CHAPTER 7
STATE-BUILDING AND SOCIAL COHESION

> State-building has become a leading priority for the international development community. Today, almost every major donor identifies state-building as one of its key objectives, particularly in fragile states.[1] The growing consensus on the need for far-reaching engagements in fragile countries was matched by the recognition, in a post Washington Consensus era, of the crucial role of state institutions in the development process. As the Commission for Africa emphasised in its 2005 report, institutions are crucial to promote development, and states are a critical hinge in achieving the transformations necessary to achieve and to sustain the Millennium Development Goals. The international community also engages in fragile countries with more short-term objectives, which are pursued taking the institutional context as given. But as asserted by the OECD Principles, "the long-term vision for international engagement in fragile states is to help national reformers to build effective, legitimate and resilient state institutions".[2]

The international community should, however, have realistic expectations about the extent to which this domestic process can be influenced. Providing support to strengthen state institutions is not just a technical effort. State-building is a process that requires the creation of a sense of citizenship, and it involves collective values, expectations and perceptions attached to the state by individuals, civil society and communities. Moreover, the formation of responsive, capable and accountable state institutions requires promoting tax collection capacity and mechanisms for bottom-up consultation.

The formation of effective and robust states in Europe took centuries, and this process was deeply rooted in international warfare (chapter 3). There is little ground to support the idea that fragile states can be transformed, in a short time frame, to resemble the Weberian ideal. Indeed, in many African countries fragile states are the result of colonial rules that attempted to forge countries according to the Western model, by imposing rules of territoriality and control. An important challenge to state-building in the continent is the institutionalisation of a sense of common identity and the development of enduring formal structures – without referring to the stylised model of state-building in Europe, which can provide only little guidance to African populations and rulers' efforts to develop effective and legitimate states.

1.   BRINGING THE STATE BACK TO THE LIMELIGHT

> Reshaping the formal and informal foundations of the state to build states that are more legitimate and representative and that serve the public good rather than the narrow interests of those in power is at stake here. This is an inherently long-term endeavour. Redrawing the understanding and arrangements that underpin the polity and bind state and society together requires getting to the heart of embedded power structures and fundamentally altering them. This is likely to be extremely difficult and sensitive, especially given that, in a very real sense, the drive behind state-building, especially in postconflict settings, inevitably lies in negotiation and compromise rather than in fundamental transformation.

State-building is an endogenous process, which the international community can support – but not lead. In its simplest formulation, state-building refers to the efforts by national actors (at times with the help of international actors) to establish, reform and strengthen state institutions, where these have seriously been eroded or are missing[3]. In other words, state-building deals with building the legitimacy and capacity of state institutions to deliver basic services to citizens: security, justice and the rule of law, as well as schools, health, and water and sanitation – all meeting citizens' expectations.

Experiences of state-building interventions show that both ends of the spectrum of international engagement have limited chances of success: neither a minimal approach that focuses only on peace-keeping nor an overarching attempt at institutional engineering can be effective. A gradual approach based on realistic expectations about what international engagement can achieve tends to be more appropriate. The general criterion for state-building interventions should be to leverage all opportunities on the ground, avoiding ambitious plans of complete refoundation of state institutions and of the social contract. And because state-building is a deeply political process, knowledge of the local context and a bottom-up and incentive-compatible approach are crucial to increasing the chances of success for international engagements.

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[1]   Fritz and Rocha Menocal 2007.
[2]   OECD/DAC 2007.
[3]   Caplan 2005.

2. SOCIAL COHESION AND THE INTANGIBLE DIMENSIONS OF STATE-BUILDING

The concept of state-building has evolved considerably in recent years. In the 1990s, the focus was on building and strengthening formal institutions and state capacity. But there has recently been a shift towards recognising that the state cannot be treated in isolation and that state-society relations are central to state-building processes. The core of state-building, especially "responsive" state-building,[4] has come to be understood as an effective political process for citizens and states to negotiate mutual demands, obligations and expectations[5]. A fragile situation is one where no such effective process is in place. Weakness in state institutions, for instance, also relates to power-selection mechanisms, sometimes distorted by ethnic or religious ties, low or absent control on the state executive, and nonexistent public participation in political decisions. This shift has placed the concept of legitimacy – as both a means to building state capacity and an end in itself – at the centre of the state-building agenda.

So, the focus has shifted from a top-down approach of institutional strengthening (focusing on state actors and national elites) to a bottom-up approach, linking state and society (working through civil society).[6] Still, too often, the focus is on elites and on central and formal institutions (see box 7.6 later in this chapter), failing to foster a more inclusive political process and dealing only with the national and not the local.[7] Moreover, the international community has tended to focus on the technical aspects of state-building (such as training programmes for members of the public administration), because these are seen as nonintrusive and apolitical.

If state-building is not only about capacity development of state institutions, but more generally about the negotiation process among citizens, social groups and state, a narrow focus on the technical aspects of institution-building risks neglecting the dynamics of the political process for reconciling state capacity and social expectations. State fragility is indeed a deeply political phenomenon, characterised by the lack of effective political processes that can bring state capacities and social expectations into equilibrium. A focus on the formal aspects alone is therefore unlikely to restore the effectiveness of the political processes that lay at the basis of the social contract. Interventions to build the capacity of state institutions have to be supported and complemented by actions that take into account the roles of perceptions and expectations, of bottom-up consultations and of the degree to which populations feel represented by public institutions.

2.1 TAKING INTO ACCOUNT THE IMPORTANCE OF THE INTANGIBLE DIMENSIONS OF STATE-BUILDING

International engagement in state-building cannot overlook the social and cultural elements that support state institutions. The understanding of governance structures in a country can be profitably improved by analysing how the historical and cultural context shape public perceptions of who the authorities are and which are the existing most influential informal institutions. These intangible dimensions can, for instance, influence political and judicial reforms. The divisions of society along ethnic, religious, racial and spatial dimensions might affect the functioning of the electoral processes. During the process of revising or drafting a constitution, civic education campaigns and deliberation mechanisms that include the population's view can ensure a consensus and build a sense of trust and attachment towards the constitution. Collective values, beliefs, perceptions and cultural values are also important elements of security reforms (box 7.1).

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[4]   Whaites 2008.
[5]   OECD/DAC 2008.
[6]   Pouligny 2009.
[7]   See Kaplan (2009) in volume 1B for a detailed exam of the advantage of involving local actors.

EUROPEAN REPORT ON DEVELOPMENT

Box 7.1: Why local resilience can improve security

By Béatrice Pouligny, Georgetown University

The social and cultural elements that underpin state institutions and ensure that they function are especially significant in fragile situations. Conventional perspectives need to be broadened to look at the multiplicity and diversity of political institutions (formal and informal) and cultures that can support state resilience and state-building processes.

Taking seriously local perceptions and attitudes towards security issues in fragile contexts

A technical focus on institutional reforms directs assistance at the symptoms of the problem rather than at the causes. Experts tend to reproduce technical solutions and rely on template strategies that fail to integrate a thorough understanding of the local situations and are even less informed by local norms and practices. Yet field experiences have shown that reforms and policies in the security sector are bound to fail if they do not integrate intangible dimensions that define how security issues are perceived and can be addressed in a given context.

For example, one of the most pressing issues on the agenda of many fragile states is the reduction of small arms and light weapons. Most studies have shown the importance of looking not only at the supply side of the issue but also the demand side, examining why individuals or groups want these weapons. Questions such as "Why do people possess and buy small arms? What are the political, economic and social functions of guns, and what ideas (about violence, security, justice, authority, self, gender) inform these?" are the focus. This exploration of motivations for acquiring small arms requires anthropologists, criminologists, psychologists, sociologists and behavioral economists. Such approaches emphasise the fact that from the society's perspective, disarmament is more than just about putting weapons beyond use and facilitating their collection. It is also about changing attitudes.

The same is true of the sense of safety, a subjective process. Assessments of security problems and needs tend to be highly subjective. Where this is done exclusively through the filter of such donor concepts as human security, there is a risk that the peculiarities of local perceptions of security will be downplayed or ignored. In any given country, different actors may also perceive and define their security problems in different ways. They may be influenced by a wide range of emotionally, socially and culturally traumatic events and losses and by the destruction of social norms and codes of behaviour. That is what most individuals and communities face in fragile situations, often characterised by violence and unpredictability in daily life. In different fragile contexts, such as Eastern Congo (in the Democratic Republic of Congo), a microanalysis of local perceptions of insecurity may also help prevent violence against civilians and protect local populations, an increasing concern for the international community.

Fragility does not mean vacuum: community mechanisms to manage security threats, deliver justice and facilitate reintegration

In many situations, institutions are devastated, dysfunctional or illegitimate – or even all three. The infrastructure is devastated. There is very low human capacity with few, if any, qualified personnel. And the population has a deep mistrust and lack of faith in the state. In such circumstances the impression may well be that the state apparatus and new institutions need to be rebuilt from scratch, in conditions that are sometimes described as "virtual anarchy". This explains the frequent reference to notions such as a "security vacuum" or "rule of law vacuum".

Yet experience has shown again and again that no such vacuum exists, even when state structures have collapsed completely. Indeed, most of the security and justice in post-conflict and fragile states is carried out not by the state police and judiciary but by nonstate security and justice organisations. Paying attention to existing mechanisms allows a more accurate understanding of the needs of people, and the obstacles, the possibilities and the resources to (re)build a functioning and supportive state/society relationship. Even in situations described as anarchy, as in Somalia or Eastern Congo Democratic Republic of Congo, a variety of actors have been fulfilling in part the functions that would be expected from the state, even though in a dysfunctional way.

Community efforts to reduce the security threats created by the proliferation of small arms – or to reintegrate ex-combatants and rebuild the trust between them and local communities – emphasise local values and intangible elements of the local cultures to build sustainable institutions. In Mozambique and Northern Uganda, traditional rituals have facilitated the reintegration of former child soldiers. These actions have demonstrated the success of strategies that are deeply rooted in the social and cultural context and that consider the subjective and psychiatric dimensions of reintegration.

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- Rituals help transform world views and enable people to make sense of the larger conflict. When world views are crumbling, rituals can create new ways of thinking and dramatically alter the way people see the world. They can also make conflict less destructive by reframing the issues at stake and allowing people to approach problems in new ways.

- These systems (often qualified as "traditional" and "informal") are also broader forms of governance that go beyond dispute resolution. Their leaders and operators may also be involved in the day-to-day functioning of their village or community. While systems may have been seriously affected and changed by violence, they are likely to remain more intact than formal ones.

- A unique contribution of these systems is fostering social trust and community reintegration, particularly in the aftermath of violence. They are almost invariably based on notions of order and community – the primary issue is the well-being of the community, and not just that of the victim.

But these systems can also have drawbacks and dangers, especially for human rights, gender equality and the rights of juveniles. So, traditional and informal mechanisms must be subject to a detailed and contextualised assessment in relation to limitations that can be observed in a variety of contexts: the erosion and potential distortion of traditional authorities and norms, the risk of abuse of power and domination patterns, the risk of political manipulation; the question of legitimacy and effectiveness of the system and the limited applicability across regions/ethnic groups. These limitations are also generally perceived as better addressed by local civil society actors, who can promote and support adaptation in systems that have been constantly changing and being changed in time.

In sum, for donors and international agencies, and especially for the EU, an absolute priority should be to enhance understanding of how populations respond to their daily security problems where the reach of the state system is weak, or states themselves are the cause of the problems.

2.2 TAKING CIVIL SOCIETY INTO ACCOUNT

State-building efforts are bound to fail if – in strengthening institutional capacities, the legitimacy of the state is not restored. Legitimacy has different sources and changes over time, in ways that make it difficult for external actors to understand it fully. Sometimes, when the state is not legitimate, nonstate institutions retain legitimacy, their social role acknowledged by local people. Too much focus on the state thus risks overlooking important actors outside the boundaries of state institutions.

A way to create trust and increase state legitimacy is to go beyond the idea of a state alone and to think of state-building as a way to intervene at the interface of relationships between state and nonstate actors. While capacity-building of central state institutions is important, it is also crucial to support the capacity of civil society to provide the checks and balances on the state to monitor its actions and hold it accountable for its policies.

The challenge, however, is to avoid undermining the position of the state while avoiding competition between nonstate and state actors – and to be aware that state-building might weaken other sources of authority, thus undermining the process.

2.3 PROMOTING A SENSE OF COLLECTIVE CITIZENSHIP AND SUPPORTING MECHANISMS OF ACCOUNTABILITY

Promoting social cohesion and using formal institutions that encourage inclusiveness are important intangible dimensions of state-building. Measures that both unify disparate people in fragile states at the national level and that take advantage of pockets of cohesion at the substate level should be considered. The more successful African states have leveraged a coherent political geography and appealed to the shared history of their people to create a sense of common identity and purpose.

In Botswana, for instance, social cohesiveness might have ensured that the elite carefully stewarded the country's valuable diamond assets for the benefit of the whole population, avoiding the resource curse that has befallen almost all other similarly endowed African countries.[8] Those other African states lack Botswana's geographical and historical advantages, while the perpetuation of predatory politics dominated by elites further hinder inclusive processes of state-building.

When state fragility is connected to the manipulation of fragmentation along such lines as ethnicity, geography or natural resources, an effective and enduring way of building unity is to focus on institutionalising co-operation across groups and reducing horizontal inequalities. The consociational government in Burundi, for instance, offers a variety of opportunities to build coalitions and to

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[8]   Kaplan 2008.

EUROPEAN REPORT
ON DEVELOPMENT

reduce tensions by lessening or eliminating real or perceived imbalances in groups' representation in cabinets, civil servants, legislatures and militaries. Similarly, supporting reforms to apportion the profits from natural resources fairly and transparently – and to improve equity in the distribution of social spending – would dispel some of the potential for friction in divided polities. International actors might also provide an important contribution to assist and finance systems to monitor the allocation and management of public revenues and expenditures.

Celebrating each group's distinctiveness when attempting to build a "nation of nations" is more likely to succeed than trying to build a state on the "negation of social identities" – that is, a "nation against identities".[9] Promoting strong "we" feelings through various educational, sports and cultural programmes can foster complementary cultural identities that strengthen national bonds, diminishing intergroup frictions in the process. South Africa, for instance, has creatively used sports since the end of the apartheid era to unite the rainbow nation. Programmes to reconcile long-festering intergroup wounds, such as South Africa's Truth and Reconciliation Commission and reconciliation programmes in Burundi, have proved valuable in many countries.

In other cases, state fragility is less linked to population divisions or their manipulation, while the prevailing obstacles to social stability and the provision of public services are more attributable to a configuration of the state that hides a competition between clans, or that serves the interests of "the class state",[10] a power elite that dominates key roles in the state bureaucracy, political parties and economic positions. The ethnic and cultural homogeneity in Somalia, for instance, has not prevented conflicts among clans[11]. And in the Democratic Republic of Congo, despite its heterogeneous ethnic composition, the political class consists of 150-200 families who are in all political groupings[12]. Even in countries where conflicts are usually interpreted as the result of a manipulation of socioethnic identities, such as in Burundi, these social divides overlap with clan-based, regional and class-based division[13].

Where state-building is hindered by the self-serving political class and a limited willingness to cooperate, international support to the intangible dimensions of state-building might include the creation of participatory spaces to give voice to civil society groups and advocacy groups that can circulate information and drive sociopolitical transformation. But in line with the OECD/DAC Principle for Good International Engagement in Fragile States "do not harm", external actors should minimise the risk of endangering partners. This approach should be complemented by searching for points of contact within the state institutions.

Reforms should be gradual and incremental, in a way that does not threaten a society's fragile social bonds. The aim should be to create an iterative and self-sustaining process of change that seeps through a system, affecting society and the state on many levels and transforming their relationships over time. Such an approach would root the state more firmly in society and hold elites more accountable to their populations. Democracy is far more likely to take hold where it is introduced steadily and advances on many fronts; hasty efforts to introduce elections on tight schedules, even when generously funded by the international community (as in the Democratic Republic of Congo in 2008), are more likely to tear a fragile society apart to dramatically improve governance, especially in the short term.

3.   THE NEED FOR A DEEPLY ROOTED UNDERSTANDING OF THE LOCAL CONTEXT

States need to look inward for their resources and institutional models and adopt political and economic structures and processes that reflect the history, complexity and particularity of their people and environment. Too many postcolonial regimes have looked outward for their governance models and resources, in the process becoming dependent on foreign aid and effectively guaranteeing that their domestic roots will always be too shallow to support them.

This does not mean that conventional western political models have no relevance to nonwestern societies – it means that those models need to be adapted to accommodate local political, economic and societal customs and conditions. The goal should not be centralised states with western-style laws and a democracy defined solely by regular elections. Instead, it should be the promotion of capable, inclusive, participatory, responsive and accountable governments. Botswana, for example, roots its political systems in a traditional paradigm that takes advantage of widely accepted norms of governance.

It is very important to emphasise seeking locally appropriate solutions for problems of governance, land and resource management, and knowledge transfer, if the aim is legitimate and accountable states. Certainly, no society that has successfully developed has depended as heavily on foreign resources, foreign political models, foreign languages and foreign laws as fragile states typically do today.[14]

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[9]   Cahen 2005.
[10]   Keller 1991.
[11]   Mengisteab and Daddieh 1999.
[12]   GTZ 2008.
[13]   Brachet and Wolpe 2005.
[14]   Kaplan 2009.

Donors should invest more in understanding local societies and diagnosing the political challenges they face. Globalisation patterns have most likely changed traditional structures in fragile countries, which cannot be considered the same as in the past. The evolution of state and nonstate institutions is constant and nonlinear, posing additional challenges to those who want to relate to them. Building local capacity to research the "human geography" of states and analyse sociocultural contexts is crucial – as has already been recognised by some donors.[15]

Aid agencies should devote greater effort and resources to better understanding and diagnosing the sociocultural and institutional fault lines that plague fragile states (box 7.2). Commissioning more extensive social science and policy research would be relatively inexpensive and would pay rich dividends in developing international and local policies carefully tailored to address the inevitably complex problems in fragile states. Diagnosing the social and political settings is indeed necessary to understand what is required and to identify entry points and spaces for interacting with state institutions. A valuable contribution to EU capacity to define fine-tuning modalities of interventions can come from a management and screening process of the EU personnel involved in fragile states based on periodic assessments, mechanisms that encourage dialogue between specialists in different fields (in humanitarian assistance, in development cooperation, foreign policy, diplomacy) and specialisation in specific regions, countries or sectors.

Box 7.2: Somalia and Somaliland

By Seth Kaplan, Alpha International Consulting, Ltd.

Somalia and its secessionist territory of Somaliland offer one of the best contrasts between state-building using imported institutional pillars and state-building using indigenous ones.

The international community has tried no fewer than 15 times since the dissolution of the Somali state in 1991 to rebuild it in a top-down fashion – and 15 times it has failed. Isolated from political realities within the country, aid agencies, embassies and multilateral organisations have repeatedly misread the country's political dynamics and forced upon it "unimaginative, nonstrategic, template-driven policy responses with little relevance to the Somali context and little input from Somali voices." As a result, "Somalis seeking to extricate their country from this deadly and protracted crisis have to do so in spite of, not because of, involvement by the international community".[16]

In contrast, Somaliland, an area in the northwest of Somalia that declared independence in 1991, has built its state institutions adopting a bottom-up approach that takes advantage of long-standing and widely accepted clan structures. Today, it is the most democratic state in the region and has established enough stability and prosperity to attract migrants from around the Horn of Africa. Somaliland owes its success in part to the fact that it has had little outside help, forcing it to depend on its own resources, capacities and institutions. (Some advocates of Somaliland independence actually fear that greater foreign aid would have a negative impact.) Several other parts of Somalia, such as Puntland, have also established their own local administrations around clan structures. Yet the international community refuses to recognise Somaliland and persists in its Sisyphean efforts to forge a centralised Somali state.

What the political scientist Ken Menkhaus has said about Somalia applies to many other failed and fragile states: "These extensive and intensive [informal] mechanisms [of self-government] […] are virtually invisible to external observers, whose sole preoccupation is often with the one structure that actually provides the least amount of rule of law to Somalis – the central state. . . . For external actors, the conventional wisdom is that a responsive and effective state is an essential prerequisite for development, a proposition enshrined in virtually every World Bank and UN strategy on development. For many Somalis, the state is an instrument of accumulation and domination, enriching and empowering those who control it and exploiting and harassing the rest of the population. These different perceptions of the state often result in external and national actors talking past one another".[17]

A possible means of leveraging local capacities and institutions and improving governance is to focus on building up local governments and tying them as closely as possible to their communities. Local governments are by no means perfect, but devolving government functions to villages, towns and districts of each city can harness the power of face-to-face interaction and encourage more transparent and accountable forms of government. Central governments can ensure a stable currency, promote an extensive market for goods, construct intercity transportation links and set basic banking, legal, health and education standards. But it falls to local or district governments to provide the services that most affect families and small companies day-to-day. Lower governments provide, for example, most education, health and road construction services.

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[15] The Dutch Ministry of Development Cooperation is underwriting local organisations doing socially relevant research in 9 countries across the developing world; the Hewlett Foundation is providing long-term support to 24 think tanks in 11 African countries.

[16] Menkhaus 2008, p. 9.

[17] Menkhaus, 2007, p. 87.

EUROPEAN REPORT ON DEVELOPMENT

This does not mean that supporting decentralisation always translates in more efficient and responsive governments. Indeed, local administrations can be exposed to attempts of power and resource appropriation by local elites and spoilers. Decentralisation is consistent with inclusive state-building only to the extent that it provides intergovernmental checks and balances, raises citizens' voice and associates local governments' responsibilities with an appropriate assignment of decision autonomy and enough human and financial resources.

So, donors should support decentralisation processes based on voice structuring, social embedding and aligned duties and means of local state institutions. This can reduce the risks of elite capture, enhance accountability and contain the role of side-by-side informal institutions and bodies alternative and parallel to state functions. Rwanda provides a successful example of a decentralised governance approach to service delivery able to anchor traditional concepts and institutions to state functioning (box 7.3). The need to find governance mechanisms embedded in the society also implies that the role of local versus national government depends also on the history of the country. A single solution cannot be applied to very different countries.

Box 7.3: An African governance model

By Jesse McConnell, Reform Development Consulting

Two common challenges to good governance in Africa are the often diverse citizenry that the leadership must govern and capacity constraints among civil servants in providing local leadership. Rwanda provides an example of a uniquely African model of governance oriented to service delivery and based on accountability – and able to transcend many of the challenges. Imihigo, a concept that dates back several centuries in Rwandan culture, relates most closely to a performance contract. The concept developed as an idea of a public commitment from prominent military leaders to their king to achieve a specific objective, such as the conquest of an enemy or region. Achieving their set goal would result in access to a prestigious reward and acclaim for the achievement.

This idea has been modernised and institutionalised into the political system. Mayors make public annual commitments to the president to deliver on specific goals laid out in the national development agenda and localised in the district development plans. The modern Imihigo is thus a function of the government's priority of accountability through people-centred service delivery in achieving rapid grass-roots development. The goals are decided through consultation at a local level by mayors with their community members – and broadcast to the entire country, embedding transparency and accountability in the process. The annual national forum is then followed up by quarterly Imihigo meetings at the district, in which mayors present to community members and representatives from national government the progress made and the challenges faced in pursuing their goals.

A prominent reason for the initiative's success is that it elicited better performance by civil servants. This was accomplished through:

- The large public presence at both the annual inception and quarterly presentation of the Imihigos.

- The clarification of goals that the processes instills.

- The greater involvement of communities as beneficiaries and therefore as planners in the process of identifying needs and selecting relevant projects.

- The fact that Imihigos is based in tradition and draws on existing knowledge.

Since its inception, Imihigos has affected every cadre of society, with commitments throughout government departments, schools and even families.

Some fragile states are fractured along identity, cultural and linguistic lines, and their different regions are weakly connected because of poor infrastructure, disadvantageous political geographies and feeble administrative systems. So, locally driven models of development could succeed where state-based models fail, especially if gains are extended over time both horizontally to other localities and vertically to higher government bodies (especially in large countries such as the Democratic Republic of Congo). It would also ensure that local communities were not held hostage to the dysfunctions of a national government. Focusing aid on these "pockets of opportunity" would be more effective in the short term – and would encourage other areas to improve through the competition for funds in the medium term.

Because it might be very difficult, impossible and sometimes not desirable to change the indigenous social structure and institutions, it is important to know more about the conditions under which formal and informal institutions can be better linked[18]. Recognising

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[18]   Jütting 2003.

the need for institutional diversity – even multiplicity (whereby a state recognises, and integrates where possible, different historical traditions) – and for countries to be both practical and flexible in building governments around the capacity and institutions that already exist on the ground would transform the way donors approach state-building.

Local informal institutions can do much in state-building, but it is necessary to avoid placing undue expectations on them and to avoid "romantic visions" of their role.[19] Not all local and informal institutions are well run or better than the state. For instance, local informal institutions can be discriminatory, especially towards women and younger members of a community[20].

Country cases in diverse situations of state fragility[21] (Democratic Republic of Congo, Sierra Leone and Zimbabwe), suggest that the support to alternative and traditional forms of governance should be evaluated in country-specific contexts on the basis of their potential integration with the state body and their capacity to sustain or undermine state legitimacy. Lessons from these case studies also indicate that a pragmatic and flexible attitude can be the best way to put into practice these general criteria for supporting institutional reforms. International engagement can leverage possible windows of opportunity for reforms by identifying and establishing stable relationships with reform-oriented actors among a country's elites, civil servants, civil society organisations, professional associations and microfinance institutions.

The way to proceed is thus with a gradual approach to state-building, firmly rooted in the local context. The OECD Principles recommend taking context as the starting point to avoid the imposition of externally designed blueprints. For the international community, this can be a riskier venture than a technical engagement – but with more credible chances of success.

4. COMPLEMENTARITY BETWEEN HUMANITARIAN ASSISTANCE AND STATE-BUILDING INTERVENTIONS IN POSTCONFLICT SETTINGS

One of the challenges for international engagements in postconflict transitions is to ensure that the support to civil society actors promotes state-building and the basic needs of the populations without creating parallel structures.

In many postconflict contexts, private actors in civil society are providing social services. Moving too fast from humanitarian assistance towards budget support to the state can leave many of these actors without the resources to continue to ensure these social services while the state is not yet ready to perform that functions. A premature shift towards state-building might imply that the humanitarian needs remain unmet. In Southern Sudan (box 7.4) the humanitarian needs have been greater during the five years of transition than during the conflict. If the state does not yet have the capacity to provide social services, taking away the support from local providers leaves a humanitarian gap. Protecting the humanitarian space thus requires that the support to state-building be complemented by an equally important parallel process of supporting civil society. In other words, state-building cannot be pursued at the expense of humanitarian principles.

This approach is also consistent with the need to enhance state legitimacy. First, a state's incapacity to assist humanitarian needs can undermine its legitimacy. Second, the support to civil society organisations can help develop responsive and inclusive states. In postconflict transitions, many political settlements are usually negotiated by elites and civil society is kept out and not brought into the discussion. So, engaging in and supporting institutions within civil society would help strengthen legitimacy and build a more durable social contract.

Donor assistance in conflict-affected contexts must also overcome a misleading juxtaposition of different instruments of interventions. EU action can be undermined by the wrong assumption that there is linear progression from a situation of emergency where humanitarian assistance is the leading tool of intervention to situations where there is more stability – and development cooperation can use budget support as the primary aid instrument (box 7.4). Indeed, international engagement should ensure a space where both humanitarian assistance and development cooperation are used at the same time with equal importance. Both instruments can be very valuable and should be used under a common vision, though they might need to be refined. Humanitarian aid linked to one-year disbursement frameworks are inadequate for addressing the drivers of protracted crises and low levels of conflict.

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[19]   Pouligny 2009.
[20]   UNECA 2007.
[21]   GTZ 2008.

EUROPEAN REPORT ON DEVELOPMENT

Box 7.4: International engagement in fragile states: learning from Southern Sudan
By Sara Pantuliano, Overseas Development Institute

After the signing of the Comprehensive Peace Agreement in January 2005, Sudan was included as one of the nine countries in the OECD/DAC's pilot for applying the Principles of Good International Engagement in Fragile States. Building on the 2005 Paris Declaration on Aid Effectiveness and on the 2003 Principles of Good Humanitarian Donorship, the new principles aim to address the complexity and need for coordinated international action in situations encompassing both security, humanitarian and development issues.[22] The Sudan pilot, limited to international engagement in Southern Sudan, focused on three main issues: donor coordination mechanisms, international support to state-building and international support to peace-building, with special emphasis on implementing the Comprehensive Peace Agreement.

An array of aid coordination mechanisms have been tested in Sudan, both during and after the peace negotiations. These have included the Joint Assessment Mission process, the Multi-Donor Trust Funds and the Joint Donor Team in Juba. The Joint Assessment Mission was a comprehensive assessment of rehabilitation and transitional recovery needs across eight thematic clusters to be addressed during the first two years of the Comprehensive Peace Agreement Interim Period (2005-11). The assessment, which lasted 15 months and was co-led by the United Nations Development Programme and the United Nations Development Group and the World Bank, saw the very active involvement of senior members of the two main warring parties, the National Congress Party and the Sudan People's Liberation Movement/Army, and a large number of donor countries. The Joint Assessment Mission was seen as providing the framework for supporting stability and offering the peace dividends to buttress the peace agreement.

The assessment, a very costly and ambitious exercise, generated expectations that it would be *the* guiding document, and proposed mechanisms for its implementation.[23] It did play some role in bringing together the warring parties around a common programme for recovery and represented a first serious effort to frame the response to the new context. But it has not served as an effective framework for action. Reservations have been expressed about the lack of clear priorities and sequencing in its operational plan and the validity of the methods used for costing and extrapolating levels of need[24] as well as its inadequate security and peace-building focus[25]. The biggest limitations, however, were the limited ownership of the assessment by national actors and its growing irrelevance in the face of a fast-changing context, as new government and security structures came into being. The Joint Assessment Mission erred in trying to provide a blueprint for international engagement rather than a dynamic framework responsive to changes in context.

The main mechanisms for implementation of the assessment's findings were two Multi-Donor Trust Funds, one for the Government of National Unity and one for the Government of Southern Sudan. These World Bank administered funds were to facilitate coordinated external donor financing to support immediate recovery, consolidate peace, build capacity and accelerate progress towards the Millennium Development Goals through to 2011. In practice, the performance and impact have been deeply disappointing.

The funds have been widely criticised for failing to achieve rapid and visible impact.[26] The rate of disbursement has been excruciatingly slow, with most of the projects failing to deliver tangible goods to the public even by the second year of operation.[27] Bureaucratic World Bank procedures, staffing problems and protracted negotiations between UN and World Bank teams over implementing arrangements have hindered initial implementation.[28] The government's inability to cope with the bureaucratic requirements of the funds has caused serious delays and inefficiencies.

The shortcomings of the funds have led many donors to bypass them, channeling more resources bilaterally or through other pooled funds. The fund's rules and procedures appear more suited to medium-term reconstruc-tion and development than immediate post-conflict recovery. This is not the first time that the instrument has failed to achieve its objectives in a post-conflict context, which begs the question about why crucial lessons are not being learned.[29]

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22   Haslie and Borchgrevink 2007.
23   Murphy 2007.
24   Murphy 2007.
25   UNDG/World Bank 2006.
26   Scanteam 2007b.
27   Fenton 2008.
28   Pantuliano et al. 2007.
29   Pantuliano et al. 2008.

Another mechanism to enhance donor harmonisation in Southern Sudan has been the establishment by six countries of the Joint Donor Team in Juba. A midterm evaluation concluded that the team performed well in contributing to promoting ownership in Southern Sudan and strengthening donor alignment with government policies. But the Joint Donor Team harmonisation and adherence to the OECD/DAC fragile states principles were much less successful.[30] Specifically, the team's partners failed to develop and operate under a common policy framework, with joint development and diplomatic goals and approaches. As a result, they could not contain the increase in bilateral programmes.

The proliferation of projects has continued to make aid coordination in Southern Sudan difficult and has limited the team's ability to contribute to state-building coherently and sustainably.[31] Technical advice on land policy and the resolution of land disputes has been particularly uncoordinated and often conflicting.[32] The Joint Donor Team, like many international organizations in Southern Sudan, has also had difficulty in attracting and retaining appropriately skilled and experienced staff, undermining performance.[33]

State-building in Southern Sudan, a key focus of international engagement, is an enormous challenge, as formal government structures have to be created from scratch. Although concerted efforts have been made to build the administrative apparatus of the government of Southern Sudan, these have been largely top down. The emphasis has been on building institutions and central government administrative capacity in Juba, with much less attention to addressing issues of legitimacy and accountability.[34] Some progress has been made in establishing regional and state structures, but the provision of basic services is still very limited, and corruption is rampant in many areas.[35]

The establishment of the government of Southern Sudan has been interpreted by both national and international actors as providing an opportunity for Southern Sudan to graduate from passive acceptance of externally provided humanitarian assistance to the preparation, funding and implementation of nationally led recovery and development programmes. Donors have consequently increased contributions to longer term recovery and development funds and reduced humanitarian funding. This is despite growing humanitarian needs, the government of Southern Sudan's continuing lack of capacity to address them and the poor delivery record of longer term funding mechanisms.

The conventional aid architecture has demonstrated once again that it is ill equipped to cater for situations that span across the binary division between humanitarian and development assistance. As in many postconflict contexts, there is a need to continue direct service delivery in Southern Sudan while simultaneously building government capacity, not least to prevent more serious emergencies such as cholera epidemics or food crises.

Promoting stability is also a central objective for a transition to peace. Strategies and programmes to achieve this objective must be designed in a way that contributes to state-building, keeping the balance between the establishment of national security institutions and the role of external actors such as peacekeeping missions. In Southern Sudan, the United Nations Mission in Sudan (UNMIS), mandated to monitor the implementation of the Comprehensive Peace Agreement, has been an important element of international engagement.

UNMIS has a massive military presence throughout Southern Sudan and the Transitional Areas. But its rigid mandate (often interpreted too narrowly) and internal security guidelines have made it unacceptably risk-averse and ineffective. In many areas its monitoring of actual and potential conflicts has been irregular, and disarmament, demobilisation and reintegration programmes have been delayed or resisted.[36] And other security concerns – such as transforming the Sudan People's Liberation Army into a professional army, training a police force and addressing intercommunal violence – have received limited or belated support. Many UNMIS soldiers lack the necessary language to interact with each other, let alone local people. As a result, engagement between the military observers and the communities is patchy at best. UNMIS is seen to do little in relation to its massive resources. Indeed, international spending on UNMIS presents a striking contrast to the low level of aid delivery visible throughout Southern Sudan.[37]

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30   Bennet et al. 2009.
31   Bennet et al. 2009.
32   Pantuliano et al. 2008.
33   Bennet et al. 2009.
34   Haslie and Borchgrevink 2007.
35   Bennet et al. 2009.
36   Vaux et al. 2008.
37   Vaux et al. 2008.

EUROPEAN REPORT
ON DEVELOPMENT

The international community's failure to provide immediate and tangible peace dividends in Southern Sudan and the Three Areas has had a negative impact on peace building.[38] Delays and gaps in service provision and growing insecurity in some areas of return have resulted in returnees either congregating in already overcrowded towns and settlements or postponing their return. The confidence of both host communities and returnees in the government of Southern Sudan's capacity to deliver services and other peace dividends has thus been undermined.

The complexity of the situation in Southern Sudan poses challenges to international engagement that are not easy to overcome. While the OECD/DAC principles are a useful starting point, they can be contradictory. Important tradeoffs may be required between, say, state-building and donor coordination objectives and the rapid scaling up of basic services as peace dividends.[39] The application of fragile state analysis is only useful, however, if the causes of fragility are well analysed, understood and disaggregated by area or constituency. For example, in Southern Sudan the causes of and responses to fragility in the Three Areas may differ markedly from those in parts of Upper Nile.

Too often international engagement is informed by an erroneous assumption that the transition from war to peace is linear. In reality, signing a peace agreement often changes little on the ground. Transitioning from war to peace is not a technical exercise but a highly political process in which different principles, priorities and approaches need to co-exist and be realised together.[40] This includes a sophisticated and nuanced analysis of power relations, causes of vulnerability, drivers of conflict and resilience indicators. In dynamic postconflict settings in particular, the political economy of the transition needs to be continuously reviewed and revised to be truly context-specific. Greater efforts should also be made to identify national champions for change and reform and ways to support them. The role of national actors is fundamental because change can take place only through an endogenous process: international engagement can help stimulate stability, but not drive it.

4.1   OPPORTUNITIES IN POSTCONFLICT RECONSTRUCTION

Postconflict settings not only pose significant challenges to national rulers and international assistance, but they can also provide great opportunities to solve long-standing source of exclusion, grievance and inequity. Gender mainstreaming of postconflict transitions, for instance, might mark important progress in the struggle for women's empowerment and against gender discrimination. And, a coherent integration between the criterion of local ownership and a gender-sensitive approach to postconflict reconstruction can be more fruitful than gender-neutral and top-down programmes (box 7.5).

Box 7.5: Learning from local communities: programmes to support female ex-combatants

Actions to strengthen a society's resilience require local communities to be involved in reform processes and public decision-making mechanisms. Local residents have vital survival strategies that can be supported to built new, more resilient institutions. Some inappropriate aid policies are due to aid workers' lack of understanding of local languages and conditions and resultant inability to deal with customary laws, traditional systems and indigenous knowledge. These language, communication and knowledge barriers obstruct participation by poor or marginalised groups in policy decision-making, thus losing out on opportunities for people to participate in the political and economic rebuilding of their institutions.

These problems have been manifested in the groundswell of concern about inappropriate aid policies raised by the large global social movement – the World Social Forum, which includes the vocal African Social Forum and which brings many thousands of civil society movements together.

The contribution of local ownership in design and implementation of development programmes in fragile situations is clearly evident in the contrast between failed and successful international programmes for reintegrating female ex-combatants in Liberia during postconflict transition.

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38   Haslie and Borchgrevink 2007.
39   Haslie and Borchgrevink 2007.
40   Elhawary, personal communication.

In Liberia, some 22,000 women and 2,740 girls of a total 103,000 ex-combatants had been disarmed and demobilised by 2004.[41] Though the policy was to integrate gender concerns into the policies and procedures of the disarmament process, this did not happen. Women's organisations observed that women were sent home without proper assessment of their reproductive health or sexual and psychological conditions. Their reintegration into their families and communities was very difficult as they suffered the double stigma of having experienced sexual abuse and of having been affiliated with armed forces.

An innovative solution was found by working with local women's organisations and international partners: female ex-combatants were brought into police forces. The first batch of the new Liberia National Police (LNP) completed training in 2005, and by 2009 women made up 12.6% of the force. The LNP established a Women and Child Protection Unit, which collaborates with governmental and nongovernmental bodies, supported by the Gender-Based Violence Inter-Agency Task Force, which coordinates the work of the United Nations and other donors. The Women Peace Huts project established by the Women in Peace Building Network also supports women in the community who visit the Peace Huts as a refuge and to seek assistance in dealing with issues such as rape, land ownership, religious differences and tribalism.[42]

In fragile contexts, women's relationship to the state is fundamentally different from that of men. It is often mediated through family, community, religious or customary institutions. Women face a larger gap between their formal and substantive citizenship, as well as greater economic, social and cultural barriers in exercising their rights and participating in decision-making. Moreover, in many fragile state contexts, the domestic and personal issues of most concern to women (such as family law, inheritance, land access and security) are delegated to customary institutions or nonstate actors, making women unable to hold the state accountable for rights in these areas. All these factors mean that women face specific barriers in claiming their rights, participating in governance and holding the state to account – in effect acting as full citizens – and that measures to rebuild or reform the state will affect them differently.

Gender roles and relations can determine opportunities and obstacles to state-building. They change considerably during armed conflict, and postconflict reform of political institutions offers an opportunity to increase women's political voice and influence, especially in the new aid effectiveness architecture.

The intensive state-building processes that take place in postconflict and fragile state settings can allow for changes in power relations, state structures and institutions, and the relationship between the state and citizens (box 7.6). In moving out of fragility there are important opportunities for the international community to support national actors in building a more accountable state. There is thus the opportunity to promote women's citizenship within state-building processes in fragile state settings – producing capable, accountable and responsive states and ensuring that long-standing patterns of oppression are not reestablished.

Box 7.6: Postconflict transition: an opportunity for women's empowerment?

An astonishing 56% of women in the lower chamber of parliament in Rwanda in 2009 can be seen in the larger context of two trends: the use of quotas, and the opportunities to address gender inequality in a postconflict situation. The increase number of women in parliament has been faster in Sub-Saharan Africa in the last 40 years than in any other region, primarily through quotas. According to the Inter-Parliamentary Union, postconflict countries have "featured prominently in its top 30 world ranking of women in national parliaments", and these countries have been effective at using quotas and reserved seats to "ensure the presence and participation of women in [their] newly created institutions[43]".

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[41]   Campbell-Nelson 2008.
[42]   UNIFEM 2007.
[43]   Powley 2003, p. 5.

EUROPEAN REPORT ON DEVELOPMENT

Rwanda shows how state-building in postconflict situations can address gender inequalities. Powley (2003) reports that this is due to an active and engaged women's civil society movement, the ability of women to work across party and ethnic lines to make changes to the constitution and the technical support of the international community to encourage women to enter parliament through the quota system. Powley points to the importance of sustained campaigning by the umbrella organisation, Pro-Femmes, in advising the government on women's political participation and promoting reconciliation bringing together grass-roots women, NGOs and government officials. In parliament the Forum of Women Parliamentarians also worked on gender equality policy across party lines. Key to the success was the technical and financial assistance and encouragement of such international partners as United States Agency for International Development, DFID, Inter-Parliamentary Union, UNDP, Association of European Parliamentarians for Africa and International Alert. Landmark legislative achievements were revoking laws that prohibited women from inheriting land in 1999 and passing a new gender-sensitive constitution in 2003. Parliamentary elections followed, with women gaining 49% of the seats in the Chamber of Deputies.

Early attention needs to be given to gender equality and to increasing women's perspective and participation in political, social and economic development in fragile and postconflict settings. State reconstruction can shape new social, economic and political dynamics that can break gender stereotypes. Rebuilding fragile states opens the possibilities for commitments to women's rights and the promotion of gender equality to be confirmed in new governance arrangements. The challenge in postconflict situations is to strengthen national governments to ensure coherence between macroeconomic policy and gender equality goals. The intensive state-building processes that take place in postconflict and fragile state settings allow for changes in power relations, state structures and institutions, and the relationship between state and citizens and between citizens themselves. There is potential in these contexts to change discrimination in education and economic security, sociocultural discriminatory practices and laws, sexual violence and harassment and the exclusion of women and youth from decision-making within the security sector.

Castillejo (2008) argues that redrawing the boundaries of authority between the formal state and customary governance systems can provide new citizenship opportunities for women.[44] Failing to focus on gender can entrench systems that discriminate against women.

The challenge at an operational level is that gender is not given a high priority in postconflict state-building. In many Sub-Saharan African countries, women have little contact with the formal state, and their lives are governed by customary governance systems that seriously limit their rights and opportunities for political participation[45]. This is even more true in fragile states, where the formal state is weak and inaccessible.

There have been, however, changes in women's rights, women's political participation and women's mobilisation in countries such as Liberia and Sierra Leone, examples of how donors can support the strengthening of women's participation in state-building in fragile Sub-Saharan African states.

One problem in promoting and defending women's rights in fragile states is legal pluralism. Many Sub-Saharan African countries have different legal systems based on statutory, religious and customary law. Each legal system has different notions of what women's rights entail, complicating the reform agenda.

The systems are often overlapping, presenting problems of where rights can be claimed. For instance, if one is married under customary law and rights are violated, which legal code is used to adjudicate? Often it is unclear which is the supreme law because some of these systems are not legislated or recognised. And in a system of weak and compromised institutions, this can further erode rights. In addressing ways to improve legal systems and governance institutions, it is important to realise this is where patriarchal social relations and women's literacy and awareness of and access to their rights come into play. To address these complexities and build new governance structures, more resources are required that take gender inequalities into account and put affirmative action into place.

As Castillejo (2008) suggests, it is important that state-building processes fully engage with customary governance structures – which are central to most women's lives – rather than construct a formal state that lies on top of unreformed customary governance structures that continue to determine people's daily lives[46].

Gender and fragility is a very new area of development policy. Even though development aid frameworks call for gender-sensitive policy, in general, policy responses to fragility do not yet fully take gender into account, even though most of the characteristics of fragility have important gender dimensions (box 7.7).

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[44]   Castillejo 2008.
[45]   Castillejo 2008.
[46]   Castillejo 2008.

Box 7.7: Gender-responsive budgeting

Gender-responsive budgeting has emerged as a major policy response to address gender inequalities through new aid modalities. The new aid modalities (sector and budget support) pose particular challenges for tracking gender equality outcomes. Gender-responsive budgeting is one way to achieve this because it requires governments to apply gender analysis to the budgeting process at national and local levels. Gender budgets aim to provide accountability between the poorest citizens and their governments and to deliver rights and democracy to women[47]. Some very useful gender budget analysis has been done in several Sub-Saharan African countries including Mozambique, South Africa, Tanzania and Uganda[48].

Gender budget analysis assists in measuring the differential impact of revenue raising and government spending on men and women and in advocating for changes or shifts in public expenditure to match policy goals[49]. It is not a separate budget for women but rather an analytical tool to address gender-based discrimination that can play an important role in enabling women and other poor citizens to exercise their rights to basic services, economic opportunities and political participation – and to increase government accountability for public service provision.

Gender-responsive budgeting aims to:

- Improve the allocation of resources to women.

- Mainstream gender into macroeconomics and development.

- Strengthen civil society participation in economic policy-making.

- Enhance the links between economic and social policy outcomes.

- Track public expenditure against gender and development policy commitments.

- Contribute to the achievement of the Millennium Development Goals[50].

- Allow governments to comply with international obligations such as the Beijing Declaration and Platform for Action and the Convention on the Elimination of All Forms of Discrimination Against Women.

Gender-responsive budgeting has enormous potential for advancing gender-equitable resource allocation in fragile states. In order to make aid effective in addressing poverty and inequality, it is essential for donors and national governments to have a greater understanding of the specific challenges women face. Gender-responsive budgeting is particularly important in the context of rebuilding and strengthening state institutions because it provides an important entry point for gender mainstreaming.

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[47]   Sharp 2003.
[48]   Claasen 2008.
[49]   Budlender and Hewitt 2002.
[50]   Budlender and Hewitt 2002.

EUROPEAN REPORT
ON DEVELOPMENT