Service Delivery and Non-State Actors
Lessons for Engagement in Fragile and Conflict-Affected Settings

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Folke Bernadotte Academy
Swedish agency for peace, security and development

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One United Nations Plaza, NEW YORK, NY 10017, USA.

Acronyms

CBO	Community Based Organisation
CDM	Civil Disobedience Movement (Myanmar)
CDR	Community Dispute Resolution
CRPH	Committee Representing the Pyidaungsu Hluttaw (Myanmar)
CSO	Civil Society Organisation
CPPRI	Conflict Prevention, Peacebuilding and Responsive Institutions
CSWG	Community Security and Social Cohesion Working Groups
DFID	Department for International Development (UK)
EAO	Ethnic Armed Group
FBA	Folke Bernadotte Academy (Sweden)
FCAS	Fragile and Conflict-Affected Settings
FCDO	Foreign, Commonwealth and Development Office (UK)
IDP	Internally Displaced Person
NGO	Non-Government Organisation
NSAs	Non-State Actors
NSAGs	Non-State Armed Groups
NUG	National Unity Government (Myanmar)
OECD-DAC	Organisation for Economic Co-operation and Development's Development Assistance Committee
RBG	Rights-Based Governance
SAC	State Administration Council (Myanmar)
SDC	Swiss Agency for Development and Cooperation
SIDA	Swedish International Development Agency
SLRC	Sustainable Livelihoods Research Consortium
T4P	Trade for Peace
UNDP	United Nations Development Programme
WPS	Women, Peace and Security

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The core team preparing the report included Edward Laws, Research Fellow at the Overseas Development Institute, and Deval Desai, Reader at the University of Edinburgh. They prepared the report under the guidance of Karin Carlesten and Cecilia Sternemo at FBA, and Amita Gill and Naysan Adlparvar at UNDP. Additional contributions to the report were made by Mila Ceban and Kristina Simion at FBA, and Celine Menzel at UNDP.

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Preface

Given rising levels of fragility and pervasive violence, it is projected that by 2030, 80% of the world's poorest will reside in fragile and conflict-affected settings (FCAS). Correspondingly, UNDP is increasingly targeting its programming in such contexts. This poses a growing – albeit not new – challenge to UNDP's operations.

In many FCAS state authorities exhibit poor governance, fail to maintain full territorial control, cannot provide widespread security and the rule of law, and struggle to deliver basic services or provide an enabling economic environment. Ultimately, they are not viewed as fully legitimate by some sections of the local population. In more extreme cases, the social contract has broken down and the state is responsible for gross human rights violations. Contributing to this decline, and driven by it, is the growing presence of non-state actors (NSAs); be they non-state armed groups (NSAGs) taking over territory, customary, political or religious leaders exerting influence, criminal organisations disrupting and controlling cross-border trade, or ethnically aligned civil society organisations providing support to particular social groups. As a result, this has led to recognition of not only the growing influence of NSAs, but also the importance of "hybrid governance" systems. Or, in other words, a system of both state and non-state actors, that operate in interconnected ways to shape the nature of governance for local populations. As such, exploration of hybrid governance systems is often approached from a people-centred perspective.

Overall, these dynamics translate into an increasing role for NSA in the nature and delivery of UNDP's support to governance, rule of law, and conflict prevention activities. This is true for most programming delivered by UNDP, and other international organisations, across the humanitarian, development and peacebuilding fields.

To better understand the growing role of NSAs in governance, conflict prevention, security and rule of law programming UNDP's Crisis Bureau – namely the Conflict Prevention, Peacebuilding and Responsive Institutions (CPPRI) team and the Rule of Law, Security and Human Rights (RoLSHR) team – jointly commissioned a series of research processes with the goal of documenting learning to inform UNDP's policy and programming in FCAS.

- *Service Delivery and Non-State Actors: Lessons from Engagement in Fragile and Conflict-Affected Settings* – prepared in partnership with Sweden's Folke Bernadotte Academy. This report analyses cases of international engagement with NSAs engaged in service delivery in FCAS to distil lessons, whilst also identifying tensions and trade-offs.
- *Engaging with Hybrid Security: Analysis, Operations, and Risks* – prepared in partnership with Sweden's Folke Bernadotte Academy. This discussion paper examines lessons for engaging in hybrid security governance systems, in FCAS, from a people-centered perspective.
- *Engaging Non-State Armed Groups for Peacebuilding and Development: Challenges, Opportunities and Best Practices* – prepared in partnership with the Berghof Foundation. This policy note explores engagement specifically with NSAGs in FCAS, documenting models of engagement and the challenges, benefits and best practices of doing so.

Executive summary

This report looks at international actors' engagement with non-state actors (NSAs) that are providing services in fragile and conflict affected settings (FCAS). It focuses on the political and normative implications of different forms of engagement, including for Rights-Based Governance, drawing on case studies from Ukraine, Myanmar, the Liptako Gourma region in central Sahel, and Syria.The report also explores lessons on identifying partners and managing engagement, along with enabling factors and trade-offs when doing so.

Introduction and Section 2

- Service delivery can be understood as a form of political relationship which has the goal of strengthening trust amongst citizens in the responsible use of power.
- In this definition, the actor wielding power is not specified – they may be state or non-state. The emphasis is on the use of power, rather than the identity of the actor(s) in whom it may be invested. This also means that there is no predetermined set of political relationships that do or do not foster trust: even non-state actors opposed to the state might foster trust in the responsible use of power within a particular context.
- Delivering services in ways that align with procedural elements of rights-based governance (e.g., participation, accountability) can support a robust social contract between state and society, even if the provision of those services involves non-state actors (who may have a range of different postures towards the state). Donor engagement with service-providing NSAs can also be used to support trust in power and authority beyond the state (although modalities may vary), which may be an important objective if the political settlement has broken down.
- However, depending on the context, the type of NSA being engaged, and the types of service in question, these advantages may also be associated with trade-offs, including in terms of realising more substantive elements of rights-based governance (RBG) such as non-discrimination.

Section 3

- Donors confront these trade-offs on a case-by-case basis as they decide whether and how to engage with different NSAs.
- To decide whether to engage, our case studies point to the importance for international partners of identifying 'good enough' governance standards or 'inclusive enough' structures amongst potential non-state partners. This threshold varies across our cases, as project teams draw on formal and informal sources of information to inform a counter-factual assessment: e.g., 'what would be the likely implications of not engaging with this NSA in this context and would that probably be worse for rights-based governance or other goals than if we do engage?'.
- To shape decisions on how to engage, donors need to grasp key features of the political and economic context, including the type or level of conflict, the political characteristics of the service in question, and the patterns of elite rent seeking and accumulation with which its provision may be associated.
- However, there are a number of analytical and operational challenges in understanding these structures and dynamics, including opacity regarding the structure of rent-seeking associated with different areas of service provision; unclear boundaries between NSAs and state actors; and difficulties with reliable data collection in FCAS. These challenges underscore the value of incremental, flexible and adaptive ways of programming and partnering.

Section 4

- Flexibility (in reporting, financial disbursement, programme delivery, results management etc.) is a key enabling factor for the sort of effective engagement with NSAs described in Section 2.
  It underpins adaptive programming and is also crucial for enabling demand-driven partnerships with NSAs. An observation that was consistent across our cases is that donors work most effectively with NSAs when they respond to the self-identified needs and capacities of those actors – while noting that this often occurs within normative and political considerations that inhere within donor organisations and mandates.
- However, the flexibility and patience which both adaptive and demand-driven approaches call for, may not always be easy to reconcile with the pressures on international actors to disburse funds and deliver results in short timeframes, or their requirements around reporting and due diligence.
- These pressures can also be hard to square with the need for careful coordination and communication amongst international development partners as they structure their support to NSAs. For a number of reasons, this coordination is important. Perhaps most significantly for proponents of RBG, international actors risk undermining their credibility to advocate for NSAs to adopt rights-based principles if they fail to demonstrate principles such as transparency and accountability in their interactions with one another.

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Introduction

Key points

- There is strong evidence that the way service users are treated matters more for shaping how citizens view the legitimacy of authority structures, than the identity of the agent providing those services.
- Therefore, instead of focusing on whether the provider of a given service is a state or non-state actor, it may be more useful for donors to focus on the kinds of political relationships that are supported or undermined through different ways that services can be provided.
- Building on this, we suggest service delivery should be understood as an effort to create relationships of trust, between providers and receivers, in which power will be exercised in a responsible fashion.
- With this framing in mind, donors should consider how supporting trust in the responsible exercise of power (including through NSA service provision) can either undermine or support rights-based principles, and a robust social contract. The remaining sections of the report explore the implications of this framing through a series of case studies.

Background and rationale

This report looks at international actors' engagement with a range of non-state actors (NSAs) that are providing services[1] in fragile and conflict affected settings (FCAS)[2]. We focus on the political and normative implications of different forms of engagement, offering an analytic framework to help donors[3] think through their engagement with NSAs in this particular governance subsector (service delivery) and context (FCAS).

Donor engagement with NSAs is often a practical response where state actors have limited or no capabilities with respect to service provision, or choose not to develop or exercise existing capabilities. It is well-recognised, and reiterated in recent policy and programming literature, that formal institutional capacities are, in FCAS, often severely reduced, while the needs of citizens increase (Batley & Mcloughlin; 2010; UNDP 2016; UNDP 2022). As a result, communities tend to draw on alternative, non-state channels to provide services. For example, according to UNDP colleagues working in the Sahel (focused particularly on Mali, and the Liptako-Gourma border regions), engaging with non-state service delivery mechanisms in borderland communities reflects the day-to-day realities of local communities, in which customary institutions, occupational groups, cooperative societies, youth groups and civil society organisations are the major providers of services including healthcare, justice, security, and education (UNDP 2022).

Donors, mindful of these realities, have in recent years embraced increasingly ambitious roles for NSAs in development, peacebuilding, and humanitarian processes in FCAS. Non-state partners have particularly aided donors in expanding the geographic and/or social coverage of their programming, reaching areas where services are limited or not available, and servicing populations for whom access through official

1 As we discuss below, we aim to reorient an understanding of services away from a list of enumerated goods or functions. To the extent that the latter are relevant, it is in a broad sense, including basic services, security, justice, and the fostering of an enabling environment for economic development.

2 An effort was made to identify and analyse a range of NSAs that demonstrate different forms and functions, and are delivering different kinds of services in different fragile contexts (Table 1). However, for reasons of time and resources, this report does not provide an exhaustive overview of service-providing NSAs.

3 In this report we use the term 'donor' interchangeably with 'international actor' and 'international partner'. We are principally concerned with UNDP, FBA, and similar OECD-DAC bilateral and multilateral organisations and agencies.

means is difficult or may create risks. Engaging with NSAs can also provide a valuable window into political, social and economic dynamics on the ground, which, for various reasons, donors might otherwise struggle to understand through formal analytical processes. Naturally, this function is particularly important in contexts where the availability of more conventional feedback mechanisms is limited - for example, where donors cannot take the national temperature through observing a democratic election, or where there are conflict-related restrictions in their ability to consult widely in the country.

There is, amongst donors, a growing awareness of the role of NSAs in delivering basic services in settings that are characterised by hybrid governance structures or limited statehood (WHO 2018; IDLO 2019; UNDP 2022). However, the political and normative implications, tensions and trade-offs, that may be associated with engaging with different types of NSAs, are less clearly evidenced. NSAs manifest a range of forms, developmental functions, and politics, and as such engaging with them can introduce significant complexity into governance work. In this report, we are particularly interested in exploring whether and how donor engagement with service-providing NSAs complements or undermines donor objectives to support rights-based governance (RBG),[4] and how these efforts align with objectives to support a resilient social contract[5]. This includes looking at operational processes and tools that may enable donors to manage successfully some of the risks associated with this engagement.

Approach and methods

To do this, we draw on case studies of donor engagement with different kinds of NSAs providing different services in four countries: Ukraine, Myanmar, the Sahel (focused on Mali, and the Liptako-Gourma border regions), and Syria (focused on government-controlled areas). We selected these to allow for comparison of different political contexts, programming objectives, and types of NSAs (Table 1), as well as more practical considerations such as team availability and access. In addition to (and partly as a consequence of) fragility and conflict[6], the countries in this sample have experienced a range of political and governance challenges related to service provision, including dysfunctional national-local governance arrangements, limited accountability, transparency and anti-corruption efforts, and challenges to political participation, human rights and issues of inclusion and equality.

We proceed inductively, using specific donor and partner experiences in these countries to draw out broader lessons for international actors. We draw principally on examples from the United Nations Development Programme (UNDP) and the Folke Bernadotte Academy (FBA), but we also discuss engagement and associated lessons from other donors where relevant.[7] Our findings are based primarily on remote (i.e., virtual) semi-structured key informant interviews with donor programme managers and project leads, implementing partners, and advisors. Our ability to speak directly to the NSAs involved in our programme cases was limited by access, time and project resources. However, efforts were made to include relevant insights and experiences by surveying project literature and speaking to intermediary partners in a number of cases.

4 Rights-based governance can be interpreted as the integration of human rights and rule of law principles and standards in governance programming, with a particular focus on principles of participation, legality, accountability, non-discrimination, empowerment, and transparency. Taking forward a rights-based approach in its work with governance programming is a key priority for UNDP, FBA, and other international partners.

5 We follow UNDP (2016: 9) in defining a social contract as a shared, dynamic agreement between state and society on their mutual roles and responsibilities.

6 Fragility is a contested concept. While it lacks a universally agreed definition, it is often understood as a combination of citizen and societal exposure to risks, and insufficient capacity of the state or community to manage or mitigate those risks (OECD, 2016; 2020; World Bank, 2020). Risks can be understood in terms of organised, armed, and/or politically motivated violence; and/or risks related to broader social, economic, or environmental factors. Fragility tends to be understood as complex and multidimensional, with causes and implications that cut across a range of factors (OECD, 2008).

7 Due to security and related considerations some examples and observations are anonymised.

We use a broad understanding of "engagement", which we take to mean a carefully considered approach to interaction – whether policy or operational. Engagement, in our understanding, is not necessarily equivalent to cooperation, recognition or legitimation, of an NSA's objectives or methods - although this may be the case, either implicitly or explicitly, in some examples. Similarly, we use a broad definition of 'non-state actor', excluding only those actors that primarily draw legitimacy and authority from their formally recognised role(s) within statutory, Parliamentary, and/or government systems.[8] For the purposes of this report, we also exclude formal private sector enterprises, as well as humanitarian actors. Finally, in order to generate findings with wide relevance, we are interested in a broad range of services. The services which NSAs in our case sample are delivering are detailed in Table 1, and range from social and essential services such as health, education, justice, and security, through to fostering an enabling environment for economic development, and more technical legal, constitutional and administrative services.

Report structure

In the remainder of this section, we define terms and introduce the context for our case studies. Then, in section 2, we focus on the analytical and political challenges of engaging NSAs in service delivery, as we define the latter. We look at different political and normative implications of donor engagement with service providing NSAs in our case sample, focusing on whether and how this engagement strengthens trust in the exercise of power amongst citizens. We also introduce a range of associated trade-offs and tensions, including from the perspective of promoting rights-based governance, and supporting resilient social contracts. In section 3, we discuss operational challenges featured in our case sample. We focus on processes and criteria that shape donor decisions on whether to engage, and then at strategies and tools shaping how to engage. Finally, section 4 looks at some of the organisational principles and processes that may support successful donor engagement.

Before proceeding to our empirical discussion, the remainder of this section outlines some conceptual observations on the nature of service delivery and the kinds of political relationships which it can support. This will help establish an analytical framework for understanding the potential implications of donor engagement with non-state service provision, from the perspective of rights-based governance, which we explore in subsequent sections.

Service delivery, legitimacy, and the responsible exercise of power

Much of the scholarly, policy and practitioner literature analyses service delivery in terms of whether and how actors provide a series of goods (e.g., health, education); or about the efficacy of specific institutional arrangements in delivering those goods. It remains one degree removed from a core issue: What, exactly, are donors concerned with when they focus on "service delivery" by NSAs in FCAS? What sort of political relationships are embedded in the phrase "service delivery"?

Services are often understood, at the conceptual level, as the product of state-society bargaining (Unsworth, 2010) or of an elusive underlying 'political equilibrium' (or social contract) between elites and different interest groups in society (Walton, 2010). These understandings complement the common emphasis, within some elements of the statebuilding agenda, on services as a route to improved perceptions of government. In particular, the 'capacity deficit' model of the fragile state implies an emphasis on attribution for service provision to the state – the state needs to 'get credit' for the services provided to enjoy improvements in how it is viewed by the population (Nixon and Mallett 2017).

8 In some cases, institutions frequently described as 'non-state' are actually products or remnants of the state, such as local authorities that were created or co-opted by the colonial state to enforce indirect rule. Therefore, it is more accurate to think of the relationship between state and non-state as a sliding scale – and this is particularly true in fragile environments.

However, recent research, based on longitudinal and large-scale cross-country empirical data, suggests a more complex picture of the relationship between legitimacy, service provision, and the identity of the service provider. The Sustainable Livelihoods Research Consortium (SLRC) examined the links between people's experiences with service delivery and their relationships with the state across a range of FCAS. The project found – contrary to dominant narratives – little evidence to support the idea that when services are delivered by non-state providers, state actors lose legitimacy. In fact, the way service users are treated, including whether they are engaged by providers and have access to channels of redress, seems to matter more for shaping how citizens view the legitimacy of authority structures, than the identity of the agent providing those services (Nixon and Mallett, 2017). Even in situations where service-providing NSAs are in open opposition to the state, there is evidence from the SLRC that perceptions of legitimacy are based on people's beliefs about whether power is being exercised responsibly, in addition to more instrumental considerations (i.e., which actor provides the best quality or most consistent services). Whether and how those perceptions spill over to perceptions of the state's responsible exercise of power is a matter of understanding the complex dynamics of the political settlement in which the state and NSAs in question play a part (McCullough 2020).[9]

Based on these findings, we suggest re-framing the politics of service delivery in more fluid and relational terms, in comparison to the more contractual accounts noted above. Rather than focusing on which actors are providing services or the efficacy of specific institutional arrangements in delivering those services, it may be more conceptually useful to consider, first, the kinds of political relationships that are supported or undermined through service provision. Interrogating the phrase "service delivery" itself provides some initial parameters.

9 It may be that this means that NSAs who are manifestly and enduringly opposed to the state, in such a way that they remove themselves from the political settlement, are excluded from our analysis. The SLRC research does not extend this far; moreover, it is unclear how to reliably identify NSAs who take this position in an enduring fashion, as Perera (2017) notes in an analysis of "violent" political settlements in the Democratic Republic of Congo.

Taking each of these terms in turn:

- **Service**: one party (the provider) holds something of worth that the other (recipient) needs and cannot easily provide to themselves. However, the relationship between them is not one of domination or control. A "service" might describe a relationship between the parties in which the provider is obliged to provide the thing to the recipient. The form of that relationship is neither impersonal exchange, nor favour (e.g. patronage), but a recognition of the asymmetry between the two parties, and an ethic of obligation and trust that exploitation will not occur as a result. For shorthand, we describe this as a fiduciary relationship.
- **Delivery**: this exercise of power is not only a fiduciary one, but it is routine, non-antagonistic, and concerned with effectiveness. This would also be in line with ideas about fiduciary obligations: "fiduciaries" are a category of people who follow technical rules and ethical principles in order to build trust with a beneficiary. (Of course, "delivery" is in reality anything but apolitical. But understanding service delivery in these terms might help us see how the politicisation of service delivery has effects on the specific bonds of trust that it is supposed to provide.)
- **Service delivery**: enacting and sustaining the relationship of trust and obligation between provider and recipient (the fiduciary relationship), such that the relationship is or becomes routine and non-antagonistic.

Reframed in this way, we understand service delivery not only as the provision of certain enumerated services, but also a form of political relationship itself – with the goal of producing fiduciary relationships between actors, in which actors trust that power will be exercised in a responsible fashion.

This distinction is analytically valuable at a high level. Take efforts to organise donor programming in FCAS around the restoration of the social contract (e.g., World Bank and UNDP 2010: 6-7). We can distinguish fiduciary relationships from contractual ones: the former foregrounds trust where the latter foregrounds bargains and consent; the former foregrounds non-antagonistic relationships where the latter foregrounds the enduring possibility of political contestation. That is not to say that they are incompatible; rather, we are highlighting the importance for donors of:

- The **analytical** challenge of understanding, from one FCAS to another, where and how trust and political bargains, for example, can mutually reinforce rights; where and how they might be in tension; and which forms of political relationship to prioritise when they are.
- The **political** challenge of whether donor policy should be pulling in a direction of building trust in a specific set of actors (e.g., the "state"), rather than more broadly a culture of trust in power and its responsible use.
- The **operational** challenge of whether NSA engagement presents trade-offs and tensions between building trust and pursuing RBG (or other key donor goals), and how donors should respond.

In the following section we draw on our case studies to begin answering these questions. First, we provide a brief overview of the key donor activities and the types of NSAs which we looked at in each country in our sample, followed by a typology which consolidates and expands on the most relevant information (Table 1).

Case study overview

Ukraine

UNDP

- In 2017, under the UN Recovery and Peacebuilding Programme, UNDP launched a new community mobilisation tool: Community Security and Social Cohesion Working Groups (CSWGs). The use of CSWGs has continued since 2022.
- CSWGs are hybrid state/non-state platforms (often registered as civil society entities) that include representatives of local authorities and self-government bodies, members of the National Police and Civil Protection Agencies, youth groups, NGOs and leaders of initiative groups (including groups most at risk of being marginalised in the community), community service providers, representatives of education, culture, social services, and private sector representatives.
- The objective of supporting CSWGs is to advise on initiatives to improve community security, safety, and social cohesion at local levels, and to assist with the integration of internally displaced people (IDPs) in host communities, and/or facilitate their return.

FBA

- Since 2014, FBA has been working in Ukraine with a range of NSAs to support service provision and other development cooperation activities. These actors include formally registered civil society organisations, sociological or research institutes, and cities associations.
- The focus has been strengthening the capacity of local authorities and municipalities to provide social services in a legally secure manner. Prior to the outbreak of war in 2022, several roadmaps for more transparent service delivery, enhanced access to information, and respect for the rule of law, were drafted with participating municipalities.
- As a result of the conflict and its consequences, FBA has gone on to develop, along with local state and non-state partners, a number of additional service activities. This includes working with local think tanks to provide technical advice to governing bodies on managing the legislative demands of wartime; supporting administrative service centres to provide information to the war-affected population on accessing basic social and administrative services, justice and human rights; and training programmes for local authorities and civil society organisations on conflict management.

Myanmar

- In the aftermath of the coup d'état in 2021 in Myanmar, a number of international partners have been providing assistance directly to communities through CSOs and community-based organisations (CBOs). Assistance has been provided in areas controlled by the State Administration Council (SAC), and to some degree by Ethnic armed organisations (EAOs), although this has proved challenging in areas characterised by ongoing violence.
- Some donors are also considering whether and how to build the capacity of various non-state actors exercising control over parts of Myanmar's territory on broader issues related to RBG and rule of law principles.
- In addition to addressing the most urgent needs on the ground for essential services, the longer-term objective for donors is to contribute to the emergence of stable and responsive democratic institutions in areas controlled by EAOs and in Myanmar more broadly, in line with core principles of RBG.

Liptako Gourma Region/Sahel

UNDP

- From 2021-2022 UNDP delivered a one-year pilot project, Trade for Peace (T4P). This was a sub-regional, cross-border project focused on the Liptako Gourma region in central Sahel, which borders

Burkina Faso, Mali and Niger. The project aimed to strengthen social cohesion by increasing cross-border trade, fostering mutual understanding and dialogue between border communities, and strengthening food security, improving livelihoods, and increasing income opportunities.

- The NSAs engaged as part of this work mainly comprised individuals and representative groups (trade and agricultural associations and women's organisations) engaged in agriculture, pastoralism and small-scale cross-border trade. To support implementation and to lead activities, the project also involved locally-based NGOs in each of the piloted regions. As part of a component of the project that worked on social cohesion, local traditional leaders were also engaged.

FBA

- Since 2017, FBA has worked with UN Women to support the implementation and decentralisation of the Malian National Action Plan on resolution 1325 on women, peace and security (WPS). This involved a six-month training programme for government representatives, focal points in each of the ministries responsible for the 1325 action, and civil society organisations. Women at local levels have also been trained on conflict resolution.
- The objectives of this engagement are to improve the conditions for women's participation in peace and reconciliation processes at different levels in Mali, and to improve the basic knowledge of relevant state actors on the WPS agenda.
- The NSAs involved in this work are mainly CSOs which are formally registered at the national level but with networks outside the capital Bamako, working in collaboration with the Ministry of Women's Promotion, UN Women, and FBA.

Syria (Government-Controlled Regions)

UNDP

- International assistance has been provided through different modalities in areas controlled by the government, opposition, and the Kurdish-led SDF. UN Security Council resolution 2165 authorized cross-border assistance to areas out of government control, as aid delivery through government controlled areas was restricted and fears of uneven distribution abounded.
- State authorities imposed significant restrictions on non-state actors and interntional assistance in areas under its control. Government approval was required for each step of implementation, and was permitted only through government-vetted local partners and in select areas. NSAs generally operate with greater independence in non-government controlled territory.
- In 2019,[10] UNDP Syria initiated the development of a community-based collaborative dispute resolution (CDR) mechanism. In light of Syria's continued destabilisation and reduced capacity for formal service provision, CDR aims to provide an out-of-court mechanism through which disputes may be resolved efficiently.
- UNDP developed this model based on research into local customs and existing modes of Syrian community mediation. The approach developed draws on committees of individuals, nominated by local communities, to help parties resolve interpersonal and intergroup civil disputes.
- Pilots were implemented in three communities, which were selected on criteria including community stability, the degree of support amongst community leaders, and the interest and availability of prospective intermediaries.
- Given concerns of state interference in the delivery of aid in Syria, UNDP took a series of steps to ensure the integrity and credibility of the project. These steps including having (i) the project executed by a vetted international consultant supported by an independently recruited national team; (ii) all planning discussions held outside of Syria, which led to the development of a comprehensive methodology and carefully considered selection criteria; and (iii) no interaction with state authorities for step-by-step approvals and no engagement with government-vetted local partners for project implementation.
- UNDP's objective in supporting CDR is to help resolve critical issues faced by households and wider communities, and to create a more stable environment at the local level.
- The NSAs on which we focus in this example comprise community leaders, and customary and tribal authorities, who are trained to help adjudicate disputes and who act as intermediaries and CDR committee members.

10 The case study of UNDP's CDR mechanism was documented before the collapse of the Assad regime in Syria. However, this case study not only remains relevant due to the continued value and applicability of the learning collected, but also due to UNDP's efforts, at the time of writing (December 2025), to expand and scale up the mechanism across Syria.

Table 1. NSA typology

Source: authors own, drawing on interview data and programme documents

	MYANMAR	UKRAINE	SYRIA	LIPTAKO GOURMA/SAHEL
Main features of fragility	Intra-state conflict. Breakdown of the political settlement with numerous parallel and emerging power centres	Inter-state conflict. Relatively robust distribution of power in Ukraine, in terms of central and local government authorities and their constituents	Active conflict between the Syrian government and rebel groups has mostly subsided, but with occasional violence in the Northwest Highly fragmented settlement with government and non-government controlled areas	Highly volatile region subject to numerous localised and cross-border conflicts. Extremely weak state presence at local levels, particularly in the Liptako-Gourma borderlands, but some regional variation
Forms of NSA	Ethnic armed organisations Civil society organisations Informal community based organisations Groups associated with the National Unity Government (NUG) of Myanmar	Community Security and Social Cohesion Working Groups (CSWGs) Civil society organisations, sociological and research institutes, and cities associations	Community dispute resolution (CDR) committees work on resolving local community disputes that bring together community mediators and intermediaries Tribal leaders and traditional authorities	Civil society organisations Village chiefs and traditional authorities Trade and agricultural associations
Types of services being provided by different NSAs in our cases	Social and essential services including health, education, and justice Security	Access and public information on various administrative services Legal and constitutional analysis and advice to government and local authorities Security	Dispute resolution at family and community level, focused on housing, land and property, and access to water Security	Dispute resolution at community and family level Implementing women, peace and security at local levels Security
Practical functions of NSA service provision from citizen and donor perspective	Liaising between donors and communities Supporting development and peacebuilding work at community level Managing cross-border employment and migration	Clarifying legal and constitutional framework in light of wartime demands Reconstruction and recovery planning IDP and veteran integration	Reducing pressure on the formal legal system. Increasing access to services for communities that are far from courts, and affordability of services for individuals. Diversifying legal services available (reducing monopoly)	Convening community members Increasing cross-border trade Strengthening food security, improving livelihoods, and increasing income opportunities
Relationship between NSA service provision and state power	Substituting for the state in light of the breakdown of formal authority	Supporting the state at a time of crisis and limited formal capacity	Supporting local communities at a time of crisis and limited formal capacity	Extending the reach of the state into areas of limited state presence
Additional political motivations for donor engagement with service-providing NSAs	Supporting capacity building in the area of democratic rights-based governance and the rule of law principles Creating governance models that can be replicated across other emerging administrative areas Support a return to democratic government and the rule of law.	Building horizontal and vertical cohesion Building the capacity of NSAs to engage with the state, and perform a challenge function	Inter and intracommunal reconciliation Building trust within and between communities	Supporting the functioning of decentralised governance structures (Mali)

Political and normative implications of NSA engagement

In this section, we look at the different political and normative implications of donor engagement with service-providing NSAs in our case sample. We focus on whether and how this engagement strengthens trust in the exercise of power amongst citizens and different kinds of (state or non-state) authorities, and how this trust, in turn, supports or sits in tensions with rights-based governance and the restoration of the social contract.

Key points

- Delivering services in ways that align with procedural elements of rights-based governance (e.g., participation, accountability) can support a robust social contract between state and society, even if the provision of those services involves non-state actors (who may have a range of different postures towards the state).
- Donor engagement with service-providing NSAs can also be used to support trust in power and authority beyond the state (although modalities may vary), which may be an important objective if the political settlement has broken down.
- However, depending on the context, the type of NSA being engaged, and the types of service in question, these advantages may also be associated with trade-offs, including in terms of more substantive elements of RBG such as non-discrimination.

Increasing trust between citizens and the state

In scenarios where the state is still ultimately the duty bearer for providing services but where formal capacity is lacking, donor engagement with hybrid state/non-state arrangements[11] can contribute to strengthening trust in the responsible exercise of power, whilst also building state capacity over the mid-term[12]. In these scenarios, we see that building trust in the responsible use of power through supporting NSA service provision can bolster the social contract between states and societies.

In the UNDP T4P programme in the Sahel, for example, part of the objective of engaging with NSAs (such as civil society and community-based organisations, traditional leaders, religious authorities, etc.) was to promote socio-economic recovery, resilience, and peace dividends in borderland communities, and

11 In line with our definitional discussion above, a corollary of our focus on political relationships is an effort to avoid reifying "state" and "non-state" as categories or identities of actors in analytical frameworks (e.g., Podder 2014). As noted above, this might entail varying degrees of state and/or non-state involvement, and complex and dynamic relationships between them.

12 We note that this can encompass a range of complementary or antagonistic relationships between the variety of actors in question – c.f. n. 9 above

to enhance the presence and visibility of the state. NSAs with strong links to civil society or a historic connection to particular communities or constituencies are often particularly well-placed to support and participate in platforms that bring state and society together, and to help identify potential collaborators or beneficiaries amongst citizen groups. Under T4P, NSAs fulfilled this function partly through identifying project beneficiaries and convening local stakeholders for consultation around service priorities. These actors' knowledge of and access to community assets, such as regional markets where people gather to trade, or water points where herders bring their livestock, were important in identifying entry-points for UNDP programming.

Most interestingly for our purposes, our case studies point to ways in which these arrangements can support procedural elements of RBG, including participation, transparency, and accountability. In Ukraine, for example, both FBA and UNDP have engaged NSAs as part of creating platforms to enable potentially marginalised communities to engage with state representatives for decision-making or planning purposes. UNDP has supported the creation of community security and social cohesion working groups, which bring together state and non-state actors to discuss and agree on service priorities at the local level. An important premise of the theory of change for these groups is that increasing the opportunities for interaction between different parts of the local community, and between local communities and local government, increases the potential for developing trustworthy relationships, and for strengthening the social contract.

Whilst the realisation of these beneficial outcomes depends on a wide range of factors, the UNDP team mentioned particular mechanisms within the groups that help build these relationships, and which support or reflect RBG principles. Introducing a voting process, for example, to legitimise agreements on service priorities and budget allocations, promotes citizen participation whilst creating transparency and accountability for how such decisions are reached. Requiring service providers and local government to report back on issues and activities in the regular meetings of the working groups, is also said to build trust between local authorities and their constituents, and between citizens and service providers. Readers will note these mechanisms align well with the SLRC findings, mentioned above, regarding the importance, for promoting cohesion and trust in authority, of appropriate oversight and opportunities for interaction around service provision.[13]

Improving knowledge about the function of local authorities

In other examples of hybrid arrangements, NSAs can play a role in supporting trust in the responsible exercise of power by improving knowledge amongst citizens about the function of local authorities, and by clarifying mandates and responsibilities for service delivery. Some of FBA's engagements in Ukraine, for example, demonstrate how specific kinds of non-state service provision can bolster citizen trust in authority, along these lines.

Prior to the outbreak of war, FBA engaged local think tanks and research institutes to co-develop, with local authorities, plans which included improving transparency and public information around service delivery. One of FBA's non-state partners in Ukraine, the sociological agency FAMA, provided data to local governments on public needs and expectations around service provision. According to project interviewees, this helped clarify what was feasible for local governments to undertake within their mandates, and what would require changes in legislation or policies at the national level. This apparently enabled local authorities to communicate these parameters more clearly to citizens, which interviewees felt was an important measure to build vertical (i.e., state-society) trust.

Since the outbreak of full-scale war, FBA has developed a number of additional activities with local NSAs, which serve a similar knowledge and communication function, but oriented towards the specific demands of the emergency. Particularly in wartime and other crisis contexts where the state perceives its own existence to be under threat, there are risks that extra-constitutional measures introduced by the state could become institutionalised permanently, in ways that could detract from RBG and the responsible exercise

13 UNDP colleagues said that, as part of scouting future locations in which to establish new CSWGs, they use data from perception surveys to target explicitly areas in which trust between local communities and the state is lower than the national average.

of power. Drawing again from activities in Ukraine, we see NSAs, in the form of independent research institutes supported by FBA and other partners, providing legal services in ways that help mitigate this risk. Most recently, this includes drafting legislative amendments regarding the licensing and banning of opposition political parties, to ensure such decisions are not made by the state in ways that ignore formal constitutional provisions.

This example brings into focus the value, from a rights-based perspective, of engaging with NSAs with specific technical expertise, which state counterparts may be lacking, or disincentivised to deploy. It also points to the role of NSA-provided services in helping ensure a balance between the agility that states need in order to meet the new legislative demands of war, and rights-based principles of transparency, accountability, and legal certainty. Drawing again on our conceptual framing introduced in Section 1, we see NSAs providing services in ways that support trust amongst citizens in the responsible use of power, which in this instance seems complementary to the goal of supporting RBG (and particularly transparency and accountability) and a robust contract between the state and society.

Supplementing state capacity through customary structures

The examples discussed so far demonstrate that engaging NSAs as part of hybrid state-citizen platforms, or in order to deliver specific technical services, can support RBG, and particularly procedural rights around participation, transparency, and accountability. However, depending on the context, the type of NSA being engaged, and the types of service in question, these advantages may be associated with trade-offs, either in terms of other elements of RBG, or other donor objectives. In Syria, for example, we see NSAs involved in informal justice and dispute-resolution in ways that supplement state capacity and support procedural norms of fairness, but which also present challenges in terms of oversight and non-discrimination. These challenges stem partly from the way the NSAs in question draw local legitimacy through cultural or customary practices, as well as features of the broader political context and legal system. Risks linked to the broader political context include the lack of independence for NSAs to operate and GoS utilizing aid for its own gains. Pervasive government control and direction of aid operations seeks to benefit government loyalists and punish disloyal segments of the population. Without a broad assessment of risk, taking into consideration the operational and political challenges, international aid in areas of government control risks legitimizing an abusive system of governance.

In Syria, UNDP engages NSAs, in the form of community leaders and tribal authorities, as part of CDR mechanisms. CDR uses committees of individuals, nominated by local communities to assist with settling a range of civil disputes. According to the UNDP project team, the principal drivers of this engagement are two-fold. From the supply-side, at a time of increasing demands on the formal justice system but weakened institutional capacity, the involvement of NSAs in CDR allows the formal justice institutions time to rebuild by alleviating their case-load burden. From the demand-side, CDR provides citizens with a much quicker and cost-effective way of seeking resolution, in comparison to the formal courts, given these capacity constraints.

In this example, the relevant NSAs (in the form of nominated committee members and intermediaries) draw legitimacy from religious and cultural conventions, and their personal standing in local communities. As such, UNDP's engagement is seen as a way of grounding support to service provision in local customs, traditional forms of leadership, and accepted norms and practices. Project interviewees emphasised that these procedures and standards are widely accepted in many of the communities and by many of the people who use them. That being the case, this example shows how engagement with NSAs can help donors support service delivery in ways that are said to be locally-appropriate, and which respond to and build on local sources of trust in (non-state) authority. However, considering the wider limited independence of NSAs in areas under Syrian government control, there are clear risks when international donors engage NSAs and potentially support a wider governance/judicial system plagued by politicization, human rights abuses, corruption and abusive legislation not aligned with human rights based governance.

However, the need for this kind of context-specificity and locally-led change in FCAS (i.e., 'working with the grain') may imply certain trade-offs for proponents of RBG. For example, in the wider literature, it is often observed that non-state justice mechanisms generate decisions that are often unwritten, and as a result, non-state justice actors may be disconnected to varying degrees from formal or informal oversight mechanisms (Denney and Laws 2019; Denney 2023).

UNDP's CDR approach in Syria include a creative response to this dilemma. The CDRs are mainly comprised of, and driven by, informal actors in the form of community members who were identified based on their standing as 'trusted, neutral and fair' people. However, each committee was also paired with an independent lawyer, accredited by the Syrian Bar Association, whose role was to ensure that the committee resolutions adhered to national law, and international human rights laws. Rather than the conventional legal role of advocating for individual parties or reviewing settlements, these lawyers were mainly tasked with providing impartial legal information to disputants and intermediaries. They also provided an oversight and accountability function by helping parties formalise their agreements with appropriate government authorities. Through connecting CDR to the formal service structure in this way, the intention is to avoid the emergence of a parallel non-state justice system, while providing higher-level accountability for decisions reached.

However, in the assessment of the UNDP team, CDR in Syria may present more intractable challenges in terms of the promotion of rights-based principles of equal participation and non-discrimination. As widely documented in the literature, women and other potentially vulnerable groups often face greater difficulty in accessing justice through customary systems (Denney and Laws 2019). Interviewees emphasised that the CDR mechanism in Syria provided new channels for women to exercise legal rights and expanded their participation in communal affairs. The work was guided by an ambition to help parties develop outcomes for their disputes that complied with internationally recognised human rights standards.

However, the team also acknowledged this was not always viable, partly because of Syria's limited form of legal pluralism. Depending on the dispute, intermediaries or lawyers might appeal to different standards to determine what they believe to be a fair outcome, drawing from Sharia law; Syrian national statutory laws; or customary law and practices. As acknowledged in the UNDP CDR project literature (UNDP 2023), some of these requirements or guidelines may be congruent with international human rights standards, but others prescribe very different criteria for fair outcomes, often affecting women disputants. This suggests NSA engagement in these situations may create or exacerbate tensions between supporting a culture of trust in the exercise of power, and protecting substantive rights. In other words, CDR is both procedurally fair and aligned with rights of transparency and accountability, but grounded in practices that can violate substantive rights of non-discrimination.

Strengthening trust in power and authority beyond the state

In the examples we have discussed so far (from Ukraine, Liptako Gourma/Sahel, and government-controlled territory in Syria), the state is still the duty bearer and legitimate source of authority over service provision. In other cases, in our sample, the overarching rationale for donor engagement with NSA is that the legitimacy of state authorities, and the political settlement more broadly, is fragile or has broken down. In these contexts, donor engagement with service-providing NSAs has the potential to strengthen trust in power and authority in ways that help consolidate new or emerging social contracts between state and society.

In Myanmar, for example, it is widely accepted that the social contract between the military junta (currently the de facto state authorities) and society at large has been eroded. EAOs are, in most states, now seen as the legitimate authority with responsibility for ensuring service provision. Donors are engaging with a range of CSO and other community organisations that are providing services within some of the parallel governance structures under EAO control.

As with the examples drawn from Ukraine and Syria, this engagement serves an immediate practical function of supporting service provision to vulnerable communities and responding to immediate citizen needs. However, from a rights-based perspective, this engagement also presents a number of potential trade-offs, at least in the short-term. There are different EAOs in Myanmar, with different standards of democracy and respect for international humanitarian and human rights law. As such, some donors have concerns about the extent to which the governance structures of some EAOs are aligned with rights-based principles. For example, one interviewee mentioned that, in the case of some organisations, the separation of their executive from legislative powers is incomplete, with ministries having both adjudicating and policymaking power.

In light of such potential trade-offs, donors with whom we spoke rationalised their engagement by reference to immediate citizen needs, on the one hand, but also longer-term objectives. Part of the theory of change for international partners in Myanmar is that improving service provision within areas under EAO control will build trust and provide entry-points for encouraging closer alignment with rights-based principles, and civil forms of political organisation, in due course. This reflects a broader context in which EAOs and ethnic minority groups are not simply seeking a resolution to the current crisis of governance in the country; many also have a long-term political objective to transform the status quo and move towards a federal democratic Myanmar. To use the framing introduced in our introduction, the hope, on the part of donors, is that helping to build trust between EAOs and their constituents, in part through ensuring that service provision is delivered in ways that align with RBG, will ultimately lead to a robust social contract and an inclusive democratic settlement in Myanmar.

However, our interviewees also recognised these assumptions are fallible, and acknowledged the risks that donor engagement could accelerate an anti-democratic trajectory. To mitigate the danger of contributing to the emergence of 'mini-dictatorships', international partners have to 'constantly' monitor the political context. For some international partners, this has also required a shift from their conventional ways of working. One donor representative said that, in the aftermath of the coup, they have moved away from funding projects or activities, towards identifying non-state partners that demonstrate a principled approach, and can adjust to the environment as the context changes. In the following section, we discuss context analysis and programming approaches in more detail, as part of analysing strategies for partner selection and engagement.

Identifying partners and managing engagement

In the previous section, we looked at different political and normative implications of donor engagement with service-providing NSAs in our case sample, and we started to explore a range of associated trade-offs and tensions, including from the perspective of promoting rights-based governance. In this section, to discuss how international partners manage these tensions, we shift to a more operational perspective. We focus, first, on processes and criteria that shape decisions on whether to engage, and then on strategies and tools shaping how to engage.

Key points

- To decide whether to engage, our case studies point to the importance for international partners of identifying 'good enough' governance standards or 'inclusive enough' structures amongst potential non-state partners. This threshold varies across our cases, as project teams draw on formal and informal sources of information to inform a counter-factual assessment: i.e., 'what would be the likely implications of not engaging with this NSA in this case, and would that probably be worse for rights-based governance or other goals than if we do engage?').
- To shape decisions on how to engage, donors need to grasp key features of the political and economic context, including the type or level of conflict, the political characteristics of the service in question, and the patterns of elite rent seeking and accumulation with which its provision may be associated.
- However, there are a number of operational challenges in understanding these structures and dynamics. These challenges underscore the value of incremental, flexible and adaptive ways of programming and partnering.

Deciding whether to engage

The political and normative trade-offs identified in the Syria and Myanmar examples, discussed above, point to broader challenges about how international actors identify 'credible' or legitimate NSAs with whom to engage, and how associated risks are managed. Given the diverse nature of the non-state sector (as defined for this study), donors will have to meet these challenges on a case-by-case basis. Engaging armed actors with ambitions to substitute for the state naturally presents a more elevated and complex set of risks than engaging with formally registered CSOs that are mainly supplementing state capacity through specific technical services (as with some of FBA's partners in Ukraine and elsewhere).

Notwithstanding the need for individualised approaches, the analytical framing, used in the section above, sets some broad parameters to inform whether and how international partners engage with NSAs. Understanding the nature of the NSA (its size, formality, level of organisation) in any given context, and its relationships to local communities and to the state, are important starting points for designing constructive forms of engagement and managing associated risks. From the perspective of supporting RBG, critical

factors also include an assessment of NSA's behavioural patterns over time, their historic and current approach to rights and governance, and the extent to which these demonstrate a general trajectory towards closer alignment with principles of RBG.

The threshold for engagement varies across the cases we have looked at, as do the analytical processes and sources of information international partners draw on to inform partner selection and risk management. In some instances, relatively formal methods were recommended. Particularly in cases where NSAs have an ambition to substitute for the state, some interviewees said it may be appropriate to ask NSAs to undertake a governance self-assessment process which solicits information on their current practices and future intentions on a range of procedural and normative issues. This is said to help establish an initial benchmark and the degree of alignment between the interests and incentives of the NSA in question (including with respect to rights-based governance), and those of the donor in question. In other cases, this assessment was more centrally based on informal consultation with different local 'insiders' or intermediaries with a deep understanding of the operating environment and political economy in question, and a history of strong, trusting relationships with the NSAs in question.

The role of the counterfactual

Across a number of our cases, these formal and informal sources of information are then used to inform counter-factual reasoning on the part of project teams: 'what would be the likely implications of not engaging with this NSA in this case, and would that probably be worse for rights-based governance or other goals than if we do engage?'.

The thresholds for engagement - both evidentiary (what counts as reliable information) and political/normative (what counterfactual scenarios are acceptable or unacceptable) varies across our cases, and often seem to rest on idiosyncratic individual judgement on the part of project leads. For example, when considering whether to provide training on human rights and governance to certain sub-groups operating within the territorial control of particular EAOs in Myanmar, donors with whom we spoke reasoned that if the training was not provided, those sub-groups might fall back on customary structures for governance and rule of law when developing their new administrative arrangements. This outcome was more likely to do harm, in their view, than engaging.

Our interviewees emphasised that a key consideration, in informing this counter-factual assessment, was the degree of legitimacy that EAOs have amongst communities within their territorial control. In some ethnic states, services are being provided, but the particular EAO(s) with territorial control are not (yet) considered a trust-worthy authority in the eyes of the local population. In these cases, colleagues said providing training and capacity-building to sub-groups or to EAOs themselves within these areas, would not be appropriate. Reflecting back on our analytical framing, this is a case in which building trust in power through supporting NSA service provision could be detrimental to the goal of supporting a robust social contract, and could undermine rights-based principles of accountability and transparency in service provision.

Deciding how to engage

The importance of understanding the specificity of context and how local politics shape the space for change is, by now, widely recognised across all fields of international donorship and engagement (Laws and Marquette 2019). Beyond this general imperative, our cases point to specific aspects of the political economy of non-state service provision in FCAS, which international partners should try to understand in order to shape their engagement strategies. In addition to the relationship of NSAs to state power (i.e., whether they are supporting or substituting for state authority), our examples underscore the importance of grasping the type or level of conflict, the political characteristics of the service in question, and the patterns of elite rent seeking and accumulation with which its provision may be associated.

Type of conflict

The type or level of conflict is an important variable that should inform how international actors approach NSA engagement on services in FCAS, particularly if there is a goal to reinforce state capacity and the social contract.

For example, interviewees from the CSWGs in Ukraine said that their approach had changed since the outbreak of full-scale war in 2022. Whilst the groups still work on community security, UNDP has supported a thematic shift towards recovery and durable solutions for displaced populations. Interviewees explained how the war and the levels of displacement have created new tensions amongst citizens at the community level, particularly in areas that have been under temporary occupation, or that have shouldered the burden of a high number of displaced individuals from different regions of Ukraine. Pre-existing social fragmentation, regional rifts, and low trust in authorities and institutions have, in some cases, been significantly exacerbated by the crisis.

Faced with these tensions, UNDP have decided to support CSWGs to focus on inclusive dialogue and participatory planning around concrete reconstruction and recovery priorities. Safety, security, and strengthening cohesion remain the overarching objectives for CSWGs. However, UNDP's position is that working indirectly on these objectives through inclusive dialogue for recovery and service planning is the most effective way of addressing potential conflict arising from the hardships of war, or the perceived disparity of treatment between different groups within the community.

Interviewees said this shift towards reconstruction and recovery planning has also required expanding the composition of the groups and developing partnerships with new actors, principally national government representatives. This is to ensure that decisions made on recovery planning and reconstruction at the local level are integrated into parallel planning at the national level, as many community-level priorities and blockages can only be tackled through a joined-up approach. Interviewees said CSWGs have potential to fill an important gap, as there are few, if any, formal mechanisms in Ukraine that currently enable this kind of collaboration between national authorities and representatives of local communities, beyond the common progress reporting and monitoring activities.

Type of service

Different services have different characteristics that shape their political salience (Batley and McLoughlin 2018). These characteristics will likely have a bearing on whether and how external support to service-providing NSAs is likely to impact on political dynamics, as well as a broader culture of trust in the exercise of power. To inform their engagement strategies with different NSAs providing services, international partners therefore need to understand these characteristics. Our cases draw attention to three characteristics: the extent to which the service area presents opportunities for collective deliberation; the extent to which the service area is associated with provider autonomy; and the service areas' degree of political visibility (which, as we go on to discuss, is often a proxy, in FCAS, for the structure of elite rent-seeking with which its provision is associated).

A. Opportunities for collective deliberation

In light of the SLRC analysis discussed above, perhaps the most salient variable, from the perspective of promoting RBG and trust in the responsible exercise of power, is the frequency and manner in which service providers and users interact. Users who share a day to day experience of a service that operates in a clear locality, may be more likely to be able to organise by virtue of their shared consumption. Individual needs for healthcare, for example, are generally episodic and unpredictable, and may not always be satisfied in one location. These factors limit the incentives for and feasibility of collective deliberation amongst citizens to demand improvements in this service area, particularly at the local level. Whilst these kinds of services may, of course, be vital for responding to citizen needs, they may not be the most impactful in terms of working to strengthen, directly, trust in the exercise of power.

Services such as water supply, by contrast, present more opportunities for the collective expression of consumer demand. As well as servicing a constant rather than episodic need, water consumers are usually defined territorially. These factors create greater possibilities for people, at the local level, to collectively organise around the provision of the service, in comparison to services with wider or universal coverage. This can be an important mechanism for building trust in the exercise of power.

An example of the CDR method, supported by UNDP Syria, provides a good illustration. Between 2022-23, UNDP partnered with UNHCR to restore irrigation operations in Deir Ez-Zor, a governorate (or province) in Eastern Syria known for its strong clan and tribal presence. Recent years have witnessed recurring conflict amongst local communities, often revolving around the allocation of water resources, which provides a shared resource for irrigating crops and land. UNDP's initial analysis suggested that water supply had the potential to support cohesion, if communities could collectively agree on and implement improvements. CDR was used subsequently to mediate the construction of a new irrigation canal to serve the previously hostile villages of Marat and Mazloum. According to the UNDP team, this proved to be an effective peacebuilding mechanism by bringing previously irreconcilable groups together to improve a shared resource. In our assessment, this peacebuilding function was feasible partly because of the nature of the goods that water as a service, in this instance, provided – i.e., public and non-excludable benefits (i.e., benefits that accrue to both communities) within a clearly defined territory. If building horizontal trust (trust between communities) is a critical objective, donors should therefore look for NSA engagement around these kinds of service areas.

B. Provider autonomy

Services that, in contrast to water supply, have a high technical content and where knowledge is scarce, such as the provision of legislative advice and constitutional analysis through think tanks supported by FBA in Ukraine, are associated with greater 'provider autonomy'. In other words, in the absence of an explicit effort to communicate the source of the service and associated improvements, citizens are unlikely to know where the benefits came from. Among other implications, this can enable politicians or other actors to claim the results for themselves. The work of SLRC cautions us against assuming a straightforward connection between perceived improvements in services and the perceived legitimacy of the state. Nevertheless, donors should be aware of services that are associated with this kind of information asymmetry, as it may be an advantage to leverage these when they have an explicit intention to extend the visibility or reach of the state through NSA engagement.

C. Political visibility

The extent to which a service area is high priority for the government may be another important distinction. In Mali, for example, FBA has supported the drafting of a new national action plan for women, peace and security. The team is now working with a range of CSOs to support the implementation of the plan at local levels. FBA colleagues said they initially had concerns that this NSA engagement could detract from government ownership of the plans, and might be poorly received by state counterparts. However, the team has not yet received push back or concerns from the state in terms of FBA's NSA engagement. They attribute this partly to the fact that WPS is not currently a high priority - or a highly politicised area - for the government. This observation points us to another important element of the political economy of NSA service provision – which is that services tend to be more politicised when their provision is accompanied by elite rent-seeking and accumulation.

Rents and service provision

Delivering services can generate rents (or revenues) for local elites in ways that underpin the balance of power (or political settlements). This balance can be particularly delicate in conflict-affected settings. Moreover, political and military actors often seek to manipulate patterns of service delivery and perceptions around them to their advantage. Rents are key in many conflict contexts because political deals and bargains are sustained by elites providing or gaining privileged access to power and material resources. If external interventions affect rent flows, this can influence the nature and stability of deals and bargains

between key conflict elites. Elites who are excluded from certain rent-sharing arrangements may use violence to contest their position (DFID 2019). As such, donors need to be mindful that their engagement with actors (whether state or non-state) providing services does not disrupt rent-seeking practices in ways that are likely to provoke conflict or reinforce existing abusive practices and power dynamics. A number of donors, with whom we spoke, cited examples where they paused their engagement with NSAs on a particular service area after an initial phase, as the structure of associated rent-seeking became clearer. This also speaks to the importance of incremental, flexible and adaptive engagement with NSAs, which we expand on in more detail below.

Complexity and political economy

In our reflections above on whether and how to engage with different NSAs, we have re-emphasised the common exhortation for donors to grasp key elements of the political economy of service provision. However, this is a complex task that often faces a number of political and operational challenges. Surveying our case sample, we see three especially prominent issues.

Firstly, whilst grasping the structure of rent-seeking associated with different areas of service provision is an important task for managing NSA engagement, these structures may not be immediately obvious, and may be particularly opaque to donors and other external actors. Rents are often based on informal institutions (or rules/norms) and/or intersect with patterns of corruption. Service providers (whether state, non-state, or hybrid) often have official or unofficial mandates, but in actual operations are heavily influenced by other interests, in some cases serving specific ethnic groups or leaders (clientelism), in other cases being disrupted by private interests (DFID 2019). For obvious reasons, these relationships and interests are often deliberately obscured.

A second key challenge in understanding the political economy of NSA service provision in FCAS is that the boundaries between NSAs and state actors are often unclear. The FBA team in Mali, for example, noted that NSAs often 'wear a number of hats' - someone can be part of an NGO, but they could also be a local leader, a tribal authority, or part of some other informal, formal or hybrid governance structure. So, FBA (and other partners) have to be mindful that the knowledge NSAs gain through their training and capacity-building activities could be used for a wide range of purposes, given the different roles and functions that recipients often perform. Given the informal nature of many of these functions, it may be hard or impossible for international partners to predict accurately how their engagement is likely to impact on these relationships and the broader political economy.

A third relevant observation relates to the difficulties of reliable data collection in FCAS. This is particularly acute in insecure areas with limited state presence, such as the borderlands regions in the Liptako Gourma region in which the UNDP T4P programmme was implemented. Interviewees from the team acknowledged that security and accessibility issues for UNDP personnel meant efforts to collect monitoring and other data often encountered logistical, methodological, and capacity challenges. Colleagues from across all our cases acknowledged that their ability to understand the interaction between their project interventions and the broader political eco-system (including in relation to RBG and the social contract) was limited by similar constraints.

Given the informal and often hidden structures of rents with which service provision in FCAS is often associated; the blurred boundaries between state and non-state actors and between official and unofficial roles; and the challenges of collecting reliable data, it may be particularly hard for donors to grasp the optimal ways to engage with different NSAs. Whilst there are no easy solutions, our interviewees tended to emphasise the importance of informal dialogue and interaction with trusted intermediaries on the ground. In our assessment, these factors also underscore the value of incremental, flexible and adaptive ways of programming and partnering in FCAS.

Adaptive engagement

There is a growing consensus (see, for example, Andrews et al. 2013; Faustino and Booth 2014; Burns and Worsley 2015; Green 2016; Andrews et al., 2017; Kirsch et al. 2017, Laws et al 2021) that donor interventions are more likely to make a positive difference in highly complex situations if they can be flexible (i.e. able to adjust spending, alter activities or partners, usually in response to implementation challenges) and adaptive (i.e. able to learn by trial and error, testing initial approaches and adjusting strategies for change as programmes learn by doing).[14]

As we have alluded to above, the number and range of functions of NSAs, along with their diverse and often fluid organisational forms – many of which are changing and adapting frequently to unstable socio-political environments – can jar with the more rigid boundaries of international aid architecture and donor expectations. In response, an adaptive approach to NSA engagement could involve placing initial pilot investments ('small bets') in a range of service areas and monitoring the initial results, before deciding which areas to invest in more heavily, and which to jettison. Particularly where the political risks are high and the operating environment is complex and uncertain, a combination of relationship and trust-building with incremental programmatic or technical collaboration, with continuous assessment, seems sensible. Among a number of advantages (see Laws et al 2021), this approach can, as we noted above, give donors an opportunity to learn how rents are structured informally, and how international engagement (with NSAs or otherwise) might impact on the broader political eco-system and conflict dynamics, without risking a large amount of resources upfront.

Among other organisational features, adaptive approaches require, on the part of donors, flexible systems and process for disbursing funds, managing results and reporting, setting timeframes for delivery, etc. In the following section, we draw on our cases to discuss these requirements in more detail, along with other operational enabling factors and constraints.

14 It is important to note that adaptation involves more than a general commitment to working without a detailed set of pre-planned activities. It requires regular, frank reflection on whether current ways of working are making progress towards the desired change and, if not, having the freedom to change them.

Enabling factors and operational trade-offs

In this final section we explore enabling factors and operational lessons, discussing some of the organisational principles and processes that may support successful engagement with service-providing NSAs in FCAS.

Key points

- Flexibility (in reporting, financial disbursement, programme delivery, results management etc) is a key enabling factor for the sort of effective engagement with NSAs described in Section 2. It underpins adaptive programming, and is also crucial for enabling demand-driven partnerships with NSAs. An observation that was consistent across our cases is that donors work most effectively with NSAs when they respond to the self-identified needs and capacities of those actors.
- However, the flexibility and patience, which both adaptive and demand-driven approaches call for, may not always be easy to reconcile with the pressures on international actors to disburse funds and deliver results in short timeframes.
- These pressures can also be hard to square with the need for careful coordination and communication amongst international development partners as they structure their support to NSAs.
- For a number of reasons, this coordination is important. Perhaps most significantly for proponents of RBG, international actors risk undermining their credibility to advocate for NSAs to adopt rights-based principles if they fail to demonstrate principles such as transparency and accountability in their interactions with one another.

Stay flexible

The need for donor flexibility (to shift resources, change priorities, adjust the timing of deliverables, etc.) when working with NSAs was emphasised across all of our cases. In a number of instances, this flexibility was seen as crucial for delivering outputs in unpredictable governance and security environments. Under the T4P programme in the Liptako Gourma region, for example, fluctuating security and accessibility constraints meant the project team had to constantly change their beneficiaries and target areas. At times, this meant delaying planning and implementation until local communities and authorities felt comfortable holding the necessary consultations and moving forward with delivery.

In other instances, donor flexibility was seen as important in light of broader political objectives. In Myanmar, for example, interviewees from a range of donor agencies emphasised the importance of ethnic organisations having sufficient time and space to develop their governance functions and capabilities. As part of efforts to establish a new, resilient political settlement amongst ethnic elites and their respective constituencies, there is a civilian-led constitutional process happening at the national level.[15] Donors need to be mindful of not rushing the ethnic minority states as they create their own administrative structures

15 The constitution process in Myanmar brings together representatives from the Committee Representing the Pyidaungsu Hluttaw (CRPH), the National Unity Government (NUG), EAOs, political parties, the Civil Disobedience Movement (CDM) and civil society organisations. For more information see Simion, K. (2023).

and state constitutions, as the resilience and sustainability of these structures will be a key source of their bargaining power in negotiations at the national level. This was seen, by interviewees, as key for the ownership of the ethnic groups over these processes, and thus the sustainability of whatever outcomes are reached.

Different donors have different levels of flexibility depending on their internal financial and programme management rules, staffing structures, levels of risk appetite, etc. Some donors, with whom we spoke, said their rules for working in crisis contexts allowed them to suspend elements of their conventional reporting architecture. This was felt to be an advantage when working with some NSAs, and in particularly sensitive contexts. For example, when working with less formalised or unregistered NSAs in high-risk conflict settings, some donors feel it is often more appropriate to use regular dialogue and informal communication to convey results and lessons, in the place of the more usual biannual and annual written reporting in logframe format. According to interviewees, this informal engagement can be more time-consuming for donors than conventional written reporting, but is more suitable for unpredictable operating environments, more appropriate for the capacity of some kinds of NSAs, and more conducive to building trust with partners.

Be demand-driven

The need for donor flexibility points us to a broader operational principle, which is the importance of a demand-driven approach to NSA engagement. An observation that was consistent across our cases is that donors work most effectively with NSAs when they respond to the self-identified needs and capacities of those actors, rather than partnering with such actors primarily to drive a donor agenda. Interviewees from UNDP in Ukraine, for example, emphasised that a key rule for the structure of CSWGs is that they only include, as group members, organisations or individuals who voluntarily put themselves forward. Moreover, the approach is only taken forward where there is clear buy-in on the side of the local self-government bodies. In addition, UNDP requests that the groups fundraise locally in order to provide co-financing for any capital investments or service improvements which the groups decide to take forward. This helps ensure the investments reflect genuine priorities amongst the community itself, rather than donor priorities.

As we have seen, when state channels are unavailable or restricted and when citizen needs are urgent, it may be expedient, from a donor perspective, to route funds to NSAs (or suitable intermediaries if necessary) in greater amounts and to ask them to take on more service delivery roles and responsibilities. Strengthening the project-management and budgeting capacities of NSAs, to help them manage these demands, is often regarded as an important objective of donor engagement. In particular, building the capacity of informal or unregistered organisations is often a pre-requisite for direct support, given donors' due diligence and risk management policies.

However, some forms of capacity-building may not be desirable for certain kinds of NSAs, particularly when they have a specific area of technical expertise. Interviewees from think tanks supported by FBA in Ukraine, for example, mentioned international funding for NGOs had grown substantially since the outbreak of war, but said they preferred to operate on a non-profit basis, in order to maintain a specific focus on their areas of legislative expertise. This underscores that international partners with a mandate to provide funding need to be mindful that providing more financial resources may not in all cases be conducive to building NSA capacity in a sustainable way, or for enabling them to pursue their own objectives or leverage their expertise in an optimal way.

Understand the political economy of aid

The flexibility and patience, which both adaptive and demand-driven approaches call for, may not always be easy to reconcile with the pressures on international actors to disburse funds and deliver results in short timeframes. For example, one interviewee was critical of the extent to which engagement by some donors in FCAS was in their view supply-driven. Donors often push competitively for their own branded

'packages' of support to be provided, without careful consideration of whether this aligns with NSA's own needs and timeframes, or of the broader political economy implications.

Similarly, an interviewee who worked on the UNDP T4P project in the Liptako Gourma region said an important operational trade-off concerned the ambition to understand and respond in a politically smart way to different sources of legitimacy and the service expectations of communities (which takes time and analytical resources), with donors' needs to disburse funds and achieve results quickly. This informant said the principal factor determining UNDP engagement with NSAs in FCAS is often not the legitimacy of those actors from the perspective of local communities. Rather, the rationale tends to rest on the greater effectiveness of non-state channels for achieving project delivery (including outputs related to service delivery) in a short timeframe, in comparison to routing funds through government.

These disbursement pressures stem partly from the political and economic dynamics of aid and international cooperation itself. As international actors design and undertake engagement work with different NSAs, they should try to be aware of these and other operational constraints. They will likely shape what kinds of partnerships are feasible within their own systems, and where there may be gaps or opportunities in the wider sector. Communicating across donors is another important way of grasping shared pressures and constraints, and how the international community as a whole can manage the political economy of aid as it relates to NSA engagement. This leads to our final point.

Coordinate closely with like-minded donors

A final operational principle concerns coordination and communication between international partners engaging with NSAs in FCAS. In heavily fragmented governance contexts where the legitimacy of the state has broken down, convergence among international development partners on their positions and support to NSAs seems particularly important, for three principal reasons.

Firstly, and perhaps most importantly for proponents of RBG, international actors risk undermining their credibility to advocate for NSAs to adopt rights-based principles if they fail to demonstrate principles such as transparency and accountability in their interactions with one another. Provided 'do no harm' is adhered to, these principles should structure how donors communicate with one another about the kinds of NSAs and activities they are engaging.

Secondly, it is widely recognised that channelling large volumes of funding to informal NSAs can be counter-productive in the absence of effective coordination on the donor side (Laws 2022). Among a range of sub-optimal outcomes, poor coordination of international finance can encourage potential recipients to compete with each other to access limited resources, in ways that can be detrimental to their core mission (Kurz, 2021; Kantowitz, 2022; Laws 2022).

Finally, different international actors have different comparative advantages, due to a wide range of factors. This includes their mandates and areas of technical and political expertise; levels of risk appetite and flexibility; and the kinds of modalities through which they can offer assistance or engagement. In addition, different organisations may have better access to different kinds of domestic stakeholders or intermediaries. For example, as an organisation that can implement activities directly, FBA is often well-positioned to develop strong relationships with informal actors and community-based organisations. UNDP's mandate to work on core government functions, and the necessary emphasis on engaging with host governments, tends to create strong entry-points for engagement and advocacy with national and local-level government. Whilst some of the practical challenges are not to be underestimated, leveraging these comparative advantages to find entry points for engagement, and ultimately to deliver better collective outcomes, requires joined-up and well-coordinated action amongst international partners.

Conclusion and recommendations

This report has looked at international actors' engagement with NSAs who provide services in FCAS, drawing on case studies from Ukraine, Myanmar, the Liptako Gourma region in central Sahel, and Syria. We have focused on the political and normative implications of different forms of engagement, offering an analytic framework to help donors think through their engagement with NSAs in this particular governance subsector. In this concluding section, we summarise the report structure and identify key recommendations under each section heading in turn.

In the introduction and Section 2, we looked at different political and normative implications of donor engagement with service-providing NSAs in our case sample, focusing on whether and how this engagement strengthens trust in the exercise of power amongst citizens. Based on our key findings, we put forward the following recommendations for international partners:

- Instead of focusing primarily on whether the provider of a given service is a state or non-state actor, it may be more useful for donors to consider, first, the kinds of political relationships that are supported or undermined through different ways that services can be provided. Service delivery should be understood not only as the provision of certain enumerated services, but as an effort to create relationships of trust, between providers and receivers, in which power will be exercised in a responsible fashion.
- Donors should consider whether and how NSAs can support transparency and accountability over the planning and delivery of services, including supporting oversight and grievance mechanisms. This is aligned with recent research indicating that the way service users are treated seems to matter more for shaping how citizens view the legitimacy of authority structures, than the identity of the agent providing those services. How this sense of legitimacy broadens and deepens in ways that encompass the state is at the heart of the analytical and programmatic challenge that donor work on "services delivery" takes up.
- With this framing in mind, donors should then consider how supporting trust in the responsible exercise of power (including through NSA service provision) can either undermine or support rights-based principles, and a shared agreement between states and societies about their respective roles and obligations (a social contract). Analytical tools for project design and monitoring (e.g., political economy analysis, stakeholder mapping, human-centred design) should be used to map the overall system and find entry-points.
- Delivering services in ways that align with procedural elements of rights-based governance can support a robust social contract between state and society, even if the provision of those services involves non-state actors. However, the particular non-state partners and engagement strategies that are aligned with these objectives will vary across cases, and as such may not be possible to codify. But examples from other donor experiences, such as those compiled in this study, should be used as a guide.

Section 2 started to explore a range of associated trade-offs and tensions, including from the perspective of promoting rights-based governance. In section 3, we discussed how international partners manage these tensions. We focused on processes and criteria that shape decisions on whether to engage, and then at strategies and tools shaping how to engage. Based on our key find ings, our recommendations are as follows:

- Donors should draw on a wide range of sources of information to help inform partner selection and to understand and mitigate associated risks. Understanding the nature of the NSA (its size, formality, level of organisation) in any given context, and its relationships to local communities and to the state, are important starting points for designing constructive forms of engagement and managing associated risks. Trusted intermediaries and insiders may be particularly important sources of information if security or reputational risks mean that more formal analytical methods are restricted or unavailable.
- This information should be used to determine which service areas are conducive to promoting rights-based principles, and how to navigate politically sensitive issues. There are specific aspects of the political economy of non-state service provision in FCAS, which international partners should try to understand in order to shape their engagement strategies. Drawing on both formal tools for political economy analysis where possible, as well as frequent informal discussion with key intermediaries, donors should prioritise understanding:
  - whether and how the service area is affected by conflict;
  - the political characteristics of the service in question (for example, the extent to which the service area presents opportunities for collective deliberation; or the service areas' degree of political visibility); and
  - the structure of elite rents associated with the services in question.
- In particularly complex, high-risk and/or data-poor environments, this information may not be immediately obvious, and may be particularly opaque to donors and other external actors. When the context is particularly challenging and the evidence base is slim, donors should consider an incremental and adaptive approach to NSA engagement. This could involve placing initial pilot investments ('small bets') in a range of service areas and monitoring the initial results, before deciding which areas to invest in more heavily, and which to jettison.

In section 4, we discussed some of the organisational principles and processes that may support successful engagement. Based on our key findings, our recommendations are as follows:

- When engaging with NSAs in FCAS, donors need to be flexible in their systems and processes (i.e., able to react and respond to changes in the context, shift resources, change priorities, adjust the timing of deliverables, etc.) Flexibility is crucial for working adaptively to deliver outputs in unpredictable governance and security environments, where it is hard to predict how the context will develop, and what the optimal ways of engaging NSAs comprise. In addition, if NSAs are also pursing broader political objectives – contesting the state, for example, or advocating for constitutional changes – donors may need to be flexible to ensure that engaging on service provision does not inadvertently create interference.
- Flexible NSA engagement in FCAS may call for donors to suspend certain elements of their reporting and programme management architecture, or find workarounds appropriate to crisis contexts. For example, when working with less formalised or unregistered NSAs in high-risk conflict settings, it may be more appropriate to use regular dialogue and informal communication to convey results and lessons, in the place of the more usual written reporting.
- Donor flexibility is also a necessary component of being demand-driven. Our cases indicate donors work most effectively with NSAs when they respond to the self-identified needs and capacities of those actors, rather than partnering primarily to drive a donor agenda.
- As part of being demand-driven, donors should take into account NSAs' own needs, objectives, and levels of risk appetite, when considering whether and how to engage with them.
- When engaging with NSAs delivering services in FCAS, international partners should coordinate closely and communicate openly with like-minded donors. This is important for leveraging different areas of comparative advantage, and for demonstrating the application of rights-based principles in their own affairs.

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