POST-CONFLICT RECONSTRUCTION:

KEY ISSUES IN GOVERNANCE

A Preliminary Discussion Paper

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[The views expressed in this paper are those of the author and not DFID]
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1. INTRODUCTION

1.1 This paper covers three vital areas in post-conflict reconstruction:

- The key legacies of conflict in terms of the effects that have to be countered or accommodated by post conflict governments and their external partners.

- The choices and priorities required in national (or regional or sometimes even local) government in post-conflict situations.

- Key requirements in effective external aid support that allow post-conflict governments to re-establish their legitimacy and effectiveness in service to their citizens.

1.2. The paper presents a mixture of abstract and practical material drawn principally from experience in Sierra Leone. It has not yet benefited from a credible literature or report review. It is not complete as yet but more 'work in progress'. And it represents only the views of the author and not in any way DFID.

2. LEGACIES OF CONFLICT

2.1. There are two points of background before itemising the key legacies:

- There seems at present to be a preoccupation with analysing the causes of conflict rather than their impacts and effects, in terms that can be related to and dealt with by successor governments in post-conflict situations. In practice of course, causes and effects are closely related; but analysis that is useful to post-conflict reconstruction has to focus on the latter dimension.

- Limitations must be recognised. Post-conflict governments do not have the time, capacity or latitude to complete systematic analysis of legacies and effects. They come into existence in extreme crises situations with very limited capacity and have to deal with problems as they come up and hit them in the face. There is still far too much after the event wisdom in external analysis of both causes and effects of conflict. This may actually weaken both government confidence and credibility.

2.2. There is a fairly clear checklist of basic conflict legacies:

- Constant risks of physical conflict breaking out again. Research on conflict shows clearly that previous conflict countries are most likely to experience repeats;
- Tribal and clan animosity of considerable complexity and great depth and intensity;

- Religious hatreds of similar dimensions;

- Disputes and lingering bitterness over differential geographical access to resources for development and political influence;

- Factionalism in the military/police/civil service;

- Personality conflicts at leadership levels that can hamstring all development efforts;

- External interference of a variety of different origins, types and strengths;

- Deep and intense psychological problems of mutual trust, credibility and self belief among citizens, that are very difficult to define and even more difficult to cope with;

- Governmental ineffectiveness or collapse, in terms of lawlessness, service provision and the whole apparatus of the state in relation to its population;

- Government objectives that are sometimes completely symbolic and ineffective, sometimes skewed and discriminatory and nearly always meaningless in practice;

- Relative and absolute poverty effecting huge sections of the population, which in itself may be either internally or externally displaced.

2.3 There are one or two key points on analysis and documentation of these effects:

- Perceptions of conflict effects are as important as realities and solutions (if there are any) have to accept this premise. Externally supplied analysis and support should take this into account and often does not do so. Government remedial action sometimes has to accommodate what are little more than fantasies and prejudices because they are deeply and widely held.

- ‘Networking’ amongst effects in terms of their cumulative and mutually reinforcing impacts mean that governments rarely have the luxury of carefully targeted and sequenced individual responses;

- Similarly, governments are rarely united in their interpretations and perceptions of priorities amongst legacies. Loose or fragile coalitions
as post-conflict governments often are have to work on the highest common denominator of agreement – which is often not very high!
3. CHOICES AND PRIORITIES IN GOVERNMENT ACTION

3.1 Policies and Implementation

3.1.1 The central objective is to achieve sufficient balance in political power and declared and practical provision of services to defuse conflict legacies to the extent that even if they do not disappear they do not break out into physical conflict again.

- In Africa, the central problem is characteristically tribal or clan balances through, for example, military/police/civil service recruitment at different vital levels, appointments of ministers, allocations of government expenditure (even if initially, this is largely symbolic) and direction of activities of multilateral and bilateral aid agencies and international and local NGOs.

- Religious conflicts are more common outside Africa and more difficult to deal with because of sects and sub-sects and the particular difficulties of dealing with official and unofficial religious leaders. Again, incorporation into government at both political and official levels, formation of symbolic or real religious advisory councils and budgetary allocations to services such as health and education provided by religious groups are the main mechanisms. External inspired religious influences are particularly difficult to accommodate.

- Geographical balances born out of alleged or real neglect and discrimination are perhaps easier to deal with. Infrastructural access may be the most important of the responses, but recruitment, access to higher educational opportunities and development expenditure are also important.

- Specific high risk target groups also have to be rewarded sufficiently both in declared policy and actuality. Groups of ex-combatants who have not been defeated or captured but neutralised are a particular priority. Disarmament, demobilisation and re-integration campaigns have to take priority over all other forms of government action. Though these are expensive and short-term, they may buy enough time for the combatants’ organisational structure to disintegrate and sanctions for peaceable behaviour in reintegrated communities to be re-established.

3.1.2 Less common but sometimes important balances that have to be achieved are:

- Urban versus rural imbalances in opportunities and expenditure where rural hinterlands feel themselves to have been neglected for decades.
- And sometimes, large cities versus the rest of the country and specifically problems in the capital city. In some political and internal security systems, what happens in the capital is decisive in establishing the pattern of governance over the whole country.

3.1.3. One choice that relates particularly to donor support is between reconstruction and radical transformation in government action. This is sometimes a genuine dilemma: previous practices and resource distribution have been so skewed and discriminatory as to be the main cause of the conflict. But the difficulties in radical transformation are: the fragility and weakness of the reconstructed government; the difficulties in getting new balances right; and the resulting possibility of reactivating new kinds of conflict. In practice, the most that can probably be hoped for is enlightened reconstruction that tries to at least partially redress the most glaring injustices. Another very practical advantage in reconstruction is the possibility of incorporating the elements of previous government that have survived, as even failed states are rarely completely destroyed. Institutional capacity can be resurrected and refocused and very scarce supplies of skilled and experienced personnel redeployed and remotivated.

3.1.4 A fourth choice, normally made under varying degrees of duress rather than fully objectively, is between public, private, third sector and aid agency provision of basic services and reconstruction. Weakness in government may cause a withdrawal to an initially largely symbolic policy and performance-monitoring role. Private sector possibilities are likely to be non-existent initially so that international and local NGOs often are the only effective service providers. Such bodies will play this role for a time, though it usually makes them profoundly uneasy in terms of their core mandates and the risks of being trapped into permanent involvement. Possibly the best bet may be international aid agencies and particularly the multilaterals which can and maybe should provide services over a fairly extensive time period.

3.2 Political Imperatives

3.2.1 The central requirement is to re-establish legitimacy and if not popularity at least acceptance by the majority of the population. There are several key elements in these achievements:

- Depending on the origins of the regime in power, varying degrees of dictatorship in their conduct may be preferable. Further research is required. Legitimacy may come more effectively from hard, centrally directed, non-consultative decisions about services rather than the time-consuming, potential exclusiveness of democracy.

- Various types and levels of democracy are usually the preferred alternative. This may or may not involve early elections – experiences are mixed and impact as yet systematically unclear. Re-establishment of elected regional and local government is often as high a priority as
the central level. Using available (eg on consociational systems) and possibly additional commissioned research, different kinds of electoral systems need to be assessed for their suitability in different types of post-conflict environment.

- A specific but vital element in post-conflict democracy is the formation by the defeated or non-government combatant groups of political parties. External `democracy' assistance needs to focus on this. The success model is RENAMO in Mozambique; the jury is still out on the RUFP in Sierra Leone.

- One alternative to democracy that may be more realistic is an effective oligarchy through the incorporation into government of war lords, major tribal chiefs, powerful business interests and even citizen militias. These often are the present and foreseeable power centres and their inclusion, a short to medium term guarantee of peace and stability. The challenge comes in the transition from this kind of oligarchy to an acceptable form of democracy.

- An additional priority is some mechanism of either inclusion or exclusion of combatants. Truth and Reconciliation Commissions and Special Courts are extreme examples of the need both to exclude/expiate the most criminal and build new levels of trust and mutual acceptance. Experience here is too limited to generalise. One danger is that they devalue the mechanisms of conventional government – elections, national court systems and various kinds of tribunal.

- One other specific in re-establishing political legitimacy and acceptance is the calling of national conferences or grand councils, such as that planned for Afghanistan or that took place in several Francophone African countries a few years ago. The theory is that all national interests of significance, including it is presumed the population, come together to hammer out a national programme of recovery and reconstruction. The danger is the reality: that the whole agenda is captured by sectional interests. But perhaps organised properly, the psychological unifying and ‘new start’ effect may outweigh the dangers of sectional elite capture.

- In most post-conflict situations, legitimacy and acceptance will not be effective without some government declaration on the eradication of corruption. Endemic and rapacious corruption is often one of the major causes of civil conflict – the tragedy is that it is also usually one of the most pervasive outcomes. Declarations on anti-corruption policy, unless and sometimes in spite of their powerful backing by donor partners often remain at the symbolic level. Political corruption is usually a direct outgrowth of natural resource or financial corruption and correspondingly difficult to eradicate. The initial performance of new or recreated anti-corruption institutions (commissions, special
white collar crime sections of police forces, strengthened accounting and audit systems and their parent institutions and whistle blowing campaigns) are major influences on popular attitudes to government.

- Communication and general interaction patterns between new governments and the population are also vital to legitimacy. Chief executives (presidents or prime ministers) that actually tour the country and talk meaningfully to regional and local gatherings, elected representatives that not only come from the areas they represent but actually go back there regularly to meet people and officials who actually show themselves and are prepared to talk to citizens are often more important than the fact that they have fairly harsh and depressing messages to put across. Correcting feelings of neglect and alienation (‘grief’ not ‘greed’) through access and interaction can be more important than tangible benefits. What is wanted is the chance to express views about how what is available is utilised. Politicians in post-conflict countries need to take advantage of the huge potential in communications of the cheapness and ease of installation of FM radio stations. Though they discriminate against the rural areas to some extent, phone in discussion programmes provide excellent, immediate feedback on popular attitudes; and they are effective in de facto civic education.

3.3 Key Challenges

3.3.1 The first is the presumption of government capacity and competence in dealing successfully with the multiple issues discussed in the two previous sections. Balancing and incorporating interests are huge challenges, implying a level of capacity and, for example, the ability to differentiate and target that are well beyond struggling, fragile governments that are just keeping afloat. More research is required along the lines of getting a few key priorities right so that the others can be left to the future and the growth of government capacity. And the form and contents of external donor support needs to be looked at much more thoroughly from the perspective of matching limited though growing government capacity. The key question is whether donor support can compensate and strengthen, or by its very nature adds to complexity and difficulty.

3.3.2 The same arguments apply to sequencing and priorities – there would of course be an optimum critical path through these issues that an extremely competent and effective government would follow. But post-conflict reconstruction life is not like that! Again, the need is to identify the core priorities more clearly so that governments can cope. Though retrospective or external analysis may show the primacy of political legitimacy and acceptance in government action, how this is achieved is in practice just as much about action or declared policy on service provision as it is on the political system.

3.3.3 A third challenge is the potential conflict between meeting political and military interests that are the keys to peace and security vs serving the
desperately urgent needs of the huge numbers of poor and dispossessed created by civil conflict. In PRSP methodologies, these are all of course part of the same set of policies; but in practice, the choices may be stark and damaging to the interests of the poor. Post-Conflict PRSPs are already a subject of separate study and will need to come up with a response.

4. SIERRA LEONE CASE STUDY

4.1 Context

4.1.1 Though it is still ongoing, Sierra Leone presents a very full example of the process of post-conflict reconstruction and particularly re-establishment of governance. Slow deterioration and state collapse during the seventies and eighties in SL became during the nineties rapid disintegration and civil war. The guerrilla movement, Revolutionary United Front (RUF) appeared in the early nineties and grew steadily in strength and geographical control over the countryside with Liberian and possibly Libyan assistance during the decade. Ineffective military dictatorships under Momoh, Strasser and Bio were replaced in February 1996 by an elected political party government under President Tehjan Kabbah. Elections were partial and flawed because of the RUF’s control over nearly half SL’s rural hinterland, but did produce a government that took over the apparatus of a state that had pretty well collapsed outside two of the three provincial capitals (Bo and Kenema) and the capital Freetown.

4.1.2 Events during the latter half of the nineties accelerated state collapse. Several broken peace settlements between Government and RUF exacerbated the sequence of events. A military coup led to the “Junta” period from May 1997 to February 1998 during which law and order and personal security virtually disappeared. Some recovery in late 1998 was brought to an abrupt and savage halt by the RUF nearly successful invasion of Freetown in January 1999 which was repulsed by ECOMOG, the West African Peace-keeping Force led by Nigeria, with huge destruction and loss of life. A further crisis occurred in May 2000 when the RUF attacked UNOMSIL, the UN Peace-Keeping Force, captured several hundred UN soldiers and again nearly succeeded in capturing Freetown. They were only repulsed with the intervention of a British force and the reorganisation and re-equipment of UNOMSIL into UNAMSIL and its enormous strengthening. Since that time, UNAMSIL has slowly extended the Government’s mandate across Sierra Leone until it was possible to announce the ending of hostilities and the re-establishment of ‘peace’ in January 2002.

4.1.3 The challenges facing the SL Government (GOSL) during this period have been immense. Economic and social decline has resulted in SL becoming officially the poorest country in the world in the UN Human Development Index. Government’s presence in the rural areas, outside a few provincial and district capitals and Freetown on its peninsula, virtually disappeared, let alone the provision of basic services to the people. Some two-thirds of the population became internally displaced or left the country as refugees. Average life expectancy became 38. Government’s presence was only maintained in the few
areas under their control by near total reliance on external resources and UN/British peace-keeping forces with an enhanced mandate to combat the guerrillas. Health and education facilities ran down, decline exacerbated by the large-scale flight abroad of technically qualified personnel and businessmen. The SL police presence in the country withdrew to the few main administrative centres, the government court system collapsed outside Freetown and the network of chiefs and customary courts was decimated by deliberate targeting by the RUF and flight from home areas.

4.1.4 Government has been struggling back since 1996, hampered constantly by the disasters mentioned above. Set out below is an analysis of their progress under three headings – Administrative Action (“Policies and Implementation”), Political Imperatives, and Interim Assessment.

4.2 Policies and Implementation

4.2.1 The Security Situation: The first priority has had to be the re-establishment of discipline and government control over the armed forces. This was principally because of the military coup by the then Sierra Leone Army in May 1997, their subsequent alliance with the RUF and the previous history of brutal incompetent military regimes. The Army itself had to be re-recruited, retrained and redisciplined. Recruitment has been the most important and difficult process. Quotas have had to be selected and balanced from the `old' SLA (thoroughly distrusted but professionally able), RUF (crucial to preventing new hostilities) and Civil Defence Forces (vital as a loyal counterweight and to prevent jealousy and alienation). Numbers are deliberately larger than realistic for political and stability needs. An effective National Security Council and National Security Agency is required to coordinate Government control over the security services. The Ministry of Defence has had to be completely transformed from an ineffective post-box between the Presidency and the Chief of Defence Staff into the centrepiece of civilian/political control over the armed forces. And in time, the rest of the GOSL apparatus dealing with the Military will also have to be made effective: the Ministry of Finance in respect to defence budgeting; the procurement system in relation to military purchases; audit services in relation to military accounts; and Parliament in terms of the Public Accounts Committee and Parliamentary Defence and Security Committee.

External assistance has been crucial here. Direct assistance has been supplied by the UK (Ministry of Defence/British Army; DFID) in: re-recruiting, retraining and re-establishing discipline and cohesion for a `new' SLA; building up the MOD; and strengthening the National Security Agency as the Secretariat for the National Security Council. UNAMSIL’s general stabilising influence has been crucial in allowing these improvements to go ahead.

The second requirement under Security is re-establish police effectiveness and cohesion. This has involved top to bottom changes: improvement in recruitment and training; recreating discipline and cohesion; gradually re-establishing their presence throughout the country; and supplying key elements of equipment from
uniforms through transport, office supplies and riot control material. A change in philosophy and attitudes is underway though far from complete: from exploitation and petty corruption to community based responsiveness. This change has particularly involved police officer retraining and considerable replacement at senior levels. Relationships with the public has been the crucial centrepiece, with a reduction in bribe taking amongst traffic police and the ability to actually respond to public reports of crimes being the most spectacular and noticed changes.

External assistance again from the UK has been crucial. A British police officer has held the post of Inspector-General of Police for nearly two years and will continue for a few months to come – to stabilise the situation and to allow for the identification and training of a new generation of Sierra Leonean senior police officers led by the IGP. A large British redevelopment project is making slow but steady progress in creating the new SLP. A particularly important special case has been the retraining and re-profiling of the “SSD”, the paramilitary police. This force is the key to getting the Army out of internal security and in re-establishing government authority over areas newly liberated from the RUF.

A third security requirement is the establishment of an effective, politically neutral intelligence service that can deal with counter-espionage and anti-terrorism. Previous intelligence services had become discredited and ineffective as biased political instruments misused by ruling regimes. Progress is again being made in establishing the new Central Intelligence Support Unit under the NSA and British assistance has had limited involvement in an advisory capacity. This is a prize example of the new areas in which donors have to become involved if post-conflict reconstruction in governance is to be a reality. Conventional wisdom in `aid' may take time to catch up with this requirement!

4.2.2 Disarmament, Resettlement and Reintegration: The (apparently) defeated RUF and, equally, the tribal militias enlisted on the GOSL side as the “Civil Defence Forces” (CDFs) both have been demobilised, parted from their weapons and then given small but significant grants and retraining as a prelude to re-entering civilian life. This “DDR” Programme run by a special National Commission has been as essential symbolically as in reality. Not all weapons have been collected, even though the original disarmament campaign has been supplemented by a police amnesty; not all combatants have gone through the Programme which is, in any case, of relatively short duration. There has been some success though not yet complete in breaking up cohesion, discipline and control hierarchies in both the RUF and CDF and in physical dispersal throughout the country. But reintegration still presents huge difficulties, especially for the RUF as deliberate atrocities were committed by RUF recruits to alienate them from their communities. In spite of these difficulties, DDR has been vital in buying peace and physical security in the countryside – it is hoped for long enough to allow other mechanisms of peace-keeping (Police, Administration and re-established communities around their chiefs) to become operative.
The international community has been vital in funding DDR, led by the World Bank but with significant contributions from the UK, EU and Americans. It would have been entirely beyond the resources of GOSL on its own.

4.2.3 Restoring Financial Management and Accountability: Effectiveness In the Ministry of Finance, Central Bank and the Anti-corruption Commission: an essential concurrent first priority with Security and DDR. GOSL has had to start managing the country’s finances again and particularly dealing with emergency post-conflict financial aid from the international donor community. Stabilising the currency, paying for essential imports and rigorously controlling Government budgeting to try to re-finance government services have been further vital goals.

Allied to action on central financial institutions has been the visible start to which may be a high intensity attack on corruption at all levels, through new legislation and the creation of an independent, legally defined, Anti-Corruption Commission. The population has given credit to GOSL for this initiative, but suspended judgement on its real impact. Completed prosecutions of a few high-level ‘grand corruptees’ is probably the acid test. But the initiative has at least responded to a major source of unrest.

This has all had to take place in a context in which, for example, the MOF was burnt down in May 1997 and nearly all the trained officials fled abroad. Capacity has been quickly re-established (GOSL has been receiving good reports from the IMF/World Bank on macro-economic management) by employing a range of highly qualified expatriates, including foreign based Sierra Leoneans in executive positions, funded by donor agencies. The success of this practice has developed what may become a principle of post-conflict governance reconstruction: the necessity of supplying expertise in key executive management positions no matter what their origins and cost. No reconstruction programme will be successful without skills and effectiveness in, for example, the positions of Financial Secretary and Accountant-General.

4.2.4 Developing Government Capacity to Begin Community Rebuilding: The onset of recognisable peace and security has meant that large numbers of the population are returning to their former homes with very few resources to re-establish community life. GOSL established a second ‘super commission’, the National Commission for Reconstruction, Resettlement and Rehabilitation (NCRRR). This has taken charge of Government efforts to support community rebuilding, taking over from but also cutting across the roles of service providing ministries like Health, Education and Transport and Communications – at least for the time being. Donors have actively encouraged NCRRR and have channelled funds through it, driven by its increased professionalism and competence and also by fears of the incapacity of established ministries. The Chairman and Board of the Commission are politically appointed, but the body reports directly to the Office of the President rather than any line ministry. Interestingly, its creation reflects one of the major recommendations of the recent World Bank Study of LICUS Countries where a special service providing agency is recommended rather than rebuilding conventional ministries.
Another major role of NCRRR has been to deal with and try to channel international and domestic NGOs in their relief/humanitarian and reconstruction efforts. This is a major task which has only been partially successful. Such agencies are intrinsically resistant to what they see as government interference and are often reluctant to become involved in service and infrastructure provision rather than the temporary, high profile activities of relief and humanitarian aid.

4.2.5 Re-establishment of Field Administration: The network of provincial ministers and provincial secretaries, district officers and the hierarchy of paramount, section and village chiefs remains crucial to the re-establishment of government `power' (as it is referred to in SL) in the rural areas. They have numerous responsibilities: in the re-establishment of real as well as symbolic government control over the countryside through their responsibility for security and security reporting; the encouragement and also control over population resettlement; coordination of inputs on a geographical basis of the police and – as far as possible - humanitarian agencies plus government ministry providers as they reappear; and neutralisation and/or control over local paramilitaries (CDFs) and the prevention of the emergence of local warlords. District and provincial levels also play vital roles in paramount chief elections ensuring that candidates and appointees are genuinely representative of their chiefdoms and do act as a focal point for community rebuilding. All these roles may change fundamentally when, as envisaged after the national elections, a restored system of elected local government is put in place in the provinces.

GOSL has chosen with donor support to give priority to the restoration of Paramount Chiefs in their 149 chiefdoms that cover SL outside the Western Area around Freetown. This policy has provoked considerable controversy. At their best, Paramount Chiefs in their Chiefdoms are the lowest tier of government administration, fathers and (in a few cases) mothers of their people and the focal point of the community in peace and security, well-being and development terms. But they have to live down a legacy of widespread politicisation in both appointments and conduct, exploitation and sometimes persecution of women and youth (for example in communal labour) and widespread personal corruption. DFID support for the restoration of Paramount Chiefs is now having to take a long hard look at future support and the whole role and functions of the chiefdom in relation to local communities and particularly the `revolution in rising expectations' catalysed by the massive disturbances. Local people and particularly women and the youth are no longer prepared to put up with the kind of exploitation that they suffered previously.

4.2.6 Re-Establishment of the Judicial System at all levels: Courts are the vital additional element in the re-establishment and maintenance of personnel security and guarantors of the operation of a legal system that protects and encourages private enterprise. What are called customary courts at chiefdom level are the most vital element for 80% of the population who are not able to afford to use the “English Law Courts” (as they are called in SL at magistrates and higher levels). Customary courts and the informal chiefs courts (two different things) have also been subject to misuse and corruption in the last 20 or 30 years and there is a lot to do to re-establish popular confidence and credibility in
them. The problem at higher levels is crippling shortage of qualified personnel to be magistrates, higher court judges and, particularly, to handle legal matters in the Ministry of Justice. Lawyers are marketable overseas and the incomes they command in the SL private legal sector are hugely higher than those offered by GOSL. Once again, there is a need for external support to alleviate this situation for some considerable time.

4.2.7 Restoration of Government Services in the Rural and Urban Areas: This is only beginning in 2002, will not be complete for many years to come and has to come last in the list of reconstruction priorities. Water supplies, transport, roads, health and education and agricultural extension services – all are required. Their near total collapse does provide an opportunity for fundamental debate over whether Government should attempt to become the mass provider again, or alternatively, act in a policy making and coordination and monitoring role to alternative service providers. But this is not likely to be discussed let alone become policy. Opinion among the elite at least in SL is not in favour of these radical alternatives and the aim is reconstruction and a return to the now ‘golden age’ situation believed to have existed in the sixties and seventies. In this, they are beginning to be helped by international aid agencies such as the World Bank and the European Union. These external partners may produce suggestions for radical reform (the World Bank is preparing a “Strategic Options” paper on Governance as is UNDP), but this remains to be seen.

4.3 Political Factors

4.3.1 GOSL has remained overtly democratic throughout the period from 29 February 1996 when a coalition of political parties led and dominated by the Sierra Leone Peoples’ Party received a four-year mandate. The election process then was flawed in terms of geographical coverage and full access for the population to vote as the main geographical areas of opposition support were largely in RUF hands. But it was minimally acceptable as free and fair. There are a number of key features:

4.3.1.1 The political government has remained in existence in spite of the period when it had to move itself to Conakry in Guinea during the Junta period. During that time, it continued to be recognised by the international community – which in itself is a remarkable achievement and a break with previous practice. With the interruption of the Junta period, Parliament has also continued to operate. Though they are delayed Constitutionally, President and Parliamentary elections will be held over the whole country in May 2002.

4.3.1.2 The 1991 Constitution has continued in existence, been observed and changed by correct formal procedures by resolution of Parliament. The hybrid system it enshrines, incorporating parts of US style Presidential Executive Government with some of the strengths of a Parliament in a Westminster style system has been difficult to operate. In practice, more and more power has lodged itself with the President and
his immediate office. Perhaps inevitably, this has weakened already rather ineffective line ministries.

4.3.1.3 President Kabbah has skilfully incorporated leading figures from the opposition, which was already fragmented and largely because of this practice, has remained fragmented and ineffective.

4.3.1.4 Political links into corruption have been and continue to be extensive, disrupting resource distribution and access, but also buying loyalty of key groups that might otherwise destabilise the situation.

4.3.1.5 UNAMSIL’s massive show of force as well as internal disputes and uncertainties in the flow of their military support through Liberia have caused the RUF to disintegrate – for the time being. They have not however been militarily defeated nor has their command structure and cohesiveness been destroyed completely. They remain a potential security threat, as do the CDFs who have gone far beyond their traditional roles as defenders of their local communities. One test of peace will come with the expected near total defeat of the RUF (Political) Party in the May 2002 elections. Will there then be a return to violence?

4.3.1.6 Tribal and geographical balances have not been dealt with very effectively. In part, this is because the territory of the northern and eastern opposition tribes outside the SLPP and its Mende domination has until recently been in the hands of the RUF. The test will come now that these areas have opened up; they will be looking to have their severely damaged areas disproportionately aided to catch up.

4.3.1.7 The divide between Freetown and the hinterland remains and has not been diminished significantly. In spite of the damage in the January 1999 invasion, Freetown has continued to benefit disproportionately in all available resources. This is again a situation that will have to change if long-term post-conflict stability is to be maintained.

4.3.1.8 Mercifully, religious disputes have not emerged as a serious factor, even though the predominantly Christian south and west of the country is in power through the SLPP and the predominantly Moslem north in opposition, suffering disproportionately from the depredations of the RUF. Why this has happened is unclear. Moderation in beliefs, fragmentation between different sects and churches and an absence of external incitement have to have had a bearing.

4.3.1.9 SL is setting up an International Special Court and a Truth and Reconciliation Commission in response to the urgings and finance of the international community. Whether these will have a beneficial effect on rebuilding mutual trust and a sense of community remains to be seen. Both innovations divert attention and resources from national equivalents – in the case of the Special Court on a potentially massive scale. Time limits on the Court’s jurisdiction and the absence of the death penalty
reduce the credibility of the Special Court in the eyes of the majority of Sierra Leoneans. The TRC may fare better but not if it is at the expense of indigenous dispute resolution and community rebuilding institutions.

4.4 Interim Assessment

4.4.1 So far, results have been encouraging though it is far too early to declare as some politicians have done that post-conflict reconstruction has been successfully completed. There are a number of tentative conclusions:-

4.4.1.1 The need to give primary attention to the security situation, if necessary at the expense of humanitarian and developmental priorities. The eventually overwhelming presence of UNAMSIL with the right UN Mandate, further strengthened by a small but very professional British military contingent finally persuaded the RUF and to some extent its external backers that they were not going to win. It then became imperative to deal with the threat of the SL Armed Forces and the Civil Defence Forces – which have been successfully neutralised so far.

4.4.1.2 GOSL has retained its democratic commitment, on the surface if not always in practice, and has thus persuaded the international community to maintain and strengthen its support. Nowhere has this democratic commitment been more influential than with the UK, which has seen SL as a test case of a small country struggling to maintain democracy that must not be allowed to fail. British resources on the scale committed to SL could not be allocated to many such situations simultaneously!

4.4.1.3 Vital external appointments and control systems have helped to stabilise the situation. The British Military Adviser to the Acting SL Chief of Defence Staff has effectively controlled the Armed Forces. The British Inspector General of Police has done the same thing in a direct executive capacity in SLP. Highly skilled and effective appointments in the financial area have kept the country’s public finances under control.

4.4.1.4 Large-scale international commitments to the disarmament and demobilisation process and to reconstruction have created a mechanism for demobilising fighters on both sides and held out the prospects if not the reality of development.

4.4.1.5 National elections for President and Parliament in May 2002, albeit postponed by constitutional amendment beyond the legal lifespan, will be a vital test of the maturity of the political system and the stability of reconstruction. If a President is returned with a strong personal mandate and a Parliament elected that does speak for the majority of voters, then political prospects will be favourable and that will determine the long-term environment for development.
4.4.1.6 One threat will need to continue to be neutralised – external interference, principally but not exclusively Liberia and regional instability involving Guinea, Liberia and Sierra Leone. This is one of the most threatening aspects that remains.

5. ROLES AND CONTRIBUTIONS: DONOR PARTNERS

There are a number of key factors that have emerged (that have not already been mentioned) shaping the successful impact of donor roles and contributions in post-conflict reconstruction. These are set out below under the headings “Strategic Requirements” and “Delivery Requirements” and “Interim Assessment”.

5.1 Strategic Requirements

5.1.1 The need to have a sufficiently flexible and extensive pattern of assistance that can include simultaneously: continuing emergency and humanitarian aid; contributions to the maintenance of peace and security; the beginning of support for community and economic rebuilding in medium to long-term development; and the ability to respond to unforeseen crises. The requirements in donor delivery and decision making patterns are formidable. Aid agencies are often not well enough internally coordinated to put together packages of this nature. Links with other domestic providers (such as the military and police) are sometimes not well developed, let alone coordination with other donors in agendas this complex. Donors will have to gear themselves up to supply these sorts of combinations if they are to be effective.

5.1.2 One vital choice has been mentioned earlier: whether to begin on reform immediately or attempt reconstruction in the sense of restoration of basic capacity before more fundamental reforms can be completed. There is a case on both sides: state activities that have failed may provide the best venue in which to start completely anew; alternatively, large-scale reforms may fail to take on at all and make a bad situation worse, unless there is some restoration of basic capacity to handle and implement reform. In Sierra Leone, for example, restoration of capacity within their chiefdom system is the chosen option, even though many would feel that a complete change to elected local government should be the first priority.

5.1.3 One key dilemma is whether to attempt to provide what the exigencies and desperation of the situation requires in, for example, humanitarian aid and essential services, or whether to limit what is provided to expand with the development of capacity within the public service delivery agencies. The latter alternative will have a better chance of successful provision, though politically it is very difficult to accept when problems are so vast and urgent. Political constituencies have to be managed on both the donor and national government sides.
5.1.4 Timeliness and sequencing are crucial in delivery and can be equally if not more important than extent and quality. Aid agencies focused on long-term development needs are not good at timeliness – scrutiny procedures are lengthy as are formal requirements for agreement with partner governments. At the risk of over-simplification, what may be required is the timetable of humanitarian aid allied to the agenda of long-term development. Any such combination to be successful will require either substantially different appraisal techniques or a totally different attitude to time and resources devoted to their completion.

5.2 Delivery Requirements

5.2.1 There is often a tendency for donor partners to effectively take over decision making in crucial areas of post-conflict reconstruction. Recently recreated fragile national governments often lack both self-confidence and experience of what is required and are often only too pleased to pass the buck to external partners. This has to be resisted within the limits of doing something rather than nothing to meet urgent problems. One central objective of post-conflict governance remains the rebuilding of decision making and implementation capacity in the country’s public institutions.

5.2.2 The range of urgent needs in post-conflict reconstruction can lead donors into areas of assistance where they have not worked previously and which are at the limits of foreign aid legislation. One such example in Sierra Leone is support for the redevelopment of intelligence and security services as a vital part of security sector reconstruction. Conventional limits on aid will have to move if there is not to be cherry picking by aid agencies of what is possible rather than what is needed. Similarly, new requirements bring aid agencies into link-ups with non-traditional domestic aid providers – ministries of defence, intelligence services and national security agencies. These are sometimes hard to manage successfully, as there are such differences in culture and working methods.

5.2.3 Other differences in these new alliances are also crucial. Extent and style of delivery of assistance in, for example, the military, police and public service sectors seems to be very different if SL experience is anything to go by. The military give priority to going in and getting the job done, using the resources that are required rather than those that are available. This leads to comparatively vast inputs and to the involvement of expatriate personnel to an extent unimaginable in more traditional aid areas. The risks are of take-over and complete substitution rather than knowledge transfer and capacity building. Military personnel are not selected or trained to exhibit patience, tact and diplomacy in their dealings with much less experienced and self-confident local counterparts!

5.3 Interim Assessment

5.3.1 One central conclusion is that successful post-conflict reconstruction in governance requires changes in donor agency behaviour and in relationships with national counterparts that are still in process of development. New
coalitions of supplier institutions are required on the donor side with much
greater shared values and approaches than have hitherto been demonstrated.
Relationships between donors and national governments need to keep the
central objective of domestic capacity building to the fore and not let this be lost
in immediate crisis management – unless that is absolutely unavoidable in, for
example, the recurrence of open conflict.

5.3.2 This paper has discussed some of the principal issues involved which are
far from clearcut and defined at present. Emerging from it – it is hoped – is an
agenda initially for checking against the rapidly growing literature on post-conflict
reconstruction. And then, perhaps, requiring testing against practical experience
in other post-conflict countries. These should be the next steps.
APPENDIX

TOPICS FOR FURTHER RESEARCH AND ANALYSIS
“Post-Conflict Reconstruction and Key Issues in Governance”

(Appendix to the Preliminary Discussion Paper of 23/4/02 – with the Paper’s paragraph numbering)

2.3 Conflict Legacies

- Analysis of the causal inter-relationships between legacies (how they are inter-connected; whether they are mutually reinforcing; are there primary impacts – key breakpoints that will set off reformist chain-reactions [special application of the Governance Assessment framework]

- Types of regime emerging from conflict (balance of dictatorship vs coalitions of different types; key decision-making interest serving patterns; perceptions of problems and priorities) [review of secondary literature on contemporary, post-conflict regimes]

3.1 Policy Responses

3.1.1 Practical experience of tribal balancing in military/police/civil service (Has it been done successfully; accommodation with merit and competence; methods of recruitment)

- Allocations of ministerial portfolios (tribal balances; key ministry capture;

- Budgeting and public expenditure geographical patterns; service provision and differential access; official and unofficial grant criteria) [Original research probably required; analysis in, for example, Sierra Leone, Rwanda]

- Similar analysis of religious balancing and accommodation;

- Experience in handling and neutralising high security threat special groups – ex-combatants; key politicians and their supporters; religious sects; secret societies; revolutionary groups. (What are the key rewards and opportunities; how are they reconciled with the urgent needs of the majority; how does group organisation and effectiveness degrade most effectively.) [RENAMO in Mozambique – how specifically did it become the political opposition; assessment of various DDR schemes]
3.1.2 The roles and attractiveness of reconstruction and `golden age’ visions in setting government goals and targets. What is “enlightened reconstruction” in practice.
[Original research probably required]

3.1.3 Optimum service provision in post-conflict conditions – how do they get re-established: government re-establishment through sectoral ministries; specialised government agencies; local and international NGOs; community provision; international aid agencies.
[Review of recent reports/conference proceedings on services in collapsed/recovering states.]

3.2 Political Imperatives

3.2.1 Dictatorial and democratic elements in post-conflict regimes – the best balance:

(- oligarchic combinations of interest groups that have worked – experience of any transitions from oligarchy to democracy
- good practice in turning guerrilla groups into effective political parties
- electoral systems that create consensus vs clear mandates and stability
- general assessments
- place and timing of elections in post-conflict recovery
- impact of Truth and Reconciliation Commissions and Special Courts on consensus, stability and political systems.)

[Mixture of secondary literature review and analysis of practical examples.]

- Media and communications in post-conflict government;

[Review of secondary literature and existing research reports.]

3.2.2 Reconciliation of security and poverty priorities in PRSPs.

[Keeping up with the ODI/DFID Study on Post-Conflict PRSPs.]

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4.2 Policy Responses

4.2.1 Key factors in military and police reconstructions:

(- recruitment/replacement; military reorientation to accept civilian/political primacy;
- deployment and tasking;
- roles/effectiveness of civil service control, policy and accountability agencies;
- political controls: presidential and cabinet mechanisms; parliamentary oversight and scrutiny;
- community relations;
- national security sector policy-making and coordination machinery;
- intelligence and counter-terrorism capabilities;
- coordination and joint-working in practice: phasing, role redefinition and establishment of real personal security.

[Tapping into the growing research on these topics.]

4.2.2 Good practice in the design and implementation of DDR Schemes.

[Tapping into available research and reporting.]

4.2.3 Restoring capacity in key financial and economic management agencies (Ministries of Finance, Economic Planning, Central Banks)

- priorities in roles and functions
- capacity-building (use of expatriates in key positions)
- relationships with international, bilateral donor partners
- roles in re-building capacity in the rest of government.

[Need for original research and review of available reports – IMF and World Bank.]

Importance of effective Anti-Corruption programmes in post-conflict reconstruction

- priority amongst other problems
- good practice in institutional capacity-building
- anti-corruption and political development
- anti-corruption strategies and coalitions.

[Original research in one or two key countries such as Sierra Leone.]

4.2.4 Re-building communities and service availability

- government roles and institutional capacity (sectoral ministries, subvented or executive agencies, `super-commissions`)
- public/private/third sector/aid agency balances in provision. (opportunities for radical rethinking in role definition and functions).
4.2.5 Re-establishing government presence and control in the whole country

- priorities and coordination among different agencies (military, policy, field administration including traditional authorities, court facilities, service providers)
- creation of elected local government systems (priority and place in re-development; relations with traditional authorities)
- relations of government and civil society (“voice” and local populations; sharing in-service provision and community re-building).

4.2.6 The neglected(?) case for re-established court facilities

- traditional/customary courts and mechanisms (coverage; relationships with the government system)
- sharia and ‘government’ courts
- alternatives: ADR mechanisms.

4.3 Political Factors

4.3.1.2 Constitutional designs and post-conflict political reconciliation. (What role can constitutions play; what are the key design features.)

4.3.1.4 What convinces guerrilla movements that they cannot win and have to negotiate.

(UN military involvements and other external military assistance; peace treaties and settlements; government popular mandates.)

4.3.1 Importance of maintaining practices of political democracy vs various kinds of dictatorship.

(Importance in attracting international community support; influence on domestic population.)
[Review of secondary literature and reports.]
DONOR PARTNERS

5.1 Strategic Requirements

5.1.1 Arrangements within agencies to provide, simultaneously and in coordination, different types of assistance.

(Task forces/inter-departmental coordination mechanisms; decision-making; permanent or temporary arrangements; contracting out to consultants, NGOs etc.)

[Monitoring of the Putzel/Stone DESTIN Research Programme.]

5.1.2 Scrutiny, appropriateness and accountability vs timeliness and responsiveness in aid delivery.

(Can this dilemma be solved with aid agencies existing mandates; alternative approaches.)

[DESTIN Research Programme.]

5.1 New requirements in coordination: between aid agencies, ministries of defence, intelligence services, ministries of interior on the supply side.

(How to coordinate in practice – meetings; inter-departmental teams; super-coordination from President’s or Cabinet Offices; field coordination vs headquarters coordination; budgeting sources and controls.)

[DESTIN Research plus aid agency internal reviews.]

5.2 Delivery Requirements

5.2.1 Developing not swamping or marginalizing national government policy-making capacity.

(How to help governments reorganise to develop and maintain policy capacity; how to work with these individuals and institutions.)

[Original research required.]

5.2.2 How to reconcile different styles and types of delivery of assistance.

(Especially between military responses and civil support for governance strengthening.)

[Participant focused research through, eg, DAT development.]