GUIDE TO REBUILDING GOVERNANCE IN STABILITY OPERATIONS: A ROLE FOR THE MILITARY?

Derick W. Brinkerhoff
Ronald W. Johnson
Richard Hill

RTI International

Editor

Susan Merrill
Peacekeeping and Stability Operations Institute

Visit our website for other free publication downloads
http://www.StrategicStudiesInstitute.army.mil/

To rate this publication click here.

June 2009

The views expressed in this report are those of the authors and do not necessarily reflect the official policy or position of the Department of the Army, the Department of Defense, or the U.S. Government. Authors of Strategic Studies Institute (SSI) publications enjoy full academic freedom, provided they do not disclose classified information, jeopardize operations security, or misrepresent official U.S. policy. Such academic freedom empowers them to offer new and sometimes controversial perspectives in the interest of furthering debate on key issues. This report is cleared for public release; distribution is unlimited.

*****

This publication is subject to Title 17, United States Code, Sections 101 and 105. It is in the public domain and may not be copyrighted.

*****

Comments pertaining to this report are invited and should be forwarded to: Director, Strategic Studies Institute, U.S. Army War College, 122 Forbes Ave, Carlisle, PA 17013-5244.

*****

All Strategic Studies Institute (SSI) publications are available on the SSI homepage for electronic dissemination. Hard copies of this report also may be ordered from our homepage. SSI's homepage address is: *www.StrategicStudiesInstitute.army.mil*.

PKSOI's website address is *https://pksoi.army.mil*.

*****

The Strategic Studies Institute publishes a monthly e-mail newsletter to update the national security community on the research of our analysts, recent and forthcoming publications, and upcoming conferences sponsored by the Institute. Each newsletter also provides a strategic commentary by one of our research analysts. If you are interested in receiving this newsletter, please subscribe on our homepage at *www.StrategicStudiesInstitute.army.mil/newsletter/*.

ISBN 1-58487-394-9

TABLE OF CONTENTS

Foreword v
Summary vii
Government and Governance 1
Governance, Stability, and Resilience 2
How Much Democracy; How Fast? 3
Three Functions of Governance 4
Effective Provision of Public Goods and Services 5
Managing Political Participation and Accountability 6
Safety and Security 7
STRUCTURING THE STATE 8
Federalist versus Unitary Structures 9
Federalist and Unitary Systems 10
Decentralization 11
Federalism, Decentralization, and Stability Operations 12
Managing Political Participation and Accountability 13
INSTITUTIONAL ARCHITECTURE OF THE STATE 14
Trade-offs 16
Options 16
CONSTITUTIONS 19
Trade-offs 20
Options 20
ELECTIONS 21
Political Party Formation and Operation 22
Electoral Rules and Frameworks 22
Electoral Administration 23
Trade-offs 24
Options 25
TRADITIONAL SOURCES OF AUTHORITY AND LEGITIMACY 28
Trade-offs 31
Options 31
RULE OF LAW 33
Trade-offs 34
Options 35
CITIZENS AND CIVIL SOCIETY 36
Trade-offs 39
Options 39
SAFETY AND SECURITY 41
SHORT-TERM PROVISION OF SECURITY 44
Trade-offs 47
Options 48
CIVILIAN CONTROL AND OVERSIGHT 49
Trade-offs 50
Options 50

STRUCTURING THE SECURITY SECTOR....53
Trade-offs....54
Options....55
CONCLUSIONS....59
Context....59
Regime Replacement....62
Stability Operations in Support of an Existing Functioning Regime....63
Bibliography....64
Endnotes....69
About the Contributors....77

FOREWORD

This Governance Guide, fourth in the PKSOI Papers Series to be published by the U.S. Peacekeeping and Stability Operations Institute (PKSOI) and the Strategic Studies Institute (SSI), is designed to further U.S. military understanding of the critical nation-state building role that U.S. forces play during stability operations. During the last 8 years, the Department of Defense (DoD) has experienced revolutionary change in its perception of its role in stability operations and more particularly, nation-state building. The introduction of DoD 3000.05, which placed stability operations on par with military operations, ushered in a new era of military operations focused on the reconstruction, rebuilding, and governance phase of peacekeeping.

In October 2008, the U.S. Army issued Field Manual 3.07, *Stability Operations Doctrine*, which identified five key sectors as components of an integrated approach to stabilization and reconstruction (S&R) operations—security, justice and reconciliation, humanitarian assistance and social well-being, participatory governance, and economic stabilization and infrastructure. Government, or governance, has a central role in assuring the successful end-states for transition in each of these sectors.

This guide focuses on the military's role in rebuilding and establishing a functional, effective, and legitimate nation-state; one that can assure security and stability for its citizens, defend its borders, deliver services effectively for its populace, and is responsible and accountable to its citizens. Neither a handbook nor a checklist, the document provides a comprehensive approach to planning and implementing a program to rebuild governance by U.S. peacekeeping forces during stability operations. Recognizing that the extent of U.S. Government and military involvement is determined by the mandate, the mission, the level of resources and most importantly, the host country context, this guide provides options and trade-offs for U.S. forces in executing these operations.

JOHN A. KARDOS
Colonel, U.S. Army
Director
Peacekeeping and Stability
Operations Institute

DOUGLAS C. LOVELACE, JR.
Director
Strategic Studies Institute

SUMMARY

The Army's Field Manual (FM) 3-07, *Stability Operations Doctrine*, identifies five sectors as components of an integrated approach to stability and reconstruction (S&R): security; justice and reconciliation; humanitarian assistance and social well-being; participatory governance; and economic stabilization and infrastructure. Government has an important role in each of these sectors, so attention to restoring, rebuilding, and reforming the public sector in post-conflict societies is critical to achieving the end state conditions that FM 3-07's stability operations strategy establishes:

- A safe and secure environment;
- Established rule of law;
- Social well-being;
- Stable governance; and,
- A sustainable economy.

FM 3-07 describes two categories of the range of activities in stability operations for achieving these end state conditions: reconstruction and stabilization.

> Reconstruction is the process of rebuilding degraded, damaged, or destroyed political, socioeconomic, and physical infrastructure to create the foundation for long-term development.

> Stabilization is the process by which underlying tensions that might lead to resurgence in violence and a breakdown in law and order are managed and reduced, while efforts are made to support preconditions for successful long-term development.

This guide examines an intervening force's contribution to creating a functional state that can deliver services effectively, is responsive and accountable to its citizens, and is capable of assuring security. For each of these three areas, the discussion summarizes key issues, trade-offs, and options for military strategists, planners, and personnel that relate to the restoration and rebuilding of government in the context of full spectrum operations. The guide provides counsel for military personnel in planning and executing stability operations tasks related to lines of operation to rebuild a capable government, but it is neither a blueprint nor a "how to" checklist. It is designed to supplement existing and emerging guidance, fill in gaps, and consolidate from some of these sources information specifically relevant to addressing the needs of public sector rebuilding in post-conflict situations. The material presented draws both from theory and from on-the-ground experience of military and civilian practitioners.

This guide will focus on three central aspects identified above but first will elaborate and clarify the central terminology and concepts—government, governance, and the social contract between citizens and the state. The Guide then discusses the three core functions of a state: 1) effective service delivery; 2) responsiveness to the citizenry; and 3) security. This discussion is set within the context of a review of the state structure or model (federal or unitary) and the relationship between the center and the subnational units (decentralization).

GUIDE TO REBUILDING GOVERNANCE IN STABILITY OPERATIONS: A ROLE FOR THE MILITARY?

> Many stability operations tasks are best performed by indigenous, foreign, or U.S. civilian professionals. Nonetheless, U.S. military forces should be prepared to perform all tasks necessary to establish or maintain order when civilians cannot do so. Successfully performing such tasks can help secure a lasting peace and facilitate the timely withdrawal of U.S. and foreign forces. Stability operations tasks include helping to develop representative government institutions
>
> DOD 3000.05

GOVERNMENT AND GOVERNANCE

Without capable government institutions and committed local public officials, the end state conditions that U.S. Army Field Manual (FM) 3-07, *Stability Operations Doctrine*, identifies will not be put in place; in fact, the absence of those conditions constitutes a failed state. However, a functional state depends on more than simply a competent and well-intentioned government. It requires actions and inputs by individual citizens, communities, local associations, civil society groups, and the private sector as well. How all of these actors behave, together with government, is the realm of governance and rebuilding all elements of the governance structure is critical to successful state-building. Some analyses treat government and governance as the same thing, but it is more accurate to distinguish them from each other.

Governance refers to the processes and rules through which state and nonstate actors in a society wield power and authority and how they influence and enact governmental policies and decisions. Governance is a broader concept than government, the principal elements of which include the constitution and the three branches of government (legislature, executive, and judiciary).

Governance extends beyond the role and actions of public sector institutions, structures, and processes. It concerns how societies organize to pursue collective goals and interests. Some of these processes and institutions may be governmental, others may not. Governance combines public administration and state structures, politics and the exercise of power and authority, policymaking and implementation, and the relationships between government and civil society. In fragile and failed states, weak governance is recognized as a contributor to conflict and civil war and has highlighted the need for reformed governance in establishing peace and pursuing state reconstruction. Government alone cannot achieve the outcomes necessary for a functioning and stable society. Think of education: government can supply funding for schools, train and pay teachers, set standards, and supply textbooks. But if students do not attend school and commit to learning, if parents do not encourage their children and engage with teachers, and if the community does not support the schools, then education outcomes will not be achieved. The interactions among government (appointed and elected officials), education providers (schools and teachers), and service users (students, parents, and community members) comprise the "triangle" of relationships that establish governance in the education sector.

GOVERNANCE, STABILITY, AND RESILIENCE

In terms of state-society linkages, failed states highlight the importance of positive relationships between a government and its citizens for stability. In failed and fragile states, these relationships are largely negative; citizens distrust and fear the state and hold low expectations that government has the ability, or the desire, to meet their needs. The Organization for Economic Development and Cooperation's Development Assistance Committee (OECD/DAC) has explored state-society linkages in detail to explain why some states are fragile and others are stable. The shorthand concept that is at the core of these linkages is a "social contract" between the state and its citizens. This contract, the OECD/DAC argues, is a product of three interacting components:

- *Expectations* that citizens have of the state;
- *State capacity* to provide services within a secure environment and to obtain sufficient resources from its population and territory to provide these services;
- *Political will* to direct resources and capacity to meet citizens' expectations.[1]

When these three components are in balance—that is, when citizens' expectations match up with state capacity and political will—then the state exhibits resilience. Resilience in this sense is defined as to future conflict and state failure. Resilience leads to stability, but not in the static sense. Rather, resilience enables the state to adjust to new and different expectations, shifts in capacity, changes in external conditions, and changes in political will. A fit with expectations is important to mitigating possibilities for renewed conflict, reestablishing trust in government, and creating legitimacy. For example, a well-recognized conflict driver and contributor to state fragility is distribution of services that systematically excludes certain ethnic, tribal, and/or religious groups. If a new interim government does not address the expected redress of perceived past unfairness and discrimination, it risks losing support and legitimacy among these groups.

Third, attention to expectations leads outside intervening forces to consider whose expectations need to be taken into account. As noted above, some citizens will expect a new political order and its government to right old wrongs and correct past inequities. Others will look to the state to retain key features of the former regime and preserve their privileges. Still others will anticipate reforming the underlying principles on which the state is based: for example, according religion a central position in state institutions (Taliban Afghanistan), or building a multi-racial society (post-apartheid South Africa). Post-Saddam Iraq is a good example of the challenges of different expectations within a society: Shi'a, Sunni, and Kurdish visions of an effective and legitimate state are quite different.

The fourth implication is perhaps the most fundamental, because it sensitizes stability and reconstruction (S&R) actors to different features of a state that meet the expectations of citizens as they define those features for themselves. The kind of government and the governance relationships that underlie the end state conditions in FM 3-07 reflect the principles of liberal democracy according to the Western traditions embodied by the nations of Europe, the Commonwealth countries, and the United States. These same principles find expression in the international development policies of the U.S. Agency for International Development (USAID). USAID considers good governance to "pertain

to the ability of government to develop an efficient, effective, and accountable public management process that is open to citizen participation and that strengthens rather than weakens a democratic system of government."[2]

HOW MUCH DEMOCRACY; HOW FAST?

What this means for stability operations forces is that the aim, implicit or explicit, of these programs is to set the host country on a trajectory that will lead to a governance system that closely resembles a Western liberal democracy with a rules-based, meritocratic, and efficient public sector. Since for a failed state the road to democratic governance is a longer one and often more difficult to achieve, given history, culture, and the economic structure, than can be accomplished within a given stability operation, the question becomes: How much *democratic* governance and how fast? One of the debates is where elections fall in the sequence of post-conflict reconstruction. Roland Paris, for example, argues that peacebuilding has focused on holding elections before the requisite institutions that enable an elected government to fulfill its governance functions are in place and capable. He calls for "institutionalization before liberalization."[3] However, others have pointed out that citizens have limited tolerance for interim governments that are not elected, and will only accord them legitimacy for a relatively short period of time. Thus, ready or not, post-conflict countries need to plan for and conduct elections sooner rather than later because the idea that recovery includes democratically-based legitimacy has become part of the social contract. In summary, a legitimate government must develop the capacity to deliver on whatever societal consensus is forged, eventually on its own.

It is critical to recognize that host country actors will have different interpretations from the military forces and their interagency partners of what constitutes legitimacy, security, and an effective state. Unless stability operations strategies, plans and operations take these host country interpretations into account and incorporate them into S&R plans, governance restoration and reconstruction targets are unlikely to be achieved. This may lead to host country actors "going through the motions" of participating in democratic governance-enhancing activities, but the commitment is lacking.

Box 1 provides an example from Afghanistan of an indigenous perspective on appropriate governance that has impeded the extension of formal state authority outside of Kabul.[4] In societies where state-society relations are dominated by patronage and where favoritism and nepotism are ingrained, basic public administration principles such as competitive procurement and conflict of interest are neither recognized nor valued. The concept of democracy is another element of governance that is subject to differing interpretations. Most Westerners think of democracy as a political system where leaders are selected through a free and competitive process by popular vote. However, in failing or failed states, citizens may think of democracy as a

Box 1. *Pashtunwali* in Afghanistan.
An example of an alternative perspective on governance comes from the southeastern regions of Afghanistan with majority Pashtun populations where the social code of *Pashtunwali* provides an ethnic governance structure based on identity, clan, individual freedom, honor, and a complex set of reciprocal obligations that combine hospitality, exchange, and revenge. *Pashtunwali* does not recognize the legitimacy of the central Afghan state, and rejects core modern state institutions such as courts, police, and formal laws.

"package" inseparable from economic opportunity and improved well-being, all under the same label. As a result, when the election of new leaders does not lead to immediate benefits, they blame democracy for failing to deliver on their expectations, which can delegitimize fledgling governments, putting them at risk of being seen as ineffectual. This can also delegitimize the idea of democracy itself as a governance system worth supporting. But, as the discussion below illustrates, there are some basic technical features of the three functions of governance—delivering services, improving responsiveness, and providing security—that apply across the board to all post-conflict situations.

For example, in the realm of service delivery, how to rebuild a power plant to restore electricity generation capacity is not culture bound nor society-specific. However, how restored power generation contributes to fostering legitimacy and reestablishing the "social contract" is generally state specific. Citizen expectations and historical patterns of state-society interactions will influence whether a new government receives credit (leading to increased legitimacy), blame (decreasing support and possibly leading to renewed conflict), or indifference for providing electricity. In Saddam's Iraq, Baghdad received preferential access to electricity while the Shi'a south was systematically short-changed. In post-Saddam Iraq, the interim government made an explicit policy decision to distribute restored electricity more equitably, thus favoring the previously deprived Shi'a areas of the country (see Box 2).[5] When Baghdad's power grid failed to deliver reliable electricity, Sunnis interpreted the rationed supply as discrimination against them, and "proof" that the new government would not treat them fairly. Sunni insurgents targeted the interim government's power regeneration program for sabotage.

Box 2. Electricity in Iraq.

Coalition forces in Al Basrah were confronted with Iraqi citizens pressing them for the restoration of electricity, water, and sewerage. Post-conflict Iraq in 2003 had weak local administrative capacity, and the extensive sabotage and looting following the war had incapacitated local service delivery departments and destroyed most of their assets. The military turned to civilian contractors with the Local Governance Program (LGP) for assistance. LGP worked with local departments to assess needs, develop a list of necessary parts and equipment, and prepare an action plan for restoration of services. With rapid-response grants and the introduction of competitive tendering, coupled with transparent oversight, LGP helped the Al-Basrah municipal service departments make emergency repairs and restore basic operations. The engagement of local staff and reliance on local talent, coupled with the introduction of transparency and accountability, gave credibility to the municipal departments and strengthened the legitimacy of Al-Basrah officials. Community residents volunteered to protect the restored service-delivery assets from sabotage. Neighboring governorates emulated the practices employed in Al-Basrah.

THREE FUNCTIONS OF GOVERNANCE

In any society, the governance system fulfills a set of core functions: delivering public goods and services effectively, managing political participation and accountability, and assuring security.[6] States vary in terms of how well or how poorly their governance system fulfills these functions, and government is central to the state's success or failure in doing so. When these are done well, the state is seen as competent and legitimate. Legitimacy

refers to acceptance of a governing regime as correct, appropriate, and/or right. Without a minimum degree of legitimacy, states have difficulty functioning; and loss of legitimacy in the eyes of some segment of the population is an important contributor to state failure. Ashraf Ghani and Clare Lockhart describe the downward spiral of failing states that are unable to perform these governance functions. Such states end up with "contending centers of power, the multiplication of increasingly contradictory and ineffective decisionmaking processes, the loss of trust between citizens and state, the delegitimization of institutions, the disenfranchisement of the citizenry and ultimately the resort to violence."[7] Examples of this spiral are the cases of Kosovo and Bosnia and Herzegovina.

Effective Provision of Public Goods and Services.

Conflict and wars destroy basic infrastructure, disrupt the delivery of core services (e.g., health, education, electricity, water, sanitation), and impede the day-to-day routines associated with making a living. The inability of fragile and post-conflict states to provide fundamental public goods and services has impacts on the immediate tasks facing stability operations. In permissive environments, humanitarian nongovernmental organizations (NGOs) often take the lead in meeting citizens' basic needs in the absence of state capacity. In nonpermissive situations, military forces often play a role in providing basic services directly and/or providing protection to NGOs, while also engaging in offensive and defensive operations. However, the danger in this combination of functions is that insurgent forces may then regard military-provided services and the NGOs as legitimate targets for attack.

While reliance on external sources of capacity may be necessary early in S&R operations, ultimately the capacity of the public sector must be rebuilt or created to take the lead. Effective service provision is associated with a functioning civil service, basic budgeting and management systems, and control of corruption. The general point is that an inherent element of restoring public services in the earliest reconstruction phases is the need for host country capacity building. Intervening forces and host country governments can cooperate on policy, resource allocation, and service planning, even when the majority of services are delivered by nonstate providers. S&R military forces can constructively align their capacity-building support, whether at national or subnational levels, with public-sector agencies to:

- Capitalize on existing sources of capacity (even if very small) as starting points to visibly demonstrate coordination,
- Undertake joint planning and budgeting exercises with public officials to build their capacities in these areas, and
- Structure service provision contracts with international NGOs and contractors to create incentives for local capacity-building and partnership with government actors.

The hand-off from international NGOs and contractors to host country governments becomes harder the longer the two sets of actors proceed down parallel tracks. Since in most countries effective basic services depend on more than government, it is also critical to rebuild the capacity of the private sector and civil society. While it may appear that a

given failed state has very weak or no service-delivery capacity at all, it is likely that some "pockets of productivity" exist that can serve as building blocks for interim governments and their international partners.[8]

Beyond service provision, economic opportunity is a core public good, and getting the economy going following conflict is important for stability operations.[9] Effectiveness here involves employment generation, sound macroeconomic and fiscal policymaking, efficient budgeting, promotion of equitably distributed wealth-creating investment opportunities, and an adequate regulatory framework. Failing and failed states generally exhibit the opposite: policies that privilege powerful elites, few budget controls, a thriving black market, and rampant corruption and cronyism. Moreover, patronage arrangements exist that keep opportunity in the hands of elites, siphon off public assets for private gain, and usually include a combination of punitive use of existing regulations and exemptions to benefit the favored few.

Service delivery and economic development are central elements to the social contract between the state and its citizens that contributes directly to legitimacy of the state. Particularly when coupled with ethnic tensions, weak states' inability/unwillingness to provide services and deliver economic opportunity can be an important contributing factor to ongoing fragility and the eruption of renewed conflict. This area of governance also connects to security in that if youth are in school, job opportunities are available, and if families believe that their well-being will improve, citizens (including demobilized combatants) are less likely to engage in crime or be recruited into insurgency.

Managing Political Participation and Accountability.

While political participation is closely associated with democratic governance, all states, including authoritarian ones, manage political participation in some form or other. Mussolini's Italy, Suharto's Indonesia, and Mao's China all were states with high degrees of political participation: strong popular engagement through mass organizations and a mobilized citizenry directed and controlled by their authoritarian rulers. Africa's post-colonial history reveals a variety of one-party states that channeled participation through carefully manipulated structures and processes. Neo-patrimonial regimes, such as the 19th century Latin American countries governed by the system called *caciquismo* (bossism or boss politics), ruled through interlocking pyramids of patron-client structures from the local to the national level, where leaders maintained power through exchange of economic favors for political support.

The implications for stability operations are twofold. First, S&R actors should not assume that all host country actors are unhappy with nondemocratic political systems. Second, the existing forms of governance may or may not provide fertile ground for building new political government structures based on democratic principles. For example, those who have assured their livelihoods under patronage-driven regimes may not be eager to trade what they depend upon for the untested and unknown benefits of a democracy. These dynamics are important because the starting point for S&R military force interventions in rebuilding host country government is often premised on proceeding along a democracy-building pathway; for example, peacekeeping missions to support the implementation of peace accords that incorporate power-sharing political

settlements and the holding of elections. Further, FM 3-07, reflecting U.S. foreign policy, demonstrates a strong commitment to democratic solutions and, particularly, to political participation and accountability.

Putting in place genuinely democratic processes and institutions generally involves a significant reform of state systems, as opposed to rebuilding a system that was in place before did not work very well. The S&R mandate may include creating mechanisms and processes to expand participation and inclusiveness of excluded or oppressed groups, with the aim of reducing inequities and mitigating conflict. Besides supporting elections, stability operations may address drafting a new constitution, instituting civilian oversight of security forces, reestablishing the rule of law, and introducing new institutional structures that set up checks and balances and reallocate functions and authorities across branches and levels of government.

While U.S. foreign policy seeks to promote democracy as a value in its own right, there also is practical empirical evidence suggesting that democracy is associated with stable, peaceful, and prosperous societies.[10] The challenge, as is well-documented and argued about in the democratization literature, is making the transition from authoritarianism to democracy and staying the course. In numerous countries the path to democratization has proven tortuous, and the possibilities for getting derailed are legion.[11] For example, traditional and informal sources of authority vie for power and legitimacy, sometimes constituting an alternate "state" within a state (e.g., regional warlords in Afghanistan) or sometimes seeking legitimization through assumption of the external trappings of democracy while retaining authoritarian control (e.g., various former Soviet Union states in Central Asia). S&R actors need in-depth knowledge of these traditional authority sources to recognize when they can contribute to governance reforms or when they might undermine such efforts.

Safety and Security.

Central to the social contract is the expectation of citizens that their government will provide security, both of persons and property, and maintenance of order. The ability of the state to provide safety and security within its territorial boundaries and to deal with armed intrusion across its borders through a monopoly on the legitimate use of force is a defining feature of state sovereignty. In failed and fragile states, security issues that citizens identify include: (a) war and civil conflict, (b) crime and violence, (c) depredation by police and soldiers, and (d) lack of access to justice. Without security and law and order, the other government functions cannot be fulfilled. Public services cannot be effectively provided if providers are fearful for their safety and their facilities (e.g., schools or clinics) are at risk. Government institutions such as courts and parliaments have difficulty operating if their members cannot be assured of protection from harm and injury. And the inability to conduct free and open elections in insecure situations can significantly hamper prospects for transitional governments to move forward.

Depending upon the particular host country's post-conflict situation, stability operations will focus on disarmament, demobilization, and reintegration—as well as dealing with the police, military and paramilitary forces, private militias, and insurgents and spoilers. Apart from maintaining security directly, military forces, along with their

civilian partners, engage in a combination of rebuilding, professionalizing, reforming, and dissolving security forces. This governance area links very closely to legitimacy. Experienced peacekeeping forces (and insurgents) know that nothing can undermine a new government's legitimacy faster in the eyes of its citizens than the inability to protect.

STRUCTURING THE STATE

A common feature of failed and fragile states is the existence of deep societal cleavages among ethnic, religious, and territorially-based groups, and thus an important macro-level issue for diplomatic peace negotiators and peacekeeping forces is how to structure the state so as to accommodate the pressures from these various groups for autonomy, self- determination, and enfranchisement (political, cultural, linguistic, religious, and/or economic). Initial mission operational assessments by peacekeeping forces should incorporate an evaluation of these factors. Important factors are the history of interaction among divided groups and the international context within which conflicts among them have evolved. Macro-level structural solutions often focus on federalism and various forms of decentralization. Well-known examples of stability operations that sought to support the implementation of federal structures are those in the Balkans (see Box 3).[12]

Box 3. Implementing a Federal Post-Conflict Solution in the Balkans.

The Dayton Accords, in the interests of achieving a peaceful solution to the bloodshed and violence in Bosnia and Herzegovina, created a federal state with significant weaknesses. In the new constitution, power and authority were allocated across two entities, ten federation member-cantons, 149 districts and (added in 1999) the District of Brcko. The central state ended up with only very limited authority: foreign affairs and a restricted set of inter-jurisdictional powers related to trade, customs, international criminal law, immigration, communications, and transportation. Further, it had no dedicated revenue, and little capacity. In an effort to move forward with post-conflict reconstruction, peacekeeping forces tended to go around the weak central structures put in place by the constitution and work directly with local actors, who were in many cases warlords and ethnic groups. This reinforced their power since they received international resources and were able to directly influence who benefited. These local groups strongly resisted the political elements of the peace accords—minority return and implementation of the new constitution—so donors focused on physical reconstruction rather than governance reforms. In the interests of rapid reconstruction, ethnic nationalists received large amounts of resources, but the international community did not push them to implement the new constitution.

Questions of federalism and decentralization also arose in post-Saddam Iraq. While S&R actors may not have a role in deciding upon or influencing which structural options a given new government in a post-conflict state will pursue, it is useful to understand the basic features of federalism and decentralization because host country actors may ask questions about them. In Iraq, for example, the citizenry's lack of comprehension and misunderstanding of federalism fueled fears about the integrity of the Iraqi state and stoked misconceptions about how Kurds, Sunnis, and Shi'a groups would fare under various decentralized governance scenarios. What follows is a quick overview of federalism and decentralization.

Federalist versus Unitary Structures.

There are two main types of national governance systems: unitary and federal. Both have advantages and disadvantages in terms of the extent to which they support accountable and responsive democracy, promote efficient and effective government, create wealth and prosperity for citizens, and cope with conflict. All nations need to maintain their integrity as sovereign entities by integrating their social, ethnic, and territorial components into an integrated whole. They also need to cope with the pressures that arise for some degree of autonomy to accommodate differences within national boundaries. Any governance system involves tradeoffs between the demands of integration and autonomy. There is no single "correct" solution, and most real-world governments are a combination. In today's world, federalist governance systems have broad appeal as institutional structures that can balance opposing pressures for integration and autonomy. Experience from around the world indicates that many unitary systems incorporate federalist elements, particularly as they move toward decentralization.

Unitary and federal systems tend to be defined as opposites, but in the real world countries often combine elements of both. Unitary governance accords primary authority to central government institutions. The central government can assign political and administrative functions to subnational levels, but ultimate decisionmaking authority and control remain largely vested with the center. The central government has the right to recall any authorities delegated to lower levels with or without their consent. In unitary systems, local governments tend to be agents of the center, rather than serving the interests of, and being accountable to, local residents, although this tendency can be countered where local officials are elected. In some systems, the central government treats subnational entities differently, according some more autonomy than others (e.g., Indonesia and Aceh, France and Corsica). An extreme form of unitary governance characterized Iraq before April 2003, although the Kurdish region in the north operated autonomously due to international protection.

Federalism is defined as a multi-tiered governance system that combines institutional arrangements for shared-rule with those for regional self-rule. The allocation of powers and functions at the national and subnational levels are specified in the constitution. (See Box 4.)[13] Important features of federal constitutions and legal frameworks are that: (a) one or another level of government cannot unilaterally modify them, and (b) the process for modification is difficult, and thus is not undertaken lightly. These features contribute to stable governance arrangements.

Box 4. Brazil: A Federal State.

With the overthrow of the monarchy in 1889, Brazil became a federal, decentralized state, with federal principles enshrined in the 1891 and subsequent constitutions. Comprising a large and heterogeneous geography, Brazil consists of 26 states and one federal district. Recognized as the most decentralized country in the developing world, the Brazilian federal system gives concurrent powers to federal, state and municipal governments in many sectors. The system is flexible and provides a great deal of autonomy to the states and municipalities. However, the existence of numerous concurrent powers brings ambiguities and conflicts, and historically the different levels of government have competed to increase their shares of public revenues. Brazil has faced persistent problems with subnational government debt and macroeconomic management. Historically, the Brazilian state has seen cycles of decentralization under elected governments and recentralization under military regimes. The 1988 constitution reestablished decentralized autonomy for states and municipalities and created the current federal structure.

In practice, federalism can take many forms, and in some cases blends elements of unitary governance systems (e.g., the United Kingdom [UK], which analysts classify as nominally unitary, but operationally quasi-federal). There are three types of federal systems:

- Federation: a system where the national government and the governments of the constituent units have separate constitutionally mandated authorities that distribute legislative, executive, and judicial powers between the two levels, each of which is accountable to its own electorate (examples: United States, Canada, Belgium, Brazil, Austria, India, Nigeria, and Germany).
- Confederation: a system where the constituent unit governments exercise a wide degree of independent authority and delegate a limited number of shared-rule functions to the common institutions of the confederacy (examples: pre-1847 Switzerland, the former Soviet Union's Commonwealth of Independent States [CIS], the European Union [EU], and the United States under the Articles of Confederation—1781-87).
- Federacy: a system where a large political unit is linked to a smaller one, and the latter has a high degree of autonomy with little or no role in the larger government of the. The assent of both parties is required to dissolve the relationship (examples: United States and Puerto Rico, UK and Isle of Man, India and Kashmir, and Portugal and Madeira).

Federalist and Unitary Systems.

The arguments for federalism can be divided into impacts on democracy promotion, government service delivery, and conflict mitigation and management. Federalism has been the subject of study and debate for a long time, and there is a huge literature.[14] Unitary states that devolve authorities to lower levels of government share many of the same pluses as federal ones.

Democracy. Federalist structures and institutions can promote democracy by increasing potential opportunities for citizen participation, increasing the fit between citizen preferences and policies/services, and offering a range of policies/services in

different jurisdictions. Federalism can create political and policy "space" to develop local leaders and countervailing sources of power. It provides checks and balances across levels of government, limits ability of one level to dominate others, and preserves citizens' rights and freedoms. It can also increase complexity and confusion due to a wide range of preferred options, and foster imbalances and inequities if central government is too weak or if resource transfer mechanisms are inadequate. Unitary states can be equally democratic as federal states, relying on the same mechanisms of elections or other means for the orderly transfer of power. Unitary systems, on the other hand, are more vulnerable to elite capture since there is only one central government with full authority, and subnational governments do not have their own constitutionally protected spheres of authority. However, peacekeeping forces can support the transfer of decisionmaking discretion and resources to subnational governments, which can strengthen them relative to central government.

Efficient/Effective Government. Federalist structures and institutions can assure that services are provided by the level of government closest to the intended beneficiary, which allows local governments to tailor policies/services to local needs. It can avoid policy overload at the center (because the center does not function as the sole locus of decisions), and offer opportunities for local experimentation and innovation. But unless intergovernmental relations are relatively well defined and agreed upon, federalism can also lead to duplication, overlap, contradiction, delays, and higher costs. A well-recognized problem is "unfunded mandates," which occur when higher levels of government assign tasks and responsibilities to lower levels without providing the resources necessary to carry them out. Unitary states can delegate authority to regional and/or local governments to achieve the same advantages of subsidiarity.

Conflict Management. Federalism can create enduring structures and institutions that empower minorities to protect and promote their interests. This can help to defuse conflicts, and limit the ability of one group to dominate others. Federalism can provide multiple institutional venues to address conflict and to "socialize" decisionmakers to handle conflict. However, in some cases it has reinforced and exacerbated existing cleavages and conflicts, leading to policy gridlock. In Nigeria, for example, regional majorities have taken control of some states, leaving minorities in those states to look to the central government for support and protection.

Decentralization.

Decentralization is associated with federalism, but, as noted above, unitary states can decentralize too. Decentralization deals with the allocation between center and periphery of power, authority, and responsibility for political, fiscal, and administrative systems. Like federalism, decentralization has pluses and minuses. Particularly in countries where the center is weak, decentralized governance can allow subnational governments to be captured by local interests.

The most common definitions of decentralization can vary along a continuum where at one end the center maintains strong control with limited power and discretion at lower levels (deconcentration) to progressive delegation of central control and increasing local discretion at the other (devolution). The devolutionary end of the continuum is associated

with more democratic governance. Decentralization also means that authority and responsibility are moved to organizations and jurisdictions in different physical locations, from the center to the local-level. And it has an institutional aspect in that these transfers involve expanding roles and functions from one central agency/level of government to multiple agencies and jurisdictions (from monopoly to pluralism/federalism).

In principle, accompanying the transfer of authority and responsibility and the expanded discretionary space to make decisions locally is a shift in accountability. Upward accountability to the center is supplemented with, or, in the case of devolution, largely superseded by downward accountability. And indirect accountability, mediated by higher level authorities—what has been referred to as the "long route" to accountability—is augmented with direct accountability, the "short route."[15]

Central-local relations play an important role in influencing whether decentralization achieves democratic outcomes, particularly the configuration of power relationships between central and regional/local elites. The existence of multiple layers of government in decentralized democracies creates a separation of powers that can provide checks on actions at various levels. Different levels of government can then discipline each other. Central governments can exercise their power over subnational levels to support the achievement of national development objectives, such as poverty reduction. As described below, peacekeepers can support effective central-local relations in the realm of service delivery and development planning.

Federalism, Decentralization, and Stability Operations.

As noted above, federalism offers one avenue of solving the problem of how to bring diverse groups together under an institutionalized structure that enables both cooperation and collective coexistence. As such, it is at the core of the social contract that defines state-society relations. Principles of federalism (without always using the term) are incorporated into numerous peace accords in post-conflict situations, and into the constitutions that are drafted to provide the basis for state formation. Various observers have noted that one source of the predilection for federalist solutions to post-conflict situations is the members of the United Nations (UN) who vote on and provide resources for multilateral stability operations. They include countries with ethnic groups that have secessionist aspirations and these members prefer to support structural options for state building that (at least theoretically) can accommodate diversity without changing national boundaries. As Box 3 (page 8) illustrates, this factor can lead to a disjuncture in the social contract that peacekeepers seek to support. While the premise for governance reconstruction may be acceptable to the international community, ethnic stakeholders in the country may not necessarily share that premise.

Stability operations may or may not be directly involved in reforming the basic structure of the state in which decisions about federal versus unitary systems will be resolved. However, stability operations almost always will take place in settings where aspects of the basic structure of the state are challenged. The mission may not involve consideration of moving to a new structure, such as from a unitary state to a federal state. But the mission likely will confront, if not directly address, failures of a central system to meet basic services or security needs at the local level, or situations where an elite has

captured the control of the state, effective checks and balances are no longer functional (if they were in the first place), and some groups are systematically excluded from the protection and benefits of the state.

Managing Political Participation and Accountability.

All states need institutions, structures, and procedures that enable government to function in ways that engage positively with civil society. The terms of that engagement, which might be called the "rules of the game," provide the basis for political authority and the conduct of the state's business. They become the source of whatever degree of legitimacy initially the state has in the eyes of its citizens. Even the most authoritarian and corrupt regimes need a functioning social contract to maintain power, but in fragile and failed states that contract often contains the seeds of instability, conflict, and potential state collapse. When participation in politics—the process of determining "who gets what" in the public sphere—is limited to elites, privileged minorities, crooks and thugs, and/or military or paramilitary forces, the machinery of government becomes the tool of the few and the powerful. History reveals that regimes dependent upon such narrow support are both inefficient as generators of economic wealth and well-being to its broader citizenry, and are inherently unstable.

A strategy is discussed for peacekeepers to enhance political participation and accountability so as to expand the foundation of legitimacy beyond a narrow minority. This legitimacy extends beyond simply the exercise of a monopoly of the use of force within recognized territorial boundaries, which is discussed later. It relates to establishing a government whose citizens see it as deserving of support in exchange for responding to their needs and desires, and for some basic level of accountability. Retooling the machinery includes two types of interventions: (1) fixing or replacing the "parts" (e.g., restructuring executive agencies, training judges); and (2) changing the "rules of the game" (e.g., new regulations and laws, new constitution, new electoral processes).

Several threads from the introduction are woven through the discussion. First, military or peacekeeping operations never start from a clean slate. Some "rules of the game" exist in all post-conflict situations, however dysfunctional they may be from a good governance point of view. Second, those rules serve somebody's interests, so changing them will inevitably create a new configuration of political winners and losers. Often the losers are more powerful and better organized than the winners, relying upon their control of resources and often armed force they held during their period of dominance. Third, facilitating a transition to democratic governance can mean introducing significant reforms. Depending upon the type of change and the socio-cultural setting, those reforms may be met with a mix of incomprehension, acceptance, or rejection. Further, the time required for these reforms to become institutionalized is likely to extend beyond a given stability operation. Fourth, initiating reforms and putting them in place call for a combination of political will and capacity. For peacekeeping forces working with the host country, when reforms do not seem to be moving ahead, sometimes it can be hard to determine whether the slow pace is because resources and capacity are insufficient or because of lack of political will.

INSTITUTIONAL ARCHITECTURE OF THE STATE

All states govern through a set of formal institutions. How many, how they are configured, what authorities they have, what resources they command, how they interact, and what levels they operate at (central and/or subnational) all combine to establish the institutional architecture of government. There are some defining features of this architecture that most states share. Institutions are divided into three branches of government: executive, legislative, and judicial. Executive agencies carry out the business of government under the direction of the head(s) of state, and are usually assigned sectoral responsibilities (e.g., education, health, agriculture, public works) or functional ones (planning, budgeting, law enforcement, administrative oversight). Legislative institutions include various types of representative bodies that develop and debate public policy, pass laws, and oversee the executive branch (e.g., parliaments, assemblies, senates, congresses, councils). In democracies, members are freely elected; in authoritarian states they may be appointed, although in semi-authoritarian ones they may be elected as well. The judicial branch contains a variety of courts (e.g., civil, criminal, appellate, constitutional) and adjudicatory bodies. Whether the state is structured as a federal or unitary system, and the extent of decentralization, influence how the three branches function.

Distinct from the pre-modern state that was the personal instrument of an absolute ruler, the internationally sanctioned concept of the modern state is based on the principles of the separation of powers and checks and balances. In the ideal, these guide the functioning of the state's institutional architecture, and are usually enshrined in the constitution in one form or another. In the real world, of course, even in Western industrialized countries, these principles are imperfectly adhered to. In fragile and failing states, the gap between the ideal and reality is even larger.

In most developing countries, the executive arm of government is the most powerful. This pattern derives from historical factors: in the post-colonial era, the leaders of newly independent countries sought to build national identities around the formal trappings of the state while consolidating their power at the center and controlling the distribution of the state's resources. Reinforcing this centralized executive dominance was the idea at the time that economic development should be state-led, so national leaders combined both political and economic power to assure their hold on the state. In many cases, they strengthened their unchecked monopoly on power through controlling legislatures to rubber-stamp executive orders, manipulating the judiciary to enforce their edicts, and co-opting security forces as enforcers. This pattern is a classic recipe for instability, although in some cases powerful leaders who have built up strong patronage networks can maintain their regimes for extended periods, particularly if they also enjoy international support for geopolitical reasons. Well-known examples from the past include Mobutu's Zaire and Duvalier's Haiti. More recent ones are Mugabe's Zimbabwe and Musharraf's Pakistan, where both leaders used their power to manipulate elections and control the courts.

Executive dominance and ineffective checks and balances have led to other, related common features of the (mal)functioning of the machinery of government. These include:

- *Infiltration of the government by special interests of various kinds*: ethnic, religious, tribal, and/or criminal. The result can be state capture, where these groups influence or control policy decisions, election results, resource allocation, court cases, police, and so on. Extended periods of conflict lead to concentration of resources and power in the hands of warring factions and political actors. Control of state assets is critical to maintain the ability of those actors to pursue campaigns of violence and ethnic cleansing, and to amass the resources that can be used to buy support and suppress political opposition.
- *Weak ability of civil society to serve as a check on government*. In such states, civil society groups such as churches, trade unions, or universities have a limited (or nonexistent) role in checking the power and authority of the government. They tend to be either co-opted or repressed. The media often are also in similar circumstances, either repressed or state-controlled.
- *Multiple failures of accountability*. The cumulative effects of executive dominance, weak legislatures, inept and politically beholden judges, weak civil society, corrupt police, and interlocking networks of patronage is a multi-faceted failure of accountability. The vertical accountability of the state to citizens through elections cannot function when elections are either cancelled or rigged, and when avenues for participation in policy debates and resource allocation are controlled by regime actors and their cronies. Horizontal accountability—the checks and balances within the state—is ineffectual when those institutions have no effective capacity or willingness to challenge overstepping of boundaries, malfeasance, wrongdoing, or corruption.

While each post-conflict situation is specific, most share elements of the institutional architecture scenario briefly sketched above. As noted, this scenario is frequently associated with a trajectory toward state failure and conflict. Extended conflict typically degrades or destroys the machinery of government as the parties to the conflict seek to preserve or rewrite the rules of the game.

The legacy of a dominant executive plus weak legislature and judiciary is challenging for S&R actors to deal with. On the one hand, an important priority of reconstruction will be getting key public sector executive agencies functioning. But without attention to legislative and judicial system strengthening and accountability enhancements, stability operations run the risk of recreating or reinforcing an overly powerful executive branch. Insufficient checks and balances open the door to renewed opportunities for state capture and corruption, and reactivation of the greed and grievance dynamics that contribute to instability.

In conflicts that are brought to an end through negotiated peace accords, the terms of those agreements often specify changes in institutional architecture, including power sharing arrangements, decentralization and/or federalism, and elections. Some peace accords pay particular attention to checks and balances, with clear delineating lines among the three branches of government, and emphasis on the judiciary as a guarantor of accountability and the rule of law. For example, the Guatemalan peace agreement specifies separation of powers, modernization and strengthening of the legislative and judicial branches to exercise oversight, professionalization of the civil service and police,

and local development councils to foster increased citizen participation.[16] Other peace agreements are vague, and leave the specifics of state-building for later negotiation in favor of provisions that lead to the cessation of conflict and violence.[17]

Thus, S&R lines of effort and interventions in post-conflict situations will be shaped to some extent by the international community's commitments to support the implementation of the agreements.

Trade-offs.

Peace accords lay out the long-term roadmap for returning to peace and achieving state resilience, often as noted above, leaving the details related to the machinery of government relatively vague beyond statements about reform and modernization to reinforce checks and balances and increase capacity.

Short Term versus Long Term. One critical trade-off is short term versus long term. The short-term need to provide services immediately usually takes precedence, which leads S&R actors to turn to international NGOs and contractors to step in and fill the gaps. To the extent that the host country government is involved, that engagement tends to be with the sectoral agencies within the executive branch responsible for service delivery. Yet, for long-term government effectiveness and sustainability, other functional executive agencies (e.g., ministries of finance, planning, trade, etc.) need to be included, as well as legislative bodies. And for putting in place the building blocks for responsive and representative government, avenues for citizen participation need to be opened up sooner rather than later.

Urgent Needs versus Fostering Legitimacy. A second related trade-off is between meeting urgent needs and fostering legitimacy in the political machinery of the state. The effect of S&R actors largely bypassing host country government is that citizens see the government as ineffectual and irrelevant to meeting their needs. During the period following the establishment of an interim government, however, it is important to find ways to include public agencies and officials in reconstruction planning, budgeting, and decisionmaking so that citizens can perceive their government as responding to their needs and those of the country. These perceptions contribute to rebuilding citizen trust in the state as the legitimate governing authority. Of course, there are numerous obstacles in dealing with this trade-off. Budget execution capacity is likely to be weak, even though government officials may want a larger role in managing reconstruction resources. Newly installed ministry heads may be more interested in political power and patronage than in effectively fulfilling their service delivery responsibilities. Plus, basic capacity to provide services may be critically weak.

Options.

There are several options that can restore the machinery of government to enable basic government decisionmaking, help to connect new leaders to citizens, address immediate capacity building, and lay the groundwork for creating legitimacy. The degree of destruction and debilitation of the institutions of the three branches of government will strongly affect how quickly and easily peacekeeping forces and their host country counterparts can pursue these options.

Transfer Political and Budget Authority to the Host Country Government as Soon as Possible. As noted above regarding trade-offs, the influx of donor resources programmed according to donor procedures runs the risk of marginalizing the new government. Post-conflict states share the problem faced by all donor-dependent developing countries that have few resources: political leaders and legislatures have very little power regarding priority-setting and spending because the majority of resources come from donors. It is important for legitimacy and trust-building purposes to provide new governments with opportunities to exercise decisionmaking authority. Providing such opportunities does not mean giving up all control, which, since budget planning and management capacity is weak and corruption is a serious risk, would be unwise. Liberia's Governance and Economic Management Assistance (GEMAP) Program, summarized in Box 5, is a good example of a solution that maintains controls while engaging the government in decisionmaking and building capacity.[18]

Build Key Capacities to Enable the Exercise of Political and Budget Authority. Faced with the broken and destroyed government machinery found in post-conflict states, it is difficult for military actors to determine where to target immediate efforts. In tandem with the transfer of authority, capacity building is needed to enable executive agencies, legislatures, and justice organizations to function. For example, basic revenue collection and management capacity is important for service delivery, as noted, but it is also critical for political legitimacy and accountability as a demonstration to citizens that the state seeks to meet their needs responsibly.

Box 5. GEMAP in Liberia.

The Comprehensive Peace Agreement of 2003 established a national transitional government of Liberia (NTGL) and a timetable for elections in 2006. Under the terms of the agreement, members of the NTGL were prohibited from running for office. The United Nations agencies, World Bank, International Monetary Fund (IMF), European Union, the Economic Community of West Africa (ECOWAS), and various bilateral donors provided technical assistance to support the NTGL in fulfilling basic governance functions—including improving public budgeting, procurement systems, financial management—under the peacekeeping umbrella of United Nations Mission in Liberia (UNMIL). However, it became apparent in 2004 that members of the NTGL lacked commitment to reconstructing the state and were more interested in siphoning off donor resources for personal gain.

An audit by the European Commission revealed the breadth and scope of the corruption, and triggered the start of an intense round of technical, diplomatic, and political discussions among the donors, UNMIL, the NTGL, ECOWAS, the U.S. government, African heads of state in the region, and ultimately the UN Secretary-General. The international community proposed a mechanism that would create external controls on Liberia's revenue generating entities; natural resource concessions and contracts; management of the central bank, finance ministry, and state-owned enterprises; procurement processes; and anti-corruption and judicial reform.

The negotiations through various iterations of the proposal culminated in the creation of the Governance and Economic Management Assistance Programme (GEMAP) in September 2005. Little happened in the final months of the NTGL, but the new president, Ellen Johnson Sirleaf, declared the commitment of the new government to implement the program. GEMAP allocates monitoring and oversight authority to international experts, and gives them co-signatory authority for financial management decisions. It also provides a variety of technical advisors, who are to develop capacity for an eventual hand-off to national actors according to an "exit strategy" whose terms are unspecified.

Another key capacity area is the functioning of the cabinet, which is the point of intersection between the politically designated ministers or department secretaries and the president or prime minister, or their designees. In many developing countries, the translation of policy into practice is impeded by limited capacity of the cabinet to operate efficiently and effectively. For example, briefing materials that summarize key issues are poorly prepared, decision criteria are not clearly articulated, meetings are not efficiently managed, and follow-up is lacking. These relatively mundane but nonetheless essential functions are necessary for interim governments to move from policy to implementation and to deal with emerging problems and issues expeditiously. While there may be political sensitivities to involving peacekeepers in the affairs of the cabinet, dealing with capacity building as a set of technical functions is a proven avenue for providing assistance.

Legislative strengthening is another capacity important for responsive and representative government, as well as the effective exercise of oversight. In post-conflict situations, those elected to parliaments and assemblies may not have much experience with serving as elected officials and may be unfamiliar with the tasks involved: policy deliberations and lawmaking, representation of the interests of the electorate, constituent service, and oversight of the executive.[19] For example, in Iraq, USAID's Local Governance Program developed and delivered extensive training for elected members of provincial councils in the basics of their role. Obviously, sequencing of assistance from peacekeeping actors aimed at legislators and legislatures comes after elections have been held successfully (see the discussion below on elections).

Focus on Pockets of Productivity and Commitment. In a given post-conflict state, not all the machinery of government is eroded or destroyed to the same degree. Military forces involved in S&R operations should seek out host country actors who have some level of capacity and commitment and build on them. For example, in Basra, Iraq, public works engineers were eager to get municipal services operational, but lacked spare parts to repair equipment. With the help of rapid response grants and some training, the public works department made quick progress. In Afghanistan, accountants in the finance ministry in Kabul had meticulously maintained the national chart of accounts on paper during the Soviet and Taliban era regimes, which provided the basis for military forces to move quickly to assist the new government in budgeting and planning.

In seeking out productivity and commitment in local actors, S&R actors will need to conduct some basic due diligence to make sure that those they are considering working with are genuine in their expressed desire to restore government functioning. FM 3-07 points out the importance of vetting local actors as part of the process of identifying existing and emergent leadership.

Introduce and Demonstrate New Behaviors and Mechanisms Early. In societies that lack traditions of rules-based administration, transparency, responsiveness to citizens, and participation in policy and administration, the early introduction of such practices can help to lay the groundwork for reform in the context of reconstruction. S&R actors do not necessarily have to wait until formal procedures are developed and new laws are passed. For example, military forces can introduce informal consultative procedures that connect citizens to host country public officials as part of the protocol for deciding upon use of the Commander's Emergency Response Program funds, rather than simply responding on an ad hoc basis to community requests. In Iraq, the creation of local advisory councils

began as a joint effort with U.S. military civil affairs personnel and civilian technical assistance providers (see Box 9, page 29, for discussion of options). At that time there was no legal provision for local councils, but an incremental process built a council structure and protocol for council formation that led to a rapid expansion of councils nationwide and eventually supported the inclusion of elected local councils in the new constitution.

Advisors working with host country counterparts can model new behaviors in the course of their work, suggesting for example that citizens be consulted prior to making decisions that affect them, or recommending that information on decisions taken be made available to the public and the media. These kinds of activities can help to make concrete such abstract concepts as democratic participation and accountability and can contribute to building political will for change.

CONSTITUTIONS

Writing or revising the constitution is a milestone on the path to restoring governance and rebuilding the state following conflict. Constitutional design is essential to grounding the state in democratic principles and institutions, and to framing the relationship between the state and citizens (recall the idea of the societal pact presented in the introduction). A widely accepted constitution provides strong support to the legitimacy of the state, even before the state has the capacity to generate legitimacy by responding to citizens' needs and delivering public goods and services. Constitution making in post-conflict situations becomes emblematic of a fresh start on governance and gives effect to the terms of the peace accords through the constitutional framework that defines and distributes state authority and power. Not all post-conflict situations call for a completely new constitution. Where the existing constitution offers a legal framework that is acceptable, reforms will focus on amendments of particular provisions or development of new supporting legislation.[20]

The traditional notion is that legal experts and political elites write constitutions. However, constitutional design is not simply a question of substance in a written document. It is also a process that can contribute to consolidating peace and building stability through reconciliation and accommodation. Done right, this process results in a constitution that citizens will endorse as an acceptable and legitimate expression of "we the people" and that political actors can live with as a workable compromise regarding the allocation of state power and authority. In a variety of countries, the constitutional drafting process has engaged citizens in participatory forums, civic education programs, and referendums. Rwanda's is an example of an extensive process of

Box 6. Rwanda's Constitutional Consultation Process.

As one element in the implementation of the 1999 Arusha Peace Accords, a participatory process for drafting, reviewing, and voting on a new constitution was pursued. The Rwandan government's action plan included: training and sensitization of the population; extensive citizen consultation forums, both prior to and during constitutional drafting; citizen validation of the draft text; and a referendum vote in May 2003 on the constitution following parliamentary approval. Voter turnout was high and the referendum resulted in a 93% approval for the new constitution. While the level of effort and the cost (around US$7 million) were high, observers credit the process with providing a firm base of legitimacy for the post-genocide Rwandan state.

participatory consultations and citizen education that the Constitutional Commission conducted over a 2-year period, 2002-03. Box 6 contains a brief summary.[2]

Constitutional design is closely connected to the institutional architecture of the state, discussed previously, and electoral systems and elections, presented in the next section. How the design and consultation process unfolds and how contentious issues are handled figure prominently in influencing the mix of incentives for political actors to represent the interests of their constituencies, play on ethnic and religious divides and fears, and/or push for regional favors and autonomy. Dangers include dispersing power so broadly that central government is incoherent and toothless and opting for ambiguity as a way to obtain agreement among factions. These can open the door to instability and future conflict.

Trade-offs.

Resolving significant differences and sufficient consolidation of power to govern effectively. The major trade-off in constitution making is between: (a) crafting a state structure that can patch the divides that contributed to the conflict within a document that host-country political actors are willing to abide by, and (b) one that lays the foundation for a state that can govern effectively. Constitutions that impose unacceptable limits on powerful political actors may be ignored or undermined, thereby risking the viability of the peace agreement and increasing the chances of a return to conflict and violence. Frequently the solution is a federalist constitution that spreads authority widely across autonomous units of government and creates a weak central government (see Box 3, page 8, on Bosnia).

Specificity versus ambiguity to avoid contentiousness. A second trade-off is between specificity on key provisions that are likely to be contentious and vagueness. Efforts to push toward specificity may lead political actors and their supporters to entrench themselves behind firm positions, which can delay implementation of peace agreements or, in the extreme case, reignite violence. For example, the Iraqi constitution affirms the principle of oil revenue as a national resource to be equitably apportioned to all citizens, but is silent on the specifics of how that apportionment would be carried out. The Afghan constitution states that no law may contravene Islam, but does not make clear how that determination will be made or which body of Islamic law is referred to. Vagueness and ambiguity solve an immediate issue at the expense of divisiveness and potential conflict in the future. If the post-conflict state fails to establish political structures and procedures that enable actors to work out the deliberate ambiguities and disagreements peacefully, vague and ambiguous constitutional provisions can carry the seeds of future governance problems.

Options.

As with numerous aspects of stability operations, the terms of the peace strongly influence the tasks and options for S&R actors. As noted, the substance of new constitutions embody key provisions of peace agreements. S&R actors can provide technical expertise on constitutions and constitutional drafting, and can support the process side of

constitution-making with planning expertise and financial resources. As with elections, S&R military personnel can provide security and logistics for public events that assemble large numbers of citizens for consultations and referendums in situations where law and order and public safety cannot be assured by the host government.

Provide technical support for constitutional drafting to ensure inclusion of international good practices. The appropriateness and utility of foreign expertise regarding the substance of constitutional provisions will depend upon the particular post-conflict situation and are subject to a certain amount of debate.[22] Technical support that assists host-country constitutional commission members to understand issues related to federal and decentralized structures, separation of powers, and electoral issues can be particularly useful. There are several constitutions that offer models of potential utility to countries emerging from conflict (e.g., South Africa).[23] Host-country actors often want to consult with people who can summarize how their own and other countries' constitutions have confronted and solved complex and divisive issues.

Facilitate inclusive and participatory constitutional consultative processes. As the example from Rwanda (Box 6, page 19) shows, broad consultative processes that educate, inform, and engage citizens regarding constitutional questions underlying the foundation of the state can have a significant impact on legitimacy and subsequent acceptance of government authority. Such processes can be combined with civic and voter education (see the elections options below). For example, in Iraq in 2004-05, USAID supported the conduct of a massive civic/democracy dialogue program to educate Iraqis regarding federalism, constitutional issues, elections, and democracy. The program used Iraqi facilitators to hold a variety of seminars and forums throughout the country, eventually reaching nearly 800,000 citizens.

ELECTIONS

In post-conflict transitions, the holding of elections to establish new and legitimate political leadership is a key action and a top priority, often mandated by peace agreements. Elections, like new constitutions, mark the transition to restored sovereignty and a fresh start for the country. Elections are central to democratic governance. They embody the process of orderly contestation for power, yet due to their competitive nature (assuming they are free and fair) their outcomes are uncertain. These features mean that they hold the twin potentials of fanning the flames of conflict as well as dousing them by installing the winners in the seat of power. In fragile states, the ability of elections to inflame conflict can be strong: for example, Rwanda, Burundi, Haiti, Zimbabwe, and Angola. Even in countries where democratic processes seem firmly in place, elections can trigger violence. The recent experience of Kenya, where the presidential election unleashed a storm of inter-tribal violent strife, comes to mind. Thus for stability operations, assisting post-conflict countries to hold elections is simultaneously highly important, visible, and risky.

While the common perception is that an election is a discrete event that happens on a particular day, it is more accurate to consider election-day voting as one element of a larger electoral process that includes political party formation and operation, electoral rules and frameworks, electoral administration, electoral oversight, and voter education

and participation. Each of these can be both a driver and a damper of societal conflict. Here are the major issues related to elections in post-conflict situations that can affect stability operations.[24]

Political Party Formation and Operation.

Political parties are the mechanism for articulating, aggregating, and representing citizens' interests. In principle, parties assemble a programmatic platform that seeks to appeal to citizens' interests in health care, education, tax reform, or government efficiency. The reality, though, in many developing countries is that party platforms are based on ethnic, religious, and/or territorial identities, and/or on individual personalities of party leaders. Such platforms appeal to both grievance and greed; they often focus on resentments, a mythologized view of a glorious past, demonization of other societal groups, and a sense of victimhood. In the Balkans, for example, Slobodan Milosevic and his cronies were masters at creating and exploiting a sense of historical injustice among the Serbian population for political gain. When armed conflict breaks out, parties can cross the line and become armed militias.

A critical post-conflict stabilization task is to delink political party activities from paramilitary ones as part of programs for disarmament, demobilization, and reintegration (DDR). Where political violence is institutionalized, as in Jamaica where criminal gangs affiliated with political parties are an ongoing menace to peaceful elections, rooting it out is difficult. Similarly, in the Middle East groups such as Hamas and Hezbollah combine insurgency and violence with politicking. In countries where bossism or warlord rule dominates politics, political stature and legitimacy derive from controlling armed goons and gangs.

Electoral Rules and Frameworks.

The choices made regarding the rules and how they influence the electoral system have a large impact on election outcomes and the possibilities for polarization and conflict or progress toward reconciliation and peace. Elections experts identify three aspects of the rules as defining the system:

- The number of office holders per given geographic district. Rules are usually based on population size within a designated geographic unit (as in the number of members of Congress per state in the United States), or a uniform number per unit (as in the U.S. Senate).
- The structure of the ballot that voters use to make their choices. Factors include such items as how candidates are listed on the ballot, how ballots are designed for voters with low levels of literacy (e.g., pictures, symbols, colors), and how long and complicated the ballots are.
- The formula that determines who wins. The two basic formulas are proportional representation, where multiple candidates are elected based on their share of the votes cast, and so-called "winner take all" formulas, where single candidates win or lose based on whether they get either a majority or a plurality of the votes

cast.[25] There are many variations on these formulas, such as whether voters choose individual candidates or party lists, whether those lists are open (voters influence the order in which party candidates are chosen) or closed (no voter say in which candidates are selected), etc.

Taken together, these rules influence the mix of candidates and parties who participate and win, the chances for a coalition government, the representation of minorities, the role of women, voter participation rates, and the stability of political leadership and the power of political parties. All of these can play a role in how effective representative bodies can be in resolving issues, working together, and making decisions in the public interest (as opposed to narrow sectarian gains). Box 7 illustrates the impact on rules in elections in Afghanistan. [26]

Box 7. Afghanistan's 2005 Parliamentary Elections.

Observers of the September 2005 parliamentary elections in Afghanistan noted that the rules used (called the single non-transferable vote, or SNTV) led to a fragmented parliament because the voting system discouraged the formation of political parties and allowed candidates to win with extremely small numbers of votes (in some cases only one or two percent of total votes). Because candidates could be elected with such small percentages of district votes, few incentives existed to form coalitions or to aggregate interests beyond narrow ethnic and local concerns. Former militia commanders and associates of the previous mujahedin parties were among those elected, and a number of them were able to gain control of parliamentary committees.

Electoral Administration.

Managing elections is assigned to a government entity that is charged with handling the various tasks involved: political party and candidate registration, voter registration, identifying and training poll workers, contracting for ballot printing and delivery and for ballot box delivery, managing the polls, assuring security at the polls in cooperation with police and/or military forces, secure ballot collection and transfer, vote counting, and certification and communication of results. In some countries, this entity also is responsible for dispute resolution. This list is a challenging one for electoral commissions in any developing country, much less in one emerging from violence and conflict.

For example, conflict usually displaces large numbers of people, so registering voters becomes a major hurdle. In the case of national elections, the scale of the administrative task is enormous. For Afghanistan's presidential elections in October 2004, approximately 22,000 polling stations distributed throughout all the country's provinces, plus 2,800 stations in Iran and Pakistan to accommodate Afghan refugees, processed more than eight million voters.[27] A key issue in post-conflict situations is whether the electoral commission is—and is perceived to be—neutral and fair. When election results are contested, the intended legitimacy outcome and the likelihood of maintaining progress toward peace are at risk.

Electoral oversight. A contributor to the perception and the reality of fairness and neutrality is providing for electoral oversight. In many, if not most, post-conflict situations, international elections observers have played an important role and have helped to

stem abuses by those seeking to influence outcomes through fraud, manipulation, intimidation, and violence. However, including host country actors in oversight is critical too and contributes to capacity for future elections and the development of civil society groups that have the skills and commitment to keeping elections free and fair by serving as a check against abuses. In situations where local actors are put at risk in exercising oversight, the presence of international observers can sometimes afford some protection due to the extra resources and the international media spotlight they attract.

Voter education and participation. Educated and informed voters are necessary for democratic governance to function effectively. Elections where voters are swayed by the greed and grievance arguments and misinformation of ethnic, religious, and territorial based campaigning are unlikely to provide a basis on which to build a peaceful and resilient state. Citizens may be misinformed, fearful, or ignorant of what the electoral process means, how it functions, and what their role is, particularly in post-conflict countries without a history of voting. As with the notion of democracy more generally, in some cases citizens' expectations of what the act of voting will mean for them are far from realistic. Sometimes, citizens may be quick to revert to violence if they feel that their expectations are not met, and this may be encouraged and abetted by spoilers aiming to profit from ongoing chaos and instability. Managing expectations of what a democracy will deliver is important in all new political processes and is especially important in elections. Voter education can be combined with broader civic education. In post-conflict situations, civic education programs often use public forums (newspapers, posters, billboards, radio talks shows, and popular dramatic media such as soap operas) and focus on explaining the terms of the peace agreement, the role of citizenship in democratic governance, and political party functioning, as well as elections and voting.

Trade-offs.

Early versus later elections. The major trade-off with elections has to do with the time frame: elections sooner versus later. The downsides of early elections have been well documented, with the potential for electoral campaigns and voting to reignite violence and conflict and to harden societal divisions being the key concern. Examples are Angola in 1992 and Bosnia in 1996. In volatile post-conflict situations where the restoration of security is incomplete, ethnic and/or religious tensions remain high, and political campaigning capitalizes upon and exacerbates societal cleavages, holding elections can provoke instability and violent outbursts leading to riots, politically motivated killings, attacks at polling places, and roving gangs of armed criminals disrupting efforts to maintain order. Another downside is that early elections can provide anti-democratic leadership with a veneer of legitimacy that masks efforts to dismantle reform and progress toward genuine democratic governance. Holding elections before the machinery of government is sufficiently capable of exerting checks and balances opens the door to entrenching authoritarian "wolves" in democratic "sheep's" clothing.[28]

The case for elections sooner rather than later rests on a couple of points. First, electoral timetables are often specified as part of peace negotiations, and thus S&R actors do not have the leeway to postpone elections unilaterally. Second, pressures in the host country to move relatively quickly to install a legitimately chosen government and to return to

sovereignty can drive stability operations toward early elections. For example, in Iraq in 2004 the Coalition Provisional Authority (CPA) scrapped its plans for a gradual transition to sovereignty under intense pressure from Ayatollah Ali al-Sistani, the senior Shi'a cleric. Thousands of his supporters demonstrated against the CPA's proposed timetable of regional caucuses leading to general elections a year later and demanded direct elections within the year.

Short-term convenience versus long-term resiliency. Another trade-off is between convenience and cost for electoral systems versus a system that offers the best chances for long-term political resilience. In post-conflict countries, where the capacity to hold elections is limited, S&R actors are often the ones making decisions regarding the electoral system parameters enumerated above and recommending them to host country interim governments. For example, as the above box on Afghanistan's 2005 parliamentary elections shows, the single nontransferable vote (SNTV) system failed to put in place a foundation for cohesive political parties and collaborative policymaking. SNTV was selected in part because it was easy to explain to uneducated voters and its simplicity facilitated balloting and vote counting.[29]

In post-Saddam Iraq, the CPA and the Iraqi Governing Council (IGC) chose nationwide proportional representation on recommendations from the UN because it solved several operational problems. It avoided having to create electoral districts and conduct a population census, it sidestepped the problem of having to assign internally displaced persons and diaspora members to districts (since the entire nation was the voting district), and it made the mechanics of voting and vote counting relatively easy. Although some democracy experts argued that data from Iraq's last census and from citizens' food ration cards could be used to allocate parliamentary seats by province, thereby enabling subnational level proportional representation, the CPA and the IGC opted for the national-level electoral system based on its simplicity and the fact that it avoided potential controversy over assigning numbers of seats in the absence of current census data. The outcome, as numerous critics pointed out, was that Sunni provinces (where insurgency combined with a lack of timely political mobilization and a disastrous decision on the part of some Sunni groups to boycott the election led to low voter turnout) ended up seriously underrepresented in the new parliament. This outcome fueled polarization and expanded violent insurgency.[30]

Options.

As previously noted, options here may be limited by peace accords that establish preset timetables and by senior-level decisions of the international community. In post-conflict countries, S&R actors often play a strong role in supporting this key component of state reconstruction because of the administrative demands and the costs of organizing elections. Given the highly technical nature of electoral systems design and electoral administration, the options identified here cannot cover the full range of S&R actions that are necessary and desirable. In post-conflict countries, it is usually the UN that takes the lead on elections. Several organizations focus specifically on democracy assistance related to elections and electoral systems and constitute a key resource for additional options and details on what can be undertaken.[31]

As part of DDR programs and/or other security lines of effort, pay particular attention to breaking the link between armed groups and the political process. Because the timetable for elections in post-conflict situations does not always match up with progress on restoring security, the risk of armed groups becoming involved in election violence can be high. In quite a few countries, former combatants seek to create political parties, run for office, and maintain their paramilitary connections. In others, politicians turn to criminal gangs and militias to bolster their political clout, intimidate rivals, and improve their chances of exploiting opportunities in the future. In Haiti, for example, peacekeepers identified four categories of gangs, three of which related to political activity: gangs fighting for political change in support of ex-president Aristide, thugs hired by Aristide's cronies working for pay, gangs associated with political parties, and criminals exploiting Haiti's chaos.[32]

This option clearly demonstrates the intimate connection between the state's security function and political participation and accountability. Military forces engaged in stability operations can play a role directly through disarming groups as part of DDR. In nonpermissive environments, they can take part in vetting host country actors who may have political ambitions to identify those with links to militias or insurgents. During electoral campaigns, military forces can provide training to host country security actors to improve their capacity for protecting people at political rallies, maintaining security at polling stations, and dealing with post-election unrest once results are announced.

Support political party formation to build inclusive parties. Since ethnicity, religion, social exclusion, and territorial inequalities are key drivers of conflict, they become the critical political issues in post-conflict societies. The political parties that emerge to exploit them tend to be organizationally weak, sectarian, ideological, and lacking in a programmatic agenda. Efforts to ban party formation along ethnic, religious, or regional lines have not proved terribly effective, serving largely to push those divides inside of parties as opposed to between parties. Some basic regulation on legal status, funding, and membership is necessary.

Support to party formation can take the form of training and support for dialogue on core principles of inclusion and tolerance: for example, acceptance of the rights of people to hold alternate political views, adherence to the view that political disputes should be settled through elections, and acceptance of the value of discourse and dialogue. Fostering coalitions of different parties that represent various societal groups is another possible form of support. Early in stability operations, this could take the form of meetings to establish trust and open the door to dialogue. Further into post-conflict reconstruction, host country actors can take the lead on collaboration. For example, with international donor support, 20 political parties in Guatemala assembled in a forum in 2002-03 to review progress on the 1996 peace accords and develop a new policy platform for the future. The multi-party forum produced a Shared National Agenda that endorsed norms of political compromise and democracy in addition to proposing a set of governance reforms.[33] Despite some successes, political engineering by external peacekeeping forces can only be limited. While centrist, programmatically based parties may be the ultimate aim in stability operations, forming parties on this basis in situations where identity politics is what engages people runs the risk of party formation with no real roots in the country. Military actors can provide advice and some resources, but ultimately host country political actors need to define and own their agendas.

Build host-country capacity for elections management and monitoring. Successfully managing and overseeing elections is important to setting post-conflict states on the path to stability. However, the tasks involved, particularly, for a national campaign and election, are formidable for a new or fragile governments with few resources and organizational capacity. Numerous international NGOs that specialize in elections can be contracted by donors to fill the capacity gap. As noted, relying on international expertise allows elections to move forward on what are often quite ambitious timetables, but part of the scope of work for the international organizations contracted for this assistance needs to be focused on transferring capacity to host-country public sector entities, such as electoral commissions. In addition, host-country election monitoring capacity needs to be built as well, which targets local civil society groups, associations, and political parties. International observers can be welcome contributors to election monitoring, and can add to the certification of free and fair elections that confers legitimacy on the outcome. The value of local observers should be recognized, though, since their presence and capacity will be key to future democratic transitions. Sometimes overlooked as sources of expertise are organizations based in the developing world. The Electoral Institute of Southern Africa (EISA) is an example of an African NGO that can provide assistance to host-country actors and build their capacity; it is also illustrative of a regional organization that is working with post-conflict states in Africa. Box 8 provides some details.

Box 8. Capacity Building for Elections Management and Monitoring.

EISA is a South African NGO founded in 1996 to provide capacity building for government departments, electoral management bodies, political parties and democracy civil society organizations in the Southern Africa Development Community (SADC) and beyond. EISA aims to advance democratic values, practices and enhance the credibility of electoral processes. EISA is currently the secretariat of the Electoral Commissions Forum composed of electoral commissions in the SADC region and established in 1998. EISA is also the secretariat of the SADC Election Support Network comprising election-related civil society organizations established in 1997. EISA has field offices in Mozambique, the Democratic Republic of Congo, and Madagascar. See *www.eisa.org.za*.

Another critical capacity for holding elections is security. As noted, the elections process in post-conflict states takes place in situations with limited state capacity to assure basic safety and security, police forces with weak capacity to enforce the rule of law, and actors with access to weapons. Politicians with private militias, and/or with the ability to mobilize the disaffected and employed for political purposes, are a risk to an election process that strives to avoid placing citizens in danger at political events and at the polls and that will legitimize the outcome as free and fair. Assuring security directly and training local police and military in crowd control and poll station security are important roles for military actors as part of stability operations.

Build representative local government. In most post-conflict situations, S&R operations have a primary focus on national elections and a secondary focus on provincial or regional elections as the main markers of transition to a new government founded on formal representative legitimacy. However, below the provincial or regional level is another governance arena: municipalities, towns, and villages. The discussion of decentralization above recounted how efforts to assign responsibilities to lower levels

of government are often included in the reforms that military operations are charged with putting in place and supporting. That discussion remarked that decentralization of responsibilities does not necessarily mandate that the determination of local office holders be decided by elections; however, instituting local elections can lay groundwork for broader democratization. Representative local government mechanisms encourage dialogue, problem solving, and conflict resolution on a manageable scale around issues of common community concern. In Phase III and Phase IV operations, they also give military forces a point of contact with localities.

The absence of a formal legal framework for local representation does not automatically rule out building such structures. Depending upon the country, there may be traditional structures that can fulfill this function. Or local councils can be created on an ad hoc basis, and rather than have S&R actors designate their membership, informal "selection" processes can be used to establish some measure of representation. S&R actors used this approach successfully in post-Saddam Iraq and established a nested hierarchy of councils that began at the neighborhood and reached upwards to municipalities, districts, and provinces. The creation of councils helped to foster an Iraqi constituency for decentralized and representative local government that ultimately found its way into the new constitution. Box 9 provides some guidance on the formation of local councils.[34]

TRADITIONAL SOURCES OF AUTHORITY AND LEGITIMACY

As discussed in the introductory section, the type of government that stability operations seek to establish is based on the fundamentals of the nation-state and Western democracy, with formal institutions in the three separate branches of government subject to the rule of law.[35] These institutions regulate the state through the constitutionally defined framework of checks and balances and ensure democratic governance through popular elections. The authority and legitimacy of the modern state rest on this secular, formal foundation. However, in much of the non-Western world, authority and legitimacy flow from indigenous sources grounded in religion, ethnicity, tribal or kinship affiliation, and/or territorial identity. In post-conflict countries where the effective reach of the formal state is often limited; where the formal state has been damaged or destroyed; or where the formal state behaves in a predatory manner; traditional sources of authority can provide an alternative to, or a refuge from, state incapacity or depredation.

S&R actors have sought to enlist traditional authority sources in stability operations to curb violence and restore security and to implement political settlements and governance reforms. In Iraq, village *mukhtars*, tribal sheikhs, and Islamic clerics have all been tapped by military and civilian S&R actors for these purposes. The "Awakening" movement in Anbar province, where Sunni sheikhs joined with Coalition forces to confront al-Qaeda in Iraq is one security-related example. Post-conflict governance reconstruction efforts in Sierra Leone and Liberia have included reaching out to local chiefs as a means to restore governance, though this needs to be done with care, as Box 11 (page 30) on Sierra Leone shows.

Box 9. Local Council Formation in Iraq.

A priority of the Coalition Provisional Authority (CPA) was to establish a new city council in Baghdad in 2003. The USAID-funded Local Governance Program (LGP) worked with the military, CPA, and Baghdad City officials to design a council system for the Baghdad metropolitan area. The group's efforts led to a design with three levels of councils: neighborhood advisory councils (NACs), district advisory councils (DACs), and an interim city council (ICC). It was decided to build up the city council by first holding town-hall-style gatherings in each neighborhood. At the initial town meeting, the concept of a neighborhood council to represent residents to coalition military authority, the CPA, and ultimately to the city was explained. After one or two additional meetings, those attending the meeting then would elect the council by secret ballot. Candidates could be self-nominated or nominated by others attending. Individuals not attending the meeting also could be nominated by someone at the meeting. Candidates then made brief speeches on why they should be elected.

A key question was the number of people to have on the councils. Too large councils risked being dysfunctional; too small ones would not be representative in any meaningful way. The design settled on was proportional representation at the neighborhood and district levels, based on population size, with a limit of three representatives per district to be chosen for the city council. The ICC ended up with 42 members, plus a few slots added to assure minority representation. NACs varied in size from around 10-15 depending upon population, and each NAC sent 3-5 representatives to the district councils, whose size varied according to the number of neighborhoods in the district.

The formation process could not be formal; the legal framework was in flux (the CPA had suspended the constitution); electoral rules and voter rolls were nonexistent; and neighborhood and district populations could not be accurately determined in the absence of a recent census. Necessarily, the process that emerged was an informal one, based on democratic principles but falling short of full-scale representative democracy. The town-meeting notion, and holding two or three publicized meetings before informal election of the council, was the formation process employed. Procedures for removing and replacing advisory council members were recommended to the ICC by S&R personnel, and quickly adopted and mandated for the DACS and NACS. The procedures required open meetings to discuss reasons for dismissal and at least 60 percent approval of the advisory council members. The advisory councils thus became self-policing when individual members were perceived as not representing the neighborhood, district, or city.

Traditional decisionmaking and conflict resolution mechanisms are of particular appeal for stability operations in that they can serve to address key post-conflict concerns, such as the need for restorative justice (see Box 12, page 34, and the rule of law section) and legitimization of consultative processes to introduce new governance rules (for example, new constitutions or legislative bodies), or to build consensus among social groups on a path forward toward peace and reconstruction. In Afghanistan, the *jirga* and the *shura* are traditional mechanisms for deliberation and conflict resolution that have been integrated into stability operations and formally into the constitutionally-determined design of legislative bodies. Box 10 provides a brief overview of these two council structures.[36]

Traditional authority sources raise several issues for stability operations. First, traditional authority structures and procedures are inherently exclusionary, given their ethnic, tribal, and/or religious foundation. It is important to recognize that some countries are multi-ethnic, so there is not one single constellation of traditional and informal authority, but several. What one group recognizes and is comfortable with will not necessarily be accepted by others. Thus, as instruments for broad social inclusion,

Box 10. Afghanistan's Jirgas and Shuras.

The jirga is a Pashtun institution for discussing and resolving social issues. Participants are all male and decisions are made by consensus according to the code of Pashtunwali (see Box 1). Jirgas may be convened at various levels of tribal organization, from individual clans to tribal confederations. Especially in remote rural areas, Afghans have preferred jirgas to the cumbersome and frequently corrupt formal justice system of various central administrations for resolving disputes. Afghans have preferred jirgas to the cumbersome and corrupt formal justice systems for resolving disputes. The equivalent institution for Afghan Hazaras, Tajiks, and Uzbeks is the shura, which is both an advisory council and adjudication body comprised of local elders and elites. Shuras effectively replace the court system for rural tribal areas, although they are limited in that women are not culturally able to appear in these forums. Women, in general, are represented by male counterparts in the formal and informal judicial systems, making justice problematic for this population. On a local scale, district mullahs act as decision-making adjudicators of family, civil, and criminal cases in predominantly rural areas.

Reconstruction of post-Taliban Afghanistan has made recourse to these traditional authority mechanisms to legitimize the process of state-building, from the well-known 2002 loya jirga (grand assembly) that sought to combine reconciliation with consensus on the way forward, to their incorporation into the Afghan constitution. The two houses of the parliament have been designated the mashrano jirga (upper house) and wolasi jirga (lower house).

traditional authority structures and procedures have limits. Second, the values embodied in traditional authorities are often nondemocratic (or as sometimes characterized, pre-democratic,) discriminatory to women, and contrary to international standards for human rights. So without some changes, they may not serve to inculcate democratic governance that will build a solid base for stability and legitimacy. Third, traditional authorities, as enduring features of the socio-cultural landscape of the host country, may by virtue of past history be among the sources of grievance that led to conflict, violence, and international intervention. If their past record and practices are not recognized, their inclusion in S&R governance reform may sow seeds of future conflict, as Box 11 illustrates in Sierra Leone.[37]

Box 11. Local Chiefdoms and Governance Reform in Sierra Leone.

The chiefdom system is recognized as one of the sources of the war in Sierra Leone. Local chiefs abused their powers of taxation, land allocation, labor mobilization, and village citizenship granting, which exacerbated social exclusion and alienated youth. The disaffected became targets for recruitment by the Revolutionary United Front. Post-conflict governance reconstruction programs focused on decentralization run the risk of reinforcing the powers of local chiefs without sufficient checks on their arbitrary use of power. The relationship of the traditional chiefdom system to a new decentralized district administration has yet to be clarified. In neighboring Liberia where there were similar dynamics, an alternative to chiefs was the formation of councils that provided basic democratic rule at the village level.

These caveats mean that S&R actors need to "do their homework" to develop an understanding of the political, cultural, and historical factors related to traditional authorities to appropriately leverage the contribution they can make to stability operations.[38] Part of this understanding is the recognition that when S&R actors use governance terms such as democracy, participation, equity, rule of law, and so on, host

country actors will interpret these through their traditional lenses. The result is likely to be a very different image from the democratic institutional architecture that is the intended objective of stability operations. It is also important to recognize that traditional authorities have their own interests and agendas; these may not necessarily coincide with the aims of stability operations. In many post-conflict situations, traditional authorities are active in the formal political arena and thus bridge the traditional, indigenous governance mechanisms and the new governance architecture under construction with the assistance of international peacekeepers.

Trade-offs.

Traditional sources of legitimacy versus formal, institutional structures to generate legitimacy. The key trade-off with traditional authorities is between building democratic governance on a traditional foundation that, if effective, enjoys some legitimacy and supports stability in the near term, but may not be supportive of democracy-enhancing values, norms, or practices in the longer term. The achievement of the end-state conditions calls for adaptation of basic democratic governance principles to the political and cultural realities of the host country. Reaching stability objectives can be accelerated by building upon the local power and authority bases of traditional leaders and by seeking to create win-win solutions for them and for peacekeepers.

The risk is that such accommodation can reinforce the status quo and empower those who already have power. The danger is that it can entrench nondemocratic (or anti-democratic) actors—particularly because cooperation with peacekeeping missions usually translates into access to, and control over, externally provided resources—and inhibit later reforms. The worst-case scenario here is a reinforcement of abusive wartime power-holders, exacerbation of societal divisions, and a reigniting of violent conflict.

Cooption of traditional authorities versus the risk of undermining their source of authority. Another trade-off is between inclusion of traditional authorities and mechanisms in stability operations and the risk that they may be delegitimized in the eyes of some host country societal groups. In this situation, the benefits that peacekeepers seek to gain through connecting their reforms to culturally recognized and valued traditional sources of legitimate governance may have the opposite effect. Some in the host country population may see them as corrupted by foreign influence and reject them.

Options.

The choice here is not between whether or not to interact with, and seek to integrate, traditional authorities as part of stability operations. Clearly, obtaining the buy-in of local leaders is central to successful peacekeeping, as experience in Iraq and Afghanistan demonstrates. Further, traditional mechanisms, such as *jirgas* and *shuras* can help to move governance reforms forward in ways that introduce change but resonate with culturally accepted and valued practices.

Assess traditional authority structures and procedures as sources of support and legitimacy for governance reforms. FM 3-07 stresses that stability operations need host-country ownership to succeed. That ownership needs to extend beyond state actors in

ministries, departments, formal courts, and the military. Their buy-in is important, but in many post-conflict societies the reach of the state has been limited and—for much of the population—distrusted and feared. So the question becomes, beyond the formal state, what traditional actors and governance mechanisms do citizens trust and turn to? S&R actors need to identify who in the host-country traditional society commands respect and authority, and what structures and procedures they employ to exercise that authority.

In the immediate post-conflict period where peacekeepers face a debilitated or destroyed state, these traditional sources of authority may be among the only functioning governance mechanisms available outside of a few pockets of capacity in the capital city. Importantly, citizens are much more likely to put their faith in these trusted authority figures than in the untried and weakly established systems of a new government, especially when the perception of loyalty and constraints on betrayal that come with ties within tribe, religion, or ethnicity lead to distrust of government officials from other groups. For example, public opinion surveys conducted in Iraq in 2003-05 revealed that citizens' trust in *imams* (Islamic clerics) was consistently higher than in public officials of the interim government.

Integrate traditional and new governance mechanisms to enhance cultural relevance and acceptability of the new while addressing the democratic deficiencies of the old. As noted, S&R actors face the challenge of relying on traditional authorities and governance mechanisms to move the stabilization process forward while at the same time building bridges to a new political and administrative order. Experience suggests that a middle road can be found between simply reinforcing already powerful traditional actors and wholesale replacement by a new system.

Following this middle road means engaging with traditional authorities and using indigenous governance mechanisms, but opening them up to include new participants and to modify some of the decision rules. This option creates hybrid mechanisms that combine the old and the new. For example, Afghanistan's 2002 *loya jirga* included traditional leaders, but introduced popular representation and the inclusion of women in the deliberations.[39] UN-sponsored community development programs in Afghanistan used the *shura* as a model to create consultative committees for local decisionmaking whose membership extended beyond male village elders. In Iraq, local council formation in provincial municipalities began by consulting *mukhtars* to identify council member candidates, and then gradually instituted more representative and transparent candidate selection procedures.

A model for allowing local communities to manage development of key infrastructure needs has been a common program in post-conflict societies. This model often utilizes the accepted traditional leadership of a community but introduces transparent processes in decisionmaking and management of funds, publicizes decisions, and provides for a recall process.[40] Hybrid mechanisms for dispute resolution are important for integrating elements of internationally accepted legal standards into indigenous adjudication institutions, as discussed below in the section on rule of law. Such hybrid mechanisms can build egalitarian and human rights principles into patriarchal and customary legal practices.

RULE OF LAW

An established rule of law (ROL) is one of the end state conditions listed in FM 3-07. ROL plays a critical role in enforcing the "rules of the game" and in making checks and balances fulfill their intended function by imposing legally defined limits on the state's ability to exercise power arbitrarily. ROL concerns the protection of persons and property, the eradication of impunity, and the establishment of procedures and institutions that operate fairly and transparently throughout the national territory.[41] The effectiveness of the rule of law depends upon how it is applied in practice by the state's justice-sector institutions and security forces and the extent to which the population accepts it as just and legitimate. As the preceding section illustrates, this latter effectiveness requirement can be enhanced by incorporating local cultural, ethnic, and religious traditions into ROL.

Achieving ROL gains in post-conflict environments will depend upon rebuilding (or creating) functioning police forces and judicial systems with the capacity to resolve disputes, adjudicate court cases, regulate commercial activities, and ensure that criminals are apprehended, tried, and incarcerated humanely. However, making progress on ROL in post-conflict countries is difficult; ROL is either seriously dysfunctional and corrupt, or destroyed and nonfunctional. For example, in Liberia, S&R actors found that courthouses, prisons, and police stations were severely damaged or destroyed. Personnel (e.g., clerks, bailiffs, etc.) were insufficient, and those remaining had few supplies (no stationery, law books, legal forms) and little operating infrastructure (no means of communication, no electricity).

Of critical concern in countries where the conflict involved serious misdeeds and abuses is restorative justice as part of the healing and trust building necessary for a functional social contract between the state and citizens and among various ethnic, tribal, and religious groups in society. Dealing with this need is usually accomplished through truth and reconciliation commissions, whose resource requirements and demands on an already devastated justice system can be daunting. For example, Rwanda had 130,000 people imprisoned for genocide-related crimes in the mid 1990s. The post-genocide government employed a modified version of a traditional dispute resolution system, the *gacaca* court, to address both accountability and reconciliation functions for certain categories of crimes. Some 10,000 *gacaca* courts were established. The formal courts handled the most serious category.[42] In Liberia, councils were created to settle disputes and promote stability. These councils provided a participatory mechanism for addressing disputes and other issues of the village, often replaced the village chief, and established principles of inclusion, transparency, and democratic behavior that provided some basis for follow-on programs to rebuild the justice system.[43] Box 12, on traditional reconciliation processes in Papua New Guinea, is another example of restorative justice via informal traditional means.[44]

Box 12. Restorative Justice in Papua New Guinea.

Traditional adjudicatory and conflict resolution practices can link reconciliation at the grassroots level with progress with peace negotiations at the political level. Western concepts of justice emphasize establishing guilt and enacting punishment. In Papua New Guinea, traditional concepts of justice differ by putting the "healing" of the community at the forefront. This is achieved through negotiations in which the parties to a conflict identify a common solution with the help of a mediator. At their core is a process of shame, forgiveness, restitution and reconciliation. Shaming serves to internalize the guilt and repentance, and affects the whole family or clan. Restitution implies offering gifts as a sign of genuine regret. Forgiveness implies the acceptance of remorse, which leads to reconciliation. This permits the restoration of normal life and is accompanied by a ceremony of restoration that includes the whole community. In Bougainville, following the secessionist violence, churches, women's groups, and NGOs supported a grassroots-level reconciliation process, training mediators and supporting the conduct of a large number of mediation sessions.

Linking the formal peace negotiations from above with these informal reconciliation processes from below contributed to the success of post-conflict peace-building. Customary practices were also included in political reconciliation: prominent political figures participated in similar ceremonies, which further connected the formal and informal processes. The long-term challenge is scaling up these processes and linking them to the formal justice system. The Constitution of the Autonomous Region of Bougainville lays the legal foundation for this connection by recognizing "the aspiration of Bougainvilleans for the integration of custom and introduced law" (section 45(2) (a)) and the need to encourage the utilization of customary dispute resolution and reconciliation practices (section 51 extensively, section 13 and 115 among others).*

*See *www.paclii.org/pg/legis/consol_act/ac185/*.

Trade-offs.

Short-term versus long-term. Several trade-offs stand out in considering ROL in post-conflict situations. The most salient is the timeframe issue: short-term versus long-term. Given the levels of dysfunction and destruction in the justice system in most post-conflict countries, what should be done immediately and what should become longer-term initiatives? There is general agreement that in the short-term ROL lines of effort that directly support the restoration of security are the highest priority; for example, police force vetting and training in proper procedures and human rights combined with community engagement and oversight. However, such early interventions need to be supported by the restoration of functioning courts, limits on political interference in judicial proceedings, and effective operation of checks and balances to address impunity and accountability. Otherwise the initial gains will not be sustained, as Box 13 on Haiti illustrates.[45]

Formal justice systems versus traditional dispute resolution mechanisms. A second trade-off is between access to justice through the formal justice system versus through traditional justice and alternative dispute resolution. A recognized bias in ROL reforms is a focus on formal institutions and procedures. Whole-of-government teams in peacekeeping missions tend to draw upon lawyers whose experience in developing countries may be limited. Their orientation is to import legal frameworks and practices

Box 13. Backsliding on Police Practices and Human Rights in Haiti.

From 1993 to mid-1996, the Organization of American States/United Nations International Civilian Mission in Haiti (known as MICIVIH) placed human rights observers throughout the country. The mission expanded beyond human rights monitoring to include training for police, judges, and prosecutors; medical services for victims of human rights abuses; civic education and legal awareness building with NGOs; and eventually elections monitoring. A United Nations Support Mission took over from MICIVIH. The efforts of MICIVIH and subsequent interventions realized some success in improving human rights and curbing police abuses. These efforts, though, were not supported by effective medium-term justice system reforms, and were undermined by the political maneuverings of the Haitian elite. The police have reverted to corrupt and abusive practices.

from the United States or Europe that are a poor fit with the host-country legal system and its shattered capacity. In many post-conflict countries, access to the formal justice system for the majority of citizens—especially the poor and those in remote regions—is infeasible, and traditional justice mechanisms may be the only viable option they have. Further, the justice abuses inflicted upon citizens by the previous government, and that led them to fear and distrust the formal justice system, make it unlikely that they would seek out the formal system even if it were available. So, particularly in the short term, informal traditional conflict resolution mechanisms involving local chiefs or tribal elders can be useful in rebuilding ROL. At a minimum, S&R actors should consider recourse to such mechanisms as a complement to rebuilding the capacity of the formal justice system.

Options.

There is debate regarding the effectiveness of ROL interventions wherever these have been undertaken, not just in post-conflict countries. Clear paths to successfully restoring or building a state grounding in ROL are highly context specific. One important lesson that affects options is that focusing on the formal features of the country's legal and justice system misses the mark if it leads to overlooking how the system actually functions and where citizens traditionally turn for dispute resolution and legal protection.

Useful guidance on options for S&R actors can be found in the U.S. Army's ROL handbook (Judge Advocate General's Legal Center and School, U.S. Army, 2008) and the ROL toolkit for post-conflict states of the United Nations High Commissioner for Human Rights (UNCHR).[46] FM 3-07's Chapter 3 enumerates stability operations tasks associated with ROL. Their extensive guidance is not repeated here. A few key action options that relate directly to the legitimacy issue that is one of the major threads are discussed below.

Focus on specific deficiencies in the legal system that host-country stakeholders are concerned about. For stability operations, the menu of immediate options should address key concerns that citizens and public officials have that can be addressed in the here-and-now. The longer-term transformation and institutionalization of ROL into an effective check on abuse of power, overseer of the executive, adjudicator of disputes, and keeper of law and order cannot be achieved within the timeframe of most international

peacekeeping missions. Thus any short-term interventions will necessarily be piecemeal and incremental. Begin with an assessment of how dispute resolution and justice are currently taking place, compare these practices with the existing formal system, and identify what reforms are possible and desirable.[47] This may mean, for example, making adjustments in existing laws and regulations, or formalizing traditional practices to make them fairer, more efficient, and better aligned with international standards. Within the legal community, there are some debates on how best to link traditional practices to formal systems. For example, the Afghan Judicial Reform Commission argues that *jirgas* and *shuras* will not be needed once the formal justice system is in place. Senior judges, though, consider that such traditional structures cannot be supplanted if citizens throughout the country are to have access to justice.

Introduce and model behaviors consistent with international ROL standards. When peacekeepers are working with host-country police and/or military forces to assure security, it is important for them to demonstrate behaviors in their interactions with citizens that align with international standards for ROL and that show respect for local cultural practices. These standards are communicated in training sessions and one-on-one coaching with host-country security forces, but modeling the appropriate behaviors in joint missions will reinforce the changes the training and coaching seek to instill. Because police and military are the main points of contact citizens have with the state's formal justice system, the quality of those interactions strongly influences perceptions of the state's legitimacy. Ensure that training programs introduce rules for transparency and accountability and find ways to bring these new processes into a public debate through use of the media. Doing so builds expectations of future forms of governance.

Recognize that the key to sustainable ROL reforms will lie to an important degree outside the justice system. Various observers and analysts have noted that conceiving of rebuilding ROL in terms of train-and-equip strategies alone leads to applying band-aids when major surgery is required. Box 13 (page 35) on Haiti is a case in point. ROL reforms cut to the heart of the politics and economics of post-conflict governance reconstruction. Political constraints—such as the delicate dynamics of power-sharing agreements, the lack of political will to address past abuses, the entrenched power of economic and military elites to resist change—have a strong influence on the potential for progress. Besides providing resources and assistance for the technical dimensions of rebuilding ROL, S&R actors need to engage with those actors whose interests and incentives will be affected by justice and other governance reforms to bring them on board, or neutralize them if necessary.[48] Again, there is evidence that building processes that both address key needs (make important differences in the lives of citizens) and establish expectations of reform can expand and enhance pressures for change.

CITIZENS AND CIVIL SOCIETY

In the modern state, the ultimate accountability relationship is to citizens. As noted above, the "social contract" means that government is accountable to meet the expectations of its citizens. In principle, democratization opens up the state to increased accountability to the citizenry, both through the political process and through administrative systems that are more transparent and responsive. Social, economic, and political factors are

important in that differential access to power and influence plays an important role in shaping those citizens to whom governments are more or less accountable.

A large amount of experience and analysis has shown that the extent to which the state is accountable to citizens depends, among other factors, upon how citizens are organized to exercise voice and advocacy. Without the ability to come together to aggregate their interests, individual citizens are unlikely to be in a position to push for accountability when public actors may be disinclined to be responsive. Thus, the role of civil society, as a collective set of organizations, comes to the fore.[49] Civil society organizations (CSOs) help to aggregate citizens' interests and pursue advocacy. CSOs are also critical for providing information on, and demystification of, government policies, regulations, and responsibilities so that citizens can become knowledgeable consumers of policies and programs, as well as informed voters. CSOs often collaborate with the media to disseminate their message. Indeed, an active and free press is key to both generating and disseminating the information necessary for citizens to hold public officials and agencies accountable.

In the developing world—and especially in failed and post-conflict countries—the nature and quality of state-citizen relations briefly outlined here are far from the reality on the ground. Weak states have little capacity or political will to respond to citizens' needs or preferences. As the introduction describes, when the resources and power of the state are the "prize" societal elites seek to control and capture, the relationship between state actors and citizens becomes either predatory or patronage-based. Citizens attempt to ally themselves with powerful patrons who can offer them protection and basic necessities, or they seek to avoid any contact with state actors, out of fear.

Because many of the drivers of conflict derive from societal division and exclusion (ethnic, tribal, religious, or territorial) and these are augmented by conflict, civil society tends to be organized along these same societal fault-lines. This dynamic fractures relations among citizens and among CSOs, not simply creating negative relations between citizens and the state but destroying social capital (defined as trust and communication within and across social groups). A weak and divided civil society bereft of social capital then contributes to conflict and can lead to violence.

It should be noted, however, that all societies experience conflict among social groups of some kind, but not all conflict leads to violence. In pluralist political systems, both democracies and, to some extent, semi-authoritarian states, that conflict is channeled through the institutional architecture of the state: issues are debated in parliament and public forums, laws are passed, court cases are pursued, public agencies hold citizen consultations, and so on. Civil society participates through lobbying and advocacy, supporting political parties and candidates, and on occasion by demonstrations in the streets. When conflict moves beyond these institutionalized channels for mobilization and expression, the potential for violence emerges. This potential increases when the state is weak, cannot maintain its monopoly on the use of force, and is captured by one group of elites or another. Then mobilization in civil society can lead to riots, targeted attacks on individuals or groups, and ethnic cleansing, in some cases with complicit acceptance or active encouragement by state actors. The ensuing process of the breakdown of order and descent into state failure and societal collapse destroys trust among members of civil society and in the state.

Stability operations face two interconnected sets of tasks related to civil society and governance. The first is rebuilding relations among citizens within civil society. One of these tasks has already been addressed above in the discussion on ROL; that is the pursuit of reconciliation and restorative justice, which are about healing societal divisions as well as restoring faith in the state's ability and willingness to confront injustice. Another of the tasks here involves looking forward and building the capacity of civil society to deal with conflict in nonviolent ways and cooperating to achieve shared purposes. S&R activities include training for CSOs in conflict resolution, cultural and ethnic tolerance, democracy, and human rights. S&R actors also promote informal activities to rebuild positive relations and trust within civil society, such as youth clubs and sports events.

The second set of tasks concerns establishing constructive relations between civil society and the state: how citizens and the state connect (a) for service delivery and (b) for accountability and responsiveness, which is the focus here. The democratic governance agenda of stability operations includes assistance to civil society with the ultimate aim of strengthening the voice of citizens in relation to their government. The challenges for S&R actors in post-conflict situations are similar to those faced by international donors in countries not suffering from collapse and conflict: distinguishing genuine civil society actors from opportunists and spoilers, resistance from state actors, internal divisions among and within local CSOs, low understanding and internalization of democratic norms, weak societal roots, and feeble capacity to mobilize and form networks.[50]

The injection of external resources to support civil society that accompany stability operations stimulates the creation of local CSOs to tap them. Such resource flows, largely channeled through international NGOs who then look for local partner organizations, often lead to a proliferation of short-lived local CSOs that rarely outlast the project funding. Box 14 summarizes the negative outcomes that can result.[51]

Box 14. Civil Society Strengthening in Bosnia and Herzegovina.

Among the reconstruction programs following the NATO-imposed peace in Bosnia and Herzegovina in 1995 and the arrival of peacekeepers were projects intended to build a new kind of civil society distinct from the state-led mass organizations of Tito's Yugoslavia. Projects ranged from infrastructure repair and service delivery to democracy promotion, multi-culturalism, human rights, and refugee return. Some self-help associations had survived the ethnic cleansing and population displacement, but the international community preferred to fund new organizations unconnected to the divisive issues of the past. By 1997, around 1500 local CSOs were registered and were tapping donor funding. A significant number of these organizations were created solely for purposes of acquiring funds.

While some of the projects provided useful services, observers on the ground considered that the cumulative effects of the influx of funding under the civil society strengthening umbrella were largely negative. The preoccupation with service delivery and piecemeal social reconstruction crowded out a broader rebuilding of an independent and societally-rooted civil society capable of advocacy, dialogue, and negotiation with state actors. Because donors had turned to CSOs for service delivery, government actors at multiple levels became openly hostile to civil society groups due to perceptions that CSOs were trespassing into government responsibilities and competing for donor funds.

Trade-offs.

Working with existing social structures and groups versus creating new CSOs. One trade-off, illustrated by the box on Bosnia and Herzegovina, is between creating new CSOs, or building on the foundations of previous social organizational structures. Existing organizations may have the support of local communities and be accorded legitimacy, as well as possess an innate resilience by virtue of having survived the conflict. However, such CSOs are likely to be associated with the ethnic, tribal, religious, and/or territorial divides that contributed to the violence. As a result, they have a high probability of becoming barriers to peace and of serving as willing partners with political parties, militias, and other conflict entrepreneurs. While funding the creation of new CSOs may not lead to major results in the immediate term, it can avoid the hazard of fueling ongoing violent conflict.

Focusing S&R activities on community groups that seem agreeable versus a dialogue with groups who may seem to oppose S&R objectives. A second trade-off for S&R actors is between working with, and providing support to, those civil society groups whose interests and capacities appear closely aligned with the peacekeeping mission, or choosing those groups who may appear less relevant, less interested in, or even opposed to stability objectives. This trade-off is a common dilemma for stability operations. S&R actors need the cooperation of citizens and CSOs, and thus opting for collaboration with groups that demonstrate willingness and commitment is an important choice for making progress. However, engaging with "fence-sitters" and opposition groups may ultimately be as important, if not more so, for long-term stability, peace, and governance restoration. As noted, host-country actors have their own motivations and interests, and these are not always transparent to outsiders.

S&R actors who pick (or create) favorites, either consciously or inadvertently, as a function of who they work with, may miss opportunities to deepen civil society capacity in ways that can lead to sustained change. In several post-conflict countries, including the Balkans, experience has shown that international donors have neglected working with traditional CSOs that are deeply embedded in society in favor of the supply-driven CSOs that have emerged in response to donor funding availability. Often these new NGOs have Western educated leaders who "speak the language" of peacekeepers, communicate well—often in English—and develop relationships along cultural lines that give them favored status with S&R actors. These traditional CSOs—for example, professional associations, labor unions, religious organizations, war veterans and widows associations—often have strong roots in ethnic, religious, and tribal divides, and focused attention on them can be critical to reconciliation and conflict resolution.[52]

Options.

There are no easy answers to the issues and trade-offs related to civil society. S&R actors are necessarily limited in terms of what can be done from the outside to facilitate the creation of social capital, promote "civility" within civil society, and build citizens' capacity to establish new accountability relations between the state and citizens. Since a key element in the development of civil society is in essence promoting citizenship,

awareness building and education will be important. The civic education option discussed above under the section on elections is relevant here as well. In addition, experience suggests that the following options can be helpful.

Develop an accurate understanding of the civil society "landscape" in the host country. As FM 3-07 makes clear, all aspects of stability operations depend upon accurate and up-to-date information on the situation in which S&R actors find themselves. Sorting out "who's who" will help to make decisions on priorities, specific lines of effort, and pitfalls to avoid. As noted above, civil society actors (along with everyone else) will have their own particular agendas and concerns, and just as S&R actors will be trying to see who in civil society can usefully be engaged to restore stability and rebuild governance and who they need to watch out for, host-country actors too will be assessing the outsiders in terms of opportunities and threats. Eisenstadt's conclusion for military forces in stability operations regarding in-depth understanding of tribal histories, practices, and values applies to the broader category of civil society actors as well: cultural knowledge offers "greater security than firearms."[53] Being sensitive to why some leaders and groups enjoy more legitimacy and others less will tell actors what is important and will build credibility in program design. Beyond security, this understanding will inform S&R efforts to help the host country rebuild social capital and create the foundations for a capable and effective civil society.

Provide resources and assistance to CSOs through flexible mechanisms that do not predetermine recipients, activities, or objectives. While the programming and financial management requirements of international donors place limits on the extent to which assistance can be flexible and open-ended, within those boundaries, S&R actors should provide resources and assistance in ways that respond to the needs and issues of indigenous civil society and empower CSOs to determine their own objectives and activities. An example of such a mechanism is the USAID-funded Community Action Program (CAP) in Iraq. The CAP combines democratic skill building and conflict resolution with locally determined projects to meet immediate community needs and desires. CAP projects require the formation of a community action group, a community contribution (in-kind) of 15-25 percent of the project's cost, and community oversight and verification of completion as conditions for disbursement.[54]

Support forums to bring civil society actors together to build collaborative relationships, share strategies for addressing obstacles, and develop joint action plans. Provide opportunities for CSOs to participate in national and regional conferences and workshops. Such events can increase communication, knowledge sharing, and mutual understanding when groups from different social and ethnic backgrounds assemble. S&R actors should provide the space for host-country CSOs to define their own agendas, and should not pre-determine outcomes. Forums can facilitate networking, thereby creating opportunities for CSOs to come together around specific issues. Events should not necessarily be restricted only to CSOs. Forums can convene CSOs, media, and government officials to interact, exchange views, and better understand substantive issues. These interactions also contribute to enacting their respective roles in a democratic society.

Target civil society cooperation on issues that crosscut societal cleavages. Restoring services can have a positive impact on reducing conflict and building stability. This activity is not restricted just to public sector agencies with service delivery responsibility,

but can involve civil society as well. The UN-supported community development consultative committees based on the *shura* model in Afghanistan are one example of how citizens can be brought into governance that can cross ethnic, tribal, or religious lines. The participatory process of assembling Provincial Development Plans in Iraq, which consulted with citizens' groups on service and infrastructure needs, is another example. The CSO coalition of citizen committees, NGOs, religious groups and women's organizations that participated in municipal planning and budgeting in the Indonesian city of Madiun is yet another. Each of these examples illustrates how CSOs, along with government, can cooperate to solve service delivery problems that all can agree are important to address. It is worth noting that not all ethnic, tribal, or religious conflicts are about ethnicity or tribal/religious identity. There are interests that transcend these divisions that can provide a basis for negotiation, bargaining, and cooperation.

SAFETY AND SECURITY

As a state governs security, it assumes a monopoly on the use of force and authorizes certain organizations to use force in defense of the state or to maintain public order. While other public services may be completely absent, it is likely that there will be a state or nonstate force in place that has provided public security of some sort. Indeed, an unstable post-conflict environment has typically created conditions that encouraged groups to vie for a monopoly on the use of force, and this condition has contributed to the instability. The dynamics that led to and developed around contestation for power and a monopoly on use of force are still in play. Extended periods of conflict will have led to concentration of power in the hands of the parties to the conflict—often supported by control of state resources—and some of the armed entities contending for control (armies, militias, rebels, insurgents, or guerillas) will try to establish themselves as powerbrokers, challenging the government's monopoly on the use of force.

The security governance task during S&R operations is similar to provision of other public services such as garbage collection, electrical power, and water: to create conditions, tools, and processes that make security provision into *public* security provision in that it is perceived to be effective, fair, responsive to the constituency but not serving primarily one group, and protective of rights of minorities. The issues and possible solutions are closely tied to the development of governance legitimacy, the acceptance of and skill-building around democratic governance processes related to provision of other services, development of rule of law, development of the justice system, and the protection of minorities. As in other sectors, poor security governance leads to unevenness in provision of public security and often contributes to violence and instability. Establishing good governance of security forces relates directly to the end state conditions set out in FM 3-07, specifically a safe and secure environment, established rule of law, and stable governance.

The establishment of well-governed and legitimate security forces is perhaps the most urgent of governance functions required in stability operations. For in no other public service is society's belief in the legitimacy and confidence in those entrusted with the function more critical than it is for those who can use force to arrest and kill in the name of the state. Citizens' confidence in the provision of security is closely tied to issues of trust

that may in turn be connected to ethnic identities, emotional memories of recent conflict, and perceived motivation to harm or protect. Security is also critical in that successful efforts to reestablish it can translate into massive savings for the international community's peacekeeping interventions. While safety and an ostensibly secure environment may be maintained by an unaccountable and/or sectarian force, if it is not under civilian control and responsive to the rule of law, it is unlikely that other forms of governance will be stable. Similarly, if the executive and justice systems do not develop legitimacy in the eyes of the public, it is unlikely that citizens will see security forces as legitimate.

One of the most difficult aspects of building good governance is effectively supporting change of governance culture. As noted in previous discussion, certain "rules of the game" exist. However dysfunctional they may be for good governance, the patterns of how security forces have operated will have left a legacy of expectations and familiar working relationships that will not change overnight. Effective programming for both civilian control and structuring the security sector will depend on how well it incorporates an understanding of the host country's institutions and the historical patterns. The strength of these patterns should not be underestimated because they not only have the impetus of producing income and power for security forces and their leaders, but they represent ways that the society has developed to "gets things done," including corrupt relationships that people have come to accept and which they have learned to manage. Some of these patterns such as patronage relationships have a long legacy in most countries with authoritarian histories. Due to this legacy, good governance will ultimately be provided only as far as the societal actors revise their notions of what public security is and how it operates. The following are characteristic patterns found in many conflict-prone countries.

A culture of corruption—use of force monopoly for rent-seeking. Building wealth is among the most significant incentives for leaders of armed groups to maintain a culture of violence and resist programs that reduce their ability to use the force at their command, and it is likely that groups who have been party to the conflict have used monopoly of force to do so and to finance the operation of an organized armed force. Extortion, requiring payment for police services, maintaining control of trade adding to the prices of essential commodities, controlling of the sale of these commodities, maintaining control of currency exchange markets, and theft and resale are all common income producing mechanisms. Typically the profitability of these operations depends on the impunity allowed armed forces in an unstable society with little rule of law as well as the network of connections among the corrupt actors inside and outside of government.

Low levels of professionalism and inadequate training. It will be rare in post-conflict states that S&R personnel can take advantage of a well-trained police force with a high sense of professionalism and which operates within a well-established system that provides the motivation to be objective and fair in delivery of security. Even if well-trained in basic policing tasks, crime site protocols, and basic legal procedures, police in post-conflict societies are unlikely to be well trained or to have inculcated a professional culture of responsiveness to citizens and communities. In most cases habit and long-existing practice to the contrary will present major obstacles to building acceptance of civilian control of police and security forces. However, as Box 15 shows, professional policing has been found in some surprising circumstances.

Box 15. Police Professionalism.

Lack of professionalism is not always the norm. There are examples of developing-country police forces that had and have developed perceptions of themselves as professionals and this perception has played a role in reducing corruption. When the Somali government collapsed in the late 1980s, many police continued to act in their roles as police for many weeks, went to their post in clean uniforms, and performed functions well even though they were not paid. While this seems to be the exception rather than the rule, it would be wrong to assume that most police have not inculcated some sense of professionalism and dedication in their roles as police and that they would not resist rent-seeking behavior.

Patterns of civilian attitudes toward police oversight. Equally important to changing attitudes about policing is the way that civilians respond to police. In most post-conflict societies, the police will have been a centralized force, responding to decisionmakers up the reporting chain, usually will have been a political tool used with impunity, and will have had little systemic incentive to respond to needs of the ordinary citizens they ostensibly serve. People will not expect police to be responsive, and in many cases will expect them to be predatory.[55] If police assume that they do not have to be responsive, such expectations reinforce this dynamic. As a consequence, it may seem unnatural for local leadership to expect to have a responsive dialogue with police about local problems, and these local leaders may be reticent to approach police in a directive manner.

It is impossible to provide comprehensive direction for establishment of good security sector governance in this Guide. A large literature on strategies and tactics for creation of legitimate security forces in stabilization operations has only recently emerged.[56] This section draws on that literature and on the lessons of experience. It outlines key issues, trade offs and options for establishment of governance of state security and focuses on the initial issues and problems that may be faced in stability operations. The discussion primarily addresses issues around development of governance for domestic police. However, the principles discussed here also apply to border and customs police, traffic police, other types of public security organizations that may exist or may be required, as well as in some cases, the military. A growing consensus has emerged among those reviewing the experience of stability operations that the strategic aspects of developing reformed and improved security have been underemphasized in favor of tactical interventions. In other words, there has been an emphasis on building operational capacity through equipment provision, management skills training, and other tactical requirements (which are typically much easier to count and thus "success" is easier to measure) with relatively little attention paid to how these fit into a strategic plan that addresses important changes in the culture of governance and a durable social contract that supports a resilient and stable state.

Because legitimacy of the security sector is critical to near-term and long-term stability, the discussion pays particular attention to those conditions, issues, possible solutions and tradeoffs that affect building legitimacy in a security force in the post-conflict context. The desired end state is to establish a form of democratic governance of security forces that is effective and responsive to the vast majority of the residents of the state—including minorities. This form of governance, while often contentious, initially inefficient, and requiring years to develop fully, is nevertheless the best foundation for longer-term stability.[57]

Addressing fears of opposing groups is an important first step for S&R actors and interim governments. The process of restoring security governance and establishing a regularized, predictable security force acceptable to its constituency is critical to enabling post-conflict societies to fulfill the other two governance functions covered in this Guide: effective provision of public goods and services and management of political participation and accountability. Interim governments may be caught up in the political dynamics around the opposing groups under a power-sharing agreement, which can interfere with their ability to develop an independent security force with legitimacy for all groups. It is likely that S&R actors will be required to take the lead in establishing workable, accountable security.

The following sections discuss three key issues in the establishment of governance of the security sector in stability operations: short-term provision of security, civilian control, and structuring the security sector. Tradeoffs and options for addressing each issue focus on their impact on governance mechanisms and structures that build legitimacy. These discussions focus on actions that S&R actors can take in the first months and years of stability operations that will provide both near term stability and the basis for development of sound governance that provides a foundation for long-term stability.

SHORT-TERM PROVISION OF SECURITY

Personal security will probably be the most urgent issue for citizens in post-conflict society. It is one of the functions of governance that affects early perceptions of the legitimacy of the state and thus will almost always be one of the first and most important public tasks. Unlike other public services (e.g., water or power) that may be entirely absent, only in rare instances will there not be an armed and organized group using force to address public order and control, often establishing the parameters for security with little public accountability. Those providing security will often lay claim to leadership as well as have the support of citizens who see them as the only immediate option for protection of persons and property—however undemocratic and unaccountable they may be. Consequently, S&R actors will immediately be required to deal with patterns of expectations—particularly when a group has built some legitimacy through successfully providing security—that will affect the scope and success of initial programs and will immediately bring to the fore difficult tradeoffs and decisions pivoting on priorities around short-term and long-term goals.[58] As in other sectors, they will have, at the same time, to begin to address practices and policies that have led to provision of security that is at best uneven and at worst predatory.

The introduction points out that this is the context in which restoring governance in all sectors must also proceed. It outlines the factors common to the post-conflict or instable environments, as well as the need to accommodate the pressures from various groups for autonomy, self-determination, and enfranchisement (political, cultural, linguistic, religious, and/or economic). In almost all cases, there is competition between groups for control of physical security and the distrust and animosity among groups is a key dynamic to be considered in the design of programs to build better governance in instable environments. Understanding motivations, incentives, and the history of the forces that may be engaged for near-term security is critical to making sound early decisions that

can set precedents for security sector governance. Guidelines for establishing good security sector governance recommend an inventory or mapping of the dynamic context in which security must operate. This will include existing security and justice sector capital infrastructure, existing laws and policies (and whether they have actual impact on security), and an inventory of national and local security providers, including nonstate providers. In establishing governance for the security sector, S&R actors will be asked to deal with one or more of the following categories of state and nonstate armed forces to establish near-term security. Who they are, their ability to deliver security, and the threat they may pose to security will determine the range of near-term options available.

The presence of active organized armed groups is a given in stability operations. Levels of organization of the groups vary, and they can range from a disciplined, well equipped professional state force that was party to the conflict (e.g., the Serbian Army in Kosovo in 1999) to ad hoc bands of individuals seeking only daily opportunities for looting (e.g., Liberia in 2000). It is likely that the leaders of these groups seek to maintain control of the power afforded them by having armed men and women under their command, and some may seek to play a role in provision of security as a way to maintain a position from which to leverage power and resources, often with informal or nonstate forces competing with the state for legitimacy as a security force.

There are two common subsets of these armed groups. The first is tribal or ethnic militias. These militias may exist as an active and organized armed force that took part in the struggle, they may be constituted for protection of a tribal group as instability grew in the post-conflict environment and the leaders of the tribe feared aggression by other tribes or other armed groups, or it could be a group of ad hoc police organized by a tribal leader or neighborhood leader as a means to acquire resources through force.

The second subset is the security force of an organized political party. Examples are security forces organized within Hezbollah in Lebanon, within Hamas and Fatah in Palestine, the forces of the Zimbabwe African National Union (ZANU) in Zimbabwe, the Mahdi army of Iraqi cleric Muqtada al-Sadr, and the Irish Republican Army (IRA) of Northern Ireland.[59] In many of these cases, these armed groups were instrumental in forcing a political settlement that allowed them a greater role in political processes. In some cases, their leadership may be ready for a more democratic, civilian managed role. In other cases, the force leadership and rank-and-file lose position, prestige, and probably income as a consequence of peace settlements, and may find reasons to maintain their position through the perceived or manufactured perception of the need for their services in the reconstituted state in a "policing" role.

Often an armed group is organized around purely financial gain, and best categorized as criminal (often called "spoilers"). An organized criminal group may find it useful to hide behind an ideological, ethnic, or religious agenda, giving them ostensible credence as a political player with the reduced risk to their criminal activities as they pursue "security" of the community as their political role in helping to build the state.

Besides informal or quasi-formal armed groups, most countries have a variety of formal security forces, created according to historical patterns, from models from other countries (sometimes colonial-era rulers), according to public needs, and/or according to private needs of rulers. It is not uncommon for S&R actors to find that the multiple layers of police have served various political actors, are connected to rent-seeking or corruption

associated with those political actors, and often also tied to certain civilian institutions such as the Treasury or the Ministry of the Interior. Typical security forces are:

- *Police.* This is usually a local force charged with keeping public order, investigating crimes, arresting and holding those charged with crime, and supporting a system of justice that adjudicates charges of criminal activity. Gendarmes or paramilitary forces may also play this role. While stationed locally, it is typical that the police report to a central authority, often the Minister of the Interior or a national police office. The police may also address a range of other threats to public order such as vigilante groups and group political violence and may also support resolution of civil disputes with force as required.
- *Specialized Police*. These include traffic police, tax police, border police, customs police, park police, special security police associated with ministries, armed forces police service, presidential guards, and intelligence services. The country public security system may have been set up with layers of police—for example a national security organization (analogous to the Federal Bureau of Investigation [FBI]), and a different force that has local jurisdiction. Both of these may report to a different central national authority in the capital. In addition to different geographical jurisdictions, each force may have different levels of jurisdiction (e.g., working only on import tax issues at the border, addressing only petty crime), and different levels of funding. They may also have different political motivations. For example, a special presidential police may ostensibly be formed to protect the president but may expand its operations to serve political purposes of the president.
- *Military.* This is typically a national force, reporting centrally. It may include a standing army, navy, coast guard, air force, reserve or civil defense forces, and national guards. It is common that the military is better funded, trained, and equipped than the police forces and has been used to support autocratic rule. Military forces may or may not respond to civilian direction. Military are often used to keep public order in situations where smaller and less well-armed police forces are inadequate, or in situations where disorder may have a political motivation and government actors feel that the military will be more responsive to their command. The control of a large armed force provides enormous leverage for power-seeking in post-conflict societies, and it is rare that military leaders do not succumb to the temptation to use the forces they command to acquire power. Box 16 provides some examples.

Box 16. The Military and Politics.

In a variety of countries, the military has been an independent political actor in its own right, often seeing itself not simply as a supporter of autocrats but as the keeper of societal order and justified in stepping in when civilian governments prove themselves to be inept. Examples include Pakistan, Thailand, and Turkey. While elements of the Iraqi military under Saddam Hussein were used to viciously repress both Kurd and Shia populations, it had nevertheless developed some reputation for professionalism. A 2006 analysis of citizen perceptions of Iraqi institutions in 2006 indicated that the reconstituted army was among the more respected institutions and perceived to be professional and objective relative to most other government institutions except health and education.

With reference to different types of forces it will be important to keep in mind the patterns, models, expectations, sets of incentives and dynamics that are in play around these forces. Key issues are:

- *Previous roles of forces and perceptions created*. All of these forces may have been a tool to repress political dissent and to control populations perceived to be disloyal or potentially threatening to authority. There may be a built up public animosity against certain forces. This may exist against some forces and not others, and may exist within certain ethnic, religious, or other groups that were targeted, but not among others. Some security forces may have managed to build some professionalism and some respect within the population, even if they have been the tool of a dictator or repressive regime. (see Box 16).
- *Relationships of security forces to certain individuals or governmental positions.* Some forces may have reported directly to a minister or individual and been used for the political purposes of that individual. Executives in charge of a force—even though part of a reformed governance regime—may not have a full commitment to checks and balances, and may expect that these forces will continue to be available for political purposes.

The discussion above summarizes the armed groups, both informal and formal, typically encountered in post-conflict stability operations according to motivation and other incentives for their existence. The discussion seeks to inform S&R actors as they approach, negotiate, and create incentives for these groups to be part of a program that moves toward effective state governance of security. In reality, the lines between the different categories of armed groups are often blurred. Each group will have a unique mix of motivating factors that influence how they are organized and led, how they act, and how they will react to programs to move toward civilian oversight and management. Effective S&R lines of effort require willingness not to categorize, but to perceive and understand a group's incentives, motivations, and strategies, and to build programs that creatively use those motivations to build security or to find ways to remove or replace the incentives that may make persistent obstacles of these groups and their leaders.

Trade-offs.

As FM 3-07 indicates, restoration of security is always an immediate concern and programs to address security are among the first to be launched. FM 3-07 also cites the requirement for establishing important principles of governance, but it does not relate this to the need for immediate security or to security sector governance. Because the need for security is critical, establishing adequate security by the best means possible is typically given priority. Security governance is often left for a later time, even though the patterns and expectations established in the initial provision of security often set precedents that affect the evolution of not only security sector governance but every type of governance that is developed over the succeeding months and years. Perhaps the most critical trade-off faced by S&R actors is choosing between the urgent need to

address security—possibly lending legitimacy to less-than-democratic processes and actors, redundant layers of security provision, and organizations that have reputations for corruption and unprofessionalism—and establishing legitimacy for patterns of governance and actors that support accountability, transparency and other processes critical to good governance. Box 17 illustrates the impacts of early decisions on longer-term security prospects in stability operations in Kosovo and Timor Leste.[60]

Box 17. Short and long-Term Trade-Offs in Security and Justice.

Decisions made in the early planning and operation stages of a peace-keeping and stability operation [PSO] can have an impact on the long term development of security and justice system. "Both the Kosovo Police Service and the Policia Nacional de Timor-Leste (PNTL) have experienced developmental problems due to expedient choices made in the first 12 months of their creations. In both cases, the decisions to create and engage with political mechanisms for the management and oversight of the police were postponed until well into the mission's mandate". Such decisions have hampered these and other missions, preventing them from creating the proper conditions for reform. The short time of many PSOs can increase the likelihood of an expedient, externally imposed solution rather than the development of a dialogue around nationally led and sustainable reform.

Options.

For near-term provision of security, the following options can be considered. They include co-opting local nonstate security forces, supporting existing forces with centralized reporting, and establishing and supporting mechanisms to control the power of entrenched security actors while installing legitimate security forces.

Co-opt local nonstate security forces. S&R actors may choose to allow local militia leaders who can mobilize their forces to act as police to do so—ostensibly co-opting them into the system and taking their forces out of a mix that could present a danger to U.S. forces or contribute to violence in the community (see Box 19, page 57). This choice will support more local control and decentralization of security forces.[61] It is to be expected that their co-optation into the emerging democratic governance system will usually occur only as far as it serves the purposes of the militia and its leaders. This does not necessarily imply a refusal to be accountable, as former combatants have often chosen to seek a legitimate role in an accountable democratic process.

Support existing forces with centralized reporting. Supporting existing centralized state security structures may have the advantage of an in-place and functioning security administrative structure, perceived administrative efficiencies, or be suggested because S&R actors are convinced that change (decentralization) would be disruptive or support further political fragmentation. But in the case where a sanctioned force is perceived as untrustworthy (e.g., when the police are dominated by one ethnic group perceived as oppressor to another) it could both spawn militias set up to oppose the police and undermine the credibility of stability operations and the foreign forces supporting those.

Establish and support mechanisms to control the power of security actors while developing more legitimate forces. Whenever the United States sanctions a force, that sanction can help establish the legitimacy of the force. Once in place, the force may resist erosion of their autonomy through civilian control and/or reform. This resistance may become an obstacle to introduction of civilian oversight and recruitment on basis of skills and abilities rather than loyalty (especially in the case of local militias converted to sanctioned security), or to breaking up networks of existing corruption.

S&R actors will find that both a short-term solution and the process of establishing reformed, legitimate forces for the long term must proceed simultaneously. Should existing militias be used to provide order, these should be seen as temporary. Where within the purview of S&R actors, any structures and agreements that are put in place outside of their sanction through legitimate host-state governance processes should have sunset agreements (typically between 3 months and 18 months). These should mandate a date for dissolution of the group and takeover by legitimate structures built around the precepts presented below. Agreements with the temporary force should include principles of civilian control and checks on the impunity of the force. Significant pressure is built for change as populations come to expect it. The use of public information mechanisms to disseminate the text of agreements and plans for oversight and other democratic mechanisms will build the perception that forces are temporary as well as expectations for change and reform.

Citizen oversight mechanisms with broad representation can be put in place at the same time as the sanction and can push for transparency and responsiveness. This will be most likely resisted by security force leadership, and will require persistent attention by S&R actors to be effective. If set up early, these groups can also provide citizen sounding-boards for S&R actors on the legitimacy and professionalism of organizations considered for near-term security services. Creating such groups early is critical to establishing the right for local leadership to ask police to be responsive and the legitimacy of civilian oversight, particularly if the formal reporting chain is to a national or central government office, not to local officials. Many analysts feel that some level of decentralized reporting and accountability is critical to accelerate this key relationship.

CIVILIAN CONTROL AND OVERSIGHT

Civilian oversight of security forces is a key principle of establishing good governance. Among the types of public services discussed here, security forces are least likely to have been under an effective and accountable civilian control, and thus may be the public service where attitudes and expectations about a directive role for civilians (or lack thereof) are most entrenched and difficult to change. In many cases, a local power broker will have been effectively playing this role with little input from citizens. These patronage forms of governance may provide stable and often effective restoration of security on the surface, and there will be an understandable temptation to accept an easy solution to the stability so important in the first month of stability operations. When clear accountability mechanisms are not put in place, such arrangements undermine opportunities to set precedents for legitimate civilian oversight. In the early decisions about establishing security, it is essential to keep the critical task of establishing legitimate civilian oversight

in mind and find ways to begin to establish the structures that lay foundations for reform and stability.

Forms of civilian management and oversight can include an executive office to which security forces report, national security advisory bodies, legislative committees, ministries of defense, and office of internal affairs or security, customary and traditional authorities (community and tribal leaders), financial management bodies, local quasi-governmental advisory boards, public complaints commissions, and civil society organizations.

Trade-offs.

The most significant trade-off is again that between short term effectiveness—providing physical security in the near term—and establishing sufficient systems, structures, and principles of civilian oversight, typically a process of months and years. In stability operations, the urgency of the need for physical security surpasses the need for security force oversight. In some cases, this may be justified, and the value of working through those power brokers mentioned above often seems especially useful when S&R actors are not in a position to negotiate the complex and nuanced relationships around the use of violence, fear, perceptions of trust, and expectations of the local population.

A closely related trade-off is the choice between allowing an effective security force leader to operate with autonomy—an arrangement that may be perceived to support effectiveness in the security force—and injection of civilian oversight into this process when that is expected to inhibit effectiveness in reducing violence. This choice is complicated by two conditions typical in these situations. The first is that populations may have come to accept autonomous authority in the direction of security and accept absence of oversight if the force is perceived as legitimate and physical security is enhanced—making it all the more difficult to negotiate some accountability with the leader(s) of the force. The second is poor communication between civilian managers and security force leadership. This second complication is all the more likely in societies where there are no models for how democratic leadership requires responsiveness from police, when training in this area is absent, and where there is a legacy of corrupt and predatory police and military behavior and civilians assume that is the case with the current force.

Another trade-off comes from the tension between civilian oversight and building a nonpolitical professional force. Mechanisms for civilian oversight are designed to require police responsiveness, but also then require reporting chains to political actors. When the checks on accountability for those political actors are not in place or are not functioning, there is the opportunity for police to become the tools of these political actors. In the urgency to develop police forces, pressures from political actors can act counter to the processes required to inculcate professionalism.

Options.

Options here relate to the application of the principles of good governance more broadly. These include building accountability mechanisms, establishing oversight, and integrating with other governance institutions (ROL and the justice system, parliaments), and building capacity on the civilian side to exercise control. All of these are interrelated,

and are essential for effectiveness and legitimacy. Recent review and collection of best practices for establishing legitimate security forces mentions five key lessons learned:[62]

- Developing democratic accountability at multiple levels of oversight
- Ensuring the independence of oversight institutions
- Strengthening mechanisms of internal oversight within security and justice institutions
- Developing the capacity of parliaments to conduct oversight
- Strengthening the role of civil society and independent watchdogs in the democratic oversight of security and justice providers.

Build governance mechanisms that establish accountability. The experience with building legitimacy in the governance of security forces and their successful reform is closely tied to establishing principles of accountable civilian oversight mechanisms. Three principles and approaches stand out:

- Establish civilian oversight roles early. In the first months of assistance, establish formal dialogue between security sector officials and local civilian officials on responsiveness to security sector needs of the community. Evidence indicates that practices that undermine accountability are often established in interim arrangements and are difficult to reform.
- Create formal review roles for local officials. Security force policies and processes receive frequent review by civilian groups who are themselves accountable. This should include financial accountability. Oversight is given teeth by transparent audit of security sector spending, and by requiring regular approval of security sector budgets by civilian bodies.
- Involve civil society. Some countries (e.g., South Africa, Guatemala, Kosovo) have had success in security sector reform by involving civil society organizations—often formed around this need—who are given formal opportunity for input into policies that guide security force behavior. This process is more likely to apply to police than to military forces.[63]

Create civilian control and oversight.[64] Possibilities here are reporting to executive agencies or boards and committees. These will necessarily need to be adapted to conditions in post-conflict situations, and are unlikely to be institutionalized within the timeframe for stability operations.

Executive management. Most western police and military forces report to an elected civilian executive, or the appointee of an elected executive—for example a mayor, a governor, or the appointed head of the justice ministry, a chief prosecutor, or attorney general. This executive may be responsible to an elective board. In these countries, there will typically be a well-established conduit for citizen input into this reporting chain through mechanisms that force responsiveness from both the executive and the boards. In established democratic societies, this mechanism for responsiveness will not only be through elections per se but through a political culture that encourages elected officials to provide frequent forums for feedback. The culture of governance in post-conflict countries will be unlikely to have developed these traditions or these mechanisms for

responsiveness. When establishing chains of reporting for civilian oversight through civilian executives, attention should also be given to structural and institutional incentives for police to develop relationships with the communities that they serve in order to avoid reducing responsiveness and ultimately possibly contributing to dissatisfaction and violence.

Intermediate Managers. This may be a city manager, manager of an office of security within the Justice Ministry, or other organization created to manage security forces. They will most probably report to an executive or elected board. Similarly to comments above, it is almost always necessary to give particular attention to creating structural incentives to force accountability to needs of citizens with whom they interact.

Oversight boards or committees. These are often found in western societies where there has been some breakdown in police or military responsiveness, and there is felt to be a need for a more direct link to citizen needs in the oversight process. They can be committees within a legislature, local boards created for this purpose that are formal parts of government, or a function of a civil society group. Most analysts of post-conflict security system development emphasize the requirement of mechanisms for responsiveness to citizens and the failure to build these as a critical problem in establishment and reform of police forces in developing and formerly-authoritarian societies. Early establishment of boards, committees, or other local oversight groups with broad and inclusive representation is now considered a critical step in developing legitimacy for security forces. These groups are formed to act in an advisory role to police, provide a conduit for relaying key security problems in the community, and to begin to help establish policies around use of force. They also provide a local or regional sounding board for national groups that may have been formed to oversee security policy reform or development.

Civil society often plays a role in this type of oversight, especially community legal aid groups, human rights groups, or groups organized around issues of special populations (e.g., women and ethnic minorities) and often have representatives on oversight boards mentioned above. Informal groups such as the Community Peace councils under the Locally Initiated Networks for Community Strengthening (LINCS) program in Liberia or the Forum for Civic Initiatives in Kosovo may have been formed to address security.[65] Such groups can provide a basis for input on policy and initial interaction with formal police.

Integrate civilian control with formal connections to other branches of government. Important here are links to the justice system and the legislature. Centralized oversight of police can occur through national boards, national legislatures, and the justice system. But insisting on a dialogue at the local level, and putting in place mechanisms that tie financing for police to responsiveness to local leaders appear to be important in establishing the concept of civilian oversight. Accountability to civilian leadership is almost always centralized for military forces, corresponding to the requirement for the military to respond to national needs. Local oversight boards will in most cases not seem appropriate for the military.[66]

Judicial Review. A complete security governance system will also put in place mechanisms that provide for judicial review of procedures, respect for rights, and other issues connected to the policies and procedures that have been set in place for the police

and military. Courts are also used as remedy to police abuse of power through civil and criminal suits against security forces.

Parliamentary or Legislative Review. This is typically exercised through the budget approval process, enacting laws, guiding policies, and holding investigations of egregious abuses. While less common, some countries have used parliamentary committees effectively in promoting accountability.[67]

Build capacity for control and oversight on the civilian side. For civilian control to function, civilian actors need to change their perceptions of security forces and to have political space to provide input. In most post-conflict situations, it will seem odd, and perhaps even frightening, to civilian actors who are asked to play a role in overseeing police as that has often been the purview of authoritarian political actors. Recent literature and case studies provide a number of examples of processes that help local leaders develop confidence in interaction with police, typically built around a mechanism that opens and then persists with a dialogue between security forces and civilian leaders about needs and security policies.[68] Experience also emphasizes the value of early focus on training for civilians in the concepts of civilian oversight and managed meetings between local leaders and police, and most analysts now believe that this is as important as the operational and tactical training of police and military forces that has been the main focus of assistance to security forces to date.

In many cases, especially where women traditionally have not taken or been allowed a role as leaders, it will be important to take steps to ensure that women can voice concerns about security. Statistics show that women are undermeasured victims of crime in many conflict countries, especially sexual crime. Separate advisory groups for women where they can speak freely and build consensus on needs have been used effectively in the Middle East, Africa, and other regions where women have had difficulty being heard. Although not used widely to affect police policies, these have allowed a greater voice for women in expressing needs and providing input on other forms of governance.[69]

STRUCTURING THE SECURITY SECTOR

The structures to support security sector governance are ideally identified through an inclusive, vetted policy development process by actors who understand how public security can be provided. This should occur within the context of a state strategic plan for security that integrates the justice systems, principles to support human rights, rule of law, and other related processes that contribute to security sector legitimacy. Many post-conflict governments have set up offices to run the state security planning process that develop the policies that guide a well-governed security sector.[70] At whatever level the process, history indicates that the security sector has often suffered from a lack of legitimacy that is a consequence of poor responsiveness, and that the process that identifies and recommends structures will struggle to develop policies that support legitimacy if it does not integrate into the process mechanisms for local input and accountability at the local level.

Briefly, the steps to building good security sector governance are mapping existing security forces and mechanisms, assessing needs, finding or building groups that have legitimacy and can guide policy development for security, supporting and vetting this

policy development, building professionalism and efficient management of security forces, and putting in place structures for legitimate civilian oversight of security forces.[71] In stability operations, the steps must be accelerated, but even so can be expected to take several years and are unlikely to be complete at the end of stability operations. The challenge for S&R actors will be to begin them in a way that will lay the groundwork for a legitimate security system and the stability that will bring.

Recent analysis also emphasizes the requirement in most countries for significant change in structures, functions, and management of security organizations as well as attitudinal change. Attitudinal change is facilitated by attention to structural change that creates incentives for the attitudinal change. This will mean creation and acceptance of new capacities, roles, and expectations, especially as it concerns reporting and responsiveness to citizens, administrative and managerial efficiency, and adherence to democratic principles. As mentioned, this requires that societal actors revise their concept of public security, and change will not come easily. Programs that support this change will remove structures that supported old incentives (e.g., various types of rent-seeking and elite control of forces without accountability) and build incentives that support good governance (e.g., rewards for professional behavior, efficiency and responsiveness to citizens' needs and reporting structures that support this) into both formal and informal policy. One of the tools to create new relationships between citizens and police is community policing, described in Box 18.[72]

Box 18. Community Policing.

As some Western nations' police forces in large urban jurisdictions struggled with deteriorating relationships in inner city neighborhoods, they developed approaches that created more direct communication with communities, built better relationships with communities, and found that this often improved the quantity and quality of information about crimes and potential for crime, reduced casualties, and improved legitimacy of the police force. This approach is typically referred to as "community policing" and is now an accepted and often-employed technique in most western police forces. It has been taught and used effectively in some developing countries, assists in building a culture of responsiveness to civilians with accompanying gains in professionalized behavior, and is increasingly seen as an important tool in police reform programs.

Trade-offs.

Development of these structures ideally begins in the first weeks of stability operations. S&R actors must both support the provision of near-term security and also put in place structures that will support the development of the governance-building process, which can take years, and may seem to hinder early operations. Again, the initial trade-off that S&R actors must manage is installing near-term security to begin to develop the legitimacy of the state and the credibility of the stability operation and, at the same time, to begin implementing mechanisms that establish checks on abuse of security sector power, and avoid establishing the credibility of actors that will resist the process of good governance.

Other trade-offs involve reporting structures and use of existing forces. The first is between centralized or decentralized reporting structures. Centralized national police forces are more common in the countries likely to require stabilization operations. This will partly be a consequence of the requirement for stabilization in countries where centralized authoritarian regimes have broken down, leading to conflict, but may also be a function of the size of the country (centralization of functions makes more sense in smaller countries). Centralization has a number of logistical and administrative efficiencies, and it is this administrative efficiency argument that has often led S&R programmers to continue centralized systems. In most countries, police and military will have been set up to report to the center prior to the intervention of stability operations because it was important that reporting be to a central political figure—often authoritarian and unresponsive to the needs of citizens. In many cases, police will have been a political tool for repression. In this case, it may be difficult for centrally reporting police to establish trust and legitimacy in areas where they had been used to repress the population.

A related trade-off is between reforming the existing force or creating and recruiting for new structures. When there is an existing police force, a primary problem for S&R actors seeking to set precedents for good governance will be addressing patterns of behavior and attitudes developed over many years of previous practice that can be dismissive of civilian oversight. Yet use of existing forces is often required to maintain near-term security. Existing forces may be relatively legitimate but inefficient, or the existing force may be efficient and effective but not enjoy much legitimacy among citizens of the community. Forces with extensive corruption may also enjoy a certain amount of legitimacy as citizens accept and appreciate the role that police or the military may play in maintaining order, but have come to accept a certain level of corruption. This presents a number of trade-offs and options depending on the combination of factors present in the country.

Options.

The experiences of police assistance programs have pointed to the need for institutional development and restructuring. Even then, restructuring on its own will not automatically result in change to police behavior and culture; the focus needs to be placed on personnel as much as formal structure.[73] Options for structuring the security sector are highly context specific; thus what is presented here is similar to the trade-offs noted above.

Assess whether a centralized, decentralized, or mixed reporting structure offers the best chances for effective checks on the behavior of security forces. Arguments for centralization of police forces typically line up around a perception that: (a) establishing direction outside of local leadership will keep the police force from becoming a tool of local politics; (b) professionalization is easier in a national force that does not have local allegiances; (c) centralization allows for consistency in levels and types of training—providing economies of scale, providing more consistent levels of performance throughout the country, and providing consistency in procedural processes; and (d) centralization enables police to develop nationwide professional relationships that support professionalism and to address issues that transcend provincial boundaries.

Choices for either centralization or decentralization of police must address not only

efficiency in providing training, the value of providing a common understanding of procedures, and professionalization of the forces(s), but also ensure that reporting structures provide accountability to and legitimacy within communities. Establishing or reestablishing a centralized police force must be weighed carefully against the predatory patterns and negative perceptions that a centralized force may have established and that could undermine attempts to build the legitimacy of security forces. In many countries where police have been a tool of repression by authoritarian rulers, establishing a force that responds to unknown and perhaps distrusted actors in the capital could result in the system fighting an uphill battle in establishing legitimacy at the local level. In the case where the national government is perceived to be led by one of the groups (ethnic, tribal, religious, political) among the many in conflict—with a subsequent distrust of forces of that government—decentralized reporting may also have short-term advantages in supporting stability.[74]

Experience to date suggests that if a centralized training and reporting structure is used, programmers must devote considerable resources to developing the incentives that encourage responsive relationships and legitimacy at the local level. This may require attention to the ethnicity or religion of police commanders. It may also call for creation of structures that require some level of local reporting and oversight that possibly is tied to promotion of police officers or to financing of the security program. Such a structure might allow centralized professional and management training and oversight, but day-to-day reporting at the local level.

It is expected that national military forces will report to a central national civilian-led authority. To be successfully established as a national professional force, centralizing command of the military will go hand-in-glove with establishing trust across regional and ethnic lines, with the development of a solid national identity, the establishment of the legitimacy of the national government, and the inculcation of professional, nonpolitical values. While centralized reporting of the military makes sense, it runs the risk of being utilized for the political purposes of elites if not developed in tandem with immediate attention to strong, inclusive and legitimate civilian governance structures that support rule of law, the justice sector, governance structures that ensure the responsiveness of political elites to civilian constituencies, and the acceptance of civilian oversight by the senior leadership of the military. In some places, military structures may have become decentralized, reporting to regional officials. This can be the case even when there is a national military (e.g., the Kurdish Peshmerga-cum-Iraqi Army). Because most post-conflict situations involve conflict between groups within the country that have consolidated political control in a region, building a strong basis for national identity in these areas is likely to take years, if not decades.

Some specialized national police forces will address centrally managed issues. Protection of national borders, national taxes and customs, natural resources, and national parks may all require police to enforce laws on or in these areas of national jurisdiction. These forces must be constructed with the same civilian oversight mechanisms that are critical in other security forces.

Consider contention among ethnic groups to ensure that composition of security forces contributes to stabilization efforts. Levels of distrust may make it difficult for police or military from one group within the conflict to be effective in areas where other

groups predominate—especially when ethnic or tribal militias continue to operate. Levels of distrust may suggest the choice to support a decentralized mechanism to provide a natural impetus for more local responsiveness and legitimacy. Recent experience in Iraq and Afghanistan has made use of tribal militias to either support or integrate into local security structures, as Box 19 illustrates.[7]

Box 19. Tribal Militias in Iraq.

Experience in Iraq from 2003-2008 attributed success in stabilizing parts of the country, and in particular reduction in the violence attributed to al Qaeda supported insurgents, to a program that allowed local tribal leaders to build and operate tribal police forces, or sometimes to bring former tribal insurgents loyal to tribal leaders into existing police forces led by a local leader who often had been part of an anti-US insurgency. The success of this program gave impetus to a decentralized approach to security sector governance and led to a reconsideration of the logic of the original US-supported program that attempted to create a national, centrally administered multi-ethnic police force.

Many analysts of the situation in Iraq believe that the early decisions on organization of police gave far too little attention to establishing legitimacy of the force at the local level – instead emphasizing the construction of a national force whose focus and training took a national view and was intended to support the drive toward a unified multi-ethnic Iraq. By 2007, this approach had not provided sufficient levels of confidence nor given police sufficient levels of legitimacy at the local level to allow them to be effective. This was especially true in Sunni areas and was a problem that was tied to distrust of local police, which were often led by officers from other areas who reported to a government perceived as controlled by Shi'a politicians. At this time, analysis of the Awakening Council programs is not complete, but there is initial evidence that the ad hoc security governance systems in place under this arrangement have little accountable civilian oversight (though they may operate within a tribal society that has the traditional systems for control of abuse of power). A keener understanding of both cultural and political issues may have allowed planners to design a program in the first months that achieved the current levels of stability, built structures that supported more multi-culturalism, and at the same time began to establish precedents for formal security administration accountable through the democratic process.

Combine the use of existing forces with new recruitment and reforms. If legitimacy is high and corruption relatively low, there is no real trade-off—the task for S&R programming is to begin to improve performance through training and professionalization. If existing forces do not enjoy legitimacy or the force works and enjoys some legitimacy but operates with relatively high levels of corruption, there is a more critical near-term tradeoff between establishing short-term security and keeping order on one hand, and establishing civilian oversight and starting a reform process that builds a professional security force on the other. If significant numbers of security personnel are left in place, the task becomes one of reform. Police must be vetted and sufficient oversight must be in place to identify and remove corrupt officials. At the same time, training programs on responsiveness, ethics, and interaction with communities must focus on those security personnel perceived to be willing and capable to become part of a professional force. In some cases, the existing force is neither efficient and effective in providing adequate security, nor seen as legitimate—suggesting a decision to dissolve and rebuild the force. In these cases, peacekeeping forces will be asked to provide sufficient security until host-country forces are in place.

Westerners often assume that the demand for reform in security forces will be strong and focused among ordinary citizens. Because there will almost always be an urgent and primary desire for security, citizens may support those actors, such as warlords or the heads of political parties, who can provide it effectively—however undemocratic and self-serving the system they use to do so. Thus citizen demand for reform will be blunted. Recent accounts repeatedly report how, even when there is a strong desire for reform, an increase in fair treatment, and for access in the political process, the attitudinal changes and ability to play the roles required to do this are not automatic and can fall prey to resumption of a familiar *modus operandi,* tolerance of corrupt practices, and acceptance of a poorly governed status quo.[76]

Successfully creating democratic governance in these situations requires a change in how security forces perceive themselves, as well as the governing culture. This change is ultimately the work of many years. The tasks of successful S&R operations in this area is to begin the process from the earliest days of interaction, to channel the desire for change, and—as in other sectors of governance—to support the creation of processes that set precedents and principles of effective governance and begin building the governance structures that provide effective civilian oversight.

Pay attention to cultural considerations. Discussion here has often focused on Western models for governance and how those may clash with the cultural norms that influence governance structures in the societies where stability operations will be conducted. S&R actors must be sensitive to taboos, gender roles, criteria for police, and other issues that will influence the operational success of security forces. Box 20 provides an example from Afghanistan.[77] This is another place where local committees that provide advice on policies and procedures for policing will guide implementation so that it is culturally appropriate. Attention to providing a voice for women in this process will also build in cultural sensitivity.[78]

Box 20. Gender Issues in Police Reform in Afghanistan.

Data show that the security of Afghan women has not improved significantly since the fall of the Taliban. Because Islamic practices inhibit policemen from handling female complainants, victims, or suspects, it is necessary to recruit more women into the Afghan police force. However, women currently make up less than one percent of the police.

Recruitment is challenging for a number of reasons. First, gender programs have received no substantial allocation of resources. Second, the Ministry of Interior lacks the political will and ability to bring about change. Recruitment is also hindered by mobility and security problems for women. Finally, because policing is seen as a low-status profession, it is not a respectable occupation for women.

Small gains have been made in Afghanistan. The Police Academy now has a secure female residence, the Minister of the Interior has funding for a gender adviser, and one police station in Kabul has established a family violence unit.

Provide training for civilian actors in interacting with security forces. This option regarding the creation of civilian oversight and control is repeated here because in terms of a sequence from short- to long-term restoration of stability, continuous attention to civilian

capacity is essential. As governance is tied so closely to legitimacy and mechanisms for responsiveness and accountability, training is required not only for police and military, but also for civilian security force managers and for those involved in security sector oversight. While training in budget processes, managing public services, and managing civilian constituencies is common, training for civilians in managing relationships with police is not. In fact, leaders of populations that have been preyed upon by police will often find it difficult to begin dialogue with them, and typically there are animosities and historical perceptions on both sides that undermine communication. Early training for civilian leadership to engage with, demand responsiveness from, and—as appropriate—direct police is a critical need in supporting security sector governance and has not typically been a common aspect of training programs.

CONCLUSIONS

Rebuilding government and reestablishing or strengthening a viable social contract between the state and its citizens is a long-term endeavor. Apart from the first end-state condition in FM 3-07, a safe and secure environment, the others are highly unlikely to be in place by the time a given stability operation concludes. The unifying thread throughout all stability operations tasks, then, is to contribute as much as possible to establishing the foundation upon which the host country can build to achieve those end-state conditions over time. The guidance offered in this document is shaped by this consideration, and the options offered are geared toward actions that can create and reinforce host country actors' capacity to fulfill the three sets of governance functions necessary for a functioning, viable society.

This concluding section highlights this unifying thread with some suggestions for how S&R actors can increase the chances that actions will contribute to rebuilding government and enabling good governance. It offers thoughts on two topics: context and initial conditions, and prioritizing and sequencing.

Context.

It is now commonplace to stress that context matters for post-conflict reconstruction. But how it matters is more difficult to specify. Stability operations confront situations where a complex confluence of societal patterns and fissures has led to the eruption of violent conflict and the breakdown of order. This conflict is deeply rooted in history, culture, and indigenous institutions. Thus the initial conditions for S&R actors—that is, the starting point for stability operations—are for the host country a product of past institutional dynamics, socio-cultural interactions, resource endowments, and trigger events. These various factors create what is called *path dependence*, which means that the possibilities for social and institutional change today are significantly constrained by previous institutional choices and societal evolution. For example, the machinery of government discussed above—the parts, and the rules of the game—are highly path dependent. This is not to say that the institutional architecture of the state, both formal and informal, cannot be changed. History is not destiny; nonetheless, whether rebuilt

government and governance reforms "stick" or not has a lot to do with what has come before.

The terminology of stability operations, with the emphasis on rebuilding and reconstruction, conjures images of architects, masons, carpenters, and electricians erecting a house. Yet societal reconstruction is a much more disorderly, uncertain, and long-term process. House builders have a high degree of control over the variables involved, but for peacekeepers reconstituting a government, S&R actors, the controllable variables are much more limited. The challenge for stability operations is to distinguish the uncontrollable factors in the country context from those variables S&R actors can control.

This manual joins FM 3-07 in emphasizing the importance of gathering and applying contextual knowledge for the design and implementation of stability operations. The following provide some summary guidance for looking at country context.

Identify sources of political will and commitment. As noted, S&R actors need to connect and build consensus with those individuals and groups in the host country that have an interest in supporting the objectives of the stability operation. Among the lessons from experience is the importance of country actors who can set direction, engender legitimacy for change, and build constituencies (policy champions). Identifying and working with such leaders can be a critical step toward establishing ownership and political will. As remarked earlier, sorting the conflict entrepreneurs and spoilers from the "good guys" is rarely straightforward. "Good" may be relative: leaders in post-conflict societies may be former military combatants (government, militia, or insurgent) or civilian authoritarian actors whose commitments to a new order of democratic rule are likely to be less than whole-hearted.

Reaching the ultimate aim of stability operations requires that what begins as a process originated by outsiders becomes owned by country actors with the political will to rebuild and reconstruct forward on their own initiative. Detecting and reinforcing political will and commitment can be enhanced by: (1) understanding how the peacekeeper-country relationship affects the interests and motivation of country actors (and not simply national decisionmakers), (2) creating space for those with a stake in creating stability and moving toward more democratic governance, and (3) identifying the pressures and incentives within the host country society that each of the host country actors face. The institutional rules of the game will be particularly key to this latter assessment.

Integrate conflict sensitivity into contextual assessment. Throughout the manual, the stress has been on targeting early interventions on those elements of government rebuilding that address the original causes of conflict—grievances, ethnic fissures, and unequal distribution of resources and services. For example, start with the public services that citizens see as most critical for restoration and pay attention to perceived fairness and equity in distribution. Or pay attention to whether the behavior of public officials (e.g., police or district department heads) is engendering positive support among the population for a new government or is undermining state legitimacy and support through abuse and corruption. Numerous tools exist to integrate sensitivity to conflict issues into analyses of country contexts. One or more of these should be employed in preparing for, and carrying out, the options for rebuilding government reviewed in this manual.[79]

Rebuilding government should be grounded in indigenous processes and "rules of

the game." The above analysis highlights the importance of connecting S&R activities to rebuild government to indigenous practices. This can help for two reasons: (1) it can increase the chances that reforms will be seen by country actors as relevant and appropriate for their circumstances, which can assist in institutionalizing change; and (2) in cases where the formal state is weak and incapable, reliance on traditional practices can be the quickest route to providing some level of services. The traditional mechanisms for adjudication of conflicts presented above are an example. Rebuilding government options should look for ways to anchor reforms in contextually relevant practices, while remaining sensitive to the possibilities that some of those practices may have had a role in reinforcing inequity, exclusion, and/or exploitation, and may therefore have instigated conflict. Thus the conduct of conflict-sensitive assessment will contribute in such cases.

Reassess continually. As with any intervention in complex situations with a lot of unknowns, effective contextual analysis is not a one-shot activity. While perhaps not as dramatic and fast-moving as the shifting circumstances of kinetic operations, nevertheless, stability operations can confront rapidly changing conditions as well. The balance between controllable and uncontrollable variables that was present at entry—the initial conditions—will inevitably shift over time during the life of a stability operation, partly as a result of the interventions that S&R actors pursue. As political space opens, new leaders and citizens can become aware of different possibilities, debate new ideas and processes, and shed or modify old governance patterns. Constant and regular monitoring is essential for tracking progress and adjusting tactics and strategy.

Prioritizing and Sequencing. While there are relatively clear priorities in specific settings that dictate "ideal" sequencing of stability operations activities intended to rebuild or restore governance, there is no single "best" sequence that fits all circumstances beyond the well-recognized observation that safety and security merit immediate attention. The biggest difference in the circumstances in which stability operations take place affecting sequencing is the degree to which the mandate (international or unilateral) is to (1) rebuild or restore government where it has virtually ceased to function in the entire country, or (2) support an existing government in a conflict, post-conflict, or large-scale natural disaster situation to address governance issues in a region within the country. In the former circumstance, the basic rules of the game are largely inoperable or failing badly across the entire country. The economy likely has almost ceased to function except at the very local, and mostly informal, level; institutions of government are widely regarded as having failed and as illegitimate representatives of society's aspirations; and security conditions are likely to be dangerous in much of the country. In these circumstances, stability operations, usually under some international mandate, in many ways act in place of government for a period of time. Stability operations and their aftermath result in a new regime, substantial modifications in the system of governance, legal and economic reforms, and a new social contract that revises expectations regarding the relationship between citizens and government. Within the framework of peace accords or an imposed settlement, S&R actors have considerable leeway in what they do and in sequencing.

Where conflict or disaster has affected only a part of a country, and the existing governance system and regime remains in place, S&R personnel typically operate according to quite restricted mandates focused mainly on the affected locale(s) and not likely extending to fundamental governance or economic reforms. In these circumstances,

existing government institutions, even though they may be regarded by many citizens as ineffective or even illegitimate, nonetheless continue to function in much of the country, and there is no international mandate for stability operations carried out within part of a country to fundamentally replace existing institutions, constitutional structures, or governance processes. It may well be that a serious breakdown of governance or major dysfunctions in the relationship between the state and citizens in the affected region has led to the violent conflict preceding stability operations. However, stability operations themselves are unlikely to include addressing the fundamental rules of the game in the existing system. Not only is the mandate for stability operations more limited, but sequencing of S&R activities is affected also.

Regime Replacement.

In the case of a UN or international mandate to replace the existing regime or to deal with complete state failure, stability operations are likely to involve international actors, particularly peacekeeping forces, in a temporary assumption of authority throughout the country. Interim governance includes fundamental governance tasks, including restoring order; disarming or otherwise neutralizing combatants; addressing urgent humanitarian needs for food, medical care, and shelter; initially providing basic services; repairing or rehabilitating damaged or destroyed infrastructure and other public facilities; maintaining civil order and dealing with criminal and civil justice issues; and taking on the roles and responsibilities of public officials. These are the more immediate S&R tasks to perform.

As the immediate tasks are met, as rapidly as possible stability operations turn over to interim government officials many of the tasks that the military and civilian personnel (government, contractor, or NGOs) have been performing on a temporary basis. The authorities that these interim officials will exercise will be different from those of the previous regime.

Box 21. Transitional Administration in Iraq.

For example, in Iraq the Transitional Administrative Law (TAL) written by the CPA, along with several CPA directives, created an entirely new authority structure between central and local government, establishing provincial, district, and sub-district levels of government for the first time in Iraq's history. These laws and directives were in effect for the last several months of the CPA and, by agreement of the interim Iraqi government that succeeded the CPA in late June 2004, remained in effect until superseded by a new constitution and new legislation authored by a new permanent Iraqi government. Stability operations thus involved creating a new, albeit temporary, governance system that then was run by an interim Iraqi government, but assisted financially and technically by ongoing stability operations and a transition to more traditional development assistance and diplomacy activities.

In the case of prolonged violent conflict, the military may need to provide the support to rebuilding government during stability operations that in other nonkinetic situations would be considered by some as traditional development assistance. In Iraq, stability operations have continued to provide substantial support to rebuilding government, both through independent activities and in close coordination with traditional development

assistance and diplomatic activities, primarily focusing on strengthening the capacity of, and bringing resources to bear at, the provincial and lower levels of government. In this kind of extreme circumstance, the distinction between stability operations and regular development and diplomacy activities is blurred.

Stability Operations in Support of an Existing, Functioning Regime.

As discussed, stability operations are different in degree, sequencing, and concept when they take place within a country where conflict or a natural disaster surpasses the coping capacity of the existing regime, but is sufficiently localized that regime replacement is not one of the options. Immediate and urgent actions to address humanitarian assistance needs for food, water, shelter, and medical care are highest on the priority list. Military forces may, in fact, temporarily perform the functions of government officials in the affected locale(s) within the country when local authority has dissolved or is unable to function, and central government is temporarily unable to mobilize personnel and resources. Actions that are designed to reform an existing or previous, now deposed, government typically are not part of stability operations when they are undertaken in support of an existing, functioning regime. Even when an existing regime's coping with the conflict or the natural disaster is ineffective, or where its policies and practices toward a particular geographic region or ethnic minority contributed to the outbreak of violence, the peacekeepers may have a limited mandate to deal with the root causes.

That is not to say that there may not already be ongoing efforts by diplomatic means and development assistance to exert pressure for reform. But it is likely that these will have preceded the onset of stability operations that are precipitated by an escalation of violence and conflict, and that they will not be merged into the mandate and management of stability operations. An interesting exception is the post-tsunami reconstruction in Aceh Province in Indonesia. Prior to the tsunami the Indonesian government did not permit development assistance programs in the province and turned a deaf ear to diplomatic initiatives. However, the scale of the disaster and the need for substantial external assistance opened the door not only to emergency humanitarian relief, but also to a fresh look by the government as well as international actors at the issues that had heretofore affected that province. As a result, local governance reforms assisted by stability operations and development assistance programs have had an impact on the character of the regime. Similarly, governance issues are being addressed in areas of the Philippines where stability operations are taking place in coordination with central government.

But overall, these types of stability operations are more time-limited, have less far reaching effects on governance and the governance system, and are more focused on immediate and/or temporary support until the existing regime is once again able to resume control and perform the basic functions of government. Longer-term governance reform will most likely be the focus of diplomatic and development initiatives that follow stability operations.

BIBLIOGRAPHY

Ahmed, Syed Imtiaz. "Civilian supremacy in democracies with 'fault lines': The Role of the Parliamentary Standing Committee on Defence in Bangladesh." *Democratization* 13(2), 2006, pp. 283-302.

Ball, Nicole. *Dilemmas of Security Sector Reform: Response to "Security Sector Reform in Developing and Transitional Countries."* Berlin, Germany: Berghof Research Center for Constructive Conflict Management, August 2004. Available at *www.berghof-handbook.net/uploads/download/dialogue2_ball.pdf.*

Ball, Nicole, Tsjeard Bouta, and Luc van de Goor. *Enhancing Democratic Governance of the Security Sector: An Institutional Assessment Framework*. The Hague, Netherlands: Clingendael Institute of International Relations. 2003. Available at *www.clingendael.nl/publications/2003/20030800_cru_paper_ball.pdf.*

Ball, Nicole, Eric Scheye, and Luc van de Goor. *From Project to Program: Effective Programming for Security and Justice.* The Hague: Clingendael Institute of International Relations. 2007. Available at *www.clingendael.nl/publications/2007/20071211_cru_occ_ball.pdf.*

Belton, Rachel Kleinfeld. *Competing Definitions of the Rule of Law: Implications for Practitioners*. Washington, DC: Carnegie Endowment for International Peace, Carnegie Paper No. 55, Rule of Law Series, January 2005.

Benomar, Jamal. "Constitution-Making after Conflict: Lessons for Iraq." *Journal of Democracy* 15(2), 2004, pp. 81-95.

Bjornlund, Eric, Glenn Cowan, and William Gallery. "Election Systems and Political Parties in Post-Conflict and Fragile States." In *Governance in Post-Conflict Societies: Rebuilding Fragile States*, edited by Derick W. Brinkerhoff, pp. 64-85. London, United Kingdom: Routledge, 2007.

Böge, Volker and Lorraine Garasu. "Papua New Guinea: A Success Story of Postconflict Peace-Building in Bougainville." In *Searching for Peace in Asia Pacific: An Overview of Conflict Prevention and Peacebuilding Activities*, edited by Annelies Heijmans, Nicola Simmonds, and Hans van de Veens. Boulder, CO: Lynne Rienner Publishers, 2004.

Brinkerhoff, Derick W. "Introduction—Governance Challenges in Fragile States: Re-establishing Security, Rebuilding Effectiveness, and Reconstituting Legitimacy." In *Governance in Post-Conflict Societies: Rebuilding Fragile States*, edited by Derick W. Brinkerhoff, pp. 1-22. London, United Kingdom: Routledge, 2007.

Brinkerhoff, Derick W. and Samuel Taddesse. *Creating Representative Councils in Baghdad*. Research Triangle Park, NC: RTI International, LGP Lessons Learned Brief No. 6, May 2005.

Bruce, David and Rachel Neild. *The Police That We Want: A Handbook for Oversight of Police in South Africa*. Johannesburg, South Africa: Center for the Study of Violence and Reconciliation. 2005. Available at *www.justiceinitiative.org/db/resource2?res_id=102519*.

Carothers, Thomas. *Aiding Democracy Abroad: The Learning Curve*. Washington, DC: Carnegie Endowment for International Peace, 1999.

Carothers, Thomas and Marina Ottaway, eds. *Uncharted Journey: Promoting Democracy in the Middle East*. Washington, DC: Carnegie Endowment for International Peace, 2005.

Cox, Marcus. *State building and post-conflict reconstruction: Lessons from Bosnia*. Geneva, Switzerland: Centre for Applied Studies in International Negotiations, January 2001.

Deflem, Mathieu and Suzanne Sutphin. "Policing Post-War Iraq: Insurgency, Civilian Police, and the Reconstruction of Society." *Sociological Focus* 39(4), 2006, pp. 265-283.

Diamond, Larry. *Squandered Victory: The American Occupation and the Bungled Effort to Bring Democracy to Iraq*. New York: Henry Holt, Times Books, 2005.

Dinnen, Sinclair, Abby McLeod, and Gordon Peake. "Police-Building in Weak States: Australian Approaches in Papua New Guinea and Solomon Islands." *Civil Wars* 8(2), 2006, pp. 87-108.

Dwan, Renata and Laura Bailey. *Liberia's Governance and Economic Management Assistance Program (GEMAP)*. New York and Washington, DC: United Nations, Department of Peacekeeping Operations, Peacekeeping Best Practices Section, and World Bank, Fragile States Group, May 2006.

Eisenstadt, Michael. "Iraq: Tribal Engagement Lessons Learned." *Military Review* September-October 2007, pp. 16-31.

Fischer, Martina. *Civil Society in Conflict Transformation: Ambivalence, Potentials and Challenges*. Berlin, Germany: Berghof Research Center for Constructive Conflict Management, October 2006.

Früling, Hugo. "The Impact of International Models of Policing in Latin America: The Case of Community Policing." *Police Practice and Research* 8(2), 2007, pp. 125-144.

Ghani, Ashraf and Clare Lockhart. *Fixing Failed States: A Framework for Rebuilding a Fractured World*. Oxford, United Kingdom, and New York: Oxford University Press, 2008.

Goodson, Larry P. "Bullets, Ballots, and Poppies in Afghanistan." *Journal of Democracy* 16(1), 2006, pp. 24-38.

Government of Iraq. *The International Compact with Iraq*. 2006. Available at *www.iraqcompact.org/ici_document/INTERNATIONAL_COMPACT_WITH_IRAQ_FINAL__English_final_2_.pdf*.

Halperin, Morton H., Joseph T. Siegle, and Michael M. Weinstein. *The Democracy Advantage: How Democracies Promote Prosperity and Peace*. New York and London, United Kingdom: Routledge, 2005.

Hart, Vivien. *Democratic Constitution Making*. Washington, DC: U.S. Institute of Peace, Special Report No. 107, July 2003.

Heinemann-Gruder, Andreas, and Igor Grebenschikov. "Security Governance by Internationals: The Case of Kosovo." *International Peacekeeping* 13(1), 2006, pp. 43-59.

Hill, Richard, Catherine Barnes, Jon Temin, John Bray, Giselle Huamani Ober, and Mary Matthews. *Stable Societies Study – Effects on Conflict Dynamics and Peacebuilding*. Silver Spring, MD: CHF International, 2005.

Hill, Richard and Laura Bowman. "Police Reform Programs: Links to Post-Conflict Reconstruction and Social Stability in Violent and Fragile States." In *Cornwallis XI: Analysis for Civil-Military Transitions*, edited by David Davis, Alexander Woodcock, and George Rose. Clementsport, Nova Scotia: Pearson Peacekeeping Centre, 2007.

Hill, Richard, Jonathan Temin, and Lisa Pacholek. "Building Security Where There Is No Security." *Journal of Peacebuilding and Development* 3(2), 2007, pp. 38-52.

Hills, Alice. "The Dialectic of Police Reform in Nigeria." *Journal of Modern African Studies* 46(2), 2008, pp. 215-234.

Hood, Christopher, and Martin Lodge. "Competency, Bureaucracy, and Public Management Reform: A Comparative Analysis." *Governance: An International Journal of Policy* 17(3), 2004, pp. 313-33.

Howley, Patrick Francis. *Breaking Spears and Mending Hearts: Peacemakers and Restorative Justice in Bougainville*. London: Zed Books, 2002.

International Crisis Group (ICG). *Spoiling Security in Haiti*. Latin America/Caribbean Report No. 13. Brussels: ICG, May 31, 2005.

Inbal, Aliza Belman and Hanna Lerner. "Constitutional Design, Identity, and Legitimacy in Post-Conflict Reconstruction." In *Governance in Post-Conflict Societies: Rebuilding Fragile States*, edited by Derick W. Brinkerhoff, pp. 45-64. London, United Kingdom: Routledge, 2007.

Ingelaere, Bert. "The Gacaca Courts in Rwanda." In *Traditional Justice and Reconciliation after Violent Conflict: Learning from African Experiences*, edited by Luc Huyse and Mark Salter, pp. 25-61. Stockholm, Sweden: International Institute for Democracy and Electoral Assistance, 2008.

Islamic Republic of Afghanistan. *The Afghanistan Compact*. 2006. Available at *www.nato.int/isaf/docu/epub/pdf/afghanistan_compact.pdf*. Also see *Declaration of the International Conference in Support of Afghanistan*. Available at *www.unama-afg.org/_latestnews/2008/Paris-con-Declaration-june12.pdf*.

Jackson, Paul. "Chiefs, Money and Politicians: Rebuilding Local Government in Post-War Sierra Leone." *Public Administration and Development* 25(1), 2005, pp. 49-59.

Johnson, Thomas H. and M. Chris Mason. "No Sign Until the Burst of Fire: Understanding the Pakistan-Afghanistan Frontier." *International Security* 32(4), 2008, pp. 41-77.

Jones, James L. *Report of the Independent Commission on the Security Forces of Iraq*. Washington, DC: Center for Strategic and International Studies. 2007. Available at *www.csis.org/media/csis/pubs/isf.pdf*.

Judge Advocate General's Legal Center and School, U.S. Army. *Rule of Law Handbook: A Practitioner's Guide for Judge Advocates*. Charlottesville, VA: Center for Law and Military Operations, 2008.

Leonard, David. *Where Are "Pockets" of Effective Agencies Likely in Weak Governance States and Why? A Propositional Inventory*. Brighton, UK: University of Sussex, Institute of Development Studies and Centre for the Future State, Working Paper No. 306, 2008.

Meagher, Patrick. "Service Delivery in Fragile States: Framing the Issues." Working Papers on Fragile States No. 5. College Park, MD: University of Maryland, IRIS Center, 2005.

Mendelson-Forman, Johanna. "Security Sector Reform in Haiti." *International Peacekeeping* 13(1), 2006, pp. 14-27.

Murray, Tonita. "Police Building in Afghanistan: A Case Study of Civil Security Reform." *International Peacekeeping* 14(1), 2007, pp. 108-126.

O'Callaghan, Mary Louise. "RAMSI: The Challenges Ahead." Workshop Paper. Canberra: Australian National University, Research School of Pacific and Asian Studies and the State, Society and Governance in Melanesia Project Workshop on Solomon Islands: Where to Now? May 5, 2006.

Organisation for Economic Co-operation and Development/Development Assistance Committee (OECD/DAC). *Concepts and Dilemmas of State Building in Fragile Situations: From Fragility to Resilience*. Paris, France: OECD/DAC, 2008.

_____. *Enhancing the Delivery of Justice and Security*. Paris, France: OECD/DAC, 2007.

Oomen, Barbara. *Justice Mechanisms and the Question of Legitimacy: The Example of Rwanda's Multi-Layered Justice Mechanisms*. Bonn, Germany, and Bern, Switzerland: Working Group on Development and Peace and Center for Peacebuilding, June 2007.

Osse, Anneke. *Understanding Policing: A Resource for Human Rights Activists*. Amsterdam, Netherlands: Amnesty International. 2007. Available at *www.amnesty.nl/policeandhumanrights*.

Ottaway, Marina, and Thomas Carothers, eds. *Funding Virtue: Civil Society Aid and Democracy Promotion*. Washington, DC: Carnegie Endowment for International Peace, 2000.

Paris, Roland. *At War's End: Building Peace After Civil Conflict*. New York: Cambridge University Press, 2004.

Rees, Edward. *Security Sector Reform (SSR) and Peace Operations: "Improvisation and Confusion" from the Field*. New York: United Nations, Department of Peacekeeping Operations. 2006. Available at *www.peaceoperations.org/common/os/SSR%20UNDPKO%20Rees_2006%20(2).pdf*.

Reilly, Benjamin and Per Nordlund. *Political Parties in Conflict-Prone Societies: Regulation, Engineering, and Democratic Development*. Tokyo, Japan: United Nations University Press, 2008.

Rondinelli, Dennis, Ronald W. Johnson, and James McCullough. "Analysing Decentralization Policies in Developing Countries: A Political-Economy Framework." *Development and Change* 20, 1989, pp. 57-87.

Samuels, Kirsti. "Rule of Law Reform in Post-Conflict Countries: Operational Initiatives and Lessons Learned." Washington, DC: World Bank, Social Development Papers, Conflict Prevention and Reconstruction, Paper No. 37, October 2006.

Schimpp, Michele, and Frances McKernan, *Elections and Conflict: An Issue Paper*. Washington, DC: U.S. Agency for International Development, Office of Democracy and Governance, December 5, 2001.

Sedra, Mark. "Security Sector Reform in Afghanistan: The Slide Towards Expediency." *International Peacekeeping* 13(1), 2006, pp. 94-110.

Sterland, Bill. *Civil Society Capacity Building in Post-Conflict Societies: The Experience of Bosnia and Herzegovina and Kosovo*. Oxford, UK: International NGO Training and Research Centre, Praxis Paper No. 9, June 2006.

Suhrke, Astri. *Democratization of a Dependent State: The Case of Afghanistan*. Oslo, Norway: Chr. Michelson Institute, Working Paper, 2007, pp. 10.

Suhrke, Astri, Torunn Wimpelmann, and Marcia Dawes. *Peace Processes and Statebuilding: Economic and Institutional Provisions of Peace Agreements*. Oslo, Norway: Chr. Michelson Institute, 2007.

Taddesse, Samuel and Derick W. Brinkerhoff. *Local Economic Development: The at-Ta'mim Experience*. Research Triangle Park, NC: RTI International, LGP Lessons Learned Brief No. 3, December 2004.

ten Hoove, Lotte and Alvaro Pinto Scholtbach. *Democracy and Political Party Assistance in Post-Conflict Societies*. The Hague: Netherlands Institute for Multiparty Democracy, August 2008.

United Nations Development Program (UNDP). *The Millennium Development Goals Report: 2008*. New York: UNDP, 2008.

_____. *Post-conflict Economic Recovery: Enabling Local Ingenuity*. New York: UNDP, 2008.

_____. *National Human Development Report Liberia 2006*. Monrovia and New York: UNDP, 2006.

United Kingdom Foreign and Commonwealth Office. *The Guidelines and Principles on the United Kingdom Contribution to Peace Support Operations*. 2007. Available at *www.ukinternationalpolicing.com*.

U.S. Agency for International Development (USAID). *A Guide to Economic Growth in Post-Conflict Countries*. Washington, DC: USAID, Bureau for Economic Growth, Agriculture and Trade, Economic Growth Office, December 2008, draft.

U.S. Department of the Army. Field Manual 3-07, *Stability Operations*. Washington, DC: Department of the Army, 2008.

Wardak, Ali. *Jirga – A Traditional Mechanism of Conflict Resolution in Afghanistan*. Pontypridd, UK: University of Glamorgan, Centre for Criminology. 2003. Available at *unpan1.un.org/intradoc/groups/public/documents/apcity/unpan017434.pdf*.

Wilder, Andrew. *A House Divided? Analysing the 2005 Afghan Elections*. Kabul: Afghanistan Research and Evaluation Unit, 2005.

Woodrow Wilson International Center for Scholars (Wilson Center). *Building Civil Society in Post-Conflict Environments: From the Micro to the Macro*. Washington, DC: Wilson Center. Occasional Paper Series, "What Really Works in Preventing and Rebuilding Failed States," Issue No. 1, November 2006.

World Bank. *Making Services Work for Poor People*. World Development Report 2004. Washington, DC: World Bank, 2004.

ENDNOTES

1. *Concepts and Dilemmas of State Building in Fragile Situations: From Fragility to Resilience*, Paris, France: Organization for Economic Cooperation and Development/Development Assistance Committee (OECD/DAC), 2008, p. 17.

2. See *www.usaid.gov/our_work/democracy_and_governance/technical_areas/dg_office/gov.html*.

3. See Roland Paris, *At War's End: Building Peace After Civil Conflict*. New York: Cambridge University Press, 2004. This point is one among many that have been part of the debate on the successes and failures of implanting Western democratic models in other countries. See Thomas Carothers, *Aiding Democracy Abroad: The Learning Curve*, Washington, DC: Carnegie Endowment for International Peace, 1999; Thomas Carothers and Marina Ottaway, *Funding Virtue: Civil Society Aid and Democracy Promotion*, Washington, DC: Carnegie Endowment for International Peace, 2000; Thomas Carothers and Marina Ottaway, eds., *Uncharted Journey: Promoting Democracy in the Middle East*, Washington, DC: Carnegie Endowment for International Peace, 2005.

4. Thomas H. Johnson and M. Chris Mason, "No Sign Until the Burst of Fire: Understanding the Pakistan-Afghanistan Frontier," *International Security*, Vol. 32, No. 4, 2008, pp. 41-77, provide an informative discussion of *Pashtunwali* and the insurgency along the Afghanistan-Pakistan border.

5. Samuel Taddesse and Derick W. Brinkerhoff, *Postconflict Restoration of Essential Public Services: The Al Basrah Experience,* LGP Lessons Learned Brief No. 1, Research Triangle Park, NC: RTI International, December 2004.

6. The discussion in this section draws on Derick W. Brinkerhoff, "Introduction—Governance Challenges in Fragile States: Re-establishing Security, Rebuilding Effectiveness, and Reconstituting Legitimacy," in Derick W. Brinkerhoff, ed., *Governance in Post-Conflict Societies: Rebuilding Fragile States*, London, United Kingdom: Routledge, 2007, pp. 1-22.

7. Ashraf Ghani and Clare Lockhart, *Fixing Failed States: A Framework for Rebuilding a Fractured World*, Oxford, United Kingdom, and New York: Oxford University Press, 2008, p. 110.

8. See David Leonard, *Where Are "Pockets" of Effective Agencies Likely in Weak Governance States and Why? A Propositional Inventory*, Brighton, UK: University of Sussex, Institute of Development Studies and Centre for the Future State, Working Paper No. 306, 2008.

9. See the USAID Economic Growth Office's guide to restarting growth in post-conflict countries. U.S. Agency for International Development, *A Guide to Economic Growth in Post-Conflict Countries*, Washington, DC: USAID, Bureau for Economic Growth, Agriculture and Trade, Economic Growth Office, December 2008, draft.

10. A well-researched presentation of this evidence can be found in a book sponsored by the Council on Foreign Relations. See Morton H. Halperin, Joseph T. Siegle, and Michael M. Weinstein, *The Democracy Advantage: How Democracies Promote Prosperity and Peace*, New York and London, United Kingdom: Routledge, 2005.

11. This body of literature is enormous, much of it supported by the National Endowment for Democracy. See Larry Diamond and Mark Plattner, among others.

12. Source: Marcus Cox, *State Building and Post-Conflict Reconstruction: Lessons from Bosnia*, Geneva, Switzerland: Centre for Applied Studies in International Negotiations, January 2001.

13. Jonathan A. Rodden, *Hamilton's Paradox: The Promise and Peril of Fiscal Federalism*, Cambridge, MA, and New York: Cambridge University Press, 2006.

14. In the case of the United States, debate began with the Federalist Papers, a set of 85 articles written by three of the founding fathers, Alexander Hamilton, James Madison, and James Jay, in 1787-88, in support of ratification of the Constitution. They can be found on-line at the Library of Congress at *thomas.loc.gov/home/histdox/fedpapers.html*.

15. *Making Services Work for Poor People*. World Development Report 2004, Washington, DC: World Bank, 2004.

16. The U.S. Institute of Peace maintains a library of the texts of all peace agreements, which can be accessed on-line. The URL for the Guatemala agreement is *www.usip.org/library/pa/guatemala/guat_960919.html*.

17. There is a large literature on assessing the effectiveness of peace accords both in terms of their success in bringing about peace and of providing a roadmap for state building. One of the tensions recognized is that a strong emphasis on including specifics on reforms for state building may jeopardize the achievement of peace if the negotiating parties cannot agree on those reforms. Thus some argue that peace accords should focus primarily on peace building. See, for example, the review in Astri Suhrke, Torunn Wimpelmann, and Marcia Dawes, *Peace Processes and Statebuilding: Economic and Institutional Provisions of Peace Agreements*, Oslo, Norway: Chr. Michelson Institute, 2007.

18. Sources for this box are Renata Dwan and Laura Bailey, *Liberia's Governance and Economic Management Assistance Program (GEMAP)*, New York and Washington, DC: United Nations, Department of Peacekeeping Operations, Peacekeeping Best Practices Section, and World Bank, Fragile States Group, May 2006; *National Human Development Report Liberia*, Monrovia and New York: UN Development Program (UNDP), 2006.

19. USAID has conducted legislative strengthening programs in many countries, including post-conflict ones, and has helpful technical materials available on-line.

20. Constitutions and constitutional drafting are topics with extensive literatures and technical aspects that extend far beyond what can be included here. Suggested additional reading includes Vivien Hart, *Democratic Constitution Making*, Washington, DC: U.S. Institute of Peace, Special Report No. 107, July 2003; Jamal Benomar, "Constitution-Making after Conflict: Lessons for Iraq," *Journal of Democracy*, Vol. 15, No. 2, pp. 81-95; and Aliza Belman Inbal and Hanna Lerner, "Constitutional Design, Identity, and Legitimacy in Post-Conflict Reconstruction," Brinkerhoff, ed., *Governance in Post-Conflict Societies*, pp. 45-64.

21. See the Rwandan government's action plan at *www.cjcr.gov.rw/eng/actionplancjc.PDF*.

22. For example, law professor Noah Feldman's role as a constitutional advisor in Iraq was controversial both in Iraq and in the United States.

23. South Africa's constitution is available at: *www.info.gov.za/documents/constitution/index.htm*.

24. The discussion below draws on Eric Bjornlund, Glenn Cowan, and William Gallery, "Election Systems and Political Parties in Post-Conflict and Fragile States," Brinkerhoff, ed., *Governance in Post-Conflict Societies*, 2007, pp. 64-85.; Michele Schimpp and Frances McKernan, *Elections and Conflict: An Issue Paper*, Washington, DC: U.S. Agency for International Development, Office of Democracy and Governance, December 5, 2001. A huge amount of material can be found on elections in developing countries and post-conflict situations. See the websites of the National Democratic Institute (NDI), the International Republican Institute (IRI), and the International Foundation for Electoral Systems (IFES). See also USAID's "bullets to ballots" case studies of post-conflict elections.

25. A plurality is defined as the number of votes a candidate (or a party) receives that is higher than his/her rival when no single candidate has received more than 50 percent of total votes.

26. See the study of the 2005 elections by the founder of the Afghanistan Research and Evaluation Unit; Andrew Wilder, *A House Divided? Analysing the 2005 Afghan Elections*, Kabul: Afghanistan Research and Evaluation Unit, 2005; an assessment of progress with democratization by Norway's Chr. Michelsen Institute, Astri Suhrke, *Democratization of a Dependent State: The Case of Afghanistan*, Oslo, Norway: Chr. Michelson Institute, Working Paper, Vol. 10, 2007, p. 10; and Bjornlund *et al*., 2007.

27. Numbers from the Joint Electoral Management Board, *www.elections-afghanistan.org.af/Election%20 Results%20Website/english/english.htm,* cited in Larry P. Goodson, "Bullets, Ballots, and Poppies in Afghanistan," *Journal of Democracy*, Vol. 16, No. 1, 2005, pp. 24-38.

28. As noted in the introduction, Paris is among the well-known proponents of this view. He argues for a go-slow approach to holding elections, arguing that without the effective functioning of the machinery of government discussed in this section, accompanied by security, elections carry a high risk of throwing stability operations off-track. See Benjamin Reilly and Per Nordlund, *Political Parties in Conflict-Prone Societies: Regulation, Engineering, and Democratic Development*. Tokyo, Japan: United Nations University Press, 2008, on the need for, and challenges of, institutional development for democratic political systems in conflict-prone countries.

29. See Bjornlund *et al*. Other reasons for selecting SNTV were politically motivated; for example, to impede the ability of emergent political parties to gain large numbers of seats in the National Assembly.

30. A large number of critical reviews of the Iraq reconstruction effort can be found. Among the popular treatments is Diamond's journalistic account. Larry Diamond, *Squandered Victory: The American Occupation and the Bungled Effort to Bring Democracy to Iraq*, New York: Henry Holt, Times Books, 2005.

31. These include NDI, IRI, IFES, USAID's Office of Democracy and Governance, the International Crisis Group, the U.S. Institute of Peace, the Carter Center, the International Institute for Democracy and Electoral Assistance, and the Netherlands Institute for Multiparty Democracy.

32. See International Crisis Group (ICG), *Spoiling Security in Haiti*, Latin America/Caribbean Report No. 13, Brussels: ICG, May 31, 2005.

33. From Lotte ten Hoove and Alvaro Pinto Scholtbach, *Democracy and Political Party Assistance in Post-Conflict Societies*, The Hague: Netherlands Institute for Multiparty Democracy, August 2008, p. 17.

34. Source: Derick W. Brinkerhoff and Samuel Taddesse, *Creating Representative Councils in Baghdad*, Research Triangle Park, NC: RTI International, LGP Lessons Learned Brief No. 6, May 2005.

35. The writings of Max Weber, the German sociologist and political theorist, provide the core of much of modern thought on the role of the state, different sources of authority, and the functioning of bureaucracies.

36. Source: Ali Wardak, *Jirga – A Traditional Mechanism of Conflict Resolution in Afghanistan*, Pontypridd, UK: University of Glamorgan, Centre for Criminology, 2003, available at *unpan1.un.org/intradoc/groups/ public/documents/apcity/unpan017434.pdf*; and U.S. Army Judge Advocate General's Legal Center and School, *Rule of Law Handbook: A Practitioner's Guide for Judge Advocates*, Charlottesville, VA: Center for Law and Military Operations, 2008.

37. Source: Paul Jackson, "Chiefs, Money and Politicians: Rebuilding Local Government in Post-War Sierra Leone," *Public Administration and Development*, Vol. 25, No. 1, 2005, pp. 49-59; and Richard Hill,

Jonathan Temin, and Lisa Pacholek, "Building Security Where There Is No Security," *Journal of Peacebuilding and Development*, Vol. 3, No. 2, 2007, pp. 38-52.

38. Lieutenant Colonel Michael Eisenstadt's article on working with tribal leaders in Iraq demonstrates the benefits of in-depth understanding. See Michael Eisenstadt, "Iraq: Tribal Engagement Lessons Learned," *Military Review*, September-October 2007, pp. 16-31.

39. A variety of Afghan societal groups considered these changes to be unwelcome foreign tampering with the *jirga* and rejected it as illegitimate, reflecting the trade-off noted above.

40. Important governance dynamics around this program in Guatemala, Lebanon, Serbia, Azerbijan, and Bosnia are analyzed in Richard Hill, Catherine Barnes, Jon Temin, John Bray, Giselle Huamani Ober, and Mary Matthews, *Stable Societies Study – Effects on Conflict Dynamics and Peacebuilding*, Silver Spring, MD: CHF International, 2005.

41. ROL is subject to debate regarding how to define it and how to build it. Belton, for example, argues that ROL is not a single unified end condition, but is made up of five separate ends: (1) a government bound by law, (2) equality before the law, (3) law and order, (4) predictable and efficient rulings, and (5) human rights. The discussion here is necessarily brief and brushes the surface of issues that have large literatures. Rachel Kleinfeld Belton, *Competing Definitions of the Rule of Law: Implications for Practitioners*, Washington, DC: Carnegie Endowment for International Peace, Carnegie Paper No. 55, Rule of Law Series, January 2005, p. 3. Useful sources for post-conflict countries include the U.S. Army Judge Advocate General's Legal Center and School; *Enhancing the Delivery of Justice and Security*, Paris, France: OECD/DAC, 2007; and Samuels.

42. See Bert Ingelaere, "The Gacaca Courts in Rwanda," Luc Huyse and Mark Salter, eds., *Traditional Justice and Reconciliation after Violent Conflict: Learning from African Experiences*, Stockholm, Sweden: International Institute for Democracy and Electoral Assistance, 2008, pp. 25-61; and Barbara Oomen, *Justice Mechanisms and the Question of Legitimacy: The Example of Rwanda's Multi-Layered Justice Mechanisms*, Bonn, Germany, and Bern, Switzerland: Working Group on Development and Peace and Center for Peacebuilding, June 2007.

43. See Richard Hill and Laura Bowman, "Police Reform Programs: Links to Post-Conflict Reconstruction and Social Stability in Violent and Fragile States," In *Cornwallis XI: Analysis for Civil-Military Transitions*, David Davis, Alexander Woodcock, and George Rose, eds., Clementsport, Nova Scotia: Pearson Peacekeeping Centre, 2007.

44. Sources: Volker Böge and Lorraine Garasu, "Papua New Guinea: A Success Story of Postconflict Peace-Building in Bougainville," Annelies Heijmans, Nicola Simmonds, and Hans van de Veens, eds., *Searching for Peace in Asia Pacific: An Overview of Conflict Prevention and Peacebuilding Activities*, Boulder, CO: Lynne Rienner Publishers, 2004; and Patrick Francis Howley, *Breaking Spears and Mending Hearts: Peacemakers and Restorative Justice in Bougainville*, London, UK: Zed Books, 2002.

45. See Kirsti Samuels, "Rule of Law Reform in Post-Conflict Countries: Operational Initiatives and Lessons Learned," Washington, DC: World Bank, Social Development Papers, Conflict Prevention and Reconstruction, Paper No. 37, October 2006, p. 20; and *www.un.org/rights/micivih/rapports/3years.htm*.

46. The UNHCHR toolkit includes papers on truth commissions, mapping the justice sector, monitoring legal systems, prosecution initiatives, vetting, reparations, and the legacy of hybrid courts. The papers can be found at *www.ohchr.org/EN/PublicationsResources/Pages/SpecialIssues.aspx*.

47. The U.S. Army's ROL handbook has a useful section on assessments, drawing on USAID analyses. See the section, Practical Approaches for Conducting Assessments within Rule of Law Activities, pp. 158-172, in U.S. Army Judge Advocate General's Legal Center and School.

48. Such engagement is rarely easy. For example, one observer noted the resentments and lack of commitment among Solomons Islands officials to the reconstruction reform agenda of the Regional Assistance Mission to Solomon Islands (RAMSI): the "endless and time consuming struggle to push forward on [sic] with these reforms with little or no support from all but a few of the Solomons' senior bureaucrats [which] was described by one RAMSI insider recently as 'trench warfare'." See Mary Louise O'Callaghan, "RAMSI: The Challenges Ahead," Workshop Paper, Canberra: Australian National University, Research School of Pacific and Asian Studies and the State, Society and Governance in Melanesia Project Workshop on Solomon Islands: Where to Now? May 5, 2006, p. 2.

49. Civil society is subject to a variety of definitions. It can be taken as referring to an arena of voluntary social action that is independent of the state, and distinct from political parties and private firms. Civil society organizations are defined as nongovernmental entities, both membership and service-based, that pursue collective public activities. The category includes a wide variety of organizations: community groups, labor unions, professional associations, grassroots organizations, faith-based organizations, charities, and service-delivery NGOs.

50. See *Building Civil Society in Post-Conflict Environments: From the Micro to the Macro*, Washington, DC: Woodrow Wilson International Center for Scholars, Occasional Paper Series, "What Really Works in Preventing and Rebuilding Failed States," Issue 1, November 2006, for additional details and useful discussion.

51. Source: Bill Sterland, *Civil Society Capacity Building in Post-Conflict Societies: The Experience of Bosnia and Herzegovina and Kosovo*, Oxford, UK: International NGO Training and Research Centre, Praxis Paper No. 9, June 2006, available at *www.intrac.org/pages/PraxisPaper9.html*.

52. See the useful discussion in Martina Fischer, *Civil Society in Conflict Transformation: Ambivalence, Potentials and Challenges*, Berlin, Germany: Berghof Research Center for Constructive Conflict Management, October 2006.

53. Eisenstadt, p. 29.

54. For additional details, see *www.usaid.gov/iraq/accomplishments/cap.html*.

55. See Mathieu Deflem and Suzanne Sutphin, "Policing Post-War Iraq: Insurgency, Civilian Police, and the Reconstruction of Society," *Sociological Focus*, Vol. 39, No. 4, 2006, pp. 265-283, on the legacy of the police under Saddam Hussein.

56. Three sources that consolidate lessons learned over the past several years of more focused activity in the security sector are Nicole Ball, Eric Scheye, and Luc van de Goor, *From Project to Program: Effective Programming for Security And Justice,* The Hague, Netherlands: Clingendael Institute of International Relationsm available at *www.clingendael.nl/publications/2007/20071211_cru_occ_ball.pdf*; OECD/DAC, 2007; and United Kingdom Foreign and Commonwealth Office, *The Guidelines and Principles on the United Kingdom Contribution to Peace Support Operations*, 2007, available at *www.ukinternationalpolicing.com*.

57. The discussion also recognizes trade-offs between less participation and other democratic processes and more stability, especially in the short term.

58. For discussion of legitimacy of nonstate actors see Hill, 2007; and Mark Sedra, "Security Sector Reform in Afghanistan: The Slide Towards Expediency," *International Peacekeeping*, Vol. 13, No. 1, 2006, pp. 94-110.

59. The IRA political wing and the IRA maintained that they were not formally connected, an assertion with which many analysts disagreed.

60. Source: OECD, 2007, pp. 102-103. Quote is from Rees Edward Rees, *Security Sector Reform (SSR) and Peace Operations: "Improvisation and Confusion" from the Field*, New York: United Nations, Department of Peacekeeping Operations, 2006, p. 10, available at *www.peaceoperations.org/common/os/SSR%20UNDPKO%20 Rees_2006%20(2).pdf.*

61. The section on security sector structures provides more discussion of decentralized and centralized structures for security sector governance.

62. OECD/DAC, 2007. Other comprehensive reviews have similar conclusions. See Ball *et al*., 2007.

63. OECD/DAC, 2007; Anneke Osse, *Understanding Policing: A Resource for Human Rights Activists*, Amsterdam, Netherlands: Amnesty International, 2007, available at *www.amnesty.nl/policeandhumanrights*; and David Bruce and Rachel Neild, *The Police That We Want: A Handbook for Oversight of Police in South Africa*, Johannesburg, South Africa: Center for the Study of Violence and Reconciliation, 2005, available at *www.justiceinitiative.org/db/resource2?res_id=102519*, provide discussions and case studies of civil society roles in increasing positive interaction with police and improving police responsiveness.

64. In addition to external civilian over sight, internal oversight mechanisms within security forces are put in place as programs to improve management and professionalism are built and effective internal oversight can be expected.

65. See Hill *et al*., 2007.

66. There is a rich literature on developing civilian control over militaries in developing and post-conflict countries. Issues of space do not allow a complete discussion of this here.

67. A discussion of increased accountability in the military through legislative oversight in Bangladesh is found in Ahmed Syed Imtiaz Ahmed, "Civilian Supremacy in Democracies with 'Fault Lines': The Role of the Parliamentary Standing Committee on Defence in Bangladesh," *Democratization*, Vol. 13, No. 2, 2006, pp. 283-302.

68. See Osse, 2007; Hill and Bowman, 2007; and Andreas Heinemann-Gruder and Igor Grebenschikov, "Security Governance by Internationals: The Case of Kosovo," *International Peacekeeping*, Vol. 13, No. 1, 2006, pp. 43-59.

69. See discussion of this issue in Afghanistan in Tonita Murray, "Police Building in Afghanistan: A Case Study of Civil Security Reform, *International Peacekeeping*, Vol. 14, No. 1, 2007, pp. 108-126.

70. Examples of such offices are the Office of National Security (Sierra Leone), the National Security Council for Security Sector Reform (Afghanistan); and the Office for Pubic Safety (Kosovo).

71. Summarized from OECD/DAC, 2007; Nicole Ball, Tsjeard Bouta, and Luc van de Goor, *Enhancing Democratic Governance of the Security Sector: An Institutional Assessment Framework*, The Hague, Netherlands: Clingendael Institute of International Relations, 2003, available at *www.clingendael.nl/ publications/2003/20030800_cru_paper_ball.pdf*. This paper takes a "mapping" approach to understanding needs, contexts and the steps required to build democratically governed security. They suggest planning for developing effective governance around five entry points: (1) The rule of law; (2) policy development, planning, and implementation; (3) professionalism; (4) oversight; and (5) managing security sector expenditures.

72. See Hugo Früling, "The Impact of International Models of Policing in Latin America: The Case of Community Policing," *Police Practice and Research*, Vol. 8, No. 2, 2007, pp. 125-144; and OECD/DAC, 2007, for discussions of community policing in post-conflict contexts.

73. See the discussion in OECD/DAC, 2007.

74. There is no clear guidance from models in the democratized world as to whether centralized or decentralized reporting provides more effective responsiveness and professionalism. Countries such as the United States and Great Britain have relatively decentralized policing and countries like France have centralized national policing structures, and both function well. Where reporting is centralized, levels of professionalism in the security force and effective checks on abuse of power increase responsiveness of police.

75. Ineffectiveness of police is in part a consequence of its lack of legitimacy at the local level in the south and west due to Tajik Afghans holding a disproportionately high number of senior positions in the police. For a recent analysis of the development of policing in post-war Iraq, see Deflem and Sutphin, 2006; and James L. Jones, *Report of the Independent Commission on the Security Forces of Iraq*, Washington, DC: Center for Strategic and International Studies, 2007, available at *www.csis.org/media/csis/pubs/isf.pdf*. See also Murray.

76. See Alice Hills, "The Dialectic of Police Reform in Nigeria," *Journal of Modern African Studies*, Vol. 46, No. 2, 2008, pp. 215-234; Johanna Mendelson-Forman, "Security Sector Reform in Haiti, *International Peacekeeping*, Vol. 13, No. 1, 2006, pp. 14-27; and Sedera, 2006.

77. Murray, 2007.

78. OEDC/DAC,2007; and Ball *et al*., 2003, both provide discussions on cultural considerations in the governance development process. See also Sinclair Dinnen, Abby McLeod, and Gordon Peake, "Police-Building in Weak States: Australian Approaches in Papua New Guinea and Solomon Islands," *Civil Wars*, Vol. 8, No. 2, 2006, pp. 87-108; and Christopher Hood, and Martin Lodge, "Competency, Bureaucracy, and Public Management Reform: A Comparative Analysis," *Governance: An International Journal of Policy*, Vol. 17, No. 3, 2004, pp. 313-33.

79. See the Interagency Conflict Assessment Framework, Washington, DC: International College of the Armed Forces (ICAF), summarized in Annex D of FM 3-07. Other useful analytic tools can be found on the website of USAID's Office of Conflict Management and Mitigation at *www.usaid.gov/our_work/cross-cutting_programs/conflict/*

ABOUT THE CONTRIBUTORS

DERICK W. BRINKERHOFF is Distinguished Fellow in International Public Management with Research Triangle Institute (RTI) International and is an associate faculty member at George Washington University's Trachtenberg School of Public Policy and Public Administration. He is a specialist in policy implementation, strategic management, democracy and governance, decentralization, civil society and nongovernmental organizations, and post-conflict reconstruction. His most recent book is an edited volume, *Governance in Post-Conflict Societies: Rebuilding Fragile States* (Routledge, 2007).

RONALD W. JOHNSON is Senior Policy Advisor in International Development with RTI International. For 25 years he led RTI's International Development Group, first as vice president, then executive vice president. He is an expert in local government, municipal service delivery, decentralization, urban infrastructure financing, and post-conflict governance, and has provided leadership and technical support to the Local Governance Program in Iraq. He is co-author of *Public Budgeting Systems* (Jones and Bartlett, 2007), now in its 8th edition.

RICHARD HILL is Senior Director for Transitional States, RTI International. He has extensive experience in post-conflict reconstruction, emergency relief, and disaster response, and has worked in 41 countries, including Afghanistan, Colombia, Kosovo, Liberia, and Iraq. He has designed, directed, and evaluated relief and reconstruction programs, as well as managed research projects on contributing factors to societal stability and on economic integration of ex-combatants.

SUSAN MERRILL is a Senior Governance Advisor at the U.S. Peacekeeping and Stability Operations Institute (PKSOI), U.S Army War College (USAWC). As a senior official with the U.S. Agency for International Development (USAID), she has had extensive experience in conflict and post-conflict countries in Latin America, Asia, and Africa. She has served in El Salvador, Liberia, Nicaragua, and Cambodia, as well as Bosnia, Croatia, and Iraq. Ms. Merrill was the first USAID representative to the USAWC and PKSOI in 2005. In 2002, she was selected to lead a USAID-wide Task Force on U.S. Foreign Aid in the National Interest, an examination of the successes and failures of foreign aid and the role of aid in U.S. foreign policy. In her overseas assignments, she was Acting Mission Director, Cambodia and held senior level positions in missions in El Salvador, Liberia, Nicaragua, and Cambodia. She is an expert in post-conflict reconstruction and governance, conflict prevention and mitigation, and economic stabilization and recovery.