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# Development, security and transitions in fragile states

A meeting series report



# Development, Security and Transitions in Fragile States

## Meeting Series Report

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## List of Acronyms

<b>3Cs</b>	Coordination, Coherence and Complementarity
<b>ABC</b>	Abyei Boundary Commission (Sudan)
<b>AU</b>	African Union
<b>CNDP</b>	National Congress for the Defence of the People (DRC)
<b>CPA</b>	Comprehensive Peace Agreement (Sudan)
<b>DAC</b>	Development Assistance Committee (OECD)
<b>DFID</b>	UK Department for International Development
<b>DoD</b>	Department of Defence (US)
<b>DRC</b>	Democratic Republic of Congo
<b>FDLR</b>	Democratic Forces for the Liberation of Rwanda
<b>ICC</b>	International Criminal Court
<b>IDP</b>	Internally Displaced Person
<b>ISAF</b>	International Security Assistance Force
<b>MDG</b>	Millennium Development Goal
<b>MDTF</b>	Multi-Donor Trust Fund
<b>MoD</b>	Ministry of Defence (UK)
<b>NATO</b>	North Atlantic Treaty Organization
<b>NGO</b>	Non-Governmental Organisation
<b>OCHA</b>	UN Office for the Coordination of Humanitarian Affairs
<b>ODI</b>	Overseas Development Institute
<b>OECD</b>	Organisation for Economic Co-operation and Development
<b>RAND</b>	National Defense Research Institute (US)
<b>S/CRS</b>	Office of the Coordinator for Reconstruction and Stabilization (US)
<b>SRSG</b>	UN Special Representative of the Secretary-General
<b>START</b>	Stabilisation and Reconstruction Task Force (Canada)
<b>TRC</b>	Truth and Reconciliation Committee
<b>UIC</b>	Union of Islamic Courts (Somalia)
<b>UK</b>	United Kingdom
<b>UN</b>	United Nations
<b>US</b>	United States
<b>USAID</b>	US Agency for International Development

## Foreword

State fragility, conflict, violence and political instability are among the key challenges facing the international community today. There is growing consensus that traditional interventions and ‘business as usual’ are no longer viable in fragile states. Innovative approaches to promoting development and humanitarian action are needed, integrating wider security, governance and legitimacy concerns, at the heart of which lie questions of power and politics.

Over one-third of the world’s poor live in fragile states. Achievement of the Millennium Development Goals (MDGs) depends largely on our success in tackling fragility and building peace and stability in these crisis contexts. Increasingly, international donors are stepping up to this challenge and agree that more attention and resources need to be given.

The UK Department for International Development (DFID), in its recent White Paper, has reiterated the importance of working more effectively in fragile states. The US Agency for International Development (USAID) has prioritised mitigation of instability and insecurity to further its support for sustained development. The Dutch Ministry of Foreign Affairs’ strategy focuses on enhancing the security of citizens, contributing to a legitimate government with sufficient capacity and creating a peace dividend. The Development Assistance Committee of the Organisation for Economic Co-operation and Development (OECD DAC) has developed principles to guide good international engagement in such contexts. However, much more work is needed to enable a better understanding of the complex causes of fragility and the development of more effective mechanisms for engagement and support.

In this context, this meeting series on Development, Security and Transitions in Fragile States, organised by the Overseas Development Institute (ODI) in partnership with the Dutch Ministry of Foreign Affairs, could not have been timelier. The series brought together an impressive array of experienced and respected politicians, analysts, policymakers and researchers from a vast array of disciplines and background. The speakers provided a welcome contribution to debates around the nature of fragility, relationships between development and security and the challenges of supporting transitional and state building processes. These themes are central to advancing lasting peace agreements, inclusive political settlements, economic recovery, justice, protection of civilians and the building of accountable and legitimate state institutions.

These are some of the most pressing concerns ahead. While addressing fragility has become a leading priority for the international community, now is the time to rise to the most important and difficult challenge of all – succeeding in practice.



**Alison Evans**

Director, Overseas Development Institute

## Key messages

### 1. Defining fragility and importance of context

- **The term ‘fragile states’ has gained increasing prominence in policy debates** and has proved useful in highlighting the extreme levels of poverty and insecurity faced by those living in such contexts. It has also prompted the international community to commit to better engagement in these countries. At the same time, however, the term can lead to an oversimplification of the multiple factors that drive fragility and its diverse expressions and hinder effective engagement.
- **Neat categorisations or dichotomies, such as fragile/resilient state or conflict/post-conflict, ultimately obscure more than they reveal.** It is more useful to understand fragility or violent conflict along a spectrum where different dynamics change and interact over time and space, along with the structures and processes that characterise these societies. This will help provide an understanding of the realities on the ground, which is crucial in developing policies and programmes that effectively support transitions to peace and development.
- **Broader definitions that are open to context-specific analysis and characterisation, such as ‘fragile situations’, have recently emerged.** These are steps in the right direction: they emphasise the need for specificity but at the same time recognise the value in policy terms of easily capturing an area of concern.
- **More concerted efforts by donors, analysts and others are needed to better analyse and define specific contexts of fragility.** There is a need to be more explicit about the nature of transition dynamics and what the key ‘tipping points’ are in moving from fragility to greater stability. A lack of understanding of a specific transition context often lies at the heart of unsuccessful engagement in fragile situations.

### 2. The development and security nexus

- **There is growing recognition that development and security are interrelated, can be mutually reinforcing and are both central to sustainable transitions.** Development actors are increasingly aware that ensuring a level of security is an essential component of promoting economic recovery during transition. This requires greater coherence among actors.
- **The relationship between development and security is not intrinsic, and one does not necessarily bring about the other.** In cases where the political settlement is contested and lacks legitimacy, it is unlikely that development will bring about peace and stability. In these contexts, development assistance can have the adverse effect of creating instability as it seeks to legitimise a contested political settlement.
- Despite the importance in some instances of civil–military cooperation in the pursuit of security and development objectives, **there is a need to ensure a clear separation between military and humanitarian actors** in line with the core principles of humanitarian action,

particularly neutrality and independence. In addition, the focus on civil-military relations should not obscure the importance of enhancing and resolving tensions in civil–civil relations related to political engagement in these contexts. .

### 3. The politics of transition

- **For transitions to be successful and peace processes to be durable in practice, they need to be embedded in legitimate political settlements**, understood as the balance of power that exists between elites and the wider society that underpins the state. Crucially, these should include not only formal institutions and rules but also the informal ones that often underlie governance systems and processes in many developing and conflict-affected countries. The importance of the nature of the political settlement is often bypassed by the international community, especially when under time pressure to produce results or when there are short-term priorities, such as tackling perceived terrorist threats or counternarcotics.
- **The process of state formation is underpinned by elite bargaining and power struggles**. As a result, **states are not neutral entities and have an inherent logic of competition**. State and institution building are thus highly political endeavours, which pose significant challenges for donors and other actors involved in these processes. In particular, it is important to recognise that state fragility is often the result of a combination of different drivers and factors, and tackling these simultaneously is not always possible or desirable.
- **Efforts to build peace can undermine state building processes**. The need to appease ‘spoilers’ can strengthen repressive rulers and undermine legitimacy by maintaining the status quo. Power sharing agreements can undermine the effectiveness and capacity of state institutions. Equally, focusing solely on the state risks undermining peace processes, especially if other important actors are excluded or unrealistic expectations are created over what weak states can actually deliver to their citizens. Donors need to recognise and manage these tensions and also be more humble in terms of objectives, admitting that minimising problems may be the only feasible option in some cases.
- Often, elections are seen as a necessary step towards enhancing state legitimacy. However, **there is some evidence that competitive multiparty electoral contests can contribute to a return to conflict**. But elections per se are not necessarily the problem: rather, the question lies in the way in which the prize of winning the elections is distributed or how and when an election is held. ‘Winner takes all’ and other multiparty democracy strategies can be problematic in heterogeneous societies with deep ethnic, linguistic and religious fault lines. In fragile contexts, a more gradualist approach might be needed, one which recognises the potentially destabilising impacts of ‘premature elections’ and instead focuses on strengthening the electoral and political system.
- **Enhancing state legitimacy will require that state building processes are nationally owned and implemented**. International organisations can play a role in ensuring a level of transparency and accountability, although there is a need to reduce expectations that states and societies can be transformed by external processes in short timeframes. This is reflected in the debate on the role of international institutions such as the International Criminal Court (ICC) in transitional justice processes. While the ICC can help end impunity for the perpetrators of the most serious crimes, the experiences of South Africa and Rwanda

suggest that domestic justice, such as constitutional and reconciliation processes, have greater potential to make a lasting positive contribution to the establishment of a legitimate political settlement.

#### 4. Realistic timeframes and trade-offs

- **Societal transformation in fragile situations takes time but external interventions often have unrealistic timeframes.** For example, while peace agreements with a realistic chance of succeeding need to focus on the immediate changes necessary to support a transition, the time involved in negotiating a peace agreement is fundamental to the chances of success. Often, external players seek to gain rapid achievements because of domestic political pressures. This can result in excessive haste, leaving important issues unresolved or important actors sidelined.
- **Expectations of what is realistically achievable over given timeframes need to be managed and reduced.** Donors need to be aware of their potentially limited role in what are essentially domestically driven processes of change, and to plan their interventions along adequate long-term timeframes. Crucially, this also implies managing societal expectations by avoiding unrealistic promises on achieving peace and stability. The failure to do so can lead to disappointment, de-legitimise the recovery process and ultimately generate instability.
- **Understanding complementarities, tensions and trade-offs between different agendas in fragile situations is fundamental.** For example, promoting recovery from conflict is not strictly a humanitarian, security or development issue – it is a shared space where different instruments are needed to ensure that the basic needs of the population are met while at the same time the state is being supported to take on its full range of responsibilities and functions. These agendas often have different sets of principles and objectives, meant to apply to different stages or phases of transitional processes: however in reality, humanitarian needs are also likely to coexist with development and state/peace building opportunities and processes. This requires greater coordination among the different players engaging in fragile contexts.

#### 5. Capacity and human resources

- **Limited resources and, crucially, lack of capacity and knowledge of the local context are among the most common challenges in engaging in fragile situations.** In the case of peacekeeping missions, capacity and resources are central to success, yet this is a major constraint to missions fulfilling their mandate. Western nations are reluctant to provide equipment and resources, which are provided mainly by developing countries. Personnel often lack the appropriate experience or sufficient local knowledge. Capacity and resources are also crucial in relation to realism and management of expectations: clarifying what the tasks are, the level of resources and the type of personnel needed for success is key to ensure that those at the country level are clear on the type of engagement and what they can expect from the mission.
- **Many bilateral agencies that are planning to dramatically increase their aid funding in fragile situations are at the same time committed to a significant reduction of their**

**administration budget, including staffing costs.** This risks resulting in a further loss of local capacity and knowledge. In this context, it is all the more important that international actors develop a better understanding and assessment of local existing capacity, especially civilian capacity, and that they build on it more effectively in their interventions.

## 6. The way ahead: what role for the international community?

In the course of the series, a number of recommendations have been put forward, mostly aimed at the international community. These include:

- **Avoid oversimplification and use of labels:** the term fragile states has helped focus the attention of international actors on these contexts, but it is important to recognise that fragility is highly context dependent and any broad categorisation will oversimplify the realities of extremely different countries. Instead, donors and other actors should focus on better understanding the key features of transitions so that their interventions can be better tailored to ensure effective engagement.
- **An improved international architecture is needed to engage in fragile situations.** This should be based on more integrated and coherent approaches among different actors in order to avoid confusions and unnecessary duplications and tackle tensions and dilemmas. This improved architecture should be equipped to deal not only with nation states and national actors (e.g. governments) but also with sub-national and regional issues and players.
- **Lessons on what works as well as what does not work need to be learnt and acted on.** Some of the key lessons include those on the role and importance of understanding and working with political settlements; engaging with and building on local civilian capacity; and the fact that transitions take time and require a long-term commitment. Donors need to ensure that the priorities of their involvement in fragile situations are not compromised by domestic pressures and incentives, such as quick wins and returns on investments. Also they should ensure that their commitment to respond to humanitarian needs is not compromised while supporting state building processes.
- **There is a need for radical reform of UN peace-keeping operations.** Current cumbersome, bureaucratic and risk-averse peacekeeping missions have very limited chances of contributing meaningfully to stabilisation, the protection of civilians or peace implementation processes, thus undermining the role and legitimacy of the UN. There is a need to recognise the scale of the tasks involved and ensure missions have the necessary resources, strategies and support to carry them out.
- **More, higher quality and frequent political economy analysis needs to be commissioned and carried out by donors and other international actors.** This will help in the design of more realistic and politically aware strategies for engagement in fragile situations. There is significant experience of this in the development sector, but related frameworks and tools need to be adapted or elaborated to fit the specific needs and features of fragile situations.
- **Donors and other agencies, including international non-governmental organisations (INGOs), need to improve and increase human resources to engage effectively in fragile situations.** This should include strengthening capacities and skills among their personnel,

especially on the ground, reducing staff turnover and committing to longer term engagement to ensure that sufficient knowledge of the context is developed and maintained.

- Finally, and most importantly, **the international community needs to be much more realistic about what it can achieve and recognise that transition processes require long timeframes and depend largely on domestic processes and actors.** This entails a much more explicit effort in managing expectations, both internally and with local populations.

## 1 Defining fragility and principles of engagement

Definitions of fragile states vary, and often focus on different dimensions of fragility. These may include a state's level of territorial control, its administrative capacity, prevalence of authoritarian or repressive politics, respect for the rule of law, levels of development and/or presence of violent conflict (Torres and Anderson, 2004). However, there is growing consensus among development actors that fragility relates fundamentally to the willingness and capacity of the state to perform certain core functions. This is evident in the definition by the Development Assistance Committee of the Organisation for Economic Co-operation and Development (OECD DAC), which claims that 'states are fragile when state structures lack political will and/or capacity to provide the basic functions needed for poverty reduction, development and to safeguard the security and human rights of their population' (OECD DAC, 2007).

### 1.1 Conceptual issues and definitions

The definition of and focus on fragile states have been particularly useful to highlight the often extreme levels of poverty and insecurity faced by those living in these contexts, and the effects experienced beyond the borders of such states. As a result, most development donors have placed engagement and support to fragile states at the top of their agenda. This has been reinforced by the importance given to fragility in defence and foreign policy spheres. The role of the state has also rightly been placed at the centre of development and transitional processes.

However, the term has also generated controversy, as it generalises fragility, categorising over 40 states under one label without acknowledging the wide differences between them. Furthermore, some see the term as based on a normative conception of the state, premised largely on Weberian ideals that do not necessarily align with the actual nature of statehood in such contexts. The term defines these contexts according to 'what they are not' rather than 'what they are' (Alex de Waal, Meeting 5).

Moreover, neat categorisations or dichotomies may obscure more than they reveal. The term fragile state implies that all states are either in one category or another, although in practice states will often be simultaneously fragile in some respects and resilient in others. It is important to recognise that fragility occurs along a spectrum, whereby different dynamics change and interact over time and space (Cramer, 2006). Countries may enter periods of relative stability prompted by a peace agreement or an international intervention, often understood as a benchmark for the arrival of peace, but this 'stability' may be characterised by continuing levels of violence. For example, Guatemala and El Salvador, despite having resolved longstanding civil wars, are experiencing significant increases in violence related to organised crime, which threatens the state's ability to govern.

The concept of a spectrum is useful, as it captures the changing nature of violence or fragility and the impact that key events or changes may have on a society (for example a peace agreement, military victory or development intervention). It allows for greater understanding of the realities on the ground that should underpin policies and programmes aimed at supporting transitions and development outcomes.

The shortcomings of the term fragile state are increasingly being recognised. There is now a trend towards favouring broader labels, such as 'fragile situations', which are open to context-specific analysis and characterisation (Stepputat and Engberg-Pederson, 2008). This is a step in the right direction: the thinking emphasises the need for specificity but at the same time recognises the value in policy terms of easily capturing an area of concern. Looking forward, it will be key to ensure that

policies can identify and cater for the broad spectrum of fragility that exists. Further research – and policy thinking – is needed to better understand this spectrum, trajectories along it and the key ‘tipping points’ in moving from fragility to greater stability.

## 1.2 Fragility, security and development: analytical tools and principles

The relationship between fragility and development is far more complex than is often understood. Many states have shown resilience despite poor economic performance. For example, in Tanzania, Zambia and Malawi, despite poor development outcomes, the state has avoided major violent conflict and its rules and institutions have continued to govern over time (James Putzel, Meeting 1). This raises a broader point with regard to the relationship between development and security. The common discourse is that the two are always mutually reinforcing, yet this fails to bear in mind the simplistic nature of neat categorisations. Both ‘development’ and ‘security’ are not value-neutral terms and are regularly contested (Goodhand, forthcoming). Promoting a certain conception of development in a volatile and contested environment may have the adverse effect of creating conflict.

How the relationship between fragility, security and development plays out in practice depends largely on the context. Political economy analysis can be useful in garnering an understanding of the context within a given fragile state, in order to be able to better adapt and tailor policies and programmes. This is concerned with the distribution of power and wealth between different groups and individuals and the processes that create, sustain and transform these relationships. The analysis seeks to reveal the underlying interests, incentives and institutions that can support or undermine change and looks within the state and beyond it to the role of internal and external non-state actors and networks (DFID, 2009b; Foresti and Wild, 2009). One of the key strengths of this form of analysis is its ability to enable an understanding of the informal linkages and incentives of both formal and informal state and non-state institutions and actors. In Southern Sudan after the Comprehensive Peace Agreement (CPA), for example, donors concentrated their support on formal state institutions at the expense of key non-state service providers (Sara Pantuliano, Meeting 1). This had significant consequences with regard to meeting ongoing humanitarian needs, as state institutions did not have the capacity to take over the role.

Context-specific analysis does not preclude identifying trends or developing indicators to inform appropriate policies for engagement. For example, eight indicators of fragility were presented that can help inform contextual analysis (Donald Steinberg, Meeting 3): 1) degree of political participation; 2) responsiveness of government and the rule of law; 3) rapid urbanisation tied with a weak economy; 4) absence of institutions of civil society; 5) location and regional influences; 6) militarisation of society; 7) isolation from the international stage; and 8) historical conflicts. There may be value in using indicators such as these as an initial framework for assessing the structures and processes that determine fragility.

### **Which principles should guide international engagement in fragile states?**

There have been concerted efforts by those engaged in fragile states to develop, reinforce and apply principles for more effective engagement. There are multiple sets of principles, some more explicit than others, that apply to the diversity of contexts categorised under the fragile states label. These include, among others, principles of humanitarian action (humanity, impartiality, neutrality and independence); development principles (sustainability, empowerment, self-reliance, accountability and participation); the OECD Principles for Good Engagement in Fragile States and Situations (context as a starting point, ‘do

no harm', a focus on state building, prioritising prevention, recognising links between policy spheres, non-discrimination, alignment with local priorities, coordination, acting fast, committing to the long term and avoiding pockets of exclusion); Good Humanitarian Donorship principles (ensuring that funding reinforces the principles of humanitarian action); and the Paris Declaration on Aid Effectiveness (emphasis on country ownership, aid alignment, aid harmonisation, managing for results and mutual accountability for all aid-recipient countries).

These different sets of principles are sometimes envisaged as applying to different stages or phases of the transitional process. In practice, these are not linear trajectories: humanitarian needs are likely to coexist with development and state/peace building opportunities and processes. There are many complementarities between principles, such as between impartiality and non-discrimination, the drive towards greater harmonisation in donor policy and financing, the common commitment to do no harm and take context as the starting point and the need for greater accountability and measurement of impacts. At the same time there are important differences, most notably tensions between the humanitarian principles of neutrality and independence and the emphasis on state building, which is a highly political and contentious process. This entails a difficult balancing act for donors and organisations that have dual mandates. Where it is not possible to satisfy more than one set of principles, questions arise as to which should apply or have greater prominence.

There is no easy answer to this, and the challenge for organisations engaged in these contexts is to recognise, anticipate and manage potential dilemmas and difficult choices. This requires strategic decision making based on robust evidence, analysis and strategy that sheds light on the impacts that the application or non-application of principles might have. This is particularly important in contexts where bilateral donors or the UN are pursuing integrated or comprehensive approaches that bring together a variety of actors with different objectives and principles, including military actors with well-established doctrines. Within these approaches, it is important to recognise that different priorities and objectives exist; while integration is viewed as desirable, it must be acknowledged that some forms of engagement require a certain degree of separation or independence in order that their objectives are not compromised. This is particularly important for humanitarian actors, who view their ability to access populations in need as dependent on their adherence to the principles of humanitarian action. Subsuming their activities in wider stabilisation or state/peace building processes, which are long term and often contentious and discriminatory (i.e. excluding 'spoilers'), is deemed to undermine the humanitarian imperative of alleviating suffering on the sole basis of need.

## 2 Exploring the linkages: security, stability and development

There is growing awareness that there is no linear transition from conflict to post-conflict phases, and that states are likely to transition rapidly in and out of conflict. This has challenged conventional thinking on the separation of humanitarian and development spheres and of security and development interventions, which is seen as no longer reflecting the reality of many fragile states. This section explores the linkages between these diverse interventions, with a focus on improving security and creating stability for peace and development outcomes.

### 2.1 Stabilisation: ending violence and instigating transitions to peace

Stabilisation seeks to link military action with development, foreign policy and other forms of ‘civilian’ engagement in order to consolidate reductions in violence and create the minimum security, political and social conditions necessary for viable recovery and reconstruction and for mitigating threats to international peace and security. In practice, it often depends on pursuing a number of key parallel and connected goals, including creating a safe and secure environment, establishing the rule of law, achieving stable governance and a sustainable economy and creating conditions that promote social wellbeing.

As a result, the specific definition and aims of stabilisation can be relatively broad, and overlaps with peace building, early recovery and state building processes. For example, the UK’s Stabilisation Unit covers violence prevention and containment, protection of people, key assets and institutions, promotion of political processes and preparation of longer-term development (SU, 2008). In the US, the influential National Defense Research Institute (RAND Corporation) defines stabilisation as ‘efforts to end social, economic, and political upheaval, and reconstruction, which includes efforts to develop or redevelop institutions that foster self-governance, social and economic development, and security ... before, during, or after conflict’ (Bensahel et al., 2009).

Despite the broad nature of the definition and the fact that declared priorities and approaches may differ among key governments and international organisations, there is overall consensus on at least three issues that underpin the stabilisation agenda: 1) that stabilisation must go beyond military operations and involve development and humanitarian action; 2) that it requires building political and social legitimacy of the government and key state (as well as other national and local) institutions; and 3) that it requires a comprehensive approach (Collinson et al., forthcoming).

The ‘comprehensive’ or ‘whole of government’ approach seeks to achieve coordinated, coherent and complementary action at both policy and operational levels (the so-called 3Cs). To put this into practice, new offices and departments have been created (such as the Stabilisation Unit, START and S/CRS). Meanwhile, although the UN has not brought stabilisation into its wider vocabulary, its peacekeeping doctrine and broader engagement in crisis contexts have expanded and changed over the past decade into more of a ‘stabilisation paradigm’. This is reflected in the fact that the UN is now expected to lead more complex and challenging multidimensional engagement, going far beyond traditional peacekeeping. It has also sought to align, through Integrated Missions, the political, security, development and humanitarian components of the UN under unitary leadership at country level.

Consensus on the wider goals is relatively uncontroversial but in practice there is confusion over the ways in which the various objectives should or could be achieved. Views differ as to which national or international actors or institutions should lead stabilisation and how, and which objectives should take

priority over others in the pursuit of common goals. In Afghanistan, for example, external actors appear to have struggled to understand how counterinsurgency, counterterrorism, counternarcotics, state building, transitional justice and development (all captured within the stabilisation agenda) should be pursued, and whether it is possible to carry all of them out simultaneously.

To pursue a stabilisation approach, clear understanding is needed of the political context and settlement (Julian Lindley-French, Meeting 2). Yet, the international community has repeatedly entered a stabilisation theatre without a coherent political plan. This was evident after the Iraq invasion in 2003, which had no plan to deal with the conflict aftermath. Similarly, Ethiopia's US-backed invasion of Somalia to overthrow the Union of Islamic Courts (UIC) held unrealistic expectations that stability would ensue in the absence of a political framework that reflected existing balances of power.

Tensions inevitably exist between the many objectives captured under stabilisation. Short-term imperatives to achieve 'quick wins' mean that assistance is often delivered directly by international actors, undermining the capacity of the state; achieving international counterterrorism objectives can undermine the emergence of political settlements by sidelining important actors; and organising elections, often to appease domestic constituencies, can undermine stability if violence and fraud are used to gain power.

Tensions have been particularly apparent with regard to the precise relationship between development and security. Stabilisation doctrine, particularly in counterinsurgency settings, assumes that development assistance, often in the shape of quick impact projects, can provide legitimacy for intervening forces at the expense of the insurgency, generating an important security function. This in turn further opens up space to foster development; it is what Zoellick (2008) calls 'securing development'. This is viewed by some as legitimising war and, in the process, compromising development's poverty reduction mandate. Moreover, funds are increasingly being channelled to countries and areas with stabilisation objectives. For example, half of the US Agency for International Development (USAID) budget in Afghanistan in 2007 was spent in four provinces in the South, where there is a high presence of insurgents. The rest was split between 30 other provinces, despite critical development needs (Wilder and Gordon, 2009).

Furthermore, evidence is emerging that these efforts to win 'hearts and minds' may not have actually had a stabilising effect, particularly where there is a lack of state legitimacy or an effective political settlement (Goodhand and Sedra, 2009). In Afghanistan, the lack of effective governance and non-governmental organisation (NGO) accountability, high levels of corruption and the competition generated by the influx of aid resources have created resentment of international forces and the government and consequently undermined efforts to generate stability (Wilder and Gordon, 2009). It is not always the case that 'all good things can go together': relationships between agendas are complex and often generate tensions or contradictions (James Putzel, Meeting 1; Rory Keane, Meeting 2). Rather than simply seeking further coordination and coherence, there is a need to identify priorities and ensure that dilemmas are managed or resolved (Paris 2008).

A central component in this is the need to develop a methodology for determining success (Julian Lindley-French, Meeting 2). There is an absence of a robust set of metrics for assessing performance across agendas. Their development would provide evidence on the precise relationships between interventions, going beyond theoretical and often broad sweeping assumptions.

The search for the 3Cs (coordination, coherence and complementarity) to stabilise conflict-affected countries has in practice found a terrain that is more akin to 'complexity, contradiction and competition' (Collinson et al., forthcoming). It is not that coordination and coherence are not possible;

rather, there is a need to go beyond rhetorical assumptions that all interventions are mutually reinforcing or even compatible. Moreover, if coherence is to be achieved, weaknesses in human resourcing are a critical area that needs addressing, particularly as regards to the provision of expert knowledge and analysis of the political, social and economic context of stability operations (Sara Pantuliano, Meeting 1).

## 2.2 Getting civil–military relations right

As part of the broader search for coherence among different yet interrelated policy spheres, the discourse has widely adopted an assumption of the need to integrate civilian and military actors in order to reinforce their individual interventions. This is linked to the idea that achieving stability requires a range of humanitarian, development and political interventions that go beyond the military's capacity, experience and skills, including policing and civil administration, delivery of humanitarian and development assistance and diplomatic engagement, among others. Civilian accompaniment to advance these interventions is seen to reinforce the role of military, as an essential component of the 'clear, hold and build' strategy evident in many stabilisation contexts, such as the Democratic Republic of Congo (DRC), Afghanistan and Colombia. Failures in post-conflict planning in Iraq have further reinforced thinking on the need for greater civilian accompaniment in military operations.

In practice, there are considerable challenges in getting civil–military relations right. There is a need to bring in civilian actors at an earlier stage, including in the planning process (Julian Lindley-French, Meeting 2). At the moment, military actors tend to design the plan and then get civilian input on how to operationalise, such as in Afghanistan, where civilian influence on the International Security Assistance Force (ISAF), even by the UN Special Representative of the Secretary-General (SRSG), is extremely limited (Francesc Vendrell, Meeting 3). There need to be greater efforts to foster equal partnerships that take into account different perspectives. For example, in one common mismatch in civil–military relations, the military will often focus on results and development actors on processes, which creates tensions that need resolving for a productive partnership to be possible (Robert Niblett, Meeting 3).

Another challenge relates to deploying civilian experts in contexts of high insecurity. The tendency has been to assign the military with civilian tasks, which is often problematic, as they often do not have adequate training, experience and skills to engage with local administrations or implement humanitarian or development projects. Civilians should be present in these contexts, as peacekeeping or stabilisation missions are unlikely to be successful without them (Chris Johnson, Meeting 3). Engaging with local populations and creating trust and credibility can help provide security for civilian actors. The building of bilateral international civilian capacity to support their deployment could be seen as a positive development in this regard. However, it is important that these efforts do not create artificial demand: there are already pools of multilateral civilian capacity and more needs to be done to highlight and build on existing national capacities (Charles Call, Meeting 7).

Despite the importance of civil–military cooperation, there is a need for a clear separation between military and humanitarian action in line with the core principles of humanitarian action, particularly those of independence and neutrality. This is important for humanitarian actors to gain access to populations in need (Chris Johnson, Meeting 3), but it does not mean that there should be no effective communication to ensure complementarity. For example, in Abyei (Sudan), health clinics were organised on the same day as peacekeeping patrols. The appropriate level of engagement will often depend on the context and the precise role that military actors are playing. In this regard, the UN Office

for the Coordination of Humanitarian Affairs (OCHA) has developed guidelines to manage the relationship based on a ‘continuum of engagement’, which includes curtailing of presence, coexistence, coordination and cooperation.

It is important to note that not all challenges and tensions are related to civil–military relations: many civil–civil issues need to be addressed related to political engagement in these contexts (Collinson et al., forthcoming). For example, in Darfur the international community has embarked on an ambitious agenda that includes providing humanitarian assistance, negotiating a peace agreement, deploying peacekeepers to protect civilians, supporting the role of the International Criminal Court (ICC) in investigating war crimes and fostering democratic transition. In theory, there are important synergies between these interventions. Humanitarian aid serves to manage the adverse human effects of conflict and provides the space for mediators to facilitate a peace process; once there is an agreement, peacekeepers help ensure implementation; the process of transitional justice can then move forward, which in turn creates the necessary accountability and legitimacy for democratic change and wider peace building (Lanz, 2008). The reality is very different, of course: the transition from war to peace in Sudan is neither simple nor linear and there are inherent obstacles to simultaneously pursuing and achieving all these objectives (ibid). For example, attempts to achieve justice in Sudan and the recent indictment of President Bashir strained the peace process by emboldening the rebels and led to the expulsion of 13 aid agencies, with significant consequences for the humanitarian operation in the medium term (Pantuliano et al., 2009).

### 2.3 The changing role of peacekeeping operations

Peacekeeping missions are understood as central to maintaining or achieving stability in conflict-affected countries or those that have recently signed peace agreements. Their role in terms of monitoring and ensuring adherence to peace agreements or ceasefires used to be based on strict impartial inter-positioning between consenting parties. This has undergone a significant shift, and UN peacekeeping missions, in line with the Capstone Doctrine, are increasingly engaging in wider peacemaking efforts, including enforcement action and early peace building activities. These are often based on a Chapter VII mandate of the UN Charter, which allows for the use of force to counter threats to international peace and security.

This highlights the changing nature of the environments in which peacekeeping operations are deployed, reflected in the UN’s increasing engagement in complex contexts – such as the DRC, Liberia, Côte d’Ivoire, Burundi, Sudan and Haiti – with missions undertaking what effectively amounts to stabilisation. Despite the number of armed conflicts going down, many ‘post-conflict’ contexts continue to show high levels of violence. For example, emerging findings from research by the World Bank suggest that during the Cold War 5% of battle-related deaths occurred after a ceasefire or a peace agreement was signed. Since then, it has been estimated that 30% of battle-related deaths occur after a ceasefire or peace agreement.

This changing context has generated some confusion and ambiguity over the specific role that military and civilian peacekeepers have in given contexts. The semantics need to be right so that the roles and objectives of peacekeeping missions can be clear (Francesc Vendrell, Meeting 3). If there is no peace to keep, as is evident in many contexts of engagement, then this should be clear and the mission should be called ‘peace enforcement’, ‘peace securing’ or ‘civilian protection’. This may mean that casualties are unavoidable in order to achieve the mission’s objectives, and therefore that the UN and governments should be prepared for and upfront about this.

Getting the semantics right is also fundamental to clarify the tasks and the level of resources and type of personnel needed for success. This will also ensure that those at the country level are clear on the type of engagement and what they can realistically expect from the mission. Achieving this level of clarity will require that the UN learns to say no to interventions when it is apparent that the chances of success are minimal. This may, in the long term, serve to improve credibility.

The gap between pledges and reality is a significant obstacle in generating local support for these missions. In Afghanistan, after coalition forces intervened there were significant promises of peace and stability, raising expectations. In practice, a lightly armed peacekeeping mission was deployed, confined mainly to Kabul and extremely limited in terms of what it could achieve (Francesc Vendrell, Meeting 3). This led to broken promises and a subsequent loss of credibility for the coalition forces.

Capacity and resources are central to the success of a mission and at the moment this is a continuing constraint. Many missions lack sufficient resources, both financial and human, to carry out their objectives effectively. Western nations are reluctant to provide equipment and resources, which are provided mainly by developing countries. Personnel often do not have the appropriate experience or skills. Peacekeepers are often not trained in civilian protection and there is no clarity on how far they should be prepared to risk their own lives in protecting civilians (Chris Johnson, Meeting 3). Clarity on this issue is important as the failure to effectively protect civilians can undermine a mission's legitimacy and credibility, which are necessary to achieve success. In Somalia, peacekeepers responded to a suicide attack by launching mortars into the city that killed civilians, de-legitimising them further among the local population.

To improve the availability of financial resources for peacekeeping missions, similar mechanisms to those available to humanitarian actors might be used. These include rapid emergency funds that can be dispersed quickly and then replenished when traditional funding comes through (Chris Johnson, Meeting 3). This is a model that individual UN agencies could also follow in order to avoid many of the bureaucratic impediments that currently exist within UN funding mechanisms. These impediments are a big obstacle to success; in Nepal, Jan Erik Wilhelmsen needed to seek funds from alternative sources as the UN system was too complex and time consuming (Meeting 3).

Timing is also key. A clear lesson from the past, specifically from East Timor and Haiti, is that peacekeepers need to avoid early exits and ensure that any timeframe for withdrawal is based on an accurate assessment of security and stability on the ground. If a mission's objectives involve consolidating or building peace, it must be recognised that this is a lengthy and protracted process. Commitments need to reflect this and avoid domestic pressures to claim victory and withdraw. This is a matter of both accurate context analysis and the political will to recognise and address the challenges involved.

NGOs can support peacekeeping missions, both explicitly and implicitly, as they are often the first actors on the ground and can respond rapidly (Jan Erik Wilhelmsen, Meeting 3). Their historical presence in-country often means that they have strong relations with communities of concern. These enable good contextual analysis that can be shared with the peacekeeping mission and inform advocacy for effective policy change. By monitoring the mission, they can also be an important accountability mechanism, which in turn would give the mission greater transparency and credibility. For example, in Darfur the collection of timely and accurate field-based information by NGOs on the performance of the African Union (AU) peacekeeping force was seen as an important evidentiary base from which to lobby for improved performance in protecting internally displaced persons (IDPs) (O'Callaghan and Gilbride, 2008).

The importance of getting these missions right is critical for future engagement in these contexts. If peacekeeping missions are failing to achieve their objectives, as is occurring in protracted conflicts in Afghanistan, the DRC, Somalia and Sudan, this could mean significant changes in the way that these missions are deployed in the future. Comprehensive objectives that seek to transform societies are likely to be replaced with short-term or narrower objectives related to national security prerogatives – a shift from transformation to containment. If there is a failure to make significant advances in Afghanistan, then we are likely to see a shift towards a focus on counterterrorism and basic security (Francesc Vendrell, Meeting 3). This ‘security first’ approach could have negative impacts on efforts to protect civilians in the face of widespread human rights abuses, despite the continuing use of a protection discourse (Keen, 2009). This is evident in the Sri Lankan government’s offensive against the Tamil Tigers, which prioritises security objectives. Despite claiming that these efforts also seek to liberate the people in Tiger-controlled areas, in practice they have in fact furthered civilian vulnerability by exposing people to military offensives and confining them in camps (ibid).

### Early recovery from conflict: lessons from Sudan

A central component to stabilising countries emerging from conflict and building peace is to lay the foundations for recovery. This involves a shift in the design and delivery of international responses from predominantly humanitarian mechanisms towards development ones. In the early stages, this can create a ‘recovery challenge’ as aid flows for humanitarian and development funding are often disconnected creating a gap in which important humanitarian needs are left unattended (Ameera Haq, Meeting 6).

This challenge has been particularly evident in Southern Sudan since the 2005 CPA. The agreement ended more than two decades of civil war and saw a move away from massive humanitarian operations towards development strategies. However, this drive did not give sufficient attention to notable constraints like the weak capacity of the newly created government. The result was an increasing focus on development and state building support and less emphasis on continuing humanitarian needs.

A multi-donor trust fund (MDTF) was created to consolidate peace, recovery and development but it failed to deliver prompt results because of cumbersome procedures, limited government capacity and a failure to recognise trade-offs between its various objectives (Fenton and Phillips, 2009). ‘Visible peace dividends’ were few and far between, and declining humanitarian funding along with the return of more than two million displaced persons meant that, in many areas, people actually saw a decline in access to basic services compared with during the conflict (Pantuliano et al., 2008).

As a result of these shortfalls, there is increasing recognition that recovery requires a mix of approaches rather than a sequential evolution from one approach to another (Luka Biong Deng, Meeting 6). This mix of approaches needs to be based on six key interventions and priorities: 1) assessing needs and what needs to be done; 2) improving basic services in a visible manner; 3) providing security and making people feel safe; 4) ensuring good governance; 5) rapidly building up state capacity to carry out fundamental functions; and 6) managing expectations (Ameera Haq, Meeting 6).

This last point, on managing the expectations of the local population, is a vital lesson in addressing the recovery challenge. In Southern Sudan, the lack of visible and timely improvements in basic services, infrastructure and economic opportunities stood in stark contrast to newspaper headlines about the hundreds of millions of dollars being pledged by donors, leading to disappointment, de-legitimising the recovery process and generating instability. Political imperatives by both donors and national authorities

to demonstrate advancements in recovery and peace need to be subsumed to this need to manage expectations.

In addressing the recovery challenge, it is also essential to understand potential trade-offs between objectives, which are not necessarily all simultaneously compatible (Bailey and Pavanello 2009). This is one of the fundamental challenges in combining approaches. Donors and national governments have demonstrated a tendency towards long lists of benchmarks that do not sufficiently consider trade-offs, notably between increasing national ownership/state capacity and increasing service delivery. Other important trade-offs and challenges relate to providing security, generating legitimacy and making the state function. For example, how to balance the need to provide security and social services when there is a limited budget? How to manage the need to incorporate militias into the security services for the sake of peace and ensure a professional and adequately sized armed force? How to generate legitimacy in a context of limited capacity and high expectations? How to involve traditional authorities while strengthening the role of the central state? Or how to promote accountability when institutions are weak? (Luka Biong Deng, Meeting 6).

Managing and resolving these tensions requires an understanding of the capacity at the national and local level as well as in international aid and donor agencies, which do not always put in place people with adequate expertise to work across development, humanitarian and security issues. Appropriate personnel are an essential first step in overcoming some of these recovery challenges.

Actions to promote recovery must also be informed by in-depth analysis of needs and political dynamics (Pantuliano, 2009). Understanding complementarities and tensions between humanitarian and development mechanisms, as well as correctly identifying context-specific capacities and priorities are necessary to ensure that the basic needs of the population are met while at the same time the state is supported to take on its full range of responsibilities and functions.

## 3 The challenges of transition: justice, peace and state building

Although debates on immediate post-conflict responses to fragile states are increasing, to date analysis has been less focused on the longer term processes of state and peace building. Ensuring better linkages between immediate and longer-term concerns is crucial, as we have seen, and there is a need for greater reflection to better understand how to support sustainable transitions from war to peace. This section outlines some of the challenges involved for improving engagement with these transitional processes. It focuses on the role of transitional justice, peace agreements and political settlements and the building of states and institutions.

### 3.1 Transitional justice: what role for international and domestic processes?

Transitional justice is a central component of sustainable transitions to peace. This includes the range of measures aimed at addressing the legacy of systematic or widespread violations of human rights, such as truth-telling exercises, reparations for victims and their families and bringing perpetrators to account while promoting reconciliation. However, there are important questions related to the extent to which justice issues should be addressed in peace agreements and processes. This is linked to a perceived trade-off between the short-term imperative of setting the foundations for peace and the longer-term aim of supporting robust efforts to achieve transitional justice. In other words, what levels of impunity are acceptable and viable for the sake of peace?

This dilemma has been central in discussions related to the role of the ICC. The ICC was established by the Rome Statute in 1998 and aims to end impunity for the perpetrators of the most serious crimes, such as large-scale war crimes and genocide. It is a court of last resort and intervenes only if the national judicial system within a state is unable or unwilling to carry out a fair and transparent investigation into such crimes. Investigations are initiated by referral from any state party or the UN Security Council. The ICC can also instigate investigations on its own on the basis of information given by a third party. The ICC is currently engaged in the DRC, Uganda, Sudan, the Central African Republic and Kenya.

Investigations, arrest warrants and trials in all these contexts have generated considerable debate with regard to the impact they have on domestic peace processes. There are three main critiques of the role of the court and the way it operates. First, investigations and the threat of arrest and prosecution are seen as a disincentive to belligerent parties engaging in peace processes and agreements. For example, in Northern Uganda, the failure of Joseph Kony from the Lord's Resistance Army to turn up at peace talks and sign an agreement is widely believed to have resulted from his fear of arrest and trial in The Hague, despite assurances from Ugandan President Yoweri Museveni that he would not be handed over to the ICC. The recent indictment of President Omar Bashir in Sudan for war crimes in Darfur is also seen by many commentators as an impediment to the Darfur peace process and has lowered international leverage around the wider CPA between North and Southern Sudan. Impunity, accompanied by a political process of reform, is understood as necessary sacrifice for the sake of peace. According to Mamdani (2008), this was the case in Sudan's CPA, Mozambique's peace process and South Africa's transition from apartheid. In the latter two, he contends that 'had the ICC been involved in these conflicts ... it is doubtful there would be peace in either place'.

Second, the ICC has been criticised on the basis that it lacks impartiality and is in fact a tool of powerful nations to support their geopolitical interests, especially given that the court investigates

based on a referral from the UN Security Council (rather than the General Assembly). The Security Council is an undemocratic body, and two of its five members, the US and Russia, have not ratified the Rome Statute and a third member, China, opposes the court. The court is seen as a form of politicised justice based on double standards, hence the focus on African countries and not on crimes committed by Western forces or their allies. Furthermore, the ICC is seen as selectively targeting those that are adversaries of the US. For example, in Darfur the ICC is deemed to have connected all crimes mistakenly to President Omar Bashir, a decision supported by the US, partly in response to growing pressure from the Save Darfur movement that was calling for 'humanitarian intervention' (Mamdani, 2008). A similar situation would not have been accepted with regard to post-2003 violence in Iraq and for allies of the US, such as Rwanda and Uganda, which have not been investigated despite allegations of involvement in war crimes in Eastern DRC (ibid).

Third, the type of justice pursued by the ICC can be seen as culturally inappropriate, especially in Africa (Richard Dowden, Meeting 4). The focus on retributive justice is contrary to African preferences for traditional mechanisms based on restorative justice, that is, bringing together victims, perpetrators and the wider community to search for solutions that promote reparation, reconciliation and reassurance. Despite the fact that these forms of justice do not coincide with Western models of democracy and justice, they can play a significant role in preventing wars from reigniting and consolidating peace processes (as in Angola, Mozambique, Rwanda, Sierra Leone and South Africa).

These views have been countered by arguments that, without justice, peace is unlikely to be sustainable or complete. Justice is an important imperative to achieving peace, as it can act as a powerful deterrent measure (Nick Grono, Meeting 4). This is evident in the recent Waki Commission report in Kenya, which argues that the failure to prosecute those involved in the 2008 election violence is likely to lead to further and possibly more severe violence in the forthcoming 2012 election. The fact that the ICC is putting pressure on the Kenyan government to carry out investigations and prosecute those involved is seen as a positive step towards preventing further violence. This is also an example of the ICC instigating the national system to act, with the court placed as the option of last resort.

In addition, the idea that retributive justice is not legitimate in Africa is said often to be propagated by elites to protect themselves, rather than being representative of the views of the majority (Nick Grono, Meeting 4). Retributive justice does not need to be implemented in opposition to restorative justice mechanisms: they can be complementary. Important in this regard is distinguishing between those who have committed the worst crimes, as the ICC strives to do, and those who may also be considered victims, such as abducted children who later become child soldiers and commit crimes. In this regard, it is again useful to bring in the concept of a spectrum or continuum, along which lie different levels of victimhood and degrees of responsibility. This could help determine the appropriate form and level of justice (e.g. those with the worst history of abuses should be punished through retributive mechanisms and those with less responsibility through restorative mechanisms).

The precise relationship between justice and peace differs from context to context. In some cases, a certain level of impunity will be necessary for the sake of peace; in others, impunity could threaten the longer sustainability of the peace process. There is no easy answer. In Northern Ireland, the success of the peace process was contingent on bringing in the extremists, and it looks like the North Atlantic Treaty Organization (NATO) is starting to engage in talks with certain members of the Taliban, albeit those deemed less extreme (Richard Dowden, Meeting 4). Once again, determining the precise relationship requires strategic decision making based on robust evidence, analysis and strategy. The ICC has attempted to develop a mechanism to manage these tensions by allowing the Security Council

to put investigations on hold for 12 months. It also emphasises the need to bear in mind that justice mechanisms are an important deterrent, and the fact that always trumping these mechanisms for the sake of peace or politics could set a negative precedent for the future.

The ICC should be seen as one of a range of transitional justice options. Many experiences of transitional justice to date – whether through truth and reconciliation processes, criminal prosecutions or other forms of justice – have developed at the domestic level, with varying degrees of international support. Meanwhile, dilemmas around the political expediency of transitional justice tend to be recurrent. Other challenges include managing expectations regarding what can be achieved in terms of reconciliation and peace building through transitional justice, which is just one of many pieces in the political settlement puzzle.

### **Justice and its role in supporting South Africa's transitional process**

The process of transitional justice in South Africa is often portrayed or understood as a success story. A Truth and Reconciliation Committee (TRC) was developed as an important mechanism in which transitional justice could support the country's democratic transition. Transitional justice was conceived of as providing opportunities to achieve both retributive justice and reconciliation. The TRC aimed to facilitate a full disclosure of what transpired during the apartheid regime, which would help create a process for the country to move forward. Importantly, it also provided a mechanism to gather evidence for crimes to be taken to court. One process did not exclude the other.

In practice, however, these objectives were only partially achieved. The TRC did not represent a full disclosure of the truth (Janet Love, Meeting 4). There was clearly some sincerity in the process and people used the information disclosed to move forward, yet there were significant shortfalls in providing a full picture of the events that transpired. Many of those involved in perpetrating crimes did not tell the truth or concealed information. This impacted on the evidentiary base, which was further hampered by the time that elapsed between regime change and the TRC, allowing those in the apartheid regime to cover up important information and fabricate evidence that would acquit them.

It is important to clarify the actual impact of the transitional justice process on the country's transition (Janet Love, Meeting 4). Although the TRC did enable a level of truth and a basis for people to go forward, there is a misconception that it actually formed the foundation for South Africa's democratic transition. In practice, it was not the TRC that was the main driver of change but rather the development of the Constitution – South Africa's political settlement – which was both inclusive and participatory and created the necessary institutions (such as an independent judiciary) and systems for checks and balances to ensure the implementation of the country's transformation. This is far from complete, however: there continue to be deep divisions within South Africa, particularly at the social and economic level, where there are ongoing large-scale inequalities in the distribution of resources. This is highly problematic for the fabric of social life and for state–society relations.

In sum, the transitional justice process, centred on the activities of the TRC, led to some achievements, but its role in the country's democratic transition should not be exaggerated and the importance of the political settlement needs to be recognised in this process. The transition is still fragile, especially given continuing social and economic disparities, which do not match the inclusive and rights-based official development discourse of the country – including in relation to social and economic rights. A failure to embed rights more meaningfully could aggravate levels of fragility.

### 3.2 Peace agreements and political settlements

Interaction between political settlements and peace agreements is crucial to the stability of countries emerging from conflict. A number of factors have been put forward as key to ensuring that peace agreements foster longer-term political settlements. Underlying this remains the urgent need to better understand what the political settlement is, and how it is impacted by internal and external interventions.

Political settlements play a significant role in tackling state fragility and supporting transitions to peace, and can serve as a foundation for stability and development outcomes (James Putzel, Meeting 1; Charles Call, Meeting 7; Alina Rocha Menocal, Meeting 7). These settlements can take the form of a codified constitution that outlines the structure, procedures, powers and duties of a government and the rights of its citizens, or they can be informal and represent unwritten rules among governing elites. Political settlements develop throughout states' historical trajectories and are often the result of long processes of elite bargaining and power struggles. They represent 'the established rules of the game' (Charles Call, Meeting 7).

Peace agreements can form the basis for an emerging political settlement that is able to legitimately shape and guide a transition towards peace and stability following a period of conflict. In order to do so, they must address the power struggles that are the cause or product of violent conflict but at the same time should not be roadmaps to a society's total political, economic and social transformation (Kieran Prendergast, Meeting 5).

If they are to have a realistic chance of succeeding, they need to focus on the immediate changes necessary for instigating a political settlement. In Guatemala, the peace agreement tried to do too much. It stopped the civil war but was unsustainable in that it was too extensive: it aimed within four years to reform the justice system, resolve issues around education and participation of the indigenous majority and even tackle land reform. This could not be achieved without a broad-based political settlement. As a result, many grievances remain unresolved and violence and discontent continue.

The timing involved in negotiating a peace agreement is also fundamental to its success. External players often seek quick wins as a result of political pressures within their own countries and constituencies. This can result in important issues being left unresolved or key actors being sidelined. In Iraq, coalition forces were keen to return sovereignty and withdraw because of domestic political pressures related to the controversy surrounding the war. As a result, the political process sidelined important actors, affecting the legitimacy of the Constitution and reinforcing sectarian lines.

Similarly, in Afghanistan, the Bonn Agreement excluded important national and regional players and failed to tackle issues related to past abuses and human rights violations. This hindered both the legitimacy and resilience of the agreement, as it was viewed as 'an illegitimate attempt to reconfigure domestic power structures to meet external interests' (Goodhand and Sedra, 2009). The result is a continuing struggle by the international community to try and legitimise President Karzai's government. The failure so far to do so remains a major obstacle to achieving peace and stability.

Peace agreements and political settlements cannot be imposed by external actors and need to be driven by internal dynamics. If there is no political will at country level, a legitimate and lasting political settlement is unlikely to emerge. In the Israel/Palestine conflict, the roadmap developed under the Bush administration did not have buy-in or real commitment from the Israeli government, despite rhetoric to the contrary. Rather than the two parties simultaneously carrying out their obligations, the Israeli government sought a sequential approach based on reciprocity. This allowed the Israelis to pull

back whenever there was an infringement from the Palestinian side. In practice, the parties never reached the first stage of the roadmap and the process continues to stall, despite greater commitment from the US under the Obama administration (Kieran Prendergast, Meeting 5).

But there is not necessarily a clear dichotomy between international and national actors. Many national actors are dependent on economic and political support from external players, and these nexuses can provide important leverage in fostering a peace process. External players must be coordinated in order to avoid the possibility of ‘forum shopping’. Regional players can be particularly important in this regard, and their interest in supporting a political settlement will be fundamental in fostering stability. Failure to engage Iran and Russia from the outset in Afghanistan, for example, has had a negative impact on NATO’s ability to defeat the Taliban. Iran’s involvement in Iraq is seen as a source of instability, yet there has been reluctance to include Iran in the political process. The DRC’s neighbours have been a significant source of instability in the country, yet the donor community’s reluctance to criticise Rwanda and Uganda, out of a desire to present them as successful models of doing development, have hindered peace prospects in the country (Marriage, 2006).

There are two key incentives for conflicting parties to sign a peace agreement: the recognition that outright victory through military means is unlikely and an understanding that negotiation offers a suitable alternative to achieve their objectives (Nicholas Haysom, Meeting 5). Therefore, peace processes have to be inclusive of the interests of different parties – everyone needs to feel like a winner – but at the same time need to recognise that in some cases the only option may be to minimise or manage a problem rather than resolve it. This realism should also be evident in rhetoric so as not to raise expectations, which could then damage the terms of the agreement. For example, Kofi Annan’s suggestion that the international community intervene militarily in Darfur was counterproductive. He sought to emphasise the international commitment to respond to mass human rights violations, but this was unrealistic in that no country or group of countries was willing to intervene, and it had the effect of emboldening the rebels and reducing their incentives to compromise (Kieran Prendergast, Meeting 5).

Achieving a peace agreement does not represent the arrival of peace or a lasting political settlement: the relationship between conflict and post-conflict and between formal agreements and informal power brokering is much more complex. In fact, over 50% of peace agreements fail within the first five years, with a consequent return to conflict. This emphasises the importance of ensuring continuous engagement and follow-up after agreements have been reached (Nicholas Haysom and Kieran Prendergast, Meeting 5). The failure to do so was evident with the CPA in Sudan, with most international actors assuming that the job had been completed once there was an agreement. The result has been a deteriorating situation in Sudan, with the international community only recently realising the possibility of a return to war.

This also requires clarity on the who, when and how of implementing peace agreements. Agreements need to be realistic and financially viable, and institutions need to be capable of the tasks expected of them and adequately resourced (financially and in terms of staffing). These costs and the required implementation capacity are often underestimated or not catered for, as in the DRC, where revenue distributions to develop regional institutions have not been upheld.

Implementation also requires mechanisms that can manage divisive issues. An example is the Abyei Boundary Commission (ABC), which was built into the Abyei Protocol of the CPA to overcome the impasse on the determination of the boundaries of Abyei during the negotiations and to defer the solution to a group of experts following further research and analysis on the ground. The 2008 roadmap

then envisaged referral of the dispute to the Permanent Court of Arbitration in The Hague to overcome the impasse reached by the parties over the deliberations of the ABC.

It is fundamental to ensure that women are included in peace processes and their concerns addressed. As emphasised in UN Security Council Resolution 1325, violent conflicts have specific impacts on women and girls, and their roles in these contexts, whether as victims, perpetrators or peace builders, should be accounted for. This can be difficult to implement where there is considerable opposition to the inclusion of women at the negotiating table. In such cases, more pressure needs to be exerted to ensure their participation. A positive example is the case of South Africa, where negotiating parties had to have equal gender representation among their negotiators.

Another important issue is the need to avoid ambiguity in peace agreements, especially on critical issues such as the conditions of a ceasefire or the disarmament and demobilisation of ex-combatants (Nicholas Haysom, Meeting 5). The agreement must also be clear on the need to end military operations before a negotiation process gets underway. Continuing violence can derail the process and make it hostage to the fortunes or misfortunes of the parties' military strategies. The inverse is also true, as a ceasefire is unsustainable without an accompanying political process. This was the case in Sri Lanka, where the international community focused on providing humanitarian and development assistance, based on the assumption that development could provide peace, but failed to engage the parties effectively in a political process, which undermined the fragile ceasefire (Goodhand, forthcoming).

Peace agreements that are sustainable need to be part of strategic process of harnessing a legitimate and inclusive political settlement that is able to peacefully manage and resolve grievances within society. Achieving this requires an understanding of the nature of the existing and often contested political settlement, including the key issues at stake, different groups' underlying interests, the spoilers, the peacemakers, those interested in maintaining the status quo and current mechanisms for governing the distribution of power and resources. This once again emphasises the need to understand the context for what it actually is rather than what we would like it to be. It also means that definitions of 'legitimate' and 'inclusive' political settlements will vary according to context. Moreover, external actors should be wary of preconceived ideas of what inclusive or legitimate political settlements should look like. Building settlements and institutions that reflect the historical trajectories of other states are unlikely to last or lead to desired outcomes. Instead, settlements need to be determined by endogenous actors and processes, with support from external actors to ensure that a range of stakeholders participate in and legitimate the outcome.

For example, it is important to understand the nature of patronage in many large and fragmented 'fragile states', such as Sudan, Afghanistan and the DRC (Alex de Waal, Meeting 5). Patronage is often understood by donor governments as corruption, and therefore as something that needs to be eliminated in the process of state and peace building. Yet, in practice, patronage can represent a dominant form of governance, albeit one that can be highly predatory and discriminatory. Failure to understand the role of patronage can lead to interventions that actually undermine peace prospects. In Darfur, international engagement and pressure on the government of Sudan actually increased the price of the loyalty of Darfuri rebels, creating stalemate in the peace negotiations in Abuja.

The challenge for the international community is to ensure that its engagement does not distort the 'political marketplace' in a way that reduces the incentives for peace. This may involve reducing the level of engagement – a lighter footprint approach – or supporting reform within existing governance systems, even if they do not present Western models of governance. For example, it may be possible

for political settlements to be reached within the patronage system; in such cases, the international community could support the design of a constitutional system based on the vernacular definition of democracy in much of sub-Saharan Africa (Alex de Waal, Meeting 5). This is based on the idea that everyone is represented and that elections are not just for the Legislature but also for the powers of the Executive and the distribution of resources. This can help stabilise the country and distinguish between legitimate forms of patronage and illegitimate corruption. The alternative, of describing all institutions that do not confirm to Western models of statehood as illegitimate is untenable and would require a complete change in the country's political culture and system.

### **Do democratic elections help secure lasting political settlements?**

The international community has often promoted democratic elections in order to foster domestic legitimacy and sustainable political settlements between state and society. Elections have been organised in Iraq, Afghanistan and the DRC, and are scheduled to take place in Sudan in 2010. Yet, these processes have often been marred by allegations of fraud, corruption and increasing violence. This raises a question as to whether elections provide stability or are in fact a destabilising factor.

Paul Collier (2009) argues that competitive multiparty electoral contests are likely to lead to a return to conflict. He says that contestants often lack legitimacy and a domestic social base and are therefore driven to extremes, such as fraud and the use of violence, to ensure that they gain or maintain access to power. Furthermore, the importance of ethnic identification in many fragile state societies means that voting can be based on ethnic loyalty, reducing incentives to provide good governance. In addition, elections are often seen as a means for Western governments to gain domestic legitimate support for their interventions in fragile states. In Afghanistan, for example, the timing of elections in 2009 was heavily criticised on the basis that they were about promoting acceptance of NATO's endeavours rather than stabilising in the country.

However, it might be argued that the problem is not elections per se but rather the way that the prize of winning the elections is distributed (Nicholas Haysom, Meeting 5). In heterogeneous societies with deep ethnic, linguistic and religious fault lines, multiparty democracy ultimately promotes political contests based on group belonging rather than interest-based politics. The aim of this is to capture the state with an ethnic constituency, creating permanent majorities and permanent minorities and disincentivising broader governance and inclusive social contracts. Thus, the challenge is not to do away with elections but rather to redefine the prize so that the elections integrate rather than disaggregate and as a result promote stability and more accountable and inclusive forms of governance. For example, in Nigeria evidence of multiethnic support must accompany victory in an electoral contest and in other contexts governments of national unity are a means to include the opposition by providing access to the Executive.

Thomas Carothers (2007) advocates a gradualist approach to elections in post-conflict contexts. This recognises the potentially destabilising impacts of 'premature elections' and may advocate moving more slowly towards elections (rather than calling for an indefinite delay in holding them). Elections may be delayed for several years to allow for negotiations between competing political groups and to socialise them within the norms of peaceful competition. Moreover, viewing elections as part of a system rather than as one-off events, and tailoring support accordingly, can help ensure a more realistic, and gradual, approach to building accountability.

### 3.3 State and institution building: the long-term challenge

Building legitimate and inclusive states is central to achieving sustainable peace and stability. It is at the heart of forging a resilient political settlement, creating an environment for recovery and development, ensuring disputes and grievances are managed non-violently and implementing transitional justice processes. Effective peace building is often intertwined with state building, and this is gaining consensus among development and security actors – it is a key principle for the OECD, and in US and UK defence thinking it has become a central component of counterinsurgency and stabilisation doctrine (DoD, 2009; MoD 2009). It is also increasingly recognised in development policy circles, as seen in a recent UK Department for International Development paper (DFID, 2009c).

It is important to recognise the role of the state, both in peace building and in longer-term development, as a welcome corrective of the 1980s backlash against the state (Alina Rocha Menocal, Meeting 7). Donors' traditional focus on support to civil society as the key channel to build more accountable and transparent states has led to some positive outcomes, though it arguably had limited impact. This is in part because it has failed to recognise that civil society – far from being a neutral actor in society–state relations – is not always the most influential channel for reform processes (Rocha Menocal and Sharma, 2008).

But state building is difficult, messy and ultimately led by endogenous factors. It is dangerous to view the state as a panacea to all peace-related challenges: there is a need to understand the state as both a potential solution and a problem (Charles Call and Alina Rocha Menocal, Meeting 7). This is because the state is not neutral but instead emerges as a result of elite bargains and power struggles, creating an inherent logic of competition. In Afghanistan, the state's lack of legitimacy and accountability is a major cause of instability. In Guatemala, despite a successful end to the civil war, the emerging political settlement has not catered for the interests and needs of the majority and has in fact been partly captured by organised crime. In fragile contexts, there is also a risk of overestimating the capacity of the state to deliver basic services and security for its citizens (Sara Pantuliano, Meeting 1).

This brings home the highly political nature of state and institution building and the need for development donors and others to recognise the challenges this poses. The OECD DAC (2007), for example, lists various state building actions to tackle fragility: 'ensuring security and justice; mobilizing revenue; establishing an enabling environment for basic service delivery, strong economic performance and employment generation'. These in turn are thought to 'strengthen citizens' confidence, trust and engagement with state institutions'. The language assumes that all these things are necessarily compatible and mutually reinforcing, but enhancing the state's legitimacy, improving security and strengthening institutional capacity all represent different elements of state fragility, which contain specific challenges that can often contradict each other (Charles Call, Meeting 7).

The challenge for donors is to navigate this terrain and shape these processes so as to support a political settlement that can be inclusive and support prospects for peace. Yet, donors need to bear in mind that efforts to build peace can also undermine state building processes. For example, the need to appease spoilers can strengthen repressive rulers and undermine legitimacy by maintaining the status quo. Equally, power sharing agreements can undermine the effectiveness and capacity of state institutions (Rocha Menocal, 2009). Donors need to recognise and manage these tensions and also be more humble in terms of objectives, admitting that minimising problems may be the only feasible option in some cases.

A considerable body of literature exists on building accountable and legitimate institutions. Two important lessons relate to establishing security and enhancing state legitimacy (Charles Call, Meeting 7). Importantly, achieving the first does not necessarily mean deploying international troops, and needs to be internally driven. Furthermore, security is not sufficient on its own and can only provide the space for other processes to take root. This includes enhancing state legitimacy, often thought of as emerging through elections and democracy promotion, or through the provision of development assistance. Yet, lessons from Haiti and Liberia, where peacekeepers had to be reintroduced after elections and considerable investment in development programmes, indicate that stability is more contingent on tackling the exclusionary nature of the political settlement.

Legitimacy will require that the state building process is nationally owned and implemented. The role for international organisations is to ensure a level of transparency and accountability. In Haiti, this was a significant shortfall. Neither the international community nor the population had access to government categories of expenditure, which undermined attempts to enhance accountability and legitimacy (Charles Call, Meeting 7). Enhancing state–society relations is central to this, and requires donors to pay more attention to the overall ‘accountability system’ of a country, not just individual actors such as NGOs or parliaments, as is conventionally the case (Hudson/GOVNET, 2009).

Broadening out to focus on the overall system for accountability also requires better understanding of the key political actors in any given context. Political parties are important but often bypassed actors in state building. They can play central roles in well-functioning democracies, aggregating and representing citizens’ interests, formulating policy agendas that respond to concerns and acting as crucial interlocutors between citizens and the state. But in many fragile contexts political parties are weak and disconnected from citizens and the policy process.

State building processes have been undermined by a lack of resources and political will to effectively carry out the task. This lack of will can stem from donors that shy away from the long-term and political nature of state building, compounded by a common lack of adequate personnel (and high turnover) in donor agencies to deal with building state institutions. There have been efforts to create intra-governmental bodies for greater coherence and lesson sharing, but these have failed to create a culture of coherence among different departments. There is still a tendency to work in silos, despite the rhetoric of coordination (Charles Call, Meeting 7).

Lack of will can also stem from governments, particularly if there is a weak or no political settlement, where underlying interests against creating a transparent and accountable state exist and where the state does not have a monopoly over the use of force within its borders. In the DRC, clientelist politics, weak governance and undisciplined security forces have had huge consequences for efforts to build a state that protects and does not prey on its citizens. Despite agreements to the contrary, National Congress for the Defence of the People (NCDP) rebels continue to create parallel administrations and tax structures in areas they control and Democratic Forces for the Liberation of Rwanda (FDLR) rebels continue to benefit from support from certain senior members of the Congolese army.

Many speakers emphasised the long-term nature of these processes and the need to reduce expectations that states and societies can be transformed in short timeframes, especially under weak political settlements. For example, the transition from military to civilian rule in Portugal took a decade, even though the country already had a relatively high level of institutional development. Donors need to ensure that they plan along these long-term timeframes; this is also critical to managing societies’ expectations, which can in turn enhance legitimacy. These processes are also driven by internal dynamics. External actors need to be aware that they have a limited role in fostering political

settlements and building states, and that they cannot be imposed. They need to adopt strategies that support peaceful local/internal state building processes, which can enhance local ownership and create entry points for donor engagement. This is the case in Somaliland, where donors have strengthened internal state building processes by supporting institutions and indigenous democratic processes designed around kinship and clan structures (Othieno, 2008).

Regional dimensions also need to be incorporated into strategies for building accountable and legitimate institutions. In Colombia, although the government has succeeded in reducing levels of violence through a combination of military action and an aid strategy, violence has in fact increased in border areas and across into neighbouring countries. This shows the interrelated nature of social, political and economic processes across and within polities and the shortcomings in trying to influence them independently. Developing and strengthening the role of regional institutions is essential to supporting state building processes and tackling fragility.

The transnational aspect of these processes also requires engagement with non-OECD countries. There have been significant efforts to achieve coherence among like-minded governments, but more needs to be done. This can provide the basis for generating consensus on modes of operations and objectives, and is particularly important as non-OECD countries are often important players in the countries of engagement and can have significant influence in peace and state building processes.

A key conclusion is that state building is a highly political process, and not something that can succeed with a focus on just development interventions. These interventions need to be combined with a political strategy, involving diplomats, to ensure that the politics of engagement are underway and enhance opportunities for development. As has been highlighted consistently, the importance of political settlements for tackling fragility and supporting transitional processes to peace cannot be underestimated, and needs to be at the heart of international engagement and support.

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## Annex 1: List of Meetings and Speakers

### 1. Fragile states: the new paradigm? Understanding state fragility in the 21st century

**1<sup>st</sup> July 2009**

**Chair:** Alison Evans, Director, ODI

**Speaker:** James Putzel, Director of the Crisis States Research Centre, LSE

**Discussants:** Mark Robinson, Head of Profession for Government and Conflict, DFID  
Sara Pantuliano, Programme Leader, ODI

### 2. Security, development and stabilisation: promoting peaceful transitions through international engagement

**17<sup>th</sup> September 2009**

**Chair:** Robin Niblett, Director of Chatham House

**Speaker:** Donald Steinberg, Deputy President, ICG

**Discussants:** Prof Julian Lindley-French, Netherlands Defence Academy  
Rory Keane, OECD

### 3. Securing the peace: peacekeeping and civilian protection

**30<sup>th</sup> September 2009**

**Chair:** James Darcy, Research Fellow, ODI

**Speakers:** Francesc Vendrell, CMG, former EU Special Representative and UN SRSG for Afghanistan

Gen. Jan Erik Wilhelmsen, former Chairman and Chief Arms Monitor of UNMIN

**Discussant:** Chris Johnson, former Head of UNMIS in Abyei, Sudan

### 4. Peace versus justice? Understanding transitional justice in fragile states

**9<sup>th</sup> October 2009**

**Chair:** Pilar Domingo, Research Fellow, ODI

**Speakers:** Nick Grono, Deputy President, ICG

Janet Love, Director, The Legal Resources Centre. South Africa

**Discussant** Richard Dowden, Director, Royal African Society

## 5. Shaky foundations? Political settlements, peace agreements and the road to stability

**20<sup>th</sup> October 2009**

**Chair:** Sara Pantuliano, Programme Leader, ODI

**Speakers:** Kieran Prendergast, British diplomat and a former Under-Secretary-General for Political Affairs at the United Nations

Nicholas Haysom, Director of Political Affairs in Office of the Secretary General

**Discussant:** Alex de Waal, Programme Director at the SSRC

## 6. Early recovery from conflict: the challenges of integrating humanitarian and development frameworks

**5<sup>th</sup> November 2009**

**Chair:** Sara Pantuliano, Programme Leader, ODI

**Speakers:** H.E Luka Biong Deng, Minister in the Office of the President, Government of Southern Sudan

Ameera Haq, Deputy SRSG, UNMIS

**Discussant:** Koen Davidse, Sudan Envoy, Ministry of Foreign Affairs, Netherlands

## 7. Towards a responsible state: building legitimate and accountable institutions

**12<sup>th</sup> November 2009**

**Chair:** Marta Foresti, Programme Leader, ODI

**Speakers:** Sarah Cliffe, Co-Director of the World Development Report 2011, World .Bank

Charles Call, Jennings Randolph, Senior Fellow, Unites States Institute of Peace

**Discussant:** Alina Rocha Menocal, Research Fellow, ODI

All meetings summaries, audios and video of the presentations can be found on the ODI website:

<http://www.odi.org.uk/events/details.asp?id=2028&title=development-security-transitions-fragile-states>