Department of Economic and Social Affairs
Division for Public Administration and Development Management

Reconstructing Governance and Public Administration for Peaceful, Sustainable Development

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Foreword

The long-term costs of violent conflict are incalculable, not only in terms of physical destruction and human suffering, but also because it creates fierce and implacable enmity between communities and shatters a nation's vision, trust and allegiance. These are much harder and more complex to rebuild than roads, schools or hospitals. Because the legacy is so devastating, the international community has come to realize that it must do its utmost to avoid violent conflict. However, when that does not succeed, they have a responsibility to reconstruct governments and their societies in ways that ensure a viable, sustainable peace in the future. This is particularly relevant in light of recent studies which show that the single greatest predictor of a future outbreak of violence is prior violent conflict.

Part of post-conflict reconstruction certainly includes the rebuilding of roads and power plants, hospitals and schools. But more importantly, it requires a deeper, holistic approach to both post-conflict reconstruction and the prevention of conditions that would fuel a recurrence of violence – an approach that would move beyond narrow, short-term, technical or political considerations to one that takes into account and addresses the multi-dimensional, long-term structural causes of conflict. Such an approach would then formulate an integrated strategy for re-establishing government, alleviating poverty, reducing horizontal inequality, mitigating ethnic animosity, empowering disadvantaged groups and equalizing access to resources and opportunity. Such a reconstruction strategy aims well beyond the avoidance or cessation of violence or technical reconstituting of structures. It focuses on creating the social, economic, political and governance foundations and conditions that lead to sustainable peace.

Given the fragility of post-conflict environments and the high rate of return to violence, it is critical that all modes of intervention – humanitarian, peacekeeping, governance, development, and others – be imbued with a sustained awareness of and sensitivity to their potential conflict-mitigating and conflict-inducing effects. Much more work needs to be done to ensure that they at least do no harm and at best fulfil their peace-promoting potential. To further address these issues, the Division for Public Administration and Development Management convened an Ad Hoc Expert Group Meeting on "Anchoring Peace: Reconstructing Governance and Public Administration for Peaceful, Sustainable Development" in Yaounde, Cameroon, from 14-18 July 2003. The experts sought to examine the underlying tenets of traditional reconstruction and combine them with conflict-sensitive awareness and strategies that together would create legitimate, functioning governance and public administration institutions that can anchor an enduring peace. The meeting produced the majority of the inputs for this publication.

It is sincerely hoped that the reader will find the insights and recommendations of this publication instructive and useful in reframing and improving policies and practices of post-conflict governance reconstruction so that communities emerging from violent conflict can reach their potential. If this publication helps raise awareness of how conflict-sensitive governance decisions and policies can be pre-eminent vehicles for violence and conflict prevention, we will have contributed both to an important discourse at the United Nations among policy makers and practitioners and, more importantly, to the lives of those people who will be the recipients of future post-conflict reconstruction interventions.

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Introduction

The United Nations Programme in Public Administration and Finance has been engaged in public sector improvement and governance reform, rehabilitation and reconstruction since the inception of the United Nations in 1948. Despite fifty-plus years of experience, the challenge of rebuilding successful, democratic, sustainable States after violent conflict remains a subject of serious concern and debate among the international community. It is an especially formidable challenge at present when the United Nations and international partners are being called upon to undertake more and diverse engagements in post-conflict state-building.

Reconstituting and strengthening governance and public administration systems and institutions are among the most critical components of post-conflict recovery. Reconstruction of the State catalyses and underpins all other recovery efforts. If governance reconstruction is not sufficiently attended to, other efforts will underperform and, at worst, be undermined. Given the centrality of governance to sustainable recovery, the United Nations Department of Economic and Social Affairs (UNDESA), through its Division for Public Administration and Development Management, has been engaged in efforts to look at the nexus between governance, post-conflict reconstruction and conflict prevention as a means of uncovering what has been done and can be done to counteract or 'inoculate' against the 'pitfalls of reconstruction' that often lead back to violent conflict. The reciprocal relationship between governance and conflict, both in the descent into violent conflict and in the emergence from it, has been observed. The manner and extent to which governance choices, policies and practices bear on the emergence of intra and interstate conflict and, conversely, the ways in which violent conflict relates to the undermining of governance and public administration institutions and capacities, and ultimately to State failure, have been explored. How to avoid or reverse the negative effects of ill-conceived interventions, and how to formulate, support and improve interventions so they can have an optimal impact on peace promotion, have also been intensively discussed.

The discussions elicited a set of fundamental preconditions of post-conflict governance reconstruction essential to create an effective State sufficiently resilient to avoid a return to violence and instability. These prerequisites of conflict-sensitive reconstruction are: sufficient and appropriate mechanisms for representation, participation, reconciliation, conflict management, and national cohesion. These can be achieved through a constellation of well-known interventions – judicial and parliamentary strengthening, rule of law, poverty alleviation, public sector reform, disarmament, resettlement and reconciliation, etc. – but they all must be done in thus far atypical, consciously conflict-sensitive ways.

This publication examines the extent to which a conflict-sensitive reconstruction of governance has been attempted in various settings, and how it can better operate in the future, particularly in deeply divided societies. It strives to enrich the technical recommendations on governance and public administration improvement, with a cross-cutting awareness of conflict transformation principles and practices. This cross-disciplinary approach yields a wealth of insights, experience and recommendations. It is hoped that it will contribute to highlighting the role and relevance of governance institutions and public administration systems as the integral foundation of sustainable national reconstruction.

An Analysis of Strategic Processes for Conflict-Sensitive Reconstruction of Governance and Public Administration

by

Gay Rosenblum-Kumar

I.   Introduction

Successful sustainable recovery from violent conflict depends upon rebuilding all sectors of the polity and society, but none so much as reconstituting a viable, trusted State authority. Violent intra-state conflict, especially in developing and transitional countries, has been characterized by internal civil strife, a general breakdown of government, collapse of the formal economy, and massive dislocation of and hardship on civilians. Accordingly, good practice in post-violence reconstruction has generally consisted of several "pillars" of intervention in the realms of: security, justice and reconciliation, social and economic well-being, and governance and participation.[1]

The international community has conducted a multiplicity of research and experience-sharing on post-conflict reconstruction assistance in general. However, more attention is needed on the fundamental issues of post-conflict governance reconstruction and state-building precisely because of the interdependent, reciprocal relationship between governance and conflict. Violent conflict debilitates governance and public administration institutions, systems, structures and capacities on the one hand. On the other hand, lack of conflict-sensitive governance undermines peace, stability and all attempts at reconstruction. How the reconstruction of the State catalyzes and underpins (or if unattended undermines) all other recovery efforts, and how to best harness governance institutions and public administration systems as a foundation for peaceful, sustainable national reconstruction remains a topical problem for development practitioners. How the international community provides development aid and institution-building assistance in a post-conflict setting, in terms of its prioritizing, sequencing and implementation, needs to be re-thought as well, since it is also critical to the long-term sustainability of the "reconstructed" State.

Countries emerging from conflict face daunting challenges to reconstruct a society that is sustainable, more equitable and less susceptible to violent conflict. Rebuilding sound governance and public administration systems interfacing appropriately with civil society is a key ingredient in ensuring such sustainability. Post-conflict recovery in an environment of trauma, tension and mistrust requires a complex combination of governance and public administration rehabilitation, reconstruction, reform and reconfiguration to re-legitimize state authority. Governance interventions that strengthen participation, consolidate systems for representation and institutions for the peaceful management of disputes are essential to ensure sustainability, promote a transition toward democratization and avoid a return to conflict.

II.   The centrality of governance in post-conflict recovery

Reconstituted governance and public administration institutions and systems in a post-conflict environment are more critical than have been given credit because they link and underpin all other components of reconstruction. They are indispensable (and therefore deserve special attention and investment of resources) not only because they provide the administrative

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[1] Post-Conflict Reconstruction Task Framework, Center for Strategic and International Studies (CSIS) and the Association of the US Army (AUSA), May 2002.

machinery necessary to implement sectoral reconstruction efforts, but also because the process of reconstituting them is integral to creating an environment conducive to participation, democracy, reconciliation, peace and social cohesion – key requirements for sustainable development.

Much of the post-conflict reconstruction literature stresses the rehabilitation of infrastructure and/or the technical components of rebuilding without fully appreciating the strength of the underlying human and institutional architecture needed both to rehabilitate physical loss and reform/redesign institutions, systems and policies. National and local government structures are lynchpins for effectively implementing reconstruction efforts. It is essential to get governance institutions and public administration systems 'up and running' in order to support the full spectrum of post-conflict needs to:

- Buttress sectoral reconstruction for delivery of basic services,
- Revitalize economic production,
- Provide national and local security, and
- Catalyze longer-term social reconciliation, democratization and sustainable development.

Rebuilding institutions, systems, structures and other capacities for service delivery

In the short term, restoring the capacity to organize and deliver basic services is a prerequisite for re-establishing normalcy. It is essential not only because of the urgency of the basic needs and services which must be addressed, but also because doing so re-establishes confidence in the institutions of government. Some of the main post-conflict tasks, e.g., provision of emergency relief; displaced persons protection, maintenance and resettlement; restoration of essential services; and peace enforcement and overall security may be assumed by outside agencies in the immediate crisis situation. But, they must be turned over to legitimate national authorities at the earliest possible time. Thus, the imperative to re-establish functioning central and local authorities that are equitable and representative, as well as efficient, is primary and overarching.

Economic revitalization

Depending upon the degree of disruption, basic macro-economic structures must be, at least, bolstered and, at most, re-established to support the delivery of the key public services, to ensure fiscal balance and to mitigate inflation. Laying the foundation for economic revitalization is predicated upon restoring the legal and institutional framework for financial management, recreating and upgrading essential public service staff and institutions, and resuming financial procedures.

Security

In a post-conflict environment, the general population's most basic need is for security involving the re-establishment of public safety and the development of legitimate security institutions to ensure individual safety, collective security and territorial integrity. Security sector reform is an integral and key component of public sector reconstruction in that it must create secure conditions in which all other aspects of reconstruction can be addressed.

Democratization and social reconciliation

Some of the most crucial challenges and pitfalls in post-conflict reconstruction lie within the realm of state reform. There is need not only to re-establish effective administrative machinery, but to foster democratization and participation so as to recreate a legitimate basis for the State and

a durable societal fabric.[2] Supporting democratization, reconciliation and social cohesion is primarily a process-oriented task requiring participatory, conflict-sensitive methodologies. It entails short, medium and long-term needs for restoration of dialogue, preparing the ground for reconciliation, and reaching consensus on foundation issues of constitutional reform, territorial and non-territorial divisions of power, protection and integration of minorities, decentralized governance policies, and building a culture of participation and inclusive, cooperative decision-making and planning. This involves employing appropriate national dialogue and convening mechanisms to bring together representatives of central government, political parties, civil society, local government, the private sector and the international community.

The challenge is to tailor-make such mechanisms in ways that are inclusive and participatory, both vertically and horizontally. They must provide avenues for participation and expression across regions, ethnicities, religion, gender, class and interest. And, they must collaboratively elicit inputs from local level stakeholder consultations that can be fed into and connect with broader national convening processes. Clearly, these critical processes must eschew any semblance of exclusivity, exclusion, marginalization, blame/retribution or victor/vanquished mentality. Equally, the process of designing them and implementing them must emerge from a legitimate participatory process which earns the confidence and buy-in of all interlocutors. In sum, there must be, as an underlying premise and overarching rationale, the creation of a common vision of a shared future. Short of such a process, subsequent actions, decisions and commitments will inevitably be built on an unstable foundation that will undermine the sustainability of reconstruction efforts in all domains.

III. Reconfiguring public administration for sustainable reconstruction

Prerequisite to successful, sustainable post-conflict recovery is a transition that is above all participatory and conflict sensitive. Post-conflict reconstruction involves several related and sequential phases of relief, rehabilitation, reform and reconfiguration.[3] Total reconfiguration and transformation of a country's systems and institutions immediately after violence are impossible given the wounds, divisions and emergency issues facing a post-conflict society. Thus, hoped for reforms must be incremental, phased and tailored to the specific nature of the conflict, the characteristics of the destruction and the needs of different segments of the society. Despite the trauma and competing demands of survival needs, for recovery to be truly sustainable, it needs at each of the stages to aim beyond rehabilitation and be focused on, infused with, and build upon a foundation of participatory governance and peaceful dispute resolution.

In this vein, the *reconstitution of governance systems* requires conflict-sensitive constitutional and electoral mechanisms for addressing and accommodating issues of ethnicity, education, language, culture, religion and minority groups. This must include appropriate mechanisms for power sharing and sufficient outlets for conflict resolution that satisfy various groups' interest articulation. Often conflict prevention strategies are consistent with democratization strategies, but sometimes they are not. As what may appear rigorously democratic, in ethnically divided societies, can produce exclusion and marginalization and, therefore, be counterproductive to sustainable peace. The difference in the aims of these disciplines is a point of tension between public administration, democratization and conflict transformation practitioners. It is one that needs to be discussed, examined and exposed to a wider audience in order for better solutions, alternatives and paradigms of operating to emerge.

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[2] Bächler, Günther, "Conflict Transformation through State Reform," Berghof Handbook for Conflict Transformation, 2001.

[3] Kauzya, John-Mary, "Approaches, Processes, Methodologies for Reconstructing Public Administration in Post-Conflict Countries," December 2002.

As part of such governance reform, the *reconstitution of post-conflict administrative systems* must be consciously conflict sensitive so as to promote reconciliation and engender social cohesion. A conflict-sensitive public sector would require a consciously diverse and representative public service in terms of composition (equitable hiring, promotion and placement procedures) as well as in terms of its policy-making and delivery of services. Moreover, the public sector would be sensitive to the possible different impacts (intentional or unintentional) of policies and programmes on diverse groups within its divided communities. This can only be accomplished by embedding awareness of conflict prevention principles and practices within the public service staff so that they can integrate it into: (1) the formulation of governance strategies, (2) the design of new or reformulated governance mechanisms, and (3) the processes for ensuring inclusiveness and participation at all levels of decision-making.

Much post-reconstruction experience, theory and practice stresses *the empowerment of civil society.* While strengthening civil society is critical, perhaps too little attention has been placed on the equivalent strengthening of counterpart state institutions needed to nurture the interface between society and the State and solidly ground participatory governance. This interface can be supported by greater interaction between public administration specialists, who traditionally work with government structures, and peace-building/conflict transformation practitioners, who generally focus their practice on civil society. A knowledge and practice gap exists in how to generate synergy between these fields of endeavor, their two professional cadres, and their respective clients on collaboration for sustainability in the critical post-conflict setting.

IV.   The reciprocal relationship between governance and conflict

"Governance," an in-vogue and much used term in many international policy arenas, is generally accepted to mean the system of values, policies and institutions by which society manages its political, social and economic affairs. Good governance is viewed as how society organizes itself to ensure equity, justice and equal access to opportunity for all citizens. In this context, the United Nations Division for Public Administration and Development Management seeks to assist Member States in terms of public sector reform, institutional and human resources strengthening, ethics and professionalism in the public sector, reinforcing local governments, decentralization and building conflict management capacities of governance and public sector institutions.

The term "*governance institutions,*" broadly conceived, refers not only to the direct institutions of the government such as executive branch, judiciary, administrative services, security sector or institutions at the national level alone, but to the range of actors and associations at both the national and local levels that participate in the authoritative, consensual and equitable distribution of resources and values. These include local governments and their interface with civil society counterparts including schools, media, religious authorities, voluntary civic associations, informal and traditional dispute resolution mechanisms, community police, etc.

"Conflict prevention" is an area of growing attention and concern within the United Nations and international policy circles. It has been the subject of several recent landmark studies – Carnegie Commission on the Prevention of Deadly Conflict (2000), Report of the United Nations Secretary-General on Prevention (2001), interim Secretary-General's Follow-up Report on Prevention (2003) – as well as a factor in other major documents, including the Brahimi Report (2000) and the United Nations Millennium Development Goals (2000). The theoretical concepts and practice of prevention, like that of governance, have been evolving and transforming in the face of massive shifts in political alignments and globalization over the last two decades. In the past, prevention has been narrowly conceived along the parameters of humanitarian intervention, early warning analysis, preventive diplomacy and other diplomatic interventions, and peacekeeping operations. However, there has been a significant evolution of thought and growing

awareness and acceptance of a broader definition that embraces the developmental and governance aspects of prevention to address the long-term root causes of conflict.

Within the United Nations and related academic and practitioner communities, there is a growing body of theoretical and practical work on conflict-sensitive development. This includes rule of law, transitional justice, human rights and reconciliation, and new dimensions of security sector reform, all of which connect to and demonstrate the preventive potential of governance reform. However, there is much less research and practical work being done on the role and relationship of public sector institutions to violent conflict and their violence-mitigating potential.

The point where the two disciplines intersect – *the nexus between governance and conflict prevention* – is an under-studied, yet pivotal area of concern especially at the practical, field level. The havoc caused by violent conflict has a lasting consequence of destroying governance institutions and public administration systems. Conversely, the lack of conflict-sensitive governance and maladministration undermines the legitimacy of government authority and creates grievance and disaffection, conditions prone to violence and instability.

It is precisely participatory and accountable governance, shared amongst the public institutions – legislative, administrative and judicial – and civil society that constitutes the central element of national capacity for sustaining peace, delivering basic services and catalyzing development both prior to violence (conflict prevention) and in the aftermath of violence (peace-building). Indeed, a healthy network of such entities can facilitate participatory decision-making and pragmatic problem-solving at the local level and pre-empt disputes before they escalate to a national stage and become harder to resolve and more dangerous. Effective, successful governance – the management of society's competing interests and disputes – creates an environment conducive to political stability, social cohesion, entrepreneurial activity and economic growth, which ushers in peace. Peace is a clear prerequisite for stability within the political sphere, for business, for communities and for social progress.

There are several aspects to bringing this peace/development nexus to the fore in post-conflict reconstruction policy and practice. One is the weight/importance given to governance in a post-conflict setting. Second is the attention and forethought to *conflict-sensitive* reconstruction within the rather low urgency given to governance. Third is how to operationalize governance and make appropriate to the specific historical, cultural and national context.

In the midst of violent conflict and the ensuing humanitarian crisis it creates, too little attention is given to the reconstruction of governance and democratic institutions among the multitude of pressing post-conflict needs. Yet, equitable, participatory, representative governance is the exact and only long-term foundation on which sustainable peace can be built. Reconfigured and transformed institutions and structures of government are the essential building blocks on which a stable, new State can arise that will have the wherewithal and resilience to provide for basic needs, engender trust and cohesion, and forestall a return to violence.

Any equation for attaining peace-sustaining governance and public sector reform is unique, contextual and not transferable from one society to another. Similarly, in a post-conflict environment, context-specific strategies are needed create home-grown national and local institutions which take into account historical circumstances, translate basic human rights and democratic conventions into local conditions and adapt to the challenges of globalization and rapid socio-economic change.

In order to examine this nexus between post-conflict governance reconstruction and conflict prevention, the United Nations Department of Economic and Social Affairs convened an expert group meeting in Cameroon in July 2003. This and the ensuring chapters contain the main elements to the discussion and the gist of the insights gleaned from the deliberations. The public

administration and conflict prevention specialists with experience in post-conflict reconstruction examined where and how a conflict prevention/transformation dimension can be brought in to enhance governance work and where the vehicles of governance can be better harnessed to avoid violence and sustain peace. The purpose of this chapter is two-fold: to make the case for a preeminent focus on post-conflict governance reconstruction and to introduce strategies and methodologies for doing it which are further elaborated in the succeeding chapters.

V. Integrating technical components and strategic processes

The broad field of post-conflict reconstruction includes a much wider range of concerns than the scope of this publication. Our specific concern within post-conflict reconstruction is the rebuilding of governance and public administration and zeroes in on the re-establishment, reinforcement and transformation of human and institutional capacities to perform essential governance tasks, both technical and social. Such governance reconstruction in a post-conflict setting can be divided into four priority phases of intervention, some of which need to be addressed urgently, others later in sequence, and all with a good deal of overlap. These are:

1. Developing capacity for providing short-term emergency and humanitarian relief;

2. Planning and developing the capacity for the reconstruction of the physical infrastructure and the human resources of a society;

3. The preliminary reconstitution of governance and public administration institutions; and

4. The longer-term re-orientation of governance and public administration on the basis of multi-stakeholder consensus to address the root causes of conflict and the essential needs and vision of the polity.

The contribution which this publication aims to make to the field is to further delineate a 'conflict-sensitive' or 'preventive' governance dimension to be overlaid on traditional post-conflict reconstruction. The premise is that this is necessary in order for the new governance and public administration structures to sustainably anchor peace in a fragile and complex post-conflict environment. It assumes reconstructing the public sector in the above four domains done through traditional technical assistance interventions (capacity-building, institution-strengthening, etc.), but integrating carefully attuned process-oriented activities to achieve the aims. These process-oriented objectives add a needed cohesion-building and national identity-building dimension to enhance and solidify the achievement of the technical objectives. The strategic processes are:

1. Engendering and facilitating public consultative processes;

2. Transforming the public sector – structures, processes, leadership style and organizational culture;

3. Institutionalizing constructive dialogue between competing interlocutors;

4. Empowering civil society;

Integrating the technical requirements of post-conflict reconstruction with public processes catalyzing participation, trust and social cohesion are especially necessary in a post-conflict environment, where institutions and normal channels for exchange have broken down and fear and mistrust have arisen. Such an approach will equip the administrative machinery with the necessary conflict-sensitivity to implement sectoral reconstruction through an environment conducive to participation, democracy, reconciliation, peace and social cohesion – the essential ingredients for sustainable development. Each process dimension will be briefly explored below.

Public consultation processes

The purposes of wide-ranging public consultation processes are many, both in terms of reaching consensus on the content of specific issues and via the processes of participation in the discourse itself. Broad and unfettered consultation airs grievance, it allows the emergence of new ideas that will be fed (with considerable grassroots support and, therefore, credibility) up to decision-makers who will then not risk ignoring them; and it channels contentious issues through a process by which general understanding of others' interests and needs, if not consensus, can be reached. Thus, the purpose of participation by citizens is not as a tool to rubber-stamp government, but effectively as a vehicle that gives government accurate guidance direction (regarding directions to aspire toward as well as those to steer away from).

John-Mary Kauzya, in the chapter entitled "Approaches, Processes and Methodologies for Reconstructing Governance in Post-Conflict Countries" asserts that a public consultation process that is participatory and conflict sensitive is the fundamental prerequisite to a successful, sustainable post-conflict recovery. Post-conflict reconstruction involves several related and sequential phases of relief, rehabilitation, reform and reconfiguration. Total reconfiguration and transformation of a country's systems and institutions immediately after violence are impossible given the wounds, divisions and emergency issues facing a post-conflict society. Thus, hoped for reforms must be incremental, phased, and tailored to the specific nature of the conflict, the characteristics of the destruction, and the needs of different segments of the society. Despite the trauma and competing demands of survival needs, in order for recovery to be truly sustainable, it needs at each of the stages to aim beyond rehabilitation and be focused on, infused with, and build upon a foundation of participatory governance and peaceful dispute resolution.

Kauzya reflects a very practical viewpoint that early emergency relief re-establishes the outline of the country, rehabilitation puts back some passable form of administration, reform strives to make that form efficient, and reconfiguration finally installs governance. The former needs to be dealt with quickly under emergency conditions and the latter though a long transformative process and over a substantial period of time. Yet, a participative dimension needs to and can be built into each phase, with the earlier ones admittedly working with small groups of stakeholders and specialists. And, the longer term processes being highly participative involving government, civil society, private sector, the international community working in the country, academia, the press, political parties or forces, and all levels of civil society.

Transformation of public institutions and mechanisms

Alphonse Mekolo reflects on the subject of "Reconstruction Public Service Capacity for Sustainable Recovery," as a specialist in civil service reform in several post-conflict environments. The chapter focused on the many aspects, layers, contingencies and exigencies of public sector reform that shape a set of generic preconditions/principles for successful post-conflict public sector recovery. These consist of a recovering administration's conscious and deliberate planning for and organizing of:

- Conflict-sensitive political recovery – power-sharing based on adequate representation, acceptance of coexistence of political parties;

- Conflict-sensitive rule of law and judicial reconstruction – protection of human rights, minority rights, property rights, etc. and end impunity;

- Conflict-sensitive establishment of strategic institutions that formulate and protect multi-cultural and diversity policies, including Offices for human rights, ombudsman, ADR and mediation;

- Conflict-sensitive civil service policy and practice-multi-cultural policies, affirmative action and diversity policies/practices in hiring, placement, training, promotion, rotation, etc. as well as reorientation toward participatory decision-making, decentralization, institutionalization of conflict resolution mechanisms;

- Conflict-sensitive service delivery – equitable distribution of services both at emergency phase and in longer term health, education and welfare;

- Conflict-sensitive and well thought out agreement on separation of powers between branches and the establishment of mechanisms to ensure the powers heed it;

- Conflict-sensitive security sector – basic security established as critical to creating an environment in which post-conflict reconstruction can take root, obtain/sustain/deserve the confidence of both the local community (as a contributor to peace and not an underminer) and the international community (to invest and/or sufficient fund other reconstruction). After initial stabilizing, needs to be viewed as part of government subject to review, control, reform and transformation similar to any other part of the public sector;

- Conflict-sensitive civil society – diverse NGOs representing different views legitimately; no discrimination in registration, resourcing and advocacy, and a responsible and non-inflammatory media.

These post-conflict challenges are complicated by competing demands: at the same time as the public administration must transform itself, it must also play a catalytic role in facilitating a public consultative process that informs its own transformation and directs the country's new governance and development trajectory. Planning and implementing capacity must be existent in order to proceed with these multiple processes.

Catalyzing and institutionalizing constructive dialogue between competing interlocutors

James Katorobo, in "Governance Breakdown and Post-Conflict Reconstruction," offers several strategies for reestablishing governance systems in ways that promote inclusion and build a base to ensure stability. He suggests that the following tenets should direct a transition to national unity to move away from typical "winner take all" or 'zero-sum accommodations' that inevitably create new perceptions of exclusion that rekindle violence.

1. Establish a government and public service in which conflict management, mediation, and prevention are widely mainstreamed in institutions, policies and personnel.

2. Approach and resolve conflict management and mediation at the level of community, rather than the national level. Further, utilize the community level to focus on the units and entities engaged in the conflict: interpersonal, inter-group, and intercommunity.

3. Utilize other key actors, the media and civil society in particular, into an integrated model of community conflict management and prevention. The media and civil society in particular can use their leverage to influence the mindset of the populace toward constructive reconciliation and social cohesion.

Katorobo asserts that the transformation of relationships resulting from a conciliatory interaction between antagonistic parties matters as much, if not more, than a specific resolution favorable to them. This applies whether the interaction is between individuals, between groups, or between civil society and government. Thus, the kind and character of conflict resolution processes that are imbedded at the start of the transitional governance phase, sets the stage for and determines the longer term institutional arrangements that will result. They, therefore, need to be assembled with extreme forethought and care.

Similarly, H.E. Minister Protais Musoni, Minister of Local Government in Rwanda, proposes "Conflict-Sensitive Rule of Law" as the essence and foundation for rebuilding social trust and cohesion on which the legitimacy of a new governing authority rests. And, he sees responsible, accountable governance institutions as the vehicle for creating rule of law. To achieve this, Musoni gives highest priority to comprehensive law reform, counteracting corruption and a culture of impunity, and building the capacity of justice institutions to undertake and implement these reforms. He also posits that the redesign of accountable institutions needs to be envisioned separately for the transitional phase and then ultimately in a more participatory manner for the long-term, permanent arrangement.

Musoni sees rule of law and justice institutions as guardians of a transformative process toward a national reconciliation which must be internally, nationally led. He enumerates post-conflict challenges in the security, political, judicial, social and economic spheres. Yet, while the challenges are many and daunting, the fundamentals that must be addressed first relate to creating institutions based on accountability and rule of law. Only these will engender new attitudes and behaviors that will counteract the legacy of the division and confer sufficient legitimacy for peace to endure through the inevitable setbacks.

Engaging with and empowering civil society

The chapter by Michael Meyer, entitled "The Role of Governance and Public Administration in Developing a Foundation for Participatory, Peace-Sustaining Governance," explores how best to utilize various participatory governance mechanisms as instruments for conflict management in post-conflict situations. In particular, he explores participation, decentralization and local government capacity development as strategies to rebuild the social fabric, forestall a return to violence-based imposition of solutions, and ultimately to create a foundation for sustainable governance and development.

On *participation*, Meyer asserts that, "The involvement of community members in choosing their own and their collective destiny, in its creation, in its functioning…." is essential to guarantee lasting peace and sustainable development. He posits that participation "transforms" individuals into citizens with duties and rights. It is only as 'citizens' that the society can overcome the structural "helplessness" inherent in weak and illegitimate governance structures where citizens have no voice or investment. Moreover, participation by citizens becomes a driving force for social transformation and sustainable peace rather than a tool to simply legitimize what government wants. Government's role in this regard is a challenging one – to engender emancipation from such helplessness and nurture a transformation of civil society into a complementary and constructive partner, rather than adversarial one. The norms, institutions and processes designed and approved by existing governing authorities must ensure that such social transformation is self-generating in order to be sustainable.

Meyer emphasizes *decentralization* as a potentially powerful vehicle for channeling conflict constructively and harnessing sustainable peace. In principle and practice, it is government at a lower level that has the potential to be more power-sensitive, conflict-sensitive and human needs sensitive with its decisions informed by a more accurate and encompassing view of circumstances – national, regional and local. He cautions that decentralization be done holistically, i.e., "redefining the entire intergovernmental system with a clear idea of strategic purpose and goals," so as to avoid confusion over main aims and outcomes, overcome problematic and unintended consequences, and ensure sufficient complementary support activities.

Decentralization goes hand-in-hand with building the capacities of local governments, especially as Katorobo says, with integrated conflict managing institutions and systems. International donors and actors need to be aware of unintentionally overlooking and disempowering local authorities

because of the counter pull to first "fix all the problems" in central government. In fact, focusing on local government will ultimately help central government by relieving it of some of the seemingly overwhelming responsibilities on its plate.

VI. Addressing pre-conflict situations with post-conflict modalities

Fragile, pre-conflict situations are accorded even less attention than post-conflict ones. This is due to the fact that since the crisis has not yet exploded, it doesn't require immediate firefighting as is therefore ignored. As such, the international community often misses an opportunity for real prevention and ultimately pays the much higher price of slow, progressive state failure or at least continuing state malaise – an encroaching maladministration and dysfunction that besets so many countries to varying degrees and leads to ineffective unresponsive institutions and latent, but simmering stress and tension. Such situations may be well known for years, but are not addressed, either out of fear of reprisal, lack of knowing what to do, or knowledge but lack of resources and political will.

This is ironic because the latitude or scope of possible prevention governance advice or intervention is much greater before a crisis is imminent. And, the window of opportunity narrows quickly once a situation gets more fragile, crystallized, and polarized. Research from the University of Maryland, Correlates of War Project reveals that the window of opportunity between the articulation of a grievance and its translation into violent conflict is, on average, six to ten years. This, therefore, is the window in which governance and conflict prevention specialists should proactively promote conflict-sensitive governance interventions for public sector reform by processes which build capacities for dispute resolution and democratic decision-making using participatory and pluralistic methodologies.

Pre-crisis situations are similar to post-conflict conditions after the emergency phase in that they are both realms where conflict-sensitive governance reconstruction is most needed and can have the most impact on creating a sustainably peaceful future. In the short-term, 'band-aid' solutions (e.g., preventive diplomacy, in-crisis mediation or, as a last resort, peacekeeping troops) may alleviate the outward symptoms, but don't address or influence root causes. In fact, short-term solutions may only delay dealing with the underlying problems, and perhaps lets them fester until an even greater explosion results.

Conflict-sensitive governance reconstruction has the potential to address and link the short-term political concerns with the long-term development objectives. Foremost among these are the strategic processes enumerated above including: participatory policy-making processes, engendering dialogue processes, skills development and strengthening institutional mechanisms to resolve conflict, and civil society/government consultation and collaboration. Experience demonstrates that what is recommended for post-conflict situations is equally and critically needed in pre-conflict situations, as both are faced with comparable conditions – destructive social tension, deteriorating institutions and the disintegration of social cohesion.

VII. Key policy issues and recommendations

The expert group's discussion on post-conflict rebuilding of governance and public admini-stration revolved around four overlapping phases of intervention and four strategic process aims through which to accomplish them. Within this context, the experts prioritized key subject areas, articulating practical recommendations for each. For clarity's sake, they disaggregated, where possible, their specific recommendations into general principles and specific actions. They also addressed separately those recommendations pertinent to national actors and those for United Nations/international actors. The areas of concern are: (1) building multi-stakeholder consensus, (2) creating a secure environment, (3) addressing the poverty/conflict nexus, (4) integrating

formal and traditional mechanisms, (5) managing diversity, (6) capacity-building of the public administration, and (7) rebuilding social capital.

The rebuilding of governance and public administration forms a "tangled hierarchy" with competing needs, i.e., for the creation of a safe and secure political environment, the short-term revival of economic activity, or wider multi-stakeholder consensus all vying for immediate redress. Institutions of governance and public administration are both enabled by, as well as help to create, the conditions to address these competing needs. This poses the "chicken-or-egg" dilemma as to which comes first: wider consensus and some economic revival in a secure environment, or public institutions which need to emerge to create such consensus or security to begin with. Prioritizing and formulating a strategy for a combined pursuit of multiple tasks within the hierarchy, is the challenge before national actors and their international supporters. The following guidance offers advice to those involved in State building to help decipher the specific and unique context before them and to formulate conflict-sensitive, participatory ways to approach it.

Multi-stakeholder consensus

The successful rebuilding of governance and public administration requires the building of multi-stakeholder consensus on critical issues within a particular society. While initial accords may represent a tactical convergence between the leaders of the parties to armed conflict, they usually do not represent a substantive convergence among different sectors in a society on the manner in which it ought to be governed. This consensus needs to extend beyond the initial accords among the primary protagonists in order to form a wider, more stable basis for lasting peace. In fact, a lack of broader participation in the determination of these elements makes many accords susceptible to being manipulated and undermined by the parties themselves. Additionally, without the common envisioning that is a part of multi-stakeholder consensus, there may little substance to guide the further development of short-term accords for transitional arrangements into agreed upon final institutional arrangements.

Lack of such consensus-building processes can also undermine attempts to prevent the initial or forestall recurring outbreaks of armed conflict. In fact, prematurely held elections in the absence of this wider consensus in countries of multiple cultures and ethnicities have usually legitimized in power those very elements that have promoted division and conflict within a society or have yielded institutions that have remained substantially deadlocked. However, societies that have promoted the development of such wider consensus through exercises such as national dialogues, national conferences, civic dialogues, national constitution-drafting exercises, multi-stakeholder workshops, "traditional fora" and so on, have achieved a higher degree of stability, despite many continuing challenges. Recent examples include Benin, Guatemala, Mozambique, Mali, Rwanda and South Africa.

The rebuilding or reform of governance and public administration in situations of rising tension or post-conflict situations is highly contingent on the support and participation of the civic and political leadership. The lasting success of such efforts often depends on the degree of participation or influence provided by the progressive elements in society, especially advocates of equity, conciliation and the rights of minorities and under-represented groups. Harnessing all societal resources on a situation is one area where external support can play a pivotal role. Especially when engaging with the root causes of conflict is uncomfortable for leadership, international support for nationally-driven consensus-building can constructively influence and bring together competing leaderships, provide platforms for progressive elements, and bring about agreements that minimize rather than exacerbate divisions within that society. Specific elements of consensus-building exercises – training on dispute resolution, dialogue processes,

strategic planning, and leadership skills for key actors as well as participatory planning and civic education for the participants, can help obtain these outcomes.

Recommendations:

a) Given that the successful rebuilding of governance and public administration requires the home-grown development of *multi-stakeholder consensus* on critical issues within a particular society, all efforts to facilitate multi-stakeholder consensus must be nationally or locally driven. The role of the international community in this regard is limited to provide support, as requested and appropriate.

Suggested means: Preparation for and assistance to dialogue processes should particularly focus on modalities for ensuring national ownership of such processes, the effective and representative identification and selection of genuine stakeholders, including members of the diaspora, and also the best means for pulling together the appropriate facilitation teams in each case.

b) Given the importance of multi-stakeholder consensus to the rebuilding of governance and public administration, the United Nations, and other partners, should take the lead in identifying, collecting and analysing key lessons from recent, notable international and national efforts to facilitate national consensus.

Suggested means: Detailed analyses of recent or ongoing national consensus-building exercises should be conducted, with the participation of national and local stakeholders, in order to elicit key lessons, which could be compiled and disseminated in easily accessible formats in print and on-line.

c) The United Nations – together with other international, regional and national partners – should build the capacity of national stakeholders in select countries for carrying out such processes and assist with the actual facilitation of such exercises.

Suggested means: Capacity could be built through training workshops, leadership seminars, facilitating South-South exchanges, and other tools, as appropriate.

e) National governments and international stakeholders should support efforts to promote transparency through "e-governance," so that key policy documents, legislation, and debates at the national and local levels are available for viewing or input by majority of citizens. Such participation will provide momentum for a wider consensus.

Creating a secure environment

The rebuilding of good governance and public administration requires the creation of a secure environment in which new types of public discourse and reform activity can safely emerge and flourish. Assistance in this regard ranges widely, depending upon existing conditions and local recourses, from deployment of international peace enforcement to rehabilitating, reforming and transforming national security establishments to community involvement in policing.

Recommendations:

a) The provision of security should be among the first priorities of appropriate national authorities, failing which regional and international stakeholders should backstop national actors and help capacitated them for this purpose, with the last possible option being for external actors to directly assume the responsibility for provision of short-term security.

Suggested means: National and regional organizations in particular should be capacitated (through training, institutional capacity, relevant technical expertise, etc.) to undertake

early interventions to protect civilian populations in situations involving massive insecurity and violations of basic rights, or significant potential thereof.

b) The longer-term rebuilding and reform of the security sector should be conducted firmly within the larger framework of overall governance reform and with a "people-centered" focus in which the primary function of a reformed security sector is to guarantee human security, contribute to rebuilding the social fabric, and assist with sustainable development.

Suggested means: Concerted effort should be made to ensure that the reformed security sector is subject to democratic control and oversight, is reformed within the emerging framework of accountable and participatory governance, and observes relevant international and human rights norms in performing its functions.

c) The process of security sector reform should ensure a re-orientation of the role of public institutions responsible for security, away from the arbitrary use of forces towards the impartial and equitable provision of security.

Suggested means: Ensure a focus for the revision and reorientation of the curricula of security academies and training institutions on human rights, mediation and conflict resolution skills, community policing and addressing domestic violence.

d) Post-conflict security at the national level should be addressed significantly in a sub-regional context, whereby trans-boundary factors such as illicit trade in arms or mineral resources that heighten insecurity within nations are subjected to law enforcement action on a collaborative basis through relevant regional mechanisms.

Poverty alleviation and conflict management

An additional factor in forestalling the emergence or re-emergence of conflict is the degree to which mass poverty and unemployment, existing prior to violent conflict or resulting from the conflict, aggravates tensions. While there are no direct causal linkages between poverty and violent conflict, mass deprivation, coupled with a sense of hopelessness, can be a significant aggravating factor. Impatient populations, eager for dividends from the end of conflict, may blame new and fragile institutions for their continued plight. Lacking gainful employment, former combatants and returning refugees can resort to use of arms in pursuit of crime, sustenance, or further destabilization through perpetuation of the conflict. This is especially true where flourishing political economies of conflict offer profit and gainful employment for warlords and their followers.

Recommendations:

a) Ensure that short-term humanitarian and development assistance to communities does not further heighten existing disparities or aggravate fault-lines of conflict, advantage particular groups, or heighten horizontal inequalities.

Suggested means: Conflict impact assessments of all development and humanitarian assistance, conducted jointly by international, national, and local stakeholders, can guard against the further heightening of disparities or horizontal inequalities.

Suggested means: Short-term transitional assistance for the revival of economic activity, consistent with the subsequent development of a comprehensive macro-economic framework, should be a priority to forestall 'spoilers' and address heightened expectations.

b) Participatory planning and programme development exercises should fully involve local stakeholders, and if need be, equip them to engage in such participation by building relevant capacity for planning and participatory decision-making and by ensuring that planning processes are compatible with local norms and structures.

Suggested means: In order to ensure such capacity-building, an identification of local power structures, actors and interests, and their capacities for mutual interaction and decision-making, is necessary.

c) Efforts to ensure "across-conflict" participation and equitable gender participation in humanitarian and development initiatives are a vital means for furthering reconciliation.

Suggested means: Such efforts should involve joint formulation and implementation of development and humanitarian initiatives on the part of "across-conflict" stakeholders, including not only the expected disputants from different ethnicities, languages, religions, geographic areas, but also those from different genders, age categories and socio-economic and educational levels. The less experienced should be assisted to acquire appropriate problem-solving, participatory decision-making, and conflict resolution skills so as to 'level the playing field.'

Integrating formal, informal and traditional mechanisms

In many societies, the rebuilding of governance and public administration relies both on formal institutions/actors based on modern concepts of organization and adjudication and on informal and "traditional" means whereby negotiation and agreement on key issues is obtained through customary practices particular to each society. Support for rebuilding the institutions of dispute resolution must encompass a pragmatic mix of both domains.

Recommendations:

a) A detailed assessment should be conducted of the traditional and informal means of addressing conflict and of the degree of compatibility of such means with international and local human rights standards.

Suggested means: International and local stakeholders should jointly participate in on-ground research to identify/assess previously existing mechanisms and the extent to which they have been degraded by conflict. International stakeholders should be cognizant to build local capacity to carry out this analysis where it is not present.

b) To the extent that formal and modern systems of resource allocation and adjudication may function harmoniously with informal and traditional ones or clash inadvertently, efforts may be needed to ensure that such systems are integrated, and made complementary in a manner that draws upon the distinct advantages of both.

Suggested means: Steps should be taken to ensure mutual dialogue, the full flow of information, and training as appropriate, in order to enable fullest engagement between traditional and modern authorities. Additionally, drawing on relevant multi-stakeholder consensus, efforts should be made to bring into the process of governance reform, the roles and functions of traditional and informal authorities.

c) Further research and information sharing is needed on the overall issue of integrating modern and traditional dispute resolution and consensus-building systems and to take stock of and critically assess successful and unsuccessful approaches and models.

Suggested means: The United Nations Department of Economic and Social Affairs should conduct an examination of the applicability of traditional forms of dispute

resolution and adjudication within situations of potential and actual violent conflict, bearing in mind the particular contexts and roles of such mechanisms in specific situations.

Management of diversity

Diversity in society and inter-group difference are not inherently or necessarily a source of conflict in a society. In fact, the successful management of diversity has the potential to be an important source of socio-economic strength for societies. The post-conflict rebuilding and reform of governance should attenuate or remove mechanisms that have reinforced exclusion, marginalization and inter-group antagonism. Further, it should ensure and promote inclusion, cohesion, and a positive connotation to diversity in all laws, regulations, policies, frameworks, legislation, programmes (including their implementation), national symbols, and educational curricula.

Recommendations:

a) The orientation of public service should be transformed symbolically and concretely to promote an inclusive national identity.

   Suggested means: Steps should be taken to promote and demonstrate representative recruitment in public institutions while reinforcing merit-based selection and rewards for performance. Policies should be implemented and administrative functions performed with sensitivity towards diversity and an awareness of the differential impact of such policies on different groups and, therefore, on their relations with each other. Institutions of governance should pro-actively identify and manage disputes in the context of programme development and implementation, and the performance of administrative functions.

b) Specific national and local institutions should be developed and strengthened, as a highest priority, to promote human rights, non-violent settlement of disputes, tolerance, and co-existence.

   Suggested means: Governments should establish (and international donors should strongly support) national human rights institutions, national commissions on minorities and ethnic issues, national and local ombudsmen facilities, national centers for the prevention and management of conflict (as recommended by the Ministerial Review Meeting of CSSDCA of 2002 in Durban, South Africa), reconciliation commissions, and other institutions appropriate to the specific context. These institutions should be tasked to review laws, regulations, policies, frameworks, legislation, programmes (including their implementation), national symbols, and educational policies and/or curricula that heighten inter-group tensions and then to catalyze appropriate reform that will reverse polarization and engender cohesion.

c) National stakeholders should be encouraged/assisted to explore, in public participatory ways, formulations of national identity that transcend past historical differences and animosities, and develop new and positive aspects of group identities.

   Suggested means: National stakeholders should ensure (and international assistance should corroborate) that national symbols of identity, such as the national flag, languages of discourse, anthems, teams and other groups of national representatives, etc. do not serve as a source of further division, but, in fact, are formulated in a participatory manner and with the purpose of reinforcing national identity.

d) National and local media should be supported in acquiring skills in conflict-sensitive reporting, so that critical issues are reported to the public in a manner that does not inflame inter-group divisions. Particular emphasis should be placed on radio in this regard.

   Suggested means: Training seminars for the owners, editors and writers of media on conflict sensitive reporting, and development of voluntary codes of conduct for the media, could encourage and equip the media to report in a conflict-sensitive manner.

e) International organizations, donors, NGOs, and others providing assistance to national stakeholders should take particular care to ensure that such assistance does not inadvertently favor or disfavor one segment of the population or in any way create or reinforce inter-group animosity. Rather, all assistance in the forms of emergency aid, financing, technical cooperation or advisory services should be consciously guided by conflict-sensitive and conflict-mitigating principles and practices appropriate to each development intervention.

   Suggested means: External assistance should be subjected to periodic conflict impact assessments in order to ensure the above and appropriate mechanisms should be established for continuous monitoring.

Capacity-building of public administration

Rebuilding and reform of governance and public administration, and providing capacity-building support for the institutions are critical for long-term, peaceful, sustainable development. Such support will be needed at an earlier stage for institutions engaged in providing emergency assistance, public security and short-term economic recovery. Requisite capacities may differ depending on the types of institution involved, but include such essential elements as: planning; training; logistical support; and support for processes that allow public participation in policy development.

Reconstructing pre-conflict institutions is difficult, but straightforward. *Changing* institutions and policies away from their pre-conflict character is much more difficult, especially if the previous structures favored or entrenched one interest group over another. Especially critical will be support for reform or rebuilding of a multi-cultural, integrated public service and its particular needs in light of the new post-conflict environment. This will include analysis, formulation and resourcing of appropriate diversity, decentralization and local government capacity development strategies.

Recommendations:

a) Developing capacity for effective harmonization of policy and coordinated action between all levels of government is particularly important in a post-conflict situation to ensure consistency of approach, to redress previous imbalance/gaps, avoid misinformation, and reduce over-centralization.

   Suggested means: Focus on information sharing to translate policy effectively at local levels. Engender partnerships between and within different levels of government. Devolve authority and responsibility to empower local level authorities.

b) Rebuilding of capacity of national level leadership (government, public institutions and civil society) in terms of policy-making, strategic planning and management oversight

   Suggested means: Impart conflict-impact assessment skills to political, civic, and administrative leadership so as to inform policy-makers and ensure that policy is conflict-sensitive.

c) Rebuilding of capacity of local-level authorities and administrative bodies to respond to basic needs and provide services.

Suggested means: Develop local government officials' competencies to facilitate community problem-solving and decision-making and mediate public policy disputes, as a major component of responding to local developmental needs.

d) A plural, representative bureaucracy must be created in terms of its composition, policies and practices vis à vis its citizenry.

Suggested means: As further elaborated in the management of diversity section, ensure employment equity, non-discrimination and full pluralism in all policies and practices related to public service employment and delivery of services. Similarly, catalyze a re-orientation of attitudes and behaviors vis à vis issues at the core of the reconstruction effort, (i.e., reversing exclusion, corruption, inequitable or illicit resource allocation, mistrust, breakdown of the social fabric) and reformulate priorities in a participatory manner in line with the country's post-conflict direction and vision.

Rebuilding social capital

Capacity-building support for the reform or rebuilding of governance and public administration in post-conflict situations will have to address the problem of the depletion of a country's social capital as a result of prolonged tensions or violent conflict. Many of the educated and economically productive members of the population may have left the country. The normal points of association such as social clubs, religious groupings, civic associations, educational fora, and self-help groups which normally add to social cohesion have been damaged or decimated. With the prevailing mass insecurity, political uncertainty, and collapse of basic services even the most resilient members of society often lack the confidence or the wherewithal to engage in visible rebuilding efforts. Incentives to cooperate and participation in public processes may have been decimated. While the problems seem overwhelming and the solutions context-specific, regenerating civic life and rebuilding social capital is absolutely essential. The international community can contribute in a number of ways, including facilitating linkages between previously conflicting groups, cross-border groups, and with diaspora communities.

Recommendations:

a) Social capital is a relatively under-studied phenomenon and therefore more research is needed for better understanding and knowledge with regard to its prevailing status, how it is depleted, specific characteristics in a setting, and strategies for recouping and utilizing in a peace-promoting manner.

Suggested means: National and international stakeholders should jointly map out social capital as to levels, elements, and differences among different stakeholders and how to maximize its contribution to reconstruction.

b) National and local government should pay priority attention to converting inappropriately or ineffectively used social capital and promoting the under-utilized social capital of vulnerable groups.

Suggested means: Special attention should be given to formulating and implementing projects that target ex-military and youth engaged in illicit activities toward constructive, peace-promoting, rebuilding ends.

c) Harness social capital for reconciliation – to promote peace, inter-group trust, and creating national cohesion.

Suggested means: National stakeholders (with international support) should consider organizing joint (across conflict lines) symbolic and concrete activities such as National Reconciliation Day, student exchanges, establishment of truth/reconciliation mechanisms, sport/youth/arts/culture activities, taking into account the potential role of schools, media, moral authorities, and voluntary civic associations.

The implementation of the various recommendations above will be contingent to a great degree on the full and informed participation of civic actors. It is quite essential to resource civic fora and organizations – through research, dialogue, and training – to be able to systematically engage with national and international efforts to rebuild and reform governance. Several recommendations, especially those pertaining to building multi-stakeholder consensus, the reform and rebuilding of public administration and civil service, the management of diversity, and the reconstruction of social capital directly address this issue.

VIII. Conclusions

In organizing the expert meeting and preparing this publication, the United Nations sought to solicit from a worldwide group of experts their views and expertise on integrating or 'mainstreaming' a conflict prevention dimension into governance reconstruction, particularly in a post-conflict setting. The conclusions underscore the entwined relationship between the two disciplines and the centrality of governance in post-conflict reconstruction. Conflict-sensitive governance reconstruction lays a foundation for overall reconstruction efforts and act as a catalyst for 'anchoring the peace' by 'mainstreaming' prevention policies and practices in all of the other domains of reconstruction, such as infrastructure development, economic revitalization, security, and political and social integration.

Such mainstreaming involves situating prevention at the centre of decision- and policy-making, planning, budgeting and institutional structures and processes. At the same time as reconstructing the administrative machinery of government, it is paramount to reorient goals, policies, strategies, institutions and actions to create an environment fully conducive to participation, democracy, reconciliation, peaceful conflict resolution and social cohesion. This re-orientation can best be achieved through inclusive participatory, consultative and problem-solving processes.

Much previous attention on governance reconstruction, focusing on the technical, legal or judicial aspects of post-conflict situations, has yielded answers to important technical questions, but not enough on the ingredients and dynamics of sustainable peace. Known, but under-appreciated, conflict resolution practices and participatory processes need to be elevated in stature and integrated within the principles and practices of post-conflict reconstruction. These include, most specifically: ground-up participation, deeper institutional development of conflict and diversity management, and catalyzing civil society/government interaction for proactive prevention of renewed violent conflict.

The concerns of the United Nations Programme in Public Administration have historically been the day-to-day work, the nuts and bolts of the administration of government and the improvement of public service for the delivery of basic services, security, economic well-being, social participation in all development situations. The work of the Division for Public Administration and Development Management on governance in post-conflict environments seeks to provide a better understanding of the dynamics of such situations and shed light on how to transplant this knowledge onto pre-conflict environments so that other situations under stress do not spiral into violence and State collapse. Venturing into this domain constitutes a new dimension in the Division's work on governance and public administration. It is an area which merits further inter-disciplinary and cross-regional study and exploration.

The knowledge-sharing and exciting synergies created by specialists from different disciplines approaching a common topic in this publication provide new and dynamic results. Disciplines which traditionally have not interacted use different languages and see through different lenses. This often lends itself to misunderstanding, but sincere attention to this subject of great common concern has succeeded in breaking down barriers, created a wider understanding, and elicited novel insights and outcomes. We hope this will resonate with seasoned and new practitioners who are grappling with the daily dilemmas of State-building in post-conflict environments.

Healing the multiple wounds in society for sustainable peace

For governance to succeed in a sustainable way, it must aim for satisfaction of deeply-rooted human needs. When human needs for identity, security, participation and representation are addressed and available to all, then fundamental human, political, economic and social rights are met. Society has a solid foundation on which to progress, because the individual and one's group has confidence, self-respect, control over its own destiny, belief one can have an impact, trust in the system and authority, general optimism rather than fear, cynicism or pessimism. Competing interests will, of course, continue to "do battle" politically, economically and otherwise, but with a recognition that the rules of the game are fair enough to make it worthwhile to stay in the game.

When these basic human needs are not met, particularly over a long period of time, it undermines the sense of self, destroys confidence, reframes an individual and community's worldview to "us" versus "them", plants seeds of grievance, forecloses the development of national cohesion, and digs away at the foundation of the authority's legitimacy. People will not trust the State or their peers; pessimism and disaffection distorts their responses to ones based on self/group survival or "winner take all" at any expense.

Societies in this condition become afflicted by multiple wounds – physical, social, economic, psychological, major and minor, inflicted by overt and acute trauma (acts of violence, institutionalized discrimination) as well as chronic, indirect subtle oppressions (gender bias, historical in-group favoritism and intolerance, prolonged physical insecurity). Such wounds are not only caused by war or humanitarian crisis, but also by living under stresses such as tumultuous decolonization and independence struggles, socio-economic upheaval, unstable transitions, autocracy, and occupation.

When governance policies, practices and programs honor and meet fundamental human, political, economic and social rights, (in other words, satisfy human needs for identity, security, participation and representation), then these governance policies are at the same time automatically geared toward preventing violent conflict. When governance policies are not preventive, they plant seeds of grievance, foreclose the possibility of national cohesion, and undermine legitimacy of authority. Eventually these will be capitalized upon in increasingly negative ways to co-opt the allegiance of disaffected communities and instigate violence to disrupt or weaken the State.

It is clear that post-conflict situations are rife with challenges to the physical, technical, institutional, and psycho-social rebuilding of societies. Among the latter are problems of identity and its denial; perception of inequitable distribution of resources and services; abrogation of political, economic, social rights; and profound personal and group insecurity. If these are not consciously addressed and remedied by the reestablishment of equitable governance structures, it is likely that they will be further distorted, creating opportunities for spoilers to cause further destabilization. To avert this, it behooves government authorities, civil societies and supporting international actors to absorb these elements of conflict-sensitivity planning, policy-making and practice fully into their post-conflict reconstruction of governance machinery.

It remains difficult to influence mainstream colleagues regarding the centrality of conflict sensitivity and prevention to other disciplines if they are not sensitized to this area. It remains difficult to convince development technicians who look for concrete indicators and difficult to persuade donors who seek quantifiable outputs. The chapters that follow show that there is a growing awareness and body of experience demonstrating the necessity for and benefits of deeply embedding participatory conflict prevention processes in peacebuilding and reconstruction efforts. Our challenge is to shift the mindset of practitioners in all disciplines related to post-conflict recovery, and especially client governments, to be aware that what they do or fail to do, what they close their eyes to, or what they let slide – be it developing governance institutions that accommodate or deny diversity, allowing or stopping human rights violations, corruption, unconstitutionality, or other short-sighted governance policies – can contribute irretrievably to an erosion of governance such that it may not be repairable in their lifetime, nor even in their children's.

Reconstituting governance after violent conflict in a conscientiously conflict-sensitive, human needs and rights-oriented way is the central and sine qua non condition for establishing sustainable peace. If inequitable governance policies are not attenuated and transformed at the start of the post-conflict process, all else will flounder on a faulty foundation.

<p style="text-align:center">**Chapter 2**</p>

Governance Breakdown and Post-Conflict Reconstruction

<p style="text-align:center">**by**</p>

<p style="text-align:center">**James Katorobo**</p>

Introduction

It is ironic that post-conflict reconstruction tends to focus on the restoration of physical infrastructure such as roads and tends to ignore the restoration of governance systems which were responsible for conflicts that led to the fighting that led to the breakdown of institutions of the state and the community. The central proposition of this paper is that there is need to design public policies to deal with conflict management, mediation and prevention, to establish conflict management institutions to implement projects and programmes, and to conduct vigorous programmes of mainstreaming conflict prevention practices and culture in governance institutions such as parliament, the public administration, and justice and security sector bodies. The paper begins with a survey of mini-conflict cases, or conflict critical incidents,[4] with emphasis on portraying their complexity in terms of multiple actors, claimants and interests. In any conflict there are conflicting interests at stake at different levels (the grass roots, the middle and top national levels). Some of the conflicts attract neighboring countries in support of different parties to the conflict. Thus regional, continental and international actors may increase and complicate ongoing humanitarian emergencies.

The second focus of the paper is a description of the nature of post-conflict governance. When a peace agreement is signed and a transitional government set up, this government is usually very weak. But the international development agencies and the bilateral donors quickly forget this child government and begin to expect it to perform and meet standards of mature governments. It is very important to bear in mind the low levels of governance capacity before inquiring about the extent to which these post-conflict governments have put in place policies and institutions to deliver government public services.

While the paper recognizes and accepts the importance of grass-roots, community-based conflict management, mediation and prevention, it nevertheless advocates the need for an integrated model in which national policies and programmes are designed which community-based conflict transformative and conflict civic education activities can relate and be interlinked in purpose and practices. The paper advocates the need to establish a Ministry of Conflict Management and Prevention at the national level as one of the key priority post-conflict governance reconstruction ministries. It would lead the design of policies, their approval by cabinet and parliament, and their mainstreaming in ministries in the public sector and at the community and grass-roots levels of the country.

Causes of extreme conflict and the breakdown of governance

Complex causes of conflict

The fault lines in the earth's crust along which earthquakes erupt and result in destructive natural disasters[5] share similarity to fault lines in the social structure along which man-made disasters erupt. The typical social structural fault lines are indicated in Figure 1. The major fault lines along which social earthquakes erupt are:

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[4] The critical incidents approach is a modification of the case method used at the Harvard Business and Law Schools.

[5] A current example is the Nyiragongo volcanic eruption that has covered Goma with lava flows.

Figure 1.   Potential fault lines in the social structure that result in the breakdown of peace in society
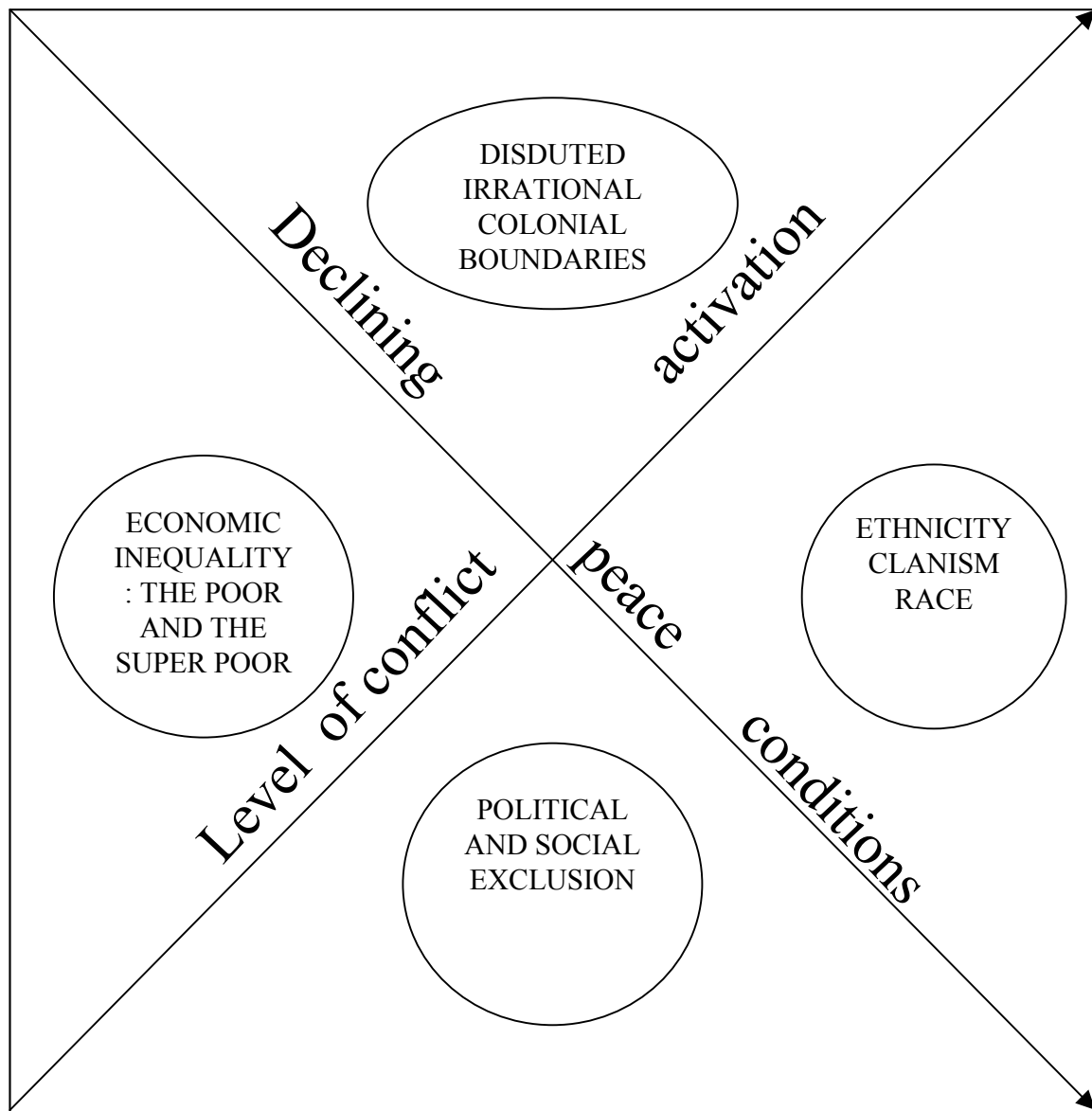
- Political and social exclusion maintained by the misuse of governmental instruments of coercion and authority;

- The fragmentation of society into ethnic groups, clans, tribes or races, that become the basic units of political and economic zero sum competition, feuding, and inter-group conflict and fighting;

- The existence of disputed, unclear domestic and inter-state boundaries inherited from colonialism, demarcations that cut across and separate tribes and ignore the principles of natural boundaries, and that re-enforce and intensify ethnic fragmentation; and

- The emergence of harsh, deep and widespread abject poverty for the majority of the population amidst a small, proud, emergent class of the super-rich millionaires that engage in a culture of spontaneous consumption that is highly resented by the rest of society.

These fault lines do not automatically result in social explosions. They remain latent until they are activated. That is why in this paper they are referred to as potential fault lines. Radio Mille Colline was a major weapon in the mobilization[6] and activation of latent hostilities between Tutsi and Hutu in Rwanda. It played the role of a trigger that set off the fire in smoldering embers of ethnic conflict. It should be noted that strong social cross-cutting ties can develop across social fragmentation, acting as an adhesive, or strong binding, that holds in check the potential explosion of social conflict.[7]

Political and social exclusion maintained by the misuse of governmental instruments of coercion and authority leading to breakdown of governance.

The guiding governance principle is that stability and peace depend on agreement and widespread consensus on the system of democratic governance and equal and open opportunities for participation and access by most social and political actors in the population. If the major actors and stakeholders in the population believe that the best governance system is what they have, there will be peace and stability in the country. The acceptability of a type of governance is what may be called legitimacy. This legitimacy is embedded in the culture of the society and supported and entrenched by child socialization and adult training. Governance legitimacy also depends on effective public administration, on the effective delivery of goods and services expected by the population. In the modern era, the most widely accepted governance system is democracy. In most countries, the citizens aspire to be governed under democratic principles.

At the same time, individual political leaders continue to be tempted to impose single personal rule, or rule by an oligarchy, on societies whose basic aspiration is democratic governance. A large number of people and groups who want to participate in the political system are excluded. Instead of political power being dispersed to many centers in the society, it is concentrated and monopolized.

This leads to so-called democratic struggles that in the end may result in anarchy, civil wars, destruction of the economy, and the collapse of the state. As excluded individuals and groups resort to armed conflict, the regime monopolizing political power resorts to the misuse of state institutions and instruments of coercion such as the army and the police. This is the crisis of participation and democracy that is widespread in Africa. Many rulers in Africa are overstaying in power by changing democratic constitutional provisions that limit the number of times a single individual may be a president of a country. Other leaders and groups then resist and this democratic struggle may translate into civil war and armed rebellions that may result in the collapse of the state (Zaire, Somalia, Uganda, Somalia, Burundi, Sudan, Algeria, Angola, etc).

The concept of social exclusion as used here may cover situations in which the excluded group is a distinct racial one (blacks in apartheid South Africa), ethnicity (Tutsi in Rwanda from about 1958 to the recent genocide); Chinese in Singapore and Malaysia; blacks in Sudan; and clans excluded by the Siad Barre regime in Somalia. Landless peasants constitute an excluded social category in feudal systems in which one landed oligarchy controls most of the land (Latin

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[6] See Schenectady, The Semi-Sovereign People.

[7] It reminds me of a story of about General Mustafa, Syrian Defense Minister, who was in love with an Italian actress, Gina Lollobrigida, and who ensured that Italian enemy positions were not shelled for he could not bear the thought of the actress sobbing in bereavement. Michael A. Ledeen, *Machiavelli on Modern Leadership.* New York: Truman Talley Books, 1999, p. 64.

America). The intensity of the exclusion increases exponentially where several of these bases of exclusion converge as in the South Africa case where one race had excluded the rest from the political, economic, and social arenas.

The Somali case of political and clan exclusion and personal rule

Somalia was one of the most culturally homogeneous countries in Africa. It was a case of a high degree of cultural homogeneity. The Somalis are one tribe with clans and sub-clans. They also belong to the same religion namely, Islam. However, there are divisions along segmentary lineage systems which can be the basis of inter clan warfare. Somalia was Balkanized into colonial enclaves in which new and entirely different colonial cultural, economic, and governance institutions and traditions were introduced: British, French, Ethiopian, and Italian. Under the euphoria of independence, British Somaliland opted to unite with Italian Somalia. It should be noted that unlike many other African societies, Somalis have deeply entrenched culture and tradition of democratic governance the anthropologists have called pastoral democracy. So when the post- independence leaders in Somalia proceeded to establish personal, militarist, dictatorial rule, it sparked a great democratic armed struggle in civil society and communities. Faced with the fury of this opposition, Siad Barre responded not only by the use of the ferocity of the national army, but also divide and rule methods, pitting one clan or a sub-clan against the others. The clans of the northwest and the clans of the northeast became marginalized and excluded as political, economic, and military power came to be concentrated in Mogadishu. The support of activities for the consolidation of a greater Somalia by militarily taking over Somali communities and territories 'lost' to neighboring countries resulted in irredentism in those countries and attracted external interference in Somalia by neighboring countries. This was intensified by exposing Somalia to cold war competition between the West and the Soviet bloc. A combination of all of these factors led to the collapse of the Somali state in 1991.

Peace-building efforts in Somalia need to understand and deal with the institution of "warlordism". This is a combination of a modern military figure, who may control several pick-up vehicles mounted with a gun, the so-called 'technicals', which also mobilize the support of his clan or sub clan. This is a clan or sub-clan based armed wing of a military leader who using an armed group controls territory. These warlords are basically engaged in power struggles for the control of any national state that may emerge in the future. They have tended to follow the logic of zero sum competition of winner takes all. They balance each other and neutralize each other and prevent the emergence of a winning coalition.[8] They seek support from rival neighboring countries that in turn are provided with the opportunity to promote their own political interests, which may be to keep Somalia disunited.

Fragmentation of society into ethnic groups, clans, tribes or races that become the basic units of political and economic zero sum competition, feuding and inter-group conflict and fighting

Most people are aware about the civil strife that has from time to time engulfed societies that have deep divisions based on ethnicity, clanism and race. Nigeria is an example of a country that is torn apart by deep ethnic rivalries between the Ibos, the Yoruba, the Hausa, and the Fulani etc. These divisions are being exacerbated by political mobilization based on religion and the introduction of the Islamic sharia law in federal states with Islamic majority, but with Christian minorities strong enough to create conditions for deep division and civil strife based on religion and ethnicity. Apartheid South Africa has already been mentioned as having excluded the black

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[8] L. S. Sharpley and Martin Shubik, "A Method for Evaluating the Distribution of Power in a Committee System" and William Riker, " A Test of the Adequacy of the Power Index", both in Roderick Bell, David V. Edwards and R. Harrison Wagner (eds.) *Political Power: A Reader in Theory and Research*. New York: The Free Press, 1969, pp.209-225.

majority from political participation, leading to a prolonged war of liberation from what was perceived in racial terms as white supremacist oppression.

In the Sudan for over twenty years, the South,[9] which is inhabited by black people of predominantly animist religion, has been fighting a war of self-determination from Arabic and Muslim north. Burundi is a society deeply divided on the basis of ethnicity between the minority Tutsi and the majority Hutu. The introduction of majority rule resulted in Hutu domination and the minority Tutsi have used monopolization of military institutions to hold on to political power and to exclude the majority who in turn have resorted to armed warfare, plunging the country in protracted civil war. The main feature is the fragmentation of society into ethnic groups, or clans or tribes or race, that become the basic units of political and economic zero sum competition, feuding, and inter-group conflict and fighting.

The convergence of multiple causes of conflict and the breakdown of governance

Even when, analytically, factors that contribute to conflict are isolated and examined one by one, seriatim, in the real world of events, the various factors operate together and this accounts for the fury that results. The convergence of several forces in one conflict incident may be illustrated with a recent event of social conflict in the Kibera slum of Nairobi. During the pre-colonial period this area was grazing land belonging to the Masai. During the colonial period, the British colonial power brought Nubians from the Sudan who settled in this area. Even in Uganda Nubians were settled in the Bombo area close to Kampala city. In the Kibera slum, the Nubians erected simple slum housing structures, which they have been renting to Luos. So the emergent social structure is one ethnic group being the landlords and a separate ethnic group being the tenants. It should be noted that there are multiple claimants to the same land: the Masais who have pre-colonial rights, the Nubians who have lived on the land and put up improvements (even slums) since colonial days (over 100 years), the government which classified such land as crown (state) land and the Luos who are the tenants. These different groups belong to different political parties. All these are latent fault lines that crisscross each other like a web and account for the ferocity of the resulting explosion of social conflict.

What sparked off the current communal fighting is that some leading politicians went to the area and made statements that the landlords, the Nubians, should reduce rent by one half. The Luos, who have been renting the properties, stopped paying rent. Some politicians who belong to the opposite camp went there and told their followers to require the renters to pay the rent. Fighting then broke out between different groups, the police came in to quell the rioting and about 10 people were killed and several hundred injured. Very many families had to run away from the area to escape the violence. The analogy that we have used of fault lines need to be modified to reflect the crisscrossing of a web of fault lines that re-enforce each other and compound the magnitude of communal conflict explosions.

Many faces of conflict and interests have converged in the East Congo armed rebellions producing a major humanitarian catastrophe, leading to the deployment of United Nations peacekeeping force. The decades of Mobutu Sseko misrule, autocracy and developmental neglect of a vast territory produced armed democratic struggles that resulted in the collapse of the state. But the rebel groups that overthrew Mobutu Ssese Seko disintegrated into armed fragments none of which has succeeded in uniting the country. The armed struggles fed on the underlying fragmented tribal groupings and identities. Then there were major international armed interven-

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[9] The Arab North and the black South Sudan distinction is very simplistic. Prior to British colonization, the territory that became Sudan was composed of a mosaic of traditional kingdoms and empires: Fur kingdom to the northwest, Sennar kingdom to the north, and the northeast was part of a large Ethiopian kingdom called Axum. It was only the central area around Khartoum that was inhabited by Arabs.

tions involving the neighboring countries supporting different political and armed factions. While Zimbabwe and Angola armies fought to support and prop up the shaky post Mobutu government of Laurent Kabila, the former allies, Uganda and Rwanda, supported rebels intent on bringing down the Laurent Kabila government in Kinshasa. Laurent Kabila was assassinated and succeeded by his son, Joseph Kabila. The assassination and the succession further entrenched the deep divisions of tribal, militarily rebel groups, and their international supporting armies. The former allies of Uganda and Rwanda disagreed on strategy and objectives and fought each other several times in Kisangani. Ancient animosities between the communities of the Lendu and the Hema were aroused and mobilized into hatred and hostilities and intent on mutual destruction. Most of the groups involved have been accused of being motivated by access to, plunder of, and aggrandizement of, vast mineral riches in the region. This example epitomizes the complexity of multilevel extreme conflicts.

Disputed irrational internal and external boundaries and economic assets

Whereas at about 1000 A.D, Somalis had established a homogenous pastoral democratic society over the entire horn of Africa, colonization subjected them to the worst form of colonial balkanization into five colonial enclaves. The complexity of conflict in Somalia derives from the fact that Somali leaders and governments attempted to claim Somali communities left as parts of neighboring countries so as to regain what had been the Somali nation before colonization. This was dubbed the policy of greater Somalia. This was a major threat to neighboring countries largely because the Somali populations in those countries do want to join a greater Somalia nation-state should this ever materialize. During the colonial period, the 'mad' Mullah waged a 21- year anti colonial war that on one occasion nearly achieved this goal of a greater Somalia. It was the invention of aerial bombing that stopped the 'mad' Mullah from achieving the goal of greater Somalia. Siad Barre nearly repeated a similar liberation of the Somali communities in neighboring countries. He was stopped by the combined might of the Soviet Union and Cuban counter offensive that crushed the Siad Barre occupation which partly led to the fall of the Siad Barre regime. Even today these irredentist sentiments still exist.[10] In 'Talk about Africa' on BBC, Nita Pat Bhalla, the BBC correspondent stated that there are about 8 million Somali[11] living in what is known as Region 5 and that if a referendum were to be conducted in this region the majority would vote for merging with any newly recreated Somali state. She also stated that the region contains low-level insurgency. The Ethiopian government itself has been alleging that terrorism is being promoted and supported in this region.

While the OAU principle of the inviolability of post colonial boundaries may be accepted as a basis of peace and stability in Africa in general, which means that the Somalis have to accept the international boundaries inherited at independence, it is also valid that a regional political framework is required in which the Somalis in neighboring countries can be good citizens of those countries while at the same time enjoying intimate links with their kin and brethren in the Somali state. A common market evolving into regional political frameworks such as a European style union covering all the countries of the Horn would provide a widened political space in which Somali peoples would enjoy shared communication and association without demanding a purely Somali nation-state. The neighboring countries of Ethiopia, Kenya, and Djibouti have the responsibility of maintaining the boundaries of the post-colonial state and the duty to develop all communities within their borders equally including the Somali communities within those borders.

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[10] 'Talk about Africa' on BBC, Nita Pat Bhalla, the BBC correspondent in Ethiopia.
[11] Note that there is inconsistency of figures as mentioned by Nita Bhalla of 8 million for Region 5 and Aideed's 7 million for both Region 5 of Ethiopia plus the northeast region of Kenya. But these divergences are not statistically significant to the crux of the situation of large irredentist Somali populations in neighboring countries.

The Uganda case, which represents the most predominant pattern of postcolonial boundaries in Africa, may be contrasted with the Somali case. Unlike Somalia, which is a case of cultural homogeneity, Uganda is a case of cultural heterogeneity. More than forty linguistic and cultural groups that had nothing in common were amalgamated into one colonial state. The common language that they currently use is English which is a language inherited from colonialism. The Baganda of central Uganda speak an indigenous language, the Luganda, which is totally different from that of the Acholi, or the Langi of the North. Even though European languages differ, they have common roots, such as Latin. Not so with the Luganda and the Acholi. Yet although these tribes are so dissimilar, they have no greater nation outside Uganda to aspire to join. Even in the case of the Basamia on the border with Kenya, who were split into two by the colonial border between the two countries there has been no irredentism demands for a separate identity.[12] The border tribes assume one identity or the other for pragmatic and practical advantages. They can co-exist with other tribes within Uganda because the Uganda state is constructed on the basis of heterogeneity. It has no other alternative.

Most post colonial African states are culturally heterogeneous and the challenges for peace and stability, in these countries, are to design governance systems that allow the democratic participation of cultural and ethnic diversities. Any other politics, especially, the politics of exclusion, would lead to disaster as it has done in several other countries. The Swiss are so culturally diverse but they have succeeded in constructing a viable stable state on top of that diversity.

What must be guaranteed to ethnic minorities are their basics rights: human rights, political rights, and economic rights. These rights must be guaranteed by the ruling elite and protected by the international community. Such rights would be enhanced by giving such communities federal types of relations as has happened in Ethiopian ethnic federalism or highly decentralized local governance as under the District Focus in Kenya and decentralization by devolution in Uganda. But such decentralization should not provide an excuse for benign neglect. If in fact the ruling elite were to mistreat ethnic minorities, then the principle of self-determination should be applied to give such communities the right to national independence. This would teach a lesson to other regimes not to mistreat ethnic minorities. In such extreme cases the OAU principle of the inviolability of post-colonial boundaries could be held suspended and inapplicable.

Economic inequality: the emergence of harsh, deep and widespread abject poverty for the majority of the population amidst a small, proud, emergent class of the super-rich

It has already been pointed out above, that monopolization of political power is often associated with monopolization of economic space. During the twenty years that the Indonesians imposed colonial administration over East Timor, they monopolized political power and excluded East Timorise except for the use of puppets for window dressing. They then proceeded to displace the Chinese who were controlling the key economic activities. At the height of Indonesian colonialism, the Indonesian ruling elite had acquired most of the land and the major plantations. The President, Surkano and his family, especially the wife, and key army generals, had come to monopolize the East Timorise economic system. Most of the positions in the public service, not merely, the top, but the middle and technical cadres (teachers, nurses, police) were monopolized by Indonesians. They came to control the housing estates, and trading systems. This is a pure case of a complete merger of political and economic control and monopolization. When a democratic struggle emerges under these conditions, it tends to be furious, prolonged, and murderous for to

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[12] The New Vision, "Kenyan and Ugandan Banyole to Meet", Kampala: Friday, 28 December 2001. The article claims that this meeting of a border divided tribe has been made possible by the re-establishment of the East African Community creating a regional political framework that transcends national colonial boundaries.

give up political power means also to give up easy sources of pure wealth (amassing wealth without effort).

During the African post independence period, gaining political power was tantamount to getting rich. In the African context most politicians are not well to do when they embark on a political career. They are usually poor like the rest of the population. It was Kwame Nkrumah's political adage, that ''seek ye first the political kingdom and the rest shall be added unto you''. Most African politicians on gaining political power embark on accumulating wealth. It is usually done by theft from state coffers but expropriating any existing rich groups in the society also does it. In Ugandan post-independence governments, especially under the Amin regime, it was the wealthy Indian community that bore the brunt of expropriation by the ruling regime. This situation contrasts with that in USA, where on the whole the motivation to gain political power is in the opposite direction. Individuals pursue a business career, and when they have reached the top of it and have become millionaires, the next arena of self-actualization is to move into politics and they may use accumulated economic power to gain political power.[13] It is widespread use of political power to get rich that has resulted in the coming into being of a well-to-do class of political leaders in Africa. The emergence of harsh, deep and widespread abject poverty for the majority of the population amidst a small proud emergent class of the super-rich millionaires is steeped in a culture of spontaneous consumption that is highly resented by the rest of society. Since there is no guarantee that after leaving office, the acquired properties and wealth will not be seized by the new regime, the best insurance of such personal wealth is to stay in power, by hook or crook. This is one of the reasons why leaders in Africa perpetuate their political life. These fears appear to be well grounded, for in most cases where leaders have been chased out of power, their wealth has been taken over by the new regime.

Development of conflicting multiple claims and breakdown of governance

Post-conflict countries face the complications of multiple claims to property and economic assets. In Rwanda in 1958 a Hutu revolution against the monarchy, marked the beginning of successive pogroms against the Tutsi and any Hutu sympathetic to them. These pogroms led to successive refugee waves of migrations into Uganda, where they stayed until they returned home in 1995 after the genocide. Most of them could not recognize their original homes. In many situations the homestead, or property, had passed through several owners and each had added developments that were not there at the beginning. The complication here is that several claimants from different generations and from different families have valid claims to the property. Who then should have it? This complication is often present in post-conflict situations and must be resolved. But it cannot be resolved by asserting the rights of one group against all the other claimants. The land issue in Zimbabwe is a case in which there are multiple claimants each asserting a legitimate right. The peasant who owned the land during pre-colonial period has a right. The settlers who were given the land by the colonial administration have a right to the land based on a long period of occupation, prescriptive right, but also they have transformed the property by developments on the land (usufruct rights). The ideal solution is one in which all the claimants get something.

Peace-building in Somalia is faced with similar complications of multiple claimants to the same properties and economic assets. In one interview I was told that 80% of Somalis are on land that does not belong to them. In another interview I was told that during the Siad Barre regime there was widespread confiscation of property and dispossession and that the ruling groups that displaced Siad Barre also dispossessed those who were regarded to have been the beneficiaries under the Siad Barre regime. One interviewee stated, "We lost land to individuals now active in

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[13] One of the reviewers of this paper has commented, "I can point to recent works that do not support your case." I am trying to get access to these works.

the TNG.[14] We shall never cooperate with the TNG as long as it does not have a policy of returning expropriated land to its original owners". It seems also that the main objective of several warlords who are refusing to cooperate with the TNG are engaged in a war of liberating clan lands that have been occupied by other clans by force.

The phenomenon of multiple claims is likely to be acute in Mogadishu and the inter-reverine region where successive displacements took place. Italians introduced plantation farming on land that was owned by farming clans and communities during the pre-colonial period. This automatically generates two property claimants. After independence, some of these farms changed hands, (mostly to the emerging Somali ruling elite) introducing another level of claims. What this suggests is that a peace-building agenda for Somalia must also include the rectification of grievances over ownership of property.

The last complicating economic factor is the existence of a disputed wealth-building asset such as the oilfield in Kabinda, the oil field in the Sudan, the oil fields in the Niger delta, copper mines in Katanga, diamonds in Sierra Leone, oil in the East Timor Gap, etc. Where such a disputed asset exists in a post-conflict situation, it becomes the basis of disunity, and motivations of exclusive control by one group and not the other in the conflict. It is the mineral riches of Zaire[15] that have now complicated any efforts at peace-building in the country. In Somalia, there are rumors of petroleum reserves on the East Coast and also near Garowe; there are rumors of mineral riches in the Ogden. While the Ethiopia government is planning to exploit natural gas and oil reserves in the Ogden, the indigenous Somali community has not been consulted or involved in any participatory planning for the development of the region.

Re-establishing governance systems in post-conflict reconstruction

The pressure to set up many ministries and agencies to promote peace-building by inclusion of most of the major fighting groups and the need to set up a Ministry of Conflict Management, Mediation and Prevention

One of the key strategies in the ending of complex conflict is the establishment of a broad based transitional government of national unity. There is a need to have a government of many ministries and agencies to accommodate the many fighting groups that agree to abandon armed struggles. Ministries and agencies are allocated to supporters as a reward and to opponents as the carrot. Since social exclusion and inadequate representation in the government was one of the key factors in the conflicts that brought down the ancien regime, it is a sensible and rational response to neutralize this factor in the reestablishment of the post-conflict reconstruction of the governance system. In the post-conflict countries in which this policy has been followed (Uganda, Rwanda) it has ensured relative stability. In post-conflict countries in which a winner takes all policy has been followed (Angola, Liberia), perceived new forms of exclusion have sparked off new rebellions.

While the set-up of many ministries and agencies must be acknowledged as political necessity for peace and political stability, it is a disaster for the recovery of governance. Post-conflict governments depend on donors for financing their recovery. Usually, the population is extremely poor and cannot provide a source of tax revenue, and economic production will have been decimated by the civil wars. And so most of the post-conflict governing institutions that are set up

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[14] The Somali National Transitional Government set in 2000 after the Arte conference in Djibouti.
[15] Michael Bond and Colette Braeckman, "A moral minefield", new scientist, 7 April 2000 No. 2285. This is a discussion about the mineral tantalum that is used in computers and mobile phones and is found in the Bukavu area of Zaire now controlled by a Rwanda supported rebel force.

do not have the minimal financial and human resources to operate and deliver the most basic public services.

Yet the need to set up a ministry to continuously analyse causes of conflict, to design conflict mediation policies, and to set up units within government to implement conflict mitigation and management is never perceived. Post-conflict politicians do not see this as a priority for conscious and deliberate public policy. It is left to NGOs to handle through conflict-prevention civic education programmes.

The strategy of supporting capacity-building for a select few strategic ministries and agencies is unpopular and important issues such as future conflict management are ignored.

It is often proposed to concentrate donor resources and funding on a select few strategic ministries and agencies so that their internal capacity can be raised to a high level to have impact in the delivery of the most critical and basic public services. The post-conflict governments often resist this strategy. As a result post-conflict governments are characterized by unwieldy structures and ill-defined and duplicative roles and functions. Underpaid and undereducated officials will staff them. The recruitment is usually driven by patronage, nepotism and cronyism. Thus the totality of the civil service in a post-conflict setting may not be highly motivated to perform and deliver services. The ideal condition is where there is a Ministry of conflict mediation and management that conducts studies of current low-level conflicts, develops strategies and alternative policy and mediation options. It would also analyse potential sources of future conflict and develop prevention strategies. Such a Ministry would mainstream conflict prevention and mediation strategies, techniques and methods in all the public sector and thus raise the level consciousness among all officials about conflict management, mediation and prevention.

Three options in conflict management, prevention and mediation

Establishing a government and a civil service in which conflict management, mediation, and prevention are widely mainstreamed in institutions, policies and personnel

What has been described above may be referred to as the bureaucratic top down approach. It assumes that a well functioning state has a role in managing, preventing and mediating conflict. A national parliament in which all stakeholders are gathered must use its legislative powers to enact policies and laws that dampen current conflicts, make budget allocation for conflict mediation services, and anticipate and prevent future conflicts. The head of public administration would ensure that all civil servants are trained in the strategies and policies of conflict anticipation, mitigation, mediation and prevention and that consciousness of the need to control conflict permeates the government ministries and agencies. The justice administration system: the judiciary, the police and the internal investigative agencies must develop strategies to handle communal conflicts such as race and ethnic riots and violence. Instead of waiting for the explosions to occur and then attempt to control and to stamp them out, it is better to proactively anticipate social conflicts and try to prevent them from occurring. Prevention is better than cure. Some countries have established conflict resolution centers. These centers need to be linked to the public administration network and the legislative bodies. The challenge is to establish a government and a civil service in which conflict management, mediation, and prevention are widely mainstreamed in institutions, policies and personnel. This is the hierarchic and public administration approach.

Joseph P. Folger, who is leading expert on conflict mediation, pejoratively refers to current public administration approaches as the top down approach:

> Top-down processes are clearly ones that do not hold the assumption that people
> are capable of making clear choices for themselves in the conflict, and at the

same time balancing responsiveness to others with whom they are interdependent and have to live with in a diverse world and society. It becomes a kind of litmus test as you look around you and see the kind of interventions that are being done. And I would encourage you to keep an eye to the whole range of intervention work that you see in our society.

For example, several years ago, in Dayton, Ohio, Holbrooke and others were working on the Bosnia agreements, you may recall. If you looked at his rhetoric and the discussion of how he viewed that process, you might have noticed that he said, for example, "We need to lock these people in a room and not let them out – these were his words – until they agree." He also said they were not going to be able to change a word of the agreement after they left Daytona. Now there is every reason to believe that a more top-down approach was absolutely necessary to stop the violence in Bosnia. And many of us would totally agree. But I would ask you to think about whether the hard work of encouraging or allowing people to deal with diverse ethnic identity through a process of co-existence was worked on at all during that process or whether those difficult issues were the focus of any attempt to work through. I would say that it was a very top-down process.[16]

I think that Buch and Folger do not realize the importance of involving the state in conflict prevention and management. There may be inefficiency in bureaucratic implementation because of institutional and motivational weakness but this does not detract from the need to have endorsement of conflict management policies by the highest authorities in the nation (parliament and the government). We should note that Buch and Folger are criticizing what they regard as poor mediation in the USA justice system. By comparative standards, the level of conflict management and mediation services must be very high compared to those in developing public administration. Yet conflict mediation services in developing public administration are much higher than in the post-conflict reconstruction setting, where public administration systems have collapsed. What this means is that mainstreaming conflict management, mediation and prevention through the institutions of a post-conflict reconstruction government is much more challenging and requires conviction, perseverance, and sustained effort and resources.

Conflict management and mediation are best solved at the level of community, rather than the national level.

The premise of the conflict transformative framework, developed by Robert A. Baruch Buch and Joseph P. Folger in *The Promise of Mediation: Responding to Conflict through Empowerment and Recognition* (Jossey-Bass, 1994) is that a conflict is first and foremost a crisis in human interaction.

> Specifically, the occurrence of conflict tends to destabilize the parties' experience of both self and other, so that each party feels both vulnerable and more self-absorbed than they did before the conflict. Further, these negative attitudes often feed into each other on all sides as parties interact, in a vicious circle that intensifies each party's sense of weakness and self-absorption. As a result, interaction between the parties quickly degenerates and assumes a mutually destructive, alienating, and dehumanizing character.[17]

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[16] "Into the Woods: Mediation in Its Adolescence", Keynote Address by Dr. Joseph Folger to the Australian National Mediation Conference, May 1998.

[17] From "The Transformative Framework" a one page summary of the Transformative Framework that can be found on the Eastern Mennonite University (EMU) website www.emu.edu.

However, the model posits that people are capable of shifting back to the sense of self confidence and self respect (empowerment shift) and regain openness or responsiveness to other (the recognition shift).

> The model assumes that this transformation of interaction itself is what matters most to parties in conflict, even more than resolution on favorable terms."[18]

In practical terms, the conflict transformation approach focuses on the interpersonal, small group, inter-group, and intercommunity levels at which confrontation and violence take place. The major limitations of this approach is that actors and stakeholders based at the national level may be ignored and this may limit the impact of grass-roots, community-level conflict management, mediation and prevention activities and programmes. Wolfgang Heinrich, *Building the Peace: Experiences of Collaborative Peacebuilding in Somalia 1993-1999* (Life and Peace Institute) is a compilation of widespread efforts at civic education in conflict prevention and resolution at the Somali grass-roots level in a context of the collapse of the Somali state, i.e., in the absence of the hierarchic public administration structures denigrated as top down approaches. Ten years of Somali community-level interventions, without the encumbrance of a Somali national state have not helped the bottom up projects and programmes to succeed. Bottom up initiatives also require collaboration with national level actors, stakeholders, and public policies and institutions dealing in conflict management, prevention and mediation.

The pejorative remarks about the ineffectiveness of the top down approaches and the exhortations about efficacy of the bottom up approaches by Joseph P. Folger must be understood in its USA context. The transformative model of mediation was applied in a case involving two schoolgirls who are leaders of rival gangs in the Queens area of New York. Joseph P. Folger applied the interpersonal and interrelational third party mediation methods on the two-gang leaders and achieved a certain level of success. The existence of federal, state and city level administrative programmes and services that ensure most of the existing peace and social stability is taken for granted, and yet the conflict generated by the two gangs is a mere deviation to what would be massive governance breakdowns described in section II above. I do not see how a relational view of the world and the transformative framework based on it could be applied in the Kibera, Bunia and Somalia complex conflict situations.

While it is presumably correct to claim that conflict management and mediation are best solved at the level of community, rather than the national level. At the community level you focus on the units and entities engaged in the conflict: interpersonal, inter-group, and intercommunity. It is correct to add that such community initiatives have better chance of success if they involve actors, stakeholders, and especially, the agencies of the state, at the national level and if such grass-roots efforts are backed by strategies, policies and laws put in place by organs of the state at the national, state and grass-roots levels. This calls for integrated conflict management and mediation approaches at all levels.

Integrated conflict management mediation and prevention

The fundamental premise of an integrated approach is that identification of national, regional, and grass-roots levels is for analytic purposes but in reality the three levels are unidimensional and there is no clear-cut demarcation between the bottom, the middle and top and one cannot exist without the others, especially the middle. J. P. Lederach at the Mennonite Conciliation center developed a conflict transformation and peace-building approach that integrates leadership at all levels.

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[18] From "The Transformative Framework", *Ibid*.

Top-level leadership consists of key political and military leaders and the highest representative level of the parties in conflict. They are usually remote from the actual conflict situation but are perceived as having significant, if not exclusive, power and sufficient authority that is usually targeted by international diplomacy.

Middle range leadership is characterized by being within the conflict situation, experiencing the immediate impact on the communities. They are related, but not directly connected to or controlled by the parties in conflict. Middle range leaders have access to top-level leadership but they are more closely related to their constituencies. In this position they have the capacity to *'connect both the top and the grass-roots levels. They have contact with the top-level leaders, but are not bound by the political implications that govern every move and decision at that level. Similarly, they vicariously know the context and experience of people living at the grass-roots level. Yet, they are not encumbered by the survival demands facing many at this level'*[19]

The third level of leadership is that of grass-roots leadership. Life at the grass-roots level is particularly affected by armed conflict. Day-to-day survival is the primary concern of people and communities at this level. Leadership at this level has to deal with crisis on a daily basis, struggling to find ways of meeting the communities' fundamental needs for shelter, food, and safety".[20]

It is important to bring into *an integrated model of community conflict management and prevention* two other important actors: these are the media and civil society groups. The tone and content of media messages and reports of social incidents can spark off riots and demonstrations that can degenerate into profound intertribal, interracial and intercommunity conflicts and violence. A televised incident of two white policemen whipping a black traffic offender led to riots in California. In most cases reports of a single incident may be out of context and not a reflection of the state of intercommunity relations. The power of broadcasting and the control of minds, thoughts and attitudes were confirmed in the era of communism. In the Rwanda genocide, radio mille colline played a key role in arousing and inciting Hutu to exterminate the Tutsi. It is important to assign a positive role to the mass media to be instruments in the creation of peace and security in intercommunity relations. The mind set of journalists and editors can be informed and educated through specialized courses in conflict prevention and transformation reporting. Moreover, programmes of civic education for peace and intergroup harmony may be conveyed through the media.

There are very many NGOs operating in civil society. Some are focusing on meeting the diversity of social deprivations that armed conflicts bring to the communities: the widows and orphans, the wounded and the maimed, and the internally displaced. There are also NGOs specializing on conflict mediation, and conflict mitigation. But they may not be equipped with the latest techniques, concepts and counseling resources. All of these NGOs need to be provided for in an integrated approach to conflict management and prevention.

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[19] Lederach, J. P., "Building the Peace: Sustainable reconciliation in divided societies", Paper submitted to the United Nations University Tokyo, 1994; Lederach, J. P., *Preparing for Peace: Conflict Transformation Across Cultures* (New York, 1995) quoted by Wolfgang in reference 11 below.
[20] Wolfgang Heinrich, *Building the Peace: Experiences of Collaborative Peacebuilding in Somalia 1993-1996*. Uppsala, Life and Peace Institute, November 1997, p.17.

Awakening the international community to focus on reconstruction of governance and democracy in post-conflict reconstruction

International actors have had their fingers burnt when trying to intervene in complex emergencies. They are not to be blamed when they play it safe or pass the need for intervention around among agencies while Rome is burning. It is the international community that has been responsible for enabling communities to survive extinction from civil wars through generous financial contributions to reconstruction. There are institutional factors the limit the efficacy of multilateral post-conflict reconstruction activities. The major structural and overall organizational limitation is that the appointment of the resident United Nations humanitarian coordinator usually produces coordinators who are preoccupied with security, food aid, physical infrastructure, and rehabilitation, with very limited focus, if any, nothing at all, on the resuscitation and reconstruction of governance and democratization processes which were the cause of the humanitarian crisis. The same officers are also expected to be the resident United Nations Development Programme Representatives. In their humanitarian role, they report to the Office of the Coordinator of Humanitarian Affairs (OCHA) and in their development programme they are supposed to relate to the UNDP Administrator. Since their appointment is through OCHA, their primary concerns are those of OCHA (who is their supervisory authority) and secondarily those of UNDP. The United Nations country offices have severe limitations to assist shaky post-conflict governments with the design of governance and democratization since their preoccupation is with humanitarian and rehabilitation activities. If they are poorly, equipped to deal with general governance reconstruction, how can they be expected to deal with the highly specialized activity of the planning and institutionalization of conflict management, mediation and prevention in the new post-conflict government and society?

There is a very great need to awaken the international community at the country office level to focus on reconstruction of governance and democracy in the post-conflict reconstruction and to include support to conflict analysis, policy-making, mediation and prevention. There is an urgent need to mainstream conflict mitigation methodologies and concepts (transformative framework) among staff in OCHA, BCPR (Bureau of Conflict Prevention and Reconstruction) and among supervisory staff (the Deputy Resident Representatives and the Assistant Resident Representatives) at country offices. The recent elevation of the UNDP emergency response Division (ERD) to the status of a Bureau (Bureau of Conflict Prevention and Reconstruction) has been a very positive step implying greater emphasis on conflict management, mediation and prevention as advocated in this paper. But still the fragmentation of mandates between OCHA and BCPR remains a very great limitation to effective conflict management and prevention at the country level.

Conclusion: a three-year programme of action to strengthen conflict management, mediation and prevention in post-conflict governance and democracy reconstruction

The primary thesis of this paper is that a breakdown in governance and democracy is responsible for plunging the country into armed rebellion and the collapse of the state manifested in a humanitarian complex emergency and the reduction of society to a Hobbesian state of nature where life is short, nasty and brutish. But reconstruction arrangements tend to ignore promoting conflict management, mediation and prevention, which were the causes of the breakdown. The paper reviewed the main causes of governance breakdown and the limitations of post-conflict restoration of the state and governance and democratization. As a way of concluding this analysis and presentation, *a three-year programme of action to strengthen conflict management, mediation and prevention* is outlined in Table 1.

Table 1.   *A three-year programme of action to strengthen conflict management, mediation and prevention*

	Issues to overcome	**Proposed activity**
1	The causes of conflict are usually not well understood: who are the primary actors, what are their grievances against each other? Who is mobilizing who and what are the super optimum solutions? How can winner-take-all be avoided?	Mobilize funds to carry out in-depth analysis of potential bases of conflict in the society, monitor factors predisposing towards the breakout of conflict so that action can be based on concrete knowledge.
2	In many conflict situations actors respond by trial and error and learn through making costly mistakes. Actions based on ignorance and dilettantism need to be replaced by expertise and professionalism.	Provide for the design of conflict mitigation strategies. This should be the identification of alternative solutions and options by technical experts such centers of excellence in conflict assessment, mediation and prevention
3	Although failure to deal with conflicts was responsible for the breakdown of governance there is a tendency for conflict management to be ignored by post-conflict governments.	Post-conflict governments to be assisted to formulate and adopt conflict management, mediation and prevention policies, laws to be implemented and mainstreamed in all government ministries and agencies.
4	The need for Ministry of Conflict Management, Mediation and Prevention is often not recognized and provided for in the set-up of post-conflict governments.	Establish institutions to manage, mediate and prevent conflict. In small states a minister of state for conflict mitigation may be adequate, but in large countries such as Nigeria and the Congo, a full-fledged Ministry for conflict Prevention should be given high priority.
5	There is limited awareness of techniques, methods and concepts of conflict management, mediation and prevention in the government, the media, the civil society, who would be the channels for advocating and spreading them.	Borrowing from the experience of gender mainstreaming, conflict management, mediation and prevention needs to be mainstreamed among key stakeholders (government, NGOs, donors, parliament, the media, the security sector, schools and universities and, especially, staff of international agencies such as OCHA and PCPR as well as senior staff in United Nations country offices.
6	The criteria for deciding on launching a mediation process in ongoing conflicts seem unclear. At what point should national, regional, and international mediation come into play so that mediation is timely?	A task force of experts should work out the criteria for deciding on launching a mediation process in ongoing conflicts and clarify at what point national, regional and international mediation may come into play singly or in combination so that mediation is timely.

7	What would be the strategy of dealing with a negligent government that is participating in the support of one party to the conflict and blocking international intervention (Zimbabwe)? The issue here is principles of sovereignty and non-intervention in the domestic affairs of a country.	Review and assess the situations of conflicts in which the government is one of the parties to the conflict and how these situations are to be handled.
8	One of the key causes of extreme conflict is marginalization of groups of political actors who come to believe that their access to power can only be achieved through the barrel of the gun. This often achieved by the ruling authorities monopolizing power, rigging elections and using coercive state instruments to frustrate open political participation.	The international community should support and promote participatory governance and democracy in the very early stages of the reconstruction of governance in a post-conflict country. Delayed action leads to re-emergence of authoritarian politics and public administration that led to conflict and violence and the collapse of the state.
9	One of the tactics used by autocratic rulers is to stifle the registration and operation of a diversity of democratic political parties. If parties already exist, they are banned from operating. The police and the courts are used to harass, imprison and kill opposition leaders.	Support and promote multiparty democracy through its adaptation to the history and culture of each country
10	The head of the main United Nations country office is usually designated as the United Nations Resident Humanitarian Coordinator and is appointed by the Secretary-General on the advice of the Office of the Coordinator of Humanitarian Affairs (OCHA). He also designated as the UNDP Resident Representative reporting to the UNDP Administrator. This arrangement is not working. If a humanitarian careerist officer fills the post, the UNDP functions suffer. If a UNDP careerist fills it, humanitarian concerns may not receive adequate attention.	Streamline and rationalize the United Nations Resident Coordinator system and in particular ensure that the country offices are not torn between serving several uncoordinated masters (OCHA, PCPR) and that there is technical capacity to support the establishment of institutions and practices of conflict management, mediation and prevention in governance reconstruction of the post-conflict country.
11	A United Nations country office in a post-conflict country may be used as a dumping ground for United Nations personnel who have failed elsewhere but who are on fixed and permanent terms and who are backed by powerful home countries. In one country office the Resident Representative (RR), Deputy Resident Representative (DRR), Assistant Resident Representative (ARR)	The reprofiling of country offices affected the middle and the lower officers and left top management unscathed. The reprofiling process should now be applied to the levels of the RR, DRR and ARR and in particular the post-conflict country offices should be spared deadwood and be given the best managers that the United Nations can find.

	may all have this background and the entire office conforming to Parkinson's Law of officials being promoted (transferred in this case) to their highest level of incompetence.	
12	Some post-conflict countries (South Africa) were able to establish centers of conflict management and resolution that have played a key role in post-conflict reconstruction. In many post-conflict countries this vital institution does not exist. At the same time, world centers of excellence in conflict management tend to act in isolation and their products and services are unavailable to post-conflict countries. There is need to systematically identify them and make their products and services available to post-conflict countries.	The United Nations should lead and coordinate relevant stakeholders to ensure that it is standard practice to set up centers of conflict management, mediation and prevention in all post-conflict societies. Existing centers of excellence can be used as models. In particular it is essential to coordinate, co-opt and tap world leading conflict management centers. The centers need to identified {Colorado Conflict Research Consortium, South Africa Center for Conflict Resolution, Uppsala Life and Peace Institute, Mennonite Conciliation Center, Center for Analysis of Conflict (University College, London), African Center for Development and Strategic Studies-ACDESS, the Consensus Building Institute (CBI), etc}

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The Role of Governance and Public Administration in Developing a Foundation for Participatory, Peace-Sustaining Governance

by

Michael Meyer

Introduction

The ability of administrative institutions and processes to develop policies and programmes in a participatory manner which anchor peace and reconciliation, and also enable themselves to act as resolvers and managers of conflict is critical to building long-term national capacity for sustainable peace and development. This paper explores how to best utilize various participatory governance mechanisms as instruments for conflict management in post-conflict situations. In particular, it explores participation, decentralization and local government capacity strengthening (with some reference to the South African experience) as strategies to prevent a resurgence of severe or violent conflict, to constructively manage public policy issues and disputes, to build long-term social cohesion and to create a foundation for peaceful, sustainable development. Lastly, the paper attempts to forward a comprehensive strategy in developing a foundation for participatory, peace-sustaining governance.

What is conflict? Conflict is relative to its own reality – its origin, intensity, duration, manifestation, and interpretation. Keeping the human development focus in mind, conflict can be perceived as a threat to human security. Conversely, the quest for human security can also manifest as a threat to elitist proponents of disorder in pursuit of self-interest and greed. Some conflicts can be interpreted as 'a cold war' or 'a long peace.' Conflict means peace for some and tragedy for others. Whichever way one looks at it, against the background of resource scarcity, conflict is in some or other way driven by greed and/or grievance.[21] More concise – conflict is defined as a 'social situation in which two parties are competing for the same scarce resources.'[22] Of relevance here is that conflict refers to the social situation and not to conflict behaviour as such. 'The conflict can be latent or manifest. The conflict is not necessarily eliminated just because conflict behaviour ends.'[23] Therefore, of further relevance to this project (that looks at post-conflict mechanisms) is that the concept of 'post-conflict' is therefore somewhat inadequate. Relapses to violence are common, unless basic problems are addressed and solved. The focus here will be on conflicts that are relevant from the perspectives of poverty, development and external development assistance.[24]

Where do we find conflict? Conflict is universal and at the same time rather peculiar to the nation-state. Internationally, the breakdown of nation-states can be generalized to a lack of vertical and horizontal legitimacy within societies.[25] When there is a collapse or lack of vertical

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[21] See Chabal, P. and Daloz, J., *Africa Works: Disorder as Political Instrument*, James Currey, Oxford, and Indiana University Press, Bloomington, 1999.

[22] Wallensteen, Peter, and Sollenberg, Margareta, 2000, "Armed Conflicts, 1989-99", in *Journal of Peace Research*, Vol. 37, No 5, pp 635-649, cited by Hettne, Björn. *Poverty and Conflict: the Methodology of a Complex Relationship*, Padrigu, Gothenburg University.

[23] Hettne, Björn, *Ibid*.

[24] Also see Hettne, Björn, *Ibid*.

[25] Holsti, Kalevi J., 1991, *Peace and War: Armed Conflicts and International Order 1648-1989,* Cambridge et al.: Cambridge University Press, cited in Bächler, Günter, 2003, Conflict Transformation through State

legitimacy, the relationship between the state and the society is detached. 'The common understanding and acceptance of the state elite's right to rule on the basis of a set of norms, rules and values is at least partially compromised.' [26] Horizontal legitimacy refers to the membership and the definition of political communities. This kind of legitimacy is often lacking in war-torn societies characterized by ethnic struggle. 'In these countries, there is no positive notion of political community. The different ethnic groups share no national identity, so that they have no bond of loyalty or feeling of national unity.'[27] It is argued elsewhere that 'internal conflicts constitute challenges to the nation-state and, thereby, the nation-state system, or what we [call] the Westphalian system and its peculiar political logic'.[28] It is further argued that the stability in Westphalian state formation 'proved to be an illusion', and that 'states in all parts of the world are irreversibly challenged from within … Post-Westphalian political rationality, in contrast, assumes that the nation-state has lost much of its usefulness and that solutions to problems of security and welfare must be found increasingly in transnational structures, either multilateral (global) or regional.' [29]

In addition, as elaborated later, the root causes of conflict in any society can hardly be localized to the local level, and therefore cannot be addressed through pure domestic assistance. Unless efforts at good governance as part of the peace-building process take account of the link between governance at community, civil society/private sector, national, regional and international levels, and allow for and/or include all stakeholders in negotiations and the development of frameworks for peace-building, calls and plans for demobilization, disarmament, good governance and international assistance for reconstruction and development, to mention but a few requirements, will be futile.

Why prevent or terminate conflict? To secure human security, which can be broadly defined as the individual or collective capacity to function productively and contribute to society. The basic needs of food, water, shelter, and safety are fundamental. However, these requirements for survival must be supplemented by the psychosocial inputs of identity, self-esteem, recognition, participation, and autonomy. 'These psychosocial needs reflect individual and collective connections to self, others, and a sense of time. For assessment purposes, these needs are categorized as positive attachments to three domains: home, community, and the future. When connections to these domains are strong, resilience to external shock is increased, vulnerability mitigated, and the proclivity for conflict, crisis, and collapse decreases. To ensure more effective design and implementation of development programs, an assessment of an individual's or a community's hope for the future – the over-arching determinant of human security – will be critical.'[30]

As a general point of departure and introduction, it should be noted that restructuring of governance and public administration after times of severe or violent conflict, never proceeds from a clean slate and that past animosities, violent behavior, etc., would still be prevalent.

Reform, in *Berghof Handbook for Conflict Transformation,* Berghof Research Center for Constructive Conflict Management.

[26] Soerensen, Georg, 1998, "Democratization in the Third World: The Role of Western Politics and Research". Paper presented at the Conference "Failed States and International Security: Causes, Prospects and Consequences". Purdue University, West Lafayette, February 25-27, cited in Bächler, Günter, 2003, *Ibid*.

[27] Bächler, Günter, 2003, *Ibid*.

[28] Hettne, Björn, *Ibid*.

[29] Hettne, Björn, *Ibid*.

[30] "Human Security in Angola: A Retrospective Study", Elizabeth Stites, Jennifer Leaning, December 2002. http://www.certi.org/publications/policy/Hum_Sec_Angola_FINAL.htm.

Especially important is the matter of retribution of past wrongs.[31] If a government, whether the existing or an interim, embarks on undertaking fierce retribution measures, chances for a successful and peaceful restructuring are most likely inevitably ruined.

A country which is ravaged by violent conflict would, in most cases, be left without a viable system of government or a well-functioning public administration. In order to reconstruct governance and public administration it would therefore be of the utmost importance to establish some kind of transitional or interim government to undertake the most important government tasks, especially security, basic services, health, etc. In cases where such an interim government cannot be formed, the presence of an international or internationally accepted peace force would be the answer. In cases where the existing government is still in place (e.g., in the case of the suppression of a rebellion by a part of the population), it would in severe cases be recommended that the existing government calls for a mandate by the people by way of general elections or install on its own accord an interim emergency rule with the clear prospect of having general elections after the lapse of a fixed period.

Of course, the presence of an international peace force immediately puts the independence and sovereignty of the country in question in doubt. An internationally agreed assurance (passed as a United Nations Security Council Resolution) of the country's sustained sovereignty after a certain period of time and the fulfillment of specific conditions may be the solution.

The most important and immediate tasks of such a preliminary or interim government, (whether the existing government which undertakes emergency rule or a newly formed interim government with or without international participation) would be:

- The provision of *basic services* such as security, health, education, infrastructure, etc. Public finances and government spending must be singled out as a terrain of much importance. Issues around 'security' have to be particularly carefully planned and monitored after times of disruption (since in most cases 'disruptive' forces still prevail). It is not to be forgotten that often in times of so-called restructuring, suppression and retaliation of previous rebellion and insurrection are most brutal.

- A well-functioning system of *public administration* does not come painlessly, especially after times of violent conflict. In view of this, training of public administrators, supportive elites and influential pro-reform cronies, must be a priority. In this respect, the establishment of a 'school of public administration/ governance' with the assistance of international institutions and the training of selected administrators abroad, could be considered (e.g., a statutory body such as the South African Management Development Institute). However, as much as training abroad could be helpful, it is important to remember that training of public administrators and government officials should be contextual with the country/region specific narrative as a foundation.

- *Constitutional restructuring/reform* is rather often seen as a process that comes only after peace has been established and state functions are more or less in place. It is important to stress that constitutional reform must be undertaken from the very outset, since such reform would be vital for the establishment of a more lasting peace and settlement. At the same time, constitutional reform should be subject to not only what is really meant by 'what is constitutional', but also stating explicitly 'what is not'.[32] For example, the AU

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[31] Also see Kauzya, John-Mary, "Approaches, Processes, Methodologies for Reconstructing Public Administration in Post-Conflict Countries", December 2002.

[32] See Thompson, L., "South and Southern African Security Dilemmas", paper presented at SARIPS Annual Colloquium on Peace and Security in Southern Africa: Challenges and Opportunities, Harare, September 1999.

has resolved that it does not recognize 'unconstitutional transfers of power', however, without any explicit norm/s attached. 'Standards for constitutional rule need to be set and continually raised. Given the absence of real mechanisms for enforcement in the hands of African institutions, much of the work for the foreseeable future must consist in developing consensus, thereby promoting the subjective conditions for a possible peace and security order.'[33]

- If the interim period between the designing of a constitution and its implementation lasts too long, the transition will most likely get jammed automatically. If the implementation of the constitution is not embedded in socio-economic and institutional transformation at the local level (as well as in political transformation at the medium and the top levels), it will probably not be worth the paper it is written on.[34]

All the above functions, tasks and processes call for immediate and constant *public participation and public awareness.* Whatever reforms for governance and public administration are undertaken, they must, through public participation and information dissemination (transparency), be built on a legitimate basis. Admittedly, the processes of public participation and public awareness might be weak and insufficient after times of massive disruption, but they must be confronted, planned and expanded conjunctively with all the other processes of reform.

It speaks for itself that a successful process of restructuring must be accompanied by a *system of oversight, monitoring and evaluation,* with the possibilities of solving disputes, correcting false moves and sustaining the various processes. Again, the participation of the international community would be necessary (also, probably, through the United Nations) to make oversight and monitoring effective and active.

Restructuring of governance and public administration is not simply something that happens. It must be well planned and executed, and in this respect, the *timing* of the various processes is vitally important. Equally important is the necessity to plan the restructuring processes in different progressive phases with adequate provision for reporting, assessment and monitoring.

In order to be successful, restructuring programmes and processes must be based on a vast *network of crosscutting and intertwining agreements and accords.* If not, restructuring programmes will not carry legitimacy, and in addition the responsibility for their effective execution will be left in a void. Agreements, by their very nature, demand the contracting of partners. Part of the restructuring process must therefore be the identification, investiture and training of such partners. Various schemes will have to be worked out in this respect, and through nomination, selection, appointment and election, the relevant partners in the whole network of agreements will have to be established. This demand for effective and legitimate partners in the restructuring process is often neglected and often leads to a massive failure of the process, as well as other joining calamities such as corruption, ineffectiveness, rejection and opposition, and often a severe suppression of those partners who could be valuable partners in the restructuring process. This is often the case where an existing government, after the suppression of a military rebellion or civil uprising, stays in place to undertake the restructuring process.

Needless to say, in any attempt to assist in building peace-sustaining governance to achieve economic development and to alleviate human suffering, it is necessary to enter into a process of reconstruction of the state. The literature suggests that traditional approaches for development assistance have proved to be woefully insufficient in reconstructing the state and that there is need for a more comprehensive approach. 'A new political, economic and social environment

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[33] Justice Africa and InterAfrica Group: "The African Union and Peace and Security", issues paper for African Union Symposium. Addis Ababa, Ethiopia, 3 March 2002.
[34] Bächler, Günter, 2003, *Ibid*.

must be established and society rebuilt. One often cited catchword in this context is 'good governance'. As defined by the Development Assistance Committee of the OECD, the good governance of a country consists of four core elements: rule of law, management of the public sector, anti-corruption, and reduction of excessive military expenditures, as well as three further associated elements: participatory development, democratization, and respect for human rights. Good governance alone is of course not sufficient to meet the preconditions for sustainable peace and development, since it only serves to re-establish vertical legitimacy and does not yet provide for the horizontal legitimacy that can enable a plural society to function on the basis of a wide consensus of fundamental values. Thus, whole groups within such a state can still feel estranged from it and lack a common identity, one that would bind these different groups together as a nation.'[35]

It is noted[36] that international actors, be they governmental organizations or non-governmental organizations in particular, focus on aspects of state reform such as: participation and democratization, federalization and decentralization, constitution and justice reform, security sector reform, and dialogue- oriented or intermediary institutions.' 'These activities can be brought together into three strings that summarize the most important challenges to state reform: a) the need to foster participation and democratization in order to enhance social and political stability, b) the need for institutional reform in order to create and maintain a more durable societal fabric and c) the need for comprehensive security sector reform.'[37]

Although all such challenges need to be addressed in a non-linear integrated and contextual manner, I will focus particular attention to three distinct and interrelated mechanisms, i.e., participation, decentralization, and local government strengthening as agents for building a foundation for peaceful and sustainable development. For illustrative purposes, where relevant, examples from the South African narrative will be provided.

Participation

The involvement of community members in the choosing their own and collective destiny, in its creation, in its functioning and in making sure that developmental and peaceful sustainability in the long term are secured, falls within the ambit of what is referred to variously as participatory governance, participatory democracy, participatory development or people centered development. It is useful here to situate the participatory paradigm within the broader context of state-civil society relations. Broad participation of all sectors of civil society is of utmost importance in guaranteeing lasting peace and sustainable development, since participation 'transforms' individuals into citizens with duties and rights. This occurs in accordance with the norms established by the state. Such norms will be designed and approved by a parliament representing different social groups in society and functioning under the rule of law. This creates a situation where the monopoly of the use of violence belongs exclusively to the state, which thus guarantees law and order, and sovereignty.

State-civil society relations

The democratic state can be divided into four spheres: the state (the administration), the public sphere (political parties), civil society (civic institutions/social movements) and the primary or individual sphere (family, clan, individual). It can be argued that the public sphere and the institutions of civil society mediate the relationship between the state and the primary sphere. Civil society is comprised of a broad range of associative institutions, including the media, trade

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[35] Bächler, Günter, 2003, *Ibid*.

[36] Bächler, Günter, 2003, *Ibid*.

[37] Bächler, Günter, 2003, *Ibid*.

unions, business, sports and religious organizations, non-governmental organizations and community organizations. [38] In other words, civil society encompasses all elements of active citizenship, reaching from the local level (Council of Elders), across the mid-level (NGOs, intellectuals), to the top level (government representatives) and actively combines the various societal sectors. [39]

There are two models of how civil society should operate: the corporatist model and the voluntary pluralist model. The former involves the state "incorporating" institutions that have a proven constituency and can hold them to agreements into decision-making arrangements. The voluntary pluralist model involves the institutions of civil society remaining at a greater distance from the state and acting as 'watchdogs' to ensure that the state fulfils its constitutional mandate. [40]

It is imperative that associations of civil society have a genuine constituency and that the leadership is democratically elected at regular intervals, that the leadership is accountable to its constituency and that these associations respect one another's right to exist. Civil society thus buttresses the state by binding citizens to the rules of democratic politics and in the process 'civilizing' private associational life. By ensuring the accountability of the state, civil society institutions integrate citizens into the norms of democratic life. [41] This ensures a mutually reinforcing relationship between the state and civil society, since only a democratic state can create a free democratic civil society, and only a free democratic civil society can sustain a democratic state.[42]

Participatory democracy

Participation by citizens in decision-making is not just a tool to legitimate what government wants to implement. It is argued for example that in the 'new' South Africa, participation must not merely become a legitimating process. 'It should be an essential component of a broad political programme in which local knowledge becomes a driving force for social transformation.' [43] Participation plays an important role in enabling especially poor people to become active citizens. Poor rural communities who have lived with neither the requisites for dignified existence nor the capacities to change their circumstance become psychologically disempowered. Their situation may be described as 'institutionalized pathology' or 'learned helplessness.'[44] In order to overcome this helplessness, communities need to gain local control of resources. Participation can thus be expressed as '... achieving power in terms of access to, and control of, resources necessary to protect livelihood.'[45]

It is important for the organs of civil society, such as civics, development forums and committees, and political parties to establish a working relationship with formal government structures which:

- Moves beyond the mere 'demands' of protest politics and incorporates both a watchdog role as well as a developmental one;

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[38] Roodt, M., and Savage, D., 1998. "South Africa: The Civil Society Debate", in *Winds of Small Change: Civil Society Interaction with the African State,* edited by Hollands, G. and Ansell, G., East London: Afesis-Corplan.

[39] Bächler, Günter, 2003, *Ibid*.

[40] Roodt, M., and Savage, D., 1998, *Ibid*.

[41] Friedman, S., and Reitzes, M., "Democratization or Bureaucratization?", in *Transformation* 29, 1996.

[42] Walzer, M.. 1992. "The Civil Society Argument", in Moufe, C., *Dimensions of Radical Democracy,* London: Verso.

[43] Levin and Weiner, 1997, *No More Tears, Struggles for Land in Mpumalanga,* New Jersey: Trenton.

[44] Pilisuk. M., et al., "Coming Together for Action: the Challenge of Contemporary Grass-roots Community Organizing", in *Journal of Social Issues,* Vol. 52, No. 1, 1996.

[45] Oakley and Marsden, 1984, *Approaches to Rural Development*, Geneva: ILO.

- Does not lead to co-option and the inevitable corruption that this spawns;

- Takes into consideration the particularities of local politics, especially in the rural areas; and

- Recognizes that 'communities more often reflect division and competing interests than they do harmony and common purpose.'[46]

At any level, institutional reform or institutionalized reform is therefore critical for the reconstruction and democratic development of failed states. 'If we are to solve the problems caused by the breakdown of government and ensuing civil strife, structures must be established in order to re-legitimize state power and make the peaceful management of conflicts possible.'[47]

Decentralization

Decentralization can help reduce poverty, achieve other development goals and promote social cohesion, peace and national unity. Local governance and local elections can ensure transparent, democratic power-sharing, allowing a voice for different political parties. Decentralization can be seen as a strategy that underpins and ties good governance and public participation with sustainable harmonious governance. The shift from a basic service function to one of promoting development follows a global trend of decentralization. According to the United Nations Development Programme, decentralizing governance, from the center to regions, districts, local governments/authorities and local communities can be an effective means of achieving improved access to services and employment, increased people participation in decisions affecting their lives, and enhanced government responsiveness.[48] At a more 'organizational' level, decentralization can be defined as 'the transfer of authority or responsibility for decision-making, planning, management, or resource allocation from any level of government to its field units, district administrative units, other levels of government, regional or functional authorities, semi-autonomous public authorities, parastatals, private entities, and NGOs or voluntary organizations.'[49]

Decentralization – some advantages

While there is no conclusive evidence as to the impact of decentralization on livelihoods, decentralization does seem to have a positive effect on the performance and responsiveness of service delivery organizations. The main recorded benefits have been:[50]

Administrative – deconcentration

- A reduction in bureaucracy and improved responsiveness as government is brought closer to its clients/citizens;

- Institutional capacity-building at the local level;

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[46] Roodt, M., 2001, "Participation, Civil Society and Development", in *Development: Theory, Policy and Practice,* Cape Town: Oxford University Press.

[47] 'Institutional reform should ideally address at least the following areas: constitutional reform, power-sharing arrangements, devolution of power and decentralization, protection of minorities, rule of law, and human rights. All of these objectives are, of course, closely interrelated.' See Bächler, Günter, 2003, *Ibid*.

[48] *Decentralized Governance Programme: Strengthening Capacity for People-Centred Development,* Management Development and Governance Division, Bureau for Development Policy United Nations Development Programme, September 1997.

[49] Meyer, M.J. et al., Human Science Research Council Report on the Review of Schedules 4 and 5 of the South African Constitution, for Department of Provincial and Local Government, Pretoria, March 2003.

[50] Meyer, M.J. et al., *Ibid*., March 2003.

- Better scope for partnership development with organizations outside government; and

- Promotion of innovation (which is important if we are looking for new institutional responses to poverty).

Political – devolution

- Increased transparency and decreased corruption;

- Increased participation in decision-making (which tends to unlock the latent capacity of rural communities);

- Increased job satisfaction and improved motivation as staff cohere together in client-centred problem-solving approaches to service delivery, giving rise to trusting and respectful relationships between clients and public servants;

- Improved targeting of the poor; and

- Better identification and implementation of micro-projects (e.g., through demand-driven rural investment funds).

Fiscal

- Decentralization has proved to be a cost effective way of administering government. Local government structures have usually increased the local resource base, both by collecting their own taxes and by lobbying for allocations from the center.

Possible negative consequences of decentralization[51]

Administrative – deconcentration

- Accountability usually remains to the center. This can increase central power, which now permeates much lower down, unless provision is made to develop a system of local accountability.

- Traditional patron-client relations between administrators and villagers may prevent villagers from pressing their demands.

Political – devolution

- The legal framework specifying the powers and responsibilities of local government is often unclear which reduces accountability. This can be a particular problem where decentralization is legislated quickly, often for political reasons, without thought as to how it will be implemented (as in Lesotho).

- Sometimes apparent devolution can also increase central political power (as happened in Zambia in the 1980s when District Governors were appointed by the ruling party and the right to vote was restricted to party members).

- Accountability in a devolved system often remains weak and more strongly oriented to the center than to local voters. This can be a critical flaw.

- Elites may capture new local government positions and then ignore the poor.

- Local governments are often hamstrung by a lack of funds and so lose credibility.

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[51] See Manor, 1997a and b, for a rather good review of issues. Manor, J., 1997a, *Explaining the Popularity of Decentralization*, Washington D.C.: World Bank. Also Manor, J., 1997b, *The Promise and Limitations of Decentralization*, Washington D.C.: World Bank.

- What corruption remains tends to become more obvious. This can create the impression that corruption has in fact increased. (This happened, for example, in Karnataka, India.)

- Greater inequalities develop between communities and regions with different levels of organizational capacity.

- There can be an expansion of unnecessary bureaucracy.

- Decentralized authorities have a foreshortened time perspective, which can have a negative impact on issues such as the environment.

Fiscal

- The raising of local taxes tends to be unpopular and difficult, meaning that larger central contributions may be needed at the outset. Later, as local governments gain credibility, local contributions can rise.

Decentralization – some caveats

Decentralization is a complex organizational and social process. The international literature offers some important pointers and caveats for decentralization. There are at least four important issues to keep in mind:

- *Negative aspects and unintended consequences:* Decentralization may have problematic unintended consequences, and measures have to be taken to alleviate these.

- *Sectoral differentiation:* In some sectors, the negative aspects of decentralization are more evident than others. There is therefore a *prima facie* case in some sectors to have a lower degree of decentralization than in other sectors.

- *Complementary initiatives required:* It is important to recognize that decentralization may not be a *sufficient* condition for improved service delivery, although it may be a *necessary* condition. There are other interventions that have to be taken alongside the decentralization process (e.g., municipal capacity-building) for the process to achieve the desired results.

- *Process:* A decentralization process will inevitably be slow and lengthy. Some international precedents exist for the *way* in which the functions of municipalities should be increased.

A common thread is that decentralization should be done holistically, i.e., redefining the entire intergovernmental system with a clear idea of what the strategic purpose and goals of decentralization are. For example, the situation appears more complex when one tries to differentiate the impact of decentralization on various sectors. Once again it is difficult to isolate the impact of decentralization on livelihoods. However, there is some evidence that decentralizing health and education yields benefits for both livelihoods and organizational performance.[52] For example, reports on results from Papua New Guinea demonstrate substantial improvements in health (notably a lowering of infant, childhood and maternal mortality and increased life expectancy) as a result of devolution.[53]

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[52] See Piriou-Sall, S., 1998, *Decentralization and Rural Development: A Review of Evidence*, Washington D.C., World Bank; Smith, B.C., 1997, "The Decentralization of Health Care in Developing Countries: Organizational Options", *Public Administration and Development*, 17; and Parry, T.R., 1997, "Achieving Balance in Decentralization: a Case Study of Education Decentralization in Chile", *World Development,* 25.
[53] Smith, B.C., 1997, *Ibid*.

In South Africa (SA) for example, decentralization aims at promoting 'developmental local governance'. According to the *South African Integrated Sustainable Rural Development Strategy* (2000),[54] 'South Africa is in an ideal position to take on board one of the key lessons of the international experience, namely, that successful rural development must be implemented in a participatory and decentralized fashion in order to respond to articulated priorities and observed opportunities at the local level.' Following the SA *White Paper on Local Government*[55] 'developmental municipalities' can be defined as 'municipalities committed to working with citizens and groups within the community to find sustainable ways to meet their social, economic and material needs and improve the quality of their lives.' There are some key implications to this:

- A participatory dimension to municipal government, democratizing and empowering;

- Promotion of sustainable development, and considering social, economic and material needs – implying that developmental municipalities have extensive and multisectoral roles;

- Playing an integrating and coordinating role; and

- Municipalities leading and learning – and able to respond to their local environment and the rapid changes in the world around.

Many local authorities in South Africa are currently struggling to take up the challenge of 'developmental government'. One of the reasons for this is confusion about the roles of the spheres of government in delivery of services.[56] The current confusion about powers and functions of provincial and local governments, linked to the lack of human and financial capacity, obstructs operational functioning. This is particularly damaging for addressing the social needs in under-serviced rural areas, since primary health care, education, housing, and welfare are not local municipal functions. At the same time, there are local municipalities that run clinics without electricity and doctors because of lacking infrastructure, financial and/or skills support. Thus, within the terrain of 'developmental' local government, and decentralization of service delivery, clear definition of roles between spheres of government is required. Decentralized government implies stronger powers to raise revenue locally and clearer delegation of authority and responsibility. This needs to be clarified and codified.

Decentralization and peace nexus

The state as an instrument of development can be used by a government either to frustrate or encourage development. It can hinder or actively undermine development through a variety of measures, ranging from erroneously equating economic development with economic growth, and therefore not paying attention to the distribution of wealth, to simply using power to accumulate personal wealth. Concomitantly, a government can use the security apparatus of the state to create and maintain a secure environment in which its development strategies might flourish, or it can use this apparatus to support and assist its plundering of resources.[57]

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[54] Meyer, M.J. et al., *Ibid*., March 2003.
[55] South African Government: Local Government White Paper, 1998.
[56] Several in depth studies conducted by the HSRC revealed that the problems municipalities are struggling with are to a large extent due to uncertainty about roles, related to this inadequate intergovernmental relations and lack of funding of local government's developmental mandate.
[57] d'Albis, Tristan, *Human Security, Governance and Development in Africa*. Published in Monograph No 50, Franco-South African Dialogue Sustainable Security in Africa, compiled by Diane Philander, August 2000.

'Decentralization is neither a panacea for conflict transformation nor a guarantee for the protection of minority rights. If it is perceived by rigid elites as a threat to their central power (and especially to the allocation of resources), decentralization can well lead both to the mobilization of war-constituencies and to the rise of separatist movements. Thus, decentralization can provoke new conflicts at local levels, degrading social services and state performance, and opening the gap for the widespread corruption of local 'aristocracy'. [58]

'If this is not to occur, decentralization will need to be driven by a power-sensitive, process-oriented and balanced strategy, one thoroughly informed by national and local circumstances. That strategy must first of all generate a commitment for decentralization on the part of all the major actors, thereby stimulating broader participation in political decision-making. To the extent that it can improve the responsiveness of the central administration and effectively introduce the principle of subsidiarity, decentralization can then indeed enhance the accountability and legitimacy of a government, while at the same time strengthening local self-help capacities. The OECD/DAC lists four different channels for donor support for decentralization. Donors can (1) provide specialized technical assistance in the field of planning, administration, resource allocation, etc.; (2) clarify functional responsibility between central and local levels of government (including fiscal revenues and tax systems); (3) strengthen organizational capacities of representative intermediary bodies such as regional Parliaments, local councils, etc.; and (4) enhance the representation of marginalized groups in civil service posts at all levels of the administration (including affirmative action).[59] In terms of peace promotion, decentralization only makes sense in the context of an overall qualitative change of structures and institutions. In many developing and transitional states, it is in fact less a process of decentralization (as evident, at least in part, in France during the last ten years) that can make a difference but rather a kind of reconstruction of state functions from below, one designed to prevent an autocratic recentralization of power.' [60]

In search of good governance and peace in Mozambique[61]

In terms of premises for success and constraints on the road to peace, changes were made in legal and administrative terms, though power relations remained a serious issue. Considering the nature of the state, citizens at local level saw decentralization as an answer to the issue of participation. It was an integral part of a policy focused on enlarging the 'effective national territory', thus bringing citizens closer to state institutions and to other communities. Moreover, it was also a way to consider power-sharing without necessarily having to form a government of national unity. Decentralization thus constituted a political administrative policy to encourage and enhance participation at community level, and provide a 'natural' space for political parties to participate in political life, in the event that they could not do so at national level. More inclusiveness was supposed to be an outcome, in the end building citizenship from below while lending wider legitimacy to the state.

Decentralization did not pledge cost sharing in development, only to increase the costs of services for citizens thereafter, but decentralization had as its aim the enhancement of the concept of citizenship. Besides strengthening civil society and the plural political setting of the country, another purpose of decentralization was to strengthen the state. In fact, a strong, functional state was necessary to programme, implement and sustain the reforms and the new political

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[58] Bächler, Günter, 2003, *Ibid*.
[59] OECD Development Assistance Committee, 1998, Conflict, Peace and Development Cooperation on the Threshold of the 21st Century, Paris: OECD Publications, cited in Bächler, Günter, 2003, *Ibid*.
[60] Drawn from Bächler, Günter, 2003, *Ibid*.
[61] Drawn in part from "Africa Watch: Will Mozambique Remain a Success Story?" Iraê Baptista Lundin, CEEI-ISRI, Maputo, in *African Security Review,* Vol. 9, No 3., 2000.

administrative setting. A state was envisaged that would function under the rule of law, with the executive, legislative and judiciary powers functioning accordingly at the side of responsive and responsible participant citizens. A strong state was to be constructed after peace was made, in which development was to be inclusive and as all embracing as possible. It was to include the majority of individuals and geographic regions as part of the policy of decentralization, and was to be sustainable in accordance with the principles of ownership it proposed.

Ownership in this context meant sharing decisions and responsibility, and defining priorities locally. It also meant avoiding general impositions made valid for all under the principle of universal values, which are generally demanded by the international community and, at times, embraced by the ruling elite without considering local particularities. The principle of participation is very important in the case of Mozambique, as it constitutes a basis for inclusion. Community participation is equally important as the model according to which social groups are organized. Participation is to be understood as a foundation of ownership and sustainability in guaranteeing peace and constructing development. In fact, decisions based on participatory principles are more easily embraced and accepted by the majority who approve them, than those imposed by a higher power, even if legitimated by the international order that recognizes the sovereignty of states.

The government programme approved in 1995 considered reconstruction in its broadest sense. However, local participation was less visible in spite of a legal framework for local government approved in 1994. The programme did not address principles for community participation based on the inclusivity of citizens and regions in the national state, counting rather in this case upon broader political participation in terms of party politics. The framework of local government under the label of decentralization was later redesigned to exclude rural areas, considering that it was better to implement the programme gradually in urban areas, and to follow this up in detail and introduce changes as the need arose. Only after this was done would the exercise be extended to rural areas. There were also reports of the poor performance of Frelimo in the rural areas during the first national elections, which contributed to the decision to exclude the rural areas from the process of municipal government. The new approach to municipal government was contrary to the principle of peace without exclusion and prejudice as mentioned above. Some citizens had the chance to elect local authorities and plan for participation in local government, while others were excluded. The new law therefore hindered full participation. The law was not inclusive and not based on consensus across party lines, leading to an electoral boycott by the opposition and 85% absenteeism among voters.[62]

Strengthening local government capacity

Local government in South Africa has undergone fundamental transformation aimed at redistribution of services and efficient use of scarce resources on the one hand and to promote development and accountability on the other hand.[63] It has become necessary for local government to move away from service delivery on a limited basis (sidewalks and sewerage) to focusing on broader socio-economic development and service delivery to a wider range of communities, many of who live in absolute poverty, particularly rural areas. However, this shift in focus is not an easy political or organizational transformation. The demarcation process and the amalgamation of municipalities is a process that municipalities across the country are struggling

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[62] Drawn from "Africa Watch: Will Mozambique Remain a Success Story?" Iraê Baptista Lundin, CEEI-ISRI, Maputo, in *African Security Review*, Vol. 9 No. 3, 2000.
[63] See Local Government: Municipal Structures Act 117 of 1998, Constitution of 1996, Municipal Systems Act of 2000.

to come to terms with. The total of 843 apartheid based municipalities has been reduced to 284 municipalities – this includes 6 metros, 47 district municipalities and 231 local municipalities.

The lack of sufficient resources results in under-investment in new infrastructure and poor maintenance. Social development (health, education, employment, safety, etc.) is to a large extent dependent on the development and maintenance of infrastructure. For instance, clinics and schools in rural areas often have no electricity, clean water and proper sanitation is difficult to access because of sparse spread and low population density, poor roads and public transport. In water services, for instance, there are celebrations for 9 million rural people being connected to piped water and yet 22 million households lack sanitation. As importantly 1300 clinics and 18 500 schools are not connected.[64]

'It is through service delivery that local authorities have their greatest impact on the local economy. This is not only through services provided directly to formally established businesses but also through services which support employees in allowing them to get to work, for example. Also services provided to households improve their opportunities for informal economic activity and advancement of their own abilities to work, through study, for example.'[65] Local government plays a key role in the fight against poverty by providing free and affordable basic municipal services to poor households, particularly for water, electricity and sanitation.

Capacity development

The South African Local Government Association sees 'capacity' as a mixture of the state of development and democracy in the municipal area; structural/base capacity; operational capacity; performance; and commitment to growing capacity.[66] But it is more complicated than that. 'Training and education is only one factor in building capacity – building capacity also includes other factors, such as the ability to access funding, technology, administrative resources, equipment, information, support and collaborative partnerships. Without the accompaniment of these factors, training and education…may only frustrate.'[67] It is further suggested that the coordination of existing resources and competencies and the management of information are key roles that coordinating bodies such as Local and District Municipalities should undertake.[68]

Current capacity of local government

Although there is progress in the delivery of social services, bureaucratic bottlenecks, uncertainty about roles and limited resources (such as skilled professionals and finance) result in inadequate levels of services to the poor, particularly in rural areas. There are also often considerable distances between administrative centres and rural communities and difficulties in communications. In addition, there is a fairly rapid turnover of staff as companies often take up experienced social consultants.

Municipalities in South Africa are spread across the capacity continuum. There are those that do have the capacity, ambition and leadership to address the challenges of transformation with creativity and determination, while others are unable to fulfill even the most basic functions of

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[64] Stats SA. Expenditure and Spending in South Africa: Selected findings and comparisons from the income and expenditure surveys of December 1995 and October 2000.

[65] World Bank, 1997, *Palmer I. Local Government: Its Role in Service Delivery.*

[66] *A capacity-building and skills development strategy for South African municipalities,* South African Local Government Association (SALGA), May 2003.

[67] Rossouw AMM and PC Crous, 2000, "Rapid capacity-building for water and waste management at local authority and district council level," Water Research Commission Report 982/1/00, Water Research Commission, Pretoria.

[68] Rossouw AMM and PC Crous, 2000, *Ibid.*

local government. According to the South African Ministerial Advisory Committee (MAC) on the challenges facing local government, the current local government transformation process dwarfs, in its magnitude and complexity, any other institutional change that has ever happened in the history of South Africa. However, the strategic thinking and financial and other resources available to plan and implement it have been relatively limited. The MAC observes particularly the actual lack of financial and institutional capacity, skills and experience in smaller local authorities.[69] This has also been confirmed in other studies.[70] Developing competent and responsible local government is central to capacity-building.

The South African Local Government Association in collaboration with the Local Government and Water Sector Education and Training Authority aims to improve the 'know-how' to support restructuring and rising service delivery demands.[71] The impact of capacity and training initiatives undertaken so far seems to have been unsatisfactory. No proper and comprehensive skills audit has been undertaken.[72] Initiatives are uncoordinated, developed in *ad hoc* ways, with generic foci rather than tailored to suit specific needs.[73] A new 'good practice Workplace Learning Framework for local government' and a 'skills development improvement strategy for local government' have been proposed recently.[74] In addition, since donor agents undertake numerous capacity development programmes, however uncoordinated and fragmented, the need has been identified to create a Donor Forum to streamline capacity development activities in such a way that it becomes a concerted and well-coordinated effort, supporting realistic national objectives and not necessarily the diverse objectives and schemes of donor agents.[75]

Further, in order to adequately assess and address local capacity constraints one needs to understand the context in which South African local government operates and the implications of the still very new developmental role of local governance.

Intergovernmental relations

Chapter 3 of the South African Constitution provides for principles of cooperative government and intergovernmental relations (IGR) between the three 'spheres' (not 'tiers') of government. IGR are important to balance responsibilities with resources, capacity and accountability.[76] Many municipalities, however, express concern in respect of the effective management of intergovernmental relations, from national to provincial, to local government; between national government departments; and between divisions within departments, including within the National Department of Provincial and Local Government.

Thus far, the focus in IGR has been on provincial collaboration and sectoral integration, i.e., horizontal cooperation. What is seriously lacking is cooperation between provinces and local government, i.e., vertical cooperation. This can be partly explained by the lack capacity among

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[69] Ministerial Advisory Committee Interim Report on the challenges facing local government, November 2001.

[70] Sector Skills Plan, LGandWSETA, April 2003. Various sector reports of the Municipal Demarcation board, such as Municipal Powers and Function Health Sector Rreport, 2000.

[71] A Capacity-Building and Skills Development Strategy for South African Municipalities, SALGA, May 2003.

[72] SALGA intends to embark on a nationwide skills audit in the near future to determine the capacity development needs of councilors and officials (interview with SALGA official, 26 June 2003).

[73] A capacity-building and skills development strategy for South African municipalities. SALGA, May 2003.

[74] Interview with South African Local Government Association (SALGA) official, 26 June 2003.

[75] This need has been identified by the United Nations Capacity-Building for Local Governance Programme and Kagiso Trust, 2002.

[76] Weist, Dana, *Intergovernmental Systems for Small Urban Areas*, World Bank, March 2003.

provinces to deal with their mandate of monitoring and supporting local government in terms of personnel, funds, institutional knowledge and expertise.[77]

Structural capacity constraints

Structural changes have taken place in local government. In South Africa, the demarcation process still haunts some municipalities with minimum base and operational capacity who struggle to fully establish and stabilize. This is especially the case in the poor rural areas that have an historical backlog in managerial, operational and fiscal capacity and are now confronted with servicing large geographic areas and high turnover of staff, especially in district municipalities. A large number of smaller municipalities have been emasculated as a result of the demarcation/ amalgamation and rationalization process. One of the major problems with attracting competent and qualified staff is the problem of a loss of higher job grades, since many have been downgraded since the restructuring as the result of the demarcation process.[78] This is an area that needs attention from the government in terms of funding. One way of dealing with this problem of poorer municipalities having lower grades and thus less qualified staff, is to subsidize higher grade positions through the equitable share grant, specifically through the a pre-determined poverty indicator (I-component).

Another study of municipal capacity found that none of the municipalities in the Eastern Cape Province had the necessary capacity to implement projects without assistance. All of the municipalities have accepted the support offered by the Municipal Monitoring Programme.[79] Municipal capacity constraints include the lack of financial resources, technical expertise and 'adopted' procurement procedures, the capacity development of the 'wrong people' and political capture – the occupation of influential positions by inexperienced and inappropriately qualified people. The municipal restructuring process has in many cases been unsuccessful and, as a result, staff does not possess the required appropriate skills.

At the same time, local government needs to accelerate the delivery of quality services, including water, electricity, refuse removal, roads, health, housing and community services. These services need to be extended to the poor, i.e., non-profitable areas/sector. This, coupled with decentralization of functions to local government, has pushed the need for a 'balanced' agenda of increasing fiscal transfers and capacity-building, together with the clarification of municipal roles and functions on top of the local government agenda.[80]

Capacity constraints related to the development paradigm

Capacity constraints should not merely be regarded as human and financial lack in capacity to deliver basic services, but foremost in terms of adapting to the paradigm of 'developmental local government'. Presently, no national framework is available to give direction on how to translate the developmental role into concrete structures and policies in South Africa. In addition to the structural transformations, the changed roles of local government require municipalities to actively engage in the socio-economic development of its population and area of jurisdiction.

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[77] "The Intergovernmental Relations Audit: Towards a Culture of Cooperative Government." Final report of the Intergovernmental Relations Audit, December 1999.

[78] For example, the Western District Council, when it became Cacadu District Municipality, lost many of its higher graded posts. This was primarily because it lost a large portion of its revenue to the Nelson Mandela Metropole. As a result many of its qualified staff had to leave. Similar problems will confront the Amatola District Municipality (Eastern Cape Province) when Buffalo City becomes a Metro.

[79] Interview with Ken Jeenes, Consultant, East London, 30 June 2003.

[80] A Capacity-Building and Skills Development Strategy for South African Municipalities, South African Local Government Association (SALGA), May 2003.

A local response to reverse the trend in declining economic activity is encouraged and facilitated through the SA Local Economic Development Fund (LEDF). The LEDF programme under the auspices of the Local Government Transformation Programme has been implemented and presents a great learning opportunity for local governments in South Africa and other countries.

The lack of municipal capacity to interpret and implement LED is the single most constraining feature of the LEDF and of other LED programs. Underlining the inability to manage LED projects adequately is the inability to generate meaningful Integrated Development Plans. LED projects suffer from the linked weaknesses in the Integrated Development Planning processes and failure to conceptualize LED within a holistic framework of development. Consequently, isolated projects are generated with little bearing on spatial or economic planning principles at local level, and at the same time not aligned with district or provincial priorities.

A recent study in the Eastern Cape on LED[81] shows that in terms of existing institutional flows across the spheres of government, the province plays a pivotal role in project screening, and, in theory, monitoring and evaluation, while disbursements occur directly from the national level to the local level, where implementation of projects and financial management problems are frequently encountered. When these problems become critical, the provincial government is required to 'trouble shoot'. However, having had no control over the municipal Integrated Development Planning process, project selection, Business Plan generation, project implementation and financial management, this role is difficult to fulfill within the current institutional and political constraints, other than superficially.

What the above analysis reveals is that the implementation of the changes to the local government system in South Africa, brought about as a result of the demarcation project is still in its early stages. New municipalities with vastly increased areas of jurisdiction, especially underdeveloped rural areas, present challenges that will not be solved in the short-term. Most importantly, while the amalgamations of rural areas with urban municipalities has improved the capacity for conventional service delivery, the real problem lies in moving from this conception of local government functioning to a broader developmental one of 'governance'.

Clearly, fundamental steps are made in addressing structural and development capacity problems, e.g., training officials and councilors, conditional grants for economic development and infrastructure, integrated development planning and addressing intergovernmental relations. However, what remains problematic is how to translate developmental and participatory governance into accelerated and pro-poor service delivery.

Towards a comprehensive strategy for developing a foundation for participatory and peace-sustaining governance

There is no single strategy that can provide peace and security to Africa. Strategies should focus on the different stages of conflict, i.e., conflict prevention and peace-building, conflict resolution and containment, and post-conflict reconstruction. Strategies also need to be undertaken simultaneously at local, civil society, national and regional levels, in the social, political, military and economic spheres. As mentioned earlier, unless efforts at good governance as part of the peace-building process take account of the link between governance at local through to international levels, and allow for and/or include all stakeholders in negotiations and the development of frameworks for peace-building, calls and plans for demobilization, disarmament, good governance and international assistance for reconstruction and development, to mention but

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[81] Interview with Ken Jeenes, Consultant, East London, 30 June 2003.

a few requirements, will be in futile.[82] Strategies need to be simultaneously 'objective', dealing with the substantive issues and the institutional mechanisms for responding, and 'subjective', in developing the awareness, understanding and expectations of leaders at all levels. They need to move beyond purely military definitions of security to more comprehensive and strategic visions. The following three tables attempt to summarize some of the kinds of activities that can be undertaken.[83]

Conflict prevention and peace-building

	Military	**Political**	**Economic**
Community	~ Teaching of non-military values in schools. ~ Promoting inter-communal dialogue. ~ Small arms control. ~ Community-based information systems.	~ Maintenance of effective dispute resolution mechanisms. ~ Empowerment of women and youth. ~ Transparency. ~ Community-based information systems.	~ Management of common resources in a way so as to minimize conflict potential. ~ Poverty alleviation and provision of work and education opportunities for all.
Civil society / private sector	~ Engagement of civil society stakeholders in public debate on security issues.	~ Promotion of civil and political rights, transparency and good governance. ~ Inclusion of all constituencies, promotion of gender equity.	~ NGO/CBO promotion of service provision, sustainable development. ~ Good corporate citizenship.
National	~ Limited use of emergency measures. ~ No proliferation of special forces or militias. ~ Transparency about military spending. ~ Civilian control of the military and security services.	~ Equitable representation of different ethnic/religious/social groups in government. ~ Devolution of powers. ~ Freedom of movement and regional citizenship. ~ Securing freedom of association – language, culture, religion and tradition, particularly for minority groupings. ~ Respect for 'constitutionalism'.	~ Adequate remuneration for soldiers, including health care and pensions. ~ Limitations on military spending. ~ Controls on military and security involvement in commerce. ~ Reward public-private partnerships and corporate social responsibility.
Regional	~ Confidence-building measures between countries such as publishing national military budgets and troop levels.	~ Promotion of norms of good governance, utilizing peer pressure, e.g., AU Peer Group Reviews. ~ Establishment and	~ Functioning of regional mechanisms and institutions e.g., management of shared resources, e.g., cross-border pastures.

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[82] See d'Albis, Tristan, Human Security, Governance and Development in Africa. Published in Monograph No 50, Franco-South African Dialogue Sustainable Security in Africa, compiled by Diane Philander, August 2000.

[83] Adapted from, *inter alia*, views expressed by Hettne, Björn, *Poverty and Conflict: the Methodology of a Complex Relationship,* Padrigu, Gothenburg University; in particular that of Justice Africa and InterAfrica Group: The African Union and Peace and Security. Issues Paper for African Union Symposium. Addis Ababa, Ethiopia, 3 March 2002, and d'Albis, Tristan, Human Security, Governance and Development in Africa. Published in Monograph No 50, Franco-South African Dialogue Sustainable Security in Africa,compiled by Diane Philander, August 2000.

	Military	Political	Economic
	~ Creation of credible regional intervention forces. ~ Development of national and regional security doctrines to promote predictability and transparency in interstate relations.	development of regional fora for dialogue and dispute management. ~ Regional civil society organizations also have roles in this regard.	~ Promotion of intra-regional trade
International	~ Development of credible international intervention forces. ~ Training for military, police, security services.	~ Enhancement of conflict early warning and timely intervention systems. ~ Support to civil society initiatives.	~ Increased predictability, mutual accountability in aid relations. ~ Increased support to key social sectors.

Conflict resolution and containment

	Military	Political	Economic
Community	~ For local conflicts, traditional moral restraints on conflict can be invoked. ~ Support influence of Faith Based Organizations (FBOs) ~ For national conflicts, less is possible. ~ Community-based information systems.	~ For local conflicts communities can invoke adapted traditional dispute resolution mechanisms. ~ For national conflicts, little can be done.	~ Promotion of fair and equitable access to and control over local resources.
Civil society / private sector	~ For local conflicts, civil society initiatives are possible. ~ For national conflicts, very little is possible.	~ Human rights monitoring. ~ Advocacy for peace (where possible). ~ Promotion of dialogue across conflict lines, e.g., contact with counterpart groups on the 'other side.' ~ Promotion of dialogue on post-conflict issues.	~ Provision of assistance to people affected by war. ~ Observance of business codes of conduct, especially regarding human rights.
National	~ Measures to ensure respect for the Geneva Conventions and provide humanitarian access to war affected populations. ~ Ceasefire, augmented by mechanisms for monitoring. ~ Mechanisms for separation of forces, creation of security zones, encampment, etc.	~ Proximity talks; preparatory talks, high level talks, adoption of common values and principles: all the modalities for mediation available, bilateral, facilitated or mediated. ~ Political liberalization, opening up space for civil society. ~ Increased respect for human rights and humanitarian principles/promotion of culture of peace.	~ Avoidance or minimization of military and security involvement in commerce.
Regional	~ Restrictions on arms flows, prohibition on use of military bases in neighboring countries.	~ Measures to contain the conflict and prevent its spreading to neighboring countries. ~ In regional conflicts, the range	~ Monitoring and controlling illegal export of commodities from the affected country.

	Military	Political	Economic
		of peace initiatives outlined above. ~ Facilitation or mediation of peace talks of various kinds. ~ Regional CSOs can support or augment national CSO efforts.	~ Assistance to refugees, combined with protection, demilitarization of refugee camps etc.
International	~ Monitoring adherence to IHL. ~ Arms embargoes.	~ Carrots and sticks to encourage the parties towards negotiation. ~ Support to community-based and civil society initiatives. ~ Facilitation or mediation of peace talks.	~ Humanitarian assistance. ~ Monitoring and controlling illegal export of commodities from the affected country. ~ Advance planning for post-conflict economic rehabilitation and recovery.

Management of post-conflict transition

	Military	Political	Economic
Community	~ Rehabilitation and reintegration of former combatants. ~ Local control of small arms supplies. ~ Humanitarian mine action. ~ For local conflicts, traditional moral restraints on conflict can be invoked. ~ Support influence of Faith Based Organizations (FBOs) ~ Community-based information systems.	~ Reconciliation between formerly hostile communities. ~ Rebuilding of judicial institutions.	~ Rehabilitation of essential services.
Civil society / private sector	~ Assistance to veterans' associations to become articulate and responsible members of civil society.	~ Promotion of democracy, human rights etc., including active participation in rebuilding institutions. ~ Promotion of reconciliation.	~ Support to social service provision, income generating projects, micro credit etc. ~ Engagement in policy debate and monitoring of post-conflict rehabilitation programmes.
National	~ Creation of a national army and security forces committed to democratic sovereignty. ~ Establishment of a comprehensive nationwide programme for disarmament, demobilization and reintegration of former combatants and security officers.	~ Establishment of democratic procedures and institutions. ~ Civilianization of national political life. ~ Rebuilding national institutions. ~ Truth and reconciliation forum. ~ Securing social safety nets for war veterans.	~ Development of plans for rehabilitation of war stricken areas, return and resettlement of refugees and IDPs, economic reintegration of demobilized former combatants, and relaunching the economy. ~ Development of new financing schemes for rehabilitation.
Regional	~ Provision of peace-keeping forces as appropriate.	~ Supporting and monitoring implementation of peace agreements.	~ Assistance for refugees to return. ~ Promotion of regional

	Military	Political	Economic
	~ Monitoring adherence to military protocols in peace agreements.	~ Promotion of regional civil society initiatives and networks.	integration, cross border trade and other measures.
International	~ Provision of peace-keeping forces as appropriate. ~ Monitoring adherence to military protocols in peace agreements. ~ Support (financial and technical) to military reform and demobilization.	~ Institutional support to key ministries, departments for reconstruction. ~ Engagement in policy dialogue to promote democratization and reconciliation plans over a realistic time frame ~ Support to civil society initiatives.	~ Sequenced economic assistance to support transition from conflict through rehabilitation to growth/development. ~ Providing conditionality free assistance to rehabilitation and recovery plans through trust funds and similar initiatives. ~ Accelerated debt relief.

Conclusion and recommendations

The challenge for Africa is confronting the call for 'thinking the unthinkable' and being creative in responding to these challenges. Other regions can provide lessons and parallels but Africa has to develop its own collective institutions through its own political will. The much-maligned slogan 'African solutions to African problems' does not mean that Africa is an island untouched by global forces, but is a call for African ownership and originality in these matters. At the same time Africa needs to rid itself from being 'unpredictable'. The only way to confront peace, security, secrecy and development is for unconditional transparency and good governance.

In a broader sense, this paper explored participation, decentralization and local government capacity development as mechanisms for the prevention of resurgence of severe or violent conflict to constructively manage public policy issues and disputes, and to eliminate marginalization and social exclusion, and create a foundation for peaceful, sustainable development. Lastly, the paper attempted to provide a comprehensive strategy in developing a foundation for participatory, peace-sustaining governance.

The key recommendations emanating from this discussion include the following:

- The nation-state has lost much of its usefulness and that solutions to problems of security and welfare must be found increasingly in trans-national structures, either multilateral (global) or regional.

- To ensure more effective design and implementation of development programs, an assessment of an individual's or a community's hope for the future and the over-arching determinant of human security will be critical.

- The most important and immediate tasks of a preliminary or interim government, (whether the existing government which undertakes emergency rule, or a newly formed interim government with or without international participation) would be the provision of basic services; a well-functioning system of public administration constitutional restructuring/reform; immediate and constant public participation and public awareness; a system of oversight, monitoring and evaluation, and a vast network of crosscutting and intertwining agreements and accords.

- Participation by citizens in decision-making is not just a tool to legitimate what government wants to implement. Participation must not merely become a legitimating process, but also an essential component of a broad political programme in which local knowledge becomes a driving force for social transformation and sustainable peace.

- Decentralization has positive and negative consequences. Decentralization has to be driven by a power-sensitive, process-oriented and balanced strategy, one thoroughly informed by national and local circumstances. Such a strategy must first of all generate a commitment for decentralization on the part of all the major actors, thereby stimulating broader participation in political decision-making. To the extent that it can improve the responsiveness of the central administration and effectively introduce the principle of subsidiarity, decentralization can then indeed enhance the accountability and legitimacy of a government, while at the same time strengthening local self-help capacities.

- Training and education is only one factor in capacity development. More importantly, it should include factors such as the ability to access funding, technology, administrative resources, equipment, information, support and collaborative partnerships. Without the accompaniment of these factors, training and education may only frustrate.

- Capacity constraints at the local level should not merely be regarded as human and financial lack in capacity to deliver basic services, but foremost in terms of adapting to the paradigm of 'developmental local government'.

- There is no single strategy that can provide a foundation for participatory and peace sustaining governance. Strategies should focus on the different stages of conflict, i.e., conflict prevention and peace-building, conflict resolution and containment, and post-conflict reconstruction. Strategies also need to be undertaken simultaneously at local, civil society, national and regional levels, in the social, political, military and economic spheres.

- Unless efforts at good governance as part of the peace-building process take account of the link between governance at local through to international levels, and allow for and/or include all stakeholders in negotiations and the development of frameworks for peace-building, calls and plans for demobilization, disarmament, good governance and international assistance for reconstruction and development, to mention but a few requirements, will be futile.

Reconstructing Governance and Public Administration Institutions for Effective, Conflict-Sensitive Rule of Law

by

Protais Musoni

Executive Summary

In a post-conflict nation, the task of reconstructing governance and public administration institutions for effective conflict-sensitive rule of law is one of the most fundamental tasks necessary for any kind of peaceful and prosperous future. This paper focuses specifically on the case of Rwanda and its attempts at institutional reconstruction after civil war and genocide of 1994.

The paper takes the following approach: after defining what is meant by public administration and rule of law, the relationship between the two concepts is explored, establishing that responsible and accountable institutions of governance are often the missing link between justice reforms and ensuring a conflict-sensitive rule of law. The first section of the paper looks at post-conflict countries in general and the second section looks specifically at the case of Rwanda exploring the challenges faced and the solutions and actions taken.

Referring to post-conflict countries generally, five distinct pillars of reconstructing the rule of law are outlined, these being: security, legitimate constitution with fair laws, justice and reconciliation, social and economic well-being and governance and participation. These pillars are reconstructed in a four phase process. The first is the emergency/relief stage which involves the administration of survival concerns. The second is the rehabilitation phase where public administration needs to focus on the rehabilitation of basic infrastructure, facilities and so on. The third is the reform stage where institutions are redesigned with concerns for effectiveness, efficiency and economy. The last phase is reconfiguration; the participatory redesign of public administration to include the governed (civil society, private sector at all levels). In addition, the pillars of reconstructing the rule of law and the phases confront a number of challenges, one example being the need to combat corruption.

The core of the paper looks specifically at the case of Rwanda. After outlining its history and the genocide, we explore the six key challenges it has been confronted with in its post-conflict reconstruction efforts. Firstly the security challenge; in a post-conflict situation the main challenge for any nation is always to restore peace and security and that all potential disruptive elements are under control. Secondly, there is the political challenge. This involves working towards national reconciliation, rebuilding political institutions and laying a firm foundation for the country's successful growth, starting from transitional arrangements and moving towards a permanent and viable political apparatus. Thirdly, there is the judicial challenge as the judicial infrastructure of Rwanda was seriously damaged during the events of 1994; yet, the judicial institutions had to deal with the pressing issue of genocide, its perpetrators as well as ordinary cases connected with public order or with the private interests of citizens. Next comes the economic challenge as the events of 1990-1994 produced disastrous economic consequences. In addition is the administrative challenge as human resources were seriously depleted, and lastly there is the social challenge. No social group was spared by the suffering of the war. In terms of capacity, the nation was destroyed.

The final section of the paper looks at the lessons which Rwanda has learned from her experience, and the institutions which have been put in place to both drive and support the current progress Rwanda is making. To conclude, the paper highlights two main issues. One being that any post-conflict reconstruction process should be country led, and the other being the importance of appreciating that reconstruction is a process that takes time and one cannot expect that it will always be smooth and easy. Setbacks are inevitable but these can be confronted and solutions found so that the nation may continue to advance.

Introduction

In seeking to develop the institutional capacities for the rule of law and an effective justice system that facilitates sustainable recovery, participatory governance and peaceful dispute resolution, post-conflict countries are faced with immense challenges. These challenges are not only in terms of conflict suppression and infrastructure rebuilding, but also in terms of changing mentalities, increasing societal cohesion and building trust and hope for the future.

Arguably, the single most important factor that defines success or failure of a post-conflict reconstruction effort is the extent to which a coherent legitimate government exists – or can be created. A paper by the Centre for Strategic and International Studies (2002) states that h*aving such a government is not only key to providing essential security, justice, economic and social functions, but also to channelling the will, energies and resources of both the indigenous population and the international community*.

At this juncture it may be useful to define a number of terms, which will be referred to subsequently. Kauzya (2002) uses the following definition; p*ublic administration can be conceptualized as an organizational structure, a system, a function, an institutional construct, procedures and processes or just a set of practices in the exercise of public authority*.

The rule of law refers to the will and ability of a nation to enforce the rules and regulations that appropriate institutions will have enacted. Shinoda (2001) explains that i*ts application describes a situation in which people respect the fundamental rights of others, offering greater stability to society as a whole*. The rule of law is normally understood to be an ideal that provides justice and order as well as individual freedom and social stability.

In modern states the legislative assembly (parliament) is charged with enacting new laws and reviewing old ones. In traditional African societies there are certain codes of behaviour that seek conformity in accordance with societal norms and values. It is important that such codes be part of the guiding principles in the management of public affairs particularly in those communities which uphold them. There may be consensus about these rules, but without timely and consistent enforcement through judges, courts, statutes, lawyers, police and informal means there is no rule of law. Usually, fundamental rules and institutions of the rule of law are specified in constitutional law, or otherwise, authoritatively interpreted according to constitutional procedures. The rule of law dictates that all persons obey the constitutional procedures and solve conflicts in accordance with the law. Therefore public law enforcement institutions that have the capacity to enforce these laws taking into account the cultural values of the society must be reconstructed.

When discussing post-conflict countries, it must be understood that conflict creates specific constraints for the formulation of a governance and public administration programme. Firstly, conflict weakens state institutions and diverts state attention and budgets from development efforts towards military or conflict management purposes. Some post-conflict countries have their public administration systems so archaic that they have to be remodelled to bring them to the modern ways of public administration. There are also others, such as was the case in Rwanda,

where the governance and public administration system and institutions was in part responsible for orchestrating the genocide and allowing the killings to be carried out so quickly in such large numbers.

This paper aims to look closely at the relationship between governance and conflict-sensitive rule of law. It will outline the key issues and challenges which post-conflict countries are confronted with in the reconstruction of governance and public administration institutions and then focus in more detail on the experiences and lessons learned from Rwanda, in ensuring effective conflict-sensitive rule of law. In conclusion, the main points will be highlighted.

Relationship between governance and conflict-sensitive rule of law

The World Bank's definition of post-conflict reconstruction focuses on the need for 'rebuilding of the socio-economic framework of society' and the '*reconstruction of the enabling conditions for a peacetime society [to include] the framework of governance and rule of la*w' (World Bank 1998). Responsive and accountable institutions of governance are often the missing link between justice reforms and ensuring a conflict-sensitive rule of law. So to get justice reforms off the ground, the reconstruction of governance and public administration institutions needs to be emphasized.

After the conflict has ceased, societies often lack the mechanisms and institutions for upholding the rule of law and dealing with past abuses – processes that are crucial to rebuilding trust and confidence. For the rule of law to be re-established, law enforcement instruments have to be rebuilt, the judicial system reconstructed, a new legitimate constitution put in place, human rights observation institutions created and public administration institutions reconstructed and re-activated.

Post-conflict reconstruction

Five distinct issue areas or 'pillars' have been identified as the basis of any post-conflict reconstruction effort. The Centre for Strategic and International Studies (2001) defines these as *security, legitimate constitution with fair laws, justice and reconciliation, social and economic well-being and governance and participation*. Security addresses all aspects of public safety, in particular establishment of a safe and secure environment and development of legitimate and stable security institutions. Legitimate constitution with fair laws provides legitimate basis for the rule of law. Justice and reconciliation addresses the need for an impartial and accountable legal system and for dealing with past abuses; in particular, creation of effective law enforcement, an open judicial system, fair laws, humane correction systems, and formal and informal mechanisms for resolving grievances arising from conflict. Social and economic well-being addresses fundamental social and economic needs; in particular, provision of emergency relief, restoration of essential services to the population, laying the foundation for a viable economy, and initiation of an inclusive, sustainable development programme. Governance and Participation addresses the need for legitimate, effective political and administrative institutions and participatory processes; in particular, establishing inclusive constitutional organs of state, strengthening public sector management and administration, and ensuring active and open participation of citizens in the choice of government and its policies.

The above pillars are reconstructed in a process of about four phases. Kauzya (2002) argues that there are four phases of putting a post-conflict country's public administration back on track. The first is the emergency/relief stage which involves the administration of survival concerns. The second is the rehabilitation phase where public administration needs to focus on the rehabilitation of basic infrastructure, facilities and so on. The third is the reform stage where institutions are redesigned with concerns for effectiveness, efficiency and economy. The last phase is

reconfiguration; the participatory redesign of public administration to include the governed (civil society, private sector at all levels). It must be emphasized that these phases strongly depend on the specific characteristics of each country, the nature of the conflict, and the governance and public administration system.

The pillars of reconstructing the rule of law and the phases thus confront a number of challenges as follows: As violent conflict comes to a close, establishing the forthcoming order usually requires resolving a number of fundamental questions: What should the new political structure be? How is power to be shared or administered during the transitional period? What are the rights and responsibilities of citizens and of former combatants?

Another challenge is that of combating corruption. Corruption is endemic in virtually all post-conflict societies. Weak institutional structures, patterns of behaviour exacerbated by war, a semi-lawless environment, and a shortage of well-paying jobs combine to create an environment ripe for corruption. It is therefore imperative that the public administration system be put in place so as to ensure accountability and the rule of law.

The challenges listed above are by no means exhaustive, but in a general sense cover most of the key issues.

Focus on Rwanda

A brief history

Abdalla et al. (2002) correctly say that *"With few exceptions, all Rwandans are affected by a history of recurrent cycles of violence, by issues of submission to authority, injustice, by loss of family, or by having experienced life as a refugee."*

On the 6th April 1994, while returning from discussions in Tanzania, President Habyarimana of Rwanda, and President Ntaryamira of Burundi were killed in a plane crash over Kigali. These deaths were the trigger that set off the organized massacres that in three months killed over one million people.[84] The Rwandan Patriotic Front (RPF) reacted by launching an offensive on the 8th of April and quickly taking Kigali by the 4th of July. This was no triumphant victory. The country had been ransacked. There was not a penny in the public coffers. There were no offices intact, no chairs, no desks, no paper, no telephones, nothing at all (Melvern 2000: 222). The advance caused the defeated genocidal forces (army and political leadership) to mobilize the population out of the country – around 2 million crossed into Zaire, Tanzania and Burundi where they were hastily housed in refugee camps.

Post genocide (1994 – 1996)

The country inherited by the Government of National Unity as it ended the genocide was essentially a shell. The economy was in ruins, all government institutions had been destroyed, most of the skilled professional workforce had been killed or had fled, and the social structures of society had collapsed. A growing number of rebel insurgent attacks launched from camps heightened insecurity and tension in Rwanda.

1996 saw the return of hundreds of thousands of refugees into Rwanda after the closure of camps and expelling of refugees by both the Tanzanian and Congolese governments. This was the start of a new era in Rwanda; in the words of Philip Gourevitch (1999: 302) "Never before in modern memory had a people who slaughtered another people, or in whose name the slaughter was

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[84] Most commentators agree that the speed and efficiency with which the ensuing genocide unfolded point to a high degree of premeditated planning and organization, as well as to a widespread adherence to a deeply racist ideology. (Uvin, Shearer and Baare 1999)

carried out, been expected to live with the remainder of the people that was slaughtered, completely intermingled, in the same tiny communities, as one cohesive national society."

A system of governance and public administration that had created the values and forces that resulted in the genocide evidently could not be the system that could provide the solutions to the multitude of problems resulting from the war and the genocide. There had to be another way that springs from beliefs, fears and values and a new vision of the future. An extensive consultation at all levels was necessary.

Challenges

The challenges faced by the post-conflict state of Rwanda can be divided into six key challenges: the security, political, judicial, economic, administrative and social.

The security challenge

At the closing stages of a conflict, the main priority of any post-conflict administration is to suppress conflict throughout the nation, and any pockets of resistance both within the nation and in the case of Rwanda across its borders in neighbouring refugee camps. Only when the security concerns were under control could the government begin to tackle the conflict resolution process. Challenges at this stage were many and complex – on one hand the government was stamping out all potential causes of disruption, this included closure of camps, and dealing with refugee insurgents and revenge acts, while on the other hand trying to foster an environment of hope. In addition the Rwandan conflict had spilled over into the Great Lakes region, especially the Democratic Republic of Congo, and this unique situation also needed to be contained.

Solutions and actions taken

Thousands of members of the ex-Rwanda armed forces after being retrained were integrated with the Rwandan Patriotic Army. A new national security force the Rwandan Defence Force was created. Its role in the transition and post-transition phases was taught to the force by both civilian and military leaders. Although repatriations of refugees was in itself a national programme that ensures fundamental citizen's rights, the return of the large majority of refugees in 1996-8 helped to lessen the security threat to the nation.

A programme was also established that allowed and encouraged the population to participate in ensuring their security. Security committees at all levels of administration were set up, and there was popular participation in the recruitment of local defence units that are required to assist the local administration in ensuring the security of people and property.

The political challenge

In a post-conflict situation the main challenge for any nation is to work for national reconciliation, to rebuild political institutions and to lay a firm foundation for the country's successful growth, starting from transitional arrangements and moving towards a permanent and viable political apparatus. The rebuilding of the political institutions proved a big challenge especially in light of the level of mistrust that preceded and was heightened by the genocide.

Solutions and actions taken

In order to ensure diversity representation, the accepted principle in Rwanda is that there is free and open competition for political power. Rwanda, unlike most post-conflict countries, allows space for public pluralism, an active civil society and competition for ideas, including free media and freedom of expression. It is in respect of the above that the Forum of Political Parties was created to ensure a conducive environment for dialogue and competition of constructive ideas as

well as to allow for a balance of power and a system of checks and balances to the regime in power. Political parties currently operating in Rwanda have even developed a code of ethics that politicians and political organizations will adhere to. This code that guides the behaviour of politicians and political organizations operating in Rwanda during the transitional period has now been turned into a law that will guide the activities of politicians and political organization after the transition.

In recognition of the fact that the existing centralized political and administrative structures that had made it easy to plan and execute the genocide were not effective in promoting the democratization process, the Government of National Unity embarked on a consultative process in an effort to strengthen local government structures and promote democratization.

In 1996-7 grass-root consultations countrywide were undertaken. The initial grass-root consultations indicated that people wanted to have a say in the conduct of the affairs of the state. They recognized that blind obedience exposes them to manipulation and injustices.

Following the revelations above, discussions between Government, Donors and Civil Society showed scepticism on issues of (i) capacity, (ii) the capacity for dislocated communities to go through the democratic process so soon, and (iii) whether the people, who had just been slaughtering each other, would have the courage and desire to work closely with one another for the common good of the community.

A few individual projects (e.g., Local Governments Initiative, Community Development Fund) were implemented throughout the country to get an idea of the issues at hand and learn valuable lessons in order to design a system of governance that evolves out of the Rwandan culture that is democratic, that builds on the reconciliation process, and above all that incorporates the energies of all sections of Rwandan society into the development effort.

The recommendations resulting from the grass-root consultations led to the Presidential Decree of 23rd December, 1998 that initiated the democratization process at the sector and cell levels. Further, national level consultations, commonly referred to as "Urugwiro" meetings, involved all stakeholders in the governance arena, and together with the April 1998 Governance Conference, led to:

- The development of an interim governance programme (1998-2000); where seven priority areas of governance interventions in Rwanda were emphasized: public sector reform; the strengthening of the justice sector; support to the parliament; decentralization and local governance; civic education; social mobilization, as well as support to government action coordination.

- The establishment, in February 1999, of a specific ministry responsible for promoting good governance, and establishment of decentralized governance in the country.

- The establishment of the principles and priorities of economic development that later on was developed into 'Vision 2020' economic development framework.

- Programmes that would gradually democratize the country were set up. Grass root elections were held in 1999, local elections in 2001 and national elections are planned for next month.

The judicial challenge

The judicial infrastructure of Rwanda was seriously damaged during the events of 1994; yet, judicial institutions had to deal with the pressing issue of the consequences of the genocide, its perpetrators as well as ordinary cases connected with public order or with the private interests of citizens. Related problems such as those of human and property rights were also a priority. They

became increasingly important especially after the emergency relief phase had been replaced by a normal and more permanent situation.

Solutions and actions taken

Special attention was given to the need to resolve the judicial/legal issues caused by the violent conflicts in Rwanda. Because of the huge number of people involved in the genocide, a principle of categorization of perpetrators and huge rewards in the plea bargaining were adopted. To help in the creation of an open society, communities were empowered in decision making in resolving the genocide cases rapidly. In addition legal and constitutional commissions were set up to work with the population to enact a new constitution.

After 1994, the International Criminal Tribunal for Rwanda (ICTR) was established to represent a link between conflict resolution and the rule of law. However, it should be noted that in the context of international criminal tribunals, the rule of law principally means the prosecution and punishment of war criminals under international rules, not the establishment of domestic legal structures.

It is necessary that the population understands and accepts the nation's rule of law. In this respect, Article 159 of the Constitution establishes a 'Mediation Committee' in each sector, responsible for mediating between parties certain disputes involving matters determined by law prior to the filing of a case with the court of first instance. In this regard, the population at decentralized levels has a significant role in the affairs of the justice system.

The economic challenge

The events of 1990-1994 produced disastrous economic consequences: the production capacity of the private sector declined, and at the same time the public sector witnessed considerable reduction of its capacity to direct the economy. According to the Interim Governance Programme (1998), national production fell by at least 50%. Foreign trade and foreign exchange earnings were seriously diminished; at the same time tax collection was negatively affected. Very few foreign investors were prepared to invest in Rwanda in the mid-1990s.

Solutions and actions taken

This situation has been turned around – thanks to various national initiatives and strict fiscal and economic management practices.

The following figures illustrate the difference between the economic situation of 1995 and 2002:

	1995	**1996**	**1997**	**1998**	**1999**	**2000**	**2001**	**2002**
Nominal GDP (billions FRW)	339.1	424.1	558.3	621.3	677.0	686.8	774.6	825.2

Source: Statistics Department, Ministry of Finance and Economic Planning 2002

	1995	**1998**	**1999**	**2000**	**2001**	**2002**
%age of population below poverty line ($1 a day)	72.4	66.8	65.4	65.7	65.3	60.29
Rural	76.6	70.7	69.3	69.5	65.7	65.66
Urban	25.5	23.6	23.1	23.2	21.3	19.38

Sources: MINECOFIN, World Bank, 1994 United Nations Human Development Report

The administrative challenge

National, prefectural and local administrative structures were weakened or quite simply destroyed in the wake of the war of 1990 and in the genocide of 1994. Human resources were depleted either by the mass killings or by exile. The institutions suffered enormously from this.

Solutions and actions taken

In 1996-1997, certain civil servants who had fled the country during the genocide returned and were integrated into the civil service. Thanks to the concerted efforts that have been made and thanks to capacity-building, to decentralization and territorial deconcentration and to devolution to the local communities, the Rwandan administrative system is improving. Our experience has shown, however, that the task of rebuilding the national administration is a huge one particularly, as a result of the qualitative and quantitative insufficiency of the personnel that it still needs.

Following the new constitution adopted in a referendum of 26th May 2003 and the success of the decentralization programme, the Government of Rwanda is currently preparing a public administration reconfiguration to allow it to meet new challenges and new missions imposed by the new constitution and changed capacities at local government level. One change initiates other changes.

Social challenge

The political and economic crisis of 1994 brought about the destruction of the social fabric, of the human resource base, as well as that of the social infrastructure. No social group was spared by the resultant suffering. In terms of capacity, the nation was destroyed. For example;

Response of 64 Rwandese children about the war

	%
Someone in family was killed	91
Both parents were killed	38
Brother or sister killed	67
Saw someone being killed/injured	56

Source: UNICEF Rwanda Progress Report, May 1994-March 1995

Demographic effects of the war and genocide

	%	
	1992	1995
Female share of the population	52	60-70
Female headed households	21	29-40
Widows	4	n/a

Source: National Demographic and Health Survey, Rwanda Population Office, 1992. UNICEF, Rwanda Progress Report, May 1994-March 1995.

In summary the conflicts increased the numbers in the vulnerable groups and created the 'new poor' as families productive capacities were whittled down by the conflict.

Not only was there a lack of infrastructure, human, financial and social capital, but a lack of institutional capacity in terms of set-up and memory. Memory in terms of what was the legal framework for public administration. This was important because before a new public administration system could be set up, the existing knowledge had to be gathered and modified gradually to suit the present situation.

In addition to these issues there is the problem of 'ethnicity' which is used by some to explain the genocide. In Rwanda sustainable development will be impossible to achieve unless ethnic, racial and religious divisions are overcome. Indeed, in Rwanda meeting the challenge of social integration is an important precondition for equal access to employment and the economic resources of society, and thereby the elimination of poverty.

Solutions and actions taken

Rwanda's history of conflict had instilled in the population superiority and inferiority complexes reflecting ethnicity, one of the first tasks of the government was to try and negate the years of mental conditioning which the population was victim to. The National Unity and Reconciliation Commission is an example of one of several attempts the Government has made to try and undo the complex conditioning of the past.

The introduction of institutions to increase transparency and accountability has improved access to opportunities and seeks to discourage the negative tendencies of ethnicism, regionalism, and nepotism in public business.

Best practices and lessons learned

Overall, there have been signs of significant improvements in the area of the rule of law and good governance since 1994, although there are still challenges to overcome. The justice system was devastated by the genocide and the war, and even before the war, the rule of law did not exist in Rwanda.

The first lesson is that the Rwandan Government has placed considerable emphasis on the need to fight a culture of impunity and at the same time try to resolve the judicial problem caused by genocide. This was done by developing the rule of law, through rebuilding a judicial system that is credible through the eyes of the citizens through comprehensive law reform and capacity-building of the justice institutions.

The second lesson concerns the importance of consultation and participation. Rwanda has used these methods whenever possible in the formulation of policy and such like. The constitutional process and the previously referred to 'Urugwiro' meetings are examples of this. It is fundamental to have inclusive and participatory processes in the conduct of government business.

The third lesson is an emphasis on local ownership. While seeking to build up local governance and participation capacity, the international community must observe the cardinal rule of governance: national ownership of the process is key. Ultimately, for a new government to survive and thrive, its own citizenry and the international community will have to perceive it as legitimate. This outcome involves a careful balancing act of attempting to conform to two different sets of standards – international standards of respect for peace agreements, the rule of law, and a range of other international norms and practices; and local standards based on recent history, traditional political practices, the local balance of power, and acceptability of working with outside actors. Flournoy and Pan (2002) state the "guiding principle for international assistance in the justice and reconciliation arena should always be to seek to empower local actors

and to promote the building of sustainable indigenous capacity while reinforcing respect for human rights and international norms."

The fourth lesson takes examples from Rwanda's history. In Rwanda power has always been alternately vested in one in one section of the population since the colonial period. This created fertile ground for ethnic hatred which culminated in the genocide of 1994. It is this negative past which Rwanda has endeavoured to reverse through power sharing in the Government of National Unity. Indeed, the new constitution provides for proportionate power distribution based on election results. For example article 116 of the constitution rules that the winning party shall not have more than 50% of ministerial posts.

The fifth lesson is that a country is not an island and therefore its security depends on the security in the region. The Great Lakes region surrounding Rwanda must also be secure and stable. This requires not only a national concerted effort, but also working with the existing networks (political, economic, socio-cultural, academic and faith) to ensure mutual co-existence. This is particularly necessary for Rwanda as it recovers from conflicts. It needs all its energies for reconciliation, nation building and development.

The sixth lesson is that a country must utilize to a full extent its local practices and cultural advantages. It has been claimed at the 2nd African Governance Forum that the *retention of certain traditions and customs can mitigate some of the adverse effects of globalization, as well as to balance the importation of values that had little to do with African cultures*. Rwandan society has a number of positive features, including institutions of traditional social organization, which can be harnessed for the struggle against poverty, and increase societal cohesion and advancement.

- *Umuganda*, the tradition of work on public projects.

- *Ubudehe*, the tradition of mutual assistance.

- *Gacaca*, the tradition of communal resolution of disputes. This has been adapted to deal with the genocide cases, and might subsequently be used to help with the resolution of disputes about land.

- *Umusanzu*, the tradition of support for the needy and contribution to the achievement of a common goal.

- *Linguistic homogeneity*; the overwhelming majority speak Kinyarwanda. Two inter-national languages, English and French are also increasingly widely spoken, although a large proportion of people speak only Kinyarwanda.

- *High population density*, which reduces some of the costs of service provision. This is an example of how Rwanda can transform difficulties to its advantage.

The seventh lesson is that emphasis must be put into building institutions. In supporting the fight against poverty and improving governance and public administration in Rwanda, the Government has constituted institutions that will assist Rwanda on its path of good governance for the promotion of its social and economic wealth. These are:

1. Commission for Unity and Reconciliation

2. Human Rights Commission

3. Inspector General

These will assist in educating people of their rights and obligations and to develop their capacity to refuse to be trampled on.

4. National and District Tender Boards

5. Auditor General

6. Anti-Corruption Commission

These will assist in fighting against economic malpractices and also in developing proper and acceptable processes and procedures in the conduct of government business.

7. Constitutional Commission

This has led the country through a participative educational process in the constitutional law and the constitution making process.

8. Electoral Commission

9. Law reform Commission

These will assist in democratizing government institutions and above all, in close consultation with the people, put in place mechanisms that will prescribe the process of putting in place institutions of governance and their relationships in their mission to ensure the well-being of the citizens of Rwanda.

Conclusion

Reconstruction of governance and public administration institutions for effective conflict-sensitive rule of law has: a) a political dimension: enough national support must be mobilized for the reform to succeed; b) an economic dimension: reform requires funds; and c) a capacity dimension; enough knowledge and skills must be organized.

To conclude this paper, it is important to highlight two issues. The first is that reconstruction should be country-led, and the second is that the population should be involved in a participatory process. It is necessary to appreciate that reconstruction is an ongoing process that takes time. It is not always uni-directional and at times things may regress. Inevitably, along the path of reconstruction there will be setbacks and difficulties. If society itself succeeds in surmounting such difficulties this will enrich the national spirit to forge ahead raising national confidence. This ensures the building of a culture based on governance principles, and minimizes external dependency (although country led reform does not exclude the importance of external expertise and experiences).

It has often been observed by outsiders that Rwanda may be over-ambitious in its efforts to rebuild the nation, with the introduction of Gacaca, a Constitutional Referendum and the holding of elections all in close succession. However, Rwanda feels that this approach is necessary. Besides, any reconstruction efforts should be all-encompassing and comprehensive due to the follow-on effects of each action.

A recommendation for any nation reconstructing its governance and public administration system should note that structures should not be based on individuals. They should be future-focused and objective rather than subjective being seen from the position of those currently in power. In other words, national programmes and policies should reflect society's needs and not a regime's needs.

As this paper has shown reconstructing governance and public administration institutions for effective conflict-sensitive rule of law is a challenging and arduous task. The pace and depth of the reconstruction depends very much on the initial conditions, which are unique to each post-conflict situation. However, this paper has demonstrated how Rwanda has not only confronted all the challenges faced since the conflict, but by doing so innovatively built on existing traditional practices to implement programmes and policies. Although these programmes and initiatives are in their infancy – the results so far seem promising.

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Chapter 5

Approaches, Processes, and Methodologies for Reconstructing Governance and Public Administration in Post-Conflict Countries: Selected Cases of UNDESA's Experience in Africa

by

John-Mary Kauzya

Introduction

Public administration can be conceptualized as an organizational structure, a system, a function, an institutional construct, procedures and processes or just a set of practices in the exercise of public authority. There has been considerable mutation of the concept of public administration moving from its traditional centralized neutral and controlled expert application of laws, rules and regulations to promote the general interest, to public management following the dictates of efficiency, economy and effectiveness (the 3 Es of management) as practised in the management of private enterprises, and recently to governance with emphasis on the participation of the governed in the exercise of public authority with transparency, accountability and equity. However, even within these mutations there remains a core concept of public administration as an instrument of State action (l'appareil de l'état[85]), which must be sharp for effectiveness in overall development and public service delivery. Whether its sharpness can be strengthened by adopting management practices similar to those of private enterprises or through strong partnerships with stakeholders, involvement of service users, participation of the governed, or a combination of all of these, the fact will remain that so far no country can coherently and prosperously survive and develop without an effective public administration. The United Nations General Assembly emphasized this by recognizing that:

> "There is a need for public administration systems to be sound, efficient and well equipped with the appropriate capacities and capabilities through, inter-alia, capacity-building, promotion of transfer, access and utilization of technology, establishment or improvement of training programmes for public services, strengthening of partnership of the public sector with the private sector and civil society, as well as providing an enabling environment for private sector activities…"[86]

Many countries have been for long devising means of ensuring that their public administration is sharp enough to meet the demands of development. The sharpening of public administration has been differently conceptualized as restructuring, rehabilitation, rebuilding, reconstruction, reform, transformation, reconfiguration etc. But beyond the differences in nomenclature, the main aim has been to make public administration perform better in accomplishing the missions of the State and delivering essential social and development-related services.

As a consequence of this unceasing search for effective public administration, we find that these days public administration embodies several aspects including institutions, structures, systems, functions, practices, norms, and values of the Legislature, the Executive, the Judiciary, and other government/public agencies including decentralized entities. These days with practices and mechanisms of public/private partnerships including contracting out as a means of private

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[85] See Jean-Louis Quermonne, *L'Appareil Administratif de l'Etat, Editions du Seuil*, Paris, 1991.
[86] See United Nations General Assembly resolution 50/225 of 1996.

provision of public services, public administration has also included consideration of co-opting the private sector and civil society institutions to supplement its efforts to better deliver services to the public. UNDESA has been engaged in reforming public administration in a number of countries including African countries. In this presentation we will highlight the approaches and methodologies we have applied which have been found successful. We will also discuss how useful they are and the factors that make them successful in rebuilding and sharpening public administration in countries that have emerged out of violent conflict

Post-conflict countries are not a homogenous entity

While reforming public administration for improved performance has been a preoccupation of most countries, it is considered an absolute necessity and prerequisite for sustainable development in developing countries, especially those that have just emerged from destructive violent conflict. The task is even more daunting because developing countries, even those that have emerged out of conflict, are not a homogeneous entity. Some of them have their public administration systems completely ruptured and therefore needing to be rebuilt from scratch. This is mostly the case with countries emerging out of severe/violent conflict. Others have their systems so archaic that they have to be remodelled to bring them to modern ways of public administration. There are also others that are so much out of tune with the environments they serve that they need to undergo substantive innovations to bring them to be responsive to the needs of the public they are supposed to serve.

One more daunting issue in relation to reforming public administration in developing countries, especially those in Africa, is that while the countries are in the process of mastering the traditional bureaucratic models of public administration, they are being required to introduce modern and probably more complicated ones. Given the increasingly globalizing world these countries must adopt at a faster pace.

It is clear that a lot will have to be done to make public administration an efficient, effective, responsive, transparent and accountable instrument for public policy, planning, implementation, monitoring, evaluation and overall sustainable development. One extra problem for formulators of policies, strategies and programmes for strengthening public administration in post-conflict countries concerns which basic concept to be followed (building, rebuilding, reconstructing, reforming, rehabilitating, transformation, reconfiguring, or re-engineering?).

Public administration reform is an appropriate term and strategy for some countries and not for others. In countries emerging from severe destructive violence, there is no public administration system to reform. Here one would be talking of building, rebuilding, constructing or reconstruction, rehabilitation, restoring or anything else but certainly not reform. In a country like Rwanda immediately after the 1994 genocide, the public administration system had been completely destroyed in terms of people, facilities, information, etc. It could not be reformed. It had to be rebuilt. It is not until recently that they can talk of reform. The United Nations had to intervene in East Timor to establish their public administration. Here again one would not talk of reforming. In Kosovo, the United Nations, through UNMIK, is trying to structure and operationalize public administration. Again here one would not appropriately talk of reform. To the extent that public administration reform programmes mostly concern making existing public administration more effective, efficient, economic and responsive, this term is inappropriate in situations where there is need to build from scratch or from ashes and embers of violent conflict. Yet it has been observed that in most post-conflict countries the term 'public sector reform' has been a common term. In a general way also the success in these reforms has been very limited. Our suspicion is that this is partly because reform is the wrong thing to think of in such situations.

Therefore, post violence/conflict countries present peculiar circumstances, which require different approaches and actions for re-establishing their public administration. It is important that depending on the circumstances of the past, present and future of the country in question, the conception of sharpening public administration starts from a clear understanding of what is to be done. One thing we have found to be a stumbling block in this respect is that often the technical intervention is called for after the jargon of what is to be done is already decided. It is therefore often the case to be called upon to provide technical support to public administration or public service reform in Somalia, Kosovo or Liberia, when the right thing to do would be to first and foremost, in such circumstances, build or rebuild public administration in these countries.

The phases of putting the country's public administration back on track
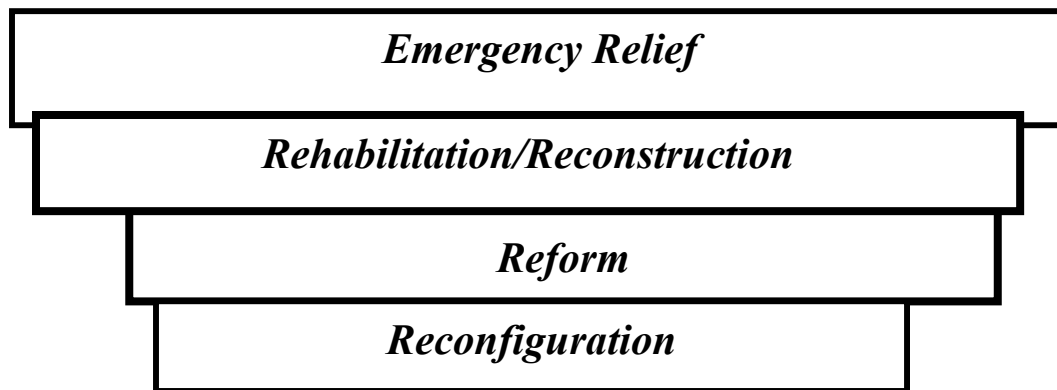
We need to reiterate that the phases strongly depend on the specific idiosyncrasies of each country, the nature of the conflict that has affected the public administration, the extent to which this has been destroyed and what aspects of it have been destroyed. It also depends strongly on how determined the in-country forces are to put back the country on the road to development. In addition the structural details of the whole work also depend on the socio-politico-economic structure that had been in place before the conflict.

However, we can note that in a general way the above phases interlock with one another because the process of rebuilding public administration is not unidirectional. In other words, it is not possible to first complete emergency relief before starting rehabilitation; just as it is not possible to first complete rehabilitation before starting reform. Even the process of reconfiguring the public administration system to make it participatory, responsive to citizens' needs, and accountable to the community it serves cannot wait until the reform is complete. They however need to be conceptualized as distinct because some aspects should not be mixed.

Emergency relief

At the stage of emergency relief, the stakeholders are not yet organized in a stable way, emotionally and otherwise, to effectively participate in the rethinking and redesign of the public administration of the future. At this stage the public administration itself is almost non-existent, the private sector is often equally destroyed and civil society is as in disarray as the society it represents. The social tempers from the causes and immediate effects of the conflict will be too high to permit rational debate of the way the public administration should be reconfigured. This is a stage of fire fighting and who ever has a bucket of water is welcome to pour it on the fire.

Rehabilitation/reconstruction

This phase in most cases involves repairs on facilities such as buildings, putting back some form of structures and systems to permit orderly administration and decision making. It also includes reassembling some human resources and training them to man the rehabilitated structures and systems. The rehabilitation stage should prepare the country to participate in a deep and engaged debate on how the future of the country's public administration should be. The problem with this phase is that in most cases it preoccupies itself with putting back structures which may just a few years ahead have to be pulled down as reform and reconfiguration take place. In most cases, a successful phase of rehabilitation will end with adequate administrative institutions and structures such as functioning legislatures, ministries, institutions of judiciary. However, these institutions and structures will be mostly inefficient with problems of inadequate human capacities and systems. Also the linkages among them will be weak because in the process of being rehabilitated there was very little collaboration among them. Sometimes the rehabilitation of some is done with support from one donor or development partner while another donor or development partner does the rehabilitation of others. Where these have not collaborated it is possible to have two institutions in the same country following contradictory systems. The worst aspect of rehabilitation however, is the tendency to put back institutions, practices, and systems that originally were at the root cause of the destructive conflict. This should as much as possible be avoided.

Reform

The phase of reform is more on the side of rethinking systems, procedures, organizational structures, human capacities, information management, methodologies and institutional linkages as they relate to the entire process and needs of development. The biggest preoccupation of reform is efficiency (economy, effectiveness and efficiency). In most cases reforms have been coming as packages conceived from elsewhere and branded "best practices". Rarely have we seen reforms that are home grown to respond to the situation of the country in question. Consequently, there have been reform efforts, for example, geared towards downsizing the public service when the country has inadequate personnel even in terms of numbers. There have been cases where in the confusion surrounding rehabilitation some countries have been hurried to privatize enterprises in the name of reform even when the social ownership of such enterprises has not been sorted out. It has also been often observed that reforms are at times planned and implemented in ways that do not ensure integration and synergy. Thus it is possible to find down sizing as a reform measure that is done across the board leaving some government departments still overstaffed and others very understaffed. Or a down sizing exercise that is designed in such a way that the capable officers leave the public service and the less capable ones remain.

Reconfiguration

This is the phase of intensive socio-politico-economic and cultural self examination and development strategic planning of the country. It is the phase that lasts longest depending on the readiness of the country's leadership and people to engage in participatory rethinking, re-engineering, and transformation of the country's future governance and public administration. This phase will result in settlements on the issues such as decentralized governance, local community socio-politico-economic empowerment, private sector development, the extent of involving civil society as a strong partner in socio-politico-economic and cultural governance, and the extent of partnerships among government, private sector, and civil society at all levels involving the community, local, national, regional, and international actors. Reconfiguration reaffirms a country's acceptance of participatory governance as a shared responsibility and the critical role of global actors and the forces of globalization in the development process of the

country. It permits the country to be self-assertive and anchor governance and public administration on the premises of its own problems, needs and circumstances. Most importantly reconfiguration puts a high premium on synergy and integrated public distraction that is harmonious in its structures, systems, policies, strategies and practices.

One can then say that while emergency relief re-establishes the existence of a country and its people, rehabilitation puts back some form of administration, reform strives to make public administration efficient, while reconfiguration installs governance. This can be summed as rehabilitation emphasizes public administration, reform emphasizes public management, while reconfiguration is centred on governance. We need to add that what we are noting here is not a theoretical concept but rather a practice we have observed in post-conflict countries where we have supported the rebuilding of public administration.

Diagnostic situation analysis participative strategic planning: the genesis of reconfiguration of public administration

Diagram 1:Diagnostic capacity analysis framework

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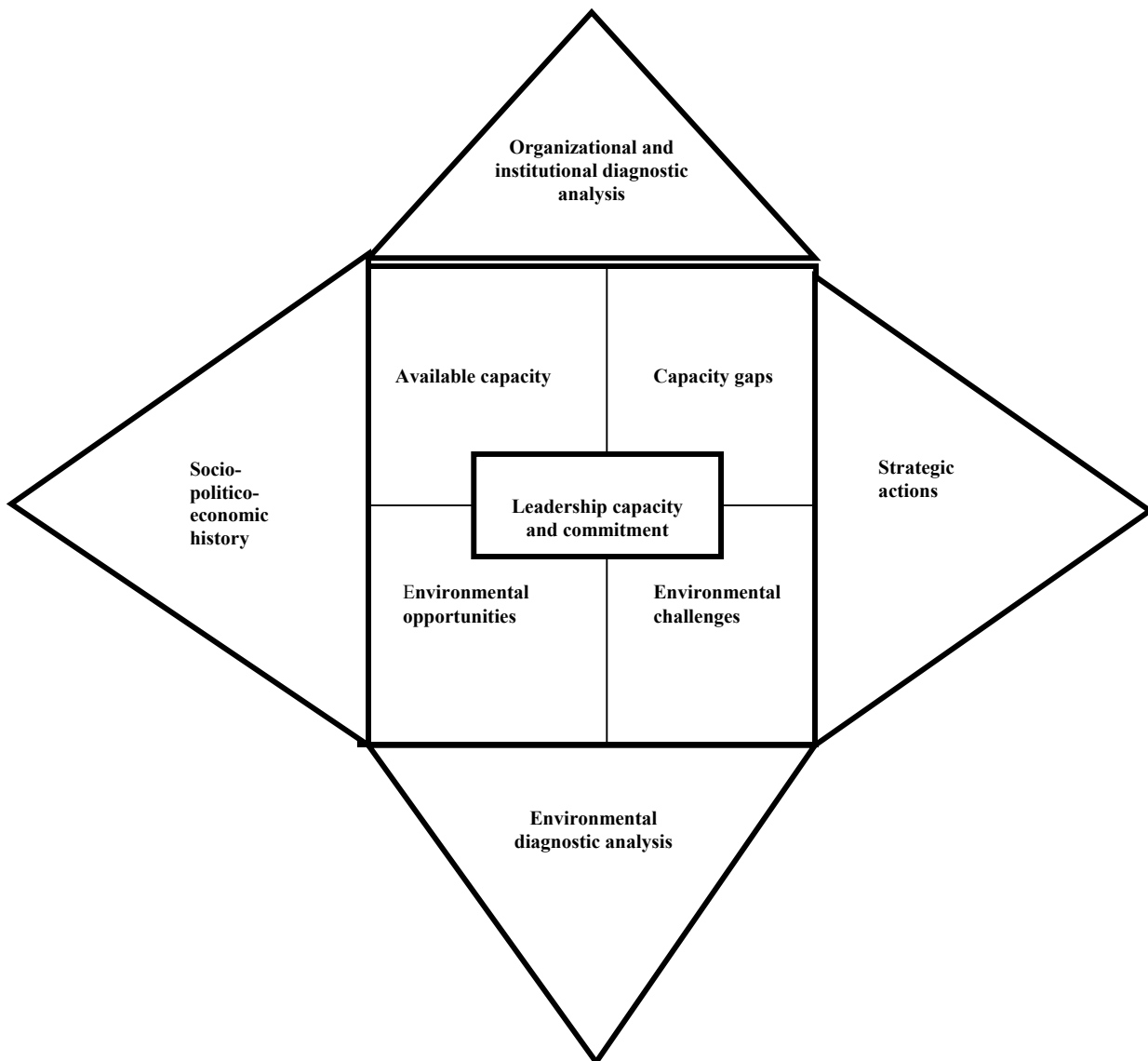
The beginning of reconfiguring public administration lies in making an exhaustive diagnostic situation analysis that would permit informed participative strategic development planning for the country to develop an entirely new governance and public administration system that would avoid the mistakes that lead to the conflict in the first place.

Diagram 1 summarizes what the diagnostic situation analysis would have to look at. The important thing to note is that it starts by an honest diagnosis of the past. Without this the forces that lead to the conflict would not be understood and the planning of the future could easily leave them unsettled. The current capacities and the environmental challenges and opportunities would have to be exhaustively diagnosed and analysed. Finally the future needs to be projected clearly specifying the missions, objectives, strategic actions, and the programmatic activities to be undertaken to reconfigure the whole spectrum of the state, public administration and governance in general. One important thing that is done during this planning is to review and restate the missions of the state as they relate to the development aspirations of the country. Among the critical objectives of this exercise that need to be kept in mind is the integration, harmony and synergy of institutions, objectives, strategies, programmes, activities and practices.

The process needs to be highly participative involving government, civil society, private sector, international community working within the country, the academia and the press, as well as all political parties or forces. The process is long but worthwhile. It succeeds best where it benefits unreserved and sustained active support of the highest authorities/leadership in the country. Diagram 2 traces the conceptual step by step process that this planning needs to go through.

Diagram 2: Seven step process in designing the national programme for strengthening good governance
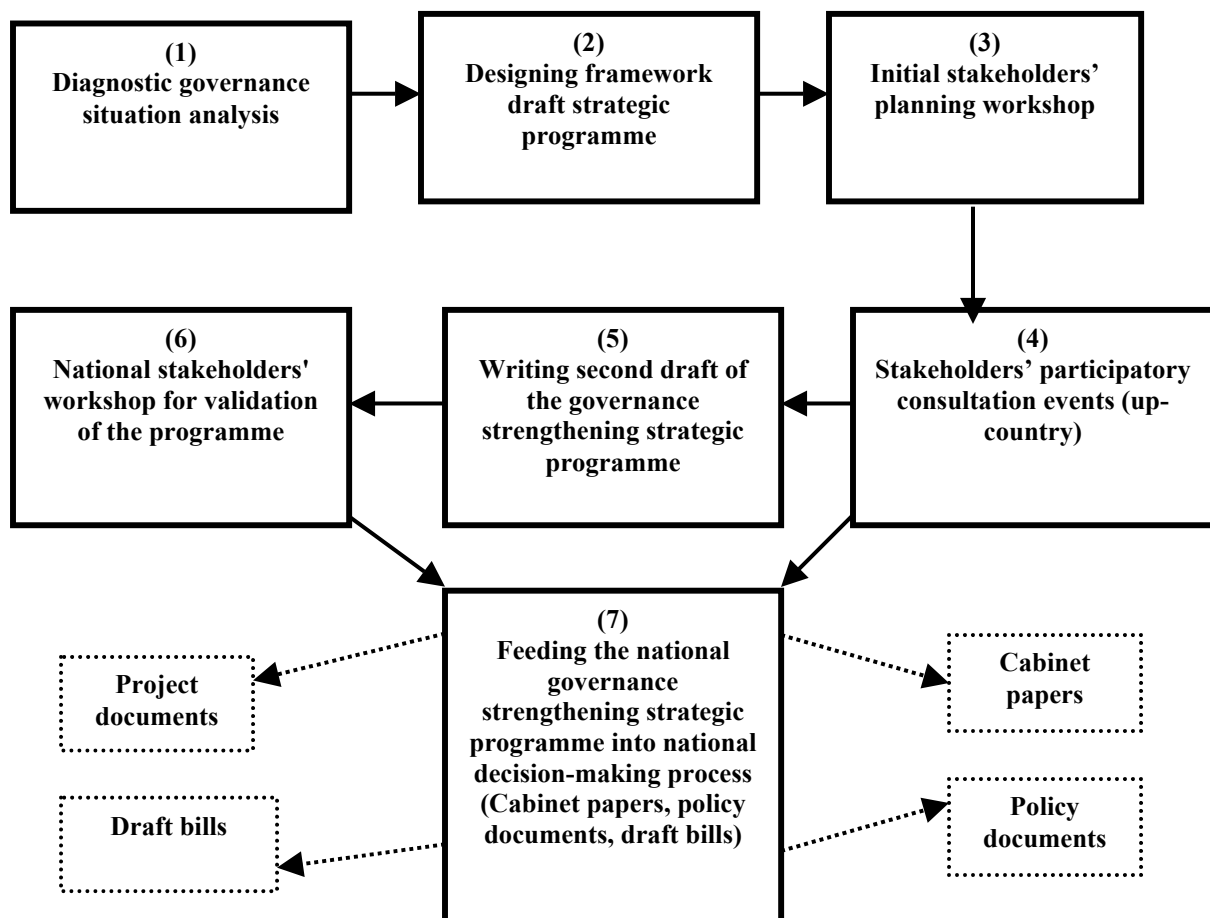
The process is first and foremost participative. The basic assumption is that the entire country is undergoing a self-examination and assessment exercise. The first step (the diagnostic situation analysis) is best done with strong support from a team of people who are intellectually competent to do diagnostic and analytical research. However, even these have to be instructed to utilize methodologies that include not only reading available documents but also to consult and discuss with a wide spectrum of stakeholders.

From this step one would expect a comprehensive report of the governance situation in the country as it stands and as the historical socio-politico-economic and cultural forces that have shaped it. Most importantly, the issues and problematic concerns of the society have to be clearly articulated because basically they are the ones that the programme will address.

Based on this comprehensive diagnostic assessment of the situation, a team of competent socio-politico-economic strategic planners need to design a governance-strengthening strategic frame work that briefly summarizes the problematic situation, the missions that should be pursued, the strategic objectives and actions, the capacity strengths and gaps as well as the environmental opportunities and challenges.

This draft framework will be presented in a national workshop bringing together representatives of government, private sector, civil society, local government and the international community, who will enrich it with their inputs and discussion. Such a workshop needs to be facilitated by a person or persons highly competent in facilitating participatory problem-solving and strategic planning events. They must, in addition, and probably more importantly, command respect and acceptability from a cross-section of the country both because of their competence but also because of their known neutrality and intellectual objectivity. This is very important because some of the issues that will be handled are extremely sensitive and are at the core of the origin of the destructive conflict in the first place.

The inputs from this national stakeholders' workshop are used to write the second draft of the strategic programme, which is now not only richer but also more representative. Then this draft is presented to a number of consultative planning events all over the country. In effect, these are structured in the same way as the national stakeholders' workshop only that they are taking place upcountry. The major aim is to reach as many stakeholders as possible.

When all the stakeholders' consultation workshops all over the country are completed, the inputs are then fed into the writing of the final draft of the programme. The draft is then presented into a final national stakeholders' workshop to validate the programme. The formula is like "The last time we met you, we agreed on a draft governance programme. We have consulted the whole country on the draft and incorporated the inputs of the stakeholders from the whole country. We are now submitting to you the final draft for you validation. The stakeholders will discuss the draft, make whatever changes they wish to make and validate it as a national programme.

After this validation, the implementation of the programme will take various forms. Some of its components cannot be implemented until they are supported by new laws. Some can be immediately implemented but still they have to first be formulated into projects. What we have found useful in this process is that it mobilizes most decision-makers to take decisions quickly concerning the various aspects of the programme. This is because the decision-makers have followed the design of the programme and are no longer in doubt as to its validity or its acceptability. There have been even cases where donors and development partners, having participated in and followed this process, immediately allocate funds to the components that are in their line of intervention. It is an effective resource mobilization process.

Benefits from the seven-step process

The temptation is to consider the process as useful only in as far as it helps to produce a national strategic programme for good governance. In fact, the benefits from this process go far beyond that and include the following:

Acquisition of participative planning skills

It is an effective tool in training for participative problem identification, analysis and solving, as well as strategic programming. When the process is well planned and followed, those who get involved in its implementation acquire invaluable knowledge and skills in participative situation analysis and strategic planning. They also acquire skills in facilitating participative planning workshops. This is why it is always advisable to ensure that the consultants hired to do this job work to support national teams whose members will eventually acquire the skills.

Facilitating dialogue and reducing tension among conflicting groups

The process brings together different stakeholders and groups in an environment that is conducive to objective consideration of various and often diverging interests. At least it encourages each interest to be put on the table and be negotiated. In this sense it contributes a lot to reducing tension and conflict bringing stakeholders to agree on the essential development needs. At the limit of difficult issues, at least the process exposes them and lets those who cherish them talk about them. This is not a small contribution, for exposing interests is the beginning of addressing them, and interest articulation is part and parcel of effective public administration systems and conflict management.

Galvanizing commitment to the programme

It is an acknowledged fact that most well-designed programmes often meet problems in implementation stemming from the fact that they lack commitment from the stakeholders especially those that hold influential and resource allocation positions. The seven-step process described above in most cases progressively galvanizes this commitment from all stakeholders and actors including donors. At the very least, the process reveals very easily if the programme being designed has commitment from the leaders. Normally this is reflected from the way the leaders participate in the process itself.

Resource mobilization

The process is probably the strongest tool we have seen for mobilizing resources. Normally because donors and development partners participate in the process, they easily judge how serious the government is with the programme as well as how the programme is composed of national priorities agreed by stakeholders. This quickly prepares them to commit resources to the programme. In addition if the question of how local resources will be mobilized for this programme is well articulated during the process, local resources are also more easily committed.

Mobilization of political support for the government

The process illustrates to many stakeholders the fact that government respects their views and is ready to consult them even outside political forums to get their views. They see themselves telling their leaders what to do in order to develop the country. This strengthens their support for the government in power.

Success factors for the process

The process does not have an automatic success card. We have used it in about six African countries. In three of them it was stopped mid-way before the programme could be completed. This was because the project that was supporting them dried out of money. It was not therefore possible to judge the success of the process. In the other three the process was followed up to the end and the programmes produced. But in one of them it is now three years since and not a single component of the programme has been implemented. In the rest two, the programmes were implemented almost immediately with strong support from donors and development partners. From this scenario we are able to estimate the factors on which the success of the process depends. They are highlighted and discussed below.

Commitment from top leadership

If the top leadership does not show commitment to the process and the final outcome, two things will happen: the government will not take the necessary decisions and steps to implement whatever programme that will come out of the process, and the donors and development partners, having noted the government's lack of commitment will not put any money into the implementation of the programme. It will remain a beautiful strategic design on paper. In the two countries where the programmes were successfully designed and implemented, the national workshops included ministers, parliamentarians and judges, and they were either opened or attended by the Presidents or at least officials that are known to be highly influential in government policy-making. In one, both the President and the Prime Minister attended the workshop that lasted three days.

Highly competent and trusted participatory planning facilitators

The process will not be well followed if it is not facilitated by a very competent and respected facilitator. The tendency is to look for this one from outside the country. However, this success factor is re-enforced if the facilitator is from within the country. It emphasizes the national ownership of the outcome.

Financial resources

The process is long and expensive for a country where spending one hundred US dollars means a lot. The process requires a minimum of two months and that is in an average small country. In a big country the process would have to take longer because of the travel involved in making national consultations up-country. Generally the programme cannot be produced with less than 250 US dollars using this process. But given the positive outcomes including resource mobilization, it is worth the money.

Appropriate timing

Within the sequence of emergency relief, rehabilitation, reform and reconfiguration, as noted above, designing a governance strengthening strategic programme using this process falls within the phase of reconfiguration. If it is timed wrongly, for example coming at a time when rehabilitation is still the main issue, it will not succeed because the society will not be ready to engage in deep objective debate. The donors and development partners themselves will sense that the process is getting into issues that they consider to be probably far ahead in the future of priorities and therefore out of step with the development agenda.

Cases

The approach and process presented above is applicable in different ways according to situations. Below are the some of the cases where it has been applied. These cases illustrate that there are

variations in the time it takes and the adjustments that have to be made depending on resource availability and human technical capacity.

Uganda

The following were the methods through which the governance capacity assessment of Uganda was conducted and the present document designed:

- The Uganda Governance Capacity Assessment Project (UGCAP) put up an office in the Ministry of Finance, Planning and Economic Development mainly constituted by a National Coordinator, a national consultant and a secretary. This office was responsible for the organization, coordination and general management of the exercise.

- A team of National Governance Capacity Assessment facilitators was constituted and trained in participative analysis and planning methods.

- Consultations and workshops were conducted for stakeholders in governance in central government and other governance related organizations (local governments and civil society organizations).

- District consultation workshops were held in a sample of 15 districts.

- Sector working group meetings were conducted. The sector working groups had already been formed under a sector wide approach for planning public sector activities.

- A workshop to review and discuss the materials gathered from all the above consultations was organized and facilitated with support of an international expert (from UNDESA) who also technically supported the finalization of the governance programme document.

- The draft governance programme document ("Draft National Programme on Good Governance in the context of the Poverty Eradication Action Plan") was subjected to review workshops involving district leaders from forty-one districts. The national governance capacity assessment team facilitated these workshops.

- National consultants were hired to conduct further consultations in the sectors they represented to enrich the Draft National Governance Programme with further analysis and inputs.

- An international expert on governance capacity assessment and planning (from UNDESA) worked with the UGCAP team to put together all the materials into a final draft.

- The final draft was presented, discussed, and approved during a validation workshop involving representatives of key stakeholders in central and local governments, the private sector as well as the civil society. The international expert for UNDESA facilitated this workshop and finalized the document.

The process in Uganda benefited from the following:

- An international project (the Africa Governance Capacity Assessment Project) that provided funds that sustained the process for a full 12 months;

- A local human capacity that easily provided a national coordinator, national consultants, and team members to do the participatory analysis of governance in the country;

- A local population that was already used to participatory approaches of development planning even at community level;

- A local governments structure that provided avenues for consultations up to the grass-roots; and

- The term governance had already been discussed and accepted in a general way by a cross-section of stakeholders in the country.

The only external input that was required in the case of Uganda was the international adviser (from UNDESA) who essentially supported the facilitation of high-level workshops and formatted the governance programme document.

However, the above conditions do not always exist in all countries that require this kind of work to be done. The case of Liberia illustrates this point.

Liberia

- Liberia's process was facilitated through a heavily funded governance project that provided offices, vehicles, personnel (chief technical adviser, programme manager, administrative officer, secretary, drivers).

- Workshops were conducted to sensitize the population on governance and get them engaged in dialogue on issues of governance in the country.

- An international consultant was hired to write a comprehensive assessment of the governance situation in the country.

- On the basis of the report of the consultant, it was clear that in each of the key governance institutions (Parliament, judiciary, and a selected number of ministries, including the Ministries of Finance and Economic Planning, Office of the President, Ministry of Public Service, Ministry of the Interior, Institute of Public Administration, Ministry of Mines and Trade) there had to be conducted a participatory institutional capacity assessment. The problem identified was that it was not easy to find local experts to conduct this assessment.

- As a solution, in each of the identified institutions, two officials were identified and a local consultant hired. All the officials and the hired consultants were subjected to hands-on training in strategic participative institutional capacity assessment to equip them with the same skills, approaches and methodologies to conduct the assessment.

- The training was conducted (a one week intensive hands-on workshop). Then the consultants and their counterparts were deployed in the institutions and given one month to produce the capacity assessment report).

- Based on the institutional capacity assessment reports, an International consultant (from UNDESA) wrote the draft governance programme.

- The draft programme was presented to a workshop attended by the institutional capacity assessment consultants and counterparts for discussion and further improvement.

- The international consultant then wrote the final draft.

- The final draft was presented to a stakeholders' workshop attended by representatives of government (ministries, Parliament, Judiciary), civil society, private sector, media, some donors and development partners who discussed, enriched and validated the programme.

The case of Liberia is an interesting one because it emphasizes one critical factor. Unless the top most government authorities commit themselves to the governance programme, however elaborate the approaches and methodologies used, the programme will have difficulties in being implemented. The President and most Ministers in the country did not take the exercise as a

critical one for the success of the government. Up to today not a single aspect of the governance programme has been implemented.

The case that illustrates how critical government commitment is to the success of the governance programme design and implementation is that of Rwanda which is high lighted below.

Rwanda

The approach, process and methodology for designing the national programme for strengthening good governance for poverty reduction in Rwanda was dictated basically by the fact that it was building on the achievements made under the previous interim programme for good governance. The process therefore took the approach of first evaluating the achievements.

- First a UNDESA Adviser held meetings with UNDP country office, the Ministry in charge of Governance, all the donors in the country, the Prime Minister and the President on the approach and process to go through in designing the programme.

- Then, the Adviser had consultations and discussions with the heads of key governance institutions (Parliament, Judiciary, all ministries, Electoral Commission, Human Rights Commission, Constitutional Commission, Auditor General, Reconciliation Commission, some civil society organizations, and private business association). With each the discussions centred on how the institution would participate in the process of evaluating and designing the national governance programme. The agreement was that each head of institution would conduct an internal institutional evaluation to determine the general missions and objectives, the achievements so far, the challenges being faced, and the strategic actions that should be undertake to strengthen the institution and the aspect of governance it is responsible for.

- After these consultations and agreement from the leaders of these institutions the President wrote a letter to each of them requesting them to conduct the evaluation and write the papers and present them during the workshop. The institutions were given one month to conduct this evaluation and planning and write papers that they would present during a national workshop. Essentially they were requested to work with in the following format:

Topic	Presenter	Guidelines
1. Good governance as a precondition for poverty reduction	Ministry of Finance: Poverty Reduction Programme	Write a brief background indicating some of the results of the participative poverty assessment exercises that point to the fact that the Rwandan population is aware that poor governance is one of the causes of poverty. Also introduce the strengthening of good governance as one of the strategic measures aimed at reducing poverty in the country.
2. Towards a new constitution for Rwanda: steps, challenges, and strategies for accomplishment.	The Judicial and Constitutional Commission	Write (i) a brief background on constitutionalism, (ii) the objectives of the new constitution making process, (iii) the mandate of the commission, (iv) the steps already covered in the process, (v) the constraints faced, and (vi) the strategic actions planned to have the constitution in place.
3. Strengthening the legislature for effective people representation, mobilization, legislation and oversight of the executive action	The Parliament	Write (i) a brief background on the role of the legislature in rebuilding democracy and the rule of law in Rwanda especially after 1994, (ii) the mandate and functions of the Parliament, (iii) the objectives of strengthening the Parliament, (iv) the different achievements so far in building the capacity of the Parliament since 1994, (v) the constraints still being faced, and (vi) the strategic actions to be taken to further strengthen the capacity of the Parliament to make it effective in people representation,

Topic	Presenter	Guidelines
		mobilization, legislation and Executive oversight.
4. Fostering national unity, reconciliation, peace, and stability.	The National Unity and Reconciliation Commission	Write (i) a brief background on the problems related to national unity and reconciliation in Rwanda, (ii) the mandate and historical significance of the National Unity and Reconciliation commission, (iii) the objectives it has been pursuing, (iv) the achievements so far made, (v) the constraints facing the commission, and (vi) the strategic actions proposed for promoting and encouraging national unity, peace and reconciliation.
5. Demobilization and social re-integration	The Demobilization and Re-integration Commission	Write (i) a brief background on the problem of demobilization and re-integration in Rwanda especially since 1994, (ii) the mandate and historical significance of the Demobilization and Re-integration Commission, (iii) the major objectives being pursued, (iv) the progress made so far in demobilization and re-integration, (v) the constraints faced and (vi) the strategic actions proposed for enhancing effectiveness in demobilization and integration.
6. Enhancing effectiveness in the delivery of fair and accessible justice	The Ministry of Justice	Write (i) a brief background on the problems related to the administration of justice in the country, (ii) the different institutions in the country's justice system (Ministry, courts, including gacaca) and their mandates, (iii) the objectives pursued in the justice sector, (iv) the achievements so far, (v) the constraints facing the justice system, and (vi) the proposed strategic actions for improving the administration and delivery of fair and accessible justice in the country.
7. National security, law and order for peaceful development: challenges and strategies for developing the capacity of the armed forces.	7.1. The National Police 7.2. The National Army	7.1. Write (i) a brief background on the efforts of rebuilding the national police force, (iii) the objectives being pursued, (iii) the achievements so far, (iv) the challenges and constraints being faced, and (v) the proposed strategic actions for strengthening the police force to ensure sustainable law and order that can support socio-politico-economic development efforts in the country. 7.2. Write (i) a brief background on the problematic of national security as an aspect of good governance and a precondition for engaging efforts of reducing poverty, (ii) the objectives pursued in developing the capacity of the national army, (iii) the achievements so far, (iv) the constraints and challenges faced, and (v) the strategic actions proposed to ensure sustainable national security to support uninterrupted development efforts.
8. Strengthening the promotion, protection and respect of human rights for all in Rwanda	The Human Rights Commission	Write (i) a brief background on the problems related to Human Rights in the country, (ii) the mandate and historical significance of the Human Rights Commission, (iii) the objectives being pursued, (iv) the achievements so far made in the promotion, protection, and respect of Human Rights, (v) the constraints being faced and (vi) the strategic actions proposed for strengthening the promotion, protection and respect of Human rights in Rwanda.
9. Promoting and strengthening peoples political participation through electoral democracy	The Electoral Commission	Write (i) a brief background on the issues related to peoples' participation in the political process and in choosing their leaders, (ii) the mandate and historical significance of the Electoral Commission, (iii) the objectives being pursued, (iv) the achievements so far in the democratic process especially as it relates to elections as a political legitimizing practice, (v) the constraints being faced, and (vi) the strategic actions being proposed for strengthening further peoples' participation in the political life of the country through elections.
10. Promoting decentralized	10.1. Ministry of Local	10.1. Write (i) a brief background on the problems that formed the basis for the decentralization policy, (ii) its linkage with

Topic	Presenter	Guidelines
governance for participative democracy effective service delivery and local economic development	Government and Social Affairs	democratic governance, service delivery and local economic development, (iii) its objectives and strategy, (iv) the achievements so far, (v) the constraints and challenges being faced, and (vi) the strategic actions proposed for moving forward to build a stronger and more effective and efficient decentralized governance
	10.2. Civil society organization	10.2. Write (i) a brief background on the significance and rational of the involvement of civil society organizations in Rwanda in socio-politico-economic development work, (ii) the strategic objectives for involving and empowering civil society, (iii) the achievements so far in involving and empowering civil society in Rwanda, (iv) the constraints being faced in involving and empowering civil society, (v) the strategic actions proposed for strengthening the empowerment and involvement of civil society in the whole development process.
11. Promoting transparency and accountability in the management of public affairs in Rwanda: challenges, strategies, achievements, and prospects	11.1. Office of the Auditor General	11.1. Write (i) a brief background highlighting the issues involved in transparency and accountability in Rwanda and the various institutions with their mandates that have been created to manage transparency and accountability in the country, (ii) the strategic objectives in promoting transparency and accountability, (iii) the achievements so far, (iv) the constraints being faced and (v) the strategic actions proposed for strengthening transparency and accountability in Rwanda.
	11.2. Director of Information MINALOC	11.2. Write (i) a brief background exposing the government policy on information, (ii) the objectives being pursued, (iii) the achievements so far in the area of information, (iv) the constraints being faced and (v) the strategic actions proposed for improving the performance of the information sector in the country.
	11.3. Director of Family Education Programme MINALOC	11.3. Successful transparency and accountability in the management of a country's public affairs does not only depend on the existence, effectiveness, and efficiency of control institutions. It also largely depends on the existence and vibrancy of an aware and well-informed citizenry. Write (i) a brief background on the problem of adult functional literacy in the country and how this affects the capability of the Rwandan society to hold its leaders (both political and administrative) accountable. (ii) Write the objectives pursued in creating an aware and informed citizenry, (iii) the achievements so far, (iv) the constraints and challenges faced and (v) the strategic actions proposed for ensuring an informed citizenry in Rwanda.
12. Ensuring effectiveness and efficiency in government action and in the delivery of public services in Rwanda: achievements challenges and the way forward	12.1. Ministry of Finance and Economic Planning	12.1. Write (i) a brief background on the reform of the public sector in Rwanda, (ii) the strategic objectives being pursued, (iii) the achievements so far, (iv) the constraints and challenges being faced, and (v) the strategic actions proposed for ensuring successful and effective public sector reform and developing the capacity of the public sector in the country.
	12.2. Ministry of Public Service and Labour	12.2. Write (i) a brief background on civil service reform, (ii) the strategic objectives being pursued, (iii) the achievements so far, (iv) the constraints being faced, and (v) the strategic actions proposed for ensuring successful civil service reform and for developing the capacity of the civil service for responsiveness, effectiveness and efficiency in public service delivery.
	12.3. President's Office	12.3. Write (i) a brief background on the institutional and structural arrangement for coordination of government policy

Topic	Presenter	Guidelines
	12.4. Office of the Prime Minister	making process, (ii) the objectives being pursued, (iii) the achievements so far, (iv) the constraints being faced and (v) the strategic actions proposed for streamlining and strengthening the process of making government policy. At this point the proposal for a Human Resource Development Agency could be presented. 12.4. Write (i) a brief background on the institutional and structural arrangement for coordinating government action, (ii) the strategic objectives being pursued, (iii) the achievements so far made in coordinating government action, (iv) the constraints being faced, and (v) the strategic actions proposed for streamlining and strengthening the coordination of government action.
13. Promoting and mainstreaming gender equality, empowerment and advancement of women in Rwanda: achievements, challenges and strategic actions	Ministry responsible for gender	Write (i) a brief background on the contextual issues related to the promotion of gender equality, women empowerment and mainstreaming of gender issues in public policy making and implementation, (ii) the objectives pursued in the promotion of gender in the country, (iii) the achievements so far, (iv) the constraints and challenges faced and (v) the proposed strategic actions that will strengthen gender empowerment, the mainstreaming of gender issues in public policy formulation and implementation, as well as the advancement of women in Rwanda.
14. Challenges and strategies for mainstreaming environment issues in governance	Ministry responsible for environment	Write (i) a brief background on the contextual issues of environment management conservation and protection including issues of land use in Rwanda especially concerning the mainstreaming of these issues in governance programmes and activities, (ii) the objectives that are being pursued, (iii) the achievements so far, (iv) the constraints and challenges faced, and (v) the strategic actions proposed for ensuring sustainable environment management, development and inter generation equity.
15. HIV/AIDS as an issue of governance in Rwanda: challenges and strategies for mainstreaming the fight against HIV/AIDS in all governance activities.	AIDS Commission	Write (i) a brief background on the problem of HIV/AIDS in Rwanda highlighting the necessity of mainstreaming the fight against it in activities of governance, (ii) the objectives being pursued, (iii) the achievements so far, (iv) the constraints and challenges being faced and (v) the strategic actions proposed for mainstreaming the fight against HIV/AIDS in the programmes and activities of improving governance.

- A team of national facilitators were hired to plan and facilitate the workshop and put together the workshop report clearly spelling out the recommendations. The team had a secretariat in the ministry responsible for governance, although they were accommodated in the UNDP country office because of lack of computers.

- A three-day workshop was presented, during which the leaders of key institutions presented the papers that were discussed and specific recommendations were made for strengthening good governance in the country. The President, the Prime Minister, the Speaker of Parliament, and the Chief Justice attended the workshop.

- The Office of the President working with the national team of facilitators wrote the recommendations from the workshop into a strategy paper for strengthening governance in the country.

- The strategy paper was submitted to the cabinet for discussion and adoption as a government document "National Strategy Framework Paper on Strengthening Good Governance for Poverty Reduction in Rwanda".

- After the cabinet approval, the UNDESA Adviser was requested to translate the strategy into a draft national programme for strengthening good governance for poverty reduction.

- The draft programme was presented, discussed and validated during a workshop attended by representatives of all stakeholders including donors, civil society and private sector.

- The two documents have been published by the government and have been used by all development partners and donors as reference for programmes, projects and activities for strengthening good governance in the country.

The most interesting observations on the Rwandan case are the following:

- The commitment of the highest level of government authority. Not only did the President meet with the Adviser and listen to his proposal, but he also took the command of telling all the identified institution leaders to write the papers and present them. More to this he attended the workshop itself throughout.

- The resolve of government to use the whole process as its policy, strategy, and decision preparation process.

- The resolve of each head of institution to personally write the paper and present it during the workshop.

- The deep participation of donors and development partners in the process as if they were part and parcel of the Rwandan society.

- The reliance on local capacity with minimal support from the UNDESA adviser who came in to support the design of the process, and the formatting of the programme document.

- The tendency to merge centralization with participation. This is not obvious. But if this process is compared to the Uganda process, one will note that the Uganda process involved the participation of people almost up to grass-roots level (at least up to sub-county level), while the Rwanda process engaged only representatives of institutions in the public, private and civil society sectors.

- The way in which the National Programme for Strengthening Good Governance for Poverty Reduction is integrated into the rest of the national plans including the Poverty Reduction Plan. To illustrate this, we present the diagram below which is extracted from the national five-year programme for implementing decentralization.

Diagram 3. Summarizing linkages in the National Development Strategy Framework (Rwanda)

Vision 2020

- Building the capacity of the State and rendering Rwanda public service efficient and transparent to enable it formulate and implement effective development policies; promotion of good governance, decentralization and popular participation in decision-making processes;
- Modernization of agriculture by high value crop and livestock production, and linking the sector to other economic activities;
- Human resources development through vocational, technical and science, technology, and management training;
- Orienting and attracting investments into industry and service sector, leading to production of mass consumption goods; creation of skilled workforce as part of the strategy to attract investment;
- Development of domestic middle class and entrepreneurs;
- Developing a reliable lower cost access to the sea ports; establishing a comparative advantage niche in the integrated regional trading regime

(From Rwanda Vision 2020, Republic of Rwanda, Ministry of Finance and Economic Planning, Kigali, July 2000)

Poverty Reduction Strategy

| Rural development and agricultural transformation | Human development | Economic infrastructure | Strengthening good governance for poverty reduction | Private sector development | Institutional capacity-building |

- Social welfare and empowerment of the Rwandan population
- National unity and reconciliation, peace and security.
- Institutional strengthening and coordination
- Promotion of the private sector and involvement of civil society
- Strengthening economic planning and financial management

- Strengthening constitutionalism as the guiding practice of the country's governance life
- Sustaining the promotion and strengthening of electoral democracy
- Sustaining strengthening and decentralization and people's empow   ent
- Effective and efficient coordination and harmony of policies and actions of government
- Enforcing transparency and accountability and fighting corruption
- Human resource development

Experiences, Challenges, and Frameworks for Reconstructing Public Service Capacity in Post-Conflict Situations in Africa

by

Alphonse Mekolo

Introduction

"The State is a key actor in the development process. It has a major role to play in making globalization work for all; in alleviating poverty and income inequality; in protecting the environment and promoting sustainable development; and in managing conflict and combating international crime. Over all, public administration has a vital role to play in the quest for peace, greater freedom, social equity and sustainable development. States can guarantee people's freedom and a certain measure of social justice just as they can hold back development. How the public sector is structured, administered, and operated, as well as what policies are pursued has therefore a great impact on people's well-being."[87] While this is true, it is important to bear in mind that the instrument for effective functioning of the State is the public service. Unfortunately after severe violent conflict and breakdown of state institutions, it is also often the public service that is critically injured and impaired. Therefore the bulk of reconstructing the State after conflict has to do with reconstructing the public service to enable it to effectively spearhead public policy analysis, formulation, implementation, monitoring and evaluation, as well as effective delivery of public services.

The main purpose of this paper is to share insights and experiences concerning approaches, frameworks, procedures, processes, content and challenges in rebuilding public service capacity in post-conflict situations in African countries. Starting from a brief analysis of the concepts related to Public service and capacity-building, practical cases of Uganda and Rwanda are presented with some reference to Ethiopia, and Liberia. These are some of the countries on the African continent that embarked, with varying success, on reconstructing their public service capacity after conflict. From these experiences we will draw some lessons for building capacities of the public service in post-conflict situations.

Capacity-building as an aspect of management functions and processes is a multi-faceted strategic action that requires committed, results-driven and competent leadership based on a clear and comprehensive agreed strategy.

Reconstructing a country's public service capacity after a conflict or crisis is a long-term process that needs first and foremost, a peaceful environment. Secondly it requires that leaders build up a capital of confidence in order to secure the entire population and specifically the institutions and human resources that are needed in the process of service provision enabling the private sector and civil society to work for wealth creation and development of the country. It is understood that in many instances after conflict, a peaceful environment and confidence are two things that are not abundant! Two fundamental challenges have to be overcome to enable the process of reconstructing the public service to go on successfully:

- Creating a peaceful environment after violent conflict when socio-political anger is still raging, and ashes and embers of physical and moral destruction are still hot.

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[87] UNDESA: Public Sector Report 2001.

- Putting in place the kind of leadership that can generate confidence among the various levels of the population and among the stakeholders for development of the country.

The two challenges are directly linked. It is extremely difficult to have confidence in a system that does not provide a peaceful environment that is conducive to effective work. It is highly dependent on leadership for both the peaceful environment and confidence to prevail. In fact, countries that have successfully rebuilt their public service capacity after violent conflict are those that have managed to forge for themselves some level of credible and enlightened leadership.

Therefore, the real issue here is not only how to reconstruct the capacity of the public service but also how to make the reconstruction effective and rapid in contributing to the creation of a reliable environment conducive to sustainable service delivery. All this means that the first priority in the reconstruction process must be to address the roots of the conflict.

Experience in African countries that suffered severe conflict of late (e.g., Uganda, Rwanda, Liberia, Somalia, etc.) has shown that at the point of planning the reconstruction of public service capacity, it is realized that a lot more than just the structures and facilities of the public service has been destroyed. Strategic vision, cohesion, care for public service, values etc are also destroyed. Consequently, as part of rebuilding the capacity of the public service, it is always imperative that the rule of law, equity, transparency, accountability and power-sharing are restored quickly. It is in this way that the public service will be recovered from the ills of personal interest, corruption, vandalism, as well as illicit enrichment, nepotism and favoritism which in most cases thrive best in periods of conflict, violence, tension and crisis.

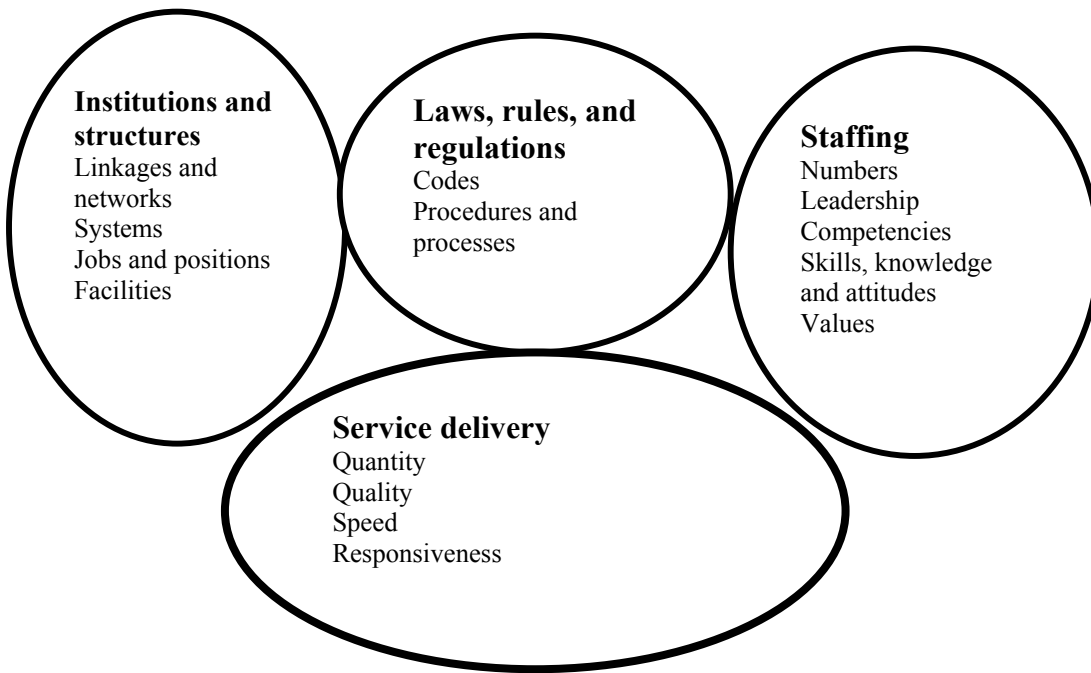### The four pillars of public service capacity-building

The mandate of the public service is to promptly deliver high-quality services at the least cost to the nation in a transparent, equitable, accountable and ethical manner. Its services must be responsive to people's needs and conducive to socio-economic activities generating growth and development in the country. As a structural organization, the public service is a combination of government institutions at various levels through which human resources work and serve for the public good and the general interest. Rebuilding the capacity of the public service must be subtended by four main pillars which are: service delivery, rules and regulations, institutions and structures, and staffing (see Diagram 1).

Laws, rules and regulation

The public service institutions are established by laws. Their functioning is organized through rules, regulations, codes, established processes and procedures as well as, administrative orders and decisions. In addition, one of the expected functions of many public service institutions is to draft and enact the laws, orders and decisions, legal provisions related to human resource management as well as many other kinds of written directives considered as guidelines to be applied for the enhancement of the socio-economic activities. Paying special attention to the application of appropriate laws, rules, regulations, codes, established procedures and processes in the management of the public service is a fundamental aspect in the re-establishment of the rule of law and re-instilling confidence in the public after violent conflict. Here is a paradoxical situation because after violent conflict some of the laws, rules and regulations are considered as belonging to the old order. Therefore applying them runs the risk of provoking feelings of "déjà vu" and dampening the momentum for change. In other instances the laws, rules and regulations are not known, especially if the post-conflict situation has brought up public officers that are not conversant with the old ones. In other instances the laws, rules and regulations are simply not available and they have to be made. Despite these paradoxical issues, it is critical that the reconstruction of the capacity of public service after violent conflict pays specific attention to the

provision of legal means (laws, rules and regulations) to support the proper functioning of the public service. Putting in place and operating within the confines of laws, rules and regulations in the management of public affairs is a critical ingredient in establishing confidence in a new public service after conflict. It is central to the restoration of the rule of law in the country.

Diagram 1: The four pillars of public service reconstruction

Institutions and structures
Linkages and networks
Systems
Jobs and positions
Facilities

Laws, rules, and regulations
Codes
Procedures and processes

Staffing
Numbers
Leadership
Competencies
Skills, knowledge and attitudes
Values

Service delivery
Quantity
Quality
Speed
Responsiveness

Institutions and organizational structures

Public service needs to be structured through a sound strategic and coherent framework addressing all the domains and institutions of the public sector. In the same line each institution related to the public service needs to be structured in working units and job positions. Their functioning requires buildings, equipment and working tools and even public works and transportation as well as communication infrastructure. Structuring public service and creating the foundation for institutions and functional structures needs the input of the whole socio-economic environment of the country. In addition the public service institutions need to be well linked and networked so as to have cohesion in public action, collaboration in planning and decision-making as well as moving the country in a unified strategic direction. It is of great importance that over compartmentalization of the public service is avoided that visioning and strategic planning for the country is done in a participating way putting together institutions in the public, private and civil society sectors. This requires shifts in the mentality of the public service to move towards being an enabling one rather than a controlling one.

Staffing

Without personnel, no public service can be functional. Staffing is the key factor of the public service. It determines the quality of the services to be delivered; and even the quality of the leadership depends upon the nature of staff. Staffing concept implies several items to take into consideration: i) the size or the number of personnel, ii) the skills and knowledge of personnel, iii) health condition of personnel, iv) public administration culture and ethics, values, etc.). It is crucial to always remember that of all the national assets that get destroyed during violent

conflict, it the human capital that the most regrettable because while the others can be easily rebuilt human capital takes time to recover. The staffing in all spheres of the public service will make or break the success of the reconstructing the public service after conflict.
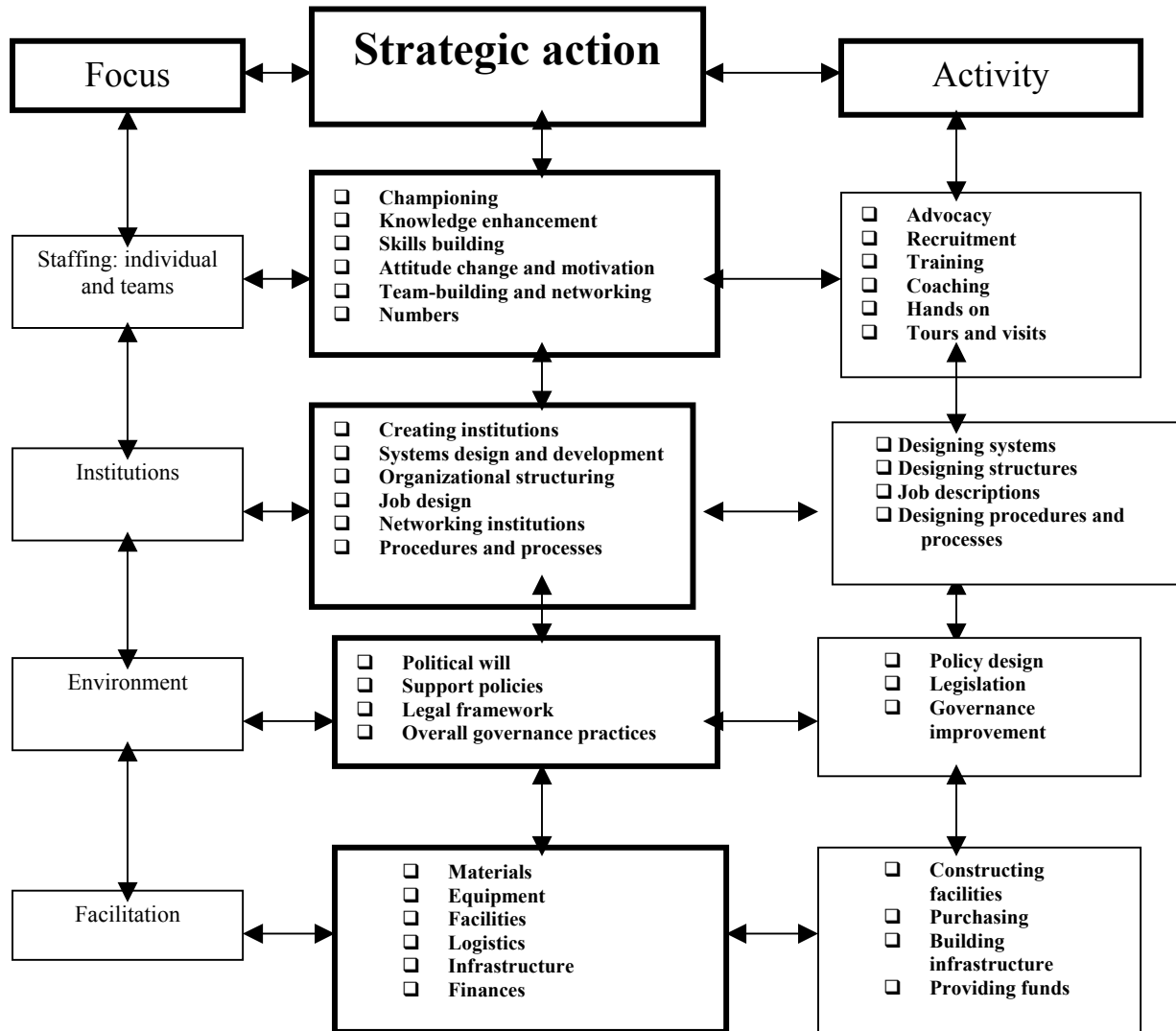
Service delivery

The pillar of service delivery directly concerns performance of the public service leading to meeting the expected consumption of services. In one way or the other public service delivery is what is required from every public institution and public servant. Immediately after conflict two critical and paradoxical aspects of the public service are observable. On one hand there is great public expectation for extensive improvements in service delivery. On the other this is the moment when the capacity of the public service from the point of view of institutions, structures, systems, resources, personnel, etc is lowest. Therefore in the process of reconstructing the capacity of the public service immediately after conflict there a critical issue of managing expectations. This means that the reconstruction of the capacity of the public service in such situations must be approached with focus on demonstrating an unprecedented propensity to equity, transparency, realism, frankness, respect for laws, rules and regulations as well as due process, particular respect to and communication with the public while at the same time managing their expectations. It is important that the new public servant at every level is capable of explaining to the client the situation and the constraints that it is imposing on the public service as well as making sure that every improvement is effectively communicated and every failure explained. Experience has shown that governments in such situations are poor at marketing their achievements while their critics are masters at highlighting what they have not managed to achieve. Immediately after conflict, achievements are understandably fewer than what remains to be done. Here the attitude and approach of leadership across the board is determinant.

Public service capacity-building approach: merging realism and comprehensiveness

Diagram 2 summarizes what we believe to constitute the capacity of public service and what may go into strategic plans for capacity-building. It takes a holistic view to capacity-building because as we have already pointed out in post-conflict situations where it is necessary to create a well linked and harmonized public service, it should be accepted that one would not wish to have some aspects of the public service strengthened while the others remain weak. The public service capacity means that each major area constituting the above paradigm should get sufficient running power to become an appropriate input for the running of all the others. The challenge that most post-conflict countries are faced with concerns how to reconstruct all these aspects of the capacity of the public service when they have extremely limited resources. It is true that the issue of multiple competing needs within scarcity for resources is always real in life of nations in general but in post-conflict situations where economic activity and revenues have been severely reduced it is more critical.

This brings us to the necessity of being realistic in all aspects of managing public service including ensuring that the public service lives within the means of the country. If doing more with less is a topical jargon of modern public service reform, in post-conflict countries with extreme financial difficulties it should be the guiding principle to be understood by both the public and the public service itself. However, the beginning point is to have a comprehensive capacity-building strategy that takes into account every aspect of public service capacity. This should be developed with the participation of a wide cross-section of the public service to ensure buy in. After the strategy is developed, the various components will then be put on a priority scale that will determine what should be done first given the resources importance and urgency.

Diagram 2: Framework for holistic capacity-building[88]

Focus	Strategic action	Activity
Staffing: individual and teams	❑ Championing ❑ Knowledge enhancement ❑ Skills building ❑ Attitude change and motivation ❑ Team-building and networking ❑ Numbers	❑ Advocacy ❑ Recruitment ❑ Training ❑ Coaching ❑ Hands on ❑ Tours and visits
Institutions	❑ Creating institutions ❑ Systems design and development ❑ Organizational structuring ❑ Job design ❑ Networking institutions ❑ Procedures and processes	❑ Designing systems ❑ Designing structures ❑ Job descriptions ❑ Designing procedures and processes
Environment	❑ Political will ❑ Support policies ❑ Legal framework ❑ Overall governance practices	❑ Policy design ❑ Legislation ❑ Governance improvement
Facilitation	❑ Materials ❑ Equipment ❑ Facilities ❑ Logistics ❑ Infrastructure ❑ Finances	❑ Constructing facilities ❑ Purchasing ❑ Building infrastructure ❑ Providing funds

In concrete terms the proposed approach here should be holistic and at the same time area-oriented, targeting key development sectors on priority base. Then the capacity-building of one area should go to the direction given by the general strategy framework of public service capacity-building. It is at the prioritizing stage that a lot of realism will require to be applied because the needs are many and each of them looks critical and yet the resources are very limited. The prioritization should as much as possible follow the logic of what causes what. For example at the onset of capacity-building in the public service in Rwanda after 1994's genocide, importance was put on building the leadership that could guide the country through the difficult

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[88] This framework is borrowed from John-Mary Kauzya, "Local Governance Capacity-Building for Full Range Participation: Concepts, Frameworks, and Experiences in African Countries" (4th Global Forum on Re-inventing Government, Marrakech , Morocco, December 2002).

post-genocide period. The diagram below tries to capture the areas that are normally considered as priority in building the capacity of the public service. It is important to note the first priority on leadership and the central role/place given to human resources. Clearly in a post-conflict situation if a country cannot count on the new leadership to spearhead the search for remedy, then it is difficult for such a country to get out of the crisis. In the same way the country should be able to look to its human resources capacity for the implementation of the necessary solutions.
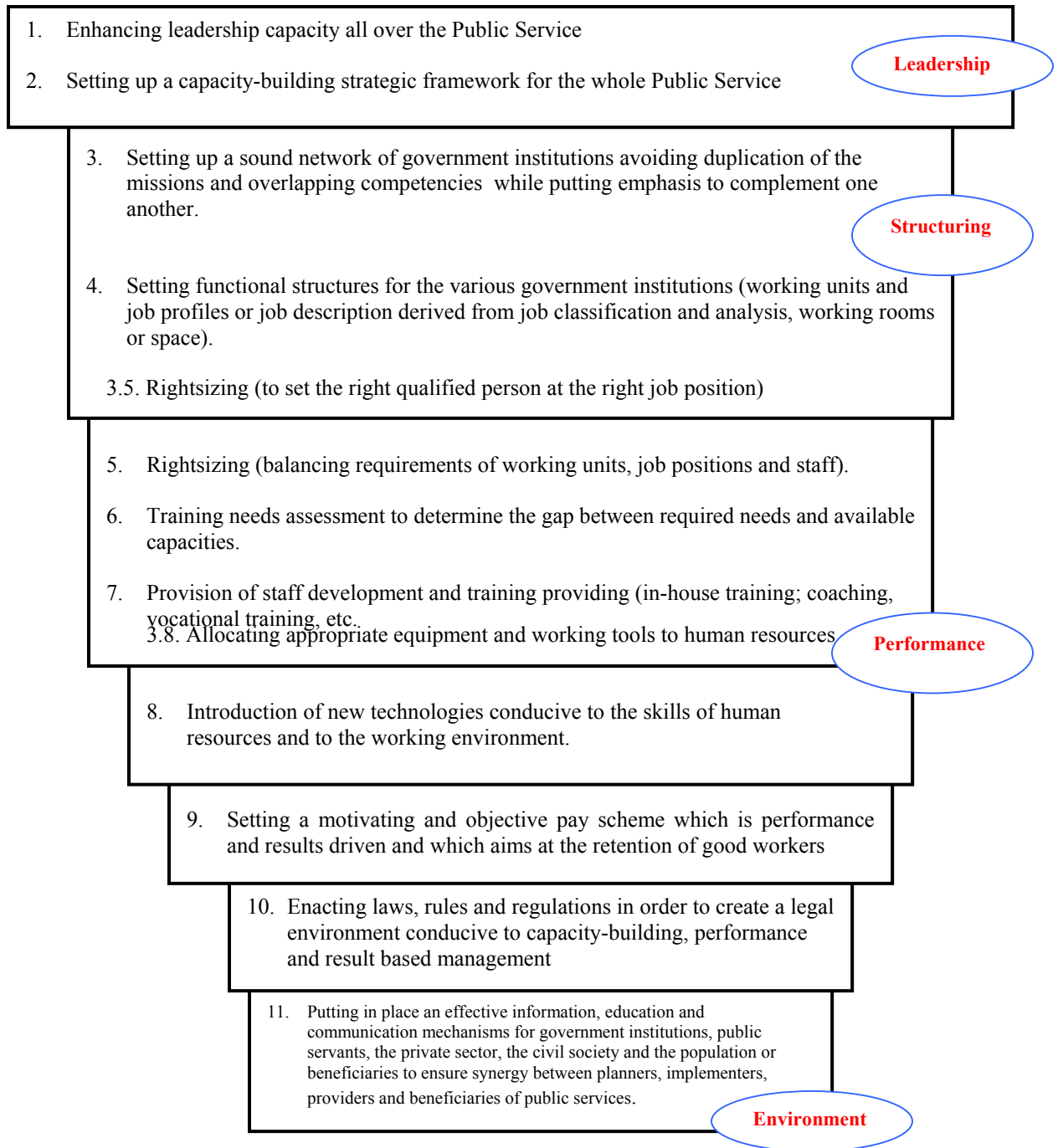
Diagram 3: Public service capacity-building imperatives

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Leadership

        Institutions
        Structures
                    Working
                    Environment
                              Technology

        Human Resources

                                        Pay scheme

                                                Information
                                                Education,
                                                Communication
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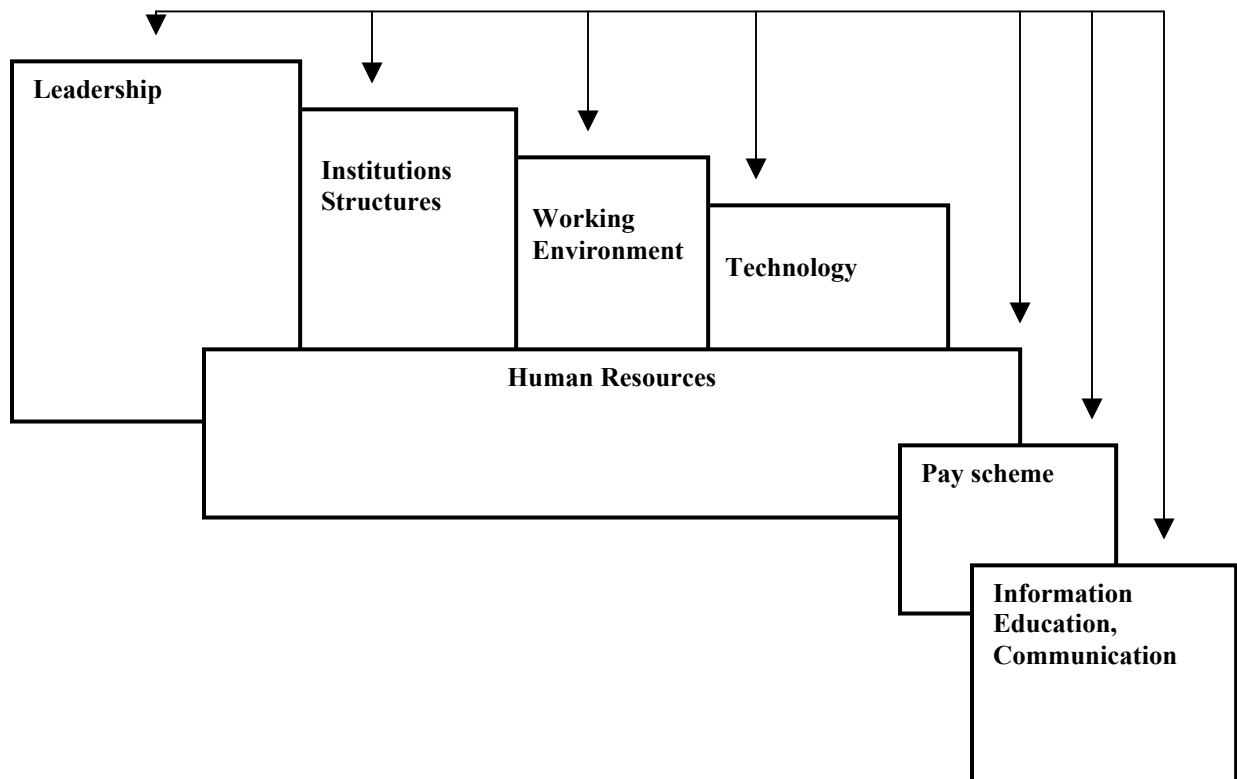
Public service capacity-building process

Considering that capacity needs to be built at all levels; the remaining issue is how to proceed in building up one type of capacity as it relates to the others. We need to bear in mind an opportunity a post-conflict situation presents which is often ignored. Every country in this world has in one way or the other been involved in building the capacity of its public services. One of the difficulties countries face in the process concerns how to pull down existing but inappropriate capacities (institutions, structures, human resources, facilities, etc) and replace them with the new ones judged more appropriate. A post-conflict country that has just emerged from destructive violence does not have this problem. Things have been pulled down, the minds of people are ready for a new start and therefore it is easier to design entirely new institutions, structures, human capacities, linkages and practices. This is a rare opportunity that emerges after violent conflict. The diagram below captures the process that would be followed to build new capacities after conflict, although it could apply to other situations.

Diagram 4: Major features of the public service capacity-building process

1. Enhancing leadership capacity all over the Public Service

2. Setting up a capacity-building strategic framework for the whole Public Service

Leadership

3. Setting up a sound network of government institutions avoiding duplication of the missions and overlapping competencies while putting emphasis to complement one another.

Structuring

4. Setting functional structures for the various government institutions (working units and job profiles or job description derived from job classification and analysis, working rooms or space).

   3.5. Rightsizing (to set the right qualified person at the right job position)

5. Rightsizing (balancing requirements of working units, job positions and staff).

6. Training needs assessment to determine the gap between required needs and available capacities.

7. Provision of staff development and training providing (in-house training; coaching, vocational training, etc..
   3.8. Allocating appropriate equipment and working tools to human resources

Performance

8. Introduction of new technologies conducive to the skills of human resources and to the working environment.

9. Setting a motivating and objective pay scheme which is performance and results driven and which aims at the retention of good workers

10. Enacting laws, rules and regulations in order to create a legal environment conducive to capacity-building, performance and result based management

11. Putting in place an effective information, education and communication mechanisms for government institutions, public servants, the private sector, the civil society and the population or beneficiaries to ensure synergy between planners, implementers, providers and beneficiaries of public services.

Environment

Phases and binding principles

Basically reconstructing a country after violent destructive conflict goes through the following four major phases:

- Phase 1: *Providing emergency relief,* where there is literally not much time to think in a comprehensive way, the main preoccupation being coming to the rescue of displaced populations and stopping the fighting.

- Phase 2: *Rehabilitation and reconstruction*, which mainly involves rehabilitating basic infrastructure including re-establishing some human capacity to start the country on the track to think about its future.

- Phase 3: *Reform*, where efforts in capacity-building turn to concerns of efficiency, effectiveness and economy in the utilization of resources.

- Phase 4: *Reconfiguration*, where the entire country is mobilized in a self-examination process and strategic development planning for the long-term perspectives and aspirations.

The table below shows the main focus areas in each phase.

Phases	Capacity-building process
Emergency relief	- Building confidence and trust among the people towards the leaders. It should be noted that confidence and trust in public institutions and officials are two of the aspects of public administration and governance that get shattered during violent conflict especially where the state functionaries are involved in abuse of human rights. - Creating a secure and peaceful environment. This is a critical issue. Without security of person and property people cannot engage in any meaningful thinking for future development. Security should priority number one because without it the new regime cannot get confidence and trust from the people. In all cases the first sign that the new regime is capable is the establishment of peace and security. - Sound, clear and committed leadership. On the outset the leadership that emerges from the violent conflict must be seen to be different from the previous one, especially in terms of concern fro the people as well as in terms of vision and strategy for the development of the country. - Existence of aid and funding through the right channels. In periods of emergency the tendency is to have all sorts of foreign aid, in most cases uncoordinated. However, it is important first and foremost that aid is not only available but also disbursed in a coordinated way so that the new government can have some grasp on the situation that is emerging. - Capacity of managing aid and international support in view to lay down the foundation of the Government, political recovery, the rule of law, security, defense, transportation and the free movement of people, and the basic priority needs of people (housing, food, health care, education).
Rehabilitation and reconstruction	- Being aware of the roots and causes of conflict or crisis through objective surveys; - Capacity of forgiveness and to still stand together with others to build a better future; - Rehabilitation and reconstruction sector by sector; - Return of skilled nationals to the country. This highly depends on to what extent confidence and trust as well as peace and security in the country have been re-established. - Public sector or public administration rehabilitation and reconstruction: Repairing of

Phases	Capacity-building process
	facilities, replacement of equipment, rebuilding of records, recruitment of personnel etc. This highly depends on how destructive the violence has been. For example, in Uganda the destruction in terms of physical death of public servants during the war of 1985 was very limited. Immediately after the war public servants went back to their offices. In Rwanda on the other hand, the death and disappearance of public servants was enormous in 1994. There the problem was far bigger. • Rebuilding public institutions.
Reform	• Drafting and enacting laws to set the rule of law in the management of the public service; • Setting up and putting in place appropriate policies and strategies for democracy and local communities (participation and easy access to services, decentralization and local people empowerment); • Setting up policies, strategies and programmes by sector; • Reviewing public administration structures and mandates; • Rightsizing, including retrenchment when necessary, throughout the public service; • Setting up new management systems for public service resources (human, financial, records, storekeeping, tendering, taxation, budgeting, ICT); • Putting in place a new pay structure; • Staff development and training programmes based on training needs assessment and appropriate staff development systems.
Reconfiguration	• A comprehensive public sector and governance reform programme tackling the issues in the public service as a whole for improved service delivery; • Establishing clear and interdependent linkages between: a) public sector, b) private sector, c) civil society; while determining the role of each of the sectors. This phase puts emphasis on engaging the whole country in rethinking its priorities, institutions, values, and future aspirations. It is premised on concerns of transparency, accountability, equity, participation and people empowerment. It is also based on the belief that governance is not for government alone and that putting in place an effective public service requires contribution from all sectors; • Redesigning mandate and structures of public service; • Performance management reform focusing on more effectiveness, efficiency and economy (decentralization, deconcentration, delegation, deregulation, privatization); • Institutional capacity-strengthening; • Redesigning working methods and management systems.

Capacity-building efforts should be envisaged following the same phases paying attention to the need for each phase to prepare for and lead to the other. One thing to note about these phases is that, in most cases, they overlap with one another. They should not be interpreted to mean that one phase must first be complete before another one can start. The thread that binds them together is constituted by the principles that should be pursued if the country is to avoid the path it had taken leading to violent conflict. These principles include:

- Re-establishing effective rule of law;

- Leadership committed and devoted to empowerment, and the participation of the entire population as well as the convergence in the use of the national and international resources towards sustainable development recovery;

- Equity and justice;

- Long-term national vision commonly and widely shared and based on a common understanding of the needs, constraints, challenges and priorities for the development of the country;

- Local community empowerment and participation;

- Keeping the population well informed and involved in the entire act of governance;

- Effectiveness, efficiency and economy for better use of scarce resources;

- Refocusing on values, ethics, respect for diversity and inclusion, and integrity in the conduct of public affairs. The issue of respect for diversity and inclusion is critical because most of the conflicts that have been witnessed on the African continent have been largely attributed to discontent due to exclusion;

- Transparency and accountability;

- Participation and involvement of all the stakeholders and partners in the entire development process from planning through implementation, monitoring and evaluation of policies, programmes and projects.

Experiences in post-conflict public service capacity-building

Below are presented experiences from Uganda, and Rwanda (countries that have experienced severe conflict in recent times and attempted to rebuild their public services) to illustrate how far the approaches and processes discussed above can be effective. We are also in this way seeking to understand and discuss the capacity-building process applied in each case and how far the public service recovery has been sustainable or could be sustainable. Finally the comparative analysis provides an opportunity to exchange views on practical issues related to post-conflict public service capacity reconstruction.

The Ugandan Experience

Capacity Recovery Stages	Major aspects /elements	Priority actions and determinants of success
End of crisis or conflict in 1986	▪ National Resistance Movement (NRM) captures state power. ▪ Oversized public sector with too large a number of ministries. ▪ Big numbers of political offices and public servants. ▪ Uncontrolled growth of public service employment without defined schedules of work.	▪ Immediate re-establishment of security and respect for human life. ▪ In many parts of the country security was immediately ensured and up to today in the larger part of the country except in the North where rebel activity has persisted, security has been maintained. And in the northern region the state of the public

	- Shrinking and declining national economy characterized by illicit activities and subsistence. - Over-centralization of administration and government. - Extremely low levels of efficiency and effectiveness in the public sector. - Very low morale and morals of public servants. - Widespread corruption in the public and private sectors. - Widespread insecurity and little respect for human life. - First priority of NRM government was to establish security all over the country.	region the state of the public service is still in very bad shape. The determining factor here was the resolve of the top leadership of the NRM to put a stop to the bad governance of past regimes.
Emergency relief	One aspect that distinguishes the Ugandan case from, for example the Liberian or the Rwandan case was that after 1986, there was no massive need for emergency relief. It was possible for the new regime to immediately start work even if it was in unfavorable conditions. In a way one would say that this facilitated the passage directly to rehabilitation and reconstruction.	The determining factor here was that the capture of Kampala was accomplished with little disruption of life and displacement of people. It also took only three days of fighting and unlike for example the war of 1979 against the Idi Amin regime was not characterized by looting of the city. The fighters of the NRA made sure that no civilian could go to the city to root. This is something that immediately won respect for the new regime. Again the role of leadership here in ensuring discipline was demonstrated.
Rehabilitation and Reconstruction	Technical assistance for rehabilitation and reconstruction of the public service concentrated on restoration of community services, for revival of economic activities, for strengthening governance and rule of law, and for long-term post-graduate overseas and local training programme as well as motivation of public servants.	Priorities included - A comprehensive assessment of the needs of reconstructing the public service. - Returning Ugandan professionals from abroad. - Training public servants especially for policy analysis. - Rehabilitation of some infrastructures and facilities. - Re-establishing effective political governance to support public service. This included re-establishment of the rule of law and political participation through the National and Local

		Resistance Councils.
		Two factors were critical for success here. One was the fact that the Uganda public service in terms of human capital was not destroyed. The people were there and qualified, but they had been for long demoralized. The second factor was again the leadership's determination.
Reform	The process of reforming the public service in Uganda can be traced in the 1993 Uganda capacity-building plan with the following priority areas: ▪ Economic policy analysis within and outside government; ▪ Legal and judicial systems; ▪ Manpower planning and linkages to training function; ▪ Local management training institutions; ▪ Return of skilled Ugandans; ▪ Local consultancy profession; ▪ Technical and vocational education and industrial training capacity; ▪ Accountancy profession; ▪ Contribution of women to policy development and management; ▪ Non-governmental organizations; ▪ Focus on local government due to Government's decentralization policy; ▪ Salary and incentives and retooling.	▪ Reduction of the number of ministries from 72 to 42 (1991), to 20 (1993). ▪ Reduction of Permanent Secretaries. ▪ Reduction of the overall number of civil servants. ▪ Introduction of results-oriented management. ▪ Making the civil service more responsive to the needs of the public, accountable and transparent. ▪ Setting up a capacity-building secretariat in the Ministry of Finance and Economic Planning. ▪ Decentralization to improve the provision of public services, especially health and education, and to strengthen democracy.
Reconfiguration	▪ Comprehensive participatory strategic planning especially for strengthening good governance in the context of poverty reduction. ▪ Re-thinking and redesigning a decentralized political and administrative governance system. ▪ Reconfiguration of training programmes as far as the training and vocational institutions are concerned. ▪ Providing support to a wealth-creating private sector is one of the critical objectives of the civil service reform programme of the country. ▪ Poverty reduction is a critical objective of	▪ Participatory integrated planning, including making a new constitution. ▪ 1994: Nationwide constituent Assembly elections (youth, disabled persons, workers and women elect their delegates). ▪ 1995: new constitution of Uganda. So far two presidential and parliamentary elections have been held. The Ugandan public service has built its policy analysis, formulation, implementation, monitoring and evaluation capacity. And this is one of the explanations of the successes

	the decentralization policy.	of the explanations of the successes the country has registered even in difficult areas such as the control of HIV/AIDS, decentralization, poverty reduction, and private sector development.
	▪ For sustaining the success, the Ministers, the Permanent Secretaries, the President and the Prime Minister hold a week-long strategic review and planning retreat every year where they review the performance and plan how to sustain the progress.	

The Rwandan Experience

Capacity Recovery Stages	Major aspects/elements	Priority actions and determinants of success
End of crisis and violent conflict in 1994	▪ Rwanda Patriotic Front (RPF) liberates Rwandans from genocide and comes into power in 1994. The day of 4 July 1994 is considered as the end of war and genocide and celebrated nationwide as the 'Liberation Day'. ▪ Loss of human resources either by death or by exile. ▪ Destruction of public service buildings and infrastructure. ▪ Inexistence of administrative capacity and then no service provision in all the sectors of the public service. ▪ Destruction of social fabric as well as the foundation of the national economy.	▪ Building peace and security across the whole country. ▪ Re-establishing the State. ▪ Stopping the mentality of extermination. The most critical success factor here was determined leadership at the top. Stopping genocide immediately earned the leadership a lot of capital.
Emergency relief	▪ The Arusha accords provide an initial framework for power-sharing and institutional rebuilding ▪ Many projects are funded and set by the international community to re-launch activities in all the development sectors and institutional development areas ▪ Special focus on: i) judicial personnel to be recruited/trained (via intensive training in a short period of time) to be operational immediately; ii) police personnel and health personnel United Nations volunteer programme brought many professionals as volunteers in the key areas of capacity provision for the running of public service.	The emergency relief phase in Rwanda was both intensive and extensive because of the genocide, returning of refugees, and the destruction that was wide spread. The critical success factor here was the international response to the emergency. But the resolve of the top leadership to get the country out of the quagmire was equally critical.
Rehabilitation and reconstruction	▪ Infrastructure and facilities rehabilitation. ▪ Returning of refugees.	▪ Training of judicial personnel, police personnel and health personnel.

reconstruction	▪ Reconstruction of public service institutional structures and systems. ▪ Providing at least a minimum of public servants. ▪ Re-establishment of the rule of law and stopping a culture of impunity. ▪ Emphasis on reconciliation to avoid re-occurrence of genocide. ▪ Reconstituting political institutions.	▪ Training of high level and middle level political and administrative leaders in the public service. ▪ Creation of institutions (Reconciliation Commission and others). The success factor here was leadership.
Reform	▪ Revising the missions of the State and re-organization of government institutions. ▪ Rationalization of institutional structures. ▪ Decentralization and democratization. ▪ Harmonization of public expenditure through the programme MTEF (Medium Term Expenditure Framework). ▪ Human resources capacity-building. ▪ A new Constitution is adopted with new expectations from the public service.	▪ Creation of a Rwanda Institute of Administration and Management (RIAM). ▪ Setting up a Human Resources Development Agency (HRDA). ▪ A new civil Service Code (Rules and Regulations). ▪ Improvement and modernization of Human resources management system. ▪ Harmonization of records. ▪ Improvement of in the Civil service. ▪ Computerization of the new system. Reforms in Rwanda took long to be implemented because in the first place things had been destroyed to the existent that there was nothing to be reformed. Success depended on obstinate determination of the leadership, especially regarding reliance on meager local resources.
Reconfiguration	▪ Participative strategic thinking and redesign of the entire governance system including public, private and civil society sectors.	▪ Annual strategic planning meetings where the entire government institutions, private sector representatives as well as those of civil society meet to chart out the future for the country on an annual basis have been institutionalized ▪ Decentralized governance ▪ Making a new national constitution Leadership and the resolve to start afresh and involve the Rwandan people in the determination of their future made these achievements possible.

Lessons learned

Public sector capacity-building is an all embracing activity involving the enhancement of capabilities of human resources, increasing the financial and material resources, putting in place supportive legal frameworks, introducing new technologies, etc. We have discussed all these in the previous section of the paper, and indeed they are highlighted in the cases we have presented. However in this section we wish to stress the lessons learned from the above experience in public service capacity-building for sustainable recovery. Focusing on what we consider the areas that are determinant to the rest. There are cases, such as in Liberia, where efforts failed to get off the ground. But even in this, there are some lessons to learn. The above experiences lead to the following lessons:

The critical role of leadership

Without any clear and committed leadership devoted to capacity-building as a whole and to the key area of public service specifically, there will always be high risk of turbulence, and the socio-economic environment will be embedded with mismanagement and bad governance. The experience of Liberia illustrates that everything about public service reconstruction after violent conflict is dependant on the commitment of leadership. The Rwandan experience shows that with high levels of leadership commitment and determination, a hopeless situation such as the one faced by Rwanda after the genocide of 1994 can be reversed. The clear message from this is that programmes for public sector capacity-building should always be designed with the role and championship of the country's leadership defined and secured to avoid sinking resources in designing programs that will not see any implementation as was the case in Liberia.

The centrality of security and rule of law in building public trust and confidence

Security and rule of law are the prerequisite conditions to building capacity in a sustainable manner. The roots and causes of the crisis and conflict should be thoroughly assessed, and measures for preventing recurrence should be built into the reconstruction programme. The Ugandan case, where the capture of state power by the national resistance Army and the establishment of security in almost the whole country happened almost simultaneously, confidence in government was quick to rebuild and it has been very capital in galvanizing efforts of the country for reforms in the public service. In Rwanda also, the capture of state power by the RPF brought immediate security and introduced some hope for trust and confidence. This served as a building block for the new leadership to progressively re-establish the confidence and trust that are critical for its performance. It can be affirmed that provision of security of person and property after violent conflict is the minimum requirement for continuity of not only the regime but also the efforts of public service reconstruction. The Ugandan and Rwandan experiences, where misbehavior, especially by soldiers and other personnel of coercive government organs was followed by severe (sometimes too harsh) punishment, illustrate that no matter what the situation, the public expects to see application of rule of law to progressively believe that the new regime is different from the previous ones and therefore worthy of trust and confidence. The rule of law has the aspect of the existence of legal frameworks and the application of these frameworks. Beyond putting in place legal frameworks, the rule of law is expected to be seen in daily practice of managing public affairs and of interacting with the public in the delivery of public services.

In addition, building trust and confidence among the people requires involving and engaging them in a wide spectrum of activities of governance from planning through monitoring to evaluation of public policies. In Rwanda the strategic planning retreats where public officials meet with representatives of the private sector, civil society as well as grass-roots leaders to discuss how to secure the future and development of the country have done a great deal in

creating confidence and trust for government. The message from this is that planning, implementation, monitoring and evaluation of reconstruction and capacity-building in the public service should always be done with deep involvement of the people.

The guiding hand of a clear and shared vision, mission, and long-term strategic framework

Public service capacity-building is most likely to succeed when it is a strategic action within a clear, comprehensive and shared vision, mission and strategy for the entire governance of the country. This is because the purpose of building public capacity is given in the wider context of governance in the country. In other words, public sector capacity-building must not be seen as if it is done for its own sake. One of the missions of the public service reform programme in Uganda is to support a wealth-creating private sector. In this way the rationale and relevance of the capacity-building programme is linked to the aspirations of the country and not only those of the public service. This is critical to the coordination of the entire reform effort in the country.