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Accessed 14.03.2005

Promoting good governance in post-conflict societies

Discussion Paper



Deutsche Gesellschaft für
Technische Zusammenarbeit (GTZ) GmbH

commissioned by:



Federal Ministry
for Economic Cooperation
and Development

**Division State and Democracy
Project on Democracy and the Rule of Law**

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Discussion Paper

Eschborn 2004

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Published by:

Deutsche Gesellschaft für
Technische Zusammenarbeit (GTZ) GmbH
P. O. Box 5180, 65726 Eschborn
Internet: <http://www.gtz.de>

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Translation & Editing:

GTZ Corporate Communications, comunicando (<http://www.comunicando.dk>)

Layout:

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Foreword

Armed conflicts inflict boundless individual suffering and quickly ravage previous achievements in terms of economic, social and human development. The states emerging from violent conflict require the support of the international development community in order to face the vast challenges of reconstructing their physical infrastructure and, most of all, of recreating their institutions according to their needs as a post-conflict society.

Although institution-building issues in post-conflict situations have received increased attention in the last few years, there is no comprehensive set of political guidelines for the promotion of good governance in fragile environments to date. This task will have to be undertaken by the international community in the near future to enhance transparency and harmonisation of approaches. As a step, The German Ministry for Economic Cooperation and Development (BMZ) has commissioned its technical cooperation agency, GTZ, to outline crucial issues when promoting good governance in post-conflict societies, identifying the most important actors and sketching relevant starting points and possibilities of sequencing measures.

This paper has been elaborated by the project on Democracy and the Rule of Law in close co-operation with the Center for Development Research (ZEF). The publication focuses fundamentally on strategy, basing its analysis on the security, political-administrative and socio-economic dimensions of governance, which play varying roles in the different stages of reconstruction. It also offers some recommendations for the operational level. Since the promotion of good governance in post-conflict societies requires difficult decisions and prioritisations, this paper also discusses arising goal conflicts.

We would like to thank the authors, Tobias Debiel and Ulf Terlinden, who succeeded in grasping the complex subject matter whilst making it understandable to practitioners and the interested public. We would also like to highlight the role of Ulrike Hopp, Uwe Kievelitz, Armin K. Nolting and Martha Gutiérrez, who were essential in shaping the process of reflection on the subject and contributed valuable insights from the perspective of development policy.

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Table of Contents

Foreword

1.	Introduction	1
2.	Governance in post-conflict societies	3
2.1	Dimensions of governance	3
2.2	Main actors in post-conflict societies	5
2.3	Gender and post-conflict societies	8
3.	Promotion of good governance in post-conflict societies	10
3.1	Starting points for promoting good governance	10
a)	Security governance	10
b)	Political-administrative governance	12
c)	Socio-economic governance	17
3.2	Sequencing good governance measures	19
4.	Summary and conclusion	22
5.	References	24
6.	List of abbreviations	35
Appendix 1:	Post-conflict countries in 2003	37
Appendix 2:	Grouping by phase	38
Appendix 3:	List of the 24 countries at war in 2002	38
Appendix 4:	Good governance in post-conflict societies – an overview of possible measures and their sequencing	39
Appendix 5:	Project examples	42

1. Introduction

In countries where violence has ended or a formal peace settlement has been concluded, the population faces the massive task of rebuilding their nations. In this post-conflict phase, the state's authority has often collapsed completely. 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. Our study of global peace processes suggests that a significant number of countries currently in a state of (civil) war are set to become post-conflict societies in the coming years. In 2003, we counted 37 countries in that group.¹

Good governance plays a key role in rebuilding post-conflict countries. Since the human and institutional resources needed in that reconstruction have often fallen victim to the previous violence, we believe that countries in this transition phase require the assistance and co-operation of the international community.

The task is thus to build transparent, efficient and participative governance structures that can help to stabilise the volatile transformation of post-conflict societies. A political and administrative system that satisfies the principles of good governance can prevent outbreaks of new violence by providing more peaceful procedures of conflict resolution.

The question of how we can best support post-conflict societies in improving their governance has prompted the present discussion paper. It was commissioned by the Federal Ministry for Economic Co-operation and Development (BMZ) and prepared by GTZ's Project on Democracy and the Rule of Law in cooperation with the Centre for Development Research of the University Bonn (ZEF).

The paper summarises the features of governance in post-conflict societies and discusses some of the strategies for promoting good governance in development co-operation. The first part (Section 2) sets out by reviewing the conditions of three dimensions of governance. This is followed by a characterisation of the types of actors decisive for good governance. Lastly, this section looks at the specific significance of gender in post-conflict societies.

Section 3 considers the most promising entry points for promoting good governance in post-conflict societies and proposes their prioritisation and sequencing. The conclusion in section 4 also points out some of the potential goal conflicts in this process.

The present discussion paper intends to clarify how good governance can be promoted in post-conflict societies and which role development cooperation could play in this context. It is directed at all professionals involved in (and affected by) governance issues in post-conflict societies. This includes governmental and non-governmental actors in developing countries as well as colleagues in bilateral and multilateral development organisations and government departments. It might furthermore be of interest to academics and journalists with an eye on development affairs.

This paper does not make detailed recommendations on instruments for promoting governance. This would require an analysis of specific cases and a joint prioritisation with the partners in these countries. However, initial suggestions for designing measures are included

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. (See appendices 1 and 2.)

in the overview of measures in Appendix 4 and the country-specific project examples in Appendix 5.

This paper reflects a wide range of views on conflict, governance and the political reconstruction of post-conflict societies. Colleagues such as Dr. Fouzieh Melanie Alamir, Dr. Sabine Fandrych, Colin Gleichmann, Barbara Häming, Dr. Roman Poeschke, Christine Rosenbrock, Nina Scherg and Friederike Tschampa provided valuable inputs from the perspective of peace building in development policy and technical co-operation programmes.

It is hoped that this paper contributes to the emerging debate on the interplay between governance and peace building.

2. Governance in post-conflict societies

The first section of this paper takes stock of the current discussion on governance in post-conflict societies. It presents a functional differentiation of the three “dimensions of governance”, specifically security, politics/administration and the economy. This section concludes with a brief description of the key actors involved and a discussion of gender roles in post-conflict societies, an issue that crosses all three dimensions of governance.

Successfully promoting good governance in post-conflict societies depends on a number of issues, particularly the way in which the conflict was settled, the actions undertaken by the international community in order to stabilise the post-conflict environment, and the extent to which statehood has been weakened or destroyed during the time of conflict. Chances for consolidating peace and improving governance are certainly best where the conflict parties themselves negotiate a settlement and are merely supported and monitored by the international community. A high degree of ownership also means that the parties involved are more likely to compromise in order to gain the higher good, peace.

Recent experience shows, however, that Technical Co-operation commonly operates in far less ideal circumstances. In many instances, the international community had to exert strong pressure in order to stop civil war or regional conflicts. This was often followed by an engagement of Peacekeeping Missions or Peace Support Operations (led by the UN), a regional organisation (such as ECOWAS in Liberia 2004), and/or an individual country (such as Britain in Sierra Leone). As a result, there are presently over 40 missions (UN, OSCE, EU) active in post-conflict societies.² These diverse international peace operations determine to a significant degree the options for post-conflict governance and shape the framework for related TC measures.

In many post-conflict societies, the breakdown of order is difficult to reverse and threatens the entire state with disintegration; a risk that is often exacerbated by wider regional conflicts. Weak states have little hope of restoring a monopoly of force or meeting public responsibilities like security, education or health. Technical cooperation needs to take into account the extent to which statehood has been weakened or destroyed when operationalising its policy recommendations for specific countries. The strengths and weaknesses of a given state often vary across the three dimensions of governance. The provision of security, however, is understood to be the key factor in determining its functionality and character.

2.1 Dimensions of governance

“Governance” describes the application of rules and processes through which authority and control are exercised in a society, political decisions are made, the rules for the scope of action of state and society are structured, and resources for economic and social development are administered. To operationalise this term for post-conflict situations, a distinction is made between three dimensions of governance, which are intimately connected, namely security governance, political-administrative governance and socio-economic governance.

² For an overview of the development of international peace operations, see: W. Kühne (2001). For a detailed overview of recent missions, cf. the website of the Center for International Peace Missions: www.zif-berlin.org

Security governance

Security governance can be regarded as a prerequisite for the other dimensions of governance. Without providing a minimum level of security to its citizens, the state is unable to perform its regulatory function. This is usually not a question of a lack of security forces, but rather of the ability to place these under effective democratic control in times of peace. In addition, the power that security forces usually acquire in times of war also makes it difficult to cut military spending to pre-conflict levels. Other important factors contributing to the erosion of the state's authority are the ready availability of small arms in post-conflict societies and the frequent breakdown of the judiciary. Not only is the absence of judges and courts an encouragement to criminal activity, it also fosters vigilante justice and lynch law, which in turn exacerbate the general lack of security in many post-conflict societies.

Another frequent phenomenon are the activities of so-called warlords, who tend to establish or consolidate their forces in regions beyond the full reach of the state. Although it is clearly essential to integrate all ex-combatants into civilian life, the success of these measures not only depends on institutional conditions but also on the population's ability to change violent behaviour patterns and deal with collective and individual trauma (Post-Traumatic Stress Disorder, PTSD). A peace agreement often already defines the crucial demobilisation and reintegration process for the ex-combatants of the conflict parties.

Political-administrative governance

In post-conflict societies the legitimacy of the government is frequently in doubt. After civil wars, some population groups often resent the government's right to regulate their lives. To strengthen a government's legitimacy, all population groups need to feel represented. This can be addressed through the horizontal separation of powers as much as through the vertical division between the central state and decentralised administrations. Ideally these aspects of the transitory government as well as the process of working out a new constitution have already been defined in peace negotiations.

The relationship between all relevant social groups must also be taken into account when addressing the history of a given conflict. Specifically, an appropriate balance must be struck between reconciling the conflicting parties and dealing with collective traumatic experience (including torture, gender-based violence or rape as means of ethnic cleansing), for example by setting up truth commissions. However, due to the insecurity in post-war situations and the high likelihood of new violence, politics in post-conflict societies is often used to secure personal short-term advantages or to cash in quickly on the spoils of war. The result is frequently an abuse of power, undermining the legitimacy of the government. The real danger here is that the absence of government authority and legitimacy could lead to the resumption of hostilities.

Due to the damage to its administrative structure, the post-conflict state is often unable to provide its citizens with a minimum level of basic services. In addition to the sequential costs of the war, over-centralisation also tends to limit the capacity of the state apparatus. Where services can be provided, there are opportunities and incentives for bribery and corruption. Particularly in economically precarious post-conflict situations (see below), corruption is a widespread survival strategy for administrative employees with low and undependable salaries.

Socio-economic governance

Macroeconomic stability and a distribution of goods and opportunities that is perceived as equitable reduce the potential for renewed conflict. Many post-war societies need to adapt the structures of their peacetime economies, and often claims to ownership need to be resolved. The reintegration of ex-combatants, refugees and internal exiles into the economy puts further financial strain on states that suffer from sharply reduced revenue bases. Further borrowing, which often seems unavoidable, fuels inflation; declining confidence in the domestic currency leads to a flight of capital, further reducing the government's scope for action. Elementary basic needs are mainly met – if at all – “outside the state”, either through support from international aid organisations or through recourse to traditional networks. Both further reduce popular confidence in the state (see 2.2). This is particularly the case where the population's survival strategies and the interests of mercenary groups preserve wartime economies in times of peace.

2.2 Main actors in post-conflict societies

Whether good governance can be effectively strengthened in post-conflict societies depends decisively on the activities of certain social groups. Cooperation efforts limited to institutional reforms or technical assistance are inadequate, and run the risk of filling old wine into new bottles. The necessary institutional reforms must be matched by developing the capacity of those involved in designing and implementing those reforms.

Accordingly, before bilateral or multilateral donors can start to support good governance programmes, it is necessary to identify the most important individuals and groups in a society. Their interests and the division of power between them are decisively impacted by reforms in the post-conflict period. They will accordingly try to affect these reforms in their own interest, or even block them entirely (DFID 2001: 29)³. Three types of relevant actors can be distinguished in post-conflict societies:

- a) Reformers. These drive socio-economic and political-administrative transformation in the direction of a sustainable post-war system. Their aims in this are the rule of law, democracy, transparency and participation, and they seek to overcome centrally managed and wartime economies in favour of mixed economies with statutorily secured market economy systems (cf. Elwert 2001). Their careers are closely linked with mobilising support for change and being able to point to visible partial successes. Moderate reformers mostly emphasise the need for consensus building and securing legitimacy (input legitimacy). Radical reformers by contrast rely more on quick results, which effectively supply legitimacy to the reforms (cf. Scharpf 1998).
- b) Preservers. This is the group oriented towards the status quo who have made their careers within the existing system and enjoy a measure of privilege, power and income. While they do not reject improvements in governance, they lack incentive to actively support a process of change, which may involve risks. Preservers are often found in the bureaucracy and other groups that have found strategies for maintaining their livelihood

³ A suitable point of reference in sociological research is the concept of “strategic groups” formulated by Hans-Dieter Evers and Tilman Schiel, which has been further developed into the concept of “strategic groups with conflict capability” by Gunter Schubert, Rainer Tetzlaff and Werner Vennewald. Essentially, it is a question of identifying those actors who are in a position to formulate and pursue their interests by promoting or blocking certain parts of the social transformation process. Decisive factors for the impact of these groups are their ability to organise and their internal consistency (heterogeneity – homogeneity). See Evers 1998; Evers, Schiel 1988; Evers, Schiel 1989; Schubert et al. 1994.

even through the period of armed conflict. Their behaviour (“waiting out”, blocking far-reaching changes by ignoring them or interposing formal obstacles) is highly predictable. At the same time, they are tugged one way and another, particularly in turbulent times of major change. Flexible and qualified groups and actors can benefit from changes, and accordingly take the side of the moderate reformers, while groups and individuals threatened with loss of status may align with the “spoilers” and “veto actors”.

- c) Spoilers, veto actors. Spoilers are actors whose status, power, prosperity and group identity are closely linked to existing circumstances in post-conflict societies. These may be political actors in the true sense of the term, but they may also come from business, religious or military groups. Spoilers become veto actors at the point where they use their physical (armed forces, rebels), financial (business people), or socio-cultural (religious and traditional authorities) power to maintain the status quo or mobilise significant parts of the population to the same end. At the end of a war in particular, it is essential to take into account possible veto actors with the ability to establish a blockade, often with the support of war economy structures and military force. In this type of situation spoilers (Stedman, 1997) are very difficult to marginalise and pose an ongoing threat to society. Hence, strategies must be found to include them as stakeholders in a peaceful transformation process.

Identifying the main actors is an important basis for developing flexible governance strategies for sustainable peace processes. Here, one also needs to take into account that some groups or individuals may be important for the post-conflict situation, yet not very visible. This is the case with human rights and especially women’s rights groups. It is not possible to make general statements about which social groups are reformers, preservers, spoilers and veto actors, as the social constellation varies depending on the history, culture and political and socio-cultural characteristics of a country. Furthermore, the heterogeneous character of reform processes means that a particular group could act as reformers in one sector of society, attempt to preserve the status quo in another, and fiercely block any change in a third. It is, however, possible to develop a system for categorising the relevant social actors. This takes into account their geographical radius of action (diaspora, national level, regional or local level) as well as their tendency to support, wait out or block certain change processes. The following table provides an initial guide for this.⁴

⁴ To evaluate the potential and strategies for Technical Co-operation measures and advisory services, an analysis should also be made of the interests and possibilities for action of external actors (bilateral and multinational donors, transnational corporations, international organisations etc).

Table 1: Relevant social actors for good governance in post-conflict societies

	Reformers	Preservers	Spoilers
Diaspora			
Political and military counter-elites	Western-style diaspora without alienation from homeland, "government in exile"	"Royalists"	Fundamentalist counter-elites, foreign representatives of armed opposition groups
Technical intelligentsia	Engineers, scientists seeking politically and economically reliable environments	Emigrant but loyal academic elite	
Political intelligentsia	Human rights advocates, journalists, "cyber-diaspora"	Emigrant but loyal educational elite	Radical splinter groups
Migrant workers, business people abroad	Supporters of SMEs etc in homeland	Trade representatives, exporters in state industry	Supporters of radical groups, grey zone with structures of economy of violence
Economic actors	Investors with interest in legal certainty	Profiteers from weak state (transnational black market)	Drug, weapons, human traffic networks with links to power actors, organised crime structures
National level			
Political and military elites	Reformist politicians, independent and courageous judges, (secular orientation) reformist officers, parliamentarians	Concordance-oriented elites, top officials, co-opted opposition	Defence, interior and information ministers, military leaders, paramilitary units, presidential guard, intelligence services, revolutionaries, "ethnic entrepreneurs", fundamentalist interpreters of law
Counter-elites and rebels	Constructive-critical opposition, groups willing to engage in dialogue	Co-optable opportunists	Uncompromising wings prepared for violence or armed, "living by the gun" groups, old rebel guard
Civil society	Human rights and peace groups, trade unions, business associations, women's constituencies, welfare-oriented work, religious leaders	Conservative lobbies, religious communities, mass organisations brought in line with the regime	Veteran movements
Media	Critical investigative journalists	State and party media	"Hate propagandists"
Economy	World market oriented companies, lawless informal sector, private entrepreneurs	Profiteers from status quo, quasi-state owned firms	Oligarchs, profiteers from weak state (drugs and weapons dealers)
Admin apparatus	Ambitious youth, lateral entrants, investment agencies	"Wait and see" groups	Domestic secret services, special police

	Reformers	Preservers	Spoilers
Subnational level			
Formal elites	Community delegates	Judges, administrative heads	Old guard of governors, mayors, party leadership, police chiefs
Informal elites	Local development brokers, welfare-oriented elders, teachers	Traditional elders (status and clan interests)	“Big Men”, religious leaders
Counter-elites	Opposition, small business people, intellectuals	Business people benefiting from clientele networks	
Civil society	Civil rights advocates, women’s and youth groups, migrants, entrepreneur associations, development committees	“For-profit” NGOs	Neo-traditionalist organisations
Local administration	Oppositional local authorities and officials striving for increased decentralisation of responsibilities.	Jurists, civil servants, administrative bodies	Loyalists in the old elites, supporters, militia, civil defence units

2.3 Gender and post-conflict societies

The significance of gender roles in post-conflict situations is an issue that runs through all governance dimensions. Armed conflicts have both an empowering and a disempowering impact on men and women (GTZ 2001: 10f.). While both can be perpetrators or victims, armed conflicts and wars favour exaggerated macho images (courage, strength, camaraderie) and intensify concepts of weak and fearful women (GTZ 2004: 12). Both sexes have traumatic experiences, but women are more frequently subject to forms of sexual violence, as well as forced prostitution or sterilisation. Thus, women in post-conflict situations have as many, or more, violent experiences as men (GTZ 2001: 11). This is also due to the fact that in post-conflict societies, domestic violence remains high or further increases, putting additional demands on adequate psycho-social counselling services, police and judiciary. The economic plight of the population combined with continuing economies of violence in post-conflict societies also leads to numerous cases of forced prostitution (El Jack 2003: 19) and trafficking in women (GTZ 2004: 13).

Armed conflicts or wars also alter traditional social roles and hierarchies, directly impacting on gender relations. Numerous studies show that there are changes in the division of labour after the end of an armed conflict (GTZ 2001: 10). In post-conflict situations, a larger number of households tend to be headed by women who take on additional responsibilities: providing for families and wider communities, tending to the fields or assuming health care functions, not least for wounded ex-combatants. At the same time, measures intended to stabilise post-conflict situations can make the situation of women worse. To name but one, resettlement measures can lead to the destruction of informal networks of women, which are essential elements of coping and survival strategies (El Jack 2003: 14 f.). Demobilisation measures are almost exclusively aimed at male ex-combatants, a factor that excludes women from favourable terms for obtaining credit or land. At the same time, measures directed at male ex-combatants tend to deal insufficiently with their gender-specific experiences and roles as militarised, violent, aggressive men in conflict situations, leaving out an important chance to

promote more equitable, non-violent and peace-oriented definitions of male roles in post-conflict societies.

A number of international conventions and resolutions refer to gender aspects in post-conflict situations. The most recent is the UN Security Council Resolution 1325 (Oct. 2000) that inter alia stipulates an increase in female participation in institutions and mechanisms for conflict prevention, management and resolution; the integration of a gender perspective in repatriation and resettlement, disarmament, demobilisation and reintegration; and the responsibility of states to prosecute those responsible for genocide, crimes against humanity and war crimes. Furthermore, the Rome Statute to the International Criminal Court of 1998 defines rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, and any other form of sexual violence as war crimes. While affected countries themselves and organisations of Development Co-operation still have a long way to go to fully integrate a gender perspective in post-conflict governance support, the UN Resolution 1325 has already proven its usefulness as a reference frame.

3. Promotion of good governance in post-conflict societies

This section begins by identifying starting points for promoting good governance in post-conflict societies. In the following sections recommendations are made for priority measures, which are differentiated according to the three dimensions of governance outlined in the previous section. These accordingly represent recommendations for prioritisation and sequence of governance aid in post-conflict societies. Appendix 4 gives a broader overview of support measures.

3.1 Starting points for promoting good governance

a) Security governance

In post-conflict societies, security is not only the most important prerequisite for the development of governance structures and institutions. An efficient security sector is also crucial for sustaining achievements in state building and governance reform in the long run. Important steps towards a return to peace are the disarmament, demobilisation, reintegration (DDR) of soldiers and members of irregular armed forces. This is a multi-sectoral challenge that goes beyond what governance promotion can deliver. It is nevertheless touched upon in the context of the democratic control of the security sector and questions defence budgets. In order to identify starting points for supporting the security dimension of governance through TC, the paper concentrates on the following areas:

- establishing and maintaining the state monopoly of power
- granting physical integrity
- democratic control of the security sector
- reforming the police service at all levels of the state
- small arms control

Establishing and maintaining the state monopoly of power. This core task of security governance in post-conflict societies implies a dual challenge (Suhrke et al. 2002: xiii). On the one hand, allegiance to the central state and its rules by all relevant political and social actors has to be established and stabilised. This includes the particularly difficult task of integrating local leaders, specifically warlords, which has to coincide with depriving them of their power. On the other hand, it is important to reform the various armed units and the police and to ensure their legitimate political supervision and control (cp. below). Due to the military and often political power of factional leaders, this requires taking their interests into account. The integration and cooperation of these leaders is needed because their obstructive potential might pose a considerable impediment to post-conflict state building.

At the same time, we witness a growing number of cases in which claims of the state monopoly of power prove inappropriate, non-executable or nonexistent. In this context, Andreas Mehler (2003a) has pointed out alternatives to the state as guarantor of 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 severely weakened statehood, ensuring public security can – at least temporarily – be assisted by involving these traditional and modern nongovernmental institutions. This might create an impetus for political-administrative institution-building. Mehler identifies opportunities for “bottom-up state

formation”: “If there are signs of self-organisation of a society with the goal of exercising state functions, this deserves to be supported” (2003b: 3). This, however, needs to be approached with extra caution as the chances have to be weighed against the significant risks of such an approach. These risks include the stabilisation of illegitimate centres of authority in the longer term.

If it is impossible to ensure security governance with domestic means, the creation of protectorates has proved a viable if expensive and highly complex, hence ambitious, alternative. The risks of creating state monopoly of power from above by external intervention can only partly be reduced through multilateral leadership structures (UN, NATO, EU, regional security structures) and the involvement of national and local actors. The lack of legitimacy and acceptance of externally driven political reconstruction, coupled with high expectations concerning its economic effects, places severe strains on any protectorate structure.

Granting physical integrity is the most important responsibility of the state. While security encompasses many other dimensions, personal integrity is the centrepiece of any understanding of security, be it in a state-centric perspective or a human security perspective. For state authorities, this presents a twofold challenge. First, state authorities or agencies themselves, mandated to carry out restrictive or punitive measures (police, bodies of the penal system, etc.), have to adhere to human rights standards in conducting their tasks. Second the state’s monopoly of force restricts the individuals’ right to use violence to self-defence. In consequence, it lies in the state’s obligation to protect its citizens and others who are under its jurisdiction from violence inflicted by third parties.

Democratic control of the security sector. In the context of institution building, the security sector is one of the most sensitive areas because it concerns the core of state sovereignty. It can therefore be expected to be the area with greatest scepticism and resistance to reforms. Following the definition of OECD/DAC we use the term security sector to cover the following actors and institutions: Parliamentary oversight bodies, ministries (interior, foreign affairs, defence, justice, economics), bodies provided with a formal mandate to use force (police, border guards, armed forces, intelligence services, etc.) as well as civil society groups dealing with security matters (OECD/DAC 2004). This policy paper also includes the OECD Development Assistance Committee’s endorsement of principles and good practice in this area.

One issue of central importance is a clear division of responsibilities and professional differentiation among the security forces (police, border guards, armed forces, intelligence agencies) as well as their accountability and responsibility to the democratically legitimated organs. Especially in post-conflict situations that give security forces a special role, they have a tendency to defy political control and become more independent from government. Loyal security forces are an indispensable instrument for maintaining power; in case of a loss of their loyalty the armed forces may pose a major threat to the new government. Therefore governments in post-conflict societies often fail to assert their control and their claim for power.

Another typical feature of post-war countries is the problematic blurring of tasks, competencies and capabilities among the various actors of the security apparatus. The armed forces, trained and equipped for national defence, have frequently taken over internal security functions, too, while the police tend to be comparatively weak. In such situations it is required to support police reforms in order to ensure a clear division of labour between internal and external security tasks.

Control over the budgeting and spending process is also an important aspect of the democratic control of the security sector. Austerity, adequacy, efficiency and transparency

generally help to prevent mismanagement and disproportionate spending. Since decisions on the state budget are basically political decisions, it is most important that parliament is capable of exercising control and decision-making in a competent and knowledgeable manner.

Finally, independence of the courts and freedom of the press are also vital prerequisites for creating a competent public and drawing security policies out of the haze of a small circle of insider interest groups and experts; in short, to exert public control over the performance of the security forces in terms of human rights and responsiveness. To ensure democratic control is more important than a mere reduction of defence budgets, especially since many armed forces have access to resources outside the governmental budget.

Reforming the police at all levels of the state. As mentioned above, a decisive factor in the citizens' everyday life is the visibility and consistent implementation of the state monopoly of power and the rule of law. Both is embodied in the police service. This applies especially to local communities that might be far from the capital and live under often hard conditions in terms of provision with resources, information, infrastructure etc. The most important transmission belt to carry the rule of law into these areas is the local administration and the local police. We often witness that at the local level in particular, the police is involved in the violation of rights, illegal markets or irregular power structures. Accordingly, the citizens often regard the police rather as a part of the problem than as a part of the solution. Therefore, it is crucial to support reforms of the police concerning its recruiting mechanisms, training contents and methods, professional self-conception, professional know-how and skills. Part of that is capacity development to enable the police to take into consideration that men and women have different security needs (comp. 2.3) and generate appropriate responses to address those. Additionally, particularly at the local level, it is important to promote an atmosphere of trust and reliability between local administration, police and civil society. The range of challenges makes clear that hopes for a post-conflict peace bonus that could release funds for other sectors must be seen sceptically. The necessary reforms of the police and the armed forces will, at least in the short and middle term, actually increase the need for additional resources.

Small arms control. In the course of civil wars, and when armed forces are demobilised, large quantities of small arms fall into the hands of militia, bandits and civilians. This can be countered by arms control measures. These include concrete disarmament, regulation of small arms ownership and use, and control of supply channels (GTZ 2000). Ownership of arms often has economic motivations, which can be countered by providing economic alternatives and micro-disarmament projects (specifically weapons-for-development). By contrast, a personal need for arms is frequently based on a continuing awareness of threat. Here, small arms control and the monopoly of power support each other. Effective penalties for misuse of firearms and the removal of weapons support the restoration of public security, which in turn reduces demand for small arms. Small arms control involves a variety of actors. They range from police and custom authorities to courts and civil society groups. Therefore, small arms control, too, is closely interlinked with other areas of activity like security sector reform, decentralisation and peace development.

b) Political-administrative governance

At the heart of this governance dimension is the question of the development of a political system that is legitimate, transparent, and as inclusive as possible. In post-conflict societies the primary aims are: settling questions of the horizontal division of power; guaranteeing group autonomy, vertical division of power and forms of joint exercise of power through decentralisation; clearing the way for appropriate democratisation or democratic stabilisation; creating and securing the rule of law, and contributing to reconciliation. Inseparably involved

with this is the question of supplying the population with basic services. 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 completely collapsed, there is the option of seeking cooperation with NGOs and traditional institutions.

Political-administrative governance comprises of the following areas:

- constitutional reform
- division of power and inter-ethnic cooperation
- group autonomy and vertical division of power through integrative decentralisation
- democratisation and elections
- rule of law and judicial reform
- remembrance and reconciliation
- efficient provision of services, combating corruption
- promotion of local communities

Constitutional reform. Creating a constitutional system is comparable with agreeing on a new social contract. The question is how to strike a balance between two needs – first, the need to establish legitimacy and reciprocal trust between state and society, and second, to make the political institutions capable of acting as quickly as possible. Often, a “national dialogue”, a “constitutional assembly” or a mixed traditional-modern process like the *loya jirga* in Afghanistan is summoned in order to create a viable consensus on the form of the political system (cf. UNDP, no date, 2). Such a reorganisation generally involves an adoption of a constitution and laws. These govern questions of representation, separation of powers, control and accountability of the executive, and legislative procedures.

The ethno-political, ethno-social, ethno-national and ethno-regional structure of a community must be given appropriate consideration in this context, as it plays an important role in the formation of major social groups and potential parties to conflict. Appropriate solutions can take as a basis a typology, which was recently used in a UNRISD research project. This distinguishes between five initial conditions for multi-ethnic structures (UNRISD 2003: 3-4).

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. Three arrangements are particularly relevant:

- a) Concordance-democratic models which enable multi-ethnic elite coalitions through participation and veto rights (joint exercise of power, group autonomy, proportional representation).
- b) Concepts that seek a balance of interests through a hegemonic structure of institutionalised consultation between representatives of ethnic interest groups within the framework of a single or no party system (hegemonic bargaining and hegemonic exchange, Rothschild 1986). Hegemonic exchange is based on political exploitation of patronage and is basically a further development of the colonial divide-and-rule model.

While it can provide short-term stability in times of rudimentary statehood, it is doomed to fail in the medium term as it blocks economic reforms.

- c) An organisation of the political system (division into electoral districts, etc) that reduces the incentive of exploiting ethnic divisions for political aims (Nevers 1993).

Group autonomy and vertical division of power through integrative decentralisation. Particularly in multi-ethnic societies, political-administrative governance has to contribute towards sustainable peacemaking in majority-minority conflicts. This is only possible if the organisation and division of political power in multi-ethnic states is reorganised, in addition to strengthening the protection of individual minorities. There are two main approaches to this reorganisation: First, to create a division of power through group autonomy or integrative decentralisation (cf. Sisk 1996). Division of power through group autonomy aims to guarantee minorities extensive rights of self-determination, and involve them as proportionally as possible in the political structures of the state as a whole. In detail, this can include territorial and non-territorial forms of group autonomy. Non-territorial group autonomy includes forms of limited self-administration for ethnic groups (e.g. on cultural issues) irrespective of the place of residence. Second, to implement a joint exercise of executive power by group coalitions, veto rights for minorities and proportional rules for appointments to public office, allocation of state funds and the like. The strength of this approach is that minorities have permanent security of their identity needs. The drawback is that it can solidify ethnic divisions and thus offer little political incentive to create trans-ethnic structures.

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. In addition, a functional supra-system with various vertical levels for exercising power and decision-making is most suitable for tackling the challenges of political and socio-economic change. Competition between elites can be defused if power issues are not decided solely in the national arena and counterbalances can form at regional and 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 over-hasty 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 and judicial reform. 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 1997c: 19). However, in post-conflict societies it is particularly important not to take too positivist a view of the rule of law. Tying government action to law and statute does not rule out the possibility that prevailing laws, and particularly situation-specific measures, serve to keep the current government in power.

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. This, however, entails the danger, that religious or ethnic traditions that violate internationally binding (women's) rights are being strengthened. 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.

If the state fails to prosecute particularly striking crimes this may result in vigilante justice and lynch law – a phenomenon which has increased at a frightening rate in recent years, for example in Guatemala. The emphasis in consolidating the legal system of post-conflict societies is on investigation, documenting acts of violence, the responsibility of perpetrators and often the re-establishment of the judiciary. Deficiencies in the justice system are often so serious that the population regards the public legal system as nonexistent. Inadequate training, clandestine organisations, a lack of coordination between prosecutors and police, and links between political, military and legal elites prevent criminals from being convicted. The result is de facto lawlessness.

How can the reform of the justice system be supported from outside? One option is a critical political dialogue, which encourages and urges the government to leave control of the monopoly of power in the hands of the judiciary. The independence of the judiciary plays a central role here, as this is the only way that it can guarantee control of executive actions – protecting individuals as well as other state actors. Creating and strengthening an independent judiciary is thus always a political factor as well, for decisions of the judiciary can have an impact on ruling structures. In El Salvador and Guatemala, for example, the findings and recommendations of truth commissions directly affected the legitimacy of the government and the military.

Technical cooperation measures in this field have included: 1) supporting decentralisation of the judiciary in order to extend the rule of law to the local level; 2) efforts to train and upgrade judges, state prosecutors, defenders and court clerical staff; 3) introducing procedures to ensure that top positions in the judiciary are filled on the basis of merit rather than political loyalty; 4) strengthening the media and human rights organisations so that they can exercise their role as watchdogs and “fourth power” alongside the executive, legislative and judiciary.

More recent experience suggests that development cooperation should move away from technical programmes and concentrate instead on improving the accountability and control of the judiciary and fostering the ability of citizens to exercise their rights (Carothers 2003: 8).

Remembrance and reconciliation. The severity of human rights violations committed in times of war often prevents the emergence of a new sense of local or national community. Here, the juridical and social reappraisal of the past can be decisive for building a common identity in post-conflict societies. This requires an adequate disclosure of the shortcomings of earlier regimes and their opponents. A “fresh start” through new faces or institutions can also help in creating a feeling of closure. As an appropriate conciliation of injustice is rarely possible, effective reconciliation tends to stop short before a complete investigation of the past. However, admission of guilt – for example, in the context of truth commissions – can help

prevent a renewed outbreak of violence and counter impulses to vengeance. The practical tasks of coming to terms with the past include passing appropriate legislation, appointing committees of investigation and reconciliation, appointing ombudspersons, and according compensation and support to groups of victims (GTZ 2002). In addition, many societies have traditional forms of remembrance, whose inclusion can greatly enhance the reach and effectiveness of the reconciliation process. The Truth and Reconciliation Commission in South Africa and the Gacaca courts in Rwanda are only two examples of this.

Efficient provision of services, combating corruption. 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). This entails tasks as compiling a list of all employees in the public service, a simple system of salaries with minimal special allowances, and establishing basic control mechanisms.

For this purpose, Collier et al. (2003: 167 et seq.) also 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.

One central obstacle to an efficient provision of services is corruption. 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). If the fight against corruption is not given early and adequate priority, there is a danger that financial transfers will replace reconstruction and that socio-economic development will actually strengthen patronage and nepotism. Further reasons for heightened corruption in post-conflict societies are that institutional structures and legal certainty are weakened and that well-paid jobs are rare commodities. This can quickly undermine confidence in the new system, deter foreign investment, constrain economic growth and encourage mafia-like economic structures (CSIS/AUSA 2002: 7).

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).

Promotion of local communities. One possible way to improve the provision of services is to decentralise the administration. Close contact with citizens and specific consideration of poor population groups are more easily achieved at local community level. At the same time, decentralisation only works if accountability and control are firmly established at the local level - otherwise local state agencies can fall prey to figures of traditional authority or warlords. For such a readjustment of authority and power to succeed, the central state has to show a measure of strength and actively support decentralisation (OECD 1997c: 24).

In the initial post-war years it may be helpful to give special promotion to local institutions, but by the second phase at the latest, networking with the central level has to be focussed on. Lessons learnt include the following examples: Locally promoted schools eventually need a shared curriculum; isolated support to agriculture at the local level ultimately depends on the national regulation of land rights; SMEs and foreign investors lack a planning horizon if

questions of taxation and the distribution of state resources are left unresolved for years (Solomons 2002: 7).

c) Socio-economic governance

The restoration or creation of viable state structures in post-conflict societies require 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 good socio-economic governance include:

- macroeconomic stabilisation
- regulating ownership
- constraining and transforming economies of violence
- satisfying basic social needs

Macroeconomic stabilisation. The state is responsible for creating the necessary conditions for functioning markets. In addition the state must represent the public interest and reduce obstacles that bar poor population groups from economic activity. Of primary importance is the ability to plan and implement macroeconomic policy, including the establishment of regulatory reforms, monetary policy as macroeconomic stabilisation policy, and currency policy as external security for monetary and fiscal policy. This requires the corresponding expertise at the ministries involved (finance, economic, planning) and the creation of an independent central bank.

To prevent exaggerated state borrowing, the effective assessment, collection and accounting of public funds are of central importance. This requires fiscal discipline and strategic prioritisation, reflected in the public sector budgets. Technical measures can only succeed if there is the political will for reform within the state apparatus. A transparent budget detailing state expenditure and revenue, including all development aid contributions, should be at the hub of this.

Privatisation can also play a part in improved socio-economic governance in post-conflict nations. Public sector corporations are frequently unable to finance themselves, and have to be permanently subsidised. As the state is often the guarantor for loans to these companies, borrowing by public sector corporations generally rises faster and higher than that of private sector companies. In terms of institutional economics, state corporations tend to be of lower efficiency than private sector companies, and there is often very little incentive for the responsible minister to supervise them thoroughly. For these reasons, consideration should be given to reducing the size of the public sector with the support of consulting services from international partners. Privatisation of state corporations should only be implemented if there are adequate social, parliamentary and legal controls that can prevent public assets from being privatised mainly into the hands of ruling elites. To strengthen these controls one might also consider including representatives from employer organisations or trade unions in this process. This will also support their professionalisation and level of organisation.

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 (see below). Technical cooperation can promote macroeconomic stabilisation through advisory services on public finance and administration. This is particularly true for formulating and implementing Poverty Reduction Strategy Paper (PRSP) processes, and also with state programmes for SME promotion and vocational training.

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 farmland 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. Experience shows that women, especially widows, are overly discriminated in these processes in many societies, as apparently gender-neutral processes tend to favour male family members. Therefore, special attention has to be paid to women’s full inclusion and consideration. Particularly in the immediate post-war phase, it is helpful to concentrate resources on expanding capacity at the local administrative level. It is also important here to give appropriate consideration to possible compensation for victims of war.

Constraining and transforming economies of violence. Violent conflict has a profound impact on economic activity and can change the entire structure of a country’s economy. The so-called markets or economies of violence⁵ that develop during times of war often ride out ceasefires or peace agreements. As powerful individual or group interests are at stake, economies of violence tend to preserve unlawful activities or even lead to the resumption of hostilities (OECD/DAC 2001). The transition from war to peace cannot be successful unless thorough consideration is given to the political economy of armed conflict. Markets of violence will not only prolong the threat to individuals, they also seriously undermine the state’s monopoly of power.

Economies of violence need to be constrained actively (FriEnt 2004: 8). Most measures directed against their structures and main perpetrators fall within the security sector. An example for rapid intervention by force is the disruption of supply and smuggling channels. This type of action increases the transaction costs of illegal activities and weakens their market position (FriEnt 2004: 9). However, socio-economic governance also plays an important role in transforming economies of violence, as it contributes to reducing the foundation on which they depend. In many post-conflict societies, legal employment is scarce and former combatants find it hard to re-integrate into the regular economy. Entrepreneurs of violence and mercenary groups, however, continue to offer employment opportunities, giving them respectability in large parts of the population. Re-integration and qualification measures and an active promotion of economic growth can help to reduce a population’s dependence

⁵ 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).

on the economies of violence. Another example is the promotion of cash crops to entice farmers to stop growing internationally marketable drugs – an important element of many markets of violence, for example in Afghanistan or Colombia (FriEnt 2004: 12). Socio-economic governance is a “soft instrument” against economies of violence that is only effective in combination with the repressive measures outlined above.

The fact that economies of violence stretch beyond national boundaries and have become part of a shadow globalisation is part of their destructive power. At the same time, however, it offers entry points to dry them out. Without interfaces with legal businesses, the profits from economies of violence cannot travel and be invested outside the place where they are generated (GTZ 2003: 14). Here co-ordinated international efforts can have a real impact.

Satisfying basic social needs. Combating poverty and satisfying basic needs are central issues in development cooperation and decisive criteria in evaluating development policy success. They are also a central prerequisite for the legitimacy of a post-war government in the eyes of the population. Although it is usually not of central concern to the elites, satisfying basic needs can become an enticing strategy for them, as it lends popular support to those who are regarded as “reformers”. Investment in education, health and income security is a central element throughout post-war reconstruction. The state should perform those tasks for which it has the corresponding resources and management capacities. In addition, it should act as an “interface manager”, integrating private sector and civil society into a transparent and efficient governance process.

3.2 Sequencing good governance measures

Here we follow Collier (et al. 2003) and UNDP (2:16, no year) in dividing post-conflict periods into three phases with distinct challenges and opportunities for external support.

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. Women, who rarely benefit from violent conflicts, are often among the first to set up dialogue fora and peace alliances. Even if public services remain relatively rudimentary at first, and reform projects make little progress beyond declarations of intent (e.g. on combating corruption), these can act as signals of confidence and secure legitimacy.

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, particularly if it was carried out on a trustee or even authoritarian basis in the first phase. This requires above all the protection of rights and personal freedom through the rule of law. The economy and the tax system must be prepared to increasingly sustain the

country's development from its own resources. This second phase is also the earliest time to try to come to terms with the past and embark on reconciliation. Society should have had the first experiences of post-conflict collaboration by then, facilitating a spirit of „moving on“ as part of the remembrance process.

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.

Table 2: Possible priority areas in sequencing

	Phase 1 (year 1-3) stabilisation, identification of priorities	Phase 2 (year 4-7) reorganisation and institution building	Phase 3 (year 8-10) consolidation and return to “normality”
Security governance	<ul style="list-style-type: none"> - Recover the monopoly of force - Set up a police force and community policing - Demobilise and re-integrate ex-combatants - Control small arms 	<ul style="list-style-type: none"> - Reduce military spending and increase transparency - Distinguish tasks in the security sector (military, police, intelligence and security services) - Professionalize security services 	<ul style="list-style-type: none"> - Ensure civilian leadership of armed forces - Create more efficient (legal) provisions for controlling the security sector
Political-administrative governance	<ul style="list-style-type: none"> - Establish a basic social consensus - Introduce temporary power sharing arrangements - (Re-)establish functioning courts and administrations - Build local institutions - Reach agreement to combat corruption 	<ul style="list-style-type: none"> - Secure the rule of law - Open up participation and control opportunities for the population - Start reconciliation measures - Institutionalise anti corruption measures 	<ul style="list-style-type: none"> - Advance democratisation (elections) - Constitutional and judicial reform - Ensure a reliable and impartial administration - Reform media law, strengthen the media sector
Socio-economic governance	<ul style="list-style-type: none"> - Provide basic humanitarian needs - Identify and prioritise development challenges - Rebuild physical and social infrastructures - Repatriate and integrate refugees 	<ul style="list-style-type: none"> - Regulate ownership - Dismantle economies of violence - Define development strategies participatorily - Stimulate the economy - Establish a tax system - Invest in education, health and income security 	<ul style="list-style-type: none"> - Establish effective macroeconomic management - Improve tax system - Provide legal security for foreign direct investment - Invest in education, health and income security

In practice, the phases outlined here cannot be tidily separated, and their duration also varies widely from one country to another. The Commission on Post-conflict Reconstruction (2003) warned against taking too rigid an approach to sequencing. Instead, it is important to take appropriate account of the actual local situation. The suitable approach is whatever works best under the given circumstances. Sequencing governance promotion performs an important function, making it possible to bridge temporary shortcomings by opening up the prospect of incremental improvements. This helps to avoid overloading the government and the development cooperation assisting it.

It is crucial for sequencing to proceed in close coordination between all former parties of the conflicts as well as between the government and its international development partners. This requires ongoing process analysis, which should be a joint effort if at all possible, and which is not directed in advance to predefined measures. For incremental improvements in quality, joint benchmarks should be set and monitored (Post-conflict Reconstruction 2003). Also important is linking the measures in the most complementary way possible at various levels of governance structures (local to national).

4. Summary and conclusion

Supporting good governance in post-conflict societies can liberate decisive potentials for development, and there are a number of promising entry points for action. Thus, Development Co-operation can start at different stages of the post-conflict phase or concentrate on one of the different dimensions of governance.

The project on Democracy and the Rule of Law has prepared this publication to summarise and schematise the growing body of work on the topic, so that it can be effectively applied in the complex co-operation with post-conflict societies. As mentioned in the introduction, ZEF's research suggests that their number is set to rise over the next years, and we therefore believe that the international DC community needs to address this issue urgently and jointly.

Successfully promoting good governance in post-conflict societies depends on various factors, which are decisively influenced by the way in which the conflict was settled (inter al. Ohlson, Söderberg 2002: 18; Hartzell et al. 2001: 202). The chances for consolidating peace and improving governance are greatest if the parties to the conflict negotiated an agreement without external pressure, but within a framework of external support and monitoring. It is vital that no major obstacles to peace have been left out of the negotiation and that a clear timetable has been agreed upon. In cases where there was external pressure on the warring parties to reach a peace, it is even more important for international support to continue. Where possible, peace agreements should consider material provisions and take into account the interests of all population groups.

Co-operation measures to improve governance are only feasible if all former parties in the war have a minimum level of security and do not have to fear a resumption of violent conflict. For this reason, the present paper stresses the utmost importance of supporting security governance.

Another decisive factor in the effectiveness of governance promotion is a society's experience of democratic processes. Where promotional measures can build on such traditions or experiences, the transition from violence to a peaceful and democratic political culture is greatly facilitated.

In implementing governance promotion in post-conflict societies, various **goal conflicts** arise that should be taken into account as early as possible:

Needs vs. capacities. In the first few years after a war, there is a particular need for infrastructure rebuilding and governance reforms. However, the administrative ability of post-conflict states to fulfil these needs is often greatly reduced or completely absorbed by the effort to preserve existing assets. In order not to place additional demands on the administrative structure of a partner country, it is important to make first-phase support measures as unbureaucratic and flexible as possible.

Speed vs. sustainable capacity development. There is immense pressure to act in the field of security governance. To prevent a further destabilisation of post-conflict societies, rapid solutions and a quick transition from planning to implementation are needed. It may be possible to strengthen structures in the partner country that are inefficient or have lost their legitimacy in the course of the conflict. At the same time, various local and international NGOs are available to provide social services in such situations. Relying too heavily on NGOs, however, creates a danger of substituting and delegitimising state organisations and thus potentially undermines long-term efforts to strengthen them. Building human resources and institutional capacities requires a considerable lead period and cannot be expected to bear fruit overnight. Nevertheless, a mixed strategy is useful: Quick measures with broad

popular appeal can effectively stabilise peace in the short term, but the creation of effective partner structures should also not be neglected in the first phase.

Effectiveness vs. inclusiveness: The challenges in post-war countries and the associated time pressure argue in favour of initially supporting government institutions even if they are not fully democratically legitimated. This means intervening in the precarious balance of power in the post-war period. Including the interests of population groups that are not adequately represented in government is vital to political reconstruction, but entails time-consuming consultation processes. One conceivable approach would be to deal with the immediate hardships through a smaller group of partner organisations, and only then develop more complex and inclusive partnerships. Where the weakness of the state increases, inclusivity should have priority over efficiency in order to preserve the new peace.

An issue related to inclusiveness is when war veterans, returning refugees or internally displaced people receive preferential treatment in post-conflict societies, usually as the new administration tries to calm potential troublemakers. If at all feasible, it requires great effort to take these groups aboard in the post-conflict period. Therefore, civic unrest is set to arise when war veterans benefit to the detriment of the civilian population, of course partly made up by their former victims.

Macroeconomic stability vs. protection of vulnerable groups: This very tangible goal conflict in the field of socio-economic governance tends to arise when development agencies prioritise their strategies. Should austerity measures be taken first to ensure the stability of the national economy, even if this is at the expense of vulnerable population groups? Or should the emphasis be on these population groups and their contribution to peace building? According to the BMZ's development criteria of a market-friendly and social economic order, a minimum level of economic protection needs to be provided for all. Continued or increased assistance to vulnerable population groups, however, can endanger the macroeconomic balance and evoke further demands that few developing countries are able to live up to. What is regarded as preferential treatment might even spark popular discontent that disrupts the fragile cohesion of post-conflict societies.

Dynamic democratic processes vs. peace consolidation: While democracies have generally shown to be less prone to violent conflict, the introduction of certain democratic processes like election campaigns or political rallies can actually highlight social divisions. In post-conflict periods, peace and some sense of a common good therefore need to be established before a fragile settlement is put to the test of a democratic battle for power.

Promoting good governance in post-conflict societies requires more than contributing to political reforms. It also has to be understood as a measure of crisis prevention in states weakened or destroyed by violent conflict. Alongside the need to prioritise, this paper identifies key goal conflicts that need to be resolved on a case-by-case basis. We hope that the proposed sequencing of measures (3.2) will prove useful in making these decisions. In order to effectively promote good governance in post-conflict societies, financial aid and political advice must be supplemented by political signals to support the forces of peaceful reform. Of course, this invariably entails some measure of involvement into the political and social affairs of the partner country. This is a thorny issue at the best of times, but in a volatile post-conflict situation any form of cooperation must be double-checked for its intended and unintended social effects. Peace and Conflict Impact Assessments (PCIA) should therefore be applied consistently. Experiences from other post-war countries are important in selecting and improving approaches to development co-operation and have proven very helpful in communicating and cooperating with partner countries that have emerged from violent conflict.

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6. List of abbreviations

AKUF	Arbeitsgemeinschaft Kriegsursachenforschung (Working Group on Research into the Causes of War)
BMZ	Federal German Ministry for Economic Cooperation and Development
CAR	Council for Administrative Reform
CIDA	Canadian International Development Agency
DAC	Development Assistance Committee
DC	Development Cooperation
DCD	Development Co-operation Division
IDP	Internally Displaced Person(s)
IMF	International Monetary Fund
OECD	Organisation for Economic Co-operation and Development
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH (German Technical Cooperation)
HR	Human Rights
NCSC	National Council for the Support of Communes
NGO	Nongovernmental Organisation
SME	Small and Medium Scale Enterprise(s)
TC	Technical Cooperation
UNRISD	United Nations Research Institute for Social Development
ZEF	Centre for Development Research

Appendix 1: Post-conflict countries in 2003

	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
Africa										
1. Ethiopia	war	AC	AC		AC	war	war	war		
2. Eritrea						war	war	war		
3. Djibouti	war	war								
4. Guinea								war	war	
5. Guinea Bissau						war	war			
6. Cameroon		AC	AC	war						
7. Congo-Brazzaville	AC	AC			war	war	war			AC
8. Mali	war	war	war	war						
9. Niger	war	war	AC	AC	AC	AC				
10. Nigeria:		AC	AC	war		AC	war	war	AC	AC
11. South Africa	war	war								
12. Chad	war	war	war	war	AC	AC	AC	AC	AC	AC
Latin America:										
13. Ecuador			war							
14. Guatemala	war	war	war	war						
15. Mexico		war	war	AC	AC	AC	AC	AC		
16. Peru	war	war	war	war	war	AC	AC			
Asia										
17. Bangladesh	war	AC	AC	AC						
18. Cambodia	war	war	war	war	war	war				
19. Myanmar	war	war	war	war	war	war	AC	AC	AC	AC
20. East Timor	war	war								
21. Pakistan	war	war	war	AC	AC	war	war	AC	AC	AC
22. Papua – New Guinea	war	war	war	war	war	war				
23. Solomon Islands							war	war	AC	AC
Europe, Caucasian and Central Asian countries										
24. Bosnia–Herzegovina	war	war	war							
25. Yugoslavia						war	war	AC	AC	
26. Croatia	war	war	war							
27. Macedonia									war	AC
Arab world (inc. North Africa), Southern Caucasus, Central Asia										
28. Azerbaijan	war	war								
29. Armenia	war	war								
30. Georgia	war	war	AC							
31. Iran	AC	AC	AC	AC	AC			war	AC	
32. Yemen	AC	war								
33. Lebanon	war	AC	AC							
34. Tajikistan	war	war	war	war	war	war	AC	AC	AC	
35. Turkey	war									
36. Uzbekistan							war	war	AC	
37. Kyrgyzstan							war	war	AC	

Data: Arbeitsgemeinschaft Kriegsursachenforschung (AKUF)

Definition of war: 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, ie, for a period of at least one year, or continue only below the level of the AKUF definition of war.

Definition of armed conflict (AC): Violent conflict, which does not fully meet the criteria in the definition of war, and where there is no (or no longer) adequate continuity in hostilities.

Appendix 2: Grouping by phase

Category	Number	Of which with AC as interim stage
Countries in armed conflicts	9	
Countries in year 1-3 after the war/AC	12	6
Countries in year 4-7 after the war/AC	10	2
Countries in year 8-10 after the war/AC	6	0

Appendix 3: List of the 24 countries at war in 2002

Africa
Angola (UNITA) <i>Burundi</i> Côte d'Ivoire Congo (DRC) Liberia Rwanda Senegal (Casamance) Sierra Leone <i>Somalia</i> Sudan Uganda Central African Republic

Latin America
<i>Colombia (ELN, FARC)</i>

Asia
India (Assam, Bodos, Kashmir, Naxalites, Tripura) Indonesia (Aceh) Nepal Philippines (Mindanao, NPA) Sri Lanka

Near and Middle East (Arab world incl. North Africa, Southern Caucasus, Central Asia)
Afghanistan <i>Algeria</i> Israel (Palestine) Russia (Chechnya) USA / al-Qaida (war on terrorism) USA, UK / Iraq

Key:

6 conflicts with very active peace processes and likely de-escalation of violence are shown in bold italics.

4 conflicts with ongoing peace processes are shown in italics.

Post-war countries with ongoing armed conflicts are covered in appendices 1, 2

Data: Arbeitsgemeinschaft Kriegsursachenforschung (AKUF); own estimates

Status (wars): 30 December 2002

Appendix 4: Good governance in post-conflict societies – an overview of possible measures and their sequencing

Phase 1 (year 1-3) Stabilisation, identification of priorities	Phase 2 (year 4-7) Reorganisation and institution building	Phase 3 (year 8-10) Consolidation and return to “normality”
Security governance		
<ul style="list-style-type: none"> ▪ Disarmament, demobilisation and reintegration (DDR programmes) ▪ Effective control of external frontiers ▪ Establishment of nationwide security organs ▪ Focus on fighting crime ▪ community policing ▪ Ban on (small) arms in public ▪ Traditional local conflict mediation and resolution mechanisms ▪ Dialogue fora <p>In protectorate situation:</p> <ul style="list-style-type: none"> ▪ Peacekeeping through international police force 	<ul style="list-style-type: none"> ▪ Train police and other security personnel to respect human rights and rule of law ▪ Reduce security apparatus ▪ Make military spending more transparent ▪ Control small arms (reducing demand, registration, elimination) ▪ Establish public institutions for mediation and non violent conflict resolution ▪ Introduce control mechanisms for armed forces 	<ul style="list-style-type: none"> ▪ Reform of the security sector ▪ Develop parliamentary control and civilian leadership of armed forces ▪ Control small arms (inc. removal and elimination) ▪ Support democratic institutions and procedures in balancing function
Political-administrative governance		
<ul style="list-style-type: none"> ▪ Support the evolution and/or strengthening of a basic social consensus ▪ Dialogue programmes (extending beyond the state to include exiled elites and 	<ul style="list-style-type: none"> ▪ Increase opportunities for popular participation and control mechanisms (e.g. public hearings) ▪ Organise and monitor elections, including at the local 	<ul style="list-style-type: none"> ▪ Develop capacity of parliament and parliamentarians ▪ Assist human rights institutions, anti-corruption and other para-statal control institutions

Phase 1 (year 1-3) Stabilisation, identification of priorities	Phase 2 (year 4-7) Reorganisation and institution building	Phase 3 (year 8-10) Consolidation and return to “normality”
<p>neighbouring countries)</p> <ul style="list-style-type: none"> ▪ Support to “indigenous” participation procedures at the local level ▪ Provide civic education ▪ Support fact finding and needs assessment ▪ Establishing externally-supported HR monitoring ▪ Support access to information (peace media) ▪ Reconsolidation of state structures (oriented towards good governance features as horizontal and vertical separation of powers, transparency) ▪ Identification and mapping of political and social key actors ▪ Agree on temporary power sharing arrangement (Government of National Unity) and transitional constitution ▪ Review of state finances, introduction of basic financial administration ▪ Establish administrative presence (visibility) of the state ▪ Temporary recourse to local and regional traditional institutions ▪ Reach agreements to combat corruption and exact monitoring of aid funds <p>In protectorate situations:</p> <ul style="list-style-type: none"> ▪ Upholding Human Rights standards for foreign troops and new authorities ▪ Establish international transitional administration that involves functional informal institutions 	<p>level</p> <ul style="list-style-type: none"> ▪ Provide voter education ▪ Develop capacity of civic and political organisations ▪ Review legislation to enable fair political competition ▪ Establish institutions for human rights monitoring and protection (ombudsperson, human rights commission) ▪ Promote advocacy NGOs ▪ Promote establishment and professionalisation of pluralistic media sector ▪ Encourage formation of journalist associations ▪ Review constitution, identify peace oriented potential of amendments ▪ Modernise the administration ▪ Strengthen cooperation between national and subnational institutions (increase social cohesion) ▪ Institutionalise the fight against corruption ▪ Strengthen independence and capacity of judiciary ▪ Orient justice system towards international standards ▪ Introduce processes of reconciliation ▪ Establish an effective, transparent financial administration and budget control <p>In protectorate situations:</p> <ul style="list-style-type: none"> ▪ Establish new administrative structures ▪ Hand over political responsibilities 	<ul style="list-style-type: none"> ▪ Advise legal reforms and the establishment of legal and judicial coherence ▪ Secure decentralisation and horizontal division of power ▪ Develop capacity for political parties ▪ Capacity development for legal professions and journalists ▪ Strengthen transparency and quality standards in administration ▪ Encourage professional associations <p>In post-protectorate situations:</p> <ul style="list-style-type: none"> ▪ Hand over military responsibilities
Socio-economic governance		
<ul style="list-style-type: none"> ▪ Meet the population’s basic needs (health, food) ▪ Monitor the humanitarian situation ▪ Identify and prioritise socio-economic challenges ▪ Provide grants for local initiatives/projects ▪ Fast track (re)construction of 	<ul style="list-style-type: none"> ▪ Build sustainable arrangements for basic services ▪ Improve food security ▪ Widen (re)construction and rehabilitation programmes for infrastructure ▪ Tighten conditions for budget aid ▪ Secure macroeconomic key 	<ul style="list-style-type: none"> ▪ Provide budget aid for infrastructure ▪ Ensure legal security for foreign direct investment and private property ▪ Stabilise effective macro-economic management and functional tax system ▪ sustainable stabilisation

Phase 1 (year 1-3) Stabilisation, identification of priorities	Phase 2 (year 4-7) Reorganisation and institution building	Phase 3 (year 8-10) Consolidation and return to “normality”
<p>basic infrastructure</p> <ul style="list-style-type: none"> ▪ Stabilise economy through short-term programmes to prevent collapse ▪ Develop strategy for combating economies of violence ▪ Review and revise existing development planning and strategies ▪ Incrementally reintroduce tax system ▪ (provisional) settlement of ownership and use rights (spec. for IDPs, refugees) 	<p>data</p> <ul style="list-style-type: none"> ▪ Reanimate (foreign) investment ▪ Stimulate the economy with market-friendly economy orientation ▪ Constrain and transform economies of violence ▪ Institutionalise and establish tax system ▪ Regulate property rights and ownership ▪ Initiate long term land reform ▪ Develop useful division of tasks between state and nonstatal actors ▪ Establish national institutions for disaster protection ▪ Assist banking regulation 	<p>programmes aimed at social justice (spec. IMF)</p> <ul style="list-style-type: none"> ▪ Support privatisation and liberalisation ▪ Enable companies' participation in global markets (banks, import-export certification etc) ▪ Strengthen vocational training to diversify the economy

Appendix 5: Project examples

1. Afghanistan

Context

After more than 20 years of war, Afghanistan's infrastructure lays in ruins. The destruction extends to public and social institutions that are vital to a functioning state, in particular the consistent rule of law and the provision of basic public services. Where administrative structures do exist, they are often provided by local authorities rather than the transitional national government. One of the central obstacles to rebuilding the Afghan state is the difficulty of recruiting sufficiently qualified staff for its institutions.

The project

The TC project "Promoting the Rule of Law in Afghanistan" addresses the lack of specialists at all levels of the judicial system. Partners are the ministries of justice and the interior, as well as the ministry for women's affairs and national NGOs. The project strives to ensure that women as well as men shape Afghanistan's development.

In the sectors of the police and the judiciary, project measures focus on capacity building and further training in human rights and criminal investigation. Adopting a long-term view, the project also offers capacity building for Afghan trainers in this field, as well as the development of the required teaching materials. Lastly, adequate supervisory structures (eg, disciplinary commissions) are to ensure that the police and judiciary adhere to Afghanistan's new constitution in their everyday work. These measures are supplemented by trips throughout the region to share experiences and make contacts. Overall, the project is to strengthen the Afghan people's confidence in their administration and its institutions. The measures are explicitly aimed at increasing political participation, participative development and good governance.

Another focus is training for female lawyers, including an exchange of experiences with women's organisations in other Islamic countries and study visits to Germany. The aim is to establish a legal advisory service for women that will make it easier for them to obtain legal information and to protect and assert their rights.

Supporting Afghanistan's political self-determination and social stability, the project also contributes to the establishment of residential and electoral registers ahead of the country's elections in 2004 and 2005. This measure includes a preparatory qualification for women as electoral assistants.

2. Cambodia

Context

Cambodia is currently overcoming decades of civil war in a process of peaceful reconstruction and democratic transformation. Although there are setbacks, Cambodia is on the path towards political stability. In early 1999, the Cambodian government embarked on an extensive reform programme that includes decentralising the country's administrative structure in an effort to improve the provision of basic public services and promote democratic participation. In this context, decentralisation is not limited to establishing democratic forms of local government: people also need a framework in which they can develop their capabilities and have a say in the design of their local political and administrative system.

The project

The TC project "Support to the Decentralisation and Deconcentration in Cambodia" offers advisory services for planning and establishing regional and local forms of self-administration. This involves a range of pilot measures ahead of the reforms' nationwide implementation.

Supporting the Council for Administrative Reform (CAR) and the National Council for the Support of Communes (NCSC), the project prepares workshops and publications to communicate the necessary know-how on policy formulation in the decentralisation process. Other measures include adapting existing regulations to the changes in communal legislation, developing a concept for intercommunal cooperation, and providing CAR and NCSC with an appropriate process management instrument. With a wider focus, the project aims at strengthening the consultation and coordination mechanisms between administrative agencies and government, civil society, the private sector and the donor community.

In order to ensure that participation in the decentralisation process is as wide and effective as possible, a gender-sensitive qualification strategy as well as gender-sensitive curricula and training modules are being used throughout.

In addition, consultation and coordination mechanisms are being strengthened between administrative units and between government, civil society, the private sector and the donor community.

3. Guatemala

Context

After 36 years of civil war and authoritarian regimes, democracy is slowly striking root in Guatemala. Nevertheless, society is still divided and traumatised by war, and violent conflicts continue to flare up as the country is beset by deep economic, social and cultural divisions.

An important entry point for technical cooperation are educational measures that foster conflict prevention and peace building skills among the country's youth: Activities in this area can reduce conflicts even in the short run, as well as contributing to improved governance in the long term by establishing the principles of participation, multicultural coexistence and non-violent conflict resolution.

The project

Alongside the measures outlined above, the TC project "Education for Peace and Democracy" initiates and implements educational and institutional reform concepts. Its work is aimed at the education ministry and those parts of civil society engaged in education (NGOs, churches, research institutes, universities). For the latter organisations, the project mainly provides a service and networking function.

In the context of Guatemala's educational reform, the project is to draw up a concept for teaching peace and democracy that helps students to come to terms with their country's past as well as to shape its future. This includes developing suitable teaching and learning materials; organising fora, workshops and projects in schools; and improving the curricula for elementary education and teacher training. In selected pilot communities, models for student participation as well as shared-decision making for parents and representatives of local institutions are being developed and put into practice. Another goal is to evaluate experiences on an ongoing basis and spread them through the network structure outlined above. In this way, particularly innovative civil society projects can be supported with local grants to increase their reach (eg, through local radio stations). A monitoring system for observing the impact of the promoted measures is to be developed and implemented in cooperation with the partner organisations.

4. Rwanda

Context

After the 1994 genocide, the most urgent task in Rwanda was to restore and guarantee internal and external security. In the Treaty of Arusha Rwanda committed itself to completing the political transition to a pluralistic democracy by 15 July 2003. Formulation and introduction of a new national constitution, followed by the holding of parliamentary and presidential elections in 2003, are seen as important steps on the path to this new political culture. The National Electoral Commission is in charge of holding the elections. It has already held successful local elections, but has only limited experience in organising free presidential and parliamentary elections. The Commission and the Rwandan government therefore asked the German partners for assistance in planning, holding and analysing the elections.

The project

The contribution of German TC is being provided under the project "Support for the National Electoral Commission". The key services are advice to the Commission by short term experts and the improvement of the Commission's logistical capacity (eg, vehicles, information technology). Advisory services are aimed at training and upgrading electoral assistants at national, provincial and local level. Teaching materials are being produced and distributed for this purpose. In addition, the organisation and holding of elections are being jointly analysed, and a proposal is being formulated for organising future elections. The preparatory measures carried out by the Commission are being reviewed and technically supported by German experts. These are also assisting the partner in formulating the new implementation legislation needed (eg, legislation on political parties and elections).

The project is contributing to strengthening the population's participation (most of whom live in poverty) in public affairs by holding free elections. It is also contributing to strengthening responsible governance. It promotes gender equality through the strategic promotion of political participation by women, and helps to identify elections as a possible mechanism for resolving social tensions in a peaceful manner.



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