Preface

This draft position paper has been prepared by UNU-WIDER to serve as an input to the ReCom results meeting on ‘Challenges in Fragility and Governance’ to be held in Copenhagen, Denmark, on 23 October 2013. The focal points for UNU-WIDER’s work on governance and fragility are Rachel M. Gisselquist and Danielle Resnick1. The final outcome of this process will be the ReCom position paper on ‘Aid, Governance, and Fragility’ to be issued by UNU-WIDER later in the year for submission to Danida and Sida and for wide circulation to our stakeholders.

This draft builds in particular on:

• Some 80 background papers and reports prepared for ReCom by members of UNU-WIDER’s global network, including a range of leading specialists from both developing and developed countries;

• Ten papers prepared by the Danish Institute for International Studies (DIIS);

• Existing research already published in a variety of forms reviewed under the ReCom programme;

• Research outputs by UNU-WIDER staff; and

• Comments received at a previous ReCom results meeting on governance held on 10 May 2012 and from DIIS.

Background papers and other outputs from the ReCom programme on which this position paper builds are in various stages of completion, and become available through the ReCom website http://recom.wider.unu.edu/ when ready for publication and circulation.

UNU-WIDER is grateful for all of the analytical efforts and support, which have made this study possible. I would also like to express my appreciation to Danida and Sida for their financial support. It is our hope that our joint effort will lead to better informed aid policy and policy action in an area that is of utmost importance to the world’s poorest people.

All the usual caveats apply.

Finn Tarp
Director
UNU-WIDER
25 September 2013

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INTRODUCTION

Governance, or the exercise and organization of political power to manage a country’s affairs, has become a major concern for both donors and aid recipient countries since the late 1980s. Good governance in particular, which refers to efficient and transparent public sectors, stable and effective institutions, and support for citizen engagement and participation in political processes, is widely seen as an important objective in and of itself, as well as a critical influence on economic development. Relatedly, very poor quality governance is one of the defining characteristics of state fragility, and social unrest and violence may both exacerbate and be caused by weak institutions. Given that 1.5 billion people live in fragile states, fragility clearly affects a large share of the world’s population.

The commitment by donors to promoting good governance and addressing state fragility was reaffirmed at the 2011 Busan High Level Forum, which emphasized, among other things, ‘Strengthening of the role of parliaments and local governments (point 21)’ and ‘Support for civil society organizations (point 22).’ The New Deal for Engagement in Fragile States, which was also announced at Busan, elaborated broad principles for donor engagement in fragile contexts (see, e.g., Naude 2012; Nussbaum, Zorbas, and Koros 2012). In addition to commitments to economic development and humanitarianism, donor countries’ policies thus far towards fragile states have been guided by national security strategies given concerns over the relationship between weak states and terrorism, particularly since September 11th. Increasingly, the donor community has further highlighted the importance of ‘whole of government’ approaches to addressing governance and fragility challenges (Danish Institute for International Studies (DIIS) forthcoming; Organisation for Economic Co-operation and Development (OECD) 2006).

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2 Issues of fragility and post-conflict reconstruction were also the central themes of the World Bank’s 2011 World Development Report.
Yet, the exact relationship between governance and development, as well as between fragility, conflict, and ‘good’ governance, is subject to considerable debate (see, e.g., Addison 2003; Anten, Briscoe, and Mezzera 2012; World Bank 2011b). One of the challenges to cumulating knowledge in this area is the considerable confusion in the literature over basic issues of definition and measurement, as well as causality (see, e.g., Andrews 2008; Engberg-Pedersen, Andersen, and Stepputat 2008; Hagmann and Hoehne 2009; Keefer 2009; Weiss 2000). This conceptual confusion poses significant problems because donors have varying ideas not only about how best to design and implement reforms, but also about what constitutes success, as discussed further below. Focusing on this conceptual ambiguity, Gesselquist (2012) argues that future research should focus more on disaggregated analysis of various components of governance, rather than on ‘good governance’ as a whole. This position paper therefore disaggregates interventions in the domains of governance and fragility. It begins with a brief discussion of economic governance and public sector management, drawing on the considerable work that has already been done in this area. This discussion highlights three key areas in which major work remains to be done: taxation, regulation, and public sector management. It then focuses on key issues of political governance and fragility: democracy assistance, human rights, the rule of law, and fragility.

The paper first briefly discusses two preliminary considerations central to the task at hand, (1) the methodological and conceptual challenges in identifying and assessing successful interventions and (2) the challenges of taking context into account in addressing questions of transferability and scalability. Next, it turns to issues of economic governance and public sector management. It then examines the area of democracy assistance. Where applicable, we highlight where donor-funded projects could be transferred to post-conflict states. Next, we respectively examine various donor interventions to support human rights and the rule of law. This is followed by a discussion of approaches to support state-building
in fragile contexts. We conclude with a summary of our findings on political governance and highlight broader lessons for development assistance in the area of governance and fragility.

This paper has been prepared as part of a series of ‘position papers’ developed under UNU-WIDER’s ReCom programme. Like each of the position papers, this paper speaks to vast topics and diverse bodies of research. It is not intended to be a systematic review or summary of all of the major topics in these large literatures – such an undertaking could occupy multiple articles and books – but rather a relatively brief expert guide on key issues for donors to pay attention to in this area, based on our research and assessment. It builds on the extant literature and draws in particular on some 80 papers and studies on Governance and Fragility prepared for ReCom by members of UNU-WIDER’s global network and 10 papers prepared by DIIS, many of which are cited and summarized directly in the text below.

**Preliminary Considerations**

Drawing on the state of existing research, this position paper addresses what works, what could work, what is scalable, and what is transferable in foreign aid. There are two broad sets of challenges to addressing these questions.

The first set of challenges concern the methodological and conceptual issues underlying the identification of initiatives that ‘work’ or could ‘work’. In other words, how should success and failure be defined and what methods should be used to assess such outcomes? A major debate in development, for instance, concerns the use of experimental methods and in particular randomized controlled trials (RCTs), which some researchers have argued are the best means of determining ‘what works’ in development policy (e.g., Banerjee 2007; Druckman, Green, Kuklinski, and Lupia 2006). Critics, on the other hand, raise a

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3 We focus here on foreign aid for governance and fragility. Other external sources of financing, including investment and remittances, are also important but are beyond the scope of this particular paper. On the role of diaspora groups and remittances in development in fragile states, we refer readers to DIIS’s study (Kleist and Vammen 2012).
number of strong concerns (see, e.g., Deaton 2009; Ravallion 2009). Indeed, although we do not discount the value of experimental research, our research finds that there are clear limits to what can be learned from experimental approaches particularly in the areas of governance and fragility and that multiple methods are thus called for (Gisselquist and Niño-Zarazua 2013; Gisselquist, Niño-Zarazúa, and Sajuría forthcoming). Governance-related topics highlight many of the major challenges for experimental approaches, including the ability to address ‘big’ questions and theories, to examine medium- and long-term processes, to generalize beyond the experimental site, and to reasonably and ethically manipulate key variables of interest (see also Humphreys and Weinstein 2009; Moehler 2010; Olken, Pande, and (with Iqbal Dhaliwal 2011). The research findings we review here thus draw on a range of methodological approaches and tools, including experimental methods, quasi-experimental analysis, observational and survey research, comparative historical analysis, and interviews and fieldwork.

We also adopt a broad view with respect to defining and measuring ‘success’, which can be understood here with respect to the creation of open, accountable, and self-sustaining public institutions and the achievement of development outcomes, in particular growth and poverty reduction. In other words, although success is assessed in some programme evaluations primarily against programme outputs and donor objectives, we are interested primarily in success in terms of outcomes in aid-recipient countries.

A second set of challenges concern the importance of context in addressing questions of transferability and scalability. As a substantial body of work underscores, answering such questions precisely requires taking context into account and considering how policies,

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4 For further information, see the papers for the UNU-WIDER project on ‘Experimental and Non-experimental Methods in the Study of Government Performance: Contributions and Limits’ (see Baldwin and Bhavanani R. 2013; Barrientos and Villa 2013; Bratton 2013; Dehejia 2013; Humphreys 2013; Martel Garcia and Wantchekon 2013)

5 The specifics of how to measure this are subject to considerable debate, which is beyond the scope of this paper. For discussion of key issues in governance measurement, see Gisselquist (2013).
practices, and institutions can best be adapted to local conditions (see Booth 2012). Without such considerations, we risk promoting ‘isomorphic mimicry’, advocating the adoption of ‘successful’ institutions or initiatives without attention to local conditions and capabilities (Pritchett, Woolcock, and Andrews 2012). Thus, these questions are often most meaningfully addressed with reference to particular countries and situations, requiring a level of specificity and detail that is beyond the scope of this particular paper. However, they are more fully addressed in the multiple case studies on governance and fragility commissioned by UNU-WIDER under the ReCom programme. These are compiled in a series of edited collections (forthcoming, and in preparation) on aid and democratic transition (Resnick and van de Walle forthcoming 2013); aid, decentralization, and service delivery; aid and institution-building in fragile states; and aid ‘successes’ in fragile contexts.

In addition, despite the attention paid to the importance of context in the literature, existing work in fact has offered few clear and specific recommendations with regard to how exactly this is best done in a systematic way, i.e., what specific factors should donors pay attention to in redesigning projects, programs, and institutions to be scaled up or transferred to other countries. This is a promising area for future research. The UNU-WIDER research project on ‘Building State Capability through Problem Driven Iterative Adaptation (PDIA)’, led by Lant Pritchett and Matt Andrews, offers one way forward. PDIA is based on four core principles:

[W]e propose that efforts to build state capability should (i) aim to solve particular problems in local contexts, (ii) through the creation of an ‘authorizing environment’ for decision-making that allows ‘positive deviation’ and experimentation, (iii) involving active, ongoing and experiential learning and the iterative feedback of lessons into new solutions, doing so by (iv) engaging broad sets of agents to ensure that reforms are viable, legitimate and relevant—i.e., politically supportable and practically implementable. (Andrews, Pritchett, and Woolcock 2012)

A series of PDIA project studies explore how this approach can be used in practice to build state capability, including in Afghanistan and South Sudan (de Weijer 2013; Pritchett,
ECONOMIC GOVERNANCE AND PUBLIC SECTOR MANAGEMENT

Early work on governance and development focused largely on issues of economic governance and corruption. The World Bank, in particular, was important in the development of this agenda (see Doornbos 2001; Grindle 2010; Nanda 2006). Although the Bank’s current strategy on governance acknowledges that political issues are part of governance, it also makes clear that this aspect falls outside of its mandate, and that its work focuses on what it identifies as the two other aspects of governance, ‘the processes by which authority is exercised in the management of a country’s economic and social resources’ and ‘the capacity of governments to design, formulate, and implement policy and deliver goods and services’ (World Bank 2012).

These aspects of governance – economic governance and public sector management – are covered at length in existing work, particularly by the multilateral development banks. However, three key topics that require further attention and that are strongly interlinked with the issues of political governance that we turn to later in this paper are tax reform, public sector management and civil service reform, and the regulatory environment for private sector development. Key findings from UNU-WIDER research are summarized below:

Tax Reform (Fjeldstad 2013)

Tax reform has become a major issue for donors in recent years (EC 2010; OECD 2011). If countries are to move beyond aid dependence and become self-sustainable, they

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6 This section draws principally on UNU-WIDER working papers by Odd-Helge Fjeldstad, Sarah Repucci, and Colin Kirkpatrick, as cited below
must be able to mobilize domestic revenue through taxation. Tax reform is also closely linked with processes of state-building, public accountability, and democratic governance (Braütigam, Fjeldstad, and Moore 2008). The tax system may contribute to better governance by creating incentives for governments dependent on taxes to promote economic growth; through the development of the bureaucratic apparatus for tax collection, which may facilitate other improvements in public administration; and by encouraging citizen engagement in the political process, through ‘fiscal bargaining’ between taxpayers and their governments (Moore 2008; Prichard 2010). Traditionally, donors have focused on technical aspects of tax reform, but experience suggests that reform will be most successful when it also takes into account the role of taxation in governance and state-building.

Issues relevant to aid and tax reform can be grouped into three broad areas: improving tax policy and design, creating more effective tax administrations, and encouraging more productive state-society engagement around taxation. For each of these areas, Fjeldstad (2013) reviews what has and has not worked, and why, as well as providing specific recommendations for future engagement. In general, in the first area, assistance has focused on the simplification and streamlining of tax structures, with the overarching objective of raising revenues. Common reforms have included simplification of structures and procedures; reduction of tariffs; elimination of export taxes; introduction of dual income tax systems with simplified progressive labour tax and flat, and relatively low, corporate tax; and expanded reliance on the value added tax (VAT) and other goods and services taxes (see Fjeldstad and Moore 2008; Prichard, Brun, and Morrissey 2012). Addressing exemptions and tax incentives, which create large revenue losses, distort competition, and create the appearance of loopholes in the system, is a core challenge in this area. AfDB (2011), for instance, finds that exemptions and tax incentives in Tanzania could account for up to 6 percent of GDP (see also TJN-AA 2012). Other core challenges in this area include more effective taxation of the
informal sector (Prichard, Joshi, and Heady 2012), the development of sub-national tax systems (see Fjeldstad and Heggstad 2012), strengthening of the linkages between tax reform and other public sector reforms (see Ayee, Fjeldstad, Marais, and Keanly 2010), and better understanding of the political nature of taxation.

A second core area for reform is the creation of more effective tax administration, which Hadler (2000) estimates could increase revenue in many sub-Saharan African countries by 30 percent or more. Common reforms in this area include better use of new information and communication technologies; introducing unique taxpayer identification numbers; reducing the number of tax officers that taxpayers need to deal with by reorganizing the system around localities and/or industries; creating a Large Taxpayer Unit for large companies and establishing different offices and procedures for different categories of taxpayer; making the collection process more user friendly; using commercial banks as collection agents; and using audit units to selectively monitor the performance of primary tax collectors (see Keen 2012; Kloeden 2011).

Semi-autonomous revenue authorities (ARAs) are another initiative in this area that has received considerable donor attention in the last two decades. Evidence suggests that the record of ARAs is mixed (Devas, Delaym, and Hubbard 2001; Keen 2012; Kidd and Crandall 2006). They have been most successful in Mozambique, Rwanda, South Africa, and to a lesser extent, Tanzania, but appear to have been relatively unsuccessful in some other cases, such as Sierra Leone, Zambia, and Uganda (Fjeldstad and Heggstad 2011; House of Commons 2012; Keen 2012). Given that the design of ARAs varies widely across countries and that many of them are relatively new, more work remains to be done in this area to identify precisely what works and why. Core challenges for reformers include addressing issues of international taxation and capital flight, better use of ICT to enhance administrative
efficiency, and the development and use of more effective performance indicators and benchmarks.

A final core area involves encouraging constructive state-society engagement around taxation (see Ayee, Fjeldstad, Marais, and Keanly 2010; Braütigam, Fjeldstad, and Moore 2008). This may imply different reforms than a focus solely on revenue generation. For instance, reform of tax collection often concentrates on extracting more revenue from existing taxpayers—generally medium and large sized firms—rather than on broadening the tax base to smaller enterprises and individuals. Broadening the tax base does not usually bring large revenue gains and may be costly, but it is arguably more supportive of state-building and good governance because it increases public engagement on tax issues, which may also help to improve compliance and administration. Some of the core challenges and priorities to keep in mind in strengthening tax governance include strengthening taxpayers’ rights, fighting corruption in tax collection, building a taxpaying culture, securing better linkages between taxes paid and public service provision, strengthening parliamentary capacity on tax policy issues, encouraging civil society engagement, and building local research capacity.

Civil Service Reform (Repucci 2012)

Public sector management is a major area of governance reform in fragile states and developing countries more generally (see also Albrecht 2013; Petersen and Engberg-Pedersen In preparation). Civil service reform is one component of the broader topic of public sector reform. Although the civil service is central to good governance, reforms in this area are comparatively understudied (see Evans 2008; Scott 2011; United Nations Development Programme (UNDP) 2004). It is increasingly accepted that civil service reform to date has been largely unsuccessful. A variety of factors have contributed to poor outcomes, including the complexity of civil service systems, the conflicting interests of stakeholders, and lack of
consensus on objectives. The particularly slow process of reform in this area also complicates evaluation. Experience suggests a number of guidelines to support more successful donor interventions, including:

**Context is crucial:** Early efforts to reform civil service systems in the 1980s and 1990s were modeled largely on programmes in developed countries. The outcomes of these efforts have led donors to move away from such one size fits all approaches, but the challenge remains of how best to take context into account. Key factors to consider include the political dynamics and power relationships among official and unofficial authorities; ethnic and religious cleavages; organizational capacity; and the institutional legitimacy of implementing agencies. Institutional review and foundational analysis prior to reform has also helped to address contextual factors in some countries, such as Bolivia and Russia.

**Reform takes time:** Wescott (2004) estimates that fundamental civil service reform can take ten to twenty years. This should be recognized in advance and planned for appropriately. Although local ownership is important, it is also clear that locally-led processes may be less efficient and thus slower than externally-led reforms. Zambia and Tanzania provide two examples of how the long-term nature of civil service reform can be managed.

**Sequencing and timing:** Civil service reform requires so many activities over an extended time period that timing and sequencing are especially important. Sequencing may be determined by the logic of reform (e.g., lay-offs before pay increases) or by the particularities of the country context (e.g., prioritizing certain aspects of reform may be politically necessary). Civil service reform is also so complex that it cannot be completely planned in advance, and flexibility by reformers and donors is essential.

**National ownership:** The value of national ownership is also well accepted among donors, although how to provide support to reforms that operate by this principle remains a
challenge. Russia’s civil service reform in the 2000s presents one example of a process for which the national government provided the impetus to reform (President Vladimir Putin personally signed a letter requesting reform proposals within six months) and launched and led the reform, while accepting and managing support from various donors. In other instances, donors have sought to create national ownership by bringing national governments into the reform process through consultation. Another strategy has been to find ‘champions of reform’ within national administrations. The World Bank’s civil service reform programme in Kenya in 2002-2004, for instance, successfully worked with allies at the level just below permanent secretary.

The participation of a broad range of local stakeholders (NGOs, journalists, labour, and grassroots social movements) can serve to apply pressure for reform, help to monitor efforts, and maintain momentum for long-term and often controversial processes. Engaged civil society can also help to ensure the continuity of a programme that may outlast a single national government.

*Donor coordination:* Conflicting advice and multiple agendas can stand in the way of successful reform. Tanzania provides one example of successful donor coordination in civil service reform. Recognizing problems caused by the lack of coordination, the Tanzanian government in 2004 called for ‘one process, one assessment’, and the country now receives basket funding for several dimensions of public sector reform. The Ghana Joint Assistance Strategy, launched in 2006, provides another example.

*Big bangs and quick wins:* Civil service reform experts are divided over whether it is best to concentrate on manageable ‘islands of reform’ or to attempt to tackle the entire system. Different strategies appear to work best in different contexts. In Tanzania, for instance, the public sector reform launched in 1999 successfully took a comprehensive, government-wide approach, while in Russia, where there was major opposition to reform, the
programme first focused on several specific and less controversial steps. Finding ‘quick wins’ is another incremental strategy that can help to build support for reform.

**Regulatory Reform (Kirkpatrick 2012)**

Improving the regulatory environment for private sector development can be understood to involve three broad types of reform: easing the ‘burden’ of regulation, such as through administrative simplification and reduction in regulatory compliance costs; achieving ‘better’ regulation, such as by improving the quality of new regulations; and improving regulatory management, through strengthening of institutional and human capacity. Although regulatory reform has long been a core component of donor work on governance, research in this area has largely focused on the desirability of regulatory reform in general. As Kirkpatrick (2012) shows, considerable work remains to be done to identify the particular reform measures most effective in strengthening economic performance and to evaluate specifically the success of donor interventions in this area. Several of the key findings from existing research reviewed in this study include:

*Economic gains from regulation:* Evidence since the 1980s suggests that privatization alone does not necessarily introduce competition and raise productivity, thus greater attention is now placed on improving the regulatory state. Research underscores that the quality of the regulatory governance framework within which reforms are implemented has significant influence on the relationship between regulatory reform and investment (Eifert 2009; Kirkpatrick, Parker, and Zhang 2006).

*The value of improving enterprise registration and licensing procedures:* Entrepreneurship and the entry of new businesses are key drivers of employment creation and economic growth (Djankov, La Porta, Lopez-De Silanes, and Shleifer 2002; Klapper, Laeven, and Rajan 2006). Reform of regulations concerning enterprise registration and licensing procedures has thus been an area of significant donor assistance. Measures have included
comprehensive review of procedures, the introduction of ‘one stop shops’, fixed registration fees regardless of company size, and the separation of registration from licensing regulations. The World Bank’s Doing Business surveys suggest that such efforts have yielded results: Between 2003 and 2011, for instance, the average time to start a business fell from 50 days to 31, and the average cost from 89 to 36 percent of income per capita.

Regulatory Impact Assessment (RIA) as a tool for reform: RIA is in wide use in OECD countries and has also been a prominent feature of reform programmes in developing countries, although methods in use vary widely (Kirkpatrick and Parker 2008; Rodrigo 2005). RIA can provide quantitative estimates of regulatory impact that can be used to assess the net benefits of existing and new regulations and evaluate whether they meet policy objectives and goals such as consistency, targeting, and proportionality. Use of RIA can also serve to improve the transparency and accountability of evaluation given to new legislative proposals. Experience however suggests that the extent to which RIA is ‘embedded’ in public policy management depends largely on domestic institutions and their capacity and that there is no single ‘best practice’ model.

Research on regulatory reform further highlights several general findings that are particularly relevant to donors: First, there is no ‘one size fits all’ solution to regulatory reform and its effects are context specific. This is illustrated in the wide variety of viable utilities regulations, licensing procedures, and RIAs. Second, considerable research remains to be done in evaluating specific regulatory reforms. One key obstacle to research is the lack of transparency on the part of donors about their activities in this area. For instance, most of the quantitative data available on this topic is highly aggregated, such as the World Bank’s Doing Business and Worldwide Governance Indicators, and thus not appropriate for analysis of specific reforms. Third, most studies focus on the costs to regulation and do not elaborate
the considerable benefits. Analyses should consider not only economic outcomes, but also social outcomes, health and safety, and environmental welfare.

DEMOCRACY ASSISTANCE

Democracy assistance, which aims to enhance political liberalisation or strengthen democracy, represents only one of many tools for democracy promotion. Although democracy assistance has a long history, its visibility increased during the early 1990s when much of the developing world was experiencing significant political openings. Existing cross-country studies examining the impact of democracy assistance on democracy offer encouraging findings (Finkel, Pérez Linan, and Seligson 2007; Kalyvitis and Vlachaki 2009; Scott and Steele 2011). Nevertheless, there remain some key challenges facing the democracy assistance field.

First, there is very little harmonization of donor initiatives, leading to what Bunce and Wolchik (2011) term a “scattergun” approach to supporting democratic change. This lack of coherence sometimes reflects different normative approaches by donors. Carothers (2009) highlights that while many European donors often integrate their democracy assistance into their broader development programs, the United States (US) views democracy assistance as part of its geostrategic and diplomatic strategy. Secondly, there is no consensus regarding how much the trappings of democracy can be successfully exported and how much they need to be based on home-grown, grassroots initiative (see Carothers 1999). This can dictate the portfolio of donor investments, causing some to emphasize civil society and decentralization while others focus on top-down institutions, including judiciaries, legislatures, and parties. A third and related point deals with how much templates of democracy assistance used in one country can be easily transferred to another. Indeed, democracy promoters must be not only...

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7 Other tools consist of diplomatic pressure, economic sanctions, and conditionality.
cognizant of differences in democratic progress across countries but also take into account other socioeconomic and demographic factors that collectively interact to influence a country’s democratic trajectory.

Lessons learned about how to address these and other challenges can be best explored by disaggregating democracy aid into its major sub-components, including electoral assistance, political party assistance, and the strengthening of legislatures.
**Electoral Assistance**

Electoral assistance typically involves supporting the capacity of electoral commissions, providing voter and civic education, cleaning the voter’s roll, assisting with voter registration, and monitoring elections to ensure that they are free and fair. It often is the most visible area of democracy assistance because elections are broadly recognized as an essential component for democracy. In many developing countries, elections could not occur with at least some form of electoral assistance. However, it is critical that such assistance is coordinated and targeted properly so that elections can genuinely promote democracy.

To improve donor harmonization, one of the most useful modalities for donors in recent years is joint basket funds, which usually are managed by the United Nations Development Program (UNDP). These basket funds allow multiple donors to pool resources into one fund aimed at supporting the activities of electoral management bodies. They have been used in a number of countries, including the Democratic Republic of Congo (DRC), Bangladesh, Burundi, Sierra Leone, Tanzania, Rwanda, Sudan, Zambia, and Malawi. For instance, in the DRC’s 2006 elections, a common basket fund contributed to the registration of 25.7 million voters, the training of 300,000 electoral agents, and the establishment of 50,000 voting stations (United Nations Development Programme (UNDP) 2007).

Certain aspects of basket funds work better than others. For instance, by not earmarking how their money should be used, donors can give electoral management bodies greater flexibility and autonomy to determine funding priorities. This approach by donors is credited with improving the management of the Malawi Electoral Commission (MEC) between the country’s 2004 and 2009 elections (Duncan 2009). In Sierra Leone, the 2007 basket fund also benefited from having a Steering Committee comprised of both Government and donor representatives as well as a Stakeholders Meeting for all actors concerned about
the elections (Department for International Development (DfID) 2010). This facilitated a high degree of communication about the funding activities and management of the elections, including among donors that cannot legally participate in basket funds. Despite these being the first elections run by Sierra Leone’s Government, the elections were seen as ‘free and fair’ and the defeated candidates peacefully accepted the results. To avoid viewing elections as an event rather than a process, these basket funds increasingly focus on supporting what is known as the ‘Electoral Cycle Approach.’ This approach encourages donors to not only monitor campaigns and voting but also to get involved at both a very early stage to organize the electoral calendar and train election officials as well as to provide post-election audits, and evaluations to improve the next elections.⁸

Basket funds, however, do not ensure successful elections on their own. Despite a UNDP basket fund of $30 million for Nigeria’s 2007 elections, widespread fraud and voter manipulation occurred. One of the key criticisms of the donors was a lack of engagement with local civil society organizations that could have placed domestic pressure on the electoral process (Adetula, Kew, and Kwaja 2010). Another was the lack of perceived independence by the commissioner of the electoral commission, Professor Maurice Iwu, who declared the results valid despite clear evidence of abuse (see International Crisis Group (ICG) 2007).

Indeed, donors have proved less adept at requiring that an electoral commission remain independent from the executive and have instead focused more on technical and procedural issues, including competency and transparency (Department for International Development (DfID) 2010). Promoting individuals who have a record of integrity to head electoral commissions and offering them support in the face of pressure from partisan interests is one way that donors can further ensure a more legitimate electoral process.

Kandeh (2008), for example, believes that the determination and resolve of Christiana Thorpe, who headed Sierra Leone’s electoral commission in 2007, was one of the reasons for the successful conduct of those elections. Another approach is to fund exit polls in order to validate the results issued by the electoral commission. For example, USAID funded an exit poll by IRI during Kenya’s 2007 elections, which revealed that the results issued by the Electoral Commission had been severely compromised in Mwai Kibaki’s favor. In the second round of Ukraine’s 2004 elections, a donor-supported exit poll uncovered major flaws in the official results and contributed to the public outrage that fuelled the subsequent Orange Revolution (McFaul 2007).

Donors play an especially important role in post-conflict elections. In fact, studies from the mid-1990s reveal that without the support of international donors, post-conflict elections would not have occurred in a wide range of countries, including Angola, Bosnia-Herzegovina, Liberia, Cambodia, and Mozambique (Kumar and Ottaway 1997). In most cases, post-conflict elections entail attention to details that are less important or irrelevant elsewhere. In particular, the electoral system needs to be properly designed in a manner that prevents a ‘winner-takes-all’ mentality that might increase tensions around elections. Some recommend the adoption of electoral institutions that follow proportional representation (PR), whereby parties obtain seats based on the share of their votes rather than on majority rule, because this is believed to foster negotiation across parties (see Lijphart 1977). South Africa, Namibia, Mozambique, Cambodia, East Timor, and Kosovo are just some of the countries that adopted PR systems for post-conflict elections. Others, however, advocate ‘centripetalist’ institutions, such as the single transferable vote or the alternative vote, which require politicians to court voters across identity and geographical divides (Reilly 2001). Elections in Estonia, Papua New Guinea, Sri Lanka, Northern Ireland, and Fiji have all revolved around ‘centripetalist’ institutions. Regardless of the system used, it is essential that there are
incentives for post-election power-sharing that feature all significant groups in a new
government (Reilly 2003).

Greater attention to the timing of the first elections after the cessation of conflict is
also important. While elections are critical for establishing a new government, their
legitimacy can be undermined if they are held too quickly and parties are not adequately
prepared to compete. The approximately two-year period between the cessation of conflict
and the first elections in East Timor, El Salvador, and Kosovo is credited with the successful
conduct of those elections (Kumar 2000; Reilly 2003). Before elections occur, previously
warring forces must be properly demobilized. This was highly problematic in Angola in
1992 when rebel Jonas Savimbi of the União Nacional Para a Independencia Total de
Angola (UNITA) lost the elections and was able to quickly return to war (Kumar and
Ottaway 1997).

Post-conflict elections also require a much longer engagement from the international
community than regular elections, and if they occur in a country with little or no history of
democracy, then investments by the donor community will need to be sizeable. In Sierra
Leone’s 2007 elections, donors underwrote 70 per cent of the costs (Kandeh 2008). More
recently, the UNDP basket fund for South Sudan’s 2011 elections totalled 84 million USD.\(^9\)
Such high initial investments create a dangerous precedent since donors rarely commit the
same level of resources to subsequent elections and governments rarely can sustain such costs
on their own. For instance, while donors funded 90 per cent of the cost of the DRC’s 2006
elections, they only funded 37 per cent of the costs of the 2011 elections (International
Development Committee (IDC) 2012), and the outcome was highly disputed by the
opposition. One way of addressing such costs while also increasing local legitimacy is to use
more local election monitors (Reilly 2003). This was a useful tactic in Ukraine’s 2004

\(^9\) See www.sd.undp.org
elections, when the National Democratic Institute (NDI) and Freedom House sponsored
election monitors from other post-communist states at a much lower cost than it would have
taken to bring in Western Europeans or Americans (McFaul 2007).

Nevertheless, much more research is needed to determine more cost-effective means
of supporting elections and pinpointing examples where ‘free and fair’ elections have been
sustained in the absence of donor money. Another key area for further research is how
donors can best support the electoral process to avoid electoral violence. The examples of
Kenya in 2007, Cote d’Ivoire in 2010, and Uganda and Nigeria in 2011 all highlight that
electoral violence continues at an alarmingly high rate. One possibility is the use of early
warning systems that identify whether party youth leagues are being armed or possible outlets
for fraud. A small-scale example of this is BantuWatch, which is an initiative of civil society
and media organizations in Zambia that is funded by organizations such as the Open Society
Institute. In the run-up to the country’s 2011 elections, BantuWatch attempted to document
problems with balloting, voter registration, and security, among other things.10

In both peaceful and post-conflict countries, donors have sometimes accompanied
their electoral assistance with civic education programs. Such programs are designed to
increase political knowledge and engagement by citizens and facilitate the spread of
democratic norms. Using surveys and randomized control experiments, detailed impact
evaluations of donor-supported civic education programs have been conducted in countries as
diverse as the Democratic Republic of the Congo, the Dominican Republic, Kenya, Poland,
and South Africa. Findings by Finkel (2013) illustrate that such programs produce a
“hierarchy of effects” such that they appear to have the greatest impact on promoting an
increase in political knowledge and information, as well as increasing participation in
elections. By contrast, civic education workshops and training activities demonstrated the

10 See www.bantuwatch.org
weakest impact on increasing individuals’ adherence to democratic values or satisfaction with democratic institutions. Key factors that enhanced the effectiveness of such programs included the quality of the workshop trainers, repeated workshop exposure rather than one-off meetings, and participatory teaching methods rather than lecture-based instruction.

Finally, the scope for using electoral assistance at the sub-national level to promote decentralization requires greater consideration. Decentralization is often viewed as a mechanism towards greater democratization by theoretically facilitating grassroots participation over decisions affecting local communities and greater upwards accountability for the delivery of services (e.g., Brinkerhoff and Azfar 2010; Rondinelli, Nellis, and Cheema 1983; United States Agency for International Development (USAID) 2009). Donors typically have promoted decentralization in three domains: political, fiscal, and administrative. The political domain refers to the holding of regular elections for sub-national authorities. In some regions, such as Africa, political decentralization through elections has taken precedence over the other two domains, with deleterious outcomes for the quality and capacity of local governments (Dickovick 2013). Evaluations indicate that rather than such a narrow focus a much more fruitful approach would be to strengthen entire inter-governmental relationships rather just focusing specifically on sub-national authorities (Dickovick 2013).

**Political Party Assistance**

Viable political parties are essential for competitive elections but often lacking in many developing country democracies. Party support aims to address such weaknesses by, among other things, enhancing internal party organization, building inter-party relations, and providing adequate party regulation. Yet, party support is a highly controversial area of democracy assistance because it is perceived as meddling in the domestic political affairs of sovereign states (Burnell and Gerrits 2010). As highlighted in Figure 1 below, party support,
along with legislative strengthening, remains one of the least popular areas for democracy assistance interventions.

**FIGURE 1: DISTRIBUTION OF DAC FOREIGN AID FOR POLITICAL GOVERNANCE, 2011**

(Millions of 2010 Constant USD)

Source: OECD Creditor Reporting Database

Among donors that do engage in party assistance, there is a distinction between partisan/fraternal and multi-party approaches. The former historically has been most associated with Germany’s party foundations, including the Friedrich Ebert Stiftung (FES) and the Konrad Adenauer Stiftung (KAS), and involves directly supporting those specific
parties with which they share a similar ideological orientation. The latter approach supports all democratically-oriented parties and is used by most other donors, including the US party institutes, such as NDI and the International Republican Institute (IRI) as well as the Netherlands Institute for Multi-party Democracy (NIMD). The partisan approach is likely to be much more successful if the donor can flexibly adapt to the needs of the party as it evolves over time. Indeed, in South Africa, FES’ close work with the African National Congress (ANC) evolved from civil society dialogues in the 1970s and 1980s to providing organizational and material resources in the 1990s to working with the ANC parliamentary group more recently (Weissenbach 2010).

Regardless of approach, there are some issues that are relevant to assisting political parties in almost all developing countries. One issue concerns the lack of public awareness about the policy positions of political parties. In Liberia’s 2005 elections, NDI and IRI addressed this by sponsoring the radio broadcast of public debates by all political candidates (Kumar and de Zeeuw 2008). Another issue concerns how to augment the financial base of parties for campaign activities. In Mozambique, donors established a $1.4 million fund that was distributed to all political parties according to an agreed formula in order to prepare for the 1999 elections (Carothers 2006). This approach, however, can sometimes create disincentives for smaller parties to raise their own funding from their respective rank and file members, as Gyimah-Boadi and Yakah (Forthcoming) discovered in Ghana. DfID adopted an alternative in Uganda where parties were given grants according to how much income the party raised in the previous year (Wild and Foresti 2010).

Commodity support, or the provision of in-kind resources for campaigns, is another popular approach. For instance, in East Timor, the UNDP set up a Political Resources Centre to give parties access to graphic designers, computers, internet connections, and telephone lines. Similarly, the Organization for Security and Cooperation in Europe (OSCE)
established Political Party Resources Centres in Bosnia to provide all parties with office equipment, meeting space, and relevant documentation (Kumar and de Zeeuw 2008).

In countries with a history of electoral violence, priority must be given to inter-party dialogue and international cross-party collaboration in order to build trust and learn from other countries’ experiences. NIMD has been a leader in this field by providing fora for members of all major political parties represented in a country’s parliament to discuss relevant and contentious issues. In the run-up to Malawi’s 2009 general elections, NIMD’s partner, the Centre for Multiparty Democracy-Malawi (CMD-M), funded representatives from all the major parties to visit Kenya in order to learn what sparked that country’s electoral violence (NIMD 2010). In Uganda, NIMD promoted dialogue between the ruling National Resistance Movement (NRM) and the opposition in the months before the 2011 elections through the Inter-Party Organization for Dialogue (IPOD) (Luyten 2010). Yet, certain objections of the opposition, such as the appointment of an NRM crony to head the electoral commission, contributed to the post-electoral violence and revealed that dialogue has limited impact if topics of inter-party discussion do not lead to any substantive action. Focusing on dialogue between youth league members affiliated to political parties, such as the Norwegian Embassy has tried in Nepal and KAS in Malawi, is another valuable tactic given that such groups often are the main perpetrators of party violence (Resnick Forthcoming; Wild and Foresti 2010).

After a major, protracted conflict, a further challenge concerns how to transform rebel movements into political parties. The common tactic, which is to provide funding and technical assistance to former rebel groups, risks rewarding bad behaviour and often involves picking ‘champions’. A more inclusive approach allows former rebel groups to participate in party training programs with other parties. This approach most recently has been adopted in Afghanistan, Burundi, and Sudan. Participation in such workshops is aimed at sensitizing
Training workshops, inter-party dialogue, and commodity assistance are also scalable to the sub-national level to help parties prepare for local elections. This has been demonstrated in Romania through the Opening Politics by Acting Locally (OPAL) project supported by USAID, NDI, and IRI from 2002 until 2007. The project aimed to address the lack of party engagement with local citizens outside of the capital during non-electoral periods. Through technical assistance and training with local party branches, the donors augmented the capacity of parties to reach out to citizens while also increasing their interaction with local civil society organizations to better understand local needs (United States Agency for International Development (USAID) 2007).

A number of problems remain associated with party assistance. First, it tends to be concentrated around elections with a relatively short-term focus (Erdmann 2005; Kumar 2005; United States Agency for International Development (USAID) 2007). Secondly, for training workshops and inter-party dialogue, senior party members rarely have time to participate (Rakner and Svåsand 2010). Thirdly, there is a lack of systematic evaluations of party assistance due to a range of methodological and conceptual challenges. Moreover, party assistance by major bilateral donors often is just one component of broader electoral assistance and therefore rarely is evaluated on its own (Kumar and de Zeeuw 2008). Notwithstanding these challenges, many still believe that deviating resources away from political parties and only supporting the ‘demand-side’ of democracy, such as voter education and civil society participation, devalues a key element of representative democracies (Doherty 2002; Erdmann 2005; Mair 2000).

**Promoting Effective Legislatures**

Parliaments play a critical role in democracies by communicating the views of constituents to government, debating and passing legislation, and scrutinizing government
budgets. However, many parliaments in developing countries suffer from low technical and oversight capacity, insufficient administrative support, and a lack of independence from the executive. Some donor practices indirectly have further marginalized parliaments by privileging the role of civil society over elected officials and by promoting the idea of ‘country ownership’, which often is tantamount to ‘executive ownership’. While direct support to parliaments historically has been low, more and more donors are recognizing the importance of supporting legislative bodies. Even non-traditional donors have been involved, with China constructing Malawi’s new parliament building and providing a grant of 1.5 million British pounds to construct a new parliamentary chamber in Uganda (Waddell 2008).

Collectively, donors are addressing two overarching issues. The first concerns how to augment the capacity of legislators to perform their jobs properly and to improve their interaction with constituents. ‘Issue-based approaches’ represent one of the most promising techniques for strengthening legislators’ abilities to engage in the legislative process because they explicitly target topics that are already on the national agenda (European Union (EU) 2010; Hubli and Schmidt 2005; Hudson 2007). For instance, donors might provide technical assistance on issues such as food security, migration, or HIV/AIDS, and then help relevant parliamentarians not only learn more about these topics but also increase their ability to oversee government budgets in these sectors. Issue-based technical assistance therefore ensures that parliamentarians are benefitting from donor support that is directly relevant to their everyday work and strengthens parliamentary mechanisms (Hubli and Schmidt 2005).

Issue-based approaches can be transferred and scaled up to different levels, bolstered by regional and international networks. For example, a wide range of donors contribute to the Parliamentarians for Global Action (PGA), which incorporates parliamentarians into a global network focused on helping national MPs address issues related to conflict. PGA has helped train parliamentarians on small arms and light weapons in Tanzania and Uganda, for
instance, giving them a greater ability to monitor their countries’ security sectors (Ljungmann and Adser-Sørensen 2006). Similarly, the Parliamentary Forum of the Southern African Development Community (SADC-PF) works with donors on HIV/AIDS, poverty reduction, gender, and monitoring regional elections (Hubli and Schmidt 2005).

Donor support to parliamentary strengthening also recognizes the value of ‘bottom-up approaches’ to monitoring the activities and performance of parliamentarians. As part of Uganda’s Deepening Democracy Program, a local think tank known as the African Leadership Initiative (AFLI) has implemented parliamentary scorecards of that country’s legislators. These scorecards provide voters with information about the attendance and participation of their MPs at plenary and committee meetings, accessibility to constituents, how they spend resources from their constituency development funds, and the position that their MPs take on business introduced by either government or the opposition. The AFLI then disseminates the findings from the scorecards through civic education workshops and even allows Ugandans to access their MPs’ rating via text message (African Leadership Institute (AFLI) 2011). In Sierra Leone, the Westminster Foundation for Democracy helped foster accountability of MPs to their constituents in the run-up to the 2007 elections by funding ‘open discussion programs’ in which MPs would field questions from the public that were broadcast on radio (Waddell 2008). In Kenya, as part of USAID’s Parliamentary Strengthening Program, House Live Broadcast was launched in 2009, allowing Kenyans to see their MPs debating live on television and radio (Amundsen 2010).

Overseeing budgets is a critical role of parliaments and particularly important in countries that rely on budget support as their major aid modality. As such, the European Commission has recognized that such budget support must be accompanied by measures to enhance parliamentary oversight through assistance for finance committees, budget hearings, and/or a parliamentary budget office (European Union (EU) 2010). In Zambia, as part of its
Public Expenditure Management and Financial Accountability program, DfID invested approximately one million pounds in strengthening the Public Accounts Committee between 2004 and 2010. Findings from the country’s 2008 Public Expenditure and Financial Accountability (PEFA) assessments revealed that MPs felt that they had a greater degree of influence over the budget process (Department for International Development (DfID) 2011).

In Benin, the UNDP’s global Program for Parliamentary Strengthening involved establishing a specialized Unit of Analysis, Control and Evaluation of State Budget (UNACEB) in parliament. This unit was deemed partially responsible for the adoption of the 2006 parliamentary budget in a timely manner, avoiding recourse to decree-based expenditures that had plagued the country in the past (Murphy and Alhada 2007). Other independent parliamentary budget offices have been established in Uganda and Kenya. Another important tactic is for donors to avoid funding too many projects outside of the budget, which often do not require parliamentary approval (see European Union (EU) 2010).

In contrast to the initiatives described above, conferences, seminars, and Parliamentary exchanges have not been found to have too much impact on their own (Hubli and Schmidt 2005). One reason is because they often ignore more intransigent political realities that might be responsible for dysfunctional and underperforming parliaments. Another is that MPs may only be in office for a few years, therefore making training exercises a very short-term investment. If there are training visits, they should be to countries with similar political contexts, and any type of training exercise should involve MPs from the opposition to avoid donors being accused of having partisan biases (Hudson and Wren 2007).

Ensuring that donor actions are harmonized and that development aid activities are properly communicated to parliaments constitute a second overarching consideration in the area of parliamentary strengthening. A useful intervention occurred as part of Uganda’s
Deepening Democracy program, which involved the creation of a Parliamentary Development and Coordination Office (PDCO). The PDCO then coordinates all the donors who support Parliamentary strengthening programs and tries to ensure that such interventions respond to the parliament’s own priorities, which are outlined in the Parliamentary Strategic Investment and Development Plan (PSIDP) (Tsekpo and Hudson 2009). Sector-wide approaches that are common in the development arena are also instrumental, allowing for a reduction in fragmentation. This is the approach adopted by all of the bilateral donors (Canada, Sweden, Ireland, the Netherlands, Denmark, and USAID) involved in supporting Zambia’s Parliamentary Reform Project (Hubli and Schmidt 2005). One of the achievements of the program is the gradual creation of constituency offices throughout the country for all 150 MPs, which allows their constituents to have direct access to them.

Parliamentary donor groups can also be instrumental for development partners to exchange information with each other and with parliamentarians at regular intervals throughout the year. In at least Malawi and Kenya, such groups have been adopted to avoid donors from duplicating activities (Waddell 2008). These types of initiatives can be scaled-up to the regional or global level. For instance, the Parliamentary Network on the World Bank (PNoWB) provides a platform for parliamentarians around the world to lobby for increasing accountability and transparency in international lending.11

In post-conflict environments, many of the above interventions are equally feasible but must be prioritized in different proportions. The creation or reconstruction of a parliament building, teaching parliamentarians how to engage in elections, and what constitutes their responsibilities will be paramount. In addition, entry-points for issue-based approaches will be predominantly oriented towards reforming the security sector, addressing

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11 See http://www.pnowb.org/
human rights abuses, and building trust in a potentially-divided community (European Union (EU) 2010).

**Supporting Human Rights**

The relationship between foreign aid and human rights is highly complex and extremely broad. We limit our focus here to positive, rather than punitive, interventions by donors to augment respect for human rights by both governments and their citizens. In this regard, a conceptual distinction is often made between two main types of human rights. One refers explicitly to civil-political rights, such as freedom of speech, which are absolute. The second deals with economic, cultural, and social rights, which are relative (Norwegian Agency for Development Cooperation (NORAD) 2011). Such rights might include the right to clean water and housing, labour rights, and cultural rights of minorities and indigenous peoples. In reality, there are often substantial overlaps between these two types of rights.

Donor support to promote both absolute and relative rights is wide-ranging. With respect to freedom of expression initiatives, a number of donors have bolstered the capacities of local media. In Serbia during Slobadan Milosevic’s repressive regime, donors initially supported independent media by providing newsprint and broadcasting equipment before moving on to training journalists and pushing for regulatory reforms related to the media (Kumar 2006; Norwegian Agency for Development Cooperation (NORAD) 2011). A similar process recently has occurred in Zimbabwe where donors are working with the Media Institute of Southern Africa (MISA) to address low levels of professionalism and restrictive media freedom laws (see Swedish International Development Agency (Sida) 2009). In Ethiopia, however, a NORAD project to support the media was judged to have had minimal impact due to the government’s strong resistance to independent media (Norwegian Agency for Development Cooperation (NORAD) 2011). The example poses a dilemma about how to
bolster freedom of expression in countries that are most need in need but which are led by regimes that are least receptive to such interventions. In addition, it reinforces Kumar (2005)’s claim that donors should considering helping independent media outlets learn strategies for dealing with government harassment.

Community radios, which are owned and managed by NGOs or individuals but supported by a community through the gift of land, a building, or the volunteering of time, are increasingly viewed as successful interventions to support freedom of expression. They create a grassroots attachment to the value of unbiased information while also increasing awareness of issues that might affect those living in remote, rural areas. In Afghanistan, for example, USAID sponsored the creation of more than 30 community radio stations by providing a ‘radio station in a box’, which included all necessary technical equipment to start up a radio station and even sometimes a power generator (Kumar 2006). The adoption of community radio in a broad range of contexts, including also Mozambique and Zambia, highlights that they are relevant in countries with diverse political histories.

Media assistance can also facilitate awareness of other important human rights issues. In Ghana, for instance, USAID has collaborated with local organizations to train journalists about how to report on HIV/AIDS in an accurate and sensitive way (Gyimah-Boadi and Yakah Forthcoming). In Sierra Leone, a multi-donor-funded radio project known as the Talking Drum Studio (TDS) has used soap operas, dramas, and public discussions to encourage public discussion about gender discrimination, HIV/AIDS, and refugees. These types of media assistance programs can be enhanced by using regionally-based media experts and by ensuring that they are divorced from donor countries’ public diplomacy projects so as to avoid perceptions of being donor promotion programs (see Kumar 2006).

Yet, the media is only one tool for fighting discrimination. In many cases, national legislation and ratification of international conventions on human rights are the first step
towards achieving recognition for marginalized groups. For instance, the UN’s Office for the High Commissioner on Human Rights (OHCHR) has worked with the National Dalit Commission in Nepal to draft legislation prohibiting discrimination related to caste and has supported the drafting of laws to protect the rights of indigenous peoples in the Republic of Congo (Office for the High Commissioner of Human Rights (OHCHR) 2011). However, while legislation on human rights is necessary, it is rarely sufficient on its own if it is not enforced by national governments.

A number of other channels exist for addressing discrimination. For instance, quotas have been a widely used technique for incorporating more women into politics. Some countries, including Uganda, South Africa, and Sudan, have also used quotas to ensure that people with disabilities are represented in parliament. The Chiapas Declaration of 2010 recommended that minorities and indigenous groups also be given greater representation in legislative bodies (Office for the High Commissioner of Human Rights (OHCHR) 2011).

Post-conflict countries present a unique opportunity to address the rights of those with disabilities since, as has been found in South Africa and the West Bank, maimed war veterans are sometimes viewed as war heroes (Nilsson and Granberg 2010). In countries where it is not too contentious, another intervention involves bolstering the ability of national statistical agencies to collect census data that captures information on minority groups in order to monitor discrimination. Argentina, Brazil, and Ecuador have all expressed an interest in such an initiative (Office for the High Commissioner of Human Rights (OHCHR) 2011).

The rights of the lesbian, gay, bisexual, and transgender (LGBT) community are perhaps the most controversial in many developing countries. One feasible approach is for donors to fund civil society organizations that are already advocating for LGBT rights. For instance, some donors and embassies have supported LAMBDA in Mozambique and Friends in
of Rainka in Zambia. Another is to use HIV/AIDS as an entry point for ensuring that the LGBT community does not face biased access to medical services. Promoting the adoption of legislation that prevents discrimination according to sexual orientation in the employment and education sectors constitutes a third approach.

For those who have been victims of human rights abuses, facilitating access to justice is critical. To this end, gender-based violence desks in police stations are an important, donor-supported intervention that has been broadly replicated in a number of countries, including Kosovo, Kenya, Rwanda, Tanzania, and throughout Latin America. These desks allow victims of violence to report crimes in a private room to a female officer trained to provide advice as well as legal and medical referrals. In Tanzania, USAID helped start such desks in Dar es Salaam before helping to replicate the initiative nationally (Betron 2008). In Rwanda, the UNDP and UN-Women helped establish such desks in each of the country’s 62 police stations, and they are credited with leading to hundreds of court cases against those who committed gender-based violence.

National institutions, such as human rights commissions and ombudsmen, have long been recognized as critical mechanisms for addressing abuses by government and citizens. In Malawi, the ombudsmen’s office was first established in 1994 and has been supported by DfID, NORAD, and SIDA. Yet, while the former ombudsmen was highly respected and twice-named the ‘Malawian of the Year,’ the ombudsmen’s office has only a very limited rural presence and remains almost 80 per cent dependent on donor funding due to reduced government support (Andreassen and Oftedal 2007). Zambia’s Human Rights Commission has existed since the late 1990s and with the help of donor funding, has published annual reports on the State of Human Rights in Zambia. However, the HRC still only has a limited national presence, can only make recommendations rather than engage in prosecutions, and

12 See SIDA’s Human Rights Based Approach website: http://www.msc.st/BriefLGBTRights.html
13 For more information, see http://www.beta.undp.org/undp/en/home/ourwork/womenempowerment/successstories/story22.html
reports to the executive rather than the Parliament (Chewe-Chanda 2009). By contrast, Ghana’s Commission on Human Rights and Administrative Justice (CHRAJ), which is supported by the UNDP, is viewed as highly effective, with women and younger people representing those who use the institution most. Key contributors to the CHRAJ’s success is that it reports to Parliament annually, does not fall under any ministry or government department, has the power to enforce its decisions, and has offices in all regions of the country as well as in 64 of its 110 districts (International Council on Human Rights Policy (ICHRP) 2004).

An important consideration for donors is how their own lending policies might either facilitate or undermine respect for human rights. An extensive academic literature exists on whether and why donors provide aid to countries with questionable human rights regimes (e.g., Carey 2007; Lebovic and Voeten 2009; Neumayer 2003). Multilaterals such as the World Bank often have apolitical mandates that prevent explicit consideration of absolute human rights in the same manner as bilateral donors. However, the World Bank in particular has become increasingly more cognizant of the interrelationship between development interventions and relative human rights (Brodnig 2004). For instance, since 2005, the multilateral requires that all of its projects incorporate safeguards to avoid adverse impacts on indigenous peoples (Organisation of Economic Cooperation and Development (OECD) 2006).

**THE RULE OF LAW**

Building the rule of law is a central challenge for governments and states. Increasingly, work on conflict and post-conflict states has also focused on rule of law issues (see United Nations Development Programme (UNDP) 2008). Corruption has been one of the largest areas of research related to the rule of law, although there remains considerable debate
over solutions. Growing bodies of work address security sector reform (see Marenin 2013) and issues of access to justice (see Barendrecht, Kokke, Gramatikov, Porter, Frishman, and Morales forthcoming).

Approaches to the rule of law are alternately formalist and ‘thin’, addressing adherence to a legal framework, or substantive and ‘thick’, focusing also on the justness of law, including human rights (see Carothers 2006). This section adopts a largely formalist approach as related issues of human rights and democracy are discussed above.

Legal scholars highlight several core elements to the rule of law. Raz (1977), for instance, notes that the law should be ‘prospective, open, and clear’ and relatively stable; that law-making ‘must be guided by open, stable, clear, and general rules’ and the independence of the judiciary guaranteed; that courts should have powers of review to ensure conformity to the law and be easily accessible; that ‘the principles of natural justice must be observed (i.e., open and fair hearing and absence of bias)’; and that ‘the discretion of crime preventing agencies should not be allowed to pervert the law’.

Efforts to measure and assess the quality of the rule of law are also instructive. One of the most comprehensive efforts, the World Justice Project’s Rule of Law Index, assess nine dimensions: limited government powers, the absence of corruption, order and security, fundamental rights, open government, effective regulatory enforcement, access to civil justice, effective criminal justice, and informal justice.

Focusing on Latin America, O'Donnell (2004) identifies five key ‘flaws’ that hinder the full realization of the rule of law:

1. Flaws in existing law, judicial criteria, and administrative regulations: e.g., the law discriminates against women or minorities
2. Flaws in the application of the law: e.g., the law is applied in a discretionary manner and used against political enemies
3. Flaws in access to the judiciary and fair process: e.g., the poor do not have access to the justice system

4. Flaws in relations between state agencies and citizens: e.g., state agents demand additional payments from citizens for services that are their legal right

5. Flaws due to sheer lawlessness: e.g., regions far from the capital are governed by informal laws rather than the legal state

These five points are the broad areas that aid to improve the rule of law should address. In general, donor strategies on the rule of law and judicial reform focus on legal and technical issues related to the first three of these points, while work on combating corruption, often addressed separately, is relevant to the fourth point. The final point may be addressed through strategies of state building in fragile states, for instance.

There have been several major attempts to consolidate best practices on reforms in these areas. With particular reference to donor activities, these include:

**Overall lessons:**

- Recognize the limited role that the donor community can play in building the rule of law and in combating corruption: These are national political processes and cannot be solved entirely with technical-legal solutions (see, e.g., Mungiu-Pippidi 2011; United Nations Office on Drugs and Crime (UNODC) and United States Institute of Peace (USIP) 2011).

- Develop more coherent strategies, taking into account the systematic nature of changes and the importance of sequencing reforms: The impact of even the best trained judges, for instance, may be limited if the judiciary is not independent from the executive. Likewise, efforts to improve public perceptions of the police are unlikely to succeed if officers are ineffective in deterring crime and abusive to citizens (Samuels 2006).
• The ‘easiest’ rule of law interventions by donors focus on the passage of particular laws and the setup of formal institutions. However, these interventions may have no relationship with the application of the law, i.e., the rule of law in practice. For instance, donors have devoted considerable attention to formal mechanisms such as ratification of the United Nations Convention Against Corruption and establishment of anti-corruption commissions, but Mungiu-Pippidi (2011), among others, find no clear relationship between the existence of these institutions and lower levels of corruption.

• Consider conditioning aid on progress in establishing the rule of law: The Millennium Challenge Corporation and the European Neighbourhood Policy, for instance, do so explicitly. However, note also that there is considerable debate over whether doing so has in fact led to improvements in rule of law outcomes.

To address flaws in the existing law:

• Provide technical assistance in using existing laws and statues as models, drawing on best practices from different countries rather than imposing one specific system. The Center for International Legal Cooperation (CILC), for instance, is developing a toolkit along these lines to help countries and organizations introduce administrative law systems.

• Be attentive to indigenous models of justice and work with traditional authorities.

To address flaws in the application of the law:

• Support judicial independence as a means of promoting impartiality in judicial decision making (see United States Agency for International Development (USAID) 2002).

• Be realistic about the payoffs to judicial training programs: Such programs are relatively straightforward to fund and implement and, as seen in Figure 1, have been
popular among donors, but their impact is debatable. Programs may be made more
effective and sustainable by working with local experts and adopting ‘train the trainer’
approaches.

To address flaws in access to the judiciary and fair process:

- Address cost issues for both for citizens and states, e.g., by developing mechanisms to
  provide legal information free of charge to citizens and by using volunteers to advise
  and work with citizens in their interactions with the judicial system.

To address flaws in relations between state agencies and citizens:

- Combine monitoring of corruption with positive incentives within the system (Hanna,
  Bishop, Nadel, Scheffler, and Durlacher 2011)
- Promote transparency in budgeting, legislation, etc. Projects such as the Open Budget
  Initiative offer models.
- Support the role of the media and information technology in improving transparency
  (Gronlund, Heacock, Sasaki, Hellstrom, and Al-Saqaf 2010; Hanna et al. 2011;
  Mungiu-Pippidi 2011).
- Support civil society ‘watchdogs’ and whistle-blowers
- Be cognizant of the political implications of combating corruption and especially
  cautious in fragile state situations (see Johnston 2011).

Building along these lines, the examples below highlight several specific
interventions that tackle some of the most challenging rule of law issues and address what
works, what could work, what is scalable, and what is transferrable in terms of foreign aid in
this area:

What Works? What is Scalable? What is Transferable?

‘Judicial Facilitators’ in Nicaragua and Beyond: Improving access to justice in poor
and rural communities is a major rule of law challenge. The Judicial Facilitators Program was
started by the Organisation of American States (OAS) in collaboration with the Nicaraguan
Supreme Court, with the goals of improving access to justice, contributing to the legal
empowerment of the poor, strengthening conflict prevention mechanisms, and introducing
alternative dispute resolution methods (see Barendrecht et al. forthcoming).14 ‘Judicial
facilitators’ are volunteers who receive training and provide services to their local
communities, including advice and information on legal subjects, mediation of some cases,
and accompanying citizens in meetings with judicial institutions. As of 2010, there were
2,200 judicial facilitators in Nicaragua, in 148 (of 153) municipalities. Evidence suggests
positive impacts on access to justice, security, crime, and gender equality, as well as strong
public support (Vuskovic 2007). With support from the OAS, Holland, Italy, Spain, and
Sweden, the Program has also been transferred to other countries under the Interamerican
Judicial Facilitators Program, with activities in Argentina, Ecuador, Guatemala, Panama, and
Paraguay. In 2011, it was awarded the Innovating Justice Award.15

During the program’s pilot phase (1998-2001), rural judicial facilitators were
appointed to a limited number of northern municipalities that had been affected by conflict.
At the end of the pilot period, the Nicaraguan Supreme Court and the OAS concluded that the
program was successful and it was expanded from 18 to 50 municipalities during 2002 to
2007, focusing on the most rural, poor, and isolated communities. The program was also
‘scaled up’ and expanded into the Autonomous Regions on the Atlantic coast of Nicaragua,
which involved incorporation of local indigenous judges (Wihta). By the end of 2007, the
program operated in 120 municipalities. Given its success, the Supreme Court decided to
transform the program from a largely externally supported program to a program embedded
in, and funded by, the Nicaraguan judiciary, creating a National Service of Facilitators
(Kokke and Vuskovic 2010). Barendrecht et al. (forthcoming) builds on previous analyses to

evaluate the expansion of the programme to urban communities in Nicaragua. While its findings are generally positive, they also highlight some challenges in the process of scaling up.

**What Could Work?**

**Improving Police Performance: Results from an Experiment in Rajasthan:** As Marenin (2013) discusses, improving policing is a core component of security sector and rule of law reform, yet the literature suggests few clear reform ‘successes’, particularly in sub-Saharan Africa. Nevertheless, a handful of cases, including South Africa, Sierra Leone, and Liberia have achieved some measure of success and offer examples of what could work, even in situations where many of the political, social, and economic conditions conducive to reform are lacking.

Another way to approach the question of ‘what could work?’ comes out of experimental research. For instance, the Rajasthan Police partnered with the Poverty Action Lab at MIT to evaluate several simple, low-cost options to improve its services and public relations. The team conducted surveys and a series of randomized control trials to evaluate four specific interventions. On the basis of these data, Banerjee, Duflo, Keniston, and Singh (n.d.) recommended three strategies:

- Conduct an independent national crime survey in order compile baseline data on crime rates and citizen perceptions
- Freeze staff transfers between police stations in order to improve performance and public relations and to decrease staff grievances
- Provide in-service training in investigation skills and ‘soft’ skills like communication and leadership

Although these strategies have not yet been adopted beyond the Rajasthan study, the data suggest they could work on a larger scale and in other contexts.
FRAGILITY

Fragile states by definition lack the ability to provide basic public goods to their citizens, and key amongst these goods is security (see, e.g., OECD 2012; Rotberg 2003; Zartman 1995). Many (although not all) states and situations in conflict are fragile, and fragile states are more likely to fall into conflict than stronger states. Conflict may also exacerbate fragility. Donor policies towards fragile states and situations likewise have tended to be indistinguishable from their policies towards conflict-affected regions, including a focus on conflict early-warning, peace-making and peace-building, humanitarian intervention, emergency relief, and post-conflict reconstruction.

Fragility and conflict, however, are distinct, as are the challenges that each poses for donors. The relationship between the two is roughly illustrated in the diagram below: In the first sector, for fragile states and situations in conflict, peacemaking, peacebuilding, and addressing humanitarian emergencies caused by conflict are the most pressing challenges. In the second, for fragile states and situations immediately following conflict, issues such as disarmament, demobilization, and reintegration (DDR) and emergency reconstruction also demand urgent attention. In the third, for fragile states and situations outside of conflict or for fragile states for which conflict may have ended some time ago, state-building and conflict prevention are core challenges.
These distinctions of course are not sharp: State-building, institutional reform, and conflict prevention efforts may be undertaken during or immediately after periods of violent conflict in an effort to address the root causes of war. In Somalia, for instance, donors have devoted considerable resources to reconstruction and development initiatives amidst ongoing hostilities. (The majority of donor funding, however, has gone to humanitarian assistance.) Whether and how stricter approaches to sequencing of interventions should be undertaken remains an open question (see, e.g., Brahimi 2007).

Over the last two decades, prompted by intrastate conflicts following the end of the Cold War, work on fragile states and security by both practitioners and scholars has focused on policies towards states in conflict or immediately post-conflict, rather than over the longer term. For instance, we discuss several key findings with regard to post-conflict elections above. A number of recent reports highlight the broader lessons of work on conflict and post-conflict states. The World Bank’s 2011 World Development Report: Conflict, Security, and Development (World Bank 2011b), in particular, identifies several recommendations to guide international policy on four ‘tracks’:

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16 For a critique, see, e.g., Woodward (2007).
17 In 2004–2005, about 50-70% of donor funding was for humanitarian assistance (see Development Initiatives and Oxford Policy Management 2007).
• Providing more and more integrated assistance in the areas of citizen security, justice, and jobs, as a means of preventing conflict

• Reforming donor agency systems to respond more quickly and efficiently to challenges and to address long-term institution building, in support of national efforts

• ‘Acting regionally and globally to reduce external stresses on fragile states’

• ‘Marshaling support from lower-, middle-, and higher-income countries and global and regional institutions, to reflect the changing landscape of international policy and assistance’

_The New Deal for Engagement in Fragile States_, announced at Busan in 2011, further underscores core principles and commitments, including to more inclusive, country-led transitions out of fragility, better management resources and aid, and five ‘Peacebuilding and Statebuilding Goals’:

• Legitimate Politics - Foster inclusive political settlements and conflict resolution
• Security - Establish and strengthen people’s security
• Justice - Address injustices and increase people’s access to justice
• Economic Foundations - Generate employment and improve livelihoods
• Revenues & Services - Manage revenue and build capacity for accountable and fair service delivery

One of the core findings of recent research is the importance of paying greater attention to long-term challenges and transformations, as opposed to the immediate post-conflict period. This shift is valuable for several reasons: First, although there has been substantial learning on conflict and post-conflict situations, we know much less about what happens afterwards. Second, research suggests that foreign assistance in post-conflict situations has been curtailed too early. Collier and Hoeffler (2002), for instance, find that in the decade after a conflict, absorptive capacity for aid is lowest in the first three years but that aid has tended to taper off over time (see Chauvet, Collier, and Duponchel 2010; Emmanuel
and Rothchild 2007). Third, if self-sustaining institutions are not built in fragile states, donors may be forced to remain involved; successful state-building provides an exit strategy in post-conflict situations (Fukuyama 2004). For these reasons, UNU-WIDER research on these topics has focused primarily on the long-term challenges of state-building and conflict prevention.  

In answering the question of how aid has worked and could work with respect to these challenges in particular, the literature highlights two types of answers: The first set focuses on how donors provide aid and specific issues of project or programme design. Core lessons include the importance of supporting national and locally-led efforts, donor coordination, and sustained donor commitment. These lessons are not necessarily specific to fragile state situations; discussions of good governance reforms all highlight them, and they are also relevant to development assistance in other areas. They are often best seen through discussion of specific cases, and for more specific treatments, we refer readers to the UNU-WIDER studies in particular on the National Solidarity Programme in Afghanistan (Beath, Christia, and Enikolopov 2013), the Yemen Social Fund for Development (Al-Iryani, de Janvry, and Sadoulet 2013), the World Bank’s health projects in Timor-Leste (Rosser and Bremner Forthcoming), UNICEF’s education programme in Somalia (Williams and Cummings 2013), public financial management reforms in Sierra Leone (Tavakoli, Cole, and Ceesay 2013), and gender sensitive police reform in Liberia (Bacon 2013). Each of these studies critically evaluates a project or programme that is widely considered to be successful and explores the drivers of these assessed outcomes, considering a range of factors, including context, local leadership, timing, aid modalities, and programme design.  

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18 (For review and assessment on peacekeeping and multidimensional peace operations, see, e.g., Andersen and Engedal 2013; Doyle and Sambanis 2010; Fortna 2008; Howard 2008).

19 Such issues might also be considered by sector. DIIS’s analysis of lessons learned from education of young people in fragile situations is one example (Petersen 2013) (see also INEE 2013).
The second focuses on what donors support. Work highlights at least three broad priority areas. As (Levi 2006) summarizes: ‘Good governments are those that are (1) representative and accountable to the population they are meant to serve, and (2) effective—that is, capable of protecting the population from violence, ensuring security of property rights, and supplying other public goods that the populace needs and desires’. For fragile states, establishing a basic level in both of these areas is key. The third priority area builds on the large body of work on the relationship between security and development:

1) **Getting core institutions right to provide a foundation for representative and accountable government.** There are a variety of institutional options in the setup of a representative (democratic) government, from the type of executive system to the specifics of elections and subnational government. Choices have implications for representation and accountability, making some more appropriate than others in particular contexts (see Reynolds 2002). One key way in which international aid has contributed to this sort of institutional development is in providing technical assistance in constitutional design (see International Institute for Democracy and Electoral Assistance (IDEA) 2011). In fragile states, ethnic configurations in particular can be highly salient and should be taken into account in institutional design. Caution should also be exercised in how this is done as institutionally ‘freezing’ ethnic divisions can have long-term consequences for democratic development. Consociationalism offers one of the clearest models for ethnically-divided societies but may pose challenges in terms of long term governance (Stroschein 2013).

2) **Building state capabilities to provide core public goods in the areas of security, the rule of law, and basic services.** Representation is not enough; citizens also want governments to do something, i.e., to provide core public goods. International aid has
and could contribute to building state capabilities in a variety of ways, through direct technical and financial support of government institutions, support for non-state and local actors (Albrecht 2013), and by ‘filling in’ until governments develop necessary capacities in these areas (see also Collier 2012; Petersen and Engberg-Pedersen 2013). The UNU-WIDER project on PDIA discussed above explores one promising approach to building state capability (Andrews, Pritchett, and Woolcock 2012). Another forthcoming collection of UNU-WIDER studies explores the experience of aid and institution-building in fragile states and regions from WWII to the present, from Southern Europe (Sotiropoulos 2013) and East Asia (Gray 2013) to Somalia (Menkhaus Forthcoming), Haiti (Buss 2013), and beyond.20

3) **Addressing core economic factors that contribute to conflict.** Although considerable work remains to be done in terms of understanding the exact mechanisms through which conflict and economic development are related, it is also clear that economic crisis, stagnation, and unemployment are tied to political instability. As the Arab Spring suggests, youth unemployment can be a particularly destabilizing factor (with potentially positive, as well as negative, implications for politics) (see also Burnell 2011; Harrigan 2011). The relationship between extractive industries and fragility is another major topic in the literature (Burr, Therkildsen, Hansen, and Kjaer 2013; Perez Nino and Le Billon 2013). Addressing economic factors in fragile states, which are often among the poorest, is also important in its own right. Tackling some economic issues, such as macroeconomic stabilization, may contribute to tensions and be inadvisable in some fragile state contexts.

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20 (See also, e.g., Abegaz 2013; Cruz Forthcoming; Curtis Forthcoming; Howard 2013; Khan 2013; Kim 2013; Monten Forthcoming)
Many of the specific lessons of governance reform discussed elsewhere in this position paper can also be adapted to fragile state situations. Some specific examples of interventions that work, could work, are scalable, and are transferrable in this area are:

**What Works?**

**Substantial and Sustained Assistance: The Case of Mozambique:** Since the end of its sixteen year-long civil war in 1992, Mozambique has been the fastest-growing non-oil economy in sub-Saharan Africa, with an average real GDP growth rate of 8.1 percent (1993-2008). It has also made significant strides in reducing poverty and has held four post-conflict presidential and legislative elections, in 1994, 1999, 2004, and 2009. The World Bank highlights three factors in Mozambique’s economic success: ‘the political stability brought about by the end of the armed conflict in 1992, a first wave of structural reforms coinciding with responsible macroeconomic policies, and the support of the international donor community’. Aid has amounted to about 14 per cent of GDP a year after 1993, compared with approximately 6-8 per cent for the rest of sub-Saharan Africa, and financed significant investments in education, health, and rebuilding of transportation infrastructure (roads, ports, railways) (Nucifora and da Silva 2011). The Mozambique story is not without its critics (aid dependence, lack of sustainability, and jobs are highlighted), but its record is nevertheless notable. Key questions also remain: Has aid helped to build the institutions necessary for sustainable growth (see Perez Nino and Le Billon 2013)? Is the Mozambique model transferrable to any other cases (would donors be willing to commit equivalent resources elsewhere)?

**Support for the Reconstruction of Local Governments in Sierra Leone:** Centralization and regional disparities in development contributed to, and were exacerbated by, Sierra Leone’s eleven year civil war (1991-2002). Since 2004, the Institutional Reform and Capacity Building project, supported by the European Commission, World Bank, and UK
Department for International Development, has worked to support decentralization and to
defuse social tensions by reestablishing a functioning local government system, in
collaboration with the Government of Sierra Leone. The project has identified progress in
several key areas, including the establishment of nineteen functioning local councils,
devolution of some government functions to these councils, the establishment of the basics of
an equitable and transparent intergovernmental fiscal transfer system, and the successful
holding of the second round of local council elections in 2008 (although turnout was low).
Improvement in basic service provision since 2005 is also attributed partly to the
development of local councils (Fanthorpe, Lavali, and Gibril Sesay 2011; World Bank
2011a). The longer-term impacts and sustainability of these projects of course remains to be
seen. Preliminary evaluations also suggest regional variations in the success of local
governance, which should be further studied.

What Could Work?

PDIA and ‘Reef Theory’: One approach to ‘what could work?’ is highlighted by the
PDIA project as discussed in more depth above. A distinct but related approach to state
capacity building focuses on hybrid institutions, which build on indigenous models. Roberts
(2008) provides a useful metaphor:

To encourage the development of healthy sea life in dying waters, an alien
object such as decommissioned ship is introduced to the sea floor. This provides
a basic ‘building block’ around which native sea life coalesces and flourishes. …
The proposed model of statebuilding seeks the same approach and outcome: the
insertion of a basic building block in the form of national and local elections,
with the result that, devoid of further intervention, an indigenous system
appropriate to social needs flourishes in relation to the historical experiences and
contemporary conditions that have arisen. The likelihood of harm is diminished
in relation to the size, scale and nature of the intervention, and what emerges
relates to domestic needs and may then become self-sustaining in its own
setting. (81-82)

Many of the examples offered by proponents of such approaches, however, are problematic:
Roberts (2008), for instance, discusses the stability of Cambodia’s hybrid system, in which
democratic institutions like elections are dominated by ‘traditional’ elites and ‘indigenous’ norms of clientelism. Weinstein (2005) highlights the successes of Uganda, Eritrea, and Somalia in achieving a lasting peace, reduction in violence, and political and economic development largely on their own, which he deems ‘autonomous recovery’. None of these countries, however, are clear governance successes. Nevertheless, reef theory could work. Arguably, outcomes in these cases may have been worse with a different approach (see, e.g., Fischer and Schmelzle 2009).21

**What is Scalable? What is Transferable?**

**Village Grants in Afghanistan:** Most observers focus on the failures of state-building in Afghanistan, but Ghani and Lockhart (2008), among others, have also publicized the success of efforts like the village level grant initiative of the National Solidarity Program (NSP), an initiative designed to ‘empower communities to manage their own reconstruction process’. Under the program, local communities decide how to spend grant monies and are required to make public accounts and audit reports, a condition for donor replenishment of the trust fund. Since its founding in 2003, the NSP has been substantially scaled up. As of 2010, it was the largest development program in Afghanistan and had financed over 50,000 development projects and established 22,500 Community Development Councils (CDCs) across 361 districts in all 34 provinces (Beath, Christia, and Enikolopov 2012; Beath, Christia, and Enikolopov 2013; Beath, Christia, Enikolopov, and Kabuli 2010). A related question concerns why the successes of programs like the NSP have not been further ‘scaled up’ to achieve better governance outcomes overall in Afghanistan.

Community Driven Development (CDD) programmes like the NSP have been adopted – ‘transferred’ -- to many countries with variable success. As of 2012, the World

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21 Work on security and justice provision by non-state actors also suggests some ways in which such an approach might be put into practice (Albrecht, Kyed, Isser, and Harper 2011).
CONCLUSIONS

This paper has examined some of the theoretical debates, policy approaches, and project interventions by donors in a range of important areas related to governance and fragility. By further disaggregating these topics into various components, including democracy assistance, human rights, rule of law, and fragility, the paper highlights approaches that have worked relatively well, suggested what could work, and revealed key policy-relevant research gaps. Table 1 below summarizes these findings, while also suggesting which interventions are scalable and which are transferable across country contexts.

A number of broader themes also emerged in the paper. First, as with any type of foreign aid, donors must harmonize their governance interventions to reduce transaction costs for developing country recipients. Yet, bureaucratic processes and different normative perspectives among donors will never allow a complete harmonization of activities. Those areas of governance that are less contentious, such as electoral assistance, might be a more feasible target for harmonization than political party or human rights assistance. Secondly, governance interventions often take a long time to bear fruit and therefore require long-term engagement by donors. Concentrating resources in a limited number of governance areas for multiple project cycles and learning from mistakes would be more helpful than shifting foci across cycles. Thirdly, the ultimate impact of donor interventions can be eroded if they are not sustainable by recipient governments. In order to re-build fragile states, support post-conflict elections, or even establish accessible human rights commissions, a key challenge for the donor community will be to concentrate more on cost-effective interventions that
governments can ultimately afford on their own. Finally, governance has long been viewed as a separate sector of assistance rather than one that should be mainstreamed across all forms of development assistance. As such, a major goal of the donor assistance community should be to encourage greater interaction between government experts and development practitioners in order to ensure that seemingly technical interventions are grounded in a rigorous understanding of local, national, and regional political contexts.
Table 1: Summary of Donor Interventions in the Area of Democracy, Human Rights, and Fragility

<table>
<thead>
<tr>
<th>Area of Intervention</th>
<th>Context</th>
<th>What has worked?</th>
<th>What could work?</th>
<th>What’s scalable?</th>
<th>What is transferable across contexts?</th>
<th>Knowledge Gaps</th>
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<td>• Early warning systems for electoral violence</td>
<td>• ‘Electoral cycle approach’</td>
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| Post-conflict party systems | Parliamentary Strengthening, Weak parliamentary settings | • Participation of rebel leaders in party training workshops | • Training visits to countries with similar contexts  
• Training exercises that always involve the opposition  
• Creating local constituency offices for MPs  
• Reducing extra-budgetary donor projects | • Issue-based networks  
• Parliamentary networks | • Issue-based approaches  
• Parliamentary donor groups and coordination offices  
• Open discussion programs  
• Media diffusion of parliamentary debates | • How to engage senior politicians in parliamentary training exercises  
• How to evaluate the impact of parliamentary strengthening programs |
| Post-conflict parliamentary settings | • Reconstruction of parliament infrastructure  
• Training workshops | • Issue-based technical assistance  
• Parliamentary scorecards  
• Open discussion programs  
• Media diffusion of parliamentary debates  
• Strengthening public accounts committees  
• Parliamentary budget units  
• Parliamentary donor groups and coordination offices |
### Area of Intervention | Context | What has worked? | What could work? | What’s scalable? | What is transferable across contexts? | Knowledge Gaps
---|---|---|---|---|---|---
Human Rights |  | • Commodity and technical assistance to independent media  
• Community radio  
• Media programming on human rights issues  
• National human rights legislation  
• Quotas for participation of excluded groups in legislatures  
• HIV/AIDS as entry point for LGBT rights  
• Support local LGBT civil society organizations  
• Gender-based violence desks  
• Well-designed human rights commissions and ombudsmen  
• Incorporate human rights safeguards into aid projects | • Training media outlets to deal with government harassment  
• Using locally-based journalists for training  
• Divorcing media training from public diplomacy initiatives  
• Assisting national statistical agencies with collecting data on minorities  
• Increasing accessibility to human rights institutions in rural areas | • Community radio  
| Commodity and technical assistance to independent media  
• Community radio  
• Gender-based violence desks  
• Well-designed human rights commissions and ombudsmen  
• Incorporate human rights safeguards into aid projects | • How to improve freedom of expression in adverse political conditions  
• Whether human rights institutions and laws have an impact on governments’ and citizens’ behaviours
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<th>Area of Intervention</th>
<th>Context</th>
<th>What has worked?</th>
<th>What could work?</th>
<th>What’s scalable?</th>
<th>What is transferable across contexts?</th>
<th>Knowledge Gaps</th>
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| Rule of Law          |         | • Promote transparency through independent media and IT  
|                      |         | • Support for civil society watchdogs  
|                      |         | • Volunteer ‘judicial facilitators’  
|                      |         | • Transparency in budgeting, legislation, etc.  
|                      |         | • Conditioning assistance on rule of law performance  
|                      |         | • Judicial training programs with local experts and ‘train the trainer’ approach  
|                      |         | • Household crime surveys  
|                      |         | • In-service training for police  
|                      |         | • Freezes in staff transfers between police stations (and other low-cost administrative reforms)  
|                      |         | • Local-level ‘judicial facilitators’ programs  
|                      |         | • ‘Judicial facilitators’ programs  
|                      |         | • Laws and legal systems as models  
|                      |         | • Judicial training programs  
|                      |         | • How to implement ‘coherent’ rule of law assistance  
|                      |         | • How to support ‘locally-led’ processes in states with illegitimate and weak governments  
|                      |         | • The impact of conditionality on rule of law outcomes over the long-term  
|                      |         | • How to sequence rule of law reforms, especially in fragile states  

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| Fragile States       | 1-10+ years post-conflict | • Substantial and sustained assistance  
                      • Reconstruction of local governments (in Sierra Leone) | • Addressing economic causes of conflict as a prevention strategy  
                      • Technical assistance in constitutional design  
                      • ‘PDIA’  
                      • ‘Reef theory’ | • Village level grants program (NSP in Afghanistan) | • Constitutional engineering | • How to build states/sustainable institutions  
                      • The long term impact of post conflict interventions  
                      • How to support ‘locally-led’ aid in states with illegitimate and weak governments  
                      • How to provide assistance (to governments, NGOs?) |
**Works Cited**


Keen, M. 2012. "Taxation and development - again." International Monetary Fund, Washington DC.


Kloeden, D. 2011. "Revenue administration reforms in anglophone Africa since the early 1990s." International Monetary Fund, Washington DC.


