

Governance in Conflict Prevention and Recovery:

A Guidance Note





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United Nations Development Programme

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Acronyms

BCPR	Bureau for Crisis Prevention and Recovery
BDP	Bureau for Development Policy
CBOs	Community-Based Organizations
CCA/UNDAF	Common Country Assessment/ United Nations Development Assistance Framework
CDA	Conflict-related Development Analysis
CPR	Crisis Prevention and Recovery
CSOs	Civil Society Organizations
NGOs	Non-Governmental Organizations
NHRIs	National Human Rights Institutions
NSAGs	Non-State Armed Groups
PCNA	Post-Conflict Needs Assessment
SSR	Security Sector Reform

The list of acronyms relate to those used in the main text. This list does not contain those acronyms that are found only in the country-specific boxes of case-studies or programming examples, where they are explained. The list also does not contain the acronyms for United Nations departments, agencies and programmes, which are listed at: www.un.org

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Experiences from many parts of the world tell us that human development is often destroyed or delayed by armed conflict. When violence erupts, its destructiveness spreads across actors, structures and processes involved in governance, all of which takes a heavy toll on the local population. Societies in the midst of, or emerging from, armed conflict experience a great number of simultaneous challenges, like high insecurity, weak state legitimacy, polarization along identity lines, social distrust and enmity. This also makes it difficult or impossible to achieve the Millennium Development Goals.

We know that in these environments, democratic governance is crucial in overcoming the hurdles hindering peaceful and sustainable development. By promoting inclusive participation of all members of society, including disadvantaged and marginalized groups, and by helping to build up responsive governing institutions and respect for human rights, it is possible to mitigate conflict and promote peace. This requires, however, that democratic governance interventions are grounded in thorough analysis, making sure that the complex dynamics of violence are appropriately addressed in the programming. Doing otherwise may lead to unintended and harmful results.

It is therefore of paramount importance for UNDP to identify key features of the conflict and governance nexus in order to strengthen programmatic responses which are conflict-sensitive. As a preliminary step in this direction, the Democratic Governance Group (through the Oslo Governance Centre) in the Bureau for Development Policy and the Bureau for Crisis Prevention and Recovery joined efforts to develop this *Governance in Conflict Prevention and Recovery: A Guidance Note*.

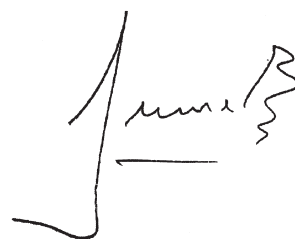
The note is intended to assist UNDP practitioners to develop conflict-sensitive democratic governance programming before, during and after armed conflict, by providing insights into: (a) debates on intended and unintended effects of democratic governance interventions; (b) some of the main challenges and opportunities about which we have learned; and, (c) examples of practical tools and resources that can guide us. Although at this initial stage the conclusions to be drawn are limited, the reader will find a substantial set of recommendations by programming streams.

Academic and practitioner knowledge informs this note, which is anchored in UNDP experiences and lessons learned, and includes various country and programming examples. The guidance note also incorporates noteworthy feedback from a governance and CPR workshop organized by BCPR in April 2008, in which UNDP colleagues representing some fifteen country offices participated.

We believe that the present publication is a significant step towards improving UNDP corporate practices for democratic governance in conflict prevention and recovery, but we also recognize that much remains to be done in terms of systematizing knowledge to inform programming. BDP and BCPR will therefore continue to work together to further advance this agenda and to deepen the cooperation between democratic governance and conflict prevention and recovery.



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Chapter

1

Governance and Conflict: Setting the Scene

This chapter discusses the inter-connections between governance and conflict, introducing definitions, overarching principles and key questions regarding UNDP interventions.

This guidance note will argue that effective and responsive programming in the field of democratic governance can be a major component of work to prevent violent conflict and support post-conflict peacebuilding. It will discuss the development of a conflict prevention and recovery 'lens' in programme design and implementation, and the challenges within programming for democratic governance in conflict and post-conflict contexts.

One challenge to governance reform programmes is when inter-connections between state and society are not well understood. In such cases, there can be resistance and reaction to reform, as well as little linkage to the wider problems such reform is meant to address. Effective programming: (a) anticipates both intended and unintended consequences; (b) maximizes positive effects and mitigates against worsening relations; and, (c) reduces negative signals to both power holders and the dispossessed. Undertaking conflict analysis in advance helps democratic governance programming to be conflict preventive.

Users of this note will need to develop governance programming for a range of purposes: (a) to prevent conflict, to avoid relapse into violence or the mobilization for armed responses to future issues; (b) to operate in times of crisis, when internal tensions and fragile situations must be managed and dealt with; and, (c) to promote democratic governance in post-conflict settings, often when warring parties have reached a settlement or peace agreement.

A variety of entry points for conflict-prone contexts and specific programming tools now exist in the UNDP 'toolkit'. This note elaborates upon them, drawing upon specific country experiences and assessments of these to develop lessons learned and insights that could be useful elsewhere.

Conflict-sensitive governance programming interventions need to be accompanied by a common understanding of conceptual approaches. Box 1 offers working definitions for the practitioner.

Working definitions of key concepts

Capacity development is ‘the process through which individuals, organisations and societies obtain, strengthen and maintain the capabilities to set and achieve their own development objectives over time’.¹

Conflict prevention has been defined as ‘the wide range of actions, interventions, programs, activities, mechanisms and procedures that address structural threats, prevent the escalation of tensions into violent conflict in addition to preventing the continuation or reoccurrence of violent conflict. This said however, conflict prevention is not synonymous with building order and stability regardless of other factors. Prevention must be anchored in international law and United Nations norms and standards’.²

Gender equality includes ‘every aspect of personal and social development that arises from, and affects, the social norms, attitudes and behaviours that determine women’s and men’s distinct social roles and status’.³ UNDP understands ‘gender equality to be an irreducible condition for inclusive, democratic, violence-free and sustainable development’.⁴

Governance is ‘the exercise of political, economic and administrative authority in the management of a country’s affairs at all levels. Governance is a neutral concept comprising the complex mechanisms, processes, relationships and institutions through which citizens and groups articulate their interests, exercise their rights and obligations and mediate their differences’.⁵

Good governance is ‘participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. It assures that corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making. It is also responsive to the present and future needs of society’.⁶

Democratic governance highlights the need to ensure that all people have the opportunity to take part in decisions affecting their lives. UNDP democratic governance initiatives support ‘the efforts of programme countries to enhance participation in public dialogues and decision making’⁷ by fostering inclusive participation, strengthening accountable and responsive governing institutions and grounding democratic governance in international principles.

Legitimacy is ‘the degree to which a government’s procedures for making and enforcing laws are acceptable to the people. A legitimate system is legal, but more important citizens believe in its appropriateness and adhere to its rules. Legitimacy is closely tied to governance: voluntary compliance with laws and regulations results in greater effectiveness than reliance on coercion and personal loyalties’.⁸

Peacebuilding designates ‘activities undertaken on the far side of conflict to reassemble the foundations of peace and provide the tools for building on those foundations something that is more than just the absence of war. Thus, peace-building includes but is not limited to reintegrating former combatants into civilian society, strengthening the rule of law (for example, through training and restructuring of local police, and judicial and penal reform); improving respect for human rights through the monitoring, education and investigation of past and existing abuses; providing technical assistance for democratic development (including electoral assistance and support for free media); and promoting conflict resolution and reconciliation techniques’.⁹

Recovery refers to the restoration of ‘the capacity of national institutions and communities after a crisis’.¹⁰

Early recovery is ‘recovery that begins in a humanitarian relief setting immediately following a natural disaster or armed conflict. Guided by development principles, the early recovery phase aims to generate self-sustaining, nationally-owned processes to stabilize human security and address underlying risks that contributed to the crisis’.¹¹

1 UNDP Capacity Development, at <http://www.capacity.undp.org/>

2 Franche, Marc-Andre et al., 2004, *Conflict Prevention NHDR Thematic Guidance Note*, Final Draft, UNDP, p. 5, at http://hdr.undp.org/en/media/conflict_gn.pdf

3 Hilary Anderson, UN INSTRAW, 2004, *Missing Links: Gender Equality, the MDGs, and the International Conference on Population and Development*, p. XI-2. Proceeding of the Seminar on the Relevance of Population Aspects for the Achievement of the Millennium Development Goals, New York, 17-19 November 2004 at <http://www.un.org/esa/population/publications/PopAspectsMDG/PopAspects.htm>

4 UNDP, *Empowered and Equal, Gender Equality Strategy 2008 – 2011*, p. 5, at <http://www.undp.org/women/docs/Gender-Equality-Strategy-2008-2011.doc>

5 UNDP, *Governance for Sustainable Human Development: A UNDP Policy Document*, Glossary of key terms, at <http://mirror.undp.org/magnet/policy/glossary.htm>

6 United Nations Economic and Social Commission for Asia and the Pacific, *What is Good Governance?*, at <http://www.unescap.org/pdd/prs/ProjectActivities/Ongoing/gg/governance.asp>

7 UNDP, *Strategic Plan 2008-2011 – Accelerating global progress on human development*, para 87, at http://www.undp.org/execbrd/word/dp07-43Rev1.doc#_Toc172517014

8 UNDP, *Governance for Sustainable Human Development: A UNDP Policy Document*, Glossary of key terms, at <http://mirror.undp.org/magnet/policy/glossary.htm>

9 *Report of the Panel on United Nations Peace Operations to the Secretary-General, A/55/305–S/2000/809*, Paragraph 13, p. 3, at http://www.un.org/peace/reports/peace_operations/

10 UNDP, BCPR website, at http://www.undp.org/cpr/we_do/_recovery.shtml

11 Ibid.

1.1 Governance and conflict: a causal relationship?

There is no straightforward evidence demonstrating a causal relationship between governance and conflict, as every situation is distinct, and societies function in complex and different ways depending on their specific structures, actors and conditions. However, contemporary patterns of internal armed conflicts and societal breakdown increasingly indicate that the drivers for collective violence are exclusion and lack of access to resources and power. It is well documented that in situations of weak state institutions, unequal distribution of resources, unstable social relations, and where there is a history of violence and permanent exclusion of certain societal groups, then mass resistance or opportunistic conflict is more likely to occur. These circumstances may lead to political breakdown, inter-group riots, mass protests against the state, and intra-state armed conflict.

Such situations illustrate the overarching importance of: (a) reconfiguring relationships and the functioning of the state; and, (b) supporting forms of democratic governance which effectively meet human needs and mediate differences through institutions that work. Legitimate governance processes and institutions are key mediators of social conduct, and thus central to any effort to address the structural causes of conflict and the triggers of violence. The practical understanding of governance has moved radically from concepts of 'ruling over' or national administrative functions and conventional authority-based models, towards approaches that rely less on formal authority and more on the interaction of state and civil society actors. Box 2 examines correlations between governance and conflict.

Box 2

Is there an evidence base for the relationship between governance and conflict?

Conflict is rarely, if ever, caused by a single factor, but rather by the interaction of several of them, usually involving a combination of long-term structural conditions with short-term proximate issues. Statistical studies have found some correlation between conflict and some governance indicators – although the presence of correlations does not necessarily prove a causal link. The Commission on Human Security echoed in its final report some of the key factors that may cause violent internal conflict, closely related to governance:

- Competition over land and resources.
- Sudden and deep political and economic transitions.
- Increasing crime, corruption and illegal activities.
- Weak and unstable political regimes and institutions.
- Identity politics and historical legacies, such as colonialism.¹²
- Growing inequality among people and communities.

Regarding the last, studies which underestimate or neglect the linkages between inequalities and violent conflict have been brought into question recently:¹³ research on horizontal inequalities – that is, inequalities between ethnic and cultural identity groups – shows that these frequently lie behind the outbreak of violent conflict. As Stewart convincingly argues, the likelihood of social unrest and violent conflict is higher in contexts with significant political or economic horizontal inequalities – especially when both types are combined.¹⁴ In this regard, the Commission on Human Security stressed that 'deprivation and unequal treatment may not generate an immediate revolt, but they can remain in people's memory and influence the course of events much later'.¹⁵

Ineffective governance is thus one of the factors which can lead to violent conflict: it can result in the breakdown in delivery of critical political goods like security, rule of law and social services when armed conflict emerges within the borders of a state. Equally, violent conflict has a strong impact on governance in its different dimensions. The objective of governance programming is to assist the building of effective, legitimate, and resilient states.

12 Commission on Human Security, 2003, *Human Security Now*, p. 21, at <http://www.humansecurity-chs.org/finalreport/English/FinalReport.pdf>

13 See Gudrun Østby, 2008, Polarization, Horizontal Inequalities and Violent Civil Conflict, in *Journal of Peace Research* vol. 45, no. 2, 2008, pp. 143–162

14 Stewart, Frances (ed.), 2008, *Horizontal Inequalities and Conflict: Understanding Group Violence in Multiethnic Societies*, Palgrave Macmillan; Stewart, Francis, 2002, *Horizontal Inequalities: A Neglected Dimension of Development*, Working Paper 1, Centre for Research on Inequality, Human Security and Ethnicity (CRISE), at <http://www.crise.ox.ac.uk/pubs/workingpaper1.pdf>

15 Commission on Human Security, 2003, *Human Security Now*, p. 7, at <http://www.humansecurity-chs.org/finalreport/English/FinalReport.pdf>

Governance programming approaches therefore focus on the exercise of political, economic and administrative authority to effectively manage a society's affairs. Democratic governance approaches also encompass civil society and the ways in which civil society organizations (CSOs) and groups are structured and organized. All these approaches focus on processes, mechanisms, and institutions through which societies collectively make decisions and implement them, and the ways in which individuals, groups and communities articulate their interests, and exercise their rights. It must be recognized that these are all highly political topics and programming for governance is not simply a technical undertaking.

In crisis and/or post-conflict situations, democratic governance interventions face a range of challenges. These may include:

- Weakness of the government, its lack of control over parts of its territory, and its lack of legitimacy;
- Ineffective delivery of basic services (e.g. security, health, water) by the government, including the need to repair or expand essential infrastructure;
- Increased corruption and lack of accountability;
- 'Brain drain';
- Politicization of the civil service, including polarization along identity lines (ethnic, religious, regional);
- Strong role played by non-state armed groups;
- A strong role of civil society in service delivery, combined with a weak role of civil society as a government watchdog;
- 'Tyranny of time' – the need to deliver results quickly and show a 'peace dividend';
- Short-term security objectives which are not necessarily aligned with long-term broader development objectives;
- Lack of moderation by different groups in exercising newly won freedoms.

As previously mentioned, democratic governance programming should not then be based on purely technical approaches, but clearly focused through a lens of conflict sensitivity. Indeed, such a lens is relevant in all settings, including pre-crisis, transition or post-conflict contexts. Support is needed not only for formal institution building, but also to create public spaces in which diverse political and social forces can express themselves and engage with each other over their own issues, organizations or policies.

1.2 Democratic governance interventions: 'do no harm' as an overall principle

In democratic governance interventions there is no agenda where one-size-fits-all. In each case it is necessary to analyse how change can be achieved based on existing social systems. Harm may be done, albeit unintentionally, if specific social contexts are not understood and the consequences of social change not anticipated and planned for.

What are the circumstances in which democratic governance interventions (even though well intended) become conflict-inducing, or 'do harm'? The 'do no harm' principle means thinking through policies that, although technically sound, can inadvertently create political instability and undermine security.

Experience has shown that seemingly rational decisions made in the interest of efficiency can have negative social outcomes. For example, 'the cutting of rice subsidies to the army is held to be a triggering factor to the 1997 military coup in Sierra Leone. Similarly, the dismissal of 600 military personnel in East Timor served as the catalyst for an outbreak of violence in the country during spring 2006'.¹⁶

Even sound objectives such as 'participation' cannot be considered in isolation from the wider setting. Research has shown that in India, 'participatory development initiatives have completely bypassed elected local government bodies, which have recently been made more inclusive by making provision for reservation of a substantial proportion of local government bodies for women, lower caste, and tribal people. An emphasis on formal procedures and techniques in good governance models has led to a

¹⁶ Wimpelmann, Torunn, 2006, *The Aid Agencies and the Fragile States Agenda*, Chr. Michelsen Institute, CMI Working Paper, 21, footnote 75, p.13 at <http://www.cmi.no/publications/publications/?2542=the-aid-agencies-and-the-fragile-states-agenda>

consequent neglect of the unseen and invisible aspects of participation and social exclusion deriving from social structure and the distribution of power, status and assets'¹⁷

1.3 Governance and conflict: the role of UNDP

Post-conflict governance work is frequently characterized by a double crisis – basically a crisis of security and also a crisis of legitimacy. Individuals and groups are unlikely to trust the state to be an impartial force capable of providing service delivery or credible security guarantees when there has been a history of violence and where there remains a lingering climate of fear.

The UNDP response to this is multi-level and cross-sectoral, addressing both immediate and longer term recovery needs. UNDP aims for realistic assessments which 'begin where we are'. They assess existent (or non-existent) capacity and implement robust programming that raises the levels of skills, knowledge and resources needed to perform state functions. This means strengthening and developing the abilities of individuals, groups, organizations, and institutions to singly and collectively perform key functions, solve problems and manage their own affairs.

Democratic governance and conflict prevention/recovery are both concerned with the promotion and operation of: (a) mediating institutions; (b) leadership for decision-making; and, (c) the delivery of public goods and human needs. Democratic governance for conflict prevention/recovery operates in both the formal and informal relationships that hold the state together.

Because poor governance interventions can cause violent conflict, while democratic governance can enable the peaceful settlement of tensions and conflicts, it is essential that the work of UNDP in support of democratic governance focuses not only upon governance per se but on promoting governance with a conflict preventive lens in place. Democratic governance programming should be designed not only to avoid generating new tensions and conflicts, but also, where possible, to mitigate the risk of conflict. To that end, programmers should consider the initial overarching questions given in Box 3 as they develop conflict-preventive democratic governance programming.

Chapter 2 examines the goals and challenges in democratic governance programming when a preventive lens is used.

Box 3

Useful key questions to ask about the inter-face between governance and conflict in any given setting

Government institutions	<i>Is there a significant institutional imbalance between the executive, legislative and judicial branches of government?</i>	<p>If power is perceived to be overly concentrated in, for instance, the presidency, conflict might arise due to lack of independence of the judiciary, leading to little confidence in the justice system and the erosion of the rule of law. And if parliament is widely considered to be of marginal influence or importance, then segments of the population who do not feel represented by the presidency may feel disenfranchised or excluded, leading them to express their grievances through non-institutional channels.</p>
Degree of centralized political power	<i>Is the degree of centralization or decentralization deemed appropriate?</i>	<p>A sense that excessive power is held at the central level as opposed to being delegated to provinces, states, districts, municipalities or other sub-national units, may create both physical and psychological distance between citizens and their government. If the state does not extend its services or representation into the area, people may reject its authority and refuse to pay fees and taxes or obey the law. The problem is exacerbated if the government is seen to be composed of elites that differ from local people in ethnicity, language, religion or other identity markers, and are therefore seen as unrepresentative or detached.</p>

17 Parthasarathy, D, 2005, *Taking responsibilities and participation seriously: A Critique of 'Good Governance'*, at <http://www.dhdi.free.fr/recherches/gouvernance/articles/parthasarathy participation.htm>

<p>Electoral processes</p>	<p><i>Are the electoral system, processes and institutions credible and popularly perceived as such? Is a particular identity group or region excluded from electoral processes or administration (or feel that it is)? Is the election's timing deemed suitable?</i></p>	<p>The timing of elections is a key consideration. Elections may trigger violence, since they are a key determinant of who will wield considerable power over several years. Violence is especially probable, for instance, when the electoral rules or their application are not considered credible and fair, or when there is a fear that legitimate results will be tampered with.</p>
<p>Role and composition of political parties</p>	<p><i>Is competition for power undertaken by organized parties with recognized modes of behaviour and shared rules?</i></p>	<p>When party affiliation commonly follows ethnic or racial lines, members of specific groups may be targeted for their assumed affiliation with a particular party. Pre-election rallies may have a strong potential for turning violent, especially if a rival party is holding a rally nearby or if security forces might try to prevent the public gathering from taking place.</p>
<p>Changing frameworks and social contract</p>	<p><i>Is the country going through a period of change, whereby the political 'rules of the game' are being rewritten?</i></p>	<p>Because of the high stakes involved, political change and associated dissent naturally breed reaction. Moreover, authoritarian regimes may proactively use violence to slow or resist democratic change. Constitutional reform is also a process that, depending on the circumstances, can be accompanied by violent conflict. Transitional periods open new spheres of competition which threaten multiple interests, and offer new channels for bargaining and consensus.</p>
<p>High expectations</p>	<p><i>Are new strains introduced due to disappointment in terms of a 'peace dividend' or changes in crucial areas (e.g. food prices)?</i></p>	<p>If democratic change, market liberalization or other reforms create an increase in popular demands which cannot be met, tensions rise.</p>
<p>Human rights</p>	<p><i>Are sufficient security and educational reform processes in place to ensure respect for human rights? Is there recourse for those seeking truth and justice, and/or a historical record of fair representation and learning?</i></p>	<p>It has been said that the human rights abuses of today are the violent conflicts of tomorrow. Non-respect of human rights by a government often involves violence, carried out by members of the security sector or clandestine death squads against political opponents. Demands for the observation of human rights generate opposition to government which in turn is met with violent reprisals. These can escalate and lead to broader conflict.</p>
<p>Historical cleavages</p>	<p><i>What cleavages characterize the population (for instance, ethnic, linguistic, regional, racial or religious) and how are they politicized? Are one or more groups politically dominant? Are some groups benefiting economically more than others?</i></p>	<p>A sense of exclusion from political power feeds conflict when certain groups are seen to be favoured, or discriminated against. A sense of political exclusion among an economically dominant group may encourage its members to use their resources to subvert government and rule of law. Is enough resource wealth (revenues derived from natural endowments such as oil or minerals) remaining in the communities where the extraction takes place? If valuable resources are taken from the soil where certain groups live but the profits go disproportionately to another region or benefit other groups, grievances related to this perceived mal-distribution lead to conflict.</p>
<p>Natural resources and economic development</p>	<p><i>Are adequate regulation and conservation measures in place? Is revenue sharing fairly decided to meet local interests and needs? Are training and jobs extended to the population?</i></p>	<p>The exploitation or corporate plunder of natural resources (bypassing or excluding local populations) introduces strain and environmental degradation which in turn may pressurize marginalized groups to react. Illegal trade drains both the tax base and attempts at establishing rule of law. Economic crises can also foment discontent. Large populations of unemployed young men or disaffected youth are the most likely demographic group to participate in armed conflict, particularly if it is their only recourse in a situation where they have no voice.</p>

Internal pressures	<i>Are there specific pressures making conditions worse for certain groups? Are governance mechanisms in place to respond to them?</i>	For instance, the return of a large number of refugees from abroad or internally displaced people will strain any fragile system. Health-related crises, including the HIV pandemic, can also promote conflict if social pressures are not addressed.
External pressures	<i>Are there external factors than could make conflict more probable internally? Could and would the government take adequate measures to prevent them from having a strong negative impact on the country?</i>	For instance, a civil war in a neighbouring country can often spill over borders, especially porous ones. Destabilizing factors include arms trafficking and other forms of smuggling, incursions by fighting forces into the national territory, diseases and an influx of refugees.

RESOURCES

UN documents

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UNGA (United Nations General Assembly), 2006, *Progress Report on the Prevention of Armed Conflict*. Report of the UN Secretary-General. A/60/891.

UNDP websites for governance, conflict prevention and recovery

Bureau for Crisis Prevention and Recovery
<http://www.undp.org/cpr/>

Democratic Governance Group, Bureau for Development Policy
<http://www.undp.org/governance/>

Oslo Governance Centre, Democratic Governance Group, Bureau for Development Policy
<http://www.undp.org/oslocentre/>

Other resources

Hampson, Fen Osler and David M. Malone (eds), 2002, *From Reaction to Conflict Prevention: Opportunities for the UN System*. Lynne Rienner, Boulder, CO.

Kaldor, Mary et al., 2006, *Evaluation of UNDP Assistance to Conflict-Affected Countries: Final Report*, UNDP, at http://www.lse.ac.uk/Depts/global/Publications/UNDP_Human%20Security%20Report2006.pdf

University of British Columbia, Human Security Centre, *Democratic Institutions: Governance and Civil War*, Workshop Report, Bellagio, Italy, 7-9 June 2004, at <http://www.hsrgroup.org/workshops/bellagio2/bellagio2report.pdf>



Chapter

2

Implications for Democratic Governance Programming

This chapter explores the implications of conflict-related issues for programming in democratic governance, with a particular emphasis on common challenges in post-conflict contexts.

2.1 Conflict-sensitive programming for democratic governance

As conflict is often rooted in governance shortcomings, the promotion of democratic governance is essential for conflict prevention and recovery. However, not all governance interventions ‘automatically’ prevent conflict. Rather, governance programming, if not sufficiently informed by an analysis of the context, may unintentionally reinforce or create tensions. Like all other kinds of external assistance, governance programmes become part of the context in which they are delivered – hence, in spite of the best intentions, they can do harm, as discussed in Chapter 1. Even more than other types of development interventions, governance programming goes to the core of issues related to identity, power dynamics, distribution of and access to services and resources. These are inherently political issues, and treating them as merely technical issues may be conflict-inducing.

The phrase ‘conflict-sensitive democratic governance programming’ refers to strategies and programmes that are based on:

- An understanding of the possible harmful effects on building peace, and actively seek to minimize these risks;
- An understanding of their potential for contributing to conflict prevention and recovery, and actively seek to maximize this opportunity.

Conflict analysis is the basis for conflict-sensitive democratic governance programming (see Box 4 – Conflict analysis tools and approaches).

Conflict analysis tools and approaches

Conflict analysis is the systematic study of the causes, actors and dynamics of conflict. It helps development and humanitarian actors gain a better understanding of the context in which they operate and their role in that context, so that their interventions do not unintentionally reinforce conflict dynamics but rather, to the extent possible, address causes of conflict and promote peace.

Multiple tools and approaches for conflict analysis have been developed by international agencies. While these tools may differ in terms of focus, target audience, or process, most of them are built around similar elements. Tools can also be adapted, and possibly combined, to respond to specific needs and enhance effectiveness.

The Conflict-related Development Analysis (CDA) is the UNDP tool for conflict-sensitive development planning. Like many conflict analysis tools, the CDA is organized around three main stages:

- **Analysis of conflict**, which allows for common understanding of the causes and consequences of violent conflict, examines conflict factors (both proximate and structural); conflict actors; and capacities for peace. In order to identify a set of dynamics that are core to the conflict, it assesses the relative importance of the various issues and the way in which they interact with each other.
- **Analysis of responses**, which looks at the interaction between conflict dynamics and past/ongoing interventions, to assess how they impact on each other.
- **Identification of ways forward**, which draws shared strategic and programmatic recommendations for development responses that address conflict and reinforce peace.

The CDA, like all conflict analysis tools, can provide overall guidance, but it is not a one-size-fits-all approach or a straightjacket. Rather, it should be flexibly tailored to each specific context.

Today, conflict analysis is integrated into a number of needs assessment tools that are used by the UN and other actors in post-crisis environments – for example, conflict analysis is an integral part of the Post-Conflict Needs Assessment (PCNA) framework.

2.1.1 How can democratic governance programming contribute to conflict or peace?

Democratic governance as an approach brings with it assumptions of better models for improved state functioning and social resilience, but in practice there are difficult paradoxes and challenges.

For example, technical support and organizational assistance can be brought to elections to help them to be a national exercise in the peaceful alternation of political power and the formation of legitimate governments. However, the principle of political equality expressed as ‘one person/one vote’ does not necessarily fit with high levels of continued poverty and inequality (‘you can’t eat democracy’). In societies where family or clan dynasties, elitism and/or neo-patrimonialism are institutionalized and deeply embedded in social structures, elections may reinforce the old status quo – rather than legitimizing freely chosen or genuinely representative government. This can also lend itself to a democratic ‘façade’, where a carefully maintained appearance of democratic governance belies the reality. In such cases, both immediate and long-term responses are required for both democratic governance and conflict/crisis prevention and recovery (CPR).

Conflict-preventing democratic governance programming involves programmes and projects that identify risks, fragilities, and gaps in the capacities of the state, but also non-state actors and institutions for peaceful development. They also incorporate useful strategies for addressing these into activities suitable for each democratic governance programming area.

For example, a project to strengthen the capacity of parliamentarians to do their jobs effectively and efficiently may impinge on the vested interests of the executive (who have no previous experience in being accountable), the private sector (who have no political mandate), or powerful individuals with political power and influence (who are neither part of the government nor elected). This could result in a backlash, which is obstructive or stalls parliamentary strengthening.

A conflict-sensitive programme looks for the probable impact it will make on vested interests and the reactions these might provoke. It tries to build in safety valves – for example, dialogue with those actors, education campaigns demonstrating win-win scenarios or training for parliamentarians on how constructively to resist negative dynamics. In addition to identifying where programming might provoke unintended tensions and conflict, governance programming through a conflict-preventive lens also seeks to identify specific ways in which governance programming might be designed differently to address potential sources of conflict.

2.1.2 Building a peace infrastructure

Peace is not about eliminating conflict, but rather about managing conflict in a way that is non-violent and constructive. In this sense, 'peace architectures' are understood as institutions, structures and processes through which a society mediates its own conflicts, by tapping into its own resources, social codes of conduct, cultural frameworks and ethical references, with the engagement of a broad range of actors. Depending on the specific context, this can take the form of formal institutions, informal/traditional mechanisms, ad-hoc structures, or some sort of combination of these.

In recent years, UNDP has been engaged in supporting peace architectures in different contexts, as illustrated by the example from Ghana in Box 5.

Box 5

Case-study from GHANA: Building a peace infrastructure

The context

Ghana is often described as an island of stability in a very volatile region. While it is true that the country has avoided the kind of destructive conflicts that have affected many of its neighbours, it faces a number of severe and potentially violent challenges. It experiences myriads of community level conflicts with the potential to escalate to national conflicts. The best known of these conflicts is the intra-clan dispute that led to the death of the king of the Dagombas (one of the most important paramount chieftaincies in West Africa) and 40 of his followers in 2002, in the northern part of the country. Traditionally, the state's response to local conflicts has been law and order based; however, the Government of Ghana has recognized the insufficiency of these procedures and the need for effective mechanisms that engage the parties in a search for constructive, durable solutions.

The intervention

UNDP has supported the Government of Ghana in the establishment of a national architecture for peace. The architecture for peace was developed after a pilot programme to build peace and mitigate the chieftaincy conflict in the Dagbon region. In 2003, at the request of the Government, UNDP in collaboration with the UN Department of Political Affairs (DPA) designed an initial set of interventions to prevent that conflict undermining the national elections of December 2004. Following the success of this intervention, the Government (with additional support from UNDP and DPA), decided to leverage the experience gained, to establish a national mechanism for the prevention, management and resolution of conflict.

The national architecture for peace works at three levels:

- The first level is the **National Peace Council (NPC)**, which was constituted following consultations with all stakeholders, including political associations. The NPC brings together a group of renowned and respected Ghanaians. This independent and non-partisan statutory body provides a national platform for consensus building on potentially divisive issues, as well as promoting national reconciliation.
- The second level is the **Regional Peace Advisory Councils (RPACs)**. The RPACs include distinguished Ghanaians from the regions who mediate inter-district and community level conflicts, and facilitate trust and confidence building among groups, as well as promote reconciliation. Underpinning the work of the RPACs is the recruitment, training and deployment of Peace Promotion Officers (the nucleus of a national cadre of mediators) in each of the ten regions.
- The third level is **District Peace Advisory Councils (DPACs)**, which include members of District Assemblies and other community elders. The DPACs promote community dialogue and mobilize all stakeholders to ensure local ownership of peacebuilding initiatives.

The Government has also established a Peace Building Support Unit within the Ministry of the Interior, to coordinate support and collaboration from government agencies for the national architecture for peace, and to provide mentoring and organize capacity development for government institutions in conflict prevention.

Other important components of the national architecture for peace include:

- **Support to media organizations** and their umbrella body, the Ghana Journalists Association, to strengthen peer review, media training, and conflict and democracy reporting.
- **Support to educational institutions to mainstream peace education** in the curriculum of schools and universities, including the launching of undergraduate and Master's level courses in peace-related subjects.

The Government of Ghana has made available to the NPC a building known as Peace House, to serve as a national rallying point for peace initiatives, and symbolizing the commitment of the Government and people of Ghana to the amicable resolution of conflicts.

2.2 Tackling democratic governance challenges in post-conflict contexts

Post-conflict environments are shaped by a myriad of factors, including peace settlement terms, constitutional arrangements, international commitments and modes of implementation. Features of physical, political and economic reconstruction will therefore vary significantly from context to context.

'Post-conflict', however, may be a misleading term, not only because conflict is inherent in all societies, but because both grievance and violence often continues in societies after a settlement has been negotiated. In Guatemala, for example, it has been estimated that the number of violent deaths during the first five years after the peace agreement was signed in 1996, was roughly the same as yearly averages during the war. Violence may be politically driven or criminally motivated, and both types present major challenges to governance reform. The transformation of both formal and informal institutions of governance is central to moving from domestic political violence or the aftermath of war.

Government frequently lacks both skills and the ability to absorb funding after armed conflict and this creates a vacuum into which non-governmental actors move, offering service delivery and operating as conduits for international aid. The challenge for international actors is to strengthen civil society without weakening government structures. Communication, sharing of resources and interaction between governmental and non-governmental actors will promote conditions conducive to social and economic development and democracy. Support to multi-stakeholder processes and genuine engagement is therefore a critical challenge for the realization of democratic governance.

2.2.1 Promoting multi-stakeholder processes: mechanisms and structures for effective participation

In fragile post-conflict settings, the state faces a major challenge of credibility vis-à-vis the population. Popular perceptions (often created by the media) are that external funds are flowing in, but these resources are not observable on the ground in the form of visible development projects. This can become a major source of mistrust, apathy, and ultimately loss of credibility if not outright challenge to the post-conflict government. In these contexts, multi-stakeholder processes are an essential part of a sustainable peacebuilding strategy, addressing mistrust, ensuring accountability of the government and managing expectations about what economic resources are flowing, where, and for what purposes. Meaningful dialogue at all levels, ensuring inclusive participation of stakeholders, contributes to enhance decision-making and transparency, and to identify and address social priorities.

Box 6 illustrates multi-stakeholder work in two distinct settings: Indonesia and Fiji.

Box 6

Case-studies from INDONESIA and FIJI: Promoting multi-stakeholder processes

The context

In recent years Indonesia and Fiji both experienced localized communal violence which reflected demographic and political changes. In each country there was a need to appreciate the governance concerns of local governments and citizens in the post-conflict period, and to understand their recommendations on how to restart quickly the process of development. Although the settings and contexts were different, multi-stakeholder processes were used for similar purposes in both situations.

The interventions

In Indonesia, the Peace and Development Analysis (PDA) was undertaken in 2004-2005 in three of the most conflict-affected regions. UNDP partners included the National Planning Board of the Government of Indonesia, the Conflict Studies Centre of the University of Gadjah Mada, provincial governments and local CSOs. The process aimed to create safe spaces for dialogue where all relevant local stakeholders could arrive at a consensus on how to tackle key obstacles to peace, and create strategic alliances so that they could work together for the establishment of sustainable peace. Rather than a conflict analysis in the traditional sense, this exercise was therefore based on dialogue and a reconciliatory development planning and programming approach.

In Fiji, the Peace and Stability Development Analysis (PSDA) was initiated in 2006 by the Ministry of Multi-Ethnic Affairs and National Reconciliation and Unity and UNDP, in collaboration with the Ecumenical Center for Research, Education and Advocacy. The decision to undertake such an analysis in Fiji was guided by a desire to obtain a comprehensive overview of Fijian society's perceptions of the issues and problems around peace, stability and development (to complement available knowledge and understanding) and to obtain consensus on priorities for peacebuilding and development. The PSDA was also used to provide a legitimate space for moderate voices to be heard (just before the national parliamentary elections of May 2006) and to create a number of entry points for a more sustained engagement by UNDP, other UN agencies and donors in supporting the development of a peace and stability architecture.

In both cases, the purpose was to initiate a process to promote greater levels of trust and reconciliation between different communities and achieve consensus on key development priorities to which all stakeholders could subscribe. Thus, the PDA and the PSDA were undertaken in the context of developing provincial and/or national development plans, as no formal peace agreements were in place to provide an appropriate framework for multi-stakeholder engagement.

Lessons learned

- Conflict and development analysis can be used as a tool to build trust and consensus between communities in conflict, but when the process is based on managing a complex dialogue process, this approach is time-consuming. Both in Indonesia and in Fiji, time was needed to explain the process, unpack the issues and develop common understandings of the value-added of these processes for local and national stakeholders. The translation of concepts into local languages posed an additional challenge, with additional time needed for internalizing terms, checking understanding during the consultations and capturing people's perceptions and reactions.
- These types of processes require skilled facilitation and ongoing capacity development support (in the form of formal trainings and informal spaces for reflection and discussion), as well as tailored support to adapt tools and methodologies to local needs.
- Flexibility is a key dimension for success. In both countries during the process of analysis and implementation, major events occurred – the tsunami in Indonesia and a coup in Fiji. The events highlighted the need for resilience and the ability to deal with uncertainty.
- Managing expectations is of key importance. These processes tend to generate high degrees of expectation in communities, from leaders and from government officials, which may be frustrated in the absence of immediate follow-up. Realistic follow-up plans and resources need to be mapped out and factored in from the outset.
- Conflict analysis processes based on dialogue build on other transformative lenses, and in particular gender equality. As such, they raise the opportunity as well as the obligation to address these issues. This includes considerations of gender balance in the selection of participants and in the facilitation team, as well as identifying and addressing specific challenges related to gender roles and relations that may arise during the consultations.
- Managing elite capture emerged as a key challenge. In Indonesia, where local elites play a significant role in the continuation of conflict, the process aimed at involving all relevant stakeholders and not only those associated with particular groups.
- For UNDP to back stop these processes well, a clear management structure to ensure effective delivery of support and allocation of human and financial resources is essential. In addition, it is always important to secure a fund to fast track initiatives (even small-scale) following the completion of the PDA to ensure trust and engagement is not lost.
- From the UNDP side, having an effective management structure, with dedicated human resources and clear roles and responsibilities, is essential for the success of the exercise. A critical issue is how outcomes of consultative processes impact on reconciliation, social cohesion and peacebuilding. In the context of Indonesia, the PDA led to a new programmatic approach by UNDP in the provinces and to the creation of structures for multi-stakeholder participation where communities could engage on an ongoing basis on decisions relative to development programmes. It also led to greater efforts on the part of local authorities to build concrete 'cross-community' components of basic service delivery activities around, for example, water provision, waste management and transport. At national level, it led to a review of the planning process to increase conflict sensitivity and the capacity of mid-level officials to understand and take conflict and communal violence dynamics into account.

2.2.2 Strengthening participation and engagement of civil society and community-based groups

When organized well, CSOs offer functions essential for democratic culture: interest-based advocacy and campaigning; community-based skills and education; media training and awareness; 'watch dog' and monitoring or oversight services; citizens' advice and short-cuts to legal or other aid.

Civil society is not composed only of non-governmental organizations (NGOs); social actors organize in far more diverse and locally known ways – for example, within religious settings, as rural agrarian communities, trade unions, workers cooperatives, collectives of small business people, women’s groups and veterans associations. There is a danger that external actors only recognize organizations similar to those they already know – i.e. NGOs – and they drop into ‘NGO speak’, placing emphasis on offices, proposals and projects, budgets and targets, rather than looking at existing organizations for what they are. Another problem is that NGO sectors frequently fragment through competition for funds and territory.

Moreover, the challenge of strengthening civil society lies in recognizing groups and roles across a broad spectrum of actors and working cooperatively with them, to the extent possible, as well as being aware of actions which might create divisions or new and negative imbalances. Box 7 illustrates the long-term need for support to civil society after the Peace Accords in Guatemala.

Box 7

Case-study from GUATEMALA: Strengthening participation and engagement of civil society and community-based groups

The context

High levels of exclusion and inequality were among the root causes of civil war in Guatemala, leading people to realize during the negotiations for the Peace Accords that civil society’s participation was needed in reconstruction and democratization.

The intervention

In a bid to prevent the fragmentation of civil society, militant activism, and generally poor relations with state institutions, UNDP recognized the importance of capacity development, and began work with CSOs after the Peace Accords (1998-2000). After the publication of the Commission for Historical Clarification report in 1999, a second phase was devoted to civil society initiatives in transparency, reconciliation and human rights.

The UNDP Programme for Civil Society Alliance (PASOC) contributed to the implementation of the Peace Accords and the recommendations of the commissions, through support to civil society initiatives. It sought to strengthen civil society roles by means of social audits, advocacy and alliances. This included accompaniment and technical assistance for the process of national reconciliation; equal access to justice; and transparency in public management.

Lessons learned

- There must be a coherent strategy for the promotion of advocacy on the part of civil society.
- The programme brought to the surface the need to be careful of groups of protagonists with a tendency to dominate the spaces created for dialogue.
- It is also important to consider the gaps between technical and political capacities: at the local level, organizations have been created with excellent capacity to analyse the local situation and development processes, but they lack political capacity, which limits their participation beyond the local context.

Constant changes within government authorities jeopardize state-UNDP relations; measures should be taken to secure fluent transition and continuity. However, tensions between supported CSOs and the state can have indirect negative consequences on the relations between UNDP and the government.

2.2.3 Promoting gender mainstreaming and women’s empowerment

The UNDP approach to gender and peacebuilding includes gender mainstreaming into all programmes and targeted interventions to enhance women’s empowerment. At the country level, UNDP work on CPR is guided by the organization’s Eight Point Agenda (see Box 8).

Box 8

UNDP Eight Point Agenda for Women’s Empowerment and Gender Equality in Crisis Prevention and Recovery

1. Strengthen women’s security in crisis
2. Advance gender justice
3. Expand women’s citizenship, participation and leadership

4. Build peace with and for women
5. Promote gender equality in disaster risk reduction
6. Ensure gender-responsive recovery
7. Transform government to deliver for women
8. Develop capacities for social change

While gender mainstreaming is often part of the planning phase of projects and initiatives, more attention needs to be paid to monitoring mechanisms for results-based reporting on implementation. In this context, lessons can be drawn from national action plans to implement Security Council Resolution 1325.¹⁸

Moreover, women's political participation can be encouraged through quotas within political parties and for parliamentary seats, by the 'women's caucus' format for lobbying, and support to advocacy groups and access to information. However, quotas should not be seen as a 'magic bullet', because they can be abused. It is possible that men choose to sponsor their preferred candidates in intimidating or exploitative ways. Also, hidden domestic pressures can prevent women from leaving their homes, or influence their voting in ways which reduce or deny their own voice.

Box 9 offers an example of political and personal measures that made a difference for women's participation in Papua New Guinea.

Case-study from PAPUA NEW GUINEA: Promoting gender mainstreaming and women's empowerment

The context

Traditionally, national elections in Papua New Guinea have been an almost all male affair, and few women have contested for open parliamentary seats and even fewer have ever been elected. Following a UNDP-supported initiative to increase women's participation in national decision-making in the run-up to the 2007 elections, women candidates issued an appeal to the government to address urgently the obstacles that hindered women's representation and participation in the National Parliament and national decision-making. Chief among their demands was that action should be taken to encourage women's full participation in the election by ensuring an environment that would enable them to vote freely and fairly without facing any form of violence or the threat of violence.

The intervention

Nearly 75 women candidates participated in a locally organized three-day workshop which was supported by UNDP, UNIFEM and the Australian Agency for International Development. The aim of the workshop was to explore ways of increasing women's representation in the country's parliament and to seek improvement in women's overall participation in national political life.

For the elections, separate compartments for women voters were set up at polling booths so that women could vote in privacy. This addressed a long-standing problem that had undermined the effective participation of women in the electoral process in the past. Because they had not enjoyed real privacy at polling booths in past elections, women often found themselves unable to vote for the candidates of their choice. Instead, they had often been intimidated by their husbands, male relatives or other partisans into voting for candidates predetermined by the latter.

2.2.4 Working with non-state armed actors

Multi-stakeholder processes often involve engagement with actors beyond the state and civil society, such as non-state armed groups (NSAGs). Such engagement is risky and controversial, but also often necessary, because such groups frequently have significant capacity and resources to provoke conflict and undermine recovery. It may be important to engage armed groups in order to draw them into, or at least limit their resistance to, peace processes, recovery and effective governance.

¹⁸ UN Security Council, 2000, Resolution 1325, at http://www.un.org/events/res_1325e.pdf

Engagement with NSAGs poses a potentially serious challenge for UNDP given the organization's close relationship with government. There is no single UN policy in this regard; rather, appropriate responses vary, depending on the situation in a country and the types of challenges and opportunities any particular armed group presents. It requires constant scrutiny and skill to manage partnership relations, and principled engagement within realistic limits. Done appropriately, governance programming engagement with NSAGs may take several forms: advocacy (attempts to influence NSAGs, though not seek agreement); negotiation (a process of discussion aimed at solving a problem or reaching agreement that might result in a joint or parallel activity); mediation (working to help an NSAG and a host government communicate, reach agreement, or solve a problem); and liaison (serving as a point of contact for communication and consultations).

Governance programming for conflict prevention and recovery will be constrained by the continued presence of active armed groups and often by the incentives offered to NSAGs during peace processes. Such incentives include the transformation of groups into legal political parties and specific positions in the state and security forces. Further discussion on security sector reform (SSR) is given in Chapter 3. Whether or not incentives are offered in peace processes, governance and conflict programming must operate in the presence of, around, and potentially with, groups whose interests may be adversely affected by peace agreements or governance reforms. Some groups may even actively oppose such agreements and reforms.

There are at least three types of situation created by the presence of armed groups in post-conflict settings:

- Armed groups may have been offered a range of governance incentives in peace agreements. They may be converted from illegal fighting forces into legal political parties or accepted members of the security forces, and may be allocated positions in state institutions. This presents an opportunity, as it mitigates the risk that they will use violence to achieve political objectives. It also presents a challenge, since such groups may lack capacity to function in formal legislative or bureaucratic institutions. They may therefore require specific capacity development assistance, as is discussed in Chapter 3 (see the sections on programming for effective elections, and legislatures and assemblies).
- Armed groups seeking to retain territorial control and in some instances quasi-governmental roles over certain areas may undermine governance programming, which they see as a threat. UNDP may continue to engage in governance programming in areas where no peace has been reached and can work around these groups, seeking to limit the perceived threat that enhanced and functional governance may pose. However, UNDP cannot work with such groups directly unless it has been sanctioned by the host government.
- UNDP may engage in governance programming for conflict prevention and recovery in situations similar to the first scenario described above, but in circumstances where only some of the armed groups operational in a country have been brought into a peace agreement. Such cases pose the same challenges as those noted above in the second scenario and UNDP similarly will need to work around, but not with, such groups.

Box 10 offers an example from Colombia of engagement with NSAGs.¹⁹

Box 10

Case-study from COLOMBIA: Working with non-state armed actors

The context

Protracted conflict in Colombia over many years has resulted in communities within some conflict zones taking initiatives to create pockets of peace and autonomy in the midst of war-torn, conflict environments. In the case of Hulia, Colombia, where there was little state control, the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia or FARC) seized municipalities and started governing these areas. Citizens of the community were barred from participating in the governing of the municipality, and were excluded from the administration of justice and public services.

¹⁹ E-discussion on CPRP-net, October 2005, *How to engage with Non-State Armed Groups*, at http://practices.undp.org/cpr_files/cpr_net/e-discussion/NSAGs.cfm?src=121517

The intervention

In order to create an atmosphere of coexistence with NSAGs, the citizens, with support from the UNDP programme REDES (Reconciliation and Development Programme) and a small grants fund, worked to 'take back' the municipality; they established a local assembly in which citizens could participate in decision-making at the local level – for example in budgeting and planning. This created space for political dialogue between municipalities and different CSOs about development plans for the municipality. This approach also allowed discreet involvement of NSAGs by informing them of the process, and in some cases, the NSAGs were able to participate in the assembly as observers.

Lessons learned

- NSAGs are heterogeneous and can include men, women and children, with different sub-groups and hierarchies. Indirect engagement and liaison is therefore possible, by proxy as well as by direct meeting.
- Engagement with NSAGs should come only after careful analysis and general consensus that such engagement may be necessary for programming to reach the most isolated and vulnerable populations. Engagement with NSAGs should be based on a thorough understanding of the root cause of the conflict, as well as on building an accurate profile of the specific NSAG itself.
- Engagement can take different forms: at one end of the spectrum, engagement is limited to essential communication or outreach, and at the other end it can go as far as cooperation in project implementation.

2.2.5 Defining integrated approaches and strategies

UNDP operations require positioning in a variety of environments – in some instances in the context of full peacekeeping operations or of broad multilateral efforts for recovery and political transition. For maximum effectiveness, UNDP must influence positively the strategic framework within which governance programming will take place. It is vital to identify and maximize the UNDP comparative advantage, while working in tandem with other actors within and outside the UN system. Addressing multiple governance, rule of law, security and reintegration challenges in early recovery settings, demands the development of integrated processes with emphasis on building capacity and a sense of national ownership.

An integrated mission is an instrument through which the UN seeks to help countries in the transition from war to lasting peace, or to address a similarly complex situation that requires a system-wide UN response, with an integrated political-strategic crisis management framework.²⁰ Due to differences in settings and needs, a variety of practices have emerged based on interpretations of the concept by different actors and different missions, some more successful than others.

At least three critical dilemmas – humanitarian, human rights, and local ownership – have been raised in relation to integrated missions.

- The **humanitarian dilemma** reflects a tension between the partiality involved in supporting a political transition process and the impartiality needed to protect humanitarian space.
- The **human rights dilemma** involves the tension that arises when the UN has to work with those who may have unsatisfactory human rights records, while still needing to retain the role of an outside critic for the same process.
- The **local ownership dilemma** entails the tension between the need to root peace processes in the host country's society and political structures, and the need to avoid reinforcing the very structures that led to conflict in the first place.²¹

Of particular interest to UNDP is the continued need to ensure that the long-term goals of transition and development are embedded from the outset of a mission, that preparations for post-mission activities are undertaken early, and that funding practices are adapted to underpin the integrated nature of the operation. Box 11 describes the challenges of the integrated mission in post-conflict Liberia.

²⁰ Note from the UN Secretary-General, 2006, *Guidance on Integrated Missions*, at [http://www.reliefweb.int/rw/lib.nsf/db900sid/OCHA-6MHKSR/\\$file/Note20of%20Integrated%20Missions.pdf?openelement](http://www.reliefweb.int/rw/lib.nsf/db900sid/OCHA-6MHKSR/$file/Note20of%20Integrated%20Missions.pdf?openelement)

²¹ Eide, Espen Barth et al., 2005, *Report on Integrated Missions: Practical Perspectives and Recommendations*, Independent Study for the Expanded UN ECHA Core Group, at <http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&DoId=1003352>

Case-study from LIBERIA: Defining integrated approaches and strategies

The context

After the signing of the Comprehensive Peace Agreement in August 2003, Liberia has moved from a state of tenuous post-conflict insecurity to a steady but still fragile peace. In January 2006, the Unity Party-led government of Ellen Johnson Sirleaf replaced the former National Transitional Government of Liberia and immediately set out to ensure promised reconstruction-oriented deliverables through a four-pillar policy framework of security; economic recovery; governance and rule of law; and infrastructure and basic services. Institution building for local government and coordinated development planning at the county level loomed as huge challenges for ensuring that peace would hold.

The intervention

In mid-2006, the first major integrated project involving both the peacekeeping mission and the United Nations Country Team (UNCT) in Liberia was developed. It aimed to bring the UN together at the county level to build local administrative capacity. The UN Country Support Team (CST) mechanism and the project (administered by UNDP) are supported by a joint steering committee involving the Government of Liberia (GoL), specifically the Ministry of Internal Affairs, the UN Deputy Special Representative of the Secretary General/Humanitarian Coordinator/Resident Coordinator, and a technical team with representation from UNDP, the United Nations Mission in Liberia (UNMIL) and the Office of the Resident Coordinator. In June 2007, as UNMIL developed indicative benchmarks for the 2008–2011 drawdown phase, efforts were made to understand the conceptual and practical linkages of UNMIL's mandate vis-à-vis longer term peacebuilding aims. The Consolidation, Draw-down and Withdrawal (CDW) plan now distinguishes between core and contextual benchmarks as follows:

- Core benchmarks are defined as markers designed to gauge the progress of the mission against its mandate and those essentials that must be fulfilled to ensure a steady state of security during drawdown.
- Contextual benchmarks are factors related to context, which could potentially reignite or exacerbate conflict or interact with core benchmarks to undermine security. The CDW plan serves as an analytical tool that can provide a means for ensuring a smooth transition between the more security-oriented stabilizing aspects of peace interventions, and the longer term aspects of peacebuilding requiring attention by a range of actors, especially the GoL.

Lessons learned

- There is a need for broad participation in conflict analysis and the sharing and repackaging of findings in different forms, so that they become useful to actors at all levels, serving as a basis to inform action and generate consensus.
- Where there is poor capacity for data collection, UN mission data collected in the field should be circulated widely, and shared with governments and civil society actors, particularly in an immediate post-conflict setting.
- Increased efforts are needed to ensure benchmarking tools are consistent with other existing strategic policy frameworks being used by government and those guiding a peace operation's activities, and are made relevant to local government bodies. While much work has been done with peace and conflict evaluation tools and impact assessments, a lack of consensus and a lack of widespread use of these tools in transitional settings persist. Shared on a practical level with local actors, findings can assist programming and planning and will benefit from consistent monitoring and evaluation which is designed as supportive of capacity development.²²

2.2.6 Promoting capacity development

UNDP defines capacity as 'the ability of individuals, institutions and societies to perform functions, solve problems, and set and achieve objectives in a sustainable manner.'²³ Definitions of capacity all emphasize the importance of multiple, interdependent layers of capacity: an enabling environment, and organizational and individual capacity.

- The **enabling environment** (or enabling conditions) refers to the context and is alternatively known as the societal or institutional level. The enabling environment at the national, sub-national and community levels comprises a variety of elements that can facilitate or constrain the development

22 McCandless, Erin, 2008, *Lessons from Liberia. Integrated Approaches to Peacebuilding in Transitional Settings*, ISS Paper 161, Institute for Security Studies, Pretoria, South Africa, at http://www.ssrnetwork.net/upload_files/4072.pdf

23 UNDP, Capacity Development, at <http://www.capacity.undp.org/>

of capacities. These include overall policies, rules and norms, values governing mandates, priorities, modes of operations, culture, etc. They may also include external factors (e.g. regional stability, relations with external actors) and internal factors (e.g. power structures, the degree of stability, and commitment of stakeholders to peace agreements).

- **Organizations** provide the framework for people to work together and achieve goals that are beyond their individual capacities. Relevant capacities at the organizational level include, among others, functional organizational capacities (e.g. planning, management, service delivery) as well as technical or specialized capacities (e.g. relating to elections, security sector or judicial reform, conflict management, mediation or negotiations).
- **Individuals** as social or organizational actors may have capacities such as leadership or management skills, conflict management and consensus building skills.

Specific capacities to be considered include community leadership, capacity for service delivery and capacities relating to voice and accountability.

As mentioned in Chapter 1, for UNDP capacity development is 'the process through which individuals, organisations and societies obtain, strengthen and maintain the capabilities to set and achieve their own development objectives over time'.²⁴ It starts from existing capacities and strengthens national efforts to extend and retain these. Capacity development focuses on a combination of technical and functional capacities. Latest trends in thinking about capacity development include:

- Moving away from thinking exclusively about individual and organizational capacity to the capacity of networks and larger systems.
- Increasing awareness that capacity development is a dynamic process and strongly context and situation specific, especially in post-conflict situations.
- Capacity development cannot be dictated from the top; it is a process of decentralized social learning.
- Capacity development is not necessarily neutral; it can change, or can be affected by social, political, cultural, and economic relations.
- Understanding capacity development as a continuum from 'doing' which emphasizes delivery of results, to more 'facilitating' which focuses on strengthening or making more effective use of capacity.
- South-South cooperation should be the preferred mechanism for capacity development. This type of cooperation may be most effective when it takes place in a regional context between countries with shared cultures and histories.

The importance of capacity as a factor influencing change in post-conflict environments, including the capacity of state institutions, is well recognized by UNDP and the international community. However, there is still a lack of structured analysis on how state and non-state capacity is affected by fragility and conflict, its influence on post-conflict recovery and how capacity development approaches and programmes can contribute most effectively to the resilience of state institutions and sustainable peace.

Development interventions in post-conflict settings must respond to situations where systems and networks are weak or broken. At the same time, there will often be an urgent need for quick and visible improvements in critical areas, and a need to focus on building the key elements of a platform for implementation in the form of accountability and decision-making capacities.

These conditions will often favour highly targeted and ring-fenced projects to achieve quick improvements for limited capacities. Such an approach requires a high degree of sensitivity to opportunities where a limited intervention can have significant effect, and where there is clear demand and an enabling environment. While direct impact and results of such interventions will be limited, they can and should have significant indirect systems impact over time, creating virtuous cycles of quick and visible results that lead to strengthened support and better access to critical resources.

A key objective of the international community in these situations is to ensure that capacities of national stakeholders are strengthened to manage effectively critical core state functions and to develop the foundations of democratic governance and peacebuilding processes. This includes, for example:

24 Ibid.

- Capacity to manage and resolve national and local level tensions and conflicts without resorting to armed violence;
- Capacity to represent and participate in the decision-making process both in the communities affected by armed conflict and within organizations;
- Capacity for dialogue and consensus building;
- Capacity to deal non-violently with the legacies of the past.

Moreover for interventions contributing to building peace, it is also necessary to look at the possibilities of bringing positive change to the mindset of the affected populations, civil servants and leadership. The breakdown in social cohesion during the conflict affects mindset in a number of ways, usually causing multiple psychological stereotypes of prejudice, mistrust and misunderstanding.

At the early recovery stage, targeted support for a limited set of critical capacities is a central element. It is a key objective of early recovery activities to build a platform for implementation of development activities, which needs to be carefully calibrated to existing capacity. It should allow maximum national ownership during the implementation stage that will again form the basis for subsequent adjusted and deepened planning frameworks and strategies in an iterative approach, building on continually strengthened national ownership.

National ownership will often be weak during early recovery. However, even after devastating conflict, there will be local counterparts with capacities that can be engaged in early recovery activities. As these may not always live up to international norms and standards, there is a need for careful assessment and informed risk-taking.

In relation to the UNDP Eight Point Agenda for Women’s Empowerment and Gender Equality in Crisis Prevention and Recovery, capacity development for peacebuilding must include support for the protection of women and ensuring justice for women after conflict. The capacity of women to contribute to reconciliation and a culture of peace needs to be supported, as well as support for the voice and empowerment of women to exercise leadership and participate in the management of state and societal institutions.

2.2.7 Sequencing

The optimal sequence of activities varies from case to case. In many instances, it can be difficult to determine what will be the best sequence. However, some activities absolutely require the prior completion of other ones. For example, the legitimacy and fairness of electoral processes will be questioned if oversight bodies are not in place, or when political parties have been given insufficient time to organize themselves and to campaign. As will be discussed in Chapter 3, in the section on effective elections, this can lead to renewed violent conflict. Delaying elections for too long, however, can also create tension and lead to conflict.

In the early recovery stage, certain sequences of post-conflict activities have been found to be more effective. As illustrated in Box 12, certain immediate actions are required in and of themselves, but which also pave the way for subsequent activities that are more difficult or sensitive.

Box 12

Sequencing in the early recovery stage

Effective sequencing of early recovery activities is important if they are to show results. Early protection, stabilization and rehabilitation measures that will generate quick successes, while building confidence for more politically or technically difficult programmes and reforms later, are typically the focus of an early recovery strategy. Possible criteria for sequencing actions include:

- Early actions that generate rapid, visible results for crisis-affected populations or that are necessary enablers of planned follow-on activities.
- Early interventions to stabilize critical public administration functions, such as paying civil servants’ salaries. If salary supplements are used by donors in order to ensure that there is some capacity in the

civil service, these should in principle be considered as transitory measures addressing a specific, time-bound need.²⁵ Supplements must be set at realistic levels from the start. A credible plan to generate new revenues to fund higher salaries as donor support is phased out would also be required.

- Pre-positioning of UN assets to ensure geographical reach outside the capital; reintegration and re-establishment of basic social services.²⁶

Even the most logical and well thought out strategies cannot anticipate all potential setbacks. Assistance, including capacity development, may fail due to factors completely external to the support given. Haiti provides a stark illustration of the challenges of timing and sequencing in a conflict setting. Successive political crises and cycles of civil conflict prevented many, if not most, development projects from being successful. For instance, UNDP support to the justice sector that pre-dated the return to constitutional order in 2005-06, failed to reach its objectives, despite the high quality of projects and of technical assistance. Yet not providing assistance may not be an acceptable alternative. A country's specific context should therefore dictate the sequencing, not a rigid model based on experiences elsewhere.

2.2.8 Tackling the 'peace vs. justice' dilemma

Tensions between peace and justice have long been debated. Both theory and policy must be refined for practical application in situations where citizens are emerging from violent conflict or political repression. Discourse on post-conflict retributive justice holds that in international law, the responsibility lies with states to ensure individuals are held accountable, and also with the international community as a whole. According to this view, support for rule of law and human rights norms cannot be established in a society while perpetrators enjoy impunity. Opposing voices point out that prosecutions can divide and even threaten the affected population, if they open old wounds or prompt re-mobilization for war or criminal intent.

The cry 'no peace without justice' resonates in many bitterly divided settings throughout the world. International responses have included the establishment of the International Criminal Court and more recently the Peace Building Commission, with a consistent message from the UN that peace and justice can and must be pursued in tandem.

Pressing needs for justice, human rights and peacebuilding linger in post-conflict and transition settings. While it is increasingly the case that blanket amnesties are not acceptable in negotiated settlements, attempts at punishment for violations of human rights can tip fragile balances of power, or influence protagonists to revert to either violent means or 'spoiler activity'. At the same time, the failure to address massive, systematic atrocities leaves scars and precedents in the face of needs and expectations of justice by victims and society at large.

Transitional justice has been defined by the UN Secretary-General as 'the full range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation.'²⁷ Truth-seeking, criminal prosecution, institutional reform and reparation are among the main approaches to transitional justice.

To achieve a lasting peace it is important to create conditions conducive to building a robust, independent judiciary and institutions that protect citizens and that are transparent. Institutional ability to deal with the past is one major test for governance credibility and reliability.

Box 13 illustrates UNDP support to the Truth and Reconciliation Commission in Sierra Leone.

25 For lessons learned on salary supplements, see UNDP, 2007, *Capacity Development during Periods of Transition Practice Note*, pp. 9-11, at http://content.undp.org/go/cms-service/download/asset/?asset_id=1635026

26 IASC Cluster Working Group on Early Recovery, 2008, *Guidance Note on Early Recovery*, p.29, at http://www.humanitarianreform/Portals/1/cluster%20approach%20page/clusters%20pages/Early%20/ER_Internet.pdf

27 UN Secretary General, 2004, *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies*, S/2004/616, at <http://www.securitycouncilreport.org/atf/cf%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/11%20SRES1674.pdf>

Case-study from SIERRA LEONE: Tackling the 'peace vs. justice' dilemma - the Truth and Reconciliation Commission

The context

Following brutal civil war from 1991 to 2002, the Lomé Peace Agreement provided for the establishment of a Truth and Reconciliation Commission in Sierra Leone. By mandate, the Commission was to create an impartial historical record of the violations and abuses of human rights and international humanitarian law from the beginning of the conflict to the signing of the Lomé Peace Agreement; to address impunity; to respond to the needs of victims; to promote healing and reconciliation and to prevent a repetition of the violations and abuses suffered. OHCHR established a secretariat to organize preparatory and operational activities of the Commission once it was inaugurated.

The intervention

UNDP worked closely with the International Centre for Transitional Justice in developing an approach to community-based reconciliation. Preparatory activities included: organizing preliminary investigations into human rights violations during the conflict; organizing research on traditional conflict resolution and reconciliation processes among the various ethnic groups that could be of complementary value to the Commission; and, facilitating and organizing public education on the work of the Commission.

Lessons learned

- Emphasis should be given to national capacity development. Transitional justice is an important national process and given the weak human resources in the country following the war, more effort should have been made to recruit Sierra Leoneans from the diaspora as part of the staff.
- A truth commission can lay the foundations for reconciliation, but the process sometimes pre-dates and normally outlasts a truth commission.
- Reconciliation without efforts to change people's material conditions is not enough. Reconciliation is also fostered by national efforts to ensure rule of law and good governance in contradistinction with a past marked by human rights violations and poor governance.
- Given the limited time frame within which truth commissions function, efforts should be made to promote community dialogue and 'palava management' processes in complement to the work of the commission.
- National leadership and ownership of a transitional justice mechanism is paramount. Any perceptions of domination or control by the international community can undermine public acceptance of the work of the commission, and affect its legacy.
- Transitional justice mechanisms are expensive processes. There cannot be half measures. Sufficient resources should be allocated to seeing them through, particularly as they contribute to the consolidation of peace in the country.

UNDP also focuses on supporting state institutions to be gender-responsive. For an example, see Box 14, which elaborates UNDP support for access to justice in Darfur, including for women and girls who are victims of sexual violence.²⁸

Case-study from DARFUR, SUDAN: Tackling the 'peace vs. justice' dilemma – combating sexual violence

The context

Given the prevalence of sexual and gender-based violence (SGBV) in Darfur, together with the related lack of access to justice and the social stigmas attached, there was substantial need for prevention, protection and response activities in settings where no previous action had been taken. This includes advocating for the rights of women, advising states on how to adapt legislation and policies so they conform to international standards, and taking action to minimize the increased risks caused when individuals or groups are affected by conflict. Activities aimed at enhancing the prevention of; the protection against; and, the proactive response to SGBV include providing capacity development support to the formal and informal justice systems, including training of judges and prosecutors, and ensuring that survivors are supported in their attempt to seek legal redress. The mindset which customarily held rape victims as guilty of adultery, often punishable by death, needed to be changed to one which understands rape as an experience of violation which involves a victim and agent(s).

²⁸ Peacebuilding Commission Working Group on Lessons Learned, Chair's summary, January 2008, *Gender and Peacebuilding: Enhancing Women's Participation*, at <http://www.un.org/peace/peacebuilding/working%20Group%20on%20Lessons%20Learned/WGLL290108GenderPBCSummary.pdf>

The intervention

The UNDP Rule of Law Programme in Darfur followed up on awareness-raising efforts by establishing UNDP Legal Aid Centres and paralegal groups, as well as a UNDP Legal Aid Network of 61 Darfurian lawyers to empower local communities and improve access to justice. UNDP initiated a series of rule of law seminars in close collaboration with Darfurian academic institutions. Aimed at bringing together local academia, government authorities, CSOs and community representatives, the seminars provided a platform to raise awareness about rule of law and human rights, and to foster meaningful dialogue amongst stakeholders, including Darfurian students and academia. UNDP currently operates seven Legal Aid Centres across Darfur (Nyala, Kass, Zalingei, El Geneina, El Fasher, Kutum), each of which is staffed by approximately 25 paralegals. These paralegals liaise with local authorities and international actors on protection-related issues; raise awareness on rule of law and human rights within their respective communities; provide basic legal information and mediation services; and, refer the most serious cases to the lawyers of the UNDP Legal Aid Network. Since 2005, over 2,000 people have gained access to legal advice, with the result that 400 convictions have been secured.

Lessons learned

- Change cannot be immediate, linear or simply 'cause and effect'. It is rather the outcome of interactions, subtle shifts and openings that build on these.
- Cultivating relationships of trust and honour is essential for access to both actors in the legal system and for gaining the trust of victims.
- Quiet advocacy is often effective through targeted and interactive trainings, listening, and appealing to educational and information exchange. It is important to develop legal precedents, and working case-by-case can result in a watershed of change in principle and outcome.

RESOURCES**UN documents**

UNDP, 2003, *Conflict-related Development Analysis*, at http://www.undp.org/cpr/whats_new/cda_combined.pdf

UNDP, IDEA, OAS, CIDA, 2007, *Democratic Dialogue - a Handbook for Practitioners* and related website, at <http://www.democraticdialoguenetwork.org>

UN Security Council, 2000, Resolution 1325, at http://www.un.org/events/res_1325e.pdf

UNDP, 2002, *Gender Approaches in Conflict and Post-conflict Situations*, at <http://www.undp.org/women/publications.shtml>

UN DESA, 2004, *Enhancing women's participation in electoral processes in post-conflict countries*, EGM/ELEC/2004/Report, at <http://www.un.org/womenwatch/osagi/meetings/2004/EGMelectoral/FinalReport.pdf>

UN Peacebuilding Commission Working Group on Lessons Learned, 2008, *Gender and Peacebuilding: Enhancing Women's Participation*, at <http://www.un.org/peace/peacebuilding/WorkingGrouponLessonsLearned/WGLL290108GenderPBCSummary.pdf>

UNDP, 2008, *Empowered and Equal: Gender Equality Strategy 2008 – 2011*, at <http://www.undp.org/women/docs/Gender-Equality-Strategy-2008-2011.doc>

UNDP, 2007, *Capacity Development during Periods of Transition Practice Note*, at http://content.undp.org/go/cms-service/download/asset/?asset_id=1635026

UNDP, 2008, *Capacity Assessment Practice Note*, at <http://www.capacity.undp.org/index.cfm?module=Library&page=Document&DocumentID=5510>

UNDP, 2008, *Supporting Capacity Development: The UNDP Approach*, at <http://www.capacity.undp.org/index.cfm?module=Library&page=Document&DocumentID=6211>



Chapter

3

Democratic Governance: Conflict Prevention and Recovery Programming in Practice

This chapter offers an overview of the areas of programming (formerly known as service lines) on democratic governance used by UNDP. It highlights specific challenges to conflict prevention and identifies recommendations and entry points for work in post-conflict settings. It also refers, for each area of programming, to more in-depth and specialist materials which can be used for follow-up and closer scrutiny.

3.1 UNDP programming in democratic governance

Following the Strategic Plan for 2008-11, all UNDP programmatic areas now seek to support four areas of UNDP comparative advantage, in line with the Millennium Development Goals:

- Democratic governance
- Crisis prevention and recovery (CPR)
- Poverty reduction
- Environment and sustainable development²⁹

UNDP offers this support through five types of activities:

- Policy advice and technical support
- Strengthening capacity of institutions and individuals
- Advocacy, communications and public information
- Promoting and brokering dialogue
- Knowledge networking and sharing of good practices

²⁹ Executive Board of UNDP and of UNFPA, *UNDP Strategic Plan, 2008-11: Accelerating global progress on human development*, UN Doc. DP/2007/43, at <http://www.undp.org/execbrd/adv2007-second-shtml>

UNDP programming for democratic governance was previously organized into a wide range of what were called 'service lines', but is now grouped into three clusters. Within each of these clusters there are a number of programming streams relevant for governance in conflict prevention and recovery. The clusters are:

- Inclusive participation
- Responsive governing institutions
- International principles

This chapter is organized according to these three clusters and their linked programming streams (see Box 15 below).

Box 15	UNDP programming clusters and streams		
Box 15	Inclusive participation	Responsive governing institutions	International principles
	<ul style="list-style-type: none"> • Inclusive communication and civic engagement • Effective elections 	<ul style="list-style-type: none"> • National, regional and local governance • Legislatures and assemblies • Justice 	<ul style="list-style-type: none"> • Anti-corruption • Human rights

In addition to the above programming areas, this chapter also includes a discussion on governance of the security sector, as it is so critical for conflict prevention and post-conflict recovery.

3.2 Inclusive participation

3.2.1 Inclusive communication and civic engagement³⁰

[a] Relevance for conflict prevention and post-conflict recovery

The control – and sometimes distortion – of information plays a crucial role in many conflict dynamics. Programmes promoting communication can allow citizens to participate more fully in democratic debate, facilitated by better access to information. This enables both individuals and CSOs to participate. Such participation is essential to pro-poor strategies of development, since it enables the poor and vulnerable to engage more fully with government decisions that affect them. Citizen participation also promotes the accountability of existing structures of governance. Furthermore, effective citizen participation mitigates risks of conflict by providing avenues for redress of grievances and contributing to the legitimacy of governance.

While the promotion of citizen access to information and open media can support longer term conflict prevention and recovery, it is important to recognize that it may also generate conflict, particularly where individuals and groups use it to challenge the status quo. It is therefore important that national institutions are ready to respond to the demands of participating citizens.

[b] UNDP work in this area

UNDP work in programme countries seeks to promote the following results:

- Civic engagement through CSOs, voluntary associations, trade unions, political parties, and the private sector;
- Enabling people to influence public policy processes and to hold governments to account;
- Promotion of communication channels that strengthen the demand for government accountability and transparency through independent journalism, access to information, and E-governance.

Examples of activities implemented with UNDP support include:

- ✓ Providing training programmes for media professionals in news-gathering skills, professional ethics and communications techniques (including doing this in the context of national reconciliation efforts);
- ✓ Creating citizens' information bureaux;
- ✓ Developing cyber networks and portals for information and debate;

³⁰ Formerly this was encompassed by the service line E-governance and access to information for citizens' participation

- ✓ Setting up press rooms to improve access to government and legislative information;
- ✓ Developing online archives and public information campaigns.

[c] Challenges and programming recommendations in post-conflict situations

In post-conflict situations, programming for greater communication and citizen engagement presents particular challenges. In particular:

- Conflict typically erodes citizens' trust in the institutions of governance;
- Public communication channels, including the media, are often undermined or destroyed during conflict;
- Conflict often generates or exacerbates mistrust among various groups in society, and certain sectors of the media are thus seen as partisan and biased;
- Where public and private media have contributed to violence (e.g. Radio Mille Collines in the Rwanda genocide), restoring media credibility in the post-crisis phase takes time.

Although much programming to enhance citizens' participation has been developed in post-conflict and conflict-prone countries, the possible risk of generating conflict is seldom, if ever, articulated. While reducing the risk of conflict is often part of the programming rationale, it does not appear to be addressed in practice.

There are several ways in which programming in post-conflict situations can increase citizen participation in order to prevent further conflict and to enhance peace. Recommendations include:

- ☑ Post-conflict programmes should analyse the levels of participation of various groups in society before and after the conflict (ideally as part of an overall conflict analysis). The analysis should consider the inclusiveness of the pre-and post-conflict society and identify socially and politically excluded groups. It should also map existing tensions with reference to beneficiaries and losers under the status quo, so that programmes can be specifically designed to mitigate such tensions. Conflict analysis should also seek to identify those who might resist the promotion of greater access to information and to the structures of governance, and thus create greater tension and conflict.
- ☑ Post-conflict recovery programmes should aim to develop channels of engagement between public institutions and all sectors of the population – especially marginalized or excluded groups. This may include specific public information campaigns to help rebuild trust in public institutions e.g. citizens' information bureaux and other similar mechanisms.
- ☑ In the aftermath of conflict all humanitarian and recovery programmes should include components for effective accessing and disseminating information.

Box 16

Programming example from ACEH, INDONESIA: Inclusive communication and civic engagement

In 2005, a peace agreement between the Government of Indonesia and the Free Aceh Movement sought to end 30 years of violent conflict. A series of peacebuilding activities were developed by bilateral and multilateral donors, and UNDP engaged in a range of activities jointly with other actors. Among these was the development of a biweekly newsletter, *Ceureumen*, to disseminate information about the peace and reconstruction processes in Aceh. Funds were also made available for 'socialization teams' engaged in promotion of pro-peace attitudes through activities such as peace slogan competitions. The overall purpose of such communication activities was to promote a 'peace climate' to support these processes. The programme may be deemed a success for its role in developing an institutional space for discussion of the peace process by official actors and in trust building. Information was widely disseminated. Two key weaknesses appear to have been the limited capacities of civil society partners and the declining impact of publicity over time.

3.2.2 Effective elections

[a] Relevance for conflict prevention and post-conflict recovery

Elections are indispensable to democratic governance in that they enable regulated political competition to occur. As already pointed out, credible and transparent elections play a positive role in ensuring the legitimacy of elected candidates and parties and thereby increasing popular support for the elected government's policies.

Conversely, when elections are widely viewed as not being free and fair, they often have the opposite effect. They entrench mistrust in political systems, alienate significant sections of the population, and ignite violent popular reaction to results that are considered illegitimate. Elections which are widely perceived as rigged can be triggers for political violence, at times expressed along ethnic lines but also with reference to historical and structural grievances. An example of this is from Kenya – after the announcement of Kenya’s 2007 presidential election results, violence erupted, killed over 1,000 people, and displaced hundreds of thousands.

Several factors determine whether electoral processes do or do not play a conflict-prevention role in society.

- **Type of election system:** in fragmented or heterogeneous societies, electoral systems that promote broader political inclusion – such as proportional representation – may be more appropriate to promote peaceful electoral outcomes, as opposed to winner-takes-all systems, which may deny political decision-making to significant sections of the community.
- **Frameworks for regulating the financing and conduct of electoral campaigns:** elections can cause or exacerbate conflict in situations where political parties or candidates base their campaigns or support on ethnic, religious, racial or other divisive elements and thus exclude other groups. In such cases the regulatory framework for candidates and political parties which contest elections may need to be reformed – to require platforms to be inclusive and to criminalize divisive campaigns.
- **Timing of elections:** in post-conflict situations particularly, the timing of elections is very important and presents its own challenges. Elections conducted too soon after the end of armed conflict – when tensions are still high and when former warring parties have not been fully disarmed and when conflict-related grievances have not been addressed – can result in the re-emergence of violent conflict. On the other hand, if unduly delayed, elections do not provide the much needed political legitimacy that is required to stabilize post-war societies. Poorly timed national elections can result in social mobilization for defense or increases in tension – for instance in the former Yugoslavia, where extreme nationalism influenced party formation prior to the elections.

[b] UNDP work in this area

UNDP work on elections seeks to promote the following four key results:

- Legal and institutional frameworks for free, fair, transparent and sustainable elections at all levels in place;
- Voter and civic education for democratic rights and responsibilities conducted;
- Electoral assistance coordinated;
- Women’s participation in elections as voters and candidates increased and sustained.³¹

In supporting elections, UNDP works in partnership with the UN DPA Electoral Assistance Division, which is the focal point for electoral assistance within the UN system. Over the years, UNDP has been asked to play an increasing role in electoral assistance in two broad areas:

- Support for the preparation/conduct of electoral events;
- Long-term support to electoral institutions (e.g. national electoral monitoring bodies), and processes (e.g. development of national frameworks for elections).

In recent years, UNDP has moved to working within the broader framework of the entire electoral cycle (normally 4-6 years), rather than on specific electoral events. The purpose of UNDP support to elections is not solely to assist in holding effective elections for their own sake, but also to strengthen long-term credible and transparent processes of governance that allow for inclusive democratic participation. More effective elections facilitate more inclusive, legitimate governments, which are in turn more stable and better able to address the needs of all, including the poor.

Examples of activities implemented with UNDP support include:

31 UNDP, Democratic Governance, Electoral Systems and Processes, at <http://www.undp.org/governance/sl-elections.htm>

- ✓ Setting-up and running independent electoral commissions and election councils;
- ✓ Civic education;
- ✓ Processes to design inclusive electoral systems.

Box 17

Programming example from INDONESIA: Effective elections

In 2004, Indonesia held its second democratic general election since the end of former President Suharto's rule in 1998, which had been accompanied by considerable political violence. The success and high levels of public participation and endorsement in the process of this election surprised many analysts, given the doubts that many felt about holding together a vast, linguistically-divided society characterized by uneven development, widespread poverty and illiteracy. The Indonesian paradox is best explained using the assumption that democracy is possible in deeply divided societies if the type of democracy practised is 'consociational', with the following characteristics:

- Governments are grand coalitions that include representatives of all major linguistic and religious groups;
- Cultural autonomy is provided for these groups;
- Proportionality in political representation and civil service appointments is provided for;
- A minority veto with regard to vital minority rights and autonomy is allowed.

UNDP assisted Indonesia in conducting the elections and supported policy dialogue on the decentralization policy that promised reform and the relative devolution of power to various regions.

[c] Challenges and programming recommendations in post-conflict situations

Elections can be tools for peacebuilding after violent conflict, but in order for elections to play such a stabilizing role, electoral assistance programmes must be formulated and implemented with this objective in mind. There are common challenges associated with electoral assistance (e.g. resistance to change by politically advantaged groups, capacity deficiencies, etc), but post-conflict societies face a number of additional challenges. In many peace agreements, former combatants are offered the opportunity to participate in governments through power-sharing agreements as an incentive to lay down arms. Nevertheless, ex-combatants are often ill-prepared to engage in competitive politics or complex bureaucracies and mistrust among parties is high. These new groupings may lack any experience with democratic political processes, and there is a risk that they will return to armed conflict if they are frustrated in achieving goals through peaceful political means. Political parties are often weak and the party system is underdeveloped; there is high uncertainty regarding relative strengths of the factions, which heightens tensions and fears about winning and losing.

Recommendations for better electoral programming in post-conflict settings include:

- ☑ Undertake a conflict analysis which should include an assessment of ethnic, religious and other dynamics and their impact on the political environment. Do certain groups in society have deep-seated grievances that may emerge during the electoral process? Are certain groups likely to be left out of the electoral process due to low levels of security? Are the elections likely to be highly contested? Has the country experienced previous episodes of election-related violence?
- ☑ Ensure that election assistance programmes run through the entire electoral cycle. This will expand programmatic opportunities to integrate conflict prevention into electoral assistance programmes. Work with and through other key institutions such as national, regional and local representative bodies. This will help in assessing the election design and its suitability to the country's socio-political situation.
- ☑ Assess the levels of public trust in election management bodies and other public institutions before designing entire programmes around them. Where trust is low, include a specific programme component to build or increase that trust.
- ☑ Work with all political parties, ex-combatants, former warring parties, CSOs and other stakeholders to improve their understanding of the electoral process, secure their input into the design and implementation of the elections programme, and obtain their commitment to electoral outcomes.

Programming example from SIERRA LEONE: Effective elections

Sierra Leone was wracked by a devastating war from 1991 until 2002, resulting in the near-total collapse of the state and three coups, one of them extremely bloody. Together with other UN agencies and development partners, UNDP played a pivotal role in supporting the country's preparation for and conduct of the presidential and parliamentary elections in August 2007 and the run-off of the presidential election in September 2007. The elections were the third in the West African state since its war ended. Elements of programming for governance and conflict prevention included:

- Provision of technical assistance through a Peace and Development Advisor to support conflict analysis and provide ongoing policy and programme advice to the government and UN on conflict prevention prior, during and after the elections. One key result of the intervention was that it enabled the UN to anticipate tensions and threats of violence and take responsive measures prior to the escalation of violence. An innovative initiative that UNDP supported was the Peace Rallies which key political parties jointly convened to denounce violence and promote tolerance.
- Support to National Elections Commission (NEC) polling staff. This included strengthening capacities of the NEC through training and technical assistance on election management and also enhancing the NEC's capacities to resolve electoral disputes.
- Improved public order management capacity, through training, briefings and equipment. This was complemented by a programme to train the security sector – mainly police – in maintaining election security and ensuring that the process was peaceful.
- Emergency support to the security sector, improved conditions and increased professionalism for staff.

The elections were largely successful in that they were generally peaceful, free, and fair, and perceived to be so by the population. Many of the challenges encountered were procedural including, inter alia, challenges in 'tracking' payments for significant numbers of polling staff, and procurement challenges regarding the purchase of small numbers of items in a post-war environment with limited infrastructure. These challenges highlighted the need for improving timeliness in procurement and disbursement, and improved communication and cooperation with donors and counterparts.

3.3 Responsive governing institutions

3.3.1 National, regional and local governance³²

[a] Relevance for conflict prevention and post-conflict recovery

Strengthening governance capacities at the national, regional and local levels is essential for achieving a pro-poor strategy of development in that it allows greater control by citizens of decisions that affect their lives. Exclusion (political, economic and social) is a primary cause of conflict. Furthermore the insufficient or inequitable provision of public services can provoke conflict or exacerbate existing tensions; it can lead to the alienation of segments of society from the state and to competition for scarce goods among different groups, often using violence.

³² Formerly Decentralization, Local Governance and Urban/Rural Development

Conflict itself also destroys national, regional and local capacity and infrastructure and reduces the ability of the state to provide services, creating a downward spiral and a vicious circle. Furthermore, improving the participation and engagement of marginalized and disadvantaged groups in decision-making regarding what services they require and how they must be delivered at the national, regional and local levels, ensures that the right services are delivered correctly, thus averting tensions and conflict.

Improved governance at the national, regional and local levels, including decentralization, can increase accountability and legitimacy, which may in turn enable the promotion of development and mitigation of conflict. Decentralization programmes may transfer different degrees of control over political, fiscal, administrative and market activities to sub-national bodies. These bodies may be regional (state, provincial) bodies, local district or municipal councils, or voluntary and private organizations.

Decentralization, however, also bears the risk of worsening tensions. For example:

- It entails the redistribution of power and can give rise to new conflicts, or bring to the surface previously latent tensions;
- It can be (or can be perceived as) a way for central governments arbitrarily to forfeit their role, thus leaving space for opposing local forces to collide;
- It can be used by central governments as a way to fragment opposition ('divide and rule');
- It can promote inequitable regional development, with 'rich' and 'poor' regions drifting further apart (especially fiscal decentralization);
- It can cement local majority groups (ethnic, religious, linguistic) at the expense of minorities.³³

[b] UNDP work in this area

UNDP works to assist national, regional and local levels of governance expand their capacities to reduce conflict and manage the equitable delivery of public services, and in particular to:

- Strengthen local government capacities;
- Improve participatory or accountability practices in local government;
- Prepare, in consultation with all relevant stakeholders, local development plans that provide for the equitable delivery of public services.

Examples of interventions implemented by UNDP include:

- ✓ Capacity development of government, civil society and the private sector;
- ✓ Support to drafting and implementation of legislation for decentralization;
- ✓ Support to the development of local governance structures;
- ✓ Support to local level planning and fiscal management;
- ✓ Community empowerment and access to services for vulnerable groups.

Box 19

Programming example: Local Initiative Facility for Urban Environment (LIFE)

LIFE³⁴ is a UNDP global flagship programme to promote local-local dialogue and partnership between NGOs, CBOs, local governments and private sector, for improving the living conditions of the urban poor and influencing policies for participatory local governance. Using an 'upstreaming-downstreaming-upstreaming' approach, LIFE provides small grants (of up to US\$50,000) directly to NGOs and CBOs for need based participatory community-based projects in poor urban communities, supports capacity development of local actors, and promotes advocacy and policy dialogues using the experience of the projects. Although a small programme, LIFE contributes, for example, to the improvement of: the living conditions of the urban poor living in slums and informal settlements; access and infrastructure for water, sanitation and waste management; reducing air and water pollution; knowledge and awareness about environmental health and other practices; and access to income generation opportunities. Some lessons learned are the following:

33 GTZ, 2006, *Decentralization and Conflicts: A Guideline*, at <http://www2.gtz.de/dokumente/bib/07-0148.pdf>

34 UNDP, Democratic Governance, UNDP's Local Initiative Facility for Urban Environment (LIFE), at <http://www.undp.org/governance/programmes/life/>

- Local communities must be at the centre of processes for achieving sustainable environmental improvements for the urban poor.
- Although there is considerable knowledge and creativity at the local level, there also exist debilitating capacity constraints. While solutions are context dependent, the best investments often include strengthening the capacity of local government to undertake participatory processes; the capacity of communities to organize and form inclusive associations; and the capacity of all sectors to engage as partners rather than as adversaries. These capacity investments have spill-over effects that go well beyond the problems originally targeted.
- Micro-level experiences that demonstrate the success of participatory, community-centered approaches can be linked to macro-level policy change. This micro-macro link however, is not automatic, and programmes such as LIFE must proactively make the connection between mechanisms such as small-scale projects and policy advocacy.

[c] Challenges and recommendations in post-conflict situations

Improving responsiveness of national regional and local institutions is fraught with challenges even in 'normal' development situations; in post-conflict settings these challenges are multiplied many times over. Conflicts have a strong impact at the local level, with displacement of populations and disruption of local governance structures and infrastructure. As already emphasized, levels of mistrust in post-conflict situations are particularly high and can easily become volatile. In some instances, this lack of trust can also become a defining factor in the relationship between authorities at the national level and regional and local institutions. Moreover, forms of patronage at the local level – for example, warlordism – benefiting from criminal activities, may have outlived the armed conflict and hinder development at the local level.

Challenges encountered by programmers to support the re-establishment of state institutions and governance processes range from those at the national level, such as: a peace agreement that determines the political arrangements and that at times restricts potential for reform; national 'brain drain' and huge capacity challenges (as in post-conflict Liberia); accommodation of power on the basis of ethnic and/or religious or other identities; imperfect re-integration of demobilized soldiers and militia which threatens stability and security; to limited presence of local government in conflict affected and/or isolated areas; significant numbers of people displaced that impact on authorities' ability to deliver services; and so on. Multi-stakeholder analysis processes can help identify the issues and assess potential responses.

Some recommendations for programming to improve the responsiveness of governance institutions in post-conflict situations include:

- ☑ Assess whether existing grievances which feature prominently as a cause of the conflict, relate to marginalization, denial of political decision-making power, or lack of access to basic services. If they do, ensure that programme design seeks to improve participation of disadvantaged or marginalized groups and that they are primary beneficiaries of the programme.
- ☑ As part of a conflict analysis, determine whether the conflict was localized and, if so, determine the reasons for this. Assess the impact of the conflict on the different communities/locations in the country. Ensure that programme implementation is targeted to localities most affected by the conflict.
- ☑ In post-conflict environments where marginalization is prominent, promote or support programmes for the devolution/decentralization of power to lower levels through technical support and training to individuals in lower-level governance structures. This can also be done through supporting policy reforms for decentralization, as well as designing and implementing decentralization strategies at the national level.
- ☑ Keep in mind the risk that decentralization efforts can be captured, or be seen to be captured, by a particular group (ethnic, political, linguistic), which could thus increase the risk of conflict. In Former Yugoslav Republic of Macedonia, for instance, the process of decentralization has become 'ethnicized', sometimes generating rather than alleviating conflict (see Box 20 on Macedonia).

Country example from the FORMER YUGOSLAV REPUBLIC OF MACEDONIA: National, regional and local governance

In Macedonia, a country with significant ethnic divisions and mistrust between ethnic groups there are strong fears that decentralization programmes could be interpreted in ethnic terms and contribute to increase tensions. The country faces challenges of weak, overly centralized government with low levels of accountability. In particular, Macedonia is widely seen as facing a serious problem with corruption and non-transparent governance. In response to concerns that government is excessively centralized, the country undertook a process of decentralization designed to allow increased local government and mitigation of tensions. As part of the process, municipalities were reorganized in order to create ethnically mixed entities, including some with ethnic Albanian majorities. Programme planning, however, needs to address the concerns that decentralization might promote conflict if managed in a way that disadvantages minority ethnic groups, or at least is perceived to do so, heightening ethnic tensions.

- ☑ In addition, remember that decentralization does not necessarily always lead to actual devolution of power and may not meet local expectations (see Box 21 on Indonesia).
- ☑ Assess, in a participatory manner, service delivery capacities at the national, regional and local levels and ensure that programme design deliberately seeks to improve these capacities. Identify some quick wins and ensure their achievement both to improve conditions and also to build confidence and trust.
- ☑ Identify existing local level governance structures (e.g. traditional or faith-based) that may have survived the conflict and assess the levels of the confidence and trust that local communities, particularly the disadvantaged and marginalized, have in them. Where legitimacy, trust and credibility in these institutions are high, ensure that programmes are designed to strengthen these institutions.
- ☑ Identify civil society and CBOs providing services at the local level and ensure that programmes are designed and implemented to strengthen their capacities.
- ☑ Remember to carefully manage perceptions in designing and implementing programmes. No intervention is considered as being neutral, especially by historically disadvantaged communities (see Box 21 on Indonesia).
- ☑ Be attentive to risks that certain programmes of decentralization may unintentionally favour one social group, or may meet resistance from status quo groups who are currently advantaged by centralized governance or particular decentralization arrangements.

Country example from INDONESIA: National, regional and local governance

In Indonesia, there has been some unease in many regions about the effects of decentralization. The concerns have been that the central government will continue to monopolize power through new local structures or that newly empowered local elites will reproduce the same exclusive and preferential behaviours seen in the past. This would result in the reproduction rather than prevention of conflicts, with no guarantees of any form of improved social justice or poverty reduction. Just as decentralization is perceived by some as holding a lot of promise, for others it is seen as representing a danger or threat to the status quo, possibly including national integrity. In such situations, it is imperative to look at a range of models for decentralization that could be conducive to addressing local grievances and promoting inclusion, and accompany political decentralization with programmes aimed at enhancing accountability and professionalism of local parliamentarians. As well as political decentralization, additional options, such as fiscal devolution, and local access to revenues raised from local resources may more immediately meet local demands and address some of the causes of conflict.

3.3.2 Legislatures and assemblies³⁵

[a] Relevance for conflict prevention and post-conflict recovery

The parliament in each country is a key national platform for building consensus around commonly held values and goals through national policy debate and dialogue, decision-making, and the passing of legislation. In providing a platform that brings together representatives of political parties to debate contentious issues peacefully, parliaments help prevent violent political conflict. In order to play an effective role in conflict prevention and post-conflict recovery, parliament must be both truly representative and accountable to all citizens. Parliaments also play an important role in ensuring accountability, including serving as a check upon the executive branch and in limiting abuses by the security sector. On the other hand, weak, dysfunctional, unrepresentative or corrupt parliaments may de-legitimize the government and generate grievances that promote violence.

[b] UNDP work in this area

As part of its work in democratic governance UNDP seeks to promote the following results:

- Strengthened institutional capacities of legislatures, regional elected bodies, and local assemblies;
- Improved responsiveness of legislatures and assemblies to their constituents.

UNDP works to strengthen the role of parliaments in governance by specifically enhancing their representative, legislative and oversight capacities, including through their management of budgets.

Examples of interventions implemented by UNDP include:

- ✓ Capacity development for public outreach of representative bodies and strengthening of constituency relations;
- ✓ Assistance to specific parliamentary committees or subcommittees and caucuses, such as a gender caucus, and others tasked with addressing national development issues;
- ✓ Development and modernization of parliamentary institutions;
- ✓ Infrastructure and equipment support to parliaments (although increasingly there is an effort to focus on support to processes rather than material inputs).

[c] Challenges and programming recommendations in post-conflict situations

While many of the risks and programming options for countries at risk of conflict continue during conflict and in post-conflict situations, the challenges of governance and support to parliaments in a post-conflict environment may be both more acute and occasionally distinct. Specific new challenges emerge because of the legacy of conflict, which will have damaged not only infrastructure and lives, but also social relations and trust. Support to parliaments may assist in the critical rebuilding process of the state, as well as increasing the legitimacy of the state in the eyes of the population.

The main challenge in the immediate aftermath of conflict is that either the institution of parliament does not exist or its legitimacy is highly challenged. Unless and until a legitimate parliament is elected in credible and transparent elections, it is thus not possible to undertake substantive programming support for the parliament. Parliamentary support must therefore be preceded in such situations with electoral assistance.

Other challenges include:

- Limited levels of public participation in parliamentary affairs by citizens, especially by women, minorities and other underrepresented and excluded groups;
- Legacy of mistrust among citizens and between the citizenry and institutions of governance including parliaments;
- Weak knowledge of parliamentary procedures by parliamentarians and staff.

³⁵ Formerly Parliamentary Development

Most crucially, programming often operates in the context of peace agreements which may have legalized armed groups and ensured them access to political power, possibly through quotas. Engaging these groups which often have no prior experience in parliamentary politics can be a huge challenge.

Overcoming these challenges is essential to improve the representative nature of parliament and also to ensure its public legitimacy as a stabilizing governance institution with the capacity to take action on contentious social and political issues.

Some programming recommendations include:

- ☑ Be attentive to a number of dysfunctional aspects of governance that could encourage social conflict, which could in turn escalate to violent conflict. Identify sources of potential conflict in specific contexts and design programmes accordingly. This includes support to legislatures to counterbalance executive dominance, support to specific groups in parliament which are underrepresented or lack capacity and which may have historical grievances, or support to outreach and transparency programmes to increase public satisfaction with the performance of legislatures. Such programmes may also be complementary to, and overlap with, support to political parties, discussed under the section on effective elections.
- ☑ Ensure that programming specifically addresses the demands of groups which may have been excluded from access to governance structures, particularly where this has generated grievances and mistrust. Consider strengthening outreach programmes and citizen's forums to ensure greater participation and voice.

Box 22

Programming example from GUATEMALA: Legislatures and assemblies

In Guatemala, support to parliamentary reform has been explicitly linked to addressing the requirements of a stalled peace process. In that country, weak and corrupt governance caused the peace process to grind to a halt by 2005, with many elements of the peace accord still to be implemented. In 2005-06, the President of the country's Congress laid out an ambitious plan of legislation aimed at reforming governance processes, including new legislation governing electoral processes, legislative procedures, political parties and reform of the judicial sector. These reforms were promoted as a legislative agenda for peace, in recognition of the failure to consolidate peace or reform corrupt governance, more than a decade after the peace accords. At the government's request, UNDP provided support to the Congress's modernization programme. However, progress has been limited, with the Congress rejecting a UNDP proposal for an anti-corruption commission. This illustrates how a lack of political will can undermine attempts to provide such support, even where such will originally appeared to be present. It also highlights a need to be wary of the different motivations of legislatures (themselves diverse in composition) in requesting support and their commitment to genuine reform, emphasizing the need for closer oversight and monitoring.

Box 23

Programming example from BURUNDI: Legislatures and assemblies

UNDP has been present in Burundi since before 1998, working before, and during the conflict, through the peace process and into the peacebuilding stage. It has worked with the country's parliament and to strengthen parliamentarians' capacities in many areas, including the preparation of legislation, oversight of government, the functioning of parliamentary commissions and representation of the electorate. UNDP work has sought to strengthen parliament so that it may contribute to rule of law and the consolidation of democracy at the national and local levels and thus promote peace and development. While the situation in Burundi has vastly improved since the end of the civil war, the recent achievements remain relatively fragile and could still come under serious threat in the future. Concerns remain however regarding the commitment of the government – formed by an ethnically-based former rebel group – to the democratic principles that underpin the Arusha Agreement. This demonstrates that efforts to strengthen legislatures may not in themselves suffice, but that there is need to strengthen government capacities to adhere to democratic principles agreed to in peace agreements. It also emphasizes the need to ensure that programmes seek to address exclusion of ethnic and political groups and underrepresented segments of society.

3.3.3 Justice³⁶

[a] Relevance for conflict prevention and post-conflict recovery

Justice and the facilitation of access to it are essential to development, conflict prevention and post-conflict peacebuilding. The development of a principled and consistent rule of law is also supported by an accountable, civilian-controlled security sector, which UNDP also supports (see discussion below on governance of the security sector).

Access to justice and judicial remedies are indispensable means for the citizenry to protect their socio-economic, cultural and political well-being. Imbalances in the socio-economic dynamics in society leads to abuse of power, thereby further exposing vulnerable groups in the community.

The poor and disadvantaged are the most vulnerable in terms of facing discrimination, being victimized by criminal and illegal acts, and, most importantly, experiencing human rights violations – and it is far more difficult for them to obtain redress. The denial of justice reinforces poverty and undermines confidence in governance processes and institutions. It may also promote violence, as individuals seek extra-legal means to resolve disputes. Grievances related to lack of access to justice may also lead to more direct challenges to state structures including violent ones.

At the same time, justice mechanisms can be instruments to overcome deprivation with a fair and effective justice system being the best way to reduce the risks associated with violent conflict.³⁷ Violent conflict may, therefore, be prevented by programming which promotes the transparency and regularity of formal judicial processes, and ensures greater access, particularly by groups that are traditionally marginalized.

Adherence to ‘do no harm’ principles, however, requires a recognition that in some circumstances promotion of justice may result in conflict, where those groups benefiting from the current status quo resist change and reform, or where support for access to justice by one group inadvertently undermines access by another.

[b] UNDP work in this area

In its support for improved access to justice UNDP seeks to promote the following results:

- Development of effective, responsive, accessible and fair justice systems that promote rule of law;
- Promotion of rule of law in both formal and informal sectors;
- Ensuring due consideration for the rights of the poor, women and vulnerable groups.

UNDP provides assistance to governments in promoting and reforming justice and rule of law, engaging in a range of activities, including for example:

- ✓ Justice sector needs assessments and analysis;
- ✓ Strengthening service delivery capacities of justice sector institutions;
- ✓ Enhancing capacities of poor, disadvantaged and marginalized groups to seek and obtain justice through, among others, legal empowerment programmes;
- ✓ Capacity development, including training of judges, prosecutors, paralegals, defense lawyers, police and correction officers;
- ✓ Supporting impartial judicial appointment processes, to make them more independent and transparent;
- ✓ Supporting the creation and strengthening of legal aid centers or legal information bodies;
- ✓ Supporting legal awareness campaigns for the poor, women, disadvantaged and other marginalized groups;
- ✓ Supporting quasi-judicial bodies such as national human rights institutions and formal alternative dispute resolution mechanisms.

³⁶ Under the old UNDP nomenclature, Justice and Human Rights were addressed jointly under a single service line. Under the new Strategic Plan, they are treated separately, and this is reflected here

³⁷ Wojkowska, Eva, 2006, *Doing Justice: How informal justice systems can contribute*, UNDP Oslo Governance Centre, Oslo, p. 8, at <http://www.undp.org/oslocentre/docs07/DoingJusticeEwaWojkowska130307.pdf>

While programming in rule of law and access to justice tends to focus on the formal justice sector, for many poor and disadvantaged groups the informal or traditional justice sector is the only one to which they have access. UNDP therefore also seeks to strengthen the integrity of the informal sector, while addressing the concern that in some instances existing informal or traditional processes may not be consistent with international human rights standards, including non-discrimination.

[c] Challenges and programming recommendations in post-conflict situations

In post-conflict settings, the (re)building of justice and promotion of rule of law may be affected by demands for accountability for past abuses (discussed in Chapter 2 as well as in the section below on human rights programming).

A critical element of support to justice in such contexts is reconstruction of the judicial infrastructure, of a functioning and professional judiciary and legal profession, and the re-establishment of the faith of the citizenry in the fairness of institutions of justice. Access to justice programming support in post-conflict situations is fraught with several challenges.

- **Destroyed physical infrastructure:** In many cases violent conflict destroys justice sector infrastructure including court buildings, prosecutions offices, justice ministry buildings, police stations and prisons. The unavailability of infrastructure presents a significant challenge in that it hampers the ability of programmes to focus on aspects such as capacity development – at least until the infrastructural challenges are addressed.
- **Limited law enforcement:** The effectiveness of the justice sector is usually reinforced by its capacity to rely on law enforcement agencies. This is often not possible in insecure parts of the country where armed groups make it difficult for law enforcement agencies to operate effectively. Insecurity also prevents the poor, disadvantaged and marginalized from accessing justice institutions without fear and intimidation.
- **Dysfunctional and competitive justice institutions:** Under normal circumstances, all justice institutions are expected to work independently but as one system. Ensuring this constitutes a challenge in normal development situations, and this is magnified in post-conflict environments with individual justice institutions pursuing independent agendas, making it difficult to design and implement sector wide justice programmes.
- **Capacity weaknesses:** As with other thematic areas, justice sector programming faces significant challenges through the absence of capable interlocutors and trained personnel to implement access to justice programmes.

Some programming recommendations include:

- ☑ Undertake an analysis which focuses on the pre-conflict capacities of the justice system and its service delivery capacity, especially in relation to marginalized and disadvantaged groups. In post-conflict situations, determine whether any stated grievance or cause of the conflict is denial or lack of access to justice.
- ☑ Undertake a justice sector capacity needs assessment. Programming should consider the relative advantages of support to formal judicial institutions, traditional justice, customary law and CSOs.
- ☑ Map levels and circumstances of access to justice for poor, disadvantaged, marginalized groups in the post-conflict context.
- ☑ Keep in mind that there are various entry points for access-to-justice programming. An example is the constitution making process where the legal framework can form the basis of the access-to-justice programme. Yet another possible entry point (especially in post-conflict contexts) is the transitional justice agenda which may draw attention to the weaknesses of the justice system and its inability to effectively adjudicate past injustices. Finally, the human rights agenda can provide a useful entry point with programming support for countries to meet their international human rights obligations – particularly with regards to rights to a fair trial.
- ☑ Ensure that programming design and implementation seeks to strengthen capacities of justice actors and institutions across all justice institutions. This can include training, mentoring and other programmes to improve skills, knowledge and attitudes of justice personnel.

Programming example from DARFUR, SUDAN: Justice

In the Darfur region of Sudan, UNDP has supported the development of Justice and Confidence Centers, essentially legal aid centers, legal information centers and a legal aid network. It has also developed training seminars for citizens and for the police. Some 20,000 people had attended seminars on rule of law and access to justice by late 2006. The legal aid centers have been particularly well-received by the community. Elsewhere in Sudan, UNDP has mapped the conflict mitigation strategies of NGOs and the current traditional justice structures, in preparation for future rule of law programming. Some of the programming in Darfur has been carried out in cooperation with an NGO, the International Rescue Committee, an example of productive partnerships in which UNDP may engage.

3.4 International principles

3.4.1 Anti-corruption³⁸

[a] Relevance for conflict prevention and post-conflict recovery

Corruption not only undermines development and human rights, but evidence suggests that it affects the poor disproportionately, and can help fuel conflict. Inefficient, opaque and corrupt public administration institutions and civil service officials undermine democratic governance, de-legitimize the state, hamper the achievement of development goals and can generate grievances which, in turn, can give rise to conflict.

Corruption tends to become endemic when opportunities for mismanagement are readily available and the risks of getting caught and punished are low. Experience also shows that the ability to implement anti-corruption measures is negatively affected when patronage networks and patterns of economic exchange and illicit trade are deeply entrenched, and have survived the war/conflict era. Many post-conflict countries have very weak systems of oversight and lack of capacity for legal enforcement. Also the role and capacity of civil society as an anti-corruption watchdog is usually limited, because it is a risky environment, with limited prospects of protection. This is particularly the case where grand corruption, involving high level politicians and businessmen, has direct links to natural resource wealth or narcotics, creating an even greater risk in an already weak prevention and enforcement context.

On the other hand, an effective public administration is necessary and essential for the delivery of public services. Its transparency is crucial in providing legitimacy to the government. Moreover, the composition of the public service should largely reflect broader society. If a certain ethnic, regional, religious or other group is seen as dominating the civil service and using its privileged position for that group's benefit, this imbalance will fuel resentment and could contribute to conflict.

Some post-conflict power-sharing agreements contain provisions for participation of members of non-state armed groups in the day-to-day running of the state's affairs in order to avoid precisely this problem. More broadly, a functional public administration is a key ingredient for supporting transitional and reconstruction processes in countries emerging from conflict. Efforts, however, to reform public

³⁸ Formerly Public Administration Reform and Anti-Corruption

administration to combat corruption, increase transparency, or improve representation may meet with resistance from those groups which benefit from the status quo and inadvertently create tensions if they are seen to benefit (or target) specific groups unfairly.

[b] UNDP work in this area

UNDP work in this area focuses on more than just anti-corruption. It extends to strengthening accountability of national institutions and processes to ensure that public resources are transparently and equitably managed and distributed. Accountability of national processes is important to ensure that citizens, especially the poor and disadvantaged, participate in decision-making processes that are transparent and both reflect and meet their expectations. UNDP goals in this area include:

- Strengthened national, regional and local level capacity to implement anti-corruption initiatives;
- Improved oversight, strategies, and programmes to minimize misuse of public resources.

UNDP supports countries' efforts to establish and strengthen accountable institutions responsible for developing and implementing policies, strategies and programmes, in line with international legal commitments.

[c] Challenges and programming recommendations in post-conflict situations

In post-conflict situations, there will often be a strong demand for reform of public administration and for anti-corruption measures, particularly where corrupt and biased governance was a source of grievance and conflict. Although views on how to address the problem differ, there is today a recognition that corruption in post-conflict states needs to be addressed at an early stage; not doing so creates an even greater risk that corruption becomes entrenched in society and leads to increasing negative public perceptions that can fuel public discontent. Particular challenges confront programmers in post-conflict situations; reforming engrained patronage systems is a particularly difficult task, especially if they proved essential to the survival of certain groups during times of conflict. In addition, some forms of corruption are especially hard to detect. Anti-corruption measures must therefore be sensitive to ways that specific groups can be targeted, often groups that will not bring forward complaints because of fear of social stigma or backlash. For instance, women are sometimes exposed to sexual extortion, which they will not willingly reveal. Other corrupt practices may be harder to distinguish from customary practices, such as traditional gift giving.

Recommendations for post-conflict situations include:

- Employ conflict analysis tools to identify the particular challenges and risks in that setting, especially those related to lack of transparency, accountability or corruption.
- Cultivate or secure commitment from all stakeholders, especially in decision-making and resource allocation roles before embarking on anti-corruption programmes.
- Beware of 'quick fixes' such as establishing anti-corruption agencies in the immediate aftermath of conflict. For these agencies to be effective they require a functioning judiciary, asset declaration and conflict of interest policies which are usually weak or even non-existent in a post-conflict environment.
- Prevent corruption by means of improved public financial management systems and public procurement systems, including aid management. Setting up trust funds and related management arrangements may be needed in the immediate 'urgent' period to secure financial transparency and accountability, as well as address corruption from a systems and sectoral angle.
- Rather than focusing only on the supply side of the equation (commissions, comprehensive anti-corruption strategies etc.), there is a need to work equally on the demand side, to strengthen social accountability networks, and address corruption from a systems and sectoral angle (i.e. corruption in aid projects and in the reconstruction process as a whole, in certain champion ministries, or local accountability pilots).
- Vetting of public officials has also been experimented with in some countries, and could be a means to avoid dubious figures being appointed or remaining in positions of power that can negatively affect people's confidence in the integrity of the state. 'Vetting' refers to a process of assessing integrity to determine suitability for public employment. In post-conflict settings, vetting processes

aim to exclude from public service persons with serious integrity deficits, in order to reestablish civic trust and re-legitimize public institutions.³⁹

- ☑ Fully recognize risks related to political will and commitment and develop appropriate management or mitigation strategies. Remember that any effort to improve institutional efficiency and effectiveness through enhancing transparency will have political implications and will be exacerbated by conflict-related tensions and sensitivities.
- ☑ Ensure that programming seeks to support education and ethics training for civil servants and structural reform in government to improve enforcement.
- ☑ Where certain groups, including women, are underrepresented in various levels of the civil service – including for conflict-related reasons – programme design and implementation can support efforts to recruit them and ‘fast-track’ their promotion within the bureaucracy. Programme assistance should also support the development of appropriate resource and budgetary management strategies.
- ☑ Recognize the political sensitivity around reform. Many officials may lose their jobs, particularly if posts were ‘stacked’ preferentially in the pre-conflict period or where civil servants were associated with a losing side in the new or interim government. Programming should identify and take into account the constituencies (and champions) for and against reform. As conflict particularly undermines the independent judiciary and oversight or anti-corruption bodies (both official and civil society watchdogs) – assuming they existed before the conflict erupted – programming should include a particular focus on their corruption-fighting capacity.

Box 25

Country example from KENYA: Anti-corruption

The 2007 presidential elections in Kenya provide two examples of linkages between corruption/lack of accountability or transparency and conflict. Firstly, the post-electoral violence was triggered in part because of lack of transparency and accountability in the process of counting and tabulating the votes. Secondly, due to prior grievances held by other ethnic groups against members of the Kikuyu ethnic group, they were targeted in the violence that followed the announcement of the widely disputed results of the elections. They were attacked for being presumed supporters of the ruling party, but also because their ethnic group was widely perceived as having benefited disproportionately from corruption during the incumbent’s first mandate.

3.4.2 Human rights⁴⁰

[a] Relevance for conflict prevention and post-conflict recovery

This relationship is complex and can have several dimensions. First of all, human rights abuses are a consequence of conflict – both directly (through issues like loss of life, torture, abuses, loss of property, that are generally associated with violent conflict) and indirectly (through issues like weakening existing democratic structures and mechanisms, and consequently facilitating greater state repression).

Secondly, violent conflict may result from a sustained denial of human rights over a period of time. Violations of human rights are often identified as a structural cause of conflict. Human rights abuses might trigger grievances which then increase the potential for violent protest and therefore for conflict.

Thirdly, human rights abuses may serve as an early warning signal for violent conflict.

Protection and promotion of human rights are, therefore, essential for conflict prevention and recovery. As stressed by the Report of the International Commission on Intervention and State Sovereignty, human rights ‘are important milestones in the transition from a culture of violence to a more enlightened culture of peace.’⁴¹ Advancement of human rights is thus seen as a means for the prevention of violent

39 See UNDP, 2006, *Vetting public employees in post-conflict settings, Operational Guidelines*, Bureau for Crisis Prevention and Recovery, at <http://www.ictj.org/static/Vetting/UNDPVettingGuidelines.pdf>

40 Under the old UNDP nomenclature, Justice and Human Rights were addressed jointly under a single service line. Under the new Strategic Plan, they are treated separately, and this is reflected here

41 Report of the International Commission on Intervention and State Sovereignty, 2001, *The Responsibility to Protect*, para. 2.17, at <http://www.iciss.ca/pdf/Commission-Report.pdf>

conflict: 'Preventive strategies must therefore work to promote human rights, to protect minority rights and to institute political arrangements in which groups are represented. Ignoring these underlying factors amounts to addressing the symptoms rather [than] the causes of deadly conflict'.⁴²

[b] UNDP work in this area

UNDP seeks to promote the following results in this area:

- Strengthened national, regional and local level capacity to mainstream human rights in government policies;
- Strengthened national, regional, and local level capacity to mainstream human rights in government institutions, in addition to human rights-specific institutions.

UNDP provides assistance for the promotion of human rights, as well as promoting human rights-based approaches to programming generally. Key principles that guide programming are the universality, inalienability, indivisibility, and interdependence of rights; equality and non-discrimination; participation and inclusion; accountability; and rule of law.

In its work on human rights, UNDP has three strategic areas of intervention:

- Strengthening of national human rights systems;
- Promotion of a human rights-based approach to development;
- Greater engagement with the international human rights machinery.

UNDP engages in a range of activities in the field of human rights in various development contexts, which include:

- ✓ Development of national human rights strategies;
- ✓ Strengthening capacities of national human rights institutions (NHRIs);
- ✓ Strengthening linkages between NHRIs and the judiciary, prosecution, police and prisons;
- ✓ Support for human rights initiatives and civic awareness-raising campaigns;
- ✓ Strengthening the human rights capacities of national governmental institutions.

In some cases, at the request of programme countries in post-conflict situations, UNDP supports transitional justice processes to address past human rights abuses. Promotion of human rights in post-conflict settings may also involve supporting the establishment of new national institutions to protect human rights interventions.

In promoting human rights-based approaches to development UNDP supports capacity development activities for its staff and development partners, human rights orientation in assessments, analysis and programming, including the integration of human rights into the Common Country Assessment/United Nations Development Assistance Framework (CCA/UNDAF) process and the development of country programmes.⁴³

[c] Challenges and programming recommendations in post-conflict situations

While it is generally recognized that in principle human rights protection and promotion is essential for conflict prevention, tensions between the 'human rights approach' and the 'conflict resolution/peacebuilding approach' have emerged particularly in post-conflict situations.

As discussed in Chapter 2 (see the section on tackling the 'peace vs. justice' dilemma), the human rights approach in such settings generally emphasizes the need to deal openly and justly with the past and the people responsible for human rights abuses. Indeed, human rights are integral to processes of transitional justice that are often instituted in countries emerging from conflict, such as trials, truth commissions, vetting, and reparations. Failure to effectively address conflict-related human rights abuses goes against the spirit of universal principles of human rights protection and accountability and negates the right of victims to seek and obtain justice.

⁴² Ibid. para. 3.19

⁴³ See the UN Office of the High Commissioner for Human Rights, Human Rights Based Approaches, at <http://www.unhcr.ch/development/approaches.html>

On the other hand confronting past injustices or human rights abuses may jeopardize a newly negotiated political settlement and threaten stability. Warlords would not choose to give up their military power and enter power-sharing agreements if they fear that they will be persecuted for their crimes.

Processes such as trials and truth commissions can be complementary to (re)building the formal legal infrastructure, as they may provide models of rule of law in action and quell resentment regarding impunity that could otherwise spark new or renewed conflicts. These accountability processes may however ignite societal conflicts themselves, as there may be debates about their appropriateness or regarding those targeted by the processes. They may also be (or be perceived to be) in direct competition with attempts to rebuild domestic rule of law and human rights institutions, particularly because the latter in post-conflict settings tends to be significantly under-funded (see Box 26 on Sierra Leone). It is important to avoid importing transitional justice models from outside, and to allow time for national actors to examine options and develop the most appropriate options for human rights programming.

Recommendations for programming include:

- ☑ Be sensitive to the possibility that the promotion of human rights may itself create tensions, as those who benefit from the status quo may resist, and because attempts to protect and promote the rights of one group may inadvertently disadvantage another, creating new grievances.
- ☑ Consider different options for accountability such as quasi-legal mechanisms, citizens' enquiries, truth-telling and the safe pursuit of writing and archiving national history. Remember that reform at the national level is a long-term and highly complex process, calling for steady (sometimes small) steps across multiple sectors.
- ☑ With regards to transitional justice programming, consider the relative advantages of working through existing formal institutions, national human rights institutions, customary and traditional dispute resolution mechanisms, and CSOs rather than creating new ones.
- ☑ Ensure that programmes directly benefit the poor and disadvantaged and include outreach and awareness components intended for these groups.

Box 26

Programming example from SIERRA LEONE: Human rights

Following a 2000 UN Security Council resolution supporting its creation, the Special Court for Sierra Leone was set up by domestic statute in 2002 to try 'those who bear the greatest responsibility' for atrocities in that country's conflict. The court was controversial for a range of reasons, including the perception by many in the country that it was a tool of the President and that its indictments were politically motivated. Many also felt that it siphoned off scarce funding and skilled local people from the domestic judicial and human rights sector. While UNDP has provided significant assistance to this sector in Sierra Leone, particularly in support to the national human rights commission and to the judicial sector to build capacity to clear a backlog of cases, it has done so in this fraught environment. An important lesson is that in such instances, in providing support to programme countries, UNDP and its partners should take into account that such support may not necessarily be perceived in all quarters as a positive intervention for the promotion of human rights.⁴⁴

3.5 Governance of the security sector

[a] Relevance for conflict prevention and post-conflict recovery

SSR may be undertaken in post-conflict environments, but may also take place in situations where there is no conflict or evident risk of conflict. Indeed, conflict-sensitive SSR may help to prevent risks of conflict by creating more accountable security forces and mitigating the risk of grievances. In particular, greater oversight and accountability powers granted to civilian rulers helps minimize discriminatory or abusive behavior by security forces. This may in turn not only reduce tensions around the security forces, but help to promote fairer and more responsive security institutions. Attempts to reform the security sector are potentially challenging, whether because those who benefit from the status quo resist them, or because

44 Sriram, Chandra Lekha, 2005, *Globalising justice for mass atrocities: A revolution in accountability*. Routledge, London. Chapter 6

certain reforms – such as the scaling down of numbers or introduction of quotas to promote participation of underrepresented groups – may inadvertently create tensions with other groups. Such tensions may result in violent conflict as occurred in Timor Leste in 2006.

[b] UNDP work in this area

As part of its CPR practice, UNDP has a broad mandate for strengthening national capacities to prevent, manage and mitigate conflict and also to support recovery from conflict. Much conflict prevention/recovery programming affects governance and governance programming in conflict-affected countries. However, one area of conflict preventive programming explicitly involves programming for governance of security institutions, as a contribution to a broader SSR process. One key goal of this support is enabling a positive environment for democratic governance and the prevention of violence due to the crucial role played by effective, legitimate and accountable security forces and other institutions in contributing to stabilization.

As a way to strengthen the rule of law, UNDP support in this area focuses on the development of the governance capacities of security forces through support to SSR via a range of activities, including technical assistance and training. It also supports institutions and individuals tasked with the security of the populace more broadly, including not only the police, but also judges, prosecutors, corrections personnel and ombudspersons. Further, UNDP works to strengthen the governance of the security sector through support to appointed and elected officials with the mandate for oversight of security institutions and to CSOs which play such a role. In the immediate aftermath of conflict UNDP also supports the strengthening of law enforcement/security capacities not only to prevent violent manifestations of historical grievances but also to help avoid a rise in crime and return to conflict.

[c] Challenges and programming recommendations in post-conflict situations

SSR is common in post-conflict contexts, but the programming environment is usually strongly constrained by the terms of any peace settlement. Peace agreements often determine key aspects of post-conflict security arrangements, particularly where they provide for the inclusion of some ex-combatants in new (integrated) security forces. SSR is essential in states emerging from conflict because effective, legitimate and accountable security forces (and attendant institutions) can contribute to stabilization and need to ensure protection to the people. Forces lacking these features may, moreover, have contributed to conflict in the past and may well do so again. In the absence of well governed, disciplined and accountable security forces, securing rule of law, the protection of human rights, and functional and transparent governance is difficult, if not impossible.

In post-conflict situations, security oversight bodies such as parliaments, may themselves require reform, or need to be created from scratch. Doctrines of the security forces, as well as the military, may require revision to reflect the primary mandate of the police as internal security and the military as national security. There are risks, however, that those benefiting from existing security arrangements will resist change, and a conflict analysis may help to identify winners and losers in any reform process, as well as the possibility of resistance.

Box 27

Country example from BURUNDI: Security sector reform

In Burundi, the military was dominated for decades by the Tutsi minority. Thus, in peace negotiations, Hutu rebels insisted upon military reform that would alter the balance within the military. After the agreement was signed, some former rebels were integrated into the military. At the same time, Tutsis were resistant to this shift, fearing for their security. The Arusha Agreement of 2000 requires that no more than 50% of police positions can be occupied by a single ethnicity. The issue continued to be contentious following the agreement and a system of quotas for membership in the military/police has been instituted. The Technical Forces Agreement reserves 35% of police command positions for the former rebel Conseil national pour la défense de la démocratie-Force de défense de démocratie (CNDD-FDD). As with many arrangements, UNDP and other development actors were not involved in such formulations, but may provide support to their implementation and so should be aware of the possibility of resistance by those benefiting from the status quo.

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NOTES

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