

Governance Interventions in Post-War Situations: Lessons Learned

Vibeke Wang, Astri Suhrke, Elling N. Tjønneland

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1. Introduction

1.1 *Purpose and outline of report*

The report addresses governance issues in post-war situations as these are dealt with in three sets of literature. First, there is a growing case-based knowledge arising from the experience in internationally-assisted transitions from war to peace since the early 1990s. Second, insofar as these transitions typically intended to establish a democratic post-war order, important insights can be drawn from the more general literature on democratic transitions. Finally, there is increasing evidence that the direction of developments in the post-war phase in important ways is shaped not only by the conflict itself, but by the nature of the peace settlement and the international commitment to the agreement and its implementation (Cousens, Stedman, and Rothchild 2002; Hampson 1996). As a result, the context of political and economic reconstruction will vary significantly.

As the report is concerned with the fit between a post-war context and the implementation of a democratic system of governance, it starts by briefly outlining key institutional components of such a system. After noting the importance of differentiating between types of post-war situations, the report reviews experiences from what is considered to be the most critical governance interventions. These include constitution-making and constitutional design; establishment of watchdog institutions; truth commissions and criminal justice procedures; local governance; security sector reform; elections, forming of electoral systems and political parties; supporting human rights organisations; empowerment projects, and cooperation among divided communities and peace committees. Lastly, major cross-cutting issues are considered, such as pace, sequencing and portfolio mix of governance interventions, building trust and generating reconciliation, and coordination of external actors.

1.2 *Terminology: 'post-war'*

A clarification of terminology is important at the outset. 'Post-conflict' is a misleading term, not only because conflict is an inherent element in all societies, but because violence often continues in societies after a peace settlement has been accepted (Macrae 1999). Such violence – whether politically motivated (as in Afghanistan) or manifested mainly as common crime (Guatemala) – is a major obstacle to good governance in a broad sense. In Guatemala, for instance, it is estimated that the number of violent deaths in the first five years after the peace agreement was about the same as the annual average during the war (Pearce 1999). The combination of a violent reality with the non-violent implications of the language used by the international aid agencies can produce serious distortions in the recognition of problems and expectations of solutions. For instance, would agencies that operate in a 'post-conflict society' and within 'post-conflict programs' readily select projects designed to reduce violence? Programmatic emphasis on 'rule of law' captures only a small dimension of the violence problem. A heroic effort to overcome definitional obstacles of this kind was reflected in the title of a recent paper

on post-war Guatemala: “Violence in the Guatemalan Post-Conflict Society.” (Prophette 2002-03).

In the interest of clarity, the term ‘post-war’ rather than ‘post-conflict’ will be used in this report.

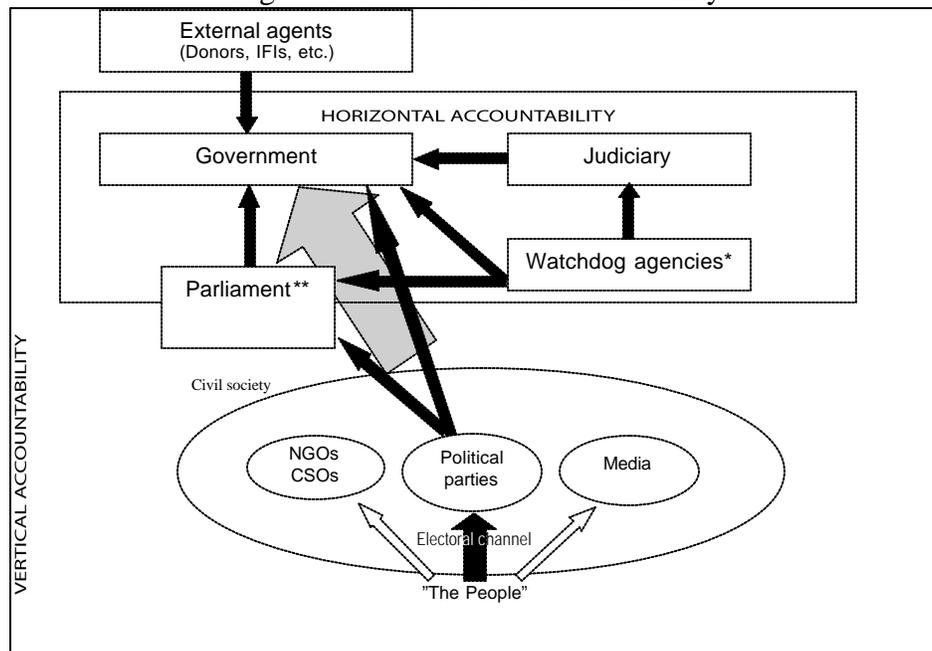
1.3 Democratic governance: basic concepts

Democratic accountability is a prerequisite for good governance and a functioning democratic system. To secure that political leaders ‘play by the rules’ – act in accordance with their mandate and do not violate citizens’ rights – is a concern in all societies aiming to secure a democratic form of government.

Accountability divides into two analytically distinct categories:

- (i) **Horizontal accountability** refers to the classical tripartite division of state power between the three branches of government as well as the range of other public entities (often called special agencies of restraint or ‘watchdogs’) created to check the abuse or inefficiencies of state.
- (ii) **Vertical accountability** denotes the chain of institutions and processes that link the elected ruler to its electorate and the citizens. It includes citizens acting through the electoral process or indirectly via civic organizations and the media.

Figure 1. Institutions of accountability



* The type and number of special institutions of restraint vary between countries, but such institutions may include a supreme auditing institution, anticorruption agency, ombudsman institution, human rights commission, public appointments authority, independent electoral commission and media board.

** The legislature stands out since it has an accountability relationship to both the executive (horizontal accountability) and the electorate (vertical accountability) and thus may be seen to represent some kind of hybrid accountability.

A third form of accountability can be added, namely the accountability imposed by external agents such as donors, financial institutions, etc. A general institutional pattern is outlined in Figure 1, indicating the different institutions of accountability and their direct or indirect accountability relationship to the executive.

1.4 Post-war situations: three types

While general formulas have some use, policy prescriptions based on a ‘one-size-fits-all’ type can be quite misleading. The recent World Bank study (2003) on development and conflict (*Breaking the Conflict Trap*) introduces one such policy formula for post-war situations. It has three clear recommendations: (i) introduce international peacekeeping forces in the early phase to stabilize the peace, (ii) gradually phase in financial aid to peak in the mid-first decade of peace, when absorptive capacity is optimal for growth, to produce a growth spurt that can sustain the peace, and (iii) lastly, towards the end of the decade, introduce democratic institutions. The timing of (iii) is explained with reference to the conflictual-competitive aspect of democracy and the potential instability of a democratic transition. The assumption is that stability-generating economic growth must first take place.

The World Bank conclusion is based on aggregate data analysis and selective use of the qualitative literature. As for (iii), the recommendation to introduce democratic institutions late in the sequence of ‘post-conflict’ measures is supported by (and partly derived from) the widely cited lessons from Bosnia, where early elections favoured extremist political forces. Yet exactly the opposite conclusion is widely considered a principal lesson from East Timor: democratic institutions should be introduced as soon as possible after the war ends.

Both conclusions are valid, but for different situations. Let us illustrate by sketching 3 types of post-war situations based on the outcome of the war and the nature of the peace agreement.

(a) Self-enforcing peace building

The war is fought to a decisive victory, with the defeated party often territorially displaced. As a result, there is considerable consensus on the constitutive issues of the post-war order. Civil wars that end with successful separation fall in this category (East Timor, and earlier Eritrea). The successor authority typically has strong claims to rule and institute what it considers relevant democratic and legitimizing structures. From this perspective, early rather than late introduction of democratic institutions is preferable. The role of the international aid community is essentially secondary and supportive in relation to cementing the peace (hence “self-enforcing”).

(b) Mediated peace building

The war is fought to a standstill and ends with a compromise. The modalities of the post-war transition are incorporated in the peace agreement, which represents at least a minimal consensus on constitutive issues for the nature of the post-war order. Yet mutual distrust remains, the agreement is fragile, spoilers may be waiting in the wings, and the

protagonists maintain their respective military forces. Bosnia, Mozambique and Cambodia are cases in point. In such situation, sustained and focused international attention is critical to maintain the momentum of the peace process (hence “mediated case”). Implementation of governance measures as provided for in the agreement must be assessed in relation to the uncertain peace and key elements of the agreement. It may well be advisable to delay elections until the peace process is affirmed. In some cases, however, elections may constitute a critical mechanism for the transition from war to peace (e.g. in Mozambique, where elections were the vehicle for getting Renamo “but of the bush”).

(c) Conflictual peace building

The war ends with military victory of one side, but the peace settlement does not incorporate the defeated party and/or the populations associated with it. Many original causes of the conflict are unresolved and there is no authoritative framework for what should be the basis for rebuilding society. Afghanistan (post-Taliban) is a case in point. In this type of situation, conflict is embedded in the post-war situation and the concept of ‘post-conflict’ is misleading. Addressing the unresolved political issues is critical to improve both security and conditions for economic recovery. No easy or ready-made formulas suggest themselves, except for one process rule: The choice of governance interventions need to be informed by their likelihood to impact on the unresolved political conflicts.

The typology is not exhaustive, and some cases will not fit easily in any box. The categorization nevertheless encourages policy measures that are sensitive to the type of situation where they are applied.

2. Lessons from governance interventions in post-war situations

Strengthening **horizontal accountability** in a post-war context typically involves interventions and external support in the following areas: constitution-making, watchdog institutions, transitional justice, local governance, and security sector reform.

2.1 Constitution-making and constitutional design

New constitutions have been promulgated in some post-war situations, and the results are mixed. At its best, **constitution-making** can generate social consensus on constitutive issues and simultaneously serve as a healing process in deeply divided societies. At its worst, it can be a quick-fix legitimacy exercise that gives the incumbent a thin veil of legitimacy but remains a dead letter – an instrument that is abused or ignored – and thereby discredits the democratic process itself. The critical factors in this regard are *time* and *how* the constitution is made (Hart 2003). Conflictual post-war situations require comprehensive, slow and cautious processes; this is less important in the self-enforcing cases.

The constitution-making in South Africa is widely regarded as a model for divided societies, whether emerging from conventional civil wars or other forms of violent conflict. The process took altogether almost seven years (1989-1996), and faced threats of renewed violence. It was a participatory deliberative process involving private and public negotiations, and a comprehensive educational campaign was run in parallel. The slow and cumbersome nature of the process was at the heart of its success.

Three recent cases where the international community has supported post-war constitution-making depart sharply from the South African model. In Rwanda, Afghanistan and East Timor, the constitutional process was rapid, involving limited negotiations with the parties concerned and mostly pro forma public participation.

- In Rwanda the main phase of the constitution-making was implemented in 2002 and completed in May 2003 by a referendum. Planned in detail by the RPF government that came to power after the 1994 genocide, the process invited public participation even before a constitutional text was drafted. The resultant document is widely considered a ‘victor’s constitution’ and did little to heal the enormous gulf between the Hutu and the Tutsi communities.
- In Afghanistan the constitution-making process was railroaded through in less than one year. There was international pressure to meet the timetable specified in the Bonn Agreement of December 2001 and it was hoped that a new constitution would give legal legitimacy to the foreign-installed and foreign-financed government of president Karzai. While the process entailed some give-and-take among the political parties – and the use of the traditional *loya jirga* mechanism did confer some legitimacy – there was considerable concern that the process was manipulated and that it swept under the rug the country’s deep social and political divisions. A historic opportunity to generate greater consensus through deliberation was lost.
- The constitution-making process in East Timor was also quick, lasting only about one year. It was driven by the Timorese desire to assume sovereign authority over their own affairs and by the UN’s concern to terminate its costly, direct administration of the territory. In the East Timorese case, however, the speed and perfunctory public participation mattered less as the process unfolded against the backdrop of considerable social consensus.

Research on **constitutional design** in emerging democracies suggests that parliamentary democracy is preferable to presidentialism insofar as the latter tends to foster zero-sum competition, deadlock and personalistic leadership. While disputed as a general rule (Haggard and McCubbins 2001; Von Mettenheim 1997), it remains particularly relevant for divided societies and thus post-war situations of the conflictual kind. Parliamentarism appears as the optimal system for managing conflict in a democratic framework because it includes rather than excludes and encourages compromise and coalitions (Lijphart 1994; Linz 1994).

In reality, parliaments in ‘new democracies’ have fallen far short of that ideal (Gyimah-Boadi 1991; Kingham 2003). Working in the shadow of executive dominance they appear

instead as instruments for ‘negative coalitions’ designed to gain power and are unable to generate enduring popular support. The situation of countries that emerged from civil violence after the Cold War does not seem materially different. None embraced pure parliamentarism, and most have strong presidential systems. In most cases, this was a carry-over from the pre-war system. Others adopted presidential systems in connection with constitutional change; in the case of Afghanistan, this also reflected external interest in a strong executive that could serve as a reliable ally.

2.2 Introducing watchdog institutions

The concept of ‘watchdog institutions’ appeared with the emergence of the ‘new democracies’ in former socialist states and one-party states in the South. The watchdogs were intended to complement other institution of restraint on the state (parliament, civil society, courts, etc). The concept is relevant to several kinds of post-war situations.

- **‘Rights watchdogs’** are critical where the state has been associated with exceptional violence (particularly against civilians and suspected enemies) and where some of alleged violators remain in positions of power (e.g. in Guatemala and Afghanistan). National human rights commissions have become a typical feature of post-war settlements, and some have the international high-level support that facilitates their work without endangering the lives of their members.
- **‘Reform watchdogs’** have been established to oversee implementation of peace agreements that entail reforms of the state administration – particularly army, police and the legal system – and prescribe a political transition involving elections and/or constitution-making. Reforms of this kind touch basic issues of power in post-war society, and even concerted attention from the international community may not enable the watchdogs to do more than bark (e.g. Bosnia and Mozambique).
- **‘Audit watchdogs’**, such as audit institutions and anticorruption commissions, were a feature of some of the ‘new democracies’ designed to ensure accountability in state economic management (Gloppen and Rakner 2004). They have not been a characteristic ingredient of post-war governance measures, although there is a strong rationale for including them.

Corruption is typically prevalent in societies where there is limited accountability of public institutions. In post-war situations where the state is contested or the institutions of accountability weak, the potential for corruption is considerable. Large inflows of aid money and the residue of an illegal war economy magnify the problem. Corruption during the post-war reconstruction in Bosnia was legendary. In Afghanistan, the government has resorted to hiring expensive international auditing firms to ensure donors that it can handle large aid flows. National audit commissions may be a more appropriate step, although they cannot be a complete solution to a problem that is structural in nature.

2.3 *Establish truth commissions and criminal justice procedures*

A survey of 27 countries that have had truth commissions or criminal justice proceedings involving massive human rights violations shows that most have chosen commissions, and some have had both. Some have experienced renewed violence, but not necessarily for reasons relating to the fact or form of accountability processes for past violence (see Annex II). We do know, however, that demands for justice can refuse to fade over time: in Argentina, courts are now reopening prosecution against human rights violations allegedly committed by the military over 20 years ago (Skaar 2004).

The reasons why countries react differently to questions of transitional justice are also reasonably well known. International criminal tribunals are adopted when this suits the strategic interests of the large powers (hence used for the former Yugoslavia and, for minimal consistency, also in Rwanda), but not in East Timor (opposed by the US) or for a long time in Cambodia (opposed by China). Mixed tribunals at lower cost are being tried with some promise of success in Sierra Leone. Another variation is a combination of national with international courts, including traditional legal procedures (the much-discussed *gacacas* in Rwanda).

National responses to transitional justice are primarily determined by the outcome of the conflict. When the violence ended with a compromise settlement, truth commissions tend to prevail, when the conflict ended with a clear victory and defeat, legal proceedings tend to be used.

2.4 *Promoting local governance*

A decentralized approach is commonly held to be particularly important in post-war contexts where central governing structures are weak or remain contested. Local structures then become critical for providing goods and services, particularly for vulnerable groups, and to promote local-democratic processes. Experts nevertheless warn that no activities at the local level will succeed in the long run without a national state structure (Woodward 2002).

Design and political motivations are important factors determining the effect of decentralization and local governance programs. Central-local (or regional) relations are typically sensitive and may be complicated by hidden agendas. Paradoxically, perhaps, the central government may use formal programs of decentralization to enhance its control on the local level, e.g. Museveni's transformation of the Resistance Councils in Uganda, and the National Solidarity Program of the Karzai-administration in Afghanistan. In Afghanistan, the central government hoped to establish ties of allegiance with local communities by distributing bloc grants to the villages, thereby bypassing mid-level 'warlords'. In Cambodia, the struggle over district-level administrative offices is seen as contributing to Hun Sen's coup of July 1997.

Externally initiated programs of decentralization must be particularly carefully designed if they are going to work. In Somalia, UNOSOM II pursued a "bottom-up" strategy to establish district and regional councils that would elect members to the national

transitional government. The councils were to be seen as a democratic counterforce to the 'warlords'. In practice, however, the district councils became empty shells largely devoid of authority, mainly because the Somali warlords and other leaders preferred a "top-down" approach. In Bosnia, the system imposed at Dayton turned out to be overly decentralized and reproduced the structural faults of the former system. The coalitions of regional authorities impaired effective central governance and at the lowest level the *mesne zajednice* were replaced by new local institutions. The overall result has, among other things, been a decrease in the quality of service delivery and mono-ethnic dominance of local power (Woodward 2002).

Community Driven Development projects (CDD) have generally been effective in establishing or expanding essential social services and physical infrastructure at the local level. On the other hand, poor and socially excluded groups often have difficulties in responding to the opportunities created by CDD-type projects. Established authorities may prevail, or even be strengthened with the infusion of new funds. The experience with regard to the role of women is mixed. Including women in community-based organizations in Rwanda worked generally well, while less so in Indonesia (Strand 2003). Addressing the needs of vulnerable or less privileged groups may often require more targeted and supply-driven approaches. Applying the model to post-war situations entails particular challenges if villages have been divided or if resources are distributed unequally among previously hostile areas. Giving the communities new resources to dispose of under such conditions can generate new conflict unless appropriate structures of cooperation and reconciliation are established. Experiences from Indonesia and Afghanistan show that frameworks for dispute mediation at the local level may bring together divided societies.

The underlying rationale for CDD is not merely service delivery, but democratic empowerment. Precisely to avoid the possibility that established authorities will make use of the funds to entrench themselves, requirements for local elections accompany the distribution of CDD-type money. As of yet, there is not enough systematic data to draw firm conclusions regarding the empowerment effect of CDD projects in this regard. Initial evaluations in East Timor and Afghanistan have been mixed.

2.5 Reforming the security sector

The concept of security sector reform (SSR) emerged in the late 1990s as a first major attempt among donor agencies to formulate a coherent policy approach to security issues and security institutions. The security sector was broadly defined to include institutions of police and justice, defence (private and public military organizations), and civilian control and oversight (Tjønneland 2003 and Brzoska 2003).

SSR usually has two tasks: (i) reform security institutions in order to increase their effectiveness, and (ii) ensure that these institutions are governed in accordance with the principles of democracy and civilian oversight.

There is no fully shared international understanding of approaches required to assist security reforms. Development agencies define and approach security work in keeping

with their differing institutional mandates, organisational priorities and administrative constraints. In several donor countries, other agencies – such as the military and the police – have become instrumental in formulating and implementing SSR-policies with aid agencies playing a minor role. The UK's support for SSR in Sierra Leone is reported to have effectively combined military training, development and diplomatic activities designed to create an enabling environment for reform and to address technical and financial needs. DFID has been in charge of the funding of the reform component while the Ministry of Defence has been responsible for support and training of the new army (OECD/DAC 2001).

The major cases of externally assisted reform of the security sector are probably in Central and South Eastern European countries, including the Balkans. The EU, NATO and OSCE have been critical in applying pressure and incentives, as well as assisting the restructuring of security sector elements of applicant states and in transitional societies. A main example is the Stability Pact for South Eastern Europe where security sector reform has become a main focus (Woodward 2003). There are few experiences of comprehensive security sector reform in the South (Cawthra and Luckham 2003).

The most cited success cases are South Africa and some Latin American countries. The process here was to a large extent home-grown and driven by domestic actors, thus underlining the importance of participation to create legitimacy. Transforming the defence sector in South Africa has taken more than 8 years and is still not completed. Six drafts of the South African White Paper on Defence were prepared for comment by military officers, parliamentarians and members of the public. Its finalisation took 18 months and the following consultative Defence Review just as long. In Guatemala, a UNDP supported project for dialogue on defence issues has helped to create the needed political space within society to discuss military reform (UNDP/Guatemala 2001).

Finding appropriate entry points to SSR are important. In Uganda, the UK used Uganda's Defence Review as an entry point by broadening the review process to include other security actors and concerns than those of national defence strictly speaking. PRSPs might also function as participatory frameworks for SSR. In Cambodia, the non-governmental community has incorporated various security issues in its submission to the PRSP process. In Guatemala, however, the military has not been sufficiently included in this process, and overall the experience of using PRSPs to promote SSR has been disappointing (INTRAC 1996).

SSR remains an underdeveloped and contested concept among aid agencies and donors. The 'war on terror' has probably weakened one key SSR element, namely the emphasis on governance and civilian oversight. The efforts have instead focused on strengthening the capacity of the security institutions, especially the police and the armed forces, often in ways similar to traditional military assistance.

Disarmament, demobilization and reintegration (DDR) programs often take place immediately following a ceasefire or peace agreement between warring factions. Together with issues such as control of small arms and mine clearance, DDR are at the

core of SSR and critical in peace building more generally. Ideally, DDR begins with *disarmament* – a process whereby ex-combatants voluntarily hand in their weapons, register into a programme and renounce their status as a combatant. *Demobilisation* follows, involving temporary encampment, the provision of food, water and shelter, and basic primary health. Ex-combatants are then returned to their home communities where they begin to access *reintegration* assistance, usually skill training for local needs that are compatible with the wider development agenda.

Substantial “DD” programmes have been funded and supported by international and national donor agencies and security forces. However, the most difficult dimension has often revolved around the neglected “R”. DDR will only be successful when the ex-combatants have been effectively reinserted into civilian society. To succeed, such programmes must overcome critical economic, social, political and psychological barriers to re-insertion.

Some reasonably successful programs have been established. In Timor-Leste the UNDP in association with the International Center for Transitional Justice has introduced a re-integration programme for ex-militia centred on a strengthened national truth and reconciliation commission (UNDP/BCPR 2002). In Sierra Leone, 72,500 combatants were disarmed and demobilised in the period 1998-2002, and 42,300 weapons and 1.2 million pieces of ammunition were collected and destroyed. The program was coordinated by the National Commission for DDR and the Economic Community of West African State’ Monitoring Group and the United Nations Mission in Sierra Leone. During Phase II DDR the Commission worked with a joint DDR coordination and implementation committee comprising all combatant groups, the GOSL, and the UN (DFID, Foreign & Commonwealth Office, and Defence 2003:15).

In some countries, groups with special needs must be addressed by DDR programs (child soldiers and female soldiers). Families of ex-combatants will also require support, as well as wives of ex-combatants, disabled combatants, and those requiring medical screening for HIV/AIDS and other illnesses.

Vertical accountability (as shown in Fig.1) is influenced by a variety of factors, many of which are not directly governance related. However, vital interventions in post-war contexts focus on the election system, building a civil society and supporting grassroots initiatives.

2.6 Supporting electoral processes

The objectives of post-war **elections** are typically to:

- move the conflict from the military battleground to the political arena;
- transfer power or legitimize the power of a government than can start rebuilding the country; and
- initiate and consolidate the democratization process.

There is increasing awareness that ill-timed, badly designed or poorly run elections can undermine both peace and democratization in post-war situations (UNDP 2003b). In fact

elections may function as a conflict generating element. Timing of elections is a critical determinant of the outcome (as every Prime Minister knows). In post-war situations, timing must take into account the degree of continuing conflict in society, as discussed above, as well as the willingness and ability of alienated parties to return to the military arena. Basic security is a precondition for holding elections that are minimally meaningful at all, whether security is provided by foreign peacekeepers or progress towards demobilization/ demilitarization of the contending parties (see Annex I).

Political contestation requires a set of minimal prerequisites, such as freedom of expression, movement, and organization and existence of political parties that can field candidates and mount election campaigns. Some observers claim that these are conditions that post-conflict societies tend to lack (Kumar 1999:10). This is true in cases that lack Western-style democratic traditions (e.g. Cambodia), or where a post-war military victor rules (Rwanda). Elsewhere, as in Central America, the war itself served to heighten political consciousness and mobilization; hence, providing one necessary ingredient for democratic contestation.

The **electoral system** has profound impact on representation and governance. The critical factor is the electoral formula which determines how votes are translated into seats. In post-war situations, the main test is how the system handles challenges of reintegration and representation. Experience from ethnically divided societies is relevant here. There is broad agreement that simple majority rule is not an effective form of democracy for such situations. A system which requires an absolute majority may induce alliances between political parties during the electoral campaign, but may create permanent minorities. Proportional representation and power sharing techniques which encourage broad-based governing coalitions are more appropriate (Barkan 1998; Sisk 1996; Vengroff 1993). Power-sharing arrangements can be abused by colluding elites, however, and are most successful in managing conflict when:

- they are embraced by a core group of moderate political leaders who are genuinely representative of the groups that they purport to lead;
- the practices are flexible and allow for equitable distribution of resources;
- they are indigenously arrived at, not agreed upon as the result of excessive external pressures or short-term, zero-sum expectations of the parties; and
- the parties allow a more integrative and liberal form of democracy to evolve.

In post-war situations, as in emerging democracies generally, **political parties** are critical insofar as they structure the competition between societal groups and interests. Some observers argue that in situations where one party is dominant, 'democracy promoters' must encourage the development of alternative political parties, financing included. Helping civil society and financing proliferation of NGOs is not enough, 'political party development must be a top agenda item' (Carothers 2002). The same logic would apply to post-war situations that produced clear winners and losers (Rwanda), or that left one protagonist in control over the state apparatus and well-positioned in the electoral arena (Mozambique).

Other observers caution that external funding of political parties is highly problematic. Foreign funding may distance the party from the electorate, reduce internal party democracy, encourage ‘party entrepreneurs’ to establish parties in order to tap into international funds, and can be viewed as foreign attempts to influence national politics. Hence, external funding of political parties should not impose (i) a particular party platform or (ii) a particular organizational model, and should not produce excessive fragmentation of the party system (Mathisen and Svåsand 2002).

2.7 Promoting civil society organisations

Many donors support **human rights organisations** that build rights awareness on grassroots levels (e.g. the Honduran-based CeSHRA program in Central Americas). These are often anchored in a national human rights commission, or human rights monitoring linked to larger peace commissions (as in Nicaragua). Human rights work on the micro-level of this kind has been important (Sørbrø, Skaar, and Stokke 2002), yet its overall effectiveness is highly dependent upon macro-level support in the form of national policy and international assistance. Support for development of human rights organizations in Cambodia on both local and national level has, for instance, been considered a major success and achievement.

National, institutional support is necessary to establish the principle of no impunity through firm prosecution of violations. In the case of refugees returning to conflictual post-war situations, both national and international support is required to establish a reasonable absence of fear. Fear of reprisals was a main reason why Hutu refugees were reluctant to return to Rwanda after the genocide. In Bosnia, it took concerted efforts by the international community – including provision of incentives to both refugees and local authorities – to encourage returns to areas that had been ‘cleansed’ (Uvin 2000).

2.8 Grassroots projects: Empowerment, cooperation and dialogue

Several projects in war-torn societies have been designed to **empower victimized and traumatized communities**. Projects of this kind have been established to assist the indigenous people in Guatemala, who suffered enormously from systematic violence perpetrated by the ‘security’ forces during the war. One project, for instance, sought to strengthen the Mayan people’s capacity to articulate their interests in policy discussions.

The theory that personal contact reduces hostility – amplified by the conflict transformation theories of Lederach (1997) and Kriesberg (1998) – has informed numerous projects. The assumption is that participation in **common projects and structured interaction among previously divided communities** will help restore (or create) positive social relations. Cooperative projects of this kind have been particularly common in the post-war Balkans. Evaluations of cross-ethnic contact groups of youth and NGOs suggest they have been effective but – as in the case of grass-roots human rights initiatives – vulnerable to renewed conflict on the national level (Vik 2000; Dyregrov and Søvting 2001).

Recognizing that peace must be built from below as well as from above, South Africa pioneered the use of **grass-roots peace committees**. Designed to foster tolerance and prevent violence on the local level, the committees were linked to a regional-national structure. They have since been emulated elsewhere (e.g. Sri Lanka and Nicaragua), and are generally considered important in contributing to conflict management in deeply divided societies (Kumar 1999:9).

3. Important cross-cutting issues and challenges

3.1 Pace, sequencing and portfolio mix of governance interventions

The pace of reform is critical. The UN and the rest of the international community typically want quick results to satisfy organizational demands, to reduce costs (especially if UN assessed-cost peace operations are involved) and avoid open-ended commitments, and because it is widely accepted that peace dividends in the form of rapid results are necessary to sustain the peace process. Most governance measures, however, require a long time frame if they are to function as genuine social processes. Relevant cases in point are constitution-making and the timing of elections.

Restoring an administrative infrastructure for governing is an immediate task of post-war situations. While often low and time-consuming, measures to restore a system of public finance, as well as legal and civil administration reform, are early priorities.

The same applies to human rights. Societies emerging from civil war are typically traumatized by exceptional violence. Restoration of a modicum of confidence in the ability of society to interact in non-violent modes is a precondition for civil governance of any kind. Demonstration of a commitment to human rights (against extrajudicial killings, torture, disappearances, and respect for *habeas corpus*) is critical to create this kind of confidence. Human rights thus appear as an early and continuous priority regardless of which sequence of governance interventions is chosen. In practice, the international community has been ambivalent, typically endorsing the establishment of national human rights commissions, but not giving high priority to the establishment of the rule of law (King's College London 2003), and letting political considerations determine positions on transitional justice (see section on criminal justice procedures above). In Afghanistan, for instance, the international community has downgraded the importance of both past and present human rights violations in the name of safeguarding stability (CMI 2004).

With respect to institutions of accountability, the pace and sequence of interventions are more variable. As Figure 1 indicates, accountable, democratic governance can be secured by various means, wholly or partly. For instance, if the post-war situation does not encourage early elections, other instruments of vertical accountability (e.g. media, civic organizations) and instruments of horizontal accountability (official 'watchdog' commissions, with or without international support) may to some extent compensate. In other words, different sequences and portfolio mix of governance interventions may produce the desired accountability.

3.2 *Trust and reconciliation*

Building of ‘trust’ and efforts to generate a sense of ‘reconciliation’ are of central concern in post-war contexts. ‘**Trust**’ is an imprecise concept. The term is used loosely in the policy-oriented literature on post-war reconstruction and governance, but has no clear or common definition. In a general sense, ‘trust’ can be associated (negatively) with the absence of threats of renewed violence and human rights violations, and (positively) with confidence in the post-war order. Such confidence, in turn, depends upon a range of factors such as legitimacy of the post-war government, the relevance and effectiveness of the governance measures introduced, the pace of economic reconstruction, including visible signs of broadly distributed peace dividends, and the macro-economic framework for peace.

On the micro-level, ‘trust’ is used mostly in connection with community relations, particularly efforts to restore or establish positive communication among communities or individuals that were previously divided by violence. As noted above, donors have supported numerous projects to this effect, such as human rights organizations, empowerment efforts, promotion of cooperation among divided communities, and peace committees.

Social trust and interethnic cooperation may also be generated as a by-product of rapid reconstruction. An analysis of different types of reconstruction projects concluded that the cooperation dividend was mixed (Kumar 1999). Micro enterprises and small business helped increase family income, but did not generate many opportunities for interethnic interaction. Support to larger firms did result in some ethnically blind business ventures, with multiethnic staff, board of directors, and customers. The market economy thus had an integrative function. Large projects to rehabilitate physical infrastructure contributed to the political and economic integration of the region, which in turn was seen as a necessary – but not sufficient – condition for interethnic tolerance and trust.

Reconciliation can be understood to take at least three forms. At the ‘thin’ end the parties only co-exist peacefully; in a further development they listen and try to understand each other in the spirit of democratic reciprocity; and at the ‘thick’ end there is a comprehensive reconstruction of social bonds between victims and perpetrators. The last phase implies forgiveness and healing (Crocker 2000).

The process of moving towards the ‘thick’ form of reconciliation is ideally seen to entail several phases (Adelman 2004):

- *recognition* of the truth of past violence by giving voice to victims and creating a common memory for the future; often done through truth commissions or similar public investigations;
- *restorative justice* by holding perpetrators accountable, typically through criminal justice procedures, and establishing the principle of no impunity in the future;
- *restitution* by compensating for past losses and creating institutions for future reform to address needs; and

- *healing*, typically through public rituals, which in traditional societies usually involves rituals of cleansing and reconciliation (Babo Soares 2004; Honwana 2004).

In practice there is no set or necessary sequence. Legal experts typically argue that restorative justice is necessary for reconciliation; other experts claim that criminal procedures may open old wounds and create new conflict. Since the outcome is difficult to measure – how thin or thick is the reconciliation? – the disagreement persists.

3.3 Ownership

The principle of national ownership of the political and economic reconstruction process is firmly established, widely accepted, and repeatedly invoked as a primary lesson from the past (Dabelstein 2002). The problem of implementing it in practice reflects several enduring dilemmas:

- *Imbalance in capacity and resources* between specialized and well-funded international agencies and a society whose administrative capacity and resources have been depleted by war and often were poorly developed for a start. Most post-war reconstructions are dependent on heavy international financing.
- *Demand for effective use of resources and quick results* and *organizational interests of aid agencies* to be present and demonstrate that their programs are effective. These conditions also favour international controls.
- *Tension over policy content*: donors and aid agencies typically have political agendas that suggest desirable forms of reconstruction. In the governance realm, this includes human rights, secularism, and Western forms of democratization. These goals may conflict with those pursued by national authorities, in which case national ownership typically is sidelined (e.g. in relation to national transitional justice procedures in Rwanda and Islamic law in Afghanistan).

Recipient governments can nevertheless aggressively assert their authority over the reconstruction program, as demonstrated in Rwanda and Afghanistan. The Afghan authorities did so partly by relying heavily international consultant firms and NGOs to assist in the administration as well as implementation of aid projects.. While this technically speaking preserved national ownership, it raised serious questions of cost, dependence and sustainability in the longer run.

3.4 Coordination

Coordination in the governance sector is complicated by the fact that several large agencies typically are involved in various aspects (UNDP, the World Bank and HCHR), as well as other actors in the UN system (IOM in DDR), and numerous NGOs financed bilaterally through donors. The presence of a UN assistance mission led by a SRSG adds to the complexity. Given the voluntary nature of coordination, and the large number of actors in heavily financed post-war programs, the coordination function must have an institutional locus. This is sometimes the office of the UNDP Resident Representative,

but in complex situations involving a UN mission with an SRSG, the latter may be the focal point for coordination.

In Afghanistan, donors and aid agencies acknowledged the importance of having a distinct coordination structure that initially was anchored in the office of the deputy SRSG. Without budgetary and staffing power over the agencies, however, the SRSG had little capacity to integrate the mission, and the IFIs were at any rate outside his formal authority (King's College London 2003). As a result, coordination followed the usual voluntary form. In an innovative move, the formal responsibility for coordination was subsequently taken over by the Afghan authorities. The transition was supported by donors, UNDP and OCHA (UNDP 2003a). The move reflected in part the aggressive position of the Afghan Minister of Finance and his (foreign) advisors.

Strategic coordination – as distinct from tactical coordination of programs – entails the streamlining of policy interests of the external actors. In the governance field, a growing consensus among the major actors on what constitutes principles of good governance has lessened the challenge of strategic coordination. Divisions nevertheless remain. In Rwanda, donors were deeply divided over how far it could morally pressure the post-genocide government on any governance issue, in Afghanistan, donors are divided on how far to promote human rights and democracy if it endangers stability, in the Balkans, Cambodia and Afghanistan important external actors have diverging interests and priorities. The 'war on terror' has further divided US and European actors on matters of when and how to introduce governance measures in the only two post-9/11 cases so far, i.e. Afghanistan and Iraq.

Not only coordination of external actors is required, however. Three levels of coordination can be considered of importance: donor-donor (external); donor-Government; and inter-ministerial (Renner 2004). There has been increasing recognition of the principle that the host government must be assisted to take on major coordination responsibilities. It has even been suggested that UNDP should only support in-country, government-led development forums and not Round Tables and Consultative Groups (Renner 2004:2). Only rarely is there insufficient local capacity to build on. The main exception is Somalia, where an Aid Coordination Body was established by agreements of all major international players and pushed forward by the European Commission's Special Envoy to Somalia. The importance of the ACB reflected the weakness of the central state in Somalia (Boyle 2004:6).

The system of departmentally-based consultative groups to coordinate activities in the various program areas has functioned unevenly. Much depends upon the leadership of individual consultative groups. Some donors, moreover, do not observe the rules established by the Ministry of Finance to declare their activities in the relevant program areas, and to concentrate on a certain number of program areas. Nevertheless, the framework seems promising (CMI 2004). In both Afghanistan and Cambodia, the national development framework or equivalent plan document has been used with reasonably good results as a strategic instrument for alignment of development assistance (Silovic 2004:8).

There are no set formulas for where the central aid coordination or management mechanism should be located, although basing it close to the poverty monitoring/development policy unit – often in the Finance Ministry or the equivalent – seems useful (Renner 2004). In Bosnia, the coordination of development assistance is shared between the Ministry of Foreign Trade and Economic Relations and the Directorate for European Integration.

While often overlooked by external aid actors, inter-ministerial coordination in the recipient country is also critical. In Bosnia, UNDP launched a project that among other things aimed at “institutionalising communication among Government structures on needs, priorities and gaps in an integrated manner” (Renner 2004:2). Similarly, an overall objective of the Serbian Aid Coordination Unit is to increase the capacity of line ministries in order to support the aid and development coordination process.

4. Conclusions

In conclusion it must be recalled that governance is a process, not a product. This calls for a long-term perspective and a recognition that social engineering has distinct limits. External actors in particular need to be conscious of the dilemmas of ownership and assistance that operate in post-war situations. While working in a policy framework that emphasizes the principles of democracy – which entails local self-determination and ownership – aid actors have their own interests and procedures that may well conflict with local needs and interests. The imbalance in capacity and resources nevertheless gives the aid actors a dominant voice in the formulation of goals and policies, often leaving conflicts to be ‘solved’ on the ground through local non-compliance or resistance, or producing dysfunctional social consequences. The dilemma is inherent in all aid activities, but is accentuated by the sharp imbalance in resources and administrative capacity that typically exist in a post-war situation.

The other main conclusions of this report are:

- aid actors need to adjust policies to local types of post-war situations. A one-size policy does not fit all cases;
- promoting human rights is a confidence-building measure, and as such is essential to establishing a foundation for post-war, democratic governance;
- accountability measures are necessary to secure democratic governance, but there are many forms and structures of accountability. There is no obviously ideal package or sequence;
- decentralization has obvious advantages in post-war situations where the central state is weak or remains contested, but must be balanced by a national structure
- aid coordination based in host government institutions can be an effective and sustainable approach; and
- approaching security issues through non-conventional entry points can encourage critical reforms in a difficult sector.

Annex 1: A Path to Peace? Post-Conflict Elections 1992-2002 (AREU 2003)

COUNTRY	ELECTIONS	OUTCOME	PRECONDITIONS
Kosovo	2002 2001 2000	<ul style="list-style-type: none"> Peaceful elections deemed "free and fair." Kosovo effectively governed as UN protectorate with increasing resentment from elected officials and broader population. 	<ul style="list-style-type: none"> Strong & continuing presence of UN and multi-national peacekeeping force.
East Timor	2001 2002	<ul style="list-style-type: none"> Peaceful elections won by Fretilin party, which had led struggle for independence. 	<ul style="list-style-type: none"> External threat (Indonesia-based militias) removed by strong UN peacekeeping presence. UN peacekeeping forces still in country.
Liberia	1997	<ul style="list-style-type: none"> Charles Taylor, most powerful factional leader, elected because of widespread fear that if he lost, the country would return to civil war. Elections ratified power structures created by seven years of civil war. Continued national and regional instability and violence leading to foreign intervention in Liberia in August 2003. 	<ul style="list-style-type: none"> Continued violence and brutality.
Bosnia-Herzegovina	1996 +	<ul style="list-style-type: none"> Widespread voter intimidation and ethnic engineering through electoral fraud. Replicated existing power structures. Leaders opposed to new state were strengthened and "legitimised" by new electoral mandates. 	<ul style="list-style-type: none"> Decision to proceed with elections so soon after Dayton Agreement (1995) highly controversial. Peace agreement allowed opposing forces to maintain armed capabilities.
El Salvador	1994	<ul style="list-style-type: none"> Effective political transformation during relatively strong interim regime. 	<ul style="list-style-type: none"> Successful demobilisation supported and monitored by UN. Relative demilitarisation of politics. Development of local civil society, including human rights organisations. Peace accords held.
Mozambique	1994	<ul style="list-style-type: none"> Tactical voting balanced two powerful parties by choosing ruling FRELIMO candidate as president, but RENAMO candidates for parliament. 	<ul style="list-style-type: none"> Relatively strong interim government restored peace and reduced fear. Demobilisation of RENAMO; transformation to political party Peace agreement held.
South Africa	1994	<ul style="list-style-type: none"> Peaceful, "substantially free and fair elections" held with widespread participation and legitimacy. 	<ul style="list-style-type: none"> Internally-driven constitution-making process involving extensive consultation, negotiation and compromise. Strong tradition of grassroots politics.
Cambodia	1993	<ul style="list-style-type: none"> Technically successful elections followed by a forced reversal of the results and then a departure of UN & international forces. A coup against the royalist FUNCINPEC party led to a return to political intimidation and authoritarian rule. 	<ul style="list-style-type: none"> Relatively strong interim administration had reduced instability and fear. Local human rights organisations developed during this period.
Angola	1992	<ul style="list-style-type: none"> Failed to end the decades old civil war, when UNITA leader Jonas Savimbi refused to accept his party's defeat. 	<ul style="list-style-type: none"> Failure to fully disarm and demobilise the warring armies prior to the election. Inadequate resources and leadership from international community.

Annex 2: Truth commissions, judicial settlement, or both?

(Skaar 2004)

SPONSOR	TRUTH COMMISSION (TC)	JUDICIAL SETTLEMENT	BOTH	PLANNED TC
NATIONAL GOVERNMENT	The Philippines (1986) Uganda (1986) Chad (1991) Chile (1990) Nepal (1990) Sri Lanka (1994) Haiti (1995) South Africa (1995) Ecuador (1996) Ghana (2003) Nigeria (1999)	Greece (1975-76) Rwanda (1994-) Malawi (1995)	Bolivia (1982)/(86-93) Argentina (1983)/(1985) GDR (1992-)/ 1992-) Ethiopia (1992)/(1994-) Sierra Leone (2002/2002) East Timor	South Korea Honduras Colombia Bosnia Indonesia Cambodia
NATIONAL/ INTERNATIONAL NGO	Brazil (1985) Uruguay (1985) El Salvador 1992) Burundi (1995) Guatemala (1997)	Yugoslavia (1994-)	Rwanda (1993)/(1994-)	

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Summary

This report addresses governance issues in post-war situations as these are dealt with in three sets of literature:

- the growing case-based knowledge arising from the experience in internationally-assisted transitions from war to peace since the early 1990s.
- insofar as these transitions typically intended to establish a democratic post-war order, important insights can be drawn from the more general literature on democratic transitions.
- there is increasing evidence that the direction of developments in the post-war phase in important ways is shaped not only by the conflict itself, but by the nature of the peace settlement and the international commitment to the agreement and its implementation. As a result, the context of political and economic reconstruction will vary significantly.

The report outlines the key institutional components of the relationship between a post-war context and the implementation of a democratic system of governance.

After noting the importance of differentiating between types of post-war situations, the report reviews experiences from what is considered to be the most critical governance interventions. These include constitution-making and constitutional design; establishment of watchdog institutions; truth commissions and criminal justice procedures; local governance; security sector reform; elections, forming of electoral systems and political parties; supporting human rights organisations; empowerment projects, and cooperation among divided communities and peace committees.

Lastly, major cross-cutting issues are considered, such as pace, sequencing and portfolio mix of governance interventions, building trust and generating reconciliation, and coordination of external actors.

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