

## **CSOs and the IDPS - POLICY BRIEF 4.**

### **CORE CIVIL SOCIETY MESSAGES TO THE INTERNATIONAL DIALOGUE ON PEACEBUILDING AND STATEBUILDING.**

August 2011

The core messages from civil society to the International Dialogue on Peacebuilding and Statebuilding, between the Dili meeting in April 2010 and the Monrovia meeting in June 2011, can be organised into four groupings.

#### **I. MESSAGES ON VIOLENCE, PEACEBUILDING AND DEVELOPMENT.**

1. All developmental work needs to be conflict-sensitive and commit to 'do no harm'.
  - There is a pathway out of 'fragility' towards stability and greater resilience, but apparently stable and developing countries have also followed pathways into large scale violence.
  - Several countries that did collapse into violence were doing very well economically (e.g. Côte d'Ivoire) or received significant development assistance (e.g. Rwanda, Nepal). Historically development assistance has often proved itself 'conflict-blind'.
2. Conflict and violence reduction is a valid global goal in its own right.
  - The Monrovia Roadmap articulates peacebuilding and statebuilding objectives as prerequisites to create the necessary stability and political cohesion to make progress towards the MDGs.
  - The MDGs include no references to conflict, violence or justice. The global reduction of violence is as valid an international goal as the global reduction of poverty. This should be taken up post-2015.
3. Statebuilding does not automatically contribute to peacebuilding.
  - Statebuilding doesn't automatically mean 'peacebuilding.' Statebuilding affects the distribution of power and access to resources, hence it has its 'winners' and 'losers'. Therefore historically 'state formation' more often than not has been a violent process. One causal factor for violent internal conflict in various countries -which are sometimes still in a process of 'state formation', has been the contest for control of the state, and its use to serve the interests of a few rather than all. Statebuilding can be done in ways that enhance conflict or that generate a stronger inclusive social and political compact and hence contribute to sustainable peace. Statebuilding in a peacebuilding way draws strong attention not only to the 'what' but also to the 'how' and who is involved on what terms. We look not only at the functioning of state institutions but also at their perceived legitimacy.

## II. MESSAGES ON THE BALANCED RELATIONSHIP BETWEEN STATE AND NON-STATE SECTORS.

The CSO perspective coincides with that of work done within the context of the OECD Development Assistance Committee on 'fragile states and situations of fragility', summarized in the box below.

### STATEBUILDING

« ...statebuilding is

1. An endogenous process to enhance capacity, institutions and legitimacy of the state driven by state-society relations;
2. Founded on political processes to negotiate state-society relations and power relationships among elites and social groups. Statebuilding is intimately connected to the political processes through which social/political relations and power relationships between holders of state power and organised groups in society are negotiated and managed.

Legitimacy aids the process of state building, and is reinforced as state building delivers benefits for people. The state's ability to manage state-society expectations and state-building processes is influenced by the degree of legitimacy it has in the eyes of its population.

3. A process that takes place at all levels of state-society relations. Developing resilience (...) requires territorial administrative integration and effective political processes to manage state-society expectations at all levels of government – from local to national. It is equally important to consider relations between different levels of government. The policy framework that defines centre-periphery relations has an important impact on state-society relations and whether tensions of unity and diversity within state and society can be managed constructively.

OECD/DAC 2008: *State building in situations of fragility. Initial findings*. Paris pp. 1-2

In short, a viable country has a fairly capable state, a 'society' (non-state sectors) capable of functioning collaboratively around the political authority of the state, and effective political processes to manage expectations, duties, obligations and performance between state and society - political processes that then also shape the power relations among elites and between 'leaders' and people.

- **Viable states have a strong and active citizenry<sup>i</sup>:** Strengthening the state sector is not enough to build effective and legitimate *institutions*. Effective, legitimate and resilient *governance* requires not only a broad spectrum of capacities in the state but also in society at large. There is no 'state' without 'people' who benefit of the right of 'citizenship', and no state that is viable and resilient in the long term, without a strong and active citizenry. The policy discourse needs to avoid portraying the population as passive recipients of government services and government accountability. Viable states are built through the creativity and commitment of their citizens as much as that of their governments. Checks and balances also come from

the population and not only from the thereto designated state institutions. Non-state sectors however need to see themselves not only as critical observers and social auditors. They need to develop the competencies and skills to be able to engage fully into political and policy debates, and to collaborate constructively with the state.

- **'National capacities' are not just 'state capacities'**. Resilient states have strong capacities in the state sector AND in the non-state sectors. It is not politically healthy nor functionally realistic in the contemporary world –where the actual control by the state is much less than it used to be, and where there are significant pressures to keep state expenditure under control- to see the state as the single most important political and economic actor.
- **A balanced interpretation of the Paris Principles**. Several of the Paris Principles have sometimes been unduly misinterpreted in exclusive favour of the executive branch of the national government.
  - ▶ *'Ownership'* and *'national ownership'* become de facto *'national government ownership'*;
  - ▶ *'Alignment'* is interpreted as meaning that all or the majority of aid flows are to come to and through the national government budget and public sector systems, thereby not supporting the development of sustained capacities in the non-state sector.
  - ▶ *'Harmonisation'* becomes interpreted as *'co-ordination'* where all possible actions are subsumed under one strategy and one grand operational approach – as determined by the national government in the capital city.
  - ▶ *'Mutual accountability'* becomes too much accountability between the aid donors and the national aid receiving government, rather than fundamental accountability to the people of the society concerned, who are the most important stakeholders.

A one-sided interpretation in favour of the national executive branch of government could create significant risks for humanitarian action, effective peacebuilding and for good governance. It may

- Undermine the required humanitarian space that enables humanitarian actors to fulfill their protection mandate with the necessary degree of independence and neutrality;
- Reduce the scope for programmatic and operational creativity and innovation, leaving no alternative if the *'coordinated'* strategy fails;
- Avoid the politically sensitive issues – even if they are the issues that matter;
- Stifle democratic pluralism;
- Strengthen the state even if it violates international human rights and where a style of governance is a driver of conflict;
- Be used to justify policies that reduce the space for non-state actors. <sup>ii</sup>

We recognize the importance of encouraging stronger state capacity. But donors should build on past commitments to ensure aid effectiveness and human rights commitments are consistent by reserving greater alignment with and direct support for national governments who

- Actively pursue inclusive politics, political dialogues, policy dialogues and planning and provide all stakeholders with the fundamental information to make informed contributions;
- Respect human rights and international humanitarian law;
- Improve governance and tackling corruption;
- Create an enabling environment for non-state actors;
- Implement peace agreements and address drivers of conflict;
- Ensure aid benefits poor and marginalized people and communities;
- Pursue pro-poor, inclusive and equitable growth.

- **The primacy of which 'New Deal'?** A 'new deal' between aid donors and aid recipients should support and base itself on a 'new deal' between leaders/authorities and the people in conflict and fragile affected countries. The former cannot substitute for or take pre-eminence over the latter.

### **III. MESSAGES ON THE PEACEBUILDING AND STATEBUILDING OBJECTIVES.**

Civil society generally agrees with the five objectives of the Monrovia Roadmap, though our interpretation and recommendations on the specifics may differ.

#### a. Objective 1: Legitimate politics: Foster inclusive political settlements and conflict resolution.

Legitimate politics recognizes space for diversity and pluralism, including different visions of the future – but agrees on basic rules of the game. Effective politics is not only about competition but also about the ability to collaborate across divides, build coalitions, encourage consensus and accept compromise. The non-state sector is not subservient to the state sector. Health state-society relation mean there is a constructive balance between the two, where a broad range of societal actors beyond the state can play a full and active role in political dialogue, public policy making, planning, and implementation, assessing performance and holding to account.

Political settlements are necessary, but tend to be predominantly elite settlements. They need to transform into larger societal 'compacts' – among people and between people and the leadership/authorities. Without such larger social and political compacts there will be no real basis (of sufficient trust) for 'collective action' for a better future for all.

b. Objective 2: Security: Establish and strengthen people's security.

Without a sense of real security, there can be little development. A first priority tends to be physical security (the integrity of life). In principle the state has a major role to play in providing security. To that end it is granted the monopoly over the use of violence. Where there has been violent conflict, particularly internal conflict, people do not necessarily trust the state security institutions. The latter may have turned out too weak to be effective, or themselves a source of threat. In such contexts, people themselves will keep arms and/or seek out other security providers. Security is not just provided through DDR and the practical reform of the security services. This needs to get embedded into a broad political and societal culture of 'democratic security', that finds expression not only in public policies but also ultimately in mindsets. 'Democratic security' also means that the people are actively engaged with and about *their* 'security institutions' and that thematic knowledge and competences on this issue are strengthened in the non-state sector.

c. Objective 3. Justice: Address injustices and increase people's access to justice.

Without the just and peaceful resolution of grievances there can be neither security nor development. This should operate at three levels:

- Addressing deep seated structural injustices that are often a root cause of violent conflict, and which requires more fundamental political transformation. Governments are not always very good at directly addressing deep seated structural injustices unless and until they are prepared to broaden the constituencies they serve – at the risk of disaffecting their confirmed supporters. Here again there is a need for space for non-state actors to speak, to support bold steps and if needed even to lead;
- Providing accountability for serious acts of violence and violations – this can be politically very sensitive and actually prevent violent actors from laying down their arms, or spark new violence. Dealing with the past, and with the questions of impunity or justice, are difficult and controversial challenges for a society that has gone through widespread conflict. This is a society-wide question, because it relates deeply to 'reconciliation'. As such, it should be a theme for broad debate and political dialogue. External actors should also recognize that those directly concerned will choose if they deal with the past, when and how;
- Meeting society's day-to-day judicial and dispute resolution needs. This will require a justice mechanism that is available, affordable, based on due process and hence trusted. There is ample evidence to suggest that the (re)building of an effective judiciary is a major challenge that takes a long time. In many fragile countries, citizens have no trust in the justice system because it is too slow, open to influence by those who have money and/or connections, and sometimes not understandable. As people need to mediate conflicts and/or want to see justice, they use other mechanisms or take the law in their own hands.

Strong formal and informal, individual and institutional capacities for conflict management, mediation and dispute resolution, in the state but also in the non-state sectors, and across society, will be needed to complement a judiciary that may take years to become fully performing.

d. Objective 4. Economic foundations: Generate employment and improve livelihoods.

Livelihoods are not just about 'income' but more about 'steady and predictable income and purchasing power'. Aid has generally not been a very effective tool for this. We agree that there can be scope for public works schemes, and with the relevance of investing in roads and electricity. But we want to emphasise other areas for effective assistance:

- ▶ Experience has shown that land and property disputes can often be very prevalent in post-violence situations – and also very hard to resolve as they arise from different systems of regulating access or 'ownership', and different people may show 'legal title' to the same asset. 'Land Commissions' are relevant but by themselves unlikely to be able to deal with all situations of dispute. This is one area where mediation and other conflict management capacities, also in the non-state sector, are likely to be much required.
- ▶ An enabling environment needs to be created for micro- and small scale enterprise. In many countries starting up a business remains an uphill struggle against many bureaucratic and fiscal obstacles and disincentives. Specific attention is here also needed to the legal protection of property and enforcement of contracts.
- ▶ Where foreign investors enter into economic activity within the country, using its resources (not only mineral resources but also land for food production), we need to look not just at the interest of the state (national treasury) but also at the interest of communities. Local communities cannot be barred from land they are using simply because they have no strong 'legal' title to it. Significant benefits and dividends from resource use or resource extraction need to come to local communities. The import of foreign workers needs to go together with an obligation to train and mentor local workers to be ready to assume greater responsibilities within a defined period of time.
- ▶ International assistance actors can make greater efforts to stimulate local economies, through local purchase and the use and professional development of local labour and through procurement services that are not so stringent that local providers are simply unable to compete.
- ▶ Severe economic inequalities, especially in situations of persistent and fairly large scale poverty, tend to become a source of unrest that can spill over into violence. Economic growth that is not well spread can become a factor contributing to conflict. It can also undermine the trust in democratic systems of governance and encourage popular support for authoritarianism.

e. Objective 5. Revenues and Services: Manage revenues and build capacity for accountable and fair social service delivery.

The ability to raise, prioritise and manage resources is critical to finance the provision of security, justice and other basic social services. A sound and transparent system of public financial management is needed to instill confidence in citizens to pay their taxes, in donors to contribute aid and in businesses to invest. Public confidence in state management is critically dependent on

- ▶ Public participation in choosing priorities for expenditure allocation and performance allocation and evaluating the performance of service providers;
- ▶ Inclusion of the more marginalized members of society, and conflict-sensitive handling of different views between competing groups;

- ▶ Transparency and pro-active information: This means 'open budgets' but also the legal protection of the right to information;
- ▶ Fighting corruption at all levels;
- ▶ National capacities in the state and non-state sectors to generate reliable but also independent figures and quantitative and qualitative analysis on resource management.

In the contemporary world, many services and functions are not performed by state actors. We agree with the principle that the state should provide and enforce the policy and regulatory framework for all providers. That can allow for collaborative public-private partnerships. In situations of fragility, where the commitment of the state to the public good is not yet widely trusted, too much control by the state can come to benefit particular groups in an unfair way. A greater role for the state in co-ordination and delivery of service provision becomes more appropriate where there is evidence of greater commitment by the state to meeting public needs.

#### IV. MESSAGES ON THE THEMATIC ISSUES.

##### a. Political dialogues.

- **Legitimate politics is central:** Legitimate politics is at the heart of effective statebuilding, peacebuilding and of economic policy making and strategizing for equitable development. Political dialogue may be needed between elites, but the central political dialogue is between the state and society or between elites and the wider population. Only ongoing, broad-based, inclusive and participatory political debates and dialogue generates and sustains legitimacy. Legitimate and trusted state institutions and policies can only be built with extensive citizen participation and hence through broad public political dialogue(s). Inclusiveness is critical: Be inclusive as a matter of principle, be exclusive only exceptionally and temporarily.
- **National capacities are required** to host and facilitate constructive public debate, negotiation and dialogue are required, within the state but also in society. A national parliament, political parties, a electoral Commission, a Constitutional Court etc. are expected to be institutionalized forums for such, but there is ample testimony that in many countries they are disconnected from the population at large. They may not be seen as sufficiently impartial to host and facilitate difficult and sensitive conversations and dialogues, and/or may not have the experience and skills to design and manage a dialogue process well.
- **Do no Harm:** Globally there is widespread dialogue fatigue and even dialogue cynicism, resulting from recourse to a dialogue when it was not appropriate or not the right time, and from poorly designed and/or poorly facilitated dialogues, or whose valued results found no translation into practice. Bad dialogue experiences undermine the belief in dialogue for non-violent conflict management.

- **Elite and citizen guarantors for implementation:** The cumulative experience with 'mediation' shows the importance of 'guarantors' to encourage the parties to respect and implement their agreements. Such 'guarantors' are often external actors. But those most directly concerned by the outcomes of negotiations and dialogues is the larger population. Hence the more participatory and inclusive the processes, the greater the likelihood that their outputs will have broad support.
- **Roles for external actors:** People in a political community have to make and sustain their own peace and build their own institutions of governance. Core roles of external assistance actors are to provide methodological support (also through facilitating South-South exchanges), political encouragement and protection of the political space, and financial support to build institutionalized local & national capacities. They can act as reminders (to both state and non-state actors) of the need for 'legitimacy' and be additional guarantors of agreements reached. But they need to be very conscious also of their own legitimacy, not only in the eyes of the national government, but in the eyes of the wider society.

b. Capacity development.

- **A central strategic objective:** Promote capacity strengthening as a central strategic objective for all external assistance. Build capacity development into every intervention from the outset – and evaluate accordingly.
- **Invest in the capacities of society, not only of the state.** There are no effective states without an informed and active public. Viable societies have capable state but also non-state institutions. Capacities cannot be developed and embedded through short-term projects only. Projects don't build institutions.
- **Critical capacities beyond 'service delivery':** Support the development of national and local institutional capacities – in state (including parliament) and non-state sectors –beyond 'service delivery'. This includes critical political capacities for conflict management, for constructive public debate and constructive political and policy dialogue, to manage and monitor public finance and administration, and for participatory monitoring and evaluation.
- **Develop your own capacity to support and strengthen the capacities of others.** Supporting capacity-development is a task that requires certain specific expertise and credible experiences which many external actors do not have. That expertise needs to be developed. South-South peer learning and mutual support also deserves much more support.

### c. Planning.

- **Capacity development:** Planning exercises are to be undertaken in such a way that they strengthen a culture of participation and build national/local capacities. Process is as important as product in the planning exercise. The process should not be primarily driven by external consultants with a few civil servants.
- **Flexible planning:** There are no 'quick fixes'. In situations of continued unrest and volatility, flexible shorter-term planning (1-2 years) remains most practical. Longer-term planning (5-10 years) becomes more realistic when there is a growing sense of stability and ability to collaborate. Planning is also to be adjusted in light of the outcomes of effective and credible political dialogues. Planning is not a one-off exercise. Plans need to be periodically reviewed for progress but also in light of a changing environment. Such reviews need to be multi-stakeholder exercises.
- **Less but 'better fit' planning:** There are too many 'planning exercises', which has major transaction costs and creates confusion. Yet a Poverty Reduction Strategy as a master framework is not best suited to articulate peacebuilding and statebuilding objectives. Structuring plans into categorized phases (humanitarian, peacekeeping, peacebuilding, development) reflects the way international assistance actors structure their budgets and programming, but has no meaning for the people concerned. Use rather locally relevant benchmarks of strategic progress and change.
- **Realistic planning and priorities:** Being over-ambitious means setting yourself up for failure, at the same time we need to go beyond the 'low hanging fruits'. Priorities are often also articulated so broadly that they offer no practical guidance for the inevitable choices that have to be made. The stronger discussion needs to take place around the operational plans (what, how, who?). Much more attention in planning is needed to the issues of recurrent costs and sustainability. Planning exercises also need to be accompanied by a communication strategy, including what the practical implication is of something not being considered a 'priority'.
- **Care with planning a full division of labour:** For service delivery a division of labour can be based on more technocratic criteria such as 'capacity' and 'expertise'. But when it comes to peacebuilding, a purely technocratic planning logic may not be appropriate. For peacebuilding the 'how' is as important as the 'what', and so too the question of the 'who', which draws attention also to the perceived 'legitimacy' of driving actors. Effective peacebuilding often requires innovation and creativity and multiple initiatives at different levels to generate some cumulative impact. A technocratic 'division of labour' exercise can stifle this.
- **Care with visioning exercises:** An exercise to articulate a shared national vision can significantly contribute to peacebuilding and statebuilding. But the timing needs to be ripe: high levels of distrust and an unwillingness or inability to communicate with those across 'divides' can persist for several years after the violence has stopped. It may take some years then before there is enough sense of stability and of a social and political compact before a 'vision exercise' can be meaningful. An attempt at achieving a shared national vision can also be conflict-inducing – by exposing fundamental and irreconcilable differences about the vision for the future. Viable societies do not always need to have a largely shared substantively common

vision – pluralism also at that level is permissible. The fundamental compact needs to be about the 'rules of the game' for co-habitation which enable both collaboration but also achieve co-existence in spite different visions.

#### d. Aid instruments.

- **Budget support and national systems:** Donors should require clear indications of progress on fundamental peacebuilding and statebuilding principles before expanding their alignment and use of country systems in fragile and conflict affected contexts. Alignment and use of country systems should be progressive and commensurate with the government's demonstrated respect for human rights and progress towards good governance (see above p.4 but also the g7+ statement on governance as part of the Dili Declaration 2010).
- **Bilateral support for sensitive issues:** Bilateral aid should be maintained to credible national/local/regional entities that can continue to ensure progress on areas of peacebuilding and statebuilding that are critical but politically very sensitive.
- **Non-state actor effectiveness:** Civil society organisations can be very effective peacebuilders and development actors. Their roles and capacities merit greater recognition and support, including direct financial support. Domestic civil society organisations should have better access to international donor funds particularly to:
  - Develop their own institutionalised capacity and that of the public, to engage in policy and political dialogues, to advocate for positive change, and to hold the state to account;
  - Assist in connecting society to the state,
  - Provide essential services until the state becomes able and willing to do so, and continue to complement state efforts;
  - Be a partner in the state's longer-term organisational development and sustainability.Budgetary support to non-state actors should be considered and can be linked to demonstrated efforts to be legitimate and effective.
- **Donor capacities in situations of fragility:** Donors should increase their capacities in fragile and conflict-affected contexts, so that they can acquire and retain a deep understanding and respond to changing dynamics with more flexible and responsive programme management.
- **Review what counts as ODA:** A review is to be undertaken to identify frequently occurring peacebuilding and statebuilding activities that may not currently qualify to be counted as 'Official Development Assistance', and therefore tend to get limited funding and get it late.

These messages can be founded in the formal CSO input papers to the IDPS (see Policy Brief 2) all of which were collaboratively written. Some of the messages were only or further elaborated in working notes, or in comments on IDPS draft documents.

The sources of these messages are multiple:

- Extensive consultations with CSO practitioners face-to-face, by email or through phone conversations. The larger such consultations were:
  - For the CSO input to the Dili meeting of the IDPS: Inputs from 49 civil society organisations, of which 30 from the so-called 'global south'.
  - CSO input to the UN Review on 'Civilian Capacities': Inputs from 34 civil society organizations, of which 22 from the so-called 'global south'.
  - Response to a questionnaire in March 2011, of which 6 from Conciliation Resources partners from the so-called 'global south'.
  - Field level consultations commissioned by Saferworld, with CSO people in Uganda, Kenya and South Sudan.
  - A day of discussion in The Hague on 7 April 2011, which brought together people from 3 individual CSO organisations and people from 4 regional or global CSO networks.
- Case materials of CSO led peacebuilding and state-support initiatives (a case study on Ghana, and references to programmatic experiences and results in various countries, notably in the CSO input papers on 'political dialogue' and on 'capacity development'.
- Quotes from citizens in some violence-affected countries, as captured in CSO-led programmes (notably in the CSO input paper on 'political dialogue').
- Relevant policy events such as international meetings on 'capacity development' in Bogota and in Cairo, or relevant learning events on 'evaluating democratic dialogue' or a course on 'leadership for peacebuilding'.
- Research, carried out by research institutes, think tanks, individual analysts etc.
- Relevant literature, reports, handbooks and policy briefs by the OECD DAC, the World Bank, UN agencies and others.

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<sup>i</sup> When referring to conflict-ridden situations, we recommend that mention be made of “people’s” or “the public’s” ownership of aid-supported processes rather than ‘citizens’, ‘voters’ and ‘taxpayers’. These latter terms can all be politically exclusionary in different ways. Some of the most vulnerable people in developing and particularly conflict-affected environments are non-citizens, non-taxpayers, or not legally or in practice allowed to vote. Conflict-affected countries contain many examples of people who would be left out as owners of development processes by the use of these terms. Depending on the context, these may include refugees, those excluded from citizenship for political reasons, those under voting age, minorities and women who in law or in practice are in some countries unable to vote.

<sup>ii</sup> There is growing evidence of state policies in aid receiving countries that seek to restrict the space for non-state actors rather than create an enabling environment. It is **not** suggested that the Paris Principles of Aid Effectiveness are a major causal factor in this; domestic political dynamics are usually a primary driver. But a state (executive branch) centered interpretation of the Paris Principles certainly can be invoked in ostensible support of such practices.