lebanon which is a prime example of post conflict reconstruction in the region.

With regards to ERF news Amr El Essawy, our new senior economist has reported for our readers on the proceedings of the conference held to present the Jordan Country Profile. This is the second in a series that will cover the region and which is coordinated by ERF. We hope to see many of you in the annual conference and would like to receive your feedback both

CONTENTS

Governance and Democracy in Post-Conflict Situations: Entry Points and Options for External Support, *by Tobias Debiel and Ulf Terlinden* _____ 1

Reconstructing Iraq: Year One, *by Mustafa Nabli* ___ 5

On the Lebanese Civil War and Post Conflict Trends and Policies, *by Samir Makdisi* _____ 9

In a Meeting on Alternative Development Samir Radwan Addresses the UN General Assembly ____ 13

Jordan Country Profile, *by Amr El Essawy* _____ 14

tial state "guarantees" of the monopoly of force prove inappropriate, incompetent or nonexistent. In this context, Andreas Mehler (2003) has pointed out alternatives to the central state in ensuring public safety. These nongovernmental or proto-statal security actors derive their legitimacy from a) their performance, b) charismatic gifts and ties, c) ideological-symbolic-mythological foundations for leadership claims, and d) congruence with normative fundamental convictions among the population. Under conditions of badly weakened statehood, ensuring public security can – at least temporarily – be assisted by involving traditional and modern nongovernmental institutions.

Civil control of the security sector. In the context of institution building, the security sector is probably the most sensitive area. As it involves the most vital power interests, it can be expected to be the source of the greatest resistance to reforms. One issue of central importance is a clear division of responsibilities between the security organs (police, military, intelligence agencies) and their subordination, accountability and responsibility to civilian authorities. The armed forces – like other organisations – have a tendency to abrogate responsibilities and become more autonomous from the government. Governments in post-conflict societies often fail to set sufficiently clear bounds to these efforts. A typical feature of post-war countries is the problematic division of authority between the various parts of the security apparatus. The army, planned and equipped for national defence, is frequently also responsible for internal security, while the police tend to be relatively weak. In this situation it is useful to prepare the police better for those internal responsibilities that are still being met by the armed forces. Transparency through public control is the only way of preventing spending and responsibilities outside the law. An important element in this is a functional parliament, which exercises control and decision-making rights through its budget powers. Independence of the courts and freedom of the media are also vital prerequisites for pursuing or preventing human rights violations by the armed forces (see also UNDP 2002: 105).

Political governance: dividing power and securing the rule of law

At the heart of this governance dimension is the question of the development of a political system which is legitimate, transparent and as inclusive as possible. In post-conflict societies this should primarily settle the following questions:

- horizontal division of power and inter-ethnic cooperation
- guaranteeing group autonomy and vertical division of power and forms of joint exercise of power through decentralisation;
- clear the way for appropriate democratisation or democratic stabilisation;
- create and secure the rule of law.

Horizontal division of power and inter-ethnic cooperation. In many multi-ethnic countries emerging from violent conflict, party boundaries coincide with ethnic boundaries that may have been exploited for mobilisation in times of war. Where certain ethnic groups dominate, the majority government is particularly hard to reform and has limited acceptance among the structural minority. An authoritarian elimination of ethnicity from politics does not seem a viable approach. One alternative is offered by political systems with strong incentives to compromise on horizontal division of power. Consociationalism which enables multi-ethnic elite coalitions through participation and veto rights (joint exercise of power, group autonomy, proportional representation) is – at least for periods of transition – an important option. Furthermore, the political system can be organized in a way that reduces the incentive of exploiting ethnic divisions for political aims (e.g. through the division into electoral districts with trans-ethnic composition, etc) (Nevers 1993).

Vertical division of power through integrative decentralisation. Particularly in multi-ethnic societies, political governance has to contribute towards sustainable peace-making in majority-minority conflicts. The division of power through integrative decentralisation puts the focus on shifting the balance in political decisions from the central state to the regional and local levels. This may entail a federal structure or strengthening local community self-administration. This shift of decision-making power supports the creation of multi-ethnic units at the lower levels. At the same time, it stresses institutional incentives to expand trans-ethnic political coalitions; e.g. "cross-voting"

procedures in which ethnically divided electoral populations have a limited say in the composition of the political representation of other ethnic groups. Decentralisation is not a panacea and – if poorly prepared – can lead to local despotism and exacerbate conflicts. On the whole, however, it has more potential than risks, particularly as the key to solving a governance problem often lies at the regional or local level.

Democratisation and elections. In the medium to long term, legitimacy in post-conflict societies can only be established through democratisation in the sense of pluralistic systems and democratic elections. This is even more the case in protectorate constellations where normative standards are closely tied to the values of western states. At the same time, there is a – justified – increase in the number of voices rejecting overhasty elections for the purpose of legitimating existing provisional systems of government. In cases of weak statehood it is particularly difficult to maintain minimum standards in terms of procedure and opportunities for participation. A further consideration is that elections in times of widespread uncertainty about current and future developments are counterproductive and are more likely to weaken than reinforce comprehensive reform processes (Ohlson, Söderburg (2002), following Marina Ottaway (1997)).

Rule of law. The rule of law is the central condition for institutionalised conflict management. At the intrastate level, it is a necessary although not sufficient condition for preventing recourse to violence. The rule of law is understood as comprising: tying government action to law and statute; an independent judiciary; constitutionally secured control of the executive; equal access to the courts and equal treatment before them for all citizens (OECD/DAC 1997: 19). The effectiveness of a law is determined by the way it is actually applied by the state, and, equally decisively, by its acceptance among the population. This can be enhanced by reference to local, religious and ethnic traditions, particularly in cases where statehood is only present in rudimentary form. Conversely, however, it may also be important for international actors (particularly if they have assumed ultimate responsibility in the context of protectorates) to distance themselves from former legal systems. This is advisable if – as in Kosovo – these are seen as repressive.

3, Administrative governance: providing basic services and combating corruption

Inseparably involved with political governance is the question of an efficient and effective administrative that is able of supplying the population with public goods and basic services (DFID 2001: 12). In reforming and reconstructing the administrative sector in post-conflict societies, it is mostly possible to draw on existing administrative structures at the level of the central state, provinces and districts. In cases where the state has totally collapsed, there is the option of seeking cooperation with NGOs and traditional institutions.

In immediate post-conflict situations, particularly where statehood has been weakened, it can be counterproductive to strive for perfection. Instead of drafting elaborate blueprints, it is often more effective to focus on the fundamentals of solid administration (Beschel 2002: 4). For this purpose, Collier et al. (2003: 167 et seq.) recommend to keep the public sector relatively small at first, and then to expand it step by step. Although this strategy promises to be resource-effective, it must be remembered that it also impacts vital personal and political interests. Public servants and other administrative employees will strive to preserve existing structures, and their positions within them. If not countered effectively, opposition from these groups can endanger the entire administrative reform process.

Given the large volume of circulating capital in post-war countries, combating corruption is a matter of outstanding importance (Utstein Anti-Corruption Resource Centre 2004: 3). Corruption is not effectively combated through one-off measures or public relations campaigns, which often have a party-political flavour. Instead, a whole suite of measures is required. Important elements are: (1) reciprocal self-policing by donors; (2) creation of institutions for combating corruption (ombudspersons, inspectors, agencies, etc); (3) legislative measures implemented by an independent judiciary and transparent criminal prosecution; (4) support for parliament, the media and civil society organisations in their efforts to achieve greater transparency in the structure and use of public sector budgets (CSIS/AUSA 2002: 7).

Socio-economic governance: creating enabling conditions, transforming economies of violence

The restoration or creation of viable state structures in post-conflict societies requires a pragmatic approach to socio-economic governance. Successes in this area are material and normative prerequisites for the emergence of an effective statehood that is accepted by the population. Within the framework of this accepted statehood, further governance reforms can take effect.

Suitable entry points for promoting socio-economic governance include:

- macroeconomic stabilisation while at the same time satisfying basic social needs
- regulating ownership
- constraining and transforming economies of violence

Macroeconomic stabilisation. For most post-war nations, macroeconomic stabilisation is only possible in agreement with bilateral and multilateral financial institutions (World Bank, IMF, reconstruction and development banks). As part of this cooperation, it is important to ensure exchange rate and price stability and also state liquidity, without endangering the provision of state services in meeting basic needs In post-war situations it is particularly important to take into account the (re)distributive impact of socio-economic governance on a "fragile peace" in a society shaped by the experience of conflict. Specifically, macroeconomic consolidation should not come at the expense of poor population groups, as an increase in economic inequality harbours social dynamite and undermines the legitimacy of the government.

Regulating ownership. Reliable resolution of ownership is required to mobilise and utilise the forces for reconstruction in the society. Returning refugees and internal exiles, as well as small industrialists and investors from the diaspora, need certainty on this question. The legal standards, mechanisms and procedures that existed before the war have frequently – and occasionally deliberately – been damaged during the armed conflict. Administrations have been plundered, archives and registers (where present) destroyed, local repositories of knowledge killed or displaced. Distributing housing and farm-

land has top priority after a war, as these resources have usually been reduced through fighting, landmines, forced redistribution, etc. In such situations, implementing good socio-economic governance requires a rapid definition of procedural rules and laws, and also technical resources and capacities (DFID 2001: 16). Support for mapping, resident registers and land registers can provide very practical help here.

Constraining and transforming economies of violence. The transition from war to peace cannot be successful unless prior consideration is given to the political economy of armed conflict. One of the key insights here is that individual or group interests may favour a continuation or resumption of hostilities (OECD/DAC 2001). If interests are sufficiently strong, there is a danger that markets or economies of violence will sustain. The shortage of legal employment opportunities in post-conflict situations means that mercenary groups are sometimes supported by large parts of the population. Post-conflict societies and their new political leadership are frequently forced to tolerate or even integrate warlords into the political and economic system. This severely limits the possibilities for proceeding against these and other spoilers. Success depends heavily on whether improvements in security and political governance are enough to prosecute possible blockaders or neutralise them politically.

Conclusion: Sequencing good governance measures

Promoting good governance and democracy can be understood as a measure of crisis prevention in states weakened or destroyed by violent conflict. We have outlined needs and possible measures for selected areas in the fields of security, political governance, administration and socio-economic welfare. Because of scarce resources, however, there is a need to prioritise. Sequencing good governance measures appropriately can be key to success. We thus want to conclude with a proposition for dividing post-conflict periods into three phases with distinct challenges (cf. Collier et al. 2003; UNDP no year: 16). In the first phase (which Collier sets at three years), most post-conflict countries have little absorption capacity, particularly compared with the massive inflow of aid. Scope for reform is also tightly restricted, as institutions are overburdened or non-functional. In this phase the main priority is stabilisation, particularly in the security sector and the economy. Social inclusion needs to be established in this period, to prevent a return to violence and to build a basic social consensus. There has to be a clear perspective of this before moving on to other important measures, e.g. in the field of capacity development. There are problems in the lack of legal guarantees and participative structures, together with the continuing tendency to revert to violence in social conflicts. This seriously complicates open and transparent negotiation of positions in public discourse. As a result, support of informal fora for dialogue can become very important.

In the second phase (post-conflict years 4-7), external support measures have their greatest scope. The emphasis is now on capacity development and sustainable promotion to replace improvisation and short-term measures. Often, this is the period when the actual construction and conversion work begins. There is an increased need for remembrance, building legitimacy, and overcoming structures specific to war (economies of violence, inappropriate high military spending, unregulated availability of small arms). It is important to develop broad social support for the reform process so that the transformation can be consolidated in the next phase.

In the subsequent third phase (post-conflict years 8-10), the emphasis should be on elaborating and consolidating constitutional arrangements that define and divide political responsibilities. This includes increased popular participation and the strengthening of democratic control mechanisms. In cases with strong international involvement (protectorates), complete withdrawal of foreign military and civil personnel is a key element of this phase. The backward-looking, collective self-image of a post-conflict society should be moving in the direction of increased normality. Part of that normality is a continued and sustained lobbying for ongoing reforms, e.g. in the fields of civilian leadership of the armed forces, judicial reform, combating corruption, improvement of the administration. Furthermore, the economic basis of state and society requires further strengthening, including a functional tax system, effective macroeconomic management, and the attraction of foreign direct investment.

This framework should not be mistaken for a "one-size-fits-all" approach. We rather want to provide a tool that helps in identifying priorities and in resolving key trade-offs in post-conflict situations. The eventual choice of measures, sure enough, can only be made on the basis of in-depth-case analyses and participatory assessments. Furthermore, involvement of external actors in the political and social affairs of another country is a thorny issue. Thus, in a volatile post-conflict situation any form of cooperation must be double-checked for its intended and unintended social effects.

Notes

1 Following Collier et al. (2003: 103), the term "post-conflict societies" refers to countries, which suffer from wars or armed conflicts in the first ten years after the end of hostilities. While the term "post-war" seems more appropriate to describe this phase, the term "post-conflict" has established itself in the international development discourse. Regarding the figures on war and armed conflict, we refer to data generously provided by the Working Group on the Causes of War at Hamburg University (Arbeitsgemeinschaft Kriegsursachenforschung, AKUF). War is defined by AKUF as violent mass conflict involving two or more armed forces, including at least one regular army. Both sides must have a minimum level of centrally-directed organisation; armed operations occur with some continuity. War is regarded as ended when hostilities cease permanently, i.e. for a period of at least one year, or continue only below the level of the AKUF definition of war.

2 A market/economy of violence is an economic sphere within which the voluntary exchange of goods and services, robbery and mixed forms as blackmail, protection rackets, illegal tolls, etc co-exist as established activities (Elwert 2003: 97).

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